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INDEX

TO THE TWELFTH VOLUME OF THE CONGRESSIONAL GLOBE.

SENATE.

A.

Abolition of slavery in the District of Columbia, petitions on the subject of, 133, 233 330
Africans recaptured on the coast of Africa, concerning the appropriation for the support of - 328, 335, 336, 345
African squadron, concerning the, 41, 50, 63, 79 331, 332, 333, 334, 335, 336
Agricultural Bank of Mississippi, bill for the relief of the - - - 89, 141, 180
Alabama, bill for the relief of certain citizens of, who lost their improvements in consequence of the war with the Creek Indians - - - 88
bill relating to the mode of payment of the two per cent. fund relinquished to the State of - - 330, 336, 340
Albemarle Sound and Atlantic ocean, bill directing a survey of a direct communication between the - - 157, 180
Allen, Wm., of Ohio, 2, 31, 63, 75, 128, 133 149, 161, 181, 205, 226, 237, 275, 311 328, 340, 342, 354, 364, 365, 366, 371 376, 377, 379
the credentials of - - - 133
resolutions by - - 70, 304, 331
remarks on the bankrupt bill - 346, 349
remarks on the subject of improving the navigation of the Western waters - 164
remarks concerning the speech of Sir Robert Peel, on the construction of the Ashburton treaty as to the right of search - - - - 333
remarks on the bill making appropriation for the fulfilment of the stipulations of the Ashburton treaty - 378
remarks on the bill to recharter the banks in the District of Columbia, 364, 365 371
remarks on the proposition to give to the present Congress printers 20 per cent. above the contract price for executing the public printing - 382, 391
remarks concerning the proposition to pay for books distributed to members of Congress - - - - 383
remarks on the bill reviving the act of July, 1838, allowing pensions to widows of officers and soldiers of the Revolution - - - 388, 389
remarks on the bill to print the debates, 355 356, 357, 358
(See Debts.)
Alexandria, in the District of Columbia, bill to amend the charter of the town of, 141 181, 192
Apportionment bill, protest of a State Legislature against - - - - 104
Appropriation bills, the civil and diplomatic, 79 81, 377, 381, 382, 390, 391, 392, 393
the army and military academy, 233, 244 267, 268, 315, 342
the naval, 263, 321, 322, 327, 328, 331, 337
Indian - - - - 340, 363
pension - - - - 261, 263
Cumberland road - - 233, 366
fortification - - - 340, 364
for the fulfilment of the stipulations of the Ashburton treaty, 366, 371, 372, 377 378, 379
Archer, Wm. S., of Virginia, 30, 38, 41, 45, 61 63, 70, 75, 81, 88, 100, 106, 111, 121 127, 133, 147, 153, 157, 166, 175, 182 185, 206, 220, 244, 252, 275, 276, 299 314, 315, 326, 328, 342, 345, 363, 364 366, 371, 372, 379, 394
remarks on the bill for the benefit of the Petersburg Railroad Company, 186 188
remarks concerning the quintuple treaty, 63 64, 85, 262
remarks on the Oregon bill, 74, 100, 104 105, 212, 220, 222, 230, 239, 240, 244
remarks on the proposition to print the report on the subject of the fine on General Jackson - - - 148
his recollections touching the controversy, in secret session, between Messrs. Rives and Benton, concerning the red line map - - - 170
remarks on the bill making appropriation for the fulfilment of stipulations of the Ashburton treaty - 378, 379
remarks on the presentation to the Senate of the sword of Washington and the staff of Franklin - - - 255
remarks on the bill providing for a mission to China - - - 391, 392
remarks on the bill to indemnify Major General Jackson - - 316, 317
remarks concerning the speech of Sir Robert Peel, on the construction of the Ashburton treaty as to the right of search - 331, 332, 333, 335, 336
(See Debates—Debts.)
Arkansas, bill for the relief of citizens of, who lost their improvements in consequence of the treaty between the United States and Choctaw Indians, 54 89, 95
bill for the relief of persons heretofore residing within the supposed limits of Arkansas and Louisiana, who were, by the settlement of the boundary line, thrown into the territory of Texas - - - - - 127, 133
Army and the military academy, bill making appropriation for the support of the, 233 244, 267, 315, 342
(See Enlistments.)
an act respecting the reorganization of the, and for other purposes, 166, 354, 362
Ashburton, Lord, special minister from England, his correspondence touching the Northeastern and Northwestern boundaries - - 4 to 22
concerning the suppression of the African slave-trade - - 23, 24
concerning the "Creole" case - - 24
concerning the "Caroline" affair - 26
concerning impressment - - 28
Ashburton treaty. (See Treaty.)
Assumption. (See Debts of the States.)
Atherton, Charles G., Senator elect from New Hampshire, credentials of - - 164
Auditor's office, the second, joint resolution for continuing an additional clerk in - 326 383
Awards under the treaty with the Chickasaw Indians, joint resolution providing for the payment of the certificates of - 376 383

B.

Babbitt's anti-attrition metal, concerning an appropriation for the purchase of the patent for - - - 382, 383
Bagby, A. P., of Alabama, 205, 220, 238, 261, 262 267, 299, 304, 341, 349, 354
resolution by - - - - 345
credentials of - - - - 321
remarks on the Oregon bill - - 239
remarks on the joint resolution for establishing agencies for the inspection and purchase of water-rotted hemp, 263
remarks on the bill to indemnify Major General Jackson - - - 302
remarks concerning the speech of Sir Robert Peel, on the construction of the Ashburton treaty as to the right of search - - - - 336
(See Debates—Debts.)
Baltimore, Md., bill to continue in force an act therein mentioned relating to - 299
Bangor, Me., bill to authorize the appointment of an assistant collector for the port of - - - - - 166
Bank of the State of Alabama, bill authorizing its notes to be received in payment of lands sold in that State on certain conditions - - - 330, 336, 340
Bank of the United States, concerning - 220
Banks in the District of Columbia, the bill to continue the charters of the several, 296 364, 365, 371, 377
remarks by—
Mr. Allen - - 364, 365, 371
Mr. Buchanan - - - 365
Mr. Conrad - - - - 364
Mr. Miller - - - 364, 365
Mr. Walker - - - - 365
Bankrupt law, petitions, &c., on the subject of the repeal of the, 54, 63, 69, 75, 79 84, 88, 94, 99, 100, 103, 104, 110, 118 127, 133, 143, 152, 157, 161, 162, 166 169, 175, 186, 192, 198, 205, 211, 212 220, 226, 237, 238, 244, 262, 275, 280
Mr. Benton's remarks concerning - 69
the bill to repeal the, 33, 38, 45, 46, 51 147, 181, 185, 238, 275, 281, 315, 321 327, 338, 344, 362, 375, 380
remarks by—
Mr. Allen - - - 346, 349
Mr. Benton - 51, 52, 47, 342, 347
Mr. Berrien, 45, 51, 52, 275, 281, 341 342, 347, 349
Mr. Buchanan - 347, 348, 349
Mr. Choate - - - - 346
Mr. Conrad - - - 347, 349
Mr. Crittenden - 45, 342, 346, 349
Mr. Graham - - - - 46
Mr. Huntington - - - 346
Mr. King - - 45, 238, 342, 347
Mr. Smith of Connecticut - 346, 349
Mr. Tallmadge, 45, 46, 51, 84, 238, 342 347, 349
Mr. Tappan - - - - 346
Mr. Walker - - 342, 346, 347
Mr. Woodbury - - - 347
Barrow, Alexander, of Louisiana, 37, 41, 50 54, 61, 70, 141, 161, 261, 267, 275, 276 296, 299, 304, 365, 377
resolutions by, 74, 79, 111, 119, 133, 149 158

Barrow, Alexander, of Louisiana—
remarks concerning improvement of the navigation of the Western waters, 164 165
his recollections touching the controversy, in secret session, between Messrs. Benton and Rives, concerning the red-lined map - - 170
(See Debts.)
Bates, J. C., of Massachusetts, 30, 39, 47, 50, 61 63, 69, 84, 95, 110, 112, 127, 143, 147 157, 161, 166, 180, 185, 186, 198, 211 220, 226, 233, 238, 267, 280, 287, 311 327, 341, 345, 353, 363, 364, 366, 370 371, 372, 376, 387, 391
remarks on the bill to revive the pension act of July, 1838 - - 388
Bayard, R. H., of Delaware, 30, 38, 39, 45, 46 50, 54, 63, 75, 79, 81, 84, 85, 110, 112 121, 127, 128, 133, 134, 142, 153, 161 166, 181, 186, 188, 198, 206, 212, 235 238, 243, 263, 264, 299, 304, 321, 322 327, 328, 340, 341, 345, 346, 354, 363 371, 376, 377, 382, 383, 387, 390
resolutions by - - 39, 235, 326
remarks on the joint resolution to establish agencies for the inspection and purchase of water-rotted hemp, 227, 262 263
remarks on enlistments in the army, navy, and marine corps - - 175
remarks on the naval appropriation bill concerning a floating or dry dock, 327
(See Debates—Debts.)
Benton, Thomas H., of Missouri, 1, 31, 33, 62 63, 70, 74, 75, 84, 95, 99, 104, 112 113, 119, 143, 147, 148, 162, 166, 175 230, 238, 261, 267, 268, 275, 287, 288 326, 327, 328, 345, 365, 366, 370, 371 372, 377, 383
resolutions submitted by, 1, 2, 41, 50, 54 63, 74, 79, 85, 94, 99, 119, 237, 252 262, 275, 281, 321, 327, 341, 345
his bill to repeal the bankrupt law - 38
remarks concerning the repeal of the bankrupt act - 51, 52, 147, 342, 347
remarks on the expunging resolution, 41
remarks concerning the quintuple treaty, 64 65, 79, 85, 252, 262
remarks on the Oregon bill, 74, 106, 112 154, 172, 176, 234, 238, 239
remarks concerning the speech of Sir Robert Peel, on the construction of the Ashburton treaty as to the right of search - - 331, 332, 333
his recollections pending the controversy, in secret session, between Messrs. Benton and Rives, concerning the red-lined map, 111, 119, 120, 121 169, 170, 171
remarks on the bill reviving the act of July, 1838, allowing pensions to widows of officers and soldiers of the Revolution - - - - 389
remarks on the subject of making an appropriation for the improvement of the navigation of the Western waters, 165
remarks concerning the establishment of agencies for the inspection and purchase of water rotted hemp, 226, 263
remarks on the bill to provide for the mission to China - - 391, 392
remarks on the army appropriation bill, 267 268
(See Debates—Oregon.)
Berrien, J. M., of Georgia, 37, 41, 49, 63, 69 84, 85, 88, 89, 94, 100, 104, 127, 128 141, 142, 143, 148, 157, 158, 162, 181 192, 198, 201, 206, 207, 220, 233, 244 288, 296, 314, 315, 321, 322, 331, 340 342, 345, 351, 363, 365, 372, 377, 381 390
resolutions by - - - 46, 89
remarks on the Oregon bill - - 212
remarks on the bill to repeal the bankrupt act, 45, 51, 52, 275, 281, 341, 342 347, 349
eulogium on Richard H. Habersham of Georgia, deceased - - 62
remarks on the proposition to print the report of the Judiciary Committee concerning the repeal of the bankrupt law, 238
remarks on the bill to indemnify Major General Jackson - - 315, 321
Berrien, J. M., of Georgia—
remarks on the resolutions adopted by the Legislature of Georgia, censuring his political course - - - 377
(See Debates—Debts.)
Bills introduced on leave, 41, 45, 49, 50, 54, 61 62, 63, 70, 74, 79, 83, 84, 85, 88, 89 104, 111, 127, 141, 148, 153, 157, 169 211, 212, 229, 238, 252, 262, 267, 293 331
Bills reported from committees, 54, 62, 63, 73 79, 84, 85, 88, 94, 99, 100, 104, 111 118, 121, 127, 133, 141, 147, 148, 152 158, 161, 162, 166, 174, 180, 181, 192 206, 211, 220, 226, 229, 233, 235, 238 244, 252, 261, 267, 275, 276, 280, 287 288, 292, 293, 299, 304, 311, 320, 325 326, 330, 331, 340, 341, 345, 353, 362 365, 370, 371, 376, 377, 387, 391
Bills and joint resolutions passed, 74, 75, 95, 100 133, 149, 158, 166, 182, 192, 206, 220 240, 244, 252, 263, 267, 276, 281, 292 296, 299, 311, 315, 330, 331, 337, 340 341, 362, 363, 364, 370, 371, 372, 376 377, 378, 379, 383, 387, 391
Bills and joint resolutions rejected, 149, 158, 206 226, 267, 276, 287, 311, 320, 341, 345 353, 354, 364, 371, 372, 383, 387
Books and public documents received from the House of Peers of France, concerning the - - - - - 261
Books distributed to members of Congress, debate concerning the appropriation to pay for - - - 382, 383
Boundary. (See Northeastern Boundary.)
line of Ohio, bill concerning the, and the admission of Michigan into the Union - - - 50, 166, 370
bill directing the running of the northern line of the reserve of the half-breed Sac and Fox tribe of Indians, 365 383
between the United States and Texas, 79 133
Boyd, Gordon B., late receiver of public moneys at Columbus, Mississippi, joint resolution to authorize the settlement of the liabilities of the securities of - 149 152
Bresee, Sidney S, Senator elect from Illinois, the credentials of - - - 88
Buchanan, James, of Pennsylvania, 2, 30, 40, 54 61, 69, 73, 75, 84, 94, 110, 118, 127 140, 142, 161, 164, 175, 181, 185, 188 198, 211, 219, 220, 230, 238, 243, 255 263, 264, 266, 275, 311, 321, 328, 331 336, 337, 341, 342, 365, 371, 376, 377 382, 394
credentials of - - - - 158
resolutions by - - 2, 104, 118
remarks on the bill for the benefit of the Petersburg Railroad Co., and concerning the importation of railroad iron free of duty - - 181, 187
remarks on the joint resolution for establishing agencies for the inspection and purchase of water-rotted hemp - 263
remarks on the army appropriation bill, 268
remarks on the naval appropriation bill, 322
remarks on the bill to indemnify Major General Jackson - - - 316
remarks on the bill to repeal the bankrupt law - - 347, 348, 349
remarks on the bill to extend the charters of the District banks - - 365
remarks on the treasury note bill, 380, 381
remarks on the bill to revive the act of July, 1838, allowing pensions to the widows of officers and soldiers of the Revolution - - - 388, 389
(See Debates—Debts)
C.
Cadets in the West Point Academy, concerning the appointment and apportionment of - - 268, 315, 342
Calhoun, John C., of South Carolina, 54, 110, 121 128, 142, 161, 166, 186, 192, 222, 235 240, 244, 252, 268, 275, 276, 322, 327 328, 341, 379, 382
his recollections pending the controversy, in secret session, between Messrs. Rives and Benton, concerning the red-lined map - - - 111, 170
remarks on the Oregon bill, 133, 134, 142 149, 297, 299
Calhoun, John C., of South Carolina—
remarks on the subject of improving the navigation of the Western waters - 16
remarks on the navy appropriation bill, 3
remarks concerning the speech of Sir Robert Peel, on the construction of the Ashburton treaty as to the right of search - - - - 3
remarks on the bill making appropriation for the fulfilment of the stipulations of the Ashburton treaty - 3
remarks on the treasury note bill - 3
(See Debates—Debts)
Calhoun, James F., bill for the relief of, 365, 3
Camden, N. J., bill reducing the salary of the surveyor of the port of, 299, 331, 3
Canal, the Louisville and Portland, debate concerning onerous exactions on the commerce of the Western rivers by the - 2
Caroline affair, the - - - 119, 1
Catalogues of the library of Congress, debate on the proposition for the distribution of - - - - 94, 10
Centre College, Kentucky, bill to transfer to the trustees of the, lands heretofore granted to the Kentucky Asylum for educating the deaf, dumb, and blind - 3
Census, Compendium of the Sixth, the petition and proposition for pay for printing the - - - - - 6
joint resolution for the distribution of the, and appropriation to defray the expense - - 148, 276, 315, 38
the appropriation to defray the expense of printing the Compendium of the - 38
389, 391, 39
Chaplain to the Senate - - - 3
Chesapeake and Ohio Canal Company, bill for the relinquishment to Maryland, &c., of the stock held in the, by the United States, 175, 185, 198, 275, 28
Chicago, Illinois, bill to establish a new collection district at - - - 29
China, bill to provide the means for future intercourse with - 363, 391, 39
Choate, R., of Mass., 45, 49, 99, 141, 143, 16
176, 186, 229, 233, 239, 275, 280, 31
320, 327, 342, 376, 38
remarks on the bankrupt bill - - 34
remarks on the Oregon bill, 134, 171, 17
235, 238, 23
remarks concerning an editorial criticism in the Globe, of his production of the map in the Senate - - 24
Civil and diplomatic appropriation bill, 79, 81 377, 381, 382, 390, 391, 392, 393
Claims, Committee on, bills reported from the, 6
69, 118, 133, 152, 161, 174, 181, 20
220, 233, 252, 261, 267, 275, 292, 29
330, 370, 37
reports from the, 104, 133, 161, 181, 20
220, 267, 287, 29
Claims against the Government, new rule concerning legislation on, 45, 50, 63, 7
bill providing for the settlement of the claims for supplies furnished the Florida militia - - - 320, 38
(See Land claims—Mexican claims—Massachusetts claims.)
Clay, John Randolph, late secretary of legation of the United States to the court of Vienna, bill for the relief of, 275, 37
Clayton, T., of Delaware, 30, 41, 50, 63, 79, 8
103, 152, 166, 211, 243, 264, 267, 36
Clinch, Duncan L, bill for the relief of - 36
Cloth cases - - - - 140, 16
Coin, the bill to regulate the currency of foreign gold and silver - 63, 79, 112, 24
the bill to fix the computation at the custom-house of certain German, 304, 345 37
Commerce, the Committee on, resolutions instructing the - - 74, 85, 23
reports from the, 99, 147, 261, 267, 33
bills and joint resolutions reported from the, 62, 73, 99, 147, 180, 220, 261, 26
280, 299, 330, 345, 354, 363, 377, 38
Commerce on the northwestern lakes, bill for the protection of - - - 35
bill for the protection of, and construction of harbors on the lakes - - 36
bill for the protection of, on the western shores of Lake Michigan - - 39

Commerce and navigation, the annual statement of - - - - 342
Comet and Encominm, bill making indemnity for slaves taken from on board the - 59 100, 128, 133, 267
Committees, standing, announced - - 40
Commissioner of the General Land Office, call upon the, for information - 99
Commissioner of the Public Buildings, bill to fix the compensation of the - - 372
Conrad, C. M., of Louisiana, 1, 2, 45, 54, 61 63, 70, 73, 75, 88, 127, 133, 143, 153 157, 161, 166, 186, 192, 220, 233, 239 244, 287, 292, 294, 327, 328, 342, 372 392
resolutions submitted by, 1, 54, 62, 63, 95 133, 142
remarks on the bill to suppress private expresses - - 246, 252, 253
remarks on the army appropriation bill, 268
remarks on the bill to indemnify Major Gen. Jackson - - - 316, 321
remarks on the bankrupt bill - 347, 349
remarks on the District banks bill - 364
Cooper, Dr. Thomas, petition to refund the fine imposed on him under the alien and sedition law - - - - 110
Copyright to Richard H. Wilde, 41, 141, 181, 192
to John Rowlett, bill to continue it to - 372
Court, at Williamsport, Pa, bill providing for the holding of a - - - - 331
bill to amend the act establishing a district court of the United States at Wheeling - - - - 127
bill to repeal the act changing the time of holding the circuit and district courts in Ohio - - 262, 371
bill for altering the time for holding the circuit courts of the United States for the district of Connecticut - 206, 252
bill to alter the place of holding the district court of the United States for the district of New Jersey - 226, 252
bill to change the place of holding the circuit court of the United States for the district of Maine - - - 244
bill to change the time of holding the district and circuit courts for the eastern district of Tennessee - - 371
Crafts, Samuel C., of Vermont, 30, 94, 133, 164 180, 219
the credentials of - - - 33
Crittenden, John J., of Kentucky, 2, 31, 43, 45 52, 64, 74, 75, 85, 88, 100, 104, 106 112, 127, 128, 133, 140, 141, 161, 175 181, 182, 192, 198, 201, 220, 226, 261 262, 282, 289, 299, 311, 315, 320, 322 325, 342, 345, 362, 364, 365, 366, 371
the credentials of - - - 175
resolutions submitted by - 2, 75
remarks on the army appropriation bill, 267
remarks on the Oregon bill - - 105
remarks on the bankrupt act, 46, 342, 346, 349
remarks on the proposition to print the report on the fine on Gen. Jackson - 148
remarks on the subject of improving the navigation of the Western waters - 165
remarks on the joint resolution to establish agencies for the inspection and purchase of water-rotted hemp, 226, 227 262
remarks concerning the speech of Sir Robert Peel on the construction of the Ashburton treaty as to the right of search - - - - 335
(See Debates—Debts.)
Cumberland road, bill making further appropriation for the continuation of the - 233 366
petition on the subject of the - - 275
Curiosities. (See Natural curiosities.)
Custom-house, New York, bill to reduce the number and compensation of the officers and others employed in the, 280, 299 330
Cuthbert, A., of Georgia - 299, 322, 327
remarks concerning the speech of Sir Robert Peel on the construction of the Ashburton treaty as to the right of search - - - - 335
he presents and debates the resolutions adopted by the Legislature of Georgia, censuring the political course of Mr. Berrien - - - - 377
(See Debts.)

D.

Dayton, Wm. L, of New Jersey, 30, 110, 148 152, 180, 219, 226, 243, 252, 253, 266 267, 275, 299, 315, 321, 363, 372, 382
the credentials of - - - 33
resolution concerning retrenchment and economy and the tariff - 281, 288
remarks on the bill to indemnify Major Gen. Jackson - - - 316, 321
Deaf, dumb, and blind, bill granting land to the several States for the education of the, and for the benefit of insane persons - - - - 304, 330
Debates and proceedings of Congress, bill to provide for the publication of the, 292, 326 345, 354, 355, 366
remarks on, by—
Mr. Allen - 355, 356, 357, 358
Mr. Archer - - - - 356
Mr. Bagby - - - - 358
Mr. Bayard - - - - 354
Mr. Benton - 354, 355, 357, 358
Mr. Berrien - - - - 358
Mr. Buchanan, 354, 356, 357, 358
Mr. Calhoun - - - - 355
Mr. Crittenden - - 357, 359
Mr. Henderson - 356, 357, 358
Mr. King - 354, 356, 357, 358
Mr. McRoberts - 355, 356, 357
Mr. Morehead - - 355, 358
Mr. Sevier - - 354, 357, 359
Mr. Smith of Connecticut - - 358
Mr. Tappan - - - 356, 357
Mr. Walker - - 354, 356, 358
Mr. Woodbridge - - 356, 357
Mr. Woodbury, 355, 356, 357, 358
Mr. Wright - 354, 355, 356, 357
Debts, State, the assumption of, resolutions, &c., concerning the - 70, 74, 81, 293
communication from the President of the United States concerning - 81
remarks on the several resolutions of Messrs. McDuffie, Bayard, Allen, Rives, Merrick, and Walker, concerning - 293, 299, 315, 326
remarks on, by—
Mr. Allen, 293, 295, 296, 299, 306, 313
Mr. Archer - - 308, 326, 327
Mr. Bagby - - 295, 306, 307
Mr. Barrow - - 304, 305, 326
Mr. Bayard - - - 306, 326
Mr. Berrien - - - 306, 314
Mr. Buchanan - - - - 306
Mr. Calhoun - - 293, 294, 308
Mr. Crittenden - 306, 307, 311
Mr. Conrad - - - 294, 307
Mr. Cuthbert - - - - 308
Mr. Graham - - - - 306
Mr. Henderson - - - 294
Mr. King - - - 294, 299
Mr. McDuffie - 307, 311, 312, 313
Mr. Merrick - 293, 294, 306, 313, 326
Mr. Miller - - - 293, 294
Mr. Rives - 293, 299, 304, 305
Mr. Walker, 294, 304, 307, 313, 314, 315 326
Mr. Woodbury - - - 293
Mr. Wright - - - - 294
DeKalb, Maj. Gen. Baron, deceased, bill for the relief of the legal representatives of - - - - - 370
Detroit, Michigan, joint resolution in relation to certain property purchased for the United States in the city of - 377, 383
District of Columbia. (See Banks—Infants—Imprisonment for debt.)
bills reported from the Committee on the, 141 148, 169, 226, 267, 275
Distribution to the States, concerning - - 157
Docks, floating or dry, debate concerning the erection of a, at New York, 322, 327, 328 377
Drawbacks on foreign merchandise exported in original packages to Chihuahua and Santa Fe, in Mexico, 50, 62, 74, 89 95
generally on goods exported in original packages - - - - 261
Duties, joint resolution concerning reciprocal - 229
bill for the remission of, on railroad iron - - - 238, 372, 393

E.

Elections, contested, bill relating to the taking of testimony in cases of - - 363
Enlistments in the army, navy, and marine corps, bill to regulate - 127, 133, 175
Evans, George S., of Maine, 20, 37, 45, 47, 54 61, 63, 79, 81, 89, 94, 103, 110, 111 113, 118, 127, 141, 142, 147, 149, 152 153, 157, 158, 164, 166, 175, 181, 182 185, 186, 188, 192, 198, 205, 206, 219 226, 227, 229, 237, 238, 243, 244, 251 261, 263, 275, 280, 292, 304, 308, 311 320, 321, 322, 325, 326, 327, 328, 336 340, 342, 345, 353, 362, 363, 364, 366 371, 377, 379, 380, 382, 387, 390, 391 392, 393
resolutions by - - 255, 288, 341
remarks on his resolution on the subject of the tariff, the currency, economy, and retrenchment - 255, 276, 281
remarks on the bill for the benefit of the Petersburg Railroad Co. - - 187
remarks on the army appropriation bill, 267 268, 315
remarks concerning the construction of the Ashburton treaty as to the right of search - - - - 334
remarks on the Indian appropriation bill, 363
remarks on the navy pension bill - 364
remarks on the treasury note bill, 380, 390
remarks on the appropriation to pay for printing the Compendium of the Sixth Census - - - - 381
Exchequer, the bill to modify the several acts establishing the Treasury Department, so as to create a board of, 33, 45, 85, 175 192, 198, 240, 243, 244, 267
petitions, &c., concerning the plan for a board of, 141, 161, 164, 166, 180, 185 186, 192, 205, 211, 251, 340
Exploring and surveying expedition, bill for the relief of certain officers of the late, 371 377, 383
Expresses, private, bill to prevent the employment of, on mail routes, and for the prevention of frauds on the revenues of the Post Office Department 111, 211 220, 229, 233, 234, 245, 252, 263
remarks by—
Mr. Conrad - - - 246, 253
Mr. Henderson - 212, 220, 229
Mr. Huntington - - - 252
Mr. Merrick 211, 212, 220, 229, 233 234, 245, 252, 253
Mr. Porter - - 229, 245, 252
Mr. Walker - - - - 246
Extra allowances to officers of the Government, bill to prohibit any - - - 362, 383
Expunging resolution, Mr. Bayard's proposition to rescind - - 39, 45, 328, 341
Mr. Benton's amendment to - - - 41

F.

Fillebrown, Thomas, bill for the relief of - 89
Fine. (See Jackson.)
Finance, Committee on, bills reported from the, 79, 111, 118, 127, 141, 147, 166, 229 238, 244, 251, 292, 304, 320, 325, 340 350, 362, 371, 377, 387
reports from the - - - 325, 326
Florida militia. (See Claims.)
bill making appropriations for the completion of the public buildings in - 371
Foreign Relations, Committee on, bills reported from - 100, 206, 275, 326, 363, 371
resolution instructing the - - 104
reports from - - - - 206
Fort Gibson, concerning an appropriation for 364
Fortifications, bill making appropriations for certain - - - - 340, 364
Frank, bill to authorize the chief clerk to the Secretary of State to frank official documents - - - - 252
Franking privilege, petitions and resolutions of the State Legislatures on the subject and the bill to correct the abuse and to regulate the use of the, 111, 133, 157 192, 364
Fremont, Lieut., his expedition to the Rocky Mountains, and Mr. Linn's remarks upon - - - - - 389
Fulton, Robert, bill for the relief of the heirs of, 280 320
Fulton, W. S., of Arkansas, 40, 41, 45, 46, 50 54, 63, 74, 112, 127, 133, 148, 153, 162 261, 263
remarks on the Oregon bill - - 105

G.

Galena, Illinois, bill to establish a port of entry at - - - - - 229, 267
Georgia, resolutions of the Legislature of, condemnatory of the political course of Mr. Berrien, discussed - - 377
Georgetown College, in the District of Columbia, a bill to incorporate the - 267, 299
Graham, W. A., of North Carolina, 38, 41, 45 46, 63, 104, 118, 128, 133, 152, 157 161, 174, 181, 201, 206, 212, 233, 252 253, 261, 262, 264, 267, 275, 276, 293 315, 320, 327, 330, 340, 353, 365, 376 377, 382
resolutions submitted by - - 288
remarks on the bankrupt bill - - 46
remarks concerning a rule to regulate legislation on claims - - 50, 51
remarks on the bill to indemnify Major General Jackson - - 316, 321
on the bill to revive the act of July, 1838, allowing pensions to the widows of officers and soldiers of the Revolution - - - - - 388
(See Debts.)
Grand Gulf Railroad and Banking Company, bill for the relief of the, 89, 147, 206, 220 336
Greensburg land district, bill explanatory of the act in relation to the - 292, 296

H.

Habersham, Richard W., of Georgia, death of, and eulogy on - - - - 62
Harbors. (See Commerce.)
Harrison, Major Thomas B., bill for the relief of - - - - - 372
Haywood, William H., jr., Senator elect from North Carolina, the credentials of - 287
Hemp, water-rotted, petitions, &c., concerning, 63 75, 141, 266, 376
joint resolution, agencies in Kentucky and Missouri for the inspection and purchase of - 186, 226, 262, 263, 322
remarks upon, by—
Mr. Tappan - - - - 262
Mr. McDuffie - - - 262, 263
Mr. Bayard - - - 262, 263
Mr. Morehead - - - 262
Mr. Crittenden - - - 262
Mr. Woodbury - - 262, 263
Mr. Bagby - - - - 263
Mr. Buchanan - - - 263
Mr. Benton - - - - 263
joint resolution to authorize the translation of a pamphlet in the State Department on the culture and preparation of - - - - - 372
Henderson, J., of Mississippi, 79, 89, 134, 143 149, 233, 261, 276, 322, 327, 336, 353 363, 371, 381, 383
remarks on the bill to suppress private expresses on the mail routes, 212, 220, 229
remarks on the Oregon bill - - 239
remarks on the bill to indemnify Major General Andrew Jackson - - 316
(See Debates—Debts.)
Hermosa, concerning the slaves taken from on board the - - - - - 1
Holt, Charles, a bill to refund to, a fine imposed on him under the sedition law - 326
Horses and other property lost in the military service of the United States, the bill to continue in force the act for the payment of - - - - - 372
Hudson river, concerning an appropriation for the improvement of - - - 381
Huntington, J. W., of Connecticut, 30, 33, 38, 45 50, 62, 63, 65, 75, 79, 85, 88, 89, 99 106, 112, 113, 133, 147, 149, 157, 161 164, 166, 169, 180, 185, 194, 198, 201 205, 206, 219, 220, 222, 229, 233, 240 243, 252, 261, 266, 267, 275, 276, 280 281, 287, 299, 315, 321, 330, 341, 342 345, 354, 371, 372, 376, 381, 382, 387 390
resolutions by - 104, 127, 133, 205
remarks on the bill to suppress private expresses on mail routes - 234, 252
remarks on the bankrupt bill - - 346
remarks on the warehousing system, 330, 331
remarks on the Oregon bill - - 194

I.

Illinois, bill declaring assent to the State of, to tax lands sold by the United States, 88 119, 153
Illinois, bill authorizing the sale of school lands in - 104, 118, 153, 158
Illinois and Michigan Canal, bill granting an additional quantity of land to the State of Illinois to aid in the completion of, 370
Imprisonment for debt in the District of Columbia, bill to amend the law relating to, 292 353, 362, 365
Independent treasury, concerning - - 220
Indians, the bill for the relief of the Stockbridge tribe of, in the Territory of Wisconsin - - - - - 377
the bill repealing a portion of the act making appropriations for the temporary support of certain destitute Kickapoo - - - - - 362
concerning the sale of lands acquired from the Wyandott, and an appropriation to satisfy treaty stipulations with them - - - 363, 370, 390
Cherokee. (See Awards—Lands.)
Indian appropriation bill - - 340, 363
Indian Affairs, calls on the Commissioner of, by resolution - - - - 104
bills reported from the Committee on - 84 166, 261, 362, 276
reports from the Committee on - 100, 320 362
resolutions of instruction to the Committee on - - - - - 237
Infants, bill to provide for the sale of real estate of, in the District of Columbia - 275 372
Iowa. (See Militia.)
Insolvent debtors of the United States, bill to continue in force the several acts now in existence for the relief of, 104, 143, 149 354
Internal improvements in the State of Michigan, bill to apply certain alternate sections of the public domain towards completing the, 169, 193, 354, 362
Iron, railroad, duties on - 238, 372, 393

J.

Jackson, Major General Andrew, petitions and resolutions of State Legislatures concerning the fine on, by Judge Hall, 61, 63 84, 104, 110, 127, 133, 226, 275, 345
resolution calling for his letter to the War Department concerning the declaration of martial law at New Orleans - - - - - 275
reports of the minority and majority of the Judiciary Committee concerning the fine - - - 141, 148
bill to indemnify, for the fine of $1,000, imposed on him by Judge Hall, of Louisiana, in 1815, 41, 50, 75, 85, 206 296, 299, 315, 321
remarks concerning, by—
Mr. Archer - - - 316, 317
Mr. Bagby - - - - 302
Mr. Berrien - - - 315, 321
Mr. Buchanan - - - - 316
Mr. Conrad - - - 316, 321
Mr. Dayton - - - 316, 321
Mr. Graham - - - 316, 321
Mr. Henderson - - - 316
Mr. Linn, 299, 301, 315, 316, 317, 321
Mr. McRoberts - - - 301
Mr. Miller - - - - 300
Jenkins, Charles J., and W. W. Mann, assignees of John McKinne, bill for the relief of - - - - - 321
Judges of the Supreme Court, proposed change in the mode of appointment of, 39, 41 162
Judicial system of the United States, bill to establish the - - - - - 50
Judiciary Committee, bills reported from the, - 63 85, 104, 127, 133, 141, 148, 152, 157 166, 180, 181, 192, 198, 206, 226, 244 267, 276, 326, 331, 341, 354, 363, 365 371
resolutions of instruction to the - - 262
reports from the - - 141, 148, 267
report in the case of General Jackson - 141

K.

Kendall, Amos, resolutions of State Legislatures, and petitions concerning the imprisonment of, under the judgment obtained by Stockton & Stokes, 157, 219 226, 237, 243, 275, 304, 353, 376
Kerr, John Leeds, of Maryland, 30, 33, 36, 45 49, 133, 141, 157, 160, 162, 180, 186
Kerr, John Leeds, of Maryland— 211, 226, 238, 251, 252, 275, 276, 354 363, 382, 390
resolution submitted by - - - 37
his eulogy on the life and character of Mr. Williams, a deceased representative from Maryland - - - 37
King, William R., of Alabama, 1, 31, 33, 38 45, 50, 63, 69, 70, 84, 88, 89, 95, 104 112, 127, 128, 133, 142, 148, 149, 152 153, 157, 162, 175, 181, 186, 194, 198 201, 206, 220, 261, 263, 264, 267, 275 276, 281, 287, 288, 299, 315, 321, 322 340, 341, 353, 354, 363, 364, 365, 371 377, 379, 380, 381, 382, 387
resolution by - - - - 262
remarks on the rule to regulate legislation on claims - - - 50
remarks on the bankrupt act, 45, 238, 342 347
remarks concerning a proposed distribution of the catalogues of the library of Congress - - - 94
remarks on the Oregon bill, 74, 105, 239
remarks on the joint resolution establishing agencies for the inspection and purchase of water-rotted hemp, 226, 227
remarks on the proposition to print the report of the Judiciary Committee on the bankrupt law - - - 238
remarks on the army appropriation bill, 268
remarks on the bill to indemnify Major General Jackson - - - 316
remarks concerning the warehousing system - - - - 330
remarks on the bill reviving the act allowing pensions to widows of the officers and soldiers of the Revolution - 388
remarks concerning an appropriation to satisfy the stipulations of the treaty with the Wyandott Indians - - 390
remarks on the proposition to give to the printers of the present Congress 20 per cent. above the contract price for executing the public printing - 393

L.

Lafayette, the city of, in Louisiana, bill making it a port of delivery - - - 377
Land claims in Missouri, private, bill for the adjustment of - 50, 161, 162, 341
in Mississippi, bill to confirm the, 79, 252 346
bill to revive the act to enable claimants to land within the limits of Missouri and Territory of Arkansas to institute suits to try the validity of their claims, and the act extending the provisions of said act to claimants within Louisiana and Mississippi - - 354, 362
Lands. (See Mineral lands.)
bill to set aside certain reservations of, on account of live oak in the south-east district of Louisiana - - 261
in the States of Ohio and Michigan ceded by the Wyandott tribe of Indians, bill providing for the sale of - 370 390
Land patents. (See Patents.)
Land tax. (See Illinois.)
Land Office. (See Commissioner of the General.)
Lead mines, bill proposing to rent the United States - - - - - 83
Library, the Committee on the, bills reported from - - - 73, 127, 292, 363
Light-house in the harbor of Chicago, bill making an appropriation to rebuild the 83
Linn, L. F., of Missouri, 40, 41, 45, 50, 54, 61 63, 70, 75, 79, 84, 85, 88, 94, 100, 104 106, 142, 161, 162, 169, 181, 185, 211 212, 220, 227, 233, 240, 267, 280, 282 287, 288, 289, 296, 311, 313, 315, 321 345, 371, 376, 379, 383
the credentials of - - - 74
resolutions by, 54, 70, 74, 104, 262, 377 379
remarks on the bill to regulate legislation on claims - - - - 50
remarks on the Oregon bill, 74, 99, 100 104, 105, 112, 121, 134, 153, 186, 201 206, 222, 227, 239, 240, 244
remarks on the proposition to print the report on the subject of the fine on General Jackson - - 148, 149

Linn, L. F., of Missouri—
remarks concerning the destruction of steamboats on the Ohio and Mississippi rivers - - - - 164
remarks on the army appropriation bill, 267
remarks on the bill to indemnify Major General Andrew Jackson, 299, 301, 315 316, 391
remarks on the expedition of Lieut. Fremont to the Rocky Mountains - 389
Live oak. (See Louisiana.)
Louisiana, bill to set aside certain reservations of land on account of live oak in the southeastern district of - - 372
joint resolution directing certain papers relating to titles to land in, to be returned to the General Land Office, 261, 372
(See Lands—Land claims.)

M.

Mails, the United States, bill to authorize the Postmaster General to make permanent contracts with railroad companies for the transportation of the - 111
Maine. (See Northeastern boundary.)
Mangum, Willie P., of North Carolina - 31
Marine corps, the bill for the - - 166, 263
Marine hospital at Key West, in Florida, bill for the erection of a - - 330, 383
bill to amend the act making an appropriation for the erection of a, at Ocracoke, North Carolina - - - 330
Massachusetts, bill to refund the balance due, for disbursements during the war, 50, 133 175, 366, 371
McDuffie, George H., of South Carolina, 158, 194 220, 227, 252, 261, 321, 364, 371, 391
the credentials of - - - 106
remarks on the Oregon bill - 198, 240
remarks on the joint resolution for the establishment of agencies for the inspection and purchase of water-rotted hemp - - - - 262, 263
remarks on his resolutions - 308, 311
remarks on the resolution concerning the tariff, economy, retrenchment, and reform - - 252, 262, 276, 281, 288
remarks on the bill reviving the act of July, 1838, allowing pensions to widows of officers and soldiers of the Revolution - - - - 388
McRoberts, Samuel, of Illinois, 45, 54, 61, 63, 79 84, 88, 106, 118, 127, 193, 133, 134 141, 142, 212, 220, 229, 253, 267, 275 293, 304, 354, 371, 372
resolutions by - - 73, 99, 111
remarks on the propriety of removing obstructions from the Des Moines rapids - - - - - 73
remarks on the Oregon bill - 100, 188
remarks on the bill to indemnify Major General Jackson - - - 301
remarks on the bill to revive the act of July, 1838, allowing pensions to the widows of the officers and soldiers of the Revolution - - 388, 389
(See Debates—Debts.)
Medical Bureau, the appropriation to the, debated - - - - 322, 398
Memphis, Tennessee, bill authorizing an examination and survey of the harbor of - 141, 166, 336, 340, 354, 383
Merchandise. (See Duty.)
Merrick, W. D., of Maryland, 30, 52, 62, 70, 74 85, 104, 111, 166, 175, 185, 192, 211 220, 230, 233, 240, 252, 275, 276, 280 281, 322, 345, 363, 364, 376, 377, 379 382, 388, 390, 391, 392, 394
resolutions by - 33, 104, 166, 304, 313
remarks on the bill to suppress private expresses on the mail routes - 211, 220 229, 233, 234, 245, 252, 253
remarks on the bill to reduce the rates of postage - - - - 363
(See Debates.)
Message, annual. (See President.)
Mexican claims, resolution concerning - 62
Michigan. (See Internal improvements—Lands—Militia.)
Militia, concerning the disciplining of, 104, 152
Georgia, bill for the payment of several companies of - 133, 175, 201, 206
Michigan, bill for the payment of certain companies of - - - 287
Iowa, the bill to provide for the payment of the - - - - - 311
Military service of the United States, bill to pay for horses and other property lost in the - - - - - 220
Military Affairs, bills reported from the Committee on, 133, 141, 166, 192, 261, 267 287, 288, 311, 320
resolutions instructing the Committee on - - - 133, 142, 158
reports from the Committee on - 288, 345
Military Academy at West Point, resolutions of State Legislatures in favor of the discontinuance of - - - 280
Miller, J. W., of New Jersey, 33, 37, 40, 70, 79 84, 110, 133, 141, 147, 148, 169, 180 181, 182, 201, 219, 220, 226, 238, 245 262, 267, 276, 299, 320, 327, 363, 364 365
resolutions by - - - - 293
remarks on the bill to suppress private expresses - - - - 246
remarks on the army appropriation bill, 268
remarks on the District banks bill, 364, 365
remarks on the bill to indemnify Gen. Jackson - - - - 300
(See Debates.)
Mineral lands, bill for ascertaining and disposing of the - - 63, 73, 142, 149
Mints, branch, bill amendatory of the act establishing the Dahlonega and Charlotte, and defining the duties of assayer and coiner - - - - 331
Mission to China. (See China.)
Mississippi river, obstructions in the, and catastrophes on the - - 118, 340
bill to provide for the improvement of the navigation of the, and their tributaries - - - - 261, 268
bill relating to the application of the two per cent. fund of the State of - 267, 364
(See Land claims.
Missouri. (See Land claims.)
Missouri volunteers, bill for the relief of certain companies of - - - 88
Morehead, J. T., of Kentucky, 31, 46, 75, 100 128, 158, 227, 275, 296, 302, 315, 321 322, 326, 349, 364, 372, 387
resolutions by - - - - 175
remarks on the joint resolution for the establishment of agencies for the inspection and purchase of water-rotted hemp - - - - 262
remarks on the Oregon bill - - 188

N.

Naval Affairs, resolutions instructing the Committee on - 75, 133, 161, 168
reports from the Committee on, 63, 70, 148 158, 161, 162, 180, 198, 219, 261, 340
bills reported from the Committee on - 158 162, 166, 186, 233, 235, 238, 275, 280 287, 304, 320, 340, 376, 387
Naval service. (See Enlistments.)
bill to provide for the establishment of schools of instruction in the - - 84
bill making appropriation for the support of the - 263, 321, 322, 327, 328 331, 377
(See Treaty and Right of search.)
Naval peace establishment, bill concerning the, 198
Naval pensions, bill respecting the payment of invalid pensions to officers of the naval and marine services - - 233
bill making appropriation for the payment of - - 340, 364, 377
Naval hospital fund, joint resolution authorizing the investment of the - - 235
Naval nominations - - - - 112
Navy Department, calls upon the, for information - - - 79, 111, 119
bill to amend the act reorganizing the, 84, 263
Navigation, petitions and documents on the subject of improving the, in the Western waters - 164, 165, 166, 266, 268 287, 362
Natural curiosities furnished by the exploring squadron, a bill for the preservation of the collection of - - 252, 363
Newspapers, supply of, to Senators - - 33
Northeastern and Northwestern boundary, correspondence of the Secretary of State with the special minister from England concerning the - - 4
correspondence of the authorities of Maine, Massachusetts, and New Hampshire, concerning the - - 12
Northeastern and Northwestern boundary—
controversy concerning, as defined on the map of Franklin, &c., 111, 119, 120 121, 169, 170, 171
Nourse, Joseph, bill for the relief of, 89, 162, 166

O.

Oregon Territory, resolutions of State Legislatures and petitions concerning the 84, 88 220, 267, 287, 340
resolution calling for information of the late negotiations touching the - 74
bill for the occupation and settlement of the, and to extend a portion of the laws of the United States over the same - 61, 70, 99, 104, 112, 121, 133 142, 149, 153, 158, 162, 171, 176, 188 192, 194, 198, 206, 212, 220, 227, 229 234, 238, 244, 252
remarks on the, by—
Mr. Archer - 74, 100, 104, 105, 212 220, 222, 230, 239, 240, 244
Mr. Bagby - - - - 239
Mr. Benton, 74, 106, 112, 154, 172, 176 234, 238, 239
Mr. Berrien - - - - 212
Mr. Calhoun - 133, 134, 149, 227, 239
Mr. Choate, 134, 171, 176, 235, 238, 239
Mr. Fulton - - - - 105
Mr. Henderson - - - 239
Mr. Huntington - - - 194
Mr. King - - 74, 105, 239
Mr. Linn, 74, 99, 100, 104, 105, 112 121, 134, 153, 186, 201, 206, 222 227, 239, 240, 244
Mr. McRoberts - - 100, 188
Mr. McDuffie - - 198, 240
Mr. Morehead - - - 188
Mr. Phelps - - - - 227
Mr. Rives - - - - 230
Mr. Sevier - - - 153, 230
Mr. Tappan - - - 149, 240
Mr. Woodbridge - - - 239
Mr. Woodbury - - - 192
Mr. Walker - - - 105, 239
Mr. Young - - - - 220
Ohio. (See Lands.)

P.

Patents and the Patent Office, bills reported from the Committee on - 162, 238, 363
Patents, land, bill in relation to the exemplification of, and other evidences of title under the act for the reorganization of the General Land Office, 311, 372, 377
for bounty land, joint resolution relating to - - - - 299, 372
Patent Office, bill to extend the, on 9th street - 141 148, 162, 354, 362
Pay of all officers of the Government, bill 548 for the reduction of the - - 296
Pea Patch Island, the bill to settle the title to - 192 211, 363
Pensacola, proposition for the construction of a floating dry-dock at - - 322, 327
Pennsylvania avenue, bill to authorize the repaving and repairing of, 141, 169, 201 226, 245, 252
Pensions, the Committee on, bills reported from, 88, 127, 157, 166, 180, 186, 211 226, 238, 267, 280, 287, 292, 311, 320 326, 340, 341, 353, 363, 370, 371, 376 391
reports from the, 88, 127, 157, 180, 211 238, 287, 299, 320, 326, 340, 353, 363 387
Pensions to certain widows of officers and soldiers of the Revolution, bill reviving the act of July, 1838, granting pensions to widows of - 353, 364, 387
Pension agents, bill making compensation to, 63, 79 95, 100
Pensions, bill making appropriation for the payment of - - - 261, 263
(See Naval.)
Pensions, the bill to continue the office of Commissioner of - - 63, 79, 95, 100
Peters, Moore, & Co., bill for the relief of, 229, 372
Petersburg Railroad Co., bill for the benefit of the - 166, 175, 181, 186, 187
Phelps, S. S., of Vermont, 63, 69, 70, 88, 89, 94 95, 105, 106, 118, 133, 157, 162, 169 174, 180, 182, 188, 198, 211, 226, 253 292, 299, 311, 320, 326, 327, 341, 345 376
remarks on the Oregon bill - - 227

Planters' Bank of Mississippi, bill for the relief of the - - 89, 141, 180, 192
Porter, A. S., of Michigan, 38, 45, 50, 63, 69 79, 88, 94, 157, 175, 211, 229, 233 287, 371, 372
remarks on the bill to prevent the employment of private expresses on mail routes, &c. - - 229, 245, 252
Post Office special agents, concerning the salary of the - - - - 382
Post Office and Post Roads, Committee on, bills reported from the, 79, 88, 104, 111 192, 226, 229, 252, 280, 304, 320, 376
resolutions instructing the - 127, 141
report from the - - - - 320
Post Office laws, concerning the construction of the - - - - - 174
Postmasters General of the United States, (assistant,) bill relating to the appointment of - - - - 296
Postmaster General, resolution instructing the, &c. - - - - - 166
Postage, petitions, &c., concerning a reduction of the rates of, 220, 243, 340, 363, 379
Pre-emption rights, bill to amend the several acts granting - - - 54, 370
bill supplementary to the act granting, to settlers on the public lands, 238, 320 370
bill to authorize the investigation of alleged frauds under the - 320, 387
President *pro tem.* of the Senate, 45, 49, 52, 61 81, 88, 100, 110, 126, 127, 132, 140 147, 152, 153, 157, 158, 161, 166, 169 175, 180, 185, 186, 188, 192, 211, 219 229, 233, 238, 243, 251, 252, 261, 263 275, 280, 287, 292, 296, 304, 311, 320 325, 330, 342, 362, 376
his recollections pending the controversy in secret session on the red-lined map between Messrs. Benton and Rives - 170
President Tyler, his annual message, 33, 36, 37, 45
his message transmitting the British treaty - - - - - 2
resolutions calling upon, for information, 41, 50, 54, 70, 74, 94, 99, 112 175, 238, 275, 281, 331, 345, 372, 376 377
Printing. (See Debates.)
Printers of Congress, proposition to give to the present, 20 per cent. above their contract price for executing the printing of Congress - 382, 391, 392, 393
Private Land Claims, resolutions instructing the Committee on - - 104, 205
report from the Committee on - - 261
bills reported from the Committee on - 161 162, 233, 261, 287, 288, 341, 353, 363
Public Buildings and Grounds, bills reported from the Committee on the, 275, 299, 363
bill to fix the compensation of the Commissioner of - - - - 299
Public lands. (See Distribution.)
bills reported from the Committee on - 54 62, 73, 94, 118, 152, 174, 186, 192, 220 233, 252, 261, 292, 311, 320, 330, 340 370
resolutions instructing the Committee on - - - - 74, 79
reports from the Committee on, 94, 118, 169 233, 261, 292

R.

Railroads, bill to authorize the making of permanent contracts with the, for transporting the United States mail - 345
iron. (See Duties.)
Reilly, Boyd, bill for the relief of - - 376
Reporter of the Supreme Court, concerning the salary of the - - - 381
Reporters, resolution to appoint a corps of, 46, 50 55

Resolutions submitted by—
Mr. Allen - - 70, 304, 331
Mr. Bagby - - - - 345
Mr. Barrow, 74, 79, 111, 119, 133, 142 158
Mr. Bayard - - 39, 235, 326
Mr. Benton, 1, 2, 41, 54, 63, 74, 79, 85 94, 99, 119, 238, 252, 262, 275, 281 321, 337, 341, 345
Mr. Berrien - - - 46, 89
Mr. Buchanan - - 2, 104, 118
Mr. Conrad, 1, 54, 62, 63, 95, 133, 142
Mr. Crittenden - - - 2, 75
Mr. Dayton - - - 281, 288
Resolutions submitted by—
Mr. Evans - - 255, 288, 341
Mr. Graham - - - - 288
Mr. Huntington, 104, 127, 133, 205
Mr. King - - - - 262
Mr. Kerr - - - - 37
Mr. Linn, 54, 70, 74, 104, 262, 377, 379
Mr. McDuffie, 252, 262, 272, 281, 288 308, 311
Mr. McRoberts - - 73, 99, 111
Mr. Merrick - 33, 104, 166, 304, 313
Mr. Morehead - - - - 175
Mr. Miller - - - - 293
Mr. Rives, 2, 112, 119, 133, 237, 293 299, 304, 372
Mr. Sevier - - 104, 376, 387
Mr. Smith of Indiana, 46, 104, 118, 205
Mr. Tappan - - - - 321
Mr. Tallmadge - - - - 39
Mr. Walker, 62, 192, 304, 311, 315, 321 326, 370, 376, 379
Mr. Williams - - - 1, 79
Mr. Wright - - - 65, 74
Mr. Woodbury - - 74, 85, 89, 280
Mr. Woodbridge - 133, 261, 371
Mr. Young - - - 320, 376
Retrenchment, resolutions of instruction to the committee on - - - 65, 74
bill reported from the committee on - 349
the bill for the reduction of the pay to members of Congress, and civil, military, and naval officers, 296, 349, 392
(See Custom-house.
Retrenchment and economy, the tariff, Government resources, &c., resolutions of Messrs. McDuffie, Evans, Dayton, Rives, and Merrick, upon the subject of - - 252, 262, 276, 281
remarks upon, by—
Mr. Allen - - - - 282
Mr. Archer - - - - 282
Mr. Buchanan - - - - 282
Mr. Calhoun - - - 281, 282
Mr. Dayton - - 281, 282, 288
Mr. Evans - 255, 276, 281, 282, 288
Mr. McDuffie - 276, 281, 288
Mr. Merrick - 281, 282, 288, 289
Mr. Rives - - 281, 282, 288
Mr. Simmons - - - - 282
Mr. Walker - - - 282, 288
Revenue-cutter service, concerning the - 280
Revolutionary Claims, Committee on, bills reported from the, 158, 169, 292, 320, 326 345
reports from the, 118, 133, 157, 292, 345
Right of search, debate concerning the speech of Sir Robert Peel on the construction of the Ashburton treaty touching the, 331 332, 333, 334, 335, 336
Rives, Wm. C., of Virginia, 1, 2, 30, 54, 62, 110 164, 192, 212, 227, 289, 379
resolutions by, 2, 112, 119, 133, 237, 293 299, 304
remarks concerning the speech of Sir Robert Peel on the construction of the Ashburton treaty as to the right of search - 111, 120, 121, 171
remarks on the bill for the benefit of the Petersburg Railroad Company - 187
remarks on the Oregon bill - - 230
remarks on the bill making appropriation for the fulfilment of the stipulations of the Ashburton treaty - 379
(See Debts.)
Roads and Canals, resolutions instructing the Committee on - 46, 104, 370
bills reported from the Committee on, 198 233
Robbinston, in the State of Maine, bill to declare, a port of entry - 180, 354, 362
Rocky Mountains, concerning Lieutenant Fremont's expedition to the - - 389
Royall, bill for the benefit of the widow of Captain William - - - 371
Rules of the Senate, proposition to suspend and amend the, 45, 50, 70, 74, 377, 387

S.

Salary of the surveyor of the port of Camden, bill for the reduction of the, 299, 331, 372
School lands, bills concerning, 50, 54, 63, 70, 83 104, 118, 153, 158
Seamen, an act amendatory of the act for the relief of sick and disabled - - 345
Search. (See Right of search.)
Secretary of the Senate, subpœnaed to appear before the circuit court of the United States in the District of Columbia with certain papers on the files of his office - - - - - 88
assignment of certain duties to, 321, 327, 376
Senators in attendance - - - - 30
Senate of the United States, proceedings of the, in secret session, upon the British treaty - - - - - 1, 2
Sevier, Ambrose H., of Arkansas, 61, 63, 79, 84 88, 94, 95, 106, 127, 148, 149, 158, 162 175, 180, 181, 182, 186, 201, 212, 239 240, 244, 267, 299, 315, 321, 322, 341 346, 353, 354, 362, 363, 364, 370, 372 376, 379, 382, 391
the credentials of - - - 74
resolutions by - - 104, 376, 387
remarks on the Oregon bill - 153, 230
remarks on the subject of improving the navigation of the Western waters - 165
(See Debates.)
Shreve, H. M., a bill authorizing the purchase of his snag-boat - - 211, 213
Simmons, J. T., of Rhode Island, 40, 84, 112, 192 219, 220, 244, 251, 252, 287, 363, 365 372, 382
Skinner, John P., bill for the relief of - 198, 206
Slave-trade, the African, negotiations between Ashburton and Webster, concerning the suppression of the - 23, 24
Smith, O. H., of Indiana, 40, 45, 49, 54, 61, 63 70, 73, 84, 94, 104, 106, 118, 142, 147 152, 153, 164, 169, 174, 192, 205, 226 233, 243, 252, 261, 266, 292, 304, 311 320, 330, 340, 354, 362, 370, 371, 372 377
resolutions by - 46, 104, 118, 205
remarks on the subject of improving the navigation of the Western waters - 164
remarks on the joint resolution for the establishing of agencies for the inspection and purchase of water-rotted hemp - - - - - 226
concerning the Louisville and Portland canal - - - - - 287
Smith, Perry, of Connecticut, 63, 104, 152, 162 302, 315, 321, 341, 388
remarks on the bankrupt bill - 346, 349
remarks on the proposition to print the report on the fine on Gen. Jackson - 148
his recollections pending the controversy in secret session between Messrs. Benton and Rives, concerning the red-lined map - - - - 170
(See Debates.)
Spoliations, French, prior to 1800, petitions concerning - - 40, 62, 141, 205
bill for the settlement of the claims for - 111 121, 153
Sprague, W., of Rhode Island - 40, 84
State Department, calls upon the - 46, 62
Statue of Washington, appropriation for the removal of - - - - 381
Steamboat Company of Nantucket, bill for the relief of - - - 95, 100
Steamboats, bill to amend the act for the better security of lives of passengers on board of - - 345, 376, 379
Steamboats on the Ohio and Mississippi rivers, the destruction of - - - 164
Stock by the United States, petitions praying the issue of 200 millions for the relief of the States, 84, 161, 198, 219, 220 233, 238, 243, 262, 266, 275, 280, 299 304, 387
Sturgeon, D., of Pennsylvania, 30, 41, 54, 61 62, 79, 84, 180, 205, 211, 226, 233, 238 243, 251, 252, 275, 292, 304, 311, 320 322, 330, 387
Swartwout, Samuel, late collector of N. York, bill authorizing the Treasurer to compromise with the securities of, 89, 95

T.

Tallmadge, N. P., of New York, 2, 30, 33, 45 62, 75, 79, 84, 85, 88, 94, 99, 103 110, 118, 127, 166, 175, 185, 192, 198 205, 226, 237, 240, 244, 251, 253, 266 288, 314, 315, 327, 328, 340, 342, 381 382, 390
resolution by - - - - 39
remarks on the bankrupt act, 45, 46, 51, 84 238, 342, 347, 349
remarks on the exchequer bill - - 244

Tappan, Benjamin, of Ohio, 31, 38, 39, 41, 45 79, 88, 89, 99, 100, 106, 110, 112, 119 128, 133, 148, 157, 162, 181, 192, 212 240, 262, 268, 275, 276, 287, 315, 321 336, 340, 345, 353, 354, 363, 364, 365 366, 371, 383
resolutions by - - - - 321
remarks on the distribution of catalogues of the library of Congress - - 94
remarks on the Oregon bill - 149, 240
remarks on the resolution for the establishment of agencies for the inspection and purchase of water-rotted hemp - - - - - 262
remarks concerning the Louisville and Portland canal - - - 287
remarks on the bankrupt act - - 346
remarks concerning the fulfilment of the stipulations of the treaty with the Wyandott Indians - 363, 390, 391
(See Debates.)
Tariff, petitions, &c., concerning the, 40, 69, 133 147, 157, 192, 211, 219, 220, 226, 235 275, 311, 320, 340
(See Retrenchment and Economy.)
Telegraphs for the United States, bill making an appropriation to test the practicability of establishing a system of electro-magnetic - - - 345, 387
Tennessee. (See Courts.)
Territories, proposition for the appointment of a standing committee on, 175, 181, 186
Texas, concerning its annexation to the United States - - - - - - 340
Thames, bill making an appropriation for the improvement of the navigation of the river, in Connecticut - - - 330
Titles to land south of the Arkansas river, bill to protect the - - - - - 252
in Louisiana, joint resolution directing the papers relating to, to be returned to the General Land Office - 261, 372
Todd, Isaac, and James McGill, bill for the relief of the heirs of the assignees of - 370 376
Tonnage, freights, and commerce - 261, 281
Treasury Department. (See Exchequer.)
resolutions calling upon the, for information, 54, 63, 85, 89, 95, 104, 118 280, 288, 304, 320
Treasury notes, bill for the reissue of, and other purposes - 362, 379, 390, 392
Treaty, the quintuple, resolutions calling for information concerning, and answers thereto, 54, 63, 79, 85, 95, 147, 262
remarks by Mr. Archer concerning, 63, 64 85, 262
remarks by Mr. Benton, 64, 65, 79, 252, 262
(See Ashburton.)
Treaty, the Ashburton, proceedings of the Senate in secret session upon - - 1
the President's message and other official papers connected with the - 2
correspondence between Lord Ashburton and Daniel Webster, Secretary of State, pending the negotiations for the - - - - - 4
correspondence of the Secretary of State, the Maine commissioners, and the Governor of Massachusetts, concerning the Northeastern boundary - - - - - 12, 14
correspondence concerning the African slave-trade - - - - - 23
correspondence concerning the "Creole" case - - - - - 24
correspondence concerning the "Caroline" affair - - - - 26
correspondence concerning "impressment" - - - - - - 28
the treaty as ratified by the Senate - 29
resolution calling for the correspondence connected with the - - 94, 99
discussion concerning the boundary established under the, and the red-line map, 111, 119, 120, 121, 169, 170, 171
discussion concerning the construction of the, as connected with the right of search; and on Mr. Benton and Mr. Bagby's propositions to strike from the naval appropriation bill all appropriation for the fulfilment of the stipulations of the, concerning the African squadron, 331, 332, 333, 334, 335, 336 377, 378
Treaty, the Ashburton—
bill to make appropriation to carry into effect the treaty which was concluded at Washington the 9th Aug., 1842 - 366 371, 372, 377, 378, 379

U.

Usher, Alice, the bill for the relief of - - 341

W.

Walker, R. J., of Mississippi, 61, 63, 89, 94, 105 142, 148, 149, 153, 157, 163, 180, 186 192, 206, 220, 233, 243, 252, 267, 304 311, 314, 321, 322, 326, 327, 328, 354 371, 372, 376, 377, 383, 392, 393
resolutions by - 62, 192, 304, 311, 315 321, 326, 370, 372, 376, 379
remarks on the British treaty and red-line map - - - 119, 244
remarks on the subject of improving the navigation of the Western waters - 165
remarks on the Oregon bill - 105, 239
remarks on the bill to suppress private expresses on the mail routes - - 246
remarks on the report of the Judiciary Committee concerning the fine on Gen. Jackson - - - - 141
remarks on the army appropriation bill, 267
remarks concerning the Louisville and Portland canal - - - 287
remarks on the bankrupt act, 342, 346, 347
remarks on the District bank bill - 365
remarks on the bill reviving the act granting pensions to the widows of officers and soldiers of the Revolution - 388 389
(See Debts—Debates.)
Warehousing system, petitions, reports, &c., concerning, 45, 54, 85, 112, 113, 118 166, 330, 331
War Department, resolutions calling upon the, for information, 70, 104, 133, 142, 192 205, 311, 320, 321, 387
Washington's sword and Franklin's staff, their presentation to the Senate, and the remarks of Mr. Archer concerning - 255
Watchmen in the several departments, proposition to raise their salaries - - 382
Weaver, Casper W., bill for the relief of - 267
Weaver, Thomas, and Jacob Heyberger, sureties of the Norristown and Valley Railroad Company, bill for the relief of - - - - - 379, 393
Webster, Daniel, his negotiations with Lord Ashburton, and correspondence touching the several subjects embraced in the treaty at Washington, 4, 22, 23, 24 26, 28
West Feliciana Railroad Company, bill for the relief of the - 89, 147, 206, 220, 336
White, A. S., of Indiana, 40, 45, 84, 94, 100 113, 166, 288, 308, 320, 363 377, 387
remarks concerning an appropriation to fulfil the stipulations of the treaty with the Wyandott Indians - 390, 391
Wilcox, L., of New Hampshire - 30, 287
Wilde, Richard H., granting him the benefits of the copyright law, 41, 141, 181, 192
Williams, J. W., deceased Representative from Maryland, eulogy on - - - 37
Williams, Ruel, of Maine, 1, 61, 63, 70, 94 127, 148, 157, 158, 162, 164, 169, 180 205, 206, 226, 233, 238, 244, 261, 275 280, 287, 292, 293, 304, 320, 322, 327 328, 340, 341, 371, 372, 376, 387
resolutions submitted by - 1, 79
remarks concerning naval pensions - 364
Wiscasset collection district, bill to extend the, 387
Wisconsin, bill to authorize the election or appointment of certain officers in, 341, 383
Woodbridge, W. W., of Michigan, 40, 41, 73, 88 89, 94, 127, 133, 147, 161, 169, 229 251, 253, 261, 262, 266, 292, 315, 326 345, 354, 363, 366, 371, 392, 397
resolutions by - - 133, 261, 371
remarks on the rule to regulate legislation on claims - - - - 50
remarks concerning a distribution of the catalogues of the library of Congress - - - - - 94
remarks on the Oregon bill - - 239
remarks concerning the red-line map - 244
(See Debates.)
Woodbury, Levi, of New Hampshire, 30, 41, 50 73, 74, 79, 81, 84, 85, 88, 94, 104, 106 113, 119, 128, 142, 143, 148, 157, 158 164, 169, 186, 189, 192, 211, 226, 252 253, 267, 275, 280, 281, 296, 311, 314 321, 322, 327, 328, 341, 353, 363, 365 366, 370, 371, 381, 383, 392
resolutions by - - 74, 85, 89, 280
remarks on the joint resolution for the establishment of agencies for the inspection and purchase of water-rotted hemp - - - - - 262, 263
remarks on the bankrupt bill - - 347
remarks concerning the warehousing system - - - - - 331
remarks concerning the speech of Sir Robert Peel on the construction of the Ashburton treaty, as to the right of search - - - - - 336
remarks on the treasury note bill, 389, 390
remarks on the appropriation to pay for printing the Compendium of the Sixth Census - - - - - 381
remarks on the proposition to give to the present printers to Congress 20 per cent. above their contract price for executing the public printing - 393
remarks on the Oregon bill - - 192
(See Debates—Debts.)
Wright, Silas, of New York, 30, 39, 40, 45, 49 54, 61, 63, 65, 75, 84, 85, 102, 112 118, 133, 157, 161, 169, 192, 211, 212 226, 233, 237, 243, 275, 287, 292, 296 299, 345, 346, 353, 354, 362, 363, 365 366, 371, 372, 376, 379, 383, 393, 394
resolutions by - - - 65, 74
the credentials of - - - 286
remarks on the proposition to give the present Congress printers 20 per cent. above the contract price for executing the public printing 382, 391, 393
remarks on the rule to regulate legislation on claims - - - - 51
remarks on the bill to reduce the rates of postage - - - - 363
remarks on the bill providing for the mission to China - - 363, 391
(See Debates—Debts.)

Y.

Yeas and nays—
on questions touching the assumption of the State debts - - - 75
on the resolutions concerning the assumption of State debts, 296, 299, 308 315, 327
on questions connected with the bill to indemnify Major Gen. Jackson, 86, 149 316, 391
on the proposition to distribute catalogues of the library of Congress - 94
on the joint resolution to limit the term of office of the judges of the supreme and inferior courts - - 162
on the bill for the benefit of the Petersburg Railroad Company - - 188
on the Oregon bill - - 240, 252
on the joint resolution for the establishment of agencies for the inspection and purchase of water-rotted hemp - 263
on the resolution of Mr. McDuffie concerning the tariff, the Government resources, retrenchment, and economy, 289
on the naval appropriation bill, touching the question of dry or floating-docks - - - - - 328
on the proposition of Mr. Benton and Mr. Bagby to recommit the naval appropriation bill, with a view to strike out all appropriations for the fulfilment of the stipulations of the treaties, so far as regarded the support of recaptured Africans - - - - 336
on the bankrupt bill - - 347, 349
on the bill to print the debates of Congress - - 355, 356, 357, 358
on the bill to recharter the District banks 365 371
on the proposition to print the resolutions of the Legislature of Georgia condemnatory of the course of Mr. Berrien - - - - 377
on the proposition to give the present printers to Congress 20 per cent. above their contract price for executing the public printing - 382, 391, 393

Yeas and nays—
on the proposition to pay for books distributed to members of Congress . - 383
on the proposition to pay the contract price for printing the Compendium of the Sixth Census - - - 383
on the bill reviving the act of July, 1838, allowing pensions to widows of officers and soldiers of the Revolution, 388
on the bill to provide for the mission to China - - - - - 392

Young, R. M., of Illinois, 40, 83, 88, 104, 142 148, 153, 186, 198, 205, 226, 243, 267 275, 281, 299, 304, 311, 321, 322, 327 340, 342, 370, 371, 376
resolutions by - - - 320, 376
remarks on the Oregon bill - - 220
remarks on the joint resolution for the appointment of agencies for the inspection and purchase of water-rotted hemp - - - - 226

Young, R. M., of Illinois—
remarks on the bill to suppress private expresses on mail routes, and to prevent frauds on the revenues of the Post Office Department - - 253
remarks on the bill to revive the act granting pensions to the widows of the officers and soldiers of the Revolution - - - - - 388

HOUSE OF REPRESENTATIVES.

A.

Abolition, Mr. Adams's motion to rescind the 21st rule - - 31, 37, 39, 42
resolutions of the Legislature of Vermont, presented by Mr. Slade - 106
Mr. Adams's resolution in relation to vacancies on the bench of the Supreme Court - - - - - 359
great reel petition - - - 317
Mr. Briggs's resolution in relation to the laws of Florida - - - 337
Accounts, Committee on - - - 41
Adams, John Quincy, of Massachusetts, 21, 37, 42 83, 86, 89, 90, 158, 161, 173, 182, 183 184, 195, 219, 223, 224, 235, 236, 237 242, 256, 260, 264, 269, 270, 274, 275 277, 310, 317, 320, 322, 323, 325, 328 329, 330, 337, 344, 345, 350, 359, 366 367, 369, 385, 386, 387, 396, 400
resolutions by - 31, 219, 232, 385
resolution in relation to vacancies on the bench of the Supreme Court - 359
remarks on the resolution to refund General Jackson's fine - 123, 128
remarks on the motion to print 10,000 extra copies of the reports of the Committee of Ways and Means on the proposition to issue two hundred millions of Government stock - - 269
Agriculture, Committee on - - - 41
Alabama, bill providing for the payment of the two per cent. fund of - - - 338
memorial of the Legislature of, on the subject of the public lands - - 384
Alexandria, D. C., bill to amend the charter of the town of - - - - 240
bill to incorporate the orphan asylum and free school of - - 266, 394
Allen, Elisha H., of Maine, 31, 317, 367, 370
Apportionment law, bill to suspend the operation of certain portions of, 121, 195, 298 343
Andrews, Sherlock J., of Ohio, 265, 274, 328, 340
Andrews, Landaff W., of Kentucky, 44, 65, 89 113, 159, 180, 182, 183, 226, 276, 320 328, 329, 338, 340, 350, 353, 361, 367 369, 370, 386, 387, 395, 399
Appropriations, bill for the civil and diplomatic expenses of the Government, 52, 55 57, 304, 344, 350, 359, 368, 394, 395 396, 399
bill for the army and military academy, 113, 169, 172, 223, 228, 230, 270 278, 302, 339, 367
bill for the naval service, 143, 242, 248 256, 329, 330, 339, 350, 373, 386, 394
bill for the Indian Department, 143, 329 330, 373
bill for revolutionary and other pensioners - - - 143, 241
bills for fortifications - 158, 329, 330
bill for navy pensions - 240, 330, 376
bill for harbors and rivers 241, 330, 339
Arkansas, bill for the relief of sundry citizens of, for losses of improvements in consequence of the Choctaw treaty - 102
bill supplementary to the act to settle the titles to certain lands in - 121, 367
bill for the relief of persons residing within the reputed limits of Arkansas and Louisiana, and beyond the new boundary line between the United States and Texas - - - 157
Army appropriation bill. (See Appropriations.)
bill to amend the act respecting the organization of - - - 176, 298

Army appropriation bill—
bill to repeal certain parts of the act respecting the organization of 336, 386
Arrington, Archibald H., of North Carolina, 31
Armories, national - - - - 54
Arnold, Thomas D., of Tennessee, 68, 73, 81, 89 114, 131, 135, 158, 162, 168, 174, 185 216, 223, 228, 237, 248, 251, 276, 282 283, 285, 286, 287, 289, 290, 291, 325 345
Assistant Postmasters General, bill in relation to the appointment of - - - 298
Assumption of State debts, 38, 95, 182, 213, 308 373
report of the Committee of Ways and Means on the petitions asking for the creation of two hundred millions of United States stock for the relief of the States, 222, 269, 273, 283, 322, 339
report of Mr. Johnson, of Maryland, on the same subject - - - 385
Atherton, Charles G., of New Hampshire, 31, 95 143, 152, 159, 167, 207, 241, 319, 385 400
remarks on the plan of the exchequer, 209
Aycrigg, John B., of New Jersey, 31, 57, 58, 60 225, 260, 264, 265, 297, 329, 340, 360 367, 368

B.

Baker, Osmyn, of Massachusetts, 31, 247, 338
Babcock, Alfred, of New York, 31, 177, 373
Barnard, Daniel D., of New York, 31, 38, 49, 65 72, 114, 159, 162, 163, 167, 168, 182 183, 190, 195, 228, 236, 254, 256, 264 265, 270, 282, 283, 302, 309, 310, 317 318, 330, 350, 367, 373, 395
resolutions by - - - 157, 173
remarks on the bill to repeal the bankrupt law - - - 65, 71
remarks on the plan of the exchequer, 201
remarks on the treasury note bill - 318
Barton, Richard W., of Virginia, 31, 53, 65, 143 225, 348, 366
Bankrupt law, bill to repeal the, 49, 65, 71, 86 90, 102, 107, 114, 124, 146, 162
bill reported by Mr. Barnard, 167, 176, 178
Bankruptcy, fees in, resolution in relation to, 54, 57
Beeson, Henry W., of Pennsylvania, 31, 56, 113 268, 286, 400
resolutions by - - - 103, 399
Betts, Judge, refusal of, to hear the charges brought by Mrs. Cromwell against Captain Mackenzie - - - 297
Bidlack, Benjamin A., of Pennsylvania, 31, 37 48, 56, 81, 82, 102, 113, 128, 151, 155 158, 159, 176, 190, 191, 323
resolution by - - - - 128
remarks on the plan of the exchequer, 190 191
Birdseye, Victory, of New York, 38, 194, 310 373, 394
Black, Edward J., of Georgia, 44, 55, 72, 150 161, 174, 183, 232, 236
Blair, Bernard, of New York - - 31, 303
Boyd, Lynn, of Kentucky, 31, 106, 227, 236 337, 359
Botts, John M., of Virginia, 31, 43, 46, 47, 48 135, 146, 158, 159, 184, 189, 196, 260 280, 291, 302, 303, 319, 340, 361, 387 395, 399
his articles of impeachment against the President of the United States, 144, 145
remarks on the resolution to refund General Jackson's fine - 195, 217
Boardman, William W., of Connecticut, 31, 61 81, 131, 216, 240, 247, 283, 340, 360 361, 367, 395

Boardman, William W., of Connecticut—
resolutions by - - - 59, 83, 230
Bowne, Samuel S., of New York, 31, 48, 52, 54 57, 68, 85, 113, 114, 247, 282, 386
resolutions by - - - 57, 107
remarks on the bill to repeal the bankrupt law - - - 114, 126
Borden, Nathaniel B., of Massachusetts - 31
Brewster, David P., of New York, 31, 75, 194 217, 222, 298
remarks on the steamboat bill - - 339
British treaty. (See England.)
Briggs, George N., of Massachusetts, 31, 39, 49 52, 72, 132, 158, 162, 167, 168, 176, 182 183, 185, 189, 194, 222, 233, 235, 236 237, 241, 256, 265, 266, 271, 286, 292 296, 310, 328, 337, 338, 350, 359, 367 370, 373, 386, 394, 396
resolutions by, 38, 134, 172, 337, 394
Brockway, John H., of Connecticut - 31, 303
Bronson, David, of Maine, 31, 53, 57, 89, 159 207, 228, 248, 271, 289, 325, 344, 345 361, 367
resolution by - - - - - 54
Branch mints, bill amendatory of the acts establishing - - - 298, 339
Brown, Milton, of Tennessee - - - 132
remarks on the bill to repeal the bankrupt law - - - - 107
Brown, Aaron V., of Tennessee, 106, 228, 290 329, 352, 359, 370, 385, 394
Brown, Jeremiah, of Pennsylvania - - 31
Brown, Charles, of Pennsylvania, 31, 42, 79 174, 185, 222, 224, 260, 265, 278, 290 360, 367, 373, 375
resolution by - - - - 278
remarks on the bill to repeal the bankrupt act - - - 68, 72
remarks on the naval appropriation bill 269
remarks on the resolution in relation to the removal of Jonathan Roberts from office - - - - 309, 310
remarks on the subject of the coast survey - - - - - 351
remarks on the resolution of thanks to the Speaker - - 397, 398, 399
Butler, William, of South Carolina - 31, 367
Butler, William O., of Kentucky, 31, 56, 132 150, 176, 240, 247, 290, 298, 303, 386
resolution by - - - - 383
Burke, Edmund, of New Hampshire, 31, 113 159, 163, 166, 276, 297, 310, 366, 397
Burnell, Barker, of Massachusetts, 31, 38, 60, 75 86, 131, 189, 215, 261, 367, 373
resolutions by - - - 219, 297
remarks on the general appropriation bill - - - - - 75
Buoys, spindles, and fog-bells, bill authorizing the placing of - - - 297

C.

Calhoun, Wm. B., of Mass., 31, 128, 146, 173, 176 277, 297, 303, 360, 394, 395
resolutions by - - - 106, 195
Cary, George B., of Va. 31, 44, 167, 196
Caldwell, Patrick C., of South Carolina 31, 236
Caldwell, Green W., of North Carolina 40
Casey, Zadok, of Illinois 31, 65, 143, 159 228, 240, 271, 350
Caruthers, Robert L., of Tenn. 44, 386, 394
Campbell, John, of South Carolina 44, 59, 86 90, 96. 121, 183, 235, 283, 292, 298, 330 337, 339, 340, 343, 344, 350, 359, 385
remarks on the plan of the exchequer, 138
Campbell, Wm. B., of Tenn. 44, 83, 183, 291 308, 340, 345
Campbell, Thomas J., of Tenn. - 75, 269

Census, Sixth, resolution for the distribution of the Compendium of - - - 298
Cedar Key, Florida, bill to establish a town at, 240
Chapman, Reuben, of Ala., 31, 146, 233, 240 283, 328, 338, 367, 368
Chaplain, election of - - - - - 52
Cherokees, resolution to pay the awards of the commissioners under the 17th article of the treaty with - - - 349
Chesapeake and Ohio canal, resolution for the transfer of the stock of the United States in - - - 298, 338
China, bill to provide means for the future intercourse with - - 195, 323
Chittenden, Thos. C., of New York, 31, 240, 340
Chihuahua and Santa Fe, in Mexico, bill allowing drawback on goods exported to - - - - - - 102
Childs, Timothy, of New York 31, 183, 373
Choctahma and Columbus, Miss., bill to legalize the sale of certain lands at - 146
Clifford, Nathan, of Maine - 31, 162, 167, 227 246, 247, 291
resolutions by - - - - 227
Clark, John C., of New York, 31, 81, 101, 103, 219 247, 290, 311, 323, 325, 386, 395
resolution by - - - - 83
Clarke, Staley N., of New York 31, 177, 329
Clinton, James G., of New York - - 31
Claims, Committee on - - - - 41
report from - - - - 246
Claims, joint rule in relation to - 154, 158
Coles, Walter, of Va. - - - 38, 130
Columbia, District of, proceedings on the business of - - - 266, 270
bill to require one of the judges of the circuit court of, to reside in Alexandria - - - - - - 266
bill making appropriations for the insane asylum in - 266, 270, 394
bill providing for the more speedy administration of justice in - - 270
bill to abolish imprisonment for debt in, 270
bill to provide for the completion of the Potomac bridge - - 270, 394
bill respecting suits at law in - - 270
bill to recharter the banks in - - 283
bill to amend the laws regulating imprisonment for debt in - 366, 368
joint resolution to recharter certain banks in - - - - - 384
Colored seamen, report of the Committee on Commerce in relation to - 183, 384
Coast survey - 57, 60, 264, 351, 359, 363, 368
Commerce, Committee on - - - - 41
reports from - - - 183, 241
Committees, standing, viz:
of Elections - - - - 41
of Ways and Means - - - 41
of Claims - - - - 41
on Commerce - - - - 41
on Public Lands - - - 41
on the Post Office and Post Roads - 41
for the District of Columbia - 41
on the Judiciary - - - 41
on Revolutionary Claims - - 41
on Public Expenditures - - 41
on Private Land Claims - - 41
on Manufactures - - - 41
on Agriculture - - - - 41
on Indian Affairs - - - 41
on Military Affairs - - - 41
on the Militia - - - - 41
on Naval Affairs - - - 41
on Foreign Affairs - - - 41
on the Territories - - - 41
on Revolutionary Pensions - - 41
on Invalid Pensions - - - 41
on Roads and Canals - - - 41
on Patents - - - - 41
on Public Buildings and Grounds - 41
on Revisal and Unfinished Business - 41
on Accounts - - - - 41
on Mileage - - - - 41
on Expenditures in the State Department, 41
on Expenditures in the Treasury Department - - - - 41
on Expenditures in the War Department, 41
on Expenditures in the Navy Department, 41
on Expenditures in the Post Office Department - - - - 41
on Expenditures in the Public Buildings - - - - - 41
Joint, of the Library on the part of the House - - - - 41
Committees, select, viz:
on the national foundry - - 42
on the national printing office - - 42
Comet and Encomium, bill for the relief of claimants to indemnity for loss of slaves on board of - - 157, 276
Commissioner of Public Buildings, bill to fix the compensation of - - - 247
Coins, foreign, gold and silver, bill regulating the currency of - - 366, 384
Contested elections, bill to regulate the taking of testimony in cases of - 121, 242, 344
Congressional printing office, bill to establish - 201
Connecticut, district of, bill to change the times of holding the United States courts for - - - 266, 283
Cooper, James, of Pa., 31, 83, 95, 121, 230, 231 329, 386, 396
resolutions by - - - 88, 128
remarks on the resolution of thanks to the Speaker - - - - 398
Cooper, Mark A., of Ga., 31, 144, 146, 169, 248 290, 343, 345
resolution by - - - - 160
remarks on the naval appropriation bill, 250
Cowen, Benjamin S., of Ohio, 31, 71, 81, 85, 113 130, 166, 183, 207, 216, 240, 241 246, 247, 290, 308, 337, 366, 384
Cranston, Robert B., of Rhode Island, 31, 194, 217
Cross, Edward, of Ark., 38, 83, 121, 132, 143 160, 173, 194, 217, 224, 228, 271, 303 367
Crawford, Geo. W., of Ga. - - 230, 265
Cumberland road, bill for the completion of, east of the Ohio - - - 367
Cushing, Caleb, of Mass., 31, 38, 42, 43, 44, 48 49, 52, 56, 59, 61, 68, 71, 72, 81, 86 102, 103, 115, 116, 124, 134, 135, 143 146, 152, 155, 158, 160, 168, 169, 174 176, 184, 189, 192, 195, 196, 201, 205 214, 216, 223, 224, 231, 235, 236, 240 241, 254, 271, 276, 278, 285, 286, 291 329, 338, 344, 360, 368, 370, 397, 399 400
remarks on the bill to repeal the bankrupt law - - - 87, 178
remarks on the resolution to refund Gen. Jackson's fine - - - 122
remarks on the British treaty, 176, 177, 180 369
remarks on the plan of the exchequer - 197
remarks on the treasury-note bill - 319
remarks on the resolution of thanks to the Speaker - - - - 399

D.

Davis, Richard D., of New York, 31, 324, 373
Daniel, John R. J., of North Carolina, 31, 240, 328
Davis, Garrett, of Kentucky, 31, 103, 160, 176 180, 182, 196, 205, 242, 247, 271, 289 328, 344, 345, 395, 396
resolutions by - - - 83, 230
Dawson, John B., of Louisiana, 31, 218, 268
remarks on the bill to repeal the bankrupt act - - - - 86
Dahlonega, Georgia, branch mint at, 298, 339
Detroit, bill in relation to certain property of the United States in - - 283
Deberry, Edmund, of North Carolina, 31, 169, 172 173, 176, 367
Dean, Ezra, of Ohio, - 31, 236, 240
Disbursing officers, bill to bring into the treasury moneys received by, before they can be disbursed - 264, 317, 390
District of Columbia, Committee for the - 41
bill regulating the fees of the officers of the courts in - - - 218
bills in relation to. (see Columbia.)
Doan, William, of Ohio - - - 297
Dodge, Henry, of Wisconsin, Delegate, 100, 102 106, 113, 130, 134, 159, 160, 166, 207 232, 237, 256, 276, 296, 311, 359, 366
resolution by - - - - 264
Dodge, A. C., of Iowa, Delegate, 44, 100, 121 166, 225, 228, 230, 233, 235, 236, 241 344, 345
resolution by - - - - 121
remarks on the bill for the payment of Iowa militia - - - - 228
Doty, James J., Governor of Wisconsin, communication from - - - 160
Duelling in the navy. (see Navy.)

E.

Eastman, Ira A., of New Hampshire, 31, 65, 106
Edwards, John, of Pennsylvania - - 31
Edwards, John C., of Missouri, 31, 38, 85, 89 102, 143, 154, 159, 188, 261, 268, 297 329, 330, 340, 343, 353
Egbert, Joseph B., of New York - - 31
Elections, Committee of - - - 41
report from - - - - 195
Elections, contested. (see Contested elections.)
Electro magnetic telegraph, bill to authorize a series of experiments to test the merits of - - - - 323, 339
England, treaty with, bill to carry it into effect, 176 368
Everett, Horace, of Vermont, 31, 32, 39, 43, 44 49, 65, 72, 86, 90, 95, 100, 114, 121 124, 129, 130, 1355 143, 144, 146, 152 155, 158, 159, 166, 168, 172, 176, 216 222, 223, 225, 264, 266, 268, 286, 309 310, 323, 325, 345, 350, 352, 367, 369 374
resolution by - - - - 59
remarks on the bill to repeal the bankrupt law - - - - - 65
remarks on the bill to carry into effect the British treaty - - - 369
Exchequer, plan of, reports from the Committee of Ways and Means upon - 134
debate on, 134, 150, 190, 197, 201, 207, 213
Extra allowances to public officers, bill to prohibit - - - - - - 184
Executions in public, bill to abolish - - 240
Expenditures in the State Department, Committee on - - - - - 41
in the Treasury Department, Committee on - - - - - 41
in the War Department, Committee on 41
in the Navy Department, Committee on 41
in the Post Office Department, Committee on - - - - - 41
on the Public Buildings and Grounds, Committee on - - - - 41

F.

Fessenden, William P., of Maine, 31, 85, 90, 96 131, 132, 159, 179, 180, 248, 260, 265 303, 340, 375
resolution by - - - - 163
remarks on the bill to repeal the bankrupt act - - - - - 99
Ferris, Charles G., of New York, 31, 86, 96 376
Fillmore, Millard, of New York, 31, 40, 42, 44 49, 52, 55, 59, 75, 78, 81, 89, 102, 128 130, 131, 132, 134, 135, 143, 155, 157 166, 169, 172, 173, 174, 177, 178, 182 183, 188, 189, 190, 194, 196, 211, 213 217, 223, 224, 230, 237, 240, 241, 242 246, 248, 251, 253, 256, 260, 264, 268 269, 278, 279, 280, 284, 289, 290, 292 298, 302, 308, 317, 318, 319, 320, 323 325, 329, 330, 337, 338, 339, 340, 343 344, 345, 349, 350, 352, 360, 361, 367 368, 373, 374, 375, 384, 385, 386, 387 394, 395, 396, 399
resolutions by - 102, 150, 159, 337
remarks on the general appropriation bill - - - - - 55, 57
remarks on the plan of the exchequer, 135 136, 213
remarks on the naval appropriation bill, 258 259
remarks on the state of the treasury, 279 280
Floyd, Charles A. J., of New York - 31, 276
Floyd, John G., of New York - 31, 43, 387
Florida, contested election in - - 49, 53
bill to protect the live oak in - 386, 399
bill making appropriations for public buildings in - - - - 311
bill for the relief of certain inhabitants of - - - - - 367
resolution of Mr. Giddings for the repeal of the act for the armed occupation of - - - - - 176
bill making appropriations for a library for - - - - 177, 241
bill providing for the payment of the militia of - - - 241, 242
bill making appropriations for certain roads and highways in - - 311
bill providing for the appointment of a law agent in - - - - 367
Foreign Affairs, Committee on - - 41
reports from - - - 195, 297
Foreign moneys, bill to fix the value of, in account and computation at the custom-houses - - - - - 384

Foster, T. F., of Georgia - - - 320
Foster, A. Lawrence, of New York - - 31
Fornance, Joseph, of Pennsylvania, 31, 86, 128, 195, 241, 276
Fortification appropriation bill. (See Appropriations.)
Franking privilege, bill to extend it to the chief clerk in the Department of State, 176, 182
French spoliations prior to 1800, memorials in relation to - - - - - 59
bill to provide indemnity for, 231, 235, 241
G.
Gates, Seth M., of New York - - - 86
resolution by - - - - 86
Gamble, Roger L., of Ga. - - 31, 62
remarks on the death of Mr. Habersham - - - - - 62
Gag, or one-hour rule - - - - 40
Gentry, Meredith P., of Tennessee, 86, 195, 240, 271, 359
General appropriation bill. (See Appropriations.)
Gerry, James, of Penn. - - - 31
Gilmer, Thomas W., of Va. - 31, 61, 77, 106, 128, 131, 173, 184, 216, 243, 248, 253, 285, 290, 291, 323, 361, 386, 387
remarks on the general appropriation bill - - - - 55, 56
Giddings, Joshua R., of Ohio, 31, 70, 85, 96, 102, 103, 154, 161, 166, 176, 183, 184, 207, 214, 216, 217, 241, 270, 276, 277, 282, 384
Gordon, Samuel, of New York, 31, 118, 177, 183, 217, 241, 248, 253, 265, 297, 323, 351, 374, 375, 395
remarks on the bill to repeal the bankrupt law - - 65, 124, 126
remarks on the naval appropriation bill, 249
remarks on the bill to provide the means for intercourse with China - 323, 324
Gordon's Digest, Mr. Ingersoll's motion to subscribe for copies of - - - 46
resolution to subscribe for - - 131
Goggin, Wm. L., of Va., 38, 176, 184, 329, 342
Goode, Patrick G., of Ohio - - 31, 303
Goode, William O, of Va. - - 40, 242
Granger, Francis, of New York, 31, 48, 145, 168, 169, 183, 185, 216, 224, 231, 232, 235, 266, 338
remarks on the plan of the exchequer, 137
remarks on the subject of the debt of the State of Mississippi - - 271, 284
Graham, James, of North Carolina, 121, 155, 173, 233, 311, 330, 340, 399
resolutions by - - 121, 184, 302
Green, Willis, of Ky. - - - 31, 166
resolution by - - - - 166
Greensburg district, La., bill in relation to lands sold at - - - - - - 310
Gustine, Amos, of Pa. - - 31, 131, 317
resolution by - - - - 317
Gwin, Wm. M., of Miss, 59, 77, 242, 270, 274, 290, 291, 317, 344, 349, 374, 394, 400
resolutions by - - - 65, 172
remarks on the subject of Gen. Jackson's fine - - - - - 122
remarks in reply to Mr. Adams on the subject of the debt of the State of Mississippi - 270, 271, 273, 274, 283
bill introduced as a substitute for bill No. 548 - - 278, 284, 291
H.
Halsted, Wm., of New Jersey, 31, 53, 113, 195, 242, 311, 344
Harris, Wm. A., of Va. - 31, 38, 83, 265
Hays, Samuel L., of Va. - - - 31
Hastings, John, of Ohio, 31, 264, 276, 286, 302, 359
Hall, Hiland, of Vt. - - - 31, 329
Habersham, Richard W, of Ga., death of, and tribute of respect to the memory of - 62
Hassler, F. R., letters from, on the subject of the coast survey - - 77, 351
Harbors, bill making appropriations for. (See Appropriations.)
Hemp, American, water-rotted, joint resolution in relation to - - - 176, 276
Henry, Thomas, of Pa. - 31, 130, 242
Houck, Jacob, of New York - - - 31
Hopkins, George W., of Va., 31, 38, 53, 68, 71, 72, 89, 96, 101, 121, 130, 163, 167, 183, 213, 231, 243, 246, 247, 254, 256, 264, 265, 276, 289, 338, 359, 368, 373, 386
resolution by - - - - 157
Holmes, Isaac E, of South Carolina, 31, 43, 44, 82, 150, 155, 158, 159, 184, 196, 224, 251, 278, 285, 320, 340, 361, 374
remarks on the general appropriation bill - - - - - 58
remarks on the naval appropriation bill, 256
remarks on bill No. 548 - - 285
remarks on the bill to provide the means for future intercourse with China - 325
Howard, Jacob, of Michigan - 40, 85, 86, 146, 167, 228, 237, 240, 265, 271, 283, 303, 340, 367, 384
resolution by - - - - 159
Houston, George S., of Alabama, 38, 89, 253, 323, 359
Hoyt, Jesse, accounts of - - - 283
memorial from - - - - 251
Horses and other property lost in the service of the United States, bill to provide payment for - - - - - 183
Hudson, Charles, of Massachusetts - 31, 163
Hunt, Hiram P., of New York, 31, 102, 150, 253, 278, 291, 330, 340, 345
resolution by - - - - 131
remarks on the resolution in relation to General Jackson's fine - 160, 177
Hubard, Edmund W., of Virginia, 31, 56, 134, 159, 247, 317
resolution by - - - - 159
Hunter, Robert M. T., of Virginia - 31, 361
I.
Illinois, resolutions of the Legislature of, asking Congress to refund General Jackson's fine - - - - - 143
resolutions of the Legislature of, on the subject of the Oregon Territory, tariff, rates of postage, and internal improvements - - - - 384
Impeachment, Mr. Botts's notice of the charges he should bring against the President of the United States - - - 134
articles of, preferred by Mr. Botts against the President of the United States - - - - 144, 145
Indiana, resolutions of the Legislature of, on the subject of the Wabash and Erie canal - - - - - 246
resolutions of the same, on the subject of the reduction of the rates of postage 240
resolutions of the same, on the subject of the claims of the soldiers of the old Indian wars - - - - 176
Indian Affairs, Committee on - - - 41
Indian appropriation bill. (See Appropriations.)
Invalid Pensions, Committee on - - 41
Insolvent debtors of the United States, bill to continue in force the several acts for the relief of - - - - 157
International copyright - - - 54
Ingersoll, Charles J., of Pennsylvania, 31, 43, 44, 46, 48, 49, 53, 57, 72, 75, 76, 96, 106, 114, 123, 129, 131, 132, 177, 182, 195, 218, 227, 240, 246, 317, 320, 329, 350, 360, 361, 367, 374, 399, 400
resolution by - - - - 329
remarks on the general appropriation bill - - - - 57, 76
remarks on his amendment providing for a commercial agent - - 77
remarks on the bill to refund General Jackson's fine - - 130, 131
remarks on the plan of an exchequer - 215
remarks on the resolution of thanks to the Speaker - - - - 398
Ingersoll, Joseph R., of Pennsylvania, 31, 39, 59, 60, 85, 102, 163, 166, 183, 184, 189, 222, 223, 224, 225, 260, 264, 265, 269, 270, 276, 296, 298, 340, 360, 361, 367, 375, 384, 385, 394, 399, 400
remarks on the plan of the exchequer - 137
Iowa, bill making appropriations for certain roads, and the survey of certain canal routes in the Territory of, 233, 236, 311
bill to establish an additional land office in - - - - - 241
resolutions of the Legislature of, on the subject of mail-routes - - 317
Irwin, William W., of Pennsylvania, 31, 38, 44, 140, 155, 163, 232, 292, 303, 339
resolutions by - - 44, 78, 121
Irvin, James, of Pennsylvania - - 86
J.
Jack, William, of Pennsylvania - 31, 282
James, Francis, of Pennsylvania - - 31
Jackson, General Andrew, proceedings in relation to his fine - - 44, 95
resolutions of the State of Virginia, asking Congress to refund the fine imposed on him - - - - 86
resolutions of the State of South Carolina on the same subject - 95, 102
resolutions of the State of Illinois on the same subject - - - - 143
resolutions of the Legislature of Rhode Island on the same subject - - 194
report from the Committee on the Judiciary on the same subject - - 228
resolutions of the Legislature of Maine on the same subject - - - 230
resolutions of the Legislature of Michigan on the same subject - - 271
Mr. Bowne's resolution instructing the committee to bring in a bill to refund the fine, 107, 113, 122, 128, 131, 150, 160, 177, 184, 195, 217, 268, 317, 400
Jones, John W., of Virginia - - 31, 56
Jones, Isaac D., of Maryland, 44, 216, 243, 254, 319
Jones, Commodore Thomas Ap Catesby, resolution in relation to his capture of Monterey - - - - 184
Johnson, Cave, of Tennessee, 38, 42, 44, 46, 49, 68, 71, 72, 85, 89, 95, 128, 131, 150, 162, 163, 167, 174, 176, 183, 184, 194, 195, 207, 214, 216, 218, 224, 225, 228, 231, 232, 235, 236, 237, 240, 241, 242, 246, 248, 253, 261, 265, 266, 270, 278, 282, 283, 289, 291, 303, 323, 329, 330, 338, 339, 340, 349, 359, 360, 361, 367, 368, 370, 374, 385, 386, 387, 399, 400
resolutions by, 207, 240, 337, 352, 394
remarks on the naval appropriation bill, 248, 249
Johnson, Wm. Cost, of Maryland, 31, 37, 40, 42, 48, 95, 134, 135, 152, 164, 213, 227, 232, 264, 265, 266, 282, 302, 338, 339, 384, 385
Judiciary, Committee on - - - 41
report from - - - - 228
K.
Keim, George M., of Pennsylvania, 31, 70, 207, 216, 242, 246, 337, 373
Kennedy, John P., of Maryland, 31, 53, 75, 90, 102, 143, 150, 167, 183, 194, 207, 231, 232, 241, 247, 253, 254, 256, 265, 275, 283, 289, 297, 298, 308, 317, 337, 340, 352, 360, 361, 366, 384, 400
resolutions by - - 95, 143, 219
Kennedy, Andrew, of Indiana - 91, 297
remarks on the bill to repeal the bankrupt act - - - - 91
Kentucky, asylum for the deaf and dumb, bill in relation to - - - - 59
bill to divide the State of, into two judicial districts - - - 132
Kendall, Amos, petition of sundry citizens of Philadelphia asking Congress to relieve him from his personal liabilities for official acts - - 229, 230
petition from sundry citizens of Maryland to the same effect - - 283
resolutions of the Legislature of Maine on the same subject - - 368, 373
bill to indemnify him - - - 246
Key West, bill making appropriations for a marine hospital at - - 233, 311
King, Thomas Butler, of Ga., 70, 89, 90, 150, 169, 190, 249, 259, 260, 261, 338, 360, 361, 373, 374, 395
resolution by - - - 89
L.
Lane, Henry S., of Indiana - - 44, 240
Lafayette, Louisiana, bill to establish a port of delivery at - - - - 367
Lewis, Dixon H., of Alabama - - 59
Levy, David, of Florida, Delegate, 38, 53, 83, 150, 161, 183, 232, 233, 241, 242, 260, 274, 340, 400
resolutions by - - - 102, 160
Light-houses, bill authorizing the erection of, 297
Linn, Archibald L., of New York, 31, 85, 163, 268, 329, 394
Littlefield, Nathaniel S., of Maine, 31, 230, 282, 302, 366, 373
Library, Joint Committee on - - 41
Lowell, Joshua A., of Maine, 31, 59, 65, 85, 106, 162, 163, 188, 216, 227, 253, 289, 296, 328, 359, 394
resolution by - - - - 106

Loan, United States, communication from the Secretary of the Treasury in relation to - - - - - - 157
M.
Mallory, Francis, of Virginia, 31, 56, 57, 60, 76 174, 183, 224, 225, 251, 258, 260, 264 277, 282, 286, 303, 323, 340, 344, 350 351, 360, 367, 373, 374, 375, 400
resolution by - - - - - 183
remarks on the subject of the coast survey - - 56, 57, 60, 76, 77
remarks on the general appropriation bill - - - - - 57, 58
Maine, bill to change the time of holding the United States courts in - - 96
resolutions of the Legislature of, on the subject of General Jackson's fine - 230
resolutions of the same on the subject of the bankrupt act, &c. - - - - 246
resolutions of the Legislature of, in favor of Amos Kendall - - 368, 373
Mail routes, bill to prevent the employment of private expresses on - - - - 276
Manufactures, Committee on - - - 41
Marshall, Alfred, of Maine, 31, 62, 85, 212, 240 256, 349, 359
Marshall, Thomas F., of Kentucky, 44, 107, 146 168, 180, 198, 400
remarks on the plan of the exchequer 138 204
Marchand, Albert G, of Pennsylvania 31, 121
Marine hospitals on the Western waters, Mr. Irwin's notice of a bill making appropriations for - - - - - 38
bill reported from the Committee on Commerce providing for - - 367
Massachusetts, bill to refund the balance due to the State of, for disbursements during the late war with Great Britain 241
Mason, John T., of Maryland, 31, 113, 174, 282 338
remarks on the death of the Hon. James W. Williams - - - - 32
Mason, Samson, of Ohio, 31, 113, 159, 194, 230 241, 290, 319, 323, 387
Mathiot, Joshua, of Ohio, 31, 38, 102, 113, 146 178, 291, 317
Mathews, James, of Ohio - - - 31
Mattocks, John, of Vermont - - - 31
Maxwell, John P. B, of New Jersey - 31, 338
Maynard, John, of New York - 40, 102, 329
McKay, James J., of North Carolina, 31, 159, 169 173, 291, 361
McClellan, Robert, of New York, 31, 217, 242, 251 258, 265, 266, 310, 337, 342, 350, 386
resolution by - - - - - 176
McClellan, Abraham, of Tennessee - - 31
McKeon, John, of New York, 31, 38, 52, 77, 83 131, 183, 212, 243, 251, 260, 282, 298 308, 325, 376, 397
resolutions by - - 96, 308, 339
remarks on the bill to repeal the bankrupt act - - - - 126, 155
remarks on the bill to carry into effect the British treaty - - - 368
McKennan, Thomas M. T., of Penn., 31, 40, 43, 78 174, 177, 182, 216, 219, 228, 236, 241 248, 254, 271, 290, 291, 292, 328, 367 370, 373, 374
resolution by - - - - - 88
Memphis, Tennessee, bill to authorize the examination and survey of the harbor of - - - - 219, 329, 330
Members of Congress and officers of the Government, bill to reduce the pay and mileage and compensations of. (See Retrenchment.)
Message, annual, of the President of the United States - - - - - 38
debate on the reference of - - - 42
Medill, William, of Ohio, 31, 59, 158, 182, 207 228, 237, 268, 291, 344, 345
Meriwether, Jas. A., of Ga., 40, 57, 78, 101, 114 115, 172, 173, 174, 232, 236, 241, 242 256, 258, 260, 261, 281, 290, 317, 323 325, 337, 339, 345, 361, 370, 373, 394 395, 399
resolutions by - - 57, 79, 102, 182
remarks on the bill to repeal the bankrupt law - - - 115, 116
Mitchell, Anderson, of North Carolina - 31
Miller, John, of Missouri - - - 31
Military Affairs, Committee on - - 41
report from - - - - - 231
Militia, Committee on - - - - 41
Mileage, Committee on - - - - 41
Missouri, bill defining the boundary line of - 102
bill to continue in force the act for the final adjustment of claims to lands in, 366
Missouri, Louisiana, and Arkansas, bill to revive the act to enable claimants to lands in, to institute suits to try the validity of their claims, 176, 366, 386
Military districts, bill to divide the United States into two - 297, 343, 396
Military posts, bill to establish two additional - 113
Mineral lands of the United States, bill to provide for disposing of - - 157, 228
Michigan, bill to privide payment for certain companies of the militia of - 231, 241
resolutions of the Legislature of, asking Congress to refund Gen. Jackson's fine - - - - - - 271
bill for the protection of the commerce on the western shores of Lake, 311, 396
bill appropriating certain alternate sections of land for improvements in, 366, 373
Mississippi, bill in relation to the two per cent. fund of - - - - - 367
Morgan, Christopher, of New York - 31, 49, 53 86, 237, 375
resolution by - - - - - 106
Morris, Calvary, of Ohio - 31, 128, 241, 297
Morrow, Jeremiah, of Ohio - 31, 240, 265, 367
Moore, John, of La., 40, 96, 161, 167, 176, 185 217, 227, 228, 242, 246, 265, 276, 277 285, 286, 287, 290, 292, 297, 308, 338 367, 386
Monterey, Mr. Adams's resolution in relation to the capture of - 232, 235, 330
N.
Naval Affairs, Committee on - - - 41
report from - - - - - 231
Naval appropriation bill. (See Appropriations.)
Navy Department, communications from, 52, 54 79, 157, 160, 190, 218, 233, 251, 310 330, 342, 368
Navy, resolution to inquire into the expediency of abolishing duelling in the - 121
code for the government of the - - 386
National foundry, select committee on - 42
report from - - - - - 339
bill to establish - - - - 339
National printing office, select committee on - 42
Newhard, Peter, of Penn. - 31, 183, 242
New Hampshire, resolutions of the Legislature of, in favor of restricting the franking privilege - - - 159
New Madrid locations, bill to perfect the titles to lands held under - - 266, 359
New Jersey, district of, bill to alter the times of holding the courts of the United States for - - - - - 266
New York custom-house, bill to reduce the compensation of the officers of - 271
North Carolina, resolutions of the Legislature of, on the subject of United States arsenals - - - - 176
bill making appropriations for a marine hospital in - - 243, 298, 339
Norristown Railroad Co., bill for the relief of, 219
O.
Oliver, Wm. M., of New York - 184, 299, 395
Officers of the Government and members of Congress, bill to reduce the compensations of. (See Retrenchment bill.)
Ocracoke, North Carolina, marine hospital at, 243 298, 339
Ohio, bill to amend the act establishing the northern boundary of - - - 366
Ohio and Michigan, lands in, ceded by the Wyandott Indians, bill to provide for the sale of - - - - - 367
Oregon Territory, bills for the occupation and settlement of - - 264, 266, 271
report of the Committee on Foreign Affairs on - - - - 296
Osborn, Thomas B., of Conn., 31, 150, 240, 361
Owsley, Bryan Y, of Kentucky - 31, 271
P.
Parmenter, Wm., of Mass., 31, 54, 132, 158, 241
Partridge, Samuel, of New York - - 31
Payne, Wm. W., of Alabama, 38, 49, 216, 322 328, 361, 366, 384, 399
remarks on the bill to repeal the bankrupt law - - - - - 67
remarks on the resolution to refund Gen. Jackson's fine - - - 217
Patents, Committee on - - - - 41
Patents, Commissioner of, annual report from, 233
Patent Office, bill to extend it to 9th street - 366
Pendleton, Nathaniel G., of Ohio - 31, 96, 113 146, 159, 166, 182, 195, 205, 217, 224 231, 242, 266, 287, 289, 290, 297, 329 367
remarks on the plan of an exchequer, 207
Pearce, James A., of Md., 38, 228, 242, 256
Peel, Sir Robert, extract from his speech on the construction of the Webster and Ashburton treaty - - - - 338
Pension appropriation bills. (See Appropriations.)
Pensions, Commissioner of, bill to continue the office of - - - 103, 128
Pension agents, bill making compensations to, 128
Penitentiary in the District of Columbia, resolution in relation to - - 59, 61
Pennsylvania avenue, bill for repaving - 266
Pea Patch island, bill to settle the title to, 373, 384
Petersburg Railroad Co., bill for the relief of, 196
Pickens, Francis W., of South Carolina, 31, 42 43, 44, 48, 68, 70, 71, 135, 166, 172 184, 191, 196, 201, 216, 223, 231, 256 265, 269, 278, 303, 337, 338, 375, 384 385, 395, 400
resolution by - - - - - 394
remarks on the bill to repeal the bankrupt law - - - - - 116
remarks on the resolution of thanks to the Speaker - - - - 397
Pleasonton, Stephen, Fifth Auditor, letter of - 101
Plumer, Arnold, of Pa., 31, 162, 264, 340, 349
Powell, Cuthbert, of Va., 31, 161, 361, 384
resolution by - - - - - 195
Postages, bill to reduce the rates of - 386, 394
Post Office and Post Roads, Committee on - 41
Post Office Department, communications from, 103 243, 310, 343
Potomac bridge, bill to provide for the completion of - - - - 247, 270
Pope, John, of Ky., 44, 150, 207, 216, 231, 232 233, 235, 236, 237, 271, 323, 384
remarks on the project of issuing 200 millions of Government stocks - 339
President of the United States, annual message of - - - - - - 38
debate on the reference of the message of - - - - - - 42
message in relation to the two bills retained by him at the close of the last session - - - - - 52
communications from - - 103, 368
message of, in relation to China and the Sandwich Islands - - - 103
articles of impeachment of, by Mr. Botts, 144
message of, on the state of the finances, 278
message of, on the subject of the British treaty - - - - - 361
Pre-emptions, bill to amend the act granting pre-emption rights to certain settlers on the public lands - 233, 368, 396
Printing office, congressional. (See Congressional printing-office.)
Printing, public - - - - - 38
Private Land Claims, Committee on - - 41
Public Lands, Committee on - - - 41
Public Expenditures, Committee on - - 41
Public Buildings and Grounds, Committee on, 41
Commissioner of, report from - - 54
Commissioner of, bill to fix the compensation of - - - - - 247
Public executions. (See Executions.)
Proffit, Geo. H., of Indiana, 59, 101, 145, 169 172, 179, 180, 211, 224, 243, 248, 260 345, 352, 361, 395, 400
remarks on the bill to repeal the bankrupt law - - - 116, 146
R.
Randall, Benjamin, of Maine, 31, 96, 240, 282 297, 340, 367
Randall, Alexander, of Maryland - - 218
Randolph, Joseph F., of N. Jersey, 31, 196, 339, 360
Ramsay, Robert, of Pennsylvania - - 31
Rayner, Kenneth, of North Carolina, 31, 151, 155 183, 196, 228, 337, 340, 367
remarks on the repeal of the bankrupt law - - - - - - 156
Reding, John R., of New Hampshire, 31, 176, 207
Read, Almon H., of Pennsylvania, 31, 191, 198 131, 150, 158, 163, 166, 172, 177, 201 216, 223, 241, 268, 276, 278, 289, 296 386
resolutions by - - - 53, 289

Reciprocity treaties, resolution of the last session in relation to - 194, 278, 298
Rencher, Abraham, of North Carolina, 31, 297
Resolutions by—
Mr. Adams - 31, 219, 232, 359, 385
Mr. Bronson - - - - 54
Mr. Boardman - - - 59, 83, 230
Mr. Briggs - 38, 134, 172, 337, 394
Mr. Burnell - - 219, 297
Mr. Barnard - - - 157, 373
Mr. Bowne - - - - 57, 107
Mr. Beeson - - - 103, 399
Mr. Bidlack - - - - 128
Mr. Charles Brown - - - 278
Mr. Wm. O. Butler - - - 83
Mr. Clifford - - - - 227
Mr. Calhoun - - - 106, 195
Mr. John C. Clark - - - 83
Mr. James Cooper - - 88, 128
Mr. Mark A. Cooper - - - 160
Mr. Garrett Davis - - 83, 230
Mr. A. C. Dodge - - - 121
Mr. Henry Dodge - - - 264
Mr. Everett - - - - 59
Mr. John C. Edwards - 102, 132, 159
Mr. Fessenden - - - - 163
Mr. Fillmore - - 102, 150, 159, 337
Mr. Gates - - - - - 86
Mr. Gustine - - - - 317
Mr. Graham - - 121, 184, 302
Mr. Green - - - - 166
Mr. Gwin - - - 65, 172
Mr. Hunt - - - - 131
Mr. Hopkins - - - - 157
Mr. Hubard - - - - 159
Mr. Howard - - - - 159
Mr. Charles J. Ingersoll - - 329
Mr. Joseph R. Ingersoll - - 107
Mr. Irwin - - - 44, 78, 121
Mr. Cave Johnson, 207, 240, 337, 352, 394
Mr. John P. Kennedy - 95, 143, 219
Mr. King - - - - 89
Mr. Lowell - - - - 106
Mr. Levy - - - 102, 160
Mr. Morgan - - - - 106
Mr. McClellan of New York - - 176
Mr. McKeon - - 96, 308, 339
Mr. McKennan - - - - 88
Mr. Mallory - - - - 183
Mr. Meriwether, 57, 79, 102, 107, 182
Mr. Powell - - - - 195
Mr. Pickens - - - - 394
Mr. Roosevelt - - - 194, 297
Mr. Read - - - 53, 239
Mr. Stratton - - - - 121
Mr. Snyder - - 83, 231, 297
Mr. Smith of Virginia - - - 297
Mr. Shields - - - - 394
Mr. Tillinghast - - 31, 59, 83, 159
Mr. Toland - - - - 57
Mr. Taliaferro - - - 39, 241
Mr. Triplett - - - 53, 128
Mr. Jacob Thompson - - - 83
Mr. Underwood - - - 132, 216
Mr. Weller - - - - 322
Mr. Christopher H. Williams - - 53
Retrenchment bill No. 548, to reduce the pay and mileage of members of Congress, and the compensations of the various officers of the General Government, 253 284, 289
substitute for, submitted by Mr. Gwin, 278 284, 291
substitute for, submitted by Mr. Hunt, 284
substitute for, submitted by Mr. Hastings of Ohio - - - - 290
substitute for, submitted by Mr. Medill, 291
Revisal and Unfinished Business, Committee on 41
Reynolds, John, of Illinois, 31, 85, 143, 162 172, 174, 224, 236, 256, 264, 265, 266 278, 289, 329, 330, 340, 350, 373
remarks on the coast survey - - 60
Revolutionary Claims, Committee on - - 41
Revolutionary Pensions, Committee on - 41
Rhett, R. Barnwell, of South Carolina, 31, 386
Rhode Island, resolutions of the Legislature of, asking Congress to refund Gen. Jackson's fine - - - 194
resolutions of the Legislature of, relative to the rates of postage - - 216
Riggs, Lewis, of New York - 31, 172, 349
Ridgway, Joseph, of Ohio, 31, 154, 176, 216, 230
Roosevelt, James I., of New York, 31, 57, 83 106, 134, 146, 167, 224, 228, 231, 232 236, 243, 246, 266, 278, 286, 376
Roosevelt, James I., of New York— resolutions by - - - 194, 297
Rogers, James, of South Carolina - - 31
Rodney, G. B., of Delaware, 38, 159, 207, 240, 247
Roads and Canals, Committee on - - 41
Roberts, Jonathan, resolution in relation to his removal from office, 57, 163, 278, 309
report on - - - - 386
Russell, James M., of Pennsylvania - - 31
Russell, William, of Ohio - 31, 194, 195, 213

S.

Saltonstall, Leverett, of Massachusetts, 31, 106 196, 303, 340, 351
remarks on the bill to repeal the bankrupt law - - - - 86
Sanford, John, of New York - - 31, 184
Saunders, Romulus M., of North Carolina, 40, 173 201, 223, 310, 329, 344, 373
Sandwich Islands, bill to provide for future intercourse with - - - 195
School lands, bill to authorize the Legislatures of the States of Illinois, Arkansas, Louisiana, and Tennessee, to sell them, 228
Sewell, Charles S., of Maryland - - 131
Shaw, Tristram, of New Hampshire, 31, 56, 75, 154
Shields, Benjamin G., of Alabama, 59, 256, 360
resolution by - - - - 394
Simonton, Wm., of Pennsylvania - - 31
Slade, Wm., of Vermont - 31, 320, 386
Smith, Truman, of Connecticut - 31, 160
Smith, Wm., of Virginia, 31, 55, 70, 71, 168 173, 174, 253, 265, 266, 268, 276, 278 291, 292, 324, 325, 360, 367, 373, 384 385, 394, 395, 396, 399, 400
resolution by - - - - 297
Snyder, John, of Pennsylvania - - 31
resolutions by - - 83, 231, 297
South Carolina, resolutions of the Legislature of, asking Congress to refund Gen. Jackson's fine - - 95, 102
resolutions of the same, asking Congress to refund the fine imposed on Dr. Cooper, under the alien and sedition laws - - - - 95
resolutions of the same, on the subject of the tariff, &c. - - - 183
Sollers, Augustus R., of Maryland - - 131
Somers, brig, alleged mutiny on board of - 65
Mr. Gwin's resolution in relation to - 65
Mr. Snyder's resolution in relation to 231 297
Mr. C. Johnson's resolution in relation to, 352
Spriggs, James C., of Kentucky, 31, 44, 77, 101 159, 303
Spencer, John C., Mr. Botts's motion in relation to his letter - - - - 46
Squadrons of the United States, in foreign service, resolution in relation to - 297
State Department, communications from, 52, 88 373
Stanly, Edward, of North Carolina, 31, 75, 102 113, 128, 158, 176, 185, 194, 218, 227 243, 259, 260, 276, 297, 310, 367, 374 376, 394, 396
Steenrod, Lewis, of Virginia, 31, 38, 85, 89, 95 100, 194, 251, 340, 367, 400
Steamboats, bill to provide for the better security of the lives of passengers in - 338
Stokely, Samuel, of Ohio, 31, 143, 231, 297, 329 340
Stockbridge tribe of Indians, bill for the relief of - - - - - 83
St. Augustine, Florida, bill to authorize the purchase of a lot of ground in - 297
Stratton, Charles C., of New Jersey, 31, 159, 177 338
resolution by - - - - 121
Stuart, Alexander H. H., of Virginia, 31, 113, 240 308, 374, 395
Stuart, J. T., of Illinois - - 44, 228
Summers, George W., of Virginia, 31, 339, 373
remarks on presenting the sword of General Washington, and the staff of Dr. Franklin - - 254, 266
Sweney, George, of Ohio - - - 31
Swartwout, Samuel, securities of, bill to authorize the Secretary of the Treasury to compromise with 102, 219, 310

T.

Taliaferro, John, of Virginia, 31, 86, 146, 154 159, 182, 195, 241, 256, 297, 340, 367 394, 400
resolution by - - - 39, 241
Tariff, Mr. Read's, resolution in relation to, 53, 289
Tangier, resolution in relation to the late United States consul at - - - 96
Texas, bill in relation to the postage on letters addressed to - - - - - 296
Temperance, Mr. Briggs's motion to exclude intoxicating drinks from the Capitol 38
Territories, Committee on - - - 41
Thompson, Richard W., of Indiana, 31, 38, 44 59, 77, 98, 163, 179, 180, 183, 256, 266 303, 339
resolution by - - - - 121
remarks on the bill to repeal the bankrupt law - - - - 90
Thompson, John B., of Kentucky - - 31
Thompson, Jacob, of Mississippi, 62, 85, 102 132, 146, 214, 230, 231, 236, 261, 269 270, 277, 283, 284, 308, 328, 337, 340 350, 353, 367, 385
resolution by - - - - 83
remarks on the subject of the debt of the State of Mississippi, in reply to Messrs. Adams and Granger - - 322
Tillinghast, Joseph L., of Rhode Island, 31, 44 56, 60, 77, 83, 106, 132, 146, 159, 164 172, 182, 184, 216, 250, 303, 310, 329 340, 350, 351, 353, 359, 360, 361, 367 373
resolutions by - - 31, 59, 83, 159
Tiffany, Rev. Mr., elected chaplain - - 52
Toland, George W., of Pennsylvania, 31, 57, 162 163, 223, 278, 303, 309, 310, 353, 359 386
resolution by - - - - 57
Tomlinson, Thomas A., of New York, 31, 86 183, 207, 240, 241, 265, 311
Treasury notes, bill authorizing the issue of, 269 317, 396, 399
Treasurer of the United States, communication from - - - - 54
Treasury Department, communications from 61 79, 83, 88, 132, 157, 178, 233, 259, 309 310, 342, 352, 368, 373
Treaty with England, (See England.)
Trumbull, Joseph, of Connecticut, 31, 196, 217 328, 359
Triplett, Philip, of Kentucky, 44, 77, 93, 225, 271 278, 298
resolutions by - - - 53, 198
Trotti, Samuel W., of South Carolina - 59, 182
Turney, Hopkins L., of Tennessee, 31, 39, 49 71, 82, 159, 167, 183, 292, 308, 320 343, 349, 361, 385, 387, 398

U.

Underwood, Joseph R., of Kentucky 31, 38, 39 49, 86, 101, 113, 114, 131, 145, 146 160, 184, 214, 236, 237, 240, 247, 251 266, 270, 298, 303, 310, 337, 338, 350 360, 368, 373, 384, 386, 387, 394
resolutions by - - - 132, 216
remarks on the bill to repeal the bankrupt law - - - 71, 72
remarks on the plan of the exchequer 150

V.

Van Buren, John, of New York - - 31
Van Rensselaer, Henry, of New York - 31
Virginia, resolutions of the Legislature of, asking Congress to refund General Jackson's fine - - - - 86
resolutions of the same, on the subject of the tariff, distribution, bankrupt law, &c. - - - - 246

W.

Ward, Aaron, of New York, 31, 236, 247, 289, 345
Watterson, Harvey M., of Tennessee, 31, 265, 349
Ways and Means, Committee of - - 41
reports from, 52, 113, 134, 143, 158, 240, 337
Wallace, David, of Indiana - - - 44
War Department, communications from, 52, 54 132, 157, 178, 218, 233, 243, 352
War and Navy Departments, bill to provide for the erection of two buildings for the accommodation of - - 367
Warehousing system, bill to establish the, 53, 289
Warren, Lott, of Georgia, 83, 102, 113, 167, 236 264, 265
Washington, Wm. H., of North Carolina, 31, 89 176, 328, 395
Washington's sword and Franklin's staff, presentation of - - - - 254
remarks of Mr. Summers of Virginia, on presenting them - - - 254
remarks of Mr. Adams on the same occasion - - - - 264
Washington, Samuel T., resolution presenting the thanks of Congress to him, and

Washington, Samuel T.—
directing a copy of the addresses of Messrs. Summers and Adams to be transmitted to him - - - 255
copy of his letter to Mr. Summers - 256
Weller, John B., of Ohio, 31, 32, 40, 68, 107 146, 159, 183, 207, 236, 254, 268, 275 276, 278, 287, 302, 320, 322, 324, 340 344, 345, 353, 361, 375, 384, 385, 386, 396
resolution by - - - - 322
remarks on the bill to repeal the bankrupt law - - - - 107
remarks on the resolution of thanks to the Speaker - - - - 397
Westbrook, John, of Pennsylvania - 38, 373
West Florida, bill for the relief of the inhabitants of - - 161, 185, 219, 274
Wheeling, Virginia, bill to establish a district court at - - - - 106
White, John, of Kentucky, [Speaker] - 31
farewell address of - - - 400
White, Joseph L., of Indiana, 31, 128, 176, 246 257, 258, 339, 376
White, Edward D., of Louisiana - - 384
Wise, Henry A., of Virginia, 31, 32, 43, 44, 46 47, 48, 56, 57, 58, 65, 77, 78, 79, 86 93, 128, 135, 144, 145, 146, 151, 155 158, 162, 163, 167, 168, 184, 188, 189 190, 194, 196, 201, 207, 216, 223, 232 235, 237, 248, 249, 253, 254, 259, 260 264, 270, 277, 278, 279, 286, 287, 297 302, 308, 317, 319, 320, 329, 344, 345 350, 353, 360, 367, 373, 374, 375, 376 386, 388, 394, 395, 396
remarks on the general appropriation bill - - - - 57, 58, 59
remarks on the bill to repeal the bankrupt act - - - 72, 96
remarks on the plan of an exchequer, 136 208, 216
remarks on the naval appropriation bill, 242
remarks in reply to Mr. Fillmore on the state of the finances - - 279, 280
remarks on the resolution in relation to the removal of Jonathan Roberts from office - - - - 309, 310
remarks on the resolution of thanks to the Speaker - - - - 397
Williams, Christopher H., of Tennessee, 53, 75 177, 185, 218, 271, 325, 330, 339, 342 343, 349, 350, 367, 368, 387, 396, 399, 400
resolution by - - - - 53
Williams, Joseph L., of Tennessee, 31, 177, 207 268, 274, 296, 340, 349, 350, 352
Williams, Thomas W., of Connecticut, 31, 103 236, 243, 265, 285, 287, 290, 291, 297 298, 340, 367, 373
Williams, James W, of Md., death of, and tribute of respect to the memory of - 32
eulogium by Mr. Mason on - - 32
Winthrop, Robert C., of Mass., 128, 152, 162, 183 231, 240, 297, 337, 340, 344, 361, 384
remarks on the bill to repeal the bankrupt law - - - - 66
remarks on the plan of the exchequer, 203
Widows of revolutionary soldiers, pensions to, 86 396
Wisconsin Territory, communication from the Legislature of - - - 88
bill to authorize the election of certain officers in - - 150, 232, 311
bill to provide for the settlement of certain accounts for the support of the Government of - - - 150
bill concerning the Legislative Assembly of - - - - - 233
bill granting the right of pre-emption to certain settlers in - - - 241
bill for the improvement of certain roads and rivers in - - - - 241
bill granting a tract of land to the town of Fairplay, in - - - 242
Wood, Fernando, of New York, 31, 146, 176, 231
Wyandot Indians, bill to provide for the sale of certain lands ceded by - - 367

Y.

Yeas and nays, on Mr. Adams's motion to repeal the 21st rule - 32, 37, 39, 42
on rejecting the motion to rescind the gag rule - - - - - 40
on the reference of the exchequer plan - 44
on the reference of so much of the President's message as relates to General Jackson's fine - - - - 44
on laying Mr. Botts's question of privilege on the table - - - - 48
on refusing to entertain the question of privilege - - - - - 48
on the motion to strike out the appropriation for the coast survey - - 78
on the motion to go into Committee of the Whole on the French spoliation bill - - - - - - 90
on suspending the rules to allow Mr. Wise to continue his remarks 99
on Mr. Beeson's resolution in relation to the taxing of bank-notes, and gold and silver plate - - - 103
on laying on the table Mr. Morgan's abolition resolution - - - 107
on laying on the table the resolution on the subject of General Jackson's fine 114
on the motion to go into Committee of the Whole to consider the bill to refund General Jackson's fine - - 124
on the motion to lay Mr. Botts's articles of impeachment on the table - - 145
on rejecting Mr. Botts's resolution of impeachment - - - - - 146
on Mr. Cushing's motion to go into Committee of the Whole on the exchequer bill - - - - - 156
on Mr. Wise's motion to go into Committee of the Whole on the exchequer bill - - - - - - 158
on the joint rule in relation to claims - 158
on Mr. Clifford's resolution directing the Committee on the Judiciary to report a bill to repeal the bankrupt law 162 163
on Mr. Lowell's resolution directing the Committee on the Judiciary to report a bill to repeal the bankrupt law - 163
on Mr. Toland's motion to suspend the rules - - - - - - 163
on amendments to the bill for the repeal of the bankrupt act - - 168
on the passage of the bill to repeal the bankrupt act - - - - 169
on the passage of the bill to extend the franking privilege to the chief clerk in the Department of State - - 182
on the bill to prohibit extra allowances to public officers - - - 185
on the motion to lay on the table Mr. Botts's motion to reconsider the vote ordering the printing of the report of the Committee on Commerce on the subject of colored seamen - - 190
on reconsidering the vote ordering the printing of the above report - - 190
on laying on the table the motion to print the above report - - - 190
on the motion to lay the subject of the exchequer on the table - - 214
on the report of the minority of the Committee of Ways and Means on the plan of the exchequer - - 215
on the report of the majority of the same committee on the same subject - 215
on Mr. Wise's motion to go into Committee of the Whole - - - 223
on the motion to suspend the rules, to admit Mr. Clifford's resolutions - 227
Yeas and Nays—
on the motion to lay on the table the resolution to take the French spoliation bill out of committee - - 231
on Mr. Adams's motion in relation to the capture of Monterey - - 235
on the motion to lay on the table the resolution to take the navy bill out of committee - - - - 253
on Mr. Arnold's motion to make bill No. 548 the special order of the day - 253
on laying on the table the motion to reconsider the vote on the resolution to take the French spoliation bill out of committee - - - - 254
on Mr. Giddings's motion to reconsider the vote on the bill for the relief of William Selden, Treasurer of the United States - - - - 277
on the resolution to take the District of Columbia banks bill out of committee - - - - - - 283
on the motion to reconsider the vote fixing the time for taking bill No. 548 out of committee - - - - 285
on the motion to lay bill No. 548 on the table - - - - - 291
on Mr. Fillmore's amendment to bill No. 548 - - - - 291
on the passage of bill No. 548 - - 292
on amendments to the army bill, 303, 304
on passing the treasury note bill - 320
on the motion to suspend the rules, to admit Mr. Briggs's resolution in relation to the act of the Florida Legislature, to prevent the migration of free negroes, &c., to that Territory - 337
on laying the harbor bill on the table - 340
on the motion to lay on the table the bill to suspend the operation of portions of the apportionment act - - 343
on rejecting the above bill - - 343
on the motion to reconsider the above vote - - - - - - 344
on the motion to lay on the table the bill in relation to testimony in contested elections - - - - 344
on the passage of the above bill - 344
on the motion to lay on the table the resolution to pay the awards of the commissioners under the Cherokee treaty - - - - - 350
on amendments to the civil and diplomatic appropriation bill - - 368
on the passage of the bill to carry into effect the British treaty - - 370
on the question of the rejection of the joint resolution to recharter certain banks in the District of Columbia - 385
on the question of printing Mr. Adams's substitute report on the subject of State debts - - - - 385
on the question of concurring in the amendments of the Senate in relation to the prices of public printing - 395
on concurring in the amendments of the Senate in relation to the printing of the Compendium of the Sixth Census - 396
on concurring in the amendment of the Senate restoring the salaries of the Solicitor and Recorder of the General Land Office - - - - 396
on the engrossment of the bill to divide the United States into two military districts - - - - 396
on concurring in the amendments of the Senate to the treasury-note bill - 399
Young, Augustus, of Vermont - - 31
Young, John, of New York, 44, 159, 183, 302
Yorke, Thomas Jones, of New Jersey, 31, 78, 303 320, 340, 359, 374, 396

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27TH CONG.....3D SESS. SATURDAY, DECEMBER 3, 1842. VOLUME 12····No. 1.

[The Senate of the United States, in secret session, on the 30th of August, 1842, passed the following resolution:

"*Resolved*, That the injunction of secrecy be removed from the British treaty, the correspondence which accompanied it, and all the proceedings of the Senate thereon, embracing the speeches and remarks of Senators, as soon as the ratifications of the said treaty shall have been exchanged, and it shall have been proclaimed by the President of the United States."

The ratifications of the treaty were not exchanged in time for us to publish the proceedings, correspondence, and speeches thereon, in the Congressional Globe and Appendix for the last session of Congress, to which they properly belong. Therefore, in order to preserve these important papers, we shall publish them in our Congressional Globe and Appendix for the coming session of Congress. The proceedings and the correspondence we shall publish in the Congressional Globe. The speeches made by the Senators in secret session we shall publish in the Appendix, as fast as they come to our hands. They will all be contained, probably, in the second, third, and fourth numbers of the Appendix: the first number, and part of the second, it is supposed, will be occupied by the President's annual message to Congress, and the reports of the several heads of departments, which may accompany it.

We shall print between four and five thousand surplus copies of the Congressional Globe and Appendix, for the purpose of furnishing complete copies to all persons who may subscribe for those works before the first day of January next.

We shall send to some of our friends a copy of this number of the Congressional Globe, with a Prospectus in it, with the hope that they will obtain some subscribers for us.—EDITORS CONGRESSIONAL GLOBE.]

PROCEEDINGS OF THE SENATE ON THE BRITISH TREATY, IN SECRET SESSION.

THURSDAY, August 11, 1842.

The message was read.

The treaty to settle and define the boundaries between the territories of the United States and the possessions of her Britannic Majesty in North America, for the final suppression of the African slave-trade, and for the giving up of criminals fugitive from justice, in certain cases, was read twice by unanimous consent.

On motion by Mr. Rives,

Ordered, That the treaty, with the message and accompanying documents, be referred to the Committee on Foreign Relations, and printed, in confidence, for the use of the Senate.

MONDAY, August 15, 1842.

Mr. Rives, from the Committee on Foreign Relations, to whom was referred, on the 11th instant, the treaty with Great Britain, reported the same without amendment.

On motion by Mr. Rives,

Ordered, That the said treaty be postponed to, and made the order of the day for, Wednesday next, the 17th instant, at 1 o'clock.

WEDNESDAY, August 17, 1842.

The Senate proceeded to consider, as in committee of the whole, the treaty with Great Britain; and, after debate,

On motion by Mr. Rives,

Ordered, That it be postponed to, and made the order of the day for, to-morrow, at half-past eleven o'clock.

THURSDAY, August 18, 1842.

Mr. Conrad submitted the following resolution:

Resolved, That the President be requested to furnish to the Senate all documents on file in the State Department, connected with the liberation of certain slaves, the property of American citizens, which were taken from the wreck of the schooner *Hermosa*, near Abaco, were carried into Nassau, and then liberated by the colonial authorities; also, copies of any correspondence which may have taken place on the subject of said slaves, between the minister of the United States at the Court of St. James, and the British Government.

The Senate, by unanimous consent, proceeded to consider the said resolution, and agreed thereto.

Ordered, That the Secretary lay the said resolution before the President of the United States.

The President pro tempore informed the Senate that the Secretary, having laid before the President of the United States the resolution passed this day, requesting the documents and correspondence relative to the slaves on board the Hermosa, the papers called for were forthwith delivered to him by the Secretary of State, with a request that, as they were originals, they might, at a proper time, be returned to the department.

The Senate resumed, as in committee of the whole, the consideration of the treaty with Great Britain; and, after debate,

On motion by Mr. King,

Ordered, That it be postponed to, and made the order of the day for, to-morrow, at half-past eleven o'clock.

FRIDAY, August 19, 1842.

The Senate resumed, as in committee of the whole, the consideration of the treaty with Great Britain; and, after debate, no amendment having been made, the treaty was reported to the Senate.

Mr. Williams submitted the following resolution:

Resolved, That the treaty and documents now under consideration be recommitted to the Committee on Foreign Relations, with instructions to report a resolution, directing the President of the United States to take immediate possession of the disputed territory, and to report such contingent measures as, in their opinion, may be necessary to maintain the just right of the nation.

The Senate, by unanimous consent, proceeded to consider the said resolution; and,

On the question to agree thereto,

It was determined in the negative—yeas 8, nays 34.

On motion by Mr. Williams, (the yeas and nays being desired by one-fifth of the Senators present,)

Those who voted in the affirmative are—

Messrs. Allen, Bagby, Fulton, Linn, Smith of Connecticut, Sturgeon, Walker, Williams.

Those who voted in the negative are—

Messrs. Archer, Barrow, Bates, Bayard, Benton, Buchanan, Calhoun, Choate, Clayton, Conrad, Crafts, Crittenden, Cuthbert, Dayton, Graham, Henderson, Huntington, Kerr, Mangum, Miller, Morehead, Porter, Preston, Rives, Smith of Indiana, Tallmadge, Tappan, White, Woodbridge, Woodbury, Young.

So the resolution was rejected.

On motion by Mr. Benton,

To strike out the eighth article from the treaty,

The question was stated—"Shall the eighth article stand as part of the treaty?" and, after debate,

On motion by Mr. Sevier,

The Senate adjourned.

SATURDAY, August 20, 1842.

The Senate resumed the consideration of the treaty with Great Britain; and,

The question recurring, "Shall the eighth article stand as part of the treaty?" after debate,

It was determined in the affirmative—yeas 37, nays 12.

Those who voted in the affirmative are—

Messrs. Archer, Barrow, Bates, Bayard, Berrien, Calhoun, Choate, Clayton, Conrad, Crafts, Crittenden, Dayton, Evans, Fulton, Graham, Henderson, Huntington, Kerr, King, Mangum, Merrick, Miller, Morehead, Phelps, Porter, Preston, Rives, Simmons, Smith of Indiana, Sprague, Tallmadge, Walker, White, Wilcox, Williams, Woodbridge, Young.

Those who voted in the negative are—

Messrs. Allen, Bagby, Benton, Buchanan, Cuthbert, Linn, Sevier, Smith of Connecticut, Sturgeon, Tappan, Woodbury, Wright.

On motion by Mr. Benton,

To strike out of the first article of the treaty the following words:

"To the outlet of the Lake Pohenagamook; thence southwestwardly, in a straight line, to a point on the northwest branch of the river St. John, which point shall be ten miles distant from the main branch of the St. John, in a straight line, and in the nearest direction; but if the said point shall be found to be less than seven miles from the nearest point of the summit or crest of the highlands that divide those rivers which empty themselves into the river St. Lawrence from those which fall into the river St. John, then the said point shall be made to recede down the said northwest branch of the river St. John, to a point seven miles, in a straight line, from the said summit or crest; thence in a straight line, in a course about south eight degrees west, to the point where the parallel of latitude of 46° 25′ north intersects the southwest branch of the St. John; thence southerly, by the said branch, to the source thereof in the highlands at the Metjarmette portage."

After debate, on the question, Shall these words stand as part of the first article?

It was determined in the affirmative—yeas 38, nays 11.

Those who voted in the affirmative are—

Messrs. Archer, Barrow, Bates, Bayard, Berrien, Calhoun, Choate, Clayton, Conrad, Crafts, Crittenden, Cuthbert, Dayton, Evans, Fulton, Graham, Henderson, Huntington, Kerr, King, Mangum, Merrick, Miller, Morehead, Phelps, Porter, Preston, Rives, Sevier, Simmons, Smith of Indiana, Sprague, Tallmadge, Tappan, White, Woodbridge, Woodbury, and Wright.

Those who voted in the negative are—

Messrs. Allen, Bagby, Benton, Buchanan, Linn, Smith of Connecticut, Sturgeon, Walker, Wilcox, Williams, and Young.

Mr. Benton submitted the following resolution:

Resolved, That the treaty and documents now under consideration be recommitted to the Committee on Foreign Relations, with instructions to report an amendment to the treaty, stipulating the right of the vessels of the United States, driven by tempest or carried by violence into any of the British West India islands, to depart from the same with all their

contents of persons and property, with all convenient despatch, and after receiving the hospitable treatment due to misfortune.

After debate, on the question to agree thereto,

It was determined in the negative—yeas 11, nays 37.

On motion by Mr. Benton,

The yeas and nays being desired by one fifth of the Senators present,

Those who voted in the affirmative are—

Messrs. Allen, Bagby, Benton, Buchanan, Conrad, Linn, Smith of Connecticut, Sturgeon, Walker, Williams, and Young.

Those who voted in the negative are—

Messrs. Archer, Barrow, Bates, Bayard, Berrien, Calhoun, Choate, Clayton, Crafts, Crittenden, Cuthbert, Dayton, Evans, Fulton, Graham, Henderson, Huntington, Kerr, King, Mangum, Merrick, Miller, Morehead, Phelps, Porter, Preston, Rives, Sevier, Simmons, Smith of Indiana, Sprague, Tallmadge, Tappan, White, Wilcox, Woodbridge, and Woodbury.

So the resolution was rejected.

Mr. Benton submitted the following resolution:

Resolved, That the treaty and documents now under consideration be recommitted to the Committee on Foreign Relations, with instructions to report a resolution directing the President of the United States to take immediate possession of the disputed territory up to the line designated by the King of the Netherlands, and to maintain the State of Maine in possession of the territory south of that line.

After debate, on the question to agree thereto,

It was determined in the negative—yeas 2, nays 37.

On motion by Mr. Benton,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are—

Messrs. Benton, Sevier.

Those who voted in the negative are—

Messrs. Archer, Bagby, Barrow, Bates, Bayard, Berrien, Calhoun, Choate, Clayton, Conrad, Crafts, Crittenden, Cuthbert, Dayton, Evans, Fulton, Henderson, Huntington, Kerr, King, Mangum, Merrick, Miller, Morehead, Phelps, Porter, Preston, Rives, Simmons, Smith of Indiana, Sprague, Sturgeon, Tallmadge, Tappan, White, Wilcox, Woodbridge.

So the resolution was rejected.

On motion by Mr. Tappan,

To strike out of the fifth article the following words, viz:

"And further to pay and satisfy said States, respectively, for all claims for expenses incurred by them in protecting the said heretofore disputed territory, and making a survey thereof, in 1838; the Government of the United States agreeing with the States of Maine and Massachusetts to pay them the further sum of three hundred thousand dollars, in equal moieties, on account of their assent to the line of boundary described in this treaty, and in consideration of the conditions and equivalents received therefor from the Government of her Britannic Majesty;"

After debate, on the question, "Shall these words stand as part of the fifth article?"

It was determined in the affirmative—yeas 34, nays 10.

Those who voted in the affirmative are—

Messrs. Archer, Barrow, Bates, Bayard, Berrien, Calhoun, Choate, Clayton, Crafts, Cuthbert, Dayton, Evans, Fulton, Graham, Henderson, Huntington, Kerr, King, Mangum, Merrick, Miller, Morehead, Phelps, Porter, Rives, Sevier, Simmons, Smith of Indiana, Sprague, Tallmadge, White, Wilcox, Woodbridge, Young.

Those who voted in the negative are—

Messrs. Allen, Bagby, Benton, Buchanan, Conrad, Crittenden, Linn, Smith of Connecticut, Sturgeon, Tappan.

No further amendment having been proposed,

Mr. Rives submitted the following resolution:

Resolved, (*two-thirds of the Senators present concurring*,) That the Senate advise and consent to the ratification of the treaty to settle and define the boundaries between the territories of the United States and the possessions of her Britannic Majesty in North America, for the final suppression of the African slave-trade, and for the giving up of criminals fugitive from justice, in certain cases.

The Senate, by unanimous consent, proceeded to consider the said resolution.

On the question to agree thereto,

It was determined in the affirmative—yeas 39, nays 9.

Those who voted in the affirmative are—

Messrs. Archer, Barrow, Bates, Bayard, Berrien, Calhoun, Choate, Clayton, Crafts, Crittenden, Cuthbert, Dayton, Evans, Fulton, Graham, Henderson, Huntington, Kerr, King, Mangum, Merrick, Miller, Morehead, Phelps, Porter, Preston, Rives, Sevier, Simmons, Smith of Indiana, Sprague, Tallmadge, Tappan, Walker, White, Woodbridge, Woodbury, Wright, Young.

Those who voted in the negative are—

Messrs. Allen, Bagby, Benton, Buchanan, Conrad, Linn, Smith of Connecticut, Sturgeon, Williams.

So the resolution was agreed to.

Ordered, That the Secretary lay the said resolution before the President of the United States.

TUESDAY, August 23, 1842.

Mr. Crittenden submitted the following resolution:

Resolved by the Senate, That the injunction of secrecy be removed as to the late treaty with Great Britain, and the proceedings of the Senate thereon; except only that this resolution shall not authorize the publication of said treaty, or any amendment proposed, or proceeding relating thereto, or any speech made in the Senate on its consideration and discussion.

After debate, on motion by Mr. Wright,

Ordered, That the said resolution lie on the table.

WEDNESDAY, August 24, 1842.

On motion by Mr. Conrad,

Ordered, That the Secretary of the Senate return to the Department of State the original papers obtained from that department, under the resolution of the 18th instant, relating to the slaves that were taken from the wreck of the schooner Hermosa, and liberated by the British colonial authorities at Nassau.

MONDAY, August 29, 1842.

Mr. Benton submitted the following resolution:

Resolved, That the injunction of secrecy be forthwith removed from the treaty with Great Britain, the correspondence which accompanied it, and the proceedings thereon, including the speeches and remarks of the Senators.

The Senate, by unanimous consent, proceeded to consider the said resolution.

On motion by Mr. Preston,

That the said resolution be referred to a select committee to consider and report thereon,

It was determined in the negative.

On motion by Mr. Rives,

That the said resolution be amended by adding thereto the following:

"As soon as the treaty shall have been proclaimed by the President of the United States as having been duly ratified by both parties."

On motion by Mr. Barrow,

Ordered, That the said resolution lie on the table.

Mr. Benton submitted the following resolution:

Resolved, That the President of the United States be requested to inform the Senate whether any conferences, written or oral, formal or informal, took place between the American negotiator and the late special minister from Great Britain to the United States, in relation to the payment, assumption, or guarantee of the State debts by the United States; and, if so, to communicate the same to the Senate.

TUESDAY, August 30, 1842.

On motion by Mr. Benton,

The Senate resumed the consideration of the resolution submitted by him yesterday, together with the amendment proposed thereto by Mr. Rives; and the amendment was rejected.

On motion by Mr. Tallmadge,

That the resolution submitted by Mr. Benton lie on the table,

It was determined in the negative—yeas 16, nays 19.

On motion by Mr. Allen,

The yeas and nays being desired by one fifth of the Senators present,

Those who voted in the affirmative are—

Messrs. Barrow, Bates, Berrien, Calhoun, Clayton, Evans, Graham, Huntington, Miller, Phelps, Porter, Rives, Sevier, Tallmadge, White, Woodbridge.

Those who voted in the negative are—

Messrs. Allen, Archer, Bagby, Bayard, Benton, Buchanan, Crafts, Crittenden, Cuthbert, Fulton, Henderson, King, Linn, Mangum, Merrick, Preston, Smith of Indiana, Tappan, Woodbury.

On motion by Mr. Conrad,

To amend the resolution submitted by Mr. Benton, by striking out all after the word "resolved," and inserting the following:

"That the injunction of secrecy be removed from the proceedings and debates on the treaty with Great Britain recently ratified by this body, as soon as the ratification thereof by the British Government shall have been communicated to the Executive;"

On motion by Mr. Tallmadge,

That the said resolution and proposed amendment lie on the table,

It was determined in the affirmative—yeas 17, nays 15.

On motion by Mr. Benton,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative are—

Messrs. Bates, Berrien, Calhoun, Clayton, Crafts, Cuthbert, Evans, Fulton, Graham, Huntington, Merrick, Miller, Phelps, Porter, Rives, Tallmadge, Woodbridge.

Those who voted in the negative are—

Messrs. Allen, Bagby, Bayard, Benton, Buchanan, Crittenden, Henderson, King, Linn, Mangum, Morehead, Smith of Indiana, Tappan, Walker, Woodbury.

Mr. Buchanan submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the injunction of secrecy be removed from the British treaty, the correspondence which accompanied it, and all the proceedings of the Senate thereon, embracing the speeches and remarks of Senators, as soon as the ratifications of the said treaty shall have been exchanged, and it shall have been proclaimed by the President of the United States.

OFFICIAL PAPERS

Connected with the treaty of Washington.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES,

Transmitting the treaty with Great Britain to the Senate of the United States.

TO THE SENATE OF THE UNITED STATES:

I have the satisfaction to communicate to the Senate the results of the negotiations recently had in this city with the British Minister special and extraordinary.

These results comprise—

1st. A treaty to settle and define the boundaries between the territories of the United States, and the possessions of her Britannic Majesty in North America, for the suppression of the African slave-trade, and the surrender of criminals fugitive from justice in certain cases.

2d. A correspondence on the subject of the interference of the colonial authorities of the British West Indies with American merchant vessels driven by stress of weather, or carried by violence, into the ports of those colonies.

3d. A correspondence upon the subject of the attack and destruction of the steamboat Caroline.

4th. A correspondence on the subject of impressment.

If this treaty shall receive the approbation of the Senate, it will terminate a difference respecting boundary which has long subsisted between the two Governments, has been the subject of several ineffectual attempts at settlement, and has sometimes led to great irritation, not without danger of disturbing the existing peace. Both the United States, and the States more immediately concerned, have entertained no doubt of the validity of the American title to all the territory which has been in dispute; but that title was controverted, and the Government of the United States had agreed to make the dispute a subject of arbitration. One arbitration had been actually had, but had failed to settle the controversy; and it was found, at the commencement of last year, that a correspondence had been in progress between the two Governments for a joint commission, with an ultimate reference to an umpire or arbitrator, with authority to make a final decision. That correspon-

dence, however, had been retarded by various occurrences, and had come to no definite result when the special mission of Lord Ashburton was announced. This movement on the part of England afforded, in the judgment of the Executive, a favorable opportunity for making an attempt to settle this long-existing controversy by some agreement or treaty, without further reference to arbitration. It seemed entirely proper that, if this purpose were entertained, consultation should be had with the authorities of the States of Maine and Massachusetts. Letters, therefore, of which copies are herewith communicated, were addressed to the Governors of those States, suggesting that commissioners should be appointed by each of them, respectively, to repair to this city and confer with the authorities of this Government, on a line, by agreement or compromise, with its equivalents and compensations. This suggestion was met by both States in a spirit of candor and patriotism, and promptly complied with. Four commissioners on the part of Maine, and three on the part of Massachusetts (all persons of distinction and high character) were duly appointed and commissioned, and lost no time in presenting themselves at the seat of Government of the United States. These commissioners have been in correspondence with this Government during the period of the discussions; have enjoyed its confidence and freest communications; have aided the general object with their counsel and advice; and, in the end, have unanimously signified their assent to the line proposed in the treaty.

Ordinarily, it would be no easy task to reconcile and bring together such a variety of interests in a matter in itself difficult and perplexed; but the efforts of the Government in attempting to accomplish this desirable object have been seconded and sustained by a spirit of accommodation and conciliation on the part of the States concerned, to which much of the success of these efforts is to be ascribed.

Connected with the settlement of the line of the Northeastern boundary, so far as it respects the States of Maine and Massachusetts, is the continuation of that line along the highlands to the northwesternmost head of Connecticut river. Which of the sources of that stream is entitled to this character, has been matter of controversy, and is of some interest to the State of New Hampshire. The King of the Netherlands decided the main branch to be the northwesternmost head of the Connecticut. This did not satisfy the claim of New Hampshire. The line agreed to in the present treaty follows the highlands to the head of Hall's stream, and thence down that river, embracing the whole claim of New Hampshire, and establishing her title to 100,000 acres of territory more than she would have had by the decision of the King of the Netherlands.

By the treaty of 1783, the line is to proceed down the Connecticut river to the 45th degree of north latitude, and thence west, by that parallel, till it strikes the St. Lawrence. Recent examinations having ascertained that the line heretofore received as the true line of latitude between those points was erroneous, and that the correction of this error would not only leave, on the British side, a considerable tract of territory heretofore supposed to belong to the States of Vermont and New York, but also Rouse's Point, the site of a military work of the United States; it has been regarded as an object of importance, not only to establish the rights and jurisdiction of those States up to the line to which they have been considered to extend, but also to comprehend Rouse's Point within the territory of the United States. The relinquishment by the British Government of all the territory south of the line heretofore considered to be the true line, has been obtained; and the consideration for this relinquishment is to enure, by the provisions of the treaty, to the States of Maine and Massachusetts.

The line of boundary, then, from the source of the St. Croix to the St. Lawrence, so far as Maine and Massachusetts are concerned, is fixed by their own consent, and for considerations satisfactory to them; the chief of these considerations being the privilege of transporting the lumber and agricultural products grown and raised in Maine, on the waters of the St. John and its tributaries, down that river to the ocean, free from imposition or disability. The importance of this privilege, perpetual in its terms, to a country covered at present by pine forests of great value, and much of it capable hereafter of agricultural improvement, is not a matter upon which the opinion of intelligent men is likely to be divided.

So far as New Hampshire is concerned, the treaty secures all that she requires; and New York and Vermont are quieted to the extent of their claim and occupation. The difference which would be made in the northern boundary of these two States, by correcting the parallel of latitude, may be seen on Tanner's maps, (1836,) new atlas, maps Nos. 6 and 9.

From the intersection of the 45th degree of north latitude with the St. Lawrence, and along that river and the lakes to the water communication between Lake Huron and Lake Superior, the line was definitively agreed on by the commissioners of the two Governments, under the 6th article of the treaty of Ghent. But between this last-mentioned point and the Lake of the Woods, the commissioners acting under the 7th article of that treaty found several matters of disagreement, and therefore made no joint report to their respective Governments. The first of these was Sugar island, or St. George's island, lying in St. Mary's river, or the water communication between Lakes Huron and Superior. By the present treaty, this island is embraced in the territories of the United States. Both from soil and position, it is regarded as of much value.

Another matter of difference was the manner of extending the line from the point at which the commissioners arrived, north of Ile Royale, in Lake Superior, to the Lake of the Woods. The British commissioner insisted on proceeding to Fond du Lac, at the southwest angle of the lake, and thence, by the river St. Louis, to the Rainy Lake. The American commissioner supposed the true course to be, to proceed by way of the Dog river. Attempts were made to compromise this difference, but without success. The details of these proceedings are found at length in the printed separate reports of the commissioners.

From the imperfect knowledge of this remote country at the date of the treaty of peace, some of the descriptions in that treaty do not harmonize with its natural features, as now ascertained. "Long Lake" is nowhere to be found under that name. There is reason for supposing, however, that the sheet of water intended by that name is the estuary at the mouth of Pigeon river. The present treaty, therefore, adopts that estuary and river, and afterwards pursues the usual route, across the height of land by the various portages and small lakes, till the line reaches Rainy Lake; from which the commissioners agreed on the extension of it to its termination, in the northwest angle of the Lake of the Woods. The region of country on and near the shore of the lake, between Pigeon river on the north, and Fond du Lac and the river St. Louis on the south and west, considered valuable as a mineral region, is thus included within the United States. It embraces a territory of four millions of acres, northward of the claim set up by the British commissioner under the treaty of Ghent. From the height of land at the head of Pigeon river, westerly to the Rainy Lake, the country is understood to be of little value, being described by surveyors, and marked on the map, as a region of rock and water.

From the northwest angle of the Lake of the Woods, which is found to be in latitude 45 deg. 23 min. 55 sec. north, existing treaties require the line to be run due south to its intersection with the 45th parallel, and thence along that parallel to the Rocky mountains.

After sundry informal communications with the British minister upon the subject of the claims of the two countries to territory west of the Rocky mountains, so little probability was found to exist of coming to any agreement on that subject at present, that it was not thought expedient to make it one of the subjects of formal negotiation, to be entered upon between this Government and the British minister, as part of his duties under his special mission.

By the treaty of 1783, the line of division along the rivers and lakes, from the place where the 45th parallel of north latitude strikes the St. Lawrence, to the outlet of Lake Superior, is invariably to be drawn through the middle of such waters, and not through the middle of their main channels. Such a line, if extended according to the literal terms of the treaty, would, it is obvious, occasionally intersect islands. The manner in which the commissioners of the two Governments dealt with this difficult subject may be seen in their reports. But where the line, thus following the middle of the river, or watercourse, did not meet with islands, yet it was liable sometimes to leave the only practicable navigable channel altogether on one side. The treaty made no provision for the common use of the waters by the citizens and subjects of both countries.

It has happened, therefore, in a few instances, that the use of the river, in particular places, would be greatly diminished, to one party or the other, if, in fact, there was not a choice in the use of channels and passages. Thus, at the Long Sault, in the St. Lawrence—a dangerous passage, practicable only for boats—the only safe run is between the Long Sault islands and Barnhart's island (all which belong to the United States) on one side, and the American shore on the other. On the other hand, by far the best passage for vessels of any depth of water, from Lake Erie into the Detroit river, is between Bois Blanc, a British island, and the Canadian shore. So again there are several channels or passages, of different degrees of facility and usefulness, between the several islands in the river St. Clair, at or near its entry into the lake of that name. In these three cases, the treaty provides that all the several passages and channels shall be free and open to the use of the citizens and subjects of both parties.

The treaty obligations subsisting between the two countries for the suppression of the African slave-trade, and the complaints made to this Government within the last three or four years, (many of them but too well founded,) of the visitation, seizure, and detention of American vessels on that coast by British cruisers, could not but form a delicate and highly important part of the negotiations which have now been held.

The early and prominent part which the Government of the United States has taken for the abolition of this unlawful and inhuman traffic, is well known. By the tenth article of the treaty of Ghent, it is declared that the traffic in slaves is irreconcileable with the principles of humanity and justice, and that both his Majesty and the United States are desirous of continuing their efforts to promote its entire abolition; and it is thereby agreed that both the contracting parties shall use their best endeavors to accomplish so desirable an object. The Government of the United States has, by law, declared the African slave-trade piracy; and, at its suggestion, other nations have made similar enactments. It has not been wanting in honest and zealous efforts, made in conformity with the wishes of the whole country, to accomplish the entire abolition of the traffic in slaves upon the African coast; but these efforts, and those of other countries directed to the same end, have proved, to a considerable degree, unsuccessful. Treaties are known to have been entered into some years ago between England and France, by which the former power, which usually maintains a large naval force on the African station, was authorized to seize, and bring in for adjudication, vessels found engaged in the slave-trade under the French flag.

It is known that, in December last, a treaty was signed in London by the representatives of England, France, Russia, Prussia, and Austria, having for its professed object a strong and united effort of the five powers to put an end to the traffic. This treaty was not officially communicated to the Government of the United States; but its provisions and stipulations are supposed to be accurately known to the public. It is understood to be not yet ratified on the part of France.

No application or request has been made to this Government to become a party to this treaty; but the course it might take in regard to it has excited no small degree of attention and discussion in Europe, as the principle upon which it is founded, and the stipulations which it contains, have caused warm animadversion and great political excitement.

In my message at the commencement of the present session of Congress, I endeavored to state the principles which this Government supports respecting the right of search and the immunity of flags. Desirous of maintaining those principles fully, at the same time that existing obligations should be fulfilled,

I have thought it most consistent with the honor and dignity of the country that it should execute its own laws, and perform its own obligations, by its own means and its own power. The examination or visitation of the merchant vessels of one nation by the cruisers of another, for any purpose except those known and acknowledged by the law of nations, under whatever restraints or regulations it may take place, may lead to dangerous results. It is far better, by other means, to supersede any supposed necessity, or any motive, for such examination or visit. Interference with a merchant vessel by an armed cruiser is always a delicate proceeding, apt to touch the point of national honor, as well as to affect the interests of individuals. It has been thought, therefore, expedient, not only in accordance with the stipulations of the treaty of Ghent, but at the same time as removing all pretext on the part of others for violating the immunities of the American flag upon the seas, as they exist and are defined by the law of nations, to enter into the articles now submitted to the Senate.

The treaty which I now submit to you proposes no alteration, mitigation, or modification of the rules of the law of nations. It provides simply that each of the two Governments shall maintain, on the coast of Africa, a sufficient squadron to enforce, separately and respectively, the laws, rights, and obligations of the two countries for the suppression of the slave-trade.

Another consideration of great importance has recommended this mode of fulfilling the duties and obligations of the country. Our commerce along the western coast of Africa is extensive, and supposed to be increasing. There is reason to think that, in many cases, those engaged in it have met with interruptions and annoyances, caused by the jealousy and instigation of rivals engaged in the same trade. Many complaints on this subject have reached the Government. A respectable naval force on the coast is the natural resort and security against further occurrences of this kind.

The surrender to justice of persons who, having committed high crimes, seek an asylum in the territories of a neighboring nation, would seem to be an act due to the cause of general justice, and properly belonging to the present state of civilization and intercourse. The British provinces of North America are separated from the States of the Union by a line of several thousand miles; and, along portions of this line, the amount of population on either side is quite considerable, while the passage of the boundary is always easy.

Offenders against the law, on the one side, transfer themselves to the other. Sometimes, with great difficulty, they are brought to justice; but very often they wholly escape. A consciousness of immunity, from the power of avoiding justice in this way, instigates the unprincipled and reckless to the commission of offences; and the peace and good neighborhood of the border are consequently often disturbed.

In the case of offenders fleeing from Canada into the United States, the Governors of States are often applied to for their surrender; and questions of a very embarrassing nature arise from these applications. It has been thought highly important, therefore, to provide for the whole case, by a proper treaty stipulation. The article on the subject in the proposed treaty is carefully confined to such offences as all mankind agree to regard as heinous, and destructive of the security of life and property. In this careful and specific enumeration of crimes, the object has been to exclude all political offences, or criminal charges, arising from wars or intestine commotions. Treason, misprision of treason, libels, desertion from military service, and other offences of similar character, are excluded.

And lest some unforeseen inconvenience or unexpected abuse should arise from the stipulation, rendering its continuance, in the opinion of one or both of the parties, not longer desirable, it is left in the power of either to put an end to it at will.

The destruction of the steamboat Caroline at Schlosser, four or five years ago, occasioned no small degree of excitement at the time, and became the subject of correspondence between the two Governments. That correspondence having been suspended for a considerable period, was renewed in the spring of the last year; but, no satisfactory result having been arrived at, it was thought proper, though the occurrence had ceased to be fresh and recent, not to omit attention to it on the present occasion. It has only been so far discussed, in the correspondence now submitted, as it was accomplished by a violation of the territory of the United States. The letter of the British minister, while he attempts to justify that violation upon the ground of a pressing and overruling necessity—admitting, nevertheless, that, even if justifiable, an apology was due for it, and accompanying this acknowledgment with assurances of the sacred regard of his Government for the inviolability of national territory—has seemed to me sufficient to warrant forbearance from any further remonstrance against what took place, as an aggression, on the soil and territory of the country.

On the subject of the interference of the British authorities in the West Indies, a confident hope is entertained that the correspondence which has taken place, showing the grounds taken by this Government, and the engagements entered into by the British minister, will be found such as to satisfy the just expectation of the people of the United States.

The impressment of seamen from merchant vessels of this country by British cruisers, although not practised in time of peace, (and, therefore, not at present a productive cause of difference and irritation,) has, nevertheless, hitherto been so prominent a topic of controversy, and is so likely to bring on renewed contentions at the first breaking out of an European war, that it has been thought the part of wisdom now to take it into serious and earnest consideration. The letter from the Secretary of State to the British minister explains the ground which the Government has assumed, and the principles which it means to uphold. For the defence of these grounds, and the maintenance of these principles, the most perfect reliance is placed on the intelligence of the American people, and on their firmness and patriotism in whatever touches the honor of the country, or its great and essential interests.

JOHN TYLER.

WASHINGTON, August 11, 1842.

CORRESPONDENCE WITH THE BRITISH SPECIAL MISSION.

NORTHEASTERN AND NORTHWESTERN BOUNDARY.

Lord Ashburton to Mr. Webster.

WASHINGTON, June 13, 1842.

SIR: On considering the most effectual mode of proceeding to arrive at an amicable and satisfactory termination of the long-continued controversy respecting the Northeastern boundary between the British colony of New Brunswick and the State of Maine, I believe that I may confidently conclude, from what has passed in the preliminary conferences which I have had the honor of holding with you, that we concur in the opinion, that no advantage would be gained by reverting to the interminable discussion on the general grounds on which each party considers their claims respectively to rest. In the course of the many years that this discussion has lasted, every argument, on either side, is apparently exhausted, and that without any approach to an agreement. The present attempt, therefore, of a settlement, must rest, for its success, not on the renewal of a controversy, but on proceeding on the presumption that, all means of a reciprocal conviction having failed as also the experiment of calling in the aid of a friendly arbiter and umpire, there remains only the alternative of a compromise for the solution of this otherwise apparently insurmountable difficulty; unless, indeed, it were determined to try a second arbitration, attended by its delay, trouble, and expense, in defiance of past experience as to the probability of any more satisfactory results.

It is undoubtedly true, that, should our present attempt unfortunately fail, there might remain no other alternative but a second reference; yet when I consider all the difficulty and uncertainty attending it, I trust that all parties interested will come to the conclusion, that the very intricate details connected with the case must be better known and judged by our two Governments than any diligence can make them to be by any third party, and that a sincere candid disposition to give reciprocally fair weight to the arguments on either side is likely to lead us to a more satisfactory settlement than an engagement to abide by the uncertain award of a less competent tribunal. The very friendly and cordial reception given by you, sir, as well as by all the authorities of your Government, to the assurance that my mission here, by my Sovereign, has been determined by an unfeigned desire to settle this and all other questions of difference between us, on principles of conciliation and justice, forbid me to anticipate the possibility of the failure of our endeavors applied with sincerity to this purpose.

With this view of the case, therefore, although not unprepared to enter into the general argument, I abstain from so doing from the conviction that an amicable settlement of this vexed question, so generally desired, will be thereby best promoted. But, at the same time, some opinions have been industriously emitted throughout this controversy, and in some instances by persons in authority, of a description so much calculated to mislead the public mind, that I think it may be of service to offer a few observations.

I do not, of course, complain of the earnest adherence of partisans on either side to the general arguments on which their case is supposed to rest; but a position has been taken, and facts have been repeatedly stated, which I am sure the authorities of the Federal Government will be abundantly able to contradict, but which have evidently given rise to much public misapprehension. It is maintained that the whole of this controversy about the boundary began in 1814; that up to that period the line as claimed by Maine was undisputed by Great Britain; and that the claim was avowedly founded on motives of interest, to obtain the means of conveniently connecting the British provinces. I confine these remarks to the refuting this imputation; and I should, indeed, not have entered upon controversy, even on this, if it did not appear to me to involve, in some degree, a question of national sincerity and good faith.

The assertion is founded on the discussions which preceded the treaty of peace signed at Ghent in 1814. It is perfectly true that a proposal was submitted by the British plenipotentiaries for the revision of the boundary line on the Northeastern frontier, and that it was founded on the position that it was desired to secure the communication between the provinces, the precise delimitation of which was at that time imperfectly known. The American plenipotentiaries, in their first communication from Ghent to the Secretary of State, admit that the British ministers expressly disclaimed any intention of acquiring an increase of territory, and that they proposed the revision for the purpose of preventing uncertainty and dispute—a purpose sufficiently justified by subsequent events. Again, in their note of the 4th of September, 1814, the British ministers remind those from America that the boundary had never been ascertained, and that the line *claimed by America*, which interrupted the communication between Halifax and Quebec, never could have been in the contemplation of the parties to the treaty of peace of 1783. The same view of the case will be found to pervade all the communications between the plenipotentiaries of the two countries at Ghent. There was no attempt to press any cession of territory on the ground of policy or expediency; but, although the precise geography of the country was then imperfectly known, it was notorious at the time that different opinions existed as to the boundary likely to result from continuing the north line from the head of the river St. Croix. This appears to have been so clearly known and admitted by the American plenipotentiaries, that they, in submitting to the conference the project of a treaty, offer a preamble to their 4th article, in these words: "Whereas, neither *that part of the highlands* lying due north from the source of the river St. Croix, and designated in the former treaty of peace between the two powers, as the northwest angle of Nova Scotia, nor the northwesternmost head of the Connecticut river, has yet been ascertained," &c. It should here be observed that these are the words proposed—not by the British, but by the American negotiators; and that they were finally adopted by both in the fifth article of the treaty.

To close my observations upon what passed on this subject at Ghent, I would draw your attention to the letter of Mr. Gallatin, one of the American plenipotentiaries, to Mr. Secretary Monroe, of the 25th of December, 1814. He offers the following conjecture as to what might probably be the arguments of Great Britain against the lines set up by America: "They hope that the river which empties

into the Bay des Chaleurs, in the Gulf of St. Lawrence, has its source so far west as to intervene between the headwaters of the river St. John and those of the streams emptying into the river St. Lawrence; so that the line north from the source of the river St. Croix will first strike the heights of land which divide the waters emptying into the Atlantic ocean (river St. John) from those emptying into the Gulf of St. Lawrence, (river des Chaleurs,) and afterward the heights of land which divide the waters emptying into the Gulf of St. Lawrence (river des Chaleurs) from those emptying into the river St. Lawrence; but that the said line never can, in the words of the treaty, strike any spot of land actually dividing the waters emptying into the Atlantic ocean, from those which fall into the river St. Lawrence."

So obvious an argument in opposition to the line claimed by America could not escape the known sagacity of Mr. Gallatin. I state it, not for the purpose of discussing its merit, but to show that, at Ghent, not only the fact was well known that this boundary was a matter in dispute, but that the arguments respecting it had then been weighed by the gentleman so eminent in its subsequent discussion. Indeed, the fact that the American ministers made this disputed question a matter for reference, by a treaty afterward ratified by the President and Senate, must, in every candid mind, be sufficient proof that it was generally considered to be involved in sufficient doubt to entitle it to such a mode of solution. It cannot, possibly, be supposed that the President and Senate would have admitted, by treaty, doubts respecting this boundary, if they had been heard of for the first time through the pretensions of the British plenipotentiaries at Ghent.

If the argument or assertions which I am now noticing, and to which I studiously confine myself, had not come from authority, I should owe some apology for these observations. The history of this unfortunate controversy is too well known to you, sir, and stands but too voluminously recorded in your department, to make them necessary for your own information.

The repeated discussions between the two countries, and the repeated projects for settlement which have occupied every successive administration of the United States, sufficiently prove how unfounded is the assertion that doubts and difficulties respecting this boundary had their first origin in the year 1814. It is true that down to that time, and, indeed, to a later period, the local features of the country were little known, and the different arguments had, in consequence, not assumed any definite form; but sufficient was known to both parties to satisfy them of the impossibility of tracing strictly the boundary prescribed by the treaty of peace of 1783.

I would refer, in proof of this, simply to American authorities, and those of the very first order.

In the year 1802, Mr. Madison, at that time Secretary of State for the United States, in his instructions to Mr. Rufus King, observed that the difficulty in fixing the northwest angle of Nova Scotia "arises from a reference, in the treaty of 1783, to highlands which it is now found have no definite existence." And he suggests the appointment of a commission, to be jointly appointed, "to determine on a point most proper to be substituted for the description in article II of the treaty of 1783." Again: Mr. President Jefferson, in a message to Congress, on the 17th October, 1803, stated that "a further knowledge of the ground in the northeastern and northwestern angles of the United States has evinced that the boundaries established by the treaty of Paris, between the British territories and ours, in those points, were too imperfectly described to be susceptible of execution."

These opinions of two most distinguished American statesmen gave rise to a convention of boundary, made in London by Mr. Rufus King and Lord Hawkesbury, which, from other circumstances, which it is not necessary to refer to, was not ratified by the Senate.

I might further refer you on this subject to the report of Judge Sullivan, who acted as commissioner of the United States for settling the controversy with Great Britain, respecting the true river St. Croix, who says, "the boundary between Nova Scotia and Canada was described by the King's proclamation in the same mode of expression as that used in the treaty of peace. Commissioners who were appointed to settle that line have traversed the country in vain to find the highlands designated as the boundary."

With these known facts, how can it possibly be maintained that doubts about the boundary arose for the first time in the year 1814?

I need not pursue this subject further. Indeed, it would have been useless to treat of it at all, with any person having before him the records of the diplomatic history of the two countries for the last half a century. My object in adverting to it is, to correct an error, arising, I am ready to believe, not from any intention to misrepresent, but from want of information, and which seemed to be sufficiently circulated to make some refutation useful toward promoting the desired friendly and equitable settlement of this question.

We believe the position maintained by us on the subject of this boundary to be founded in justice and equity; and we deny that we have been determined in our pretensions by policy and expedience. I might, perhaps, fairly admit that those last-mentioned considerations have prompted, in some measure, our perseverance in maintaining them. The territory in controversy is (for that portion of it at least which is likely to come to Great Britain by any amicable settlement) as worthless for any purposes of habitation or cultivation as probably any tract of equal size on the habitable globe, and if it were not for the obvious circumstance of its connecting the British North American provinces, I believe I might venture to say that, whatever might have been the merit of our case, we should long since have given up the controversy, and willingly have made the sacrifice to the wishes of a country with which it is so much our interest, as it is our desire, to maintain the most perfect harmony and good will.

I trust that this sentiment must be manifest in my unreserved communication with you on this and all other subjects connected with my mission. If I have failed in this respect, I shall have ill obeyed the instructions of my Government and the earnest dictates of my personal inclination. Permit me, sir, to avail myself of this, my first opportunity of formally addressing you, to assure you unfeignedly of my most distinguished consideration.

ASHBURTON.

Hon. DANIEL WEBSTER.

Mr. Webster to Lord Ashburton.

DEPARTMENT OF STATE,
Washington, 17th June, 1842.

Lord Ashburton having been charged by the Queen's Government with full powers to negotiate and settle all matters in discussion between the United States and England; and having, on his arrival at Washington, announced that, in relation to the question of the Northeastern boundary of the United States, he was authorized to treat for a conventional line, or line by agreement, on such terms and conditions, and with such mutual considerations and equivalents, as might be thought just and equitable; and that he was ready to enter upon a negotiation for such conventional line, so soon as this Government should say that it was authorized and ready on its part to commence such negotiation,—the undersigned, Secretary of State of the United States, has now the honor to acquaint his lordship, by direction of the President, that the undersigned is ready, on behalf of the Government of the United States, and duly authorized, to proceed to the consideration of such conventional line, or line by agreement; and will be happy to have an interview on that subject, at his lordship's convenience.

The undersigned avails himself of this occasion to tender to Lord Ashburton assurances of his distinguished consideration.

DANIEL WEBSTER.

Lord ASHBURTON, &c., &c., &c.

Lord Ashburton to Mr. Webster.

WASHINGTON, June 17, 1842.

The undersigned, plenipotentiary of her Britannic Majesty on an extraordinary and special mission to the United States of America, has the honor of acknowledging, with much satisfaction, the communication received this day from Mr. Webster, Secretary of State of the United States, that he is ready, on behalf of the United States, and duly authorized, in relation to the question of the Northeastern boundary of the United States, to proceed to the consideration of a conventional line, or line by agreement, on such terms and conditions, and with such mutual considerations and equivalents, as might be thought just and equitable. And, in reply to Mr. Webster's invitation to the undersigned to fix some time for their first conference upon this subject, he begs to propose to call on Mr. Webster, at the Department of State, to-morrow, at 12 o'clock, for this purpose, should that time be perfectly convenient to Mr. Webster.

The undersigned avails himself of this opportunity to assure Mr. Webster of his distinguished consideration.

ASHBURTON.

Hon. DANIEL WEBSTER, &c., &c., &c.

Mr. Webster to Lord Ashburton.

DEPARTMENT OF STATE,
Washington, June 17, 1842.

The Secretary of State will have great pleasure in seeing Lord Ashburton at twelve o'clock to-morrow, as proposed by him.

Lord ASHBURTON, &c., &c., &c.

Lord Ashburton to Mr. Webster.

WASHINGTON, 21st June, 1842.

SIR: The letter you did me the honor of addressing me the 17th instant, informed me that you were now prepared and authorized to enter with me into discussion of that portion of the differences between our two countries which relates to the Northeastern boundary; and we had, the following day, our first formal conference for this purpose, with a view to consider, in the first instance, the best mode of proceeding to arrive at what is so much desired by all parties—an amicable, and, at the same time, equitable settlement of a controversy, which, with the best intentions, the authorities of the two countries, for nearly half a century, have in vain endeavored to effect.

The result of this conference has been, that I have been invited by you to state, generally, my views of this case, and of the expectations of my Government; and although I am aware that, in the ordinary practice of diplomatic intercourse, I should expose myself to some disadvantage by so doing, I nevertheless do not hesitate to comply; premising, only, that the following observations are to be considered merely as memoranda for discussion, and not as formal propositions, to have any binding effect, should our negotiations have the unfortunate fate of the many which have preceded it, of ending in disappointment.

I believe you are sufficiently aware of the circumstances which induced me personally to undertake this mission. If the part which, during a long life, I have taken in public affairs, is marked by any particular character, it has been by an earnest, persevering desire to maintain peace, and to promote harmony between our two countries. My exertions were unavailingly employed to prevent the last unfortunate war, and have since been unremitting in watching any passing clouds which might at any time forebode its renewal. On the accession to power of the present ministers in England, perceiving the same wise and honorable spirit to prevail with them, I could not resist the temptation and the hope of being of some service to my country and to our common race, at a time of life when no other cause could have had sufficient interest to draw me from a retirement better suited to my age and to my inclinations.

I trust, sir, that you will have perceived, in the course of my hitherto informal communications with you, that I approach my duties generally without any of those devices and manœuvres which are supposed (I believe ignorantly) to be the useful tools of ordinary diplomacy. With a person of your penetration, they would avail as little as they would with the intelligent public of the two great enlightened countries of whose interests we are treating. I know no other mode of acting than open, plain-dealing, and I therefore disregard, willingly, all the disadvantage of complying with the invitation given me, to be the first to speak on this question of the Eastern boundary. It is already agreed that we abstain from a continued discussion of the arguments by which the lines of the two countries are reciprocally maintained; and I have so well observed this rule, that I have not even communicated to you a volume of additional controversial matter which I brought with me, and much of which would, if controversy were our object, be of no inconsiderable weight and importance. It would be in the event only of the failure of this negotiation—which I will not anticipate—that we should be again driven into the labyrinth from which it is our purpose to escape; and that, failing

to interpret strictly the words of the treaty, we should be obliged to search again into cotemporaneous occurrences and opinions for principles of construction which might shed light on the actual intentions of the parties.

Our success must, on the contrary, depend on the reciprocal admission or presumption that the royal arbiter was so far right when he came to the conclusion which others had come to before him, that the treaty of 1783 was not executable according to its strict expression, and that the case was therefore one for agreement by compromise. The only point upon which I thought it my duty to enter upon anything like controversy, is that referred to in my letter of the 13th instant; and I did so to rescue my Government and myself from an imputation of unworthy motives, and the charge that they had set up a claim which they knew to be unfounded, from mere considerations of policy or convenience. The assertions of persons in my position, on subjects connected with their diplomatic duties, are naturally received by the world with some caution; but I trust you will believe me when I assure you that I should not be the person to come here on any such errand. I do not pretend, nor have I ever thought, the claim of Great Britain with respect to this boundary, any more than the claim of America, to be unattended with difficulties. Those claims have been considered by impartial men of high authority, and unquestioned ability, to be equally so attended; and therefore it is that this is a question for a compromise, and it is this compromise which it has become our duty to endeavor to accomplish. I will only here add the most solemn assurance, (which I would not lightly make,) that, after a long and careful consideration of all the arguments and inferences, direct and circumstantial, bearing on the whole of this truly difficult question, it is my settled conviction that it was the intention of the parties to the treaty of peace of 1783, however imperfectly those intentions may have been executed, to leave to Great Britain, by their description of boundaries, the whole of the waters of the river St. John.

The length of these preliminary observations requires, perhaps, some apology; but I now proceed to comply with your application to me to state the principles and conditions on which, it appears to me, that this compromise, which it is agreed we should attempt, should be founded.

A new boundary is in fact to be traced between the State of Maine and the province of New Brunswick. In doing this, reference must be had to the extent and value of the territory in dispute; but, as a general principle, we cannot do better than keep in mind the intention of the framers of the first treaty of peace in 1783, as expressed in the preamble to the provisional articles in the following words: "Whereas reciprocal advantages and mutual convenience are found by experience to form the only permanent foundation of peace and friendship between States," &c. I have on a former occasion explained the reasons which have induced the British Government to maintain their rights in this controversy beyond any apparent value in the object in dispute, to be the establishing a good boundary between our two countries, so as to prevent collision and dispute, and an unobstructed communication and connexion of our colonies with each other. Further, it is desired to retain under the jurisdiction of each Government respectively, such inhabitants as have for a length of time been so living, and to whom a transfer of allegiance might be painful or distressing.

These are shortly the objects we have in view, and which we must now see to reconcile to a practical division of the territory in dispute. Great Britain has no wish of aggrandizement for any general purpose of increased dominion, as you must be satisfied by the liberality with which I have professed myself ready to treat questions of boundaries in other quarters where no considerations of particular convenience or fitness occur. I might further prove this by calling your attention to the fact, that of the land likely to come to us by any practical settlement, nine-tenths parts of it are, from its position and quality, wholly worthless. It can support no population, it grows even little timber of value, and can be of no service but as a boundary, (though, from its desert nature) a useful boundary for two distinct Governments.

In considering on the map a division of the territory in question, this remarkable circumstance must be kept in mind—that a division of acres by their number would be a very unequal division of their value. The Southern portion of this territory, the valley of the Aroostook, is represented to be one of the most beautiful and most fertile tracts of land in this part of the continent; capable of the highest state of cultivation, and covered with fine timber; while the Northern portion, with the exception of that small part comprised within the Madawaska settlement, is of the miserable description I have stated. It would be no exaggeration to say, that one acre on the Aroostook would be of much more value than ten acres north of the St. John. There would be, therefore, no equality in making a division of acre for acre.

But although I remind you of this circumstance, I do not call on you to act upon it. On the contrary, I am willing that you should have the advantage in this settlement, both in the quantity and the quality of this land. All I wish is to call this fact in proof of my assertion, that the object of Great Britain was simply to claim that which was essential to her, and would form a convenient boundary, and to leave all the more material advantages of this bargain to the State of Maine.

I now come to the more immediate application of these principles to a definite line of boundary; and looking at the map with reference to the sole object of Great Britain as already described, the line of the St. John from where the north line from the St. Croix strikes it, up to some one of its sources, seems evidently to suit both parties, with the exception which I shall presently mention. This line throws the waste and barren tract to Great Britain, and the rich and valuable lands to Maine; but it makes a good boundary, one which avoids collision and probable dispute; and, for the reasons stated, we should be satisfied with it, if it were not for the peculiar circumstances of a settlement formed on both sides of the St. John, from the mouth of the Madawaska up to that of the Fish river.

The history and circumstances of this settlement are well known to you. It was originally formed from the French establishments in Acadia, and has been uninterruptedly under French or British dominion, and never under any other laws. The inhabitants have professed great apprehension of being surrendered by Great Britain, and have lately sent an earnest petition to the Queen, deprecating that being done. Further, this settlement forms one united community, all connected together, and living some on one, and some on the other side of the river, which forms a sort of high road between them. It seems self-evident that no more inconvenient line of boundary could well be drawn than one which divides in two an existing municipality, inconvenient as well to the inhabitants themselves, as to the authorities under which they are to live. There would be evident hardship (I might say cruelty) in separating this now happy and contented village, to say nothing of the bickerings and probable collisions likely to arise from taking in this spot the precise line of the river, which would under other circumstances satisfy us. Indeed, I should consider that such a separation of these industrious settlers, by placing them under separate laws and governments, a most harsh proceeding; and that we should thereby abandon the great object we should have in view—of the happiness and convenience of the people, and the fixing a boundary the least likely to occasion future strife.

I dwell on this circumstance at some length, in justification of the necessity I am under of departing, to this inconsiderable extent, from the marked line of the river St. John. What line should be taken to cover this difficulty, I shall have to consider with you; but I cannot in any case abandon the obvious interests of these people. It will be seen, by an inspection of the map, that it is not possible to meet this difficulty by making over to Maine the northern portion of this settlement, as that would be giving up by Great Britain the immediately adjoining communications with Canada, which it is her principal object to preserve.

These observations dispose of those parts of this question which immediately concern the State of Maine; but it may be well at the same time to state my views respecting the adjoining boundary of the States of New Hampshire, Vermont, and New York; because they make part of the reference to the King of the Netherlands, and were, indeed, the only part of the subject in dispute upon which a distinct decision was given.

The question here at issue between the two countries was as to the correct determination of the parallel of latitude, and the true source of the Connecticut river. Upon both these points decisions were pronounced in favor of Great Britain; and I might add, that the case of America, as matter of right, was but feebly and doubtingly supported by her own authorities. I am, nevertheless, disposed to surrender the whole of this case, if we should succeed in settling, as proposed, the boundary of Maine. There is a point or two in this line of boundary where I may have to consider, with the assistance of the surveyors acquainted with the localities, the convenience of the resident settlers; as, also, what line may best suit the immediate country at the head of the Connecticut river; but, substantially, the Government of America shall be satisfied, and this point be yielded to them.

This concession, considered with reference to the value of the land ceded, which is generally reported to be fertile, and contains a position at Rouse's Point much coveted in the course of the controversy, would, under ordinary circumstances, be considered of considerable importance. The concession will, however, be made by Great Britain without reluctance, not only to mark the liberal and conciliatory spirit by which it is desired to distinguish these negotiations, but because the case is, in some respects, analogous to that of the Madawaska settlement, before considered. It is believed that the settlers on the narrow strip, which would be transferred to Great Britain by rectifying the 45th parallel of latitude, which was formerly incorrectly laid down, are principally from the United States; and that their opinions and habits incline them to give a preference to that form of government under which, before the discovery of the error in question, they supposed themselves to be living. It cannot be desired by her Majesty to acquire any addition of territory under such circumstances, whatever may be the weight of her rights; but it will be observed that the same argument applies almost exactly to the Madawaska settlement, and justifies the reservation I am there obliged to make. In these days, the convenience and happiness of the people to be governed will ever be the chief guide in transactions of this description between such Governments as those of Great Britain and the United States.

Before quitting this subject, I would observe that it is rumored that Major Graham, in his late survey in Maine, reports some deviation from the true north of the line from the head of the St. Croix toward the St. John. I would here also propose to abide by the old line long established, and from which the deviation by Major Graham is, I am told, inconsiderable, without at all doubting the accuracy and good faith of that very distinguished officer.

In stating the important concessions I am prepared to make on a final settlement of these boundaries, I am sensible that concessions to one State of this Union are not always to be made available for the satisfaction of any other; but you are aware that I am treating with the United States, and that for a long line of important boundaries; and that I could not presume to enter on the question how this settlement might operate on, or be in any way compensated to the different States of the Confederacy. I should, however, add my unfeigned belief that what I have proposed will appear reasonable with reference to the interests of the State of Maine, considered singly. That the proposition, taken as a whole, will be satisfactory to the country at large, I can entertain no doubt.

I abstain from noticing here the boundaries further west, which I am prepared to consider and to settle, because they seem to form part of a case which it will be more convenient to treat separately.

In the course of these discussions, much anxiety has been expressed that Maine should be assured of some means of communication by the St. John, more especially for the conveyance of her lumber. This subject I am very willing to consider, being sensible of the great importance of it to that State, and that the friendly and peaceful relations between neighboring countries cannot be better secured than by reciprocally providing for all their wants and interests. Lumber must for many years be the principal produce of the extensive valley of the Aroostook and of the southern borders of the St. John; and it is evident that this article of trade, being worth anything, must mainly depend upon its having access to the sea through that river. It is further evident, that there can be no such access under any arrangement otherwise than by the consent of the province of New Brunswick. It is my wish to seek an early opportunity of considering, with some person well acquainted

with the commerce of that country, what can be done to give it the greatest possible freedom and extent, without trenching too much on the fiscal regulations of the two countries. But, in the mean time, in order to meet at once the urgent wants and wishes of Maine in this respect, I would engage that, on the final settlement of these differences, all lumber and produce of the forest of the tributary waters of the St. John shall be received freely without duty, and dealt with in every respect like the same articles of New Brunswick. I cannot now say positively whether I may be able to go further; but this seems to me what is principally required. Suggestions have at times been thrown out, of making the port and river of St. John free to the two countries; but I think you will be sensible that this could not be done without some reciprocity for the trade of St. John in ports of the United States; and that, in endeavoring to regulate this, we should be embarking in an intricate question, much and often discussed between the two countries. It cannot also fail to occur to you, that joint rights in the same harbors and waters must be a fruitful source of dissension, and that it behooves us to be careful not to sow the seeds of future differences in the settlement of those of our own day.

I have now stated, as I was desired to do, my views of the terms on which it appears to me that this settlement may be made. It must be sufficiently evident that I have not treated the subject in the ordinary form of a bargain, where the party making the proposal leaves himself something to give up. The case would not admit of this, even if I could bring myself so to act. It would have been useless for me to ask what I know could not be yielded; and I can unfeignedly say that, even if your vigilance did not forbid me to expect to gain any undue advantage over you, I should have no wish to do so. The treaty we have to make will be subjected to the scrutiny of a jealous and criticising public; and it would ill answer its main purpose of producing and perpetuating harmony and good will, if its provisions were not considered by good and reasonable men to make a just and equitable settlement of this long-continued controversy.

Permit me, sir, to conclude with the assurance of my distinguished consideration,

ASHBURTON.

Hon. DANIEL WEBSTER,
&c., &c., &c.,

Mr. Webster to Lord Ashburton.

DEPARTMENT OF STATE,
Washington, July 8, 1842.

MY LORD: Your notes of the 13th and 21st of June were duly received.

In the first of these you correctly say that, in our conferences on the boundary question, we have both been of opinion that no advantage would be gained by resorting at this time to the discussion at length of the grounds on which each party considers its claim of right to rest. At the same time, you deem it expedient, nevertheless, to offer some observations calculated, in your judgment, to repel a supposed allegation, or suggestion, that this controversy only began in 1814; that, up to that period, the American claim was undisputed; and that the English claim, as now set forth, is founded merely in motives of interest. Nothing is more natural than that your Lordship should desire to repel an imputation which would impeach the sincerity and good faith of your Government, and all the weight which justice and candor require is given to your Lordship's observations in this respect. It is not my purpose, nor do I conceive it pertinent to the occasion, to go into any consideration of the facts and reasonings presented by you, to show the good faith and sincerity of England in the claim asserted by her. Any such discussion would be a departure from the question of right now subsisting between the two Governments, and would be more especially unfit for an occasion in which the parties are approaching each other in a friendly spirit, with the hope of terminating the controversy by agreement. Following your Lordship's example, however, I must be permitted to say that few questions have ever arisen under this Government in regard to which a stronger or more general conviction was felt that the country was in the right, than this question of the Northeastern boundary. To say nothing of the sentiments of the Governments and people of the States more directly interested, whose opinions may be supposed capable of bias, both Houses of Congress, after full and repeated consideration, have affirmed the validity of the American claim, by a unanimity experienced on very few other subjects; and the general judgment of the whole people seems to be the same way. Abstaining from all historical facts, all contemporaneous expositions, and all external arguments and circumstances, I will venture to present to your Lordship a very condensed view of the reasons which produce in this country the conviction that a boundary line may be ascertained, run, and delineated with precision, under and according to the words of the stipulation in the treaty of 1783; that no doubt can be raised by any part of that stipulation, which other parts of it do not remove or explain; and that a line so run would include all that the United States claim. This view is presented by a series of short propositions.

1. The northwest angle of Nova Scotia is the thing to be sought for and found.

2. That angle is to be ascertained by running a line due north from the source of the St. Croix river till that line reaches the highlands; and where such north line intersects the highlands, there is the angle; and thence the line is to run along the *said* highlands; which *said* highlands divide those rivers which empty themselves into the river St. Lawrence from those that fall into the Atlantic ocean. The angle required, therefore, is an angle made by the intersection of a due-north line with highlands, from one slope of which the rivers empty themselves into the river St. Lawrence, and from the other into the Atlantic ocean.

3. Supposing it to be matter of doubt whether the St. John and the Ristigouch are rivers falling into the Atlantic ocean, in the sense of the treaty, then the rule of just interpretation is, that if one element or one part in the description be uncertain, it is to be explained by others which are certain, if there be such others. Now, there is no doubt as to the rivers which fall into the St. Lawrence. They are certain; and to their sources the north line is to run, since at their sources the highlands required by the treaty do certainly exist. And departing, for a moment, from the rule just prescribed to myself, I will remind your Lordship that the joint commissioners and agents of the two Governments in 1817, in giving the surveyors instructions for finding these highlands, directed them, in terms, to proceed upon a due-north line "till they should arrive at some one of the streams connected with the river St. Lawrence;" and then to explore the highlands from that point to the northwesternmost head of Connecticut river. It is indisputable that a line run according to these instructions, thus given by the commissioners and agents of both Governments, would give to the United States all that they have at any time claimed.

4. It is certain that, by the treaty, the eastern boundary of the United States, from the head of the St. Croix, is to be a due-north and south line. And it is equally certain that this line is to run north till it reaches highlands, from whose northern watershed the rivers flow into the river St. Lawrence.

5. These two things being—one mathematically, and the other physically—certain in themselves, and capable of being precisely marked and delineated, explain or control the uncertainty, if there be uncertainty, in the other part or element of the description.

6. The British argument, assuming that the Bay of Fundy, and more especially the Bay of Chaleurs, are not the Atlantic ocean, within the meaning of the treaty, insists that the rivers flowing into these bays are not, therefore, in the sense of the treaty, rivers falling into the Atlantic; and therefore the highlands to which the United States claim have not that southern or eastern watershed which the treaty calls for; and as it is agreed, nevertheless, that we must somewhere find highlands, and go to them, whose northern waters run into the St. Lawrence, the conclusion is, that the different parts of the description in the treaty do not cohere, and that, therefore, the treaty cannot be executed.

7. Our answer to this, as is obvious from what has already been said, is twofold.

First. What may be doubtful in itself, may be made certain by other things which are certain; and inasmuch as the treaty does certainly demand a due-north line, and does certainly demand the extension of that line to highlands from whose northern sides the rivers flow into the river St. Lawrence, thence two clear requirements make it plain that the parties to the treaty considered, in fact, the rivers flowing from the south or east of the *said* highlands to be rivers falling into the Atlantic ocean; because they have placed the St. Lawrence rivers and the Atlantic rivers in contradistinction to each other, as rivers running in opposite directions, but with their sources in the same highlands. Rivers fed from these highland fountains, running north or northwest, are rivers emptying themselves into the St. Lawrence; and rivers arising from the same fountains, and running in an opposite direction, seem to be as clearly meant to be designated by the character of Atlantic rivers. And, as strongly corroborating this view of the subject, allow me to call your Lordship's attention to two facts.

1. The coast of the Atlantic ocean, from Penobscot river northeasterly, and the western shore of the Bay of Fundy, (which is but a continuation of the coast, and is in a line with it,) is very nearly parallel to the course of the river St. Lawrence through the same latitudes. This is obvious from the map.

2. The rivers which, from their sources in the same ridge, flow respectively into the St. Lawrence and into the Bay of Fundy, and even into the Bay of Chaleurs, run with remarkable uniformity in directions almost exactly opposite, as if hastening away from a common origin to their different destinations by the shortest course. The only considerable exception to this, is the northern sweep of the upper part of the St. John; but the smaller streams flowing into this part of that river from the west still strictly obey the general rule.

Now if, from a certain general line on the face of the country, or as delineated on the map, rivers are found flowing away in opposite directions, however strongly it may be asserted that the mountains or eminences are but isolated elevations, it is nevertheless absolutely certain that such a line does in fact define a ridge of highlands which turns the waters both ways.

And, as the commissioners in 1783 had the map before them; as they saw the parallelism of the seacoast and the course of the St. Lawrence; as they saw rivers rising from a common line, and running some north or northwest, the others south or southeast; and as they speak of some of these rivers as emptying themselves into the river St. Lawrence, and of the others falling into the Atlantic ocean; and *as they make no third class*,—is there a reasonable doubt in which class they intended to comprehend all the rivers running in a direction from the St. Lawrence, whether falling immediately, or only ultimately, into the Atlantic ocean?

If there be nothing incoherent or inconsequential in this chain of remarks, it will satisfy your Lordship, I trust, that it is not without reason that American opinion has settled firmly in the conviction of the rights of the American side of the question; and I forbear from going into the consideration of the mass of other arguments and proofs, for the same reasons which restrain your Lordship from entering into an extended discussion of the question, as well as because your Lordship will have an opportunity of perusing a paper addressed to me by the commissioners of Maine, which strongly presents the subject on other grounds and in other lights.

I am now to consider your Lordship's note of the 21st June. Before entering upon this, I have the President's instructions to say that he fully appreciates the motives which induced your Lordship, personally, to undertake your present mission; that he is quite aware that your public life has been distinguished by efforts to maintain peace and harmony between the two countries; that he quite well recollects that your exertions were employed to prevent the late war, and that he doubts not the sincerity of your declaration that nothing could have drawn you from your retirement, and induced you to engage in your present undertaking, but the hope of being of service to your country, and to our common race. And I have the utmost pleasure, my Lord, in acknowledging the frankness, candor, and plain dealing, which have characterized your official intercourse with this Government; nor am I permitted or inclined to entertain any doubt of your Lordship's entire conviction, as expressed by yourself, as to the merits of this controversy and the difficulties of the case. The question before us is, whether these confident opinions, on both sides, of the rightful nature and just strength of our respective claims, will permit us, while a desire to preserve harmony, and a disposition to yield liberally to mutual convenience, so strongly incite

us, to come together and to unite on a line by agreement.

It appears to be your Lordship's opinion that the line of the St. John, from the point where the north line from the St. Croix strikes that river, up to some one of its sources, evidently suits both parties—with an exception, however, of that part of the Madawaska settlement which is on the south side of the St. John, which you propose should be included within the British territory. That, as a line by agreement, the St. John for some distance upwards from its intersection by the line running north from the St. Croix, would be a very convenient boundary for the two parties, is readily admitted; but it is a very important question how far up, and to which of the sources of this river, this line should extend. Above Madawaska the course of the river turns to the south, and, stretching away towards the sources of the Penobscot, leaves far to the north the line of communication between New Brunswick and Canada. That line departs from the St. John altogether near Madawaska, and, keeping principally upon the left or north bank of the Madawaska, and proceeding by way of the Temiscouata lake, reaches the St. Lawrence at the mouth of the river du Loup.

There are, then, two important subjects for consideration.

First. Whether the United States can agree to cede, relinquish, or cease to claim, any part of the territory west of the north line from the St. Croix and south of the St. John. And I think it but candid to say, at once, that we see insurmountable objections to admitting the line to come south of the river. Your Lordship's observations upon the propriety of preserving the unity of the Madawaska settlement are, in a great measure, just, and altogether founded, I doubt not, in entirely good motives. They savor of humanity and a kind regard to the interests and feelings of individuals. But the difficulties seem insuperable. The river, as your Lordship remarks, seems a natural boundary, and, in this part of it, to run in a convenient direction. It is a line always clear and indisputable. If we depart from it, where shall we find another boundary equally natural, equally clear, and conforming to the same general course? A departure from the line of the river, moreover, would open new questions about equivalents, which it would probably be found impracticable to settle. If your Lordship were at liberty, (as I understand you not to be,) to cede the whole or a part of the territory, commonly called the strip, lying east of the north line, and west of the St. John, considerations might be found in such a cession, possibly for some new demarcation west of the north line and south of the river; but, in the present posture of things, I cannot hold out the expectation to your Lordship that anything south of the river can be yielded.

And, perhaps, the inconvenience to the settlers on the southern bank, of making the river the boundary, are less considerable than your Lordship supposes. These settlers are scattered along a considerable extent, very likely soon to connect themselves with whomsoever may come to live near them; and though of different origin, and some difference of religion, not likely, on the whole, to be greatly dissimilar from other borderers occupying the neighboring territory, their rights of property would, of course, be all preserved, both of inheritance and alienation; and if some of them should choose to retain the social and political relations under which they now are, their removal, for that purpose, to the north bank, drawing after it no loss of property, or of means of subsistence, would not be a great hardship. Your Lordship suggests the inconvenience of dividing a municipality by a line of national boundary; and certainly there is force in the observation; but if, departing from the river, we were to establish, to the south of it, an artificial line upon the land, there might be points on such line at which people would live in numbers on both sides; and a more mathematical line might thus divide villages, while it divided nations. The experience of the world, and our own experience, show the propriety of making rivers boundaries whenever their courses suit the general object; for the same reason that, in other cases to which they are applicable, mountain ranges, or ridges of highlands, are adopted for the same purpose; these last being, perhaps, still more convenient lines of division than rivers, being equally clear and prominent objects, and the population of neighboring countries bordering on a mountain line of separation being usually thin and inconsiderable on either side. Rivers and inland waters constitute the boundary between the United States and the territories of her Majesty for some thousands of miles westward from the place where the 45th degree of north latitude intersects the St. Lawrence; and along this line, though occasional irregularities and outbreaks have taken place, (always by the agency and instigation of agitators and lawless men, friends of neither country,) yet it is clear that no better demarcation of limits could be made. And at the northeast, along the space through which the St. Croix constitutes the line of separation, controversies and conflicts are not heard of; but similarity of language, character, and pursuits, and mutual respect for the rights of each other, preserve the general peace.

Upon the whole, my Lord, feeling that there may be inconvenience, and perhaps a small degree of hardship, I yet cannot admit that there is any cruelty in separating the Madawaska settlers south of the St. John, so far as political relations are concerned, from their neighbors on the north of that river. In the present state of society and of peace which exists between the two countries, the severance of political relations needs not to disturb social and family intercourse; while high considerations, affecting both the present and the future, seem to me to require that, following natural indications, we adhere to the St. John, in this part of its course, as the line of division.

The next question is, how far upward this boundary ought to be observed, and along which of its branches. This question would be easily settled, if what may be called the main branch of the river, in this part of it, differing from the general character of rivers in this region of country, did not make a sudden turn. But if we consider the main branch of the St. John—that which has been recently usually so denominated—your Lordship observes that, near the mouth of the Madawaska, it turns almost at right angles, and pushes its sources toward those of the Penobscot. Contiguity and compactness of territory can hardly be preserved by following a stream which makes not occasional windings, but at once so great a deflection from its previous course. The Madawaska is one of its branches, or principal sources, and, as the map shows, is very much a continuance of the line of the principal river from the Great Falls upward. The natural course would, therefore, seem to be to continue along this branch.

We understand, and, indeed, collect from your Lordship's note, that, with whatever opinion of her right to the disputed territory, England, in asserting it, has principally in view to maintain, on her own soil, her accustomed line of communication between Canada and New Brunswick. We acknowledge the general justice and propriety of this object; and agree at once that, with suitable equivalents, a conventional line ought to be such as to secure it to England. The question, therefore, simply is, what line will secure it?

The common communication between the provinces follows the course of the St. John from the Great Falls to the mouth of the Madawaska, and then, not turning away to the south with the course of the main stream, identifies itself with that of the Madawaska, going along with it to the Temiscouata lakes, thence along those lakes, and so across the highlands, to streams running into the St. Lawrence. And this line of communication we are willing to agree shall hereafter be within acknowledged British territory, upon such conditions and considerations as may be assented to. The Madawaska and the forementioned lakes might conveniently constitute the boundary. But I believe it is true that, in some part of the distance, above the mouth of the Madawaska, it has been found convenient to establish the course of communication on the south bank of that river. This consideration may be important enough to justify a departure from what would otherwise be desirable, and the running of the line at some distance south of the Madawaska, observing natural monuments where it may be practicable, and thus leaving the whole valley of the Madawaska on the British side.

The United States, therefore, upon the adjustment of proper equivalents, would not object to a line of boundary which should begin at the middle of the main channel of the river St. John, where that river is intersected by a due-north line extended from the source of the St. Croix; thence proceeding westerly, by the middle of the main channel of that river, to a point three miles westerly of the mouth of the Madawaska; thence by a straight line to the outlet of Long Lake; thence westerly by a direct line, to the point where the river St. Francis empties itself into the lake called Pohenagomook; thence continuing in the same direct line to the highlands which divide the waters falling into the river du Loup from those which fall into the river St. Francis. Having thus arrived at the highlands, I shall be ready to confer on the correct manner of following them to the northwesternmost head of the Connecticut river.

Such a line as has been now described would secure to England a free intercourse between Canada and New Brunswick; and, with the navigation of the St. John yielded to the United States, would appear to meet the wants of all parties. Your Lordship's proposition in regard to the navigation is received as just, and as constituting, so far as it may go, a natural equivalent. Probably the use of the river for the transportation of the products of the forest, grown on the American side of the line, would be equally advantageous to both parties; and, therefore, in granting it, no sacrifice of British interest would be incurred. A conviction of this, together with their confidence in the validity of their own claim, is very likely to lead the two States immediately concerned to consider their relinquishment of the lands north of the line much in the light of a mere cession. It need not be denied that, to secure this privilege, and to have a right to enjoy it, free from tax, toll, or other liability or inability, is an object of considerable importance to the people of Maine.

Your Lordship intimates that, as a part of the general arrangement of boundaries, England would be willing to surrender to the United States Rouse's Point, and all the territory heretofore supposed to be within the boundaries of New Hampshire, Vermont, and New York, but which a correct ascertainment of the forty-fifth parallel of north latitude shows to be included within the British line. This concession is, no doubt, of some value. If made, its benefits would enure partly to these three States, and partly to the United States, and none of it to the particular interests of Maine and Massachusetts. If regarded, therefore, as a part of the equivalent for the manner of adjusting the Northeastern boundary, these two last-mentioned States would, perhaps, expect that the value, if it could be ascertained, should be paid to them. On this point further consideration may be necessary.

If, in other respects, we should be able to agree on a boundary, the points which you refer to, connected with the ascertainment of the head of the Connecticut, will be attended to; and Captain Talcott, who made the exploration in that quarter, will be ready to communicate the result of his observations.

I have the honor to be, with distinguished consideration, your obedient servant,

DANL. WEBSTER.

LORD ASHBURTON, &c., &c., &c.

Lord Ashburton to Mr. Webster.

WASHINGTON, July 11, 1842.

SIR: I lose no time in acknowledging the receipt of the note you did me the honor of addressing me on the 8th inst.; and I beg, in the first place, to say that I am duly sensible of the assurance you give me that the President has been pleased to appreciate the motives which induced my present mission, and am much flattered by your recognition of the candor and frankness which have hitherto marked our intercourse.

I had hoped that we had escaped, by mutual consent, from a return to the endless and fruitless argument on the general question of the rights of our respective Governments in the matter of the Northeastern boundary.

It seemed to have been decided by so many high and competent authorities that the precise geographical point, so long looked for, was not to be found, that it necessarily followed that any hope of settlement must rest upon an amicable compromise.

The arrival here of commissioners from Maine and Massachusetts, and the admitted disposition of the two Governments, have given the public a very general expectation that this compromise might at last be effected; and I hope you will excuse my expressing my regret that the note now before me, and the paper from the gentlemen from Maine, addressed to you, which accompanied it, should have contained so much of a renewal of the old controversy, and should not have been confined to the

simple question whether we could or could not agree to terms of settlement. If the observations contained in my note of the 13th ultimo have given rise to these consequences, I much regret it; and I would now pass over all these more than useless discussions, and proceed at once to notice the proposals you make, if I were not apprehensive that my so doing might be construed into some want of respect for the parties from whom these observations have proceeded.

I will, however, endeavor to bring within a narrow compass what I have to say on the subject; and the more so, because, with all deference to you, sir, I may add, that there is little in these arguments that is new, or that has not been often advanced and refuted during the many past years of controversy.

I should except from this want of novelty the position, to me entirely new, advanced by the commissioners from Maine—that the northwest angle of Nova Scotia, (which is, as you express it, "the thing to be sought for and found,") was at the head of the Madawaska river; which river, it is maintained by a long argument, supported by authorities and maps, was always considered as the real St. John; and this is stated to justify the opinion expressed by the old Congress, in 1779, that this northwest angle was at the source of the St. John.

Giving all possible consideration to this apparently new discovery, I cannot say that it appears well founded. Looking at Mitchell's map, (the use of which by the negotiators of the peace of 1783 has been always so much relied upon on the part of America,) there is nothing more clearly marked than the great distinct channel of the upper St. John; and it seems hardly possible that the negotiators or the Congress should have made the supposed mistake.

But, supposing this hypothesis were well founded, the Temisconata lake is, then, now to be this long lost angle of Nova Scotia. What becomes, then, of the point so long contended for by Maine, between the Metis and one of the tributaries of the Ristagouche? These points must be about fifty miles apart. Both cannot be true; and if it be maintained (as I rather collect it to be, from the paper of the Maine commissioners) that the point at the Metis is the true boundary, as being the point stricken by the north line, though the other be the true northwest angle of Nova Scotia, there is at least an end of the whole argument, resting upon this northwest angle being, as stated by you, "the thing to be sought for and found."

If this new discovery leads us to no other inference, we can hardly fail to derive from it the conviction that all the ingenuity applied to unravel this mystery leaves us equally in the dark; and that it is not without reason that it has been decided by so many persons, after careful examination, that this boundary is not susceptible of settlement according to the precise words of the treaty.

This decision has been come to by Mr. Madison, in 1802; by Mr. Jefferson, in 1803; by Judge Sullivan, about the same time; by the arbiter, in 1831; and it has been acted upon by nearly every Secretary of State of the United States during the controversy, from that time to this; for although, in a case in dispute, each party, during the dispute, endeavors to hold his own, I am not aware that any Secretary of State, or any President of the United States, has ever treated this subject otherwise than as one attended by that degree of uncertainty that it could only be solved by an arbiter, or by a compromise. I would appeal to your candor, sir, to say whether, at this time, and under these circumstances, it is fair to speak of this disputed territory as belonging indisputably to one party, and to be yielded by way of concession, and for equivalents, to the other. Any convention I may sign must be for a division of that which is in doubt and dispute. With any arrangements between the State of Maine and the General Government, I have nothing to do; and if (which God forbid!) our endeavors at an amicable compromise should at last fail, I must hold that Great Britain retains her right, at least equal to that of the United States, to every part of the territory in dispute, until, by a renewed reference, or by the skill of some more fortunate negotiator, this difference may be brought to a close.

I have now only to add a few observations upon the arguments contained in your own note.

Some stress is laid upon the fact that the joint commissioners of the two Governments in 1817 directed the surveyors to run the north line from the St. Croix until it met waters running into the St. Lawrence. The lines to be run were to ascertain the geographical facts of the case. No proceeding could be more proper. The claims of the two parties varied; and it was natural that, in the first instance, a line should be run north to the extent claimed by either party; where that line would reach, and what highlands or streams it might strike, was unknown; so much so, that Mr. Gallatin, in his letter from Ghent, mentioned in my note of the 13th ultimo, expressed his doubts on this subject. His prediction turned out to be true. The point where the line strikes the Metis was a point not fulfilling the words of the treaty. It did not divide the waters as desired, unless the bay of Chaleurs and the gulf of St. Lawrence are considered to answer the description of the Atlantic ocean. Mr. Gallatin was sensible of this, and intimates that, if this fact created doubt, the lands about the Ristagouche might be given up. But he forgets that, in giving up this territory, he gives up his argument; for he maintains, in opposition to the British line of boundary, that it does not *continuously and in all its parts* divide the waters as required by the treaty. The American line was in this respect equally deficient; and it is useless, therefore, here to consider whether it would have been preferable to the British line, if it had divided the waters of the St. Lawrence from those of the St. John. To make even a plausible case for the American line, both the St. John and the Ristagouche must be held to be rivers emptying into the Atlantic ocean. The royal arbiter says it would be *hazardous* so to class them. I believe that, whatever argument might be made in the case of the St. John, connected with the distinctions with which it was mentioned in the treaty, to consider the Ristagouche as flowing into the Atlantic ocean would be more than hazardous—it would be most absurd.

At all events, I would submit to you that no inference could be drawn from the commissioners in 1817 having ordered a north line to be run; the same commissioners, after drawing the line, having disagreed as to any conclusions from it.

I am rather surprised that an inspection of the map should lead us to such different views of the course of the rivers and of the coast, as stated by you. I find that the upper St. John and the Ristagouche, so far from cutting at right angles the parallel lines of the coast and the St. Lawrence, as you say, run in their main course nearly parallel with them. I am not aware that the fact is important, although it seems connected with your argument.

My inspection of these maps, and my examination of the documents, lead me to a very strong conviction that the highlands contemplated by the negotiators of the treaty were the only highlands then known to them at the head of the Penobscot, Kennebec, and the rivers west of the St. Croix; and that they did not precisely know how the north line from the St. Croix would strike them; and if it were not my wish to shorten this discussion, I believe a very good argument might be drawn from the words of the treaty in proof of this. In the negotiations with Mr. Livingston, and afterwards with Mr. McLane, this view seemed to prevail; and, as you are aware, there were proposals to search for these highlands to the west, where, alone, I believe they will be found to answer *perfectly* the description of the treaty. If this question should unfortunately go to a further reference, I should by no means despair of finding some confirmation of this view of the case.

I shall now, sir, close what I have to say on the controversial part of this question. I should not have treated of it at all, but from respect to the gentlemen from Maine, whose arguments you conveyed to me; and I shall certainly not renew it, unless called upon by you to do so. Our immediate business is with the compromise of what is not otherwise to be settled; and argument and controversy, far from assisting to that end, have more generally a tendency to irritate and excite.

Referring, then, to our more immediate subject of a line by agreement, I deeply regret, on reading your observations and proposals, that we are yet so far asunder. I always thought this part of our duty better performed by conference than by correspondence; unless, indeed, we had the misfortune not to be able ultimately to agree; in which case, it would certainly be necessary that our two countries should see clearly on paper how nearly we had approached to each other, and on whom the blame at last rested of leaving unsettled a question involving such serious consequences. I would still recommend this course of personal discussion and conference; but, in the meantime, I proceed to notice the proposals and observations contained in your note.

It is sufficiently explained, in my plan for a settlement, why I was anxious not to divide in two parts, by any new line of boundary, the Madawaska settlements; and I am sorry to say that the information I have since received, both as to local circumstances and the anxiety of the people themselves, tends strongly to confirm my impressions. At the same time, you will have seen that I was sensible that some good reason should be assigned why we should not be satisfied with what you justly term the otherwise perfect boundary of the St. John. In your reply, you recognise the difficulties of the case, and do justice to our motives; but you state distinctly, on the part of your Government, that you can consent to no line which should bring us over the St. John, without some equivalent of territory to be found out of the limits of that part which is in dispute; and you refer more particularly to a certain narrow strip lying between the north line and the river. This strip I have no power to give up; and I beg to add, that the refusal of my Government is founded simply on their objection to dispose arbitrarily of the persons and property of her Majesty's subjects living by preference under her authority—an objection which, you are sensible, applies with peculiar force to the inhabitants of this part of New Brunswick.

I had hoped that the other equivalents which I had offered, combined with the sense entertained by the Government of the United States of the pressing importance of the case on the ground of humanity, would have been sufficient for the purpose I so anxiously desired; but, perceiving from your note, as well as from personal conversation, that concession on this point is insisted upon, I might be disposed to consider whether my anxious desire to arrive at a friendly settlement would not justify me in yielding, however reluctantly, if the latter part of your proposal did not, if finally persevered in, forbid all hope of any settlement whatever.

The boundary you propose, supposing the British territory not to come over the St. John, is to run from the north side of that river, three miles above its junction with the Madawaska, over an arbitrary line, which my map does not exactly permit me to follow, until it reaches somewhere the St. Francis. I need not examine this line in its precise details, because I am obliged frankly to state that it is inadmissible. I think I might, sir, fairly appeal to your candid judgment to say whether this is a proposition of conciliation—whether, after all antecedent discussions on this subject, it could be reasonably expected that, whatever might be the anxiety of my Government for a friendly settlement, I could be found with power to accede to such terms. I need not observe to you that this would give to Great Britain less than the award of the arbiter, while at the same time she would be called upon to give up what the arbiter awarded to her; and, if I do not mistake you, the floatage of the lumber of Maine down the St. John is also expected to be surrendered.

I must beg to say that I am quite at a loss to account for such a proposal. Your own principle of maintaining the great river as the best boundary is abandoned; an arbitrary line is drawn which nobody ever suggested before; and I can only suppose this course to be dictated by that general assumption that, notwithstanding all former admissions and decisions to the contrary, this territory, said to be in dispute, in truth, belongs to one party, to be doled out as a favor to the other—an assumption which cannot for a moment be admitted, and which you, sir, with the records of your office before you, will hardly maintain.

The position in which this negotiation now stands, seems to prove what I have before ventured to advance—that it would have a better chance of success by conference than by correspondence; at all events, that we should sooner arrive at ascertaining what we can or cannot do. Slow, unnecessarily slow, our progress has hitherto been; and the public seem, somehow or other, to have become informed that there are differences. I hope, when we come to discuss them, that they will prove less serious than they are supposed to be; but it is very desirable that doubts and distrusts should be set at rest, and that public credit and the transactions of commerce should suffer the least possible disturbance. For although, should this negotiation unfortunately fail, it will be our duty immediately to

place it in some new course of further reference, it is not to be disguised that such a result must be productive of considerable public anxiety and disappointment.

What I have said with respect to the case of the Madawaska settlements, will, I trust, sufficiently prove my disposition to approach such a discussion with the true spirit of conciliation; and I trust you will permit me to express a hope that it will be met with a corresponding feeling.

Before concluding, I wish to add a few words respecting the line of the St. John to one of its sources, and the navigation for certain purposes of that river. It may be true that the district between the St. John and the highlands west of the St. Francis may be of some extent; but your own surveyors will confirm to you that it is of very little value either for cultivation or timber. Is it reasonable that, in the division of an object in dispute, its intrinsic value should be wholly disregarded, and its size or extent be alone considered?

I would further suggest for your consideration, whether, supposing the division by the King of the Netherlands to be admitted to satisfy fairly the equity of the case between the parties, what is proposed to be added by Great Britain, viz. the strip on the 45th parallel of latitude, and the use of the navigation of the St. John, be not an ample compensation for what we ask in return, viz. that barren strip above the upper St. John, which is wanted for no other purpose than as a boundary; for which purpose it is admitted on all sides to be most convenient.

The right to use the St. John for floating down the lumber of Maine on the same terms as the river is used by the Queen's subjects, is now treated as a matter of light importance. This is not uncommon when a concession of any kind is about to be yielded; but I beg to remind you that this was not formerly so considered. It has been repeatedly solicited, and invariably refused; and no minister of Great Britain has before been permitted to connect this concession with the settlement of the boundary. It is considered by my Government as a very important concession. I am sure that it must be considered by all persons in Maine connected with the lumber trade, as not only valuable, but indispensable; and I am compelled to add, that I am empowered to allow this privilege only in the event of a settlement of the boundary on satisfactory terms. It is said, in the memorandum of the Maine commissioners, that this conceded navigation will be as useful to the town of St. John as to the lumberers of Maine; but it will not escape you that, even if this be so, it is a concession necessary to give any value whatever to so bulky an article as lumber, which, being not otherwise disposable, would bear any reasonable toll which the provincial authorities of New Brunswick might think it expedient to levy upon it. Further, it should not be forgotten that the timber, once at the mouth of the St. John, will have the privilege of reaching the British as well as other markets; and, lastly, that it is a very different thing to hold a privilege of this important description by right, or by mere sufferance, to be granted or withheld at pleasure.

I have to apologize for entering into these details in treating of the great question with which we are occupied, but they seemed called for by observations contained in the paper you sent me.

I beg, sir, you will be assured of my unfeigned and distinguished consideration.

ASHBURTON.

Hon. Daniel Webster, &c., &c., &c.

Lord Ashburton to Mr. Webster.

Washington, July 16, 1842.

Sir: There is a further question of disputed boundary between Great Britain and the United States, called the Northwest boundary, about which we have had some conferences; and I now proceed to state the terms which I am ready to agree to for the settlement of this difference. As the principal object in dispute is to be given up by Great Britain, I trust, sir, that you will here again recognise the spirit of friendly conciliation which has guided my Government in disposing of these questions.

I have already sufficiently discussed with you the boundaries between her Majesty's provinces and the United States, from the monument at the head of the river St. Croix to the monument on the river St. Lawrence, near the village of St. Regis.

The commissioners under the sixth article of the treaty of Ghent succeeded in continuing this boundary from St. Regis, through the St. Lawrence and the great Northern lakes, up to a point in the channel between Lake Huron and Lake Superior.

A further continuation of this boundary, from this point, through Lake Superior, to the Lake of the Woods, was confided to the same commissioners, under the seventh article of the treaty of Ghent; but they were, unfortunately, unable to agree, and have consequently left this portion of the boundary undetermined. Its final settlement has been much desired by both Governments, and urgently pressed by communications from Mr. Secretary Forsyth to Mr. Fox, in 1839 and 1840.

What I have now to propose cannot, I feel assured, be otherwise than satisfactory for this purpose.

The commissioners who failed in their endeavors to make this settlement differed on two points:

First, as to the appropriation of an island called St. George's island, lying in the water communication between Lake Huron and Lake Superior; and,

Secondly, as to the boundary through the water communications from Lake Superior to the Lake of the Woods.

The first point I am ready to give up to you, and you are, no doubt, aware that it is the only object of any real value in this controversy. The island of St. George's is reported to contain 25,920 acres of very fertile land; but, the other things connected with these boundaries being satisfactorily arranged, a line shall be drawn so as to throw this island within the limits of the United States.

In considering the second point, it really appears of little importance to either party how the line be determined through the wild country between Lake Superior and the Lake of the Woods, but it is important that some line should be fixed and known.

The American commissioner asked for the line from Lake Superior, up the river Kamanastiguia, to the lake called Dog lake, which he supposed to be the same as that called Long lake in the treaties; thence through Sturgeon lake to the Lac la Pluie, to that point where the two lines assumed by the commissioners again meet.

The British commissioner, on the other hand, contended for a line from the southwestern extremity, at a point called le Fond du Lac, to the middle of the mouth of the estuary or lake of St. Louis river; thence up that river, through Vermilion river, to Lac la Pluie.

Attempts were made to compromise these differences; but they failed, apparently more from neither party being willing to give up the island of St. George's, than from much importance being attached to any other part of the case.

Upon the line from Lake Superior to the Lake of the Woods, both commissioners agreed to abandon their respective claims, and to adopt a middle course, for which the American commissioner admitted that there was some ground of preference. This was from Pigeon river, a point between Kamanastiguia and the Fond du Lac; and although there were differences as to the precise point near the mouth of Pigeon river, where the line should begin, neither party seemed to have attached much importance to this part of the subject.

I would propose that the line be taken from a point about six miles south of Pigeon river, where the grand portage commences on the lake, and continued along the line of said portage, alternately by land and water, to Lac la Pluie—the existing route by land and by water remaining common to both parties. This line has the advantage of being known, and attended with no doubt or uncertainty in running it.

In making the important concession, on this boundary, of the Isle of St. George, I must attach a condition to it of accommodation, which experience has proved to be necessary in the navigation of the great waters which bound the two countries—an accommodation which can, I apprehend, be no possible inconvenience to either. This was asked by the British commissioner, in the course of the attempts of compromise above alluded to; but nothing was done, because he was not then prepared, as I am now, to yield the property and sovereignty of St. George's island.

The first of these two cases is at the head of Lake St. Clair, where the river of that name empties into it from Lake Huron. It is represented, that the channel bordering the United States coast in this part is not only the best for navigation, but, with some winds, is the only serviceable passage. I do not know that, under such circumstances, the passage of a British vessel would be refused; but, on a final settlement of boundaries, it is desirable to stipulate for what the commissioners would probably have settled, had the facts been known to them.

The other case, of nearly the same description, occurs on the St. Lawrence, some miles above the boundary at St. Regis. In distributing the islands of the river by the commissioners, Barnhart's island and the Long Sault islands were assigned to America. This part of the river has very formidable rapids; and the only safe passage is on the southern or American side, between those islands and the main land. We want a clause in our present treaty to say that for a short distance, viz: from the upper end of upper Long Sault island to the lower end of Barnhart's island, the several channels of the river shall be used in common by the boatmen of the two countries.

I am not aware that these very reasonable demands are likely to meet with any objection; especially where the United States will have surrendered to them all that is essential in the boundary I have now to propose to you.

I beg you will be assured, sir, of my unfeigned and distinguished consideration.

ASHBURTON.

Hon. Daniel Webster,
&c., &c., &c.

Mr. Webster to Lord Ashburton.

Department of State,
Washington, July 27, 1842.

My Lord: I have now to propose to your Lordship a line of division, embracing the disputed portions of the boundary between the United States and the British provinces of New Brunswick and the Canadas, with its considerations and equivalents, such as conforms, I believe, in substance, to the result of the many conferences and discussions which have taken place between us.

The acknowledged territories of the United States and England join upon each other from the Atlantic ocean to the eastern foot of the Rocky mountains—a distance of more than three thousand miles. From the ocean to the source of the St. Croix, the line of division has been ascertained and fixed by agreement; from the source of the St. Croix to a point near St. Regis, on the river St. Lawrence, it may be considered as unsettled, or controverted; from this last-mentioned point, along the St. Lawrence, and through the lakes, it is settled, until it reaches the water communication between Lake Huron and Lake Superior. At this point the commissioners under the 7th article of the treaty of Ghent found a subject of disagreement which they could not overcome, in deciding up which branch or channel the line should proceed, till it should reach a point in the middle of St. Mary's river, about one mile above St. George's, or Sugar island.

From the middle of the water communication between the two lakes, at the point last mentioned, the commissioners extended the line through the remaining part of that water communication, and across Lake Superior, to a point north of Ile Royale; but they could not agree in what direction the line should run from this last-mentioned point, nor where it should leave Lake Superior, nor how it should be extended to the Rainy Lake, or Lac la Pluie. From this last-mentioned lake, they agreed on the line to the northwesternmost point of the Lake of the Woods, which they found to be in latitude 49 deg. 23 min. 55 sec. The line extends, according to existing treaties, due south from this point to the 49th parallel of north latitude, and by that parallel to the Rocky mountains.

Not being able to agree upon the whole line, the commissioners under the 7th article did not make any joint report to their respective Governments. So far as they agreed on any part of the line, that part has been considered settled; but it may be well to give validity to these portions of the line by a treaty.

To complete the boundary line, therefore, and to remove all doubts and disputes, it is necessary for the two Governments to come to an agreement on three points:

1st. What shall be the line on the northeastern and northern limits of the United States, from the St. Croix to the St. Lawrence. This is by far the most important and difficult of the subjects, and involves the principal questions of equivalents and compensations.

2d. What shall be the course of the boundary from the point where the commissioners under the 6th article of the treaty of Ghent terminated their labors—to wit: a point in the Neebish channel, near Muddy lake, in the water communication between Lake Huron and Lake Superior, to a point in the middle of St. Mary's river, one mile above Sugar island. This question is important, as it involves the ownership of that island.

3d. What shall be the line from the point north of Ile Royale, in Lake Superior, to which the commissioners of the two Governments arrived, by agreement, to the Rainy Lake; and also to confirm those parts of the line to which the said commissioners agreed.

Besides agreeing upon the line of division through these controverted portions of the boundary, you have suggested also, as the proposed settlement proceeds upon the ground of compromise and equivalents, that boats belonging to her Majesty's subjects may pass the falls of the Long Sault in the St. Lawrence, on either side of the Long Sault islands; and that the passage between the islands lying at or near the junction of the river St. Clair, with the lake of that name, shall be severally free and open to the vessels of both countries. There appears no reasonable objection to what is requested in these particulars; and on the part of the United States it is desirable that their vessels, proceeding from Lake Erie into the Detroit river, should have the privilege of passing between Bois Blanc, an island belonging to England, and the Canadian shore—the deeper and better channel being on that side.

The line, then, now proposed to be agreed to, may be thus described:

Beginning at the monument at the source of the river St. Croix, as designated and agreed to by the commissioners under the fifth article of the treaty of 1794, between the Governments of the United States and Great Britain; thence, north, following the exploring line run and marked by the surveyors of the two Governments in the years 1817 and 1818, under the fifth article of the treaty of Ghent, to its intersection with the river St. John, and to the middle of the channel thereof; thence, up the middle of the main channel of the said river St. John, to the mouth of the river St. Francis; thence, up the middle of the channel of the said river St. Francis, and of the lakes through which it flows, to the outlet of the Lake Pohenagamook; thence, southwesterly, in a straight line, to a point on the northwest branch of the river St. John, which point shall be ten miles distant from the main branch of the St. John, in a straight line, and in the nearest direction; but if the said point shall be found to be less than seven miles from the nearest point of the summit or crest of the highlands that divide those rivers which empty themselves into the river St. Lawrence from those which fall into the river St. John, then the said point shall be made to recede down the said river to a point seven miles, in a straight line, from the said summit or crest; thence, in a straight line, in a course about south eight degrees west, to the point where the parallel of latitude of 46 deg. 25 min. north intersects the southwest branch of the St. John; thence, southerly, by the said branch, to the source thereof in the highlands at the Metjarmette portage; thence, down along the said highlands which divide the waters which empty themselves into the river St. Lawrence from those which fall into the Atlantic ocean, to the head of Hall's stream; thence, down the middle of said stream, till the line thus run intersects the old line of boundary surveyed and marked by Valentine and Collins previously to the year 1774 as the forty-fifth degree of north latitude, and which has been known and understood to be the line of actual division between the States of New York and Vermont, on one side, and the British province of Canada on the other; and from said point of intersection, west, along the said dividing line, as heretofore known and understood, to the Iroquois or St. Lawrence river; and from the place where the joint commissioners terminated their labors, under the sixth article of the treaty of Ghent, to wit: at a point in the Neebish channel, near Muddy lake, the line shall run into and along the ship-channel between St. Joseph's and St. Tammany islands, to the division of the channel at or near the head of St. Joseph's island; thence, turning eastwardly and northwardly, around the lower end of St. George's, or Sugar island, and following the middle of the channel which divides St. George's from St. Joseph's island; thence, up the east Neebish channel, nearest to St. George's island, through the middle of Lake George; thence, west of Jonas island, into St. Mary's river, to a point in the middle of that river, about one mile above St. George's, or Sugar island, so as to appropriate and assign the said island to the United States; thence, adopting the line traced on the maps by the commissioners, through the river St. Mary and Lake Superior, to a point north of Ile Royale, in said lake, one hundred yards to the north and east of Ile Chapeau, which last-mentioned island lies near the northeastern point of Ile Royale, where the line marked by the commissioners terminates; and from the last-mentioned point, southwesterly, through the middle of the sound between Ile Royale and the northwestern main land, to the mouth of Pigeon river; and up the said river, to and through the north and south Fowl lakes, to the lakes of the height of land between Lake Superior and the Lake of the Woods; thence, along the water communication, to Lake Saisaginaga, and through that lake; thence, to and through Cypress lake, Lac du Bois Blanc, Lac la Croix, Little Vermillion lake, and Lake Namecan, and through the several smaller lakes, straits, or streams, connecting the lakes here mentioned to that point in Lac la Pluie, or Rainy Lake, at the Chaudiere falls, from which the commissioners traced the line, to the most northwestern point of the Lake of the Woods; thence, along the said line, to the said most northwestern point, being in latitude 49 deg. 23 min. 55 sec. north, and in longitude 95 deg. 14 min. 38 sec. west from the observatory at Greenwich; thence, according to existing treaties, the line extends due south to its intersection with the forty-ninth parallel of north latitude, and along that parallel to the Rocky mountains. It being understood that all the water communications, and all the usual portages along the line from Lake Superior to the Lake of the Woods, and also Grand portage, from the shore of Lake Superior to the Lake of the Woods, and also Grand portage, from the shore of Lake Superior to the Pigeon river, as now actually used, shall be free and open to the use of the subjects and citizens of both countries.

It is desirable to follow the description and the exact line of the original treaty as far as practicable. There is reason to think that "Long lake," mentioned in the treaty of 1783, meant merely the estuary of the Pigeon river, as no lake called "Long lake," or any other water strictly conforming to the idea of a lake, is found in that quarter. This opinion is strengthened by the fact that the words of the treaty would seem to imply that the water intended as "Long lake" was immediately joining Lake Superior. In one respect, an exact compliance with the words of the treaty is not practicable. There is no continuous water communication between Lake Superior and the Lake of the Woods, as the Lake of the Woods is known to discharge its waters through the Red river of the north into Hudson's Bay. The dividing height or ridge between the eastern sources of the tributaries of the Lake of the Woods, and the western sources of Pigeon river, appears, by authentic maps, to be distant about forty miles from the mouth of Pigeon river, on the shore of Lake Superior.

It is not improbable that, in the imperfection of knowledge which then existed of those remote countries, and perhaps misled by Mitchell's map, the negotiators of the treaty of 1783 supposed the Lake of the Woods to discharge its waters into Lake Superior. The broken and difficult nature of the water communication from Lake Superior to the Lake of the Woods renders numerous portages necessary; and it is right that these water communications and these portages should make a common highway, where necessary, for the use of the subjects and citizens of both Governments.

When the proposed line shall be properly described in the treaty, the grant by England of the right to use the waters of the river St. John for the purpose of transporting to the mouth of that river all the timber and agricultural products raised in Maine, on the waters of the St. John, or any of its tributaries, without subjection to any discriminating toll, duty, or disability, is to be inserted. Provision should also be made for quieting and confirming the titles of all persons having claims to lands on either side of the line, whether such titles be perfect or inchoate only, and to the same extent in which they would have been confirmed by their respective Governments had no change taken place. What has been agreed to, also, in respect to the common use of certain passages in the rivers and lakes, as already stated, must be made matter of regular stipulation.

Your Lordship is also informed, by the correspondence which formerly took place between the two Governments, that there is a fund arising from the sale of timber, concerning which fund an understanding was had some years ago. It will be expedient to provide by the treaty that this arrangement shall be carried into effect.

A proper article will be necessary to provide for the creation of a commission to run and mark some parts of the line between Maine and the British provinces.

These several objects appear to me to embrace all respecting the boundary line and its equivalents, which the treaty needs to contain, as matters of stipulation between the United States and England.

I have the honor to be, with high consideration, your Lordship's most obedient servant.

DANIEL WEBSTER.

Lord ASHBURTON, &c., &c., &c.

Lord Ashburton to Mr. Webster.

WASHINGTON, July 29, 1842.

SIR: I have attentively considered the statements contained in the letter you did me the honor of addressing me on the 27th of this month, of the terms agreed to for the settlement of boundaries between her Majesty's provinces and the United States; being the final result of the many conferences we have had on this subject. This settlement appears substantially correct in all its parts; and we may now proceed, without further delay, to draw up the treaty. Several of the articles for this purpose are already prepared and agreed, and our most convenient course will be to take and consider them singly. I would beg leave to recommend that, as we have excellent charts of the country through which the boundary, which failed of being settled by the commissioners under the seventh article of the treaty of Ghent, is partially marked, it would be advisable to make good the delineation on those charts, which would spare to both parties the unnecessary expense of new commissioners and a new survey. In this case, the only commission required would be to run the line on the boundary of Maine.

The stipulations for the greater facility of the navigation of the river St. Lawrence, and of two passages between the upper lakes, appear evidently desirable for general accommodation; and I cannot refuse the reciprocal claim made by you to render common the passage from Lake Erie into the Detroit river. This must be done by declaring the several passages in those parts free to both parties.

I should remark, also, that the free use of the navigation of the Long Sault passage, on the St. Lawrence, must be extended to below Barnhart's island, for the purpose of clearing those rapids.

I beg leave to repeat to you, sir, the assurances of my most distinguished consideration.

ASHBURTON.

Hon. DANIEL WEBSTER, &c., &c., &c.

Lord Ashburton to Mr. Webster.

WASHINGTON, Aug. 9, 1842.

SIR: It appears desirable that some explanation between us should be recorded by correspondence respecting the fifth article of the treaty signed by us this day, for the settlement of boundaries between Great Britain and the United States.

By that article of the treaty, it is stipulated that certain payments shall be made by the Government of the United States to the States of Maine and Massachusetts. It has of course been understood that my negotiations have been with the Government of the United States; and the introduction of terms of agreement between the General Government and the States would have been irregular and inadmissible, if it had not been deemed expedient to bring the whole of these transactions within the purview of the treaty. There may not be wanting analogous cases to justify this proceeding; but it seems proper that I should have confirmed by you, that my Government incurs no responsibility for these engagements, of the precise nature and object of which I am uninformed, nor have I considered it necessary to make inquiry concerning them.

I beg, sir, to renew to you the assurances of my high consideration.

ASHBURTON.

Hon. DANIEL WEBSTER, &c., &c., &c.

DEPARTMENT OF STATE,
Washington, August 9, 1842.

MY LORD: I have the honor to acknowledge the receipt of your note of the 9th of August, with respect to the object and intention of the fifth article of the treaty. What you say in regard to that subject is quite correct. It purports to contain no stipulation on the part of Great Britain; nor is any responsibility supposed to be incurred by it, on the part of your Government.

I renew, my Lord, the assurances of my distinguished consideration.

DANIEL WEBSTER.

Lord ASHBURTON, &c., &c., &c.

CORRESPONDENCE WITH STATE AUTHORITIES.

NORTH EASTERN BOUNDARY.

Secretary of State of Massachusetts to the President.

COMMONWEALTH OF MASSACHUSETTS,
Secretary's Department, March 18, 1842.

SIR: By direction of his excellency the Governor, I have the honor to transmit to you an official copy of certain resolutions passed at the late session of the Legislature of this State.

With the highest respect,
Your obedient servant,
JOHN P. BIGELOW,
Secretary of the Commonwealth.

His Excellency JOHN TYLER,
President of the United States.

COMMONWEALTH OF MASSACHUSETTS.

IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND FORTY-TWO.

Resolves concerning the Northeastern boundary of the United States.

Resolved, That the boundary line between the State of Maine and the British province of New Brunswick is so clearly defined by the treaty of 1783, that the terms of the treaty can neither be misapprehended, nor afford any support to the unjust pretensions of Great Britain.

Resolved, That this Commonwealth, as a joint proprietor with the State of Maine of the territory alleged to be in dispute, has an interest in all negotiations respecting the same,—which demands her watchful attention, that her rights and interest may be preserved unimpaired and unchanged without her assent.

Resolved, That the Governor, with the advice and consent of the Council, be authorized and requested, from time to time, to adopt such measures, to secure the rights and interests of the Commonwealth in said territory, and to produce an honorable and satisfactory adjustment, as the emergency may demand.

Resolved, That no compromise which concedes any territory west of the treaty line of 1783 can be constitutionally made without the assent of Maine and Massachusetts; and that, as they are co-proprietors of the soil, this Commonwealth will cheerfully co-operate with Maine in support of their mutual interests and rights.

Resolved, That the Governor be requested to transmit a copy of these resolutions to the President of the United States, and to the Governor of the State of Maine.

HOUSE OF REPRESENTATIVES,
March 3, 1842.
Passed: SAMUEL H. WALLEY.
Speaker pro tem.

IN SENATE, March 3, 1842.
Passed: JOSIAH QUINCY, Jr.
President.

Approved, March 3d, 1842.
JOHN DAVIS.

A true copy.
Attest: JOHN P. BIGELOW,
Secretary of the Commonwealth.

*Mr. Webster to Gov. Fairfield.**

DEPARTMENT OF STATE,
Washington, 11th April, 1842.

Your excellency is aware that, previous to March, 1841, a negotiation had been going on for some time between the Secretary of State of the United States, under the direction of the President, and the British minister accredited to this Government, having for its object the creation of a joint commission for settling the controversy respecting the Northeastern boundary of the United States, with a provision for an ultimate reference to arbitrators, to be appointed by some of the sovereigns of Europe, in case an arbitration should become necessary. On the leading features of a convention for this purpose, the two Governments were agreed; but, on several matters of detail, the parties differed, and appear to have been interchanging their respective views and opinions, projects and counter-projects, without coming to a final arrangement, down to August, 1840. Various causes, not now necessary to be explained, arrested the progress of the negotiation at that time, and no considerable advance has since been made in it.

It seems to have been understood on both sides, that, one arbitration having failed, it was the duty of the two parties to proceed to institute another, according to the spirit of the treaty of Ghent and other treaties; and the President has felt it to be his duty, unless some new course should be proposed, to cause the negotiation to be resumed, and pressed to its conclusion. But I have now to inform your excellency that Lord Ashburton, a minister plenipotentiary and special, has arrived at the seat of Government of the United States, charged with full powers from his sovereign to negotiate and settle the different matters in discussion between the two Governments. I have further to state to you, that he has officially announced to this department that, in regard to the boundary question, he has authority to treat for a conventional line, or line by agreement, on such terms and conditions, and with such mutual considerations and equivalents, as may be thought just and equitable; and that he is ready to enter on a negotiation for such conventional line, so soon as this Government shall say that it is authorized and ready, on its part, to commence such negotiation.

Under these circumstances, the President has felt it to be his duty to call the serious attention of the Governments of Maine and Massachusetts to the subject, and to submit to those Governments the propriety of their co-operation, to a certain extent, and in a certain form, in an endeavor to terminate a controversy already of so long duration, and which seems very likely to be still considerably further protracted before the desired end of a final adjustment shall be attained, unless a shorter course of arriving at that end be adopted than such as has heretofore been pursued, and as the two Governments are still pursuing.

Yet, without the concurrence of the two States whose rights are more immediately concerned, (both having an interest in the soil, and one of them in the jurisdiction and government,) the duty of this Government will be to adopt no new course, but, in compliance with treaty stipulations, and in furtherance of what has already been done, to hasten the pending negotiations as fast as possible.

But the President thinks it a highly desirable object to prevent the delays necessarily incident to any settlement of the question by these means. Such delays are great and unavoidable. It has been found that an exploration and examination of the several lines constitute a work of three years. The existing commission for making such exploration, under the authority of the United States, has been occupied two summers, and a very considerable portion of the work remains still to be done. If a joint commission should be appointed, and should go through the same work, and the commissioners should disagree, (as is very possible,) and an arbitration on that account become indispensable, the arbitrators might find it necessary to make an exploration and survey themselves, or cause the same to be done by others of their own appointment. If to these causes, operating to postpone the final decision, be added the time necessary to appoint arbitrators, and for their preparation to leave Europe for the service, and the various retarding incidents always attending such operations, seven or eight years constitute, perhaps, the shortest period within which we can look for a final result. In the meantime, great expenses have been incurred, and further expenses cannot be avoided. It is well known that the controversy has brought heavy charges upon Maine herself, to the remuneration or proper settlement of which she cannot be expected to be indifferent. The exploration by the Government of the United States has already cost a hundred thousand dollars, and the charge of another summer's work is in prospect. These facts may be sufficient to form a probable estimate of the whole expense likely to be incurred before the controversy can be settled by arbitration; and our experience admonishes us that even another arbitration might possibly fail.

The opinion of this Government upon the justice and validity of the American claim has been expressed at so many times, and in so many forms, that a repetition of that opinion is not necessary. But the subject is a subject in dispute. The Government has agreed to make it matter of reference and arbitration; and it must fulfil that agreement, unless another mode for settling the controversy should be resorted to, with the hope of producing a speedier decision. The President proposes, then, that the Governments of Maine and Massachusetts should severally appoint a commissioner or commissioners, empowered to confer with the authorities of this Government upon a conventional line, or line by agreement, with its terms, conditions, considerations, and equivalents, with an understanding that no such line will be agreed upon without the assent of such commissioners.

This mode of proceeding, or some other which shall express assent beforehand, seems indispensable, if any negotiation for a conventional line is to be had; since, if happily a treaty should be the result of the negotiation, it can only be submitted to the Senate of the United States for ratification.

It is a subject of deep and sincere regret to the President, that the British plenipotentiary did not arrive in the country and make known his powers in time to have made this communication before the annual session of the Legislatures of the two States had been brought to a close. He perceives and laments the inconvenience which may be experienced from reassembling those Legislatures. But the British mission is a special one; it does not supersede the resident mission of the British Government at Washington, and its stay in the United States is not expected to be long. In addition to these considerations, it is to be suggested that more than four months of the session of Congress have already passed; and it is highly desirable, if any treaty for a conventional line should be agreed on, it should be concluded before the session shall terminate, not only because of the necessity of the ratification of the Senate, but also because it is not impossible that measures may be thought advisable, or become important, which can only be accomplished by the authority of both Houses.

These considerations, in addition to the importance of the subject, and a firm conviction in the mind of the President that the interests of both countries, as well as the interests of the two States more immediately concerned, require a prompt effort to bring this dispute to an end, constrain him to express an earnest hope that your excellency will convene the Legislature of Maine, and submit the subject to its grave and candid deliberation.

I am, &c.,
DANIEL WEBSTER.

His Excellency JOHN FAIRFIELD,
Governor of Maine.

Governor Davis to Mr. Webster.

EXECUTIVE DEPARTMENT,
Worcester, Mass., April 17, 1842.

SIR: I have the honor to acknowledge the reception of your official communication announcing the arrival of Lord Ashburton, as a special envoy from her Majesty the Queen of the United Kingdoms, vested with full authority to adjust, by a conventional line, the Northeastern boundary of the United States. It will be highly satisfactory to the people of this Commonwealth to learn that no attempt is to be made to establish a line by compromise, without their assent; but if such a line can be agreed upon for a satisfactory equivalent, which should leave all the parties interested at peace, and terminate the controversy, I have no doubt it would meet with the approbation of the people of this State. No opinion can, with safety, be formed upon any such proposition, till it is submitted in its details, and fully understood. That the parties may all have full opportunity to act with deliberation, the desire of the President is, that the Legislatures of Massachusetts and Maine should be assembled, to make suitable provisions for the appointment of commissioners to take charge of their respective interests at Washington, during the negotiation between the United States and Great Britain.

Anticipating the contingency which has occurred, I invited the attention of the Legislature to the subject while in session, and suggested the expediency of legislation which should provide for it. In pursuance of that suggestion, certain joint resolutions

*Same, *mutatis mutandis*, to the Governor of Massachusetts.

were passed and approved, which have been forwarded to the President, which appear to me to confer all the authority necessary, and were undoubtedly designed by the Legislature to meet this emergency. This wise provision will, I trust, supersede all occasion for reassembling the Legislature, as the Governor and Council have authority to act in the matter in any way that the interests and honor of the Commonwealth demand. There will be a meeting of the Council, by appointment, on the 25th of May, which, if Maine can only move after legislation is had, will be sufficiently seasonable for all practicable purposes, when the subject will be laid before them, and there can be little doubt that they will acquiesce in the propriety of sending a commissioner to represent the State in a matter of such decided importance.

If this movement on the part of Great Britain is indicative, as it seems to me it is, of a settled purpose to close the controversy, and she is prepared to give satisfactory equivalents for the concession of territory sufficient to answer her purposes, then the division of such an equivalent or equivalents between Maine and Massachusetts will become an important question; but it should in no particular be left for future discussion or decision, by Congress or any other body, but should be definitively adjusted in the general arrangement, that each State may know the exact measure of its rights.

You will learn, also, from these resolutions, the disposition of the State to bring this question to an issue, in any manner consistent with her honor, interest, and dignity. The opinions conveyed in them, as far as I know, were unanimous, and indicate the tone of public sentiment. The people of Massachusetts are not disposed to yield anything to unjust pretension. Not a particle of doubt is entertained, by any one, that the treaty line of 1783 may be as certainly identified as Mar's Hill; and the northwest angle of Nova Scotia as certainly established by the description in the treaty, as the meridian of Quebec. We all feel that no doubt can exist that there are highlands which divide the waters that flow into the St. Lawrence and the sea; and that a line due north can be run from the monument to the dividing summit. These are matters that no one can feel any hesitation about, and hence there is but one opinion in Massachusetts. While, therefore, we cannot listen to a claim upon what we know to be our own, we can, in the spirit of peace and accommodation, yield something to the convenience of a neighbor, by agreement. This is, without shade of coloring, the sentiment of Massachusetts. She will, on honorable terms, concede something to the convenience and necessity of Great Britain; but nothing—not a rood of barren heath or rock—to unfounded claims. If an earlier day than the 25th of May shall prove desirable, the Council can be summoned.

I have the honor to be your obedient servant,
JOHN DAVIS.

To the SECRETARY OF STATE.

Mr. Webster to Gov. Davis.

DEPARTMENT OF STATE,
Washington, April 16, 1842.

SIR: I have the honor to acknowledge the receipt, from your Excellency, of certain resolves concerning the Northeastern boundary of the United States, passed by the Legislature of Massachusetts on the 31 day of March last.

As those resolves appear to recognise the propriety of endeavoring to fix upon a line by compromise, with the assent of Maine and Massachusetts; and as they authorize your Excellency, with advice of Council, to adopt such measures to secure the rights and interests of the Commonwealth of Massachusetts as the emergency may demand, it appears to me that they are a sufficient warrant for such proceedings as you may see fit to adopt, in order to gain the assent of the Commonwealth to any line of boundary which may be just and equitable, and upon which the parties may be likely to agree. If your Excellency should take this view of the subject, a call of the Legislature would of course be unnecessary.

I have the honor to be, &c.,
DANIEL WEBSTER.

His Excellency JOHN DAVIS,
Governor of Massachusetts.

Gov. Davis to Mr. Webster.

EXECUTIVE DEPARTMENT,
Worcester, April 27, 1842.

SIR: Since I last addressed you, I have received your favor of the 16th instant, by which it appears the resolutions of the Legislature of this Commonwealth have reached you. These resolves, respecting the Northeastern boundary, were adopted to meet the contingency which has occurred, and to avoid any necessity for reassembling the Legislature on this account. As soon as it became certain that a special envoy was to be despatched hither by the Queen of the United Kingdoms, it was apparent to me that he would be authorized to propose a conventional line, as this is manifestly the only alternative short of acceding to the treaty line of 1783. When the subject was brought to the attention of the Legislature, it seemed to entertain similar views, and with great harmony of opinion provided, as well as the state of things, which was then wholly conjectural, would enable them.

The Council will meet on the 25th of May for the regular despatch of business, when their attention will be invited to the expediency of consenting to the appointment of an agent or agents to represent the State.

I have the honor to be,
Your obedient servant,
J. DAVIS.

The SECRETARY OF STATE for the United States.

The Governor of Maine to the President.

EXECUTIVE DEPARTMENT,
Augusta, May 27, 1842.

SIR: I have the honor to enclose a copy of preamble and resolutions adopted by the Legislature of this State, relating to the subject of the northern and northeastern boundaries of Maine; and also to inform you that the Hon. Edward Kavanagh, Hon. Edward Kent, Hon. William H. Preble, and Hon. John Otis, have been elected commissioners under said resolves.

Most respectfully,
Your obedient servant,
JOHN FAIRFIELD.

His Excellency JOHN TYLER,
President of the United States, Washington.

STATE OF MAINE.

The joint select committee of both houses of the Legislature, to which was referred the Governor's message of the 18th instant, with the accompanying communication from the Secretary of State of the United States, have had the same under consideration, and ask leave to report the following preamble and resolutions.

EDWARD KAVANAGH, *Chairman.*

COMMITTEE ROOM, 20th May, 1842.

Resolves in relation to the Northeastern boundary of this State.

Whereas the preceding Legislatures of this State, in conformity with the well-settled conviction of all the people thereof, and with incontrovertible evidence before them on the subject, have uniformly declared that the boundary of Maine, on its Northern and Northeastern frontiers, as designated in the treaty of 1783, can be laid down and fixed according to the terms of that treaty; and that such line embraces all the territory over which this State claims property, sovereignty, and jurisdiction; and the Executive and Congress of the United States having recognised the validity of that claim in its full extent, this Legislature renews such declarations in the most solemn manner: and

Whereas, for a series of years, every attempt to adjust the vexed question in regard to the establishment of said boundary having proved ineffectual, it has been represented to the Government of this State that the minister plenipotentiary and special of her Britannic Majesty at Washington, has officially announced to the Government of the United States that he has authority to treat for a conventional line, or line by agreement, on such terms and conditions, and with such considerations and equivalents, as may be thought just and equitable; and that he is ready to enter upon a negotiation for such conventional line as soon as the Government of the United States shall say that it is authorized and ready, on its part, to commence such negotiation: and

Whereas the Government of the United States, not possessing the constitutional power to conclude any such negotiation without the assent of Maine, has invited the Government of this State to cooperate to a certain extent, and in a certain form, in an endeavor to terminate a controversy of so long duration:

Now, considering the premises, and believing that the people of this State, after having already manifested a forbearance honorable to their character, under long-continued violations of their rights by a foreign nation; and, though not disposed to yield to unfounded pretensions, are still willing, in regard to the proposal now made to the General Government to give additional evidence to their fellow-citizens, throughout the United States, of their desire to preserve the peace of this Union, by taking measures to discuss and conclude, if possible, the subject in controversy in a manner that will secure the honor and interests of the State, this Legislature adopts the following resolutions—with the understanding, however, that in the event of a failure in such endeavor towards an arrangement, no proceedings thereunder shall be so construed as to prejudice in any manner the rights of the State as they have been herein asserted to exist:

Resolved, That there shall be chosen, by ballot, in convention of both branches of the Legislature, four persons, who are hereby constituted and appointed commissioners, on the part of this State, to repair to the seat of Government of the United States, and to confer with the authorities of that Government touching a conventional line, or line by agreement, between the State of Maine and the British provinces, having regard to the line designated by the treaty of 1783, as uniformly claimed by this State, and to the declarations and views expressed in the foregoing preamble, and to give the assent of this State to any such conventional line, with such terms, conditions, considerations, and equivalents, as they shall deem consistent with the honor and interests of the State; with the understanding that no such line be agreed upon without the unanimous assent of such commissioners.

Resolved, That this State cannot regard the relinquishment by the British Government of any claim heretofore advanced by it to territory included within the limits of the line of this State as designated by the treaty of 1783, and uniformly claimed by Maine, as a consideration or equivalent within the meaning of these resolutions.

Resolved, That the said commissioners be furnished by the Governor with evidence of their appointment, under the seal of the State.

Resolved, That the Governor, by and with the advice and consent of the Council, have power to fill any vacancy that may occur in said commission, by death, resignation, or otherwise.

Resolved, That the said commissioners make return of their doings herein to the Governor, to be by him presented to the Legislature at its next session.

IN THE HOUSE OF REPRESENTATIVES,
May 26, 1842.

Read and passed:
CHARLES ANDREWS, *Speaker.*

IN SENATE, *May* 26, 1842.

Read and passed:
S. H. BLAKE, *President.*

May 26, 1842.
Approved: JOHN FAIRFIELD.

STATE OF MAINE.

SECRETARY'S OFFICE, AUGUSTA,
May 26, 1842.

I hereby certify that the foregoing is a true copy of the original preamble and resolutions deposited in this office.

Attest: PHILIP C. JOHNSON,
Secretary of State.

The Maine Commissioners to Mr. Webster.

FULLER'S HOTEL, WASHINGTON,
June 12, 1842.

The commissioners of Maine, on the subject of the Northeastern boundary, present their respectful compliments to the honorable Mr. Webster, Secretary of State of the United States, and beg leave to inform him that they are now in this city, ready to enter upon the business intrusted to them. They also avail themselves of the occasion to request him to name the time and place when and where it would suit the convenience of the Secretary of State to receive them.

Mr. Webster to the Maine Commissioners.

PRESIDENT'S SQUARE, June 12, 1842.

Mr. Webster has the honor to acknowledge the receipt of the note of the commissioners of Maine, announcing their arrival, and their readiness to enter on the business of their appointment.

MR. W. will have great pleasure in receiving

the commissioners at the Department of State, on Monday, at 1 o'clock.

Commissioners of Massachusetts to Mr. Webster.

WASHINGTON, June 13, 1842.

SIR: The undersigned, commissioners appointed by the State of Massachusetts to confer with the Government of the United States upon a conventional line to be established on our Northeastern boundary, are ready to proceed in the execution of their commission whenever the Secretary may signify his wish to meet them. Our colleague (Mr. Allen) will probably be here to-morrow.

We have the honor to remain, with the highest respect, your obedient servants,

ABBOTT LAWRENCE,
JOHN MILLS.

HON. DANIEL WEBSTER, *Secretary of State.*

Mr. Webster to the Commissioners of Massachusetts.

DEPARTMENT OF STATE,
Washington, June 13, 1842.

The undersigned has the honor to acknowledge the receipt of the communication addressed to him this day by Messrs. Lawrence and Mills, commissioners of the Commonwealth of Massachusetts. He will be happy to see these gentlemen at this department at ½ past 1 o'clock, p. m., to-day.

DANIEL WEBSTER.

Messrs. LAWRENCE and MILLS,
Commissioners of the Commonwealth of Massachusetts.

The Maine Commissioners to Mr. Webster.

WASHINGTON, June 29, 1842.

SIR: The undersigned, commissioners of Maine, have given to the letter of Lord Ashburton, addressed to you, under date of the 21st instant, and by you communicated to them, all the consideration which the importance of the subject of which it treats, the views it expresses, and the proposition it submits to you, demand.

There are passages in his Lordship's communication, the exact extent of the meaning of which the undersigned are not quite sure that they fully understand.

In speaking of the inhabitants on the south side of the St. John, in the Madawaska settlement, he says: "I cannot, in any case, abandon the obvious interest of these people." Again, in speaking of the proposition submitted by him, he remarks: "I have not treated the subject in the ordinary form of a bargain, where the party making the proposal leaves himself something to give up. The case would not admit of this, even if I could bring myself so to act."

If his Lordship's meaning is, that the proposed boundary, by agreement or conventional line, between the State of Maine and the Province of New Brunswick, must, at all events, be established on the south side of the St. John, extending from the due-north line to Fish river, and at a distance back from the river, so as to include the Madawaska settlement, and that the adoption of such a line is a *sine qua non* on the part of the British Government, the commissioners on the part of the State of Maine feel it their duty as distinctly to say that any attempt at an amicable adjustment of the controversy respecting the Northeastern boundary on that basis, with the consent of Maine, would be entirely fruitless.

The people of Maine have a deep settled conviction and the fullest confidence in the justice of their claim, to its utmost extent; yet, being appealed to as a constituent member of the American Union, and called upon, as such, to yield something in a spirit of patriotism for the common good, and to listen, in a spirit of peace, of accommodation, and good neighborhood, to propositions for an amicable settlement of the existing controversy, they have cheerfully and promptly responded to the appeal. Her Governor and Legislature, in good faith, immediately adopted the measures necessary on her part, with a view to relinquish to Great Britain such portion of territory and jurisdiction as might be needed by her for her accommodation, on such terms and for such equivalents as might be mutually satisfactory. Beyond this, nothing more was supposed to be expected or desired. During the negotiations at Ghent, the British commissioners, in a communication to the American commissioners, dated October 8, 1814, distinctly avow that the British Government never required all that portion of Massachusetts intervening between the province of New Brunswick and Quebec should be ceded to Great Britain, but only that *small portion* of unsettled country which intercepts the communication between Halifax and Quebec. So his Lordship, in his communication, admits that the reasons which have induced the British Government to maintain their rights ("claim") in this controversy are, "the establishing a good boundary between our two countries so as to prevent collisions and dispute, and an unobstructed communication and connexion of our colonies with each other." Again: looking, as he says, on the map, for such a boundary, "with reference to the sole object of Great Britain as already described, the line of the St. John, from where the north line from the St. Croix strikes it, up to some one of its sources, seems evidently to suit both parties," &c. Indeed, the portion of territory which Great Britain needs for her accommodation is so perfectly obvious, that no material difference of opinion, it is believed, has ever been expressed on the subject. It is that portion which lies north of the St. John and east of the Madawaska rivers, with a strip of convenient width on the west side of the latter river, and of the lake from which it issues.

Sent here, then, under this state of things, and with these views, by the Legislature of Maine, in a spirit of peace and conciliation, her commissioners were surprised and pained to be repelled as it were, in the outset, by such a proposition as his Lordship has submitted to you. On carefully analyzing it, it will be seen that, in addition to all the territory needed by Great Britain for her accommodation, as stated and admitted by her own authorities and agents, it requires that Maine should further yield a valuable territory, of more than fifty miles in extent, lying along the south side of the St. John, extending from the due-north line westerly to Fish river, and so back from the river St. John, as it is understood, to the Eagle lakes, and probably to the Little Madawaska and Aroostook. Speaking of this branch of the proposition, his Lordship treats it merely as "departing to this inconsiderable extent from the marked line of the river St. John." His Lordship does not state how much further up the river he contemplates going. His language implies that the distance to Fish river, although over fifty miles, is only an inconsiderable part of the whole extent contemplated. This part of the proposition, then, would seem to imply a relinquishment also, on the part of Maine, of a large portion of her territory north of the St. John and west of the Madawaska rivers. In this view of the case, it is due to the Governor, and Legislature, and people of Maine, to say that they had not expected such a proposition. If they had, nothing is hazarded in saying no commissioners would have been sent here to receive and consider it. And, in this state of things, it becomes a bounden duty, on the part of the undersigned, to say to you, that if the yielding and relinquishing, on the part of the State of Maine, of any portion of territory, however small, on the south side of the St. John, be with her Britannic Majesty's Government a *sine qua non* to an amicable settlement of the boundary of Maine, the mission of the commissioners of Maine is ended. They came not to throw obstacles in the way to the successful accomplishment of the great work you have on hand—that of consolidating an honorable peace between two great nations; but, on the contrary, they came prepared to yield much, to sacrifice much, on the part of Maine, to the peace of the Union and the interest of her sister States. If the hopes of the people of Maine and of the United States are to be disappointed, it is believed the fault lies not at the door of the Governor or Legislature of Maine, or of her commissioners.

At the date of the earliest maps of that country, the river now called the Madawaska had not acquired a distinctive name; and consequently the source of that river was regarded as one of the sources, if not the principal source, of the St. John. On looking at the map, it will at once be seen that the general course of the St. John and Madawaska, from the mouth of the former to the source of the latter, are one and the same. As connected with this fact, we find that at least five different maps, published in London in the years 1765, 1769, 1771, 1774, and 1775, place the northwest angle of Nova Scotia on the highlands at the source of that branch of the St. John, then without distinctive appellation, but now known as the Madawaska.

One of these five is specially quoted in the report of the committee of Congress of the 16th August, 1782, so often referred to in this controversy. In no map of a date prior to the treaty of 1783, it is believed, is the northwest angle of Nova Scotia placed on the highlands at the source of any branch whatever of the St. John, but the Madawaska. Hence the proposition of the American commissioners, in 1782, in discussing the subject of the boundaries of the United States, to begin at the northwest angle of Nova Scotia, on the highlands at the source of the St. John. Respect for the distinguished men who negotiated the treaty of peace of 1783, would induce the undersigned to renew the proposition, so far as regards adopting the Madawaska as a boundary, were it not that, being prepared to yield all that is needed for the accommodation of Great Britain, they are aware that a strip on the west side of that river is necessary to that object. The particular map quoted in the report above mentioned is that of Emanuel Bowen, geographer to the King, published in 1775, in which the Penobscot, and a line drawn from one of its sources, crossing the St. John, to the source of that branch now called the Madawaska, are distinctly laid down as the western boundary of Nova Scotia. So in all the maps which place the northwest angle of Nova Scotia on the highlands at the source of the St. John, those highlands and that source are on the north side of the Walloostook, which is now known to be the main branch of the St. John. The inference or assumption, then, that it was not the intention of the commissioners who negotiated the treaty of peace that any portion of the valley or waters of the St. John should be included within the limits of the United States, because the American negotiators of that treaty proposed the northwest angle of Nova Scotia, on the highlands at the source of the St. John, as the place of beginning, in establishing the boundaries of the United States, is, it is believed, wholly unwarranted. The fact, on the contrary, as it seems to the undersigned, disproves any such intention or supposition on the part of the American commissioners.

The British commissaries, Messrs. Mildmay and De Cosne, in their reply of the 23d of January, 1753, to the French commissaries, say: "We have sufficiently proved, first, that Acadia (Nova Scotia) has had an inland limit from the earliest times; and, secondly, that that limit has ever been the river St. Lawrence." At that time, then, the British Government contended that the northwest angle of Nova Scotia was formed by the river St. Lawrence, as one line, and a line drawn north from the St. Croix to the St. Lawrence as the other; and this is in conformity with the position assigned to it on Mitchell's map and some others. By the grant to Sir William Alexander, the northwest angle of Nova Scotia was also placed at the river St. Lawrence, although its precise locality on that river is not determined by the language of the grant.

The French commissaries, on their part, contended that the limits of Canada extended on the south side of the St. Lawrence, so as to embrace the territory watered by the rivers that emptied themselves into the river St. Lawrence. "Les pays dont les eaux vont se rendre dans le fleuve St. Laurent." The commissions granted to the Governors of Canada, and all the public documents issued by the authority of the French Government, fully sustain their position. There is no ground, say they, for entertaining a doubt that all the commissions granted by the King, for the government of Canada, were conceived in the same terms. In the splendid Universal Atlas, published at Paris by De Vaugondy & Son, in 1757, there is a map dated 1755, and referred to expressly by the author, who was geographer to the King, as illustrating the dispute between France and Great Britain, in regard to the boundaries of their respective territories. On this map, the dividing ridge, or highlands, is placed where the United States have ever contended it is only to be found; and what is deserving of notice is, that the northwest angle of Nova Scotia is there placed on those highlands, at the head of the lake there called Metaousta; the line separating Nova Scotia from New England being drawn through the centre of that lake, to the source of the St. Croix. The disputes above referred to having led to a war between France and Great Britain, France finally ceded to Great Britain, in February, 1763, Canada, and abandoned all claim to Nova Scotia and the whole territory in controversy between the two powers. On the 7th of October, 1763, his Britannic Majesty issued his proclamation,

defining the southern boundary of Canada, or the province of Quebec, and establishing it where the French had always contended it was. Immediately afterward, he also defined and established the western limit of Nova Scotia; alleging, by way of justification of certain pretensions which had been put forward in opposition to Massachusetts, in regard to the Penobscot as a boundary, that, although he might have removed the line as far west as the Penobscot, yet he would limit himself at the St. Croix. Accordingly, the western boundary of Nova Scotia was, in November, 1763, defined and established as follows: "By a line," &c., "across the entrance of the Bay of Fundy, to the mouth of the river St. Croix, by the said river to its source, and by a line drawn due north from thence to the southern boundary of our province of Quebec." The northwest angle of Nova Scotia was, by these two documents, established in November, 1763, and defined to be the angle formed by the line last described, and the line which "passes along the highlands which divide the rivers that empty themselves into the said river St. Lawrence, from those which fall into the sea, and also along the north coast of the Bay des Chaleurs." We now see wherefore it was that the distinguished men who negotiated the treaty of peace were so particular in describing the precise position, and giving so exact a definition of the northwest angle of Nova Scotia, mentioned in the treaty. They distinctly and explicitly state that motive to be, that "all disputes which might arise in future, on the subject of the boundaries of the United States, may be prevented." Their starting bound, or point of departure, is the northwest angle of Nova Scotia. Here the question presents itself—what northwest angle? They describe it, not that northwest angle which in several maps is laid down on the highlands, at the Madawaska source of the St. John; not that northwest angle on the southern bank of the river St. Lawrence, laid down on Mitchell's map, and so strenuously contended for by the British Government and British commissaries in their dispute with France; not that northwest angle on the river St. Lawrence, described in the charter or grant by King James to Sir William Alexander; but the northwest angle of Nova Scotia, defined and established in November, 1763, "to wit: that angle which is formed by a line drawn due north from the source of St. Croix river, to the highlands," &c.; and, further, that there might be no ground for reviving the old pretension in regard to the Penobscot, or any other western river, being intended as the St. Croix, the river St. Croix intended in the treaty is declared to have its mouth in the Bay of Fundy. Nor is there any pretence of any doubt or question having been raised, until long after the treaty of peace, as to what highlands were intended in the proclamation of 1763 as constituting the southern boundary of Quebec. So far from it, the Parliament of Great Britain, in 1774, passed the Quebec act, which was one of the grievances complained of by the colonies, and which confirmed the boundaries, so far as the matter under consideration is concerned, defined and established by that proclamation. Of these two public acts, the American commissioners were not ignorant nor misinformed. They are both expressly referred to and mentioned in the report of August 16, 1782, already mentioned. To find these highlands, the statesman and jurist, who has no other object in view than to expound the treaty according to its terms and provisions, uninfluenced by any secret bias or preconceived theory, will, it is believed, begin, not at the mouth or source of the St. Croix, but on the bank of the river St. Lawrence, at a point north of the source of the river St. Croix; and, following the due-north line (so called) southward, he will find no difficulty in discovering the line of the "*Versants*," from which issue the rivers that empty themselves into the river St. Lawrence. The whole and exclusive object and intent of the proclamation of 1763, so far as relates to this matter of boundary in that section of country, was not in any way to affect or alter the limits of jurisdiction over the territory lying south of that line of "*Versants*," but only to cut off from Nova Scotia and Massachusetts that portion of territory which was watered by the rivers which empty themselves into the river St. Lawrence. Accordingly, the due-north line or boundary between Nova Scotia and Massachusetts is described as extending "from the source of the St. Croix to the southern boundary of our province of Quebec."

The commissioners of Maine do not consider themselves as sent here to argue the question of right in regard to the conflicting claims to the disputed territory, nor to listen to an argument in opposition to the claim of Maine. Their mission contemplated a far different and more conciliatory object. They have, however, felt themselves compelled, in justice to Maine, to reply to two positions assumed by Lord Ashburton—the soundness of which, with great deference and respect for his Lordship, they cannot admit: First. That "it was the intention of the parties to the treaty of peace of 1783 to leave to Great Britain, by their description of boundaries, the whole waters of the river St. John." Secondly. "That the treaty of 1783 was not executable according to its strict expression. His Lordship also speaks of "a volume of additional controversial matter, which he has not communicated, but which he has brought with him, and much of which would be of no inconsiderable weight and importance, if controversy were our object." Among the matter referred to in that volume, the undersigned believe they have reason to conjecture, will be found a map entitled "North America, with the New Discoveries," by William Faden, geographer to the King, published in the year 1785. That map—a copy of which is now before the undersigned, communicated by you—extends the British possessions so as to include the waters of the St. John, and dispenses with the due-north line of the treaty altogether. The map referred to is a small one, of small pretensions. It is, however, somewhat remarkable, that the same William Faden published, in 1783, a map, prepared with great care, entitled "The United States of North America, with the British and Spanish territories, according to the treaty," in which he lays down the boundary of Quebec according to the act of 1774, and the boundary of the United States in precise accordance with the American claim. He was not at that time geographer to the King. It is well known that difficulties, very soon after the treaty of peace, began to spring up between the United States and Great Britain, which became more and more exasperated, until the conclusion of the treaty negotiated by Mr. Jay. During that period, the boundary of the United States became more restricted on more British maps than the one published by Mr. Faden. How far the new light let in upon him by the feeling of the times and his new position enlightened the mind of Mr. Faden in making his new discoveries, it is neither our duty nor our disposition to discuss. Mr. Faden and others were only imitating, in this particular, what had been done some thirty years before, during the controversy between France and Great Britain; and again in the subsequent one between the Crown and Massachusetts, when the officers of the Crown were endeavoring to reclaim the territory east of the Penobscot.

As they have been assured that Lord Ashburton is restrained by his instructions from yielding the island of Grand Manan, or any of the islands in Passamaquoddy bay, or even any portion of the narrow strip of territory which lies between the due-north line from the source of the St. Croix and the St. John river, above Eel river, so called, as an equivalent for any portion of the territory claimed by Maine as within her boundaries, her commissioners, on their part, feel themselves constrained to say that the portion of territory within the limits of Maine, as claimed by her, which they are prepared, in a spirit of peace and good neighborhood, to yield for the accommodation of Great Britain, must be restrained and confined to such portion only, and in such reasonable extent, as is necessary to secure to Great Britain "an unobstructed communication and connexion of her colonies with each other." It appears, by his communication to you, that his Lordship proposes to yield the disputed territory claimed by New Hampshire, at the source of the Connecticut river; the strip of disputed territory at the head of Vermont, in the possession of that State, north of the forty fifth parallel of latitude; and the strip of disputed territory, embracing Rouse's point, on Lake Champlain, north of the same parallel, in the possession of the State of New York; notwithstanding these have been decided by the arbiter to belong of right to Great Britain.

Now, the undersigned are fully aware of the importance of having all these difficulties in regard to boundaries amicably adjusted, and that it is highly desirable to the United States to have them so adjusted, and to the particular States interested to be confirmed and quieted in their respective limits and possessions. But it cannot have escaped your attention, that all this is proposed to be done partly at the expense of Massachusetts, but principally at the expense of Maine. The only thing in the nature of an equivalent offered to Maine and Massachusetts, relates to a concession, by Great Britain, of the right of transporting the produce of the forest without duty down the St. John. It is not the intention of the undersigned to depreciate or underrate the value of such a concession; but it is contended that it is a privilege as desirable to New Brunswick as it is to Maine and Massachusetts. It is to the territory of Maine, watered by the St. John and its tributary streams, that the city of St. John's must look for the principal material to maintain her external commerce—for her means to pay for the supplies she receives from the mother country. The unobstructed navigation of the St. John, for the transportation of the products of the forest, free of toll or duty of any kind whatever, would be a concession mutually advantageous to Maine and Massachusetts on the one part, and to Great Britain and New Brunswick on the other; but, being mutually advantageous, it ought not, perhaps, to be treated exactly in the character of an equivalent. Yielding, however, to the force of the considerations which have been referred to—considerations which affect materially the interests of Maine and Massachusetts as members of the Union—and assuming it for granted, and as a condition, that the United States themselves will furnish to the two States such an equivalent as, in justice and equity, they ought to do, the undersigned, with the assent and concurrence of the commissioners of Massachusetts, propose the following as a conventional line, or line by agreement, between the United States and the State of Maine on the one part, and Great Britain and the territories of her Britannic Majesty on the other part, viz: Beginning at the middle of the main channel of the river St. John, where the due-north line from the source of the river St. Croix crosses the St. John; thence westerly, by the middle of the main channel of the St. John, to a point three miles westerly of the mouth of the river Madawaska; thence, by a straight line, to the outlet of Long Lake; thence westerly, by a direct line, to the point where the river St. Francis empties itself into Lake Pohenagamook; thence, continuing in the same direct line, to the highlands which divide the waters emptying themselves into the river Du Loup from those which empty themselves into the river St. Francis.

In proposing this line, the following reasons have presented themselves to the undersigned for adopting it as a conventional line, or line by agreement, in preference to any other:

1st. It yields to Great Britain all she needs to secure to her "an unobstructed communication and connexion of her colonies with each other;" and, connected with the unobstructed and free navigation of the St. John, seems to meet the legitimate wants of all parties.

2d. The most natural boundary from the due, north line to the highlands of the treaty would be the St. John and the Madawaska to its source, as first proposed by the American commissioners who negotiated the peace of 1783. But as that boundary, taken in its whole extent, would cut off the communication between the British colonies at the Grand portage, the line here proposed removes that difficulty. At or near the point where the proposed line leaves the St. John, which, from the due-north line from the St. Croix, pursues a northwesterly course upward, the river suddenly turns, and trends for a distance of about five miles nearly south, and thence for its whole course upward to its source trends southerly of west. To pursue the line of the St. John further west than the point indicated, which is about three miles above the mouth of the Madawaska, would be to adopt an angular line projecting itself into the American territory. The outlet of Long Lake is proposed as a natural and permanent bound, which cannot be mistaken; and for the same reason, the inlet of Lake Pohenagamook is also proposed; and the line being continued to the highlands, removes all possible ground of misapprehension and controversy.

3d. As Great Britain has restrained her minister plenipotentiary from granting any territorial equivalent, to be incorporated into the territorial limits of Maine, any further concession of territory on the part of Maine could hardly, it is apprehended, be expected from her.

In making the proposition above submitted on

their part, in connexion with a concession on the part of Great Britain of the unobstructed navigation of the St. John, and all its branches and tributaries which, in any part, flow from the territory of the United States, for the transportation of the lumber and products of the forest, free of toll or duty, the undersigned had supposed it quite possible that they had misapprehended the meaning intended to be conveyed by the expression of Lord Ashburton, where he speaks of "some one of the sources of the St. John." But they have now just learned (informally) that the expression was used by him advisedly, meaning thereby some one of the sources of that river situated in the vicinity of the sources of the Penobscot and Chaudiere. His proposition, therefore, extends to a yielding, on the part of Maine, of the whole territory on the north side of the St. John, from the due-north line to its source; and this, too, without any territorial equivalent to Maine. With this explanation, the language of Lord Ashburton in calling the southern border of the St. John, from the due-north line to the mouth of Fish river, an "inconsiderable extent," is more readily understood. To this part of the proposition there is only one reply. Whatever may be the solicitude of the undersigned that the difficulties which have arisen in regard to the boundaries of Maine may be amicably and definitively arranged, the proposition, as now explained and understood, cannot be acceded to.

In making the offer they have submitted, the undersigned are sensible their proposition involves a sacrifice of no inconsiderable portion of the just claims and expectations of Maine. It is made in the spirit of peace—of conciliation. It is made to satisfy her sister States that Maine is not pertinacious or unreasonable, but is desirous of peace, and ready to make large sacrifices for the general good.

Before closing this communication, the undersigned feel it their duty, by way of explanation to state their views in regard to the French settlers at Madawaska. In any treaty which may be made with Great Britain, affecting these people, the grants which have been made to them by New Brunswick may and ought to be confirmed in fee simple, with such provision in regard to the possessory rights acquired by other actual settlers there, as may be just and equitable; and, also, the right may be reserved to the settlers on both banks of the river to elect, within some reasonable period, and determine of which Government the individuals signifying their election will remain, or become citizens or subjects. If, then, they should have any preference, they will have it in their power, on mature consideration and reflection, to decide for themselves, and act accordingly. The hard lot and sufferings of these people, and of their fathers, give them a claim to our sympathies. The atrocious cruelties practised upon their ancestors are matters of history; the appalling details of them are among their traditions. The fathers and the mothers have taught them to their children. When fleeing from their oppressors, in 1785, they settled down in the wilderness, at Madawaska; they believed and understood themselves to be within the limits and jurisdiction of the United States—a people of whom France had been the friend and ally in the war which had just terminated in their independence, and who was still the friend and ally of France in peace. Their history since that period had lost little of its interest. Too few in number, too weak in resources, too remote to expect or receive aid, they have submitted to whatever master assumed authority over them. With a knowledge of their history, and the wrongs they and their ancestors have suffered, it will be difficult for the people of Maine to bring themselves into the belief that these people are opposed to living under the mild and gentle sway of our free institutions. It will be equally difficult for the people of Maine to satisfy themselves that it is only from a lively and disinterested sympathy for these poor Frenchmen, that the Government of Great Britain is so solicitous to retain possession of the south bank of the St. John, extending from the due-north line, more than fifty miles, up to Fish river. On the best consideration they have been able to give to this subject, the undersigned can see nothing in the condition or circumstances of these settlers which would justify them in abandoning the very obvious and only natural boundary, to adopt one that must be altogether arbitrary.

The undersigned avail themselves of this occasion to tender to Mr. Webster, Secretary of State, assurances of their distinguished consideration and respect.

WM. P. PREBLE,
EDWARD KAVANAGH,
EDWARD KENT,
JOHN OTIS.

Hon. DANIEL WEBSTER,
Secretary of State.

[CONFIDENTIAL.]

Mr. Webster to the Commissioners of Maine and Massachusetts.

DEPARTMENT OF STATE,
Washington, 12th July, 1842.

GENTLEMEN: I place in your hands a note received yesterday from Lord Ashburton; it would have been transmitted sooner, but I was not able to read it myself until this morning.

I shall have the honor of inviting a conference with you at an early opportunity, being very desirous of making progress in the business in which we are engaged, and satisfied that the various parties in interest are as well prepared now to come to a decision as they are likely to be at any time hereafter.

I have the honor, &c.,
DANIEL WEBSTER.

The Hon. COMMISSIONERS
Of Maine and Massachusetts.

Mr. Webster to the Maine Commissioners.

DEPARTMENT OF STATE,
Washington, July 15, 1842.

GENTLEMEN: You have had an opportunity of reading Lord Ashburton's note to me of the 11th of July. Since that date, I have had full and frequent conferences with him respecting the Eastern boundary, and believe I understand what is practicable to be done on that subject, so far as he is concerned. In these conferences, he has made no positive or binding proposition—thinking, perhaps, it would be more desirable, under present circumstances, that such proposition should proceed from the side of the United States. I have reason to believe, however, that he would agree to a line of boundary between the United States and the British provinces of Canada and New Brunswick, such as is described in a paper accompanying this, (marked B,) and identified by my signature.

In establishing the line between the monument and the St. John, it is thought necessary to adhere to that run and marked by the surveyors of the two Governments in 1817 and 1818. There is no doubt that the line recently run by Major Graham is more entirely correct; but, being an *ex parte* line, there would be objections to agreeing to it without examination, and thus another survey would become necessary. Grants and settlements, also, have been made, in conformity with the former line, and its errors are so inconsiderable that it is not thought that their correction is a sufficient object to disturb these settlements. Similar considerations have had great weight in adjusting the line in other parts of it.

The territory in dispute between the two countries contains 12,027 square miles, equal to 7,697,280 acres.

By the line described in the accompanying paper, there will be assigned to the United States 7,015 square miles, equal to 4,489,600 acres; and to England 5,012 square miles, equal to 3,207,680 acres.

By the award of the King of the Netherlands, there was assigned to the United States 7,908 square miles—5,061,120 acres; to England 4,119 square miles—2,636,160 acres.

The territory proposed to be relinquished to England, south of the line of the King of the Netherlands, is, as you will see, the mountain range from the upper part of the St. Francis river to the meeting of the two contested lines of boundary, at the Metjarmette portage, in the highlands, near the source of the St. John. This mountain tract contains 893 square miles—equal to 571,520 acres. It is supposed to be of no value for cultivation or settlement. On this point you will see, herewith, a letter from Captain Talcott, who has been occupied two summers in exploring the line of the highlands, and is intimately acquainted with the territory. The line leaves to the United States, between the base of the hills and the left bank of the St. John, and lying along upon the river, a territory of 657,280 acres, embracing, without doubt, all the valuable land south of the St. Francis, and west of the St. John. Of the general division of the territory, it is believed it may be safely said that, while the portion remaining with the United States is in quantity seven-twelfths, in value it is at least four-fifths of the whole.

Nor is it supposed that the possession of the mountain region is of any importance in connexion with the defence of the country, or any military operations. It lies below all the accustomed practicable passages for troops into and out of Lower Canada; that is to say, the Chaudière, Lake Champlain, and the Richelieu, and the St. Lawrence. If an army with its *materiel* could possibly pass into Canada over these mountains, it would only find itself on the banks of the St. Lawrence, *below* Quebec; and, on the other hand, it is not conceivable that an invading enemy from Lower Canada would attempt a passage in this direction, leaving the Chaudière on one hand, and the route by Madawaska on the other.

If this line should be agreed to on the part of the United States, I suppose that the British Minister would, as an equivalent, stipulate, first, for the use of the river St. John, for the conveyance of the timber growing on any of its branches to tide water, free from discriminating tolls, impositions, or inabilities of any kind; the timber enjoying all the privileges of British colonial timber. All opinions concur that this privilege of navigation must greatly enhance the value of the territory and the timber growing thereon, and prove exceedingly useful to the people of Maine. Second, that Rouse's Point, in Lake Champlain, and the lands heretofore supposed to be within the limits of New Hampshire, Vermont, and New York, but which a correct ascertainment of the 45th parallel of latitude shows to be in Canada, should be surrendered to the United States.

It is probable, also, that the disputed line of boundary in Lake Superior might be so adjusted as to leave a disputed island within the United States.

These cessions on the part of England would enure partly to the benefit of the States of New Hampshire, Vermont, and New York, but principally to the United States. The consideration on the part of England for making them, would be the manner agreed upon for adjusting the Eastern boundary. The price of the cession, therefore, whatever it might be, would, in fairness, belong to the two States interested in the manner of that adjustment.

Under the influence of these considerations, I am authorized to say that, if the commissioners of the two States assent to the line as described in the accompanying paper, the United States will undertake to pay to these States the sum of two hundred and fifty thousand dollars, to be divided between them in equal moieties; and, also, to undertake for the settlement and payment of the expenses incurred by those States for the maintenance of the civil posse; and, also, for a survey which it was found necessary to make.

The line suggested, with the compensations and equivalents which have been stated, is now submitted for your consideration. That it is all which might have been hoped for, looking to the strength of the American claim, can hardly be said. But, as the settlement of a controversy of such duration is a matter of high importance; as equivalents of undoubted value are offered; as longer postponement and delay would lead to further inconvenience, and to the incurring of further expenses; and as no better occasion—or, perhaps, any other occasion—for settling the boundary by agreement, or on the principle of equivalents, is ever likely to present itself, the Government of the United States hopes that the commissioners of the two States will find it to be consistent with their duty to assent to the line proposed, and to the terms and conditions attending the proposition.

The President has felt the deepest anxiety for an amicable settlement of the question, in a manner honorable to the country, and such as should preserve the rights and interests of the States concerned. From the moment of the announcement of Lord Ashburton's mission, he has sedulously endeavored to pursue a course the most respectful towards the States, and the most useful to their interests, as well as the most becoming to the character and dignity of the Government. He will be happy if the result shall be such as shall satisfy Maine and Massachusetts, as well as the rest of the country. With these sentiments on the part of the President, and with the conviction that no more advantageous arrangement can be made, the sub-

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ject is now referred to the grave deliberation of the commissioners.

I have the honor to be, with great respect, your obedient servant,

DANIEL WEBSTER.

To the Hon. the COMMISSIONERS OF MAINE.*

B.

Beginning at the monument at the source of the river St. Croix, as designated by the commissioners under the fifth article of the treaty of 1794, between the Governments of the United States and Great Britain; thence, north, following the exploring line run and marked by the surveyors of the two Governments in the years 1817 and 1818, under the fifth article of the treaty of Ghent, to its intersection with the river St. John, and to the middle of the channel thereof; thence, up the middle of the main channel of the said river St. John, to the mouth of the river St. Francis; thence, up the middle of the channel of the said river St. Francis, and of the lakes through which it flows, to the outlet of the lake Pohenagamook; thence, southwesterly, in a straight line, to a point on the northwest branch of the river St. John, which point shall be ten miles distant from the main branch of the St. John, in a straight line, and in the nearest direction; but if the said point shall be found to be less than seven miles from the nearest point of the summit or crest of the highlands that divide those rivers which empty themselves into the river St. Lawrence from those which fall into the Atlantic ocean, then the said point shall be made to recede down the said river to a point seven miles in a straight line from the said summit or crest; thence, in a straight line, in a course about south eight degrees west, to the point where the parallel of latitude of 46 deg. 25 min. intersects the southwest branch of the St. John; thence, southerly, by the said branch, to the source thereof, in the highlands at the Metjarmette portage; thence, down along the said highlands, to the head of Hall's stream; thence, down the middle of said stream, till the line thus run intersects the old line of boundary surveyed and marked by Valentine and Collins, previously to the year 1774, as the 45th degree of latitude, and which has been known and understood to be the line of actual division between the States of New York and Vermont on one side, and the British province of Canada on the other; and from said point of intersection, west, along the said dividing line, as heretofore known and understood, to the Iroquois or St. Lawrence river.

Captain Talcott to Mr. Webster.

WASHINGTON, 14th July, 1842.

SIR: The territory within the lines mentioned by you contains *eight hundred and ninety-three* square miles, equal to *five hundred and seventy-one thousand five hundred and twenty* acres. It is a long and narrow tract upon the mountains or highlands, the distance from Lake Pohenagamook to the Metjarmette portage being one hundred and ten miles. The territory is barren, and without timber of value; and I should estimate that nineteen parts out of twenty are unfit for cultivation. Along 80 miles of this territory, the highlands throw up into irregular eminences of different heights, and, though observing a general northeast and southwest direction, are not brought well into line. Some of the elevations are over three thousand feet above the sea.

The formation is primitive siliceous rock, with slate resting upon it, around the basis. Between the eminences are morasses and swamps, throughout which beds of moss, of luxuriant growth, rest on and cover the rocks and earth beneath. The growth is such as is usual in mountain regions on this continent, in high latitudes. On some of the ridges and eminences, birch and maple are found; on others, spruce and fir; and in the swamps, spruce intermixed with cedar; but the wood, everywhere, is insignificant, and of stinted growth. It will readily be seen, therefore, that, for cultivation, or as capable of furnishing the means of human subsistence, the lands are of no value.

I am, sir, your obedient servant,

A. TALCOTT, Commissioner.

Hon. DANIEL WEBSTER, Secretary of State.

The Maine Commissioners to Mr. Webster.

WASHINGTON, July 16, 1842.

SIR: We learn from the letter addressed to you by Lord Ashburton, dated the 11th instant, and by you communicated to the commissioners of Maine and Massachusetts, that the line proposed by us as a conventional line, with the assent and concurrence of the commissioners of Massachusetts, in our note to you of the 29th ultimo, is inadmissible. His Lordship even expresses himself as being "quite at a loss to account for such a proposal;" and appeals to your candid judgment to say "whether this is a proposition of conciliation," and whether it could reasonably be expected that, whatever might be the anxiety of his Government for a friendly settlement, he could be found with power to accede to such terms. That public, to which his Lordship more than once alludes in both his letters, will have it in their power to judge which proposition, on the whole, under all the circumstances of the case, is best entitled to the character of conciliatory—his Lordship's or ours. To you, sir, the commissioners must be permitted to insist that they did intend and consider their offer as a proposition of conciliation, however it may appear to Lord Ashburton. It is predicated upon the basis of yielding to Great Britain all she needs, and more than she needs, for the natural, convenient, and "unobstructed communication and connexion of her colonies with each other." A desire on her part to obtain which, is believed to be at the bottom of this controversy; and the necessity of securing which, even his Lordship seems to admit has been the main reason of her continuing to persist in it. The royal arbiter, as his Lordship is pleased to call him, clearly understood this, and governed himself accordingly. He recommended the yielding, on the part of the United States, of this portion of territory, coupling it at the same time with the yielding, on the part of Great Britain, to the United States, of Rouse's Point, on Lake Champlain, and the fort there erected, with its kilometrical radius, and so much of the territory adjacent as might be necessary to include it. The existence of such a place and its fortifications had not been even alluded to in the American statements nor by the American agents. The British agents could not suffer such a fact to pass unnoticed. They studiously informed the royal arbiter in their first statement, and took care to advert to it again in their second, that there was "a certain point called *Rouse's Point*, where there happened to be an important American fort, which had been erected not long before, at considerable expense, as a defence for that frontier." Thus admonished of the fact, the royal arbiter readily availed himself of it, and placed the value and convenience of this supposed important military position and fortification to the account of the United States, as an offset for the territory in Maine needed for the convenience of Great Britain, and for "the unobstructed communication and connexion of her colonies with each other;" supposing, without doubt, that in so doing he was promoting the interests, and objects, and convenience of both nations. When, therefore, Lord Ashburton bases his proposition on the supposition that "the division by the King of the Netherlands satisfied fairly the equity of the case between the parties," and restrains that monarch's views to an equitable division of the territory in dispute in Maine only, he overlooks, as it appears to us, the fact that both matters were before his Majesty's mind at one and the same time; and that, as in the one instance he recommended that a certain portion of territory should be yielded by the United States to Great Britain for her accommodation, so, in the other, he recommended that a certain other portion of territory, belonging of right to Great Britain, in his opinion, should be yielded by Great Britain to the United States, for their supposed accommodation and security. It is true that Rouse's Point had formerly been considered as of great importance as a military position, and that the United States had expended very large sums of money in erecting fortifications there. The royal arbiter, therefore, acting under the influence of the *ex parte* information so gratuitously furnished him, might well attach to Rouse's Point and its fortifications an inflated importance; and, taking the whole relations and interests of the parties before him into consideration, might regard his recommendation as satisfying fairly the equity of the case between the parties. But, however this may be, it is certain that what would be an equitable division of the territory in dispute was never submitted to the King of the Netherlands at all by the United States; that no evidence upon that point was placed before him by the United States; nor were the United States or their agents ever heard or consulted on that point by him. Against the adoption of his recommendation in this respect, the State of Maine has ever solemnly protested; and the Senate of the United States, who alone had the constitutional power to adopt and ratify it, rejected it with great unanimity. The recommendation of the royal arbiter, therefore, given under such circumstances, can in no way affect the rights of the parties in interest, and is in fact entitled to no more consideration and respect than that of any other gentleman of equal intelligence and information under the same circumstances. We feel it our duty, therefore, to say to you that the hypothesis assumed by Lord Ashburton, that the portion of disputed territory cut off from Maine by the line recommended by the King of the Netherlands should be yielded to Great Britain without any equivalent whatever, cannot be, and in our opinion ought not for a moment to be, admitted or acquiesced in by the commissioners of Maine.

Among the objections made by Lord Ashburton to the line proposed by us, drawn from the bend of the St. John, three miles above the mouth of the Madawaska, to the outlet of Long lake, one is, that it is an arbitrary line, which nobody ever suggested before; and that it would give to Great Britain less than the award of the arbiter. All this is true. But the line proposed by us is a straight line, like that from the source of the St. Croix, drawn from one well-known natural monument to another well-known natural monument, within convenient distances of each other, and about which there could be no mistake or dispute. It yields also all, and more than all, that is needed by Great Britain for the unobstructed communication and connexion of her colonies with each other; and, as suggested by us in our note of the 29th ult., was proposed, rather than the channel of the Madawaska, solely for that reason and on that account; and what does Great Britain want of more? If the true character of that territory be of the description—"the miserable description"—stated by his Lordship in his note of the 21st ult., why should he feel it to be an objection that the line proposed by us would give to Great Britain less than the award of the arbiter, when it gives her enough to answer all her purposes? Beyond the designated bend of the St. John, the course of that river is such as to make with the St. Francis an acute angle—thereby forming between them a wedge of territory inserting itself, for its whole length, according to that award, into the territory of the United States. Again, at the mouth of the Turtle river, (so called,) a few miles above the designated bend of the St. John, there is a small settlement of Americans holding their lands under grants from Maine and Massachusetts. Again: the river St. Francis is one whose course is exceedingly crooked, having many sharp bends; so that, while the distance by the river and lakes from the Grand Portage to the mouth of the St. Francis is estimated by the assistant geologist of Massachusetts (who followed it down its whole length) at not less than eighty-five miles, the distance from the one point to the other in a straight line is only about forty miles. Moreover, the line recommended by the King of the Netherlands, without any knowledge of the topography of the country, is believed to be impracticable, on account of there being, in fact, no such stream emptying into the lake as, in his recommendation, he supposes to exist. And we will add, that, however miserable his Lordship

* Same, *mutatis mutandis*, to the Commissioners of Massachusetts.

may consider the territory there to be, we regard it as of much value, inasmuch as it is well known to be covered with a fine growth of timber—equal, it is said, to any to be found on the disputed territory.

In connexion with these considerations, we wish to add a few words on the subject of the right to float down our timber on the St John, since his Lordship has made it a special subject of comment. Great changes, as his Lordship well knows, are brought about in the state of things by the mere course of time. The timber of New Brunswick suitable for the British market has nearly all disappeared. While they had a supply of their own, the right of carrying down our lumber was most strenuously and pertinaciously resisted, as Lord Ashburton himself states. A very large quantity of the most valuable lumber is situated on the bank of the Alagash, above the falls of that river. By first throwing a dam across the Alagash, and then, with a common pickaxe and spade, digging a channel across the British highlands, our enterprising lumbermen have found the means of turning the valuable timber of the Alagash down the river Penobscot. More than six million feet of this lumber were sawed in the mills of the Penobscot the last season. How far the change in the disposition of the British cabinet, which his Lordship speaks of, has been effected by these and the like considerations, it is not our purpose to inquire; nor do we mean to be understood as undervaluing this change of policy. Our object has been to show that Great Britain, in making the proposition, is pursuing her own objects, and promoting her own interests, and not making any sacrifice, by way of an equivalent for concessions on our part. It will not have escaped your recollection that the river St. John is not a river navigable from the sea, in the ordinary acceptation of that expression. There is a ledge running across the mouth of that river, of such a character that, owing to the very high tides in the Bay of Fundy, there is a fall of about twenty feet out at low water, and a fall of some four feet in at high water. It is only about forty five minutes in a tide that you can pass in or out of the river at all; and, even during that short period, the passage is a difficult and dangerous one. So, again, there is a fall of about forty feet on the Aroostook before you reach the American territory; and a fall also on the St. John itself of eighty feet, before you reach the State of Maine, as you follow up the river. The boasted free navigation of the St. John and its tributaries, from the disputed territory, may well be illustrated by the free navigation of the Potomac to this city from the valley of the Shenandoah. When, therefore, as commissioners of Maine, we consented to accept, as an equivalent from Great Britain for the territory proposed to be yielded to her for her convenience and accommodation, the free navigation of the St. John for the floating down of our lumber, we did consider ourselves, under all the circumstances of the case, as having proposed all that a liberal spirit of conciliation could require us to do. And it will not be deemed improper by you if we here advert to the fact that we cannot regard the relinquishment by the British Government of any claim heretofore advanced by it to territory within the limits of Maine, as asserted by her, as a consideration or equivalent for the yielding, on our part, to Great Britain, of any other portion of the same territory. On this point, the declarations of the Legislature of Maine are explicit, and we are bound to respect them.

By his Lordship's note of the 11th instant, we learn that he withdraws that part of his proposition which relates to a cession of territory on the south side of the St. John. Even with this restriction of his proposition, the adoption of the St. John as a boundary from the line drawn due north from the source of the St. Croix, at its intersection with the St. John, to a source of that river in the vicinity of the sources of the Penobscot and Metjarmette, would yield to Great Britain nearly four millions of acres, and more than one-half of the whole territory to which she has ever pretended to set up a claim. Nor is this all. His Lordship further proposes to abide by the exploring line (so called) run and marked in 1817, from the monument at the source of the St. Croix—a line which interferes with, and cuts off, a portion of the grants made long before by Massachusetts. This line is well known not to be the *true* line—never was run as such, nor pretended so to be. It takes, however, from Maine a strip of territory which is nearly a mile wide where it crosses the St. John, and which diminishes in width till it reaches the monument. His Lordship's proposition contemplates the adoption and establishment of that exploring line as the true boundary. It does not fall within our province to consider the value of those shreds and patches which his Lordship proposes to yield to the United States as an equivalent. In New Hampshire, he consents to take the true northwest source of Connecticut river, instead of the northeast source, as being the source intended in the treaty of 1783. In Vermont, he will abide by the old line, which was run, marked, and solemnly established nearly seventy years ago. In New York, he will abide by the same old line, the effect of rectifying it being merely to give to New York a small angular strip on the west, and Great Britain a small angular strip on the east. These small tracts and parings shaved from the States just named, and the right of floating down the St. John the products of the forest, as already explained, constitute alone the sum and magnitude of the equivalent offered by his Lordship for the whole territory of Maine on the north side of the St. John. Whether such a proposition has pre-eminent claims over the one we have made, to be regarded as a "proposition of conciliation," we leave to that public to which his Lordship is pleased so often to refer.

Lord Ashburton has been led into an error, (unintentional, no doubt, on his part) if he supposes that, in submitting to you what we apprehend to be the reason why the precise and peculiar phraseology used in the treaty of 1783, respecting the northwest angle of Nova Scotia, was adopted by the distinguished men who framed it, our object was to revive and enter upon a controversy, which, for the present, at least, should be permitted to rest in peace. His Lordship, in his letter to you of the 21st ultimo, had assumed it as a fact, and as the ground upon which the negotiation for an amicable settlement was to proceed, that the language and phraseology of the treaty of 1783 was such, "that the treaty itself was not executable according to its strict expression." We, on our part, could make no such "admission," nor acquiesce in any such "presumption," nor by our silence even be supposed, for a moment, to proceed in the negotiation on any such ground or hypothesis; nor could we suffer to pass without observation the declaration of a settled conviction on the part of the minister of Great Britain, made under such circumstances, and with such bearings, "that it was the intention of the parties to the treaty of 1783 to leave to Great Britain the whole waters of the St. John." If his Lordship would have avoided the introduction of any remarks bearing on these points on our part, it seems to us that he himself should have avoided giving occasion for them. It is not a little remarkable, that the very dispute which the sagacious men who framed the treaty endeavored, by their studied and select phraseology and terms to guard against, should have arisen, notwithstanding all their care and precaution.

We have already shown, in our letter to you of the 29th ultimo, that the members of the Continental Congress and the framers of the treaty of 1783 well knew of the existence and prescriptions of the proclamation of 1763, and the provisions of the Quebec act of 1774. They also well knew that the northwest angle of Nova Scotia, and the northeast angle of Massachusetts (Maine) were adjacent angles.

They knew that the jurisdiction of Massachusetts and Nova Scotia extended back from the Atlantic ocean to the southern boundary of the province of Quebec; and they well knew that the southern boundary of the province of Quebec, both by the proclamation of 1763 and the Quebec act of 1774, was the north side of the bay des Chaleurs and the line of the highlands, lying on the south side of the St. Lawrence, in which the rivers that empty themselves into the river St. Lawrence, on that side, take their rise. When, however, they came to inquire whereabouts was the line that separated Massachusetts from Nova Scotia, they were at a loss. Accordingly, both in the instructions drawn up and sanctioned in 1779, and in the report and doings of the Congress in August, 1782, it was proposed that the eastern boundary should be "a line to be settled and adjusted between that part of the State of Massachusetts Bay, formerly called the province of Maine, and the colony of Nova Scotia, according to their respective rights." The Committee of Congress, in their report of 16th August, 1782, after suggesting several vague and unsatisfactory reasons for considering the St. John as the true boundary, add: "We are obliged to urge probabilities;" "but we wish that the Northeastern boundary of Massachusetts may be left to future discussion, when *other evidences* may be obtained, which the *war has removed from us*." Mr. Adams, in his answer to an interrogatory propounded to him 15th August, 1797, says, speaking of the negotiations at Paris: "Documents from the public offices in England were brought over and laid before us." Again: "The ultimate agreement was to adhere to the charter of Massachusetts Bay, and St. Croix river mentioned in it, which was supposed to be delineated on Mitchell's map." The charter of Massachusetts Bay, here referred to, originally embraced Nova Scotia also; but Nova Scotia having been erected into a separate province, the limits and jurisdiction of Massachusetts were curtailed and restricted to the western boundary, and that bounday was the river St. Croix.

To remove all doubts in regard to the limit or boundary between Nova Scotia and Massachusetts Bay, the King of Great Britain, on the 21st day of November, 1763, established and defined it as follows, viz: "To the westward, although our said Province (Nova Scotia) hath anciently extended, and doth of right extend, as far as the river Pentagonet, or Penobscot, it shall be bounded by a line drawn from Cape Sable across the entrance of the bay of Fundy, to the mouth of the river St. Croix, by the said river to its source, and by a line drawn due north from thence to the southern boundary of our colony of Quebec;" that is to say, to the line of the highlands from whose northern declivity issue the streams that form the rivers which empty themselves into the river St. Lawrence on its south side. Instead, therefore, of leaving the eastern boundary of Massachusetts to future discussion, as proposed provisionally in the instructions of Congress of 1779, and by the committee in 1782, in order to get "other evidences," the commissioners at Paris, having the documents before them, and to prevent all disputes which might in future arise on the subject of boundaries, at once ingrafted into the treaty the boundary prescribed by the document of 21st November, 1763, already quoted, as the boundary between Nova Scotia and the United States. Hence, also, in connexion with the facts stated in our communication, in respect to the uncertainty that had existed in regard to the true position of the northwest angle of Nova Scotia, the peculiar care and abundant caution with which they specified and defined which of all of those places or positions where the northwest angle of Nova Scotia had been supposed to be situated, was the place or position of the northwest angle of Nova Scotia, intended by the framers of the treaty. We do not assume to say that any other and different view of these facts is most absurd; but we will venture to say, with the most entire respect for Lord Ashburton, that, in our opinion, an argument drawn from notorious and well-authenticated facts, such as these, whether it be an old or a new discovery, is deserving of more careful examination and more consideration than his Lordship seems to have bestowed upon it.

There is one other view, presented with much confidence in his Lordship's letter, which we cannot permit to pass unnoticed; we mean the expression of his belief that "to consider the Ristigouche as flowing into the Atlantic ocean would be more than hazardous—it would be most absurd."

The southern boundary of the colony of Quebec is declared by the proclamation of 1763 to be "a line which passes along the highlands which divide the rivers that empty themselves into the said river St. Lawrence from those which fall into the sea, and also along the north coast of the Bay des Chaleurs and the coast of the gulf of St. Lawrence," &c. The place of the mouth of the *river* St. Lawrence, in contradistinction to the *gulf* of St. Lawrence, is a point established beyond all dispute. It is at the west end of the island of Anticosti. The river Ristigouche, which empties itself through the Bay des Chaleurs into the gulf of St. Lawrence, is, by the proclamation, classed and considered as one of "the rivers which empty themselves into the sea," notwithstanding the bay des Chaleurs and the gulf of St. Lawrence are both named by their distinctive appellations in the same sentence. In another part of the same instrument, the governors are inhibited from passing any patents for any lands beyond the heads of any of "the rivers which fall into the *Atlantic ocean* from the west and northwest." And in another clause it is said: "Our will and pleasure, as aforesaid, [is,] to reserve all the lands and territo-

ries lying to the westward of the sources of the rivers which fall into the *sea* from the west and northwest *as aforesaid*." Here the words "sea" and "Atlantic ocean" are used indiscriminately; the one being substituted for the other, in reference to the rivers which flow from the west and northwest—the river Ristigouche being one of these rivers. This, also, is in accordance with the view entertained and expressed in his argument in 1797 by the British agent; who, in speaking of the province of Quebec, says that, by the proclamation of 7th October, 1763, it is "bounded on the south by the highlands which divide the rivers that empty themselves into the river St. Lawrence from those which fall into the sea, or Atlantic ocean." So, in the commission to Guy Carleton of 27th of December, 1774, the Ristigouche is again classed and considered as a river falling into the sea; and what is more striking, in the same sentence in which it speaks of the islands of Madelaine, in *the Gulf of St. Lawrence*, it speaks of "the river St. John, which discharges itself into *the sea* nearly opposite the west end of the island of Anticosti." After the passage of the Quebec act, and prior to the treaty of 1783, the southern boundary of the province of Quebec was described as being "a line from the bay of Chaleurs along the highlands which divide the rivers that empty themselves into the river St. Lawrence from those which fall into the sea, to a point in forty-five degrees of northern latitude on the eastern bank of the river Connecticut," &c.

Again: after the treaty of 1783, the southern boundary of the province of Quebec is described as "a line from the bay of Chaleurs along the highlands which divide the rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic ocean, to the northwesternmost head of Connecticut river," &c. But the point of beginning being the same, and the point at the Connecticut substantially the same, that point after the treaty being only placed further north, and the rivers taking their rise in the northern declivity being described in the same identical words, the inference appears irresistible that the highlands referred to are one and the same; and that the rivers taking their rise in the southern declivity, and described before the treaty as falling into the sea, and after the treaty as falling into the Atlantic ocean, are one and the same rivers; the words *sea* and *Atlantic ocean* being used indiscriminately, and the one substituted for the other, as had already been done before, in the proclamation of 1763. The only difference in the description of the boundary of the province of Quebec, and that of the treaty of 1783, is, that the boundary of the province of Quebec begins at the bay of Chaleurs, whereas that of the treaty begins at a point farther west. Hence it plainly appears that, under the classification of rivers with reference to these highlands, as made by the proclamation of 1763, and recognised in the treaty of 1783, the river Ristigouche was then classed and considered as a river which falls into the sea, or Atlantic ocean, in contradistinction to the rivers which empty themselves into the river St. Lawrence. We are, therefore, wholly unable to perceive wherein consists the great absurdity at the present day, in expounding the language of the treaty of 1783, of considering the river Ristigouche as a river which falls into the Atlantic ocean, unless it be that, by so doing, you interfere with the claims and pretensions of Great Britain.

There is one other portion of his Lordship's note, in which he attributes certain opinions to Mr. Sullivan, Mr. Madison, Mr. Jefferson, Mr. Gallatin, and others, which we would have wished to notice, in order to show how much his Lordship has been disposed to make out of a very little; but the further discussion of this subject we have considered as productive of little good, and hardly falling within our province. We have now only to repeat, what we as distinctly stated in our note of the 29th ult. that his Lordship's proposition, as now modified—namely, that Maine should yield to Great Britain all the territory north of the St. John—cannot be acceded to on our part.

With great respect and consideration, we have the honor to be, sir, your obedient servants.

WM. P. PREBLE,
EDWARD KAVANAGH,
EDWARD KENT,
JOHN OTIS.

Commissioners of Massachusetts to Mr. Webster.

WASHINGTON, July 20, 1842.

SIR: We have the honor to acknowledge the receipt of your communication of the 15th of July, addressed to us as commissioners of Massachusetts, authorized to act in her behalf in the settlement of the controversy concerning the Northeastern boundary of the United States. The proposal therein presented for our assent, in behalf of the Government we represent, to the establishment of the conventional boundary indicated in your communication, and upon the terms and equivalents therein set forth, has received our careful consideration, and, without further delay, we submit the following reply:

After the many interviews which we have had the pleasure to hold with you, during the progress of the negotiation which is drawing to its close, it is unnecessary for us to express our full concurrence in the sentiment, that the line suggested, with its compensations and equivalents, is not all which might have been hoped for, in view of the strength of the American claim to the territory in dispute. But, inasmuch as in the progress of a negotiation, conducted with great deliberation, every proposition has been put forth, which any party, in whatever manner and to whatever extent it may be interested, has been disposed to submit for consideration and adoption, and the ultimate point has been reached, at which negotiation must result in a compact, or the interruption of further effort for its accomplishment, we proceed to discharge the remaining duty which is devolved upon us.

We are fully aware of the importance of the act that we are called upon to perform. It is not less than the relinquishment, by the Commonwealth of Massachusetts, of territory which she has always claimed to be a part of her possessions, and to which she believes she has a clear and indisputable title. So strong is the conviction of the right of Massachusetts and Maine to the undisturbed enjoyment of the land constituting what is called the disputed territory, by force of the treaty which terminated the war of the Revolution, that she would prefer an appeal to the same arbitrament by which the acknowledgment of her right was originally obtained, to a surrender, without just equivalents, of any portion of that territory. Still, she is aware that the Government and people of the United States desire to preserve peace and friendly relations with other nations, so long as they can be maintained with honor, by concessions which, not a just policy alone, but that which is liberal and magnanimous, may require. She partakes of the common spirit, and its influence pervades all her action, throughout this negotiation.

There are other considerations of weight in the decision of this question. Though the title of Massachusetts to the lands in dispute is believed to be perfect, it is not to be overlooked that they have been the subject of controversy through many years; that attempts, by negotiation, and through the intervention of an umpire, have been unsuccessfully made to extinguish a conflicting claim; and that the nations which are now seeking by renewed negotiation to put a period to the protracted strife, while desiring peace, have been brought to the verge of destructive war, through dissentions incident to a disputed boundary. Should this negotiation fail of a successful issue, the alternative offered is a renewed submission of our rights to the determination of others. Past experience enforces the belief that other years must elapse, and great inconvenience be felt, before a decision can be obtained; and the same monitor suggests the obvious truth, that however the title of Massachusetts and Maine, and of the United States, may be firmly established in justice, it is not equally certain that it would be confirmed by the tribunal, from whose decision, whatever it might be, no appeal could honorably be taken.

But the considerations which most powerfully impel the State of Massachusetts to acquiesce in the terms of a treaty, that your communication indicates, are, the known desire of the people of the United States for a speedy settlement of the vexed question of the boundary, and the request of the General Government, expressed through its constitutional organs, that Massachusetts would yield her consent to an arrangement which that Government deems to be reasonable. The State we have the honor to represent would be slow to disappoint the hopes of the nation, and reluctant to reject terms which the Government of the United States urges her to accept, as being compatible, in the estimation of that Government, with the interests of the State, and essential to the complete adjustment of the difficulties which the security of national peace demands.

Whether the national boundary suggested by you be suitable or unsuitable—whether the compensations that Great Britain offers to the United States, for the territory conceded to her, be adequate or inadequate—and whether the treaty which shall be effected shall be honorable to the country, or incompatible with its rights and dignity, are questions, not for Massachusetts, but for the General Government, upon its responsibility to the whole country, to decide. It is for the State to determine for what equivalents she will relinquish to the United States her interest in certain lands in the disputed territory, so that they may be made available to the Government of the United States in the establishment of the Northeastern boundary, and in a general settlement of all matters in controversy between Great Britain and the United States. In this view of the subject, and with the understanding that by the words "the nearest point of the highlands," in your description of the proposed line of boundary, is meant the nearest point of the crest of the highlands; that the right to the free navigation of the river St. John shall include the right to the free transportation thereupon of all products of the soil, as well as of the forest; and that the pecuniary compensation to be paid by the Federal Government to the State of Massachusetts shall be increased to the sum of one hundred and fifty thousand dollars—the State of Massachusetts, through her commissioners, hereby relinquishes to the United States her interest in the lands which will be excluded from the dominion of the United States by the establishment of the boundary aforesaid.

We have the honor to be, with great respect, your obedient servants,

ABBOTT LAWRENCE,
JOHN MILLS,
CHARLES ALLEN.

Hon. DANIEL WEBSTER,
Secretary of State.

The Maine Commissioners to Mr. Webster.

WASHINGTON, July 22, 1842.

SIR: The undersigned, commissioners of the State of Maine on the subject of the Northeastern boundary, have the honor to acknowledge the receipt of your note addressed to them, under date of the 15th inst., with enclosures therein referred to. The proposition first submitted by the special minister of Great Britain, on the subject of the boundary, having been disagreed to; and the proposition made on the part of the United States, with the assent of the commissioners of Maine and Massachusetts, having been rejected as inadmissible, coupled with an expression of surprise that it should have been made; and Lord Ashburton, in the same communication, having intimated a preference for conference, rather than correspondence, and having omitted in his note to make any new proposition, except a qualified withdrawal of a part of his former one; we learn from your note that you "have had full and frequent conferences with him respecting the Northeastern boundary," and that you "believe you understand what is practicable to be done on that subject, so far as he (Lord Ashburton) is concerned." We also learn that "in these conferences he has made no positive or binding proposition; thinking, perhaps, it would be more desirable under present circumstances, that such a proposition should proceed from the side of the United States;" but that you have reason to believe that he would agree to a line of boundary such as is described in the paper accompanying your note, (marked B;) and, also, that you entertain the conviction "that no more advantageous arrangement can be made;" and, with this conviction, you refer the subject to the grave deliberation of the commissioners.

Regarding this as substantially a proposition on the part of the United States, with the knowledge and assent of Great Britain, and as the one most favorable to us which, under any circumstances, the latter Government would either offer or accept, the undersigned have not failed to bestow upon it the grave deliberation and consideration which its nature and importance, and their own responsible position, demand. If the result of that deliberation should not fully justify the expressed hopes, or meet the expectations and views of the Government of the United States, we beg you to be assured that such failure will be the result of their firm convictions of duty to the State they represent, and will not arise from any want of an anxious desire on

their part to bring the controversy to an amicable, just, and honorable termination. In coming to this consideration, they have not been unmindful that the State of Maine, with the firmest conviction of her absolute right to the whole territory drawn into controversy, and sustained, as she has been, by the unanimous concurrence of her sister States, and of the Government of the Union, repeatedly expressed and cordially given; and without a wavering doubt as to the perfect practicability of marking the treaty line upon the face of the earth, according to her claim, has yet, at all times, manifested a spirit of forbearance and patience under what she could not but deem unfounded pretensions, and unwarrantable delays, and irritating encroachments. In the midst of all the provocations to resistance, and to the assertion and maintenance of her extreme rights, she has never forgotten that she is a member of the Union; and she has endeavored to deserve the respect, sympathy, and co-operation of her sister States, by pursuing a course equally removed from pusillanimity and rashness, and by maintaining her difficult position in a spirit that would forbear much for peace, but would yield nothing through fear. At all times, and under all circumstances, she has been ready and anxious to bring the controversy to a close, upon terms honorable and equitable, and to unite in any proper scheme to effect that object. In this spirit, and with these convictions, Maine instantly and cheerfully acceded to the proposal of the General Government, made through you, to appoint commissioners.

That no obstacle might be interposed to the successful issue of this negotiation, her Legislature gave to her commissioners ample and unlimited powers, which, but for the presumed necessity of the case, her people would be slow to yield to any functionaries. Her commissioners, thus appointed and thus empowered, assumed the duties imposed upon them in the spirit and with the views of the Government and people of Maine. They came to the negotiation with a firm conviction of her rights, but with a disposition and determination to meet a conciliatory proposition for a conventional line in a similar spirit, and to yield, for any reasonable equivalent, all that they presumed would be asked or desired by the other party. They, with the other citizens of Maine, were not unapprized of the fact, so often alluded to in our former communications, that England had long been anxious to obtain the undisputed possession of that portion of the territory which would enable her to maintain a direct and uninterrupted communication between her provinces. So far as they could learn from any source, this was the only professed object she had in view, and the only one which had been regarded as in contemplation.

With this understanding, the undersigned at once decided to yield, upon the most liberal terms, this long-sought convenience; and they indulged the confident expectation that such a concession would at once meet all the wants and wishes of the English Government, and bring the mission to a speedy and satisfactory close. When, therefore, we were met at the outset by a proposition which required the cession, on our part, of all the territory north of the St. John river, and enough of the territory on the south to include the Madawaska settlement, extending at least fifty miles up that river, with no other equivalents to us than the limited right to float timber down that river, and to the United States the small tracts adjacent to the forty-fifth parallel of latitude in other States, we could not but express our regret to be thus, as it were, repelled. But, regarding this rather as the extreme limit of a claim, subject, notwithstanding the strong language of Lord Ashburton, to be restrained and limited, we deemed it proper, in our communication of the 16th instant, after declining to accede to the proposition, in conjunction with the commissioners of Massachusetts, to point out and offer a conventional line of boundary as therein specified. In fixing on this line, we were mainly anxious to select such a one as should at once and pre-eminently give to Great Britain all that was necessary for her understood object, and to preserve to Maine the remainder of her territory. To accomplish this object, we departed from the river, to secure the unobstructed use of the accustomed way from Quebec to Halifax. We are not aware that any objection has been made, from any quarter, to this line, as not giving up to Great Britain all that she needed, or could reasonably ask, for the above purpose. And although Lord Ashburton did not deem it necessary to "examine the line (proposed) in its precise details," or to look at a map on which it could most readily be traced; and although he has seen fit to say that he was "quite at a loss to account for such a proposal," yet he has not intimated that the line suggested fails, in any respect, to meet the object we had in view, and which we frankly and readily avowed. It is well known to you, sir, that we had determined upon no such inflexible adherence to that exact demarcation as would have prevented us from changing it, upon any reasonable evidence that it did not, in every respect, meet the requirements of the above-stated proposition, in relation to a perfect line of communication. But believing then, as we do now, that it did thus meet all these requirements; and although it was, as we feel bound to say, the general and confident expectation of the people of Maine that any relinquishment, on our part, of jurisdiction and territory, would be, *in part* at least, compensated from that strip of contiguous territory on the west bank of the St. John; yet, when we were solemnly assured that no such cession could be made under his Lordship's instructions, we forebore to press for this reasonable and just exchange, and contented ourselves with accepting the limited right of navigation of the river, as the only equivalent from Great Britain for the territory and jurisdiction we offered to surrender. And, as you will remark, we offered not merely a right of way on land for a similar easement on the water, but the entire and absolute title to the land and jurisdiction of the large tract north and east of the line specified. It cannot be denied that it preserves to us a frontier in a forest almost impenetrable on the north, which would defend itself by its own natural character; and that, if anything should be deducted from the agricultural value of that portion beyond the Madawaska settlements, on account of its ruggedness and its want of attraction to settlers, much may justly be added to its value as a boundary between the two nations.

The value of this tract to Great Britain, both in a civil and military point of view, cannot be overlooked. It gives her the much coveted route for the movement of troops in war, and her mails and passengers in peace, and is most particularly important in case of renewed outbreaks in her North American colonies. The assumption of jurisdiction in the Madawaska settlement, and the pertinacity with which it has been maintained, are practical evidence of the value attached to the tract by the Government of her Britannic Majesty.

We have alluded to these views of the value and importance of this territory, not with any design of expressing our regret that we thus offered it, but to show that we are fully aware of all these views and circumstances affecting the question, and that we duly appreciate the far-seeing sagacity and prudence of those British statesmen who so early attempted to secure it as a cession, by negotiation, and the suggestion of equivalents.

The answer of Lord Ashburton to your note of the 8th instant, contained a distinct rejection of our offer, with a substantial withdrawal of his claim to any territory south of the river St. John, but not modifying the claim for the relinquishment, on the part of Maine and the United States, of all north of that river. Our views in reference to many of the topics in his Lordship's reply we have had the honor heretofore to communicate to you, in our note of the 16th instant; and to that answer we would now refer, as forming an important part of this negotiation, and as containing our refusal of the line indicated. We are now called upon to consider the final proposition made by or through the Government of the United States, for our consideration and acceptance. The line indicated may be shortly defined as the line recommended by the King of the Netherlands, and an addition thereto of a strip of land, at the base of the highlands, running to the source of the southwest branch of the St. John. The examination and consideration of all other lines, which might better meet our views and objects, have been precluded by the declaration, and other plenary evidence we have, that the line specified in your communication is the most advantageous that can be offered to us; and that no one of less extent, or yielding in fact less to the other party, can be deemed admissible. We are, therefore, brought to the single and simple consideration of the question--whether we can, consistently with our views of our duty to the State we represent, accept the proposition submitted by you.

So far as any claim is interposed, based upon a supposed equity arising from the recommendation of the King of the Netherlands, we have only to refer to our former note for our views on that topic. We have now only to add, that we came to this conference untrammelled and free, to see if, in a spirit of amity and equity, we could not find and agree upon some new line, which, whilst it yielded all that was needed by one party, might fairly be the motive and groundwork for equivalent territory or rights granted to the other; and that we cannot make any admission, or consent to any proposition, which would not revive, but put vitality and power into that which, up to this time, has never possessed either. We base our whole action on grounds entirely independent of that advice of the arbiter.

It may possibly be intimated in this connexion, as it has more than once been heretofore, that the commissioners of Maine, and the people of that State, are disposed to regard the whole territory as clearly falling within their rightful limits, and are not willing to consider the question as one in doubt and dispute, and, therefore, one to be settled as if each party had nearly or quite equal claims. Certainly, sir, the people and the Government of Maine do not deny that the question has been drawn into dispute. They have had too many and too recent painful evidences of that fact, to allow such a doubt, however much at a loss they may be to perceive any just or tenable grounds on which the adversary claim is based. For years they have borne and forborne, and struggled to maintain their rights, in a peaceable and yet unflinching spirit, against what appeared to them injustice from abroad and neglect at home. But they have yet to learn that the mere fact that an adverse claim is made and persisted in, and maintained by ingenuity and ability for a series of years, increasing in extent and varying its grounds as years roll on, is to be regarded as a reason why courtesy should require, in opposition to the fact, a relinquishment of the plain, explicit, and sincere language of perfect conviction and unwavering confidence; or that a continued, adverse, and resisted claim, may yet, by mere lapse of time and reiteration, ripen into a right. But we desire it to be distinctly remembered that, in this attempt to negotiate for a conventional line, Maine has not insisted, or even requested, that any formal or virtual admission of her title to the whole territory should be a condition preliminary to a settlement. We hold, and we claim, the right to express, at all times, and in all suitable places, our opinion of the perfect right of Maine to the whole territory; but we have never assumed it as a point of honor that our adversary should acknowledge it. Indeed, we have endeavored to view the subject rather in reference to a settlement on very hard terms for us, than to dwell on the strong aspect of the case, when we look at the naked question of our right and title under the treaty. It could hardly be expected, however, that we should silently, and thus virtually, acquiesce in any assumption that our claim was unsustained, and that "the treaty line was not executable." On this point we expressed ourselves fully in a former note.

In returning to the direct consideration of the last proposition, and the terms and conditions attending it, in justice to ourselves and our State, we feel bound to declare, and we confidently appeal to you, sir, in confirmation of the declaration, that this negotiation has been conducted, on our part, with no mercenary views, and with no design to extort unreasonable equivalents or extravagant compensation. The State of Maine has always felt an insuperable repugnance to parting with any portion even of her disputed territory, for mere pecuniary recompense, from adverse claimants. She comes here for no mere bargain for the sale of acres, in the spirit or with the arts of traffic. Her commissioners have been much less anxious to secure benefit and recompense, than to preserve the State from unnecessary curtailment and dismemberment. The proposition we made is evidence of the fact. We have heretofore expressed some opinions of the mutual character of the benefits to each party from the free navigation of the St. John. Without entering, however, upon the particular consideration of the terms and conditions, which we have not thought it necessary to do, we distinctly state that our repugnance to the line is based upon the extent of territory required to be yielded. We may, however, in passing, remark, that all the pecuniary offers contained in your note, most liberally construed, would scarcely recompense and repay to Maine the amount of money and interest which she has actually expended in defending and protecting the territory from wrongs arising and

threatened by reason of its condition as disputed ground.

Considering, then, this proposition as involving the surrender of more territory than the avowed objects of England require, as removing our landmarks from the well-known and well-defined boundary of the treaty of 1783—the crest of the highlands—besides insisting upon the line of the arbiter in its full extent, we feel bound to say, after the most careful and anxious consideration, that we cannot bring our minds to the conviction that the proposal is such as Maine had a right to expect.

But we are not unaware of the expectations which have been, and still are, entertained of a favorable issue to this negotiation by the Government and people of this country, and the great disappointment which would be felt and expressed at its failure. Nor are we unmindful of the future, warned, as we have been, by the past, that any attempts to determine the line by arbitration may be either fruitless, or with a result more to be deplored.

We are now given to understand that the Executive of the United States, representing the sovereignty of the Union, assents to the proposal; and that this department of the Government at least is anxious for its acceptance, as, in its view, most expedient for the general good.

The commissioners of Massachusetts have already given their assent, on behalf of that Commonwealth. Thus situated, the commissioners of Maine, invoking the spirit of attachment and patriotic devotion of their State to the Union, and being willing to yield to the deliberate convictions of her sister States as to the path of duty, and to interpose no obstacles to an adjustment which the general judgment of the nation shall pronounce as honorable and expedient, even if that judgment shall lead to a surrender of a portion of the birthright of the people of their State, and prized by them because it is their birthright, have determined to overcome their objections to the proposal, so far as to say, that if, upon mature consideration, the Senate of the United States shall advise and consent to the ratification of a treaty, corresponding in its terms with your proposal, and with the conditions in our memorandum accompanying this note, (marked A,) and identified by our signatures, they, by virtue of the power vested in them by the resolves of the Legislature of Maine, give the assent of that State to such conventional line, with the terms, conditions, and equivalents, herein mentioned.

We have the honor to be, sir, with high respect, your obedient servants,

EDWARD KAVANAGH,
EDWARD KENT,
JOHN OTIS,
WILLIAM P. PREBLE.

Hon. DANIEL WEBSTER,
&c., &c., &c.

A.

The commissioners of Maine request that the following provisions, or the substance thereof, shall be incorporated into the proposed treaty, should one be agreed on:

1st. That the amount of "the disputed territory fund" (so called) received by the authorities of New Brunswick, for timber cut on the disputed territory, shall be paid over to the United States, for the use of Maine and Massachusetts, in full, and a particular account rendered, or a gross sum, to be agreed upon by the commissioners of Maine and Massachusetts, shall be paid by Great Britain, as a settlement of that fund; and that all claims, bonds, and securities, taken for timber cut upon the territory, be transferred to the authorities of Maine and Massachusetts.

2d. That all grants of land within that portion of the disputed territory conceded to Great Britain, made by Maine and Massachusetts, or either of them, shall be confirmed, and all equitable possessory titles shall be quieted, to those who possess the claims; and we assent to a reciprocal provision for the benefit of settlers falling within the limits of Maine. And we trust that the voluntary suggestion of the British minister, in regard to John Baker, and any others, if there be any, similarly situated, will be carried into effect, so as to secure their rights.

3d. That the right of free navigation of the St. John, as set forth in the proposition of Mr. Webster, on the part of the United States, shall extend to and include the products of the soil, in the same manner as the products of the forest; and that no toll, tax, or duty be levied upon timber coming from the territory of Maine.

EDWARD KAVANAGH,
EDWARD KENT,
JOHN OTIS,
WM. P. PREBLE.

The New Hampshire delegation in Congress to the President.

WASHINGTON, July 15, 1842.

SIR: The undersigned, composing the delegation of the State of New Hampshire in both Houses of Congress, have received a copy of a resolution passed by the Legislature of New Hampshire, in respect to a portion of the territory of the State which is claimed by Great Britain.

The resolution is as follows:

"STATE OF NEW HAMPSHIRE.

"IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND FORTY-TWO.

"*Resolved by the Senate and House of Representatives in General Court convened*, That his excellency the Governor request our Senators and Representatives in Congress to take such measures as may be necessary, during the pending negotiations at Washington, relative to the Northern and Northeastern boundary of the United States, to best sustain the rights of this State to the territory over which we have always heretofore claimed and exercised jurisdiction; and that such papers, documents, and information, be transmitted to them by his excellency as may aid in carrying into effect the object of this resolution."

The undersigned beg leave to represent, that the right of the State to the territory in controversy is, as they believe, incontrovertible; and, before any arrangement shall be made which looks to any relinquishment of that right, in any degree, it is their wish, on behalf of the State, to present such documents and facts as tend to show the impropriety of such a course.

With great respect,

LEVI WOODBURY,
LEONARD WILCOX,
Senators.
CHAS. G. ATHERTON,
EDMUND BURKE,
TRISTRAM SHAW,
IRA A. EASTMAN,
JOHN R. REDING,
Members of the House of Representatives.

To the PRESIDENT *of the United States.*

Mr. Webster to the New Hampshire delegation in Congress.

DEPARTMENT OF STATE,
Washington, July 18, 1842.

GENTLEMEN: The President of the United States has transmitted to this department a letter, dated the 15th instant, from the delegation of the State of New Hampshire in both Houses in Congress, communicating a copy of a resolution, passed by the Legislature of that State, respecting a portion of her territory which is claimed by Great Britain, and intimating that, pending the present negotiations at Washington, relative to the Northern and Northeastern boundary of the United States, and before any arrangement shall be made for a relinquishment of the right of the State to the territory referred to, it is the wish of the delegation to present such documents and facts as tend to show the impropriety of such a course.

The Secretary of State would be very happy to receive from the delegation of New Hampshire a statement of what they consider the extent of territory to which the resolution of the State Legislature is supposed to refer; and, also, any such documents or proofs of any such facts as they may think it important to lay before the Government of the United States.

I have the honor, &c,
DANIEL WEBSTER.

The NEW HAMPSHIRE DELEGATION IN CONGRESS

The New Hampshire Delegation in Congress to Mr. Webster.

WASHINGTON, July 19, 1842.

The undersigned have received a letter from the Secretary of State, dated the 18th instant, in reply to a communication dated the 15th instant, which the undersigned had the honor to address to the President of the United States, communicating a resolution, passed by the Legislature of the State of New Hampshire, respecting a portion of the territory of that State claimed by Great Britain.

The Secretary of State having expressed a desire to receive from the delegation of the State of New Hampshire "a statement of what they consider the extent of territory, to which the resolution of the State Legislature is supposed to refer; and also any such documents or proofs of any such facts as they may think it important to lay before the Government of the United States;" the undersigned beg leave to refer to the following documents and papers, among others, as furnishing a full statement of the claims and rights of the State of New Hampshire to the territory in dispute, and as also defining it boundaries.

1. The argument of the Honorable William C. Bradley, furnished the commissioners under the 5th article of the treaty of Ghent.

2. The statement of the Honorable Albert Gallatin, prepared for the King of the Netherlands.

3. An historical sketch of the Northern boundary of New Hampshire, published in the 2d volume of the Collections of the Historical Society of New Hampshire, page 267.

4. A report of commissioners of the State of New Hampshire, dated November 23, 1836, which is to be found accompanying the report of the Committee on Foreign Affairs of the House of Representatives, 25th Congress, 3d session, Report No. 176—No 6 of the accompanying documents.

The undersigned are expecting to receive further documents upon the subject, from his excellency the Governor of New Hampshire, which, when received, they will transmit to the Secretary of State.

We have the honor to be your obedient servants,

LEVI WOODBURY,
L. WILCOX,
Senators of New Hampshire.
IRA A. EASTMAN,
EDMUND BURKE,
JOHN R. REDING,
TRISTRAM SHAW,
Representatives of the State of New Hampshire.

Honorable DANIEL WEBSTER.

P. S. We transmit, herewith, the report of commissioners above alluded to, and also the 2d volume of Historical Collections. You will oblige us by returning the latter when you may have no further use for it.

The other documents are on file in the State Department.

Mr. Stuart to Mr. Webster.

WASHINGTON, July 7th, 1842.

SIR: In answer to the inquiries which you were pleased to make of me yesterday, I would remark, that Sugar Island, situate in the river Ste. Marie, a short distance below Fort Brady, is, as to soil, very excellent; and it abounds in the finest (sugar) maple trees to be found anywhere; the inhabitants of our side of the Sault Ste. Marie derive a handsome revenue from the sugar and sirup which they annually make on this island. It would be a great disappointment to the people of that region to lose it. Besides, is the faith of the nation not pledged for its preservation, by the treaty held with the Chippewas in 1826, which provided for half-breed reservations on this island?

It is, in my opinion, of very great importance, that the right of passage be secured for American vessels, between the island of Bois Blanc, in the river Detroit, (opposite Fort Malden,) and the British shore; the channel is only 200 to 300 yards wide, and is entirely commanded both by the island and Fort Malden. At present, there is no other passage for our larger class of vessels, steamboats, &c.; and it will require much time and expense to render the old passage south of Gros Isle available. In short, the right of using the British channel is, in my opinion, absolutely necessary.

I am, respectfully, sir, your obedient servant,
ROBERT STUART.

Hon. DANIEL WEBSTER,
Secretary of State.

Mr. Delafield to Mr. Fraser.

NEW YORK, July 20, 1842.

DEAR SIR: I have looked over the letter of Mr. F. Webster to you, as you desired, and perceive that it is some "particular topographical information," more especially, that the Secretary desires concerning the country between Lake Superior and

the Lake of the Woods. That district was thoroughly explored by Messrs. Ferguson and Whistler, the surveyors of our party, and by myself, as the United States agent.

We all proceeded inland, by the Grand Portage route, to the Lake of the Woods. I had previously obtained much information to prove that there was a more northern route by a well-known *Long Lake*, and the only lake known by that name, some distance north of the Grand Portage route; and as it became my duty to claim that as the true route, (having discovered, too, that the British commissioners intended to claim by the Fond du Lac route,) I returned by that northern route to Lake Superior, accompanied by Mr. Whistler; we consequently saw more of the country than any others of the party.

As you are aware, my claim to the northern route was sustained by the American commissioners, and became a subject of final disagreement.

The only other difference was in relation to the claim I made to the St. George island, in the river St. Mary, which was also sanctioned by General Porter, the American commissioner; and is a good claim, I think, by all the evidence in the case.

As to topographical information, some can be had by reference to the maps and discussions which were deposited by me in the State Department, July 24, 1824. Besides the journal of the commissioners, I also deposited the journal of the agent, more in detail, containing all the claims and discussions, &c., at length.

The face of the country is mountainous, rocky, and barren, for nearly the whole distance in question. Throughout my journeys, I may say, I saw but little except rock and water. My route was necessarily confined to the watercourses; but, whenever I ascended a height, it was the same dreary prospect in all directions, every valley between such heights being a little lake, or the discharge of a watercourse.

As an agricultural district, it has no value or interest, even prospectively, in my opinion. If the climate were suitable, (which it is not,) I can only say that I never saw, in my explorations there, tillable land enough to sustain any permanent population sufficiently numerous to justify other settlements than those of the fur-traders, and, I might add, fishermen. The fur-traders there occupied nearly all those places; and the opinion now expressed is the only one I ever heard entertained by those most experienced in these Northwestern regions.

There is, nevertheless, much interest felt by the fur-traders on this subject of boundary. To them it is of much importance, as they conceive; and it is, in fact, of national importance. Had the British commissioner consented to proceed by the Pigeon river, which is the Long Lake of Mitchell's map, it is probable there would have been an agreement. There were several reasons for his pertinacity, and for this disagreement; which belong, however, to the private history of the commission, and can be stated when required. The Pigeon river is a continuous watercourse. The St. George's island, in the St. Mary river, is a valuable island, and worth as much, perhaps, as most of the country between the Pigeon river and Dog river route, claimed for the United States, in an agricultural sense.

Mr. Ferguson is, I believe, in the neighborhood of Wilmington, Delaware. He can give the desired topographical information. I have a complete and daily journal, descriptive of the country passed over, but have no time to refer to it this evening; it would confirm my general remarks, however.

I am now on the eve of departure with my family for Suffolk county, Long Island. Be pleased to say to Mr. Webster that any and all the information or assistance I can give is at his command; but that, if possible, I hope it may be by correspondence rather than a personal visit, as my engagements here, just now, are such as to make a jaunt to Washington rather inconvenient. Should topographical information only be desired, and the present is not satisfactory, I would refer the Secretary to Mr. Ferguson, and would myself refer to my journal. I shall be absent from the city until the 4th of August. Until (say) August 1, my address will be at "Quoque, Suffolk county, Long Island." You are quite at liberty to show these hasty remarks to Mr. Webster. In short, it is better to do so than to repeat them; and I would prefer it.

Yours, truly,

JOS. DELAFIELD.

Major D. FRASER.

Mr. Webster to Mr. Ferguson.

DEPARTMENT OF STATE,
Washington, July 25, 1842.

SIR: Having been astronomer and surveyor to the commissioners under the 7th article of the treaty of Ghent, and having, as I understand, explored the country personally and thoroughly, from Lake Superior to the Lake of the Woods, I will be obliged to you to give me information in respect to two or three subjects of inquiry.

In the first place, be kind enough to describe the Pigeon river, its estuary or bay at its mouth, its size, and the nature of its channel and current in the last five or ten miles of its course. Be pleased to say whether the estuary of this river, and its position and bearing in relation to Ile Royale, may naturally lead to the conclusion that it is the Long Lake spoken of in the treaty of 1783.

What is the general nature of the country between the mouth of Pigeon river and the Rainy Lake? Of what formation is it, and how is its surface; and will any considerable part of its area be fit for cultivation? Are its waters active and running streams, as in other parts of the United States? Or are they dead lakes, swamps, and morasses? If the latter be their general character, at what point, as you proceed westward, do the waters receive a more decided character as running streams?

There are said to be two lines of communication, each partly by water and partly by portages, from the neighborhood of Pigeon river to the Rainy Lake; one by way of Fowl Lakes, the Saganaga Lake, and the Cypress Lake; the other by way of Arrow river and lake; then by way of Saganaga Lake, and through the river Maligne, meeting the other route at Lake La Croix, and through the river Namekan in the Rainy Lake. Do you know any reason for attaching great preference to either of these two lines? Or do you consider it of no importance, in any point of view, which may be agreed to? Please be full and particular on these several points.

Yours, respectfully,

DANIEL WEBSTER.

JAMES FERGUSON, Esq.,
Wilmington, Delaware.

Mr. Ferguson to Mr. Webster.

WASHINGTON, July 25, 1842.

SIR: I have the honor to acknowledge the receipt of your note of to-day, desiring to be informed of the character of the region northwestward of Lake Superior, which comprehends the several practised and customary routes between that lake and the Lake of the Woods.

In reply, I submit the following statement, which will give, as far as I am able, the desired information:

At the mouth of the Pigeon river, there is probably about three hundred yards in length of alluvial formation; but the river above that, as far as to near Fort Charlotte, runs between steep cut rocks of basaltic or primitive formation, and is a succession of falls and rapids for nearly its whole length—the last cataract, which is within about a mile of its mouth, being almost one hundred feet in height. You will, perhaps, understand the formation of the country better, when I mention that nearly the whole of the northern shore of Lake Superior consists of these sheer rocky escarpments, from six hundred to nine hundred feet high, and that the sources of most of the rivers which have cut their channels into the lake lie within thirty or forty miles of its verge.

There is, really, not much difference in elevation between South Fowl Lake and the lakes of the height of land. The character I have given of Pigeon river will serve also for the Arrow river, excepting that the latter has a reach of about two miles of still water.

I have no doubt that the bay of the Pigeon river is the Long Lake of the treaty of 1783. It is designated by that name on Mitchell's map, which, at that time, was the only map existing of these regions, and was proven, by the evidence of Mr. John Adams and Mr. John Jay, to have been the only geographical description before the negotiators of the first treaty. Though evidently defective and erroneous, it is but fair to take it as evidence of the intention. In addition to this evidence of the construction of the treaty of 1783, at the time it was concluded, we have this fact further: that, immediately after the peace, the traders of the Northwest Fur Company destroyed their forts and warehouses at the Grand Portage, and removed themselves to Fort William, ten leagues on the other side of the Pigeon river—a course which could only have been adopted for the reason that they supposed their previous location would now be on foreign territory. In addition, I have never heard this construction of the treaty of 1783 questioned by any of the partners of the British Fur Company whom I have met in that quarter.

To your query as to the character of the country between the mouth of the Pigeon river and the Rainy Lake, it is more difficult to give a distinct answer than to any of the others. The rivers here are all rapid; those running towards Lake Superior are of small size. The Pigeon river and Arrow river vary in width from 60 to 200 feet, and, as I have said previously, are almost a continued rapid.

But the rivers running northward—the outlet of Lake Saisaginegau, the river Maligne, the river Namecan, and the Rainy river—are all bold and strong rivers, and of much greater width and volume, carrying with them, through gentler slopes, the drainage of a more extended surface. On the plateau which makes the height of land, and which I would define as lying between the Fowl Lake and Lake Namecan, lie a group of lakes connecting nearly with each other, having their sorties sometimes toward the Arrow and Pigeon rivers, sometimes toward the St. Louis, sometimes toward the Kamanistiquia and the country of the Nipigon, and sometimes toward Hudson's Bay. In examining, therefore, the geography of this country, it is necessary to remember that the rivers and lakes indicated on the maps are only those at present explored, and that there exist other routes and other connexions, known only to the natives, and which the impracticable nature of the country has hitherto prevented from coming to the knowledge of the fur-traders, who are doubtless the persons most interested in the capabilities of the country.

As an agricultural district, this region will always be valueless. The pine timber is of high growth, equal for spars, perhaps, to the Norway pine, and may, perhaps, in time, find a market; but there are no alluvions, no arable lands, and the whole country may be described as one waste of rock and water.

From the outlet of the Rainy Lake, the country changes its appearance; the valleys of the rivers are wider, the timber of more varied and luxuriant growth, and the country capable of cultivation.

You have desired me also to express an opinion as to any preference which I may know to exist between the several lines claimed as boundaries through this country between the United States and Great Britain.

Considering that Great Britain abandons her claim by the Fond du Lac and the St. Louis river, cedes also Sugar island, (otherwise called St. George's island,) in the St. Marie river, and agrees, generally, to a boundary following the old commercial route, commencing at the Pigeon river, I do not think that any reasonable ground exists to [prevent] a final determination of this part of the boundary.

I have the honor to be, very respectfully, your obedient servant,

J. FERGUSON.

Hon. DANIEL WEBSTER,
Secretary of State of the United States.

Captain Talcott to Mr. Webster.

WASHINGTON, July 25, 1842.

SIR: The extent of boundary line separating the United States, and territory belonging thereto, from the British possessions, and lying between the monument of the St. Croix and the Stony mountains, is estimated as follows for each adjacent State:

Maine (line as awarded by the King of Holland)	460	miles.
New Hampshire	40	"
Vermont	90	"
New York	420	"
Pennsylvania	30	"
Ohio	200	"
Michigan	740	"
Territory west of Lake Superior	1,150	"
Total length of boundary line	3,130	"

Respectfully submitted by your obedient servant,

A. TALCOTT.

Hon. SECRETARY OF STATE.

SUPPRESSION OF THE AFRICAN SLAVE-TRADE—EXTRADITION.

Lord Ashburton to Mr. Webster.

WASHINGTON, August 9, 1842.

SIR: By the 3d article of the convention which I have this day signed with you, there is an agreement for the reciprocal delivery, in certain cases, of criminals fugitive from justice; but it becomes necessary that I should apprize you that this article can have no legal effect within the dominions of Great Britain, until confirmed by act of Parliament. It is possible that Parliament may not be in session before the exchange of the ratifications of the convention; but its sanction shall be asked at the earliest possible period, and no doubt can be entertained that it will be given. In her Majesty's territories in Canada, where cases for acting under this convention are likely to be of more frequent occurrence, the Governor General has sufficient power, under authority of local legislation; and the convention will there be acted upon so soon as its ratification shall be known; but it becomes my duty to inform you of the short delay which may possibly intervene in giving full effect to it where the confirmation by Parliament becomes necessary for its execution.

I beg, sir, to renew to you the assurance of my high consideration.

ASHBURTON.

Hon. DANIEL WEBSTER, &c., &c., &c.

Mr. Paine to Mr. Webster.

WASHINGTON, May 2, 1842.

SIR: The agreement between Commander William Tucker, of the British navy, and myself, is so connected with numerous instructions respecting proceedings on the coast of Africa, that I should furnish a copy of all if the object were to justify myself; but as the wish of the State Department seems to be to ascertain the nature of the agreement itself, and the action of myself thereon, and as I wish to forward this view promptly, I shall restrict myself to these points commencing with the agreement, of which the following is a copy:

Commander William Tucker, of her Britannic Majesty's sloop Wolverine, and senior officer on the west coast of Africa, and Lieutenant John S. Paine, commanding the United States schooner Grampus, in order to carry into execution, as far as possible, the orders and views of their respective Governments respecting the suppression of the slave trade, hereby request each other and agree to detain all vessels under American colors found to be fully equipped for, and engaged in, the slave-trade; that, if proved to be American property, they shall be handed over to the United States schooner Grampus, or any other American cruiser; and that, if proved to be Spanish, Portuguese, Brazilian, or English property, to any of her Britannic Majesty's cruisers employed on the west coast of Africa for the suppression of the slave-trade, so far as their respective laws and treaties will permit.

Signed and exchanged at Sierra Leone, this 11th day of March, 1840.

JOHN S. PAINE,
Commanding the U. S. schooner Grampus.
WILLIAM TUCKER,
Commanding H. B. M sloop Wolverine, and senior officer of the west coast of Africa.

The objects of this agreement were, mainly—

1st. To meet the very common case with slavers—that of having on board two sets of papers.

2d. To let it be known that there subsisted between the British and American forces a good understanding, and a disposition to co-operate for the purpose indicated, as far as possible, without violating existing treaties.

A copy was forwarded by me to the Navy Department, to which I received the following reply:

"NAVY DEPARTMENT, June 4, 1840.

"SIR: Your letter of the 23d March last, with its enclosures, has been received.

"The instructions given you for your government, when you left the United States, while they indicated a friendly co operation with the commanders of the British cruisers, in the suppression of the slave-trade on the coast of Africa, as likely to aid in detecting the frauds resorted to by those engaged in it for the purpose of avoiding discovery and escaping punishment, were not intended to authorize any such arrangement as that which, it appears, you have made with the commander of her Britannic Majesty's sloop Wolverine, and by which you delegated to that officer to seize vessels under American colors, and, under certain circumstances, to detain them, with a view of turning them over to the Grampus, or other United States cruiser.

"Such a delegation of power is not only unauthorized by your instructions, but contrary to the established and well-known principles and policy of your government; and is, therefore, not sanctioned by the department.

"You will make known the views of the department on this subject to the commander of the Wolverine, and inform him that the arrangement made with him, having been disapproved by your Government, cannot, on your part, be complied with; the great object of the co-operation being to obviate the difficulties of capture, growing out of assuming Portuguese, English, Spanish, or Brazilian colors, when overhauled by an American, or American colors when overhauled by a British cruiser.

"For this purpose, you are authorized to cruise in company and in co-operation with any British vessel of war employed on the slave coast, in the pursuit of objects similar to your own.

"I am, respectfully, your obedient servant,

"J. K. PAULDING.

"Lieutenant JOHN S. PAINE,
Commanding United States schooner Grampus,
Sierra Leone, Coast of Africa."

In compliance with this, I addressed Captain Tucker as follows:

"UNITED STATES SCHOONER GRAMPUS,
"April 27, 1841.

"SIR: I am directed to make known to you the views of my Government respecting the agreement signed and exchanged with you on the 11th of March, 1840, at Sierra Leone.

"The Secretary of the Navy says: 'Inform him that the arrangement made with him, having been disapproved by your Government, cannot, on your part, be complied with; the great object of the co-operation being to obviate the difficulties of capture, growing out of the practice adopted by slavers, of assuming Portuguese, English, Spanish, or Brazilian colors, when overhauled by American, or American colors when overhauled by a British cruiser. For this purpose, you are authorized to cruise in company and in co-operation with any British vessel of war employed on the slave coast, in the pursuit of objects similar to your own.'

"From the above extract you will perceive that the Secretary of the Navy at Washington is careful to avoid giving countenance to the practice of detaining American vessels, even though they be slavers, unless by American vessels of war.

"The best, if not the only means of co-operation left, would seem to be, exchanging information, or cruising in company.

"If anything can be effected by this vessel within such limits, while on the coast, it will be gratifying to me to aid you, or any of her Majesty's officers, in forwarding so desirable an object.

"I am, with very high respect, sir, your obedient servant,

"JOHN S. PAINE,
"Lieut. Commanding.

"Capt. WILLIAM TUCKER,
Commanding H. B. M. sloop Wolverine, and
senior officer of H. B. M. naval forces on the
coast of Africa."

Hoping to meet Captain Tucker, I did not despatch the letter; but, finally, finding that his successor had arrived, I addressed to him the following:

[EXTRACT.]

"U. S. SCHOONER GRAMPUS,
Sierra Leone, June 17, 1841.

"While cruising here last year, I had made an arrangement with Commander Wm Tucker, of a similar character to that recommended; which, however, was not approved by the Secretary of the Navy; and, as I have not fallen in with Captain Tucker since the receipt of a communication from Washington on the subject, I have deemed it proper to enclose to you a letter to Captain Tucker, with a copy of the agreement referred to therein.

"In conclusion, I tender to you my sincere wishes for your success in the prosecution of duties so interesting to the cause of humanity.

"I am, with the highest respect, sir, your obedient servant.

"JOHN S. PAINE,
"Lieut. Commanding.

"Capt. ——— ———,
Commanding H. B. M. ship Isis, and senior officer
on the western coast of Africa."

Any expression of my opinion of Mr. Paulding's letter to me would have been improper, and would still be indecorous. I shall be grateful to be informed if you think any explanation or defence necessary. I have never believed so.

I have the honor to be, with the highest respect, sir, your obedient servant,

JOHN S. PAINE,
Commander United States Navy.

Hon. DANIEL WEBSTER,
Secretary of State.

Mr. Webster to Captains Bell and Paine.

DEPARTMENT OF STATE,
Washington, April 30, 1842.

GENTLEMEN: Your experience in the service on the coast of Africa has probably enabled you to give information to the Government on some points connected with the slave-trade on that coast, in respect to which it is desirable that the most accurate knowledge attainable should be possessed. These particulars are:

1. The extent of the western coast of Africa, along which the slave-trade is supposed to be carried on; with the rivers, creeks, inlets, bays, harbors, or parts of the coast, to which it is understood slave ships most frequently resort.

2. The space or belt along the shore within which cruisers may be usefully employed for the purpose of detecting vessels engaged in the traffic.

3. The general course of proceeding of a slave ship, after leaving Brazil or the West Indies, on a voyage to the coast of Africa for slaves; including her manner of approach to the shore, her previous bargain or arrangement for the purchase of slaves; the time of her usual stay on or near the coast, and the means by which she has communication with persons on land.

4. The nature of the stations or barracoons in which slaves are collected on shore, to be sold to the traders; whether usually in rivers, creeks, or inlets, or on or near the open shore.

5. The usual articles of equipment and preparation, and the manner of fitting up, by which a vessel is known to be a slaver, though not caught with slaves on board.

6. The utility of employing vessels of different nations to cruise together, so that one or the other might have a right to visit and search every vessel which might be met with under suspicious circumstances, either as belonging to the country of the vessels visiting and searching, or to some other country which has, by treaty, conceded such right of visitation and search.

7. To what places slaves from slave ships could be most conveniently taken.

8. Finally, what number of vessels, and of what size and description, it would be necessary to employ on the western coast of Africa, in order to put an entire end to the traffic in slaves; and for what number of years it would probably be necessary to maintain such force, to accomplish that purpose?

You will please to add such observations as the state of your knowledge may allow, relative to the slave-trade on the eastern coast of Africa.

I have the honor to be, &c.,

DANIEL WEBSTER.

Captains BELL and PAINE,
United States Navy.

Commanders Bell and Paine to the Secretary of State.

WASHINGTON CITY, May 10, 1842

SIR: In accordance with the wishes expressed in your communication of the 30th ultimo, we have the honor to submit the following statement:

In reply to the first particular, viz: "The extent of the western coast of Africa, along which the slave-trade is supposed to be carried on, with the rivers, creeks, inlets, bays, harbors, or parts of the coast to which it is understood slave ships most frequently resort."

The slave-trade from Western Africa to America is carried on wholly between Senegal, latitude 16 deg north, longitude 16½ deg. west, and Cape Frio, in latitude 18 deg. south, longitude 12 deg. east, a space (following the windings of the coast at the distance of three or four miles) of more than 8,600 miles. There are scattered along the coast five English, four French, five American, six Portuguese, six or eight Dutch, and four or five Danish settlements, besides many which have been abandoned by their respective Governments.

These settlements are generally isolated; many of them only a fortress without any town; while a few are a cluster of villages and farms.

The British, French, and particularly the American settlements, exercise an important influence in suppressing the slave-trade.

The influence of the Danes and Dutch is not material.

The Portuguese influence is supposed to favor the continuance of the trade, except the counter-influence of the British, through treaty stipulations.

North of the Portuguese cluster of settlements, of which Bissao is the capital, and south of Benguela, (also Portuguese,) there is believed to be no probability of a revival of the slave-trade to any extent.

This leaves about 3,000 miles of coast to which the trade (principally with Cuba, Porto Rico, and Brazil) is limited.

There are hundreds of trading places on the coast, calling themselves "factories," and each claiming the protection of some civilized power. Some of these were the sites of abandoned colonies; others have been established by trading companies or individuals.

The actual jurisdiction of a tribe on the coast seldom exceeds ten miles, though these small tribes are sometimes more or less perfectly associated for a greater distance.

Of these factories and tribes, a few have never been directly engaged in the slave-trade, and are opposed to it; but the great preponderance is of the slave-trading interest.

To enumerate the rivers and inlets of this coast would not convey a just idea of the slave country or practices, as the embarcation often takes place from the beach, where there is no inlet; but we will state a few of the most noted.

Commencing at Cape Roxo, in latitude 12 deg. 30 min. north, and running down the coast as far as the river Mellacoree, in latitude 9 deg. north, the slave-trade is more or less carried on; but (in consequence of the vigilance of cruisers) not to the same extent it was a few years ago.

Another portion of the coast, from the limits of the Sierra Leone colony to Cape Mount, (a space including the mouths of six or more rivers,) the slave-trade is extensively prosecuted. Here commences the jurisdiction of the American Colonization Society, which extends to Grand Bassa. There are several slave stations between Grand Bassa and Cape Palmas. From thence eastwardly to Cape Coast castle, situated near the meridian of Greenwich, we believe there are no slave stations; but eastward of this, and in the bights of Benin and Biafra, along the whole coast, (which includes the mouths of the great rivers Benin, Formosa, Nun, old and new Calabar, Bonny, Camerons, Gaboon, and Congo,) with few exceptions, down to Benguela, in latitude 13 deg. south, the slave-trade is carried on to a very great extent.

2d. "The space or belt along the shore, within which cruisers may be usefully employed, for the purpose of detecting vessels engaged in the traffic."

Men of war should always cruise as near the shore as the safety of the vessel will admit, in order to take advantage of the land and sea breezes. Twenty or thirty miles from the coast there are continual calms, where vessels are subject to vexatious delays; besides which, ships engaged in the slave-trade keep close in with the land, in order to reach their places of destination.

3d. "The general course of proceeding of a slave ship, after leaving Brazil or the West Indies, on a voyage to the coast of Africa, for slaves, including her manner of approach to the shore, her previous bargain or arrangements for the purchase of slaves, the time of her usual stay on or near the coast, and the means by which she has communication with persons on land."

Vessels bound from the coast of Brazil, or the West Indies, to the coast of Africa, are obliged, in consequence of the trade winds to run north as far as the latitude of thirty or thirty five, to get into the variable winds; thence to the eastward, until they reach the longitude of Cape Verd Islands; then steer to the southward to their port of destination; and, if bound as far to the eastward as the Gulf of Guinea, usually make the land near Cape Mount or Cape Palmas. Vessels from Brazil bound to the southern part of the coast of Africa run south as far as the latitude of 35 deg. south, and make up their easting in the southern variables.

Slave vessels are generally owned or chartered by those persons who have an interest in the slave establishments on the coast of Africa, where the slaves are collected and confined in barracoons or slave prisons, ready for transhipment the moment the vessel arrives. They are therefore detained but a short time after arriving at their place of destination. Instances have come to our notice of vessels arriving at the slave station in the evening, landing their cargo, taking on board all their slaves, and sailing with the land breeze the following morning.

It is not unusual, however, for vessels, unconnected with any particular slave establishment, to make their purchases after arrival. If any delay is likely to occur, an agent is landed, and the vessel stands to sea, and remains absent for as long a time as may be thought necessary to complete their arrangements. The slavers communicate with the shore, either with their own boats, or boats and canoes belonging to the Kroomen in the employment of those on shore.

4th. "The nature of the stations or barracoons in which slaves are collected on shore to be sold to the traders, whether usually on rivers, creeks, or inlets, or on or near the open shore."

The slave stations are variously situated; some near the mouth, others a considerable distance up the rivers, and many directly on the seashore. The barracoons are thatched buildings, made sufficiently strong to secure the slaves, and enough of them to contain, in some instances, several thousands. The slaves are collected by the negro chiefs in the vicinity, and sold to the persons in charge of the stations, where they are kept confined until an opportunity offers to ship them off. Materials of all kinds necessary to convert a common trader into a slave ship are kept on hand, and the change can be com-

pleted in a few hours. A number of Kroomen are employed, and boats and canoes ready for immediate service.

The slave stations are generally fortified with cannon and muskets, not only to guard against a rising of the slaves, but to protect them from sudden attacks of the natives in the vicinity, and to command their respect.

5th. "The usual articles of equipment and preparation, and the manner of fitting up, by which a vessel is known to be a slaver, though not caught with slaves on board."

Vessels engaged in the slave-trade are either fitted up with a slave deck, or have the materials on board, prepared, to put one up in a few hours. Their hatches, instead of being close, as is usual in merchantmen, have gratings; they are supplied with boilers sufficiently large to cook rice or farinha for the number of slaves they expect to receive; an extra number of water-casks, many more than are sufficient for a common crew; also a number of shackles to secure their slaves. Most of these articles, however, are concealed, and every thing is done to disguise the vessel.

It is not unusual for them to have several sets of papers, two or more persons representing themselves as captains or masters of the vessel, and flags of all nations; every device is resorted to, to deceive, should they encounter a cruiser.

Some are armed with only a few muskets; others have a number of heavy guns, according to the size of the vessel; and they range from sixty to four hundred tons burden, with crews from ten to upwards of one hundred men.

6th. "The utility of employing vessels of different nations to cruise together, so that one or the other might have a right to visit and search every vessel which might be met with under suspicious circumstances, either as belonging to the country of the vessel visiting or searching, or to some other country which has, by treaty, conceded such right of visitation and search.

We are of opinion that a squadron should be kept on the coast of Africa, to co-operate with the British, or other nations interested in stopping the slave-trade; and that the most efficient mode would be for vessels to cruise in couples, one of each nation.

7th. "To what places slaves taken from slave ships on the coast could be most conveniently taken?"

If captured under the American flag, send them to Cape Mesurada, Liberia, or, if convenient, to such other of the American settlements as the agent of the United States there may wish.

8th. "Finally, what number of vessels, and of what size and description, it would be necessary to employ on the western coast of Africa, in order to put an entire end to the traffic in slaves; and for what number of years it would probably be necessary to maintain such force to accomplish that purpose;" adding "such observations as the state of your knowledge may allow, relative to the slave-trade on the eastern coast of Africa?"

As our personal knowledge of the coast extends to only that part of it comprised between Cape Verd and Cape Palmas, it is difficult to state the exact force required for this service; not less, however, than the following, we think necessary:

One first class sloop-of-war.

One steamer from 200 to 300 tons burden.

Two (eight or ten-gun) brigs or schooners.

Ten schooners of about one hundred tons, each with four guns.

One store-ship of from 250 to 300 tons.

All the vessels to have one-tenth less than their complements of men, to be filled up with Kroomen on their arrival on the coast.

A steamer (to be fitted up, if possible, to burn either wood or coal, as circumstances require) will be essentially necessary.

That part of the coast of Africa from which slaves are exported is subject to light winds and calms. A steamer propelled at the rate of six miles an hour could easily overtake the fastest sailing vessels, and would be a great auxiliary in ascending rivers and towing boats, in order to attack slave stations. Less duty is performed by sailing cruisers on this coast than on any other we are acquainted with, from the reasons just stated; and the importance of steam vessels is much increased by this difficulty.

We cannot state confidently how long such force would be necessary; but we are of opinion that in three years the trade would be so far destroyed as to enable the United States to withdraw a greater part, while a small force of observation would be necessary, until the natives had become accustomed to other occupations, and lost all hope of again engaging in the traffic.

In connexion with this subject, we beg leave to remark, that the American fair trader is sometimes obstructed in the most vexatious manner by armed British merchantmen, sustained by British cruisers. This arises from the practice which exists with the commanders of single cruisers, the agents of trading companies, the masters of merchantmen, and others, making agreements, treaties, or, as the expression there is, "books," securing to themselves the exclusive trade with the tribe or district. A late instance of this unreasonable, and probably unauthorized, spirit of monopoly, has come to our notice near Cape Mount, where the native chief was induced to believe that he could not make a treaty with the American colonists, because he had made one with the commander of a British cruiser.

The same commander, it is asserted, has also threatened the Governor of the colony at Monrovia that he will make reprisals on the commerce of the colony, for exercising the usual jurisdiction at Bassa Cove, only two or three miles from their town of Bassa and Edina.

Our knowledge of the commanders of British cruisers authorizes us to say that their conduct is not usually thus unfriendly; but many instances show the propriety of guarding the interests of the fair dealer, who is generally opposed to the slave-trade.

Respecting these treaties or agreements with the tribes, we think that only the commanders of squadrons or governors of colonies should be permitted to make them; and with those over whom their Government cannot reasonably claim jurisdiction, treaties should not be made to the exclusion of other mercantile powers trading on the coast, as has sometimes been done; and all treaties should contain a prohibition of the slave-trade. Commanders of squadrons and governors of colonies should be authorized and directed to seize every opportunity, and make use of all honorable means, of inducing the native tribes, and particularly the Emperor of Ashantee, the Empress or Potentate at Loango, and other powerful nations, to enter into agreements to put a stop, as far as their influence extends, to the traffic; to seize and send home for trial all foreigners found on the coast engaged in the slave-trade, whether belonging to vessels or residing on the coast, (for should these persons be permitted to remain, even after their slave stations are destroyed, they will erect others at points probably less assailable;) and should be enjoined to extend their protection to fair traders, though not of their own nation.

Commanders of squadrons and governors should be directed to destroy all slave factories within the reach of the force employed; and to proclaim to the tribes in the vicinity they must not be renewed, on pain of having their villages also destroyed.

We have little knowledge of the details respecting the slave-trade on the eastern coast of Africa. No instance has come to our knowledge of the use of the American flag there. From the best information we can obtain, it seems that a large trade is carried on by Portuguese colonies, the Arab chiefs, and negro tribes. Their greatest markets are the Mahometan countries bordering on the Red Sea and Persian Gulf, the Portuguese East India colonies, Bombay, and perhaps other British possessions in the East Indies. This part of the trade is probably in the hands of the Arabian vessels. Many are also shipped to Brazil, and some perhaps find their way to Cuba and Porto Rico.

In concluding this subject, we beg leave to remark, that the field of operations to carry on the slave-trade is so extensive, the profits so great, and the obstacles in the path so many, so various, so difficult, that every means should be used by civilized nations, and particularly by the United States and Great Britain, to effect the object; and we do not believe that any material good can result without an earnest and cordial co-operation.

We have the honor to be, with high respect, your obedient servants,

CHARLES H. BELL,
JOHN S. PAINE,
Commanders United States Navy.

Hon. DANIEL WEBSTER,
Secretary of State, Washington.

CASE OF THE "CREOLE."

Mr. Webster to Lord Ashburton.

DEPARTMENT OF STATE,
Washington, August 1, 1842.

MY LORD: The President has learned, with much regret, that you are not empowered by your Government to enter into a formal stipulation for the better security of vessels of the United States, when meeting with disasters in passing between the United States and the Bahama Islands, and driven, by such disasters, into British ports. This is a subject which is deemed to be of great importance; and which cannot, on the present occasion, be overlooked.

Your Lordship is aware that several cases have occurred within the last few years, which have caused much complaint. In some of these cases, compensation has been made by the English Government for the interference of the local authorities with American vessels having slaves on board, by which interference these slaves were set free. In other cases, such compensation has been refused. It appears to the President to be for the interest of both countries that the recurrence of similar cases in future should be prevented as far as possible.

Your Lordship has been made acquainted with the case of the "Creole," a vessel carried into the port of Nassau last winter by persons who had risen upon the lawful authority of the vessel, and, in the accomplishment of their purpose, had committed murder on a person on board.

The opinions which that occurrence gave occasion for this Government to express, in regard to the rights and duties of friendly and civilized maritime States, placed by Providence near to each other, were well considered, and are entertained with entire confidence. The facts in the particular case of the "Creole" are controverted; positive and officious interference by the colonial authorities to set the slaves free, being alleged on one side, and denied on the other.

It is not my present purpose to discuss this difference of opinion as to the evidence in the case as it at present exists; because, the rights of individuals having rendered necessary a more thorough and a judicial investigation of facts and circumstances attending the transaction, such investigation is understood to be now in progress, and its result, when known, will render me more able than at this moment to present to the British Government a full and accurate view of the whole case. But it is my purpose, and my duty, to invite your Lordship's attention to the general subject, and your serious consideration of some practical means of giving security to the coasting trade of the United States, against unlawful annoyance and interruption along this part of their shore. The Bahama islands approach the coast of Florida within a few leagues, and, with the coast, form a long and narrow channel, filled with innumerable small islands and banks of sand; and the navigation is difficult and dangerous, not only on these accounts, but from the violence of the winds and the variable nature of the currents. Accidents are of course frequent; and necessity often compels vessels of the United States, in attempting to double Cape Florida, to seek shelter in the ports of these islands. Along this passage, the Atlantic States hold intercourse with the States on the Gulf and the Mississippi; and through it the products of the valley of that river (a region of vast extent and boundless fertility) find a main outlet to the sea, in their destination to the markets of the world.

No particular ground of complaint exists as to the treatment which American vessels usually receive in these ports, unless they happen to have slaves on board; but, in cases of that kind, complaints have been made, as already stated, of officious interference of the colonial authorities with the vessel, for the purpose of changing the condition in which these persons are, by the laws of their own country, and of setting them free.

In the Southern States of this Union, slavery exists by the laws of the States, and under the guaranty of the Constitution of the United States; and it has existed in them from a period long antecedent to the time when they ceased to be British colonies. In this state of things, it will happen that slaves will be often on board coasting vessels, as hands, as servants attending the families of their owners, or for the purpose of being carried from port to port. For the security of the rights of their citizens, when vessels, having persons of this description on board, are driven by stress of weather, or carried by unlawful force into British ports, the United States propose the introduction of no new principle into the law of nations. They require only a faithful and exact observance of the injunctions of that code, as understood and practised in modern times.

Your Lordship observes that I have spoken only of American vessels driven into British ports by the disasters of the seas, or carried in by unlawful force. I confine my remarks to these cases, because they are the common cases, and because they are the cases which the law of nations most emphatically exempts from interference. The maritime law is full of instances of the application of that great and practical rule, which declares that that which is the clear result of necessity, ought to draw after it no penalty and no hazard. If a ship be driven, by stress of weather, into a prohibited port, or into an open port, with prohibited articles on board, in neither case is any forfeiture incurred. And (what may be considered a still stronger case) it has been decided by eminent English authority, and that decision has received general approbation, that if a vessel be driven, by necessity, into a port strictly blockaded, this necessity is good defence, and exempts her from penalty.

A vessel on the high seas, beyond the distance of a marine league from the shore, is regarded as part of the territory of the nation to which she belongs, and subjected exclusively to the jurisdiction of that nation. If, against the will of her master, or owner, she be driven or carried nearer to the land, or even into port, those who have, or ought to have, control over her, struggling all the while to keep her upon the high seas, and so within the exclusive jurisdiction of her own Government, what reason or justice is there in creating a distinction between her rights and immunities, in a position, thus the result of absolute necessity, and the same rights and immunities before superior power had forced her out of her voluntary course?

But, my Lord, the rule of law, and the comity and practice of nations, go much further than these cases of necessity, and allow even to a merchant vessel coming into any open port of another country voluntarily, for the purposes of lawful trade, to bring with her, and keep over her, to a very considerable extent, the jurisdiction and authority of the laws of her own country; excluding, to this extent, by consequence, the jurisdiction of the local law. A ship, say the publicists, though at anchor in a foreign harbor, preserves its jurisdiction and its laws. It is natural to consider the vessels of a nation as parts of its territory, though at sea, as the State retains its jurisdiction over them; and, according to the commonly received custom, this jurisdiction is preserved over the vessels, even in parts of the sea subject to a foreign dominion.

This is the doctrine of the law of nations, clearly laid down by writers of received authority, and entirely conformable, as it is supposed, with the practices of modern nations.

If a murder be committed on board of an American vessel, by one of the crew upon another, or upon a passenger, or by a passenger on one of the crew, or another passenger, while such vessel is lying in a port within the jurisdiction of a foreign state or sovereignty, the offence is cognizable and punishable by the proper court of the United States, in the same manner as if such offence had been committed on board the vessel on the high seas. The law of England is supposed to be the same.

It is true, that the jurisdiction of a nation over a vessel belonging to it, while lying in the port of another, is not necessarily wholly exclusive. We do not so consider or so assert it. For any unlawful act done by her while thus lying in port, and for all contracts entered into while there, by her master or owners, she and they must doubtless be answerable to the laws of the place. Nor, if her master or crew, while on board in such port, break the peace of the community by the commission of crimes, can exemption be claimed for them. But, nevertheless, the law of nations, as I have stated it, and the statutes of governments founded on that law, as I have referred to them, show that enlightened nations, in modern times, do clearly hold that the jurisdiction and laws of a nation accompany her ships not only over the high seas, but into ports and harbors, or whereso-ever else they may be water-borne, for the general purpose of governing and regulating the rights, duties, and obligations of those on board thereof; and that, to the extent of the exercise of this jurisdiction, they are considered as parts of the territory of the nation herself.

If a vessel be driven by weather into the ports of another nation, it would hardly be alleged by any one, that, by the mere force of such arrival within the waters of the State, the law of that State would so attach to the vessel as to affect existing rights of property between persons on board, whether arising from contract or otherwise. The local law would not operate to make the goods of one man to become the goods of another man. Nor ought it to affect their personal obligations, or existing relations between themselves; nor was it ever supposed to have such effect, until the delicate and exciting question which has caused these interferences in the British islands arose. The local law in these cases dissolves no obligations or relations lawfully entered into or lawfully existing, according to the laws of the ship's country. If it did, intercourse of civilized men between nation and nation must cease. Marriages are frequently celebrated in one country in a manner not lawful or valid in another; but did anybody ever doubt that marriages are valid all over the civilized world, if valid in the country in which they took place? Did any one ever imagine that local law acted upon such marriages to annihilate their obligation, if the parties should visit a country in which marriages must be celebrated in another form?

It may be said that, in such instances, personal relations are founded in contract, and therefore to be respected; but that the relation of master and slave is not founded in contract, and therefore is to be respected only by the law of the place which recognises it. Whoever so reasons, encounters the authority of the whole body of public law, from Grotius down; because there are numerous instances in which the law itself presumes or implies contracts; and prominent among these instances is the very relation which we are now considering, and which relation is holden by law to draw after it mutuality of obligation.

Is not the relation between a father and his minor children acknowledged, when they go abroad? And on what contract is this founded, but a contract raised by general principles of law, from the relation of the parties?

Your Lordship will please to bear in mind, that the proposition which I am endeavoring to support, is, that, by the comity of the law of nations, and the practice of modern times, merchant vessels, entering open ports of other nations, for the purpose of trade, are presumed to be allowed to bring with them, and to retain, for their protection and government, the jurisdiction and laws of their own country. All this, I repeat, is presumed to be allowed; because the ports are open, because trade is invited, and because, under these circumstances, such permission or allowance is according to general usage. It is not denied that all this may be refused; and this suggests a distinction, the disregard of which may perhaps account for most of the difficulties arising in cases of this sort; [that is to say, the

distinction between what a State may do if it pleases, and what it is presumed to do, or not to do, in the absence of any positive declaration of its will. A State might declare that all foreign marriages should be regarded as null and void, within its territory; that a foreign father, arriving with an infant son, should no longer have authority or control over him; that, on the arrival of a foreign vessel in its ports, all shipping articles and all indentures of apprenticeship between her crew and her owners or masters, should cease to be binding. These, and many other things, equally irrational and absurd, a sovereign State has doubtless the power to do. But they are not to be presumed. It is not to be taken for granted, *ab ante*, that it is the will of the sovereign State thus to withdraw itself from the circle of civilized nations. It will be time enough to believe this to be its intention, when it formally announces that intention, by appropriate enactments, edicts, or other declarations. In regard to slavers within the British territories, there is a well-known and clear promulgation of the will of the sovereign authority; that is to say, there is a well known rule of her law. As to England herself, that law has long existed; and recent acts of Parliament establish the same law for the colonies. The usual mode of stating the rule of English law is, that no sooner does a slave reach the shore of England, than he is free. This is true; but it means no more than that, when a slave comes within the exclusive jurisdiction of England, he ceases to be a slave, because the law of England positively and notoriously prohibits and forbids the existence of such a relation between man and man. But it does not mean that English authorities, with this rule of English law in their hands, may enter where the jurisdiction of another nation is acknowledged to exist, and there destroy rights, obligations, and interests, lawfully existing under the authority of such other nation. No such construction, and no such effect, can be rightfully given to the British law. It is true, that it is competent to the British Parliament, by express statute provision, to declare that no foreign jurisdiction of any kind should exist in or over a vessel, after its arrival voluntarily her ports. And so she might close all her ports to the ships of all nations. A State may also declare, in the absence of treaty stipulations, that foreigners shall not sue in her courts, nor travel in her territories, nor carry away funds or goods received for debts. We need not inquire what would be the condition of a country that should establish such laws, nor in what relation they would leave her towards the States of the civilized world. Her power to make such laws is unquestionable; but, in the absence of direct and positive enactments to that effect, the presumption is that the opposites of these things exist. While her ports are open to foreign trade, it is to be presumed that she expects foreign ships to enter them, bringing with them the jurisdiction of their own Government, and the protection of its laws, to the same extent that her ships, and the ships of other commercial States, carry with them the jurisdiction of their respective Governments into the open ports of the world; just as it is presumed, while the contrary is not avowed, that strangers may travel in a civilized country, in a time of peace, sue in its courts, and bring away their property.

A merchant vessel enters the port of a friendly State, and enjoys while there the protection of her own laws, and is under the jurisdiction of her own Government—not in derogation of the sovereignty of the place, but by the presumed allowance or permission of that sovereignty. This permission or allowance is founded on the comity of nations, like the other cases which have been mentioned; and this comity is part (and a most important and valuable part) of the law of nations, to which all nations are presumed to assent until they make their dissent known. In the silence of any positive rule affirming or denying or restraining the operation of foreign laws, their tacit adoption is presumed, to the usual extent. It is upon this ground that courts of law expound contracts according to the law of the place in which they are made; and instances almost innumerable exist, in which, by the general practice of civilized countries, the laws of one will be recognised and often executed in another. This is the comity of nations; and it is upon this, as its solid basis, that the intercourse of civilized States is maintained.

But while that which has now been said is understood to be the voluntary and adopted law of nations, in cases of the voluntary entry of merchant vessels into the ports of other countries, it is nevertheless true, that vessels in such ports, only through an overruling necessity, may place their claim for exemption from interference on still higher principles; that is to say, principles held in more sacred regard by the comity, the courtesy, or indeed the common sense of justice of all civilized States.

Even in regard to cases of necessity, however, there are things of an unfriendly and offensive character, which yet it may not be easy to say that a nation might not do. For example: a nation might declare her will to be, and make it the law of her dominions, that foreign vessels, cast away on her shores, should be lost to their owners, and subject to the ancient law of wreck. Or a neutral State, while shutting her ports to the armed vessels of belligerents, as she has a right to do, might resolve on seizing and confiscating vessels of that description, which should be driven to take shelter in her harbors by the violence of the storms of the ocean. But laws of this character, however within the absolute competence of Governments, could only be passed, if passed at all, under willingness to meet the last responsibility to which nations are subjected.

The presumption is stronger, therefore, in regard to vessels driven into foreign ports by necessity, and seeking only temporary refuge, than in regard to those which enter them voluntarily, and for purposes of trade, that they will not be interfered with; and that, unless they commit, while in port, some act against the laws of the place, they will be permitted to receive supplies, to repair damages, and to depart unmolested.

If, therefore, vessels of the United States, pursuing lawful voyages from port to port, along their own shore, are driven by stress of weather, or carried by unlawful force, into English ports, the Government of the United States cannot consent that the local authorities in those ports shall take advantage of such misfortunes, and enter them, for the purpose of interfering with the condition of persons or things on board, as established by their own laws. If slaves, the property of citizens of the United States, escape into the British territories, it is not expected that they will be restored. In that case, the territorial jurisdiction of England will have become exclusive over them, and must decide their condition. But slaves on board of American vessels, lying in British waters, are not within the exclusive jurisdiction of England; or under the exclusive operation of English law; and this founds the broad distinction between the cases. If persons guilty of crimes in the United States, seek an asylum in the British dominions, they will not be demanded, until provision for such cases be made by treaty; because, the giving up of criminals fugitive from justice is agreed and understood to be a matter in which every nation regulates its conduct according to its own discretion. It is no breach of comity to refuse such surrender.

On the other hand, vessels of the United States, driven by necessity into British ports, and staying there no longer than such necessity exists, violating no law, nor having intent to violate any law, will claim, and there will be claimed for them, protection and security, freedom from molestation, and from all interference with the character or condition of persons or things on board. In the opinion of the Government of the United States, such vessels, so driven and so detained by necessity in a friendly port, ought to be regarded as still pursuing their original voyage, and turned out of their direct course only by disaster, or by wrongful violence; that they ought to receive all assistance necessary to enable them to resume that direct course; and that interference or molestation by the local authorities, where the whole voyage is lawful, both in act and intent, is ground for just and grave complaint.

Your Lordship's discernment and large experience in affairs cannot fail to suggest to you how important it is to merchants and navigators, engaged in the coasting trade of a country so large in extent as the United States, that they should feel secure against all but the ordinary causes of maritime loss. The possessions of the two Governments closely approach each other. This proximity, which ought to make us friends and good neighbors, may, without proper care and regulation, itself prove a ceaseless cause of vexation, irritation, and disquiet.

If your Lordship has no authority to enter into a stipulation by treaty for the prevention of such occurrences hereafter as have already happened—occurrences so likely to disturb that peace between the two countries which it is the object of your Lordship's mission to establish and confirm—you may still be so far acquainted with the sentiments of your Government as to be able to engage that instructions shall be given to the local authorities in the islands, which shall lead them to regulate their conduct in conformity with the rights of citizens of the United States, and the just expectations of their Government, and in such manner as shall, in future, take away all reasonable ground of complaint. It would be with the most profound regret that the President should see that, while it is now hoped so many other subjects of difference may be harmoniously adjusted, nothing should be done in regard to this dangerous source of future collisions.

I avail myself of this occasion to renew to your Lordship the assurances of my distinguished consideration.

DANIEL WEBSTER.

Lord ASHBURTON, &c., &c., &c.

Lord Ashburton to Mr. Webster.

WASHINGTON, August 6, 1842.

SIR: You may be well assured that I am duly sensible of the great importance of the subject to which you call my attention in the note which you did me the honor of addressing me the 1st instant, in which you informed me that the President had been pleased to express his regret that I was not empowered by my Government to enter into a formal stipulation for the better security of vessels of the United States, when meeting with disasters in passing between the United States and the Bahama islands, and driven, by such disasters, into British ports.

It is, I believe, unnecessary that I should tell you that the case of the Creole was known in London a few days only before my departure. No complaint had at that time been made by Mr. Everett. The subject was not, therefore, among those which it was the immediate object of my mission to discuss. But at the same time I must admit that, from the moment I was acquainted with the facts of this case, I was sensible of all its importance; and I should not think myself without power to consider of some adjustment of, and remedy for, a great acknowledged difficulty, if I could see my way clearly to any satisfactory course, and if I had not arrived at the conclusion, after very anxious consideration, that, for the reasons which I will state, this question had better be treated in London, where it will have a much increased chance of settlement, on terms likely to satisfy the interests of the United States.

The immediate case of the Creole would be easily disposed of; but it involves a class and description of cases which, for the purpose of affording that security you seek for the trade of America through the Bahama channel, brings into consideration questions of law, both national and international, of the highest importance; and to increase the delicacy and difficulty of the subject, public feeling is sensitively alive to every thing connected with it. These circumstances bring me to the conviction that, although I really believe that much may be done to meet the wishes of your Government, the means of doing so would be best considered in London, where immediate reference may be had to the highest authorities, on every point of delicacy and difficulty that may arise. Whatever I might attempt would be more or less under the disadvantage of being fettered by apprehensions of responsibility, and I might thereby be kept within limits which my Government at home might disregard. In other words, I believe you would have a better chance in this settlement with them than with me. I state this after some imperfect endeavors, by correspondence, to come at satisfactory explanations. If I were in this instance treating of ordinary material interests, I should proceed with more confidence; but anxious as I unfeignedly am that all questions likely to disturb the future good understanding between us should be averted, I strongly recommend this question of the security of the Bahama channel being referred for discussion in London.

This opinion is more decidedly confirmed by your very elaborate and important argument on the application of the general principles of the law of nations to these subjects—an argument to which your authority necessarily gives great weight, but in which I would not presume to follow you with my own imperfect means. Great Britain and the United States, covering all the seas of the world with their commerce, have the greatest possible interest in maintaining sound and pure principles of international law, as well as the practice of reciprocal aid and good offices in all their harbors and possessions. With respect to the latter, it is satisfactory to know that the disposition of the respective Governments and people leaves little to be desired, with the single exception of those very delicate and perplexing questions which have recently arisen from the state of slavery; and even these seem confined, and likely to continue to be confined, to the narrow passage of the Bahama channel. At no other part of the British possessions are American vessels with slaves ever likely to touch, nor are they likely to touch there otherwise than from the pressure of very urgent necessity. The difficulty, therefore, as well as the desired remedy, is apparently confined within narrow limits.

Upon the great general principles affecting this case, we do not differ. You admit that if slaves, the property of American citizens, escape into British territories, it is not expected that they will be restored; and you may be well assured that there is no wish on our part that they should reach our shores, or that British possessions should be used as decoys for the violators of the laws of a friendly neighbor.

When these slaves do reach us, by whatever means, there is no alternative. The present state of British law is, in this respect, too well known to require repetition; nor need I remind you that it is exactly the same with the laws of every part of the United States where a state of slavery is not recognised; and that the slave put on shore at Nassau would be dealt with exactly as would a foreign slave landed, under any circumstances whatever, at Boston.

But what constitutes the being within British dominion, from which these consequences are to follow? Is a vessel passing through the Bahama channel, and forced involuntarily, either from storm or mutiny, into British waters, to be so considered? What power have the authorities of those islands to take cognizance of persons or property in such vessels? These are questions which you, sir, have discussed at great length, and with evident ability. Although you have advanced some propositions which rather surprise and startle me, I do not pretend to judge them; but what is very clear, is, that great principles are involved in a discussion which it would ill become me lightly to enter upon; and I am confirmed by this consideration in wishing that the subject be referred to where it will be perfectly weighed and examined.

It behooves the authorities of our two Governments well to guard themselves against establishing, by their diplomatic intercourse, false precedents and principles; and that they do not, for the purpose of meeting a passing difficulty, set examples which may hereafter mislead the world.

It is not intended, on this occasion, to consider in detail the particular instances which have given rise to these discussions. They have already been stated and explained. Our object is rather to look to the means of future prevention of such occurrences. That this may be obtained, I have little doubt, although we may not be able immediately to agree on the precise stipulations of a treaty. On the part of Great Britain, there are certain great principles, too deeply rooted in the consciences and sympathies of the people for any minister to be able to overlook; and any engagement I might make in opposition to them would be instantly disavowed; but, at the same time that we maintain our own laws within our own territories, we are bound to respect those of our neighbors, and to listen to every possible suggestion of means of averting from them every annoyance and injury. I have great confidence that this may be effectually done in the present instance; but the case to be met and remedied is new, and must not be too hastily dealt with. You may, however, be assured that measures so important for the preservation of friendly intercourse between the two countries shall not be neglected.

In the mean time, I can engage that instructions shall be given to the Governors of her Majesty's colonies on the southern borders of the United States, to execute their own laws with careful attention to the wish of their own Government to maintain good neighborhood; and that there shall be no officious interference with American vessels driven by accident or by violence into those ports. The laws and duties of hospitality shall be executed; and these seem neither to require nor to justify any further inquisition into the state of persons, or things, on board of vessels so situated, than may be indispensable to enforce the observance of the municipal law of the colony, and the proper regulation of its harbors and waters.

A strict and careful attention to these rules, applied in good faith to all transactions as they arise, will, I hope and believe, without any abandonment of great general principles, lead to the avoidance of any excitement or agitation on this very sensitive subject of slavery, and, consequently, of those irritating feelings which may have a tendency to bring into peril all the great interests connected with the maintenance of peace.

I further trust that friendly sentiments, and a conviction of the importance of cherishing them, will, on all occasions, lead the two countries to consider favorably any further arrangements which may be judged necessary for the reciprocal protection of their interests.

I hope, sir, that this explanation on this very important subject will be satisfactory to the President, and that he will see in it no diminution of that earnest desire, which you have been pleased to recognise in me, to perform my work of reconciliation and friendship; but that he will rather perceive, in my suggestion, in this particular instance, that it is made with a well-founded hope of thereby better obtaining the object we have in view.

I have the honor to renew to you, sir, the assurances of my high consideration.

ASHBURTON.

Hon. DANIEL WEBSTER, &c., &c., &c.

Mr. Webster to Lord Ashburton.

DEPARTMENT OF STATE,
Washington, August 8, 1842.

MY LORD: I have the honor to acknowledge the receipt of your Lordship's note of the 6th instant, in answer to mine of the 1st, upon the subject of a stipulation for the better security of American vessels driven by accident, or carried by force, into the British West India ports.

The President would have been gratified if you had felt yourself at liberty to proceed at once to consider of some proper arrangement, by formal treaty, for this object; but there may be weight in the reasons which you urge for referring such mode of stipulation for consideration in London.

The President places his reliance on those principles of public law which were stated in my note to your Lordship, and which are regarded as equally well founded and important; and on your Lordship's engagement that instructions shall be given to the Governors of her Majesty's colonies to execute their own laws with careful attention to the wish of their Government to maintain good neighborhood; and that there shall be no officious interference with American vessels driven by accident or by violence into those ports; that the laws and duties of hospitality shall be executed, and that these seem neither to require nor to justify any further inquisition into the state of persons or things on board of vessels so situated, than may be indispensable to enforce the observance of the municipal law of the colony, and the proper regulation of

its harbors and waters. He indulges the hope, nevertheless, that, actuated by a just sense of what is due to the mutual interests of the two countries, and the maintenance of a permanent peace between them, her Majesty's Government will not fail to see the importance of removing, by such further stipulations, by treaty or otherwise, as may be found to be necessary, all cause of complaint connected with the subject.

I have the honor to be,
With high consideration,
Your Lordship's obedient servant,
DANIEL WEBSTER.

Lord ASHBURTON, &c., &c., &c.

CASE OF THE CAROLINE.

Mr. Webster to Lord Ashburton.

DEPARTMENT OF STATE,
Washington, July 27, 1842.

MY LORD: In relation to the case of the "Caroline," which we have heretofore made the subject of conference, I have thought it right to place in your hands an extract of a letter from this department to Mr. Fox, of the 24th of April, 1841, and an extract from the message of the President of the United States to Congress at the commencement of its present session. These papers you have, no doubt, already seen; but they are, nevertheless, now communicated, as such a communication is considered a ready mode of presenting the view which this Government entertains of the destruction of that vessel.

The act of which the Government of the United States complains, is not to be considered as justifiable or unjustifiable, as the question of the lawfulness or unlawfulness of the employment in which the "Caroline" was engaged may be decided the one way or the other. That act is of itself a wrong, and an offence to the sovereignty and the dignity of the United States, being a violation of their soil and territory; a wrong for which, to this day, no atonement, or even apology, has been made by her Majesty's Government. Your Lordship cannot but be aware that self-respect, the consciousness of independence and national equality, and a sensitiveness to whatever may touch the honor of the country—a sensitiveness which this Government will ever feel and ever cultivate—make this a matter of high importance; and I must be allowed to ask for it your Lordship's grave consideration.

I have the honor to be, my Lord,
Your Lordship's most obedient servant,
DANIEL WEBSTER.

Lord ASHBURTON, &c., &c., &c.

Extract of a letter from Mr. Webster to Mr. Fox, dated April 24, 1841.

* * * * * * *

The undersigned has now to signify to Mr. Fox that the Government of the United States has not changed the opinion which it has heretofore expressed to her Majesty's Government, of the character of the act of destroying the "Caroline."

It does not think that that transaction can be justified by any reasonable application or construction of the right of self-defence, under the laws of nations. It is admitted that a just right of self-defence attaches always to nations as well as to individuals, and is equally necessary for the preservation of both. But the extent of this right is a question to be judged of by the circumstances of each particular case; and when its alledged exercise has led to the commission of hostile acts within the territory of a power at peace, nothing less than a clear and absolute necessity can afford ground of justification. Not having, up to this time, been made acquainted with the views and reasons, at length, which have led her Majesty's Government to think the destruction of the "Caroline" justifiable as an act of self-defence, the undersigned, earnestly renewing the remonstrance of this Government against the transaction, abstains, for the present, from any extended discussion of the question. But it is deemed proper, nevertheless, not to omit to take some notice of the general grounds of justification stated by her Majesty's Government, in their instructions to Mr. Fox.

Her Majesty's Government have instructed Mr. Fox to say, that they are of opinion that the transaction which terminated in the destruction of the "Caroline" was a justifiable employment of force, for the purpose of defending the British territory from the unprovoked attack of a band of British rebels and American pirates, who, having been "permitted" to arm and organize themselves within the territory of the United States, had actually invaded a portion of the territory of her Majesty.

The President cannot suppose that her Majesty's Government, by the use of these terms, meant to be understood as intimating that those acts, violating the laws of the United States and disturbing the peace of the British territories, were done under any degree of countenance from this Government, or were regarded by it with indifference; or that, under the circumstances of the case, they could have been prevented by the ordinary course of proceeding. Although he regrets that, by using the term "permitted," a possible inference of that kind might be raised, yet such an inference the President is willing to believe would be quite unjust to the intentions of the British Government.

That, on a line of frontier such as separates the United States from her Britannic Majesty's North American provinces—a line long enough to divide the whole of Europe into halves—irregularities, violences, and conflicts should sometimes occur, equally against the will of both Governments, is certainly easily to be supposed. This may be more possible, perhaps, in regard to the United States, without any reproach to their Government; since their institutions entirely discourage the keeping up of large standing armies in time of peace, and their situation happily exempts them from the necessity of maintaining such expensive and dangerous establishments. All that can be expected from either Government, in these cases, is good faith, a sincere desire to preserve peace and do justice the use of all proper means of prevention; and that, if offences cannot, nevertheless, be always prevented, the offenders shall still be justly punished. In all these respects, this Government acknowledges no delinquency in the performance of its duties.

Her Majesty's Government are pleased, also, to speak of those American citizens who took part with persons in Canada engaged in an insurrection against the British Government, as "American pirates." The undersigned does not admit the propriety or justice of this designation. If citizens of the United States fitted out, or were engaged in fitting out, a military expedition from the United States, intended to act against the British Government in Canada, they were clearly violating the laws of their own country, and exposing themselves to the just consequences which might be inflicted on them, if taken within the British dominions. But, notwithstanding this, they were certainly not pirates; nor does the undersigned think that it can advance the purpose of fair and friendly discussion, or hasten the accommodation of national difficulties, so to denominate them. Their offence, whatever it was, had no analogy to cases of piracy. Supposing all that is alleged against them to be true; they were taking a part in what they regarded as a civil war, and they were taking a part on the side of the rebels. Surely, England herself has not regarded persons thus engaged as deserving the appellation which her Majesty's Government bestowed on these citizens of the United States.

It is quite notorious that, for the greater part of the last two centuries, subjects of the British Crown have been permitted to engage in foreign wars, both national and civil; and in the latter, in every stage of their progress; and yet it has not been imagined that England has at any time allowed her subjects to turn pirates. Indeed, in our own times, not only have individual subjects of that Crown gone abroad to engage in civil wars, but we have seen whole regiments openly recruited, imbodied, armed, and disciplined, in England, with the avowed purpose of aiding a rebellion against a nation with which England was at peace; although it is true that, subsequently, an act of Parliament was passed to prevent transactions so nearly approaching to public war, without license from the Crown.

It may be said that there is a difference between the case of a civil war arising from a disputed succession, or a protracted revolt of a colony against the mother country, and the case of the fresh outbreak or commencement of a rebellion. The undersigned does not deny that such distinction may, for certain purposes, be deemed well founded. He admits that a Government, called upon to consider its own rights, interests, and duties, when civil wars break out in other countries, may decide on all the circumstances of the particular case upon its own existing stipulations, on probable results, on what its own security requires, and on many other considerations. It may be already bound to assist one party; or it may become bound, if it so chooses, to assist the other, and to meet the consequences of such assistance.

But whether the revolt be recent or long continued, they who join those concerned in it, whatever may be their offence against their own country, or however they may be treated, if taken with arms in their hands in the territory of the Government against which the standard of revolt is raised, cannot be denominated pirates, without departing from all ordinary use of language in the definition of offences. A cause which has so foul an origin as piracy cannot, in its progress or by its success, obtain a claim to any degree of respectability or tolerance among nations; and civil wars, therefore, are not understood to have such a commencement.

It is well known to Mr. Fox, that authorities of the highest eminence in England, living and dead, have maintained that the general law of nations does not forbid the citizens or subjects of one Government from taking part in the civil commotions of another. There is some reason, indeed, to think that such may be the opinion of her Majesty's Government at the present moment.

The undersigned has made these remarks from the conviction that it is important to regard established distinctions, and to view the acts and offences of individuals in the exactly proper light. But it is not to be inferred that there is, on the part of this Government, any purpose of extenuating in the slightest degree the crimes of those persons, citizens of the United States, who have joined in military expeditions against the British Government in Canada. On the contrary, the President directs the undersigned to say, that it is his fixed resolution that all such disturbers of the national peace, and violaters of the laws of their country, shall be brought to exemplary punishment. Nor will the fact that they are instigated and led on to these excesses by British subjects, refugees from the provinces, be deemed any excuse or palliation; although it is well worthy of being remembered, that the prime movers of these disturbances on the borders are subjects of the Queen, who come within the territories of the United States, seeking to enlist the sympathies of their citizens, by all the motives which they are able to address to them, on account of grievances, real or imaginary. There is no reason to believe that the design of any hostile movement from the United States, against Canada, has commenced with citizens of the United States. The true origin of such purposes and such enterprises is on the other side of the line. But the President's resolution to prevent these transgressions of the laws, is not, on that account, the less strong. It is taken, not only in conformity to his duty, under the provisions of existing laws, but in full consonance with the established principles and practice of this Government.

The Government of the United States has not, from the first, fallen into the doubts, elsewhere entertained, of the true extent of the duties of neutrality. It has held that, however it may have been in less enlightened ages, the just interpretation of the modern law of nations is, that neutral States are bound to be strictly neutral; and that it is a manifest and gross impropriety for individuals to engage in the civil conflicts of other States, and thus to be at war while their Government is at peace. War and peace are high national relations, which can properly be established or changed only by nations themselves.

The United States have thought, also, that the salutary doctrine of non-intervention by one nation with the affairs of others is liable to be essentially impaired, if, while Government refrains from interference, interference is still allowed to its subjects, individually or in masses. It may happen, indeed, that persons choose to leave their country, emigrate to other regions, and settle themselves on uncultivated lands in territories belonging to other States. This cannot be prevented by Governments which allow the emigration of their subjects and citizens; and such persons, having voluntarily abandoned their own country, have no longer claim to its protection, nor is it longer responsible for their acts. Such cases, therefore, if they occur, show no abandonment of the duty of neutrality.

The Government of the United States has not considered it as sufficient to confine the duties of neutrality and non-interference to the case of Governments whose territories lie adjacent to each other. The application of the principle may be more necessary in such cases, but the principle itself they regard as being the same, if those territories be divided by half the globe. The rule is founded in the impropriety and danger of allowing individuals to make war on their own authority, or, by mingling themselves in the belligerent operations of other nations, to run the hazard of counteracting the policy or embroiling the relations of their own Government. And the United States have been the first among civilized nations to enforce the observance of this just rule of neutrality and peace, by special and adequate legal enactments. In the infancy of this Government, on the breaking out of the European wars, which had their origin in the French revolution, Congress passed laws, with severe penalties, for preventing the citizens of the United States from taking part in those hostilities.

By these laws, it prescribed to the citizens of the United States what it understood to be their duty as neutrals, by the law of nations; and the duty, also, which they owed to the interest and honor of their own country.

At a subsequent period, when the American colonies of a European power took up arms against their sovereign, Congress—not diverted from the established system of the Government by any temporary considerations—not swerved from its sence of justice and of duty by any sympathies which it might naturally feel for one of the parties—did not hesitate, also, to pass acts applicable to the case of colonial insurrection and civil war. And these provisions of law have been continued, revised, amended, and are in full force at the present moment. Nor have they been a dead letter; as it is well known that exemplary punishments have been inflicted on those who have transgressed them. It is known, indeed, that heavy penalties have fallen on individuals (citizens of the United States) engaged in this very disturbance in Canada with which the destruction of the Caroline was connected. And it is in Mr. Fox's knowledge, also, that the act of Congress of March 10th, 1838, was passed for the precise purpose of more effectually restraining military enterprises from the United States into the British provinces, by authorizing the use of the most sure and decisive preventive means. The undersigned may add, that it stands on the admission of very high British authority, that during the recent Canadian troubles, although bodies of adventurers appeared on the border, making it necessary for the people of Canada to keep themselves in a state prepared for self-defence, yet that these adventurers were acting by no means in accordance with the feeling of the great mass of the American people, or of the Government of the United States.

This Government, therefore, not only holds itself above reproach in everything respecting the preservation of neutrality, the observance of the principle of non-intervention, and the strictest conformity, in these respects, to the rules of international law, but it doubts not that the world will do it the justice to acknowledge that it has set an example not unfit to be followed by others; and that, by its steady legislation on this most important subject, it has done something to promote peace and good neighborhood among nations, and to advance the civilization of mankind.

The undersigned trusts that, when her Britannic Majesty's Government shall present the grounds, at length, on which they justify the local authorities of Canada in attacking and destroying the "Caroline," they will consider that the laws of the United States are such as the undersigned has now represented them, and that the Government of the United States has always manifested a sincere disposition to see those laws effectually and impartially administered. If there have been cases in which individuals, justly obnoxious to punishment, have escaped, this is no more than happens in regard to other laws.

Under these circumstances, and under those immediately connected with the transaction itself, it will be for her Majesty's Government to show upon what state of facts, and what rules of national law, the destruction of the "Caroline" is to be defended. It will be for that Government to show a necessity of self-defence, instant, overwhelming, leaving no choice of means, and no moment for deliberation. It will be for it to show, also, that the local authorities of Canada, even supposing the necessity of the moment authorized them to enter the territories of the United States at all, did nothing unreasonable or excessive, since the act, justified by the necessity of self defence, must be limited by that necessity, and kept clearly within it. It must be shown that admonition or remonstrance to the persons on board the "Caroline" was impracticable, or would have been unavailing. It must be shown that daylight could not be waited for; that there could be no attempt at discrimination between the innocent and the guilty; that it would not have been enough to seize and detain the vessel; but that there was a necessity, present and inevitable, for attacking her in the darkness of the night, while moored to the shore, and while unarmed men were asleep on board, killing some and wounding others, and then drawing her into the current, above the cataract, setting her on fire, and, careless to know whether there might not be in her the innocent with the guilty, or the living with the dead, committing her to a fate which fills the imagination with horror. A necessity for all this, the Government of the United States cannot believe to have existed.

All will see that, if such things be allowed to occur, they must lead to bloody and exasperated war. And when an individual comes into the United States from Canada, and to the very place on which this drama was performed, and there chooses to make public and vainglorious boast of the part he acted in it, it is hardly wonderful that great excitement should be created, and some degree of commotion arise.

This republic does not wish to disturb the tranquillity of the world; its object is peace, its policy peace. It seeks no aggrandizement by foreign conquest, because it knows that no foreign acquisitions could augment its power and importance so rapidly as they are already advancing by its own natural growth, under the propitious circumstances of its situation. But it cannot admit that its Government has not both the will and the power to preserve its own neutrality, and to enforce the observances of its own laws upon its own citizens. It is jealous of its rights, and among others, and most especially, of the right of the absolute immunity of its territory against aggression from abroad; and these rights it is the duty and determination of this Government fully and at all times to maintain, while it will at the same time as scrupulously refrain from infringing on the rights of others.

The President instructs the undersigned to say, in conclusion, that he confidently trusts that this, and all other questions of difference between the two Governments, will be treated by both in the full exercise of such a spirit of candor, justice, and mutual respect, as shall give assurance of the long continuance of peace between the two countries.

The undersigned avails himself of this opportunity to assure Mr. Fox of his high consideration.

DANIEL WEBSTER.

HENRY S. FOX, Esq.,
Envoy Extraordinary and Minister Plenipotentiary.

Extract from the message of the President to Congress, at the commencement of its present session.

I regret that it is not in my power to make known to you an equally satisfactory conclusion in the case of the "Caroline" steamer, with the circumstances connected with the destruc-

tion of which, in December, 1837, by an armed force fitted out in the province of Upper Canada, you are already made acquainted. No such atonement as was due for the public wrong to the United States by this invasion of her territory, so wholly irreconcileable with her rights as an independent power, has yet been made. In the view taken by this Government, the inquiry whether the vessel was in the employment of those who were prosecuting an unauthorized war against that province, or was engaged by the owner in the business of transporting passengers to and from Navy island, in hopes of private gain, (which was most probably the case,) in no degree alters the real question at issue between the two Governments. This Government can never concede to any foreign Government the power, except in a case of the most urgent and extreme necessity, of invading its territory, either to arrest the persons or destroy the property of those who may have violated the municipal laws of such foreign Government, or have disregarded their obligations arising under the law of nations. The territory of the United States must be regarded as sacredly secure against all such invasions, until they shall voluntarily acknowledge inability to acquit themselves of their duty to others; and, in announcing this sentiment, I do but affirm a principle which no nation on earth would be more ready to vindicate, at all hazards, than the people and Government of Great Britain. If, upon a full investigation of all the facts, it shall appear that the owner of the "Caroline" was governed by a hostile intent, or had made common cause with those who were in the occupancy of Navy island, then, so far as he is concerned, there can be no claim to indemnity for the destruction of his boat, which this Government would feel itself bound to prosecute; since he would have acted not only in derogation of the rights of Great Britain, but in clear violation of the laws of the United States. But that is a question which, however settled, in no manner involves the higher consideration of the violation of territorial sovereignty and jurisdiction. To recognise it as an admissible practice, that each Government, in its turn, upon any sudden and unauthorized outbreak on a frontier, the extent of which renders it impossible for either to have an efficient force on every mile of it, and which outbreak, therefore, neither may be able to suppress in a day, may take vengeance into its own hands, and without even a remonstrance, and in the absence of any pressing or overruling necessity, may invade the territory of the other, would inevitably lead to results equally to be deplored by both. When border collisions come to receive the sanction, or to be made on the authority, of either Government, general war must be the inevitable result. While it is the ardent desire of the United States to cultivate the relations of peace with all nations, and to fulfil all the duties of good neighborhood towards those who possess territories adjoining their own, that very desire would lead them to deny the right of any foreign power to invade their boundary with an armed force. The correspondence between the two Governments on this subject will, at a future day of your session, be submitted to your consideration; and, in the mean time, I cannot but indulge the hope that the British Government will see the propriety of reasuming, as a rule of future action, the precedent which has been set in the affair at Schlosser.

Lord Ashburton to Mr. Webster.

WASHINGTON, July 28, 1842.

SIR: In the course of our conferences on the several subjects of difference which it was the object of my mission to endeavor to settle, the unfortunate case of the Caroline, with its attendant consequences, could not escape our attention; for, although it is not of a description to be susceptible of any settlement by a convention or treaty, yet, being connected with the highest considerations of national honor and dignity, it has given rise, at times, to deep excitements, so as more than once to endanger the maintenance of peace.

The note you did me the honor of addressing me the 27th instant, reminds me that, however disposed your Government might be to be satisfied with the explanations which it has been my duty to offer, the natural anxiety of the public mind requires that these explanations should be more durably recorded in our correspondence; and you send me a copy of your note to Mr. Fox, her Britannic Majesty's minister here, and an extract from the speech of the President of the United States to Congress, at the opening of the present session, as a ready mode of presenting the view entertained on this subject by the Government of the United States.

It is so far satisfactory to perceive that we are perfectly agreed as to the general principles of international law applicable to this unfortunate case. Respect for the inviolable character of the territory of independent nations is the most essential foundation of civilization. It is useless to strengthen a principle so generally acknowledged, by any appeal to authorities on international law; and you may be assured, sir, that her Majesty's Government set the highest possible value on this principle, and are sensible of their duty to support it by their conduct and example, for the maintenance of peace and order in the world. If a sense of moral responsibility were not a sufficient security for their observance of this duty towards all nations, it will be readily believed that the most common dictates of interest and policy would lead to it in the case of a long conterminous boundary of some thousand miles, with a country of such great and growing power as the United States of America, inhabited by a kindred race, gifted with all its activity, and all its susceptibility on points of national honor.

Every consideration, therefore, leads us to set, as highly as your Government can possibly do, this paramount obligation of reciprocal respect for the independent territory of each. But however strong this duty may be, it is admitted by all writers, by all jurists, by the occasional practice of all nations, not excepting your own, that a strong overpowering necessity may arise, when this great principle may and must be suspended. It must be so for the shortest possible period, during the continuance of an admitted overruling necessity, and strictly confined within the narrowest limits imposed by that necessity. Self-defence is the first law of our nature; and it must be recognised by every code which professes to regulate the condition and relations of man. Upon this modification (if I may so call it) of the great general principle, we seem also to be agreed; and on this part of the subject I have done little more than repeat the sentiments, though in less forcible language, admitted and maintained by you in the letter to which you refer me.

Agreeing, therefore, on the general principle, and on the possible exception to which it is liable, the only question between us is, whether this occurrence came within the limits fairly to be assigned to such exception; whether, to use your words, there was "that necessity of self-defence, instant, overwhelming, leaving no choice of means," which preceded the destruction of the Caroline, while moored to the shore of the United States. Give me leave to say, sir, with all possible admiration of your very ingenious discussion of the general principles which are supposed to govern the right and practice of interference by the people of one country in the wars and quarrels of others, that this part of your argument is little applicable to our immediate case. If Great Britain, America, or any other country, suffer their people to fit out expeditions to take part in distant quarrels, such conduct may, according to the circumstances of each case, be justly matter of complaint; and, perhaps these transactions have generally been in late times too much overlooked or connived at. But the case we are considering, is of a wholly different description, and may be best determined by answering the following question. Supposing a man, standing on ground where you have no legal right to follow him, has a weapon long enough to reach you, and is striking you down and endangering your life: how long are you bound to wait for the assistance of the authority having the legal power to relieve you? or, to bring the facts more immediately home to the case, if cannon are moving and setting up in a battery which can reach you, and are actually destroying life and property by their fire, if you have remonstrated for some time without effect, and see no prospect of relief, when begins your right to defend yourself, should you have no other means of doing so than by seizing your assailant on the verge of a neutral territory?

I am unwilling to recall to your recollection the particulars of this case; but I am obliged very shortly to do so, to show what was, at the time, the extent of the existing justification; for, upon this, entirely depends the question whether a gross insult has or has not been offered to the Government and people of the United States.

After some tumultuous proceedings in Upper Canada, which were of short duration, and were suppressed by the militia of the country, the persons criminally concerned in them took refuge in the neighboring State of New York; and, with a very large addition to their numbers, openly collected, invaded the Canadian territory, taking possession of Navy island.

This invasion took place the 16th of December, 1837; a gradual accession of numbers and of military ammunition continued openly, and, though under the sanction of no public authority, at least with no public hindrance, until the 29th of the same month, when several hundred men were collected, and twelve pieces of ordnance, which could only have been procured from some public store or arsenal, were actually mounted on Navy island, and were used to fire within easy range upon the unoffending inhabitants of the opposite shore. Remonstrances, wholly ineffectual, were made; so ineffectual, indeed, that a militia regiment, stationed on the neighboring American island, looked on without any attempt at interference, while shots were fired from the American island itself. This important fact stands on the best American authority, being stated in a letter to Mr. Forsyth, of the 6th February, 1838, of Mr. Benton, attorney of the United States, the gentleman sent by your Government to inquire into the facts of the case; who adds, very properly, that he makes the statement "with deep regret and mortification."

This force, formed of all the reckless and mischievous people of the border, formidable from their numbers and from their armament, had in their pay, and as part of their establishment, this steamboat Caroline—the important means and instrument by which numbers and arms were hourly increasing. I might safely put it to any candid man acquainted with the existing state of things, to say whether the military commander in Canada had the remotest reason, on the 29th of December, to expect to be relieved from this state of suffering by the protective intervention of any American authority. How long could a Government, having the paramount duty of protecting its own people, be reasonably expected to wait for what they had then no reason to expect? What would have been the conduct of American officers? What has been their conduct under circumstances much less aggravated? I would appeal to you, sir, to say whether the facts which you say would alone justify this act, viz: "a necessity of self-defence, instant, overwhelming, leaving no choice of means, and no moment for deliberation," were not applicable to this case in as high a degree as they ever were to any case of a similar description in the history of nations.

Nearly five years are now passed since this occurrence; there has been time for the public to deliberate upon it calmly; and I believe I may take it to be the opinion of candid and honorable men, that the British officers who executed this transaction, and their Government who approved it, intended no slight or disrespect to the sovereign authority of the United States. That they intended no such disrespect, I can most solemnly affirm; and I trust it will be admitted that no inference to the contrary can fairly be drawn, even by the most susceptible in points of national honor.

Notwithstanding my wish that the explanation I had to make might not revive in any degree any feelings of irritation, I do not see how I could treat this subject without this short recital of facts, because the proof that no disrespect was intended is mainly to be looked for in the extent of the justification.

There remains only a point or two which I should wish to notice, to remove, in some degree, the impression which your rather highly colored description of this transaction is calculated to make. The mode of telling a story often tends to distort facts; and in this case, more than in any other, it is important to arrive at plain unvarnished truth.

It appears from every account, that the expedition was sent to capture the Caroline when she was expected to be found on the British ground of Navy island, and that it was only owing to the orders of the rebel leader being disobeyed, that she was not so found. When the British officer came round the point of the island in the night, he first discovered that the vessel was moored to the other shore. He was not by this deterred from making the capture, and his conduct was approved. But you will perceive that there was here, most decidedly, the case of justification mentioned in your note, that there should be "no moment left for deliberation." I mention this circumstance to show, also, that the expedition was not planned with a premeditated purpose of attacking the enemy within the jurisdiction of the United States, but that the necessity of so doing arose from altered circumstances at the moment of execution.

I have only further to notice the highly colored picture drawn in your note, of the facts attending the execution of this service. Some importance is attached to the attack having been made in the night, and the vessel having been set on fire and floated down the falls of the river; and it is insinuated rather than asserted, that there was carelessness as to the lives of the persons on board. The account given by the distinguished officer who commanded the expedition, distinctly refutes, or satisfactorily explains these assertions. The time of night was purposely selected as most likely to insure the execution, with the least loss of life; and it is expressly stated that, the strength of the current not permitting the vessel to be carried off, and it being necessary to destroy her by fire, she was drawn into the stream for the express purpose of preventing injury to persons or property of the inhabitants at Schlosser.

I would willingly have abstained from a return to the facts of this transaction; my duty being to offer those explanations and assurances which may lead to satisfy the public mind, and to the cessation of all angry feeling; but it appeared to me that some explanation of parts of the case, apparently misunderstood, might be of service for this purpose.

Although it is believed that a candid and impartial consideration of the whole history of this unfortunate event will lead to the conclusion that there were grounds of justification as strong as were ever presented in such cases; and, above all, that no slight of the authority of the United States were intended, yet it must be admitted that there was, in the hurried execution of this necessary service, a violation of territory; and I am instructed to assure you that her Majesty's Government consider this as a most serious fact; and that, far from thinking that an event of this kind should be lightly risked, they would unfeignedly deprecate its recurrence. Looking back to what passed at this distance of time, what is, perhaps, most to be regretted, is, that some explanation and apology for this occurrence was not immediately made. This (with a frank explanation of the necessity of the case) might, and probably would, have prevented much of the exasperation, and of the subsequent complaints and recriminations to which it gave rise.

There are possible cases in the relations of nations, as of individuals, where necessity, which controls all other laws, may be pleaded; but it is neither easy nor safe to attempt to define the rights or limits properly assignable to such a plea. This must always be a subject of much delicacy, and should be considered by friendly nations with great candor and forbearance. The intentions of the parties must mainly be looked to. And can it for a moment be supposed that Great Britain would intentionally and wantonly provoke a great and powerful neighbor?

Her Majesty's Government earnestly desire that a reciprocal respect for the independent jurisdiction and authority of neighboring States may be considered among the first duties of all Governments; and I have to repeat the assurance of regret they feel, that the event of which I am treating should have disturbed the harmony they so anxiously wish to maintain with the American people and Government.

Connected with these transactions, there have also been circumstances, of which I believe it is generally admitted that Great Britain has also had just ground to complain. Individuals have been made personally liable for acts done under the avowed authority of their Government; and there are now many brave men exposed to personal consequences for no other cause than having served their country. That this is contrary to every principle of international law, it is useless for me to insist. Indeed, it has been admitted by every authority of your Government; but, owing to a conflict of laws, difficulties have intervened, much to the regret of those authorities, in giving practical effect to these principles; and for these difficulties some remedy has been by all desired. It is no business of mine to enter upon the consideration of them; nor have I sufficient information for the purpose. But I trust you will excuse my addressing to you the inquiry, Whether the Government of the United States is now in a condition to secure, in effect and in practice, the principle—which has never been denied in argument—that individuals, acting under legitimate authority, are not personally responsible for executing the orders of their Government. That the power, when it exists, will be used on every fit occasion, I am well assured; and I am bound to admit that, looking through the voluminous correspondence concerning these transactions, there appears no indisposition with any of the authorities of the Federal Government, under its several administrations, to do justice in this respect in as far as their means and power would allow.

I trust, sir, I may now be permitted to hope that all feelings of resentment and ill-will resulting from these truly unfortunate events, may be buried in oblivion, and that they may be succeeded by those of harmony and friendship, which it is certainly the interest, and, I also believe, the inclination, of all to promote.

I beg, sir, you will be assured of my high and unfeigned consideration.

ASHBURTON.

Hon. DANIEL WEBSTER, &c., &c., &c.

Mr. Webster to Lord Ashburton.

DEPARTMENT OF STATE,
Washington, August 6, 1842.

Your Lordship's note of the 28th July, in answer to mine of the 27th, respecting the case of the "Caroline," has been received and laid before the President.

The President sees, with pleasure, that your Lordship fully admits those great principles of public law, applicable to cases of this kind, which this Government has expressed; and that, on your part, as on ours, respect for the inviolable character of the territory of independent States is the most essential foundation of civilization. And while it is admitted, on both sides, that there are exceptions to this rule, he is gratified to find that your Lordship admits that such exceptions must come within the limitations stated and the terms used in a former communication from this department to the British Plenipotentiary here. Undoubtedly it is just, that, while it is admitted that exceptions growing out of the great law of self-defence do exist, those exceptions should be confined to cases in which the "necessity of self-defence is instant, overwhelming, leaving no choice of means, and no moment for deliberation."

Understanding these principles alike, the difference between the two Governments is only whether the facts in the case of the "Caroline" make out a case of such necessity for the purpose of self-defence. Seeing that the transaction is not recent, having happened in the time of one of his predecessors; seeing that your Lordship, in the name of your Government, solemnly declares that no slight or disrespect was intended to the sovereign authority of the United States; seeing that it is acknowledged that, whether justifiable or not, there was yet a violation of the territory of the United States, and that you are instructed to say that your Government considers that as a most serious occurrence; seeing, finally, that it is now admitted that an

explanation and apology for this violation was due at the time, the President is content to receive these acknowledgments and assurances in the conciliatory spirit which marks your Lordships letter, and will make this subject as a complaint of violation of territory, the topic of no further discussion between the two Governments.

As to that part of your Lordship's note which relates to other occurrences springing out of the case of the "Caroline," with which occurrences the name of Alexander McLeod has become connected, I have to say, that the Government of the United States entirely adhere to the sentiments and opinions expressed in the communications from this department to Mr. Fox. This Government has admitted that, for an act committed by the command of his sovereign, *jure belli*, an individual cannot be responsible in the ordinary courts of another State. It would regard it as a high indignity if a citizen of its own, acting under its authority, and by its special command, in such cases, were held to answer in a municipal tribunal, and to undergo punishment, as if the behest of his Government were no defence or protection to him.

But your Lordship is aware that, in regular constitutional Governments, persons arrested on charges of high crimes can only be discharged by some judicial proceeding. It is so in England; it is so in the colonies and provinces of England. The forms of judicial proceeding differ in different countries, being more rapid in some and more dilatory in others; and it may be added, generally more dilatory, or at least more cautious, in cases affecting life, in Governments of a strictly limited, than in those of a more unlimited character. It was a subject of regret that the release of McLeod was so long delayed. A State court, and that not of the highest jurisdiction, decided that, on summary application, embarrassed, as it would appear, by technical difficulties, he could not be released by that court. His discharge, shortly afterward, by a jury, to whom he preferred to submit his case, rendered unnecessary the further prosecution of the legal question. It is for the Congress of the United States, whose attention has been called to the subject, to say what further provision ought to be made to expedite proceedings in such cases; and, in answer to your Lordship's question towards the close of your note, I have to say that the Government of the United States holds itself not only fully disposed, but fully competent, to carry into practice every principle which it avows or acknowledges, and to fulfil every duty and obligation which it owes to foreign Governments, their citizens or subjects.

I have the honor to be, my Lord, with great consideration, your obedient servant,

DANIEL WEBSTER.

Lord ASHBURTON, &c. &c. &c.

IMPRESSMENT.

Mr. Webster to Lord Ashburton.

DEPARTMENT OF STATE,
Washington, 8th August, 1842.

MY LORD: We have had several conversations on the subject of impressment, but I do not understand that your Lordship has instructions from your Government to negotiate upon it; nor does the Government of the United States see any utility in opening such negotiation, unless the British Government is prepared to renounce the practice in all future wars.

No cause has produced, to so great an extent, and for so long a period, disturbing and irritating influences on the political relations of the United States and England as the impressment of seamen by British cruisers from American merchant vessels.

From the commencement of the French revolution to the breaking out of the war between the two countries in 1812, hardly a year elapsed without loud complaint and earnest remonstrance. A deep feeling of opposition to the right claimed, and to the practice exercised under it—and not unfrequently exercised without the least regard to what justice and humanity would have dictated, even if the right itself had been admitted—took possession of the public mind of America; and this feeling, it is well known, co-operated most powerfully with other causes, to produce the state of hostilities which ensued.

At different periods, before and since the war, negotiations have taken place between the two Governments, with the hope of finding some means of quieting these complaints. At some times, the effectual abolition of the practice has been requested and treated of; at other times, its temporary suspension; and, at other times again, the limitation of its exercise and some security against its enormous abuses.

A common destiny has attended these efforts; they have all failed. The question stands at this moment where it stood fifty years ago. The nearest approach to a settlement was a convention proposed in 1803, and which had come to the point of signature, when it was broken off in consequence of the British Government insisting that the *narrow seas* should be expressly excepted, out of the sphere over which the contemplated stipulations against impressment should extend. The American minister, Mr. King, regarded this exception as quite inadmissible, and chose rather to abandon the negotiation than to acquiesce in the doctrine which it proposed to establish.

England asserts the right of impressing British subjects, in time of war, out of neutral merchant vessels, and of deciding by her visiting officers, who, among the crews of such merchant vessels, are British subjects. She asserts this as a legal exercise of the prerogative of the Crown; which prerogative is alleged to be founded on the English law of perpetual and indissoluble allegiance of the subject, and his obligation, under all circumstances, and for his whole life, to render military service to the Crown whenever required.

This statement, made in the words of eminent British jurists, shows, at once, that the English claim is far broader than the basis or platform on which it is raised. The law relied on is English law; the obligations insisted on are obligations existing between the Crown of England and its subjects. This law and these obligations, it is admitted, may be such as England may choose they shall be. But then they must be confined to the parties. Impressment of seamen, out of and beyond English territory, and from on board the ships of other nations, is an interference with the rights of other nations; is further, therefore, than English prerogative can legally extend; and is nothing but an attempt to enforce the peculiar law of England beyond the dominions and jurisdiction of the Crown. The claim asserts an extra-territorial authority for the law of British prerogative; and assumes to exercise this extra-territorial authority to the manifest injury and annoyance of the citizens and subjects of other States, on board their own vessels on the high seas.

Every merchant vessel on the seas is rightfully considered as part of the territory of the country to which it belongs. The entry, therefore, into such vessel, (being neutral,) by a belligerent, is an act of force, and is, *prima facie*, a wrong - a trespass, which can be justified only when done for some purpose, allowed to form a sufficient justification by the law of nations. But a British cruiser enters an American merchant vessel in order to take therefrom supposed British subjects; offering no justification therefor, under the law of nations, but claiming the right under the law of England respecting the King's prerogative. This cannot be defended. English soil, English territory, English jurisdiction, is the appropriate sphere for the operation of English law; the ocean is the sphere of the law of nations; and any merchant vessel on the seas is, by that law, under the protection of the laws of her own nation, and may claim immunity, unless in cases in which that law allows her to be entered or visited.

If this notion of perpetual allegiance, and the consequent power of the prerogative, were the law of the world; if it formed part of the conventional code of nations, and were usually practised like the right of visiting neutral ships, for the purpose of discovering and seizing enemy property, then impressment might be defended as a common right; and there would be no remedy for the evil till the national code should be altered. But this is, by no means, the case. There is no such principle incorporated into the code of nations. The doctrine stands only as English law, not as national law; and English law cannot be of force beyond English dominion. Whatever duties or relations that law creates between the sovereign and his subjects, can be enforced and maintained only within the realm, or proper possessions or territory of the sovereign. There may be quite as just a prerogative right to the property of subjects as to their personal services, in an exigency of the State; but no Government thinks of controlling, by its own laws, property of its subjects situated abroad; much less does any Government think of entering the territory of another power for the purpose of seizing such property and applying it to its own uses. As laws, the prerogatives of the Crown of England have no obligation on persons or property domiciled or situated abroad.

"When, therefore," says an authority not unknown or unregarded on either side of the Atlantic, "we speak of the right of a State to bind its own native subjects everywhere, we speak only of its own claim and exercise of sovereignty over them, when they return within its own territorial jurisdiction; and not of its right to compel or require obedience to such laws, on the part of other nations, within their own territorial sovereignty. On the contrary, every nation has an exclusive right to regulate persons and things within its own territory, according to its sovereign will and public polity."

The good sense of these principles, their remarkable pertinency to the subject now under consideration, and the extraordinary consequences resulting from the British doctrine, are signally manifested by that which we see taking place every day. England acknowledges herself overburdened with population of the poorer classes. Every instance of the emigration of persons of those classes is regarded by her as a benefit. England, therefore, encourages emigration; means are notoriously supplied to emigrants to assist their conveyance, from public funds; and the New World, and more especially these United States, receive the many thousands of her subjects thus ejected from the bosom of their native land by the necessities of their condition. They come away from poverty and distress, in over crowded cities, to seek employment, comfort, and new homes, in a country of free institutions, possessed by a kindred race, speaking their own language, and having laws and usages, in many respects, like those to which they have been accustomed; and a country which, upon the whole, is found to possess more attractions for persons of their character and condition than any other on the face of the globe. It is stated that, in the quarter of the year ending with June last, more than twenty six thousand emigrants left the single port of Liverpool for the United States—being four or five times as many as left the same port within the same period for the British colonies and all other parts of the world. Of these crowds of emigrants, many arrive in our cities in circumstances of great destitution; and the charities of the country, both public and private, are severely taxed to relieve their immediate wants. In time, they mingle with the new community in which they find themselves, and seek means of living; some find employment in the cities; others go to the frontiers, to cultivate lands reclaimed from the forest; and a greater or less number of the residue, becoming, in time, naturalized citizens, enter into the merchant service, under the flag of their adopted country.

Now, my Lord, if war should break out between England and a European power, can anything be more unjust, anything more irreconcileable to the general sentiments of mankind, than that England should seek out these persons, thus encouraged by her, and compelled by their own condition to leave their native homes, tear them away from their new employments, their new political relations, and their domestic connexions, and force them to undergo the dangers and hardships of military service, for a country which has thus ceased to be their own country? Certainly, certainly, my Lord, there can be but one answer to this question. Is it not far more reasonable that England should either prevent such emigration of her subjects, or that, if she encourage and promote it, she should leave them, not to the embroilment of a double and contradictory allegiance, but to their own voluntary choice, to form such relations, political or social, as they see fit, in the country where they are to find their bread, and to the laws and institutions of which they are to look for defence and protection!

A question of such serious importance ought now to be put at rest. If the United States give shelter and protection to those whom the policy of England annually casts upon their shores—if, by the benign influences of their Government and institutions, and by the happy condition of the country, those emigrants become raised from poverty to comfort, finding it easy even to become landholders, and being allowed to partake in the enjoyment of all civil rights,—if all this may be done, (and all this is done, under the countenance and encouragement of England herself,) is it not high time, my Lord, that, yielding that which had its origin in feudal ideas as inconsistent with the present state of society, and especially with the intercourse and relations subsisting between the Old World and the New, England should, at length, formally disclaim all right to the services of such persons, and renounce all control over their conduct?

But impressment is subject to objections of a much wi
range. If it could be justified in its application to those w
are declared to be its only object, it still remains true that, in
exercise, it touches the political rights of other governme
and endangers the security of their own native subjects and c
zens. The sovereignty of the State is concerned in maint
ing its exclusive jurisdiction and possession over its merch
ships on the seas, except so far as the law of nations justi
intrusion upon that possession for special purposes; and all e
perience has shown that no member of a crew, wherever bo
is safe against impressment when a ship is visited.

The evils and injuries resulting from the actual practice
hardly be overrated, and have ever proved themselves to
such as should lead to its relinquishment, even if it were fou
ed in any defensible principle. The difficulty of discrimi
ting between English subjects and American citizens has
ways been found to be great, even when an honest purpose
discrimination has existed. But the lieutenant of a man
war, having necessity for men, is apt to be a summary jud
and his decisions will be quite as significant of his own wa
and his own power as of the truth and justice of the case.
extract from a letter of Mr. King, of the 13th of April, 1797,
the American Secretary of State, shows something of the en
mous extent of these wrongful seizures:

"Instead of a few, and these in many instances equivoc
cases, I have," says he, "since the month of July past, ma
application for the discharge, from British men of war, of tw
hundred and seventy-one seamen, who, stating themselves to b
Americans, have claimed my interference. Of this numbe
eighty six have been ordered by the Admiralty to be discharge
thirty-seven more have been detained as British subjects or
American volunteers, or for want of proof that they are Ame
icans; and to my applications for the discharge of the remai
ing one hundred and forty-eight, I have received no answer
the ships on board of which these seamen were detained ha
ing, in many instances, sailed before an examination was ma
in consequence of my application.

"It is certain that some of those who have applied to me a
not American citizens; but the exceptions are, in my opinio
few; and the evidence, exclusive of certificates, has been suc
as, in most cases, to satisfy me that the applicants were re
Americans, who have been forced into the British service, an
who, with singular constancy, have generally persevered in r
fusing pay or bounty, though in some instances they have bee
in service more than two years."

But the injuries of impressment are by no means confined
its immediate subjects or the individuals on whom it is prac
tised. Vessels suffer from the weakening of their crews, an
voyages are often delayed, and not unfrequently broken up, b
subtraction from the number of necessary hands by impress
ment. And what is still of greater and more general momen
the fear of impressment has been found to create great diff
culty in obtaining sailors for the American merchant servic
in times of European war. Seafaring men, otherwise incline
to enter into that service, are, as experience has shown, deter
red by the fear of finding themselves ere long in compulsor
military service in British ships of war. Many instances hav
occurred, fully established in proof, in which raw seamen, na
tives of the United States, fresh from the fields of agriculture
entering for the first time on shipboard, have been impresse
before they made the land, placed on the decks of British men
of war, and compelled to serve for years before they could ob
tain their release, or revisit their country and their homes. Such
instances become known, and their effect in discouraging young
men from engaging in the merchant service of their country
can neither be doubted nor wondered at. More than all, my
Lord, the practice of impressment, whenever it has existed, ha
produced not conciliation and good feeling, but resentment, ex
asperation, and animosity, between the two great commercia
countries of the world.

In the calm and quiet which have succeeded the late war—
condition so favorable for dispassionate consideration—Englan
herself has evidently seen the harshness of impressment, ever
when exercised on seamen in her own merchant service; an
she has adopted measures calculated, if not to renounce th
power or to abolish the practice, yet, at least, to supersede it
necessity by other means of manning the royal navy, mor
compatible with justice and the rights of individuals, and fa
more conformable to the spirit and sentiments of the age.

Under these circumstances, the Government of the Unite
States has used the occasion of your Lordship's pacific missio
to review this whole subject, and to bring it to your notice an
that of your Government. It has reflected on the past, ponder
ed the condition of the present, and endeavored to anticipate,
far as might be in its power, the probable future; and I am
now to communicate to your Lordship the result of these de
liberations.

The American Government, then, is prepared to say the
the practice of impressing seamen from American vessels can
not hereafter be allowed to take place. That practice
founded on principles which it does not recognise; and is inva
riably attended by consequences so unjust, so injurious, and o
such formidable magnitude, as cannot be submitted to.

In the early disputes between the two Governments on thi
so long contested topic, the distinguished person to whos
hands were first intrusted the seals of this department de
clared, that the simplest rule will be, that the vessel bein
American shall be evidence that the seamen on board ar
such."

Fifty years' experience, the utter failure of many negotiation
and a careful reconsideration now had of the whole subject,
a moment when the passions are laid, and no present interes
or emergency exists to bias the judgment, have fully convince
this Government that this is not only the simplest and be
but the only rule which can be adopted and observed, co
sistently with the rights and honor of the United States and th
security of their citizens. That rule announces, therefore, wha
will hereafter be the principle maintained by their Governmen
In every regularly documented American merchant vessel, th
crew who navigate it will find their protection in the fla
which is over them.

This announcement is not made, my Lord, to revive useles
recollections of the past, nor to stir the embers from fires whic
have been, in a great degree, smothered by many years
peace. Far otherwise. Its purpose is to extinguish thos
fires effectually, before new incidents arise to fan them int
flame. The communication is in the spirit of peace, and fo
the sake of peace; and springs from a deep and conscientio
conviction that high interests of both nations require th
this so-long contested and controverted subject should now b
finally put to rest. I persuade myself, my Lord, that you wi

Secondly. That the insolvent laws of the States be respected and left in force, to the same degree that they were ordered to be respected by the 61st section of the act of 1800; which section is in the following words:

"That this act shall not repeal or annul, or be construed to repeal or annul, the laws of any State now in force, or which may hereafter be enacted, for the relief of insolvent debtors, except so far as the same may respect persons who are, or may be, clearly within the purview of this act, and whose debts shall amount, in the cases specified in the second section thereof, to the sums therein mentioned. And if any person within the purview of this act shall be imprisoned for the space of three months for any debt or upon any contract, unless the creditors of such prisoner shall proceed to prosecute a commission of bankruptcy against him or her, agreeably to the provisions of this act, such debtor may, and shall be, entitled to relief under any such laws for the relief of insolvent debtors, this act notwithstanding."

Thirdly. That the liens created by State laws on the property of bankrupts be respected and observed in the same full and absolute manner in which they were ordered to be respected and observed by the 64th section of the said act of 1800; which section is in these words:

"That nothing contained in this act shall be taken or construed to invalidate or impair any lien existing at the date of this act upon the lands or chattels of any person who may become bankrupt."

Fourthly. That a person subject to involuntary bankruptcy shall not have the privilege of voluntary bankruptcy; but, on filing a declaration of insolvency, shall be subject to be proceeded against at the will of his creditors, according to the principles of the 6th section of the bankrupt act of George IV, and the 13th section of the insolvent debtors act of the same reign.

Fifthly. That the operation of the act be prospective only, according to the first section of the bankrupt act of the year 1800.

Sixthly. That agreements on the part of bankrupts in office to assign a part of their salaries and emoluments to their creditors, be binding in law, and give the creditors a right to have the same retained for their benefit.

On motion of Mr. BENTON, the bill was then ordered to be printed, and read a second time.

Mr. WRIGHT presented a petition from W. M. Quackenboss and others, sureties of the late collector for the port of New York, (Mr. Swartwout,) asking that a law might be passed authorizing the Secretary of the Treasury to compromise with said sureties their liabilities to the United States. Mr. W. remarked that this matter had been before the Senate three or four consecutive sessions, and a bill had been invariably passed, but failed in the House for want of time. He hoped, as this was a short session, and as it was to the interest of all parties that the matter should be settled, that the Committee on the Judiciary would give the subject the earliest consideration possible, and report a bill without delay. He moved the reference of the petition to the Judiciary Committee; but, as no such committee was yet appointed, it was ordered to lie on the table for the present.

Mr. TALLMADGE submitted the following resolution, which lies over, under the rule, viz:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of instructing the Secretary of State to communicate with the judicial officers of the United States who have had the execution of the bankrupt law, and ascertain from them the number of applications under the act, both voluntary and involuntary; the number of discharges, the points decided under any provision of the act, the opinions of the judges as to any amendments or modifications of the act; and such other information as he may deem necessary to show the effects and operations of the act; and that he report the same to the Senate on the first day of the next session.

Mr. BARROW gave notice that he would on to-morrow ask leave to introduce a bill for the relief of Thomas W. Chinn.

THE EXPUNGING RESOLUTION.

Mr. BAYARD rose and said he would take this early opportunity, in conformity with the notice which he had given on the last day of the last session, to introduce a resolution which he had been instructed by the Legislature of his State to introduce four years ago; and he would take occasion to say that it was his design to ask its consideration at as early a day as practicable. The Senate having nothing of a very important nature to occupy its attention at present, he hoped they would be able to take the matter into consideration within the present month, as the adoption of the resolution would be, in his opinion, a happy consummation with which to close the year. It was to rescind the resolution of the 16th January, 1837, commonly called the "expunging resolution." Mr. B.'s resolution was then sent to the Chair, and read as follows:

Whereas the Senate of the United States, in the exercise of its functions as a deliberative assembly, did, on the 28th day of March, 1834, adopt the following resolution:

"*Resolved*, That the President, in the late Executive proceedings in relation to the revenue, has assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both."

And whereas afterward, to wit, on the 16th day of January, 1837, the Senate, in reference to the above resolution, adopted another, as follows:

"*Resolved*, That the said resolve be expunged from the Journal: and for that purpose, that the Secretary of the Senate, at such time as the Senate may appoint, shall bring the manuscript Journal of the session of 1833-'4 into the Senate, and, in the presence of the Senate, draw black lines round the said resolve, and write across the face thereof, in strong letters, the words following: Expunged by order of the Senate, this 16th day of January, in the year of our Lord 1837."

And whereas the Constitution of the United States expressly requires that each House of Congress shall keep a journal of its proceedings, meaning thereby to preserve a faithful and permanent record of those proceedings:

And whereas the Senate of the United States, independently of its legislative, executive, and judicial functions, has the inherent right, as a deliberative assembly, to express its opinions, which can be done only by resolution—which opinions, when thus expressed, become part of its proceedings, of which the Constitution provides that a permanent record shall be kept:

And whereas the resolution of the 16th of July, 1837, and the act of the Secretary of the Senate in compliance with it, in legal contemplation destroyed, and in fact defaced, the record of the proceeding to which it refers: wherefore,

Resolved, That the resolution of the 16th of January, 1837, commonly called the expunging resolution, be, and the same is hereby, rescinded, and shall be forever hereafter held as naught; and that, in all future publications of that portion of the Journal which contains the resolution of 1833-'4, and in all copies which may hereafter be made of the same for any official or legal purpose, the said resolution of 1833-'4 shall be published and copied as it was originally entered on the said Journal, without any notice whatever of the superscription which was erroneously made, in pursuance of the resolution of the 16th of January, 1837.

The resolution was then ordered to be printed.

On motion by Mr. BAYARD, it was ordered that, when the Senate adjourn, it adjourn till Monday next.

JUDGES OF THE UNITED STATES.

Mr. TAPPAN gave notice that he would, on Monday next, ask leave to introduce a resolution, proposing to amend the Constitution of the United States, in relation to the appointment of judges of the United States courts.

On motion, the Senate then adjourned till Monday next.

HOUSE OF REPRESENTATIVES

THURSDAY, December 8, 1842.

Mr. TALIAFERRO offered the following resolution, which was considered and adopted:

Resolved, That the several memorials, petitions, and resolutions presented to the House of Representatives, during the present Congress, which have not been finally acted on; also, all bills which went from this House to the Senate, and which were lost there; and such bills as were referred to the several committees of this House, and not reported on; be again referred to the committee to which the same were heretofore referred, as soon as the said committees shall be organized—a written request to that effect being handed by any member to the Clerk, whose duty it shall be to enter the same in the journal, as if presented in the House.

ABOLITION.

The resolution submitted by Mr. ADAMS, to rescind the 21st rule, so as to admit the reception of abolition petitions, resolutions, &c., on which the previous question had been moved and seconded, came up as the first business in order.

Mr. JOHN W. JONES moved to lay it on the table; and called for the yeas and nays on the question; which were ordered, and resulted in yeas 92, nays 95, as follows:

YEAS—Messrs. Arrington, Atherton, Barton, Beeson, Bidlack, Bowne, Boyd, Charles Brown, Burke, William Butler, Green W. Caldwell, Patrick C. Caldwell, Thomas J. Campbell, Casey, Clifford, Clinton, Mark A. Cooper, Cross, Daniel, Dawson, Dean, Deberry, Eastman, John C. Edwards, Charles A. Floyd, Fornance, Gamble, Gerry, Gilmer, Goggin, William O. Goode, Harris, Hastings, Hays, Hopkins, Houck, Houston, Hubbard, Hunter, Charles J. Ingersoll, Jack, Wm. Cost Johnson, Cave Johnson, John W. Jones, Isaac D. Jones, Keim, John P. Kennedy, Abraham McClellan, McKay, Mallory, Marchand, Matthews, Medill, Meriwether, Miller, Mitchell, Moore, Newhard, Owsley, Payne, Pearce, Pickens, Plumer, Powell, Rayner, Reding, Rencher, Reynolds, Rhett, Riggs, Rogers, Saunders, Shepperd, William Smith, Snyder, Sprigg, Steenrod, Summers, Sweney, Taliaferro, John B. Thompson, Richard W. Thompson, Triplett, Turney, Van Buren, Ward, Warren, Washington, Watterson, Weller, Westbrook, Wise, and Wood—92.

NAYS—Messrs. Adams, Allen, Sherlock J. Andrews, Aycrigg, Babcock, Baker, Barnard, Birdseye, Blair, Boardman, Borden, Botts, Brewster, Briggs, Brockway, Bronson, Jeremiah Brown, Burnell, Calhoun, Childs, Chittenden, John C. Clark, Staley N. Clarke, James Cooper, Cowen, Cranston, Cushing, Garrett Davis, Richard D. Davis, John Edwards, Egbert, Everett, Fessenden, Fillmore, John G. Floyd, A. Lawrence Foster, Giddings, Patrick G. Goode, Gordon, Granger, Hall, Halsted, Henry, Howard, Hudson, Joseph R. Ingersoll, James Irvin, William W. Irwin, James, Linn, Littlefield, Lowell, Robert McClellan, McKennan, McKeon, Alfred Marshall, Samson Mason, Mathiot, Mattocks, Maxwell, Maynard, Morgan, Morris, Morrow, Osborne, Parmenter, Patridge, Pendleton, Ramsay, Benjamin Randall, Randolph, Ridgway, Rodney, Roosevelt, Wm. Russell, James M. Russell, Saltonstall, Sanford, Simonton, Slade, Truman Smith, Stanly, Stokely, Stratton, Tillinghast, Toland, Tomlinson, Trumbull, Underwood, Van Rensselaer, Joseph L. White, Thomas W. Williams, Winthrop, Yorke, and A. Young—95.

So the House refused to lay the resolution on the table.

The question then recurring, "Shall the main question be now put?"

Mr. UNDERWOOD renewed the point of order raised by him yesterday; and contended that, although the effect of the second to the previous question was to put an end to debate, yet the refusal of the House to order the main question to be put, authorized debate after the next day. He understood from the Manual, that the decision of the House refusing to order the main question to be put, carried the question over to the next day; but, when that day came, if the main question was not ordered, the second was imperative. If the decision of the Chair was correct, the House might go on, from day to day, refusing to lay the resolution on the table, and refusing to order the main question to be put; and thus the question would never be settled. Certainly, a construction of the rules leading to such consequences could not be correct. It had been suggested by some one behind him, that the difficulty could be obviated by reconsidering the question; and he therefore hoped that some gentleman who voted with the majority would move a reconsideration.

The SPEAKER reaffirmed his decision, and pointed out two authorities, which he read to the House, sustaining his decision.

Mr. EVERETT suggested to the gentleman from Kentucky to take an appeal from the decision of the Chair; stating that, if the gentleman did not appeal, he would appeal himself. [Mr. UNDERWOOD said that he would take an appeal, in order to try the sense of the House on the subject.] Neither of the cases read by the Chair, Mr. E. said, gave the decision of the Speaker or of the House on the question now at issue; in both cases, the difficulty having been got over by the members moving a reconsideration, instead of taking an appeal. The error of the Chair seemed to him to consist in this: that he took the second to the previous question for the order of the House. By the parliamentary law, the previous question could be seconded by a single member; and under the rules of the House, it required a majority for a second; but in both cases it was only a second, and not the order of the House. He contended, therefore, that when the question fell, the second fell with it. It was now too late to move the reconsideration, and the first question to be put would be on ordering the main question. If that should be lost, the House would be just where it was the day before; and so they might thus go on from day to day, refusing to lay the resolution on the table, and refusing to order the main question to be taken. Mr. E. concluded by appealing from the decision of the Chair.

After some remarks from Mr. BRIGGS, and a reply by the CHAIR, neither of which were distinctly understood by the reporter,

Mr. BRIGGS was proceeding with his remarks, when

Mr. TURNEY called him to order, on the ground that the appeal was not debatable.

Mr. J. R. INGERSOLL referred to some authorities sustaining the decision of the Chair.

Mr. TURNEY objected to debate on the appeal, and moved to lay it on the table; which motion was carried without a division.

The question was then taken on ordering the main question, and decided in the negative—yeas 95, nays 100, as follows:

YEAS—Messrs. Adams, Allen, Sherlock J. Andrews, Aycrigg, Babcock, Baker, Barnard, Birdseye, Blair, Boardman, Borden, Botts, Briggs, Brockway, Bronson, Jeremiah Brown-

ary, the navigation of said river shall be free and open to both parties, and shall in no way be obstructed by either: that all the produce of the forest, in logs, lumber, timber, boards, staves, or shingles, or of agriculture not being manufactured, grown on any of those parts of the State of Maine watered by the river St. John, or by its tributaries, (of which fact reasonable evidence shall, if required, be produced,) shall have free access into and through the said river and its said tributaries, having their source within the State of Maine, to and from the seaport at the mouth of the said river St. John, and to and round the falls of said river, either by boats, rafts, or other conveyance; that when within the Province of New Brunswick, the said produce shall be dealt with as if it were the produce of the said Province: that, in like manner, the inhabitants of the territory of the Upper St. John, determined by this treaty to belong to her Britannic Majesty, shall have free access to and through the river for their produce, in those parts where the said river runs wholly through the State of Maine: *Provided, always*, That this agreement shall give no right to either party to interfere with any regulations not inconsistent with the terms of this treaty, which the Governments, respectively, of Maine or of New Brunswick may make respecting the navigation of the said river, when both banks thereof shall belong to the same party.

ARTICLE IV.

All grants of land heretofore made by either party, within the limits of the territory which by this treaty falls within the dominions of the other party, shall be held valid, ratified, and confirmed to the persons in possession under such grants, to the same extent as if such territory had by this treaty fallen within the dominions of the party by whom such grants were made; and all equitable possessory claims, arising from a possession and improvement of any lot or parcel of land by the person actually in possession, or by those under whom such person claims, for more than six years before the date of this treaty, shall, in like manner, be deemed valid, and be confirmed and quieted by a release to the person entitled thereto, of the title to such lot or parcel of land, so described as best to include the improvements made thereon; and in all other respects the two contracting parties agree to deal upon the most liberal principles of equity with the settlers actually dwelling upon the territory falling to them, respectively, which has heretofore been in dispute between them.

ARTICLE V.

Whereas, in the course of the controversy respecting the disputed territory on the Northeastern boundary, some moneys have been received by the authorities of her Britannic Majesty's Province of New Brunswick, with the intention of preventing depredations on the forests of the said territory, which moneys were to be carried to a fund called the "disputed territory fund," the proceeds whereof it was agreed should be hereafter paid over to the parties interested, in the proportions to be determined by a final settlement of boundaries: It is hereby agreed, that a correct account of all receipts and payments on the said fund shall be delivered to the Government of the United States, within six months after the ratification of this treaty, and the proportion of the amount due thereon to the States of Maine and Massachusetts, and any bonds or securities appertaining thereto, shall be paid and delivered over to the Government of the United States; and the Government of the United States agrees to receive for the use of, and pay over to, the States of Maine and Massachusetts, their respective portions of said fund; and further to pay and satisfy said States, respectively, for all claims for expenses incurred by them in protecting the said heretofore disputed territory, and making a survey thereof in 1838; the Government of the United States agreeing with the States of Maine and Massachusetts to pay them the further sum of three hundred thousand dollars, in equal moieties, on account of their assent to the line of boundary described in this treaty, and in consideration of the conditions and equivalents received therefor from the Government of her Britannic Majesty.

ARTICLE VI.

It is furthermore understood and agreed, that, for the purpose of running and tracing those parts of the line between the source of the St. Croix and the St. Lawrence river, which will require to be run and ascertained, and for marking the residue of said line by proper monuments on the land, two commissioners shall be appointed—one by the President of the United States, by and with the advice and consent of the Senate thereof, and one by her Britannic Majesty; and the said commissioners shall meet at Bangor, in the State of Maine, on the 1st day of May next, or as soon thereafter as may be, and shall proceed to mark the line above described, from the source of the St. Croix to the river St. John; and shall trace on proper maps the dividing line along said river, and along the river St. Francis, to the outlet of the Lake Pohenagamook; and from the outlet of the said lake, they shall ascertain, fix, and mark, by proper and durable monuments upon the land, the line described in the first article of this treaty; and the said commissioners shall make to each of their respective Governments a joint report or declaration, under their hands and seals, designating such line of boundary, and shall accompany said report or declaration with maps, certified by them to be true maps of the new boundary.

ARTICLE VII.

It is further agreed, that the channels in the river St. Lawrence, on both sides of the Long Sault Islands, and of Barnhart Island; the channels in the river Detroit, on both sides of the Island Bois Blanc, and between that island and both the American and Canadian shores; and all the several channels and passages between the various islands lying near the junction of the river St. Clair with the lake of that name, shall be equally free and open to the ships, vessels, and boats of both parties.

ARTICLE VIII.

The parties mutually stipulate that each shall prepare, equip, and maintain in service, on the coast of Africa, a sufficient and adequate squadron, or naval force of vessels, of suitable numbers and description, to carry in all not less than eighty guns, to enforce separately and respectively the laws, rights, and obligations of each of the two countries for the suppression of the slave-trade; the said squadrons to be independent of each other, but the two Governments stipulating, nevertheless, to give such orders to the officers commanding their respective forces as shall enable them most effectually to act in concert and co-operation, upon mutual consultation, as exigencies may arise, for the attainment of the true object of this article: copies of all such orders to be communicated by each Government to the other, respectively.

ARTICLE IX.

Whereas, notwithstanding all efforts which may be made on the coast of Africa for suppressing the slave-trade, the facilities for carrying on that traffic, and avoiding the vigilance of cruisers, by the fraudulent use of flags, and other means, are so great, and the temptations for pursuing it, while a market can be found for slaves, so strong, as that the desired result may be long delayed, unless all markets be shut against the purchase of African negroes,—the parties to this treaty agree that they will unite in all becoming representations and remonstrances with any and all powers within whose dominions such markets are allowed to exist; and that they will urge upon all such powers the propriety and duty of closing such markets at once and forever.

ARTICLE X.

It is agreed that the United States and her Britannic Majesty shall, upon mutual requisitions by them, or their ministers, officers, or authorities, respectively made, deliver up to justice all persons who, being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of forged papers, committed within the jurisdiction of either, shall seek an asylum, or shall be found, within the territories of the other: provided, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the crime or offence had there been committed; and the respective judges and other magistrates of the two Governments shall have power, jurisdiction, and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such judges or other magistrates, respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive. The expense of such apprehension and delivery shall be borne and defrayed by the party who makes the requisition, and receives the fugitive.

ARTICLE XI.

The eighth article of this treaty shall be in force for five years from the date of the exchange of the ratifications, and afterwards, until one or the other party shall signify a wish to terminate it. The tenth article shall continue in force until one or the other of the parties shall signify its wish to terminate it, and no longer.

ARTICLE XII.

The present treaty shall be duly ratified, and the mutual exchange of ratifications shall take place in London, within six months from the date hereof, or earlier if possible.

In faith whereof, we, the respective plenipotentiaries, have signed this treaty, and have hereunto affixed our seals.

Done in duplicate, at Washington, the ninth day of August, anno Domini one thousand eight hundred and forty-two.

DANIEL WEBSTER, [SEAL.]
ASHBURTON, [SEAL.]

And whereas, the said treaty has been duly ratified on both parts, and the respective ratifications of the same having been exchanged, to wit: at London, on the thirteenth day of October, one thousand eight hundred and forty-two, by EDWARD EVERETT, Envoy Extraordinary and Minister Plenipotentiary of the United States, and the right honorable the Earl of ABERDEEN, her Britannic Majesty's principal Secretary of State for Foreign Affairs, on the part of their respective Governments:

Now, therefore, be it known, that I, JOHN TYLER, President of the United States of America, have caused the said treaty to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States, and the citizens thereof.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this tenth day of November, in the year of our Lord one thousand eight hundred and forty-two, and [L. S.] of the independence of the United States the sixty-seventh.

JOHN TYLER.

By the President:
DANIEL WEBSTER, *Secretary of State.*

TWENTY-SEVENTH CONGRESS

THIRD SESSION.

IN SENATE.

MONDAY, December 5, 1842.

This being the day set apart by the Constitution of the United States for the annual meeting of Congress,

The PRESIDENT *pro tem* (Mr. MANGUM) took the chair, and called the Senate to order at the hour of 12 o'clock. He stated that he had been informed by the sergeant-at-arms that there was not a quorum of the Senators present.

Mr. HUNTINGTON observed, that that being the case, it was apparent that no business could be transacted to-day; he therefore moved that the Senate adjourn till to-morrow at 12 o'clock.

The question was put, and carried in the affirmative; and the Senate accordingly adjourned.

The following Senators appeared in their seats, viz:

From Maine.—Messrs. Williams and Evans.

From New Hampshire.—Messrs. Woodbury and Wilcox.

From Massachusetts.—Mr. Bates.

From Connecticut.—Mr. Huntington.

From Vermont.—Mr. Crafts.

From New York.—Messrs. Wright and Talmadge.

From New Jersey.—Mr. Dayton.

From Pennsylvania.—Messrs. Buchanan and Sturgeon.

From Delaware.—Messrs Bayard and Clayton.

From Maryland.—Messrs. Kerr and Merrick.

From Virginia.—Messrs. Rives and Archer.

From North Carolina.—Mr. Mangum.

From Ohio.—Messrs. Allen and Tappan.
From Alabama.—Mr King.
From Missouri.—Mr. Benton.

HOUSE OF REPRESENTATIVES.

MONDAY, December 5, 1842.

At 12 o'clock the SPEAKER took the chair, and called the House to order; when, the Clerk having called the roll, it appeared that one hundred and seventy-six members answered to their names, being a sufficient number to constitute a quorum, viz:

From Maine.—Messrs. Elisha H. Allen, David Bronson, Nathan Clifford, William P. Fessenden, Nathaniel S. Littlefield, Joshua A. Lowell, Alfred Marshall, and Benjamin Randall.

From New Hampshire—Messrs. Charles G Atherton, Edmund Burke, Ira A. Eastman, John R. Reding, and Tristram Shaw.

From Massachusetts.—Messrs. John Q. Adams, Osmyn Baker, Nathaniel B. Borden, George N. Briggs, Barker Burnell, William B. Calhoun, Caleb Cushing, Charles Hudson, William Parmenter, and Leverett Saltonstall.

From Rhode Island.—Messrs. Robert B. Cranston and Joseph L. Tillinghast.

From Connecticut.—Messrs. William W. Boardman, John H. Brockway, Thomas B. Osborne, Truman Smith, Joseph Trumbull, and Thomas W. Williams.

From Vermont.—Messrs. Horace Everett, Hiland Hall, John Mattocks, William Slade, and Augustus Young.

From New York—Messrs. Alfred Babcock, Daniel D. Barnard, Bernard Blair, Samuel S. Bowne, David P. Brewster, Timothy Childs, Thomas C. Chittenden, John C. Clark, Staley N. Clarke, James G. Clinton, Richard D. Davis, Joseph Egbert, Charles G. Ferris, Millard Fillmore, Charles A. Floyd, John G. Floyd, A. Lawrence Foster, Samuel Gordon, Francis Granger, Jacob Houck, Hiram P. Hunt, Archibald L. Linn, Christopher Morgan, Robert McClellan, John McKeon, Samuel Patridge, Lewis Riggs, James I. Roosevelt, John Sanford, Thomas A. Tomlinson, John Van Buren, Henry Van Rensselaer, Aaron Ward, and Fernando Wood.

From New Jersey.—Messrs. John B. Aycrigg, William Halsted, John P. B. Maxwell, Joseph F. Randolph, Charles C. Stratton, and Thomas Jones Yorke.

From Pennsylvania—Messrs. Henry W. Beeson, Benjamin A. Bidlack, Charles Brown, Jeremiah Brown, James Cooper, John Edwards, Joseph Fornance, James Gerry, Amos Gustine, Thomas Henry, Charles J. Ingersoll, Joseph R. Ingersoll, William W. Irwin, William Jack, Francis James, George M. Keim, Thomas M. T. McKennan, Albert G. Marchand, Peter Newhard, Arnold Plumer, Robert Ramsey, Almon H. Read, James M. Russell, William Simonton, John Snyder, George and W. Toland.

From Maryland.—Messrs. William Cost Johnson, John P. Kennedy, and John Thomson Mason.

From Virginia.—Messrs. Richard W. Barton, John W. Botts, George B Cary, Thomas W. Gilmer, William A. Harris, Samuel L. Hays, George W. Hopkins, Edmund W. Hubard, Robert M. T. Hunter, John W. Jones, Francis Mallory, Cuthbert Powell, William Smith, Lewis Steenrod, Alexander H. H. Stuart, George W. Summers, John Taliaferro, and Henry A. Wise.

From North Carolina—Messrs. Archibald H. Arrington, John R. J. Daniel, Edmund Deberry, James J. McKay, Anderson Mitchell, Kenneth Rayner, Abraham Rencher, Edward Stanly, and William H. Washington.

From South Carolina—Messrs. William Butler, Patrick C. Caldwell, Isaac E. Holmes, Francis W. Pickens, R. Barnwell Rhett, and James Rogers.

From Georgia.—Messrs. Mark A. Cooper, and Roger L. Gamble.

From Kentucky.—Messrs. Linn Boyd, Wm. O. Butler, Garrett Davis, Willis Green, Bryan Y. Owsley, James C Sprigg, John B. Thompson, Jos. R. Underwood, and John White

From Tennessee.—Messrs. Abraham McClellan, Hopkins L. Turney, Harvey M. Watterson, and Joseph L. Williams.

From Ohio—Messrs. Benjamin S. Cowen, Ezra Dean, Joshua R. Giddings, Patrick G. Goode, John Hastings, Samson Mason, Joshua Mathiot, James Mathews, William Medill, Calvary Morris, Jeremiah Morrow, Nathaniel G. Pendleton, Joseph Ridgway, William Russell, Samuel Sokely, Geo. Sweney, and John B Weller.

From Louisiana.—Mr. John B. Dawson.

From Indiana.—Messrs. Richard W. Thompson and Joseph L. White.

From Illinois.—Messrs. Zadok Casey and John Reynolds.

From Alabama—Mr. Reuben Chapman.

From Missouri.—Messrs. John C. Edwards and John Miller.

On motion by Mr. CUSHING,

Ordered, That a message be sent to the Senate, informing that body that a quorum of the House had assembled, and were ready to proceed to business.

Mr. CUSHING submitted the usual joint resolution for the appointment of a joint committee to wait on the President of the United States, and inform him that a quorum of the two Houses of Congress had assembled, and were ready to receive any communication he might make.

The resolution having been adopted, Messrs. CUSHING, KENNEDY of Maryland, and TILLINGHAST were appointed as the committee on the part of the House.

On motion by Mr. KENNEDY, he was excused from serving, on account of indisposition; and Mr. HUNT of New York was appointed in his place.

On motion by Mr. CUSHING,

Ordered, That the daily hour of the meeting of the House be at 12 o'clock noon, till further ordered.

Mr. EVERETT gave notice that he would, tomorrow, ask leave to introduce a bill to repeal the bankrupt law.

Mr. ADAMS gave notice that he would tomorrow offer the following resolution:

Resolved, That the 21st rule for conducting business in this House, in the following words: "No petition, memorial, resolution, or other paper praying the abolition of slavery in the District of Columbia, or any State or Territory, or the slave-trade between the States or Territories of the United States in which it now exists, shall be received by this House, or entertained in any way whatever," be, and the same is hereby, rescinded.

Mr. WISE objected to the reception of the resolution.

The SPEAKER said it was only offered as a notice.

Mr. WISE inquired if this notice took precedence of the other orders of the House.

The SPEAKER replied that it did not.

Mr. WM. COST JOHNSON asked if it was susceptible of amendment.

The SPEAKER said that the resolution could be amended when it came properly before the House; at present, it was only offered in the shape of a notice.

Mr. BRIGGS offered a joint resolution providing for the appointment of two Chaplains of different denominations, one by each House, to serve during the session, and to interchange weekly: adopted.

On motion by Mr. BRIGGS, the usual order for the supply of members with newspapers was adopted.

Mr. TILLINGHAST asked leave to offer the following joint resolution:

Resolved, (the honorable Senate concurring herein,) That a joint committee of three members of this House, with a like number from the Senate, be appointed to direct and superintend the expenditure of all money appropriated for the purchase of books for the Library of Congress, and all such other matters pertaining to said library as are not otherwise provided for by law.

Mr. CHARLES BROWN suggested to the mover to strike out the word "honorable," as it was not usual in such resolutions: agreed to, and the resolution was adopted.

On motion of Mr. McKENNAN,

The House adjourned.

IN SENATE.

TUESDAY, December 6, 1842.

The PRESIDENT *pro. tem.* took the chair at 12 o'clock, and stated that he had been informed by the Sergeant-at-arms that there was still no quorum present. Such being the fact,

On motion of Mr. KERR, the Senate adjourned till to-morrow morning at 12 o'clock.

Messrs. MOREHEAD and CRITTENDEN, of Kentucky, and Mr. SMITH, of Connecticut, appeared in their seats to-day, who, in addition to those announced on yesterday, made twenty-six Senators in attendance.

HOUSE OF REPRESENTATIVES.

TUESDAY, December 6, 1842.

Mr. WM. COST JOHNSON gave notice that he would to-morrow, or at an early day thereafter, ask leave to introduce a bill entitled "An act for the relief of the several States and Territories of the United States and the District of Columbia."

Mr. HALSTED gave notice that he would to-morrow ask leave to introduce a bill entitled "An act regulating the taking of testimony in cases of contested elections."

On motion of Mr. WM. COST JOHNSON,

Ordered, That a select committee on a National Foundry be appointed by the Chair, to consist of the same number of members as composed the similar committee of the last session.

Mr. TALIAFERRO offered a resolution authorizing the door-keeper of the House to appoint an additional messenger; but, at the suggestion of Mr. HOPKINS, the resolution was laid over till to-morrow.

Mr. ADAMS submitted the following resolution, of which he gave notice yesterday:

Resolved, That the 21st rule for conducting business in this House, in the following words: "No petition, memorial, resolution, or other paper praying the abolition of slavery in the District of Columbia, or any State or Territory, or the slave-trade between the States or Territories of the United States in which it now exists, shall be received by this House, or entertained in any way whatever," be, and the same is hereby, rescinded.

Mr. WISE inquired if the resolution was in order?

The SPEAKER replied that it was; but he suggested to the gentleman from Massachusetts the probability of a debate arising on it, and that he had better let it lie over for the present.

Mr. WISE asked if there was not unfinished business on the calendar of the last session that took precedence of this resolution? There certainly was a vast deal of unfinished business; and, in his view, it had the precedence over all new business of this session.

Mr. ADAMS observed, that he offered the resolution now, because, by the rules of the House, the first thirty days of the session were allotted for the reception of petitions—a rule that had been observed since the commencement of the Government. This Government (Mr. A. said) was made for receiving the petitions of the people, and attending to their wants; and to deprive them of the right of presenting them was as unconstitutional as unjust. He made this motion now, because the first business to be transacted should be the attending to the petitions of the people; and there was a large class of petitions excluded by the rule he proposed to rescind, and that class coming from a particular section of the Union. He did not wish to debate his motion, but would be willing, if the House thought proper, to take the question on it now by yeas and nays. It was a duty he owed to his constituents, to endeavor to restore to them the constitutional rights of which they had been deprived.

Mr. WISE stated his point of order to be this: Under the rules of the House, the first business of the session was to call the States for petitions; petitions had priority and precedence; petitions were to be called for first, and the unfinished business of the last session must lie over for six days: but, if the House was ready to proceed to business, he contended that the Speaker could find much better business than the introduction of this everlasting subject of agitation, at this short session, when they ought to be entering on and disposing of the public business. If, then, petitions had priority, they would necessarily exclude the resolution of the gentleman from Massachusetts, if nothing else did; at all events, it did not come in of right. He

(Mr. WISE) objected to it yesterday, when the notice was given, and he repeated his objection today; and he supposed the question would be on the reception of the resolution. "Shall it be received?" was the question; and he contended that this required a majority of two-thirds.

A member was heard to observe that the question was on the adoption of the resolution.

Mr. WISE. I contend that it is not received.

The SPEAKER made some observations, which were very indistinctly heard; but he was understood to say that the resolution came properly before the House, one day's notice having been given by the gentleman from Massachusetts, yesterday, as the rules prescribed. But he further observed that the committees were not appointed; and, therefore, if petitions were called for from the several States, they could not be referred.

Mr. WISE said he would suggest to the Speaker that the non appointment of the mere members of the committees was no reason why the States should not be called for petitions; for, if the members were not appointed, the committees were. The rules provided that there should be certain standing committees; and all a gentleman had to do, on presenting a petition, was to move that it be referred to a committee, and not to A, B, C, and D, constituting the committee. The committees, then, were in existence, though the members were not all there who were to be named on those committees; and they could refer petitions to day, when the members were not named by the Speaker, as well as to-morrow, or a future day, when they should be named.

Mr. WELLER moved that the resolution be laid on the table; and on that motion called for the yeas and nays, which were ordered.

The yeas and nays were taken, and resulted—yeas 85, nays 93, as follows:

YEAS—Messrs. Arrington, Atherton, Barton, Bidlack, Bowne, Boyd, Burke, William Butler, William O. Butler, Patrick C. Caldwell, Casey, Chapman, Clifford, Clinton, Coles, Mark A. Cooper, Daniel, Garrett Davis, Dawson, Dean, Deberry, Eastman, John C. Edwards, Charles A. Floyd, Fornance, Gerry, Gilmer, Goggin, Gustine, Harris, Hastings, Hays, Holmes, Hopkins, Houck, Houston, Hubard, Hunter, Charles J. Ingersoll, Jack, William Cost Johnson, John W. Jones, Keim, John P. Kennedy, Abraham McClellan, McKay, Mallory, Marchand, John Thomson Mason, Mathews, Medill, Miller, Mitchell, Newhard, Owsley, Pearce, Pickens, Plumer, Powell, Rayner, Read, Reding, Rencher, Rhett, Reynolds, Riggs, Rogers, Shaw, William Smith, Snyder, Steenrod, Summers, Sweney, Taliaferro, John B. Thompson, Richard W. Thompson, Turney, Van Buren, Ward, Warren, Washington, Weller, Westbrook, Joseph L. Williams, Wise, and Wood.—85.

NAYS—Messrs. Adams, Alford, Sherlock J. Andrews, Aycrigg, Babcock, Baker, Barnard, Birdseye, Blair, Boardman, Borden, Botts, Brewster, Briggs, Brockway, Bronson, Jeremiah Brown, Burnell, Calhoun, Childs, Chittenden, John C. Clark, Staley N. Clarke, James Cooper, Cowen, Cranston, Cushing, R. D. Davis, John Edwards, Egbert, Everett, Ferris, Fessenden, Fillmore, John G. Floyd, A. Lawrence Foster, Giddings, Patrick G. Goode, Gordon, Hall, Halsted, Henry, Hudson, Hunt, Joseph R. Ingersoll, W. W. Irwin, James, Linn, Littlefield, Lowell, Robert McClellan, McKennan, McKeon, Alfred Marshall, Samson Mason, Mathiot, Mattocks, Maxwell, Morgan, Morris, Morrow, Osborne, Parmenter, Patridge, Pendleton, Ramsey, Benjamin Randall, Randolph, Ridgway, Rodney, Roosevelt, Wm. Russell, James M. Russell, Salstonstall, Sanford, Simonton, Slade, Stanly, Stokely, Stratton, Alexander H. H. Stuart, Tillinghast, Toland, Tomlinson, Trumbull, Underwood, Van Rensselaer, Wallace, Joseph L. White, Winthrop, Yorke, and Augustus Young—93.

Mr. EVERETT then rose and said, as it was important that this resolution should be decided upon, as it might otherwise affect the presentation of petitions, he would move the previous question.

The motion was seconded, and the next question in order was, "Shall the main question be now put?"

Mr. WISE inquired if it was in order, as the members were not all there, to move to postpone the question to a day certain.

The SPEAKER was understood to reply in the negative.

Mr. WISE said the Speaker had postponed the appointment of committees, on the ground that the members had not all arrived; and on the same ground he asked for a short postponement of this important subject. However, if his motion was not in order, he would call for the yeas and nays on the pending question—'Shall the main question be *now* put?"

The yeas and nays were ordered, and resulted—yeas 84, nays 99, as follows:

YEAS—Messrs. Adams, Allen, Sherlock J. Andrews, Aycrigg, Babcock, Baker, Barnard, Birdseye, Blair, Boardman, Borden, Botts, Briggs, Brockway, Bronson, Jeremiah Brown, Burnell, Calhoun, Childs, Chittenden, John C. Clark, Staley N. Clarke, J. Cooper, Cowen, Cranston, Garrett Davis, John Edwards, Egbert, Everett, Fessenden, Fillmore, A. L. Foster, Giddings, Patrick G. Goode, Granger, Hall, Halsted, Henry, Hudson, Hunt, Joseph R. Ingersoll, James, John P. Kennedy, Linn, McKennan, Samson Mason, Mathiot, Mattocks, Maxwell, Morgan, Morris, Morrow, Osborne, Parmenter, Patridge, Pendleton, Ramsey, Benjamin Randall, Randolph, Rayner, Ridgway, Rodney, Wm. Russell, J. M. Russell, Saltonstall, Simonton, Slade, Truman Smith, Stanly, Stokely, Stratton, J. B. Thompson, Richard W. Thompson, Tillinghast, Toland, Tomlinson, Trumbull, Van Rensselaer, Joseph L. White, Thomas W. Williams, Winthrop, Yorke, and Augustus Young—84.

NAYS—Messrs. Arrington, Atherton, Barton, Beeson, Bidlack, Bowne, Boyd, Brewster, Charles Brown, Burke, W. Butler, Wm. O. Butler, P. C. Caldwell, Chapman, Casey, Clifford, Clinton, Coles, Mark A. Cooper, Cushing, Daniel, R. D. Davis, Dawson, Dean, Deberry, Doan, Eastman, John C. Edwards, Ferris, John G. Floyd, Charles A. Floyd, Fornance, Gamble, Gerry, Gilmer, Goggin, Gordon, Harris, Hastings, Hays, Holmes, Hopkins, Houck, Houston, Hubard, Hunter, Charles J. Ingersoll, William W. Irwin, Jack, William Cost Johnson, John W. Jones, Keim, Littlefield, Lowell, Abraham McClellan, Robert McClellan, McKay, McKeon, Mallory, Marchand, Alfred Marshall, John Thomson Mason, Mathews, Medill, Miller, Newhard, Owsley, Pearce, Pickens, Plumer, Powell, Reding, Rencher, Rhett, Reynolds, Riggs, Rogers, Roosevelt, Sanford, Shaw, William Smith, Snyder, Steenrod, Alexander H. H. Stuart, Summers, Sweney, Taliaferro, Turney, Underwood, Van Buren, Ward, Washington, Watterson, Weller, Westbrook, Joseph L. Williams, Wise, and Wood—95.

So the main question was not then put.

DEATH OF THE HON. J. W. WILLIAMS.

Mr. JOHN T. MASON rose to announce the death of the Hon. J. W. WILLIAMS of Maryland, and spoke as follows:

Mr. SPEAKER: I rise to announce the death of the Hon. JAMES W. WILLIAMS, a member of this House from the State of Maryland. Mr. WILLIAMS died suddenly, on the morning of the 21 inst., with a stroke of paralysis, which attacked him in his carriage while on his way to the seat of Government. Although he had been for a long time in feeble health, yet the very sudden and unexpected termination to which his disease finally came was well calculated to add new pangs to the grief of his family and friends, which, without that circumstance, would have been deep and poignant at the loss of a parent and husband so devoted, a friend so faithful, and a man so estimable. The profound and unaffected sorrow with which his neighbors and friends received the sad intelligence of his death, the undivided voice with which his many virtues are acknowledged by those with whom he has been associated here, and the confidence which has been reposed in him from time to time by the citizens of his State, constitute a more eloquent and effective encomium upon him than anything I can say. In one respect—perhaps in none other—it is well that I have been selected to pay this last tribute to the memory of the deceased. No one, perhaps, on this floor knew so well, and none could speak with the same knowledge, of those traits which characterized him, and which so exalted him in the estimation of the large circle of his acquaintance. During the whole time that I have been in public life—now four years—whether in our State Legislature, or as a member of this body, Mr. WILLIAMS has been associated with me. At first an adviser, and always a friend, I have had every opportunity of finding out his character, and of appreciating his worth. A more bland and amiable gentleman—a more upright man—a more faithful public servant—and a more sagacious statesman, I have never met with. The friendship and respect of all who knew him; the confidence of his neighbors; his frequent exaltation to responsible public stations; and the extraordinary verification of his prophecy of the civil revolution in Maryland in 1836, and of her present financial embarrassments—made long before any one else had the wisdom to foresee them—are all-abundant evidences of the truth of what I have said. On occasions like these, it is not unusual, I am aware, to pass high encomiums upon the character of the deceased—a mode of proceeding the less requisite in the present instance, as the character of Mr. WILLIAMS was too well established, and held in too high esteem, to have anything to hope from praise, or fear from censure. His mild and gentle spirit rendered it nearly impossible for him to have any enemies. The innocence and simplicity of his behavior, the sensibility of his heart, the fidelity with which he discharged the duties of life, the equanimity with which he bore its rebukes and sufferings, will leave a lasting impression on the minds of his friends and acquaintances.

We have just met to enter upon a new session; and the first thing almost that claims our attention—coming, as it were, as a message from the Executive on high, interrupting the salutations of friends, marring the pleasure of the occasion, and checking the ardor of our hopes—is another example, in the death of our friend, of the uncertainty of human life. It could not have come on a more fit occasion. We have entered upon a new portion of time, and such occasions are peculiarly favorable to moral reflection. On an entrance on a new scene, or a new period in our life, a contemplative mind will be naturally employed in estimating its acquisitions, comparing its improvements, retracing past occurrences, and revolving future prospects. The example of the deceased is not only before you for such a wholesome exercise of the mind; but to it may be added his voice, which may now be considered as addressing you from the tomb, and enjoining upon you the duty of preparation for another life. What an example of mortality is presented on the present occasion! Without the slightest warning, without the opportunity of a moment's immediate preparation, away from home, and alone, the *destroyer* met him—no tender assiduities of friendship, no well-known voice, no wife, nor son, nor daughter was near to soothe his sorrows or close his eyes in death. May this solemn event have a wide-spread influence. Instead of murmuring at such afflictive dispensations which separate us from those we love and esteem, let us employ them as motives to set our affections upon the more lasting things of another world—remembering that, whatever ties of affection are broken by death, whatever pleasures are lost to us here, are only taken from the enjoyments of time, to be added to those of eternity.

Mr. WILLIAMS was a native of Maryland, and was aged about fifty five years. He was for many years a prominent member of the Legislature of his State, and was at one time Speaker of the House of Delegates. During the whole time he was a member, he opposed with firmness and unabating zeal that system of internal improvements which has eventuated in overwhelming the State in endless taxation. Those who are now lamenting over what they regard the evils which that policy has brought upon them, will cherish in high respect his sagacity in predicting those evils, and the pertinacity with which he resisted the system which has entailed them on us. Those who still believe the policy to have been a wise one, must do him the justice to admit that his opposition to it was as honest as it was unyielding. In May, 1841, Mr. WILLIAMS was elected to Congress, and continued a member of this body up to the time of his death. Here, as he was in the Legislature of his State, he was vigilant and regular in his attendance upon his public duties.

In him the State of Maryland has lost a faithful public servant; his family a devoted and affectionate head; and his friends one who was always ready to make any sacrifice to advance their interests.

In conclusion, Mr. MASON offered the following resolutions, which were unanimously adopted:

Resolved, That this House have learned, with feelings of deep sensibility, the intelligence of the decease of the honorable JAMES W. WILLIAMS, late a member of this Congress; and as an evidence of the sympathy which the members entertain and hereby tender to his surviving relatives and personal friends, they will wear crape on the left arm for thirty days.

Resolved, also, (as a further mark of respect for the memory of the deceased,) that this House do now adjourn.

Ordered, That the Clerk communicate to the Senate information of the death of JAMES W. WILLIAMS, and of the proceedings of this House thereon.

The House then adjourned.

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[We omitted to state, in our report of yesterday's proceedings, that the Hon. ROBERT C. WINTHROP, a Representative elect from the State of Massachusetts, to supply the vacancy occasioned by the resignation of the Hon. NATHAN APPLETON, appeared, was qualified, and took his seat.]

CONGRESSIONAL GLOBE.

PUBLISHED BY BLAIR AND RIVES, AT ONE DOLLAR PER SESSION, IN ADVANCE.

27TH CONG.....3D SESS. WEDNESDAY, DECEMBER 14, 1842. VOLUME 12....No. 3.

IN SENATE.

WEDNESDAY, December 7, 1842.

The PRESIDENT *pro tem.* took the chair at 12 o'clock; and

The proceedings of the two former days being read,

Mr. HUNTINGTON presented the credentials of the Hon. SAMUEL C. CRAFT, Senator elected by the Legislature of Vermont, to fill the vacancy occasioned by the resignation of Judge PRENTISS which were read. Mr. C. was then qualified and took his seat.

Mr. MILLER presented the credentials of the Hon. WM. L. DAYTON, Senator elected by the Legislature of New Jersey, to fill the vacancy occasioned by the death of the Hon. SAMUEL L. SOUTHARD; which were read. Mr. D. was then qualified and took his seat.

On motion by Mr. HUNTINGTON, it was

Ordered, That the Secretary of the Senate inform the House of Representatives that a quorum of the Senate have assembled, and are ready to proceed to business.

On motion by Mr. MERRICK, it was

Resolved, That each Senator be supplied daily, during the present session, with three copies of such daily newspapers as he may choose, provided that they be furnished at the usual rates of annual charge for a daily paper; and provided that any Senator thinking proper to take other than a daily paper, shall be entitled to so many such other papers as will be equal to three daily papers.

THE BANKRUPT LAW.

Mr. BENTON gave notice that he would, on to-morrow, ask leave to introduce a bill to repeal the bankrupt law.

BOARD OF EXCHEQUER.

Mr. TALLMADGE gave notice that he would, at an early day, ask leave to introduce a bill to modify the several acts establishing the Treasury of the United States.

A message was received from the House of Representatives, by MATTHEW ST. CLAIR CLARKE, their Clerk, informing the Senate that a quorum of that body had assembled, and were ready to proceed to legislative business; and also informing the Senate that they had passed a resolution, and appointed a committee under it, to join such committee as might be appointed on the part of the Senate, to wait on the President of the United States, and inform him that a quorum of the two Houses of Congress had assembled, and were ready to receive any communication he might make.

On motion of Mr. KERR, the above resolution was concurred in; and the Chair was authorized to appoint a committee of two on the part of the Senate; when

Messrs. KERR and KING were appointed said committee.

After a short interval,

Mr. KERR, from the above committee, stated that the joint committee had waited upon the President, and informed him that a quorum of the two Houses had assembled, and were ready to receive from him such communication as he might think proper to submit to them; when the President directed them to inform their respective Houses that he would forthwith submit a message in writing. Thereupon

A message in writing was received from the President of the United States, by the hands of ROBERT TYLER, esq., his private secretary, which was read, as follows:

To the Senate and

House of Representatives of the United States:

We have continued reason to express our profound gratitude to the great Creator of all things for numberless benefits conferred upon us as a people. Blessed with genial seasons, the husbandman has his garners filled with abundance; and the necessaries of life, not to speak of its luxuries, abound in every direction. While in some other nations steady and industrious labor can hardly find the means of subsistence, the greatest evil which we have to encounter is a surplus of production beyond the home demand, which seeks, and with difficulty finds, a partial market in other regions. The health of the country, with partial exceptions, has, for the past year, been well preserved; and, under their free and wise institutions, the United States are rapidly advancing towards the consummation of the high destiny which an overruling Providence seems to have marked out for them. Exempt from domestic convulsion, and at peace with all the world, we are free to consult as to the best means of securing and advancing the happiness of the people. Such are the circumstances under which you now assemble in your respective chambers, and which should lead us to unite in praise and thanksgiving to that great Being who made us, and who preserves us as a nation.

I congratulate you, fellow-citizens, on the happy change in the aspect of our foreign affairs since my last annual Message. Causes of complaint at that time existed between the United States and Great Britain, which, attended by irritating circumstances, threatened most seriously the public peace. The difficulty of adjusting amicably the questions at issue between the two countries, was, in no small degree, augmented by the lapse of time since they had their origin. The opinions entertained by the Executive on several of the leading topics in dispute, were frankly set forth in the Message at the opening of your late session. The appointment of a special minister by Great Britain to the United States, with power to negotiate upon most of the points of difference, indicated a desire on her part amicably to adjust them; and that minister was met by the Executive in the same spirit which had dictated his mission. The treaty consequent thereon, having been duly ratified by the two Governments, a copy, together with the correspondence which accompanied it, is herewith communicated. I trust that, whilst you may see in it nothing objectionable, it may be the means of preserving, for an indefinite period, the amicable relations happily existing between the two Governments. The question of peace or war between the United States and Great Britain, is a question of the deepest interest, not only to themselves, but to the civilized world; since it is scarcely possible that a war could exist between them without endangering the peace of Christendom. The immediate effect of the treaty upon ourselves will be felt in the security afforded to mercantile enterprise, which, no longer apprehensive of interruption, adventures its speculations in the most distant sea; and, freighted with the diversified productions of every land, returns to bless our own. There is nothing in the treaty which, in the slightest degree, compromits the honor or dignity of either nation. Next to the settlement of the boundary line, which must always be a matter of difficulty between States as between individuals, the question which seemed to threaten the greatest embarrassment was that connected with the African slave-trade.

By the 10th article of the treaty of Ghent, it was expressly declared that "whereas the traffic in slaves is irreconcilable with the principles of humanity and justice; and whereas both his Majesty and the United States are desirous of continuing their efforts to promote its entire abolition; it is hereby agreed that both the contracting parties shall use their best endeavors to accomplish so desirable an object." In the enforcement of the laws and treaty stipulations of Great Britain, a practice had threatened to grow up, on the part of its cruisers, of subjecting to visitation ships sailing under the American flag, which, while it seriously involved our maritime rights, would subject to vexation a branch of our trade which was daily increasing, and which required the fostering care of the Government. And although Lord Aberdeen, in his correspondence with the American envoys, at London, expressly disclaimed all right to detain an American ship on the high seas, even if found with a cargo of slaves on board, and restricted the British pretension to a mere claim to visit and inquire; yet it could not well be discerned by the Executive of the United States how such visit and inquiry could be made without detention on the voyage, and consequent interruption to the trade. It was regarded as the right of search, presented only in a new form, and expressed in different words; and I therefore felt it to be my duty distinctly to declare, in my annual Message to Congress, that no such concession could be made, and that the United States had both the will and the ability to enforce their own laws, and to protect their flag from being used for purposes wholly forbidden by those laws, and obnoxious to the moral censure of the world. Taking the Message as his letter of instructions, our then Minister at Paris felt himself required to assume the same ground in a remonstrance which he felt it to be his duty to present to M. Guizot, and, through him, to the King of the French, against what has been called the Quintuple Treaty; and his conduct, in this respect, met with the approval of this Government. In close conformity with these views, the eighth article of the treaty was framed, which provides that "each nation shall keep afloat in the African seas a force of not less than eighty guns, to act separately and apart, under instructions from their respective Governments, and for the enforcement of their respective laws and obligations." From this it will be seen that the ground assumed in the Message has been fully maintained, at the same time that the stipulations of the treaty of Ghent are to be carried out in good faith by the two countries, and that all pretence is removed for interference with our commerce, for any purpose whatever, by a foreign Government. While, therefore, the United States have been standing up for the freedom of the seas, they have not thought proper to make that a pretext for avoiding a fulfilment of their treaty stipulations, or a ground for giving countenance to a trade reprobated by our laws. A similar arrangement by the other great powers could not fail to sweep from the ocean the slave-trade, without the interpolation of any new principle into the maritime code. We may be permitted to hope that the example thus set will be followed by some, if not all of them. We thereby also afford suitable protection to the fair trader in those seas; thus fulfilling at the same time the dictates of a sound policy, and complying with the claims of justice and humanity.

It would have furnished additional cause for congratulation, if the treaty could have embraced all subjects calculated in future to lead to a misunderstanding between the two Governments. The territory of the United States, commonly called the Oregon Territory, lying on the Pacific ocean, north of the forty-second degree of latitude, to a portion of which Great Britain lays claim, begins to attract the attention of our fellow-citizens; and the tide of population, which has reclaimed what was so lately an unbroken wilderness in more contiguous regions, is preparing to flow over those vast districts which stretch from the Rocky mountains to the Pacific ocean. In advance of the acquirement of individual rights to these lands, sound policy dictates that every effort should be resorted to by the two Governments to settle their respective claims. It became manifest, at an early hour of the late negotiations, that any attempt, for the time being, satisfactorily to determine those rights, would lead to a protracted discussion, which might embrace in its failure other more pressing matters; and the Executive did not regard it as proper to waive all the advantages of an honorable adjustment of other difficulties of great magnitude and importance, because this, not so immediately pressing, stood in the way. Although the difficulty referred to may not, for several years to come, involve the peace of the two countries, yet I shall not delay to urge on Great Britain the importance of its early settlement. Nor will other matters of commercial importance to the two countries be overlooked; and I have good reason to believe that it will comport with the policy of England, as it does with that of the United States, to seize upon this moment, when most of the causes of irritation have passed away, to cement the peace and amity of the two countries, by wisely removing all grounds of probable future collision.

With the other powers of Europe our relations continue on the most amicable footing. Treaties now existing with them should be rigidly observed; and every opportunity, compatible with the interests of the United States, should be seized upon to

enlarge the basis of commercial intercourse. Peace with all the world is the true foundation of our policy, which can only be rendered permanent by the practice of equal and impartial justice to all. Our great desire should be to enter only into that rivalry which looks to the general good, in the cultivation of the sciences, the enlargement of the field for the exercise of the mechanical arts, and the spread of commerce (that great civilizer) to every land and sea. Carefully abstaining from interference in all questions exclusively referring themselves to the political interests of Europe, we may be permitted to hope an equal exemption from the interference of European Governments in what relates to the States of the American continent.

On the 23d of April last, the commissioners on the part of the United States, under the convention with the Mexican Republic of the 11th of April, 1839, made to the proper department a final report in relation to the proceedings of the commission. From this it appears that the total amount awarded to the claimants by the commissioners and the umpire appointed under that convention, was two million twenty-six thousand and seventy-nine dollars and sixty-eight cents. The arbiter having considered that his functions were required by the convention to terminate at the same time with those of the commissioners, returned to the board, undecided for want of time, claims which had been allowed by the American commissioners, to the amount of nine hundred and twenty-eight thousand six hundred and twenty dollars and eighty-eight cents. Other claims, in which the amount sought to be recovered was three million three hundred and thirty-six thousand eight hundred and thirty-seven dollars and five cents, were submitted to the board too late for its consideration. The Minister of the United States at Mexico has been duly authorized to make demand for the payment of the awards, according to the terms of the convention, and the provisions of the act of Congress of the 12th of June, 1840. He has also been instructed to communicate to that Government the expectations of the Government of the United States in relation to those claims which were not disposed of according to the provisions of the convention, and all others of citizens of the United States against the Mexican Government. He has also been furnished with other instructions, to be followed by him in case the Government of Mexico should not find itself in a condition to make present payment of the amount of the awards, in specie or its equivalent.

I am happy to be able to say that information which is esteemed favorable, both to a just satisfaction of the awards, and a reasonable provision for other claims, has been recently received from Mr. Thompson, the Minister of the United States, who has promptly and efficiently executed the instructions of his Government in regard to this important subject.

The citizens of the United States who accompanied the late Texan expedition to Santa Fé, and who were wrongfully taken and held as prisoners of war in Mexico, have all been liberated.

A correspondence has taken place between the Department of State and the Mexican Minister of Foreign Affairs, upon the complaint of Mexico that citizens of the United States were permitted to give aid to the inhabitants of Texas in the war existing between her and that republic. Copies of this correspondence are herewith communicated to Congress, together with copies of letters on the same subject, addressed to the diplomatic corps at Mexico, by the American Minister and the Mexican Secretary of State.

Mexico has thought proper to reciprocate the mission of the United States to that Government, by accrediting to this a minister of the same rank as that of the representative of the United States in Mexico. From the circumstances connected with this mission, favorable results are anticipated from it. It is so obviously for the interest of both countries, as neighbors and friends, that all just causes of mutual dissatisfaction should be removed, that it is to be hoped neither will omit or delay the employment of any practicable and honorable means to accomplish that end.

The affairs pending between this Government and several others of the States of this hemisphere formerly under the dominion of Spain, have again, within the past year, been materially obstructed by the military revolutions and conflicts in those countries.

The ratifications of the treaty between the United States and the Republic of Ecuador, of the 13th of June, 1839, have been exchanged, and that instrument has been duly promulgated on the part of this Government. Copies are now communicated to Congress, with a view to enable that body to make such changes in the laws applicable to our intercourse with that Republic as may be deemed requisite.

Provision has been made by the Government of Chili for the payment of the claim on account of the illegal detention of the brig Warrior at Coquimbo, in 1820. This Government has reason to expect that other claims of our citizens against Chili will be hastened to a final and satisfactory close.

The empire of Brazil has not been altogether exempt from those convulsions which so constantly afflict the neighboring republics. Disturbances which recently broke out are, however, now understood to be quieted. But these occurrences, by threatening the stability of the Governments, or by causing incessant and violent changes in them, or in the persons who administer them, tend greatly to retard provisions for a just indemnity for losses and injuries suffered by individual subjects or citizens of other States. The Government of the United States will feel it to be its duty, however, to consent to no delay, not unavoidable, in making satisfaction for wrongs and injuries sustained by its own citizens. Many years having, in some cases, elapsed, a decisive and effectual course of proceeding will be demanded of the respective Governments against whom claims have been preferred.

The vexatious, harassing, and expensive war which so long prevailed with the Indian tribes inhabiting the peninsula of Florida, has happily been terminated; whereby our army has been relieved from a service of the most disagreeable character, and the treasury from a large expenditure. Some casual outbreaks may occur, such as are incident to the close proximity of border settlers and the Indians; but these, as in all other cases, may be left to the care of the local authorities, aided, when occasion may require, by the forces of the United States. A sufficient number of troops will be maintained in Florida, so long as the remotest apprehensions of danger shall exist; yet their duties will be limited rather to the garrisoning of the necessary posts, than to the maintenance of active hostilities. It is to be hoped that a territory, so long retarded in its growth, will now speedily recover from the evils incident to a protracted war, exhibiting, in the increased amount of its rich productions, true evidences of returning wealth and prosperity. By the practice of rigid justice towards the numerous Indian tribes residing within our territorial limits, and the exercise of a parental vigilance over their interests, protecting them against fraud and intrusion, and at the same time using every proper expedient to introduce among them the arts of civilized life, we may fondly hope not only to wean them from their love for war, but to inspire them with a love for peace and all its avocations. With several of the tribes, great progress in civilizing them has already been made. The schoolmaster and the missionary are found side by side; and the remnants of what were once numerous and powerful nations may yet be preserved as the builders up of a new name for themselves and their posterity.

The balance in the treasury on the 1st of January, 1842, (exclusive of the amount deposited with the States, trust funds, and indemnities,) was $230,483 68. The receipts into the treasury during the first three quarters of the present year, from all sources, amount to $26,616,593 78; of which more than fourteen millions were received from customs, and about one million from the public lands. The receipts for the fourth quarter are estimated at nearly eight millions; of which four millions are expected from customs, and three millions and a half from loans and treasury notes. The expenditures of the first three quarters of the present year exceed twenty-six millions, and those estimated for the fourth quarter amount to about eight millions; and it is anticipated there will be a deficiency of half a million on the 1st January next; but that the amount of outstanding warrants (estimated at $800,000) will leave an actual balance of about $224,000 in the treasury. Among the expenditures of the year, are more than eight millions for the public debt, and $600,000 on account of the distribution to the States of the proceeds of sales of the public lands.

The present tariff of duties was somewhat hastily and hurriedly passed near the close of the late session of Congress. That it should have defects, can, therefore, be surprising to no one. To remedy such defects as may be found to exist in many of its numerous provisions, will not fail to claim your serious attention. It may well merit inquiry, whether the exaction of all duties in cash does not call for the introduction of a system which has proved highly beneficial in countries where it has been adopted. I refer to the warehousing system. The first and most prominent effect which it would produce, would be to protect the market alike against redundant or deficient supplies of foreign fabrics; both of which, in the long run, are injurious as well to the manufacturer as to the importer. The quantity of goods in store being at all times readily known, it would enable the importer, with an approach to accuracy, to ascertain the actual wants of the market, and to regulate himself accordingly. If, however, he should fall into error, by importing an excess above the public wants, he could readily correct its evils by availing himself of the benefits and advantages of the system thus established. In the storehouse, the goods imported would await the demands of the market; and their issues would be governed by the fixed principles of demand and supply. Thus an approximation would be made to a steadiness and uniformity of price, which, if attainable, would conduce to the decided advantage of mercantile and mechanical operations.

The apprehension may be well entertained, that, without something to ameliorate the rigor of cash payments, the entire import trade may fall into the hands of a few wealthy capitalists in this country and in Europe. The small importer, who requires all the money he can raise for investments abroad, and who can but ill afford to pay the lowest duty, would have to subduct in advance a portion of his funds, in order to pay the duties, and would lose the interest upon the amount thus paid for all the time the goods might remain unsold; which might absorb his profits. The rich capitalist abroad, as well as at home, would thus possess, after a short time, an almost exclusive monopoly of the import trade; and laws designed for the benefit of all, would thus operate for the benefit of the few—a result wholly uncongenial with the spirit of our institutions, and anti-republican in all its tendencies. The warehousing system would enable the importer to watch the market, and to select his own time for offering his goods for sale. A profitable portion of the carrying trade in articles entered for the benefit of drawback, must also be most seriously affected, without the adoption of some expedient to relieve the cash system. The warehousing system would afford that relief, since the carrier would have a safe recourse to the public storehouses, and might, without advancing the duty, reship within some reasonable period to foreign ports. A further effect of the measure would be to supersede the system of drawbacks, thereby effectually protecting the Government against fraud, as the right of debenture would not attach to goods after their withdrawal from the public stores.

In revising the existing tariff of duties, should you deem it proper to do so at your present session, I can only repeat the suggestions and recommendations which, upon several occasions, I have heretofore felt it to be my duty to offer to Congress. The great primary and controlling interest of the American people is union; union, not only in the mere forms of government—forms which may be broken—but union founded in an attachment of States and individuals for each other. This union in sentiment and feeling can only be preserved by the adoption of that course of policy which, neither giving exclusive benefits to some, nor imposing unnecessary burdens upon others, shall consult the interests of all, by pursuing a course of moderation, and thereby seeking to harmonize public opinion, and causing the people everywhere to feel and to know that the Government is careful of the interests of all alike. Nor is there any subject in regard to which moderation, connected with a wise discrimination, is more necessary than in the imposition of duties on imports. Whether reference be had to revenue—the primary object in the imposition of taxes—or to the incidents which necessarily flow from their imposition, this is entirely true. Extravagant duties defeat their end and object, not only by exciting in the public mind an hostility to the manufacturing interests, but by inducing a system of smuggling on an extensive scale, and the practice of every manner of fraud

upon the revenue, which the utmost vigilance of Government cannot effectually suppress. An opposite course of policy would be attended by results essentially different, of which every interest of society—and none more than those of the manufacturer—would reap important advantages. Among the most striking of its benefits would be that derived from the general acquiescence of the country in its support, and the consequent permanency and stability which would be given to all the operations of industry. It cannot be too often repeated, that no system of legislation can be wise, which is fluctuating and uncertain. No interest can thrive under it. The prudent capitalist will never adventure his capital in manufacturing establishments, or in any other leading pursuit of life, if there exists a state of uncertainty as to whether the Government will repeal to-morrow what it has enacted to-day. Fitful profits, however high, if threatened with a ruinous reduction by a vacillating policy on the part of Government, will scarcely tempt him to trust the money which he has acquired by a life of labor upon the uncertain adventure. I, therefore, in the spirit of conciliation, and influenced by no other desire than to rescue the great interests of the country from the vortex of political contention, and in the discharge of the high and solemn duties of the place which I now occupy, recommend moderate duties, imposed with a wise discrimination as to their several objects, as being not only most likely to be durable, but most advantageous to every interest of society.

The report of the Secretary of the War Department exhibits a very full and satisfactory account of the various and important interests committed to the charge of that officer. It is particularly gratifying to find that the expenditures for the military service are greatly reduced in amount; that a strict system of economy has been introduced into the service, and the abuses of past years greatly reformed. The fortifications on our maritime frontier have been prosecuted with much vigor, and at many points our defences are in a very considerable state of forwardness. The suggestions in reference to the establishment of means of communication with our territories on the Pacific, and to the surveys so essential to a knowledge of the resources of the intermediate country, are entitled to the most favorable consideration. While I would propose nothing inconsistent with friendly negotiations to settle the extent of our claims in that region, yet a prudent forecast points out the necessity of such measures as may enable us to maintain our rights. The arrangements made for preserving our neutral relations on the boundary between us and Texas, and keeping in check the Indians in that quarter, will be maintained so long as circumstances may require.

For several years angry contentions have grown out of the disposition directed by law to be made of the mineral lands held by the Government in several of the States. The Government is constituted the landlord, and the citizens of the States wherein lie the lands are its tenants. The relation is an unwise one; and it would be much more conducive to the public interest that a sale of the lands should be made, than that they should remain in their present condition. The supply of the ore would be more abundantly and certainly furnished when to be drawn from the enterprise and the industry of the proprietor, than under the present system.

The recommendations of the Secretary in regard to the improvements of the Western waters, and certain prominent harbors on the lakes, merit, and I doubt not will receive, your serious attention. The great importance of these subjects to the prosperity of the extensive region referred to, and the security of the whole country in time of war, cannot escape observation. The losses of life and property which annually occur in the navigation of the Mississippi alone, because of the dangerous obstructions in the river, make a loud demand upon Congress for the adoption of efficient measures for their removal.

The report of the Secretary of the Navy will bring you acquainted with that important branch of the public defences. Considering the already vast and daily increasing commerce of the country, apart from the exposure to hostile inroad of an extended seaboard, all that relates to the navy is calculated to excite particular attention. Whatever tends to add to its efficiency, without entailing unnecessary charges upon the treasury, is well worthy of your serious consideration. It will be seen, that while an appropriation exceeding by more than a million the appropriations of the present year, is asked by the Secretary, yet that, in this sum, is proposed to be included $100,000 for the purchase of clothing, which, when once expended, will be annually reimbursed by the sale of the clothes, and will thus constitute a perpetual fund, without any new appropriation to the same object. To this may also be added $50,000 asked to cover the arrearages of past years, and $250,000 in order to maintain a competent squadron on the coast of Africa; all of which, when deducted, will reduce the expenditures nearly within the limits of those of the current year. While, however, the expenditures will thus remain very nearly the same as of the antecedent year, it is proposed to add greatly to the operations of the marine, and, in lieu of only twenty-five ships in commission, and but little in the way of building, to keep, with the same expenditure, forty-one vessels afloat, and to build twelve ships of a small class.

A strict system of accountability is established, and great pains are taken to insure industry, fidelity, and economy in every department of duty. Experiments have been instituted to test the quality of various materials, (particularly copper, iron, and coal,) so as to prevent fraud and imposition.

It will appear by the report of the Postmaster General, that the great point which, for several years, has been so much desired, has, during the current year, been fully accomplished. The expenditures of the department for the current year have been brought within its income, without lessening its general usefulness. There has been an increase of revenue equal to $166,000 for the year 1842 over that of 1841, without, as it is believed, any addition having been made to the number of letters and newspapers transmitted through the mails. The Post Office laws have been honestly administered, and fidelity has been observed in accounting for, and paying over by the subordinates of the department, the moneys which have been received. For the details of the service, I refer you to the report.

I flatter myself that the exhibition thus made of the condition of the public administration will serve to convince you that every proper attention has been paid to the interests of the country by those who have been called to the heads of the different departments. The reduction in the annual expenditures of the Government already accomplished, furnishes a sure evidence that economy in the application of the public moneys is regarded as a paramount duty.

At peace with all the world—the personal liberty of the citizen sacredly maintained; and his rights secured under political institutions deriving all their authority from the direct sanction of the people—with a soil fertile almost beyond example, and a country blessed with every diversity of climate and production, what remains to be done in order to advance the happiness and prosperity of such a people? Under ordinary circumstances, this inquiry could readily be answered. The best that probably could be done for a people inhabiting such a country, would be to fortify their peace and security in the prosecution of their various pursuits, by guarding them against invasion from without, and violence from within. The rest, for the greater part, might be left to their own energy and enterprise. The chief embarrassments which, at the moment, exhibit themselves, have arisen from over-action; and the most difficult task which remains to be accomplished is that of correcting and overcoming its effects. Between the years 1833 and 1838, additions were made to bank capital and bank issues, in the form of notes designed for circulation, to an extent enormously great. The question seemed to be, not how the best currency could be provided, but in what manner the greatest amount of bank paper could be put in circulation. Thus, a vast amount of what was called money—since, for the time being, it answered the purposes of money—was thrown upon the country; an over-issue which was attended, as a necessary consequence, by an extravagant increase of the prices of all articles of property, the spread of a speculative mania all over the country, and has finally ended in a general indebtedness on the part of States and individuals, the prostration of public and private credit, a depreciation in the market value of real and personal estate, and has left large districts of country almost entirely without any circulating medium. In view of the fact that, in 1830, the whole bank-note circulation within the United States amounted to but $61,323,898, according to the Treasury statements, and that an addition had been made thereto of the enormous sum of $88,000,000 in seven years, (the circulation on the 1st January, 1837, being stated at $149,185,890,) aided by the great facilities afforded in obtaining loans from European capitalists, who were seized with the same speculative mania which prevailed in the United States—and the large importations of funds from abroad, the result of stock sales and loans—no one can be surprised at the apparent, but unsubstantial, state of prosperity which everywhere prevailed over the land; and while little cause of surprise should be felt at the present prostration of everything, and the ruin which has befallen so many of our fellow-citizens in the sudden withdrawal from circulation of so large an amount of bank issues since 1837—exceeding, as is believed, the amount added to the paper currency for a similar period antecedent to 1837—it ceases to be a matter of astonishment that such extensive shipwreck should have been made of private fortunes, or that difficulties should exist in meeting their engagements on the part of the debtor States. Apart from which, if there be taken into account the immense losses sustained in the dishonor of numerous banks, it is less a matter of surprise that insolvency should have visited many of our fellow-citizens, than that so many should have escaped the blighting influences of the times.

In the solemn conviction of these truths, and with an ardent desire to meet the pressing necessities of the country, I felt it to be my duty to cause to be submitted to you, at the commencement of your late session, the plan of an Exchequer; the whole power and duty of maintaining which, in purity and vigor, was to be exercised by the Representatives of the people and of the States, and, therefore, virtually by the people themselves. It was proposed to place it under the control and direction of a treasury board, to consist of three commissioners, whose duty it should be to see that the law of its creation was faithfully executed; and that the great end of supplying a paper medium of exchange, at all times convertible into gold and silver, should be attained. The board, thus constituted, was given as much permanency as could be imparted to it, without endangering the proper share of responsibility which should attach to all public agents. In order to insure all the advantages of a well-matured experience, the commissioners were to hold their offices for the respective periods of two, four, and six years; thereby securing, at all times, in the management of the Exchequer, the services of two men of experience; and to place them in a condition to exercise perfect independence of mind and action, it was provided that their removal should only take place for actual incapacity or infidelity to the trust, and to be followed by the President with an exposition of the causes of such removal, should it occur. It was proposed to establish subordinate boards in each of the States, under the same restrictions and limitations of the power of removal, which, with the central board, should receive, safely keep, and disburse the public moneys; and in order to furnish a sound paper medium of exchange, the Exchequer should retain of the revenues of the Government a sum not to exceed $5,000,000 in specie, to be set apart as required by its operations, and to pay the public creditor, at his own option, either in specie, or treasury notes of denominations not less than five, nor exceeding one hundred dollars; which notes should be redeemed at the several places of issue, and to be receivable at all times and everywhere in payment of Government dues; with a restraint upon such issue of bills, that the same should not exceed the *maximum* of $15,000,000. In order to guard against all the hazards incident to fluctuations in trade, the Secretary of the Treasury was invested with authority to issue $5,000,000 of Government stock, should the same at any time be regarded as necessary, in order to place beyond hazard the prompt redemption of the bills which might be thrown into circulation: thus, in fact, making the issue of $15,000,000 of exchequer bills rest substantially on $10,000,000; and keeping in circulation never more than one and one-half dollar for every dollar in specie. When to this it is added that the bills are not only everywhere receivable in Government dues, but that the Government itself would be bound for their ultimate redemption, no rational doubt can exist that the paper which the Exchequer would furnish would

readily enter into general circulation, and be maintained at all times at or above par with gold and silver; thereby realizing the great want of the age, and fulfilling the wishes of the people. In order to reimburse the Government the expenses of the plan, it was proposed to invest the Exchequer with the limited authority to deal in bills of exchange, (unless prohibited by the State in which an agency might be situated,) having only thirty days to run, and resting on a fair and *bona fide* basis. The legislative will on this point might be so plainly announced, as to avoid all pretext for partiality or favoritism. It was furthermore proposed to invest this Treasury agent with authority to receive on deposite, to a limited amount, the specie funds of individuals, and to grant certificates therefor, to be redeemed on presentation, under the idea (which is believed to be well founded) that such certificates would come in aid of the exchequer bills in supplying a safe and ample paper circulation. Or, if in place of the contemplated dealings in exchange, the Exchequer should be authorized not only to exchange its bills for actual deposites of specie, but for specie or its equivalents to sell drafts, charging therefor a small but reasonable premium, I cannot doubt but that the benefits of the law would be speedily manifested in the revival of the credit, trade, and business of the whole country. Entertaining this opinion, it becomes my duty to urge its adoption upon Congress, by reference to the strongest considerations of the public interests, with such alterations in its details as Congress may in its wisdom see fit to make.

I am well aware that this proposed alteration and amendment of the laws establishing the Treasury Department has encountered various objections; and that, among others, it has been proclaimed a Government bank of fearful and dangerous import. It is proposed to confer upon it no extraordinary powers. It purports to do no more than pay the debts of the Government with the redeemable paper of the Government; in which respect, it accomplishes precisely what the Treasury does daily at this time—in issuing to the public creditors the treasury notes, which, under law, it is authorized to issue. It has no resemblance to an ordinary bank, as it furnishes no profits to private stockholders, and lends no capital to individuals. If it be objected to as a Government bank, and the objection be available, then should all the laws in relation to the Treasury be repealed, and the capacity of the Government to collect what is due to it, or pay what it owes, be abrogated.

This is the chief purpose of the proposed Exchequer, and surely, if, in the accomplishment of a purpose so essential, it affords a sound circulating medium to the country and facilities to trade, it should be regarded as no slight recommendation of it to public consideration. Properly guarded by the provisions of law, it can run into no dangerous evil; nor can any abuse arise under it, but such as the Legislature itself will be answerable for, if it be tolerated; since it is but the creature of the law, and is susceptible at all times of modification, amendment, or repeal, at the pleasure of Congress. I know that it has been objected that the system would be liable to be abused by the Legislature —by whom alone it could be abused—in the party conflicts of the day; that such abuse would manifest itself in a change of the law, which would authorize an excessive issue of paper for the purpose of inflating prices and winning popular favor. To that it may be answered, that the ascription of such a motive to Congress is altogether gratuitous and inadmissible. The theory of our institutions would lead us to a different conclusion. But a perfect security against a proceeding so reckless, would be found to exist in the very nature of things. The political party which should be so blind to the true interests of the country as to resort to such an expedient, would inevitably meet with a final overthrow, in the fact that, the moment the paper ceased to be convertible into specie, or otherwise promptly redeemed, it would become worthless, and would, in the end, dishonor the Government, involve the people in ruin, and such political party in hopeless disgrace. At the same time, such a view involves the utter impossibility of furnishing any currency other than that of the precious metals; for, if the Government itself cannot forego the temptation of excessive paper issues, what reliance can be placed in corporations, upon whom the temptations of individual aggrandizement would most strongly operate? The people would have to blame none but themselves for any injury that might arise from a course so reckless, since their agents would be the wrongdoers, and they the passive spectators.

There can be but three kinds of public currency: 1st. Gold and silver; 2d. The paper of State institutions; or, 3d. A representative of the precious metals, provided by the General Government, or under its authority. The sub-treasury system rejected the last, in any form; and, as it was believed that no reliance could be placed on the issues of local institutions, for the purposes of general circulation, it necessarily and unavoidably adopted specie as the exclusive currency for its own use. And this must ever be the case, unless one of the other kinds be used. The choice, in the present state of public sentiment, lies between an exclusive specie currency on the one hand, and Government issues of some kind on the other. That these issues cannot be made by a chartered institution, is supposed to be conclusively settled. They must be made, then, directly by Government agents. For several years past, they have been thus made in the form of treasury notes, and have answered a valuable purpose. Their usefulness has been limited by their being transient and temporary; their ceasing to bear interest at given periods, necessarily causes their speedy return, and thus restricts their range of circulation; and being used only in the disbursements of Government, they cannot reach those points where they are most required. By rendering their use permanent, to the moderate extent already mentioned, by offering no inducement for their return, and by exchanging them for coin and other values, they will constitute, to a certain extent, the general currency so much needed to maintain the internal trade of the country. And this is the Exchequer plan, so far as it may operate in furnishing a currency.

I cannot forego the occasion to urge its importance to the credit of the Government in a financial point of view. The great necessity of resorting to every proper and becoming expedient, in order to place the treasury on a footing of the highest respectability, is entirely obvious. The credit of the Government may be regarded as the very soul of the Government itself—a principle of vitality, without which all its movements are languid, and all its operations embarrassed. In this spirit the Executive felt itself bound, by the most imperative sense of duty, to submit to Congress, at its last session, the propriety of making a specific pledge of the land fund, as the basis for the negotiation of the loans authorized to be contracted. I then thought that such an application of the public domain would, without doubt, have placed at the command of the Government ample funds to relieve the treasury from the temporary embarrassments under which it labored. American credit had suffered a considerable shock in Europe, from the large indebtedness of the States, and the temporary inability of some of them to meet the interest on their debts. The utter and disastrous prostration of the United States Bank of Pennsylvania had contributed largely to increase the sentiment of distrust, by reason of the loss and ruin sustained by the holders of its stock—a large portion of whom were foreigners, and many of whom were alike ignorant of our political organization, and of our actual responsibilities. It was the anxious desire of the Executive that, in the effort to negotiate the loan abroad, the American negotiator might be able to point the money-lender to the fund mortgaged for the redemption of the principal and interest of any loan he might contract, and thereby vindicate the Government from all suspicion of bad faith, or inability to meet its engagements. Congress differed from the Executive in this view of the subject It became, nevertheless, the duty of the Executive to resort to every expedient in its power to negotiate the authorized loan. After a failure to do so in the American market, a citizen of high character and talent was sent to Europe—with no better success; and thus the mortifying spectacle has been presented, of the inability of this Government to obtain a loan so small as not in the whole to amount to more than one-fourth of its ordinary annual income; at a time when the Governments of Europe, although involved in debt, and with their subjects heavily burdened with taxation, readily obtain loans of any amount at a greatly reduced rate of interest. It would be unprofitable to look further into this anomalous state of things; but I cannot conclude without adding, that, for a Government which has paid off its debts of two wars with the largest maritime power of Europe, and now owing a debt which is almost next to nothing, when compared with its boundless resources—a Government the strongest in the world, because emanating from the popular will, and firmly rooted in the affections of a great and free people—and whose fidelity to its engagements has never been questioned;—for such a Government to have tendered to the capitalists of other countries an opportunity for a small investment of its stock, and yet to have failed, implies either the most unfounded distrust in its good faith, or a purpose, to obtain which the course pursued is the most fatal which could have been adopted. It has now become obvious to all men that the Government must look to its own means for supplying its wants; and it is consoling to know that these means are altogether adequate for the object. The Exchequer, if adopted, will greatly aid in bringing about this result. Upon what I regard as a well-founded supposition, that its bills would be readily sought for by the public creditors, and that the issue would, in a short time, reach the maximum of $15,000,000, it is obvious that $10,000,000 would thereby be added to the available means of the treasury, without cost or charge. Nor can I fail to urge the great and beneficial effects which would be produced in aid of all the active pursuits of life. Its effects upon the solvent State banks, while it would force into liquidation those of an opposite character, through its weekly settlements, would be highly beneficial; and, with the advantages of a sound currency, the restoration of confidence and credit would follow, with a numerous train of blessings. My convictions are most strong that these benefits would flow from the adoption of this measure; but, if the result should be adverse, there is this security in connexion with it—that the law creating it may be repealed at the pleasure of the Legislature, without the slightest implication of its good faith.

I recommend to Congress to take into consideration the propriety of reimbursing a fine imposed on General Jackson, at New Orleans, at the time of the attack and defence of that city, and paid by him. Without designing any reflection on the judicial tribunal which imposed the fine, the remission at this day may be regarded as not unjust or inexpedient. The voice of the civil authority was heard amidst the glitter of arms, and obeyed by those who held the sword—thereby giving additional lustre to a memorable military achievement. If the laws were offended, their majesty was fully vindicated; and, although the penalty incurred and paid is worthy of little regard in a pecuniary point of view, it can hardly be doubted that it would be gratifying to the war-worn veteran, now in retirement and in the winter of his days, to be relieved from the circumstances in which that judgment placed him. There are cases in which public functionaries may be called on to weigh the public interest against their own personal hazards; and, if the civil law be violated from praiseworthy motives, or an overruling sense of public danger and public necessity, punishment may well be restrained within that limit which asserts and maintains the authority of the law, and the subjection of the military to the civil power. The defence of New Orleans, while it saved a city from the hands of the enemy, placed the name of General Jackson among those of the greatest captains of the age, and illustrated one of the brightest pages of our history. Now that the causes of excitement existing at the time have ceased to operate, it is believed that the remission of this fine, and whatever of gratification that remission might cause the eminent man who incurred and paid it, would be in accordance with the general feeling and wishes of the American people.

I have thus, fellow-citizens, acquitted myself of my duty under the Constitution, by laying before you, as succinctly as I have been able, the state of the Union, and by inviting your attention to measures of much importance to the country. The Executive will most zealously unite its efforts with those of the Legislative Department in the accomplishment of all that is required to relieve the wants of a common constituency, or elevate the destinies of a beloved country.

JOHN TYLER.

WASHINGTON, December, 1842.

Mr. KERR moved that 1,500 copies of the message and accompanying documents, and 3 500 copies without the documents, in addition to the usual quantity, be printed for the use of the Senate,

The CHAIR said it would be necessary, under the rule of the last session, to refer the motion to the Committee on Printing, unless, by unanimous consent, the printing was ordered.

Mr. KING thought it was not so intended by the rule; but, such being the impression of the Chair, he hoped the unanimous consent of the Senate for the printing would be given. He made that motion; and

The question being put, it was carried in the affirmative.

The PRESIDENT *pro tem.* laid before the Senate a communication from the Treasury Department, covering the Treasurer's report of his accounts for the third and fourth quarters of 1841, and the first and second quarters of the year 1842; which,

On motion of Mr. EVANS, was laid on the table and ordered to be printed. Referred to the Committee on Printing.

On motion of Mr. EVANS, it was ordered that the daily hour of meeting of the Senate be 12 o'clock, until otherwise ordered.

DEATH OF MR. J. W. WILLIAMS.

A message was received from the House of Representatives, informing the Senate of the death of one of its members, Mr. J. W. WILLIAMS, late a Representative from the State of Maryland; which being read,

Mr. KERR rose, and remarked as follows:

I rise, with feelings of painful regret, to perform the duty of proposing to the Senate some special notice of the communication from the House of Representatives upon the recent and sudden death of the Hon. JAMES W. WILLIAMS, late a member of that body from the State which I have the honor here, in part, to represent.

The first news of this distressing event reached me on my journey hither. The fact was then too confidently related to admit of doubt on my part, and was soon confirmed in all its particulars.

The deceased was travelling, on Friday last, from his home, to the discharge of his high duties in this Capitol, when he was stricken down by the visitation of Providence—apoplexed. In a state of insensibility, he was reconveyed to his own mansion, in time only to draw his last breath in the bosom of his afflicted family.

I will not detain you, Mr. President, by any tedious homily of mine upon this striking example of the uncertainty of the life of man, and of the poor assurance we have of its continuance, from day to day, even in the highest health, amidst the gayest enjoyments that life can supply, and with all the honors to which ambition may prompt us to aspire. We are proudly conscious of "this sensible warm motion" of our being, but little think how soon it may "become a knéaded clod!" We live on, heedless of the continual recurrence of fatal incidents like this, and take no warning from them. We seem, indeed, to live to be ever verifying the well-known aphorism—which is daily repeated—that "*Man thinks all men mortal but himself!*"

Let us, Mr. President, take to heart this fatal blow on one who, like us, perhaps, was indulging the hope of prolonged life and happiness; and, in doing the formal honor to his virtues and his memory which custom here demands of us, let us apply to ourselves the sad story of his untimely death, in solemn reflection, and keep it in mind, as a token and a proof that we—ay, the wisest and the best of us—must ere long follow him to "that bourne from whence no traveller returns!"

It becomes me, as a friend of the deceased, to say a few words in justice to the character of so worthy and so excellent a citizen.

Mr. WILLIAMS was a native son of Maryland, but born in a section of it distant from that in which he last and long resided. He was educated with unusual care, and great pains were taken to make him a scholar—and a good one; and he rewarded, by an assiduous improvement of his advantages, the kindness of an anxious parent, who bestowed on him the noble boon of a well-regulated education.

Though intended for the profession of the law, he married early, and became an active and distinguished merchant in our commercial emporium, (the monumental city,) but ultimately retired, as most men seem inclined to do, to the pursuit of agriculture. Yet, with the advantages of early study and a cultivated mind, this gentleman was enabled to fulfil with high credit the duties of a Representative in the Legislature of his native State, and, for his superior intelligence and usefulness, was for some time distinguished by the honor of presiding over the deliberations of its popular branch.

In the discharge of all public duties, he was able, steady, and diligent; and it is proof of his elevation in the general confidence and respect, that he was raised by the voice of an intelligent community around him to that high and honorable station, the duties of which he was hastening to discharge, and in which he died.

I do not choose, Mr. President, to advert to the particular religious persuasion to which this gentleman belonged; but he performed his moral duties, and his social and domestic obligations, with fidelity, with kindness, and with uniform courtesy; and all who knew him will ever bear testimony to that amiable demeanor for which he was remarkable in all his private intercourse.

If the deceased had any peculiar faults or foibles, I knew them not; and I trust they were only such as frail humanity is heir to. It were bootless *now* to weigh them in the rigid scale of justice. Let us not too scrupulously scan that account of him, which we, ourselves, could not render *but in asking mercy:*

> "No farther seek his merits to disclose,
> Or draw his frailties from their dread abode—
> There they, alike, in trembling hope repose—
> The bosom of his Father and his God!"

I will offer for the adoption of the Senate, and as a memorial for our record, the resolutions which I send to the chair:

Resolved, That the Senate have received with deep sensibility the proceedings of the House of Representatives on the sudden death of the Hon. JAMES W. WILLIAMS, a member of that body from the State of Maryland, and sincerly sympathise in the regrets incident to that mournful occasion.

Resolved, That, in testimony of their high respect for the character of the deceased, the members of the Senate will wear the usual badge of mourning for the space of thirty days; and as a further testimonial of respect for the memory of the deceased, that the Senate forthwith adjourn.

The Senate, accordingly, adjourned.

Mr. Berrien of Georgia, Mr. Miller of New Jersey, and Mr. Barrow of Louisiana, appeared in their seats to-day, in addition to those already announced.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, December 7, 1842.

The minutes of yesterday were read and approved.

THE ONE-HOUR RULE.

Mr. W. C. JOHNSON rose for the purpose of giving notice that to-morrow he should move that the one-hour rule be rescinded.

[Some gentleman was heard to say that the one-hour rule was not in force.]

Mr. J. resumed, and said he had been told that the one-hour rule was not now in operation, as it had been adopted for the concluding portion of the last session only. If, therefore, that were so, his notice would be unnecessary.

The SPEAKER replied that the one-hour rule had been incorporated with the rules of the House.

Mr. W. C. JOHNSON'S notice was then received and entered.

ABOLITION.

Mr. ADAMS called the attention of the House to the position in which a motion made by him to rescind the 21st rule was left yesterday; the House having negatived the question, "Shall the main question be now put?" after the previous question had been seconded. He then expressed his desire that the question should now be taken, and without debate; for it had been very fully discussed heretofore, and was well known to, and understood by, every member of the House.

The SPEAKER said the question would come up as business in order; and, as the previous question had been seconded, debate was necessarily cut off.

Some conversation in relation to the operation of the previous question ensued, in which Mr. ADAMS, Mr. PICKENS, Mr. EVERETT, and the SPEAKER took part.

Mr. W. C. JOHNSON then said, as the gentlemen on the other side were avowedly very anxious to prevent debate, he hoped they would vote with him to lay the whole subject on the table. He then made that motion; on which the yeas and nays were demanded, and ordered.

Mr. BIDLACK moved that he be excused from voting on this subject.

Mr. B. said he had made this motion as the only way in which he could get an opportunity of "defining his position." He had no doubt the previous question would be called and sustained; and he wished to take this occasion, before the vote was taken on the motion now pending, to remind Southern gentlemen, and especially some of the members from Kentucky and Virginia, that he had been very much surprised at their vote on this question yesterday, as well as heretofore.

Mr. B. had been told, when this question was first submitted to him to vote upon at a previous session, that it was a question of "life and death" with the South, upon which "they were all united." Supposing this to be the case, Mr. B. had gone with them upon an abstract proposition, upon the merits of which there was an honest difference of opinion among good men, who were his immediate constituents, as well as elsewhere, at the North. Now, what he wished was to appeal to Southern men to know whether they considered it magnanimous to urge Northern members to a particular course on this question, when Southern members themselves would not unite upon it.

The SPEAKER reminded Mr. B. that the motion was a very narrow one.

Mr. BIDLACK observed he was aware he could not go into the merits of the question, and he would content himself with saying that he was determined to remain consistent, and vote as he had done heretofore, notwithstanding the circumstances to which he had reference. He had obtained his object by referring to the *peculiar* position of the parties to the question, and would withdraw the motion.

The question was then taken on the motion of the gentleman from Maryland [Mr. W. C. JOHNSON] to lay the whole subject on the table; and it was negatived—yeas 90, nays 91, as follows:

YEAS—Messrs. Arrington, Atherton, Barton, Beeson, Bidlack, Bowne, Boyd, Charles Brown, Burke, William Butler, William O. Butler, Patrick C. Caldwell, Thomas J. Campbell, Casey, Chapman, Clifford, Clinton, Mark A. Cooper, Cross, Daniel, Dawson, Dean, Deberry, Eastman, John C. Edwards, Charles A. Floyd, Fornance, Gamble, Gerry, Gilmer, Gustine, Harris, Hastings, Hays, Holmes, Hopkins, Houck, Houston, Hubard, Hunter, Charles J. Ingersoll, Jack, William Cost Johnson, Cave Johnson, John W. Jones, Keim, McKay, Mallory, Marchand, Mathews, Medill, Miller, Mitchell, Newhard, Owsley, Payne, Pearce, Pickens, Plumer, Powell, Alexander Randall, Rayner, Reding, Rencher, Reynolds, Rhett, Riggs, Rogers, Shaw, Sheppard, William Smith, Snyder, Sprigg, Steenrod, Summers, Sweney, Taliaferro, John B. Thompson, Richard W. Thompson, Triplett, Turney, Van Buren, Ward, Warren, Washington, Watterson, Weller, Westbrook, Wise, and Wood—90.

NAYS—Messrs. Adams, Allen, Sherlock J. Andrews, Aycrigg, Babcock, Baker, Barnard, Birdseye, Blair, Boardman, Borden, Botts, Brewster, Briggs, Brockway, Bronson, Jeremiah Brown, Burnell, Calhoun, Childs, Chittenden, John C. Clark, Staley N. Clarke, James Cooper, Cowen, Cranston, Garrett Davis, Richard D. Davis, Doig, John Edwards, Egbert, Everett, Ferris, Fessenden, Fillmore, John G. Floyd, A. Lawrence Foster, Giddings, Patrick G. Goode, Gordon, Granger, Hall, Halsted, Henry, Hudson, Joseph R. Ingersoll, James Irvin, William W. Irwin, James Irvin, Littlefield, Robert McClellan, McKennan, McKeon, Samson Mason, Mathiot, Mattocks, Maxwell, Morris, Morrow, Osborne, Parmenter, Patridge, Pendleton, Ramsay, Benjamin Randall, Randolph, Ridgway, Rodney, Roosevelt, William Russell, James M. Russell, Saltonstall, Sanford, Simonton, Slade, Truman Smith, Stanly, Stokely, Stratton, Alex. H. H. Stuart, Toland, Tomlinson, Trumbull, Underwood, Van Rensselaer, Joseph L. White, Thomas W. Williams, Winthrop, Yorke, and Augustus Young—91.

The SPEAKER announced that the question recurred, Shall the main question be put? On which Mr. ADAMS had demanded the yeas and nays; and they were ordered.

The yeas and nays were accordingly taken, and resulted as follows: Yeas 91, nays 93. The question, therefore, being again negatived, went over for the day. The yeas and nays were as follows:

YEAS—Messrs. Adams, Allen, Sherlock J. Andrews, Aycrigg, Babcock, Baker, Barnard, Birdseye, Blair, Boardman, Borden, Botts, Briggs, Brockway, Bronson, Jeremiah Brown, Burnell, Calhoun, Casey, Childs, Chittenden, John C. Clark, Staley N. Clarke, James Cooper, Cowen, Cranston, Garrett

Davis, Richard D. Davis, John Edwards, Everett, Ferris, Fessenden, Fillmore, A. Lawrence Foster, J. R. Giddings, Patrick G. Goode, Granger, Hall, Halsted, Henry, Hudson, Joseph R. Ingersoll, James Irvin, James, Linn, McKennan, Samson Mason, Mathiot, Mattocks, Maxwell, Mitchell, Morgan, Morris, Morrow, Osborne, Owsley, Parmenter, Partridge, Pendleton, Ramsey, Alexander Randall, Benjamin Randall, Randolph, Rayner, Ridgway, Rodney, Wm. Russell, James M. Russell, Saltonstall, Sanford, Simonton, Slade, Truman Smith, Stanly, Stokely, Stratton, Summers, John B. Thompson, Richard W. Thompson, Toland, Tomlinson, Trumbull, Van Rensselaer, Washington, Joseph L. White, Thomas W. Williams, Joseph L. Williams, Winthrop, Yorke, and Augustus Young—91.

NAYS—Messrs. Arrington, Atherton, Barton, Beeson, Bidlack, Bowne, Boyd, Brewster, Charles Brown, Burke, Wm. Butler, Wm. O. Butler, Patrick C. Caldwell, T. J. Campbell, Chapman, Clifford, Clinton, Mark A. Cooper, Cross, Daniel, Dawson, Dean, Deberry, Eastman, John C. Edwards, John G. Floyd, Charles A. Floyd, Fornance, Gamble, Gerry, Gilmer, Goggin, Gordon, Gustine, Harris, Hastings, Hays, Hopkins, Houck, Houston, Hubard, Hunter, Charles J. Ingersoll, William W. Irvin, Jack, William Cost Johnson, Cave Johnson, John W. Jones, Keim, Littlefield, Lowell, Abraham McClellan, Robert McClellan, McKay, McKeon, Mallory, Marchand, Alfred Marshall, Matthews, Medill, Miller, Newhard, Payne, Pearce, Pickens, Plumer, Powell, Read, Reding, Rencher, Rhett, Riggs, Rogers, Roosevelt, Shaw, Shepperd, Wm Smith, Snyder, Sprigg, Steenrod, Alexander H. H. Stuart, Sweney, Taliaferro, Turney, Underwood, Van Buren, Ward, Warren, Watterson, Weller, Westbrook, Wise, and Wood—93.

Mr. UNDERWOOD rose to a question of order. If the question which had just been disposed of should be negatived to-morrow and subsequent days, as it had been both this and the preceding day, he wished to inquire whether it was to lie over from day to day, to the end of the session. (Cries of "The question is not debatable.") He said he did not desire to debate it; he merely wished to know where they were.

Mr. C. JOHNSON and others objected to debate on the subject.

The SPEAKER also stated that the House having disposed of the subject for this day, the gentleman from Kentucky was not in order.

Mr. UNDERWOOD. Well, then, I will bring it before the House to-morrow.

The subject was then laid over.

ORGANIZATION OF CONGRESS.

A message was received from the Senate, by A. DICKINS, Esq., its Secretary, informing the House that a quorum of the Senate was assembled, and that that body was ready to proceed to business.

Subsequently another message was received from the Senate, by its Secretary, informing the House that the Senate had appointed a committee on its part to wait on the President, with the committee appointed on behalf of the House, to inform him that the two Houses of Congress were ready to receive from him any communication he might have to make. [The names of the gentlemen appointed by the Senate will be found in our Senate report.]

THE PUBLIC PRINTING.

Mr. WISE moved the reappointment of the select committee of the last session on the public printing, which, during the last session, had made great progress with, and nearly completed its labors.

The motion was agreed to.

NOTICES AND MOTIONS.

Mr. BRIGGS gave notice of a motion for the amendment of the 19th joint rule of the two Houses of Congress, so as to substitute the word "intoxicating" for the word "spirituous." The rule now stands thus: "No *spirituous* liquors shall be offered for sale, or exhibited, within the Capitol, or on the public grounds adjacent thereto."

Mr. BARNARD gave notice of a motion for leave to introduce a bill to authorize the issue of convertible exchequer bills, and further to amend the laws relating to the Treasury Department.

Mr. MATHIOT gave notice of a bill to grant pensions to certain widows of officers and soldiers of the Revolution.

Mr. BURNELL gave notice of a bill to provide for the enlistment of boys for the naval service, and to extend the term of the enlistment of seamen.

Mr. R. W. THOMPSON gave notice of a bill to make an appropriation for the continuation of the Cumberland road through the States of Ohio, Indiana, and Illinois.

Mr. W. W. IRWIN gave notice of a bill making an appropriation for the construction of seven marine hospitals on the Western waters.

Mr. HARRIS gave notice of a bill to repeal so much of the act entitled "An act to provide revenue from imports, and to change and modify the law imposing duties on imports and for other purposes," as imposes a tax upon salt.

Mr. STEENROD gave notice of a bill to make an appropriation for the continuation of the Cumberland road west of the city of Wheeling, and the construction of a bridge over the Ohio river.

Mr. J. C. EDWARDS gave notice of a bill authorizing drawbacks on goods exported by land to Santa Fe.

Also, of a bill declaring what is the Northern boundary of the State of Missouri.

WAREHOUSING SYSTEM.

Mr. McKEON gave notice that he would to-morrow, or some subsequent day, ask leave to introduce a bill to organize the warehousing system.

HUDSON RIVER.

Mr. BARNARD gave notice that he would to-morrow, or some subsequent day, ask leave to introduce a bill making an appropriation for continuing the improvement of the Hudson river.

STATE DEBTS.

Mr. WM. COST JOHNSON moved that 5,000 copies of the document of the last session, in relation to the debts of the States, be printed for the use of the House: rejected—ayes 57, noes 88.

Mr. CUSHING, from the Joint Committee, appointed to wait on the President of the United States, and inform him that a quorum of the two Houses of Congress had assembled, and were ready to receive any communication he might make, reported that the committee had performed the duty assigned them; and had been answered by the President that he would forthwith make a communication in writing to each of the two Houses.

The annual message of the President was then presented by Mr. ROBERT TYLER, his secretary, and read at the Clerk's table.

[This document will be found in its proper place, in the proceedings of the Senate.]

After the message had been read—

Mr. CUSHING moved that the message be laid on the table, and that 10,000 copies with the documents be printed for the use of the House.

Mr. HOPKINS suggested to the gentleman from Massachusetts to modify his motion, so as to order the printing of 5,000 copies with the documents, and 10,000 without.

Mr. CUSHING declined doing so, saying that this point was fully discussed at the last session, and the House then settled down with the understanding that 10,000 copies with the documents was the number necessary for circulation.

The question was then taken on Mr. CUSHING's motion, and carried.

On motion of Mr. BRIGGS,

The House adjourned.

In addition to the members recorded to have been present on Monday, the following appeared on Tuesday: Messrs. V. Birdseye, Walter Coles, William L. Goggin, George S. Houston, James A. Pearce, G. B. Rodney, John Westbrook, and David Levy, *delegate*.

And, on Wednesday, the following appeared: Messrs. Cave Johnson, William W. Payne, and Edward Cross.

IN SENATE.

THURSDAY, DECEMBER 8, 1842.

Mr. PORTER of Michigan, and Mr. GRAHAM of North Carolina, in addition to those already announced, appeared in their seats to-day.

The PRESIDENT *pro tem.* laid before the Senate a communication from the Navy Department, transmitted in compliance with the act of Congress of March, 1819, covering an abstract of the expenditures out of the contingent fund of that department, from the 1st October, 1841, to the 30th September, 1842, inclusive; which,

On motion of Mr. ARCHER, was ordered to lie on the table, and be printed.

Mr. HUNTINGTON submitted a resolution, (which was, by unanimous consent, agreed to,) so far suspending the 34th rule as to authorize the presiding officer to appoint the standing committees for the present session.

A message was received from the House of Representatives, informing the Senate that that body had passed a resolution for the appointment of two chaplains for the present session, of different denominations—one for each House—who are to interchange services weekly; and also passed a resolution for the appointment of a joint committee (consisting of three from each House) to superintend the disbursement of the fund for the increase of the library of Congress; and asking the concurrence of the Senate in each.

On motion of Mr. TAPPAN, the resolutions were concurred in, and the Chair was authorized to appoint the committee on the part of the Senate to superintend the disbursement of the library fund.

On motion by Mr. BATES, the Senate, by unanimous consent, resolved to proceed forthwith to the election of a chaplain.

Mr. BAYARD suggested whether it would not be better to pass a resolution simply appointing the chaplain of the last session.

The CHAIR said that the rule required that the Senate should ballot; and the resolution was therefore inadmissible.

CHAPLAIN.

The Senate then proceeded to ballot; when it was ascertained that only 25 ballots (not a quorum) had been received—of which

Mr. Tuston received . . . 24, and
Mr. Bulfinch . . . . . 1.

At the suggestion of Mr. KING, the Senate was counted; when it was ascertained that a quorum were present.

The Senate proceeded a second time to ballot; when 28 votes were received—of which

Mr. Tuston received . . . 26,
Mr. Bulfinch . . . . . 1, and
Blank . . . . . 1.

Mr. Tuston was therefore declared to be duly elected.

THE BANKRUPT ACT.

Mr. BENTON, on leave, and agreeably to notice given, introduced a bill to repeal the bankrupt act; which was read, as follows:

Whereas the bankrupt act of 1841 is unconstitutional and immoral, and violates the rights of the States and of individuals, and is invalid and void, and ought not to be permitted to remain on the statute-book; therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act passed on the 19th of August, 1841, entitled "*An act to establish a uniform system of bankruptcy throughout the United States*," be, and the same hereby is, repealed, except for the trial of cases now depending under said act; which cases may be prosecuted to termination under the following limitations and conditions, to wit:

First. That no discharge from his debts shall be granted to any bankrupt, except with the consent of two-thirds of his creditors, and upon the judicial certificate of his integrity, as provided for in the 36th section of the bankrupt act of April 4, 1800, which is as follows:

"That no person becoming a bankrupt, according to the intent and provisions of this act, shall be entitled to a certificate of discharge, or to any of the benefits of the act, unless the commissioners shall certify, under their hands, to the judge of the district within which such commission issues, that such bankrupt hath made a full discovery of his or her estate and effects, and in all things conformed him or herself to the directions of this act; and that there doth not appear to them any reason to doubt of the truth of such discovery, or that the same was not a full discovery of the said bankrupt's estate and effects; or unless the said judge should be of opinion that the said certificate was unreasonably denied by the commissioners; and unless two-thirds, in number and in value, of the creditors of the bankrupt, who shall be creditors for not less than fifty dollars, respectively, and who shall have duly proved their debts, under the said commission, shall sign such certificate to the judge, and testify their consent to the allowance of a certificate of discharge, in pursuance of this act; which signing and consent shall be also certified by the commissioners; but the said commissioners shall not certify the same till they have proof, by affidavit or information, in writing, of such creditors, or of the persons respectively authorized for that purpose, signing the said certificate; which affidavit or affirmation, together with the letter or power of attorney to sign, shall be laid before the judge of the district within which such commission issues, in order for the allowing the certificate of discharge; and the said certificate shall not be allowed, unless the bankrupt make oath or affirmation, in writing, that the certificate of the commissioners, and consent of the creditors thereunto, were obtained fairly and without fraud; and any of the creditors of the said bankrupt are allowed to be heard, if they shall think fit, before the respective persons aforesaid, against the making or allowing of such certificates by the commissioners or judge."

Secondly. That the insolvent laws of the States be respected and left in force, to the same degree that they were ordered to be respected by the 61st section of the act of 1800; which section is in the following words:

"That this act shall not repeal or annul, or be construed to repeal or annul, the laws of any State now in force, or which may hereafter be enacted, for the relief of insolvent debtors, except so far as the same may respect persons who are, or may be, clearly within the purview of this act, and whose debts shall amount, in the cases specified in the second section thereof, to the sums therein mentioned. And if any person within the purview of this act shall be imprisoned for the space of three months for any debt or upon any contract, unless the creditors of such prisoner shall proceed to prosecute a commission of bankruptcy against him or her, agreeably to the provisions of this act, such debtor may, and shall be, entitled to relief under any such laws for the relief of insolvent debtors, this act notwithstanding."

Thirdly. That the liens created by State laws on the property of bankrupts be respected and observed in the same full and absolute manner in which they were ordered to be respected and observed by the 64th section of the said act of 1800; which section is in these words:

"That nothing contained in this act shall be taken or construed to invalidate or impair any lien existing at the date of this act upon the lands or chattels of any person who may become bankrupt."

Fourthly. That a person subject to involuntary bankruptcy shall not have the privilege of voluntary bankruptcy; but, on filing a declaration of insolvency, shall be subject to be proceeded against at the will of his creditors, according to the principles of the 6th section of the bankrupt act of George IV, and the 13th section of the insolvent debtors act of the same reign.

Fifthly. That the operation of the act be prospective only, according to the first section of the bankrupt act of the year 1800.

Sixthly. That agreements on the part of bankrupts in office to assign a part of their salaries and emoluments to their creditors, be binding in law, and give the creditors a right to have the same retained for their benefit.

On motion of Mr. BENTON, the bill was then ordered to be printed, and read a second time.

Mr. WRIGHT presented a petition from W. M. Quackenboss and others, sureties of the late collector for the port of New York, (Mr. Swartwout,) asking that a law might be passed authorizing the Secretary of the Treasury to compromise with said sureties their liabilities to the United States. Mr. W. remarked that this matter had been before the Senate three or four consecutive sessions, and a bill had been invariably passed, but failed in the House for want of time. He hoped, as this was a short session, and as it was to the interest of all parties that the matter should be settled, that the Committee on the Judiciary would give the subject the earliest consideration possible, and report a bill without delay. He moved the reference of the petition to the Judiciary Committee; but, as no such committee was yet appointed, it was ordered to lie on the table for the present.

Mr. TALLMADGE submitted the following resolution, which lies over, under the rule, viz:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of instructing the Secretary of State to communicate with the judicial officers of the United States who have had the execution of the bankrupt law, and ascertain from them the number of applications under the act, both voluntary and involuntary; the number of discharges, the points decided under any provision of the act, the opinions of the judges as to any amendments or modifications of the act; and such other information as he may deem necessary to show the effects and operations of the act; and that he report the same to the Senate on the first day of the next session.

Mr. BARROW gave notice that he would on to-morrow ask leave to introduce a bill for the relief of Thomas W. Chinn.

THE EXPUNGING RESOLUTION.

Mr. BAYARD rose and said he would take this early opportunity, in conformity with the notice which he had given on the last day of the last session, to introduce a resolution which he had been instructed by the Legislature of his State to introduce four years ago; and he would take occasion to say that it was his design to ask its consideration at as early a day as practicable. The Senate having nothing of a very important nature to occupy its attention at present, he hoped they would be able to take the matter into consideration within the present month, as the adoption of the resolution would be, in his opinion, a happy consummation with which to close the year. It was to rescind the resolution of the 16th January, 1837, commonly called the "expunging resolution." Mr. B.'s resolution was then sent to the Chair, and read as follows:

Whereas the Senate of the United States, in the exercise of its functions as a deliberative assembly, did, on the 28th day of March, 1834, adopt the following resolution:

"*Resolved*, That the President, in the late Executive proceedings in relation to the revenue, has assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both."

And whereas afterward, to wit, on the 16th day of January, 1837, the Senate, in reference to the above resolution, adopted another, as follows:

"*Resolved*, That the said resolve be expunged from the Journal: and for that purpose, that the Secretary of the Senate, at such time as the Senate may appoint, shall bring the manuscript Journal of the session of 1833-'4 into the Senate, and, in the presence of the Senate, draw black lines round the said resolve, and write across the face thereof, in strong letters, the words following: Expunged by order of the Senate, this 16th day of January, in the year of our Lord 1837."

And whereas the Constitution of the United States expressly requires that each House of Congress shall keep a journal of its proceedings, meaning thereby to preserve a faithful and permanent record of those proceedings:

And whereas the Senate of the United States, independently of its legislative, executive, and judicial functions, has the inherent right, as a deliberative assembly, to express its opinions, which can be done only by resolution—which opinions, when thus expressed, become part of its proceedings, of which the Constitution provides that a permanent record shall be kept:

And whereas the resolution of the 16th of July, 1837, and the act of the Secretary of the Senate in compliance with it, in legal contemplation destroyed, and in fact defaced, the record of the proceeding to which it refers: wherefore,

Resolved, That the resolution of the 16th of January, 1837, commonly called the expunging resolution, be, and the same is hereby, rescinded, and shall be forever hereafter held as naught; and that, in all future publications of that portion of the Journal which contains the resolution of 1833-'4, and in all copies which may hereafter be made of the same for any official or legal purpose, the said resolution of 1833-'4 shall be published and copied as it was originally entered on the said Journal, without any notice whatever of the superscription which was erroneously made, in pursuance of the resolution of the 16th of January, 1837.

The resolution was then ordered to be printed.

On motion by Mr. BAYARD, it was ordered that, when the Senate adjourn, it adjourn till Monday next.

JUDGES OF THE UNITED STATES.

Mr. TAPPAN gave notice that he would, on Monday next, ask leave to introduce a resolution, proposing to amend the Constitution of the United States, in relation to the appointment of judges of the United States courts.

On motion, the Senate then adjourned till Monday next.

HOUSE OF REPRESENTATIVES

THURSDAY, December 8, 1842.

Mr. TALIAFERRO offered the following resolution, which was considered and adopted:

Resolved, That the several memorials, petitions, and resolutions presented to the House of Representatives, during the present Congress, which have not been finally acted on; also, all bills which went from this House to the Senate, and which were lost there; and such bills as were referred to the several committees of this House, and not reported on; be again referred to the committee to which the same were heretofore referred, as soon as the said committees shall be organized—a written request to that effect being handed by any member to the Clerk, whose duty it shall be to enter the same in the journal, as if presented in the House.

ABOLITION.

The resolution submitted by Mr. ADAMS, to rescind the 21st rule, so as to admit the reception of abolition petitions, resolutions, &c., on which the previous question had been moved and seconded, came up as the first business in order.

Mr. JOHN W. JONES moved to lay it on the table; and called for the yeas and nays on the question; which were ordered, and resulted in yeas 92, nays 95, as follows:

YEAS—Messrs. Arrington, Atherton, Barton, Beeson, Bidlack, Bowne, Boyd, Charles Brown, Burke, William Butler, Green W. Caldwell, Patrick C. Caldwell, Thomas J. Campbell, Casey, Clifford, Clinton, Mark A. Cooper, Cross, Daniel, Dawson, Dean, Deberry, Eastman, John C. Edwards, Charles A. Floyd, Fornance, Gamble, Gerry, Gilmer, Goggin, William O. Goode, Harris, Hastings, Hays, Hopkins, Houck, Houston, Hubbard, Hunter, Charles J. Ingersoll, Jack, Wm. Cost Johnson, Cave Johnson, John W. Jones, Isaac D. Jones, Keim, John P. Kennedy, Abraham McClellan, McKay, Mallory, Marchand, Mathews, Medill, Meriwether, Miller, Mitchell, Moore, Newhard, Owsley, Payne, Pearce, Pickens, Plumer, Powell, Rayner, Reding, Rencher, Reynolds, Rhett, Riggs, Rogers, Saunders, Shepperd, William Smith, Snyder, Sprigg, Steenrod, Summers, Sweney, Taliaferro, John B. Thompson, Richard W. Thompson, Triplett, Turney, Van Buren, Ward, Warren, Washington, Watterson, Weller, Westbrook, Wise, and Wood—92.

NAYS—Messrs. Adams, Allen, Sherlock J. Andrews, Aycrigg, Babcock, Baker, Barnard, Birdseye, Blair, Boardman, Borden, Botts, Brewster, Briggs, Brockway, Bronson, Jeremiah Brown, Burnell, Calhoun, Childs, Chittenden, John C. Clark, Staley N. Clarke, James Cooper, Cowen, Cranston, Cushing, Garrett Davis, Richard D. Davis, John Edwards, Egbert, Everett, Fessenden, Fillmore, John G. Floyd, A. Lawrence Foster, Giddings, Patrick G. Goode, Gordon, Granger, Hall, Halsted, Henry, Howard, Hudson, Joseph R. Ingersoll, James Irvin, William W. Irwin, James, Linn, Littlefield, Lowell, Robert McClellan, McKennan, McKeon, Alfred Marshall, Samson Mason, Mathiot, Mattocks, Maxwell, Maynard, Morgan, Morris, Morrow, Osborne, Parmenter, Partridge, Pendleton, Ramsey, Benjamin Randall, Randolph, Ridgway, Rodney, Roosevelt, Wm. Russell, James M. Russell, Saltonstall, Sanford, Simonton, Slade, Truman Smith, Stanly, Stokely, Stratton, Tillinghast, Toland, Tomlinson, Trumbull, Underwood, Van Rensselaer, Joseph L. White, Thomas W. Williams, Winthrop, Yorke, and A. Young—95.

So the House refused to lay the resolution on the table.

The question then recurring, "Shall the main question be now put?"

Mr. UNDERWOOD renewed the point of order raised by him yesterday; and contended that, although the effect of the second to the previous question was to put an end to debate, yet the refusal of the House to order the main question to be put, authorized debate after the next day. He understood from the Manual, that the decision of the House refusing to order the main question to be put, carried the question over to the next day; but, when that day came, if the main question was not ordered, the second was imperative. If the decision of the Chair was correct, the House might go on, from day to day, refusing to lay the resolution on the table, and refusing to order the main question to be put; and thus the question would never be settled. Certainly, a construction of the rules leading to such consequences could not be correct. It had been suggested by some one behind him, that the difficulty could be obviated by reconsidering the question; and he therefore hoped that some gentlemen who voted with the majority would move a reconsideration.

The SPEAKER reaffirmed his decision, and pointed out two authorities, which he read to the House, sustaining his decision.

Mr. EVERETT suggested to the gentleman from Kentucky to take an appeal from the decision of the Chair; stating that, if the gentleman did not appeal, he would appeal himself. [Mr. UNDERWOOD said that he would take an appeal, in order to try the sense of the House on the subject.] Neither of the cases read by the Chair, Mr. E. said, gave the decision of the Speaker or of the House on the question now at issue; in both cases, the difficulty having been got over by the members moving a reconsideration, instead of taking an appeal. The error of the Chair seemed to him to consist in this: that he took the second to the previous question for the order of the House. By the parliamentary law, the previous question could be seconded by a single member; and under the rules of the House, it required a majority for a second; but in both cases it was only a second, and not the order of the House. He contended, therefore, that when the question fell, the second fell with it. It was now too late to move the reconsideration, and the first question to be put would be on ordering the main question. If that should be lost, the House would be just where it was the day before; and so they might thus go on from day to day, refusing to lay the resolution on the table, and refusing to order the main question to be taken. Mr. E. concluded by appealing from the decision of the Chair.

After some remarks from Mr. BRIGGS, and a reply by the CHAIR, neither of which were distinctly understood by the reporter,

Mr. BRIGGS was proceeding with his remarks, when

Mr. TURNEY called him to order, on the ground that the appeal was not debatable.

Mr. J. R. INGERSOLL referred to some authorities sustaining the decision of the Chair.

Mr. TURNEY objected to debate on the appeal, and moved to lay it on the table; which motion was carried without a division.

The question was then taken on ordering the main question, and decided in the negative—yeas 95, nays 100, as follows:

YEAS—Messrs. Adams, Allen, Sherlock J. Andrews, Aycrigg, Babcock, Baker, Barnard, Birdseye, Blair, Boardman, Borden, Botts, Briggs, Brockway, Bronson, Jeremiah Brown-

Burnell, Calhoun, Casey, Childs, Chittenden, John C. Clark, Staley N. Clarke, James Cooper, Cowen, Cranston, Garrett Davis, Richard D. Davis, John Edwards, Egbert, Everett, Ferris, Fessenden, Fillmore, A Lawrence Foster, Giddings, Patrick G. Goode, Granger, Hall, Halsted, Henry, Howard, Hudson, Joseph R. Ingersoll, James Irvin, James, John P. Kennedy, Linn, McKennan, Mathiot, Mattocks, Maxwell, Maynard, Morgan, Morris, Morrow, Osborne, Owsley, Parmenter, Patridge, Pendleton, Ramsey, Benjamin Randall, Alexander Randall, Randolph, Rayner, Reynolds, Ridgway, Rodney, William Russell, James M. Russell, Saltonstall, Sanford, Simonton, Slade, Truman Smith, Stanly, Stokely, Stratton, Summers, John B. Thompson, Richard W. Thompson, Tillinghast, Toland, Tomlinson, Triplett, Trumbull, Van Rensselaer, Washington, Joseph L. White, Thomas W. Williams, Joseph L. Williams, Winthrop, Yorke, and Augustus Young—95.

NAYS—Messrs. Arrington, Atherton, Barton, Beeson, Bidlack, Bowne, Boyd, Brewster, Charles Brown, Burke, William Butler, William O. Butler, Green W. Caldwell, Patrick C. Caldwell, Thomas J Campbell, Chapman, Clifford, Clinton, Mark A. Cooper, Cross, Cushing, Daniel, Dawson, Dean, Deberry, Eastman, John C. Edwards, John G. Floyd, Charles A. Floyd, Fornance, Gamble, Garry, Gilmer, Goggin, William O. Goode, Gordon, Green, Gustine, Harris, Hastings, Hays, Hopkins, Houck, Houston, Hubard, Hunter, Charles J. Ingersoll, William W. Irwin, Jack, William Cost Johnson, Cave Johnson, John W. Jones, Keim, Littlefield, Lowell, Abraham McClellan, Robert McClellan, McKay, McKeon, Mallory, Marchand, Alfred Marshall, Mathews, Medill, Meriwether, Miller, Mitchell, Moore, Newhard, Payne, Pearce, Pickens, Plumer, Powell, Read, Reding, Rencher, Rhett, Riggs, Rogers, Roosevelt, Saunders, Shaw, Shepperd, William Smith, Snyder, Sprigg, Steenrod, Alexander H. H. Stuart, Sweney, Taliaferro, Turney, Underwood, Van Buren, Ward, Warren, Watterson, Weller, Westbrook, Wise, and Wood—100.

So the House refused to order the main question to be now put.

THE ONE-HOUR RULE.

Mr. W. C. JOHNSON rose, pursuant to notice given yesterday, to move that the one-hour rule adopted at the last session, (which had been incorporated in the general rules, and was, therefore, in force for the present session,) be now rescinded.

Mr. FILLMORE rose to a point of order; and he inquired from the Speaker whether it was in order to move that resolution at that time. He contended that resolutions were not then in order.

The SPEAKER replied that the gentleman from Maryland [Mr. JOHNSON] had given notice of his motion, and it had been received and entered; and as there was now no other business before the House, it came up in order.

Mr. FILLMORE contended that the notice given by the gentleman from Maryland only authorized the introduction of his resolution when resolutions were in order; but, at present, petitions were in order.

The SPEAKER said there were no committees appointed to which petitions could be referred; and he decided this resolution to be in order.

Mr. W. C. JOHNSON then said it was not his intention to consume the time of the House, but he felt desirous to say that it was indispensable to wise legislation that a reasonable time should be given for the discussion of the questions which should come before this House. It was due to the country that the Representatives of the people should have the opportunity to express their opinions on some of the vast questions that would arise—the currency, for instance. His object, therefore, was not to delay, but to expedite the public business. He was willing that a particular day should be fixed to terminate debate on any particular bill, or that the House should have the control of it by the previous question. But he contended that no party had been benefited by the adoption of this one-hour rule. They had been here during two sessions, and, since the adoption of this rule, no member had had time to express his views fully on any question. He (Mr. JOHNSON) had been thereby compelled to be a silent member of the House—[laughter]—and for one, he should desire, on one or two subjects, to address the House at a greater length than the rule in question would permit. He wished this great body to be the organ of the people; and, as their Representatives, to discuss public measures, and to carry them out after a full examination; and hence he made this motion. But as it was not his intention, as he had before stated, to consume unnecessarily the time of the House, he would now move the previous question.

The previous question was seconded; and as the SPEAKER was about to propose the question, Shall the main question be now put?

Mr. McKENNAN rose and said, believing that to be one of the best rules this House ever adopted, he would move to lay the resolution on the table; and on this motion he called for the yeas and nays.

The yeas and nays were ordered; and the motion to lay the rescinding resolution on the table prevailed—yeas 116, nays 70, as follows:

YEAS—Messrs. Allen, Sherlock J. Andrews, Aycrigg, Babcock, Baker, Barton, Beeson, Bidlack, Birdseye, Blair, Boardman, Borden, Botts, Briggs, Brockway, Milton Brown, Jeremiah Brown, Burnell, William Butler, William O. Butler, Calhoun, Thomas J. Campbell, Casey, Chapman, Childs, Chittenden, John C. Clark, James Cooper, Cowen, Cranston, Garrett Davis, Deberry, John Edwards, Fessenden, Fillmore, A. Lawrence Foster, Gamble, Giddings, Gilmer, Goggin, Patrick G. Goode, Granger, Hall, Halsted, Hays, Henry, Holmes, Houston, Howard, Hudson, Joseph R. Ingersoll, James, Cave Johnson, Keim, John P. Kennedy, Linn, Abraham McClellan, McKennan, Marchand, Samson Mason, Mathiot, Mattocks, Maxwell, Maynard, Meriwether, Mitchell, Moore, Morgan, Morris, Morrow, Osborne, Owsley, Patridge, Pendleton, Plumer, Powell, Ramsey, Benjamin Randall, Alexander Randall, Randolph, Rayner, Rencher, Ridgway, Rodney, Rogers, William Russell, James M. Russell, Saltonstall, Shepperd, Simonton, Slade, Truman Smith, Snyder, Stanly, Stokely, Stratton, Alexander H. H. Stuart, Summers, Taliaferro, John B. Thompson, Richard W. Thompson, Tillinghast, Toland, Tomlinson, Triplett, Trumbull, Underwood, Van Rensselaer, Warren, Washington, Weller, Westbrook, Joseph L. White, Thomas W. Williams, Winthrop, Yorke, and Augustus Young—116.

NAYS—Messrs. Adams, Arrington, Atherton, Barnard, Bowne, Boyd, Brewster, Charles Brown, Burke, Green W. Caldwell, Patrick C. Caldwell, Clifford, Clinton, Mark A. Cooper, Cross, Cushing, Daniel, Dawson, Dean, Eastman, Egbert, Everett, Ferris, John G. Floyd, Charles A. Floyd, Gerry, William O. Goode, Gordon, Gustine, Harris, Hastings, Hopkins, Hubard, Charles J. Ingersoll, William W. Irwin, Jack, William Cost Johnson, John W. Jones, Littlefield, Lowell, Robert McClellan, McKay, McKeon, Mallory, Alfred Marshall, Mathews, Medill, Miller, Newhard, Payne, Pearce, Pickens, Read, Reding, Reynolds, Rhett, Riggs, Sanford, Shaw, William Smith, Sprigg, Steenrod, Sweney, Turney, Van Buren, Ward, Watterson, Joseph L. Williams, Wise, and Wood—70.

Mr. WELLER moved that when this House adjourns it adjourn to meet again on Monday next; which was carried, the vote being 91 in the affirmative and 60 in the negative.

Mr. FILLMORE moved that the House then adjourn, which was agreed to; and the House adjourned to meet again on Monday next.

The following additional members appeared in their places to-day:

Messrs. SAUNDERS, G. W. CALDWELL, W. O. GOODE, MERIWETHER, MOORE, MAYNARD, and HOWARD.

IN SENATE.

MONDAY, December 12, 1842.

The Senate met at 12 o'clock.

The following Senators, in addition to those heretofore announced, appeared in their seats to-day, viz: Messrs. SIMMONS and SPRAGUE, of Rhode Island; Messrs. WHITE and SMITH, of Indiana; Mr. YOUNG, of Illinois; Mr. LINN, of Missouri; Mr. WOODBRIDGE, of Michigan; and Mr. FULTON, of Arkansas.

After the reading of the journal of Thursday last, the President *pro tem.* announced to the Senate the standing committees; but, previous to such announciation, he was understood to say that the Senator from Virginia, [Mr. RIVES] who was chairman of the Committee on Foreign Relations at the last session, had expressed a wish to the President *pro tem.* to be excused from serving on that committee, and gave reasons for such wish, which were considered ample.

The committees are as follows:

On Foreign Relations.—Messrs. Archer, Berrien, Buchanan, Tallmadge, and Choate.

On Finance.—Messrs. Evans, Graham, Woodbury, Berrien, and Crittenden.

On Commerce.—Messrs. Huntington, Woodbridge, King, Barrow, and Wright.

On Manufactures.—Messrs. Simmons, Archer, Miller, Buchanan, and Morehead.

On Agriculture.—Messrs. Linn, Bates, Crafts, Smith of Connecticut, and Sturgeon.

On Military Affairs.—Messrs. Crittenden, Merrick, Benton, Huntington, and Wilcox.

On the Militia—Messrs. Barrow, Fulton, Smith of Indiana, Williams, and McRoberts.

On Naval Affairs.—Messrs. Bayard, Graham, Williams, Choate, and Barrow.

On Public Lands.—Messrs. Smith of Indiana, Tallmadge, Walker, Huntington, and Conrad.

On Private Land Claims.—Messrs. Henderson, Linn, Tappan, Fulton, and Sprague.

On Indian Affairs.—Messrs. White, Morehead, Sevier, Phelps, and Benton.

On Claims.—Messrs. Graham, Wright, Woodbury, Woodbridge, and Phelps.

On Revolutionary Claims.—Messrs. Phelps, Clayton, Smith of Connecticut, Allen, and Williams.

On the Judiciary.—Messrs. Berrien, Clayton, Dayton, Walker, and Kerr.

On the Post Office and Post Roads.—Messrs. Merrick, Simmons, McRoberts, Conrad, and Miller.

On Roads and Canals.—Messrs. Porter, White, Young, King, and Cuthbert.

On Pensions.—Messrs. Bates, Bagby, Allen, Phelps, and Sevier.

On the District of Columbia—Messrs. Miller, Bayard, King, Kerr, and Young.

On Patents and the Patent Office—Messrs. Kerr, Porter, Henderson, Wilcox, and Sturgeon.

On the Public Buildings.—Messrs. Dayton, Fulton, and Evans.

On the Library.—Messrs. Woodbridge, Tappan, and Choate.

On Engrossed Bills.—Messrs. Conrad, Bagby, and Sturgeon.

On Enrolled Bills—Messrs. Sprague and Williams.

To Audit and Control the Contingent Expenses—Messrs. Tappan, White, and Porter.

On Retrenchment.—Messrs. Morehead, Graham, Miller, Fulton, and Sprague.

On Printing.—Messrs. Clayton, Williams, and Sprague.

Mr. BUCHANAN presented a memorial, numerously signed, from manufacturers of furred hats, in the city of Philadelphia, representing that, previous to the passage of the last tariff, hatters' furs were introduced free of duty; but by that tariff, the same rate of duty (25 per cent.) was imposed on unfinished hats and unmanufactured furs as was imposed on hats finished; which operated as no incidental protection to them at all. They state that if the 25 per cent. duty be retained on furs, it will throw thousands of hatters in this country out of employment, and ruin the business; and, therefore, pray that unmanufactured furs may be admitted free of duty: referred to the Committee on Manufactures.

On motion of Mr. WRIGHT, the memorial of William Quackenboss and others, the sureties of Samuel Swartwout, which he presented on Thursday last, was, in addition to other documents on the same subject, referred to the Committee on the Judiciary.

Mr. W. also presented the petition of the widow of Joseph Conckey, a soldier in the Revolutionary war, for a pension: referred to the Committee on Pensions.

Mr. W. also presented the memorial of Taylor, Morrell, & Co., of New York city, praying that a law might be passed changing the name of the ship Westchester: referred to the Committee on Commerce.

Mr. W. also presented a memorial of a large number of citizens of Seneca county, New York, praying that Congress would repeal the bankrupt law: referred to the Judiciary Committee.

Mr. CRITTENDEN presented a memorial from the widow of Joseph Nourse, deceased, praying the payment of a sum of money to her, which was decreed to her deceased husband by the Supreme Court, in a suit against the United States; which, with other documents on the files, was referred to the Judiciary Committee.

Mr. BUCHANAN presented the proceedings of a meeting of citizens of Philadelphia, of which Mr. John M. Scott was chairman, accompanied by a memorial urging strongly upon Congress the propriety of their deciding upon the claims for French spoliations prior to 1800: referred to the Committee on Foreign Relations.

Mr. MILLER presented the memorial of Constant R. King and Julia Headley, children of Joseph King, deceased, late a paymaster and clothier in the Revolutionary army, praying to be allowed bounty land on account of the services of their deceased father: referred to the Committee on Revolutionary Claims.

Also presented a memorial from the representatives of Samuel Nicholson, deceased, late a cap-

tain in the naval service, praying to be allowed an amount of pay withheld from him by the United States, while under arrest, of which he was afterwards honorably acquitted: referred to the Committee on Naval Affairs.

Mr. BERRIEN presented a petition from Richard H. Wilde, praying that Congress will pass a law extending to him the benefit of the copyright law of the United States, in the publication of a work of which he is the author, and which he is compelled, from the nature of the work, to have first printed in Europe: referred to the Committee on the Judiciary.

Mr. BARROW, agreeably to notice, on leave, introduced a bill for the relief of Thos. W. Chinn; which was read twice, and referred to the Committee on Private Land Claims.

Mr. STURGEON presented a petition from Samuel Grice of Philadelphia, praying remuneration for certain losses under a contract with the Navy Department for cutting certain timber, in consequence of interruption by hostile Indians: referred to the Committee on Claims.

JUDGES OF UNITED STATES COURTS.

Mr. TAPPAN, agreeably to notice given, and on leave, introduced a joint resolution so to amend the Constitution of the United States as to limit the term of office of the judges of the Supreme and Inferior Courts of the United States; which was read twice, and made the special order of the day for the first Monday in January, and ordered to be printed.

Mr. YOUNG presented the petition of James Trumbull, of Pike county, Illinois, praying for the privilege of relocating a quarter section of land received on account of military services during the late war; and also for a pension: referred to the Committee on Public Lands.

Mr. YOUNG also gave notice that he would, on to-morrow, ask leave to introduce bills of the following titles, to wit:

An act granting an additional quantity of land to the State of Illinois, to aid in the completion of the Illinois and Michigan canal.

An act appropriating the proceeds of the rents of the United States lead-mines in the State of Illinois, and Territories of Wisconsin and Iowa, for the improvement of the navigation at the Rock River and Des Moines rapids, in the Mississippi river.

An act making further appropriations for the continuation of the Cumberland road, in the States of Ohio, Indiana, and Illinois; and

An act making a further appropriation for the completion of the public works, and rebuilding the light-house at the harbor of Chicago.

Mr. GRAHAM presented the petition of Daniel Murray, praying certain allowances for carrying the United States mail: referred to the Committee on the Post Office and Post Roads.

Mr. WOODBURY presented petitions from Olive Thompson and Margaret Gould, widows of revolutionary soldiers, praying pensions: referred to the Committee on Pensions.

Mr. W. also presented the petition of William Russell, of the schooner Perch, praying for fishing bounty: referred to the Committee on Commerce.

On motion of Mr. WOODBURY, leave was granted D. T. Maurice to withdraw from the files of the Senate certain documents.

FINE ON GENERAL JACKSON.

Mr. LINN gave notice that he would on to morrow ask leave to introduce certain bills; among which was a bill to indemnify General Andrew Jackson the fine of $1,000, with costs, imposed on him for discharging his official duties, by Judge Hall of New Orleans.

Mr. BATES presented a petition from Lucy Davis, a widow of a soldier of the Revolution, praying for a pension: referred to the Committee on Pensions.

Mr. ARCHER presented the memorial of the legal representatives of Richard Harris and Nimrod Farrow; which was referred to the Committee on Claims.

Mr. WOODBRIDGE presented the petition of Lemuel Bingham, praying compensation for property taken from him by a band of Pottawatomie Indians: referred to the Committee on Indian Affairs.

THE EXPUNGING RESOLUTION.

Mr. BENTON gave notice that, when the resolution introduced by the Senator from Delaware [Mr. BAYARD] to rescind the expunging resolution, came up for consideration, he would move to amend it with the following as a substitute:

That the resolution expunging from the Senate Journal the sentence of condemnation against President Jackson for removing the public deposites from the Bank of the United States, commonly called "the expunging resolution," was an act done by the Senate in conformity to the will of the people, authentically expressed in the popular elections, and in the instructions from the General Assemblies of the States, after a full and fair submission of the question to the people and the States for their consideration and decision. And the said "expunging resolution" having been thus adopted, in accordance with such expressed will and instructions, it is incompatible with the principles of representative Government, and inconsistent with the respect due to the people and the States, and unbecoming the Senate, to act upon any proposition for rescinding the said "expunging resolution," while the said instructions of the States and the said expressed will of the people remain unrevoked and unaltered by any subsequent instruction or expression of the public will.

Resolved, That the thanks of the country are due to General Jackson, ex-President of the United States, for having, by his courage, patriotism, and sagacity, in removing the public deposites from the Bank of the United States, in 1833, and in placing his veto upon the renewed charter of that bank, in 1832, thereby saved the Government and people of the United States from the pecuniary loss, the political corruption, and the moral pollution, which a longer connexion with that institution must have brought upon them.

Mr. BENTON then submitted the following resolution; which lies over one day under the rule, viz:

Resolved, That the President of the United States be requested to inform the Senate as follows:

1. The number and estimated value of vessels which will be required in the African squadron under the late British treaty.
2. The probable annual cost of repairing said vessels.
3. The number of men and officers which the equipment of the squadron will require.
4. The probable annual loss of men from deaths, desertion, and other casualties, on board said squadron.
5. The probable annual expenditure of said squadron, under all the heads of expenditure incident to the service.
6. Whether it is intended to make the squadron consist of more than eighty guns, and the calibre of the guns to be used.
7. The whole number of guns which it is expected to have afloat in the United States navy during the year 1843, and the estimated expense of the naval establishment for the year, including all expenses incident to keeping up the navy.

Mr. CLAYTON gave notice that he would on to-morrow ask leave to introduce a bill, to be entitled An act to amend the act of 1842, supplementary to the acts to establish the judicial system of the United States.

Mr. FULTON presented the petition of sundry citizens of Scott county, Arkansas, praying Congress for a donation of a quarter section of land on which to erect their county buildings: referred to the Committee on Public Lands.

On motion of Mr. LINN,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, December 12, 1842.

The minutes of Thursday were read and approved; and the following list was then read of

STANDING COMMITTES.

Committee of Elections.—Messrs. Halsted, Blair, Barton, Borden, Cravens, Gamble, Turney, Houston, and Reynolds.

Committee of Ways and Means—Messrs. Fillmore, Botts, Samson Mason, Wallace, T. F. Marshall, J. R. Ingersoll, J. W. Jones, Atherton, and Pickens.

Committee of Claims—Messrs. Giddings, Cowen, Osborne, Tomlinson, Warren, Hubard, Arnold, Burke, and Medill.

Committee on Commerce.—Messrs. J. P. Kennedy, Winthrop, Toland, Childs, Rayner, Benjamin Randall, S J. Andrews, T. W. Williams, and Ferris.

Committee on Public Lands.—Messrs. Morrow, Casey, Truman Smith, Gentry, Bronson, Howard, Brewster, Chapman, and Jacob Thompson.

Committee on the Post Office and Post Roads.—Messrs. Briggs, Joseph L. Williams, Wm Russell, Brockway, Owsley, Hopkins, Andrew Kennedy, John G. Floyd, and Plumer.

Committee for the District of Columbia—Messrs. Underwood, Summers, Alexander Randall, Powell, Richard W. Thompson, J. Campbell, Hunter, McKeon, and Dawson.

Committee on the Judiciary.—Messrs. Barnard, Trumbull, Pearce, Maxwell, Milton Brown, Garrett Davis, Charles J. Ingersoll, Roosevelt, and Saunders.

Committee on Revolutionary Claims.—Messrs. Hall, P. G. Goode, Triplett, Thos. J. Campbell, Maynard, Washington, James, Parmenter, and W. O. Goode.

Committee on Public Expenditures.—Messrs Linn, Hudson, Morgan, Van Rensselaer, James W. Russell, Mitchell, Mark A. Cooper, Clinton, and Littlefield.

Committee on Private Land Claims.—Messrs. Moore, John Young, William C. Johnson, Cave Johnson, Birdseye, Payne, R. D. Davis, Cross, and Harris.

Committee on Manufactures.—Messrs. Saltonstall, Tillinghast, Randolph, Slade, Hunt, Henry, Allen, Gilmer, and P. C. Caldwell.

Committee on Agriculture.—Messrs. Deberry, Ridgway, Simonton, Gustine, Doig, Shaw, John Edwards, Patridge, and Hastings.

Committee on Indian Affairs—Messrs. James Cooper, Chittenden, W. Butler, Rencher, Joseph L. White, Watterson, Weller, John C. Edwards, and Gwin.

Committee on Military Affairs.—Messrs. Stanly, Pendleton, Goggin, William B. Campbell, Stokely, Wm. O. Butler, Sollers, Miller, and J T. Mason.

Committee on the Militia—Messrs Keim, Coles, Ward, Boyd, Mark A. Cooper, Reding, Alfred Marshall, Sweney, and Snyder.

Committee on Naval Affairs.—Messrs. Wise, Calhoun, John C. Clark, Burnell, Fessenden, Rhett, Mallory, Clifford, and Wood.

Committee on Foreign Affairs.—Messrs. John Q. Adams, Cushing, Everett, Granger, Shepperd, A. H. H. Stuart, Caruthers, Meriwether, and Holmes.

Committee on the Territories.—Messrs. Pope, Christopher H. Williams, Gates, Isaac D. Jones, Green W. Caldwell, Hays, Dean, Charles A. Floyd, and Black.

Committee on Revolutionary Pensions.—Messrs. Taliaferro, Fodney, Staley N. Clarke, Mathiot, L. W. Andrews, Babcock, Mathews, Fornance, and Wm. Smith.

Committee on Invalid Pensions.—Messrs. Morris, Aycrigg, Baker, Gordon, Stratton, Read, Doan, Sanford, and Augustus Young.

Committee on Roads and Canals.—Messrs. McKennan, Lane, John B. Thompson, W. W. Irwin, Sprigg, Mattocks, Steenrod, Daniel, and Riggs.

Committee on Patents—Messrs. R. McClellan, Cranston, Gerry, Ramsey, and Arrington.

Committee on Public Buildings and Grounds.—Messrs. Boardman, Ward, Cranston, Bowne, and Sumter.

Committee on Revisal and Unfinished Business.—Messrs. Eastman, Beeson, C. A. Floyd, Jack, and Mattocks.

Committee on Accounts.—Messrs. Marchand, Yorke, Cary, Staley N. Clarke, and Joseph L. Williams.

Committee on Mileage.—Messrs. Thomas W. Williams, John C. Edwards, Westbrook, Egbert, and Black.

The following committees of the last session hold over for this:

Committee on the Expenditures in the State Department.—Messrs. Van Buren, Hudson, Oliver, Brockway, and one vacancy.

Committee on the Expenditures in the Treasury Department.—Messrs. A. Lawrence Foster, Samson Mason, Patridge, Isaac D. Jones, and James Irvin.

Committee on Expenditures in the War Department.—Messrs. McKay, Newhard, Gamble, Reynolds, and Birdseye.

Committee on Expenditures in the Navy Department.—Messrs. Yorke, Simonton, Borden, Alexander H. H. Stuart, and Green.

Committee on Expenditures in the Post Office Department.—Messrs. Lowell, Morgan, Washington, Boyd, and Lane.

Committee on Expenditures on the Public Buildings—Messrs. Cave Johnson, Gates, Bidlack, Stokely, and Houck.

JOINT COMMITTEE ON THE LIBRARY.

On the part of the House.—Messrs. Tillinghast, Aycrigg, and Sumter.

On the part of the Senate.—Messrs. Woodbridge Tappan, and Choate.

SELECT COMMITTEES.

On National Foundry—Messrs. Wm. C. Johnson, Samson Mason, King, Randolph, Mallory, Hunt, Keim, Parmenter, and Cave Johnson.

On National Printing Office—Messrs. Wise, Everett, Samson Mason, Gentry, and Black.

Mr. CHARLES BROWN presented the petition of sixty hatters, of Philadelphia, praying that the duty recently imposed on foreign furs be repealed: referred to the Committee on Manufactures.

ABOLITION.

Mr. FILLMORE rose and said, as the standing committees had been appointed, and as this was a short session, he would move that the President's message be taken up for reference.

Mr. ADAMS objected; the business in order being his resolution to rescind the 21st rule, on which, for three previous days of the session, the House had refused to order the main question.

Mr. FILLMORE urged the necessity of referring the President's message; and observed that the resolution of the gentleman from Massachusetts would come up when the message was disposed of.

Mr. ADAMS persisted in his objection.

Mr. WM. COST JOHNSON said, if the resolution of the gentleman from Massachusetts was thus to obstruct the public business, he would move that it be laid upon the table.

Mr. CAVE JOHNSON called for the yeas and nays; which being ordered, resulted—yeas 106, nays 102, as follows:

YEAS—Messrs. Landaff W. Andrews, Arrington, Atherton, Barton, Beeson, Bidlack, Black, Bowne, Boyd, Milton Brown, Charles Brown, Burke, William Butler, William O. Butler, Green W. Caldwell, Patrick C. Caldwell, John Campbell, Wm. B. Campbell, Thomas J. Campbell, Caruthers, Cary, Casey, Clifford, Clinton, Mark A. Cooper, Cross, Daniel, Dean, Deberry, Doan, Eastman, John C. Edwards, Charles A. Floyd, Fornance, Gamble, Gerry, Gilmer, Goggin, Wm. O. Goode, Harris, Hastings, Hays, Holmes, Hopkins, Houck, Houston, Hubard, Charles J. Ingersoll, Jack, William Cost Johnson, Cave Johnson, John W. Jones, Isaac D. Jones, Keim, Abraham McClellan, McKay, Mallory, Marchand, Thomas F. Marshall, Mathews, Medill, Meriwether, Miller, Mitchell, Moore, Newhard, Owsley, Payne, Pearce, Pickens, Plumer, Pope, Powell, Rayner, Reding, Reucher, Reynolds, Riggs, Rogers, Saunders, Shaw, Shepperd, William Smith, Snyder, Sollers, Sprigg, Steenrod, Summers, Sumter, Sweney, Taliaferro, John B. Thompson, Jacob Thompson, Triplett, Turney, Van Buren, Ward, Warren, Washington, Watterson, Weller, Westbrook, Christopher L. Williams, Joseph L. Williams, Wise, and Wood.—106.

NAYS—Messrs. Adams, Allen, Sherlock J. Andrews, Arnold, Aycrigg, Babcock, Baker, Barnard, Birdseye, Blair, Boardman, Borden, Botts, Brewster, Briggs, Brockway, Bronson, Jeremiah Brown, Burnell, Calhoun, Chittenden, J. C. Clark, Staley N. Clarke, James Cooper, Cowen, Cranston, Cravens, Cushing, Garret Davis, R. D. Davis, Doig, John Edwards, Egbert, Everett, Ferris, Fessenden, Fillmore, John G. Floyd, A. Lawrence Foster, Gates, Giddings, Patrick G. Goode, Gordon, Granger, Hall, Halsted, Henry, Howard, Hudson, Hunt, Joseph R. Ingersoll, James Irvin, W. W. Irwin, James, John P. Kennedy, Andrew Kennedy, Lane, Linn, Littlefield, Lowell, Robert McClellan, McKennan, McKeon, Alfred Marshall, Samson Mason, Mathiot, Mattocks, Maxwell, Maynard, Morgan, Morris, Morrow, Osborne, Parmenter, Patridge, Pendleton, Ramsey, Benjamin Randall, Read, Ridgway, Rodney, Roosevelt, Wm. Russell, James M. Russell, Salstonstall, Slade, Truman Smith, Stanly, Stokely, Stratton, Alexander H. H. Stuart, Richard W. Thompson, Tillinghast, Toland, Tomlinson, Trumbull, Van Rensselaer, Wallace, Joseph L. White, Winthrop, Yorke, and John Young—102.

The resolution was, therefore, laid on the table.

THE PRESIDENT'S MESSAGE—THE EXCHEQUER.

Mr. FILLMORE submitted the motion which he had before intimated his desire to offer. It was in the following terms:

Resolved, That so much of the President's annual message and accompanying documents as relates to our intercourse with foreign nations, be referred to the Committee on Foreign Affairs.

That so much thereof as relates to the treasury and financial concerns of the Government, including the exchequer plan and the tariff, be referred to the Committee of Ways and Means.

That so much thereof as relates to the warehousing system, be referred to the Committee on Commerce.

That so much thereof as relates to the army and military defences of the country, be referred to the Committee on Military Affairs.

That so much thereof as relates to the public lands, be referred to the Committee on Public Lands.

That so much thereof as relates to the navy and maritime defences of the country, be referred to the Committee on Naval Affairs.

That so much thereof as relates to the Post Office Department, be referred to the Committee on the Post Office and Post Roads.

That so much thereof as relates to the reimbursing a fine imposed on General Jackson at New Orleans, be referred to the Committee on the Judiciary.

Mr. PICKENS suggested to the gentleman from New York the propriety of amending his resolution, so as to move that the House go into Committee of the Whole on the President's message. A practice had grown up, which had subverted the old order of things; but he hoped the chairman of the Committee of Ways and Means would take such steps as would bring the House back to the good old Republican custom of responding to the President's message.

Mr. FILLMORE said the reason why he had not moved to go into Committee of the Whole on the state of the Union on the President's message was, because the experience of the last few years had shown that such a course was only to waste a large portion of the time of the session with a debate resulting in nothing. For two or three sessions, the President's message was referred to the Committee of the Whole on the state of the Union; and he believed at one of those sessions the message never came out of the committee, and was not referred to the standing committees for their consideration. In consequence, at the last session the message was taken up in the House, and referred to the committees. The utility of that course was felt at that time, when they were commencing a long session; but the propriety of it, he thought, was much greater now, when they were commencing a short session.

Mr. PICKENS said the experience of the House was directly against the motion of the chairman of the Committee of Ways and Means. If they agreed to a motion to go into Committee of the Whole, the object would be a general discussion, which must take place on some question; and, if it took place now, at an early period of the session, the House would be then prepared for efficient legislation. It was well known that hardly any business was ever done before the holydays; and, therefore, if the President's message were now referred to the Committee of the Whole, gentlemen could express their views in defence of, or reply to, the topics of the message; and the House would be then ready for business. This course, it must be obvious, would expedite the public business. He thought this was the more appropriate mode, and that the chairman of the Committee of Ways and Means would find its adoption the best policy.

Mr. W. C. JOHNSON said, as this was to be a short session, it would be better to refer the different portions of the message to the committees; and those members of the House who desired to make speeches upon it would have time to mature their views, and the discussion would then be interesting. If, however, there were any gentlemen that would rise on that floor and say they were anxious to go into a discussion of the message generally, he, for one, as far as his vote would go, would go against the previous question; but, if there was no gentleman anxious to go into such a discussion, he (Mr. JOHNSON) would vote for the proposition of the chairman of the Committee of Ways and Means, considering it the wisest course to pursue, especially at a short session.

Mr. CUSHING inquired if there was any, and what, disposition to be made of that part of the message respecting the proposed amendment of the laws relating to the Treasury Department.

Mr. FILLMORE said there was, and that it was proposed to refer that portion of the message to the Committee of Ways and Means.

Mr. CUSHING said he should propose that that portion of the message be referred to the Committee of the Whole on the state of the Union; and his reason was, that, by the rules of the House, the bills of the last session were continued to this; and that amongst those bills, there was one on the calendar on this very subject. His anxious wish was—he did not know how far the House would participate with him—that the House should reach this subject as soon as possible, that the country might know whether there was any prospect of a favorable disposition of it. The most expeditious and the fairest way was to take up the bill now on the calendar, at the earliest moment, and in anticipation of the ordinary bills of the session from the Committee of Ways and Means, and to associate therewith the portion of the President's message to which he had alluded; and the House could then proceed to the discussion and consideration of that question, in relation to which there was so much expectation throughout the country.

The SPEAKER put the question on the motion of the gentleman from South Carolina [Mr. PICKENS] to refer the message to the Committee of the Whole House; and it was negatived.

The Clerk again read the propositions of the chairman of the Committee of Ways and Means, which it was suggested should be acted upon separately.

When the motion for the reference of so much of the President's message as related to the Treasury Department came up in order, (the preceding proposition having been agreed to,)

Mr. CUSHING renewed his motion for a division of the resolution, so that the portion he had specified, and for the reasons he had given, might go to the Committee of the Whole.

Mr. FILLMORE said the motion of the gentleman from Massachusetts had been put upon a ground which was not tenable. He (Mr. FILLMORE) had no desire to throw any obstacles in the way, for, on the contrary, he regretted that the subject was not discussed at the last session. The bill, however, was now on the calendar as one of the orders of the day, and, therefore, it would be in order any day to move to go into committee on that bill. The reference of the message, as he proposed, would throw obstacles in the way of the gentleman from Massachusetts; for that bill was by no means the plan of the Executive Department. This part of the President's message then might be referred to the Committee of Ways and Means, and the House might still go on with the consideration of the bill.

Mr. CUSHING said, if the plan of the gentleman from New York, for the simultaneous consideration of the message and the bill by the Committee of Ways and Means and the Committee of the Whole, were agreed to, and he (Mr. CUSHING) should move to-morrow to go into committee on the bill, he should be met with the cry of "Oh! wait; for this matter is in the hands of a standing committee; wait until we get their report." The gentleman's course was an illogical one.

If they referred this subject to a standing committee, notwithstanding the bill was before the House, they must expect to get something from that committee. But, suppose he was not encountered with this objection, on moving to go into Committee of the Whole; in that committee he should be encountered with the objection that this matter was in the hands of a standing committee, and that that committee would give them a report which ought to be received and considered before this subject was disposed of; and there would thus be an impediment to the despatch of this bill. But, for a further reason, what was the precise object of the gentleman's motion? There was in Committee of the Whole a matured bill, which had been before the House and the country for nearly a year; but the gentleman from New York said that was not the identical plan of the Executive, nor the precise scheme recommended by the President's message. Now, it was immaterial whether there was more or less difference; it was a bill reported by a committee, to whom a similar recommendation was submitted; and he urged upon the House to follow out that course. The House, at the last session, referred this matter to a committee of the friends of the measure, and they deliberated and reported this bill to the House; and now, what was it the gentleman from New York proposed? Did he propose to refer it to a committee of the friends of the measure? If he were proposing to refer it to a committee of the friends of the measure, he would be performing a work of supererogation, for they had before them the ideas of such a committee. What, then, was the object of the gentleman? Was it to refer it to its enemies that it might be crushed and damned? Was that the gentleman's object? If it were, he (Mr. CUSHING) submitted that the course proposed was not a just or a fair one; it was against the rules of all fair proceedings, as laid down in the books on parliamentary law; and he therefore adhered to his original views, and to a course which

was both straightforward and equitable. He hoped the House would refer this portion of the message to the Committee of the Whole on the state of the Union, that they might proceed to its consideration with the bill now in the committee.

Mr. PICKENS was disposed to favor the motion of the gentleman from Massachusetts, [Mr. CUSHING,] as he wished to give the Administration a fair hearing before the country on this great measure, upon which they had staked themselves. He was willing that the reference should be made to the Committee of the Whole, where a full discussion might be had upon its merits. He thought it due to the President, and but an act of fairness and justice. He was opposed to its going to the Committee of Ways and Means, although he was a member of that committee; not because they were its enemies, (as the gentleman from Massachusetts had said,) for of that he knew nothing; but because he desired the friends of the President, who were here in a minority, to have ample scope for a fair appeal to the country upon a measure to which, as he understood it now, he (Mr. P.) was utterly opposed. He did not know what shape it would assume; but he could not go for the principles of a measure which looked to making Government paper, as a permanent system, for circulation.

Mr. EVERETT was very desirous that the plan of the Executive should have a fair examination. It had been referred to a committee of its friends, and they damned it; and he now wished it to be referred to the Committee of Ways and Means, and he should have no objection that they be instructed to report the bill of the Executive, that a direct vote might be taken upon it.

Mr. CHARLES J. INGERSOLL, after a few remarks, which were inaudible at the reporter's desk, observed that he wished to give this measure the direction which its friends preferred; but he first desired to know from the gentleman from Massachusetts, [Mr. CUSHING,] whether there was any difference between the bill reported by the select committee at the last session, and the plan reported by the Secretary of the Treasury, and recommended by the President; and, if so, in what the difference consisted.

Mr. CUSHING said that that was one of those questions which could not be answered by yes or no; it must be answered by a statement of facts; and, if the House would permit him, he would make such an explanation as he doubted not would be satisfactory to the gentleman.

Mr. INGERSOLL wished to know whether the plans were the same in principle.

Mr. CUSHING said that he would be glad to answer that question, if the House would permit him. No objection being made, Mr. C. went on to say, that the bill recommended by the President, and the one reported by the select committee, were substantially the same in proposing a certain plan of finance. They differed, however, in two points; and these were in regard to the proportion the bills to be issued are to bear to the specie on hand, and in regard to exchanges. The bill of the House allowed the issue only of notes, dollar for dollar of specie on hand; while the plan of the Secretary of the Treasury allowed the issue of three dollars of notes for every dollar of specie. Again: the bill of the select committee excluded all dealings in exchange, except such as might be ordered by the Secretary of the Treasury, for the purposes of the Government; while the Treasury plan proposed to authorize the dealing in exchanges.

Mr. BOTTS called Mr. C. to order, on the ground that he was going into the merits of the question.

The CHAIR decided that the gentleman from Massachusetts had been permitted, by the general consent of the House, to make an explanation in detail; and that, therefore, he had a right to go on.

Mr. CUSHING observed that he had explained what the two material differences were in the two exchequer bills; and he would only add that there were a few other differences, which were questions merely of machinery, details, &c.

Mr. C J. INGERSOLL expressed his thanks to the gentleman from Massachusetts for giving him all the explanation he desired. He would then say that he would vote for the reference to the Committee of Ways and Means of the President's project, as he was decidedly and immovably opposed to it; but he had no objection to the reference of the bill of the select committee to the Committee of the Whole House, because he believed that something might be made of it. He was opposed to it for another reason: he was opposed to any treasury plan that originated with the Executive; for he thought it high time that this House should resume the right, of which it had divested itself, of beginning such matters here.

Mr. EVERETT moved to amend the motion of the gentleman from New York, so as to commit the subject to the Committee of Ways and Means, with instructions to report a bill in strict conformity with the plan of finance presented by the Secretary of the Treasury at the last session, and recommended by the President; and also that the committee report their opinion whether said bill ought to pass.

Mr. HOLMES expressed his astonishment that, on a measure which, of all others, required the most mature deliberation—a measure which was proposed for remedying all the evils which have afflicted the country, and a measure which, if it should ever come up for discussion, would draw to it all the financial ability and the acumen of the greatest minds in the House—a proposition should be made, by way of instructions, which was to decide it at once. He was decidedly opposed to the motion, as, in principle, it violated all the established practices of the House. He wished a decision on this important subject to be made after a free and ample discussion, and not in advance, by giving instructions to a committee.

Mr. W. C. JOHNSON preferred a reference to the Committee of the Whole, for the simple reason that the bill and message should go to the same committee. If the reference should be made to the Committee of the Whole, it would be then in the power of the gentleman from Vermont to move to refer the plan of the Select Committee to the Committee of the Whole; and thus the two plans could be under discussion at the same time, and the one selected that might be found to be the most desirable.

In regard to the exchequer scheme, he thought there should be some decision on it, one way or other, before the close of the session.

Mr. CUSHING here modified his motion, so as to strike out the second resolution of Mr. FILLMORE, and insert his amendment as a substitute.

Mr. EVERETT then observed that it would then be in order for him to move to amend the original resolution before it was stricken out, and he therefore offered his amendment at this time.

Mr. WISE observed that the motion of the gentleman from Vermont struck him as a singular mode of offering an amendment. At the very moment, said Mr. W., we are for referring the matter to a committee, for the purpose of considering and reporting which plan of finance is the best, the gentleman from Vermont was for deciding it at once, by instructing the Committee of Ways and Means to take one particular plan, and no other. Instead of deliberating on this important question, the gentleman proposed that they should dispense with deliberation; and yet, forsooth, he did not propose to offer any opinion on the subject. If he wanted to make experiments on this body, why not put it at once into the receiver, as proposed by his friend from Massachusetts? The gentleman could best accomplish his objects by concurring in the motion of the gentleman from Massachusetts, and going into a discussion of the subject in Committee of the Whole. Gentlemen seemed to have waked up, all at once, to the exchequer bill. This time twelve months ago, the President recommended the exchequer plan; and it was (parliamentary law being, in that instance, observed) referred to a committee of its friends, under the vain hope that they never would be able to agree upon a report. A report, however—and an elaborate one, too—was made; and from that time to this, no further action had been had on it. We do not (said Mr. W.) ask you to adopt the plan of the select committee; but we do say that it is just as good a nucleus—just as good a foundation to build on—as any that could be proposed, unless gentlemen wished to mature a plan out of the House, instead of in the House. He cared not, personally, how this subject was disposed of; but he submitted to the House that the views presented by the gentleman from Massachusetts, urging the justice and propriety of considering in Committee of the Whole the report of the select committee of the last session, was the most conducive to the despatch of business.

Mr. EVERETT remarked that the gentleman seemed to suppose that there was danger lest the Committee of Ways and Means should form a bill out of the House. He had no apprehension of any such danger. The only plan that would be reported, would be that of the Executive. He thought that the Executive had not been fairly dealt by, and had reason to complain. Therefore he wished the plan of exchequer system of the President to be brought before the House for its action.

Mr. W. COST JOHNSON suggested that, if it was the object of the gentleman from Vermont [Mr. EVERETT] to bring the House to a test at once, he had better modify his proposition, by moving to instruct the Committee of the Whole, instead of the Committee of Ways and Means. The committee might report the bill; and if there was a majority for it, in one hour it might be passed. Yet he (Mr. J.) was not anxious to force others to a decision at once. He had not himself examined the plans and reports, except that of the Secretary of the Treasury, for which he might be inclined to give his vote, if for either.

After some conversation between Messrs. EVERETT and JOHNSON,

Mr. PICKENS inquired whether he was to understand the gentleman from Vermont as moving to instruct the committee to report the bill prepared by the select committee of last session, or that by the Secretary of the Treasury.

Mr. EVERETT said that he meant the bill of the Secretary of the Treasury.

Mr. PICKENS remarked that, if so, by voting for the instructions proposed by the gentleman from Vermont, [Mr. EVERETT,] he should be construed as having committed himself in favor of the measure. (Cries of No.) Gentlemen might think otherwise; but such he imagined would be the inference from the House journals twenty years hence.

The SPEAKER suggested that there was no instance of the Committee of the Whole having been instructed to report a particular bill. It was the custom of the Committee of the Whole to report bills which had previously come from the standing or select committees of the House.

Mr. McKENNAN rose to appeal to the gentleman from Vermont [Mr. EVERETT] to withdraw his amendment to the resolution of reference. He saw no good that could be answered by such positive instructions to the Committee of Ways and Means. That committee would have the whole subject before them, and he thought their hands should not be bound. He was in favor of giving them an opportunity to make a report.

Mr. J. G. FLOYD, after an inquiry as to the question before the House, proceeded to say that, as he understood the parliamentary rule, it was customary that propositions from the Executive shou'd be referred to committees friendly to their adoption. Indeed, this was the only practicable method of legislation. Now, this was a proposition to refer the recommendations contained in the message of the President to the Committee of Ways and Means—a committee which was well understood to be unfavorable to their adoption. He was opposed to this course; neither did he think it just to instruct the committee to report the identical measure formerly recommended by the President. The more proper course was, to refer that part of the message relating to the exchequer plan to a committee of its friends, who would give it the fairest consideration, and bring out every argument in its favor.

He would refer the House to a passage in the speech of a former distinguished member, which contained, as he conceived, the proper doctrine. This speech was made by the Hon. John Bell, at the commencement of the first session of the 26th

Congress, and was in reply to the remarks of the gentleman from South Carolina, [Mr. PICKENS,] in relation to the appointment of committees. The ground taken was, that the Executive should have proper committees to report upon its recommendations. [He here read the passage alluded to.] It had thus seemed to the distinguished member from Tennessee [Mr. Bell] that there were certain committees which came more in contact with the Executive than others; and these committees should be constituted of a majority of its friends. It was not for him to inquire how far the present incumbent of the chair had conformed to this idea of Mr. Bell, of appointing committees with a view to their co-operation with the Executive. He had only designed to cite this authority, and refer to the former practice of the House. With these views, he should vote against the proposition to refer to the Committee of Ways and Means, and in favor of that to refer to the Committee of the Whole on the state of the Union.

Mr. EVERETT rose, and withdrew his motion to refer to the Committee of Ways and Means, with instructions to report the exchequer bill prepared by the Secretary of the Treasury.

Mr. C. J. INGERSOLL here called for a division of the question of striking out the Committee of Ways and Means, as proposed by Mr. FILLMORE, and inserting the Committee of the Whole on the state of the Union, as proposed by Mr. CUSHING; so as to take the vote first on striking out, and then upon inserting.

The SPEAKER, however, subsequently decided that, according to the 48th rule of the House, a motion to *strike out and insert* was indivisible.

Mr. TILLINGHAST said he would make an explanation as to the vote he should give on the present occasion, which, he had no doubt, would apply to others as well as himself. It was true, that it was parliamentary to refer executive propositions to their friends; but this rule did not here apply. The reason of the rule was to prevent the suppression of important measures, by referring them to inimical committees. In the present case, the measure had already been referred to a committee of its friends, and a bill reported. He could not say how he should vote upon the measure—whether for or against it: that would depend upon the details which it might contain. He thought it best to submit it to as much examination as possible, both for and against it.

Mr. CUSHING inquired whether the gentleman contemplated that the House should wait until the Committee of Ways and Means had made a report before it proceeded to take action upon the subjects recommended in the message of the President.

Mr. TILLINGHAST said, No. The House might go on and discuss the measure; but might be relieved by the report, which would come in during the discussion. It was a matter of vast importance to the country, and he saw no objection to having it examined by men both in favor of, and opposed to, its adoption.

The question was then taken on Mr. CUSHING's motion to strike out "the Committee of Ways and Means," and insert "the Committee of the Whole on the state of the Union," as the committee whose duty it should be to consider the portion of the message relating to a re-organization of the Treasury Department, and the establishment of an exchequer system. The House refused to strike out and insert—yeas 100, nays 105, as follows:

YEAS—Messrs. Arrington, Atherton, Barton, Beeson, Black, Bowne, Brewster, Charles Brown, Burke, William Butler, William O. Butler, Green W. Caldwell, Patrick C. Caldwell, John Campbell, Cary, Chapman, Clifford, Clinton, Mark A. Cooper, Cushing, Daniel, Richard D. Davis, Dawson, Dean, Doan, Doig, Eastman, John C. Edwards, Egbert, Ferris, John G. Floyd, C. A. Floyd, Fornance, Gerry, Gilmer, Goggin, Patrick G. Goode, William O. Goode, Gordon, Gustine, Harris, Hastings, Hays, Hopkins, Houck, Houston, Hubard, Hudson, Hunter, Charles J. Ingersoll, W. W. Irwin, Jack, W. C. Johnson, C. Johnson, John W. Jones, Keim, Andrew Kennedy, Littlefield, Lowell, Abraham McClellan, Robert McClellan, M Kay, McKeon, Mallory, Marchand, Alfred Marshall, Mathews, Mitchell, Morris, Newhard, Parmenter, Patridge, Payne, Pickens, Plumer, Pope, Read, Rencher, Reynolds, Rigga, Rogers, Roosevelt, Sanford, Saunders, Shaw, William Smith, Snyder, Sprigg, Steenrod, Sumter, Sweney, Jacob Thompson, Van Buren, Ward, Watterson, Westbrook, Christopher H. Williams, Wise, and Wood—100.

NAYS—Messrs. Adams, Allen, Landaff W. Andrews, Sherlock J. Andrews, Arnold, Aycrigg, Babcock, Baker, Barnard, Birdseye, Blair, Boardman, Borden, Botts, Boyd, Briggs, Brockway, Bronson, Milton Brown, Jeremiah Brown, Burnell, Calhoun, William B. Campbell, Thomas J. Campbell, Caruthers, Casey, John C. Clark, Staley N. Clarke, James Cooper, Cowen, Cranston, Garrett Davis, Deberry, John Edwards, Everett, Fessenden, Fillmore, A. Lawrence Foster, Gamble, Gates, Giddings, Granger, Hall, Halsted, Henry, Howard, Hunt, Joseph R. Ingersoll, James Irvin, James, Isaac D. Jones, John P. Kennedy, Lane, Linn, McKennan, Thomas F. Marshall, Samson Mason, Mathiot, Mattocks, Maxwell, Maynard, Meriwether, Moore, Morgan, Morrow, Osborne, Owsley, Pearce, Pendleton, Powell, Ramsey, Benjamin Randall, Rayner, Ridgway, Rodney, William Russell, James M. Russell, Saltonstall, Shepperd, Slade, Truman Smith, Stanly, Stokely, Stratton, Alexander H. H. Stuart, Summers, John B. Thompson, Richard W. Thompson, Tillinghast, Tomlinson, Triplett, Trumbull, Turney, Underwood, Van Rensselaer, Wallace, Warren, Washington, Joseph L. White, Joseph L. Williams, Winthrop, Yorke, Augustus Young, and John Young—105.

The remaining resolutions of reference (except the last) were adopted *nem. con.*

Mr. W. W. IRWIN moved to refer so much of the message as relates to the remission of General Jackson's fine, to a select committee, instead of the Committee on the Judiciary, as proposed by Mr. FILLMORE's resolution.

Mr. CAVE JOHNSON proposed an amendment, instructing the committee to report a bill.

Mr. C. J. INGERSOLL suggested that a bill had already been reported at the last session, and now remained on the calendar.

Mr. IRWIN modified his motion so as to propose the reference of the subject to the Committee of the Whole House, which now had charge of the bill reported for the remission of the fine.

Mr. C. J. INGERSOLL said he should like to have the motion amended. He moved that the committee be instructed to act without delay. [Laughter.]

The question recurring on the motion to refer to the Committee of the Whole on the state of the Union—

Mr. CAVE JOHNSON called for the yeas and nays; which were taken, and resulted—yeas 97, nays 103, as follows:

YEAS—Messrs. Arrington, Atherton, Beeson, Bidlack, Black, Bowne, Boyd, Brewster, Milton Brown, Charles Brown, Burke, William O. Butler, Green W. Caldwell, Patrick C. Caldwell, John Campbell, Thomas J. Campbell, Casey, Chapman, Clifford, Clinton, Mark A. Cooper, Cross, Cushing, Daniel, R. D. Davis, Dean, Doan, Doig, Eastman, John C. Edwards, Egbert, Ferris, John G. Floyd, Charles A. Floyd, Fornance, Gerry, Gilmer, Patrick G. Goode, William O. Goode, Gordon, Gustine, Harris, Hastings, Hays, Holmes, Hopkins, Houck, Houston, Hubard, Hunter, Charles J. Ingersoll, William W. Irwin, William Cost Johnson, Cave Johnson, John W. Jones, Keim, Andrew Kennedy, Littlefield, Lowell, Abraham McClellan, McKay, McKeon, Mallory, Marchand, Alfred Marshall, Medill, Moore, Newhard, Parmenter, Patridge, Payne, Pickens, Plumer, Ramsey, Read, Reding, Rencher, Reynolds, Rhett, Rigga, Rogers, Roosevelt, Sanford, Saunders, Shaw, William Smith, Snyder, Sprigg, Steenrod, Sumter, Jacob Thompson, Turney, Ward, Watterson, Weller, Westbrook, Wise, and Wood—97.

NAYS—Messrs. Adams, Landaff W. Andrews, Sherlock J. Andrews, Arnold, Aycrigg, Babcock, Baker, Barnard, Barton, Birdseye, Blair, Boardman, Borden, Botts, Briggs, Brockway, Bronson, Jeremiah Brown, Burnell, William Butler, Calhoun, Chittenden, John C. Clark, Staley N. Clarke, James Cooper, Cowen, Cranston, Cravens, Garrett Davis, Deberry, Everett, Fessenden, Fillmore, A. Lawrence Foster, Gamble, Gates, Giddings, Goggin, Granger, Hall, Halsted, Henry, Howard, Hudson, Hunt, James Irvin, James, Isaac D. Jones, John P. Kennedy, Lane, Linn, McKennan, Thomas F. Marshall, Samson Mason, Mathiot, Mattocks, Maxwell, Maynard, Meriwether, Mitchell, Morgan, Morris, Morrow, Osborne, Owsley, Pearce, Pendleton, Pope, Powell, Benjamin Randall, Rayner, Ridgway, Rodney, Wm. Russell, J. M. Russell, Saltonstall, Shepperd, Slade, Truman Smith, Stanly, Stokely, Stratton, Alexander H. H. Stuart, John T. Stuart, Summers, Taliaferro, J. B. Thompson, Richard W. Thompson, Tillinghast, Toland, Tomlinson, Triplett, Trumbull, Underwood, Van Rensselaer, Wallace, Warren, Washington, Joseph L. White, Christopher H. Williams, Joseph L. Williams, Winthrop, Yorke, Augustus Young, and John Young—103.

So the House refused to refer to the Committee of the Whole; and Mr. FILLMORE's last resolution, referring the subject to the Committee on the Judiciary, was adopted.

Mr. READ asked leave to offer a series of resolutions, but withdrew them upon objection being made to their consideration.

Mr. W. W. IRWIN offered the following resolution:

Resolved, That so much of the President's message as relates to the continuance of the improvements of the navigation of our Western waters and the lake harbors, so far as relates to unfinished works, be referred to the Committee of Ways and Means; and so far as the same may relate to new works on the Western waters, to the Committee on Roads and Canals; and to new improvements in lake and other harbors, to the Committee on Commerce.

Mr. R. W. THOMPSON moved to strike out "Roads and Canals," and insert "a select committee."

Mr. SPRIGG offered an amendment, (the purport of which could not be definitely gathered,) and briefly explained its object.

Mr. PICKENS observed that the amendment of the gentleman from Kentucky was too complicated to be appended to the motion of the gentleman from Pennsylvania [Mr. IRWIN.] He would therefore suggest that the gentleman from Kentucky should withdraw it, or move that it be laid upon the table until it could be printed. It seemed, however, to him, (Mr. P.,) that if the gentleman wished to get the information, he had better direct his amendment as a resolution to the heads of departments, from whom the information could be obtained more expeditiously.

Mr. WISE said the amendment embraced a subject foreign to the original proposition, and therefore was not in order.

Mr. W. W. IRWIN made some observations on the propriety of referring this whole subject to the Committee on Commerce.

Mr. R. W. THOMPSON regretted to see a proposition so interesting to his State embarrassed and encumbered with such an amendment; and he predicted that the session would pass away before its object could be accomplished, if the design of its mover should prevail. There was much in the amendment about which he should like to hear all that could be said; but to append it to the motion before the House, would only create embarrassment. He, therefore, hoped the gentleman would withdraw his proposition. He (Mr. T.) then moved the reference of the subjects embraced in the original motion to a select committee, to be composed of gentlemen from the several portions of the Union immediately interested in it, that there might be obtained an expression of opinion from Western and Southwestern gentlemen.

Mr. FILLMORE explained, and justified the reference to the three enumerated standing committees.

Mr. W. W. IRWIN accordingly agreed so to modify his resolution.

Mr. SPRIGG explained.

Mr. HOLMES said, whatever diversity of opinion there might exist in that House as to the propriety or impropriety of improving the several points of the country by Federal money, there could be no difference of opinion on this point—that it was better to preserve the country before they improved it. From the President's message, they learned that there was a deficiency of ten millions of dollars in the treasury; and, therefore, it should first occupy their attention how they were to provide, and whether they could provide enough to carry on their great system. But, with this deficit in the treasury before them, gentlemen were starting their projects of improvements in the harbors and the Western waters, without once considering whether they could exist as a Union—not for want of sentiment to rally around the Union, but for want of aliment to sustain it. Considering the present position of the treasury, and the deficiency of ways and means, he moved to lay the resolution and all the amendments on the table.

The yeas and nays were called for, but not ordered; and the motion to lay on the table was negatived.

The motion of the gentleman from Indiana [Mr. THOMPSON] to refer the subject to a select committee was also negatived.

Mr. SPRIGG withdrew his amendment; and, after a few words from Mr. R. W. THOMPSON, Mr. PICKENS, and Mr. McKENNAN,

Mr. IRWIN's resolution was agreed to.

The House then adjourned.

In addition to the members already announced as present, the following appeared in their places to day:

Messrs. LANDAFF W. ANDREWS, E J. BLACK, GEORGE B. CARY, (erroneously stated to have been present on the first day of the session,) CARUTHERS, JOHN CAMPBELL, W. B CAMPBELL, I D. JONES, LANE, T. F. MARSHALL, JOHN POPE, J. T. STUART, DAVID WALLACE, JOHN YOUNG, PHILIP TRIPLETT, and A. C. DODGE, delegate.

IN SENATE.

TUESDAY, December 13, 1842.

Mr. CONRAD, of Louisiana; Mr. CHOATE, of Massachusetts; and Mr. McROBERTS, of Illinois, appeared in their seats to-day.

The PRESIDENT *pro tem.* laid before the Senate the petition of Benjamin Franklin, praying for a naval pension: referred to the Committee on Naval Affairs.

Also laid before the Senate a communication from Charles F. Mayer of Baltimore, covering a copy of the proceedings of a meeting held in that city, of the claimants for indemnity for spoliations committed by the French prior to 1800; which was referred to the Committee on Foreign Relations.

Also laid before the Senate a communication from the Navy Department, in compliance with the joint resolution of Congress of 29th May, 1830, enclosing a letter from the Commissioner of Pensions, containing a list of the names of persons who have applied for relief under the naval pension laws, and whose claims were rejected, and the reasons for rejecting the same; which was, on motion of Mr. BAYARD, ordered to be printed.

Also, laid before the Senate a communication from Alexander Vattemare, in relation to certain documents printed by order of the Chamber of Peers of France, and by them ordered to be transmitted to the Senate of the United States.

On motion of Mr. WOODBURY, referred to the Committee on the Library, and ordered to be printed.

Mr. ARCHER presented a memorial from the Board of Common Council of the city of Alexandria, praying certain amendments to their charter; which was referred to the Committee on the District of Columbia.

On motion of Mr. KERR, it was

Ordered, That the papers of Francis Cazeau be taken from the files of the Senate, and referred to the Committee on the Judiciary.

Mr. WRIGHT presented a memorial from the Chamber of Commerce of the city of New York, praying Congress to pass a law adopting the warehousing system as a part of the revenue system. Mr. W. remarked that the memorial, coming from practical merchants, no doubt contained many suggestions which might be valuable to Congress in its action upon this subject; he therefore moved that it be printed, and referred to the Committee on Finance.

Mr. HUNTINGTON hoped the Senator from New York would withdraw the motion for reference for the present. The warehousing system was a subject of great importance, and, primarily, was a subject of commercial policy, and not of finance; and should therefore, when referred, go to the Committee on Commerce. He hoped the Senator would let the matter be printed, and leave the question of reference for future consideration.

Mr. WRIGHT had no objection to the course suggested; and the question of reference was postponed until after the document shall have been printed.

BOARD OF EXCHEQUER.

Mr. TALLMADGE, agreeably to notice, and on leave, introduced a bill amendatory of the several acts establishing the Treasury Department; which was read twice, and ordered to be printed; and,

On the further motion of Mr. T., who said the bill was precisely of the same character as that introduced by him at the last session, it was postponed till Tuesday two weeks, and made the special order for that day.

THE PRESIDENT'S MESSAGE.

The President's message was then taken up, and referred as follows:

On motion by Mr. EVANS, so much as related to finance was referred to the Committee on Finance.

On motion by Mr. ARCHER, so much as related to foreign affairs to the Committee on Foreign Relations.

On motion by Mr. LINN, so much as related to improvements in the Western waters to the Committee on Roads and Canals.

On motion by Mr. HUNTINGTON, so much as related to commerce and navigation to the Committee on Commerce.

On motion by Mr. SMITH of Indiana, so much as related to the public domain to the Committee on Public Lands.

On motion by Mr. BAYARD, so much as related to naval affairs to the Committee on Naval Affairs.

On motion by Mr. CRITTENDEN, so much as related to military affairs to the Committee on Military Affairs; and

On motion by Mr. WHITE, so much as related to Indian affairs to the Committee on Indian Affairs.

Mr. BAYARD presented a petition from Commander Charles Ridgely, praying that certain allowances may be made to him in the settlement of his accounts in the Navy Department; which was referred to the Committee on Naval Affairs.

Messrs. EVANS, LINN, GRAHAM, CHOATE, FULTON, and KING, severally gave notice that they would, on to-morrow, ask leave to introduce certain bills.

Mr. CONRAD presented a memorial from Elizabeth Lawson, only child and heir of the late Gen. E. W. Ripley, praying the payment of the amount of a certain verdict obtained against the United States by her father: referred to the Committee on Claims.

Mr. TAPPAN presented a memorial from citizens of Washington county, Pennsylvania, praying the establishing of a post-route from Washington, Pennsylvania, to Steubenville, Ohio: referred to the Committee on the Post Office and Post Roads.

BILLS INTRODUCED ON LEAVE.

Mr. GRAHAM, agreeably to notice, and on leave, introduced a bill for the relief of Stalker & Hill; which was read twice, and referred to the Judiciary Committee.

Mr. PORTER, agreeably to notice, and on leave, introduced a bill relating to the offices of surveyors general of the States of Ohio, Indiana, and Michigan; which was read twice, and referred to the Committee on Public Lands.

Mr. GRAHAM, agreeably to notice, and on leave, introduced the following joint resolution; which was read, and laid over for the present, viz:

Resolved by the Senate, (the House of Representatives concurring,) That the following be added to the joint rules of the two Houses:

Whenever a claim against the United States, of any description, has been, or shall be, presented to either House, and referred to a committee, and such committee shall have made a report in writing against the allowance of the claim, and the same shall have been concurred in by such House, it shall not be in order to revive the consideration of such claim in that House, at the same or any future session of Congress, either by bill, resolution, petition, or otherwise; except upon a memorial of the claimant, first setting forth, upon affidavit, that he has discovered new evidence in support of his claim since the decision against it, and a statement of the substance of such evidence; or, second, assigning specific errors in the report of the committee adverse to it, and a certificate of a member of that House that he believes that the former decision was erroneous as charged in said memorial: *Provided*, That an order discharging a committee from the further consideration of a claim, shall in nowise require compliance with the rule.

BANKRUPT LAW.

The resolution introduced some days ago by Mr. TALLMADGE, instructing the Committee on the Judiciary to inquire into the propriety of calling on the Secretary of State to elicit from the Judiciary department, and report to Congress at its next session, all the information that might be obtained as to the operation of the bankrupt act, came up in its order; when

Mr. KING said it appeared to him that, if they were to wait for the information called for by this resolution, the whole session would probably be consumed before they could act upon the subject of the repeal of that law. A very great delay in procuring the information sought for would be inevitable; and the matter would necessarily go over to the next session of Congress. He asked if it was the design of the honorable Senator to give the matter the go-by, in this manner, until the next session? Such, in his (Mr. KING's) opinion, would be the effect of the adoption of this resolution; and he could not, therefore, vote for it in its present form.

Mr. TALLMADGE said, in presenting the resolution, he had designed it as a resolution of inquiry, for information to be laid before the Judiciary Committee at the next session. That was the original form of the resolution; but, at the suggestion of some honorable gentlemen, that the information had better be obtained as speedily as possible, he had modified it in accordance with those suggestions. He did not anticipate any such delay as the honorable Senator from Alabama seemed to apprehend. He thought it was very important that the information should be obtained. If the Senate, however, should consider it desirable to proceed without it, it would be equally in their power to do so as if the resolution had not been passed. He hoped, therefore, that there would be no objection to its adoption.

Mr. CRITTENDEN said there was one particular in the resolution which appeared to him somewhat objectionable, inasmuch as it would lead to a very voluminous report, as it required from the Secretary of State a report of all the points which have been decided by the courts under the late bankrupt act. That seemed to him to be a matter for the employment of lawyers, rather than for the consideration of the Senate. The report would be a very costly one, and a very useless one, as far as the public were concerned. He considered, nevertheless, it was important that they should possess the information called for by the resolution, whether the law were repealed at this session or not; and he would therefore vote for the resolution, indulging, at the same time, the anticipation that the law would be repealed; for he was well convinced that the public opinion was against it, especially in his own State. There had been strong indications in that State that the public opinion was against it. As for himself, he had supposed that a temporary bankrupt law was better suited to the condition of the country than a permanent system, and had consequently preferred originally a bill limited in point of duration. This bill had had a limited duration, and it had accomplished, in his opinion, the purposes of humanity. He desired to be informed what number had been relieved by it. That there had been abuses, he had no doubt, as must be the case in the operation of all human laws. This being the case, and opinion prevailing very much against the law, he should feel himself constrained to vote for its repeal. Yet he was perfectly willing to vote for this resolution, provided it were amended so as to prevent the necessity for procuring a voluminous report of the various points argued and determined under the operation of the law.

Mr. TALLMADGE said the resolution did not call for arguments of the court, or details of opinion on the various points decided; but simply the points themselves. The law officers, no doubt, would give these in the most concise form. He had inserted in the resolution the words "points decided;" and, in doing so, he meant to have excluded opinions and decisions in detail. He would not then detain the Senate in any discussion as to whether the law had fulfilled its humane objects, or as to whether public opinion was in favor of its repeal; but when the subject again came up for consideration, he would show that, wherever its practical operation was known and felt, the law did not meet with public disapprobation; so far from it, many who were opposed to its passage, having witnessed its practical operation, had come to be decidedly in favor of it.

Mr. BERRIEN suggested to the Senator from New York [Mr. TALLMADGE] the propriety of accepting the modification recommended by the Senator from Kentucky, [Mr. CRITTENDEN.] He conceived the object which his friend from New York had in view would be fully attained by the call on the judicial officers for information relative to the number and decisions of cases acted upon. Those officers cannot make the required reports without adverting to the points of decision. He (Mr B.) was desirous that the Senator from New York should accept the proposed modification of the resolution, because it would certainly simplify the inquiry, and facilitate the making of the reports. It was of great importance to obtain, as speedily as possible, the fullest information in relation to the actual operation of the law. For,

besides the advocates of that measure, and those not originally its advocates, but now desirous of its continuance, there are many who are in favor of a permanent bankrupt law, who do not approve of the present act, and are anxious to have some considerable modifications made—such as its practical operation may have suggested the necessity of. It was for the purpose of enabling such persons to present their views upon information promptly furnished, and without being subjected to the delay which would arise from the effects of the resolution in its original form, that he wished to see it modified according to the proposition of the Senator from Kentucky.

Mr. TALLMADGE said he would accept the modification suggested.

The resolution, as modified, was then read.

Mr. BERRIEN suggested a further modification, in effect requiring the Secretary of State to report to Congress, from time to time, the reports and responses to the resolution, as soon as received by him.

This modification was also accepted; and the resolution, as modified, was then read as follows, and adopted:

Resolved, That the Secretary of State do communicate, with all convenient despatch, with the judicial officers of the United States who have had the execution of the bankrupt law, and ascertain from them the number of applications under the act, both voluntary and involuntary; the number of discharges; the opinions of the judges as to any amendments or modifications of the act; and such other information as he may deem necessary to show the effects and operations of the act; and that he report the same to the Senate, from time to time, as soon as the information shall be received.

CORPS OF REPORTERS.

Mr. BAYARD submitted the following resolution, which was read, viz:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to employ a corps of reporters, not exceeding five in number, for the residue of the present session, and at the commencement of each succeeding session of Congress, to report the proceedings and substance of the debates of the Senate, who shall be sworn or affirmed faithfully to discharge the duties of their office, and shall be allowed a compensation, to be paid out of the fund for contingent expenses, not exceeding sixty dollars per week for the principal reporter, and fifty dollars per week for each of the others. The business of reporting shall be so conducted, that the entire report of the proceedings and debates of each day shall, within three hours after the adjournment, be placed in the hands of the printer. The publication of the report shall be committed to the publishers of such one of the daily papers as will engage, free from all charge, *first*, to publish the entire report in their daily paper; *secondly*, to furnish proof slips thereof to any other paper in the District of Columbia; and, *thirdly*, to furnish two copies of the report for the use of each member of the Senate, and five copies for the office of the Secretary of the Senate, by 9 o'clock on the ensuing morning.

Resolved, That a seat on the floor of the Senate shall be assigned to the reporter actually on duty, by the President of the Senate.

Mr. BAYARD said that the resolution was the same as that introduced by him at the last session. He then gave his opinions at large on the propriety of its passage, which were no doubt remembered, and which were unnecessary to be repeated. He did not wish the resolution to be referred—as the subject had been referred twice—to select committees; and the committee at the last session had fully examined into it, and a report was made approving the plan, and showing its practical operations. As the Senate was thin, he did not desire to press the resolution then. It lies over.

Mr. SMITH of Indiana submitted the following resolution, which was read and adopted, viz:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of making an appropriation of a sum sufficient to complete the Cumberland road through the States of Ohio, Indiana, and Illinois, upon the most substantial and economical plan, using gravel in lieu of broken rock, where the former material can be procured at less expense than the latter; making said appropriations payable by annual instalments to the several States, so as to insure continuous operations, and surrendering the road to them, binding them to complete and keep the same in repair, levying no more tolls than may be necessary for that purpose.

Resolved, further, That said committee be instructed to inquire into the expediency of adopting the turnpike road from Springfield, Ohio, to Dayton, and from thence, via Eaton, to the Indiana State line, as a part of the Cumberland road: *Provided*, Said turnpike road can be obtained on terms to justify the same, taking into consideration the increase of distance and probable cost of completing the old route, as compared with the sum for which the turnpike already completed may be obtained.

EXPUNGING RESOLUTION.

The resolution of Mr. BAYARD to rescind the expunging resolution, came up in order on the calendar of business.

Mr. BAYARD said he was not desirous to take up the resolution for consideration at that time, as the Senate was not full, and as the Senator from Missouri, [Mr. BENTON,] who proposed an amendment, was not in his place. He therefore preferred that it should be laid on the table for the present. The resolution was accordingly laid on the table.

On motion of Mr. FULTON, the papers of Ephraim D. Dixon were ordered to be taken from the files, and referred to the Committee on Claims.

THE BANKRUPT LAW.

The bill introduced by Mr. BENTON, for the repeal of the bankrupt law, came up in order as in committee of the whole.

Mr. GRAHAM moved that it be postponed until to-morrow, as the Senator from Missouri [Mr. BENTON] was not in his seat. The question was put, and the motion was agreed to.

Mr. G. gave notice, that when the bill again came up for consideration, he would move to amend it, by striking out all after the fifth line, and inserting the following; which was ordered to be printed, viz:

"*Provided, nevertheless*, That all petitions in bankruptcy instituted before the first day of the present session of Congress shall proceed to hearing and determination in the same manner, and under the same rules, regulations, and restrictions, as if the act aforesaid had not been repealed."

On motion by Mr. MOREHEAD,

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, December 13, 1842.

The proceedings of the House this day were opened with a prayer from the Rev. SEPTIMUS TUSTON, the chaplain of the Senate. The minutes of esterday were then read and approved.

On the motion of Mr. FILLMORE, the Committee of Ways and Means were authorized to employ a clerk.

DIGEST OF LAWS.

On the motion of Mr. J. R. INGERSOLL, the Judiciary Committee was authorized to inquire into the expediency of the Clerk of the House subscribing for a limited number of Gordon's Digest of the Laws of the United States, and of the Revenue Laws.

PRIVILEGE.

Mr. BOTTS rose, as he observed, to a question of privilege. He said he held in his hand a copy of the daily *Albany Argus* of October 25th, containing a letter written and signed by the Hon. John C. Spencer, a distinguished member of another branch of this Government, as the Secretary of War. That letter purported to have been written, first, for the purpose of furnishing a general defence of the Administration; but particularly for the justification of the somerset which he (the writer) had recently turned, and which might bring him into enviable distinction with any harlequin on the stage.

Mr. WISE. I ask if my colleague rises to a privileged question?

Mr. BOTTS. I do.

Mr. WISE. Then I ask that it may be stated; for I should like that we should all be heard on the question.

Mr. BOTTS continued. He would repeat that this letter appeared to have been written for the general purpose of defending this administration; also, for the justification of the political somerset which that Secretary had recently taken, and which might bring him into envious distinction with any harlequin.

Mr. CUSHING rose to a question of order.

The SPEAKER was understood to say that the gentleman from Virginia was not strictly in order.

Mr. WISE said if his colleague was about to comment on that letter, he would not be in order in doing so.

Mr. BOTTS continued, without regarding the interruption, and finished his sentence thus—but particularly to operate on the elections which were about to occur in the State of New York.

Mr. WISE said he would not rise to a question of order, if anything like equality in attack and defence would be entertained; but he made the point of order, that his colleague was commenting on a letter which had nothing to do with the business of this House. His colleague said he was about to comment on a letter addressed to the people at large.

Mr. BOTTS begged his colleague to have a little patience; he was about to comment on a paragraph relating to this House, and which contained a foul calumny, from which he, as a member of this House, felt bound to purge himself. It was a calumny on him, (Mr. BOTTS,) and on this House, which he meant to contradict.

Mr. WISE inquired if he was to understand that the Speaker entertained that as a question of privilege.

The SPEAKER said he knew not yet what it was; and he called upon the gentleman from Virginia [Mr. BOTTS] to make his motion, and to state its ground.

Mr. BOTTS said he found in the letter the two following paragraphs:

"I may now advert to a fact long known to me, which has been promulgated in the newspapers of the day, vouched for by at least one Whig editor, stated by a Representative in Congress from Massachusetts, in a speech lately delivered at Newburyport, upon authority, and hitherto not denied. That fact is, that previous to returning the second bank bill to Congress with his objections, in full view of the assaults to be made upon him, and with the purpose of removing all cause of agitation, as well as to secure himself against unjust imputations, the President submitted to his then cabinet, whether he should, in the message then about to be transmitted to Congress, announce a resolution to retire from public life at the expiration of the existing term, and that, against his doing so, all the members of the cabinet protested, on the ground that such an announciation would not have the effect to produce peace or quiet, but would only change the direction of faction; that no one had a right to expect such a step from him, as he had not been elected President, and no obligation existed that should interpose any barrier between him and a direct vote of the people.

That question he should leave to the members of the cabinet to answer for themselves; one of whom [Mr. GRANGER] was then on that floor. Then came the second paragraph, to which he wished to call the special attention of the House:

"In connexion, and yet in contrast with the preceding, is another fact of an extraordinary character, which, though known by many, has lately been distinctly promulgated. It is shadowed in a letter of Mr. Ewing's, in the statement by him of a proposition having been made to the President, that the majority who had passed the first bank bill would consent to postpone the second to the next session of Congress, if they could receive assurances that, in the mean time, no hostile movement would be made on the part of the President. The full meaning of this statement has now been developed by the declaration of a member of Congress, that a message was carried from the Whig leaders in Congress to the President, to the effect that if he would engage not to disturb any members of his then cabinet in the enjoyment of their offices, the second bank bill should be postponed.

"The answer to such a proposition may be easily conceived. The effect of that proposition was to prove the identity of the members of the cabinet, whose places were deemed in jeopardy, with the hostile members of Congress; and, if the design was to precipitate matters, it was most effectual.

"You will require no aid to determine which of the actors in these scenes exhibited a lofty, disinterested patriotism, and which evinced any tenacity for place or desire for power. These facts are full of instruction, and furnish a key to many mysterious transactions."

Mr. WISE again rose to order. The paragraphs read by his colleague did not involve a question of privilege for that House; and he submitted that question for the consideration of the Speaker.

The SPEAKER inquired if the gentleman from Virginia wished to submit a resolution?

Mr. BOTTS replied that he intended to submit a proposition to the House on this question. Here was a publication emanating from a high——

Mr. WISE. I call my colleague to order.

The SPEAKER made some observation, which was not distinctly heard.

Mr. BOTTS inquired whether the Speaker decided that the publication which he had read—namely, a letter from the Secretary of War, impugning the motives of that House—he had no right to discuss.

The SPEAKER. The Chair has made no decision. Does the gentleman submit a proposition?

Mr. BOTTS. I submit a proposition for a committee of inquiry. The Chair is exceedingly rigid; but I will comply with its exactions.

Mr. WISE. I wish it to be understood that I object to entertaining this subject.

Mr. W. W. IRWIN. I object to the reception of the resolution. [Laughter.]

Mr. BOTTS submitted the following resolution:

Resolved, That a committee of be appointed to inquire into the truth of the charge entertained in the letter of the Hon. John C. Spencer, dated the 26th October, addressed to

Lewis K. Faulkner and others, *versus* the Whig party, of having submitted a proposition to the President of the United States, at the extra session of Congress, to postpone the consideration of a great national measure, intimately connected with the best interests of the country, on condition of a pledge from him that he would not disturb the then members of his cabinet in office.

Mr. WISE. I rise to this written point of order, which I send to the Chair.

Mr. BOTTS. You had better take the thing slowly and deliberately.

The SPEAKER stated that this subject was proposed as a question of privilege. Now, there was a great difference between a question of privilege and a privileged question; and it was the duty of the Chair to decide all such questions.

A question of privilege was one which involved the character and the rights of members of the House; and the Chair would inform the gentleman from Virginia [Mr. WISE] that his question of order did not reach the point. It was for the House to determine whether it should be entertained; and if no gentleman made a motion for that purpose, it was the duty of the Speaker to test the sense of the House. He should therefore propound the question, "Shall the resolution be considered?" Because, for the Chair to decide in such a case, would be a usurpation on its part. What the Chair might deem a breach of privilege, the House might not deem so, and *vice versa;* and therefore he should propound the question which he had stated; to do which, he had the authority of the 5th rule, which said:

"When any motion or proposition is made, the question, "Will the House now consider it?" shall not be put unless it is demanded by some member, *or is deemed necessary by the Speaker.*"

Mr. WISE said he had made two points of order, and he asked the Clerk to read both.

Mr. CAVE JOHNSON. Mr. Clerk, read both the original resolution and the points of order.

The Clerk then read Mr. BOTTS's resolution, as given above, and also Mr. WISE's points of order, as follows:

"Mr. WISE submits that it is not in order to entertain the proposition of Mr. BOTTS, without a vote of two-thirds of the House, unless it be a privileged question; and he submits that the paragraphs read by Mr. BOTTS from a letter purporting to be written by John C. Spencer, Secretary of War, do not involve any question of the privileges of this House."

Mr. WISE. I desire to say a word on that point of order.

The SPEAKER. The question is, Will the House entertain the proposition?

Mr. WISE. There is a rule of the House, if the Speaker will permit me to remark, that requires that no proposition——

Mr. BOTTS again called Mr. W. to order, and insisted that he had no right to raise a point of order.

The SPEAKER replied, that the gentleman from Virginia on his right had risen to a point of order, and he was waiting to hear it stated.

Mr. WISE. I am about stating my point of order; and am sure that, when the Speaker understands it, there will be no difficulty between us.

Mr. BOTTS again rose and claimed the floor.

The SPEAKER said that he had heard the gentleman from Virginia on his left, [Mr. BOTTS,] and, in courtesy, wished to hear the point of order of his colleague. He considered both gentlemen out of order, though he was willing very calmly to hear both of them—one at a time.

Mr. WISE proceeded to explain his point of order. The resolution of his colleague was nothing but new matter before the House, which was excluded by other business, having precedence over it, and which, if no objection had been made, could have been entertained by general consent. But, objection was made; and, therefore, it required a vote of two-thirds to entertain it. On that rule, Mr. W. said, he relied. His colleague must move to suspend the rules, and get a vote of two-thirds, unless he could show that it is a privileged question. Then, did it appear, on the face of the proposition, that it was a privileged question? No. It was simply a proposition to raise a committee of inquiry. Suppose he were to offer a resolution to raise a committee to inquire into the affairs of the Post Office, the War or the Navy Departments: would he not require the consent of every member around him? and if there was a single objection, must he not move for, and obtain, a suspension of the rules, before he could get in his resolution? If, however, he should rise in his place, and state that it was a privileged question, and the Speaker should decide it to be such, then it would have precedence over all other business. Now, he submitted that this was a resolution of mere ordinary inquiry, and, being objected to, required a suspension of the rules before it could be received. If his colleague made it a question of privilege, the Speaker was bound to decide whether it was such or not; and the only mode of getting the sense of the House on that point was, by appealing from his decision. This distinction of the Speaker, between a question of privilege and a privileged question, was a distinction without a difference. It was like the difference between "Jemmy, come out," and "Come out, Jemmy." In regard to the paragraph of which his colleague complained, he would say to him that there was not that sanctity thrown around the majesty of that House, that the Secretary of War could not say all that was said in that letter—and more too—without being guilty of contempt of the House. If official legislative corruption had been charged by the Secretary, then the resolution was a privileged question, and would have precedence over all other business until every stain was wiped out. But the resolution stated that the letter of the Secretary merely charged a party in the House of Representatives. And when did a party ever get the privileges of the House? This was the first time that it ever was made a privileged question—that a party was arraigned. Mr. W. said, he submitted to the Speaker, as the officer of order of the House, whether it could, by any construction, be considered a privileged question, that the Secretary of War, or anybody else, had impugned a party in this country. If his colleague would undertake to say that the Secretary of War had charged the House with malfeasance in legislation, he would agree that it was a question of privilege. He asked the Clerk to read the resolution.

[The resolution was accordingly read, when Mr. W. continued.]

His points of order were these: First, that the business of Congress, the business of the country, and the business of the people, important and vital, had precedence over the business of the Whig party. That was his first point; and before the Whig party could get in a resolution to inquire about the slanders or truths contained in the Secretary's letter, they must have a vote of two-thirds. His second point was, that his colleague could not torture that paragraph—in which an accusation was made against the Whig party, not against Congress—into a question of privilege. His colleague could not make out of this a question of privilege, so as to give it a priority over the business of the people. He was not forced (Mr. W. said) to ask the House whether it would entertain this proposition or not. The Speaker himself must decide it, or must oblige his colleague to make a motion to suspend the rules.

Mr. BOTTS observed that he was not disposed to interrupt his colleague while he was stating his points of order; but he would now say that this was the first time since he had been a member of the House that he had ever known a gentleman to get up and discuss a decision of the Chair without taking an appeal. His colleague commenced with the declaration, that they were not such magnates of the land as to be authorized to inquire into *scandalum magnatum,* coming from any quarter. Now, he did not know how high his colleague rated his privileges as a member of the House, but he (Mr. B.) was disposed to give him higher claims—claims which he made for himself and for every member of the House. He (Mr. B.) was that magnate of the land that claimed the privilege of inquiring into *scandalum magnatum,* when made against the members of the House. His colleague objected to the resolution, because it stated that a party, only, was arraigned in the Secretary's letter; but had not his colleague ascertained what party constituted the majority in that House? Was not an accusation against the Whig party, an accusation against the majority of the House—that party constituting the majority? [General laughter.] His colleague said that a charge of corruption against a single member of the House would be a question of privilege; but a charge made by a distinguished officer of one branch of the Government, of corruption against a majority of another branch of the Government—there, forsooth, was *scandalum magnatum;* but, not being directed against a single individual, was not a proper subject of inquiry. He had understood that in the case of the lamented Mr. Cilley—whose name he never heard without regret—a communication having appeared in the Courier and Enquirer, of New York, charging corruption against a single member, his colleague offered a resolution raising a select committee to inquire into the subject.

Mr. WISE begged leave to correct his colleague. The case his colleague alluded to had nothing to do with that of Mr. Cilley. A resolution of inquiry was offered, as stated; but it having been ascertained that the accusation was made against a member of the Senate, [Mr. Ruggles,] a committee of inquiry was raised in that body, the subject fully inquired into, and the member honorably acquitted.

Mr. BOTTS. This was a case of a single paragraph in one of the newspapers of the day.

Mr. WISE. No, sir. It was a charge made by a letter-writer, who was well known in the House, and throughout the country, [Matthew L. Davis,] in which he alleged that it could be proved that a member of Congress had taken a money bribe from a patentee of mail-bag locks, for some service rendered him. It was not a party charge, and had nothing to do with the case of Mr. Cilley. As soon as he (Mr. W.) saw that paragraph—not a common newspaper item, but contained in one of the letters of the Spy in Washington, who was well known as a responsible individual—he rose and offered a resolution, setting forth that a charge had been made against a member of Congress, and proposing that a committee should be raised to inquire into it. He would further say, in order to put his colleague in possession of all the facts, that the individual himself [Matthew L. Davis] told him (Mr. W.) that he could prove the charge he had made.

Mr. BOTTS understood, then, that it was not a newspaper paragraph, but a letter written by a respectable and responsible individual, and it was therefore entitled to respectful consideration; but, in this case, the letter was written by the Secretary of War, a member of Mr. Tyler's cabinet, and therefore was not entitled to respect.

Mr. WISE was sure that his colleague would not, in candor, say that such was his understanding of his remarks.

Mr. BOTTS would not say that his colleague meant to convey such an impression; but he must, in candor, say that such was a fair deduction from what he said.

Mr. WISE asked his colleague, in courtesy, to allow him to explain himself so as to be understood. His colleague had stated that his (Mr. W.'s) proceeding was founded on a newspaper paragraph. This he denied, and explained that it was founded on an accusation made by a known and responsible individual against a member of Congress. From nothing that he had said, could a fair deduction be made that the Secretary of War was not a respectable and responsible character. The distinction which his colleague and everybody else must have understood him to draw between the letter of the Secretary of War and the accusation of Matthew L. Davis, was this: The Secretary in his letter did not accuse anybody of crime, but it was a mere political accusation of corruption against one of the parties of the day; while the charge of Mr. Davis was of crime against a particular individual. Mr. W. said he had himself made accusations of corruption against a party, and had heard the same accusations made against the party with which he acted; but he never dreamed of such accusations being made the subject of inquiry in the House.

Mr. BOTTS again rose and remarked, that, as one good turn deserved another, he would appeal

to the courtesy of his colleague not to interrupt him.

Mr. WISE. I shall not interrupt my colleague, unless he egregiously misrepresents or misquotes me.

Mr. BOTTS. I hope my colleague does not intend to charge me with a design to misrepresent him.

Mr. WISE observed, that he could not enter into what were the designs of his colleague; but he could say that his colleague could not more effectually misrepresent him than by proceeding as he had.

Mr. BOTTS resumed. His colleague had contended that, in the former instance, when he [Mr. WISE] moved the resolution of inquiry, the charge against a member of Congress was preferred by a responsible individual, [Matthew L. Davis,] known as the "Spy in Washington." Now, if a charge adduced by such a man—a respectable letter-writer—was competent to cause Congress to order a committee of investigation, the case was much stronger, and the reason for a committee of investigation greater, when a grave charge was made by the Secretary of War. If it was true that the Whig party was willing to postpone the consideration of great national questions, only to secure certain individuals in office, they would indeed be subjected to a grievous charge. He (Mr. B.) would not accuse the Secretary of War of fabricating the charge; yet he had endorsed it, and it was but right that the names of those who had made the charge, or given information to the Secretary, should be surrendered. Was there a Whig here, who knew any foundation for such an accusation? If there was, he demanded that such should stand up and speak. He pronounced it a foul and atrocious calumny on the Whig party, put forth on the eve of an election, and calculated to operate to the prejudice of that party. He (Mr. B.) did not claim to be a leader of the Whig party; yet he was on terms of intimacy, and closely connected in his personal and political relations with—

Here Mr. CUSHING called to order, and suggested that the remarks of the gentleman from Virginia [Mr. BOTTS] did not relate to the question of order pending before the House, but treated of things which would have to be considered after the House shall have ordered the inquiry asked for by the gentleman.

Mr. BOTTS said that the gentleman from Massachusetts had not raised any objection to the remarks of his colleague [Mr. WISE] as being out of order.

The CHAIR said that he had indulged both of the gentlemen from Virginia out of order.

Mr. WISE. I ask the Speaker never to indulge me out of order. I was not conscious of being out of order. I ask for no indulgences. I never get any.

After a brief, but inaudible explanation from the SPEAKER—

Mr. BOTTS resumed. He was going on to say, when interrupted, that, though not a leader of the Whig party, yet such were his intimate personal and political associations with the members of that party, that he did not believe it could have been possible for such a proposition as that charged by the Secretary of War to have been made to the President, without his having heard something of it. The letter of the Secretary of War was more adroitly written, more ingenious, and better calculated to produce an impression against the Whig party, than anything he had ever seen. He maintained that the House should inquire into the truth of the charge which it made. If true, let the Secretary of War stand exonerated; let those who informed him stand exonerated, and the burden of the accusation be thrown upon such members of the House as might have furnished the information. If, however, the charge was false—if the Secretary had no authority for making it, let the falsehood be branded on the forehead of the fabricator. This would be the consequence: it was for this purpose that he desired investigation. Would the members of the late cabinet have consented to retain their places upon such terms as those stated by the Secretary of War? He (Mr. B.) knew of but one who would have consented to such conditions, and the Whig party did not hold themselves responsible for him. They had no sympathy for him in the course he was pursuing.

Here some conversation ensued between the SPEAKER, Mr. WISE, and Mr. BOTTS. The latter had resumed his remarks, and was discussing the objects of the Whig party at the extra session, when he was called to order for irrelevancy. He then concluded by submitting his resolution to the consideration of the House.

The SPEAKER, after remarking upon the sudden manner in which this point of order had sprung up for decision, and repeating his averment that there was a difference between "a question of privilege" and "a privileged question," remarked that he could find no instance on record where the Chair had entertained of himself, and settled, what was a question of privilege; on the contrary, he found numerous instances where the House had settled it. The question must come up, "Shall the resolution be received as a question of privilege?" If no member called for the question, it would be the duty of the Chair to submit it.

Mr. WISE inquired whether it would require a majority, or two-thirds, to receive the resolution as a question of privilege?

The SPEAKER answered, A majority.

Mr. WM. COST JOHNSON moved to lay the whole subject on the table; but withdrew his motion at the request of

Mr. GRANGER, who expressed a desire to speak.

Amid many cries of "hear him," much confusion, and an objection on the part of Mr. BOWNE,

The SPEAKER decided that the gentleman could only proceed by general consent.

Mr. WISE inquired whether an opportunity would be afforded him of replying to the gentleman from New York, [Mr. GRANGER.] [Cries of Yes.]

Mr. BOWNE then withdrew his objection; after which,

The SPEAKER said the gentleman from New York [Mr. GRANGER] might proceed by universal consent.

Mr. WISE wished it to be understood that he united in this universal consent only on condition that an opportunity should be afforded him to reply. Without this, he should positively object to the gentleman's proceeding.

Mr. GRANGER. Considering the peculiar relation of the gentleman [Mr. WISE] to the President, I take my seat under objection from that quarter.

Mr. WISE made some remarks not heard above the noise prevailing, but understood to be an expression of his willingness that the gentleman from New York should proceed, provided his remarks did not call for a reply.

Mr. W. W. IRWIN rose and objected; at which stage of the proceedings,

Mr. FESSENDEN moved to lay the whole subject on the table.

This motion was rejected—yeas 86, nays 99, as follows:

YEAS—Messrs. Sherlock J. Andrews, Arrington, Atherton, Beeson, Black, Boyd, Brewster, Briggs, Aaron V. Brown, Chas. Brown, Burke, William Butler, Green W. Caldwell, John Campbell, Cary, Casey, Chapman, Clifford, Clinton, Mark A. Cooper, Cowen, Cross, Daniel, Dawson, Dean, Doan, Eastman, Ferris, Fessenden, John G. Floyd, Charles A. Floyd, Gerry, Giddings, Gilmer, Patrick G. Goode, Gustine, Hastings, Hays, Hopkins, Houck, Houston, Hubard, Hunter, William W. Irwin, Jack, William Cost Johnson, Cave Johnson, I. D. Jones, Keim, Littlefield, Lowell, Abraham McClellan, McKay, Mallory, Marchand, Alfred Marshall, Samson Mason, Mathews, Maxwell, Medill, Meriwether, Miller, Mitchell, Moore, Morris, Newhard, Parmenter, Partridge, Pickens, Plumer, Read, Reynolds, Riggs, Rogers, Saunders, Shaw, William Smith, Snyder, Steenrod, Stokely, Stratton, Sumter, Jacob Thompson, Warren, Watterson, Westbrook, Christopher H. Williams, and Winthrop—86.

NAYS—Messrs. Adams, Landaff W. Andrews, Arnold, Babcock, Baker, Barnard, Barton, Bidlack, Birdseye, Blair, Boardman, Borden, Botts, Bowne, Jeremiah Brown, Burnell, Patrick C. Caldwell, Thomas J. Campbell, Caruthers, Chittenden, John C. Clark, Staley N. Clarke, James Cooper, Cranston, Cravens, Cushing, Garrett Davis, Richard D. Davis, Deberry, John Edwards, Egbert, Everett, Fillmore, A. Lawrence Foster, Gamble, Gates, Goggin, William O. Goode, Gordon, Halsted, Harris, Henry, Holmes, Howard, Charles J. Ingersoll, Joseph R. Ingersoll, James Irvin, James, John P. Kennedy, Andrew Kennedy, Lane, Linn, Robert McClellan, McKennan, Thomas F. Marshall, Mathiot, Mattocks, Maynard, Morgan, Morrow, Osborne, Owsley, Payne, Pendleton, Powell, Ramsey, Reding, Ridgway, Rodney, Roosevelt, William Russell, James M. Russell, Sanford, Shepperd, Slade, Truman Smith, Stanly, Stratton, Alexander H. H. Stuart, Summers, Taliaferro, John B. Thompson, Richard W. Thompson, Toland, Triplett, Trumbull, Turney, Underwood, Van Buren, Van Rensselaer, Wallace, Ward, Washington, Weller, Joseph L. White, Joseph L. Williams, Wise, Wood, Augustus Young, and John Young—99.

Mr. BOTTS now submitted a modification of his proposition, by striking out the words "the Whig party" in the original resolution, and inserting "the members of Congress." [Laughter.]

Mr. WISE remarked that his colleague's resolution purported to be partly an extract from the letter of Mr. Spencer, in which the words "the Whig party" were used, and not "the members of Congress." He therefore called for the reading of the portion of the letter referred to, and also the resolution offered by his colleague.

They were read accordingly.

Mr. PICKENS desired to know if the Speaker presented the question of reception as involving a privileged question? For if the Chair put it to the House to decide whether the resolution of the gentleman from Virginia [Mr. BOTTS] involved a privileged question, it then became a grave question of the deepest interest, in which the rights and honor of the House were concerned, and a decision should be made that could stand the test of time. He agreed with the Chair, that it was for the House, and not for the Speaker, to decide as to its privileges. He (Mr. P.) did not wish to interfere in this controversy at all; but whether it involved the privileges of the House or not, was a question above all party interests.

The SPEAKER gave an affirmative answer.

Mr. BIDLACK made a few remarks, not distinctly heard.

Mr. WISE asked to be excused from voting. He was placed in a dilemma, by the form in which the question would be put to the House. Were the question as to whether the resolution of his colleague was a question of privilege, put separately from the question of reception, he should vote with pleasure. As it was, if he voted ay, he should be voting that the resolution was a question of privilege, which he did not think; yet, he was anxious to receive the resolution, although not as a privileged question. With these remarks, he withdrew his request to be excused from voting.

Mr. C. J. INGERSOLL inquired what would be the effect of the reception of this resolution as a question of privilege? Would it come up for the immediate consideration of the House?

The SPEAKER said Yes; and that it would override all other business.

The question was then taken, Shall the resolution be received as a question of privilege? and decided in the negative—yeas 85, nays 106, as follows:

YEAS—Messrs. Adams, Landaff W. Andrews, Arnold, Aycrigg, Babcock, Barnard, Birdseye, Blair, Borden, Botts, J. Brown, Wm. Butler, Wm. B. Campbell, Thos. J. Campbell, Caruthers, Chittenden, John C. Clark, Staley N. Clarke, James Cooper, Cranston, Cravens, Garrett Davis, Deberry, John Edwards, Everett, Fillmore, A. Lawrence Foster, Gamble, Goggin, Halsted, Henry, Howard, Hudson, Charles J. Ingersoll, Joseph R. Ingersoll, James Irvin, James, Isaac D. Jones, John P. Kennedy, Lane, Linn, McKennan, Thomas F. Marshall, Samson Mason, Mathiot, Mattocks, Maynard, Meriwether, Moore, Morgan, Morrow, Osborne, Owsley, Pearce, Pendleton, Powell, Ramsey, Rayner, Ridgway, Rodney, William Russell, James M. Russell, Shepperd, Slade, Truman Smith, Stanly, Stokely, Stratton, Alexander H. H. Stuart, Summers, Taliaferro, John B. Thompson, Richard W. Thompson, Tillinghast, Toland, Tomlinson, Triplett, Trumbull, Turney, Van Rensselaer, Wallace, Warren, Washington, Joseph L. White, Augustus Young, and John Young—85.

NAYS—Messrs. Allen, Sherlock J. Andrews, Arrington, Atherton, Baker, Beeson, Bidlack, Black, Bowne, Boyd, Brewster, Briggs, Bronson, Aaron V. Brown, Charles Brown, Burke, Burnell, William O. Butler, Green W. Caldwell, Patrick C. Caldwell, John Campbell, Cary, Casey, Chapman, Clifford, Clinton, Mark A. Cooper, Cowen, Cushing, Daniel, Richard D. Davis, Dawson, Dean, Doan, Eastman, Ferris, Fessenden, Charles A. Floyd, Gates, Gerry, Giddings, Gilmer, Patrick G. Goode, Gordon, Gustine, Harris, Hastings, Hays, Hopkins, Houck, Houston, Hubard, Hunter, William W. Irwin, Jack, William Cost Johnson, Cave Johnson, John W. Jones, Keim, Andrew Kennedy, Littlefield, Lowell, Abraham McClellan, Robert McClellan, McKay, McKeon, Mallory, Marchand, Alfred Marshall, Mathews, Maxwell, Medill, Miller, Mitchell, Morris, Newhard, Parmenter, Patridge, Payne, Pickens, Plumer, Read, Reding, Reynolds, Riggs, Rogers, Roosevelt, Sanford, Saunders, Shaw, William Smith, Snyder, Steenrod, Sumter, Jacob Thompson, Underwood, Van Buren, Ward, Weller, Westbrook, Christopher H. Williams, Joseph L. Williams, Winthrop, Wise, and Wood—106.

Mr. BOTTS thereupon remarked, that the Whig party in Congress stood purged and acquitted of the charges brought against them by the honorable Secretary. He had shown that he did not shrink

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Continued from No. 3.

from an investigation into their truth or falsehood.

REPEAL OF THE BANKRUPT LAW.

Mr. EVERETT asked leave, pursuant to notice, to introduce a bill to repeal the bankrupt law; and he wished it to be put on its second reading, and printed. [Objections were made from all parts of the House.] He would move, then, the suspension of the rules, that it might be received.

Mr. HOPKINS called for the yeas and nays on the motion to suspend; and they were ordered, and, being taken, resulted—yeas 137, nays 63, as follows:

YEAS—Messrs. Adams, Landaff W. Andrews, Arrington, Atherton, Barton, Beeson, Bidlack, Birdseye, Boardman, Botts, Bowne, Boyd, Brewster, Brockway, Bronson, Aaron V. Brown, Charles Brown, Jeremiah Brown, Burke, William Butler, William O. Butler, Green W. Caldwell, Patrick C. Caldwell, Calhoun, William B. Campbell, Thomas J. Campbell, Caruthers, Casey, Chapman, Clifford, Clinton, Mark A. Cooper, Cowen, Cravens, Cross, Daniel, Garrett Davis, Richard D. Davis, Dean, Deberry, Doan, Eastman, John C. Edwards, Egbert, Everett, Ferris, John G. Floyd, Charles A. Floyd, Fornance, A. Lawrence Foster, Gamble, Gerry, Gilmer, Goggin, William O Goode, Gordon, Gustine, Hastings, Hays, Holmes, Hopkins, Houck, Houston, Hubard, Hunter, Charles J. Ingersoll, Jack, Cave Johnson, John W. Jones, Keim, Andrew Kennedy, Linn, Littlefield, Lowell, Abraham McClellan, Robert McClellan, McKay, McKennan, McKeon, Mallory, Marchand, Alfred Marshall, Thomas F. Marshall, Mathews, Mattocks, Medill, Miller, Mitchell, Morris, Newhard, Parmenter, Partridge, Payne, Pickens, Plumer, Ramsey, Read, Reding, Reynolds, Rigg, Rogers, Sanford, Saunders, Shaw, Shepperd, Slade, Truman Smith, William Smith, Snyder, Sollers, Steenrod, Stokely, Alexander H. H. Stuart, Summers, Sumter, Taliaferro, John B. Thompson, Richard W. Thompson, Jacob Thompson, Tillinghast, Triplett, Trumbull, Turney, Underwood, Van Buren, Wallace, Ward, Watterson, Weller, Westbrook, Wise, Wood, and Augustus Young—137.

NAYS—Messrs. Allen, Sherlock J. Andrews, Arnold, Aycrigg, Baker, Barnard, Blair, Borden, Briggs, Chittenden, John C. Clark, S. N. Clarke, J. Cooper, Cranston, Cushing, Dawson, Fessenden, Fillmore, Gates, Giddings, Granger, Halsted, Henry, Howard, Hudson, Joseph R. Ingersoll, James Irvin, James, William Cost Johnson, Isaac D. Jones, John P. Kennedy, Lane, Mathiot, Maxwell, Maynard, Meriwether, Moore, Morgan, Morrow, Pearce, Pendleton, Powell, Benjamin Randall, Ridgway, Rodney, William Russell, James M. Russell, Stanly, Stratton, Toland, Tomlinson, Van Rensselaer, Warren, Washington, Joseph L. White, Christopher H. Williams, Joseph L. Williams, Winthrop, Yorke, and John Young—63.

The rules were therefore suspended by a majority of two-thirds.

Mr EVERETT then introduced his bill, which was read a first and second time. It was as follows:

A BILL TO REPEAL THE BANKRUPT ACT.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved on the nineteenth day of August, eighteen hundred and forty one, be, and the same hereby is repealed; *Provided*, That this act shall not affect any case or proceeding in bankruptcy commenced before the fifth day of December, eighteen hundred and forty two; or any pains, penalties, or forfeitures, incurred under such act.

Mr. EVERETT moved that the bill be printed, and that it be made the special order for Tuesday next.

After some conversation between Mr. EVERETT, Mr. BARNARD, and the SPEAKER,

Mr. BARNARD moved that the bill be committed to the Committee on the Judiciary.

Mr. EVERETT said, in his opinion, it would not be necessary to commit it.

Mr. J. R. INGERSOLL suggested that a day more distant than the one named by the gentleman from Vermont should be fixed, that gentlemen might have an opportunity to hear from their constituents, whose opinions might possibly regulate the judgment of some gentlemen. He, therefore, moved to strike out "Tuesday next," and insert "Tuesday week."

Mr. EVERETT thought the time he had fixed long enough.

Mr. PAYNE gave notice that, at the proper time, he should move to strike out the proviso.

Mr. CAVE JOHNSON said the sooner they got rid of this question the better; and, therefore, he moved to make it the special order for to-morrow.

Mr. BARNARD hoped, when it was printed, the House would consent to act with that deliberation in this case which marked their proceedings in others; and that they would consent to commit this bill to a standing committee.

The question was then taken on the motion of Mr. J. R. INGERSOLL, to postpone the bill to this day two weeks; which was lost—only 52 voting in the affirmative.

The motion of Mr. CAVE JOHNSON, to postpone until to morrow, was also lost; the vote being 78 in the affirmative, and 85 in the negative.

The question then recurred on the motion of the gentleman from Vermont [Mr. EVERETT] to print and postpone until Tuesday next; which was agreed to.

TAMPERING WITH THE EXECUTIVE.

Mr. UNDERWOOD said he had voted against the resolution of the gentleman from Virginia [Mr. BOTTS] as a question of privilege; but he was anxious to ascertain the fact, if any gentleman had been tampering with the Executive. If such were the fact, he wished those gentlemen to be exposed to the public indignation; and, therefore, he desired to offer a resolution which he had prepared.

Mr. FILLMORE hoped the gentleman from Kentucky would give way, so that some Executive communications now on the Speaker's table might be received, and ordered to be printed.

Mr. UNDERWOOD said it would occupy but a moment to dispose of his resolution, and the Executive communications could be received immediately after.

Objections were made to the reception of the resolution of the gentleman from Kentucky.

Mr. UNDERWOOD moved a suspension of the rules for the reception of his resolution.

Mr. CUSHING called for the yeas and nays; which being ordered, resulted as follows—yeas 109, nays 78; which being less than a majority of two-thirds, the motion to suspend the rules did not prevail.

YEAS—Messrs. Adams, Landaff W. Andrews, Arnold, Arrington, Aycrigg, Babcock, Barnard, Barton, Bidlack, Birdseye, Blair, Boardman, Borden, Botts, Jeremiah Brown, William Butler, Calhoun, William B. Campbell, Thomas J. Campbell, Caruthers, John C. Clark, Staley N. Clarke, J. Cooper, Mark A. Cooper, Cranston, Cravens, Cushing, Garrett Davis, Deberry, John Edwards, Everett, Fillmore, A. Lawrence Foster, Gamble, Goggin, Gordon, Halsted, Henry, Holmes, C. J. Ingersoll, J. R. Ingersoll, James Irvin, James, Isaac D. Jones, John P. Kennedy, Andrew Kennedy, Lane, Linn, Littlefield, Lowell, Robert McClellan, McKennan, Mallory, Thomas F. Marshall, Samson Mason, Mathiot, Mattocks, Meriwether, Morgan, Morrow, Osborne, Owsley, Payne, Pearce, Pendleton, Powell, Ramsey, Benjamin Randall, Rayner, Reding, Ridgway, Rodney, William Russell, James M. Russell, Saltonstall, Shepperd, Slade, Truman Smith, Sollers, Stanly, Stokely, Stratton, Alexander H. H. Stuart, Summers, Taliaferro, John B. Thompson, Richard W. Thompson, Jacob Thompson, Tillinghast, Toland, Tomlinson, Triplett, Trumbull, Turney, Underwood, Van Rensselaer, Wallace, Ward, Warren, Washington, Weller, Joseph L. White, Christopher H. Williams, Joseph L. Williams, Wise, Wood, Augustus Young, and John Young—109.

NAYS—Messrs. Allen, Sherlock J. Andrews, Atherton, Baker, Beeson, Black, Bowne, Boyd, Brewster, Briggs, Aaron V. Brown, Charles Brown, Burke, Burnell, Green W. Caldwell, John Campbell, Cary, Casey, Clifford, Clinton, Cowen, Cross, Richard D. Davis, Dawson, Dean, Eastman, John C. Edwards, Ferris, Fessenden, John G. Floyd, Charles A. Floyd, Gates, Gerry, Gilmer, Patrick G. Goode, William O. Goode, Gustine, Hastings, Hays, Hopkins, Houck, Houston, Hubard, Hudson, Hunter, William W. Irwin, Jack, William Cost Johnson, Cave Johnson, Keim, Abraham McClellan, McKay, McKeon, Marchand, Alfred Marshall, Mathews, Maxwell, Medill, Mitchell, Morris, Newhard, Parmenter, Pickens, Plumer, Read, Reynolds, Rigg, Rogers, Roosevelt, Saunders, Shaw, Snyder, Steenrod, Sumter, Watterson, Westbrook, and Winthrop—78.

JOINT COMMITTEES.

Mr. BRIGGS moved a concurrence in the resolution of the Senate to appoint joint committees on enrolled bills, &c., &c.

The motion was agreed to.

EXECUTIVE COMMUNICATIONS.

Mr. FILLMORE moved that the Executive communications on the Speaker's table be read; which was agreed to.

The CLERK accordingly read a variety of communications from the War and Navy Departments, and from the Treasurer of the United States, and the Commissioner of the Public Buildings; and they were appropriately referred, and ordered to be printed.

Mr. FILLMORE inquired if the estimates for the year had been received from the Treasury Department?

The SPEAKER replied, that they had not yet been placed upon his table.

CONTESTED ELECTION.

The SPEAKER announced that he had received additional testimony in the case of the contested election of the Delegate from Florida, [Mr. LEVY.]

Mr. TURNEY moved that it be laid on the table.

Mr. MORGAN moved that it be referred, together with the testimony previously received, and the report of the committee of the last session, to the Committee of Elections.

The question was taken on the motion to lay on the table, which was negatived—the vote being 52 in the affirmative, and 76 in the negative.

Mr. MORGAN then urged the motion which he had submitted.

Mr. TURNEY objected to that motion. He did not know by what authority this testimony had been taken, nor by which party; but at the extra session time was given both parties to take testimony, under the rules of the House, which prescribed how the testimony should be taken; testimony was accordingly taken, and the whole was referred to a standing committee, by whom a report was made, and the case was disposed of. But new testimony had found its way into the House—by whom or by what authority taken, no human being could tell. It was certain that it was not taken by the authority of the House. Now, he wished to know if, at this late day, the House was again to commit this subject to the Committee of Elections, when the term of the Delegate's service had nearly expired? It appeared to him to be a species of child's play; and if it were to be done, he hoped the gentlemen who voted for it would take upon themselves the trouble which the examination would require. He submitted, as a question of order, whether the report of the last session was now before the House?

The SPEAKER was understood to decide that it was not.

The House then adjourned.

IN SENATE.

WEDNESDAY, December 14, 1842.

The PRESIDENT *pro tem.* laid before the Senate a communication from the State Department, showing the returns made to that department, by collectors of the several collection districts of the United States, of the number of American seamen registered in each district during the year ending September, 1842; which, on motion of Mr. EVANS, was laid on the table, and ordered to be printed.

Mr. CHOATE presented the petition of Benjamin K. Churchill, of New Hampshire, who was engaged in the privateer service of the United States during the late war with England, praying for a pension: referred to the Committee on Naval Affairs.

Mr. SMITH of Indiana presented the petition of George Burk, praying for revolutionary bounty land: referred to the Committee on Revolutionary Claims.

On motion of Mr. BERRIEN, the petition and papers of Duncan L. Clinch were ordered to be taken from the files of the Senate, and referred to the Committee on Claims.

Mr. WRIGHT presented a memorial from Franklin W. Stilwell, relative to qualifying and appointing engineers on board the United States steamships: referred to the Committee on Naval Affairs.

On motion of Mr. KERR, leave was granted to withdraw from the files of the Senate the petition and papers of R. S. Coxe, assignee of David Beard.

BILLS INTRODUCED.

Mr. EVANS, on leave, introduced a bill for the relief of Robert B. Lewis; which was twice read, and appropriately referred.

Mr. BATES, on leave, introduced a bill for refunding to Massachusetts the balances due her for disbursements during the late war with Great Britain; which was read twice, and referred to the Committee on Military Affairs.

Mr. CLAYTON, on leave, introduced a bill to repeal the act to amend an act approved 23d August, 1842, further supplementary to the act entitled "An act to establish the judicial system of the United States;" which was read twice, and referred to the Committee on the Judiciary.

Mr. PORTER, on leave, introduced a bill to amend an act entitled "An act to establish the northern boundary line of the State of Ohio, and to provide for the admission of Michigan into the Union," approved in 1836; which was read twice, and referred to the Judiciary Committee.

Mr. KING, on leave, introduced a bill for the relief of Joseph Bryan, Harrison Young, and Benjamin Young; which was read twice, and, with the papers on the files of the Senate relating to it, referred to the Committee on Indian Affairs.

Mr. GRAHAM, on leave, introduced a bill for the relief of claimants to indemnity for certain slaves taken by the British Government from on board of the American brigs the Comet and Encomium, at Nassau and New Providence; which was read twice, and referred to the Committee on Foreign Relations.

FINE ON GENERAL JACKSON.

Mr. LINN, on leave, introduced a bill to indemnify Major General Andrew Jackson for damages sustained in discharge of his official duty; which was read twice, and

Mr. L said the bill was very short; and, taking example of the Senator from New York, [Mr. WRIGHT,] he would not move to refer it to any committee. It was fully discussed at the last session; and its provisions being simple, were, no doubt, understood on all sides. He would, therefore, move that the bill be postponed till this day week, and made the order for that day. The motion was agreed to.

Mr. L. also, on leave, introduced the following bills, viz:

A bill authorizing the relinquishment of the sixteenth sections granted for the use of schools, and the entry of other lands in lieu thereof; which was read twice, and referred to the Committee on the Public Lands.

A bill to continue in force the "Act for the final adjustment of private land claims in Missouri," approved 9th July, 1832; and the act supplemental thereto, approved 2d March, 1833; which was read twice, and referred to the Committee on Private Land Claims.

Mr. FULTON, on leave, introduced a bill to allow a drawback on foreign merchandise exported in original packages to Chihuahua and Santa Fe, in Mexico; which having been read twice,

Mr. FULTON moved to refer it to the Committee on Commerce.

Mr. WOODBURY expressed a wish that the Committee on Commerce, to which it was proposed to refer this bill, would take into consideration the propriety of enlarging its provisions, so as to include the whole frontier of the United States. He considered that the privilege of drawback on goods exported in original packages was equally, if not more, important to the Northern and Eastern sections of the country, than to that section which this bill was intended to benefit—the West.

Mr. KING, as one of the committee, had no objection to the reference; but he must say that he was adverse to the passage of any general provision allowing drawback, believing that it would lead to most mischievous consequences, and would defraud the Government of a large portion of its revenue.

Mr. HUNTINGTON said the Committee on Commerce had at the last session examined this bill, and considered it as a case *sui generis*, and one which ought to pass as a matter of strict justice to those interested in the trade, and as a matter of public policy. The committee then reported favorably to the passage of the bill without a general provision. They thought it ought not to be connected with the subject of drawbacks generally. He believed the interests of the country were very well protected in the bill as then reported from the committee, and that it ought to pass.

Mr. FULTON remarked that the bill at the last session took the very course which the Senator from New Hampshire suggested; and, on account of its being encumbered with the additional weight of a general provision, was lost. He sincerely hoped that this bill, which was intended to provide for a peculiar case, would not again be converted into a general bill. As the bill stood, it was a subject of deep interest to the West; not only so, but to the whole Union. Justice to those interested in this particular trade demanded its passage, whether a general system of drawbacks be established or not.

Mr. WOODBURY said he did not wish to embarrass the action upon this bill; but he hoped that when the committee were considering the subject, they would consider the question of extending the principles of the bill to every section of the Union. He felt bound, at the last session, from a sense of duty, to make the motion to include the whole frontier of the United States in the bill. He would try again to effect that object. It was important not only to the commerce of the country, but to a vast portion of the business passing through the Northern lakes, and on the Northern railroads, during six months in the year, when the navigation was closed. He merely threw out the suggestion to the committee, to consider the propriety of making the bill general, while they were entertaining the subject. As to the objection urged against a general bill, that frauds would grow up under it, he would only say that smuggling can be as effectually guarded against in a general bill as it was possible to do in a partial bill. He would feel compelled, in justice to the whole frontier, to move an amendment in accordance with his views when the bill came before the Senate for action.

The bill was then referred to the Committee on Commerce.

Mr. FULTON, on leave, introduced a bill in relation to a donation of land to certain persons in the State of Arkansas; and

A bill for the relief of sundry citizens of Arkansas, who lost their improvements in consequence of the treaty between the United States and the Choctaw Indians; which bills were read twice, and referred to the Committee on the Public Lands.

On motion of Mr. LINN, the petition and papers of Dr. Boyd Reilly were ordered to be taken from the files of the Senate, and referred to the Committee on Naval Affairs.

On motion of Mr. BARROW, the petition and papers of Garland & Curry were ordered to be taken from the files of the Senate, and referred to the Committee on Private Land Claims.

Messrs. BATES and FULTON gave notice that they would, on to-morrow, ask leave to introduce certain bills.

On motion of Mr. EVANS, the following resolution, introduced by Mr. BENTON on Monday last, was taken up for consideration:

Resolved, That the President of the United States be requested to inform the Senate as follows:

1. The number and estimated value of vessels which will be equired in the African squadron under the late British treaty.
2. The probable annual cost of repairing said vessels.
3. The number of men and officers which the equipment of the squadron will require.
4. The probable annual loss of men from deaths, desertion, and other casualties, on board said squadron.
5. The probable annual expenditure of said squadron, under all the heads of expenditure incident to the service.
6. Whether it is intended to make the squadron consist of more than eighty guns, and the calibre of the guns to be used.
7. The whole number of guns which it is expected to have afloat in the United States navy during the year 1843, and the estimated expense of the naval establishment for the year, including all expenses incident to keeping up the navy.

Mr. BENTON modified the resolution, by inserting the words "and other arms" after the word "guns," in the 7th clause. The resolution, as thus modified, was adopted.

Mr. CLAYTON said he found the Chair had placed him on the Committee on Printing. His health was such, that it was utterly impossible to perform the duties which would devolve on him in consequence. He therefore asked to be excused.

The question was put, and he was excused; and the Chair was authorized to appoint another member to fill the vacancy.

CORPS OF REPORTERS.

The resolution for the appointment of such a corps came up in order; but was, at the suggestion of Mr. BAYARD, who introduced it, postponed till Monday next.

CLAIMANTS.

The joint resolution of Mr. GRAHAM came up, and was read, as follows:

Resolved by the Senate, (the House of Representatives concurring,) That the following be added to the joint rules of the two Houses:

Whenever a claim against the United States, of any description, has been, or shall be, presented to either House, and referred to a committee, and such committee shall have made a report in writing against the allowance of the claim, and the same shall have been concurred in by such House, it shall not be in order to revive the consideration of such claim in that House, at the same or any future session of Congress, either by bill, resolution, petition, or otherwise, except upon a memorial of the claimant, first setting forth, upon affidavit, that he has discovered new evidence in support of his claim since the decision against it, and a statement of the substance of such evidence; or, second, assigning specific errors in the report of the committee adverse to it, and a certificate of a member of that House that he believes that the former decision was erroneous, as charged in said memorial: *Provided*, That an order discharging a committee from the further consideration of a claim, shall in nowise require compliance with the rule.

Mr. GRAHAM remarked that this resolution was fully discussed and passed the Senate at the last session, but was not acted on in the other House; and unless some Senator wished a postponement, he hoped it would be passed at once.

Mr. WOODBRIDGE said he could not vote for the resolution. He deemed the rules already passed sufficient to guard the Senate against improper applications from claimants. The effect of the rule would be to narrow down and infringe the right of petition of his constituents. He could not see that any good would grow out of it; and was, therefore, opposed to it.

Mr. KING said it appeared to him that his friend from Michigan was mistaken in his views of the proposed rule, when he asserted that it would operate as an infringement of the right of petition. He would find, on examining the proposition, that that right was scrupulously guarded. The great object of the resolution was to prevent a constant return of subjects acted upon year after year, and reported against by the committees, and rejected by the two Houses—matters which were frequently brought up from musty records, and presented to the Senate, with no new grounds by the claimants to recommend them to its consideration. This practice caused a great deal of labor, and was attended with considerable expense to the nation. This rule was to prevent the practice, and enable Congress to devote to the important business of the nation the time thus improperly taken up in reinvestigating, thrice over and over again, claims without merit or shadow of justice. The rule would be an admirable one, and would save a great deal of unnecessary labor, and a great deal of money for the Government. He knew that, year after year, these rejected claims were hunted up by interested agents, and brought forward without any new evidence or new grounds to recommend them to favorable consideration; and, when presented, they were referred to the committees, reinvestigated, at immense labor, reported against, and rejected: and still there was no end to action upon them. The claims of citizens should be fully and fairly examined, and decided upon; but, when that was done, Congress should at least be saved the trouble of going over them again and again.

Mr. LINN inquired whether the resolution required that a report in writing should be made by the committees.

Mr. GRAHAM replied in the affirmative.

Mr. LINN thought that, if the resolution was referred to a committee, and a report was made and published, giving information to the country of the rule, and the reasons for its adoption, it would prevent much abuse of members of Congress. If otherwise, great complaint in regard to members of Congress neglecting the business confided to them would be made; and they would have to write many letters defending themselves against the charge. There had been some discussion upon the subject last year; and he believed there was a resolution adopted, of the nature of this proposed rule, requiring a written report to be made in all cases of private claims, and excluding fur-

ther action on claims thus unfavorably reported upon. After the passage of such rule, he had been greatly blamed for not pressing claims reported against, without the applicant knowing of the existence of the rule of the Senate. His honorable friend from Alabama certainly stated the case very strongly, and, in the main, correctly. They had been grossly imposed upon. He thought it would be better to refer the matter to some committee; and he would therefore move that it be referred to the Committee on Claims.

Mr. GRAHAM had no objection to the reference; but supposed the notoriety of the course pursued by Congress, in relation to reiterated claims, would be given as well by the publication of the resolution, as by the publication of the report of the committee. He therefore saw no necessity for the reference desired by the Senator from Missouri. He had been induced to bring forward the subject at the last session, in consequence of the experience he had had, as a member of the committee, with regard to the pertinacity with which claims are reiterated after repeated rejections, and the expenditure of much labor in previous investigations. The committee have had to consider claims repeatedly rejected since 1815-'16, and even since 1808. There is no end to the labor of investigation, if this system is to go on.

Mr. WRIGHT said, in relation to the considerations which had been suggested for the passage of the resolution, it appeared to him that there was another, which rendered it a high and imperious duty upon Congress to adopt such a resolution. With a single word, he would refer to it. They had, during the last three or four years, heard a good deal of abuse about the delays, on the part of Congress, in acting upon private claims. They had heard it asserted that there were a thousand honest and suffering claimants before Congress whose claims were not acted on. He (Mr. W.) had no doubt that, if both Houses were to adopt such a rule, and abide by it, at least nine hundred out of the one thousand claims would disappear at once. There were claims which had been before Congress for twenty years; and, having no merit, they could not be disposed of. To rid themselves, then, of these—he would not say slanders—but these errors in the public judgment, and to show that they did not deserve these reproachful charges of neglecting private claims, it would, he thought, be proper to adopt some honest and fair rule by which, when a bad claim had been once fairly rejected, it should not again be placed upon the calendar, and continued there from day to day, as constructive evidence of improper neglect and delay on the part of Congress.

Mr. WOODBRIDGE made some further remarks against the resolution; and

The question was put on the motion of reference, and disagreed to.

The question was then put on the adoption of the resolution, and carried in the affirmative.

REPEAL OF THE BANKRUPT LAW.

The orders of the day brought up Mr. BENTON's bill for the repeal of the bankrupt act.

The CHAIR announced that it was on its second reading, and would be considered as in committee of the whole; the question pending being on the amendment submitted by the Senator from North Carolina. [Mr. GRAHAM.]

Mr. BERRIEN observed that, if the bill was still subject to such a motion, he would move to refer it to the Committee on the Judiciary.

The CHAIR stated that the motion would be in order.

Mr. BERRIEN observed that he believed it was considered expedient, in obedience to public opinion, to bring forward the repeal of the law at the commencement of this session of Congress.

The law, as it now exists, applies to cases both of voluntary and involuntary bankruptcy. It was proposed to repeal this law, on the ground that public opinion was against it; but, in his (Mr. B.'s) opinion, the public sentiment was directed rather against that portion of the law which relates to voluntary bankruptcy, than against the law itself. With a view, then, to ascertain, by examination, whether such a bill may not be presented to the consideration of the Senate as would steer clear of the objections which apply to the existing law, it seemed desirable that it should be referred to a committee for inquiry. And he was strengthened in this conviction by the fact, that among the numerous petitions which had been presented to Congress at a former session, upon the subject of the bankrupt law, by far the greater portion sought, not its repeal, but a modification of it, by excluding the provisions which relate to voluntary bankruptcy, and by modifying the terms upon which certificates of bankruptcy should be granted. It seemed to him that public opinion, so far as it had been ascertained by the representations made to Congress, was not at all adverse to the existence of a system of mercantile bankruptcy; and with a view of ascertaining whether a bill in such a form might not be substituted for the present law, he thought it was desirable that it should be referred. But it was particularly desirable in another and a general view; inasmuch as it would protect the legislation of the United States Congress from the imputation of instability, and insure that respect which ought to be entertained towards all legislation. Besides, it seemed to him improper to proceed in the consideration of the matter with such rapidity, precluding the possibility of giving it that due deliberation which it required. They should not hurry their investigation upon this subject without making those preliminary inquiries which they were in the habit of making in regard to every ordinary subject. These were the considerations which induced him to propose that the bill be referred to the Committee on the Judiciary.

Mr. BENTON objected, in the most strenuous terms, to the reference proposed by the Senator from Georgia. To refer the bill to that committee, would be tantamount to its total rejection. He would tell the Senate plainly, that, if the reference was made, he would consider the proposition to repeal the bankrupt act at once rejected. What would it be, but inviting a committee hostile to the purpose of the bill to go into the question of a universal bankrupt system, or exercise its ingenuity to build up a system like that of the British bankrupt system? and that is not a work that can be performed this session, if it ever can be performed successfully. The committee was under the delusion of the false doctrine which induced the original measure: that delusion was, that insolvency and bankruptcy are one and the same thing. This fallacy has ever been maintained by the Judiciary in the application of the laws, which cannot be administered without gross error. A question cannot arise between two neighbors about a dozen of eggs, without being liable to be taken from the custody of the laws of the States and brought up to the Federal courts. And now, when this doctrine that insolvency and bankruptcy are the same, if a continuance of the law is to be contrived, it must be done in conformity with such a fallacy. The law has proved to be nothing but a great insolvent law, for the abolition of debts, for the benefit of debtors; and would it be maintained that a permanent system ought to be built up on such a foundation as that? No, he could tell the Senate they could not go into any such work. He should resist the motion for these reasons. He resisted it, also, because it was contrary to all parliamentary usage to send a bill to a committee hostile to its principle. To send it to such a committee is to send it where it is foredoomed. There was no occasion for such a course; the law has met the universal condemnation of the country. The present bill was a bill for its repeal, with provisions for bringing the remaining cases within constitutional limits. With this view he had taken the 36th section of the old bankrupt act of 1800, which required the consent of two-thirds of the creditors to the extinction of the bankrupt's debts. The whole of the creditors are treated as a partnership for the purpose of saving their debts—all having an interest, but giving a large majority a decisive voice in the adjustment. The old bankrupt act was in reality a bankrupt system, and respected the insolvent laws of the States. But the present law undertakes to expunge the insolvent laws of the States. The old law was confined to traders; but this extends to every one who wants to get rid of his debts. The old law of 1800 not only respected the insolvent laws of the States, but the lien laws of the States; this presumes to abrogate both. In the provisions of this repeal bill, the necessary clauses of the old law are to be incorporated, in relation to the remaining cases of bankruptcy. This must be done to bring them within the pale of the Constitution. One good effect will be, that, although we may not tell the judges they have been guilty of gross error, we can show them that they have acted unconstitutionally. In England, a bankrupt must have his certificate signed by two-thirds of his creditors, or he is treated as an uncertified bankrupt. And he would tell the Senate that here, now, every person who has been discharged under the act of last session is an uncertified bankrupt; and his claim to be discharged from liability to his debts should be disregarded in any court acting up to the Constitution. If he (Mr. B.) were judge of a court, he would treat as a nullity any certificate under the present law, brought forward as a plea against a claim of debt. He would ask for a certificate signed by two-thirds of the creditors; and if that could not be produced, he would disregard the plea altogether. He would ask, was the Senate now to elongate this iniquitous act? and if it was, for what length of time? He could tell them how long it would admit of remaining cases being continued: just as long as the assets would hold out to pay the officers of the courts and the commissioners.

Some months ago, he read in a Philadelphia paper a notice to creditors to come forward for a dividend of half a cent in the dollar in a case of bankruptcy pending, under the old law of 1800, since the year 1801. And, three or four days ago, he read a notice in a London paper, calling on creditors to come in for a dividend of five-sixths of a penny in the pound, in a case of bankruptcy pending since the year 1793. Here has been a case where the waste of property has been going on for fifty years in England, and another case where it has been going on in this country forty-one or forty-two years. He had been himself twenty-three years in the Senate, and, during that time, various efforts were made to revive the old law of 1800 in some shape or other; but never, till last session, in the shape in which the present law passed. And how could this law be expected to stand, when even the law of 1800 (which was in reality a bankrupt law) could not stand; but was, in the first year of its operation, condemned by the whole country. With regard to the motion of the Senator from North Carolina [Mr. GRAHAM] to amend the bill, he should say that it fairly brought up the question properly at issue. It brought up the question of repeal; and, that being decided, it next presented the question of how the pending cases are to be treated. One proposition is to go on, in relation to these cases, with the bankrupt law as if not repealed; the other is, to make these remaining cases subject to the provisions of a constitutional bankrupt law. On this issue, the question is just as fairly presented, and much better presented, than it can be by any report of a committee. The motion of the Senator from North Carolina does all that can be required. It brings up the main subject in all its bearings. All that is necessary, is to fix a day for its consideration. If, however, the motion of reference was persisted in, he should call for the yeas and nays.

Mr. TALLMADGE did not know that the mere question of reference was such a vital one as to commit those who should vote for it. He supposed, from present indications, that the law would be repealed. But those who intended to vote for the repeal, could assuredly vote for the reference, without being thereby committed against the repeal. The question of reference is, simply, whether the Senate shall proceed in the matter deliberately, and upon full information; or precipitately, and without any guide. It was, he considered, all-important that the bill now under discussion should undergo the examination of the appropriate committee. The Senator from Missouri says the question is fairly and fully presented on the motion of the Senator from North Carolina. But there are many Senators who think the ques-

tion should also embrace a modification of the law; and they, too, wish to see that view presented from the proper source. Let the bill, then, go to the Committee on the Judiciary; and if the law is to be repealed, there will be time enough to effect that object. It seemed, indeed, strange to him that there should be any objection to letting the bill pass through the Judiciary Committee; for the Senate must have the same control of it after it is reported back, that it has now. He hoped there would be no objection to considering the opinion of the committee.

Mr. BERRIEN said it was truly stated by the Senator from Missouri, that the bill he proposes, and the amendment offered by the Senator from North Carolina, present two questions—the question of repeal, and the question as to the terms of that repeal. But, independently of these, there was a third question. A portion of the Senate desired to have it inquired of, by a committee, whether, instead of an absolute repeal of the law, it might not be so modified as to make it conform to the interests of the country, and to the prevailing public opinion. With a view to ascertain whether such a modification could be proposed, it was asked that the bill might be referred to the Judiciary Committee. And surely, in relation to a matter of this important nature—in relation to the exercise of a power which could alone be exercised by the General Government—notwithstanding gentlemen might entertain the opinion that the bill, even when so modified, would not be acceptable to them, yet it was but one of the ordinary courtesies of legislation to allow gentlemen who may take a different view, an opportunity of presenting their views for the consideration of that body. He (Mr. BERRIEN) denied, therefore, that the reference of the bill to the committee would at all influence the vital question of repeal or no repeal. The only effect of the reference would be, to give those who were in favor of a modification of the law an opportunity of presenting their views in a deliberate form. He would not, however, object to the yeas and nays being taken.

Mr. BENTON said if there was any Senator present who would say that the vote he should give for reference would not commit him, he (Mr. B.) was willing to withdraw the call for the yeas and nays.

Mr. CRITTENDEN said he was disposed to gratify the gentleman by the reference, although he should vote for the repeal of the law.

Mr. MERRICK said he should vote for the reference, without feeling himself committed at all, with respect to the vote he should give on the question of repeal. He intended to vote for the repeal in some form.

Mr. BENTON said he would, then, withdraw his call for the yeas and nays.

The question was then taken on referring the bill to the Committee on the Judiciary, and decided in the affirmative—ayes 17, noes 12; and it was accordingly so referred.

The PRESIDENT *pro tem.* laid before the Senate a communication from the War Department, transmitting the annual report of the Commissioner of Pensions, containing a list of applicants for pensions, or increase of pension, which applications were rejected during the last year: ordered to lie on the table, and be printed.

Also, a message from the President, transmitting a letter from the Secretary of the Navy, covering despatches from the Mediterranean, giving correct information of the state of the relations of the United States with Morocco; which, on motion of Mr. BAYARD, was ordered to lie on the table, and be printed.

The PRESIDENT *pro tem.* also stated that there were communications from the President of the United States of an executive character, on his desk.

Thereupon,

On motion of Mr. KING, the Senate proceeded to the consideration of executive business, and spent the remainder of the day's session therein.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, December 14, 1842.

Mr. McKEON presented the petition of the Chamber of Commerce of the city of New York for a warehousing system; which was referred to the Committee on Commerce.

JOINT COMMITTEES.

Messrs. JAMES IRVIN, EDMUND BURKE, and P. G. GOODE, were this morning announced as the members, on the part of the House, of the Joint Committee on Enrolled Bills, &c.

CIVIL & DIPLOMATIC APPROPRIATIONS.

Mr. FILLMORE, from the Committee of Ways and Means, reported a bill making appropriations for the civil and diplomatic expenses of the Government for the half of the calendar year ending the 30th day of June, 1843.

The bill was read a first and second time.

Mr. FILLMORE moved that it be committed to the Committee of the Whole, and ordered to be printed.

Mr. CUSHING begged to ask the chairman of the Committee of Ways and Means if the bill contained an appropriation for the pay of members of Congress, and the usual contingencies; so that no bill was to be introduced for that purpose, in anticipation of the ordinary civil and diplomatic appropriations.

Mr. FILLMORE replied, that this bill contained a provision for the pay of members of Congress, and the contingencies; and that no bill for that purpose would, therefore, be introduced in anticipation of the civil and diplomatic appropriations.

Mr. CUSHING observed that he was glad the committee had adopted that course.

The bill was then committed, and ordered to be printed.

ELECTION OF CHAPLAIN.

Mr. BRIGGS moved that the House proceed to the election of its Chaplain; which was agreed to.

Mr. BOWNE nominated the Rev. Mr. Tiffany of the Episcopal Church, of the State of New York.

Mr. HENRY nominated the Rev. Mr. Reese of the Methodist Church.

Mr. JAMES COOPER nominated the Rev. Mr. Muller of the Lutheran Church, now resident in the city of Washington.

Mr. PEARCE nominated the Rev. Mr. Sutherland of the Methodist Church.

Mr. MALLORY nominated the Rev. Mr. Clayton of the Methodist Church.

Mr. HUDSON nominated the Rev. Mr. Bullfinch of the Unitarian Church.

Mr. ARNOLD said he had been requested by several of his friends to nominate the Rev. Mr. Maffitt, their late Chaplain, whom he and his friends would rather hear than any other man [laughter] that they could get; and therefore they wanted to vote for him.

Mr. BARTON nominated the Rev. John Collins of the Methodist Church.

The nominations having all been made, Messrs. BOWNE, HENRY, and JAMES COOPER, were appointed tellers to receive the votes.

The vote having been taken,

Mr. BOWNE announced that the number of votes taken was - - - - 194
Necessary to a choice - - - 98
Of which—
Mr. Tiffany received - - - 78
Mr. Muller - - - - 34
Mr. Reese - - - - 29
Mr. Maffitt - - - - 19
Mr. Clayton - - - - 13
Mr. Bullfinch - - - - 13
Mr. Collins - - - - 5
Mr. Sutherland - - - - 3

As no candidate had received a majority of the votes given, there was no choice, and it became necessary to vote again.

Mr. L. W. ANDREWS inquired if it would not be in order to submit a resolution to elect the gentleman having a plurality of votes.

The SPEAKER replied that it would not.

Mr. BARTON withdrew the name of Mr. Collins from nomination.

A second vote was then taken, the result of which

Mr. BOWNE announced to be—
Whole number of votes - - 198
Necessary to a choice - - - 100
Of which—
Mr. Tiffany received - - - 119
Mr. Reese - - - - 39
Mr. Muller - - - - 29
Mr. Maffitt - - - - 10
Mr. Bulfinch - - - - 1

Mr. Tiffany having received a majority of all the votes given, he was declared duly elected to the chaplaincy of the House of Representatives for the present session.

A message was received from the President of the United States, by Mr. JOHN TYLER, jr., his secretary, as follows:

To the House of Representatives:

Two bills were presented to me, at the last session of Congress, which originated in the House of Representatives, neither of which was signed by me; and, both having been presented within ten days of the close of the session, neither has become a law.

The first of these was a bill entitled "An act to repeal the proviso of the sixth section of the act entitled 'An act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights,' approved September fourth, one thousand eight hundred and forty-one."

This bill was presented to me on Tuesday, the 30th August, at twenty-four minutes after four o'clock in the afternoon.

For my opinions relative to the provisions contained in this bill, it is only necessary that I should refer to previous communications made by me to the House of Representatives.

The other bill was entitled "An act regulating the taking of testimony in cases of contested elections, and for other purposes."

This bill was presented to me at a quarter past one o'clock, on Wednesday, the thirty-first day of August. The two Houses, by concurrent vote, had already agreed to terminate the session by adjournment at two o'clock on that day—that is to say, within three-quarters of an hour from the time the bill was placed in my hands. It was a bill containing twenty-seven sections, and, I need not say, of an important nature.

On its presentation to me, its reading was immediately commenced; but was interrupted by so many communications from the Senate, and so many other causes operating at the last hour of the session, that it was impossible to read the bill understandingly, and with proper deliberation, before the hour fixed for the adjournment of the two Houses; and this, I presume, is a sufficient reason for neither signing the bill, nor returning it with my objections.

The 17th joint rule of the two Houses of Congress declares that "no bill or resolution that shall have passed the House of Representatives and the Senate shall be presented to the President of the United States, for his approbation, on the last day of the session."

This rule was evidently designed to give to the President a reasonable opportunity of perusing important acts of Congress, and giving them some degree of consideration, before signing or returning the same.

It is true, that the two Houses have been in the habit of suspending this rule, towards the close of the session, in relation to particular bills; and it appears by the printed journal, that, by concurrent votes of the two Houses, passed on the last day of the session, the rule was agreed to be suspended, so far as the same should relate to all such bills as should have been passed by the two Houses at one o'clock on that day. It is exceedingly to be regretted that a necessity should ever exist for such suspension, in the case of bills of great importance, and therefore demanding careful consideration.

As the bill has failed, under the provisions of the Constitution, to become a law, I abstain from expressing any opinions upon its several provisions, keeping myself wholly uncommitted as to my ultimate action on any similar measure, should the House think proper to originate it *de novo*, except so far as my opinion of the unqualified power of each House to decide for itself upon the election, returns, and qualifications of its own members, has been expressed by me, in a paper lodged in the Department of State, at the time of signing an act entitled "An act for the apportionment of Representatives among the several States, according to the sixth census," approved June the 22d, 1842," a copy of which is in possession of the House.

JOHN TYLER.

WASHINGTON, Dec. 14, 1842.

The SPEAKER laid before the House a communication from the Department of State, containing an abstract of the returns of the collectors of the customs, made in pursuance of the provisions of the act for the protection of American seamen: referred to the Committee on Commerce, and ordered to be printed.

Also, a communication from the War Department, transmitting the annual report of the Commissioner of Pensions, of the amount of pensions paid for the past year.

Also, a communication from the Navy Department, enclosing a communication from Commodore Morgan, relative to the adjustment of our differences with Morocco: referred to the Committee on Foreign Affairs, and ordered to be printed.

TEMPERANCE.

Mr. BRIGGS called up the resolution submitted by him some days since, to amend the 19th joint rule, by striking out the word "spirituous," and inserting the word "intoxicating."

[The effect of this amendment would be to prohibit the sale of intoxicating liquors in the Capitol.]

Mr. WELLER asked if the resolution was in order.

The SPEAKER replied in the negative.

Mr. WELLER then objected to its consideration; upon which

Mr. BRIGGS moved a suspension of the rules; and the yeas and nays having been called for by Mr. CALHOUN, they were ordered, and resulted—yeas 125, nays 52—as follows:

YEAS—Messrs. Adams, L. W. Andrews, S. J. Andrews, Aycrigg, Baker, Barnard, Barton, Beeson, Bidlack, Birdseye, Blair, Boardman, Borden, Bowne, Briggs, Bronson, Aaron V. Brown, Milton Brown, Jeremiah Brown, Burnell, Wm. Butler, Calhoun, Caruthers, Cary, Casey, Chapman, Chittenden, John C. Clark, Clifford, Mark A. Cooper, Cranston, Cravens, Cushing, Richard D. Davis, Deberry, Doig, John Edwards, Fessenden, Fillmore, John G. Floyd, Fornance, Gamble, Gates, Gerry, Giddings, Gilmer, Patrick G. Goode, Granger, Hall, Halsted, Henry, Houck, Houston, Howard, Hudson, Hunt, Joseph R. Ingersoll, James Irvin, Wm. W. Irwin, James, Wm. Cost Johnson, Keim, John P. Kennedy, Linn, Littlefield, Abraham McClellan, Robert McClellan, McKay, McKennan, Marchand, Alfred Marshall, Samson Mason, Mathiot, Mathews, Mattocks, Maynard, Meriwether, Mitchell, Moore, Morgan, Morris, Newhard, Osborne, Payne, Pendleton, Plumer, Ramsey, Benjamin, Randall, Read, Reding, Rencher, Reynolds, Rhett, Ridgway, Riggs, Rodney, Roosevelt, William Russell, James M. Russell, Saltonstall, Sanford, Shaw, Sheppard, Slade, Truman Smith, Stokely, Stratton, Alexander H. H. Stuart, Summers, Jacob Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Van Rensselaer, Warren, Washington, Westbrook, Christopher H. Williams, Winthrop, Wise, Wood, Yorke, Augustus Young, and John Young—125.

NAYS—Messrs. Arnold, Arrington, Atherton, Black, Burke, William O. Butler, Patrick C. Caldwell, Thomas J. Campbell, Clinton, Coles, James Cooper, Cowen, Cross, Garrett Davis, Dawson, Egbert, Everett, Ferris, Charles A. Floyd, A. Lawrence Foster, Goggin, Wm. O. Goode, Gordon, Hays, Holmes, Hunter, Charles J. Ingersoll, Jack, Andrew Kennedy, McKeon, Mallory, Miller, Morrow, Owsley, Patridge, Pearce, Rayner, Rogers, William Smith, Snyder, Stanly, Steenrod, Taliaferro, Turney, Van Buren, Ward, Watterson, Weller, Jos. L. White, and Joseph L. Williams—52.

So the rules were suspended; and, the resolution being before the House,

Mr. AYCRIGG offered the following as an amendment:

Resolved, That the restaurateurs be forthwith removed from the Capitol.

Mr. C. J. INGERSOLL suggested that this would remove the *men*, and not the *places*.

The amendment was adopted without opposition; and the resolution of Mr. BRIGGS, as thus amended, passed by acclamation.

WAREHOUSING SYSTEM.

Mr. McKEON asked leave to have referred to the Committee on Commerce a bill in relation to the warehousing system.

Mr. McKENNAN objected.

Mr. McKEON moved a suspension of the rules; but the House refused to suspend.

PETITIONS.

Mr. FILLMORE inquired what was the decision of the Speaker in regard to the offering of petitions.

The SPEAKER replied that the rule was without limit. It was in the power of members to introduce petitions at any time.

Mr. FILLMORE said he was perfectly content with the decision of the Chair.

Mr. BRONSON asked leave to offer a resolution, calling upon the Solicitor of the Treasury for information as to the amount of fees paid the several clerks of the Federal courts in cases of admiralty and bankruptcy.

Mr. BOWNE objected to the reception of the resolution; and it was not considered.

THE TARIFF.

Mr. READ asked leave to offer the following resolutions; which were read for information:

Whereas the act of Congress entitled "An act to provide revenue from imports, and to change and modify existing laws imposing duties on imports, and for other purposes," passed 30th August, 1842, having been passed in the hurry and confusion of the last day of a session, and therefore greatly defective, not only in its details, but in some of its principles, imposing prohibitory duties on a great variety of articles, thereby so far defeating itself, both in regard to revenue and protection—the latter, by administering a powerful stimulant to the smuggling trade; therefore,

Resolved, That the Committee of Ways and Means be instructed to report a bill, supplementary to the said act of the 30th August last, based upon the following principles, viz:

1. To produce an adequate revenue for the economical administration of the Government, and no more—say from twenty to twenty-three millions.

2. Articles classed as "necessaries of life," and entering into general consumption, of a description *not grown or produced in the United States*, to be admitted free of duty.

3. Articles imported, coming in competition with those grown or produced in the United States, to be taxed so as to give ample protection to our farmers, planters, manufacturers, and mechanics.

4. The measure of such protection to be, in all cases, so much duty as will make the cost of the foreign article *in our markets* equal to the cost of production in the United States, and no more.

5. If it should be found necessary to impose higher duties *for revenue* than are required by the said measure of protection, in such case *luxuries* to pay a higher duty than *necessaries*.

6. No drawback to be allowed on foreign sugars refined in the United States, nor on spirits distilled from foreign molasses.

7. No drawback to be allowed in any case, unless the goods shall be specially intended for exportation, and actually exported within ninety days from the time of importation.

8. The principle of cash duties to be preserved, except in the case of goods imported and *entered for exportation*, which may be warehoused.

9. All duties to be levied on the true value of the goods in the principal ports of the United States; such value to be ascertained by a board of commissioners, (to be appointed for that purpose,) in all cases where the importer shall appeal from the valuation or appraisement of the collector of the port.

TRADE WITH AUSTRIA AND PRUSSIA.

Mr. TRIPLETT offered a resolution, which was adopted, after being modified according to the suggestions of Messrs. WISE, McKEON, and ADAMS, in the following form:

Resolved, That the President of the United States be requested to communicate to this House, as soon as conveniently may be, if not incompatible with the public interest, the communications to and from our ministers at Berlin and Vienna, subsequent to the last communication sent to this House on the subject of the trade and commerce between those respective countries and the United States.

NAVAL DEPOT AT MEMPHIS.

Mr. C. H. WILLIAMS offered the following resolution; which was adopted, (after an amendment by Mr. WISE, substituting the Committee on Naval Affairs for the Committee on Commerce.)

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of establishing a naval depot and dock-yard, at Memphis, in the State of Tennessee.

On motion of Mr. J. P. KENNEDY, the select committee of last session on the subject of international copy-right, (which failed to report for want of time,) was ordered to be revived.

EXTRA PAY.

Mr. C. J. INGERSOLL asked leave to offer a resolution granting to the officers, clerks, folders, pages, &c. of the House, the same extra pay which was allowed to the same in the Senate at the last session of Congress.

Mr. BLACK objected, and the resolution was not received.

Messrs. J. C. CLARK and GIDDINGS severally attempted to introduce resolutions of inquiry; but were defeated by the intervention of objections.

CONTESTED ELECTION.

Mr. MORGAN called for the question on the motion pending at the adjournment yesterday, to refer certain additional testimony, in the case of the contested election of the Delegate from Florida, [Mr. LEVY,] to the Committee on Elections; and, the question being stated by the Speaker,

Mr. BARTON presented still further testimony on behalf of the sitting member; and he moved that it be printed.

The SPEAKER announced the question to be on the motion to refer.

Mr. MORGAN entered into a statement of facts in connexion with the taking of this testimony, and urged the propriety of referring the whole subject back to the Committee on Elections.

Mr. HOPKINS said he did not understand the character of the testimony now presented to the House to be such as to render it necessary to refer the whole subject back. It was important that the question should be settled. The sitting member had invoked a decision; but, if the case were referred back to the Committee on Elections, with this additional correspondence, for re-examination, they might not expect a report until the close of the present short session, when it would be impossible to have a full attendance of the House for a decision of a question like that. There could be no objection to the printing of this additional testimony; and then they would have it before the House, which would be as competent to determine the case as any committee could be.

Mr. BARTON, Mr. HALSTED, Mr. TURNEY, and Mr. MORGAN, entered into statements relative to the admissibility of certain testimony, and discussed the necessity of the proposed reference.

Mr. LEVY begged to be allowed to say a word or two in explanation of the circumstances under which he acted, and of the course which he had deemed it his duty to take. Such action as the House might determine to take on this subject, would be in accordance with its own views of justice and propriety; and he had no suggestion to make in regard it, and no desire to influence its action. He had, from the first, deemed it to be his duty, because most consistent with propriety, to refrain from expressing any opinion, either in regard to the proceedings of the committee, or of the House. He was himself satisfied that he had the right to represent the people of Florida on this floor, and that he was a citizen of the United States. The people of Florida themselves were perfectly satisfied as to these particulars. He would, however, make a brief explanation of facts, in order to give the House a more perfect understanding of the subject. After the election, under which he was returned as the delegate from the Territory of Florida, a few individuals, impelled by personal motives, who had opposed his election, and who had the benefit of their opposition at the polls, made a remonstrance to the House, in which they denied his right to represent the Territory in Congress. There was no contesting candidate appearing here to canvass his right to his seat; but these men, who came as remonstrants, came also as witnesses. They were not only witnesses, but some of them went to the extent of seven depositions each, who were not in Florida at the time the transactions took place about which they undertook to testify. Now he would say to the House, that, having regarded this matter as an inquiry instituted by itself, for its own satisfaction, whether the delegation from Florida had been properly filled by the people of that Territory—taking it as a question between this House and the people of Florida, he had not deemed it consistent with self respect, and with the respect he owed both to the House and the people of Florida, to say anything to influence its action. When the question came up before the House, on the report of the Committee of Elections, he should then ask to be heard. Whether the House would refer this matter back again to the committee, or proceed with the report of the committee of the last session, were questions in regard to which he had not a word to say. As the chairman of the committee, however, had gone into a statement of facts, which might have some effect on the minds of members of the House, he begged leave to make a plain and simple statement in reply to it. So far as notice was concerned, he contended that ample and sufficient notice, and of the best kind, was given of the depositions taken by him. That notice was given in the public papers of Florida, from one end of the Territory to the other. He did not choose to recognise one of these remonstrants more than another, in giving notice; and there being some hundred of them, had he given a notice to one, the other ninety-nine might have had cause of complaint.

Mr. HALSTED inquired of the gentleman whether he was not informed last session that the attorneys of the remonstrants would receive the notices.

Mr. LEVY replied that Mr. Peter Schenk Smith informed him that Mr. Richard S. Coxe of this place, or General Hernandez, or himself, would receive notices; but he should like to know what right one of the remonstrants had to appoint attorneys to act for all of them. With respect to the deposition of his father, (Moses C. Levy,) made in the city of New York, he was ready to make an explanation to the House; though it was painful to him to approach this part of the subject. On receiving notice that this deposition was to be taken, he went on to New York, and endeavored to obtain an interview with his father, without effect. Having been denied this interview, he could not attend the taking of the testimony, but appointed a friend to act in his place, directing him not to subject his parent to a cross-examination. He afterwards, having seen the deposition, drew up and submitted certain interrogatories, necessary to elicit some important facts. God knew that his only object throughout had been to elicit truth, and to lay before the House all the facts of the case. If there were any little technicalities of which gentlemen who were pressing this matter wished

to avail themselves, he was willing that they should have the benefit of them. All he wanted was, that all the truth should be brought out. The main ground of this case was his right of citizenship; and to establish this, he depended upon the public records of the country. All other testimony he looked upon as of very little importance. That record was in the State Department, transmitted and deposited there in pursuance of law. It had been acquiesced in, from that time to this; and if the House was now prepared to go behind this record, and inquire into the facts upon which it was made, then he would say that there was very little regard to be paid to public faith. After a few more remarks, Mr. L. said, that the only evidence on which the House was now asked to recommit this matter to the Committee of Elections, was a correspondence between Messrs. Peter Schenk Smith, and Moses C. Levy, his principal witness, in which they dispute about what the former heard the latter say to him. On such testimony as this, the House was asked to send this matter back to the Committee of Elections, to go over all their investigations again.

The question was then taken, and the motion of Mr. HALSTED was rejected.

On motion by Mr. CUSHING, the select committee raised on the petition of Washington Irving and others, on the subject of an international copyright law, was authorized to report by bill or otherwise.

Mr. BARTON offered a resolution for the appointment of a select committee to inquire into the expediency of abolishing the military superintendencies at the national armories, and of substituting civil superintendencies in their stead; also to inquire into the abuses alleged to exist in these establishments.

Objected to by several, and the resolution was not received.

The House then adjourned.

IN SENATE.

THURSDAY, DECEMBER 15, 1842.

Mr. CALHOUN appeared in his seat to-day.

Mr. BUCHANAN presented a memorial of the Chamber of Commerce of Philadelphia, praying Congress to adopt the warehouse system as a part of the revenue system. Mr. B. said that, as the Chamber of Commerce represented a large body of the merchants, he would ask that the memorial be printed, and referred to the same committee to which similar memorials had been referred: agreed to.

Mr. BARROW presented a petition from V. Leblanc, praying compensation for services therein mentioned; which was referred to the Committee on Private Land Claims.

On motion by Mr. LINN, it was ordered that the petition and papers of Benjamin Crawford, asking indemnity for losses sustained in consequence of having his boarding settlement broken up by an officer of the United States army, be taken from the files of the Senate, and referred to the Committee on Indian Affairs.

Mr. SMITH of Indiana reported back, from the Committee on Public Lands, without amendment, the bill for the relief of sundry citizens of Arkansas, who lost their improvements in consequence of the treaty between the United States and the Choctaw Indians; and

The bill in relation to a donation of land to certain persons in the State of Arkansas.

Also, reported back, with amendments, which were read, the bill authorizing the relinquishment of the sixteenth sections granted for the use of schools, and the entry of other lands in lieu thereof.

On motion by Mr. EVANS, it was ordered that the petition of Thomas Fillebrown be taken from the files of the Senate, and referred to the Committee on Claims.

On motion of Mr. CONRAD, it was ordered that the memorial and papers of René Vienne be withdrawn from the files of the Senate, and referred to the Committee on Claims.

Mr. WRIGHT presented a memorial from a large number of citizens of Yates county, New York, praying Congress for the instant repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

Mr. BATES, on leave, introduced a bill for the relief of the Steamboat Company of Nantucket; which was read twice, and referred to the Committee on the Post Office and Post Roads.

Mr. RIVES presented a memorial from Mrs. Frances M. Lewis and Mary Neal, widows of late officers in the navy of the United States, who were lost on board of the United States sloop of war "Epervier," praying a restoration of the pension which they heretofore received under the navy pension law, and which has been withheld from them in consequence of the repeal of such law: referred to the Committee on Naval Affairs.

Mr. CONRAD submitted the following resolution; which lies one day under the rule, viz:

Resolved, That the Secretary of the Treasury be requested to communicate to the Senate whether any, and what, amount of money had been refunded to claimants in virtue of the act entitled "An act in relation to lands held in the Greensburg, late St. Helena district, in the State of Louisiana, and authorizing the resurvey of certain lands in said district," approved August 29, 1842; whether, in any cases, the claimants have received reimbursement of the price paid by them for lands in complying, or offering to comply, with the provisions of said act, and such reimbursement has been refused, and the reasons for such refusal; and whether any, and what, proceedings have taken place under said act.

THE QUINTUPLE TREATY.

Mr. BENTON submitted the following resolution; which lies one day, under the rule, viz:

Resolved, That the President be requested to inform the Senate whether the quintuple treaty, for the suppression of the slave-trade, has been communicated to the Government of the United States in any form whatever? And if so, by whom? for what purpose? and what answer may have been returned to such communication? Also, to communicate to the Senate all the information which may have been received by the Government of the United States, going to show that the "course which this Government might take in relation to said treaty has excited no small degree of attention and discussion in Europe." Also, to inform the Senate how far the "warm animadversions," and the "great political excitement," which this treaty has caused in Europe, have any application or reference to these United States. Also, to inform the Senate what danger there was of having the "laws and the obligations" of the United States, in relation to the suppression of the slave-trade, "executed by others," if we did not "remove their pretext and motive for violating our flag, and executing our laws," by entering into the stipulations for the African squadron, and the remonstrating embassies, which are contained in the eighth and ninth articles of the late British treaty.

Messrs. STURGEON and LINN gave notice that they would, on to-morrow, ask leave to introduce certain bills.

Mr. McROBERTS gave notice that he would ask leave, on to-morrow, to introduce a bill to amend the several laws granting pre-emption rights to settlers on the public lands.

Mr. McR. remarked that there were some suggestions in the President's message in regard to the propriety of disposing of the mineral lands belonging to the United States. He moved that so much of the message as related to that subject be referred to the Committee on the Public Lands: agreed to.

On motion of Mr. LINN, it was

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to return to the General Land Office all the original papers on file in his office, which accompanied the report of the Secretary of the Treasury, of the 10th of January, 1838, and contained in Senate Document 97, of the 2d session of the 25th Congress.

Mr. FULTON, on leave, introduced a bill perfecting titles to land south of the Arkansas river, held under the treaty of New Madrid, and pre-emption rights under the act of 1814; which was twice read, and referred to the Committee on Public Lands.

Mr. BAYARD moved that, when the Senate adjourn, it adjourn to meet on Monday next: agreed to.

On motion of Mr. BAYARD, the Senate then proceeded to the consideration of executive business; and, after some time spent thereon,

Adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, December 15, 1842.

Mr. PARMENTER presented the petition of Mary Page for a revolutionary pension; of Mary J. Babbit for a naval pension; of John C. Clark for increase of pay of captains's clerks in the navy; all of which were referred to the appropriate committees.

EXECUTIVE COMMUNICATIONS.

The following Executive communications were laid on the table of the House of Representatives on Monday last, to which we were only able then to allude in general terms:

A letter from the Secretary of War, in obedience to a resolution of the House of Representatives of the 30th of August last, transmitting a statement of the private establishments at which fire-arms are manufactured for the Government, where situated, the number annually fabricated, at what prices, &c; which letter and statements were referred to the Committee on Military Affairs.

A letter from the Secretary of War, in answer to the resolution of the House of the 25th May last, transmitting a statement of the number of the officers of the army, with the rates of pay and allowance, &c.: laid on the table.

A letter from the Secretary of War, in answer to a resolution of the House of the 11th August, transmitting a statement of the number of resignations in the army since the 1st of January, 1834, with the causes of the same, so far as known; and how many of the said officers who resigned were educated at West Point, with any further information upon the same subject: laid on the table.

A letter from the Secretary of War, transmitting a report of the Third Auditor of the Treasury, in answer in part to the resolution of the House of the 28th of February last, requiring a report of all cases of extra compensation heretofore allowed to officers of the army for services similar to those rendered by General Scott, for which he is said to have received extra allowance; together with the names of such officers, the time when received, the amount paid to each, &c., and stating his inability to determine when the answer will be completed: laid on the table.

A letter from the Secretary of the Navy, transmitting, in obedience to the joint resolution of Congress of the 29th of May, 1830, a report from the Commissioner of Pensions of the names of persons who have applied for relief under the navy pension laws, and whose claims have been rejected, and the reasons for such rejection: laid on the table.

A letter from the Secretary of the Navy, transmitting, agreeably to the provisions of the act of Congress of the 3d of March, 1809, an abstract of the contingent expenses of the naval establishment from the 1st of October, 1841, to the 30th of September, 1842, inclusive: laid on the table.

A letter from the Treasurer of the United States, transmitting copies of the Treasurer's accounts with the United States for the third and fourth quarters of 1841, and the first and second quarters of 1842, as adjusted by the accounting officers of the department: laid on the table.

A letter from the Clerk of the House of Representatives, transmitting his report of the expenditure of the contingent fund of the House of Representatives: referred to the Committee of Accounts.

A letter from the Commissioner of Public Buildings, transmitting copies of all contracts made in his office from the 1st of December, 1841, to the present time, with the names of the applicants for said contracts, and the amount of their respective bids: referred to the Committee on Public Buildings and Grounds.

FEES IN BANKRUPTCY.

Mr. BRONSON offered the following resolution:

Resolved, That the Secretary of the Treasury be, and he hereby is, required to obtain, with as little delay as practicable, a statement of fees taxed by the several clerks of the circuit and district courts of the United States, in admiralty and bankrupt cases: showing the amount of fees taxed by said several clerks, with the items constituting said amount in a case in admiralty; and, also, in a case in bankruptcy, either to the bankrupt, or a creditor, when there is no adverse appearance; and showing the whole amount of fees that have been actually paid to each clerk on petitions, and other proceedings under the bankrupt act, to this date; and, also, the amount received by said clerks for filing papers, &c; and for blank forms and copies, in cases of bankruptcy under said act, and up to this date.

Mr. BOWNE said he would not object to this resolution, if it was not to impede the speedy action of the House on the bill to repeal the bankrupt law; but he wished to know if it was to have such an effect.

Mr. BRONSON replied in the negative.

Mr. CAVE JOHNSON inquired if it was not requisite that this resolution should lie over for one day.

The SPEAKER was understood to reply that it must lie over, if objected to.

Mr. CAVE JOHNSON then objected, and the resolution was laid over.

CIVIL AND DIPLOMATIC APPROPRIATIONS.

Mr. FILLMORE said it was of considerable importance that the civil and diplomatic appropriation bill, which he reported yesterday from the Committee of Ways and Means, should be acted upon immediately; and therefore he moved that the House resolve itself into a Committee of the Whole, for the purpose of taking up that bill.

The motion was agreed to, and Mr. BRIGGS was called to the chair.

The CHAIRMAN directed the Clerk to read the bill No. 615, being "A bill making appropriations for the civil and diplomatic expenses of the Government for the half calendar year ending the 30th day of June, 1843."

The Clerk accordingly read the bill through all its sections. It was then taken up by sections, and the committee proceeded, without objection, through all the sections to the following item in the Treasury Department:

"For extra clerk hire, $750."

Mr. GILMER moved to strike out this item. At the last session of Congress, he said, there were several investigations instituted into the expenditures of the various departments at the seat of Government; and he knew not what effect those investigations produced on the minds of other gentlemen, but he would say, for himself, that they left on his mind no doubt that there were too many clerks—too many regular clerks employed in those various departments. He would not say there were too many in all the offices of the General Government; but, speaking in the aggregate, he was satisfied there were too many employed in the various departments, and that the public service demanded that there should be a reduction rather than an increase in that quarter. He was therefore surprised to see a permanent item for extra clerk-hire introduced into this bill by the Committee of Ways and Means. They had hitherto been told, when efforts were made to reduce the expenditures of the departments, that, in consequence of the calls for information by Congress, the regular clerks were not adequate to keep pace with the public business. Now, if there were any necessity for the employment of extra clerks, he wished to know it. He would not consume the time of the committee with arguments, which must necessarily be but a repetition of the arguments adduced at the last session, not only in the shape of speeches, but also of reports from investigating committees; but he would ask whether the Congress of the United States intended to authorize, as a permanent system, the employment of 600 or 700 permanent clerks in the various departments, and then make an annual appropriation for extra clerk-hire? He knew, from his own personal examination, that, in the various offices in the departments, there were more clerks than could now be profitably employed. He knew there were some who were not employed more than one-fourth of their time. There was, then, a superabundance of labor; and (he was understood to say) it had been suggested that the executive departments should be authorized by law to transfer labor from one office, where there should be found to be a superabundance, to offices where there should be found to be a deficiency; and thus the extra clerk-hire might be dispensed with. The extent of the evil, he further observed, was not set forth in this item; for it would be perceived that this bill made only a temporary appropriation—it was but an appropriation for half the calendar year; and therefore another appropriation would be necessary, as it was evident it was contemplated; and therefore, satisfied as he was that they might produce a slight temporary inconvenience by withholding this appropriation, he believed a great counterbalancing good would ensue if the committee agreed with him, and should strike out this and similar items.

There was another class of appropriations which he had hoped had received their quietus at the last session—he alluded to that class called "miscellaneous." He must be permitted to express the opinion, that, whatever party conflicts there might be in the country, and whatever party might be in power, this would never be an honest Government until it was a cheap one; nor would it ever be satisfactory to the people, until their Representatives caused accounts to be published showing how the revenue was raised, and what were the purposes for which it was appropriated. There were striking defects in the system, which should be corrected by the publication from time to time of statements and accounts of all the receipts and all the expenditures of the Government. There were many items of a million of dollars in the accounts; and he would ask what information did they derive from such an item? None whatever; and therefore they wanted the items, dollar for dollar, specifically stated. A reformation in the Auditors' and Comptrollers' offices was requisite, by which they should be furnished with specific information, instead of being, as at present, compelled to go through the vouchers when filed away. His object was to ascertain distinctly, item by item, how the money of the Government was expended. He desired also to avoid these miscellaneous expenditures, which the people did not understand; but particularly at this time he hoped the committee would see the propriety of suspending this appropriation for extra clerk-hire.

Mr. FILLMORE confessed that he was a little surprised at so long a speech on so small an item. He was as ready, however, to discuss this question now, as he would be at any future time; and he would make such an explanation as he trusted would be satisfactory to the gentleman. The gentleman said that he made the motion to strike out this appropriation for extra clerk-hire merely for the purpose of testing the question whether, in any case, an appropriation should be made for that object in any of the departments. Now, this subject underwent a good deal of discussion at the last session; and he had hoped that it was then definitively settled by the act then passed. If the gentleman would take the trouble to look into the laws of the last session, he would find that these appropriations, being liable to abuse in consequence of their general character, were stricken out of the general appropriation bill, and embodied in a bill framed to provide for them all, and specifying each particular object. The committee, in reporting this bill, did not stop there, but inserted a section, not only for the purpose of guarding against abuses, but for avoiding these annual discussions of small matters. It was, however, necessary that these appropriations should be made. You must (said Mr. F.) either employ a force of permanent clerks sufficiently large, not only to carry on the ordinary business of the departments, but to meet all the extraordinary calls that may be made on them, by Congress or otherwise; or you must employ a force sufficient to carry on all the ordinary business, and allow the departments to employ extra clerks for extraordinary business. The latter mode was unquestionably the more economical.

Mr. F. here handed up to the Chair the law passed at the last session, and directed the Clerk to read the 10th and 11th sections; which was done. These sections provide that no extra clerks shall be employed in any of the executive departments, except during the session of Congress, to enable them to meet the calls of Congress; and then only when the heads of departments shall believe that the employment of such extra clerks is indispensably necessary for the public service.

Mr. GILMER was aware of the law to which the gentleman alluded, and he believed the law was a very good one. But here was no evidence showing that the employment of extra clerks was necessary; and the making the appropriation in advance, was encouraging the departments to employ extra clerks, whether necessary or not. He would ask the gentleman from New York if he had any information showing the necessity of employing extra clerks.

Mr. FILLMORE said that the business which would require the employment of extra clerks could not be foreseen; that depending almost altogether on the calls that might be made by Congress, and therefore the departments could not say how much would be necessary.

Mr. GILMER said, then this appropriation was to provide in advance for the payment of services that might or might not be necessary; and he was therefore opposed to it. The state of the treasury admonished them to avoid useless expense; and if it should be ascertained, before the close of the session, that the public service required the employment of extra clerks, it would be then time enough to make the appropriation.

Mr. SMITH of Virginia inquired of his colleague how the service was to be paid for, if no appropriation was made, should the heads of departments find the employment of extra clerks indispensably necessary for the public service.

Mr. GILMER said that the very law read by the chairman required that no extra clerks should be employed in any of the departments, unless the heads of departments found that their employment was indispensably necessary for the public service. Now, there was nothing here to show that the employment of extra clerks was necessary.

Mr. SMITH said that there was the power given to the heads of departments; but where was the appropriation to pay for the service rendered? Were heads of departments to employ clerks when they found it indispensably necessary to do so, in order to answer the calls that may be made by Congress, and then trust to the contingency of obtaining an appropriation to pay them?

Mr. BLACK said that he would vote for the appropriation with pleasure, if there was any report from the departments showing that it would be necessary. He understood this appropriation was proposed for labor to be done hereafter. But upon what data, on what information, and for what necessity was this appropriation to be made? Whenever the departments should have complied with the act of last session, he should be willing to vote the money.

Mr. SMITH of Virginia said he had a few remarks to make on the subject before the committee. It seemed to him that the appropriation was proper, and should be made. It was for clerks not in regular employment, and who might not and would not be employed unless there was service for them to perform. It was true that no duties now existed to be performed; yet such might arise. Suppose Congress should make calls for information, to be prepared during the recess; it would be absolutely necessary to employ extra clerks. How were they to be paid without an appropriation?

Mr. BLACK had no doubt of the general correctness of the position of the gentleman from Virginia, [Mr. SMITH;] but he wished to know whether the law of Congress, making it the duty of the departments to report the necessity of employing these extra clerks, had been complied with?

Mr. FILLMORE remarked that the law merely required a report of past expenditures; it had nothing to do with future ones. Next year, the report would come in, stating how the money now proposed to be appropriated had been expended.

Mr. SMITH of Virginia resumed, and read a portion of the law of last session, specifying when extra clerks shall be employed, and what shall be the duty of the departments in relation thereto. It would be perceived that the difficulty of the gentleman from Georgia [Mr. BLACK] was obviated by the fact, that a report of the manner in which this money had been spent would, according to the law, have to be made at the next session of Congress. Again: he knew of a case where a call was made for information two years since, and not complied with, owing to the inadequacy of labor in the department. Would the gentleman from Georgia [Mr. BLACK] have the clerks in employment without pay? Such would be the case, unless this appropriation were passed.

In making these remarks, he did not hesitate to avow his belief that there were many inefficient clerks in the departments, and much room for reform. It was often the case that clerks who

should be attending to their duties, were walking on the avenue during office-hours. This, however, was no reason why temporary clerks would not have to be employed. The object of the appropriation was, to place funds at the disposal of the departments, in case extra hire should be needed. It was necessary, he thought, that the heads of departments should be trusted with the contingent expenditure of this money; and there was no reason to believe that those officers would employ any extra clerks, unless absolutely necessary to carry on the public business.

Mr. CUSHING obtained the floor, but yielded it to

Mr. FILLMORE, who stated that the committee had reduced the amount asked for by the department in a very great degree.

Mr. BLACK rose, and was proceeding to reply to some of the remarks of the gentleman from Virginia, [Mr. SMITH,] when

Mr. CUSHING claimed the floor, and remarked that he hoped, by a brief explanation, to explain the obscurity which existed in the minds of some of the gentlemen who had addressed the House regarding this matter. He believed it was understood by the House, that, until the last session, there were a number of clerks employed in the departments without authority of law. It was then deemed important that there should be a standing law on the subject; and accordingly a bill was reported by the gentleman from Pennsylvania, [Mr. J. R. INGERSOLL,] subsequently passed, specifying the number of clerks to be employed, and giving a legal existence to many who had been before but temporary. It then became necessary to make provision for extra clerk-hire, and the regulations were established. The *first* was, that extra clerks should only be employed under previous regulations; and the *second*, that there should be a subsequent responsibility for their hire, and for the expenditure so incurred. Thus, whether there be $100 or $100,000 appropriated to this object, not one dollar could be spent unless to prepare information required by a call from Congress. Should Congress call for information, and should there be no appropriation, the Secretaries should say at once that there was no money, and the information could not be had.

The question now involved was, whether the House were willing to intrust this contingent appropriation to the heads of bureaus for one particular purpose, and for that only. He averred that, without a certain degree of discretion being allowed to those officers, it would be impossible to carry on the Government.

Mr. GILMER said, he might be mistaken in his views; but, until he was convinced to the contrary, he must persist in the course he had taken. From a careful investigation which he had made in the departments, on a committee at the last session, he had come to the conclusion that there were more permanent clerks than were necessary to the public service. Acting, then, upon this ground, how could he vote for extra clerks? When the committee had reported that, out of eighty clerks in the Land Office, at least twenty could be dispensed with, and one-third in the Indian Department, how would he be justified in voting for more?

Mr. TILLINGHAST remarked, that the decision of this matter depended much upon the facts of the case. The gentleman from Virginia [Mr. GILMER] was convinced that no more clerks were required, whilst the departments thought otherwise. He (Mr. T.) had every confidence in the statement of the gentleman from Virginia; yet he preferred to take the opinion of the departments, and should act upon that in giving his vote for the appropriation asked for.

Mr. BLACK reiterated his objections to the item of appropriation. Were it for past services —for labor already performed—he should have no objection to vote the money; but he could not consent to vote an appropriation for services that might or might not be rendered hereafter. In the present condition of the treasury, he thought that it was incumbent on the Representatives of the people to persist in the utmost economy of appropriation and expenditure of the public funds. To make appropriations in cases like the present, he was well convinced, would be butto invite expenditures.

Mr. WISE addressed the committee at large in favor of the item, and in reply to the remarks of his colleague, [Mr. GILMER.] He contended that it was the true policy of the Government to employ temporary clerks at particular seasons, instead of a greater number of permanent clerks all the year; and he illustrated his position by reference to the situation of the farmer, with whom it was almost invariably a rule to hire a small force during the year, and many extra hands, at advanced prices, during harvest. The sessions of Congress were the harvest-times in the departments, when more laborers were required.

Mr. J. W. JONES agreed with his colleague in the propriety of retrenching the expenditures of the Government, where it could be done without injury to the public service; but he doubted whether his colleague would accomplish his object, if he succeeded in striking out the appropriation for extra clerk-hire; on the contrary, it might be true economy to make the appropriation which was there asked on the part of the Committee of Ways and Means. The question was by no means new to the House, or to the committee; for it was a subject which had very frequently engaged the attention of committees, not only of the present session of Congress, but of sessions which had gone by. He remembered very well, several years ago, when it was sought to introduce some such items into an appropriation bill, with reference to other parts of the Government, his attention was particularly drawn to the subject, and he then examined it with great care. It was brought to his attention, and that of the committee, by an appropriation asked for on behalf of the General Land Office; and the committee was at first of opinion that it was a subject which was exceedingly liable to abuse; and the Commissioner was called upon to furnish the reasons which induced him to ask for that appropriation; and he (Mr. JONES) remembered well that it was the most judicious application of money that could be made—particularly in that branch of the public service. And the reasons which applied there, would also apply here. Why, in some of the land offices, one or two clerks were all that were required to discharge their duties; but, when the land sales came on, the duties increased ten, twenty, yea, perhaps a hundred-fold, and for, perhaps, one, two, or three weeks. Every gentleman would see, then, the propriety and the economy of calling in an additional force for one, two, or even four weeks, to discharge the extra duties, without interfering with the permanent service of the establishment. During the sessions of Congress, it was well known to every one who had witnessed the repeated calls on the various departments for information, that the regular force was inadequate for such exigencies; and it was true economy to call in extra aid.

Mr. G. DAVIS, Mr. WISE, and Mr. BIDLACK entered into explanations respecting the intention of the Secretary of the Treasury some time since to dispense with a portion of the clerks in his department.

Mr. BIDLACK observed that he would detain the committee but a moment, merely for the purpose of referring to a document to show that his recollections in regard to the statement made by the gentleman from Kentucky [Mr. G. DAVIS] were correct. From this document, it would be seen that, so far from its being true, as stated by the gentleman, that the Secretary of the Treasury contemplated a reduction of the force of the Land Office, the contrary was the fact. In document No. 90, of the last session, it would be found that a resolution was passed on the 13th of August last, calling on the Secretary to report to the House whether there could be any reduction made in the force of his department. With a view to answer this call, the acting Secretary of the Treasury called on the Commissioner of the General Land Office for information on that point in regard to his office. The Commissioner made a report in answer, which he would not detain the House by reading; but it was sufficient for him to say that the Commissioner stated, in substance, that he had been too short a time in office to determine with certainty whether any part of his clerical force could be reduced consistently with a due regard for the public service; but he gave his opinion that there was certain business that ought to be done, and, if that were done, there could be no reduction. Upon this report the Secretary of the Treasury, so far from contemplating a reduction in the General Land Office, said that he concurred with the Commissioner in the views there given by him. Mr. B. said that he referred to this document merely for the purpose of showing that his recollections of the circumstances were correct.

The question was then taken on Mr. GILMER's motion to strike out the appropriation, and rejected without a division.

The Clerk then proceeded with the reading of the bill, until he came to the appropriations for contingent expenses of the bureau of medicine and surgery of the Navy Department; when,

On motion by Mr. FILLMORE, the appropriation was reduced from $450 to $250.

On motion by Mr. MALLORY, the appropriation for contingent expenses of the bureau of provisions and clothing was also reduced from $450 to $250.

When the appropriation for the Post Office Department was reached,

Mr. SMITH of Virginia offered an amendment, appropriating $7,000 for continuing certain clerks in the office of the Auditor of the said department; but, on an explanation from Mr. FILLMORE, withdrew the amendment.

After proceeding with a few more items of the bill, the committee rose and reported progress.

The SPEAKER laid before the House a report from the Treasury Department, containing the estimates of the expenditures for the civil and diplomatic departments of the Government for the half year ending the 30th of June, 1843; which,

On motion by Mr. FILLMORE, was referred to the Committee of Ways and Means, and ordered to be printed, with two thousand extra copies.

Also, the annual report of the Secretary of the Treasury on the state of the finances; which was referred to the same committee, and ordered to be printed, with ten thousand extra copies.

Also, a communication from the Secretary of the Treasury, enclosing the annual report of the Commissioner of the General Land Office; which was referred to the Committee on the Public Lands, and ordered to be printed, with ten thousand extra copies.

Also, a communication from the Third Auditor of the Treasury Department; which was laid on the table, and ordered to be printed.

The House then adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, December 16, 1842.

Mr. SHAW referred the following petitions to the appropriate committees, under the rule of the House:

The petition of widow Olive Thompson, and Margaret Gould, both of Portsmouth, N. H., praying for an alteration in the pension law passed August 23, 1842; and

The petition of William Russell, of Portsmouth, N. H., praying for a fishing bounty.

Mr. BEESON presented the petition of John H. Bugher, Thomas Baird, and twenty-five others, citizens of the United States, praying for the repeal of the bankrupt law: referred to the Committee of the Whole on the state of the Union.

Mr. HUBARD presented the following petitions; which were referred to the appropriate committees, under the recent rule adopted by the House of Representatives:

Petition of William Anglia for a pension;

Petition of Thomas Harvey for a pension;

Petition of Major Tarlton Woodson for commutation pay;

Petition of Major John Brent's heirs for seven years' half pay;

Petition of Major Joseph Michaux's heirs for commutation pay; and the

Petition of Daniel Guerrant for a pension.

Mr. WM. O. BUTLER presented the petition

of Southerland Mayfield, praying that his pension may be extended to the time he received his wound: referred to the Committee on Pensions.

CAPITOL HILL INSTITUTE.

Mr. BOWNE offered the following resolution, which was agreed to:

Resolved, That the use of this hall be granted to the Capitol Hill Institute on Saturday evening next, at 7 o'clock, for the delivery of a lecture before the association by the Hon. LEVI WOODBURY.

FEES IN BANKRUPTCY.

Mr. BRONSON called up his resolution, which he submitted yesterday, in the following words:

Resolved, That the Secretary of the Treasury be, and he hereby is, required to obtain, with as little delay as practicable, a statement of fees taxed by the several clerks of the circuit and district courts of the United States, in admiralty and bankrupt cases showing the amount of fees taxed by said several clerks, with the items constituting said amount in a case in admiralty; and, also, in a case in bankruptcy, either to the bankrupt, or a creditor, when there is no adverse appearance; and showing the whole amount of fees that have been actually paid to each clerk on petitions, and other proceedings under the bankrupt act, to this date; and, also, the amount received by said clerks for filing papers, &c., and for blank forms and copies, in cases of bankruptcy under said act, and up to this date.

Mr. J. R. INGERSOLL inquired if the gentleman from Maine had examined a set of resolutions passed at the last session, to ascertain whether they did not cover the whole ground?

Mr. BRONSON replied that the resolution alluded to by the gentleman from Pennsylvania did not comprehend the information which he sought to obtain.

The resolution was then agreed to.

LATE COLLECTOR OF PHILADELPHIA.

Mr. TOLAND submitted the following resolution:

Resolved, That the Secretary of the Treasury be directed to inform this House whether any charges have at any time been preferred to the department against Jonathan Roberts, late collector of the port of Philadelphia, relative to his discharge of the duties of said office; and, if any have been, that he be directed to furnish copies of the same. Also, that he transmit to this House copies of any order, instruction, or request, addressed to the said Jonathan Roberts, to remove or appoint any subordinate officer of the customs at the port of Philadelphia. Also, a copy of the order or letter dismissing him from the office of collector of said port: and copies of all letters and papers in possession of the department relating to the subjects embraced by this resolution.

Objection was made to the reception of the resolution.

Mr. TOLAND moved a suspension of the rules, for its reception.

The SPEAKER being unable to decide on the vote, (being taken *viva voce*,)

Mr. BOTTS called for the yeas and nays; and they were ordered.

Mr. WISE said the gentleman from Pennsylvania had better make his call on the President of the United States, as he was the officer who had the power of removal in such cases, and as the papers might be with him, and not with the Secretary.

Mr. TOLAND was understood to reply that he only called for such matters as were in the control of the department, and such as this House had the right to call for.

The yeas and nays were then taken, and the result was, yeas 96, nays 81; which being less than a majority of two-thirds, the rules were not suspended.

IRREGULARITY OF THE MAILS.

Mr. MERIWETHER submitted the following resolution, and it was agreed to:

Resolved, That the Postmaster General inform this House what, if any, arrangements have been made by that department to secure the more regular transportation of the mail between Washington City and Augusta, Georgia; how many failures of the mail between these places have been reported to that department between the 1st day of July last and the 1st day of December, instant; what contractors have been fined, and how often, and to what amount, during the same period.

CIVIL AND DIPLOMATIC APPROPRIATION BILL.

Mr. FILLMORE moved that the House resolve itself into a Committee of the Whole on the bill No. 615, being a bill making appropriations for the civil and diplomatic expenses of Government for the half calendar year ending the 30th day of June, 1843.

The motion was agreed to, and Mr. BRIGGS took the chair.

The committee then proceeded with the bill, and passed through various items until it came to the appropriation for defraying the various expenses of the Supreme, Circuit, and District Courts of the United States, $238,000; when

Mr. C. J. INGERSOLL moved to reduce the appropriation $50,000. The committee would recollect, he said, that when this subject was under consideration last session, he made the same motion that he now did—that is, to reduce the appropriation one hundred thousand dollars for the year. The subject was fully discussed, and the proposition was adopted—first in Committee of the Whole, and afterwards in the House, by a majority of twenty-five on the call of the yeas and nays. The object was to reduce what was considered to be a great and unnecessary expense in this department of the Government; and this object having been accomplished, an attempt was made in the Senate to restore the sum that had been stricken out in the House. That attempt was negatived by a decisive vote; but, at the last expiring moment of the session, the chairman of the Committee on Finance in the Senate succeeded in getting the $100,000 put back in the bill making an appropriation for the Wyandot Indians. In this way, the appropriation was got through the Senate, and ultimately through the House. Mr. I. said that it was due to economy, and due to the *esprit du corps* of the House, (which was the purse-bearer of the nation,) that, when it thought fit to reduce the appropriation, the Senate should not be permitted to smuggle it back in this way.

Mr. FILLMORE admitted that the expenditure which the gentleman wished to reduce was extravagantly high, and that some abuses existed in this department of the Government which ought to be corrected. But Mr. F. said that the withholding the appropriations would not remedy the evils complained of. The officers of the Judiciary had established fees; and, if they were not paid this year, they must be the next. Mr. F. intimated that some further legislation would be necessary to correct the abuses complained of; and that the committee proposed to bring in a bill for that purpose before the close of the session.

Mr. C. J. INGERSOLL hardly knew what to say to this. He had no doubt that all the chairman of the Committee of Ways and Means said was perfectly sincere; and that the assurance he gave the House to have further action on the subject before the close of the session would be verified.

The Chairman acknowledged that there was something extremely wrong, and, he (Mr. J) must be permitted to say, something that could only be remedied in the way he proposed. If he understood the matter, these very large charges occurred in this way: The officers of the courts, witnesses, jurors, &c., and all the persons concerned in the administration of justice, received a certain per diem compensation, and the courts sat so many days in the year more than was necessary, that their expenses were greatly increased. He took it, therefore, that it was in the power of the House, by reducing the fund placed at the disposition of this department, to be distributed among the officers of the different courts, to keep their expenses within reasonable bounds.

After a further explanation from Mr. FILLMORE,

Mr. INGERSOLL withdrew his motion, reserving to himself the power of renewing it in the House.

Mr. MERIWETHER called the attention of the chairman of the committee to the omission of an appropriation for the marshal of Georgia, while there was an appropriation for the marshals of all the other States. Deeming this to be an accidental omission of the department, he moved to amend the bill by inserting one hundred dollars for the marshal of Georgia.

Mr. ROOSEVELT also called the attention of the chairman to a similar omission of an appropriation for the marshal of the southern district of New York; but at the request of

Mr. FILLMORE, these omissions were passed over till the bill could be read through.

HASSLER'S COAST SURVEY.

Mr. AYCRIGG moved to strike out the appropriation for the survey of the coast of the United States, including compensation of superintendent and assistants, $50,000.

Mr. MALLORY said it would be recollected that, at the last session of Congress, the House appointed a select committee to examine this subject. The committee were engaged in their investigations several months, their duties were very arduous, and a large mass of information was obtained. In consequence, however, of the absence of certain information deemed material by the committee, and from other causes, they were unable to report during the session. The result of their examination, however, was, that, although they were satisfied of the importance of this work, a majority of them came to the conclusion that the individual placed at the head of it was both physically and mentally incapable of carrying it on. They, therefore, came to the determination, when they should make a report, to bring in a bill to correct the abuses which they believed to exist. While, however, he said this much, he would also say that he was opposed to striking out the appropriation, for the work must still go on.

Mr. AYCRIGG asked if the appropriation of the last year was exhausted.

Mr. MALLORY would answer the gentleman as far as he could, by saying that the superintendent was still in the field, and had not been to Washington; therefore, it was impossible to state how much of the appropriation was on hand. He repeated, that he could see no propriety in withholding the appropriation, for it was in the power of Congress to correct the abuses that might be found to exist.

Mr. WISE asked if he understood his colleague correctly, in saying that a majority of the committee came to the conclusion that the superintendent was physically and mentally incapable of carrying on the work.

Mr. MALLORY replied in the affirmative.

Mr. WISE would ask his colleague if there was any vote in the committee on this head.

Mr. MALLORY said that when the majority of the committee came to that conclusion, and determined to make a report to that effect, his colleague and the gentleman from South Carolina [Mr. HOLMES] were not present.

Mr. WISE expressed his astonishment at what his colleague stated, and declared that it was the first time he had ever heard it said that Mr. Hassler was mentally and physically incapable.

Mr. MALLORY said it was not his fault if his colleague was not present.

Mr. WISE rose in vindication of the expediency of the appropriation. If it even was a fact that three of the committee were prepared to report that Mr. Hassler was both mentally and physically incompetent to carry on this survey in a proper manner, it was the first he had ever heard of it. He asserted that a majority of the committee never had come to any such determination. They would not dare to put it in an official form that they believed the celebrated mathematician Hassler mentally incompetent to perform the duties of this survey. True it might be, that, in making disbursements—in the mere mechanical operations—Mr. Hassler might be an unfit person; but, in the manipulation of instruments, there was no one who could compare with him. The testimony of Europe was recorded in his favor as a man of science. Indeed, he (Mr. W.) ventured to assert that testimony could be adduced to show, and conclusively prove, that this survey had been better and more cheaply conducted than any other work in the world.

Here Mr. MALLORY interrupted Mr. W., and denied the positions which the latter gentleman had assumed. He referred to a map engraved from a chart of Mr. Hassler, by order of the House, and appealed to the gentleman from New Jersey [Mr. AYCRIGG] to state how that chart had been executed.

Mr. WISE. I desire him to state what he knows. [Here Mr. AYCRIGG left the hall, and went to the library to get the chart and map referred to.] In the absence of the gentleman, he would state the facts, as he had them from Capt. Gedney, whose statements were in every respect to be relied on. The map was lithographed here in

Washington, and Mr. Hassler had nothing to do with it. The scale of the map was laid down incorrectly by the person who copied from Hassler's chart. He (Mr. W.) had inquired of Capt. Gedney whether the original chart was correct, and was answered that it was. Thus gentlemen would see that a typographical error was charged upon Mr. Hassler as a grievous fault.

Here Mr. AYCRIGG rose, and exhibited several charts and maps obtained from the library, and was understood to say that the scale of the maps was falsified, and to charge general incorrectness upon them.

Mr. WISE inquired whether Captain Gedney had not informed the gentleman from New Jersey that the error in the maps was not Mr. Hassler's, but occurred in copying and lithographing.

Mr. AYCRIGG answered in the negative, and stated that he held the original chart in his hand.

Mr. WISE. Is it the original?

Mr. AYCRIGG. Yes.

Mr. WISE. It must be a copy.

Mr. AYCRIGG reiterated his statement.

Mr. WISE resumed. He thought the State of New Jersey, by its Representative, was the last section in the Union that had any reason to complain of the survey. It had so happened that the survey was nearly complete along the Delaware. The whole coast of New Jersey was complete.

Mr. AYCRIGG here rose, and was understood to contest the scientific accuracy of Mr. Hassler's survey, and the system on which it had been conducted.

Mr. WISE replied, and remarked, that if the gentleman thought proper to come to matters of science—to introduce technicalities into the debate—he (Mr. W.) must stand off. He did not presume to think himself mathematician enough to overlook the celebrated Hassler. He knew not if Mr. H. had verified his work; but he knew that the next base to be taken would be upon the Chesapeake; and then the work would be verified from Long Island to Cape Charles. He had been told by all the young officers that the survey of New Jersey was so accurate, that the lines of many hundred miles met within a few feet.

He was unqualifiedly of the opinion that the chart of the survey was itself worth more than the amount of one year's appropriation.

Mr. MALLORY here rose and inquired whether the chart of the new channel or entrance to the port of New York had ever been published; and why not?

Mr. WISE remarked, that Mr. Hassler was jealous of his reputation, and had, therefore, withheld the chart until he could determine its positive verification. It was withheld until the matter could be made complete; and this was made a subject of complaint by many gentlemen opposed to the continuance of the survey. Acting upon this complaint, the select committee had determined that the chart should be published. In six weeks it would be out and before the public.

There was another class of enemies to this appropriation for Hassler's survey. There were a certain number of gentlemen—headed by a clique in the navy—who had made the discovery that surveying by chronometric astronomy was to be revived. Such a survey, he pronounced, would not be worth the paper on which it was lithographed. Such a survey would not meet the object desired by the country; and would, in nine cases out of ten, run a vessel upon the shoals.

The next class of enemies to this appropriation, were those who thought that Mr. Hassler held a lucratice office—$3,000 per annum being allowed him as a salary, and $3,000 more to pay his expenses. He (Mr. W.) was of the opinion that the expenses of Mr. H. could not be less than $4,000. There were others, too, who wanted Mr. Hassler's office, and they also were opposed to this appropriation.

He would state a circumstance which had happened in New Jersey, and which, for aught he knew, might have had some influence upon the course of the gentleman from that State [Mr. AYCRIGG.] Mr. Hassler had, in the course of his survey, settled down upon a portion of the territory of that State, deeming himself entitled to encamp where he might, as an officer of Uncle Sam, and not knowing anything about the laws of property in this country. In this state of the case, he was notified that he must pay rent, or remove; and, upon his refusal, process was issued against him by some pettifogging lawyer in New Jersey, and he was actually sent to prison, where he remained two days, incarcerated among felons, because he could not be made to understand that he had to pay rent. He (Mr. W.) undertook to say that his colleague, [Mr. MALLORY,] the gentleman from New Jersey, [Mr. AYCRIGG,] and the gentleman from Massachusetts, [Mr. CUSHING,] whose reputation for scientific attainments was greater than either of the other two, might sit down at the feet of Hassler, and be taught by that philosopher.

Mr. AYCRIGG interposed and said, if the gentleman would look in the library, he would find a pamphlet containing 400 errors which had been committed in a work of only 200 pages by Mr. Hassler. These were errors, by his own acknowledgment.

Mr. WISE remarked that he could not wish a better proof of the accuracy of the man. [Laughter.] The acknowledgment showed that he was candid, and could be relied on. [Laughter.] Other men would have produced works with one thousand and one errors, and not acknowledged one of them. [Laughter.] Did the gentleman suppose that Isaac Newton never committed an error? If he did, he was much mistaken. The whole business of science was to correct error. Let the gentleman go to Paris, and he would there find the National Institute daily engaged in correcting errors.

He had already mentioned three classes of enemies to the survey. The fourth was composed of those who, now that the survey had progressed as far as the peninsula of the Chesapeake, and the coast of North Carolina, (which was the most dangerous of navigation in the United States) were anxious that the survey should be carried back to Long Island, and thence proceed northward. A fifth class was composed of those, among others, who thought Mr. Hassler incompetent, not only because he could not speak the English language correctly, but also because he was in the habit of speaking his mind pretty freely of those whose practice it was to catechise and cross-question him. In his examination before the committee, Mr. Hassler would understand the questions in a different sense from that in which they were propounded, and would answer accordingly. He (Mr. W.) had, however, been able to understand him; and where he had not, he had gathered what information he desired from Captain Gedney.

Mr. MALLORY rose, and said, he admitted the fact of Mr. Hassler's confused answers. So great was his confusion, that an interpreter had to be introduced. He would give his colleague one reason for opposing the continuance of Mr. Hassler. It was known that the topography of the southern coast was different from that of the northern. In the former it was flat, and in the latter distinguished by highlands. The same process, therefore, would not answer for surveying both coasts. When questioned in committee as to how he should proceed with his survey when he arrived upon the coast of Virginia and North Carolina, he could give no satisfactory answer. This fact could be proved by the journal of the committee.

Mr. WISE ventured to assert that Mr. Hassler would not answer any one as to the mode in which he would proceed; but the officers had told him how he would go about the work. Their testimony, and that of every man of science, was in favor of the competency of Mr. Hassler.

Mr. MALLORY reasserted the ground he had taken, and said the committee were satisfied of Mr. Hassler's inability to tell how he should proceed.

Mr. WISE resumed, and went into a description of Mr. Hassler's personal appearance, mode of conversation, &c., together with the scenes enacted before the select committee; when

Mr. BIDLACK called him to order, and contended that he was transcending the rules of the House, which forbade members to detail scenes which had occurred in committee.

The CHAIRMAN sustained the point of order.

Mr. WISE then said he would state what happened out of committee. Mr. Hassler was charged with being mentally and physically incompetent—

Here Mr. MALLORY said, that when he made the report of the committee, as its chairman, he did not deem it necessary to state all the facts which led him to the conclusion.

Mr. WISE again denied the incompetency of Mr. Hassler, and said that, had the committee so reported, it would have been without evidence. He then went into an argument to prove this position; when

Mr. AYCRIGG remarked that the fact that Mr. Hassler had denied his own map, and was, according to his own statement, between eighty and ninety years of age, was conclusive, to his mind, of incompetency.

Mr. WISE. Now, we have all the evidence.

Mr. MALLORY. No, not all. My colleague has asked for the witnesses of Mr. Hassler's incompetency. I say that he was witness enough against himself, without any other witness whatever.

Mr. WISE. Now, we have the evidence. Should that map, containing merely a *typographical* error, blast the mental reputation of a man who stands before the world as a philosopher? He denied the introduction of competent witnesses to prove his incompetency. Mr. Hassler might look odd and shabby in his dusty old coat; but, in the field of science, he was at home, and, not only at home, but *major domo*. He appealed to the experience of gentlemen here who had been to college, if they had ever seen a great mathematician who was not an odd sort of a man. He well remembered old Jemmy Read, of Washington College, Pa; and he appealed to the Representative of the Washington district to say if any one ever taught mathematics better, little common sense as he had out of doors. A man might have all the depths of Newton knowledge, and yet not know that a New Jersey pettifogging lawyer could put him in jail among felons. He appealed to gentlemen not to be prejudiced by Mr. Hassler's manner. As to his age—true, he was old; yet he had an old-fashioned constitution that could stand much. He was an octogenarian in age, with all his mental faculties in full vigor.

Mr. HOLMES said this motion was discourteous to the committee, and disrespectful to the House. As a member of the committee to which this subject had been referred, he had left the matter principally to the gentleman before him [Mr. MALLORY,] and the gentleman from Massachusetts, [Mr. CUSHING;] who, he would state, seemed to him to go with a predetermination into the investigation. And he would say again, so far from feeling the mental incompetency and the vast inferiority of the gentleman they had assailed, and whose character for science they would pull down, he had felt rebuked when the answers were given to the interrogations put to him. He had felt that the committee, having just looked into the books and learned the alphabet of science, were displaying to him, who was the great master in science, the little knowledge which they had; and he appealed to the gentleman from Virginia whether, when they went into a collision of intellect, they were not invariably put down. He (Mr. H) thought the best way for himself was to retreat, and he believed the gentleman from Virginia [Mr. WISE] did the same, [laughter;] and they left the other gentleman to carry on the contest. The committee summoned Mr. Hassler before them; and they took testimony; but they never made a report, which ought to be made after a full examination, before they pronounced judgment on one whose intellect had illuminated not this country alone—for it was the admiration of the philosophers of Europe. Was it fair and respectful, then, to the House, under such circumstances, to ask them to rely on the *ipse dixit* of individuals alone? Mr. Hassler might have admitted an error in one of the maps, as the gentleman from New Jersey had stated; and the great mind of Mr. Hassler might be revelling in the light of truth. Who did not remember the story of Galileo, who, when carried before a tribunal of scientific men,

confessed his error in his discovery that the earth revolved round the sun, but who whispered to a neighbor, at the same time, "Though I do confess my error, the world will go round the sun, for all that." And those philosophers would find that, in the judgment of posterity, (if they were capable of knowing aught about the things of this life,) the world does go round the sun, for all that. He hoped the House would get a full report from the committee, who were made the jury in the case, before they ventured to determine on such an important subject; and not destroy, on an appropriation bill, on *ex parte* statements, a plan which was commenced in the time of Mr. Jefferson, which had been prosecuted at a vast expense, which embraced the whole line of their coast, and not only the lives of their marine, but the passengers who came to our shores, and the great interests of commercial enterprise.

Mr. CUSHING went into a lengthened statement of the proceedings of the committee to whom this investigation was intrusted; who, having been unable to complete their inquiries during the last session, were continued, by a resolution of the House on the day of its adjournment, to the present session. The subject was divided into two classes—administrative and scientific; the former of which only had they fully considered. And notwithstanding the conclusions of his own mind on that branch of the subject which they had explored—feeling strongly the public importance, and the deep interest to the country, and to its commerce, and to the learning and science of the world, of this great scientific work—he hoped it would be prosecuted to its completion. He regretted that this appropriation had not been permitted to pass, and he hoped the committee would not agree to strike it out. So high was his estimate of the work, that not only incompetency, but mismanagement should be pardoned to secure its completion. He intended to vote for this appropriation, though he felt bound to state the conclusion to which he, in common with others, had arrived respecting the character of the superintendent. The class of topics which he called administrative, he divided into two branches: the physical condition and the mental condition of the person who had the superintendence of the work. And he was the last man to say that an old and faithful servant, who had discharged his duty to his country, should be removed for his infirmities; but, if that fact were put in issue—to wit, whether that coast survey had been unnecessarily delayed; whether proper despatch and all practical economy had been resorted to,—on going into those questions, they would run their heads against the fact that Mr. Hassler, from the infirmities of age, was deprived, during a portion of the year, of the full ability to superintend the work, as a younger and more vigorous man would do. The work had been delayed by the infirmities of age.

Mr. WISE said that sickness had caused it. It was the fever which had produced delay.

Mr. CUSHING. Yes, and that was connected with old age. And he was told that the average employment had not been more than three months in the year.

Mr. WISE said that he was a younger man than the gentleman from Massachusetts.

Mr. CUSHING. I call the gentleman to order. [Roars of laughter.]

Mr. WISE repeated that he was a younger man by several years than the gentleman from Massachusetts; and yet he had been confined for six weeks this fall with the bilious fever. But it was said that Mr. Hassler had been but three months in the field in the year; and here he would observe, that if he had not been in the field, (and there were five or six months in the year during which the youngest could not be in the field,) he had been in his office, going through the figures which the field-work had accumulated.

Mr. CUSHING said he did not wish now to be pressed to go into the minute details; and therefore he would return to the question of physical incompetency. What was the nature of the coast survey? It was, in fact, a great bureau of this Government; and Mr. Hassler was the superintendent of its vast enterprise—a bureau involving a much larger personnel and expenditure of money than some other bureaus of this Government; and it was one of the difficulties which stood in the way of a speedy and prompt prosecution of the work, that an individual had been selected who, whatever and how superlative soever Mr. Hassler's merits might be, did not bring administrative merit to the conduct of a bureau in which so many persons were employed, and an annual expenditure incurred of $100,000.

Mr. WISE asked the gentleman from Massachusetts [Mr. CUSHING] if he was one of those who came to the conclusion that Mr. Hassler was mentally and physically incapable, as stated by his colleague.

Mr. CUSHING said he was not present when the gentleman from Virginia [Mr. MALLORY] was on the floor, and did not hear what was said by him.

Mr. MALLORY begged leave to explain. He had stated that the basis of the report they contemplated making, was the conviction on their minds that Mr. Hassler was mentally and physically incapable of discharging the duties of superintendent.

Mr. CUSHING said that he had already sufficiently gone into detail in regard to the physical part of the subject; and, as to the mental part of it, he wished to avoid going into it. It was enough for him to say that he came to the conclusion that Mr. Hassler was incompetent to the discharge of his administrative duties as head of the bureau. He did not intend to enter into the question whether Mr. H., as a man of science, was competent or incompetent. But granting that his scientific qualifications were as great as the gentleman from Virginia [Mr. WISE] rated them to be; yet, he was satisfied that the House, upon an examination of the testimony taken by the committee, would come to the conclusion that he was unfitted to discharge the administrative part of his duties. Mr. C., however, strongly deprecated the withdrawal of the appropriation. He had rather (he said) that the surveys should be continued under the charge of Mr. Hassler, than retard a work that was so important in a scientific and commercial point of view. He hoped the committee would leave the appropriation as it was.

On motion by Mr. J. R. INGERSOLL, the committee rose and reported progress.

Mr. JOHN G. FLOYD moved that when the House adjourned, it should adjourn over to Monday next.

Mr. FILLMORE called for the yeas and nays on the motion, which were ordered; when

Mr. FLOYD withdrew the motion.

The House then adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, December 17, 1842.

Mr. DIXON H. LEWIS and Mr. SHIELDS of Alabama, and Mr. GWIN of Mississippi, this morning took their seats. Mr. PROFFIT, also, has arrived in the city, but in such a state of ill health as to confine him to his room.

Mr. MEDILL presented a memorial from a number of the citizens of Somerset, Ohio, including six members of the bar at that place, asking a repeal of the law of the last session, establishing the summer term of the circuit and district courts for Ohio, at Cincinnati, and that both terms be held at Columbus, as formerly.

By the request of Mr. LOWELL, the following petitions and papers were taken from the files and referred, viz:

The petition and other papers of Nicholas Thomas for a pension: to the committee on Revolutionary Pensions;

The petition and other papers of Henry Dorr for a pension: to the Committee on Revolutionary Pensions;

The petition and other papers of William Pool for a pension: to the Committee on Invalid Pensions;

The petition of Freeman Hall and others for an appropriation for a breakwater at Matinicus Island, Maine: to the Committee on Commerce; and

The petition of John Patten, jr., for the allowance of a bounty on fishing schooner 'Credit."

Mr. J. CAMPBELL introduced his colleague, the Hon. S. W. TROTTI, who was sworn, and took his seat. [Mr. TROTTI is the successor of Mr. SAMSON H. BUTLER.]

KENTUCKY ASYLUM.

Mr J. R. THOMPSON asked leave to introduce a bill in relation to the land heretofore given to the Kentucky asylum for the deaf and dumb.

After some objection on the part of Mr. BARNARD to the irregularity of the proceeding, (no notice having been given,) and some explanations by Mr. THOMPSON, the bill was allowed to be introduced, and passed through all its stages.

LIBRARY OF CONGRESS.

Mr. TILLINGHAST submitted the following joint resolution; and it was agreed to:

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That of the copies of the catalogue of the Library of Congress, last published, now remaining on hand, there be distributed, by the librarian, one copy to each member of Congress.

THE PUBLIC CREDIT.

Mr. EVERETT gave notice that he would, to-morrow, or on the first opportunity, ask leave to introduce a bill entitled "A bill to revive and establish the public credit." [Laughter.]

REVOLUTIONARY PENSIONS.

Mr. EVERETT offered the following resolution; and it was agreed to:

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of granting a pension to Adam Pond, a revolutionary soldier.

He also offered the following resolutions; which were adopted:

Resolved, That the Committee on Private Land Claims be instructed to inquire into the expediency of authorizing patents to issue to Chester Baxter, A. Blake, and Jason Steele, for lots Nos. 27, 28, 36, 37, 38, 39, and 40, in township 16, range 16 east, in the southeastern district of Louisiana.

Resolved, That the claim of the administrator of Joseph Edson, sometime marshal of the Vermont district, for poundage on sundry executions in favor of the United States, be referred to the Judiciary Committee.

FRENCH SPOLIATIONS.

Mr. J. R. INGERSOLL presented a memorial of citizens of Philadelphia, relative to French spoliations prior to 1800, which he briefly explained; and urged the necessity of acting at an early day on the bill now on the calendar of the House on that subject. The memorial was committed to the Committee of the Whole on the state of the Union.

PENITENTIARY OF THE DISTRICT OF COLUMBIA.

Mr. BOARDMAN submitted the following resolution:

Resolved, That the President of the United States be requested to communicate to this House the annual expense to the public treasury of maintaining the penitentiary in the District of Columbia during the last five years. Also the number of officers and men now employed in the charge and superintendence thereof, with the compensation allowed to each, the number of prisoners confined therein, the offences for which they were severally sentenced, and the periods for which they were to be confined. Also the occupation of the several prisoners—whether employed by contractors, at a stipulated price, under the superintendence of the officers, or upon materials or work immediately for the use of the Government, together with the gross amount of the avails of the labor of the prisoners; he cost of the food, clothes, and medicine of the prisoners. Also the expense incurred by any agency or commission instituted within the last two years, for any purpose connected with the prison, and chargeable upon the treasury.

Mr. BOWNE said he wished the House to get to its regular business, and therefore he objected to these resolutions, and to all others at this time.

The resolution was in consequence not received.

CIVIL AND DIPLOMATIC APPROPRIATION BILL.

Mr. FILLMORE said the chairman of the Committee on Claims had appealed to him to allow this day to be devoted to private bills; but he, nevertheless, felt bound to move that the House resolve itself into a Committee of the Whole, on bill No. 615, being a bill making appropriations for the civil and diplomatic expenses of Government for the half calendar year ending the 30th day of June, 1843. He made this motion, as he conceived, in the discharge of his duty; and he left it to the House to dispose of it as it might think proper.

The SPEAKER put the question, and announced that the noes appeared to have it.

A division was called for; and the Speaker announced the result to be 52 in the affirmative, and 48 in the negative—being less than a quorum.

Tellers were called for, (a quorum evidently being in the House;) and Messrs. BOARDMAN and WELLER were appointed; and, after taking the vote, they announced the result to be 86 in the affirmative, and 53 in the negative. The motion was therefore carried, and Mr. BRIGGS took the chair.

When the committee rose yesterday, the pending question was on the motion of Mr. AYCRIGG, to strike out the item of $50,000 for the coast survey; and the debate on that question was now resumed.

Mr. J. R. INGERSOLL entered into a defence of Mr. Hassler, whose history, connexion with this Government, sacrifices, services, attainments, and qualifications, he minutely detailed and eulogized.

Mr. REYNOLDS obtained the floor, but yielded it to

Mr. AYCRIGG, who made a brief explanation in reply to Mr. INGERSOLL. The reporter heard Mr. A. too indistinctly to venture upon a sketch of his remarks.

Mr. REYNOLDS said it had been repeatedly asserted in the course of the debate, that Mr. Hassler had no friends here; but he should infer, after hearing the warm and eloquent eulogy pronounced on him by the gentleman from Philadelphia, [Mr. J. R INGERSOLL,] that he could not have an abler or more zealous advocate, either with or without a fee; though he was sure that the gentleman defended him without one. Mr. R. said that he, for one, was not an enemy of Mr. Hassler; on the contrary, he was his friend. He was not one to say that, because he was a foreigner, he should not receive the patronage of the Government; for he would make no distinction between native and adopted citizens. This country was but of recent growth, and but a few years back we were all foreigners; so that a doctrine contrary to his would exclude all. But to return to the subject under discussion. According to the gentleman from Philadelphia, if Mr. Hassler was to be turned out of office, this Republic would be put an end to—the wheels of the Government would stand still; and not only that, but this great work, so important to the scientific and commercial world, would be stopped. This was the force of the gentleman's argument. Why, the work might be stopped, and still the Republic suffer no detriment. If the gentleman would refer to one of the documents which he had been handling, he would find that the work was once suspended for fifteen years, and still no great evils happened in consequence of it. Now, he only wanted it to be suspended till the report of the committee came in, and then they would be better able to determine what course it was proper to take in regard to it. The gentleman contended that a majority of the committee did not come to the conclusion (as stated by the gentleman from Virginia) that Mr. Hassler was mentally and physically incompetent. Now, he did not know how the gentleman arrived at that conclusion. Some people were so aristocratic in their ideas, that they did not wish the majority to govern; but he hoped that the mind of the gentleman, though he lived in the fine city of Philadelphia, was not so perverted as to make him believe that two were a majority of five. Had not the committee the right to say that Mr. Hassler was physically and mentally incompetent? He was told that the gentleman from Philadelphia was a lawyer, and a very eminent one—he was, too, a Philadelphia lawyer.

[Mr. INGERSOLL here made some remark not heard by the reporter.]

Mr. R. said that he took the gentleman for a lawyer from his special pleading, and he would cite a sample of it. The gentleman said that there was no report. True, there was not a written one; but the majority of the committee informed the House of the bases of one that they had agreed upon. The gentleman, perhaps, would not agree that there was a report until he saw it in Gales & Seaton's paper, with Gales & Seaton's ink and type. Mr. R. then spoke of the Atlantic influence which operated in favor of this appropriation, and said that the gentleman resided in the city of Philadelphia, where everybody was in favor of the coast survey. He was also surrounded by the influence of those whose employments depended on the continuance of the survey. The information which the gentleman got this morning, and which he had just communicated to the House, came from that source. The other members of the committee, also, were subject to this Atlantic influence, and would, therefore, vote for the appropriation. This was all very natural and very proper. He himself lived under an influence of a different nature—he meant that of the national road—and should endeavor to obtain all the appropriations he could for it. Let us, however, (said Mr. R.,) return to Mr. Hassler. He believed it was an extraordinary issue, that the Congress of the United States should go into an investigation of a man's age. Now, it was not necessary for the committee to say anything about age; they had a right to say that the superintendent was mentally and physically incompetent, without referring to his age. Here were three individuals, under the solemnity of their oaths, declared that he was mentally and physically incompetent. Was not this enough, without going into his age? Ought he, after the announcement of this fact, to continue in office? Should the President be forced to continue him? Had Mr. Hassler a right to this office for life? He was aware that there was a mistaken notion entertained by many, that a public officer had a property in the office he held; but he did not agree to give in to such a doctrine. The gentleman from Philadelphia urged that Mr. H. was not only a man of science and a philosopher, but that he was the only man in the Union capable of carrying on this work. Now, he looked upon it as a reproach to the Union—as disreputable to the Republic—to say that, out of a population of seventeen millions, there was only one man capable of surveying our coasts. Where was the West Point academy, and the number of scientific young men there yearly educated at a vast expense to the nation? Would the gentleman say that none of these were capable. If so, the institution ought to be abolished. Would the gentleman say that none of the officers of the navy were capable? He would pause for the gentleman's reply, and spare him a few minutes of the time allotted him (Mr. R) to enable him to answer the inquiry.

Mr. JOSEPH R. INGERSOLL said he would answer the gentleman with pleasure. He did not believe that there was a single officer of the army or navy, or, indeed, a single individual in the nation, capable of superintending the work as it had been done by Mr. Hassler.

Mr. MALLORY, on leave being given him by Mr. REYNOLDS, said that he would give the gentleman some information of what took place in the committee-room. Hearing the great age of the superintendent spoken of, they thought it necessary to ascertain whether the survey could be carried on, should he die before its completion; and they, therefore, made inquiries, in relation to this point, of some of the officers engaged in it, who were able and competent men. They answered that there were many men in the country perfectly competent, in every way, to carry on the work. Now, as to the age of Mr. Hassler. He said that he had been fifty-six years in the public service, and that he first turned his attention to jurisprudence and diplomacy.

Mr. JOS. R. INGERSOLL said that he had received several communications on this subject, one of which was signed M. C. Hassler, in which the writer said that his father was just seventy-three years of age.

Mr. REYNOLDS continued. The age of the individual had nothing to do with the subject, the gentlemen of the committee not having been bound to give their reasons for coming to the conclusion that they did—that he was mentally and physically incompetent. This was no disgrace to Mr. Hassler. He ought to retire from the public service, for no man would desire to continue in office after such an announcement No man was disgraced by losing office, any more than by being beaten in an election. There was his friend before him, who either had been, or would be beaten; and yet it was no disgrace to him. Let the old gentleman, then, retire; and he would find himself much more comfortable in the bosom of his family, than camping out in the snows of New Jersey, as stated by the gentleman from Pennsylvania. But the friends of Mr. H. on this floor wanted to make his character a pretext for continuing the appropriation, and dwelt much on his services, and the hardships he encountered. Did he not hear the gentleman from Philadelphia eloquently declaiming about the storms hovering over the old man's head, while he was engaged in his arduous labors in the field—the ground covered with snow, and he without a tent to lie in? Why, no attack was made on Mr. Hassler's character. The affair of the map was only spoken of by the gentleman from New Jersey [Mr. AYCRIGG] as an evidence of his incompetency, and not of his criminality. No forgery was charged. The gentleman, as a lawyer, knew very well what constituted forgery; and that the charge did not amount to that. After some further remarks, Mr. R. went on to urge that the appropriation for the survey should be postponed at least till the report of the committee was received. This he conceived to be required by prudence, as well as economy. He further observed, that while he was for an economical expenditure of the public money, he was for equalizing the appropriations more than had hitherto been done, between the Atlantic and Western portions of the Union. He looked upon the harbors for the lakes, the improvement of the Mississippi and Ohio, and the purchasing out, so as to make free, the Louisville and Portland Canal, as objects of far more importance than the coast survey.

Mr. TILLINGHAST rose and advocated the appropriation. He commenced by referring to the arraignment of an ancient philosopher and poet before the Areopagus, where he appeared on trial, and seemed to be mentally and physically incompetent. That man was Sophocles, and was thought to be insane. Yet he defended himself by reading a portion of a work he was then engaged in writing—the celebrated tragedy of the Œdipus Coloneus—a work read with pleasure even to the present day. The trial of Mr Hassler at this time reminded him of this incident. He, too, had defended himself, by detailing a portion of his labors—which, however, were such as not to be understood by his judges. Yet this philosopher was engaged upon a work which hereafter might render him as celebrated in one department of knowledge, as old Sophocles was in another.

He (Mr. T.) thought that the object sought to be attained could not be accomplished by rejecting this appropriation. A law remained in force authorizing the President to employ a superintendent of the coast survey; and so long as this was the law, a superintendent might be kept in office. If there was any fault to find with the present superintendence, the House should express their opinion, and induce the President to change it. If it was alleged that the work was failing to answer its purpose, and was only calculated to decoy into danger, instead of affording beacons for the preservation of life and property, let there be an investigation; let Mr. Hassler's performance be inquired into, and justice done him. He (Mr. T.) deprecated any act of the House that would suddenly assign Mr. Hassler to retirement and dismission, without due investigation.

He went on to explain the reason of the difference of the map from the correct standard. He alluded to the pamphlet correcting the four hundred errors, referred to yesterday by the gentleman from New Jersey, [Mr. AYCRIGG,] as having been committed in a book of 200 pages. This minute correction was to him an evidence of the extreme desire on Mr. H.'s part to be accurate. He read from the pamphlet of errata to show that the errors charged were mostly errors of grammar and style, and not mathematical errors.

Mr. WISE wished the committee to take notice that the gentleman from Rhode Island read from the book adduced on yesterday by the gentleman from New Jersey, [Mr. AYCRIGG,] to prove the incompetency of Mr. Hassler.

Mr. TILLINGHAST resumed. These errors were of the most trifling character, or, as a gentleman near him [Mr. C. J. INGERSOLL] said, were mere *corrigenda*. He had been informed by scientific

men that Mr. H.'s work was, in all respects, remarkably accurate. He proceeded to notice a number of objections urged against the superintendence of this survey. He had no evidence of the incrtness of Mr. Hassler, and the assistants under him. So far from it, their duties had been pursued with remarkable industry and vigor. As to the delay in the publication of the maps, he could see no reason to censure Mr. H. for not bringing them out until he was authorized to do so. He denied that a great scientific work, like this survey, could be properly carried on, as had been proposed, under the administrative superintendence of a bureau. No one was better calculated to superintend it than Mr. Hassler, although he might be old; and yet, not so old as some men of great intellectual vigor who sat before him. After a few more remarks in relation to the importance of the survey to the whole country, and to its commerce, he took his seat.

Mr GILMER, said he rose for the purpose of offering an amendment, rather than to make a speech. It was not his purpose to do anything to prevent the committee from coming to a vote upon the question to-day. It seemed to him that the debate had taken—he would not say too wide a range—but a range too far from the work. He could not perceive what the merits and qualifications of Mr. Hassler as a man of science and a mathematician had to do with the expediency and propriety of making this appropriation. He (Mr. G.) knew noting of the acquirements of Mr. Hassler, and his competency to produce a work adequate to the wants of the country. He could not undertake to decide in a matter where doctors so widely differed among themselves. [A voice *Lawyers*] Yes, where both doctors and lawyers disagreed. [Laughter.] Nor could he see the application of the remarks of the gentleman from Rhode Island, [Mr. TILLINGHAST,] in relation to the trial of Sophocles, to the present item of appropriation.

He (Mr. G.) was disposed to regard this as a matter of appropriation solely. He was prepared to reduce every appropriation and every expenditure under the Government which would admit of it. It was, as he conscientiously believed, the duty of Congress to make this reduction—a duty, the performance of which was imperiously demanded of them by the condition of the country. This expenditure was one, he conceived, which might be dispensed with without injury to the Government. He would go farther than this; he would advocate a still further reduction of the army from that made at the last session, especially among the staff, and in the engineer department. In short, he meant to vote for reductions in every department that would admit of it.

Here Mr. G. was interrupted by calls for the committee to rise; to which he yielded, in order that a test vote might be taken. The committee refused to rise—ayes 57, noes 72.

Mr. GILMER resumed, and expressed his gratification that the committee had refused to rise. He reiterated his assurance that he did not mean, by his vote, to express any opinion of Mr. Hassler as a man of science. It had, however, been urged as a reason for continuing the appropriation, that a sudden suspension of the survey would occasion injury to the Government, from the fact that extensive field-notes had been taken, though not yet reckoned out—a process which could not be accomplished by any one else so well as by Mr. Hassler. He admitted the argument in part; and it was the object of the amendment he should submit to obviate the difficulty. Instead of making the appropriation of $50,000, as contained in the bill, he should propose to substitute such a sum only as would be necessary to enable Mr. Hassler to complete, in the closet, the notes and observations already taken in the field. When the treasury should be in a better condition, the survey might be resumed. But, at present, the expenses of this Government exceeded its income. The Government was puzzled how to raise means to meet its most pressing and immediate engagements. It had borrowed until it could borrow no more. There was but one alternative left—and that a reduction of expenses, and the withholding of all appropriations not of absolute necessity. The present was one of that character, and therefore he opposed it.

He was loth to do injury either to the Government or to individuals, and, therefore, on the present occasion, he was willing to grant such a sum as would enable Mr. Hassler to complete his notes. The same process of reduction he would have carried into effect with regard to other appropriations.

Mr. AYCRIGG here suggested to Mr. G. to move to strike out $50,000, and insert $20,000.

Mr. GILMER accepted the suggestion, and made a motion accordingly. The committee, he said, would perceive that, by the proposed reduction, $30 000 would be saved the ensuing year, and $100,000 each year thereafter. It was impossible for a Government like ours to take any such step as that proposed, without experiencing a temporary inconvenience. Its paramount duty was retrenchment. The only remedy for the times was retrenchment; and, indeed, it was the only remedy that could be successfully resorted to in order to restore private and public faith, now sunk so low as to make every American with patriotic feelings look upon his country with the deepest regret.

Mr. AYCRIGG here signified his acceptance of the motion of the gentleman from Virginia, [Mr. GILMER.] in lieu of his own; which was to strike out the whole appropriation.

Mr. BURNELL then obtained the floor, and was about to address the committee, when, at the request of many members, he yielded to a motion that the committee rise; which motion was carried.

The committee rose and reported progress.

Mr. WISE offered a resolution of inquiry, which was adopted, calling on the Secretary of the Navy for information in relation to the appropriation of last session for the construction of a dry-dock at Brooklyn.

The SPEAKER laid before the House several executive communications:

1. A communication from the Treasury Department, in answer to a resolution of the House of June 23d, 1842, calling for a statement of the number of cargoes entered at American and foreign ports by vessels of the United States. Laid on the table, and ordered to be printed.

2 A communication from the Treasury Department, covering the report of the Commissioner of the General Land Office, in relation to certain private land claims at New Orleans: referred to the Committee on Private Land Claims, and ordered to be printed.

Mr. BOARDMAN again offered his resolution, calling on President for information respecting the penitentiary in the District of Columbia; which was adopted.

Mr. CUSHING offered a resolution, (which was adopted,) instructing the Committee on Revolutionary Pensions to inquire into the expediency of reviving the act of July, 1838, allowing pensions to certain widows.

Mr. C. J. INGERSOLL inquired of the Chair when resolutions would be in order?

The SPEAKER answered, Monday next; which will be resolution day.

On motion of Mr. FILLMORE,

The House adjourned.

IN SENATE.

MONDAY, December 19, 1842.

Mr. WALKER of Mississippi, and Mr. SEVIER of Arkansas, appeared in their seats to-day.

After the reading of the journal,

The PRESIDENT *pro tem.* laid before the Senate a communication from the Treasury Department, transmitting the annual report of the Secretary, showing the condition of the finances; when,

On motion of Mr. EVANS, the report was referred to the Committee on Finance, and 1,700 copies, in addition to the usual quantity, were ordered to be printed; 200 of which to be subject to the disposal of the Secretary of the Treasury.

The PRESIDENT *pro tem.* also laid before the Senate a communication from the Secretary of the Treasury, transmitting the annual report of the Commissioner of the General Land Office; which, on motion of Mr. SMITH of Indiana, was ordered to lie on the table and be printed.

Also, laid before the Senate a communication from the Navy Department, covering a report, in compliance with a resolution of the Senate of the 29th June, 1842, upon the subject of the cultivation of hemp; which, on motion of Mr. BAYARD, was ordered to lie on the table and be printed.

Mr. BATES presented a petition from Samuel Dicy for a pension; which was referred to the Committee on Pensions.

Mr. BUCHANAN presented a memorial from a large number of persons engaged in the manufacture of hats, similar to others presented by him, praying Congress so to modify the tariff as to admit hatters' furs free of duty: referred to the Committee on Manufactures.

Mr. LINN presented the memorial of Mr. Thomas Allen, printer to the Senate, praying payment for the printing of the Compendium of the Sixth Census. Mr. L. said there was a letter from the Secretary of State accompanying the memorial, urging upon Congress the propriety of paying the claim. The whole subject was referred to the Committee on Finance.

Mr. WRIGHT presented the petition of John Woodward, of Bloomingburg, N. Y., praying compensation for services during the revolutionary war; which was referred to the Committee on Revolutionary Claims.

Also presented the petition of Jonathan Brown, of Sullivan county, N. Y., a drummer in the revolutionary army, praying a pension: referred to the Committee on Pensions.

Mr. CONRAD presented a petition from the New Orleans and Carrollton Railroad Company, praying a modification of the tariff, and an extension of the time now required for laying down iron imported for the use of their railroad: referred to the Committee on Finance.

Mr. ARCHER presented a petition from the directors of the Petersburg Railroad Company, praying an extension of the time required by law for laying down the iron imported for the use of said company: referred to the Committee on Finance.

Mr. STURGEON presented a memorial from C. Evans, praying that his invention to prevent the explosion of steam-boilers may be applied to the steam-vessels of the United States: referred to the Committee on Naval Affairs.

Mr. McROBERTS presented a memorial from citizens of Illinois, asking Congress to refund to General Jackson the fine and costs imposed on him by Judge Hall of New Orleans, and the interest thereon: ordered to lie on the table.

Mr. BARROW presented a petition from John L. Delee, praying for the privilege of entering land in lieu of land lost to him by the settlement of the boundary line between the United States and Texas: referred to the Committee on Public Lands.

Mr. WILLIAMS presented a petition of citizens of the State of Maine, praying for the repeal of the bankrupt law: referred to the Judiciary Committee.

On motion of Mr. WILLIAMS, the petition of Noah Miller was ordered to be taken from the files of the Senate, and referred to the Committee on Claims.

Messrs. BATES, EVANS, SMITH of Indiana, FULTON, and LINN, severally gave notice that they would, on to-morrow, ask leave to introduce certain bills.

BILLS INTRODUCED.

Mr. LINN, on leave, introduced a bill for the relief of Jacques Bon and Alexander Coleman, and their heirs and legal representatives; and

A bill to confirm the title of the heirs of Joseph Thompson, senior, deceased, to a tract of land in Missouri;

which were read twice, and referred to the Committee on Private Land Claims.

Also, on leave, introduced a bill to authorize the adoption of measures for the occupation and settlement of the territory of Oregon, and to extend a certain portion of the laws of the United States over the same, and for other purposes; which was read twice, and, on motion of Mr. LINN, referred to a select committee, to consist of five, to be appointed by the Chair. Thereupon, the Chair ap-

pointed Messrs. LINN, WALKER, SEVIER, MERRICK, and PHELPS, to constitute said committee.

Mr. STURGEON, on leave, introduced a bill for the relief of Lucretia Haymaker, heir at law of John Bown; which was twice read, and referred to the Committee on Revolutionary Claims.

On motion of Mr. WALKER it was

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of permitting the State of Mississippi to appropriate $25,000 of the two per cent. fund of said State towards the completion of the railroad from Jackson to Brandon, on the conditions designated by said State.

MEXICAN CLAIMS.

Mr. CONRAD submitted the following resolution, which lies over one day, under the rule, viz:

Resolved, That the Secretary of State be requested to communicate to the Senate (if not incompatible with the public interest) whether the amount due and payable by Mexico for indemnity to citizens of the United States, under the late convention, has been paid in conformity with the terms of said convention; if not, whether any, and what, measures have been adopted by our Government to obtain or enforce payment; and also, to obtain the recognition of such claims as were submitted to, but not finally acted upon, by the late joint commission.

Mr. HUNTINGTON, from the Committee on Commerce, reported back without amendment, and with a recommendation that it pass, the bill to allow a drawback on foreign merchandise exported in original packages to Chihuahua and Santa Fe, in Mexico.

Mr. H. also reported, from the same committee, a bill to authorise the issuing of a new register to, and to change the name of, the ship Westchester of New York, to that of the Atlantic of New York; which was read, considered as in committee of the whole, reported to the Senate, and ordered to be engrossed for a third reading.

On motion by Mr. TALLMADGE, the papers of Joseph Robey were ordered to be withdrawn from the files of the Senate, and referred to the Committee on the Public Lands.

Mr. TALLMADGE presented a memorial from a committee on behalf of claimants to indemnity for French spoliations prior to 1800; which was referred to the Committee on Foreign Relations.

Mr. T. also presented a petition from John Bosworth, praying for a pension; which was referred to the Committee on Pensions.

Mr. RIVES presented a memorial from George Taylor, of the District of Columbia, praying indemnity for French spoliations prior to 1800: referred to the Committee on Foreign Relations.

Mr. R. also presented a memorial from Mary W. Harrison, widow and executrix of the late Benjamin Harrison, praying the passage of a law authorizing the resettlement of the accounts of her late husband with the Government, there being many errors in the former settlement: referred to the Committee on Revolutionary Claims.

DEATH OF Mr. HABERSHAM.

A message was here received from the House of Representatives, announcing to the Senate the death of the Hon. RICHARD W. HABERSHAM, late Representative from the State of Georgia, and the passage of certain resolutions; which message being read,

Mr. BERRIEN rose and addressed the Senate as follows:

Mr. President: In offering the resolutions which it is my duty to submit to the Senate on this occasion, the usage of this Chamber requires that I should accompany them with some notice, however brief, of the character of the deceased—with some reference, however transient, to the event which calls for this expression of our sympathy.

It would be to me, sir, a grateful, though a melancholy office, to pronounce the eulogy of my departed friend and associate—to dwell with cherished recollection on his public virtues—on his private worth—above all, on that benevolence of feeling, which was so beautifully exhibited in all his intercourse with his fellow-men. It would be my privilege to speak of him thus, sir; for it has been my good fortune to have been associated with him from his earlier years, in relations of kindness and amity, which experienced no solitary interruption to the close of his life; while, in mutually cherishing these feelings, we only lengthened the chain which had united our fathers in like friendly bonds. The occasion is, however, perhaps, inappropriate to the expression of mere private feeling—and I forbear.

Mr. HABERSHAM was a native of Georgia. His family name is associated with the records of her colonization, and is honorably inscribed on the pages of her provincial annals. It has been distinguished in each successive period of her history, and, unsullied by a spot, will now be registered on the stone which covers his own remains. In Georgia, sir, that name is the synonyme of patriotism, integrity, and benevolence.

Mr. HABERSHAM was born in the city of Savannah—I think in the year 1786. He obtained his collegiate education at Nassau Hall, in New Jersey, received the honors of that institution in 1805; and, returning to his native State, after the usual course of preparatory study, was called to the bar. He was early distinguished among his professional associates, and was for a series of years the counsel of the United States in the courts of that district. He retired from office, with the applause of the people of Georgia, when the duties which it imposed conflicted with his own sense of justice to a portion of his fellow-citizens. He served with reputation in the municipality of the city of Savannah, and in the Legislature of his native State, and has been twice honored by a seat in the councils of the Union. It can scarcely be necessary to say to those to whom I address myself, that his duties here have been discharged with zeal and fidelity, with assiduity and intelligence, and in a frank and conciliatory spirit, which, even amid the conflicts of party, secured to him the esteem and regard of his associates. He died at his own residence in Georgia, on the 2d instant, at a moment when, but for the disease which had prostrated him, he would have been hastening to unite with us in the duties of legislation.

Mr. HABERSHAM has now closed his earthly labors. Hereafter, among us, he lives only in the memory of his virtues. These will be long held in grateful remembrance by those to whom he was most intimately known. The recollection of them will, I trust, assuage the sorrows of the widowed partner of his life, and of that group of orphans who are clustering around her in this hour of anguish.

But Mr. HABERSHAM yet lives. The record of this probationary life, as to him, indeed, is closed forever. But he has gone, in the immortality of his being, to render his account to his Creator and his Judge. It remains to us to hope that he may find acceptance in that solemn hour through the atoning blood of the Redeemer; and to inscribe on our own hearts the monitory lesson which this event is calculated to impart.

Mr. B. closed by offering the usual resolutions in testimony of the respect of the Senate for the memory of the deceased, and authorizing the wearing of crape; which were read, and unanimously adopted; and, in accordance with which, the Senate forthwith adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, December 19, 1842.

Mr. THOMPSON of Mississippi presented the petition of Nathaniel Mitchell, praying a grant of land for the purpose of making the experiment of extracting turpentine, in profitable abundance, from the pine forest trees bordering on the Gulf of Mexico: referred to the Committee on Public Lands.

Mr. MARSHALL of Maine presented the petition of Robert Patterson, and 43 others, ship masters and merchants of Belfast, Maine, for the erection of such beacons, spindles, and buoys, on the Muscle ridges in Penobscot Bay, as will render its navigation more safe.

Also, the petition of George Drinkwater, and 26 others, of Lincolnville, for the same.

Also, the petition of Joseph Jones, and 40 others, of Camden, for the same.

Also, the petition of Andrew Leach, and 61 others, of Prospect, for the same.

Mr. GAMBLE of Georgia rose, and addressed the House as follows:

The present Congress, it is believed, has oftener performed the painful duty of announcing the death of its members, than any which has preceded it under the Government. In the first week of our session, we were called upon to pay the last tribute of respect to the memory of one who died on his way to the seat of Government, to resume his duties as a member of this body; and to-day, the duty has devolved upon me to communicate to the House the mournful intelligence which has reached us, of the death of another member of this branch of the National Legislature. For some time we entertained hopes that the rumor of his death was unfounded; or, at most, premature. But it is at length reduced to painful certainty that RICHARD W. HABERSHAM is no more. He has finished his course on earth; his seat in this hall is vacant; and he now sleeps in the silent tomb. His constitution being naturally feeble, and his health somewhat impaired when he first took his seat as a member of this body—added to the severity of the climate, and his laborious and close attention to his duties, which was more than he was able to endure—brought on a disease, which has only terminated in his death; which painful event, as we are informed, took place at his residence in Habersham county, Georgia, on the second day of this month, surrounded by his family and friends. Mr. HABERSHAM was a descendant of one of the most honorable and distinguished families in Georgia. He was endowed with more than ordinary powers of mind, which was enlarged and cultivated by a liberal education. Being thus qualified, he early engaged in public life, and, by a long course of upright conduct and unbending integrity, he acquired a degree of confidence which few attain, and (what is still more rare) which he never abused. He has occupied stations of honor and trust, both under the Federal and State Governments, the duties of which he discharged to the full requisitions of the law, and entire satisfaction of those with whom he had official transaction.

In 1839 he was elected as a member of Congress, and continued in that character until his death. To you, sir, and his associates here, I need say nothing. You have witnessed his course; you appreciate his worth as a man, and his usefulness as a member of this body. And notwithstanding the political asperity of the times during which he has been a member—and although he has been firm and unwavering in his political course—yet I believe he never indulged in a sentiment, or suffered an expression to escape his lips, at which even the most sensitive political opponent could justly take exception. His errors and infirmities, if any he had—and none are faultless—"were of the head, and not of the heart." He was amiable, generous, and forgiving in his disposition; his home was the centre of kindness and hospitality; and his hand ever open to the calls of charity. It may be said of him, and can with truth be said of him, that he has gone, and left not an enemy behind him. In his lamented death, Georgia has lost one of her most useful, virtuous, and talented citizens—one of her most distinguished, patriotic, and cherished sons; and his family have sustained a loss which cannot be repaired by time. "May that Being who tempers the wind to the shorn lamb," comfort and sustain them in this, their deep affliction; and may this memento of our mortality make a deep and lasting impression upon our hearts, and cause us well to consider the admonition addressed to us in the word of truth, which is enforced by this solemn dispensation—"Be ye also ready, for in such an hour as ye think not the son of man cometh."

Mr. G. then offered the usual resolution, viz: that the members, as a mark of respect for the memory of the deceased, go into mourning, by wearing crape on the left arm for thirty days; which was adopted; and, as an additional mark of respect for his memory,

On motion by Mr. GAMBLE,

The House adjourned.

IN SENATE.

TUESDAY, December 20, 1842.

Mr. BENTON presented a petition from Mary W. Thompson, widow of the late Colonel Thompson, praying compensation for certain military services of her late husband, which remain unpaid: referred to the Committee on Military Affairs.

Mr. MERRICK presented a petition from

John Brosaugh and Archibald Fleming, praying indemnity for losses sustained in carrying the United States mail, in consequence of the destruction of a part of the Potomac bridge by a freshet: referred to the Committee on the Post Office and Post Roads.

Mr. ARCHER presented a petition from Wm. A. Weaver, praying compensation for work done in preparing at the State Department the sixth census of the United States: referred to the Committee on the Judiciary.

Mr. PORTER presented a petition from the Board of Internal Improvement of the State of Michigan, praying an extension of the time allowed by law for laying down railroad iron imported free of duty: referred to the Committee on Finance.

On motion of Mr. LINN, the petition and papers of John B McKown were ordered to be taken from the files of the Senate, and referred to the Committee on Claims.

Mr. L. also presented a memorial from citizens of Platte county, Missouri, praying that a permanent agent might be appointed, to reside at Weston, or some other convenient point in Missouri, for the purpose of purchasing, under the direction of the Secretary of the Navy, such quantity of water-rotted hemp as might be required for the use of the Government: referred to the Committee on Naval Affairs.

Mr. L. also presented a memorial from citizens of Attleborough, Massachusetts, praying that the fine of $1,000 may be refunded to General Jackson: ordered to lie on the table.

Mr. McROBERTS presented a petition from citizens of Illinois, praying the repeal of the bankrupt law: referred to the Committee on the Judiciary.

Mr. McR. also presented a petition from John Dawson, pension agent, Springfield, Illinois, asking compensation for his services as agent: referred to the Committee on Pensions.

Mr. WRIGHT presented a memorial from the Chamber of Commerce of Appalachicola, Florida, praying Congress to make an appropriation for the construction of two new light-houses on that coast, for the accommodation of commerce; and also for the construction of a marine hospital: referred to the Committee on Commerce.

On motion of Mr. CONRAD, the petition and papers of the heirs of Madame De Lusser, for the confirmation of a grant of land in Mobile, were ordered to be taken from the files of the Senate, and referred to the Committee on the Public Lands.

Also, on his motion, leave was granted to withdraw from the files the petition and papers of William Dubuys.

Mr. ALLEN presented a petition from Asahel Brainerd, of Cayuga county, Ohio, for an extension of pension: referred to the Committee on Pensions.

Mr. WRIGHT said he some time since presented to the Senate a petition, which was now before the Committee on Claims, from Nimrod Farrow, and Richard Harris, praying compensation for constructing a fort in Mobile bay. He now presented a petition from Israel Ketchum, a sub-contractor under those persons, praying that Congress, in making an appropriation for the purpose, may not disregard the interests of the sub-contractors: referred to the Committee on Claims.

Mr. BAYARD presented a memorial from the President and Directors of the Bank of the Metropolis, praying that their charter may be modified in such manner as they suggest, and which experience has pointed out to be necessary: referred to the Committee on the District of Columbia.

Mr. B. also presented a petition from Edward Earle, who is desirous that the Government of the United States should purchase the right for using his patent for preserving wood, which he alleges is much better than the present mode of doing it, with corrosive sublimate: referred to the Committee on Naval Affairs.

On motion of Mr. SMITH of Connecticut, it was ordered that the petition and papers of Wareham Kingsbury, for a pension, be taken from the files of the Senate, and referred to the Committee on Pensions.

Mr. S. also presented a petition from Hetty Fossett, the widow of John D. Alveys, for a pension: referred to the Committee on Pensions.

On motion of Mr. SEVIER, it was ordered that the petition of Benjamin Murphy be taken from the files, and referred to the Committee on Indian Affairs.

BILLS AND REPORTS.

Mr. LINN, on leave, introduced a bill for the relief of the heirs of Nathaniel Pryor, deceased; which was read twice, and referred to the Committee on Indian Affairs.

Also, on leave, introduced a bill to surrender to the States of Missouri and Arkansas the alternate sections of certain public lands, (reported as not worth the expenses of survey,) for the purpose of increasing the value of the public domain contiguous; which was read twice, and referred to the Committee on the Public Lands.

Mr. BERRIEN, from the Committee on the Judiciary, to which had been referred the petition of Henry Quackenboss and others, reported a bill to authorize the Secretary of the Treasury to make an arrangement and compromise with any of the sureties on the bonds of Samuel Swartwout, late collector of the port of New York; which was read, and ordered to a second reading.

Mr. EVANS, on leave, introduced a bill for the relief of Barbara Spear, the widow of John Spear, late an invalid pensioner; which was read twice, and referred to the Committee on Pensions.

Also, on leave, introduced a bill for regulating the currency of foreign gold and silver coin in the United States; which was read twice, and referred to the Committee on Finance.

Mr. BATES, on leave, introduced a bill making compensation to pension agents; which was read twice, and referred to the Committee on Pensions.

Also, on leave, introduced a bill to continue the office of Commissioner of Pensions; which was read twice, and referred to the Committee on Pensions.

Mr. FULTON, on leave, introduced a bill to authorize the Legislatures of the States of Arkansas, Louisiana, and Tennessee to sell the lands heretofore appropriated for school purposes in those States; which was read twice, and referred to the Committee on Public Lands.

Mr. WALKER, from the Committee on the Judiciary, reported a bill to authorize the settlement of the accounts of Joseph Nourse; which was read, and ordered to a second reading.

Mr. SMITH of Indiana, on leave, introduced a bill to provide for ascertaining and disposing of the lead-mineral lands in the States of Illinois and Missouri, and the Territories of Wisconsin and Iowa, and for other purposes; which was read twice, and referred to the Committee on Public Lands.

Mr. GRAHAM, from the Committee on Claims, reported the following bills; which were read, and ordered to a second reading, viz.

A bill for the relief of J. R. Vienne; and

A bill for the relief of Ephraim B Dixon.

Mr. BATES, on leave, introduced a bill for the relief of Henry Gardner and others, directors of an association called the New England Mississippi Land Company; which was read twice, and referred to the Judiciary Committee.

Mr. WILLIAMS, from the Committee on Naval Affairs, made an adverse report on the petition of Benjamin Franklin for a privateer pension; which was ordered to lie on the table.

Mr. W. also, from the Committee on Printing, reported in favor of printing the annual report of the Commissioner of the General Land Office; which was concurred in by the Senate; when,

On motion of Mr. SMITH of Indiana, five hundred copies additional of said report were ordered to be printed.

CLAIMANTS.

Mr. HUNTINGTON said he had been requested to move that the memorial and papers of Samuel Brown, late naval officer at Providence, Rhode Island, praying compensation for extra services, be taken from the files of the Senate and referred.

Mr. H. remarked, that a verbal report had been made against the prayer of this petition, and concurred in by the Senate previous to the passage of the rule of the last session, which provided that whenever a claim shall have been reported against, in writing, by either of the standing committees, and the report concurred in by the Senate, it should not be in order to present that claim to the consideration of the Senate, except upon a new petition from the claimant pointing out an error in the decision of the committee, or presenting new evidence in support of the claim. Mr. H. did not know what course to take with reference to this claim, and wished to have the sense of the Senate whether its presentation was admissible under the rule; the report against it being but a verbal one, and that having been made previous to the passage of the rule.

The CHAIR was understood to say that heretofore the rule had been construed as restrospective in its operation; but in this case a further question was presented—whether the rule, which required a written report to be made, should be construed to exclude cases upon which *verbal* reports only were made.

A discussion here arose, as to the proper construction of the rule, in which Messrs. HUNTINGTON, LINN, KING, CLAYTON, and PHELPS participated, maintaining that the rule was intended to be retrospective in its operation, to prevent the re-presentation of those old cases so frequently reported against; but were willing to make an exception to this case, upon which a *verbal* report only was made, when a written report was required by the rule.

Mr. GRAHAM said the difficulty could be avoided by admitting this petition by unanimous consent, on the ground of non-compliance with the rule, which required a written report; and then to amend the rule, as suggested by the Senator from Vermont, [Mr. PHELPS,] to make all cases admissible, upon which no written report had been made.

This suggestion was yielded to, and the petition was ordered to be taken from the files, and referred.

Mr. PHELPS submitted the following:

That the rule of the Senate adopted on the 26th of January, 1842, be amended by the following: *Provided*, That this rule shall not extend to any cases whereon adverse reports, not in writing, may have been made previous to the said 26th day of January, 1842.

This amendment lies over one day, under the rules.

The following resolution of Mr. CONRAD was taken up and adopted, viz:

Resolved, That the Secretary of the Treasury be requested to communicate to the Senate whether any, and what, amount of money has been refunded to claimants in virtue of the act entitled "An act in relation to lands held in the Greensburg (late St. Helena) district, in the State of Louisiana, and authorizing the resurvey of certain lands in said district," approved August 29, 1842; whether, in any cases, the claimants have received reimbursement of the price paid by them for lands in complying, or offering to comply, with the provisions of said act, and such reimbursement has been refused, and the reasons for such refusal; and whether any, and what, proceedings have taken place under said act.

THE AFRICAN SQUADRON.

The following resolution, submitted by Mr. BENTON some days ago, was taken up for consideration:

Resolved, That the President be requested to inform the Senate whether the quintuple treaty, for the suppression of the slave-trade, has been communicated to the Government of the United States in any form whatever; and, if so, by whom; for what purpose; and what answer may have been returned to such communication. Also, to communicate to the Senate all the information which may have been received by the Government of the United States, going to show that the "*course which this Government might take in relation to said treaty has excited no small degree of attention and discussion in Europe.*" Also, to inform the Senate how far the "warm animadversions," and "the great political excitement" which this treaty has caused in Europe, have any application or reference to these United States. Also, to inform the Senate what danger there was that "*the laws and the obligations*" of the United States in relation to the suppression of the slave-trade would be "executed by others" if we did not "*remove their pretext and motive for violating our flag and executing our laws,*" by entering into the stipulations for the African squadron, and the remonstrating sentences which are contained in the 8th and 9th articles of the late British treaty. And, also, to communicate to the Senate all the correspondence which may have been received from our ministers abroad, having relation to the foregoing points of inquiry.

Mr. ARCHER inquired if the Senator from Missouri intended to make any remarks on the subject?

Mr. BENTON intimated that he did not conceive any necessary, unless called for in reply.

Mr. ARCHER said he believed he could give

the Senator from Missouri all the information that he would be enabled to obtain by the adoption of this resolution. The Senator would perceive, by reference to the message of the President, of August last, communicating the treaty between the United States and Great Britain, that an answer to the first branch of his interrogatories was there given. The President had there declared that the quintuple treaty had not been communicated to this Government by any of the parties to that treaty. It was very true, that the Government of the United States had got information of the character of that treaty, as seemed to be the case with regard to the various Governments of Europe; but it had not yet been officially communicated.

As to the other matters inquired for by the resolution, the same answer would, he thought, equally apply to them. The Government had no other means of obtaining information, than that possessed by the gentleman from Missouri himself. It was within the knowledge of the honorable Senator himself, that—in consequence, perhaps, of the importance of the treaty itself, or, perhaps, in consequence of the attention which had been attracted to it by General Cass—it had become a subject of discussion and of animadversion throughout Europe, as well as the United States.

The next branch of inquiry contained in the resolution, as he (Mr. ARCHER) understood it, was in relation to the opinion which had been expressed by the Executive of the United States as to the course which this Government ought to pursue in reference to the slave-trade. He (Mr. A.) would at least presume that the honorable Senator from Missouri was indifferent, as he himself was, as to the opinions entertained by the President upon this subject; and he would therefore submit to the honorable Senator whether there could be any propriety or necessity for asking these opinions. He would ask, then, inasmuch as there had been no official communication on the subject between this and any foreign Government, wherefore should a call be made for information which could not be rendered? The President had merely expressed an opinion that it was best to execute our own laws, and not submit to the indignity of having them executed for us by other nations.

The Senator from Missouri, he was sure, would concur with him, that as there were no facts in the possession of the Executive, which were not equally in the possession of the Senator himself, there could be no necessity for the resolution of inquiry. He hoped, therefore, the honorable Senator would be willing that the motion which he was now about to make, to lay the resolution upon the table, should prevail.

Mr. BENTON replied to the gentleman from Virginia, [Mr. ARCHER,] and said his resolution of inquiry was founded upon the President's message of August last, recommending the ratification of the British treaty; and all the points of inquiry made by him were found in that message. He would have made the call at the last session, when the treaty was ratified; but there was no time for it. The treaty came at the end of a nine months' session, in the midst of the dog-days, and when there was no time for inquiries. But the appropriations for the treaty were still to be made; and the information he wanted, would be used when the supplies for the African squadron were demanded. The message says the quintuple alliance was not *officially* communicated to the Government. This implies that it was unofficially communicated; and if so, the country ought to know by whom, and for what purpose. The message speaks of our conduct in relation to that treaty, as being the subject of attention and discussion in Europe; and tells us of warm animadversions, and great political excitement, in relation to it. Of course, it is the parties to this quintuple treaty—the holy allies—who are giving us this attention, and making us the subject of this discussion; who bestow this animadversion, and experience this great excitement;—and it is certainly right that the people of the United States should know what all this portends; and how far the affairs of the United States are taken into the keeping of the holy allies. The message also presents, as an argument for the African squadron, that others would execute our laws if we did not; and execute them in a way to violate our flag. This is presented as an argument to operate on the mind of the Senate, in favor of the ratification, when it might be an argument against carrying it into effect; for this country was not to be dragooned into an alliance. The whole case, as made out in the President's message of August last, went to show that the holy allies had taken our conduct into their consideration; and that Great Britain was going to execute our laws for us, if we did not execute them ourselves; and that this squadron and these remonstrating ambassadors were the price which we paid to appease the holy allies, and to escape search from Great Britain. This was the aspect of the message; and he wished to know whether there were facts to justify it. If there were, he thought it a case for resistance, not for submission.

Mr. ARCHER desired to say a single word, in relation to this matter, to the Senator from Missouri, and to the Senate. He presumed no one would contend that it comported with the dignity of that body to make a call upon the Executive for information, when they were sufficiently advised that no information could be obtained. And, to be convinced that none could be obtained, it was only necessary to refer to the message of the President. What, then, was the object of this resolution? Was it a resolution of crimination? The Senator was informed that there had been no communication made to this Government by the parties to the quintuple treaty: how, then, could he expect to obtain the information he asked?

[Mr. A. here read a portion of the message.]

He would put it to the honorable Senator himself, whether it was not just as much within his own knowledge, as within that of the Government, that there had been warm animadversions and strong political excitement throughout Europe in relation to that treaty. It had been in France—one of the greatest nations in the world—a subject of such violent political excitement, that the Government had actually, as he had been informed, determined to renounce all participation in it. Could there be any higher evidence than this that the comments of the President were founded upon the facts connected with this subject? Was there anything more notorious than the high state of political excitement which this very subject had produced in Europe? The President had stated this fact, and given his own opinion upon it. And he (Mr. A.) confessed he thought the honorable Senator from Missouri would have concurred with him in the opinion, that if they were to have laws or provisions formed in reference to their obligations towards other nations, they should at least take upon themselves the execution of those laws. Did the honorable Senator desire to be understood as urging it as a ground of demerit in the President, that he expressed the opinion that we should be the sole executors of our own laws—that we should ourselves give them force and efficacy? Did the mere expression of this abstract opinion involve the inference which the honorable Senator intended to draw, that there had been—what? That there had been efforts on the part of this Government to obtain assistance from other powers in the execution of our own laws? There was not the least ground for such a presumption.

How could the Government, by any possibility, furnish the evidence demanded by the honorable Senator, when they were told by the Executive that he had had no negotiations upon the subject with any power whatever? There being, then, no information in the possession of the Government going to answer the inquiry contained in the resolution, he would submit to the honorable Senator whether it was fit that they should send a criminatory or a vindictive resolution to the President. He would put it to the honorable Senator, if it was really information that he sought. The honorable Senator knew full well there was no information that he could receive. His object, then, with all due respect to the honorable Senator, he (Mr. A.) must suppose was merely to utter a denunciation against the Executive. This being his view of the case, he felt bound to move that the resolution be laid upon the table.

Mr. KING suggested that it would be better to postpone its consideration, and, in the mean time, order it to be printed.

Mr. ARCHER said he intended no discourtesy towards any honorable Senator; and if any one desired to discuss the resolution further, he would withdraw the motion.

Mr. BENTON observed that he wanted the information, not for crimination, but for use on the discussion of the appropriation. Everything in relation to the origin and cause of this African squadron would then be wanting; for he, for one, meant to resist the appropriations for this African crusade. He said the gentleman from Virginia [Mr. ARCHER] was mistaken in supposing that he wanted the opinions of the Administration. Not so. He had their opinions in the August message; and he wished to see whether they had any facts for the opinions they then delivered. He wished to see if the holy allies were animadverting upon us, and whether Great Britain intended to search our ships if we did not join her in the African alliance. This seemed to be the opinion of the Administration; and Mr. B. wished to see if they had any foundation for it. With this view, he called for all the information they possessed, and especially for the correspondence of our ministers abroad. He felt certain that those ministers must have written on the subject. It could not be supposed that the President had founded his communication to the Senate on coffee-house discussions, or on newspaper discussions, or even on the debates of the French Chambers: there was nothing in all that to alarm us, or to show that the holy allies were occupying themselves with our affairs. The President must have had official correspondence on the subject, even if he had no official communication of the treaty: and he wished to see that correspondence. He had a right to see it, and should insist upon his right.

Mr. B. then read the paragraphs from the President's message of August last; and argued that every inquiry was bottomed upon the message, and proper for the information of Congress and the country. The paragraphs were as follows:

"It is known that, in December last, a treaty was signed in London, by the representatives of England, France, Russia, Prussia, and Austria, having for its professed object a strong and united effort of the five powers to put an end to the traffic. This treaty was not *officially* communicated to the Government of the United States; but its provisions and stipulations are supposed to be accurately known to the public. It is understood to be not yet ratified on the part of France.

"No application or request has been made to this Government to become party to this treaty; *but the course it might take in regard to it, has excited no small degree of attention and discussion in Europe, as the principle upon which it is founded, and the stipulations which it contains, have caused warm animadversions and great political excitement.*

"In my message at the commencement of the present session of Congress, I endeavored to state the principles which this Government supports respecting the right of search and the immunity of flags. Desirous of maintaining those principles fully, at the same time that existing obligations should be fulfilled, I have thought it most consistent with the honor and dignity of the country *that it should execute its own laws, and perform its own obligations by its own means and its own power.* The examination or visitation of the merchant vessels of one nation, by the cruisers of another, for any purpose, except those known and acknowledged by the law of nations, under whatever restraints or regulations it may take place, may lead to dangerous results. *It is far better, by other means, to supersede any supposed necessity, or any motive, for such examination or visit.* Interference with a merchant vessel by an armed cruiser, is always a delicate proceeding, apt to touch the point of national honor, as well as to affect the interests of individuals. *It has been thought, therefore, expedient, not only in accordance with the stipulations of the treaty of Ghent, but, at the same time, as removing all pretext on the part of others for violating the immunities of the American flag upon the seas, as they exist and are defined by the law of nations, to enter into the articles now submitted to the Senate.*

Mr. B. said these paragraphs presented grave matter for the consideration of the Congress and the country. They were gravely presented to the Senate, to influence its action on the treaty; and, from the case which they present, it is perfectly clear that this squadron is our tribute in men and ships to appease the holy allies, and to prevent Great Britain from searching us. It is clear, from these paragraphs, that this five years' alliance is the price which we pay for these favors. Now, it might or it might not be so. In either event, we have a right to know; and in either event, the administration is on the horn of a dilemma. If the holy allies and Great Britain are going to take us in hand if we do not give them this squadron, then it was cowardice and national degra-

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Continued from No. 4.

dation to give it. If, on the other hand, the holy allies have no designs upon us, and Great Britain has no design to search us, if we do not search ourselves, then the Senate has been trifled with, and considerations brought to bear upon them which have no foundation in fact. In either case, we have a right to know the facts. Has Great Britain threatened us? Have the holy allies taken our conduct in hand? These are the questions which arise on the President's message; and let us have them answered. Let us have the correspondence of our ministers, if there is any. Does the Senator from Virginia undertake to say for the administration, that they have no such correspondence? [Mr. ARCHER was understood to answer negatively.] Then let the administration answer! As the case now stands, we have given this squadron under a threat—under the threat of seeing Great Britain execute our anti-slave-trade laws for us, if we do not execute them ourselves; upon the same principle that she executes our neutrality laws for us on the Canadian frontier. The excuse—no, not the excuse! for she does not descend to excuse, but boldly justifies!—the justification for the attack on the Caroline was, that the United States did not, or could not, execute its own laws on that frontier; and, therefore, Great Britain was under the necessity of executing them for us. This is the language with respect to the Canada frontier; and, from the tenor of the message, we have the same language in relation to the coast of Africa. By land and by water—at home and abroad—Great Britain undertakes to execute our laws for us, and to punish our citizens for us! and, from the termination of the Schlosser affair, said this African tribute in men and ships, it seems that the present Administration admits her pretension in both cases. But, let us see. Let us have the facts—the correspondence; and let the country judge whether we have really been menaced, or whether our Administration have taken fright at nothing.

Mr. ARCHER assenting to the suggestion of postponing the resolution to Thursday, on motion to that effect, the resolution was postponed to Thursday next, and ordered to be printed.

Mr. CRITTENDEN observed that there was a bill, which the House had passed, now on the table awaiting the action of the Senate. He hoped there would be no objection to taking it up with a view to reference.

No objection being made, the bill in relation to the lands granted to the deaf and dumb asylum in the State of Kentucky (amendatory of the law) was taken up, read twice, and referred to the Committee on the Judiciary.

Mr. WRIGHT offered the following resolution; which lies on the table one day:

Resolved, That the Committee on Retrenchment be instructed to inquire and report to the Senate the number of clerks of committees who have been appointed and paid out of the contingent fund of the Senate, during the last and present Congress; the amount so paid to such clerks, and the rate of compensation; and whether any, and what, other mode can, in the opinion of the committee, be adopted, by which a more general, and equal, and effectual aid to all the committees of the Senate may be secured in a more reasonable form, and on more economical terms.

The joint resolution of the House to amend the 19th joint rule was then taken up; and, on motion of Mr. BARROW to that effect, laid on the table.

Mr. HUNTINGTON said there was an engrossed bill on the table, which might be taken up and disposed of in a few moments; as he did not suppose there would be any discussion or opposition in relation to it. It was the bill ordered to be engrossed yesterday, changing the name of a vessel from "Westchester" to "Atlantic."

The bill was taken up, read a third time, and passed.

A communication from the Treasury Department was then read, and referred to the Committee on Printing.

Mr. SEVIER moved an adjournment.

Mr. HUNTINGTON said it was desirable the Senate should go into executive session for a few moments.

The motion to adjourn was negatived—ayes 12, noes 15.

The Senate then, on motion of Mr. HUNTINGTON, went into executive session; and after a short time spent therein,

Adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, December 20, 1842.

Mr. EASTMAN presented the petition of Hillyard Shaw, for a pension.

Also, the petition of Charles Colman for bounty land or other remuneration.

Also, the petition of Moses Turner for arrears of pension; which were severally referred to their appropriate committees.

Mr. CASEY presented the petition of J. Childers of Lawrence county, Illinois, praying an increase of pension; which, on his motion, was referred to the Committee on Revolutionary Pensions.

Mr. BARTON presented the petition of numerous citizens of Hampshire county, Virginia, praying for a repeal of the bankrupt law.

Mr. LOWELL presented the petitions of John N. Swasey, and 28 other shipmasters and merchants of Bucksport, Maine; of Andrew Peters, and 34 other shipmasters and merchants of Ellsworth, Maine; and of James S. Pike, and 29 other shipmasters and merchants of Calais, Maine: all praying for an appropriation for the erection of beacons, spindles, and buoys on the Muscle ridges upon the coast of Maine; which were referred to the Committee on Commerce.

MUTINY AND EXECUTIONS ON BOARD THE BRIG SOMERS.

Mr. GWIN asked the permission of the House to offer the following resolution:

Resolved, That the President of the United States be requested to communicate to this House whatever official information may have been received at the Navy Department relative to the alleged design of mutiny on board the United States brig Somers, under the command of Alexander Slidell McKenzie; and what number of persons have been executed for said offence; their names and rank; and the proceedings which were had on board of said vessel in reference thereto.

Mr. WISE suggested to the gentleman from Mississippi, that, as a court of inquiry was to be called, from which official information would be received in a very few weeks, it would be better to postpone his resolution until the court had been held.

Mr. GWIN intimated his intention to press his resolution, that the necessary information might be got from the President.

Mr. WISE said the gentleman could not obtain any information in that way.

Mr. L. W. ANDREWS and other gentlemen made remarks which did not reach the reporter's desk.

Mr. GWIN moved a suspension of the rules for the reception of his resolution, to which objection had been made.

The motion was negatived.

THE BANKRUPT LAW.

Mr. FILLMORE moved that the House resolve itself into Committee of the Whole, for the purpose of proceeding with the consideration of the general appropriation bill.

Mr. HOPKINS inquired if the bill for the repeal of the bankrupt law was not the special order for this day.

The SPEAKER replied in the negative; the bill having been merely postponed to this day.

Mr. HOPKINS called for the yeas and nays on going into committee.

Mr. H. observed that he supposed, if the House refused to go into committee, it would be in order to move to take up the bill to repeal the bankrupt law.

The SPEAKER was understood to reply in the affirmative.

The yeas and nays were then ordered, and, being taken, resulted as follows: Yeas 89, nays 98.

So the House refused to go into Committee of the Whole.

Mr. EVERETT then moved that the House take up the bill to repeal the bankrupt law.

The motion was agreed to.

Mr. EVERETT then briefly stated some reasons which had prompted his action in this matter, but in so low a tone of voice, and amidst a deafening hum throughout the House, which overpowered the honorable gentleman's voice. He was understood to say that he voted for the bankrupt law when it was passed, for the relief of bankrupts whose misfortunes were brought upon them without any fault of their own, but by the fault of the Government. His object, then, was to relieve the country from the distresses in which it was then involved; but he did not, so far as he was concerned, design it to be a permanent measure. He was in favor of limiting it to one year at the time of its passage; but he did not press his views on that point at that time, because he desired the passage of the law, and such a limitation might have endangered its passage. He now offered this bill for the repeal of the bankrupt law, because he conceived it to be destroying confidence between man and man; and seemed to be a shelter for those who were disposed to live without labor. Its future operation he looked upon as injurious; and it would be difficult to engraft any amendment upon the present act which would diminish its evils. He said he did not propose to commit this bill, because he was in favor of a total repeal of the bankrupt law; and therefore its committal was unnecessary. If, however, such a motion should be made, he should consider it a test question between those who desired the continuance, and those who desired the repeal of that law.

Mr. BARNARD observed that the fate of the 27th Congress seemed to be a very peculiar and a very hard one. This Congress was composed of two parties; the lines of difference between which were drawn, perhaps, more distinctly than between any two parties that ever existed in this country. One of these parties was in a decided majority of that House—numbering some thirty or forty votes of a majority. The executive power of the country also was in the hands of one holding opinions in accordance with those of the majority. Before the meeting of Congress, however, for the first time for the transaction of business, after its election, misfortune had fallen upon the dominant party; they lost their own President, and the constitutional incumbent of the Presidential office was not disposed to act in accordance with the majority. A portion, also, of their own friends in the House of Representatives, departed from them, and joined themselves with the Executive, who was of course supported by the whole body of the opposition. In that way, and under those circumstances, we came (said Mr. B.) to the transaction of the public business. We struggled with difficulties from the first moment of our existence, and have never ceased to struggle with difficulties to this day. Our condition was like that of the poor wretch Sysiphus—condemned to roll an enormous stone up a steep acclivity, only to find some obstacle in our way, by which our labors and ourselves were to be tumbled down to the bottom again. But all this (said Mr. B.) was our misfortune, and not our fault; and amidst all our difficulties we certainly succeeded in passing some good measures. At the extra session we passed the law distributing the proceeds of the public lands among the States, and we passed the bankrupt law. At the last session, we passed the districting law, and we also passed the tariff law. What was to remain of all these, and many other measures, at the close of the constitutional term of existence of the present Congress, no man could tell. One thing was sure—the land-distribution law was gone already; the congressional districting law was in danger; while the tariff law was

proposed to be moderated and modified out of all its protective character; and now, at last, came the bill to repeal the bankrupt law—moved, too, by one of the original friends of that measure. For one, (said Mr. B.) I could stand all the injuries our enemies are doing us; but it is hard to receive such blows at the hands of our friends. What an extraordinary spectacle (said Mr. B.) do we now present to the American people! This motion for a repeal of the bankrupt law came from Vermont, and from his excellent and learned friend from that State, [Mr. EVERETT,] who took the pains to declare, at this and at the last session of Congress, that, upon the whole, the bankrupt act was the best and wisest law that Congress had ever passed. Now, it was to be repealed upon the motion of the very gentleman who had made this eulogium. Considering the source from which that motion emanated, and considering the sort of support which it was about to receive, it struck his mind as one of the most alarming movements he had ever witnessed in the political world. It went far to prove the truth of the charge so often made against this nation—that its legislation was destined to be unstable; not guided and governed, as it ought to be, by the settled, well-considered, well-digested opinions of the people of the country; but that it was destined to be disturbed by every wave of popular sentiment—to follow, in short, not only the shiftings and turnings of popular sentiment, but popular error and popular delusion. That such a thing as popular error and popular delusion existed, as well in this country as in others, he was not afraid or ashamed to say. By unsettled, ill-digested popular opinion, he never had been—and so help him God!—never would be governed.

But Vermont demanded the repeal of the bankrupt law; and, therefore, it was to be repealed. Vermont was a creditor State—she was in the happy condition of owing nobody, and everybody was indebted to her; and her Legislature, at its last session, passed a resolution instructing her Senators, and requesting her Representatives, in Congress, to procure the repeal of that law. He denied the right of Vermont to dictate to Congress upon this subject, or upon any other. She might express her opinions, it was true; but the opinions that governed here were those of the members of the National Legislature, and not those of the members of her State Legislature. He was utterly hostile to this doctrine of instruction, let it come from what source it might, avowed or not avowed. What security was there for legislation, if the representatives of a State—the very same men—were to be governed one day by one set of opinions, and another day by another, just as the waves of popular sentiment ebbed and flowed. Vermont did not, it seemed, like to see her debtors escape, and, in common with almost all other creditors, she had a very great reluctance to see the dead body o debt buried out of her sight. Well, this might be a very natural feeling; but it was a morbid one, which ought not to be encouraged. Creditors were not buzzards, to feed on carrion; and he did not want to see these dead bodies kept above ground till they tainted the whole atmosphere.

He had remarked that he could not see any security for legislation in the country, unless party and party men were to be precluded from influencing it to suit their temporary purposes. If they could not be, then the legislation of the country would be blown about by every popular gale. Unless the Representatives would abide by their own opinions after having once promulgated them, he was free to declare that there could be no stability in the policy of the country.

But his excellent friend from Vermont [Mr. EVERETT] had discovered that the bankrupt law had performed its office; that it had fulfilled its objects, and therefore ought to be repealed. He further avowed, that it was his opinion at the time the act was passed, that it should have been limited to the term of one year; that it ought to be a temporary law. What was a temporary law? What was it but repudiation in its most odious form—repudiation by individuals of their own debts at their own time; a proclamation by debtors of a jubilee—not like that of the Jews, which occurring at regular and stated periods, creditors as well as debtors could prepare themselves for—but a jubilee the time of which was to be prescribed by the debtors themselves. Such a bankrupt law was not the establishment of a rule of law; it was the establishment of an exception to a rule of law, in the face of the law itself. It was a law by which you open the prison doors, and let loose those confined at the moment; though at the next day the jails may be as full as ever—and of those, too, who are not to be set at liberty. Was that a bankrupt law in the understanding of the Constitution? The Constitution authorized Congress to pass uniform laws on the subject of bankruptcy: but could a law of a year's duration be called a uniform law? It was not law, because it was not a rule of conduct affecting all alike; but it was a mere partial arbitrary act of arbitrary power, interposing between the creditor and his debtor, to break up for the time being the relations between them, and to take away the power which the law gave the former over the latter. In this way, the creditor, in his turn, might be ruined and driven to bankruptcy; though, in consequence of the temporary nature of the law, he would be precluded from its benefits. Mr. B. said he denied the power of Congress to pass any such law. It had the power to pass a permanent and uniform law, and he admitted that it had the power to repeal it; but it had no power to pass a bankrupt law that was not permanent and uniform. Such a bankrupt law as was contemplated by the Constitution would have the tendency to prevent bankruptcy; but a temporary law, such as was contemplated by the gentleman from Vermont, would have the tendency to encourage bankruptcy, and to encourage extravagance and speculation, by the hope held out that a proclamation of jubilee would be made to free debtors for the time being from the power of their creditors.

If, then, this bankrupt law was to be repealed, let it be because it was inexpedient; because, such a law ought never to have been passed; but, for Heaven's sake, do not let it be repealed on the ground that it has accomplished the object for which it was enacted.

Mr. B. said he had no manner of doubt but that very much of the influence which was abroad in the country, and was brought to bear on the House at the time the bankrupt law was passed, was that of individuals, who, if they did not then hold the sentiments advanced now by his friend from Vermont, were yet willing to receive the benefits of them; in other words, they were willing that a temporary law should be passed to relieve them from their embarrassments, to be repealed or to expire at the time they came to be creditors. He prayed and besought gentlemen, therefore, if they meant to vote for the repeal, to put their votes on better grounds than those of his friend from Vermont. Let the law be repealed, if it is to be repealed, because it is a bad law; but do not let it be repealed because it was intended as a temporary measure, and because it has fulfilled its objects.

But why should the bankrupt law be repealed? He addressed himself to those who had been its friends. What was the greatest objection to the measure, in the minds of intelligent men, at the time of its passage? Was it not because of its retrospective operation, violating, in their opinions, one of the provisions of the Constitution, by impairing the obligation of contracts? That objection was now almost removed. The force of the bankrupt law in regard to old cases was almost spent; and it was now about to commence its most wholesome and beneficent functions, by operating on cases which have arisen since its enactment. The constitutional objection was, therefore, no longer in force.

After some further remarks from Mr. B., showing the benefits derived, and to be derived, from the bankrupt act, he concluded by moving to commit the bill to the Committee on the Judiciary, with instructions to bring in a bill to repeal that part of the law providing for voluntary bankruptcy, and to provide that this shall take place in 18 months from the passage of the act.

Mr. B. said the House was aware that, in the other branch of Congress, a resolution had been adopted calling upon the Secretary of State for information in relation to this subject; and he hoped that the House would wait till that information was received, and not, by precipitate legislation, run the risk of committing an act of cruelty and injustice.

Mr. C. J. INGERSOLL said he should like to move the adoption of instructions to the committee, in case the bill were referred to their consideration. He, therefore, sent to the Chair the following instructions:

"And that the said committee be instructed to report a bill excluding the *voluntary* provision from the present bankrupt act, and including banks."

Mr. BARNARD inquired whether the motion was in order; to which

The SPEAKER replied in the affirmative.

Mr. C. J. INGERSOLL modified his instructions, by striking out the word *banks*, and substituting the words *trading corporations*.

Mr. WINTHROP said that, however calculated the motion was to produce a wide discussion, he had a strong presentiment that the present debate would not be long. It seemed that summary execution was to be applied to this, the last act of that ill-fated extra session. Its sentence had been pronounced before arguments at law; judgment was to be first carried out, and a hearing had afterwards. Indeed, he feared that there was an impatience and an indisposition to hear at all, either before or after judgment. For himself, he had no disposition to speak at length; for the subject had already been nearly exhausted by the remarks of his friend from New York, [Mr. BARNARD;] nor would he impugn the course taken by his friend from Vermont, [Mr. EVERETT,] who no doubt acted from a sense of duty to his constituents. He only wished to explain simply the reasons which should induce him to vote against the repeal of this law, representing as he did a great commercial community.

The power of Congress to enact a bankrupt law was not implied merely, but was found in the category of those clearly expressed and enumerated powers about which there was no dispute. Now, he held it to be the duty of Congress to exercise its power; and not to exercise it, a positive neglect and omission—not less than it would be to omit to exercise the power given to regulate commerce, establish courts, coin money, provide for the common defence of the country, and, in short, any other power expressed among those named in the Constitution. He was aware that it had been suggested by his friend from Vermont, [Mr. EVERETT,] that though the present law might be repealed, another might be enacted. But when would such an event occur? When could it be expected? Certainly not until it should be called for by the people, to sweep off the load of indebtedness that might be upon them; and then the law would itself be swept off, after having performed its office. Such was the fate of the first bankrupt law, and such seemed to be the inevitable destiny of this.

But the language of the Constitution was remarkably strong. It was, not that "Congress shall have power to *pass*," but to "*establish* a uniform system of bankruptcy." Would a mere *passage* of an act be a fulfilment of the power to establish the system? So far from it, the reverse of the proposition would be true; and such passage be a mere temporary remedy. Such a course—the enactment of a bankrupt law for a particular temporary purpose—could be justified on no principle whatever. He, therefore, protested against the introduction of a bankrupt law at irregular intervals, and before the trader and the man of business could be aware how to act. Anticipating the results which had flowed from the insertion of the retrospective principle in the present act, he had voted for it with reluctance; and, had he believed that the whole act was destined to be so soon expunged from the statute-book, he should not have voted for it at all. And here he would make a suggestion to that gentleman, who had denounced the retrospective character of the act; and that was, that, by voting for the repeal of the law at the present time, they would become responsible for its revival hereafter. The only mode of preventing the enactment of a retrospective law was to establish the prospective provision of the present law upon a firm basis. True, the present law might not be perfect, and might require remedy in its details. What he had to say was, let it be perfected; let it

be limited in its operation to traders, if necessary; and even let a provision be inserted comprehending banks, under certain circumstances and regulations. It did seem to him that the responsibility of the enactment of a retrospective bankrupt act hereafter would rest on those gentlemen who should vote for the repeal of the present.

There was one more view of the subject which he would mention. He meant the monstrous injustice of an immediate and unconditional repeal of the law. It was known that many debtors, responding, as had been said, to the first sound of the trumpet, had advanced and obtained relief, having first stripped themselves for the purpose, and leaving as little matter to be decided upon by the courts as effects to be distributed among the creditors. A repeal of the law would not take away the benefits these men had obtained, whilst it would give the same desperate debtors the further advantage of any new bankrupt law which might be enacted hereafter. On the other hand, there were numbers whose affairs, not altogether hopeless, left the prospect of distributing something to their creditors—men whose applications for the benefit of the act had been held back, in the hope of making an honorable compromise; or whose cases had been delayed in the courts by argument upon points of law: these would be altogether deprived of the advantages secured by more expeditious, and perhaps less scrupulous, debtors. In conclusion, he hoped—if it was not too late to hope—that the House would pause before it resolved to wipe out altogether the law now in force.

Mr. PAYNE remarked that one of the strongest objections which he had to the passage of this act, was its retrospective character. He was not fully persuaded that the Government had power to pass a law absolving individuals from their contracts. He could not believe it to be legal and proper for the Government to destroy the relations subsisting between debtor and creditor. Government, as he thought, should at least have permitted the obligations between the creditor and his security to be performed.

These were some of his objections to the law at the beginning; but, with regard to a prospective bankrupt law, properly established, he did not then, nor did he now, object. All objections, however, were disregarded by those who controlled the action of this House; and a uniform system of bankruptcy, to be perpetual as the law of the country, was passed; and this was the first time that the avowal had been made—as it had been made this morning—that the object of the bankrupt law was to violate private contracts, and to turn men loose from their obligations. It was immaterial how they regarded it here; but the eyes of all the commercial world were turned upon them; and to Europe it would appear that they repealed the law, after it had done—what? Released at least the debtor from the obligation of his contracts. It appeared to him this proposition portrayed, more clearly than anything else could do, the true object the gentlemen who advocated it had in pressing it on the country. Now, if he might be permitted to advise those gentlemen who passed this law, he should say: For Heaven's sake, do not lay it on this exclusive ground—that the object was to release the debtor from the obligation of his contract, for which he had received a valuable consideration.

He would declare again, that, if a bankrupt law were established, striking out the voluntary feature, and making it such a bankrupt law as was contemplated by the Constitution, he should not object to see it become part of the permanent policy of our country. But if they voted for the bill which was now presented to the House, for the repeal of the existing bankrupt law, they would commit themselves with regard to the constitutionality of the whole measure. The proviso was designed to secure to those who had taken the first step, the benefit of the existing bankrupt law up to the 5th of the present month; and when this bill was introduced, he gave notice that he should move to strike out that proviso; but he was conscious of the great difficulty which must result. There was much force in what had been said by gentlemen on this subject, respecting the indecent haste of bankrupts to avail themselves of the law, to release them from their obligations; whereas those who were less hasty, and who regretted the necessity to avail themselves of the provisions of the law, and therefore held back, were to be deprived of the benefits of the law. There were difficulties, too, in the way of their voting for this bill to repeal the bankrupt law, with such a provision as would compromise them on the constitutional question which it involved; and the whole case afforded a striking illustration of the evil of that hasty legislation which was forced on the country without consideration by the operation of the gag rule, which did not permit an *i* to be dotted, or a *t* to be crossed. Under all the circumstances, he did not know that he could go for the repeal, as the bill now stood; for he was unwilling to commit himself with regard to the constitutional question.

He had another remark to make, in relation to the instructions. It had been his determination in all his acts, while he was a member of that body, to give no vote which, in his opinion, would tend to increase the power of this Government, or the Executive patronage of this Government. Every vote he did give would be to diminish rather than to increase that power. Suppose, then, they placed all the banking institutions of the country under the operation of the bankrupt law; why, an Executive, who was disposed to do so, might use the power of this Government for the punishment, on the one hand, and his influence to excite hope of reward, on the other; or, every bank would be placed at the foot of the Executive, to aid him in carrying out his plans. Were he disposed to strike directly at the principle by which he had governed his legislative action, he should give the Executive this power. He trusted, therefore, that the proposition would be either amended, or laid on the table; but if, on the contrary, it were attached to this bill, the bankrupt law would never be repealed. There was one fact, in connexion with the discussions which had already been had on this subject, to which he was inclined to call the attention of the House; but he declined doing so, because it verified a prediction which had been made again and again with regard to the Whig Congress. This bankrupt law was a Whig measure. It originated with the Whigs; it was passed by Whigs. He was not sure, but he did not believe there was more than one solitary Democratic member that voted for it. And what were they now told? Why, that this Whig measure—a measure conceived, brought forth, and carried into a law by Whigs, to relieve the country, had done—what? Destroyed all confidence between man and man, and had broken down the credit of the country. This was the character given of it by the gentleman from Vermont.

Mr. EVERETT explained.

Mr. PAYNE. The gentleman then said, if it had not done all these things, that it was in a state of progression; and if they permitted it to remain, it would break down the credit of the country, and destroy confidence between man and man. Such was the result of one of the important measures which were passed by the 27th Congress; and in view of this, and other acts, there was one circumstance which appeared to be a little remarkable: the President was blamed for the application of his vetoes, and for not permitting the Whigs to do all that which they desired to do—for not permitting the majority in this Congress to do all that they pleased; and he was still blamed. It was not his place to blame or to defend the President; but justice ought to be done, and he would, therefore, say they ought not to blame the President for not permitting more wrongdoing than that which it was now admitted they had done.

Mr. GORDON addressed the House in favor of the repeal of the law. He commenced by remarking that, in the discussions upon the measure, when it passed at the extra session, it was said that it would be hailed as a public jubilee. Recollecting this remark, he did not expect so early to have heard it said by a member of the House—and a member, too, of that very majority who passed the act—that it was intended as a permanent measure. He had himself supposed that the law had its inception, and would have its consummation in a desire to relieve debtors from the embarrassments into which they were, for the time being, plunged; and was only such a measure as would be passed, at intervals, to fulfil the end named. But it seemed he was mistaken; and now, the only ground on which the law was at all justified was taken away. As to his own position, that was the same now as at the extra session—a firm opposition to the measure on account of its unconstitutionality, as well as on account of considerations of its injustice.

The fate of the measure, as the gentleman from Massachusetts [Mr. WINTHROP] had said, was settled. Its end was at hand. Its decree of repeal had been borne on the wings of popular sentiment and indignation. The work only remained to be done. He could not see how his colleague [Mr. BARNARD] could have been brought to declare that it was a want of reflection in the people to decree the repeal of the measure at which he was astonished! Surely his colleague could not have perceived how, by this remark, he was impugning the intelligence of the people. His colleague had set himself up to contradict the public voice for demanding the repeal of this measure! and did not this amount to a declaration that the people knew not what they were about? Such was, in fact, the averment which his colleague had made; yet he (Mr. G.) was not surprised at the remark, when he recollected that his colleague belonged to that party which had no confidence in the people, and which believed them to be incapable of self-government.

Here Mr. ARNOLD rose, and inquired whether a single petition for the repeal of the bankrupt act had been presented this session.

Mr. GORDON said this question reminded him of a fact, which he often observed—that there were many men who could not or would not understand what public sentiment was, in relation to a particular measure, until they had read it in a petition. Now, these petitions, it was well known, were often gotten up to order, and therefore entitled to no moral influence. Public sentiment upon a measure like the present was overpowering; and a miserable petition would but ill embody its force and omnipotence. In reply, however, to the gentleman from Tennessee, [Mr. ARNOLD,] he would state that petitions had been sent here to obtain the repeal of this measure. But whether they had or not, every man of ordinary sagacity and observation knew what public sentiment was upon this question. He was glad to find that even the gentleman from Vermont had bowed down before this public sentiment, and had determined to vote for the repeal.

Mr. EVERETT rose, and was understood to say that his determination arose from a change of his opinions, rather than from considerations growing out of any supposed state of public sentiment.

Mr. GORDON said he was then glad to hear that the gentleman had changed his opinion. His added but another to the general voice that the law was a bad one.

But his colleague [Mr. BARNARD] had complained of the instability of legislation in this country, and had charged that the repeal of the law would tend still further to sink our reputation in that respect. In reply, he would remark that all bad laws, like this bankrupt act, did most effectually contribute to instability of legislation; because, in a country where the people's wishes were consulted, such laws were certain to be expunged from the statute-book. Yet he would leave it to the common sense of any man to say whether this was a reason why a bad law should not be repealed. If Congress would confine itself to its legitimate sphere of action, standing upon the broad platform of the Constitution, and only enacting such measures as were called for by the people, there would be no reason for his colleague to complain of instability of legislation.

But his colleague had also complained of popular error and delusion in relation to this law. Now, he could tell his colleague how the people had come to be so sadly in "error and delusion." They had employed their "sober second thought" upon the bankrupt act, and their verdict against it was another instance to show how correct are the ultimate decisions of the people in regard to matters

proposed to be moderated and modified out of all its protective character; and now, at last, came the bill to repeal the bankrupt law—moved, too, by one of the original friends of that measure. For one, (said Mr. B.) I could stand all the injuries our enemies are doing us; but it is hard to receive such blows at the hands of our friends. What an extraordinary spectacle (said Mr. B.) do we now present to the American people! This motion for a repeal of the bankrupt law came from Vermont, and from his excellent and learned friend from that State, [Mr. EVERETT,] who took the pains to declare, at this and at the last session of Congress, that, upon the whole, the bankrupt act was the best and wisest law that Congress had ever passed. Now, it was to be repealed upon the motion of the very gentleman who had made this eulogium. Considering the source from which that motion emanated, and considering the sort of support which it was about to receive, it struck his mind as one of the most alarming movements he had ever witnessed in the political world. It went far to prove the truth of the charge so often made against this nation—that its legislation was destined to be unstable; not guided and governed, as it ought to be, by the settled, well-considered, well-digested opinions of the people of the country; but that it was destined to be disturbed by every wave of popular sentiment—to follow, in short, not only the shiftings and turnings of popular sentiment, but popular error and popular delusion. That such a thing as popular error and popular delusion existed, as well in this country as in others, he was not afraid or ashamed to say. By unsettled, ill-digested popular opinion, he never had been—and so help him God!—never would be governed.

But Vermont demanded the repeal of the bankrupt law; and, therefore, it was to be repealed. Vermont was a creditor State—she was in the happy condition of owing nobody, and everybody was indebted to her; and her Legislature, at its last session, passed a resolution instructing her Senators, and requesting her Representatives, in Congress, to procure the repeal of that law. He denied the right of Vermont to dictate to Congress upon this subject, or upon any other. She might express her opinions, it was true; but the opinions that governed here were those of the members of the National Legislature, and not those of the members of her State Legislature. He was utterly hostile to this doctrine of instruction, let it come from what source it might, avowed or not avowed. What security was there for legislation, if the representatives of a State—the very same men—were to be governed one day by one set of opinions, and another day by another, just as the waves of popular sentiment ebbed and flowed. Vermont did not, it seemed, like to see her debtors escape, and, in common with almost all other creditors, she had a very great reluctance to see the dead body o debt buried out of her sight. Well, this might be a very natural feeling; but it was a morbid one, which ought not to be encouraged. Creditors were not buzzards, to feed on carrion; and he did not want to see these dead bodies kept above ground till they tainted the whole atmosphere.

He had remarked that he could not see any security for legislation in the country, unless party and party men were to be precluded from influencing it to suit their temporary purposes. If they could not be, then the legislation of the country would be blown about by every popular gale. Unless the Representatives would abide by their own opinions after having once promulgated them, he was free to declare that there could be no stability in the policy of the country.

But his excellent friend from Vermont [Mr. EVERETT] had discovered that the bankrupt law had performed its office; that it had fulfilled its objects, and therefore ought to be repealed. He further avowed, that it was his opinion at the time the act was passed, that it should have been limited to the term of one year; that it ought to be a temporary law. What was a temporary law? What was it but repudiation in its most odious form—repudiation by individuals of their own debts at their own time; a proclamation by debtors of a jubilee—not like that of the Jews, which occurring at regular and stated periods, creditors as well as debtors could prepare themselves for—but a jubilee the time of which was to be prescribed by the debtors themselves. Such a bankrupt law was not the establishment of a rule of law; it was the establishment of an exception to a rule of law, in the face of the law itself. It was a law by which you open the prison doors, and let loose those confined at the moment; though at the next day the jails may be as full as ever—and of those, too, who are not to be set at liberty. Was that a bankrupt law in the understanding of the Constitution? The Constitution authorized Congress to pass uniform laws on the subject of bankruptcy: but could a law of a year's duration be called a uniform law? It was not law, because it was not a rule of conduct affecting all alike; but it was a mere partial arbitrary act of arbitrary power, interposing between the creditor and his debtor, to break up for the time being the relations between them, and to take away the power which the law gave the former over the latter. In this way, the creditor, in his turn, might be ruined and driven to bankruptcy; though, in consequence of the temporary nature of the law, he would be precluded from its benefits. Mr. B. said he denied the power of Congress to pass any such law. It had the power to pass a permanent and uniform law, and he admitted that it had the power to repeal it; but it had no power to pass a bankrupt law that was not permanent and uniform. Such a bankrupt law as was contemplated by the Constitution would have the tendency to prevent bankruptcy; but a temporary law, such as was contemplated by the gentleman from Vermont, would have the tendency to encourage bankruptcy, and to encourage extravagance and speculation, in the hope held out that a proclamation of jubilee would be made to free debtors for the time being from the power of their creditors.

If, then, this bankrupt law was to be repealed, let it be because it was inexpedient; because a law ought never to have been passed: but, for Heaven's sake, do not let it be repealed on the ground that it has accomplished the object for which it was enacted.

Mr. B. said he had no manner of doubt very much of the influence which was brought to bear in the country, and was brought to bear at the time the bankrupt law was passed, of individuals, who, if they did not [illegible] timents advanced now by his friend, were yet willing to receive the benefit of it; in other words, they were willing that a bankrupt law should be passed to relieve them from embarrassments, to be repealed or not at the time they came to be creditors. He therefore besought gentlemen, therefore, not to vote for the repeal, to put their votes on other grounds than those of his friend from Vermont. Let the law be repealed, if it ought to be, because it is a bad law; but do not repeal it because it was intended as a relief law, and because it has fulfilled its object.

But why should the bankrupt law be repealed? He addressed himself to the gentleman's friends. What was the state of the public mind, what was the measure, in the minds of the people, at the time of its passage? Was it not, in its retrospective operation, violative of the provisions of the Constitution, of the obligation of contracts? That objection was now almost removed. The bankrupt law in regard to old debts was now about to expire, and it was now about to be succeeded by some and beneficent law, which would remove the cases which have arisen under it, and the constitutional objection which existed to it in force.

After some further remarks on the subject, stating the benefits derived from the present bankrupt act, he concluded by moving to commit the bill to the Committee on the Judiciary, with instructions to bring in a bill to repeal that part of the law providing for the voluntary system, and to provide that it shall cease in six months from the passage of the repealing act.

Mr. B. said the House and the other branch of Congress had already adopted calling upon the Secretary for information in relation to the

...ERRIEN presented a memorial from a ... of citizens of New York, remonstrating ...he repeal of the bankrupt law, on the ...hat its continuance will produce a salu... ...et, by preventing overtrading, &c.: referred ... committee on the Judiciary.

...UCHANAN presented two memorials ...anufacturers of hats, asking Congress to ...the 25 per cent. duty on imported furs: re... ...to the Committee on Manufactures.

... PHELPS, from the Committee on Claims, ...ted a bill for the relief of Thomas Fille... ...n, jr.; which was read, and ordered to a sec... ...reading.

THE BANKRUPT ACT.

...r. BENTON presented a petition from Wash... ...on county, Vermont, by W. Richardson, pray... ...the repeal of the bankrupt act, and accompa... ...by a letter to him, stating that the people of ... ...ment were as unanimous as the Legislature of ... State in condemning that act. Mr. B. would ... the opportunity which the presentation of this ...etition offered, to declare that, holding the bank... ...rupt act to be unconstitutional at six different points, (the extinction of the debt without the consent of a given majority of the creditors being at the head of these points,) he would vote for no repeal which would permit the act to continue in force for the trial of depending cases, unless with provisions which would bring the action of the law within the Constitution. To say nothing, at present, of other points of unconstitutionality, he limited himself to the abolition of debts without the consent of a given majority of the creditors. This, he held, no power in our country can do. Congress can only go as far as the bankrupt systems of England and other countries go; and that is, to require the consent of a given majority of the creditors (four-fifths in number and value in England and Scotland) and that founded upon a judicial certificate of integrity by the commissioners who examined the case, and approved afterwards by the Lord Chancellor. Upon these principles only could Congress act: upon these principles the Congress of 1800 acted, in making a bankrupt act: and to these principles he would endeavor to conform the action of the present act so long as it might run. He held all the certificates granted by the courts to be null and void; and that the question of the validity would be carried before the courts, and before the tribunal of public opinion. The federal judges decided the alien and sedition law to be constitutional. The people reversed that decision, and put down the men who held it. This bankrupt act was much more glaringly unconstitutional—much more immoral—and called more loudly upon the people to rise against it. If he was a United States judge, he would decide the act to be unconstitutional. If he was a State court, and one of these certificates of discharge from debts should be pleaded in bar before him, on an action brought for the recovery of the old debt, he would treat the certificate as a nullity, and throw it out of court. If commanded by the Supreme Court, he would resign first. The English law held all bankrupts, whose certificates were not signed by the given majority of the creditors, to be *uncertificated;* and, as such, he held all these to be who had received certificates under our law. They had no certificate of discharge from a given majority of the creditors; and were, therefore, what the English law called *"uncertificated bankrupts."* He said the bankrupt systems formed the creditors into a partnership for the management of the debtor's estate, and his discharge from debt; and, in this partnership, a given majority acted for the whole, all having the same interest in what was lost or saved; and, therefore, to be governed by a given majority, doing what was best for the whole. But even to this there were limitations. The four-fifths could not release the debt of the remaining fifth, except upon a certificate of integrity from the commissioners who tried the case, and a final approval by the Lord Chancellor. The law made itself party to the discharge, as it does in a case of divorce, and for the sake of good morals; and required the judicial certificate of integrity, without which the release of four-fifths of the creditors would not extinguish the debt of the other fifth. It is only in this way that Congress can act. It can only act according to the established principles of the bankrupt systems. It had no inherent or supreme authority over debts. It could not abolish debts as it pleased. It could not confound bankruptcy and insolvency, and so get hold of all debts, and sweep them off as it pleased. All this was despotism, such as only could be looked for in a Government which had no limits, either on its moral or political powers. The attempt to confound insolvency and bankruptcy, and to make Congress supreme over both, was the most daring attack on the Constitution, on the State laws, on the rights of property, and on public morals, which the history of Europe or America exhibited. There was no parallel to it in Europe or America. It was repudiation—universal repudiation of all debts—at the will of the debtor. The law was subversive of civil society; and he called upon Congress, the State Legislatures, the Federal and State judiciaries—and, above all, the people—to brand it for unconstitutionality and immorality, and to put it down.

Mr. B. said he had laid down the law, but he would refer to the *forms* which the wisdom of the law provided for executing itself. These *forms* were the highest evidences of the law. They were framed by men learned in the law—approved by the courts—and studied by the apprentices to the law. They should also be studied by the journeymen—by the professors—and by the ermined judges. In this case, especially, they should be so studied. Bankruptcy was a branch of the law but little studied in our country. The mass of the community were uninformed upon it; and the latitudinarians, who could find no limits to the power of our Government were daringly presuming upon the general ignorance, by undertaking to confound bankruptcy and insolvency, and claiming for Congress a despotic power over both. This daring attempt must be chastised. Congress must be driven back within the pale of the Constitution; and for that purpose, the principles of the bankrupt systems must be made known to the people. The *forms* are one of the best modes of doing this: and here are the *forms* of a bankrupt's certificate in Great Britain—the country from which our Constitution borrowed the system. [Mr. B. then read from Jacobs's Law Dictionary, title *Bankruptcy*, at the end of the title, the *three* forms of the certificates which were necessary to release a debtor from his debts.] The first form was that of the commissioners who examined the case, and who certified to the integrity of the bankrupt, and that he had conformed in all particulars to the act. The second form was that of the certificate of four-fifths of his creditors, *"allowing him to be discharged from his debts."* The third was the certificate of the Lord Chancellor, certifying that notice of these two certificates having been published for twenty-one days in the London Gazette, and no cause being shown to the contrary, the certificates granted by the commissioners and by the creditors were *"confirmed."* Then, and not till then, could the debtor be discharged from his debts; and with all this, the act of 1800 in the United States perfectly agreed, only taking two-thirds instead of four-fifths of the creditors. Congress could only absolve debts in this way, and that among the proper subjects of a bankrupt law: and the moral sense of the community must revolt against any attempt to do it in any other form. The present act was repudiation—criminal repudiation, as far as any one chose to repudiate—and must be put down by the community.

The memorial was then referred to the Judiciary Committee.

On motion of Mr. PORTER, leave was granted to withdraw from the files of the Senate (for the purpose of laying before the other House) the papers in relation to the claim of certain companies of Michigan militia.

Mr. KING presented to the Senate a memorial adopted by the Legislature of Alabama, upon the subject of lands which had been recently acquired from the Cherokees, which, through an error of the Commissioner of the General Land Office, had been advertised for sale in January next, contrary

pointed Messrs. LINN, WALKER, SEVIER, MERRICK, and PHELPS, to constitute said committee.

Mr. STURGEON, on leave, introduced a bill for the relief of Lucretia Haymaker, heir at law of John Bown; which was twice read, and referred to the Committee on Revolutionary Claims.

On motion of Mr. WALKER it was

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of permitting the State of Mississippi to appropriate $25,000 of the two per cent. fund of said State towards the completion of the railroad from Jackson to Brandon, on the conditions designated by said State.

MEXICAN CLAIMS.

Mr. CONRAD submitted the following resolution, which lies over one day, under the rule, viz:

Resolved, That the Secretary of State be requested to communicate to the Senate (if not incompatible with the public interest) whether the amount due and payable by Mexico for indemnity to citizens of the United States, under the late convention, has been paid in conformity with the terms of said convention; if not, whether any, and what, measures have been adopted by our Government to obtain or enforce payment; and also, to obtain the recognition of such claims as were submitted to, but not finally acted upon, by the late joint commission.

Mr. HUNTINGTON, from the Committee on Commerce, reported back without amendment, and with a recommendation that it pass, the bill to allow a drawback on foreign merchandise exported in original packages to Chihuahua and Santa Fe, in Mexico.

Mr. H. also reported, from the same committee, a bill to authorize the issuing of a new register to, and to change the name of, the ship Westchester of New York, to that of the Atlantic of New York; which was read, considered as in committee of the whole, reported to the Senate, and ordered to be engrossed for a third reading.

On motion by Mr. TALLMADGE, the papers of Joseph Robey were ordered to be withdrawn from the files of the Senate, and referred to the Committee on the Public Lands.

Mr. TALLMADGE presented a memorial from a committee on behalf of claimants to indemnity for French spoliations prior to 1800; which was referred to the Committee on Foreign Relations.

Mr. T. also presented a petition from John Bosworth, praying for a pension; which was referred to the Committee on Pensions.

Mr. RIVES presented a memorial from George Taylor, of the District of Columbia, praying indemnity for French spoliations prior to 1800: referred to the Committee on Foreign Relations.

Mr. R. also presented a memorial from Mary W. Harrison, widow and executrix of the late Benjamin Harrison, praying the passage of a law authorizing the resettlement of the accounts of her late husband with the Government, there being many errors in the former settlement: referred to the Committee on Revolutionary Claims.

DEATH OF Mr. HABERSHAM.

A message was here received from the House of Representatives, announcing to the Senate the death of the Hon. RICHARD W. HABERSHAM, late Representative from the State of Georgia, and the passage of certain resolutions; which message being read,

Mr. BERRIEN rose and addressed the Senate as follows:

Mr. President: In offering the resolutions which it is my duty to submit to the Senate on this occasion, the usage of this Chamber requires that I should accompany them with some notice, however brief, of the character of the deceased—with some reference, however transient, to the event which calls for this expression of our sympathy.

It would be to me, sir, a grateful, though a melancholy office, to pronounce the eulogy of my departed friend and associate—to dwell with cherished recollection on his public virtues—on his private worth—above all, on that benevolence of feeling, which was so beautifully exhibited in all his intercourse with his fellow-men. It would be my privilege to speak of him thus, sir; for it has been my good fortune to have been associated with him from his earlier years, in relations of kindness and amity, which experienced no solitary interruption to the close of his life; while, in mutually cherishing these feelings, we only lengthened the chain which had united our fathers in like friendly bonds. The occasion is, however, perhaps, inappropriate to the expression of mere private feeling—and I forbear.

Mr. HABERSHAM was a native of Georgia. His family name is associated with the records of her colonization, and is honorably inscribed on the pages of her provincial annals. It has been distinguished in each successive period of her history, and, unsullied by a spot, will now be registered on the stone which covers his own remains. In Georgia, sir, that name is the synonyme of patriotism, integrity, and benevolence.

Mr. HABERSHAM was born in the city of Savannah—I think in the year 1786. He obtained his collegiate education at Nassau Hall, in New Jersey; received the honors of that institution in 1805; and, returning to his native State, after the usual course of preparatory study, was called to the bar. He was early distinguished among his professional associates, and was for a series of years the counsel of the United States in the courts of that district. He retired from office, with the applause of the people of Georgia, when the duties which it imposed conflicted with his own sense of justice to a portion of his fellow-citizens. He served with reputation in the municipality of the city of Savannah, and in the Legislature of his native State, and has been twice honored by a seat in the councils of the Union. It can scarcely be necessary to say to those to whom I address myself, that his duties here have been discharged with zeal and fidelity, with assiduity and intelligence, and in a frank and conciliatory spirit, which, even amid the conflicts of party, secured to him the esteem and regard of his associates. He died at his own residence in Georgia, on the 2d instant, at a moment when, but for the disease which had prostrated him, he would have been hastening to unite with us in the duties of legislation.

Mr. HABERSHAM has now closed his earthly labors. Hereafter, among us, he lives only in the memory of his virtues. These will be long held in grateful remembrance by those to whom he was most intimately known. The recollection of them will, I trust, assuage the sorrows of the widowed partner of his life, and of that group of orphans who are clustering around her in this hour of anguish.

But Mr. HABERSHAM yet lives. The record of this probationary life, as to him, indeed, is closed forever. But he has gone, in the immortality of his being, to render his account to his Creator and his Judge. It remains to us to hope that he may find acceptance in that solemn hour through the atoning blood of the Redeemer; and to inscribe on our own hearts the monitory lesson which this event is calculated to impart.

Mr. B. closed by offering the usual resolutions in testimony of the respect of the Senate for the memory of the deceased, and authorizing the wearing of crape; which were read, and unanimously adopted; and, in accordance with which, the Senate forthwith adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, December 19, 1842.

Mr. THOMPSON of Mississippi presented the petition of Nathaniel Mitchell, praying a grant of land for the purpose of making the experiment of extracting turpentine, in profitable abundance, from the pine forest trees bordering on the Gulf of Mexico: referred to the Committee on Public Lands.

Mr. MARSHALL of Maine presented the petition of Robert Patterson, and 43 others, ship masters and merchants of Belfast, Maine, for the erection of such beacons, spindles, and buoys, on the Muscle ridges in Penobscot Bay, as will render its navigation more safe.

Also, the petition of George Drinkwater, and 26 others, of Lincolnville, for the same.

Also, the petition of Joseph Jones, and 40 others, of Camden, for the same.

Also, the petition of Andrew Leach, and 61 others, of Prospect, for the same.

Mr. GAMBLE of Georgia rose, and addressed the House as follows:

The present Congress, it is believed, has oftener performed the painful duty of announcing the death of its members, than any which has preceded it under the Government. In the first week of our session, we were called upon to pay the last tribute of respect to the memory of one who died on his way to the seat of Government, to resume his duties as a member of this body; and to-day, the duty has devolved upon me to communicate to the House the mournful intelligence which has reached us, of the death of another member of this branch of the National Legislature. For some time we entertained hopes that the rumor of his death was unfounded; or, at most, premature. But it is at length reduced to painful certainty that RICHARD W. HABERSHAM is no more. He has finished his course on earth; his seat in this hall is vacant; and he now sleeps in the silent tomb. His constitution being naturally feeble, and his health somewhat impaired when he first took his seat as a member of this body—added to the severity of the climate, and his laborious and close attention to his duties, which was more than he was able to endure—brought on a disease, which has only terminated in his death; which painful event, as we are informed, took place at his residence in Habersham county, Georgia, on the second day of this month, surrounded by his family and friends. Mr. HABERSHAM was a descendant of one of the most honorable and distinguished families in Georgia. He was endowed with more than ordinary powers of mind, which was enlarged and cultivated by a liberal education. Being thus qualified, he early engaged in public life, and, by a long course of upright conduct and unbending integrity, he acquired a degree of confidence which few attain, and (what is still more rare) which he never abused. He has occupied stations of honor and trust, both under the Federal and State Governments, the duties of which he discharged to the full requisitions of the law, and entire satisfaction of those with whom he had official transaction.

In 1839 he was elected as a member of Congress, and continued in that character until his death. To you, sir, and his associates here, I need say nothing. You have witnessed his course; you appreciate his worth as a man, and his usefulness as a member of this body. And notwithstanding the political asperity of the times during which he has been a member—and although he has been firm and unwavering in his political course—yet I believe he never indulged in a sentiment, or suffered an expression to escape his lips, at which even the most sensitive political opponent could justly take exception. His errors and infirmities, if any he had—and none are faultless—"were of the head, and not of the heart." He was amiable, generous, and forgiving in his disposition; his home was the centre of kindness and hospitality; and his hand ever open to the calls of charity. It may be said of him, and can with truth be said of him, that he has gone, and left not an enemy behind him. In his lamented death, Georgia has lost one of her most useful, virtuous, and talented citizens—one of her most distinguished, patriotic, and cherished sons; and his family have sustained a loss which cannot be repaired by time. "May that Being who tempers the wind to the shorn lamb," comfort and sustain them in this, their deep affliction; and may this memento of our mortality make a deep and lasting impression upon our hearts, and cause us well to consider the admonition addressed to us in the word of truth, which is enforced by this solemn dispensation—"Be ye also ready, for in such an hour as ye think not the son of man cometh."

Mr. G. then offered the usual resolution, viz: that the members, as a mark of respect for the memory of the deceased, go into mourning, by wearing crape on the left arm for thirty days; which was adopted; and, as an additional mark of respect for his memory,

On motion by Mr. GAMBLE,

The House adjourned.

IN SENATE.

TUESDAY, December 20, 1842.

Mr. BENTON presented a petition from Mary W. Thompson, widow of the late Colonel Thompson, praying compensation for certain military services of her late husband, which remain unpaid: referred to the Committee on Military Affairs.

Mr. MERRICK presented a petition from

John Brosnaugh and Archibald Fleming, praying indemnity for losses sustained in carrying the United States mail, in consequence of the destruction of a part of the Potomac bridge by a freshet: referred to the Committee on the Post Office and Post Roads.

Mr. ARCHER presented a petition from Wm. A. Weaver, praying compensation for work done in preparing at the State Department the sixth census of the United States: referred to the Committee on the Judiciary.

Mr. PORTER presented a petition from the Board of Internal Improvement of the State of Michigan, praying an extension of the time allowed by law for laying down railroad iron imported free of duty: referred to the Committee on Finance.

On motion of Mr. LINN, the petition and papers of John B McKown were ordered to be taken from the files of the Senate, and referred to the Committee on Claims.

Mr. L. also presented a memorial from citizens of Platte county, Missouri, praying that a permanent agent might be appointed, to reside at Weston, or some other convenient point in Missouri, for the purpose of purchasing, under the direction of the Secretary of the Navy, such quantity of water-rotted hemp as might be required for the use of the Government: referred to the Committee on Naval Affairs.

Mr. L. also presented a memorial from citizens of Attleborough, Massachusetts, praying that the fine of $1,000 may be refunded to General Jackson: ordered to lie on the table.

Mr. McROBERTS presented a petition from citizens of Illinois, praying the repeal of the bankrupt law: referred to the Committee on the Judiciary.

Mr. McR. also presented a petition from John Dawson, pension agent, Springfield, Illinois, asking compensation for his services as agent: referred to the Committee on Pensions.

Mr. WRIGHT presented a memorial from the Chamber of Commerce of Appalachicola, Florida, praying Congress to make an appropriation for the construction of two new light-houses on that coast, for the accommodation of commerce; and also for the construction of a marine hospital: referred to the Committee on Commerce.

On motion of Mr. CONRAD, the petition and papers of the heirs of Madame De Lusser, for the confirmation of a grant of land in Mobile, were ordered to be taken from the files of the Senate, and referred to the Committee on the Public Lands.

Also, on his motion, leave was granted to withdraw from the files the petition and papers of William Dubuys.

Mr. ALLEN presented a petition from Asahel Brainerd, of Cayuga county, Ohio, for an extension of pension: referred to the Committee on Pensions.

Mr. WRIGHT said he some time since presented to the Senate a petition, which was now before the Committee on Claims, from Nimrod Farrow, and Richard Harris, praying compensation for constructing a fort in Mobile bay. He now presented a petition from Israel Ketchum, a sub-contractor under those persons, praying that Congress, in making an appropriation for the purpose, may not disregard the interests of the sub-contractors: referred to the Committee on Claims.

Mr. BAYARD presented a memorial from the President and Directors of the Bank of the Metropolis, praying that their charter may be modified in such manner as they suggest, and which experience has pointed out to be necessary: referred to the Committee on the District of Columbia.

Mr. B. also presented a petition from Edward Earle, who is desirous that the Government of the United States should purchase the right for using his patent for preserving wood, which he alleges is much better than the present mode of doing it, with corrosive sublimate: referred to the Committee on Naval Affairs.

On motion of Mr. SMITH of Connecticut, it was ordered that the petition and papers of Wareham Kingsbury, for a pension, be taken from the files of the Senate, and referred to the Committee on Pensions.

Mr. S. also presented a petition from Hetty Fossett, the widow of John D. Alveys, for a pension: referred to the Committee on Pensions.

On motion of Mr. SEVIER, it was ordered that the petition of Benjamin Murphy be taken from the files, and referred to the Committee on Indian Affairs.

BILLS AND REPORTS.

Mr. LINN, on leave, introduced a bill for the relief of the heirs of Nathaniel Pryor, deceased; which was read twice, and referred to the Committee on Indian Affairs.

Also, on leave, introduced a bill to surrender to the States of Missouri and Arkansas the alternate sections of certain public lands, (reported as not worth the expenses of survey,) for the purpose of increasing the value of the public domain contiguous; which was read twice, and referred to the Committee on the Public Lands.

Mr. BERRIEN, from the Committee on the Judiciary, to which had been referred the petition of Henry Quackenboss and others, reported a bill to authorize the Secretary of the Treasury to make an arrangement and compromise with any of the sureties on the bonds of Samuel Swartwout, late collector of the port of New York; which was read, and ordered to a second reading.

Mr. EVANS, on leave, introduced a bill for the relief of Barbara Spear, the widow of John Spear, late an invalid pensioner; which was read twice, and referred to the Committee on Pensions.

Also, on leave, introduced a bill for regulating the currency of foreign gold and silver coin in the United States; which was read twice, and referred to the Committee on Finance.

Mr. BATES, on leave, introduced a bill making compensation to pension agents; which was read twice, and referred to the Committee on Pensions.

Also, on leave, introduced a bill to continue the office of Commissioner of Pensions; which was read twice, and referred to the Committee on Pensions.

Mr. FULTON, on leave, introduced a bill to authorize the Legislatures of the States of Arkansas, Louisiana, and Tennessee to sell the lands heretofore appropriated for school purposes in those States; which was read twice, and referred to the Committee on Public Lands.

Mr. WALKER, from the Committee on the Judiciary, reported a bill to authorize the settlement of the accounts of Joseph Nourse; which was read, and ordered to a second reading.

Mr. SMITH of Indiana, on leave, introduced a bill to provide for ascertaining and disposing of the lead-mineral lands in the States of Illinois and Missouri, and the Territories of Wisconsin and Iowa, and for other purposes; which was read twice, and referred to the Committee on Public Lands.

Mr. GRAHAM, from the Committee on Claims, reported the following bills; which were read, and ordered to a second reading, viz.

A bill for the relief of J. R. Vienne; and

A bill for the relief of Ephraim B Dixon.

Mr. BATES, on leave, introduced a bill for the relief of Henry Gardner and others, directors of an association called the New England Mississippi Land Company; which was read twice, and referred to the Judiciary Committee.

Mr. WILLIAMS, from the Committee on Naval Affairs, made an adverse report on the petition of Benjamin Franklin for a privateer pension; which was ordered to lie on the table.

Mr. W. also, from the Committee on Printing, reported in favor of printing the annual report of the Commissioner of the General Land Office; which was concurred in by the Senate; when,

On motion of Mr. SMITH of Indiana, five hundred copies additional of said report were ordered to be printed.

CLAIMANTS.

Mr. HUNTINGTON said he had been requested to move that the memorial and papers of Samuel Brown, late naval officer at Providence, Rhode Island, praying compensation for extra services, be taken from the files of the Senate and referred.

Mr. H. remarked, that a verbal report had been made against the prayer of this petition, and concurred in by the Senate previous to the passage of the rule of the last session, which provided that whenever a claim shall have been reported against, in writing, by either of the standing committees, and the report concurred in by the Senate, it should not be in order to present that claim to the consideration of the Senate, except upon a new petition from the claimant pointing out an error in the decision of the committee, or presenting new evidence in support of the claim. Mr. H. did not know what course to take with reference to this claim, and wished to have the sense of the Senate whether its presentation was admissible under the rule; the report against it being but a verbal one, and that having been made previous to the passage of the rule.

The CHAIR was understood to say that heretofore the rule had been construed as restrospective in its operation; but in this case a further question was presented—whether the rule, which required a written report to be made, should be construed to exclude cases upon which *verbal* reports only were made.

A discussion here arose, as to the proper construction of the rule, in which Messrs. HUNTINGTON, LINN, KING, CLAYTON, and PHELPS participated, maintaining that the rule was intended to be retrospective in its operation, to prevent the re-presentation of those old cases so frequently reported against; but were willing to make an exception to this case, upon which a *verbal* report only was made, when a written report was required by the rule.

Mr. GRAHAM said the difficulty could be avoided by admitting this petition by unanimous consent, on the ground of non-compliance with the rule, which required a written report; and then to amend the rule, as suggested by the Senator from Vermont, [Mr. PHELPS,] to make all cases admissible, upon which no written report had been made.

This suggestion was yielded to, and the petition was ordered to be taken from the files, and referred.

Mr. PHELPS submitted the following:

That the rule of the Senate adopted on the 26th of January, 1842, be amended by the following: *Provided*, That this rule shall not extend to any cases whereon adverse reports, not in writing, may have been made previous to the said 26th day of January, 1842.

This amendment lies over one day, under the rules.

The following resolution of Mr. CONRAD was taken up and adopted, viz:

Resolved, That the Secretary of the Treasury be requested to communicate to the Senate whether any, and what, amount of money has been refunded to claimants in virtue of the act entitled "An act in relation to lands held in the Greensburg (late St. Helena) district, in the State of Louisiana, and authorizing the resurvey of certain lands in said district," approved August 29, 1842; whether, in any cases, the claimants have received reimbursement of the price paid by them for lands in complying, or offering to comply, with the provisions of said act, and such reimbursement has been refused, and the reasons for such refusal; and whether any, and what, proceedings have taken place under said act.

THE AFRICAN SQUADRON.

The following resolution, submitted by Mr. BENTON some days ago, was taken up for consideration:

Resolved, That the President be requested to inform the Senate whether the quintuple treaty, for the suppression of the slave-trade, has been communicated to the Government of the United States in any form whatever; and, if so, by whom; for what purpose; and what answer may have been returned to such communication. Also, to communicate to the Senate all the information which may have been received by the Government of the United States, going to show that the "*course which this Government might take in relation to said treaty has excited no small degree of attention and discussion in Europe.*" Also, to inform the Senate how far the "warm animadversions," and "the great political excitement" which this treaty has caused in Europe, have any application or reference to these United States. Also, to inform the Senate what danger there was that "*the laws and the obligations*" of the United States in relation to the suppression of the slave-trade would be "executed by others" if we did not "*remove their pretext and motive for violating our flag and executing our laws,*" by entering into the stipulations for the African squadron, and the remonstrating sentences which are contained in the 8th and 9th articles of the late British treaty. And, also, to communicate to the Senate all the correspondence which may have been received from our ministers abroad, having relation to the foregoing points of inquiry.

Mr. ARCHER inquired if the Senator from Missouri intended to make any remarks on the subject?

Mr. BENTON intimated that he did not conceive any necessary, unless called for in reply.

Mr. ARCHER said he believed he could give

the Senator from Missouri all the information that he would be enabled to obtain by the adoption of this resolution. The Senator would perceive, by reference to the message of the President, of August last, communicating the treaty between the United States and Great Britain, that an answer to the first branch of his interrogatories was there given. The President had there declared that the quintuple treaty had not been communicated to this Government by any of the parties to that treaty. It was very true, that the Government of the United States had got information of the character of that treaty, as seemed to be the case with regard to the various Governments of Europe; but it had not yet been officially communicated.

As to the other matters inquired for by the resolution, the same answer would, he thought, equally apply to them. The Government had no other means of obtaining information, than that possessed by the gentleman from Missouri himself. It was within the knowledge of the honorable Senator himself, that—in consequence, perhaps, of the importance of the treaty itself, or, perhaps, in consequence of the attention which had been attracted to it by General Cass—it had become a subject of discussion and of animadversion throughout Europe, as well as the United States.

The next branch of inquiry contained in the resolution, as he (Mr. ARCHER) understood it, was in relation to the opinion which had been expressed by the Executive of the United States as to the course which this Government ought to pursue in reference to the slave-trade. He (Mr. A.) would at least presume that the honorable Senator from Missouri was indifferent, as he himself was, as to the opinions entertained by the President upon this subject; and he would therefore submit to the honorable Senator whether there could be any propriety or necessity for asking these opinions. He would ask, then, inasmuch as there had been no official communication on the subject between this and any foreign Government, wherefore should a call be made for information which could not be rendered? The President had merely expressed an opinion that it was best to execute our own laws, and not submit to the indignity of having them executed for us by other nations.

The Senator from Missouri, he was sure, would concur with him, that as there were no facts in the possession of the Executive, which were not equally in the possession of the Senator himself, there could be no necessity for the resolution of inquiry. He hoped, therefore, the honorable Senator would be willing that the motion which he was now about to make, to lay the resolution upon the table, should prevail.

Mr. BENTON replied to the gentleman from Virginia, [Mr. ARCHER,] and said his resolution of inquiry was founded upon the President's message of August last, recommending the ratification of the British treaty; and all the points of inquiry made by him were found in that message. He would have made the call at the last session, when the treaty was ratified; but there was no time for it. The treaty came at the end of a nine months' session, in the midst of the dog-days, and when there was no time for inquiries. But the appropriations for the treaty were still to be made; and the information he wanted, would be used when the supplies for the African squadron were demanded. The message says the quintuple alliance was not *officially* communicated to the Government. This implies that it was unofficially communicated; and if so, the country ought to know by whom, and for what purpose. The message speaks of our conduct in relation to that treaty, as being the subject of attention and discussion in Europe; and tells us of warm animadversions, and great political excitement, in relation to it. Of course, it is the parties to this quintuple treaty—the holy allies—who are giving us this attention, and making us the subject of this discussion; who bestow this animadversion, and experience this great excitement;—and it is certainly right that the people of the United States should know what all this portends; and how far the affairs of the United States are taken into the keeping of the holy allies. The message also presents, as an argument for the African squadron, that others would execute our laws if we did not; and execute them in a way to violate our flag. This is presented as an argument to operate on the mind of the Senate, in favor of the ratification, when it might be an argument against carrying it into effect; for this country was not to be dragooned into an alliance. The whole case, as made out in the President's message of August last, went to show that the holy allies had taken our conduct into their consideration; and that Great Britain was going to execute our laws for us, if we did not execute them ourselves; and that this squadron and these remonstrating ambassadors were the price which we paid to appease the holy allies, and to escape search from Great Britain. This was the aspect of the message; and he wished to know whether there were facts to justify it. If there were, he thought it a case for resistance, not for submission.

Mr. ARCHER desired to say a single word, in relation to this matter, to the Senator from Missouri, and to the Senate. He presumed no one would contend that it comported with the dignity of that body to make a call upon the Executive for information, when they were sufficiently advised that no information could be obtained. And, to be convinced that none could be obtained, it was only necessary to refer to the message of the President. What, then, was the object of this resolution? Was it a resolution of crimination? The Senator was informed that there had been no communication made to this Government by the parties to the quintuple treaty: how, then, could he expect to obtain the information he asked?

[Mr. A. here read a portion of the message.]

He would put it to the honorable Senator himself, whether it was not just as much within his own knowledge, as within that of the Government, that there had been warm animadversions and strong political excitement throughout Europe in relation to that treaty. It had been in France—one of the greatest nations in the world—a subject of such violent political excitement, that the Government had actually, as he had been informed, determined to renounce all participation in it. Could there be any higher evidence than this that the comments of the President were founded upon the facts connected with this subject? Was there anything more notorious than the high state of political excitement which this very subject had produced in Europe? The President had stated this fact, and given his own opinion upon it. And he (Mr. A.) confessed he thought the honorable Senator from Missouri would have concurred with him in the opinion, that if they were to have laws or provisions formed in reference to their obligations towards other nations, they should at least take upon themselves the execution of those laws. Did the honorable Senator desire to be understood as urging it as a ground of demerit in the President, that he expressed the opinion that we should be the sole executors of our own laws—that we should ourselves give them force and efficacy? Did the mere expression of this abstract opinion involve the inference which the honorable Senator intended to draw, that there had been—what? That there had been efforts on the part of this Government to obtain assistance from other powers in the execution of our own laws? There was not the least ground for such a presumption.

How could the Government, by any possibility, furnish the evidence demanded by the honorable Senator, when they were told by the Executive that he had had no negotiations upon the subject with any power whatever? There being, then, no information in the possession of the Government going to answer the inquiry contained in the resolution, he would submit to the honorable Senator whether it was fit that they should send a criminatory or a vindictive resolution to the President. He would put it to the honorable Senator, if it was really information that he sought. The honorable Senator knew full well there was no information that he could receive. His object, then, with all due respect to the honorable Senator, he (Mr. A.) must suppose was merely to utter a denunciation against the Executive. This being his view of the case, he felt bound to move that the resolution be laid upon the table.

Mr. KING suggested that it would be better to postpone its consideration, and, in the mean time, order it to be printed.

Mr. ARCHER said he intended no discourtesy towards any honorable Senator; and if any one desired to discuss the resolution further, he would withdraw the motion.

Mr. BENTON observed that he wanted the information, not for crimination, but for use on the discussion of the appropriation. Everything in relation to the origin and cause of this African squadron would then be wanting; for he, for one, meant to resist the appropriations for this African crusade. He said the gentleman from Virginia [Mr. ARCHER] was mistaken in supposing that he wanted the opinions of the Administration. Not so. He had their opinions in the August message; and he wished to see whether they had any facts for the opinions they then delivered. He wished to see if the holy allies were animadverting upon us, and whether Great Britain intended to search our ships if we did not join her in the African alliance. This seemed to be the opinion of the Administration; and Mr. B. wished to see if they had any foundation for it. With this view, he called for all the information they possessed, and especially for the correspondence of our ministers abroad. He felt certain that those ministers must have written on the subject. It could not be supposed that the President had founded his communication to the Senate on coffee-house discussions, or on newspaper discussions, or even on the debates of the French Chambers: there was nothing in all that to alarm us, or to show that the holy allies were occupying themselves with our affairs. The President must have had official correspondence on the subject, even if he had no official communication of the treaty: and he wished to see that correspondence. He had a right to see it, and should insist upon his right.

Mr. B. then read the paragraphs from the President's message of August last; and argued that every inquiry was bottomed upon the message, and proper for the information of Congress and the country. The paragraphs were as follows:

"It is known that, in December last, a treaty was signed in London, by the representatives of England, France, Russia, Prussia, and Austria, having for its professed object a strong and united effort of the five powers to put an end to the traffic. This treaty was not *officially* communicated to the Government of the United States; but its provisions and stipulations are supposed to be accurately known to the public. It is understood to be not yet ratified on the part of France.

"No application or request has been made to this Government to become party to this treaty; *but the course it might take in regard to it, has excited no small degree of attention and discussion in Europe, as the principle upon which it is founded, and the stipulations which it contains, have caused warm animadversions and great political excitement.*

"In my message at the commencement of the present session of Congress, I endeavored to state the principles which this Government supports respecting the right of search and the immunity of flags. Desirous of maintaining those principles fully, at the same time that existing obligations should be fulfilled, I have thought it most consistent with the honor and dignity of the country *that it should execute its own laws, and perform its own obligations by its own means and its own power.* The examination or visitation of the merchant vessels of one nation, by the cruisers of another, for any purpose, except those known and acknowledged by the law of nations, under whatever restraints or regulations it may take place, may lead to dangerous results. *It is far better, by other means, to supersede any supposed necessity, or any motive, for such examination or visit.* Interference with a merchant vessel by an armed cruiser, is always a delicate proceeding, apt to touch the point of national honor, as well as to affect the interests of individuals. *It has been thought, therefore, expedient, not only in accordance with the stipulations of the treaty of Ghent, but, at the same time, as removing all pretext on the part of others for violating the immunities of the American flag upon the seas, as they exist and are defined by the law of nations, to enter into the articles now submitted to the Senate.*

Mr. B. said these paragraphs presented grave matter for the consideration of the Congress and the country. They were gravely presented to the Senate, to influence its action on the treaty; and, from the case which they present, it is perfectly clear that this squadron is our tribute in men and ships to appease the holy allies, and to prevent Great Britain from searching us. It is clear, from these paragraphs, that this five years' alliance is the price which we pay for these favors. Now, it might or it might not be so. In either event, we have a right to know; and in either event, the administration is on the horn of a dilemma. If the holy allies and Great Britain are going to take us in hand if we do not give them this squadron, then it was cowardice and national degra-

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Continued from No. 4.

dation to give it. If, on the other hand, the holy allies have no designs upon us, and Great Britain has no design to search us, if we do not search ourselves, then the Senate has been trifled with, and considerations brought to bear upon them which have no foundation in fact. In either case, we have a right to know the facts. Has Great Britain threatened us? Have the holy allies taken our conduct in hand? These are the questions which arise on the President's message; and let us have them answered. Let us have the correspondence of our ministers, if there is any. Does the Senator from Virginia undertake to say for the administration, that they have no such correspondence? [Mr. ARCHER was understood to answer negatively.] Then let the administration answer! As the case now stands, we have given this squadron under a threat—under the threat of seeing Great Britain execute our anti-slave-trade laws for us, if we do not execute them ourselves; upon the same principle that she executes our neutrality laws for us on the Canadian frontier. The excuse—no, not the excuse! for she does not descend to excuse, but boldly justifies!—the justification for the attack on the Caroline was, that the United States did not, or could not, execute its own laws on that frontier; and, therefore, Great Britain was under the necessity of executing them for us. This is the language with respect to the Canada frontier; and, from the tenor of the message, we have the same language in relation to the coast of Africa. By land and by water—at home and abroad—Great Britain undertakes to execute our laws for us, and to punish our citizens for us! and, from the termination of the Schlosser affair, add this African tribute in men and ships, it seems that the present Administration admits her pretension in both cases. But, let us see. Let us have the facts—the correspondence; and let the country judge whether we have really been menaced, or whether our Administration have taken fright at nothing.

Mr. ARCHER assenting to the suggestion of postponing the resolution to Thursday, on motion to that effect, the resolution was postponed to Thursday next, and ordered to be printed.

Mr. CRITTENDEN observed that there was a bill, which the House had passed, now on the table awaiting the action of the Senate. He hoped there would be no objection to taking it up with a view to reference.

No objection being made, the bill in relation to the lands granted to the deaf and dumb asylum in the State of Kentucky (amendatory of the law) was taken up, read twice, and referred to the Committee on the Judiciary.

Mr. WRIGHT offered the following resolution; which lies on the table one day:

Resolved, That the Committee on Retrenchment be instructed to require and report to the Senate the number of clerks of committees who have been appointed and paid out of the contingent fund of the Senate, during the last and present Congress; the amount so paid to such clerks, and the rate of compensation; and whether any, and what, other mode can, in the opinion of the committee, be adopted, by which a more general, and equal, and effectual aid to all the committees of the Senate may be secured in a more reasonable form, and on more economical terms.

The joint resolution of the House to amend the 19th joint rule was then taken up; and, on motion of Mr. BARROW to that effect, laid on the table.

Mr. HUNTINGTON said there was an engrossed bill on the table, which might be taken up and disposed of in a few moments; as he did not suppose there would be any discussion or opposition in relation to it. It was the bill ordered to be engrossed yesterday, changing the name of a vessel from "Westchester" to "Atlantic."

The bill was taken up, read a third time, and passed.

A communication from the Treasury Department was then read, and referred to the Committee on Printing.

Mr. SEVIER moved an adjournment.

Mr. HUNTINGTON said it was desirable the Senate should go into executive session for a few moments.

The motion to adjourn was negatived—ayes 12, noes 15.

The Senate then, on motion of Mr. HUNTINGTON, went into executive session; and after a short time spent therein,

Adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, December 20, 1842.

Mr. EASTMAN presented the petition of Hillyard Shaw, for a pension.

Also, the petition of Charles Colman for bounty land or other remuneration.

Also, the petition of Moses Turner for arrears of pension; which were severally referred to their appropriate committees.

Mr. CASEY presented the petition of J. Childers of Lawrence county, Illinois, praying an increase of pension; which, on his motion, was referred to the Committee on Revolutionary Pensions.

Mr. BARTON presented the petition of numerous citizens of Hampshire county, Virginia, praying for a repeal of the bankrupt law.

Mr. LOWELL presented the petitions of John N. Swasey, and 28 other shipmasters and merchants of Bucksport, Maine; of Andrew Peters, and 34 other shipmasters and merchants of Ellsworth, Maine; and of James S. Pike, and 29 other shipmasters and merchants of Calais, Maine: all praying for an appropriation for the erection of beacons, spindles, and buoys on the Muscle ridges upon the coast of Maine; which were referred to the Committee on Commerce.

MUTINY AND EXECUTIONS ON BOARD THE BRIG SOMERS.

Mr. GWIN asked the permission of the House to offer the following resolution:

Resolved, That the President of the United States be requested to communicate to this House whatever official information may have been received at the Navy Department relative to the alleged design of mutiny on board the United States brig Somers, under the command of Alexander Slidell McKenzie; and what number of persons have been executed for said offence; their names and rank; and the proceedings which were had on board of said vessel in reference thereto.

Mr. WISE suggested to the gentleman from Mississippi, that, as a court of inquiry was to be called, from which official information would be received in a very few weeks, it would be better to postpone his resolution until the court had been held.

Mr. GWIN intimated his intention to press his resolution, that the necessary information might be got from the President.

Mr. WISE said the gentleman could not obtain any information in that way.

Mr. L. W. ANDREWS and other gentlemen made remarks which did not reach the reporter's desk.

Mr. GWIN moved a suspension of the rules for the reception of his resolution, to which objection had been made.

The motion was negatived.

THE BANKRUPT LAW.

Mr. FILLMORE moved that the House resolve itself into Committee of the Whole, for the purpose of proceeding with the consideration of the general appropriation bill.

Mr. HOPKINS inquired if the bill for the repeal of the bankrupt law was not the special order for this day.

The SPEAKER replied in the negative; the bill having been merely postponed to this day.

Mr. HOPKINS called for the yeas and nays on going into committee.

Mr. H. observed that he supposed, if the House refused to go into committee, it would be in order to move to take up the bill to repeal the bankrupt law.

The SPEAKER was understood to reply in the affirmative.

The yeas and nays were then ordered, and, being taken, resulted as follows: Yeas 89, nays 98.

So the House refused to go into Committee of the Whole.

Mr. EVERETT then moved that the House take up the bill to repeal the bankrupt law.

The motion was agreed to.

Mr. EVERETT then briefly stated some reasons which had prompted his action in this matter, but in so low a tone of voice, and amidst a deafening hum throughout the House, which overpowered the honorable gentleman's voice. He was understood to say that he voted for the bankrupt law when it was passed, for the relief of bankrupts whose misfortunes were brought upon them without any fault of their own, but by the fault of the Government. His object, then, was to relieve the country from the distresses in which it was then involved; but he did not, so far as he was concerned, design it to be a permanent measure. He was in favor of limiting it to one year at the time of its passage; but he did not press his views on that point at that time, because he desired the passage of the law, and such a limitation might have endangered its passage. He now offered this bill for the repeal of the bankrupt law, because he conceived it to be destroying confidence between man and man; and seemed to be a shelter for those who were disposed to live without labor. Its future operation he looked upon as injurious; and it would be difficult to engraft any amendment upon the present act which would diminish its evils. He said he did not propose to commit this bill, because he was in favor of a total repeal of the bankrupt law; and therefore its committal was unnecessary. If, however, such a motion should be made, he should consider it a test question between those who desired the continuance, and those who desired the repeal of that law.

Mr. BARNARD observed that the fate of the 27th Congress seemed to be a very peculiar and a very hard one. This Congress was composed of two parties; the lines of difference between which were drawn, perhaps, more distinctly than between any two parties that ever existed in this country. One of these parties was in a decided majority of that House—numbering some thirty or forty votes of a majority. The executive power of the country also was in the hands of one holding opinions in accordance with those of the majority. Before the meeting of Congress, however, for the first time for the transaction of business, after its election, misfortune had fallen upon the dominant party; they lost their own President, and the constitutional incumbent of the Presidential office was not disposed to act in accordance with the majority. A portion, also, of their own friends in the House of Representatives, departed from them, and joined themselves with the Executive, who was of course supported by the whole body of the opposition. In that way, and under those circumstances, we came (said Mr. B.) to the transaction of the public business. We struggled with difficulties from the first moment of our existence, and have never ceased to struggle with difficulties to this day. Our condition was like that of the poor wretch Sysiphus—condemned to roll an enormous stone up a steep acclivity, only to find some obstacle in our way, by which our labors and ourselves were to be tumbled down to the bottom again. But all this (said Mr. B.) was our misfortune, and not our fault; and amidst all our difficulties we certainly succeeded in passing some good measures. At the extra session we passed the law distributing the proceeds of the public lands among the States, and we passed the bankrupt law. At the last session, we passed the districting law, and we also passed the tariff law. What was to remain of all these, and many other measures, at the close of the constitutional term of existence of the present Congress, no man could tell. One thing was sure—the land-distribution law was gone already; the congressional districting law was in danger; while the tariff law was

proposed to be moderated and modified out of all its protective character; and now, at last, came the bill to repeal the bankrupt law—moved, too, by one of the original friends of that measure. For one, (said Mr. B.) I could stand all the injuries our enemies are doing us; but it is hard to receive such blows at the hands of our friends. What an extraordinary spectacle (said Mr. B.) do we now present to the American people! This motion for a repeal of the bankrupt law came from Vermont, and from his excellent and learned friend from that State, [Mr. EVERETT,] who took the pains to declare, at this and at the last session of Congress, that, upon the whole, the bankrupt act was the best and wisest law that Congress had ever passed. Now, it was to be repealed upon the motion of the very gentleman who had made this eulogium. Considering the source from which that motion emanated, and considering the sort of support which it was about to receive, it struck his mind as one of the most alarming movements he had ever witnessed in the political world. It went far to prove the truth of the charge so often made against this nation—that its legislation was destined to be unstable; not guided and governed, as it ought to be, by the settled, well-considered, well-digested opinions of the people of the country; but that it was destined to be disturbed by every wave of popular sentiment—to follow, in short, not only the shiftings and turnings of popular sentiment, but popular error and popular delusion. That such a thing as popular error and popular delusion existed, as well in this country as in others, he was not afraid or ashamed to say. By unsettled, ill-digested popular opinion, he never had been—and so help him God!—never would be governed.

But Vermont demanded the repeal of the bankrupt law; and, therefore, it was to be repealed. Vermont was a creditor State—she was in the happy condition of owing nobody, and everybody was indebted to her; and her Legislature, at its last session, passed a resolution instructing her Senators, and requesting her Representatives, in Congress, to procure the repeal of that law. He denied the right of Vermont to dictate to Congress upon this subject, or upon any other. She might express her opinions, it was true; but the opinions that governed here were those of the members of the National Legislature, and not those of the members of her State Legislature. He was utterly hostile to this doctrine of instruction, let it come from what source it might, avowed or not avowed. What security was there for legislation, if the representatives of a State—the very same men—were to be governed one day by one set of opinions, and another day by another, just as the waves of popular sentiment ebbed and flowed. Vermont did not, it seemed, like to see her debtors escape, and, in common with almost all other creditors, she had a very great reluctance to see the dead body o debt buried out of her sight. Well, this might be a very natural feeling; but it was a morbid one, which ought not to be encouraged. Creditors were not buzzards, to feed on carrion; and he did not want to see these dead bodies kept above ground till they tainted the whole atmosphere.

He had remarked that he could not see any security for legislation in the country, unless party and party men were to be precluded from influencing it to suit their temporary purposes. If they could not be, then the legislation of the country would be blown about by every popular gale. Unless the Representatives would abide by their own opinions after having once promulgated them, he was free to declare that there could be no stability in the policy of the country.

But his excellent friend from Vermont [Mr. EVERETT] had discovered that the bankrupt law had performed its office; that it had fulfilled its objects, and therefore ought to be repealed. He further avowed, that it was his opinion at the time the act was passed, that it should have been limited to the term of one year; that it ought to be a temporary law. What was a temporary law? What was it but repudiation in its most odious form—repudiation by individuals of their own debts at their own time; a proclamation by debtors of a jubilee—not like that of the Jews, which occurring at regular and stated periods, creditors as well as debtors could prepare themselves for—but a jubilee the time of which was to be prescribed by the debtors themselves. Such a bankrupt law was not the establishment of a rule of law; it was the establishment of an exception to a rule of law, in the face of the law itself. It was a law by which you open the prison doors, and let loose those confined at the moment; though at the next day the jails may be as full as ever—and of those, too, who are not to be set at liberty. Was that a bankrupt law in the understanding of the Constitution? The Constitution authorized Congress to pass uniform laws on the subject of bankruptcy: but could a law of a year's duration be called a uniform law? It was not law, because it was not a rule of conduct affecting all alike; but it was a mere partial arbitrary act of arbitrary power, interposing between the creditor and his debtor, to break up for the time being the relations between them, and to take away the power which the law gave the former over the latter. In this way, the creditor, in his turn, might be ruined and driven to bankruptcy; though, in consequence of the temporary nature of the law, he would be precluded from its benefits. Mr. B. said he denied the power of Congress to pass any such law. It had the power to pass a permanent and uniform law, and he admitted that it had the power to repeal it; but it had no power to pass a bankrupt law that was not permanent and uniform. Such a bankrupt law as was contemplated by the Constitution would have the tendency to prevent bankruptcy; but a temporary law, such as was contemplated by the gentleman from Vermont, would have the tendency to encourage bankruptcy, and to encourage extravagance and speculation, by the hope held out that a proclamation of jubilee would be made to free debtors for the time being from the power of their creditors.

If, then, this bankrupt law was to be repealed, let it be because it was inexpedient; because, such a law ought never to have been passed; but, for Heaven's sake, do not let it be repealed on the ground that it has accomplished the object for which it was enacted.

Mr. B. said he had no manner of doubt but that very much of the influence which was abroad in the country, and was brought to bear on the House at the time the bankrupt law was passed, was that of individuals, who, if they did not then hold the sentiments advanced now by his friend from Vermont, were yet willing to receive the benefits of them; in other words, they were willing that a temporary law should be passed to relieve them from their embarrassments, to be repealed or to expire at the time they came to be creditors. He prayed and besought gentlemen, therefore, if they meant to vote for the repeal, to put their votes on better grounds than those of his friend from Vermont. Let the law be repealed, if it is to be repealed, because it is a bad law; but do not let it be repealed because it was intended as a temporary measure, and because it has fulfilled its objects.

But why should the bankrupt law be repealed? He addressed himself to those who had been its friends. What was the greatest objection to the measure, in the minds of intelligent men, at the time of its passage? Was it not because of its retrospective operation, violating, in their opinions, one of the provisions of the Constitution, by impairing the obligation of contracts? That objection was now almost removed. The force of the bankrupt law in regard to old cases was almost spent; and it was now about to commence its most wholesome and beneficent functions, by operating on cases which have arisen since its enactment. The constitutional objection was, therefore, no longer in force.

After some further remarks from Mr. B., showing the benefits derived, and to be derived, from the bankrupt act, he concluded by moving to commit the bill to the Committee on the Judiciary, with instructions to bring in a bill to repeal that part of the law providing for voluntary bankruptcy, and to provide that this shall take place in 18 months from the passage of the act.

Mr. B. said the House was aware that, in the other branch of Congress, a resolution had been adopted calling upon the Secretary of State for information in relation to this subject; and he hoped that the House would wait till that information was received, and not, by precipitate legislation, run the risk of committing an act of cruelty and injustice.

Mr. C. J. INGERSOLL said he should like to move the adoption of instructions to the committee, in case the bill were referred to their consideration. He, therefore, sent to the Chair the following instructions:

"And that the said committee be instructed to report a bill excluding the *voluntary* provision from the present bankrupt act, and including banks."

Mr. BARNARD inquired whether the motion was in order; to which

The SPEAKER replied in the affirmative.

Mr. C. J. INGERSOLL modified his instructions, by striking out the word *banks*, and substituting the words *trading corporations*.

Mr. WINTHROP said that, however calculated the motion was to produce a wide discussion, he had a strong presentiment that the present debate would not be long. It seemed that summary execution was to be applied to this, the last act of that ill-fated extra session. Its sentence had been pronounced before arguments at law; judgment was to be first carried out, and a hearing had afterwards. Indeed, he feared that there was an impatience and an indisposition to hear at all, either before or after judgment. For himself, he had no disposition to speak at length; for the subject had already been nearly exhausted by the remarks of his friend from New York, [Mr. BARNARD;] nor would he impugn the course taken by his friend from Vermont, [Mr. EVERETT,] who no doubt acted from a sense of duty to his constituents. He only wished to explain simply the reasons which should induce him to vote against the repeal of this law, representing as he did a great commercial community.

The power of Congress to enact a bankrupt law was not implied merely, but was found in the category of those clearly expressed and enumerated powers about which there was no dispute. Now, he held it to be the duty of Congress to exercise its power; and not to exercise it, a positive neglect and omission—not less than it would be to omit to exercise the power given to regulate commerce, establish courts, coin money, provide for the common defence of the country, and, in short, any other power expressed among those named in the Constitution. He was aware that it had been suggested by his friend from Vermont, [Mr. EVERETT,] that though the present law might be repealed, another might be enacted. But when would such an event occur? When could it be expected? Certainly not until it should be called for by the people, to sweep off the load of indebtedness that might be upon them; and then the law would itself be swept off, after having performed its office. Such was the fate of the first bankrupt law, and such seemed to be the inevitable destiny of this.

But the language of the Constitution was remarkably strong. It was, not that "Congress shall have power to *pass*," but to "*establish* a uniform system of bankruptcy." Would a mere *passage* of an act be a fulfilment of the power to establish the system? So far from it, the reverse of the proposition would be true; and such passage be a mere temporary remedy. Such a course—the enactment of a bankrupt law for a particular temporary purpose—could be justified on no principle whatever. He, therefore, protested against the introduction of a bankrupt law at irregular intervals, and before the trader and the man of business could be aware how to act. Anticipating the results which had flowed from the insertion of the retrospective principle in the present act, he had voted for it with reluctance; and, had he believed that the whole act was destined to be so soon expunged from the statute-book, he should not have voted for it at all. And here he would make a suggestion to that gentleman, who had denounced the retrospective character of the act; and that was, that, by voting for the repeal of the law at the present time, they would become responsible for its revival hereafter. The only mode of preventing the enactment of a retrospective law was to establish the prospective provision of the present law upon a firm basis. True, the present law might not be perfect, and might require remedy in its details. What he had to say was, let it be perfected; let it

be limited in its operation to traders, if necessary; and even let a provision be inserted comprehending banks, under certain circumstances and regulations. It did seem to him that the responsibility of the enactment of a retrospective bankrupt act hereafter would rest on those gentlemen who should vote for, the repeal of the present.

There was one more view of the subject which he would mention. He meant the monstrous injustice of an immediate and unconditional repeal of the law. It was known that many debtors, responding, as had been said, to the first sound of the trumpet, had advanced and obtained relief, having first stripped themselves for the purpose, and leaving as little matter to be decided upon by the courts as effects to be distributed among the creditors. A repeal of the law would not take away the benefits these men had obtained, whilst it would give the same desperate debtors the further advantage of any new bankrupt law which might be enacted hereafter. On the other hand, there were numbers whose affairs, not altogether hopeless, left the prospect of distributing something to their creditors—men whose applications for the benefit of the act had been held back, in the hope of making an honorable compromise; or whose cases had been delayed in the courts by argument upon points of law: these would be altogether deprived of the advantages secured by more expeditious, and perhaps less scrupulous, debtors. In conclusion, he hoped—if it was not too late to hope—that the House would pause before it resolved to wipe out altogether the law now in force.

Mr. PAYNE remarked that one of the strongest objections which he had to the passage of this act, was its retrospective character. He was not fully persuaded that the Government had power to pass a law absolving individuals from their contracts. He could not believe it to be legal and proper for the Government to destroy the relations subsisting between debtor and creditor. Government, as he thought, should at least have permitted the obligations between the creditor and his security to be performed.

These were some of his objections to the law at the beginning; but, with regard to a prospective bankrupt law, properly established, he did not then, nor did he now, object. All objections, however, were disregarded by those who controlled the action of this House; and a uniform system of bankruptcy, to be perpetual as the law of the country, was passed; and this was the first time that the avowal had been made—as it had been made this morning—that the object of the bankrupt law was to violate private contracts, and to turn men loose from their obligations. It was immaterial how they regarded it here; but the eyes of all the commercial world were turned upon them; and to Europe it would appear that they repealed the law, after it had done—what? Released at least the debtor from the obligation of his contracts. It appeared to him this proposition portrayed, more clearly than anything else could do, the true object the gentlemen who advocated it had in pressing it on the country. Now, if he might be permitted to advise those gentlemen who passed this law, he should say: For Heaven's sake, do not lay it on this exclusive ground—that the object was to release the debtor from the obligation of his contract, for which he had received a valuable consideration.

He would declare again, that, if a bankrupt law were established, striking out the voluntary feature, and making it such a bankrupt law as was contemplated by the Constitution, he should not object to see it become part of the permanent policy of our country. But if they voted for the bill which was now presented to the House, for the repeal of the existing bankrupt law, they would commit themselves with regard to the constitutionality of the whole measure. The proviso was designed to secure to those who had taken the first step, the benefit of the existing bankrupt law up to the 5th of the present month; and when this bill was introduced, he gave notice that he should move to strike out that proviso; but he was conscious of the great difficulty which must result. There was much force in what had been said by gentlemen on this subject, respecting the indecent haste of bankrupts to avail themselves of the law, to release them from their obligations; whereas those who were less hasty, and who regretted the necessity to avail themselves of the provisions of the law, and therefore held back, were to be deprived of the benefits of the law. There were difficulties, too, in the way of their voting for this bill to repeal the bankrupt law, with such a provision as would compromise them on the constitutional question which it involved; and the whole case afforded a striking illustration of the evil of that hasty legislation which was forced on the country without consideration by the operation of the gag rule, which did not permit an *i* to be dotted, or a *t* to be crossed. Under all the circumstances, he did not know that he could go for the repeal, as the bill now stood; for he was unwilling to commit himself with regard to the constitutional question.

He had another remark to make, in relation to the instructions. It had been his determination in all his acts, while he was a member of that body, to give no vote which, in his opinion, would tend to increase the power of this Government, or the Executive patronage of this Government. Every vote he did give would be to diminish rather than to increase that power. Suppose, then, they placed all the banking institutions of the country under the operation of the bankrupt law; why, an Executive, who was disposed to do so, might use the power of this Government for the punishment, on the one hand, and his influence to excite hope of reward, on the other; or, every bank would be placed at the foot of the Executive, to aid him in carrying out his plans. Were he disposed to strike directly at the principle by which he had governed his legislative action, he should give the Executive this power. He trusted, therefore, that the proposition would be either amended, or laid on the table; but if, on the contrary, it were attached to this bill, the bankrupt law would never be repealed. There was one fact, in connexion with the discussions which had already been had on this subject, to which he was inclined to call the attention of the House; but he declined doing so, because it verified a prediction which had been made again and again with regard to the Whig Congress. This bankrupt law was a Whig measure. It originated with the Whigs; it was passed by Whigs. He was not sure, but he did not believe there was more than one solitary Democratic member that voted for it. And what were they now told? Why, that this Whig measure—a measure conceived, brought forth, and carried into a law by Whigs, to relieve the country, had done—what? Destroyed all confidence between man and man, and had broken down the credit of the country. This was the character given of it by the gentleman from Vermont.

Mr. EVERETT explained.

Mr. PAYNE. The gentleman then said, if it had not done all these things, that it was in a state of progression; and if they permitted it to remain, it would break down the credit of the country, and destroy confidence between man and man. Such was the result of one of the important measures which were passed by the 27th Congress; and in view of this, and other acts, there was one circumstance which appeared to be a little remarkable: the President was blamed for the application of his vetoes, and for not permitting the Whigs to do all that which they desired to do—for not permitting the majority in this Congress to do all that they pleased; and he was still blamed. It was not his place to blame or to defend the President; but justice ought to be done, and he would, therefore, say they ought not to blame the President for not permitting more wrongdoing than that which it was now admitted they had done.

Mr. GORDON addressed the House in favor of the repeal of the law. He commenced by remarking that, in the discussions upon the measure, when it passed at the extra session, it was said that it would be hailed as a public jubilee. Recollecting this remark, he did not expect so early to have heard it said by a member of the House—and a member, too, of that very majority who passed the act—that it was intended as a permanent measure. He had himself supposed that the law had its inception, and would have its consummation in a desire to relieve debtors from the embarrassments into which they were, for the time being, plunged; and was only such a measure as would be passed, at intervals, to fulfil the end named. But it seemed he was mistaken; and now, the only ground on which the law was at all justified was taken away. As to his own position, that was the same now as at the extra session—a firm opposition to the measure on account of its unconstitutionality, as well as on account of considerations of its injustice.

The fate of the measure, as the gentleman from Massachusetts [Mr. WINTHROP] had said, was settled. Its end was at hand. Its decree of repeal had been borne on the wings of popular sentiment and indignation. The work only remained to be done. He could not see how his colleague [Mr. BARNARD] could have been brought to declare that it was a want of reflection in the people to decree the repeal of the measure: at which he was astonished! Surely his colleague could not have perceived how, by this remark, he was impugning the intelligence of the people. His colleague had set himself up to contradict the public voice for demanding the repeal of this measure! and did not this amount to a declaration that the people knew not what they were about? Such was, in fact, the averment which his colleague had made; yet he (Mr. G.) was not surprised at the remark, when he recollected that his colleague belonged to that party which had no confidence in the people, and which believed them to be incapable of self-government.

Here Mr. ARNOLD rose, and inquired whether a single petition for the repeal of the bankrupt act had been presented this session.

Mr. GORDON said this question reminded him of a fact, which he often observed—that there were many men who could not or would not understand what public sentiment was, in relation to a particular measure, until they had read it in a petition. Now, these petitions, it was well known, were often gotten up to order, and therefore entitled to no moral influence. Public sentiment upon a measure like the present was overpowering; and a miserable petition would but ill embody its force and omnipotence. In reply, however, to the gentleman from Tennessee, [Mr. ARNOLD,] he would state that petitions had been sent here to obtain the repeal of this measure. But whether they had or not, every man of ordinary sagacity and observation knew what public sentiment was upon this question. He was glad to find that even the gentleman from Vermont had bowed down before this public sentiment, and had determined to vote for the repeal.

Mr. EVERETT rose, and was understood to say that his determination arose from a change of his opinions, rather than from considerations growing out of any supposed state of public sentiment.

Mr. GORDON said he was then glad to hear that the gentleman had changed his opinion. His added but another to the general voice that the law was a bad one.

But his colleague [Mr. BARNARD] had complained of the instability of legislation in this country, and had charged that the repeal of the law would tend still further to sink our reputation in that respect. In reply, he would remark that all bad laws, like this bankrupt act, did most effectually contribute to instability of legislation; because, in a country where the people's wishes were consulted, such laws were certain to be expunged from the statute-book. Yet he would leave it to the common sense of any man to say whether this was a reason why a bad law should not be repealed. If Congress would confine itself to its legitimate sphere of action, standing upon the broad platform of the Constitution, and only enacting such measures as were called for by the people, there would be no reason for his colleague to complain of instability of legislation.

But his colleague had also complained of popular error and delusion in relation to this law. Now, he could tell his colleague how the people had come to be so sadly in "error and delusion." They had employed their "sober second thought" upon the bankrupt act, and their verdict against it was another instance to show how correct are the ultimate decisions of the people in regard to matters

of government. They had determined, after the full and free exercise of this sober second thought, to be no longer under the same "populas error and delusion" as in 1840. Although his colleague complained of the delusion of the people, it had always happened that he was with them when they were deluded, and against them when restored to their senses, [Laughter—"Good!"] Such a delusion existed in 1840 as had never before, and he trusted never would again.

His colleague had said that party lines were never so strictly drawn as at the commencement of the present Congress—as if, forsooth, there ever were but two parties in the country; and as if the Whig party of 1840 was any other but the old Federal party. Now was the time, he (Mr. G.) thought, when party lines were tightly drawn. The laxity and the delusion of 1840 had passed away; and the drawing of party lines tight again shows the Democratic majority in the country. That majority would soon be called upon to act; and they would, he imagined, proceed to legislate for the country according to their well-known principles and their settled and unchanging creed.

But his colleague argued, that to repeal the bankrupt law at this time would place the majority in a ridiculous attitude before the people. To this remark he could not agree; on the contrary, he thought that a repeal would show that the present majority were willing to shake off the attitude of ridicule in which they already stood before the whole country. Had the dominant party been content to let well enough alone—to let the sub-treasury remain in force, and to have passed no laws whatever, except moderate appropriation bills—they would stand much higher before the country. As they had not done this, they might even now acknowledge their errors and repent. They would, at least, get credit before the world for a high-toned magnanimity. Indeed, he thought the people were forgiving in their disposition, and might even be persuaded to pardon them for their many offences. He was, however, strongly inclined to doubt if the present generation would ever put them in power again, after having once been so grossly deceived. Whilst, then, he was assuring his Whig friends of forgiveness, he must take leave to tell them that they were doomed to wait until a new generation should have come upon the stage, ere they could play the same high tricks over again. [Laughter.] His colleague had said that it would require much courage to vote against the repeal of the bankrupt act, in the present state of public opinion. He admitted the truth of the remark; and, as a friend near him suggested, it would require brandy-and-water courage—or, mayhap, delirium tremens—to bring them up to the sticking point. [Laughter.] Whatever might be the condition and quantity of their courage, he was apprehensive that his colleague would find a majority of his friends unwilling to vote against the repeal of this measure.

Again: his colleague had said that, in a commercial community like ours, it was impossible to get along well without a bankrupt law. Now he (Mr. G.) declared, on the other hand, it was impossible for a commercial community like ours to get along with such a bankrupt law as this; and there he was at issue with his colleague. The repeal of the law, he predicted, would be followed by a brisker state of trade and increased life and enterprise in every commercial circle. Capital, now hidden and hoarded, from want of confidence, would come out, and do its good office in stimulating business.

But such a state of things would never occur until the manifestation of a disposition to preserve the inviolability of contracts should have taken place. It was his conviction that this bankrupt law had done more against our credit in Europe than repudiation itself. Repudiation only operated on large capitalists and fundmongers; but the bankrupt act levelled a deadly blow at manufacturers and dealers of every description. The business operations of these were great, compared with that of the mere money-lenders.

In conclusion, he would say a few words in reply to the gentleman from Massachusetts, [Mr. WINTHROP,] whose example he should endeavor to follow, deeming that short speeches, and to the point, were the best. That gentleman seemed to lay particular emphasis upon the circumstance that the Constitution gave Congress the power to establish a uniform system of bankruptcy. Did it, he would ask, follow, that because the power was given, therefore it must be exercised? Had the gentleman's studies in constitutional law only taught him that every power conveyed by an instrument must be used? Such a doctrine, to be exposed, needed only to be stated.

But the gentleman had complained of the injustice of an immediate repeal, arguing that, as many had already taken advantage of the law, it would be unjust to slight others who were more tardy, but were preparing to reap the harvest of its provisions. This appeared to him like saying that because ten thousand debtors have plundered their creditors without conscience, therefore the law should be kept in operation for the purpose of allowing still more to do the same! He was, however, not entirely surprised at this doctrine, when he recollected that in the hard-cider campaign it was held out to a large class that the consequence of a Whig triumph would be the expunging of their debts. Seeing this tendency of the law was the main reason with the people for demanding its immediate repeal, he thought that those who advocated a postponement of the repeal thought more of their political consistency than of advancing the public interests.

Mr. WELLER then called for the yeas and nays on the question; which were ordered.

Mr. ARNOLD inquired if the instructions could be divided; and, being answered by the Speaker in the affirmative, called for a division, so as to take the question first on the first clause.

Mr. CUSHING doubted whether a division of the question was in order; and called upon the Clerk to read the instructions again, to see if there were two distinct substantive propositions in it; which was done.

Mr. CAVE JOHNSON then, after a few remarks, moved the previous question, in order to cut off the motion to commit, and to bring the House to a direct vote on the bill.

The question on seconding the previous question was then taken by tellers—Messrs. BOWNE and MATHIOT—and lost; there being only 46 votes in the affirmative.

So the House refused to second the call for the previous question.

The question recurring on Mr. INGERSOLL's motion to amend the motion to commit with instructions—

Mr. CUSHING obtained the floor, and was about addressing the committee, when repeated cries of "Question, question," were heard; and he took his seat, saying that if the committee were ready to take the question then, he would forego his remarks.

Mr. ARNOLD moved to strike out that part of the instructions relating to voluntary bankrupts, so that the instructions would read "to report a bankrupt bill including corporations not owned by States."

Mr. BOWNE desired to know whether the amendment, as it then read, would repeal the law now in force. It struck him that it would not—that the effect of it would be to bring in a new bankrupt law, without repealing the old one. He would not have troubled the House with any remarks, but, from the fear that the incipient steps just taken towards the repeal of this act would not result as the mover contemplated. He would not say that the gentleman who moved these instructions intended thereby to impede the passage of the bill before them, or to prevent the passage of any similar bill during the session; but he feared that such would be the effect of the motion, if it prevailed. Every member on that floor understood well what was the will of the whole country, as well as that of his constituents, in relation to this question. It had been long before the public; and the public mind, having weighed it in the balance, had, as far as he could understand it, declared it had been found wanting. He was ready to act on it now, though he confessed he would like to see some little modification of the bill before the House. If he could not get that modification, he would vote for the bill as it was; though he would not vote for a single motion that, in his view, would have a tendency to defeat the measure.

We have (said Mr. B.) but a few weeks to stay here; and if we send this bill to a committee, they might require some time to prepare a bill in accordance with the instructions of the House; while the House itself will require some time to act upon it in Committee of the Whole, after it is reported to them—unless, indeed, the one-hour gag rule should be put in force. It would then have to undergo a proper degree of deliberation and discussion in the other body; so that, in the end, there might not be time enough left of the session to pass it. Were it not for these considerations, (Mr. B. said,) he would have no objection to the motion of his colleague, [Mr. BARNARD,] to send the bill to the Committee on the Judiciary for their revision; but as it was, he could not consent to any measure that would delay or endanger its passage. This was not a proper time to go into a discussion upon the merits of the bankrupt act. As he had before remarked, its merits were well understood by the whole country, and by every member on that floor. The judgment of the public had been formed, and they had now only to act on it. He would say, also, that he did not deem it proper to impugn the motives of those gentlemen who voted for this law. He was willing to believe that they acted from the best and purest motives; and he believed, also, that many of them, being now convinced that the law was inexpedient, were willing now to vote for its repeal. It was sufficient for them to say that they were wiser now than they then were; and he would, therefore, neither impugn their consistency nor their honesty. He had uniformly opposed this law, and a majority of his constituents coincided in opinion with him. He was therefore ready now to vote for its repeal. The only modification he wanted to make was a proviso that the repeal shall take effect from the passage of the act, so as to leave all persons who had already commenced the preliminary proceedings of bankruptcy under the faith of a law of Congress, at liberty to consummate them. There would be great cruelty and injustice in cutting off those who had incurred a heavy expense to obtain the benefits of this law, and who did so under the faith of an act of Congress. With this proviso, he would be perfectly satisfied to vote for the bill before them; though, if he could not get it, he would vote for the bill as it then stood.

Mr. CHARLES BROWN said he was not in so great a hurry to repeal the bankrupt law as many gentlemen seemed to be. He was opposed to its passage, and was still opposed to it as it stood upon the statute-book; and if it could not be amended as he desired, he would vote for its repeal. But, before he voted for its repeal, he was desirous of making a fair and full effort to have embraced within its provisions all the banks and other trading corporations of the country. The operation of the voluntary provisions of the law, as they were called, had been almost unmitigated evil. But it had done its worst; and, if left in full force, could do comparatively but little more evil. It had deranged and destroyed all the long-established relations of debtor and creditor—had invalidated contracts, and released from their obligations all the large and princely debtors. It had afforded an opportunity for thousands to be released from their debts, who otherwise would have paid them, and thereby enabled those to whom they were indebted, in their turn to pay their debts. This last class—the creditors of those who have taken the benefit of the bankrupt law—have been made bankrupts by its operation; and now, by its repeal, you will leave them without remedy. Was this just? Was that the way the obligation of contracts ought to be maintained? Much, if not all, the opposition in the public mind against the bankrupt law, was owing to its voluntary and retrospective action—its violation of past engagements and existing contracts. But these had been already cancelled by it; and the repeal of the law would not restore these obligations—would not place them in the situation they were before its passage. The evil it had done could not, therefore, be remedied,

If it remained in force, it could now only affect contracts made under it, and could do no positive wrong. Many had been made bankrupt by the effects of the law, who otherwise would have paid all their debts. He doubted the policy or justice of making these its victims, and then to deprive them of its remedies by legislation.

Before its passage, every man knew when he incurred a debt what were the penalties for non-payment. All knew what they had a right to expect and demand as creditors, or to give or suffer as debtors; all the debtors and creditors stood upon the same platform. If they repealed the law before all the relations of these parties that have been changed of it have been arranged according to its provisions, manifest injustice would be done to a large portion of them. Those who have been released, have had especial benefits conferred upon them; which especial benefits have bankrupted others, who will be left under all their obligations to others, again, without claims on those who were indebted to them. This was, he said, a great wrong, and one inflicted by the Government.

With these views of the subject, it having done most of the evil it could do, he was not in so great a hurry to repeal it as were some of those who had the sin of its passage on their heads. He was for making it the minister of some good, to compensate, in part, for the evil it had done. If it could be made (and he believed it could) to operate on all the banks and other corporations of the country, it would be one of the most salutary laws ever enacted. There was nothing that had so much deranged and impeded the healthy action of the business of the country, as the non-payment of specie by the banks of many parts of the country. They had for years, and now, in many places, sat like an incubus upon its industry, and blighting its prosperity. If these could be made to pay specie or to close their doors, the exchanges of the country would immediately be regulated, and its prosperity begin to advance. He was, therefore, for applying the bankrupt law to all such institutions, and to have them expunged or purified before it was repealed. He would, therefore, suggest to his colleague [Mr. C. J. INGERSOLL] so to change his proposition, as to embrace *all* banks and trading corporations within the provisions of the law. Of the power of Congress to do so, he had not the least doubt; nor would he make any distinction between banks whose stock was held by States and those held by individuals. No matter who or what the corporator or corporators were, it was not with them the law would have to do; but with the corporation, or rather with its property, its debtors, and its creditors; and these ought to be subject to the penalties and provisions of the bankrupt law, as much as any other property, debtors, and creditors. Believing this, he would vote against all propositions that did not embrace all banks. His object was to reach them all, and he would make no distinction, nor take anything less. If he could not get this, he would go for the repeal of the law altogether.

Mr. PICKENS said, to test the question, and to bring the House to a direct vote, he should move the previous question; and, he would add, that if gentlemen attempted to embarrass the bill with collateral issues, they would defeat it. He called, then, upon gentlemen (and more particularly as the people whom they represented had decided against the expediency and the constitutionality of that odious law) to come to the vote, and make repeal imperative. With that view, he moved the previous question; on which he demanded tellers.

Mr. HOPKINS and other gentlemen made some observations to the gentleman from South Carolina, [Mr. PICKENS,] which were not heard at the reporter's desk; and, in the confusion, an adjournment was moved.

The SPEAKER put the question, and it prevailed—88 in the affirmative, and 75 in the negative, and the House then adjourned.

IN SENATE.

WEDNESDAY, December 21, 1842.

Mr. BATES presented a petition from Seneca Thomas, praying for a pension: referred to the Committee on Pensions.

Mr. BERRIEN presented a memorial from a number of citizens of New York, remonstrating against the repeal of the bankrupt law, on the ground that its continuance will produce a salutary effect, by preventing overtrading, &c.: referred to the Committee on the Judiciary.

Mr. BUCHANAN presented two memorials from manufacturers of hats, asking Congress to repeal the 25 per cent. duty on imported furs: referred to the Committee on Manufactures.

Mr. PHELPS, from the Committee on Claims, reported a bill for the relief of Thomas Fillebrown, jr.; which was read, and ordered to a second reading.

THE BANKRUPT ACT.

Mr. BENTON presented a petition from Washington county, Vermont, by W. Richardson, praying the repeal of the bankrupt act, and accompanied by a letter to him, stating that the people of Vermont were as unanimous as the Legislature of their State in condemning that act. Mr. B. would take the opportunity which the presentation of this petition offered, to declare that, holding the bankrupt act to be unconstitutional at six different points, (the extinction of the debt without the consent of a given majority of the creditors being at the head of these points,) he would vote for no repeal which would permit the act to continue in force for the trial of depending cases, unless with provisions which would bring the action of the law within the Constitution. To say nothing, at present, of other points of unconstitutionality, he limited himself to the abolition of debts without the consent of a given majority of the creditors. This, he held, no power in our country can do. Congress can only go as far as the bankrupt systems of England and other countries go; and that is, to require the consent of a given majority of the creditors (four-fifths in number and value in England and Scotland) and that founded upon a judicial certificate of integrity by the commissioners who examined the case, and approved afterwards by the Lord Chancellor. Upon these principles only could Congress act: upon these principles the Congress of 1800 acted, in making a bankrupt act: and to these principles he would endeavor to conform the action of the present act so long as it might run. He held all the certificates granted by the courts to be null and void; and that the question of the validity would be carried before the courts, and before the tribunal of public opinion. The federal judges decided the alien and sedition law to be constitutional. The people reversed that decision, and put down the men who held it. This bankrupt act was much more glaringly unconstitutional—much more immoral—and called more loudly upon the people to rise against it. If he was a United States judge, he would decide the act to be unconstitutional. If he was a State court, and one of these certificates of discharge from debts should be pleaded in bar before him, on an action brought for the recovery of the old debt, he would treat the certificate as a nullity, and throw it out of court. If commanded by the Supreme Court, he would resign first. The English law held all bankrupts, whose certificates were not signed by the given majority of the creditors, to be *uncertificated;* and, as such, he held all these to be who had received certificates under our law. They had no certificate of discharge from a given majority of the creditors; and were, therefore, what the English law called "*uncertificated bankrupts.*" He said the bankrupt systems formed the creditors into a partnership for the management of the debtor's estate, and his discharge from debt; and, in this partnership, a given majority acted for the whole, all having the same interest in what was lost or saved; and, therefore, to be governed by a given majority, doing what was best for the whole. But even to this there were limitations. The four-fifths could not release the debt of the remaining fifth, except upon a certificate of integrity from the commissioners who tried the case, and a final approval by the Lord Chancellor. The law made itself party to the discharge, as it does in a case of divorce, and for the sake of good morals; and required the judicial certificate of integrity, without which the release of four-fifths of the creditors would not extinguish the debt of the other fifth. It is only in this way that Congress can act. It can only act according to the established principles of the bankrupt systems. It had no inherent or supreme authority over debts. It could not abolish debts as it pleased. It could not confound bankruptcy and insolvency, and so get hold of all debts, and sweep them off as it pleased. All this was despotism, such as only could be looked for in a Government which had no limits, either on its moral or political powers. The attempt to confound insolvency and bankruptcy, and to make Congress supreme over both, was the most daring attack on the Constitution, on the State laws, on the rights of property, and on public morals, which the history of Europe or America exhibited. There was no parallel to it in Europe or America. It was repudiation—universal repudiation of all debts—at the will of the debtor. The law was subversive of civil society; and he called upon Congress, the State Legislatures, the Federal and State judiciaries—and, above all, the people—to brand it for unconstitutionality and immorality, and to put it down.

Mr. B. said he had laid down the law, but he would refer to the *forms* which the wisdom of the law provided for executing itself. These *forms* were the highest evidences of the law. They were framed by men learned in the law—approved by the courts—and studied by the apprentices to the law. They should also be studied by the journeymen—by the professors—and by the ermined judges. In this case, especially, they should be so studied. Bankruptcy was a branch of the law but little studied in our country. The mass of the community were uninformed upon it; and the latitudinarians, who could find no limits to the power of our Government were daringly presuming upon the general ignorance, by undertaking to confound bankruptcy and insolvency, and claiming for Congress a despotic power over both. This daring attempt must be chastised. Congress must be driven back within the pale of the Constitution; and for that purpose, the principles of the bankrupt systems must be made known to the people. The *forms* are one of the best modes of doing this: and here are the *forms* of a bankrupt's certificate in Great Britain—the country from which our Constitution borrowed the system. [Mr. B. then read from Jacobs's Law Dictionary, title *Bankruptcy*, at the end of the title, the *three* forms of the certificates which were necessary to release a debtor from his debts.] The first form was that of the commissioners who examined the case, and who certified to the integrity of the bankrupt, and that he had conformed in all particulars to the act. The second form was that of the certificate of four-fifths of his creditors, "*allowing him to be discharged from his debts.*" The third was the certificate of the Lord Chancellor, certifying that notice of these two certificates having been published for twenty-one days in the London Gazette, and no cause being shown to the contrary, the certificates granted by the commissioners and by the creditors were "*confirmed.*" Then, and not till then, could the debtor be discharged from his debts; and with all this, the act of 1800 in the United States perfectly agreed, only taking two-thirds instead of four-fifths of the creditors. Congress could only absolve debts in this way, and that among the proper subjects of a bankrupt law: and the moral sense of the community must revolt against any attempt to do it in any other form. The present act was repudiation—criminal repudiation, as far as any one chose to repudiate—and must be put down by the community.

The memorial was then referred to the Judiciary Committee.

On motion of Mr. PORTER, leave was granted to withdraw from the files of the Senate (for the purpose of laying before the other House) the papers in relation to the claim of certain companies of Michigan militia.

Mr. KING presented to the Senate a memorial adopted by the Legislature of Alabama, upon the subject of lands which had been recently acquired from the Cherokees, which, through an error of the Commissioner of the General Land Office, had been advertised for sale in January next, contrary

to the understanding with the residents thereon entitled to pre-emptions—that one year would be allowed them (from the time of the filing in the office the plats of survey) before the lands were brought into market, to prove their rights to pre-emption.

Mr. K. was understood to say that he had called upon the present Commissioner, and represented to him the understanding of the former Commissioner with these residents, (of which he was unaware;) and that the sales had been postponed so as to give the pre-emptors the benefit of the twelve months intervening the filing of the plats and the sale to establish their rights. He considered, therefore, that the object of the memorial was accomplished, though he moved its reference to the Committee on the Public Lands; which was agreed to.

Mr. MILLER presented a petition from Ezekiel Wade, praying remuneration for property destroyed by the enemy during the revolutionary war; which was referred to the Committee on Revolutionary Claims.

THE OREGON BILL.

Mr. LINN, from the select committee on the subject, reported back, with several amendments, the bill for the occupation and settlement of the Territory of Oregon, and for extending portions of the laws of the United States over the same, and for other purposes. The amendments were ordered to be printed.

Mr. WILLIAMS, from the Committee on Naval Affairs, made an adverse report on the petition of Benjamin K. Churchill for a privateer pension; which was ordered to lie on the table.

Mr. ALLEN submitted the following resolution; which lies over one day under the rule:

Resolved, That the 40th rule for conducting the business in the Senate, and which requires the Senate to close its doors when transacting executive business, be rescinded, and that the Senate shall hereafter sit with open doors when transacting all business except treaty business.

MAIL FACILITIES.

Mr. KING rose to call the attention of the Senate to an act which was passed at the last session, establishing post offices and post routes. It would be recollected that, at the time of the passage of that act, considerable discussion arose regarding the propriety of establishing a post office near the city of Alexandria; and, after a full consideration of the subject, upon all the information that could be collected, both Houses determined that that office ought not to be established. By an error of the engrossing clerk—certainly not intentional—the clause requiring the establishment of that office was retained in the bill. The Postmaster General, however, though aware that the establishment of an office at that place was improper and uncalled for, yet, finding it in the statute-book, felt bound to execute the law. To arrest his action in the matter, he (Mr. KING) now brought it to the consideration of the Senate. If it were considered that it was a part of the law, it ought to be repealed. He hoped the chairman of the Committee on the Post Office and Post Roads would turn his attention to the subject; for, unless the committee brought forward some proposition for its repeal, he (Mr. KING) would feel it to be his duty to bring forward a bill to repeal it. He would await the action of the committee until to-morrow.

Mr. MERRICK, (at a subsequent part of the day,) in reference to the subject to which the Senator from Alabama [Mr. KING] had called the attention of the Senate, observed, that he was satisfied, upon looking at the law passed last session for the establishment of post-offices and post routes, that a very material error had been committed (probably in the engrossment of the bill) in that part of it which related to the establishment of a post-office in Fairfax county, Virginia, at a seminary a few miles from Alexandria. The Senate actually refused to establish such an office. He now rose to give notice that he should ask leave to-morrow to bring in a bill to repeal that portion of the law.

ASSUMPTION OF STATE DEBTS.

Mr. BENTON submitted a resolution, which was read, as follows:

Resolved, That the President of the United States be requested to inform the Senate whether the late special minister from Great Britain to the United States made any proposition, informally or otherwise, to the negotiator on the part of the United States, for the assumption or guaranty of the State debts by the Government of the United States to the holders of said debts.

Mr. ARCHER wished the resolution to lie on the table for the present.

Mr. CONRAD, on leave, introduced a bill for the relief of William B. Lewis, postmaster at New Orleans; which was read twice, and referred to the Committee on the Post Office and Post Roads.

Mr. LINN submitted the following resolution, which lies one day on the table, by the rule:

Resolved, That the President be requested to inform the Senate of the nature and extent of the "informal communications" which took place between the American Secretary of State and the British special minister during the late negotiation in Washington City on the "subject of the claim of the United States and Great Britain to the territory west of the Rocky Mountains;" and also to inform the Senate what were the reasons which prevented "any agreement on the subject at present," and which made it "inexpedient to include that subject among the subjects of formal negotiation."

On motion of Mr. LINN, it was

Resolved, That the Secretary of War be requested to send to the Senate a copy of Lieutenant Fremont's report of the recent exploring expedition to the Rocky mountains, made under the direction of the War Department.

On motion of Mr. LINN, it was

Resolved, That the Secretary of War be requested to send to the Senate the report of the board of commissioners appointed to select a site for a Western armory.

CLAIMS AGAINST THE GOVERNMENT.

The proposition submitted by Mr. PHELPS to amend the rule of the Senate adopted on the 26th of January, 1842, providing that it shall not be in order to re-present a claim once reported against by either of the standing committees, such report having been concurred in by the Senate, was taken up and adopted, as follows, viz:

Provided, That this rule shall not extend to any cases whereon adverse reports, not in writing, may have been made previous to the said 26th day of January, 1842.

BILLS ORDERED TO BE ENGROSSED.

Senate bill entitled "An act to authorize the relinquishment of the sixteenth sections of land granted for the use of schools, and to select other lands in lieu thereof," was taken up as in committee of the whole, on an amendment from the Committee on Public Lands, authorizing the relinquishment by legal subdivisions, if preferred.

Mr. KING thought it was extending the privilege too far, to allow the relinquishment of less than quarter sections, and might lead to great public inconvenience and prejudice.

Mr. CRITTENDEN agreed with the Senator from Alabama in this opinion; and submitted to the chairman of the Committee on Public Lands, [Mr. SMITH,] whether it was not carrying the thing too far, to allow the relinquishment of forty acres of a section to be picked out of the heart of another section.

Mr. SMITH remarked that portions of the school sections were ponds, and totally unfit for anything; and the committee, considering the beneficial objects for which the privilege was asked, had concluded to grant it.

The question was put, and the amendment was agreed to.

On motion of Mr. KING, the bill was further amended, so as to allow the selection to be made of any lands in the State where the relinquished section might lie, instead of confining the selections to the same township.

The bill was then reported to the Senate, and ordered to be engrossed for a third reading.

The Senate bill entitled "An act in relation to donations of land to certain persons in Arkansas," was considered as in committee of the whole, reported to the Senate, and ordered to be engrossed for a third reading.

The bill for the relief of certain citizens of Arkansas who lost their improvements in consequence of the treaty between the United States and the Cherokee Indians, came up in order as in committee of the whole; but

On the suggestion of Mr. BARROW, who wished to amend it so as to include some cases of citizens of Louisiana, it was postponed till to-morrow.

On motion of Mr. BARROW, the Senate then adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, December 21, 1842.

Mr. KING of Georgia appeared and took his seat.

Mr. KEIM of Pennsylvania presented the petition of A. Troxee and fourteen others, hatters, of Harrisburg, Pa., praying Congress that all hatters' furs be admitted free of duty.

Mr. PICKENS rose and desired to be informed as to the exact state of the question on the bill before the House, in Committee of the Whole, when they adjourned last evening. He desired to know, if he should move to strike out the proviso in the pending motion, and then move the previous question, if it would be in order.

The SPEAKER said that it would not. He would, however, suggest to the gentleman from South Carolina, that if there were any reports from the standing committees of the House, they would be the first business in order.

The standing committees were then called in their order; and reports were made as follows:

From the Committee of Ways and Means, by Mr. FILLMORE.

From the Committee of Claims, by Messrs. COWEN and GIDDINGS.

Mr. COWEN, from the Committee of Claims, reported the following resolution:

Resolved, That this House will, on Friday and Saturday, the 23d and 24th instant, meet at 10 o'clock, a. m., for the purpose of disposing of the business upon the private calendar.

The resolution having been read, Mr. C. called for the yeas and nays on the question of its adoption; but the call not being sustained by one-fifth of the members present, tellers were called for, and ordered; when, on taking the question, the result was, ayes 75, noes 68.

So the resolution was adopted.

Mr. GIDDINGS, from the same committee, offered the following resolution:

Resolved, That the Committee of Claims be authorized to continue in employment their clerk, at the compensation heretofore allowed him, until the further order of the House.

Mr. CAVE JOHNSON asked if that resolution was in order. If not, he should object to it.

The SPEAKER said that it was the report of a committee.

Mr. JOHNSON observed that the committee who had heretofore the charge of this subject, had examined it with great care, and had come to the conclusion that the services of this clerk were not necessary during the recess. Accordingly, when the resolution to continue his employment came up, an amendment was offered and adopted, limiting the employment to the then session of Congress [last session.] This resolution was to authorize the Committee of Claims to employ a clerk, who had annually been continued in employment for years. Now, if the Committee of Claims wanted to employ a clerk during the session of Congress only, he would not object to it; but he was opposed to the annual employment of one.

Mr. SMITH of Virginia desired to know whether this clerk was a regular and stationary officer of the House, and was employed in the recess.

Mr. CAVE JOHNSON said that he had been annually employed for years.

Mr. SMITH further desired to know what the clerk's services were, and what was his compensation.

Mr. GIDDINGS said that this gentleman had been regularly employed since the year 1826 in keeping the records and doing the clerical business of the committee, during the sessions of Congress, and in preparing a digest of the decisions of the committee since the organization of the Government. Mr. G. explained the great usefulness and importance of this digest, and spoke in a highly favorable manner of the services of the clerk. Mr. G. then called for the reading of the report of the committee on this subject; which was done.

Mr. SMITH then asked what was the compensation of this clerk.

The SPEAKER replied that it was $1,500 per annum.

Mr. CAVE JOHNSON moved to amend the resolution, by limiting the employment of the clerk to the present session.

Mr. COWEN observed that an inquiry had been made whether this clerk had been continued in the employment of the committee since the expiration of the last session. He would answer that question by saying, that he had been laboring very assiduously in the committee-room, during the recess, in making up its records, and in continuing the digest of the decisions of the committee, which he had a long time been engaged in. He understood and believed that he had not lost more than one or two days since the last session. He would further say, that, without the services rendered by him in the recess, the committee would not have been able to commence their labors as early as they did at this session.

Mr. CAVE JOHNSON asked if the services performed during the recess were not services that had heretofore been performed by the regular clerks in the Clerk's office. Mr. J. also said that a resolution was passed at the last session limiting the employment of this clerk to that session only.

Mr. COWEN was understood to say that the resolution was so amended, but that it was not finally acted on.

Mr. SMITH of Virginia observed that it seemed extraordinary to him why it should be necessary for this committee to employ a clerk during the recess. The committee met but three times a week, and it appeared to him that the clerk could carry on the business of the committee, and perform the other services spoken of during the times the committee were not in session. The clerk had six days in the week to work in, and yet it seemed that he could not keep up his records, but must have the recess to do it in. Mr. S. further observed, that some of the most important committees of the House had no clerk allowed them, and were compel'ed to attend to their own clerical duties. There was the Committee of Revolutionary Claims, for instance, of which he was a member, who had no inconsiderable amount of correspondence and other writing to attend to without having a clerk to assist them. He thought the amendment of the gentleman from Tennessee ought to be adopted.

Mr. EVERETT was in favor of the resolution; because, having the fullest confidence in the committee, he was ready to believe, from their report on the subject, that the services of this clerk were highly important and necessary. Mr. E. also spoke very favorably of the efficiency of the clerk, and the regularity of his attention to his duties.

The question was then taken on Mr. C. JOHNSON's amendment; and it was adopted—ayes 133, noes 63.

The question recurring on the resolution as amended,

Mr. HOPKINS inquired whether it was intended to provide compensation for the services of this clerk during the recess? Now, at the last session a resolution was passed, limiting his services to that session; and if it was now intended, in the face of that resolution, to pay him for the recess, he would vote against it.

Mr. COWEN observed, that the services rendered were important and indispensable; and the clerk, with the exception of one or two days, had been regularly employed. The Government had had the benefit of his services, and he ought to be paid for them; and, the simple question now was, whether the Government should take the services of this individual without paying him for them.

Mr. HOPKINS desired to know of the gentleman from Ohio whether the House, at the last session, did not, by a solemn vote, limit the services of this clerk to that session?

Mr. COWEN presumed that it was so. But he would observe, that the clerk himself knowing how necessary and indispensable the continuation of his work was, of his own motion went into the committee-room and continued his labors, relying on the justice of Congress to pay him.

Mr. HOPKINS then observed that the question was not, as stated by the gentleman from Ohio, whether the House would take the services of this clerk for nothing; but the true question was, whether the decision of the House that his services in the recess were not wanted, should stand; and whether he should be permitted, of his own motion, to thrust himself into their committee-room, and perform services which they had solemnly declared should not be rendered.

Mr. TURNEY moved to amend the resolution, by striking out the word "continue" and insert the word "employ;" the effect of which was to prevent his being continued during the recess. The House at the last session (Mr. T. said) passed a resolution limiting his employment to that session; notwithstanding which, he, of his own motion, went into the committee-room, and performed services which the House declared were not necessary, and now came forward and asked to be paid for it. If the House should now pay him for working on his own authority during the last recess, it would be setting a precedent under which he would have nothing more to do but to set the present resolution at defiance, go into the committee-room again in the next recess, and at the next session again demand pay for it. It would have been far better (Mr. T. said) to have adopted a resolution originally paying him for his services in the recess, and continuing him in regular employment, than to permit the solemn decision of the House to be thus set aside. Mr. T. concluded by calling for the yeas and nays on the question; which were accordingly ordered.

Mr. COWEN offered a few remarks in explanation, previous to the taking of the question, and expressed the hope that the House would not disregard all former precedents on the subject, and take the services of this clerk for nothing.

The House rejected the amendment—ayes 98, noes 101.

The question then recurred upon the adoption of the resolution, and it was adopted.

THE BANKRUPT LAW.

The CHAIR announced the first business in order to be the bill to repeal the bankrupt law, with the motion of the gentleman from New York [Mr. BARNARD] to commit the bill to the Committee on the Judiciary, and the motion of the gentleman from Pennsylvania [C. J. INGERSOLL] to instruct the committee to report a bill excluding voluntary applicants, and banks owned by States, and including such corporations not owned by States as issue notes of circulation. The pending question was a motion for the previous question made by Mr. PICKENS.

Mr. CUSHING appealed to the gentleman to withdraw the call, in order to enable him to offer a proposition.

After some conversation backwards and forwards,

Mr. PICKENS assented, on condition that the motion should be renewed.

Mr. CUSHING then said that the effect of the previous question would be cut off all amendments and instructions, and bring up the question upon the engrossment of the bill as it now stood. What he proposed was, that the gentleman from New York [Mr. BARNARD] should withdraw his motion to commit the bill, in consequence of which the instructions would fall to the ground, and he (Mr. C.) be enabled to tender an amendment to the consideration of the House. He would send his amendment to the Chair, that it might be read for information. The amendment was then read by the Clerk, as follows; so that, instead of taking effect on the 5th December, 1842, it shall read:

k. "That this act shall not affect any case or proceeding in bankruptcy commenced before the passage of this act; or any pains, penalties, or forfeitures incurred under the said act; but every such proceeding may be continued to its final consummation, in like manner as if this act had not been passed."

Mr. BARNARD said he would consent to withdraw his motion to commit, on one condition; and that was, that he be permitted to offer a substitute for the bill as it now stood. He would send his substitute to the Chair, to be read for information:

Be it enacted, &c., That so much of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved on the 19th day of August, 1841, as authorizes any person owing debts to apply, by petition, for the benefit of said act, together with all the parts of such act which are applicable solely to the mode of obtaining the benefit of the provisions of such act in behalf of debtors, by the voluntary petition of such debtors, without the concurrence or aid of the creditors, be, and the same is hereby, repealed: *Provided*, That this act shall not affect any case or proceeding in bankruptcy already commenced, or which shall be commenced before the 4th day of March next, or any pains, penalties, or forfeitures prescribed in and incurred, or which shall be incurred, under said act.

He proposed this, hoping that it might prove acceptable to the gentleman from Massachusetts, [Mr. CUSHING,] in lieu of his own.

Mr. CUSHING was unwilling to accept of the amendment, because it went beyond the object which he desired to attain. His object was to perfect the bill, without going beyond it.

Mr. BARNARD. If my proposition be admitted, it will include that of the gentleman from Massachusetts.

Mr. CUSHING. Yes, and something more.

Mr. CAVE JOHNSON objected to the proceedings, as out of order.

Mr. CUSHING again appealed to the gentleman from New York, [Mr. BARNARD,] to withdraw the motion to commit.

Mr. BARNARD here declined.

Mr. CUSHING, in accordance with the pledge he had given, moved the previous question.

Tellers [Messrs. HOPKINS and LINN] were appointed, who reported—ayes 60, noes 94.

So the House refused to sustain the previous question.

The SPEAKER then announced the question to be on the motion of the gentleman from Tennessee.

Mr. UNDERWOOD wished to make one or two observations. When the bankrupt bill was under consideration, and before it was passed, he talked to the House by the hour against it; and he proposed some twenty or thirty amendments, but no attention was paid to them. The bill was passed hastily, and without due consideration; and the effect was seen in these propositions to repeal it. The House was now proceeding with the same haste to repeal, as they proceeded to pass the bill; and he wished to make a few suggestions, and to ask the House to deliberate on a measure which was to affect so many interests in the country. If they repealed this law, without qualification or restriction, they would affect a class of vested interests which he considered good faith would not allow them to touch. And what were they? They were interests of this kind: In all cases of involuntary bankruptcy, where creditors were proceeding against their debtors, they had the right, if an act of bankruptcy had been committed, to have the debtors declared bankrupts, and their property distributed *pro rata* according to their debts; to set aside all fraudulent conveyances which had been executed within sixty days before the application; and to disregard all preferences which the bankrupts might have made. But, by this hasty legislation, they would do away with all these rights. He could illustrate his meaning by citing his own case. He had had to proceed against an individual, to compel him into bankruptcy, to cause a distribution of his assets; the case was afterwards settled by compromise, and therefore, as it was now at an end, he had no personal interest; but he doubted not there were hundreds of similar cases existing, and they were now, by hasty proceedings, about to nullify the whole that had been done. There was, however, a proposition made, by way of proviso and salvo, to this effect: that the repealing act shall not take effect except from its passage; or the 5th day of December, as it now stood; or from the 1st of July, as was proposed by the gentleman from New York, [Mr. BARNARD.] And what was the object of a provision of that sort? He would tell the House, and he would show its injustice to the community. That proceeding was, to allow all those who had not already done so, to cut their legal obligations to their creditors. Why was the act to be repealed? It was, as gentlemen said, in obedience to public sentiment. What did public sentiment demand? That they should not touch the legal obligation of contracts; and, in pursuance of that sentiment, it was proposed to repeal this law. But, in the proviso, they said they would allow time to cut as many legal obligations as possible. And what was their plea for that? Why, it had been said, because they had done it in respect to some, they should therefore do it in respect to others. Their having done it in respect to some, was made the pretext for doing it towards all: and that was their respect for public sentiment! and that was the way they proposed to do for the people what it was

said the people required to be done;—that is, the people required at their hands that the obligation of contracts should not be violated; and they proposed to comply with that demand, by allowing time for their violation. If they had done what was wrong by the passage of the act in respect to contracts heretofore existing, the sooner they made reparation the better; therefore, they ought to have no proviso of that sort.

When he rose, he did not intend to make a long speech, and therefore he should now merely say that he should make no proposition to amend; but he should give such a vote as would tend towards carrying out the principles he had always held. When the bankrupt act was passed, he told Congress that he was in favor of a bankrupt law, but not such a bankrupt law as this. He was in favor of a bankrupt law now, and he expected to die in favor of one. He knew the value of a bankrupt law, by experience. He never was sued for any debt contracted on his own account, in his life; but he had had a vast number of writs for debts of other people. He had been made bankrupt to the amount of a hundred thousand dollars, and he had had to surrender even the books of his office to pay other people's debts. Fortunately for him, he had got clear of the whole of it. The principle of bankruptcy which they ought to sanction was to relieve a man from debts incurred by calamity, and not by imprudence; but in the passage of this bankrupt law, they had failed to make that distinction; they had undertaken to relieve everybody from his debts created by imprudence, or from the consequences of his frauds, by means of which debts might have been contracted; and it was against a principle of that extent that society had risen up as with the voice of one man. No man in his section of the country had ever said that in a case of calamity or misfortune—for Heaven, by tempest, or by flood destroys a man's property—a man should not be relieved.

He (Mr. UNDERWOOD) protested against their mortgaging the faculties of a man under such circumstances, or, Shylock-like, claiming that his flesh should be meted out: yet there were many who, by their extravagance or imprudence, had got into debt; and to relieve them by this bankrupt law, was to permit them to go into the community, and do the same thing again. Now, he (Mr. U.) would vote for the bill of the gentleman from New York, [Mr. BARNARD,] if he would reduce the time for voluntary bankruptcies.

Mr. BARNARD agreed to amend his proposition, by changing the day from the 1st July to the 1st April.

Mr. UNDERWOOD would then consider that alteration as made in the gentleman's proposition.

Mr. BARNARD, after conversation with several gentlemen, again changed the day, from the 1st of April to the 4th of March.

Mr. BLACK inquired if it was in order to move to lay that amendment on the table.

Mr. BARNARD withdrew his motion to commit the bill to the Judiciary Committee.

Mr. BLACK said, when the proper time came, he would move to lay the gentleman's amendment on the table.

Mr. C. J. INGERSOLL obtained permission from the gentleman from Kentucky, [Mr. UNDERWOOD,] (who still kept possession of the floor,) to move to amend the proposition of the gentleman from New York, [Mr. BARNARD,] by the addition of the words, "and to include banks."

After a few words from Mr. CUSHING on a point of form and order,

Mr. EVERETT intimated his willingness to amend his original bill, by substituting the 25th for the 5th of December, as the day fixed by the proviso as the limit for the application in bankruptcy.

Mr. UNDERWOOD then resumed. He had but very little to say; but he wanted the amendments presented, which would exhibit the whole subject in the aspect which he had pointed out. First, he wanted a proposition made from some part of the House for the repeal of the bill heretofore passed, so far as related to applications for voluntary bankruptcy, without proviso or qualification. He then wanted a motion made, in some shape or other, by gentlemen who had been acting on this subject, to retain so much of the bill as allows of compulsory bankruptcy, and the distribution of the property of the bankrupt among his creditors, according to their respective debts, *pro rata*. For the reasons which he had already advanced, he thought it would be proper to repeal the voluntary principle of the bankrupt law, and to retain the involuntary part of it. That was the proposition of the gentleman from New York, [Mr. BARNARD,] except that he proposed to permit voluntary bankrupcies, first until the 1st July, then until the 1st April; and as the proposition now stood, until the 4th day of March. Now that was the very thing which the people had condemned; and he (Mr. U.) wished to get clear of that part of the proviso; and he would move, if it were in order, to strike out so much of the gentleman's amendment as proposed to extend the time until the 4th of March for voluntary bankrupts to file their petitions.

The SPEAKER said such a motion was not then in order.

Mr. CUSHING submitted, as a point of order, that the amendment which had been proposed by the gentleman from Pennsylvania [Mr. C. J. INGERSOLL] was not in order without the consent of the House; which had not been given. He then went on to state the nature of the proposition which he desired to make—which was, in effect, to substitute the time of the passage of this act for the days which had been proposed. Various propositions and observations were made by several gentlemen.

Mr. HOPKINS then rose, and said, if the people of this country had decided anything in relation to this question, they had decided that the bankrupt law should be repealed; and he should regard any proposition to clog it with exceptions, or provisoes, as calculated to disappoint, rather than to promote, the public expectation. What he desired was a direct vote of this House upon the immediate and unqualified repeal of the law. He believed that was what it was expected, on the part of the people, that they would do; and he called upon the friends of repeal there to disregard all these exceptions and provisoes, and to consent to take nothing until they got a vote on the unqualified repeal of the law. For himself, he should vote against every amendment which contained such a proposition as was incorporated in that offered by the gentleman from New York, [Mr. BARNARD,] or the gentleman from Massachusetts, [Mr. CUSHING.] He would not say how he would vote on the bill of the gentleman from Vermont, [Mr. EVERETT.] He went for the repeal of the law—for an instant repeal of the law, and the unqualified repeal of the law; and he called upon those who were looked to here to execute the public judgment, with regard to this law, to be cautious how they voted on these various propositions.

It was in the power of the majority (which he doubted not might be found there in favor of repeal) to bring the House to a direct vote on the question of repeal, instead of on those propositions, some of which would make repeal of no utility. The proposition which designed to continue voluntary bankruptcies until the 4th of March, gave notice to every debtor to come and be discharged from his liabilities, and then there would be nothing to remedy; for the whole mischief would be done. If, however, they came up to an unqualified repeal of the law, they might prevent much of the mischief that would result from its operation. He (Mr. HOPKINS) had seen nothing in the indications of public sentiment about a qualified repeal; he had seen nothing about voluntary or involuntary bankruptcy. On the contrary, the people had called on their Representatives to repeal the law; and, in his judgment, they would disappoint the people if they accepted any of these various propositions to amend. He was satisfied there was a majority on that floor for repeal—unqualified repeal; and he called upon them to stand by the bill in that shape; if not, they would repeal but in name. The gentleman from Kentucky [Mr. UNDERWOOD] had spoken of a repeal which would interfere with vested interests; but, in his (Mr. H.'s) judgment, it was not repeal which interfered with vested interests: it was the passage of the law which interfered with vested interests, and impaired the obligation of contracts. He repeated, that, unless the bill should be passed so as to secure an unqualified repeal of the bankrupt law, as at present advised he should vote against every proposition; for no other would meet the expectations of the country.

Mr. BRIGGS was understood to move the committal of the bill to the Committee on the Judiciary.

Mr. CAVE JOHNSON submitted, as an amendment, a simple proposition for the repeal of the bankrupt law; and he was afterwards understood to say that he would consent to the committal to the Judiciary Committee, but with instructions to report a bill for the repeal of the bankrupt law to-morrow at two o'clock. This (he said) would bring the House to the question whether there should or should not be a repeal.

Mr. WISE said he had been sitting there watching the Protean shapes given to the bill, until he was tired. If they intended to repeal that law, now was the accepted time. The House could come to the question of repeal, if they chose, at once, by voting down the motions to commit, and the motion to instruct; and then, by refusing to entertain the previous question, make it a bill to operate from the time of its passage, and not from the 5th of December, or any other specified day. That was all that was wanted; and that could be done to-day, just as well as it could be done if it were referred to a committee.

He (Mr. WISE) had said nothing about this bankrupt bill, except once; and that was when the potent argument was advanced to the House and the country, that there were 500,000 bankrupt voters in the United States ready to avail themselves of its advantages.

This power it was (and a political power, too) that was urged at the time of the passage of the bankrupt bill, by which it was kicked through in such hot haste. He warned gentlemen, however, (and it was all he had ever said on this subject,) that if there were 500,000 bankrupts in the country, there were at least 500,000 creditors also. Their condition, too, was changed. The debtors being released—gentlemen no longer having the debtor power to press, now pressed the creditor power. When they thought the bankrupt law was popular, they passed it; but now they think its repeal is popular, they press the repeal. Though he could see mischiefs growing out of the repeal of this law, still he thought that it ought to be repealed. He believed that this bankrupt law had produced one-half the distress of the country, by destroying confidence, and inducing creditors to put the screws on their debtors. At the moment that the Legislature stepped forward to interfere between the debtors and the creditors, the latter were stimulated to commence suits for the recovery of their debts. Mr. W. strongly opposed the including of banks and corporations in the provisions of the bankrupt law, on the ground that the same evils would be produced by it. The banks would be compelled to put additional screws on their debtors; and he hoped there was no one who would be willing to see the people depressed further than they already were. The best thing that could now be done would be, to repeal this law, for the purpose of restoring confidence, and enabling creditors, with more safety, to indulge their debtors.

Mr. CHAS. BROWN said he rose upon the impulse of the moment, to enter his protest against the assumptions of the gentleman from Virginia [Mr. WISE] who had just taken his seat, in relation to the effects upon the people of Virginia, and all the other States of the Union, that would follow the adoption of the amendment proposed by his colleague, [Mr. INGERSOLL,] to embrace all "banks" within the involuntary provisions of the bankrupt law. It had been, and now was, the desperate struggles of involved and insolvent banks to collect their debts, that had ground the people to death. The fear of protests and bank disgrace compelled many to sacrifice their property, to keep up their credit in bank. The banks sacrifice nothing, but compel their debtors to sacrifice their property to redeem the bank's notes: thus do they go on, compelling the payment of ten, twenty, or fifty per cent. every sixty days; and that it was that

had spread such ruin and distress through many parts of the country, and would continue to be the case, as long as the involved or insolvent banks were suffered to exist. Let but these banks be forced to stop banking—to stop discounting individual notes, and issuing their own, and their debtors would feel immediate relief. The banks would no longer have any inducement to oppress their debtors, but would collect their debts without oppressing them; and if the Virginia banks could be thus stopped now, the people of Virginia would soon breathe freely. In a single day, or month, they would feel themselves relieved as from an incubus; and their prosperity would be soon restored. Mr. B. said he knew what he stated to be true. He was not theorizing, but giving to the House and to the gentleman from Virginia the results of experience. In the city of Philadelphia, while its dozen of banks pursued the course now being pursued by the Virginia banks, all was distress, and difficulty, and oppression; but the very hour that one-half of them closed their doors, (which they did nearly on the same day,) and three-fourths of its bank capital was thus forced into entire bankruptcy, and they obliged to stop banking, the people felt relief, and have been going on ever since increasing in prosperity. Money, instead of being scarce, has been increasing in quantity, and improving in quality. Property ceased to be sacrificed to meet the grinding requisitions of insolvent banks. Nor was this salutary influence felt at Philadelphia alone; but wherever the banks had been forced to pay specie or close, the same relief had been felt. Under the bankrupt law, the bad will be forced to close, and the good be relieved from the weight of the bad, and the community be relieved from the oppression of them all. The idea that there would be no money in circulation if the banks were closed, was an absurdity too palpable to need contradiction. Such had been always feared, but had never been the consequence.

One word as to the power of the General Government to bring those State institutions under their bankrupt law, and he had done. Of that power I have not the least doubt. The sole or main object and intention of giving to the General Government the power to pass a general bankrupt law, was evidently to establish general rules and laws regulating and controlling the relations of debtor and creditor throughout the Union—to prevent any one State from throwing over the property of its citizens a shield against their creditors in another State. If, therefore, no State could protect the property of its citizens, as individuals, from the operation of a general bankrupt law; how could it, or why ought it to have the power to shield the property of its corporate bodies from the same liabilities that its citizens are under? What were banks or corporations? Were they not merely "artificial persons"—usually a number of individuals invested with power to bear a single name, with the same powers as individuals pursuing the same business? Thus a bank corporation had the same power as a single banker—a manufacturing corporation as a single manufacturer—a mining corporation as a single miner. If, then, the general bankrupt law overrode the State laws so far as it affected the property of each individual as a private banker, manufacturer, or miner, why should it not override State laws as to the property of the same individuals, as corporate bankers, manufacturers, and miners? These debtors and creditors were all alike, and the same general laws ought to regulate and control them. He could not see what principle of State rights would be impaired; and believing that a great good would be done, he would go heartily for bringing all banks and corporations under the involutary provisions of the bankrupt law; and would assure his friend from Virginia [Mr. WISE] that the people of Virginia and the whole country would, instead of being "screwed down" further, as he asserted, find the screws immediately loosened, and themselves free and prosperous. If banks were not so brought within the province of the law, he should vote for its repeal; believing, as he did, that its continuance would do more evil than good. Evil it had worked, and no doubt, to some extent, would continue to work; but he was confident that the immense amount of good that would be done to the whole country by a general strangulation of all the note-issuing insolvent banks, and a consequent purification of the currency, would more—far more—than compensate for all or any of the evils of a continuance of the bankrupt law upon individuals.

Mr. ARNOLD wished to say a few words before the question was taken. The House had long presented a strange spectacle to the country, by undoing at one session what was solemnly done at another; acting under the impulses of patriotism and love for the people. The Democracy, too, presented an extraordinary spectacle. They, as friends of the people, were demanding the repeal of the law, and especially that part applying to the poor debtor. This was the tune of modern Democracy—the subterranean Democracy—that the act went too far in its provisions for the benefit of the poor! Whilst making these remarks on the Democratic party, he could not refrain from expressing his dissent from many acts of the Whig party. He thought they were too soon tired of well-doing, and too soon yielding to the one-man power at the other end of the avenue. He thought they should leave the undoing of their own measures to another Congress, when, all conceded, the Democracy would have a large majority. Let the Democracy and John Tyler carry on the Government for two years.

As for the bankrupt law, he regarded it as the best measure which had been passed by the Whigs. Its evil had been accomplished, and, should it be allowed to remain in force, he predicted that, in five years, it would be the most popular law in the country. He commented on the coalition which he said had been formed between the Locofocos and a portion of those claiming to have belonged to the Whig party, by which defeat had been brought upon the Whig cause. There seemed to be an especial desire on the part of this coalition to have the bankrupt law repealed, and to set themselves up as the enemies of debt.

He commented on the fact that many Democrats in New York, particular friends of Mr. Van Buren, were against the repeal of this law. Indeed, he had the best reason to believe that Mr. Van Buren himself was in favor of the present bankrupt law. A large number of the Democracy of New York had petitioned against the repeal of the law. In 1827, Mr. Van Buren had advocated a bankrupt act in the Senate; and now every mountebank in the country was setting himself up to know more about it than Mr. Van Buren.

Mr. A. then went into the subject at large, and spoke until the expiration of his hour, treating the subject in its personal, political, and commercial aspects.

After he had concluded,

Mr. SALTONSTALL obtained the floor, and moved an adjournment; which was carried.

IN SENATE.

THURSDAY, DECEMBER 22, 1842.

Mr. BUCHANAN presented a memorial from Mary Reeside, the widow of Jas. Reeside, deceased, who was a mail contractor with the Government, praying that Congress might pass a law, appropriating the amount of the verdict obtained by her deceased husband in the Supreme Court of the United States, against the United States, for the sum of $188,496 06, a large portion of which verdict was for money actually borrowed on his orders, and a mortgage on his property, to aid the Post Office Department. The memorialist states that the mortgaged property is threatened to be sold, to satisfy the mortgage. Mr. B. moved, as this presented a legal question, that the memorial, and the memorial of James Reeside, deceased, now on the files of the Senate, be referred to the Judiciary Committee: agreed to.

Mr. WOODBURY presented a memorial from the assistant messengers in the Post Office Department, praying an increase of their compensation: referred to the Committee on Finance.

Also, presented a petition from Daniel Currier, for a pension; which was referred to the Committee on Pensions.

On motion by Mr. CONRAD, it was ordered that the memorial of Juan Quarro, for property taken from him in 1841, be taken from the files of the Senate, and referred to the Committee on Claims.

Mr. SMITH of Indiana, from the Committee on the Public Lands, reported back, without amendment, the bill to provide for ascertaining and disposing of the lead-mineral lands in the States of Illinois and Arkansas, and the Territories of Wisconsin and Iowa.

Mr. WOODBRIDGE, from the Committee on the Library, reported back to the Senate, without amendment, and with a recommendation that it do pass, the joint resolution for the distribution of the catalogues of the Library of Congress.

Mr. McROBERTS submitted the following resolution:

Resolved, That the Committee on Commerce be directed to inquire into the expediency of making an appropriation to remove the obstructions to navigation at the Des Moines rapids, in the Mississippi river.

The resolution was considered by unanimous consent, and adopted.

Mr. McROBERTS said he had a petition to present from citizens of Iowa Territory upon the same subject, and which he should ask to have referred to the same committee.

In explanation of the resolution and petition, he said the rapids referred to had been, and continued to be, an obstruction to the commerce upon the Mississippi, between St. Louis and the northern part of Illinois and the Territories of Wisconsin and Iowa. The rapid is impassable, at least without great delay and danger, at low stages of water. For the last few years, the impediment to the navigation of that noble river had been more sensibly felt, from the great increase of population and commerce upon the Upper Mississippi. The whole commerce of Iowa, and most of that of Wiskonsin and the northern part of the State he represented, so far as depended upon water communication, had to pass these rapids. Looking, then, to the growth and resources of the immense territory north of the rapids, no one could mistake the importance and necessity of this improvement. He believed that no part of the Mississippi valley had surpassed, if it had ever equalled it, in the same period of time, in population and improvement. During the fall season, when emigration was pouring in most numerously, the delay, and expense, and loss of property were greatest at these rapids. No stronger appeal could be presented than the existing state of things, to the justice of the Government to appropriate means to remove the obstruction complained of in this petition.

Mr. B. said that the great MINERAL REGION lies north of these rapids. In lead, and possibly in copper, the territory referred to was the richest upon the face of the globe. The whole people of the country were interested in protecting this interest. In 1839, the amount of lead which descended over these rapids, the products of the upper mines, was twenty-six millions of pounds; in 1840, twenty-five millions; and for the first eleven months of 1841, twenty-seven million six hundred and fifty thousand pounds. At ordinary prices, the net proceeds would amount to more than a million of dollars per year. This lead finds its way to the Eastern cities, and supplies the demand for the article in all the various purposes to which it was applied. The opening of these mines has supplied the home market, and prevented importations from abroad. From 1821 to 1838, inclusive—a period of eighteen years—we imported but 2,625,133 pounds; while we have exported more than that amount to China alone in a single year. In 1840 we imported about half a million, and exported twice that amount.

But, sir, (said Mr. McR.,) independent of these considerations, the highest dictates of national duty require that the appropriation should be made. That river, and the part of it which includes the obstruction referred to, was the channel to navigation for two Territories, and no inconsiderable portion of one of the States. The subject, therefore, assumed an importance that made the work one of national concern. They were yearly appropriating millions for the improvement of harbors, rivers, inlets, and other works to protect the commerce upon the sea-board; and he claimed the same measure of justice for the people of the Mississippi valley.

The petition from the citizens of Iowa was then

presented, and, upon his motion, was referred to the Committee on Commerce.

Mr. MERRICK, agreeably to notice, and on leave, introduced a bill to repeal certain portions of the act of Congress, approved August 1st, 1842, entitled "An act establishing certain post offices and post routes," which was read.

Mr. MERRICK desired that the bill might be read a second time and disposed of, without being referred to the committee; as it was merely to correct the error which was made in engrossing the bill of August last, and which had been spoken of yesterday; which error was the cause of continuing the post office at the high school in Fairfax county, a few miles from Alexandria, when Congress actually, by a formal vote, struck from the bill such office.

The bill was read a second time, considered as in committee of the whole, reported to the Senate, and, being engrossed according to order, was read the third time and passed.

Mr. BENTON said he took pleasure in presenting to the Senate the credentials of his colleague, LEWIS F. LINN, who was elected by the Legislature of Missouri a Senator from that State for six years from the 4th of March next; which Mr. B. moved to have placed on the files of the Senate, as the oath of office would not be administered until after the expiration of this Congress.

Mr. FULTON presented the credentials of his colleague, AMBROSE H. SEVIER, who was elected by the Legislature of Arkansas a Senator from that State for six years from and after the 4th of March, 1843. Mr. F., in presenting the credentials, remarked that a misstatement had gone abroad as to the term for which his colleague was elected. That some of the papers had published that he was elected from the 4th of March, 1845, instead of the 4th of March, 1843. He wished this error in the public mind corrected. The credentials were ordered to be placed on the files.

Mr. BARROW submitted the following resolution, which lies for the present on the table, viz:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of granting to the State of Louisiana every alternate section of the public lands in the limits of that State, which have been returned as not worth the cost of survey; and each alternate section of such lands as are subject to inundation by the overflowing of the Mississippi river, on the condition that the said State construct levees, by means of which said lands shall be effectually protected, thereafter, from inundation: *And provided*, That the proceeds of the sales of lands reclaimed by means of such levees, shall be exclusively appropriated by the State of Louisiana to the making of roads and the improving of rivers and bayous within its limits.

Mr. WOODBURY said a bill had been introduced, and approved by the Committee on Commerce, to allow a drawback on goods exported in original packages by way of the Northwest. He had wished that the bill might be made general in its provisions; and he threw out some suggestions to the Committee on Commerce, a few days ago, when the bill alluded to was referred to it, with the hope that they might consider it just and proper to make the bill a general one. He also stated on that occasion, that if they did not do so, he would feel it his duty to move an amendment to the bill when it was taken up for consideration. He had determined, however, not to embarrass action on that bill, and would move the adoption of the following resolution:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of allowing a drawback on foreign merchandise exported in original packages, as well by sea as over land.

The resolution was adopted.

The following resolution, introduced by Mr. WRIGHT on yesterday, was taken up, and, being explained by the mover, was adopted, viz:

Resolved, That the Committee on Retrenchment be instructed to inquire and report to the Senate the number of clerks of committees who have been appointed and paid out of the contingent fund of the Senate, during the last and present Congress; the amount so paid to such clerks, and the rate of compensation; and whether any, and what, other mode can, in the opinion of the committee, be adopted, by which a more general, and equal, and effectual aid to all the committees of the Senate may be secured in a more reasonable form, and on more economical terms.

The resolution by Mr. ALLEN, to rescind the 40th rule of the Senate, concerning the business in secret session, came up in order; but was, on the motion of the mover, postponed till the 2d Monday in January next, and made the order for that day.

On motion by Mr. WOODBURY, 300 copies additional of the report of the coast survey were ordered to be printed for the use of the Senate.

THE OREGON TERRITORY.

The resolution introduced on yesterday by Mr. LINN, came up in order, and was read as follows:

Resolved, That the President be requested to inform the Senate of the nature and extent of the "informal communications" which took place between the American Secretary of State and the British special minister, during the late negotiation in Washington city, on the "subject of the claim of the United States and Great Britain to the territory west of the Rocky Mountains;" and also to inform the Senate what were the reasons which prevented "any agreement on the subject at present," and which made it "inexpedient to include that subject among the subjects of formal negotiation."

Mr. ARCHER suggested to the Senator from Missouri, that, inasmuch as it might be inconsistent with the public interests that this information should be communicated at this time, it would be better to amend the resolution by inserting the words "if not inconsistent with the public interest." His own opinion was, that the honorable Senator would be nearer to the accomplishment of his purpose by not pressing the passage of the resolution at this time.

Mr. LINN said he considered the suggestion of the honorable Senator exceedingly reasonable. The reason why he had introduced the resolution was, that they might have some information regarding the condition of the Oregon territory. The negotiations upon that subject had slept for the last twelve or fourteen years. It appeared that some correspondence had taken place, informally, between the Secretary of State and Lord Ashburton; and he felt great anxiety that something positive should be known regarding the course which had been pursued in reference to this subject. Many of our citizens were now going to that Territory, and they were desirous of knowing in what position they were likely to be placed. The claim of the British Government appeared to be in some degree strengthened by lapse of time; and the public feeling in many of the States throughout the valley of the Mississippi generally, and, indeed, throughout the whole United States, demanded that some definite action should take place. We want to know what the British Government are disposed to tolerate us the possession of. That seemed to be the nature of the case; not what we are disposed to assert our right to and to claim, but what they will allow us the possession of. He was of opinion that the resolution would do very well as it was; if, however, the gentleman from Virginia was desirous that it should be modified in accordance with the suggestion he had made, he (Mr. LINN) had not the least objection.

Mr. ARCHER observed, that if the resolution was to pass at all, it should be with the usual modification; but the resolution seemed to have been brought forward under a misapprehension of the fact—under the supposition that all negotiations upon the subject had been totally laid aside. If this were the ground upon which it had been introduced, it was, as he (Mr. ARCHER) was advised, a mistaken supposition. The subject had not been laid aside: it was still a pending subject of negotiation between the two Governments. And in this view of the subject, he would submit to the honorable Senator whether it was fit that they should make the inquiry at this time; or whether he would promote his object by pressing the matter now; and whether it would not be better, therefore, to permit the resolution to lie upon the table for the present. If his honorable friend, however, would accept the modification which he had suggested, he would offer no opposition to its adoption.

Mr. LINN assented, observing that he did not consider it at all material, as, if the furnishing of the information should be considered by the Executive as detrimental to the public interests, it would be withheld in either case.

Mr. KING said he was exceedingly desirous that an investigation of this subject should take place at an early day, and that the question should be set at rest. It appeared to him, however, that if negotiations were now actually pending, it would be utterly idle and nugatory to ask the Executive for any information upon this subject. His answer must necessarily be, that it does not comport with the public interest to make such communication. He (Mr. KING) had had some experience here; and he knew very well that calls of this kind frequently embarrass negotiations. They were too much in the habit of pushing things to publicity at so early a period, that the whole world were aware of the precise position in which their negotiations stood, and were enabled to avail themselves of that knowledge to embarrass the negotiation, and counteract its objects.

Mr. BENTON sustained the resolution, and enforced the arguments urged by his colleague [Mr. LINN] in favor of its immediate adoption. In the course of his remarks, he dwelt particularly on the fact, that, in the correspondence furnished to the Senate relative to the late negotiation between the British special minister and our Secretary of State, not one word is said about the propositions made by either party for an adjustment of the claims to the Columbia river. The President's message alluded to "informal communications," but they are not found in the correspondence furnished to the Senate. The resolution makes two inquiries: one as to the "nature and extent of these informal communications;" and the other as to the "reasons which prevented any agreement on the subject at present," and which made it "inexpedient to include the subject among the subjects of formal negotiations."

There could be no reason for withholding the nature of the conference in those particulars. There is no necessity for State secrets in this country. Our right to the Columbia river, and all the territory we claim in that region, is undoubted; and we assert it to the world. If Great Britain has a claim, let it too be taken in hand, and spread before the world. The delay had been entirely to her advantage. When all the subjects of negotiation were in our hands, we could have coerced Great Britain to recognise our rights; but by postponing this subject, and settling others, we parted with the means of insisting on our rights, and strengthened her claim. If Great Britain has a better claim, let her show it. There was nothing to be ashamed of in the matter, if it was an honest claim. We made no secret of the nature of our claim. There should be none about the propositions to put the question of right at rest. The correspondence and nature of the conference on other subjects, not included in the treaty, were made known; and why not all relating to this subject of the Columbia river and Northwest territory? The resolution was not only proper, but necessary; and he hoped it would be adopted. If the opposition to it was persisted in, he should call for the yeas and nays.

Mr. LINN said there was a particular point involved in the resolution, which, probably, his honorable friends were not acquainted with. It was founded upon certain informal conversations which took place between Mr. Gallatin and the British ministry, in London, respecting the intention of the British Government to district the territory of Oregon. The British had asserted their intention to insist upon the extension of their boundary to the forty-ninth parallel of latitude, and along that parallel to the Columbia—taking in the whole valley of the Columbia. This will, of course, deter United States citizens from settling north of the Columbia river. He (Mr. LINN) desired that the country should know precisely the state of the case. He had no desire to embarrass the Administration. If the President supposed the public interest would be jeopardied by the disclosure, he could, of course, say so; and that would be an answer to the resolution.

The question was then put on the resolution, and it was adopted.

ASSUMPTION OF STATE DEBTS.

Mr. BENTON'S resolution, offered yesterday, was taken up for consideration, and read as follows:

Resolved, That the President of the United States be requested to inform the Senate whether the late special minister from Great Britain to the United States made any proposition, informally or otherwise, to the negotiator on the part of the United States, for the assumption or guaranty of the State debts by the Government of the United States to the holders of said debts,

Mr. ARCHER observed that, with regard to the subject of this resolution, he could furnish the Senator from Missouri with as much information as he could obtain from the executive department. As advised, he could assure the Senator that no proposition whatever, or even allusion to the subject of the assumption of the State debts, had been made in the course of the negotiation with this Government. After this answer, he submitted to the Senator from Missouri whether the resolution ought to be adopted by the Senate.

Mr. BENTON was very much pleased with the information given by the Senator from Virginia; but he would prefer having it directly from the Executive. He therefore should urge the adoption of the resolution.

Mr. ARCHER said the answer he had given was advisedly; and he understood from the department itself, that no other answer could be returned by the Executive. He did not think it right to pass a resolution calling upon the department for information already derived from it; he should therefore vote against the adoption of the resolution.

Mr. BENTON called for the yeas and nays; which were ordered, and resulted in the affirmative—yeas 26, nays 12, as follows:

YEAS—Messrs. Allen, Barrow, Bayard, Benton, Buchanan, Calhoun, Crafts, Crittenden, Fulton, Henderson, King, Linn, McRoberts, Mangum, Sevier, Smith of Connecticut, Smith of Indiana, Sturgeon, Tappan, Walker, White, Wilcox, Williams, Woodbridge, Woodbury, and Wright—26.

NAYS—Messrs. Archer, Bates, Berrien, Clayton, Conrad, Evans, Graham, Huntington, Merrick, Miller, Morehead, and Phelps—12.

Engrossed bill, entitled "An act authorizing the relinquishment of sixteenth sections granted for the use of schools, and to enter other lands in lieu thereof," was read the third time, and passed.

Mr. CRITTENDEN submitted the following resolutions, which were adopted.

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of creating, in the State of Kentucky, an agency for the purchase, and an establishment for the manufacture, of American water-rotted hemp, for the use of the navy of the United States; and to inquire into the expediency of establishing a navy-yard at some suitable place on the Ohio or Mississippi rivers.

Resolved, That the report of the Secretary of the Navy, made on the — instant, in relation to the manufacture of hemp, be referred to the Committee on Naval Affairs.

Mr. CRITTENDEN made some remarks, showing that the cultivation and manufacture of hemp was a subject of great interest, not only to his constituents, but to the whole country; and appealed to the committee to which the subject was referred, to give it a full investigation.

Mr. TALLMADGE presented several memorials from the city of New York, against the repeal of the bankrupt law; which were referred to the Committee on the Judiciary.

Mr. MOREHEAD moved the printing of 500 copies extra of the report of the Secretary of the Navy upon the subject of the cultivation and manufacture of hemp; which report, he said, contained much information valuable to the growers of that article.

Mr. CRITTENDEN suggested 1,500 copies; which suggestion was yielded to, and that number was ordered to be printed.

Engrossed bill entitled "An act in relation to donations of land to certain persons in Arkansas," was read the third time, and passed.

FINE ON GENERAL JACKSON.

The bill introduced by Mr. LINN, to indemnify General Jackson for the fine imposed on him at New Orleans while in the discharge of his official duty, came up for consideration, as in committee of the whole; and there being no motion to amend, it was reported to the Senate.

Mr. LINN suggested the propriety of immediately putting the bill upon its third reading; and, if there was a disposition on the part of any Senator to oppose it, the opposition could be made after it had received its third reading.

Mr. CRITTENDEN saw no good reason for exempting this bill from the usual course of legislation; and moved its reference to the Committee on the Judiciary.

This motion led to a very interesting and animated debate, in which Messrs. CRITTENDEN, LINN, HUNTINGTON, BAYARD, BUCHANAN, ALLEN, WRIGHT, and CONRAD participated, to so late an hour that it was impossible to write it out for this evening's paper, even if there had been room for its admission. The bill was finally postponed till Tuesday next.

Mr. CONRAD presented to the Senate a copy of the record of the trial of General Jackson at New Orleans, which was made out thirty years ago, by the then clerk of the court. It was,

On motion of Mr. LINN, ordered to be printed for the use of the Senate.

The civil and diplomatic bill was then read and referred to the Committee on Finance; after which,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, December 22, 1842.

Mr. THOS. J. CAMPBELL presented a petition of 420 citizens of McMinn county, Tennessee, praying a repeal of the bankrupt law: referred to the Committee on the Judiciary.

Mr. SHAW presented the petition of Benjamin Watson, of Newmarket, New Hampshire, praying for a pension; which was referred to the Committee on Invalid Pensions.

Mr. C. J. INGERSOLL submitted the memorial of Mary Reeside, executrix of James Reeside, deceased.

Mr. BREWSTER presented (under the rule) the petition of ship-owners, merchants, and traders, of Oswego, New York, asking that drawback may be allowed on goods exported from this country to Canada: referred to the Committee on Commerce.

Also, the report of a special committee of the Legislative Assembly of Canada, on the subject of a free trade with Great Britain in the agricultural productions of British North America, and of a protection to those productions from the competition of foreigners in the colonial and home markets, including the memorial of the colonial committee and the despatch of Lord Stanly: referred to the same committee.

Mr. J. P. KENNEDY asked the House to take up a small bill from the Senate, to authorize the issuing of a new register to, and to change the name of, the packet ship *Westchester* to that of *the Atlantic*, of New York. He said the vessel now lay in the port of New York, at a great expense, being unable to sail until this bill was passed.

The bill was taken up, read three several times, and passed.

Mr. C. H. WILLIAMS presented the proceedings of the board of mayor and aldermen of the city of Memphis, Tennessee, on the subject of the establishment of a Western armory and naval depot and dock-yard at Memphis; together with the report of Colonel D. Morrison, civil engineer; the report of the committee appointed by the board &c. &c.

He then moved that it be printed. [It was a pamphlet of some 22 pages, with accompanying maps and profile.]

Objections were made in various quarters.

Mr. WILLIAMS moved that the rules be suspended, to enable him to get in his motion; but the House refused its assent.

THE GENERAL APPROPRIATION BILL.

Mr. FILLMORE said he had been much pressed to urge upon the House the necessity of disposing of the general appropriation bill. To-morrow and Saturday were set apart for the business on the private calendar, and at the other end of the avenue there was a great want of the money which this bill would appropriate; he therefore asked the House to go into Committee of the Whole on the bill entitled "A bill making appropriations for the civil and diplomatic expenses of the Government for the half calendar year ending the 30th day of June, 1842."

Mr. STANLY suggested to the gentleman from New York that it would be necessary to fix some time for terminating debate on this bill; otherwise it might be run on to an unnecessary length.

Mr. FILLMORE assented; and moved a resolution fixing 2 o'clock this day to terminate debate in Committee of the Whole on this bill.

The motion was agreed to.

Mr. FILLMORE then renewed his motion that the House go into Committee of the Whole on the state of the Union on this bill.

The motion was agreed to, and Mr. BRIGGS took the Chair.

Mr. BURNELL was entitled to the floor from the last day on which this bill was in Committee of the Whole, on the pending question to reduce the appropriation from $50,000 to $20,000, on the motion of Mr. GILMER. He first glanced at the importance of this last survey—not a particular, but a general importance to the South and to the West, as well as to the East and to the North. In this point of view he confessed he had been not a little surprised at the remarks of the gentleman from Illinois [Mr. REYNOLDS] in the discussion of this question the other day. The sea was the great highway in which every part of this country was interested: there might, with some gentlemen, be a peculiar interest in the prolongation and maintenance of the Cumberland road; but there was a general interest in the removal of the obstructions that existed in this great highway of the national commerce, or the discovery of their precise position; whether at the commencement of the navigation of the Mississippi, or the Balize, at New Orleans, or at any other point of their coast. But now the proposition was virtually to abandon the survey, by cutting down the appropriation from $50,000 to $20,000, the usual annual appropriation having been $100,000; and this was put on the ground of economy—an economy which would be a saving at the spigot, and a loss at the bunghole. On what sort of principle did gentlemen put this case? In some quarters, gentlemen had taken an abstraction—and on that abstraction the question had been put, whether the lives and the property of their countrymen, to an illimitable extent, should be protected; or whether that immense interest should be sacrified, for the purpose of saving an insignificant number of dollars in the treasury. He might ask, where was it that the money in the treasury itself was raised, if it was not from the resources which commerce creates? But it had been said that the committee ought not to make any appropriation, so long as the Government could get along without it. Why, whatever might become of the people, the Government could get along without the Cumberland road; or if the whole of the river Mississippi were choked up with snags; or if every light house on the coast were extinguished. The argument was in favor of economy; and the trade of a great nation was to be put against a few thousand dollars in the treasury! Why did they want the snags taken out of the Mississippi? And here he would direct the attention of the committee to the recently received relations of the destruction of property in the western district of this country; and he would tell the gentlemen from the West, that he, as a Northern man, wished to see the Western gentlemen bring forward their bills, and he should be treacherous to his constituents if he did not stand by and see the obstructions to Western navigation all removed. That was the ground on which he stood as one of this national committee. Now, during the last seventeen months, there had been sixty-nine vessels wrecked on the Mississippi, in consequence of obstructions to its navigation; and yet the gentleman from Virginia had proposed to reduce the appropriation for the coast survey from $50,000 to $20,000; and he would reduce it to $10,000 if he could have his own way. Why, those wrecked vessels were, perhaps, worth $10,000; but the Government could get on, according to some gentlemen, without the removal of the snags from the river!

Again: look at the seaboard at the other end of the great natural highway. Why, within a very limited period, 575 souls had gone down to a watery death, never to rise again. He could not tell them the amount of property which had been lost on that coast, but it was immense; and discoveries had been made by this coast survey which were of the utmost importance to navigation and the preservation of commerce, though they might be deemed of no importance to the Government. He confessed he was sorry to hear such narrow views expressed as those to which he had been alluding—and made, too, by gentlemen to whom this survey was important, although, in their native counties, they did not hear the raging of the storm. He could

scarcely deem it necessary to state, much less to argue, the necessity of the survey of the coast of a country which had 2,240,000 tons of shipping—a nation only second in the world in amount of its shipping, the first having but 2,800,000 tons!

He then noticed several shoals in his own neighborhood, about whose position and extent there had been much controversy, and the consequent loss of time which was occasioned by the sweeping route which its uncertain position compelled vessels to take; and, also, to the inaccuracy with which shoals had been hitherto laid down, whereby both lives and property had been sacrificed. These shoals were found on every part of their coast; and, in consequence of the uncertainty attending their positions, wrecks occurred; and the owners of one wrecked vessel alone had suffered recently to the extent of $50,000. He could appeal to his friends from Maine, (whose constituents were deeply interested in this survey, especially those engaged in the lumber trade;) but he took it for granted that a survey of the coast was deemed necessary to all parts of the country, and that a wise economy would dictate it to the Government, for the sake more particularly of every part of the nation where there was a surplus of products, and a desire to send that surplus to market.

It was, however, proposed to abandon the survey now; and it was added, that it could be resumed by-and-by. He looked upon this survey as one of the most splendid monuments of human genius which science had ever erected in the world; and he represented Mr. Hassler as entitled to the nation's gratitude; and as regarded the survey, in point of economy, he considered its continuance as the most economical course that could be pursued. The work was in progress; the difficulties attendant on the commencement of all great works had been surmounted; skill was employed, which the country had paid for, and instruments and vessels were provided. If, therefore, these persons were disbanded, and these instruments and vessels were disposed of, they would not only lose all they had been acquiring, but a very large expenditure would be requisite whenever the work was resumed, which its continuance would not call for.

Some conversation here ensued between Mr. BURNELL and Mr. AYCRIGG on the points disputed at an earlier period of the debate.

Mr. BURNELL then proceeded to show the necessity of the continuance of the survey: first, by calling attention to the discoveries which had been already made, and the partial advantages which it had afforded; and then by stating, particularly, certain errors respecting the positions of shoals, which had occasioned the loss of property equal to the whole cost of the survey; and the absolute necessity which existed of affording to mariners correct charts for their guidance.

Mr. C. J. INGERSOLL said he did not rise so much to make a speech, as to state a motion which he should submit, in case the pending motion was voted down. He had taken great pains to be correctly informed as to this survey; and he was convinced that it was a subject of great national importance, and on no account to be abandoned. He was equally satisfied and convinced that Mr. Hassler's supervision was the best that could be obtained in the country. Without, then, intending to imply any want of confidence in Mr. Hassler, he was still convinced that $25,000 a year might be saved by simply requiring our own officers of the army and navy to perform the duties, for performing which others were paid so highly. He should move to insert the following proviso to the appropriation:

Provided, The superintendent shall have no power over the disposition of said money; but that the officers of the army and navy shall be exclusively employed upon the survey of the coast, under the direction of the Secretaries of War and the Navy, respectively.

By reference to the report of the Secretary of the Treasury, it would be seen what large sums had been expended. In 1833, $20,000 was expended; in 1836, $47,000; in 1837, $91 000; in 1838, $88,000; in 1839, $88,000; in 1840, $68,000; during the first two quarters of 1841, about $34,000; and for the expenses of the hydrographic parties from 1835 to 1841, $32,000. There had also been expended, in the shape of extra pay to officers of the army and navy, (being the difference between their regular pay and their allowance when employed on the survey) $114,584. It would be perceived that the sum appropriated was annually increased, and it was not until within a year or two past that $100,000 was annually appropriated. He saw no reason why the increase had been made. In the report, he found a long list of officers with large salaries; and, in fact, Mr. Hassler had more money at his disposal than any officer of the Government except the President.

He agreed with his friend from Illinois, [Mr. REYNOLDS,] that if the officers educated at West Point Academy were not capable of making surveys required by the Government, it was high time the country should be informed of the fact. Mr. Hassler, too, was old; and it could not be expected that a man so advanced in life would long survive to be at the head of the survey. Acting upon this fact, he thought we should be training our officers to succeed him in the performance of his invaluable services. That those officers should be allowed extra pay when making surveys, he thought essentially wrong. Our navy officers were now paid liberally—higher than those of any other navy in the world. Should the committee vote down the motion pending, (which seemed to him to be a mere forcible cutting down of the appropriation, without rhyme or reason,) he should move that they be employed to the exclusion of other persons who were now paid high salaries by the Government.

Mr. MALLORY said he was aware of the anxiety of the committee that the debate should be brought to a close; yet, he felt it to be due to himself, as the chairman of the select committee, not to permit the question to be taken without offering a few remarks. He regretted that this discussion should have taken place in advance of the report of the select committee, because he was convinced that, when that report should have been made, the evidence by which it would be accompanied would bear him out in what he had said when he last addressed the committee, as well as what he should now say. He was no enemy to the coast survey; but it was because of his great anxiety to have it finished that he had instituted the inquiry to know why, after the expenditure of $100,000 a year, (making a gross sum of $750,000 to $900,000,) no practical results had been accomplished, except three pitiful charts, one of which was known to be incorrect. Gentlemen might make light of this; but those who are acquainted with maritime affairs know that it was by no means a light matter to have charts placed in the hands of mariners which were incorrect. But the gentleman from Massachusetts [Mr. BURNELL] seemed to think that it made no difference how the scale was, so the chart itself was correct.

Mr. BURNELL explained. What he had said was, that the survey might be very accurate, and yet the scale of the chart so placed as to give an erroneous idea.

Mr. MALLORY resumed. As he had said, after the expenditure of (to speak in round numbers) $800,000; after the employment of one brig, four schooners, twenty barges, and scores of men from the army and navy, for ten years, nothing perceptible had been done—nothing to show to the country for this vast expenditure of money! And yet, because he had instituted inquiries, and investigated the proceedings of this extraordinary prodigy of science—this Galileo—this Sophocles—this Nestor—this Ferdinand R. Hassler;—because he had presumed to question a man thus plastered with praise by gentlemen here, he was to be charged with having been guilty of a *scandalum magnatum!* Surely, no philosopher of ancient or modern times ever had such eulogies passed upon him. The gentleman from South Carolina [Mr. HOLMES] might say that he felt rebuked that a committee of the House—men learned only in the alphabet of science—should interpose to correct such a mathematician as Hassler. But he (Mr. M.) felt rebuked from a different cause. He felt rebuked for the army and navy of his country—rebuked to think that none of the officers were capable of conducting the surveys ordered by the Government. It would seem, from passing events, that Congress had to deal with a privileged order of men, and that it could not call in question the conduct of any of the officers and employees of this Government, without bringing upon itself a shower of denunciation and abuse. These complaints on the part of interested individuals had become stereotyped; and, a few days since, a correspondence was even carried on between a gentleman advocating Mr. Hassler on the floor, and a portion of his corps of observation in the gallery. It might be a part of Mr. Hassler's diplomacy to have this corps of observation in the gallery, instead of in the field; and he wondered that the friends and eulogists of that gentleman did not think of him as a fit person to conduct the negotiations with Lord Ashburton.

But, the time admonished him that he must hurry on with his remarks. Eccentricity was, with him, no excuse for arrogance and insolence, and confusion of ideas was no test of greatness; for, when he was a school-boy, one of the first lessons taught him was, that the individual whose head thought clearly, always spoke clearly and wrote clearly. So much in reply to his colleague's remarks on Mr. Hassler's eccentricities and confusion of ideas. But he was known in Europe, gentlemen said. How known? and for what? What had he done to cause his name to be known throughout the world? Any common navigator and mathematician, with one little vessel, could have traced out the soundings of a few bays and rivers, as well as this Galileo, Sophocles, or Marshal Blucher has done it, (for Mr. Hassler had been compared by his eulogists to all these great men.) In one respect, it appeared to him that it did require the talents of Marshal Blucher to conduct this great army and squadron of the coast survey. What were they? First, there was his Noah's ark, with its four foaming steeds; next, his theodolitse; vertical and reflecting circles; transit instruments; his box-chronometers; mounted barometers, (on horseback, he supposed,) reflecting telescopes, thermometers, and alhidades; his arm-protractors; his microscopic comparateur; his subdivided kilogrammes; micrometer screws; and, last, his box of wooden legs. These (said Mr. M.) are the accoutrements of the commander-in-chief. Then we have a brilliant array of army officers, with their sixty tents, with a retinue of wagons and horses. Then came the navy force, headed by a captain in the navy, with several naval officers, and twenty boats, with their crews. Now, he would say that it did require the talents of Marshal Blucher to manage this grand array of naval and military force.

While speaking of the arrogance of this foreigner, he did not wish to be understood as having any hostile feelings to any foreigner that came to this country. On the contrary, he was willing that he should enjoy the same rights that he (Mr. M.) did; willing, in short, to place him on the same footing with himself; but he was unwilling that he should exalt himself above every other man in the country, and to see the Congress of the United States endorse the calumny. Such was the prejudice of this foreigner against the United States, that he would not even get the copper for his plates in this country, but sent for them to Europe; and when he did get it, it was found to be worthless, and unfit for the purpose. He also sent to Hamburgh for two engravers, when it was well known that there were a number of engravers in this country capable of executing any work that might be given them. Speaking of his arrogance, there was not a department of the Government, in which he had not given a sample of it. He was first attached to the Navy Department, and at one time he had several serious difficulties with Secretary Dickerson. Then he was transferred to the Treasury Department, and we find him there (said Mr. M.) conducting a voluminous correspondence with the Secretary about his pay, and the pay of those under his command. Though so much had been said about his disinterestedness, yet he was willing to absent himself from his duties for months, to squable with the departments about the amount of his compensation. And as to his great qualifications—why, he tells you himself, in one of his reports, that he was five years getting ready to begin his work; and all that time, too, drawing full day from the Government.

One instance of Mr. Hassler's want of temper, and disrespect to Congress, he would mention. The committee, anxious to ascertain when the charts of the surveys that had been made could be published, with the cost of them, inquired of the engraver who was summoned before them, what the cost of engraving them would be. He answered, that he could not tell without seeing the manuscript charts: Upon this, the committee addressed a letter to Mr. H., which was sent by the engraver, requesting him to permit that gentleman to see the charts, and telling him the purpose for which they were to be inspected. The engraver came back to the committee-room, and said that Mr. H. refused to let him see the charts, and had used language, both towards the committee and Congress, so exceedingly disrespectful, that he would not like to repeat it. This would be sufficient to show the temper of this Galileo, who was always courting inquiry, and, when it was instituted, loudly complained about persecution. Here was a letter from Mr. H., in reply to the respectful note addressed to him by the committee, which he would ask the Clerk to read, in order to show the temper of this man, and the disrespectful manner in which he treated a committee of the House.

Mr. WISE objected to the reading of that letter. It was a part of the journal of the committee; and he, as a member of the committee, protested against the reading of any part of its journal, unless all the members of the committee had access to it, to make a report.

Mr. MALLORY said that the papers of the committee had passed freely about from member to member; and Mr. Hassler himself had been permitted to take a copy of his evidence, for the purpose of explaining it; though, in doing so, he made about ten lines for every one of his testimony, and confused it so that it would take a Philadelphia lawyer to understand it. He would not, however, violate the rules of the House by reading the letter, though it would seem but fair that he should be permitted to do what other gentlemen had done in the course of the debate. His colleague, the other day, in his remarks, made use of testimony that was before the committee; and the friends of Mr. Hassler had made use of information derived from the officers of the coast survey.

[Here several gentlemen called for the reading of the letter; and it was read, as follows:

WASHINGTON, May 30, 1842.

SIR: The unprovoked *insult* offered to me by sending the engraver Stone to me to inspect the work of the coast survey is the map of New York, is too much, as well for the powers of the committee, as for the feelings of an honest man.

You know that the maps of the coast survey cannot be engraved but in the office under my own inspection. You know that the map in question is already cut up in plates, two of which are under the engraver's hands nearly finished, two others just beginning, for two more the drawing is nearly finished, and two more are half finished drawings.

You know that the engraver Stone is in no way qualified to do such work, nor that I could be made responsible for any of his doings. Hence you cannot otherwise but conclude that the measure you begin is destructive to the work, therefore to the execution and expenses hitherto incurred, therefore directly opposite to the aim professed by the committee to favor the coast survey work.

No man can expect that I, who am answerable for the work, could be compelled to give the final execution in the hands of a man in whom I have not the slightest reason to have any confidence whatever.

I consider the sending of Stone *to inspect my work, as he said first, an unmerited insult;* and I am certain that every member of the committee, placed in my situation, would consider it so.

With best respect and good wishes,
Your obedient servant,
F. R. HASSLER.

Hon. FRANCIS MALLORY,
Chairman of the Committee on the Coast Survey.

Here was a specimen (Mr. M. said) of the temper and ability of this Galileo, who reminded him of Paracelsus of old, the greatest boaster of the age he lived in. This empyric said that he had discovered an elixir, the drinking of which would render a man immortal; yet he died with a vial of it in his pocket.

Now, as he had but little time left him, he would give the reasons why he thought the superintendence of this coast survey should be placed in other hands. Though Mr. M. had been for such a number of years employed in this work, no part of the survey was yet complete. When the committee examined him, they found that there had been no deep soundings from Point Judith to the Delaware; and when questioned on that subject, he answered that it could not be done unless Congress would make an additional appropriation of one hundred thousand dollars. He said that he had discovered great errors in Bowditch and the American Almanac as to the latitude and longitude of several parts of the coast; and yet he has not made them public, so that his discoveries are of no manner of benefit to navigators. Then, as to the Gedney channel, for which so much credit has been given him on that floor. Why, he did not discover it. It was discovered by Capt. Gedney, an officer of the navy, and though it was discovered as long ago as 1835, it was not yet published. Then the famous shoal in the Delaware, of which so much was said by the gentleman from Pennsylvania, [Mr. J. R. INGERSOLL,] was discovered three years ago, and no chart of it has yet been published. One great objection to him was the slow progress he had made in the work, and the probability that it would be equally slow in future. We have a coast of 3,000 miles in extent, and only 300 of it has yet been surveyed. Now, any school boy, with his slate, could calculate that, if it took ten years to go round 300 miles, it would take one hundred years to go round 3,000. None but a Rosicrucian, therefore, could expect to see the completion of the work. Whether it was to cost two or twenty millions, no man could tell. When Mr. Hassler was asked that question, he could give no information on the subject. In conclusion, Mr. M. said that the direction of the work ought to be changed. It ought to be placed under the charge of the officers of the army and navy; and, by this means, a saving could be effected of $40,000 a year.

The hour having arrived at which, by the resolution adopted this morning, the debate was to terminate, Mr. M. was cut short in his remarks, and took his seat.

Mr. GILMER then modified his resolution by substituting $10,000 for $20,000, so as to strike out $50,000 and insert $10,000.

Mr. SPRIGG asked if it would be in order to move a division of the question.

The CHAIR said that it would not.

Mr. TRIPLETT inquired what course gentlemen were to take who wanted the appropriation stricken out altogether. He did not want to vote a cent.

The CHAIR said that, after the question was taken on the pending motion, it would be in order to move to strike out the whole clause.

The question was then taken by tellers, (Messrs. WELLER and TRIPLETT,) on Mr. GILMER's motion, and carried—ayes 82, noes 63.

So the appropriation was reduced from $50,000 to $10,000.

Mr. GWIN then moved to strike out the whole clause making an appropriation for the coast survey; and the question having been taken by tellers, (Messrs. BLACK and C. J. INGERSOLL) was carried—ayes 79, noes 64.

So the appropriation for the coast survey was stricken out.

Mr. TILLINGHAST offered an amendment, appropriating $5,000 for preparing and publishing an account of the exploring expedition; which was adopted.

Mr. SPRIGG moved to strike out the appropriation of $25,000 for the custom-house at Boston: rejected—ayes 47, noes not counted.

Mr. THOMPSON of Indiana offered an amendment, to come in after the clause providing for miscellaneous claims, that no part of that sum should be applied to the furnishing the new custom-house at the city of New York: carried—ayes 64, noes 62.

The clause making appropriations for light-houses having been read and concurred in—

Mr. SPRIGG offered an amendment, providing that the Secretary of the Treasury shall cause an account to be kept of all the expenditures, of every description whatsoever, in relation to light-houses; and that he report the same annually to Congress: rejected—ayes 55, noes 71.

Mr. McKEON moved to strike out the appropriation for the pay of ministers to Prussia, Austria, Spain, and Brazil: lost without a count.

Mr. McKEON moved to strike out the whole clause making an appropriation for the salaries of chargés des affaires to Portugal, Denmark, Sweden Holland, Belgium, Chili, Peru, Venezuela, New Grenada, Texas, Naples, and Sardinia: lost without a division.

Mr. C. J. INGERSOLL offered an amendment appropriating $5,000 for the pay of a commercial agent to Europe: rejected.

[The reporter has been furnished by Mr. INGERSOLL with the following, as the substance of the remarks he would have made, had he not been prohibited from doing so by the resolution which cut off further debate on the bill.]

Mr. C. J. INGERSOLL hardly expected his motion to succeed, because the project was novel, involving expense, and a new office. Yet he would explain why he was convinced it ought; believing that, eventually, it would; for the more it came to be considered, the greater favor it would find. The productive interest of this great country is immense, and may be much improved by Government. During the current year, two million two hundred thousand bales of cotton, incalculable quantities of grain, meat, coal, lumber, and other staples, have sprung from the soil, craving consumers. They are all cheap beyond former experience. While superabundant here, there is crying want of them in other countries. We have a vast deal more than we can consume, while they want a vast deal more than they can get, merely because commercial restrictions prevent our supplying them, and thereby greatly augmenting our navigating wealth, too.

What I propose is a cheap and rational endeavor to promote an object so desirable, by a commercial agency—national, but not political—productive, not diplomatic—a foreign minister, to represent abroad not the Government, but the produce of the United States—the cotton, grain, meats, coal, rice, lumber, and whatever else our teeming mother earth annually brings forth for the comfort of mankind, to clothe, feed, warm, and make them happy. This House did originate such a minister for one staple—tobacco; and the minister plenipotentiary of the United States to Austria is, in fact, nothing more than a tobacco agent. All our foreign ministers are, indeed, but commercial agents; and what I propose is, to aid them by an attorney *ad hoc*, whose sole business shall be to remove the obstacles to more extended American commerce, by demonstrating to foreign Governments—and, more than Governments, by convincing foreign nations—that it is their interest not to let their people suffer while we can easily and cheaply prevent it. Our political foreign ministers are well enough in their orbits; though we have too many little ones. But what we want is not politicians, or even statesmen; but practical men of business, without the parade or restraint of diplomacy, yet with the recommendation and support of Government, to enlighten the understanding, and enlist the interests of other countries—to awaken their minds to the demonstrable policy of improving their condition, by connecting it with what we have and they have not, fairly exchanged for what they have more than we. Foreign political ministers alone cannot do this: consuls still less. They are both stationary—the consuls without salaries, mostly merchants, having their livelihood to earn. What we want is intelligent men, to go everywhere, mix informally with all classes, act in every proper way on public opinion, break inveterate habits and prejudices, and bring about convictions undoubtedly rational.

Perhaps twice as much cotton as is raised in the United States could be wrought in France and Germany, where the cheap labor, the ingenious handicrafts, the taste and scientific knowledge, exceed those of England; and the filations and industrial progress of both those great countries, and in developments as energetic as those of Great Britain, from 1810 to 1830; and in neither France nor Germany has American cotton any rival home-interest, such as English India. The late German trade union—called, I believe, Zoll Verein—has, no doubt, not escaped the attention of our Govern-

ment, where Prussian, Austrian, and perhaps other ministers must be alive to its vast importance to American commerce. But such ministers, with their formal correspondence, cannot see all that the occasion calls for. This is the moment of universal peace and universal struggle for productive independence of British manufacturing supremacy. We ought to strain every nerve for our share of the wealth of nations. We ought to have special, informal agencies to recommend, explain, and introduce our staples. A friendly feeling is said to exist in Germany towards our intercourse. It certainly did in France; and even yet does, notwithstanding our late most ill-advised acts of Congress to alienate the French. The consumption of our rice has considerably increased through the northern German ports, I believe, since, by mutual concessions, we have cultivated more dealings with them. The same thing may be done for cotton, coal, meats, grain, and lumber, with Germany, France, and England too, by similar means. The increased consumption of our cotton might be immense. But we must act with all our faculties—by commercial as well as diplomatic instrumentality—and do it without delay. Now is the very time, when all Europe is casting about to remodel their industry, with all good will, to cultivate our acquaintance; and we are groaning with excessive production, clamoring for consumers. Habit in Europe is an umpire we have no idea of, which it requires revolution to change; and we must not let those great customers acquire the habit of using Egyptian, South American, or East India cotton, inferior to ours. We can beat them all easily, at any price. And so of several other great staples. Reciprocal commercial concessions would soon work miracles for us in all the countries of Europe, just now shaking off the English yoke. But, for this accomplishment we must not rely on our foreign ministers, or consuls, or merchants alone. Government must interpose by special agency to dispel prejudice, impress information, enlighten public sentiment, (especially the press,) and by all fair, open, and active action, carry conviction home upon communities.

See what the late English duties act has done in the way of awakening them to the advantage of being supplied with American meat. And not only Great Britain, but France may be supplied with it. Pork, for instance, worth 3 or 4 cents a pound in Cincinnati, would bring from 12 to 16 in Lyons or Toulon, as well as London and Dublin. Of the nine hundred thousand people of Paris, and two millions of London, many thousands are half starved because they cannot pay 12 cents for pork we can sell them at six. The whole Western country, with its inexhaustible productions of food and clothing, is vitally interested in the measure I propose.

American cotton—the mightiest of staples, before which even iron is eclipsed—hitherto the sun of the world of industry—may be readily made to supersede Egyptian, South American, and East India cotton, which, for coarse fabrics, is used in France, Germany, and Switzerland; but, to do that, *habit* must be overcome. Egyptian cotton, introduced mostly through French ports, has had considerable foothold in many parts of Europe. The ascertained consumption, the kinds preferred, and the quantity and quality that might be wanted, regularly published by an American agent *ad hoc*, would be reliable information to our cotton-growers, alone worth much more than all the cost of the agency I propose. Merchants know that mercantile prices current are often published, and circulars disseminated, to conceal, not tell the truth, for the benefit of speculators. Fine North American cotton, which cannot be rivalled by Egypt, Brazil, or India, is to clothe men, ships, and dwellings throughout the world, and render it tributary to this country, if it will but do justice to that inestimable production, of which even the various uses yet remain to be discovered. The agency proposed should bend its whole force to the greater establishment of this; and might, at least, double our export of it.

Another American growth may, I think, be familiarized to European adoption—stone coal. The industry of France is cramped for want of fuel. There is none but very inferior wood, costing at Paris about $18 the cord. English coal is subjected to a heavy export duty before it leaves England, and a heavy impost in France; so that it is not used there. Coal from Belgium is taken to France; but it is not near as good, or, I believe, as cheap as our coal. It is bituminous. What French coal there may be is inaccessible, for want of roads and canals to it. Now, Pennsylvania coal, if taken to France as ballast, might be delivered there at less than one-third of the price of French fire-wood; and if even paying freight, at about one-half, I suppose—at from five dollars to eight dollars the ton. Connected with cotton, what a prodigious impulse it might give to French industry! I have long thought that the coal-miners, or even the Legislature of Pennsylvania, ought to send a coal agent to France, without waiting the action of Congress. But the commercial agency I propose would embrace all our staples—cotton, coal, grain, meat, rice, lumber, and others.

I have not mentioned tobacco, because I believe it would be by far the most difficult to get introduced freely. But there is no reason why the commercial agency suggested should not embrace tobacco with the rest.

It is not necessary to point out the advantages of such commercial extension to navigation. But it ought to be added, that its success would be the best remedy for the evils of the bad currency, which all agree we suffer under.

I have but sketched what might be drawn at large. It would be easy to carry these views much further, to explain their intimate connexion with our currency—our very Union itself. But I omit much that might be presented, confining myself to the shortest intimation of what I am sure the more it is thought of, the more convincing it will prove, when abler and more practical minds than mine come to consider it. American cotton, coal, grain, rice, meat, lumber—all the principal staples of this teeming country, need but foreign markets for their exports to be increased beyond belief. They are as much needed abroad as they are superabundant at home. A few thousand dollars—not more than a very few days of debate, or even of adjournment of Congress, cost—would amply pay a special agent, (or more than one, if deemed advisable,) to visit the capitals and other proper places of Europe, openly and freely to enlighten public sentiment, enlist private interest, incline Governments, inform the press, and prevail on nations to cultivate a greater commercial intercourse than now exists with this people. We have been, I think, extremely remiss in this endeavor. I took the liberty of mentioning it personally to the last administration; I have taken the same liberty with the present; without much encouragement from either. I now lay it before Congress and before the country, hardly flattering myself that it will have immediate acceptance; but well assured that the more it is thought of, the more favor it will find. One such agent as is contemplated for a sum insignificant in amount, if properly selected—no party hack or mere personal favorite—may render more public service than two-thirds of the diplomatic instruments we maintain abroad. Mr. I. concluded by invoking the aid of those representing the interests of cotton, and coal, and grain, and meat, on the floor, to support his motion. It asks for a very small sum, which, even if all his notions on the subject were unsound, would be less than is continually paid for printing some useless document, or paying some undeserving applicant. If even partially successful, its results would be inestimably valuable. It is a kind of cheap *utilitarian* mission, more deserving of attention than all the sham diplomacy we send abroad. If this plan had been recommended by the Executive, and introduced by a committee heralded by a report, there would be no doubt of its adoption. The Committee of the Whole would determine whether an individual effort, without any such advantages, is deserving of support.

Mr. T. W. WILLIAMS moved to add an appropriation for the salary of the consul at Beyrout, in Syria, $500: rejected without a division.

Mr. MERIWETHER offered the following amendment:

And be it further enacted, That no part of any appropriation hereby made, shall be transferred to any other object than that for which it is specifically appropriated.

Rejected.

Mr. McKENNAN submitted the following amendment:

Provided, further, That it shall not be lawful for any clerk appointed after the commencement of the present session of Congress to be allowed or paid out of any moneys appropriated by this act, only at the lowest rate of salary authorized by law to the clerkships in the office where such clerk may be so appointed: *And provided, further*, That the senior efficient experienced clerks in office previously to the commencement of the present session of Congress shall be allowed and paid at the higher rates of salary, according to their seniority in office, and their efficiency and experience in the business of the office wherein they are employed, and of which efficiency and experience the immediate head thereof shall judge and determine.

Rejected without a count.

On motion by Mr. FILLMORE, the bill was further amended by inserting an appropriation for the contingent expenses of the bureau of navy yards and docks, $250.

On motion by Mr. FILLMORE, the committee then rose, and reported the bill to the House as amended.

Mr. YORKE moved the previous question; which motion prevailed, and the House immediately proceeded to vote upon the amendments reported from the Committee of the Whole.

Mr. WISE asked for the yeas and nays on concurring with the committee in striking out the appropriation of $50,000 for the coast survey under Hassler's superintendence; and they were ordered.

The House concurred by the following vote:

YEAS—Messrs. Landaff W. Andrews, Sherlock J. Andrews, Arnold, Arrington, Atherton, Aycrigg, Babcock, Beeson, Bidlack, Black, Boardman, Botts, Boyd, Brewster, Bronson, Aaron V. Brown, Milton Brown, Charles Brown, Burke, William Butler, William O. Butler, Green W. Caldwell, Patrick C. Caldwell, William B. Campbell, Thomas J. Campbell, Caruthers, Casey, Chapman, Chittenden, Clifford, James Cooper, Mark A. Cooper, Cowen, Cravens, Cross, Garrett Davis, Richard D. Davis, Dean, Deberry, Doan, Doig, Eastman, Egbert, Fessenden, John G. Floyd, Charles A. Floyd, A. Lawrence Foster, Gamble, Gentry, Gerry, Gilmer, Goggin, William O. Goode, Graham, Green, Gustine, Gwin, Harris, Haye, Houck, Houston, Hubard, Hunter, Jack, Andrew Kennedy, Lewis, Littlefield, Abraham McClellan, McKay, Marchand, Thomas F. Marshall, Mathiot, Mattocks, Maxwell, Maynard, Medill, Meriwether, Mitchell, Moore, Morgan, Morris, Newhard, Osborne, Owsley, Patridge, Payne, Plumer, Ramsey, Read, Reding, Rencher, Reynolds, Riggs, Rogers, William Russell, Shaw, Shields, Slade, Snyder, Sollers, Sprigg, Stokely, Alexander H. H. Stuart, John T. Stuart, John B. Thompson, Jacob Thompson, Triplett, Trout, Turney, Ward, Watterson, Weller, Westbrook, Joseph L. White, Christopher H. Williams, and Yorke—119.

NAYS—Messrs. Adams, Allen, Baker, Barton, Birdseye, Blair, Borden, Bowne, Briggs, Burnell, Calhoun, John Campbell, Cary, Childs, John C. Clark, Staley N. Clarke, Clinton, Coles, Cranston, Cushing, Daniel, Dawson, Everett, Ferris, Fillmore, Fornance, Gates, Giddings, Patrick G. Goode, Gordon, Granger, Hastings, Henry, Howard, Hudson, Charles J. Ingersoll, Joseph R. Ingersoll, James Irvin, William W. Irwin, William Cost Johnson, John W. Jones, Isaac D. Jones, Keim, John P. Kennedy, King, Linn, Lowell, Robert McClellan, McKennan, McKeon, Alfred Marshall, Miller, Morrow, Parmenter, Pendleton, Benjamin Randall, Alexander Randall, Randolph, Ridgway, Rodney, Roosevelt, James M. Russell, Saltonstall, Sanford, Truman Smith, Stanly, Summers, Sumter, Taliaferro, Richard W. Thompson, Tillinghast, Toland, Trumbull, Underwood, Van Buren, Wallace, Warren, Washington, Thomas W. Williams, Joseph L. Williams, Winthrop, Wise, Wood, Augustus Young, and John Young—84.

The amendment of the committee reducing the appropriation for the contingent expenses of the Bureau of Medicine and Surgery to $200, was nonconcurred in.

The remaining amendments were concurred in.

Mr. C. J. INGERSOLL attempted to get in an amendment reducing the appropriation for the Judiciary; but

The SPEAKER ruled him out of order, inasmuch as the previous question had been ordered.

The engrossment of the bill was then ordered.

Mr. FILLMORE asked the unanimous consent of the House to have the question now taken on its passage.

The bill was then read a third time, and passed.

OHIO RIVER.

Mr. W. W. IRWIN offered the following resolution; which was adopted:

Resolved, That the Secretary of War be, and is hereby, directed to cause to be communicated to the House of Representatives, as soon as convenient, the report by Captain George W. Hughes, of the United States corps of topographical engineers, of his late *reconnoissance* and survey of the Ohio river.

The SPEAKER submitted a number of Executive communications, as follows:

1. A communication from the Treasury Department, transmitting the report of F. R. Hassler, upon the progress of the coast survey; also, a report upon the subject of the standard weights and measures: referred to the Select Committee.

2. A communication from the Treasury Department, covering the annual report and list of insolvent debtors in the United States: referred to the Judiciary Committee.

3. A communication from the Navy Department, in answer to the resolution of the House, passed 17th December, calling for information in relation to the dry dock contemplated at Brooklyn: referred to the Committee on Naval Affairs.

Mr. FILLMORE moved that the communication be also printed.

Which motion was opposed by Mr. WISE.

After debate, it was carried—ayes 83, noes not counted.

COAST SURVEY BY NAVY OFFICERS.

Mr. MERIWETHER offered the following resolution:

Resolved, That the Select Committee on the Coast Survey inquire into the propriety of dispensing with the topographical survey of the same; of limiting the number of persons (including the superintendents and assistants) engaged therein; and of employing officers of the navy in the same.

Mr. WISE remarked, that all that was embraced in the resolution was now under consideration by the select committee raised at the last session, and continued at the present. He pledged himself, as a member of that committee, to investigate the whole subject, and to summon every topographical engineer in the city to testify; and he ventured to say, that if all the testimony already taken had been read, the House would not have come to such a vote as it did to-day, when the whole appropriation for the survey was stricken out.

Mr. EVERETT was of opinion that a blow had been to-day struck at the coast survey, from which he doubted if it ever would survive. Besides the intrinsic usefulness of such a survey to the country, it was due to our national pride that it should be kept up, and the United States thereby contribute its share to the science of the world. He then commented upon the evil effects which would flow from the casting a suspicion abroad that Mr. Hassler was a humbug. Such a course would, he thought, destroy the efficiency of any successor who might be appointed in resuscitating the work.

Mr. CHARLES BROWN said the House had struck no blow at the coast survey, as was asserted by the gentleman from Virginia [Mr. WISE] and the gentleman from Vermont [Mr. EVERETT;] it had only decided that it would relieve the treasury of the country from an annual expenditure of one hundred thousand dollars, and the survey from the paralyzing influence of a superannuated superintendent and his corps, and place the whole under the officers of the navy and army of the United States, where it ought always to have been. If the Government had no officers in its navy and army capable of carrying on the work, it was time it had; and which, if it had not, it could soon get. He hoped, therefore, that the resolution of the gentleman from Georgia [Mr. MERIWETHER] would be adopted; and that the committee would introduce a bill, at an early day, placing this important work under the charge of the President of the United States, to be conducted by officers of the navy and of the topographical engineers of the army—of those officers that the Government had been educating, at a large expense, for forty years. He had not the least doubt but, under them, the survey would be as well done, and far more expeditiously, than under Mr. Hassler.

Mr. WISE would merely say that our engineers, from Abert and Totten down, would all declare that they were not so competent as Hassler; and not only that, but also that no other man could be found as competent.

Mr. MERIWETHER said, it was true he had voted against the appropriation to-day, and he could tell the gentleman from Vermont [Mr. EVERETT] that if a blow had been struck at the coast survey, as conducted by Mr. Hassler, he was glad that he had been enabled to assist in striking that blow.

He did not believe that there was a greater humbug in the country than this same Mr. Hassler. He was disposed to carry on the survey, because his constituents were interested in it; but they wanted it completed before the next century. Under present auspices, there was no prospect of accomplishing such a design.

The question was then taken upon the resolution, and it was adopted.

After which, the House adjourned.

IN SENATE.

FRIDAY, December 23, 1842.

Mr. CLAYTON presented the memorial of the heirs of Robert Fulton; which, in connexion with the papers on the files of the Senate relating to the claim, was referred to the Committee on Naval Affairs.

Mr. MILLER presented a memorial from the president and directors of the Patriotic Bank of Washington, praying an extension of their charter; which was referred to the Committee on the District of Columbia.

Mr. BAYARD presented memorials from the president and directors of the Bank of Potomac, and the Farmers' Bank of Alexandria, praying for an extension of their charters, respectively; which were referred to the Committee on the District of Columbia.

Mr. BAYARD gave notice of leave to introduce a bill to establish naval schools.

Mr. McROBERTS presented a memorial from certain citizens of Ottowa, Illinois, praying the establishment of a mail route from Ottowa, via Middle Point, to Napierville, in that State; which was referred to the Committee on the Post Office and Post Roads.

On motion by Mr. TAPPAN, it was ordered that the petition of the heirs of George C. Johnson be taken from the files, and referred to the Committee on Indian Affairs.

Mr. STURGEON presented a memorial from manufacturers of furred hats in Harrisburg, Penn., praying Congress to give them incidental protection, by removing the 25 per cent. duty imposed on imported furs by the tariff of last session: referred to the Committee on Manufactures.

On motion by Mr. STURGEON, it was ordered that the petition and papers of Charles M. Keller be taken from the files of the Senate, and referred to the Committee on Patents and the Patent Office.

On motion by Mr. HUNTINGTON, it was ordered that the papers of Charles Kohler be taken from the files of the Senate, and referred to the Committee on Commerce.

Mr. EVANS, from the Committee on Finance, reported back, without amendment, House bill entitled "An act making appropriations for the civil and diplomatic expenses of the Government for the half calendar year ending the 30th day of June, 1842."

Mr. E. gave notice that, if agreeable to the Senate, he would, at 1 o'clock, move to go into the consideration of this bill.

Also reported back, from the same committee, without amendment, Senate bill to regulate the currency of the foreign gold and silver coins.

Mr. BATES, from the Committee on Pensions, reported back, without amendment, Senate bill to regulate the compensation to pension agents.

Also reported back, from the same committee, without amendment, Senate bill to continue the office of Commissioner of Pensions.

Mr. McROBERTS, from the Committee on the Post Office and Post Roads, reported back, without amendment, and with a recommendation that it do pass, the bill for the relief of the Nantucket Steamboat Company.

Mr. SEVIER, on leave, introduced a bill for the relief of the persons residing within the reputed limits of the States of Arkansas and Louisiana, beyond the boundary line between the United States and the Republic of Texas, as established by the commissioners appointed to ascertain the same; which was read twice, and referred to the Committee on the Judiciary.

Messrs. TALLMADGE and PORTER presented memorials from the city of New York, remonstrating against the repeal of the bankrupt act; which were referred to the Judiciary Committee.

Mr. WILLIAMS submitted the following resolution; which was agreed to:

Resolved, That the Secretary of the Navy be directed to inform the Senate whether or not any pensions for disability to officers, seamen, and marines, while in the service and receiving pay, have been paid since August 16, 1841; and if any, what has been the amount thus paid, and under what law such payments have been made, since the passage of the act of July 16, 1841.

Mr. WOODBURY presented the petition of James Rundler, praying indemnity for losses by the depreciation of funds paid him for supplies furnished the Government during the late war; which was referred to the Committee on Claims.

Mr. W. also presented documents in relation to the claim of William Russell for fishing bounty; which were referred to the Committee on Commerce.

Mr. LINN, on leave, introduced a bill for the relief of the heirs and legal representatives of Madame De Lusser; which was read twice, and referred to the Committee on Private Land Claims.

Also, introduced a bill for the relief of Elizabeth Munroe; which was read twice, and referred to the Committee on Public Lands.

Also, a bill for the relief of Capt. J. Throckmorton; which was read twice, and referred to the Committee on Claims.

Mr. HENDERSON, on leave, introduced a bill to confirm the survey and location of claims to land in the State of Mississippi, east of Pearl river, and south of the thirty-first degree of north latitude; which was read twice, and referred to the Committee on the Public Lands.

Also, introduced a joint resolution authorizing the Secretary of the Treasury to settle, on certain terms, the liabilities of the sureties of Gordon D. Boyd, late receiver of public moneys at Columbus, Mississippi; which was twice read, and referred to the Judiciary Committee.

The following resolution, submitted by Mr. BARROW on yesterday, was taken up and agreed to, viz:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of granting to the State of Louisiana every alternate section of the public lands in the limits of that State, which have been returned as not worth the cost of survey; and each alternate section of such lands as are subject to inundation by the overflowing of the Mississippi river, on the condition that the said State construct levees, by means of which said lands shall be effectually protected, thereafter, from inundation: *And provided*, That the proceeds of the sales of lands reclaimed by means of such levees, shall be exclusively appropriated by the State of Louisiana to the making of roads and the improving of rivers and bayous within its limits.

AFRICAN SQUADRON AND QUINTUPLE TREATY.

The following resolution, submitted by Mr. BENTON, was taken up as one of the special orders of the day:

Resolved, That the President be requested to inform the Senate, (if compatible with the public interest,) whether the quintuple treaty, for the suppression of the slave-trade, has been communicated to the Government of the United States in any form whatever; and, if so, by whom; for what purpose; and what answer may have been returned to such communication. Also, to communicate to the Senate all the information which may have been received by the Government of the United States, going to show that the "*course which this Government might take in relation to said treaty has excited no small degree of attention and discussion in Europe.*" Also, to inform the Senate how far the "warm animadversions," and "the great political excitement" which this treaty has caused in Europe, have any application or reference to the United States. Also, to inform the Senate what danger there was that "*the laws and the obligations*" of the United States in relation to the suppression of the slave-trade would be "executed by others" if we did not "*remove the pretext and motive for violating our flag and executing our laws,*" by entering into the stipulations for the African squadron, and the remonstrating embassies which are contained in the 8th and 9th articles of the late British treaty. Also, that the President be requested to communicate to the Senate all the correspondence with our ministers abroad, relating to the foregoing points of inquiry. Also, that the President be requested to communicate to the Senate all such information upon the negotiation of the African squadron articles as will show the origin of said articles, and the history and progress of their formation.

Mr. B. said the resolution presented two distinct points of inquiry: one in relation to the quintuple treaty for the suppression of the slave-trade; the other in relation to the danger of seeing our laws in relation to the suppression of the slave-trade executed by others, if we did not execute these laws ourselves. Both inquiries arise out of the President's message of August last, in which the quintuple treaty is mentioned in a way to authorise the belief that the conduct of the allied powers has had relation to

the United States; and the danger that others would execute our laws for us, if we did not enter into the African alliance: and both points were so presented, as to operate as inducements to the Senate to agree to the treaty. At the same time, the evidences of this were not given; the correspondence shed no light upon it; and there were no protocols, or minutes of conference, to show what passed between the British and American negotiators. Now, these beliefs, thus created, were either founded or not. If founded, and the great powers of Europe have actually taken cognizance of our conduct in relation to the slave trade, we, the people of the United States, ought to know it; it is due to them to know it. If not founded, then it is due to Great Britain, Austria, and Prussia, that they should be absolved from a suspicion which the message creates against them. No one can read the passages in the message without feeling that a belief of interference in our affairs is created against these sovereigns. It is not asserted, but they and their conduct are referred to in a way to excite the belief. If Mr. B. ventured any opinion, it would be, that the imputation was unfounded; and that all this parade of the quintuple allies, and the attention—discussion—animadversion—excitement—which is presented to us, was merely a scenic representation, to help on with the ratification of the treaty. With respect to the other branch of the inquiry—that in relation to executing our laws for us, if we did not execute them ourselves—he believed that there was such a threat; that it came from Great Britain; and that the people had a right to know whether it is true. As it stands, the message as good as affirms it. These were Mr. B.'s. reasons for making the call, and he was taken by surprise to see any objection to it. But objection was made; and now he must vindicate his call; and he would do it on both points of inquiry, and each in their order.

First, as to the quintuple treaty: The Senator from Virginia supposes there is nothing to be communicated, and therefore resists the call. Even if it is so, let the Government say so; let the Government say there is nothing to communicate. They will not say so. They have already said the contrary; and that in a call from the House of Representatives. They admit they have a correspondence in relation to this quintuple treaty, and promise to communicate it at the proper time. Here is the President's answer, in which the call upon him is set out—the correspondence admitted—and its communication postponed to a more suitable time.

Mr. B. then read the answer of the President to Mr. J. Q. ADAMS's call, in the following words:

To the House of Representatives:

A resolution of the House of Representatives of the 13th instant has been communicated to me, requesting, "so far as may be compatible with the public interest, a copy of the quintuple treaty between the five principal powers of Europe, for the suppression of the African slave-trade; and, also, copies of any remonstrance or protest addressed by Lewis Cass, Envoy Extraordinary and Minister Plenipotentiary of the United States at the court of France, to that Government, against the ratification by France of the said treaty; and of all correspondence between the Governments of the United States and of France; and of all communications from the said Lewis Cass to his own Government, and from this Government to him, relating thereto."

In answer to this request, I have to say that the treaty mentioned therein has not been officially communicated to the Government of the United States; and no authentic copy of it, therefore, can be furnished. In regard to the other papers requested, although it is my hope and expectation that it will be proper and convenient, at an early day, to lay them before Congress, together with others connected with the same subjects; yet, in my opinion, a communication of them to the House of Representatives, at this time, would not be compatible with the public interest.

JOHN TYLER.

WASHINGTON, June 20, 1842.

This shows that there is something to be consummated; and certainly this is the proper time for it. The negotiation is over; and there can be no reason for delaying the communication of the correspondence. Mr. B. hoped there would be no further objection to that branch of the inquiry which his resolution presented.

On the second branch of it—that of an execution of our laws and obligations by others, if we did not remove the pretext for this assumption, by entering into the African alliance. On this branch of the inquiry, he believed the reasons for having the information which was called for, were strong and irresistible. The message clearly presents the case of a threat against us on the part of Great Britain; and the question is, Is this true? If true, the country is insulted—the nation dishonored—by cowering under it. If untrue, Great Britain is wronged, by being presented as hectoring over us, when, in fact, she was not. Taken either way—and we want the facts—we want to see on what foundation this part of the message rests. This is the more necessary, because the correspondence is dead silent—silent as the grave—on all that relates to this African squadron. Not a word upon it in the one hundred and twenty pages of correspondence which was communicated to the Senate, to enlighten it upon the formation of the treaty! There is a head for it, but nothing under the head! not one word between the two negotiators! See the document, page 84, and the section headed "SUPPRESSION OF THE AFRICAN SLAVE-TRADE—EXTRADITION;" and all in glaring capitals, as if we were going to see all that passed between the two negotiators on the point of this suppression; when not a word is to be found. The extradition—this is to say, the surrender of fugitive criminals—has one note, of half a page, to say that this article for the delivery of fugitives would not be binding upon Great Britain until ratified by Parliament; and after that, his Lordship vanishes from the chapter. He is seen or heard of no more in the eight pages which follow on the suppression of the slave-trade: the whole is confined to our Secretary and a couple of naval officers—the British minister not even appearing to be cognizant of what they were about! Look at it, and follow the papers as they rise, and see what a figure they present. The first is from Captain Paine, of the United States navy, to Mr. Webster, dated May 2, 1842, and is in answer to inquiries which are not given! Mr. Webster's letter to Captain Paine is not given; and how the Captain came to make this communication is only to be guessed at; for there is no clew to its production. It is, however, a letter of much interest, and gives the history of the little Sierra Leone anti-slave-trade treaty between a British and an American officer, which was so promptly, so patriotically, so nobly rejected by Mr. Van Buren in 1840. A part of the object of the letter seems to have been to complain to the new administration of the manner in which the past administration had rejected and rebuked that little treaty—the seminal principle of the present African alliance. Mr. Paulding, as Secretary of the Navy, and speaking in the name of President Van Buren, says, in relation to the arrangement made at Sierra Leone, to Captain Paine:

"Such a delegation of power is not only unauthorized by your instructions, but contrary to the established and well-known principles and policy of your Government; and is, therefore, not sanctioned by the department."

This was a pretty pointed rebuke to Capt. Paine, who had made the arrangement with Capt. Tucker, of her Britannic Majesty's sloop-of-war the Wolverine. As such, Capt. Paine seems to have felt it; and thus signified his feelings in the concluding sentence of his letter:

"Any expression of my opinion of Mr. Paulding's letter to me would have been improper, and would still be indecorous. I shall be grateful to be informed if you think any explanation or defence necessary. I have never believed so."

The correspondence does not show whether the Secretary thought any defence or explanation on the part of Capt. Paine necessary; but he proceeded immediately to console his feelings by making an arrangement of a still stronger character with Great Britain, and availing himself of all Capt. Paine's information to facilitate its conclusion. On the 30th day of April, 1842, the Secretary addresses eight queries to Captains Bell and Paine on the subject of the African slave-trade, of which the 6th, 7th, and 8th are in these words:

"6. The utility of employing vessels of different nations to cruise together, so that one or the other might have a right to visit and search every vessel which might be met with under suspicious circumstances, either as belonging to the country of the vessel visiting and searching, or to some other country which has, by treaty, conceded such right of visitation and search."

"7. To what places slaves from slave-ships could be most conveniently taken."

"8. Finally, what number of vessels, and of what size, it would be necessary to employ on the western coast of Africa, in order to put an entire end to the traffic in slaves; and for what number of years it would probably be necessary to maintain such force to accomplish that purpose."

The answers to these queries are:

"6. We are of opinion that a squadron should be kept on the coast of Africa, to co-operate with the British, or other nations interested in stopping the slave-trade; and that the most efficient mode would be for vessels to cruise in couples—one of each nation."

"7. If captured under the American flag, send them to Cape Mesurado, Liberia; or, if convenient, to such other of the American settlements as the agent of the United States there may wish."

"8. As our personal knowledge of the slave-trade extends to only that part of it comprised between Cape Verd and Cape Palmas, it is difficult to state the exact force required for this service; not less, however, than the following, we think necessary:

"One first class sloop-of-war.

"One steamer, from two hundred to three hundred tons burden.

"Two (eight or ten gun) brigs or schooners.

"Ten schooners of about one hundred tons, each with four guns.

"One store-ship, two hundred and fifty to three hundred tons.

"All the vessels to have one-tenth less than their complements of men, to be filled up with kroomen, on their arrival on the coast.

"A steamer (to be fitted up, if possible, to burn with either coal or wood, as circumstances may require) will be essentially necessary."

These were the answers to the three questions; and in conformity with these answers, the African articles were drawn up. And these answers from Captains Bell and Paine close the whole head of the correspondence under the title of "*Suppression of the African slave-trade!*" Not a word appears in it, to or from Lord Ashburton; and from all that we can see, it would seem that he had never heard of these African articles until he signed them in the treaty!

The articles, then, for this squadron, and these remonstrating ambassadors, stand before us as American conceptions! as stipulations originating with the United States, and carried forward by them as their separate work, until the articles leaped full grown into the body of the treaty. This is the way they appear to us: they appear as articles of American growth and origin, when, I undertake to affirm, that they are wholly British! that they came from the British negotiator! and that the American Secretary has done his work in seeking testimony to justify them, and to ripen them into formal sttipulations!

To sustain this belief, I do not refer to the fact (pregnant as it is) that the British have been pushing and pressing this alliance upon us for thirty-six years—from the time Mr. Monroe was in London in 1806. I leave out all that, and come to direct proof. Here it is, (holding up a pamphlet,) in the noble pamphlet of General Cass against the British pretension of search. I laid that pamphlet by for use, when I got a copy of it. I use part of it now, and more hereafter. For the present, I quote from page 24, (Baltimore edition, by J. Young,) and only take what is there quoted from the London Times newspaper—a paper which (no Senator need be reminded) is the organ of the ministry which sent out Lord Ashburton. The article is of the date of January last, when the minister was on the point of setting out to the United States, and tells what he came for. This is the article:

"This dispute (*of impressment*) now sleeps; though it will have to be revived, at latest, on the next occasion when we find ourselves invested, by a war, with the right, of which it is the consequence; and, indeed, it might be raised upon the *contemplated treaty*, giving a mutual *right of search* for the prevention of the slave-trade, *unless* provided for, as it might, and *probably* would be, by *special articles*."

Here the official paper of the present British ministry shows us, at the moment the special minister is setting out, that the question of impressment is to be revived, and may be done on the contemplated treaty, and in that part of the treaty which relates to the suppression of the slave-trade; and that "*special articles*" would *probably* be agreed upon in relation to the suppression of this trade. This is the import of the article in the Times; and it is under a *nisi*—under an "*unless*"—and under the contingency for providing for this suppression by special articles, that the right of impressment might not be raised upon the treaty! All this is too plain for comment, and too grave for neglect. It comes from the authentic organ of the British ministry; and time and events have verified every word of it. The pretension to impress has been revived—revived in Lord Ashburton's letter of the 9th of August, in answer to Mr. Webster's of the 8th, in which our Secretary gave the minister an opportunity to revive the pretension, by opening a

CONGRESSIONAL GLOBE.

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27TH CONG.....3D SESS. SATURDAY, DECEMBER 31, 1842. VOLUME 12....No. 6.

Continued from No. 5.

gratuitous correspondence upon this head, *after the treaty was concluded!* The treaty bears date the 9th of August, and must have been concluded some days before that time. Mr. Webster's letter bears date the 8th of August—Lord Ashburton's the 9th of August; and each letter concludes with a farewell, and a declaration that these letters "*closed*" their correspondence! Thus the minister had a natural occasion presented to him to revive the pretension of impressment, and was thereby saved from appearing "*officious*" or "*inquisitive*" upon the subject, as it is intended that the British governors in the West Indies shall appear when liberating American slaves. This proves that the Times newspaper was right as to impressment: the stipulations for the African squadron show that it was equally right as to the "*special articles*" in lieu of the right of search! And both together prove that impressment, right of search, and this African squadron, hunting negroes in couples on the coast of Africa, are all part and parcel of the same thing—the degrading right of impressment, against which the United States went to war in 1812.

This is enough to prove the British origin of these African articles, and the fallacy of the form in which they came before us.

Mr. B. said, upon these expositions of facts and reasons, he trusted that no further opposition would be made to the call which he had submitted. He had a right to the information: the whole American people had a right to it. A treaty concerns the public, and the negotiators have no right to make chimney-corner work of it—to convert it into a private affair—give and take what they please; and keep no record—make no report—inform the country nothing about it. This is the first time negotiations have been so conducted in our country: let it be the last! Let the rebuke be now administered which will prevent the repetition of such reprehensible conduct in future. Our negotiator seems to have acted without instructions from the President: the correspondence shows it, and he so declared it at Boston. He seems also to have made no minutes of his proceedings. And now, if he is to make no report to us, (a part of the treaty-making power,) there is an end to accountability and responsibility on the great point of our negotiations with foreign powers.

Mr. EVANS said it was not his purpose to discuss the resolution; but, as it was evident it would take up a considerable portion of time, he hoped it would be postponed. He would suggest to the Senator from Virginia [Mr. ARCHER] the propriety of letting it lie over till to morrow.

Mr. ARCHER assenting, the resolution was postponed till to-morrow.

THE CIVIL AND DIPLOMATIC APPROPRIATION BILL.

On motion of Mr. EVANS, the civil and diplomatic appropriation bill was taken up as in committee of the whole.

Mr. EVANS stated that the committee had not proposed any amendments to this bill, although there was no appropriation in it for the coast survey. It was, however, only for appropriations of the current half year; and when the general appropriation bill for the fiscal year came up, any omissions could be supplied.

Mr. WOODBURY observed that, though the appropriations in this bill were not higher than the estimates, yet there were two classes of appropriations in it, which looked to expenditures that ought to be reduced. The estimates themselves were too high, and would lead to expenses larger than were proper in the present state of the country. They were those connected with our judiciary and the diplomatic relations. But, as this would be corrected in the next bill, (and it was very desirous to have this one pass speedily,) he would make no motion to amend, but merely state this fact in order to foreclose any inference that double the amount of those two classes of appropriations in this bill was not thought too high for the whole year.

There being no proposition to amend the bill, it was reported back to the Senate, ordered to be read a third time, was read a third time, and passed.

ASSUMPTION OF STATE DEBTS.

The PRESIDENT *pro tem* laid before the Senate a message from the President of the United States, covering the following communication from the Secretary of State:

DEPARTMENT OF STATE,
Washington, Dec. 23, 1842.

To the President:

The Secretary of State—to whom the President has referred the resolution of the Senate of the 22d instant, in the following words: "That the President of the United States be requested to inform the Senate whether the late special minister from Great Britain to the United States made any proposition, informally or otherwise, to the negotiator on the part of the United States, for the assumption or guaranty of the State debts by the Government of the United States to the holders of said debts"—has the honor to report to the President, that the late special minister from Great Britain to the United States made no proposition, informal or otherwise, to the negotiator on the part of the United States, for the assumption or guaranty of the State debts by the Government of the United States to the holders of said debts.

DANIEL WEBSTER.

On motion of Mr. ARCHER, and by unanimous consent, the communication was ordered to be printed.

The PRESIDENT *pro tem.* laid before the Senate the following communication from the President of the United States:

To the Senate of the United States:

I have received the resolution of the 22d inst., requesting me to inform the Senate of the nature and extent of the "informal communications" which took place between the American Secretary of State and the British special minister, during the late negotiation in Washington city, on the "subject of the claim of the United States and Great Britain to the territory west of the Rocky Mountains;" and also to inform the Senate what were the reasons which prevented "any agreement on the subject at present," and which made it "inexpedient to include that subject among the subjects of formal negotiation."

In my message to Congress at the commencement of the present session, in adverting to the territory of the United States on the Pacific ocean, north of the 42d deg. of north latitude, a part of which is claimed by Great Britain, I recommended that, "in advance of the claims of individual rights to these lands, sound policy dictates that every effort should be resorted to by the two Governments to settle their respective claims;" and also stated that I should not delay to urge on Great Britain the importance of an early settlement. Measures have been already taken, in pursuance of the purpose thus expressed; and, under these circumstances, I do not deem it consistent with the public interest to make any communication on the subject.

JOHN TYLER.

WASHINGTON, Dec. 23, 1842.

On motion of Mr. ARCHER, and by unanimous consent, the communication was ordered to be printed.

On motion of Mr. BAYARD, (there being no further business before the Senate,) the Senate proceeded to the consideration of executive business; and, having spent a short time therein, adjourned till Tuesday next.

HOUSE OF REPRESENTATIVES.

FRIDAY, December 23, 1842.

PRIVATE BILL DAY.

This day and to-morrow were, some days since, set apart for the consideration of the business on the private calendar; and it was also agreed to meet two hours earlier than usual on those two days.

The SPEAKER accordingly called the House to order this morning at 10 o'clock; and at the devotional exercises by the Rev. Mr. TUSTON, one of the congressional chaplains, there were not more than 20 members in attendance.

The Clerk commenced the reading of the journal of yesterday; but

Mr. ARNOLD said there was important matter in the journal, which it would be better not to approve without a quorum at least. He therefore suggested a postponement of the reading of the journal.

Mr. J. C. CLARK moved a call of the House, as he wished to see what gentlemen were absent from the House when business required their attendance.

Mr. CUSHING moved an adjournment, (although he should vote against it himself,) and on this he called for the yeas and nays; which were ordered. This motion had the double effect of recording the names of gentlemen present, and of giving time for others to arrive.

The yeas and nays having been taken, (during which the members in attendance increased,) the motion to adjourn was negatived—yeas 5, nays 51.

Mr. COWEN moved that the call of the House be dispensed with.

The motion was negatived.

The question was then taken on seconding the call of the House; on which the vote was—54 in the affirmative, and 40 in the negative; being still less than a quorum.

Mr. BIDLACK said he wished to see the difference between profession and practice; and, therefore, he called upon the Clerk to state what number of gentlemen voted to change the hour of meeting from 12 to 10 o'clock.

Mr. CUSHING said the vote was taken by tellers, and, therefore, the names of the gentlemen who voted in the majority could not be given.

Mr. FILLMORE suggested that the committees be called for reports.

The SPEAKER replied that no business could be entertained until a quorum was in attendance.

After some irregular conversation between several members,

Mr. CHAPMAN moved that the House do now adjourn.

Mr. BOARDMAN and others called for the yeas and nays; which were ordered, and resulted as follows: Yeas 7, nays 109.

The motion to adjourn was, therefore, negatived.

It being now ascertained that a quorum was in attendance, the journal of yesterday was read, and approved.

The SPEAKER then said the business in order was the bills on the private calendar; and, first, those bills would be taken which were ready for a third reading.

The following bills were then read a third time, and passed:

A bill for the relief of Robert Ramsey.

A bill for the relief of the owners, master, and crew of the schooner Martha, of Eastport, Maine.

A bill for the relief of the owners, master, and crew of the schooner Cod-hook, of Bluehill, Maine.

A bill to refund to Charles Holt a fine imposed on him under the sedition law.

A bill for the relief of George Hammell.

A bill granting a pension to Isaac Plummer.

A bill for the relief of Major Thomas Harrison.

A bill for the relief of John Javins.

A bill for the relief of John Farnham.

A bill for the relief of Samuel Hambleton.

A bill for the relief of Levi Eldridge and others.

A bill for the relief of the owners, master, and crew of the schooner Joanna, of Ellsworth, Maine.

A bill for the relief of William Allen.

A bill for the relief of Lloyd J. Bryan.

A bill for the relief of Nancy Tompkins.

A bill for the relief of Benjamin J. Totten.

A bill for the relief of Mary Crawford.

A bill granting to Captain James Lowe one thousand dollars and a section of land.

A bill for the relief of Leah Tenure, widow of Michael Tenure.

A bill for the relief of Ruth Mathiot.

A bill for the relief of Carter B. Chandler.

A bill for the relief of Henry Freeman.

A bill for the relief of Sarah White.

A bill for the relief of Nancy Byrd.

A bill for the relief of Alice Usher.

A bill for the relief of Eve Vandenburgh.

A bill for the relief of Martha Dameron, widow of Christopher Tompkins.

A bill for the relief of Elizabeth Dawkins.

A bill for the relief of Richard Marsh.

A bill for the relief of Joseph Bonnell.

A bill for the relief of Nancy Hambright.

A bill for the relief of Tirzah Hunt.

A bill for the payment of seven companies of

Georgia militia for services rendered in the years 1840 and 1841.

A bill for the relief of David W. Haley.

A bill for the relief of Allen Rogers.

A bill for the relief of William G. Sanders.

A bill for the relief of the owners and crew of the schooner Martha, (J. Nickerson.)

A bill for the relief of the owners of the schooner Three Brothers, (George Dyer and others.)

A bill for the relief of Gorham A. Worth, one of the sureties of Samuel Edmonds, deceased.

A bill for the relief of William Gale.

A bill for the relief of Robert T. Norris.

A bill for the relief of Teakle Savage, administrator of Bolitha Laws.

A bill for the relief of Charles Gordon, of Belfast, owner of the schooner Two Sons, and the legal representatives of the crew of said vessel.

A bill for the relief of Orin Prentiss, of Stonington, Connecticut, owner of the schooner Lily, and the crew of said vessel.

A bill for the relief of Isaac Champlin and others, owners of the schooner Buffalo.

A bill for the relief of Joseph Holmes and others, owner and legal representatives of the crew of the schooner Industry.

A bill for the relief of John A. Smith.

A bill for the relief of Edwin Bartlett, late consul of the United States at Lima, in Peru.

A bill for the relief of the administrator of John Jackson.

A bill for the relief of the legal representatives of Robert T. Spence.

A bill for the relief of Peter Lionberger.

A bill for the relief of John R. Delany.

A bill for the relief of Joseph W. Newcomb.

A bill for the relief of Sylvia Underwood, mother of Lieutenant Underwood, deceased.

A bill for the relief of James Mount.

A bill for the relief of Susan Brum.

A bill for the relief of Elizabeth Harris.

A bill for the relief of Robert Layton's children.

A bill for the relief of Mary Elder.

A bill for the relief of the widow of Captain William Royall, deceased, (Mrs. Ann)

A bill for the relief of Prudence Couch.

A bill for the relief of Anna Jones.

A bill for the relief of Maria M. Brooks.

A bill for the relief of Asa Davis.

A bill for the relief of David Akinson.

A bill for the relief of Samuel Neely.

A bill for the relief of James Sweetman.

A bill for the relief of Lyman N. Cook.

A bill for the relief of Gideon A. Perry.

A bill for the relief of John F. Wiley.

A bill for the relief of John Hicks.

A bill for the relief of George Waddell.

A bill for the relief of Samuel Lord.

A bill for the relief of Caspar W. Wever.

A bill for the relief of Richard Rush.

A bill for the relief of James M. Morgan.

A bill for the relief of John Drysdale.

A bill for the relief of Garret Vleit.

A bill for the relief of Elisha Moreland, William M. Kennedy, Robert J. Kennedy, and Mason E. Lewis.

A bill for the relief of S. D. Rose et al.

A bill for the relief of Barent Stryker.

A bill for the relief of John Wharry.

A bill for the relief of Mary McGee and Susan Pierce, heirs at law of George Neilson.

A bill to revive an act entitled "An act for the relief of John Davlin."

A bill for the relief of Samuel Billings, owner of the fishing schooner Lurana.

A bill for the relief of the owners, officers, and crew of the armed brig Warrior, or their legal representatives.

A bill for the relief of Benjamin Evans.

A bill for the relief of Joshua Drew.

A bill for the relief of Thomas Copeland.

A bill for the relief of Sarah Parker.

A bill for the relief of George P. Pollen and Robert Colgate.

A bill for the relief of Isaac and Thomas J. Winslow.

A bill for the relief of Burr and Smith.

A bill for the relief of Alexander H. Everett.

A bill allowing a pension to George Rouse.

A bill for the relief of Elizabeth Hillsman.

A bill for the relief of Esther Augur.

A bill for the relief of Wilmot Marsden.

A bill for the relief of Abraham Vanhorn.

A bill granting a pension to John Peak.

A bill granting a pension to Israel Thomas.

A bill granting a pension to Josiah Westlake.

A bill for the relief of Dexter Hungerford.

A bill for the relief of Joseph Hover and Abelard Guthrie.

A bill for the relief of Peters, Moore, & Co.

A bill for the relief of Richard Cooke, jr., Robt. Anderson, and George Southall.

A bill for the relief of Horace Witherell.

A bill granting a pension to Robert Poindexter of Kentucky.

A bill for the relief of Ferdinand Leibert.

A bill for the relief of James B. Sullivan.

A bill for the relief of Benj. Treslow.

A bill for the relief of Snow Y. Sears.

A bill for the relief of John Gerard Ford.

The question was then taken on the engrossment of the bill for the relief of the heirs of Robt. Fulton; which was agreed to: but it was not read a third time, objections being made.

The following bills were ordered to be engrossed, and were read a third time, and passed:

A bill granting a pension to Joseph Watson.

A bill for the relief of Solomon Emmerson.

A bill authorizing the Secretary of the Treasury to refund to David Watkinson & Co. a part of the duties imposed on a certain quantity of tin and iron imported by them into the port of New York.

A bill to authorize the enrolment or register of the brig New Granada.

On leave given, Mr. WASHINGTON reported a bill from the Committee on Revolutionary Claims, for the relief of the heirs of Major General Baron De Kalb; which, on his motion, was referred to the Committee of the Whole House, and made the order of the day for to-morrow.

Mr. GIDDINGS moved that the House resolve itself into Committee of the Whole House on the private bills on the calendar which were ready to be committed.

The motion was agreed to; and Mr. CASEY took the chair.

The committee then acted on the following bills, which were severally laid aside to be reported:

The bill for the relief of Charles B. Hall.

The bill for the relief of Aquila Goodwin.

The bill for the relief of John McColgan.

The bill for the relief of Jonathan E. Hustin.

The bill for the relief of the legal representatives of General Alexander Macomb and others.

The bill for the relief of Philip Renault.

The bill for the relief of Nancy Terry.

The bill for the relief of Daniel Penhallow.

The bill for the relief of Samuel M. Asbury.

The bill for the relief of John P. Skinner and the legal representatives of Isaac Green.

The bill for the relief of S. Morris Waln.

The bill for the relief of John Patten, jr., owner of the fishing schooner Credit, and master and crew of said vessel.

The bill for the relief of Abner Lowell and others, owners of the fishing schooner William.

The bill for the relief of Mary Williams, widow of Jacob Williams, deceased.

The bill for the relief of Joseph Ellery.

The bill for the relief of Lieutenant F. W. Smith.

The bill for the relief of the legal representatives of Francis Pellicer, deceased.

The bill for the relief of James S. Calhoun.

The bill for the relief of Johnson Patrick.

The bill for the relief of Cornelius Wilson and James Carter.

The bill for the relief of William Ellery, owner of the fishing schooner Sevo and Ida, and others.

The bill for the relief of John H. Russell and others, owner, master, and crew of the fishing schooner Lucy Ann.

The bill for the relief of Mary Bradstreet and Amos Tappan.

The bill for the relief of Knott Martin and Arnold Mastin the third, owners of the fishing schooner Only Son, and others.

The bill for the relief of Joseph W. Reckless.

The bill for the relief of Barnabas Baker and others, owners of the fishing schooner called the Union, of Dennis, Massachusetts.

The bill for the relief of the legal representatives of Henry Hoffman.

The bill for the relief of Hugh Riddle, of the city of New York.

The bill for the relief of John S. Kerving.

The bill for the relief of Thomas King.

The bill for the relief of Joshua Knowles, jr. and owners and the crew of the fishing schooner Garnett.

The bill for the relief of William Lomax.

The bill for the relief of the legal representatives of Captain Samuel Shannon.

The bill for the relief of Elizabeth Whiteman; and

The bill for the relief of the heirs and legal representatives of Major General the Baron de Kalb.

On motion by Mr. COWEN, the committee rose and reported the bills to the House; when, the following, after having been ordered to be engrossed for a third reading, were severally read a third time, and passed:

The bill for the relief of Charles B. Hall.

The bill for the relief of Aquila Goodwin.

The bill for the relief of John McColgan.

The bill for the relief of the heirs and legal representatives of Major General Alexander Macomb, deceased, and others.

The bill for the relief of John P. Horton.

The bill for the relief of the legal representatives of Francis Pillecer.

The bill for the relief of Philip Renault.

The bill for the relief of Nancy Terry.

The bill for the relief of Daniel Penhallow.

The bill for the relief of Samuel M. Asbury.

The bill for the relief of John P. Skinner, and the legal representatives of Isaac Green.

The bill for the relief of S. Morris Waln.

The bill for the relief of Mary Williams, widow of Jacob Williams, deceased.

The bill for the relief of Joseph Ellery.

The bill for the relief of the legal representatives of Lieutenant F. W. Smith, deceased.

The bill for the relief of James S. Calhoun.

The bill for the relief of Johnson Patrick.

The bill for the relief of Cornelius Wilson and James Carter.

The bill for the relief of Joseph W. Reckless.

The bill for the relief of the legal representatives of Henry Hoffman.

The bill for the relief of Hugh Riddle, of the city of New York.

The bill for the relief of John S. Kerving.

The bill for the relief of Thomas King.

The bill for the relief of the legal representatives of Captain Samuel Shannon, deceased.

The bill for the relief of the heirs and legal representatives of William Lomax.

The bill for the relief of Elizabeth Whiteman.

The bill for the relief of the heirs and legal representatives of Major General the Baron deKalb.

On motion by Mr. HOLMES, the reconsideration ordered of the bill remitting the duties on the organ imported by the Episcopal church of Charleston, South Carolina, was taken up; and, after some remarks from Mr. H., was read the third time, and passed.

Mr. BIDLACK moved a reconsideration of the vote on bill No. 571, for the relief of Samuel M. Asbury, purporting to come from the Committee for the District of Columbia. He thought the House was proceeding with too little caution. According to his recollection, there had been two or three reports against this claim, and none in favor of it. When a committee had reported favorably, he would not interfere. The motion to reconsider was rejected.

Mr. THOMPSON of Mississippi moved that when the House adjourned, it should adjourn over to Tuesday next.

Mr. GIDDINGS called for the yeas and nays on the motion.

Mr. THOMPSON modified his motion by substituting Monday for Tuesday.

Then yeas and nays were then ordered, when

Mr. THOMPSON withdrew his motion.

Mr. ANDREWS of Kentucky renewed the original motion of Mr. T. to adjourn over to Tues-

day, and called for the yeas and nays; which, being ordered, resulted in yeas 80, nays 80.

The Speaker voting in the affirmative, the motion was carried.

The bill for the relief of John H. McIntosh was taken up on its third reading.

Mr. TURNEY moved its recommittal to a select committee for investigation.

Mr. LEVY hoped it would not be recommitted.

Mr. W. B. CAMPBELL advocated its recommittal.

Mr. LEVY went into some lengthy statements in defence of the claim, and in opposition to the motion to commit. He was followed by Mr. W. B. CAMPBELL, Mr. TURNEY, Mr. M. A. COOPER, and Mr. COWEN; when the bill was recommitted to a select committee of five members.

Mr. C. J. INGERSOLL submitted a resolution (which had been before repeatedly offered on preceding days) to pay the pages, officers of the House, &c., extra remuneration for the last session.

Mr. BLACK and others objected, and the resolution was not received.

EXECUTIVE COMMUNICATION.

The SPEAKER laid before the House a communication from the Treasury Department, in answer to a resolution of the House of the 10th March, 1842, transmitting a statement relative to the judicial expenses of the Government, and the laws and usages under which the same are incurred; also, the projet of a bill to fix, ascertain, and regulate the fees allowed to clerks, attorneys, marshals, witnesses, and jurors in the United States courts: referred to the Committee of Ways and Means, and ordered to be printed.

On motion of Mr. WARREN, the documents and papers relating to the claim of W. Fuller were referred to the Committee on the Post Office and Post Roads.

SECOND REGIMENT OF DRAGOONS.

Mr. CROSS gave notice of his intention to ask leave to bring in a bill to repeal the provision by which the second regiment of dragoons is to be dismounted on the first of March next.

LAND CLAIMS IN MISSISSIPPI.

Mr. JACOB THOMPSON offered the following resolution, which was adopted:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of reporting a bill to this House quieting the titles to certain lands sold at Chocchuuma and Columbus, Mississippi; which, after the definitive establishment of the boundary line between the Chickasaw and Choctaw cessions, are found to be within the former cession.

JESSE HOYT'S ACCOUNTS.

Mr. BOARDMAN offered the following resolution, which was adopted:

Resolved, That the Secretary of the Treasury be directed to communicate to this House the amount of the defalcation of Jesse Hoyt, late collector of the port of New York; and also what means, if any, have been adopted for the recovery of the same, together with the names of the sureties of said Hoyt.

LIGHT-HOUSES.

Mr. J. C. CLARK offered the following resolution, which (after a brief interval of objection) was adopted:

Resolved, That the Secretary of the Treasury be requested to inform the House whether any agent or agents (other than the regular and usual inspectors) have been employed during the past year in the examination and inspection of the light-houses; and if so, the names of such agents, the instructions given, the persons employed under them, the whole expenditure of such examination and inspection, the number of light-houses inspected, the time employed in such inspection, the report or reports of such agent or agents, the amount of money paid for the same, and the fund from which payment has been made.

At this stage of the proceedings, a motion to adjourn was made by Mr BOWNE; but was, after some conversational debate, withdrawn.

COLLECTIONS AND EXPENDITURES AT NEW YORK.

On motion of Mr. G. DAVIS, it was

Resolved, That the Secretary of the Treasury report to this House the number, classes, and compensation of persons, respectively, in the employment of the Government in the port of New York on the 1st day of January, 1828, and also on the 1st day of January, 1842; and the amount of revenue collected in that port for the two years immediately preceding these dates.

PRIVATE CLAIM IN KENTUCKY.

Mr. W. O. BUTLER offered the following resolution; which was adopted:

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of releasing D. & V. K. Rich, securities of J. F. Moore, deceased, late postmaster at Gaines Cross-Roads, in the State of Kentucky, from the payment of a judgment by the district court of the United States for the district of Kentucky, for the sum of $108 53; and that all the papers on file in the Post Office Department relating to said claim be referred to said committee.

STOCKBRIDGE INDIANS.

Mr. W. A. HARRIS said he would ask the favor of the House to take up a bill reported by him from the Committee on Indian Affairs, for the relief of the Stockbridge tribe of Indians in the Territory of Wisconsin.

The bill was then read.

Mr. BRIGGS objected to its further consideration.

After some conversation,

Mr. FILLMORE hoped he would withdraw the objection.

Mr. HARRIS explained the design of the bill. It was precisely analagous to a bill which had been hitherto passed in relation to another tribe, and which had been found most salutary in its operation. This tribe of Indians was not only civilized, but in a great measure christianized; and their ardent desire was to be made citizens of the republic. There was, moreover, nothing of a speculating character about the present bill.

Mr. BRIGGS still persisting in his objection, the report was read.

Mr. ROOSEVELT said that this bill proposed *specially* to naturalize the Stockbridge tribe of Indians. Now, he would remind the gentleman from Virginia [Mr. HARRIS] that the Constitution of the United States only gave Congress the power to pass *uniform* laws of naturalization. (Many voices: "That refers to foreigners.") Then, why pass the bill at all? Is not the Indian a native American? [Laughter.] He wants no act of naturalization. [Laughter.]

Mr. HARRIS said he thought the gentleman from New York [Mr. ROOSEVELT] had conceived, and given to the House the worst kind of a Virginia abstraction he had ever heard. [Laughter]

The question was then taken upon the engrossment of the bill, and carried; and, by general consent, it was read a third time, and passed.

JEU D'ESPRIT.

Mr. SNYDER submitted the following preamble and resolution, the reading of which was received with much manifestation of merriment:

Whereas Nature, in the plenitude of her wisdom, and bountiful bequest to the people of these United States, has decreed, by its stupendous grandeur and beneficial results, some of her great works should remain unaltered, as emblems of her wisdom and design. In her beneficence, she has interspersed every section of our land with great navigable rivers, lakes, and tributary streams, purposely for the enjoyment and comfort of man: instance the matchless valley of the great Mississippi. Would it not be valueless, and perfect waste, without that noble river of its name?—the Western States useless for agricultural purposes, without their navigable lakes? And what would Pennsylvania be, without her foaming Susquehanna? Her iron, coal, timber, and salt, would be a dead waste on her borders; her fertile soil, uncultivated, would now be used, as of yore by the aborigines—for a hunting-ground. May the opinion be here hazarded, that all these large rivers and lakes are the common property of the Government, free for all citizens to navigate, trade upon, or travel, as a common highway; and that no State, for State or company purposes, has the right to obstruct the free passage thereof?—even the occupant of its banks having no more right to the exclusive navigation or the use of the water, than the Louisianian, one thousand miles off; but must remain as nature's grand highway, and the General Government is bound to maintain it as such. Pennsylvania lived prosperously, enjoyed all the blessings of a kind Providence, until about eighteen years since, when the internal improvement of the State was commenced. Since then, by act of Assembly, eight or ten dams have been authorized to be constructed across that great highway of nature, the Susquehanna river, which has destroyed the ascending navigation for boats, and totally prevents the ascension of shad. Shad were caught in the northward country, and sold for from six to ten dollars a hundred; now, not one is to be seen. The loss of all kinds of fish is consequent upon those dams—a very serious injury to the people of that river, which is three hundred miles long. The shad are a loss to the community at large, as countless millions heretofore were hatched in its fresh-water streams. The health of the country is injured, the right of property taken from the citizen without his consent, for internal improvement purposes; and Nature's public highway to market (Philadelphia) by keel-bottom boats in the head of the river, is now destroyed, by reason of dams; and the immense trade of the Valley of the Susquehanna, and a portion from the State of New York, is forced into State and company canals. Therefore,

Resolved, That the Committee on the Judiciary be instructed to inquire into the constitutional right of Pennsylvania to authorize the building of dams across the Susquehanna, to the injury of the natural rights of the great body politic, and report to this House.

Mr. STANLY objected to the reception of the resolution.

A suspension of the rules was moved; but the House refused to suspend.

BREAKWATER AT BLOCK ISLAND.

Mr. TILLINGHAST offered the following resolution, which was adopted:

Resolved, That the Committee on Commerce inquire into the expediency of providing a shelter for vessels at Block Island, either by constructing a breakwater or opening a harbor, and also as to the best means of effecting the object aforesaid.

On motion of Mr. JAMES COOPER the Committee of the Whole was discharged from the consideration of bill No. 212, and the same was read a third time and passed.

Mr. ADAMS gave notice of his intention to move that, on Wednesday next, the House go into Committee of the Whole on claims relating to French spoliations prior to 1800.

The Committee on Enrolled Bills reported the general appropriation bill as correctly enrolled, and the Speaker signed the same. Immediately after which,

The House adjourned.

Mr. McKEON presented the petition of the insurance companies in the city of New York, praying for an appropriation for the improvement of the Mississippi and Missouri rivers: referred to the Committee on Commerce.

Mr. CROSS, under the resolution adopted by the House, referred to the appropriate committees the following cases, to wit: The petition of R. B. Hyde for a pension; the petition of the widow and heirs of Edward Duvall, and the petition of Benjamin Murphy, praying indemnities for losses sustained in consequence of Indian depredations.

IN SENATE.

TUESDAY, December 27, 1842.

Mr. YOUNG presented a petition from Ralph V. M. Cross, and 344 others, citizens of the town of St. Charles and its vicinity; a petition from citizens of Grand Detour and its vicinity; and a petition from Levi Ballou and 55 others, citizens of Babcock's Grove, Dupage county, Illinois, praying the establishment of a tri-weekly four-horse post-coach mail-route from Chicago, by the Steam Mill settlement on the Des Plains river, Babcock's Grove, in Dupage county, St. Charles, in Kane county, Sycamore, in De Kalb county, Broaddy's Grove, and Jefferson Grove, to Grand Detour, in said State; which, with the accompanying diagram, were referred to the Committee on the Post Office and Post Roads.

Also, presented a letter and memorial from Uriah Brown, of Schuyler county, Illinois, praying an investigation by Congress of his right to the discovery of the plan by which ships of war may be blown up, by means of a current of galvanic electricity, to be discharged through submerged magazines of gunpowder; which, on his motion, was referred to the Committee on Naval Affairs.

Mr. YOUNG, agreeably to previous notice, asked and obtained leave to introduce bills of the following titles, to wit:

A bill granting an additional quantity of land to the State of Illinois, to aid in the completion of the Illinois and Michigan canal;

A bill making further appropriations for the continuation of the work on the Cumberland road in the States of Ohio, Indiana, and Illinois;

A bill appropriating the rents of the United States lead mines in the State of Illinois, and Territories of Wiskonsin and Iowa, for the improvement of the navigation at the Rock river and Des Moines rapids, in the Mississippi river;

which were severally read twice, and referred to the Committee on Roads and Canals.

And a bill making a further appropriation for the continuation of the public works, and rebuilding the light-house, at the harbor of Chicago, in the State of Illinois; which was read twice, and referred to the Committee on Commerce.

Mr. Y. also gave notice that he would, on to-morrow, ask leave to introduce a bill to confirm the sales of the school lands in the State of Illinois.

Mr. CLAYTON presented a memorial from Edward Worrell, M. D, alleging that he was unjustly selected as one of those who were to be disbanded from the service of the United States, under the

late law for the disbandment of a portion of the army, and asking an investigation into the matter: referred to the Committee on Military Affairs.

Mr. BUCHANAN presented a memorial from a number of citizens of Pennsylvania, asking that the fine imposed on General Jackson, by Judge Hall, might be refunded. The memorialists urge that Congress ought, unanimously, as if by acclamation, and without unnecessary delay, to restore to that great man, before he takes his departure from this to a better world, the fine so unjustly imposed on him: referred to the Judiciary Committee.

Also, presented a memorial from a number of citizens of Pennsylvania, complaining that the greatest want of the country was the want of a proper currency, and proposing to the Government of the United States to issue stock or certificates of loan to the States to the amount of 2,000,000,000 of dollars, founded upon the public domain, as affording a proper basis for a sound currency: referred to the Committee on Finance.

Also, presented a memorial from a number of citizens of the city and county of Philadelphia, alleging that they were from the first opposed to the passage of the bankrupt law, because it interfered with pre-existing contracts; but that now, believing that the mischiefs of the law were at an end, and that the law would be very useful in its prospective operations, pray that it may be continued: referred to the Committee on the Judiciary.

Mr. TALLMADGE presented six memorials, numerously signed, from the city of New York; also from Syracuse, Rochester, and Penn Yan, in the State of New York; and one from Philadelphia; all remonstrating against the repeal of the bankrupt law. Mr. T. said he had no doubt, if time were given, that memorials of a similar character would be poured in upon the Senate from all parts of the Union. He had received letters from many of the States, giving the decided opinion that a great portion of the community everywhere were in favor of the law, and expressing the earnest hope that it would not be repealed. These writers anxiously inquire as to the prospect of a repeal, and the terms of that repeal, if such a bill should succeed.

Mr. T. said that these letters were so numerous, it was impossible for him to answer them individually, even if he possessed the information they desired. He would, therefore, take this occasion to say that he indulged a hope that, on mature reflection, a majority in Congress would be willing to preserve the law, with such modifications and amendments as should be deemed necessary to remove any objectionable features in it. Mr. T. said he considered it a duty enjoined on Congress by the Constitution, to establish a uniform system of bankruptcy; and that to repeal this law without an effort to amend it, would be a dereliction of duty which he would not anticipate. He would not assume that a power yielded by the States to Congress, for the mere purpose of *uniformity*, was not to be exercised by Congress, because it *would* not; nor by the States, because they *could* not exercise it. The principal objections which were originally urged against the bill are now obviated. One was its operation on past contracts: that is now removed; another was, that there was not sufficient judicial force to execute the law. Experience has shown there is no difficulty on that score. But Mr. T. said he did not intend, on this occasion, to go into an argument on the subject. If, however, he should be disappointed in his views of the action of Congress, and the law should be repealed, he could not persuade himself that a single member of this Senate would be willing to cut off any applications pending at the time of the repeal. He hoped the repeal—if it should take place—would be prospective; and that a period some time hence would be fixed upon for it to take effect. If there be any distinction between those who have been already discharged, and those whose applications are now pending, it is in favor of the latter. They have struggled along, and omitted to apply, in the hope that they would be saved the necessity; and now, to cut them off, after others have been discharged, would be cruel in the extreme. He hoped and believed no such injustice would be done.

The memorials were referred to the Judiciary Committee.

Mr. BENTON presented a memorial from Philadelphia, on the subject of the bankrupt law. The letter accompanying it says that the memorial was signed by forty firms of that city—the names of twenty of whom he knew himself. Mr. B said this petition was opposed to the repeal of the act, but wished Congress to amend, and make it a bankrupt system. One of the points of objection to the law was, that it was unjust and unconstitutional, because it absolved the debtor from all his obligations entered into long before the enactment of the law was even contemplated. The letter states that two-thirds of the merchants and nineteen-twentieths of the people believe that the banks which issue bills should be included within the provisions of the law: referred to the Judiciary Committee.

Mr. BERRIEN presented a memorial from the city of New York, asking that the bankrupt law may not be repealed, but assigning reasons why it should be continued, with certain modifications therein set forth: referred to the Judiciary Committee.

Mr. BERRIEN took occasion to say, that so far as his information extended, there was a more strong and decided expression of public opinion in favor of the continuance of the law, under certain modifications, than there was for its repeal. Something more than 50,000 persons had petitioned upon the subject of the law at the last session; of whom, less than 3,000 were in favor of its unconditional repeal; 40,000 asked for its continuance; and the residue of the 50,000 asked for its suspension, modification, and repeal.

Mr. McROBERTS presented a petition from a number of citizens of Illinois, asking Congress to pass a law for the occupation and settlement of the Oregon Territory, and that actual grants of land be made to settlers as an inducement to settlement: laid on the table, to accompany the bill.

On motion of Mr. BATES, it was ordered that the petition and papers of Rufus and Charles Lane, asking for fishing bounty, be taken from the files of the Senate, and referred to the Committee on Commerce.

Mr. LINN, on leave, introduced a bill for the relief of Reuben E. Gentry, William Monroe, and others; which was read twice, and referred to the Committee on Indian Affairs.

On motion of Mr. KING, it was ordered that the petition of the heirs of William Fisher, asking for the confirmation of a certain land claim, founded on a Spanish grant, be taken from the files of the Senate, and referred to the Committee on Private Land Claims.

On motion of Mr. KING, it was ordered that the petition of Samuel Thompson be taken from the files of the Senate, and referred to the Committee on Naval Affairs.

On motion of Mr. SEVIER, it was ordered that the petition and documents relating to the claim of F. A. Kerr, for compensation and for supplies furnished indigent Indians, be taken from the files, and referred to the Committee on Indian Affairs; and also that the petition of George Duval, a Cherokee, for indemnity for losses sustained, be taken from the files, and referred to the same committee.

Mr. SEVIER presented a memorial from Doctor Gunton, President of the Bank of Washington, asking that Congress would pass a law extending the charter of that institution: referred to the Committee on the District of Columbia.

Mr. SMITH of Indiana presented a document from the Commissioner of the General Land Office, on the subject of surveys of lands; which was referred to the Committee on the Public Lands.

Mr. STURGEON presented a memorial from a large number of citizens of Southwestern Pennsylvania, asking for the repeal of the bankrupt law. Mr. S. said the law was peculiarly unpopular in this section of the country, which might be judged of from the reading of an extract from the letter enclosing the petition; which said, that if petitions were circulated there, ninety-nine out of every one hundred would readily sign for the repeal; that they believe it was the worst law ever passed by Congress; and that it had done more to demoralize the country than any act ever passed: referred to the Judiciary Committee.

Mr. WRIGHT presented a memorial from certain inhabitants of Brooklyn, remonstrating against the repeal of the bankrupt law, as far as its prospective operations are concerned, and recommending certain modifications: referred to the Judiciary Committee.

Also, presented a memorial from citizens of the northern district of New York, remonstrating against the repeal of the law in any such terms as would operate as a suspension of it before the passage of the repealing act. The memorialists give as a reason, that, by the rules of the court thereon, (many, if not all, of the district courts) all the applicants under the law are compelled to pay fees in advance; and, in a majority of the instances, such fees are obtained only by the greatest sacrifice on the part of the petitioners; and that, therefore, it would be manifestly unjust to destroy these petitions, filed pursuant to the law, and in all respects in conformity thereto: referred to the Judiciary Committee.

Also, presented a petition from Oneida county, New York, asking for the unconditional repeal of the bankrupt law; and a petition from a number of citizens of New York, purporting to be merchants, for a full and unconditional repeal of the bankrupt law; which were referred to the Judiciary Committee.

Mr. SIMMONS presented two memorials from citizens of Philadelphia, against the repeal, but in favor of a modification of the bankrupt law; referred to the Judiciary Committee.

Mr. SPRAGUE presented a memorial from Providence, Rhode Island, signed by merchants and manufacturers, in favor of the repeal of the bankrupt law: referred to the Judiciary Committee.

Mr. MILLER presented a memorial from John Kurtz, praying for an extension of the charter of the Farmers and Mechanics' Bank of Georgetown: referred to the Committee on the District of Columbia.

Mr. WOODBURY presented a memorial from certain messengers and laborers in the office of the Auditor of the Post Office Department, praying for an increase of their compensation: referred to the Committee on Finance.

Mr. BENTON presented a petition, signed by Thomas White, and one hundred and fifty others, of Dorchester county, Maryland, praying for a repeal of the bankrupt act: referred to the Judiciary Committee.

Mr. WHITE, from the Committee on Indian Affairs, reported a bill for the relief of Benjamin Murphy, of Arkansas; which was read, and ordered to a second reading.

Mr. BAYARD presented a memorial from certain officers who served in the surveying and exploring expedition, representing that they had received a certain amount of pay under the authority of an express order in writing from the Navy Department, and that the accounting officer of the Government, in the adjustment of their accounts, had refused to allow the amount thus paid them, and that their ordinary pay is now withheld until an adjustment of their accounts. They pray Congress to pass a law authorizing the settlement of their accounts on the basis of the agreement of the Secretary of the Navy when they entered the service: referred to the Committee on Naval Affairs.

Mr. BATES presented a petition from William Smith, of Northampton, Massachusetts, praying indemnity for losses sustained by French spoliations prior to 1800. Mr. B. said, to show the injustice and inhumanity of withholding the indemnity, it was only necessary to have the memorial read, (which was done,) showing that the petitioner is now an inmate of the poor-house: referred to the Committee on Foreign Relations.

Mr. BAYARD, on leave, introduced a bill entitled "An act to amend the act entitled 'An act to reorganize the Navy Department of the United States,' passed the 30th August, 1842;" and

A bill to provide for the establishment of schools

of instruction in the naval service of the United States;

Which were read twice, and referred to the Committee on Naval Affairs.

On motion of Mr. CRITTENDEN, leave was granted to withdraw from the files of the Senate the petition and documents of William Meredith, the heir of William Meredith, for compensation for revolutionary services.

On motion of Mr. MERRICK, leave was granted to withdraw from the files of the Senate the petition of John Burke.

Mr. BERRIEN, from the Committee on the Judiciary, reported back, without amendment, the bill for the relief of persons residing within the reputed limits of the States of Arkansas and Louisiana, and beyond the boundary line between the United States and the Republic of Texas, established by the commissioners appointed to ascertain the same.

Mr. WOODBURY presented a resolution, which was read as follows:

Resolved, That the Committee on Commerce inquire into the state of our tonnage, freights, and commerce with foreign powers; and report whether it is properous under the existing arrangements, by treaties or laws in relation thereto; and, also, whether the regulations by other Governments are equally in conformity to the spirit of these arrangements; and if either be not so, what measures are proper to insure greater prosperity and reciprocity.

Mr. W. said it was a very important inquiry which concerned the whole country, but especially the Northern portion of the country; and, therefore, he hoped it would be passed at once. The question was put, and the resolution was adopted.

Mr. WOODBURY then submitted the following resolution, which lies one day, under the rule, viz:

Resolved, That the Secretary of the Treasury be directed to furnish the Senate with the following information:

1. The amount of revenue received from customs during the third quarter of the year 1842, on imports made in that quarter.

2. As soon as the returns are obtained, the amount received in the 4th quarter of the same year, from the imports made in that quarter, and the aggregate of those imports.

3. The aggregate of appropriations outstanding and unexpended at the close of the years respectively, of 1840, 1841, and, when this year expires, at the end of 1842; and

4. The quantity of land which was advertised for public sale from 4th March, 1841, to the close of one year from that date; and the quantity advertised during the year previous to that date.

Mr. BERRIEN, from the Committee on the Judiciary, reported back, with amendments, (which were ordered to be printed,) the bill for the relief of Henry Gardner and others, directors of an institution called the New England Mississippi Land Company.

A motion was here made by Mr. HUNTINGTON, to take up the motion of Mr. WRIGHT, to refer to the Committee on Finance the memorial of the chamber of commerce of New York on the subject of the warehousing system.

Mr. WRIGHT explained that he preferred that the subject be passed over until to-morrow morning, before which time Senators will have read the memorial, (now printed,) and be prepared to vote understandingly as to which committee it should be referred—the Committee on Finance, as proposed by him; or the Committee on Commerce, as proposed by the Senator from Connecticut [Mr. HUNTINGTON.]

The question was put, and the Senate refused to take up the motion.

THE AFRICAN SQUADRON.

The following resolution, submitted by Mr. BENTON some days ago, was taken up for consideration:

Resolved, That the President be requested to inform the Senate, (if compatible with the public interest,) whether the quintuple treaty, for the suppression of the slave-trade, has been communicated to the Government of the United States in any form whatever; and, if so, by whom; for what purpose; and what answer may have been returned to such communication. Also, to communicate to the Senate all the information which may have been received by the Government of the United States, going to show that the "*course which this Government might take in relation to said treaty has excited no small degree of attention and discussion in Europe.*" Also, to inform the Senate how far the "warm animadversions," and "the great political excitement" which this treaty has caused in Europe, have any application or reference to the United States. Also, to inform the Senate what danger there was that "*the laws and the obligations*" of the United States in relation to the suppression of the slave-trade would be "executed by others" if we did not "*remove the pretext and motive for violating our flag and executing our laws,*" by entering into the stipulations for the African squadron, and the remonstrating embassies which are contained in the 8th and 9th articles of the late British treaty. Also, that the President be requested to communicate to the Senate all the correspondence with our ministers abroad, relating to the foregoing points of inquiry. Also, that the President be requested to communicate to the Senate all such information upon the negotiation of the African squadron articles as will show the origin of said articles, and the history and progress of their formation.

Mr. ARCHER said, when this subject was last under consideration, he had expressed his willingness that the resolution should be adopted by the Senate, with the exception of a certain portion towards the conclusion. He had thought then, and still continued to think, that that portion of the resolution to which he referred ought to be stricken out—he meant that portion which called upon the President for the grounds of the opinion he had expressed in the message which he had communicated to this body in August last. In consequence, however, of the remarks which fell from the honorable Senator from Missouri on Thursday, he (Mr. ARCHER) was now disposed to allow the resolution to pass, without the alteration which he had proposed. Not that he had changed his opinion in relation to its propriety; for he was still of opinion that the Senate ought not, on its own account, to send such a message to the head of any department of the Government; but, inasmuch as he perceived that a refusal to send the resolution with that part stricken out would be attended with circumstances highly unfavorable to the Government, he was disposed to permit it to go without any amendment whatever.

He had been asked why he had desired any change in the first instance. He would answer, that, as the Government had no organ in that body by whom its views could be made known, he had felt it incumbent upon him to act as such organ.

Although he still thought it very desirable that the resolution should be modified in the manner he had suggested, yet there was a sort of debt of justice due to the Executive; and the latter, he thought, was the more imperious of the two considerations. He would, therefore, be governed by it. He would waive his objection to the resolution, and acquiesce in its adoption.

The resolution was then adopted.

BOARD OF EXCHEQUER.

The bill amendatory of the acts establishing the Treasury Department came up as the special order of the day.

Mr. TALLMADGE (on whose motion this bill had been made the order for to-day) said, at the request of several Senators he had been induced to move a further postponement of it. He moved to postpone it till Tuesday next, as the special order for that day; which motion was agreed to.

FINE ON GENERAL JACKSON.

The bill introduced by Mr. LINN some time since, to indemnify General Jackson for the fine imposed upon him by Judge Hall, at New Orleans, while in the discharge of his official duty, came up on its postponement from Thursday last.

Mr. LINN hoped the bill would now be ordered to be engrossed for a third reading, by acclamation, as had been urged in a memorial presented this day from Pennsylvania by the Senator from Pennsylvania [Mr. BUCHANAN.]

Mr. CRITTENDEN understood the question of reference was yet pending.

Some doubt being expressed as to the question now pending, a few conversational remarks were made by several Senators, in explanation, showing that the motion to postpone, on Thursday, superseded the motion to refer.

The CHAIR decided that the motion to postpone had superseded the motion to refer.

Mr. CRITTENDEN then renewed his motion to refer the bill to the Committee on the Judiciary.

Mr. LINN asked for the yeas and nays; which were ordered.

The question of reference to the Committee on the Judiciary was then taken by yeas and nays, and resulted in the affirmative—yeas 23, nays 19, as follows:

YEAS—Messrs. Archer, Barrow, Bates, Bayard, Clayton, Conrad, Crafts, Crittenden, Evans, Graham, Henderson, Huntington, Merrick, Miller, Morehead, Phelps, Porter, Simmons, Smith of Indiana, Sprague, Tallmadge, White, and Woodbridge—23.

NAYS—Messrs. Allen, Benton, Berrien, Buchanan, Fulton, King, Linn, McRoberts, Mangum, Sevier, Smith of Connecticut, Sturgeon, Tappan, Walker, Wilcox, Williams, Woodbury, Wright, and Young—19.

CORPS OF REPORTERS.

The resolution for the appointment of a corps of reporters came up in order; and was, on motion of Mr. BAYARD, laid on the table.

On motion of Mr. BAYARD, the Senate proceeded to the consideration of executive business; and, after some time spent therein, adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, December 27, 1842.

Mr. ALFRED MARSHALL presented the petition of John Patterson and eighteen others, ship-masters and merchants of Northport, Maine, asking the erection of such buoys, beacons, and spindles on the Muscles ridges in Penobscot bay as will render the navigation more safe.

Mr. LOWELL presented the petitions of Jacob Longfellow and ten other ship-masters and merchants of Machias, Maine; John A. Simpson and ten other ship-masters and merchants of East Machias, Maine; and Jotham Lippincott and thirty-two other ship-masters and merchants of Columbia and Addison, Maine,—all praying for an appropriation to improve the navigation of Penobscot bay.

Also, letters from George Thacher, esq., collector of the port of Belfast; John Whitcomb, captain of the United States revenue-cutter Alert; and Green Walden, captain of the United States revenue-cutter Morris,—in support of the same object; which were referred to the Committee on Commerce.

Mr. THOMPSON of Mississippi presented the petition of T. W. Haley, H. W. Stegall, and 82 others, praying the establishment of a mail route from Electra, in Monroe county, Mississippi, to Van Buren, in said State: referred to the Committee on the Post Office and Post Roads.

Mr. STEENROD presented a petition of citizens of Marshall county, Virginia, for the repeal of the bankrupt law.

Mr. J. R. INGERSOLL desired to present a memorial of inhabitants of the city and county of Philadelphia against the repeal of the bankrupt law, but suggesting various modifications.

Mr. L. W. ANDREWS objected; and he said he should object to all business that was not strictly in order.

The memorial accordingly was not received.

Mr. REYNOLDS moved the reconsideration of the vote by which a bill was passed on Friday for the relief of the heirs of Philip Renault. He explained that his object was to cause the insertion of a proviso, to sustain the purchasers of certain lands.

After a few words from Mr. YOUNG and Mr. CAVE JOHNSON, the motion was agreed to.

Mr. FESSENDEN asked permission to move that a certain bill be taken from the Committee of the Whole. It was a local bill, on which the delegation from Maine was agreed, with one exception.

Objection was made, and the gentleman was, therefore, cut short in his explanation.

Mr. CAVE JOHNSON gave notice of a bill to prohibit the allowance of extra compensation to the officers of the Government.

The SPEAKER then announced that reports from standing committees were in order.

Mr. GIDDINGS, from the Committee of Claims, made a report upon a petition of Asahel Lee, Samuel Lee, and Henry Lee, accompanied by a bill for their relief; which was read twice, and committed.

Mr. COWEN, from the same committee, reported the following bills; which were read twice, and committed:

A bill for the relief of John Cove.

A bill for the relief of Samuel B. Treck.

A bill for the relief of Joseph R. Chandler.

He also made an adverse report on the petition of John S. Parkinson.

Mr. TOMLINSON, from the same committee, reported a bill for the relief of Thomas D. Gibson; which was read twice, and committed.

Mr. HOWARD, from the Committee on Public Lands, reported a bill for the relief of the heirs or assignees of the heirs of Isaac Todd and

James McGill; which was read twice, and committed.

Mr. GENTRY, pursuant to notice heretofore given, obtained leave to introduce a bill for the benefit of Fielding Pratt; which was read twice, and committed.

Mr. UNDERWOOD, from the Committee for the District of Columbia, reported a bill for the relief of the Howard Institution of the City of Washington; which was read twice, and committed to the Committee of the Whole.

Mr. LINN, from the Committee on Public Expenditures, reported a resolution to authorize that committee to employ a clerk, and to send for persons and papers.

Mr. BOWNE called for the yeas and nays on that motion; and, being ordered, they resulted as follows: yeas 87, nays 99.

Mr. J. C. EDWARDS obtained permission to introduce a bill to allow drawbacks on foreign merchandise exported in original packages to Chihuahua and Santa Fe, in Mexico; which was read twice, and committed to the Committee of the Whole.

Mr. WISE rose to present to the House a resolution of the Legislature of Virginia, instructing the Senators of that State, and requesting its Representatives, to use their best efforts to cause the immediate passage of the bill refunding the fine imposed on General Jackson, by Judge Hall of New Orleans, in 1815.

As this was the resolution of a State—a State which he in part represented—he took the earliest opportunity to present it; and, in doing so, he begged to say for the Legislature of Virginia, and for himself, that no partisan feeling entered into the spirit of that resolution. It was offered in the spirit of patriotism—pure patriotism. It was believed by the Legislature of Virginia, and the Representatives of the people of that State, that the act employed by General Jackson to defend the city of New Orleans was one of imperious necessity—a necessity imposed upon him by the "booty and beauty" of that city, which were threatened by an invading army, and no less by domestic traitors——

Mr. MORGAN interposed, and inquired whether the gentleman from Virginia was in order?

Mr. WISE said he wished to exculpate his State——

Mr. MORGAN objected to the gentleman debating the question.

Mr. WISE. I merely wish to state——

Mr. MORGAN. Mr. Speaker, is it in order?

The SPEAKER said the gentleman from Virginia could not enter into debate on the subject.

Mr. WISE. I do not propose to debate it; but, as it was received by unanimous consent of the House, I merely wish to bespeak from the House that respect which I believe ought to be paid to the resolution of the Legislature of a State.

Mr. HOWARD and others called the gentleman to order.

Mr. WISE. I move that the resolution be referred to the Committee of the Whole——

Mr. HOWARD. The gentleman has no right to speak upon it at all.

Mr. WISE. I am making a motion now. I move that it be referred to the Committee of the Whole on the state of the Union, where a bill, I believe, already lies, which was reported at the last session, on this subject.

Mr. TURNEY. And that it be printed.

Mr. WISE Yes, and that it be printed.

The motion was agreed to.

Mr. GATES offered the following resolution; which was agreed to:

Resolved, That the President be requested to transmit to the House of Representatives the laws passed by the Governor and Legislative Council of the Territory of Florida, at the last session.

Mr. TALIAFERRO, from the Committee on Revolutionary Pensions, reported a bill to amend and explain an act of the 4th July, 1836, and an act of the 7th July, 1838, allowing pensions to certain widows. It was read twice, and committed to the Committee of the Whole.

Mr.. FORNANCE, from the same committee, reported a bill for the relief of Jonathan Britton; which was read twice, and committed to the Committee of the Whole.

Mr. MORRIS, from the Committee on Invalid Pensions, reported a bill for the relief of Daniel Dunham; which was read twice, and committed.

Also, an adverse report on the petition of Sarah Hildreth.

Mr. BURNELL offered a resolution, directing the Clerk of this House to distribute amongst the members of the House, for circulation, certain charts of George's shoals, now in the Clerk's office. The motion was agreed to.

Mr. CAMPBELL of South Carolina gave notice that he would on to-morrow ask leave to introduce a bill to suspend, for a limited time, the operation of the second section of the act entitled "An act for the apportionment of Representatives among the several States, according to the sixth census."

Mr. JAMES IRVIN offered the following resolution, which was agreed to:

Resolved, That the Secretary of the Navy be directed to communicate to the House of Representatives the report of the engineer in chief of the Navy Department, in reference to an invention of Cadwallader Evans, of Pennsylvania, for the prevention of explosions in steam-boilers.

On the motion of Mr. WISE, it was ordered that the Committee on Naval Affairs be discharged from the consideration of the petition of Octavius A. Holden and James C. Patton.

THE BANKRUPT LAW.

The SPEAKER announced the regular order of business to be the bill to repeal the bankrupt act.

The Clerk stated the question as it now stood. The original bill was introduced by Mr. EVERETT, as already published. This Mr. BARNARD had moved to amend, so as to repeal only so much of the bankrupt law as permits voluntary bankruptcy; providing, however, that this act should not affect any case or proceeding in bankruptcy already commenced, or which should be commenced before the 4th day of March next. Mr. CUSHING had moved to amend the amendment, so as to provide that this act should not affect any case or proceeding in bankruptcy commenced before the passage of this act, and, consequently, not to extend it to cases commenced before the 4th of March next. Mr. BRIGGS had moved to commit the bill and all its amendments to the Committee on the Judiciary, with instructions to report a bill to repeal that part of the existing law which authorizes the voluntary application of debtors, and to include corporations which issue paper to circulate as money, within the operation of the bankrupt law. And Mr. CAVE JOHNSON had moved to amend Mr. BRIGGS's amendment, by striking out all the instructions, and inserting instructions to the Judiciary Committee to report, at 12 o'clock to-morrow, the following bill: "That the act passed on the 19th day of August, 1841, entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' be, and the same hereby is, repealed.

Mr. SALTONSTALL, who had the floor, observed, that it was neither his intention nor his wish to enter into an elaborate argument on this bill; being satisfied, from appearances when it was last before the House, that it would be brought to a close before the close of this day. The question now, as read by the Clerk, opened the whole subject for consideration. It was, on the motion of the gentleman from Tennessee to commit the subject to the Committee on the Judiciary, with instructions to bring in a bill to repeal the bankrupt act forthwith. He looked upon this as the most important question that could occupy the attention of Congress, and should be acted on with great caution and deliberation. It would operate throughout the United States, and upon all classes of the community, upon contracts of every description in which the citizens of the United States have entered. If ever, therefore, a question deserved to be considered calmly, deliberately, and impartially, it was this; and, indeed, it should be acted on with as much caution as if it was now the question on the passage of an original bankrupt law. Other classes of the community, as well as the mercantile classes, were deeply interested in this question. Mr. S., after taking a brief view of the history of the passage of the bankrupt act, and of the constitutional powers and obligations of Congress to pass it, entered into a consideration of the reasons urged for its repeal. It had been said that public opinion demanded its repeal; and the gentleman who introduced the bill was supported by the resolutions of a sovereign State demanding it. He denied, however, that there was any evidence showing that the people demanded the repeal of this law. Where was it shown? There had been no petitions presented calling for it. The Legislatures of the States (with but one exception) had made no move in relation to it; and, if he judged from what he had seen of the public press, there was no evidence there of a desire for the repeal of the act. They had every evidence that public opinion was loudly in favor of this law at the time of its passage. It was called for by numerous petitions, coming from every quarter of the country, signed by men of all classes of the community. It was advocated in the public papers, and strongly recommended to the favorable consideration of Congress in the message of the President of the United States. Mr. S. deprecated the repeal of this law before sufficient time had elapsed to give it a fair trial and examination. He contended that it was now operating most favorably, and that the principal cause for objection to it had nearly passed away. This was the retrospective feature of the bill; but as all (or nearly all) the cases of that class had been acted on, there was now no longer any objection to the bill. In a country like ours, he held that some uniform laws on the subject of bankruptcy should exist. Such laws were just as necessary now, as when the constitutional provision authorizing Congress to pass such laws was adopted; and the very reasons which operated upon the convention for the insertion of this provision, operated now in favor of retaining the present law in force.

The framers of the Constitution foresaw the great increase in the extent and commerce of this country. They saw that new States would spring up, with various interests and with different laws; and that, without some uniform law passed by the common Government, the insolvent laws of these States would come in conflict. The grant of this power was, therefore, inserted for the same reason that the grant of power for the regulation of commerce between the States was inserted; and these same powerful reasons operated now, as well as then. Mr. S. denied that the law was complicated, and difficult to be carried out. On the contrary, it was perfectly simple, and easy to be understood and executed. In Massachusetts, for example, it had gone into operation without any difficulty whatever, and without any complaint of frauds. The retrospective feature, it was true, was first complained of; but as this ceased to have any effect, the act had become popular, and was found to be exceedingly useful and beneficent in its effects. Mr. S. continued speaking up to the expiration of his hour, showing various reasons why the law should not be repealed.

Mr. DAWSON rose, and addressed the House in opposition to the repeal of the law. He said: I do not intend to make a speech on this occasion, but simply to offer a few brief remarks in my own justification, here and at home. I am aware that, if I could speak with the voice and wisdom of an angel of light, I could not arrest the fate of this bill. It is virtually *res judicata*—soon to be "as a thing that was not." Politicians have already taken sides for and against it; and the appeals of reason and of justice are now alike unavailing.

I have not heard a solitary complaint from one of my constituents for my vote in favor of this bill. On the contrary, I have received many warm and grateful acknowledgments in approbation of my course. I have in my drawer a long list of the most respectable names in Louisiana, urging me to oppose the repeal of the bankrupt law. No man in this House would rejoice more than I would to see this bill amended; but I will hold on to it *as it is*, sooner than see it repealed. I am opposed to the oppression of the debtor, in every shape, form, and manner. Debt is a misfortune; and bitter is the cup of life (Heaven knows) to the unfortunate debtor, at best, without being treated as a *criminal*. I am willing to see the debtor forced to make an honest, full, and unqualified surrender of *all he has*: and then I would *palsy* the arm of the Shylock who

would attempt to take his pound of flesh. This is the poor man's law; and it stands "solitary and alone," as the poor man's law, in the history of the world. I am the open and avowed advocate of a bankrupt law to benefit debtors, and not a law to benefit creditors *exclusively*. I would not make a retrospective law, to favor or shield the debtor; but I would place him henceforth beyond the reach of personal cruelty and degradation. His property might be seized and sold; the roof that shelters his wife and children from the pelings of the pitiless storm might be taken from him, and they might be turned over to penury and want. But his person, at least, should be sacred. The creditor should not touch a hair of his head after he had made a fair and honest surrender of everything he was worth on the face of the earth.

"Man's inhumanity to man
Makes countless millions mourn;"

and wise legislation will always defend and protect the weak, the helpless, the unfortunate, and oppressed. The fate of the bankrupt law is already foretold. I entertain no doubts of its being repealed in a few days. It is the first law that ever was passed—and, I greatly fear, it will be the last—to favor the poor and the unfortunate. It is idle to resist the power of money; to its secret, subtle, and pervading influences, imagination can devise, and strength can accomplish no bar. It will buy the prayers of the church, the fidelity of man, and the love of woman. It is the alpha and omega of all human desires. Reason and justice are impotent when opposed to the magic power of gold.

"Plate sin with gold,
And the strong lance of Justice hurtless breaks;
Clothe it in rags, a pigmy's straw doth pierce it."

One overgrown capitalist, or rich creditor, has more influence over the National Legislature of this country than five thousand unfortunate and persecuted debtors.

Repeal this law, and how inconsistent and reprehensible the majority of this House must appear in the "sober second thought" and dispassionate consideration of a free and intelligent community! They have forced a good law, in a bad shape, upon the nation; and now that the hour of amendment is almost at hand—I mean the meeting of the 28th Congress—they are about to blast forever the last hope of the broken-hearted and desponding debtors throughout our vast domain. They are now eager and impatient to destroy, with a ruthless hand, the most salutary and effective checks upon that reckless credit system which has cast a gloom of desolation over the land.

I voted for this bill, not because I considered it perfect, but with a hope that it would soon be amended and made perfect. I do not believe that any man or party can make a bankrupt law that will at first be invulnerable in all its parts. I am, consequently, disposed to make the most of this. I am for salutary, judicious, and necessary amendments; and I am opposed to the repeal. I have always been in favor of a judicious national bankrupt law; and I earnestly contend that this is a most propitious hour for the most happy legislation upon the subject. I sincerely regret being compelled, by the deep and rooted convictions of my mind, and the best impulses of my heart, to differ, *in this single instance*, with my Democratic friends. If any man ever was truly proud of his party, *I am the man*. I may be wrong; but if I am, it is an error both of the head and of the heart. I cannot favor the *few* to oppress the *many*. If I do err, I feel that it is an error on the side of mercy.

Mr. CUSHING rose in opposition to the repeal of the bankrupt law. He thought that, instead of immediately repealing this measure, and thus exhibiting to the country the spectacle of a vacillating body—undoing to-day what it had done yesterday; it should be allowed to remain in force, and be further tested by public judgment. Instead of a hasty and precipitate action, he thought the public interests would be better promoted by modifying the law so as to exclude voluntary applicants for its benefit, and to include corporations issuing paper for circulation. Let it be modified to suit the views of gentlemen, but not wantonly demolished.

If, however, the law must be repealed, he hoped the House would not put upon the record an untruth, saying that it had been repealed on the 5th of December, as was implied by the provision of the bill as introduced by the gentleman from Vermont [Mr. EVERETT.] In addition to this untruth, which would be implied, the provision was, he thought, unjust, and would involve the whole commerce of the country in difficulty. He argued that it was in the highest degree unjust in Congress to refuse to make provision in regard to pending process in the courts, and earnestly remonstrated against a retrospective repeal of the law. The act of repeal should, he thought, take effect from its passage, and not from any date in the past time.

Mr. C. said he would take this occasion to present a memorial from Philadelphia against the repeal of the law, which he would have read as a portion of his remarks.

Mr. ADAMS availed himself of the opportunity to present a petition for the same purpose.

Mr. FERRIS presented two petitions from the city of New York against a repeal.

Mr. EVERETT objected to the presentation of any further memorials, as irregular.

Mr. CUSHING resumed, and proceeded in answer to some of the remarks submitted a few days since by the gentleman from Tennessee, [Mr. ARNOLD.] He agreed with that gentleman in part of what he had said. It was true that there were objections to the act in the first place; yet these had been either extenuated, or had lost their force. The main objection to the passage of the law was, that it would operate on contracts made, and would thus affect vested rights. Now, this objection applied with equal force to the repeal of the measure as proposed in the present bill, since many enterprises had been entered into by men acting in reference to its continuance.

He would say to the gentleman from Tennessee, [Mr. ARNOLD,] that he would not have ventured to use language of condemnation so strong as that used by him when addressing the House on the repeal of this law. That gentleman had proceeded to make personal references to high functionaries of the Government, and to introduce them here as if their destiny, or their remaining in office, was material to the repeal of the bankrupt law. If the remarks of the gentleman were at all relevant to the question, equally so would be a reply. In considering the exciting debates which often took place in that body, he thought they were bound to observe the fact, that the House of Representatives was the great voice of the nation—the safety-valve of the democratic impulses of the people. From the nature of our Government, discussions must frequently be carried on with earnestness, with excessive zeal, and sometimes with indecorum; yet he felt himself at liberty to declare, contrary to the opinion of the press elsewhere, that this was the most decorous of all deliberative national assemblies in the world. He knew it was more orderly than either the House of Commons in England, or the Chamber of Deputies in France.

He next proceeded to notice the remarks of the gentleman from Tennessee [Mr. ARNOLD] in relation to the Secretary of State, and the speech made by that officer at Boston, wherein he was charged with acting, not from a desire to promote the public welfare, but solely from a lust of office. When such a strain of vehement denunciation as had been applied to the Secretary of State was used by a member on that floor, he felt it to be his duty to say something in reply. And, in relation to the charge of love of office, he would ask, how was a man capable of doing good service to his country, unless he held office and was in power? Was there an individual, without a public trust, who could carry out his purposes of good to the country? All experience showed that it was impossible to accomplish beneficial ends without the possession of power. Indeed, the gentleman, after thus impugning the motives of the Secretary of State, would have been equally justified in imputing the same selfish views to every man in the United States who had ever held office, from George Washington down to the present time. He, (Mr. C.) therefore, denied that any man holding office could be properly accused of a personal and interested motive in so doing.

He could not join issue with the gentleman [Mr. ARNOLD] upon the terms of general obloquy used with regard to the functionaries of the Administration; but he would deal with specific facts and measures, and also with intentions as clearly and plainly developed, whenever they came up for discussion. He would say this, as well for others and for parties, as for the gentleman from Tennessee. It was now the beginning of a short session—the last of the present Congress. A mass of business was before that body—business of deep interest to themselves, to their constituents, and to the country. Under this state of facts, the first reflection with him was, whether it was for the interest of the country, let whatever party that might have the ascendency, to throw aside all legislation, and shut their eyes to all its wants, in order to pass off into an episodical discussion regarding the character of the officers of the Government? If he had argued strictly, the questions of the bankrupt law and the treaty with England, were not at all affected by the character of the men now in power. In proportion, therefore, as gentlemen should enter into a discussion of these personal relations, would they depart from that line of conduct which was best calculated to promote the public business.

It was now nearly two years since, in accordance with a vote of the people, a change took place in the administration of the Government. Since that time, an internecine war had arisen in the dominant party. The war had now been pursued for about one year and a half; but, in the midst of it, the Federal Government, with its fixed Constitution, had stood, like the god Terminus, defying the progress of those who were rushing against it. The country had seen one party throw itself against the immovable rock of the Constitution. What had been the consequence? The party thus hurling itself against the constitutional rock was dashed to atoms.

He thought that enough of recrimination had been heard in the House, and throughout the country, during the period to which he had referred; and he would ask, what interests were to be promoted by its further continuance? Was any personal object to be promoted by a perseverance in these attacks on the part of the Whig party? It was remarkable enough that one party should have broken itself down against the Federal Government; but what was the series of events on which we were about to enter? It was an old maxim that *experientia docet*. He was almost inclined to think that, in the present case, this maxim would have to be reversed, and made to read *experientia non docet*. [Mr. C. J. INGERSOLL: "*Nocet.*"] Then it might be that experience would hurt, rather than teach. The other party had, during this warfare, so long carried on, been occupying an enviable position. They had been folding their arms, looking on and laughing; whilst their opponents, like Kilkenny cats, were eating each other up from head to tail. [Laughter.] This agreeable situation was now about to end; and it appeared, from givings out in various quarters, that this party was also about to hurl itself against the same immovable rock on which the other had split. [Laughter, lasting some time.] A gentleman near him said he was mistaken. He might be; yet he was under the impression that, however individual leaders might think and wish, that consequence would follow. [Laughter.]

He had said the Federal Government was on a fixed basis at Washington. That was the foundation of his argument. Now he would suppose a man called to be President of the United States. It mattered not whether he was elected, or whether the office devolved upon him by contingencies contemplated in the Constitution. He was President. What, then, was his first duty? To consider how to discharge his functions. He (Mr. C.) thought the President was bound to look around at the facts, and see by what circumstances he was supported. Gentlemen might talk of treason; much had been said on that subject; but the question for the individual who might happen to be President to consider was, How is the Government to be carried on? By whose aid? He (Mr. CUSHING)

would say to that party now having the majority, (and whom, on account of that circumstance, it was more important he should address,) that if they gave him no aid, it was his duty to seek aid from their adversaries. [Laughter.] If the Whigs continue to blockade the wheels of the Government, he trusted that the Democrats would be patriotic enough to carry it on. [Laughter.]

He had thus presented the party relations of the question. Behind them there was one of deeper import, and which might be vital in its effect. There was in the United States a great career of ambition, and beyond it a culminating point—the highest position which it was in the power of man to attain—the Presidency. For this place, on looking around him, he saw more aspirants than he could count upon his fingers. [Many voices: "Name them."] He could not name them. ["Name them"—"let's hear who they are."] Their name was legion. He knew not what splits would take place, nor how far their personal relations would tend to produce divisions; but he saw in the general race no individual, at the present hour, who possessed a pre-eminent, overwhelming, and irresistible power before the people. [A voice: "Except one—Clay."] Nor did he know whether, during the next two years, any individual would acquire that strength. It was true that the Whig party would hold a presidential convention some time during that period, [A voice: "No need of it;"] and also that the Democratic party would convene a similar assembly. He did not know whether this convention would be able or not to settle the rival pretensions of different candidates; but he saw budding such blossoms of discord as to leave great doubt about the issue of any convention that might be held. He did, however, know that the next year and a half would be signalized by great commotion upon this all-absorbing subject; and, whether there might be one candidate only on each side or not—whether that candidate be cordially supported or not—he would say that it would not be forwarding the political interest of any one of the parties in the country to carry on a fierce warfare against the present Administration. [Laughter.] He deemed it material that he should be frank upon this point just now. [Cries of "Very frank."] There were men connected with the present Administration who meant soon to have a word to say upon this subject. He knew that the political cauldron was boiling with various elements, wholly discordant and different; and he knew, also, what the constitutional power of the Federal Government could accomplish. [Several voices: "By patronage"—"by lust of office."] No, not by mere patronage: he would show gentlemen that he would cut deeper than the mere surface of patronage. He referred them to the extra session, where one measure was proposed by the President, and another reported by a committee of the House, and pushed through to its passage, until it met with a Presidential veto. The action of the President, as affecting the legislation of Congress on that occasion, showed the power of the Federal Government, through events, over masses of men, to be a hundred-fold greater than all its patronage. Whilst the events to which he referred were passing, the patronage of the Government was in the hands of the retiring Secretaries; thus showing that there was not even a concurrence between the action of the patronage and the vetoes. Therefore, what he meant by the power of the Federal Government was, an element soaring above all patronage—the relation of the President to the action of Congress.

He trusted we should never be agitated by such another series of collisions between the majority in Congress and the President as had occurred during the past year and a half; but should such a state of things arise, by the fatuity of parties, it was easy to foresee just such another result as that now brought about. [A voice: "The veto of the sub-treasury predicted."] He hoped and desired that the House would be able to apply itself with uniform care to its legislative duties—trampling under foot party questions, that so much tended to impede the transaction of the public business.

Mr. THOMPSON of Indiana then obtained the floor, and yielded it for a motion to adjourn. Previous to which, and by general consent,

Mr. McKENNAN offered the following resolution; which was considered and adopted:

Resolved That the use of the hall of the House be granted to Professor Walter R. Johnson, for the delivery of a lecture on the subject of coal, and its various applications.

Mr. JAMES COOPER, by general consent, offered the following resolution; which was considered and adopted:

Resolved, That the Secretary of War be required to communicate to this House a detailed statement of all the expenditures made from the Chickasaw fund, between the 2d day of March, 1833, and the 1st day of January, 1843; the said statement to embrace the names of the persons to whom payments have been made, the amount paid to each, and on what account.

The SPEAKER laid before the House a communication from the Treasury Department, containing a statement showing the expenditures under the contingent fund for the last year: laid on the table, and ordered to be printed.

Also, a communication from the Secretary of State, enclosing a report showing the modifications of their tariff laws by certain foreign countries: referred to the Committee of Ways and Means, and ordered to be printed.

Also, a communication from the same, on the subject of our intercourse with foreign nations: laid on the table, and ordered to be printed.

Also, a communication from the Legislature of the Wisconsin Territory: laid on the table, and ordered to be printed.

On motion of Mr. McKENNAN,

The House adjourned.

IN SENATE.

WEDNESDAY, December 28, 1842.

Mr. YOUNG of Illinois presented the petition Alexander M. Jenkins, Richard J. Hamilton, and Samuel Lee, of the State of Illinois, securities of William Linn, late receiver of public moneys at Vandalia, in said State, praying that a law may be passed discharging them from their joint liability, upon the payment by each of a fair distributive proportion of the judgments obtained against them on account of the defalcation of the said Linn; which was referred to the Committee on the Judiciary.

Also, a petition from William Elliot, jr., of Fulton county, Illinois, praying that a law may be passed to enable him to enter a certain quarter section of land; which was referred to the Committee on Public Lands.

Also, a petition of a number of citizens of Boone and McHenry counties, for a post-road from Hartland, in McHenry county, by way of "Cold Spring Prairie," to Amazon post office, in Boone county, in said State; which was referred to the Committee on the Post Office and Post Roads.

The PRESIDENT *pro tem.* laid before the Senate the report of the Secretary of the Senate, accounting for the disbursements out of the contingent fund of the Senate; which was ordered to lie on the table, and be printed.

Mr. TALLMADGE presented three memorials from the State of New York, remonstrating against the repeal of the bankrupt law: referred to the Committee on the Judiciary.

Mr. CRITTENDEN presented a memorial from F. H. Pettis, counsellor at law in the city of New York, and others, remonstrating against the passage of the bill to repeal the bankrupt law; which was referred to the Judiciary Committee.

Mr. C. also presented a memorial from the same individual, on the subject of a system of waterproof cloths, an invention of which he claims to be the author. He says that the discovery is one of great value and importance for purposes of naval use: referred to the Committee on Naval Affairs.

Messrs. WOODBRIDGE, PORTER, and BERRIEN, severally presented memorials against the repeal of the bankrupt law; which were referred to the Judiciary Committee.

Mr. ARCHER presented a memorial from the city and county of Philadelphia, praying that the bankrupt law may be modified, but not repealed; which was referred to the Judiciary Committee.

Mr. McROBERTS presented a memorial from citizens of Illinois, urging upon Congress the passage of the bill to repeal the bankrupt law; which was referred to the Judiciary Committee.

Mr. LINN presented a memorial from citizens of Illinois, praying Congress to pass a law for the occupation and settlement of the Oregon Territory, and to grant donations of land as an inducement to settlement; which was laid on the table, to accompany the action on the bill on that subject.

Mr. WOODBURY presented a petition from James Dodds and Eli Davis, watchmen in the Post Office building, asking for an increase of compensation; which was referred to the Committee on Claims.

Mr. LINN, on leave, introduced a bill for the relief of certain companies of Missouri volunteers, commanded by Captains Pollard, Sconce, Harrison, Atchison, and Crawford; which was read twice, and referred to the Committee on Military Affairs.

Mr. CRITTENDEN, on leave, introduced a bill for the relief of James Taylor, and, for other purposes; which was read twice, and, with the documents relating thereto, referred to the Committee on Claims.

Mr. CONRAD, from the Committee on the Post Office and Post Roads, reported back, without amendment, the bill for the relief of William Debuys, postmaster at New Orleans.

On motion of Mr. WILLIAMS, it was ordered that the petition of John A. Dickerson, for extra compensation as sailing-master in the United States service, be taken from the files of the Senate, and referred to the Committee on Claims.

Mr. SEVIER, from the Committee on Pensions, reported a bill for the relief of Wareham Kingsly; which was read, and ordered to a second reading.

On motion of Mr. SEVIER, the Committee on Pensions was discharged from the further consideration of the petition of John Bosworth; and it was referred to the Committee on Naval Affairs.

Mr. McROBERTS, on leave, introduced a bill declaratory of the assent of Congress to the State of Illinois imposing a tax on all lands hereafter sold by the United States in said State, from and after the time they are sold; which was read twice, and referred to the Committee on Public Lands.

Mr. KING, on leave, introduced a bill for the relief of certain citizens of Alabama, who were deprived of their improvements by the treaties with the Creek Indians; which was read twice, and referred to the Committee on Public Lands.

Mr. McROBERTS presented the credentials of SIDNEY BREESE, elected by the Legislature of the State of Illinois a Senator from that State for six years from and after the 4th day of March next; which were read, and ordered to be placed on the files of the Senate.

Numerous House bills were then taken up, read the first and second time, and appropriately referred.

The CHAIR laid before the Senate a subpœna issued from the circuit court of the United States for the District of Columbia, which had been served upon the Secretary of the Senate, with a view to compel his attendance into court with a certain anti-bank memorial, signed by citizens of Georgetown, now on the files of the Senate, to be used in the case of Addison *vs.* White, now being tried in said court. The Chair remarked that the Secretary was in doubt what to do in the case, he having no authority to take from the files any portion of the public archives, and had desired him to present the subpœna to the Senate.

A debate of a conversational character took place between Messrs. PHELPS, McROBERTS, BERRIEN, WOODBURY, HUNTINGTON, KING, and CRITTENDEN, as to whether a transcript of the record would not do to carry into court, and as to whether the Secretary, (though he was on duty,) being but a ministerial officer of the Senate, was entitled to the privileges which attach to Senators, and exempted them from the processes of the courts.

Mr. TAPPAN contended that the time to regard the supœna had not arrived, but that it should be disregarded until an attachment was issued against the Secretary; when the issue would be made up, and could be tried as to whether the privileges o

Senators did not, in some measure, extend to their officers, and exempt them from legal process while in the performance of their official duties.

The debate having ceased, and the Senators having concluded that it was not worth while to bring the Senate and court into collision,

Mr. BERRIEN submitted the following resolution, touching the matter; which was read and agreed to, viz:

Resolved, That the Secretary of the Senate have leave to take from the files of the Senate the anti-bank memorial specified in the *subpœna duces tecum* issued from the circuit court of the United States for the District of Columbia, in the case of Henry Addison *vs* Robert White, this day served upon him, for the purpose of being exhibited as evidence in the said case.

Mr. HENDERSON, on leave, introduced a bill to extend the time of payment of the judgments against the Planters' Bank of Mississippi and the Agricultural Bank of Mississippi, and for other purposes; which was read twice, and referred to the Committee on Finance.

Also, on leave, introduced a bill for the relief of the West Feliciana Railroad Company and the Grand Gulf Railroad and Banking Company; which was read twice, and referred to the Committee on Finance.

Mr. EVANS presented certain documents in relation to the claim of William Allen; which were referred to the Committee on Naval Affairs, who have charge of the bill for his relief.

The following resolution, introduced by Mr. WOODBURY, was taken up and adopted, viz:

Resolved, That the Secretary of the Treasury be directed to furnish the Senate with the following information:

1. The amount of revenue received from customs during the third quarter of the year 1842, on imports made in that quarter.

2. As soon as the returns are obtained, the amount received in the 4th quarter of the same year, from the imports made in that quarter, and the aggregate of those imports.

3. The aggregate of appropriations outstanding and unexpended at the close of the years, respectively, of 1840, 1841, and, when this year expires, at the end of 1842; and

4. The quantity of land which was advertised for public sale from 4th March, 1841, to the close of one year from that date, and the quantity advertised during the year previous to that date.

The following bills were then taken up, as in committee of the whole, considered, and, there being no proposition to amend, were reported to the Senate, and ordered to be engrossed for a third reading, viz:

The bill for the relief of sundry citizens of Arkansas, who lost their improvements in consequence of the treaty between the United States and the Choctaw Indians.

The bill allowing drawback upon foreign merchandise exported in the original packages to Chihuahua and Santa Fe, in Mexico. [Mr. HUNTINGTON, chairman of the Committee on Commerce, explained this bill, and defended it on the ground that it would increase the export trade to those countries, and bring a return of specie and furs; and that it would be beneficial to commerce generally.]

The bill to authorize the Secretary of the Treasury to make an arrangement or compromise with any of the sureties on the bond given to the United States by Samuel Swartwout, late collector of the customs for the port of New York;

The bill for the relief of Stalker and Hill;

The bill for the relief of Ephraim B. Dixon; and

The bill for the relief of J. R. Vienne, of Louisiana.

The bill to authorize the settlement of the accounts of Joseph Nourse was taken up, as in committee of the whole; and, after a few remarks in its favor by Mr. WALKER, was, on motion of Mr. PHELPS, laid on the table for the present.

The bill for the relief of Thomas Fillebrown was also laid on the table, on the motion of Mr. PHELPS.

The Oregon bill came up in order; but was informally passed over till to-morrow.

The joint resolution from the House, for the distribution of the Catalogues of the Library of Congress, was taken up, as in committee of the whole. Mr. WOODBRIDGE and Mr. TAPPAN explained the resolution, and, advocated its passage; and Mr. KING opposed it, and moved that it be indefinitely postponed; and on a division of the Senate on the question, it appeared that no quorum had voted. Then,

On motion of Mr. PHELPS,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, DECEMBER 28, 1842.

Mr. BRONSON desired to present a petition for the repeal of the bankrupt law.

Mr. ARNOLD said he had another on the other side of the question, praying that the bankrupt law might not be repealed.

Mr. L. W. ANDREWS objected to their presentation in this way.

Mr. HOUSTON presented the memorial of Jesse W. Garth, of Morgan county, Alabama, praying Congress to pass a law directing the Commissioner of the General Land Office to grant him a patent to certain land therein designated.

EXTRA COMPENSATION TO OFFICERS.

Mr. CAVE JOHNSON asked leave to introduce the bill, of which he yesterday gave notice, to prohibit the allowance of extra compensation to the officers of the Government.

The bill was received and read a first and second time.

Mr. CAVE JOHNSON then moved its engrossment.

Mr. ARNOLD objected. He said he had a bill before the House on the subject of retrenchment, and the House owed it to itself to take up that bill.

The SPEAKER said it was not in order to debate the question.

Mr. ARNOLD then moved that the bill of the gentleman from Tennessee [Mr. C. JOHNSON] be committed to the Committee of the Whole on the state of the Union; so that this bill and his own, to reduce the pay of members of Congress, might be amalgamated. What was good in the bill of the gentleman from Tennessee [Mr. C. JOHNSON] he would accept; but he would not take it piecemeal.

Mr. C. JOHNSON inquired if it was not in order to move the engrossment of his bill?

The SPEAKER replied that it was not, if objection were made.

Mr. C. JOHNSON then asked the House to print his bill, and let it lie on the table. He said a practice prevailed in this Government, of employing officers of the army as commissioners, and giving them their usual pay as officers, and also several thousand dollars as commissioners; and he desired this bill to apply to the officers of the army as well as to the other officers of the Government.

After a few words from Mr. J. R. INGERSOLL, the question was taken on Mr. ARNOLD'S motion to commit the bill to the Committee of the Whole; and it was decided in the affirmative by a majority of 70 to 56. The motion to print was also agreed to.

FOREIGN TARIFF LAWS.

Mr. FILLMORE said there were some communications yesterday received from the State Department, one of which showed the modifications of their tariff laws by certain foreign countries. Of this document, he now moved the printing of five thousand extra copies.

Mr. L. W. ANDREWS inquired if that motion was in order.

The SPEAKER said it was not, if objection were made.

Mr. ANDREWS. Then I object.

Mr. FILLMORE said the document related to our commerce with Canada, and was of great importance; and, therefore, he would move a suspension of the rule for the reception of his resolution.

The motion to suspend, and the motion to print 5,000 extra copies, were both agreed to.

UNITED STATES DISTRICT COURT AT WHEELING.

Mr. STEENROD gave notice of his intention to ask leave to introduce a bill to amend the act, passed at the last session of Congress, establishing a district court of the United States at Wheeling, Virginia.

WATER-ROTTED HEMP.

Mr. J. C. EDWARDS presented the petition of Henry S. Smith and others, inhabitants of the State of Missouri, praying the appointment of a permanent agent for the purchase of water-rotted hemp in Platte county, Missouri.

He also moved its reference to a select committee of five members; which was agreed to.

NEW YORK CUSTOMS AND CASH DUTIES.

Mr. ROOSEVELT offered the following resolution, which was agreed to:

Resolved, That the Secretary of the Treasury be directed to inform this House what portion of the revenue, received from customs since the 30th day of June last, accrued from bonds given for the payment of duties on importations made previous to that period, and what portion consisted of cash duties on imports entered since that period; and whether any bonds, taken before the commencement of the cash system, on the 1st of July last, still remain outstanding; and, if so, what is the amount thereof; and how much of said amount may reasonably be expected to be collected within the said twelve months.

Mr. TOLAND desired to present a memorial.

Mr. CAVE JOHNSON inquired if memorials could not be presented without interrupting the business of the House, under a rule of the last session?

The SPEAKER said they could be presented, but not printed, without an order of the House.

Mr. CAVE JOHNSON objected to the motion to print; and the subject was dropped.

NATIONAL WAR AND COMMERCIAL STEAM VESSELS.

Mr. T. B. KING offered the following resolution:

Resolved, That a select committee of five be appointed to take into consideration the expediency of aiding individuals or companies in the establishment of lines of steam vessels, for the purpose of transporting the mail between some of our principal Northern and Southern ports, to foreign ports, on the lakes, and the Mississippi river—said vessels to be constructed under the direction of the Navy Department, as war steamers, and at all times subject to its control, under such stipulations as may be provided by law. Also, to inquire into the expediency of employing steamers in the revenue service, and uniting it to the navy; and using iron in the construction of said vessels: and report by bill or otherwise.

Mr. HOPKINS suggested that a part of this subject was already under the consideration of a committee.

Mr. KING did not conceive that any harm could arise from the consideration of this subject.

Mr. ADAMS reminded the House that the subject of establishing a line of steamers between this country and France, (jointly with that nation,) was brought before the House at the last session, by a message from the Executive; that message was referred to the Committee on Foreign Affairs, and they reported a resolution favorable to the project, by calling upon the Department of State to report at this session the probable expense of such a plan; he hoped, therefore, this resolution would be postponed until that resolution had been replied to.

Mr. KING of Georgia was aware of the direction which the resolution alluded to by the honorable gentleman from Massachusetts had taken, at the last session; and, so far as regarded the communication across the Atlantic, he should agree with him, that that portion of the resolution he had the honor to submit might be stricken out. There were, however, other ports with which it might be important to establish communications, by the means of steam vessels. It was true that the French Government were engaged in establishing fourteen steamers for a line across the Atlantic; and his insertion of foreign ports in his resolution was with no view of coming in conflict with them. He conceived that it might be of the utmost importance to the country to establish a line of steamboat communication between New York and Chagres, or some other point on the Pacific; and, in inserting foreign ports in his resolution, he had that route in view solely, and not France. There were also various important points on the lakes, as well as on the Mississippi, at which steamboat lines might very advantageously be established. How desirable it might be in time of peace, so to administer the affairs of the Navy and Post Office Departments, by aiding in the establishment of steamboat lines, the vessels of which might be converted into armed steamers in time of war, would be the proper subject of inquiry for the committee.

Mr. K., in conclusion, said that he would, at the suggestion of the gentleman, strike out the words "foreign ports," though he did not see the necessity for doing so; for information would desirable, come from whatever quarter it might.

Mr. KENNEDY, of Maryland, entirely concurred with the gentleman from Georgia as to the propriety and expediency of such an inquiry as he had suggested. He had now in his possession a petition from a gentleman residing on the Pacific, pointing out the importance of a mail communication between this country and the Pacific, through the Isthmus of Panama. He should present that petition at the first opportunity allowed him to do so.

Mr. KING of Georgia begged leave to add, that he too had received various communications, which he should take the earliest opportunity of presenting. It was not unknown to the House, that at the last session this subject was under consideration, and referred for the action of a committee. He hoped there would be no objection to the appointment of a committee.

The question was then put, and the resolution was adopted.

On motion by Mr. KENNEDY of Maryland, the petition to which he had just referred was committed to the Select Committee ordered by the abovementioned resolution.

Mr. FESSENDEN moved to discharge the Committee of the Whole from the further consideration of the bill (No. 199) to change the place of holding the circuit and district courts for the district of Maine.

Mr. B. RANDALL objected.

Mr. FESSENDEN moved the suspension of the rules, which motion was carried; and the previous motion of Mr. F., to discharge the Committee of the Whole from the bill, was agreed to; and,

After a short discussion between Messrs. FESSENDEN and RANDALL, the bill was amended, and ordered to be engrossed for a third reading.

Mr. FESSENDEN then moved that the bill be put upon its passage; but

Mr. B. RANDALL objecting, it was laid over till to-morrow.

Mr. EVERETT moved that the House proceed to the orders of the day.

INDEMNITY FOR FRENCH SPOLIATIONS.

Mr. ADAMS observed that he gave notice the other day that he should this day move to go into Committee of the Whole, for the purpose of acting on the bill providing indemnity for French spoliations prior to 1800. That bill (Mr. A. said) stood first on the calendar, and he now moved that the House resolve itself into Committee of the Whole for the purpose of taking it up.

Mr. PICKENS inquired whether this proposition took precedence over the bankrupt law.

The SPEAKER replied that the motion was in order.

Mr. MEDILL called for the yeas and nays, which were ordered; and, on taking the question, resulted in yeas 88, nays 99, as follows:

YEAS—Messrs. Adams, Allen, Sherlock J. Andrews, Aycrigg, Babcock, Baker, Barnard, Boardman, Borden, Briggs, Brockway, Bronson, Jeremiah Brown, Burnell, Childs, Chittenden, John C. Clark, Staley N. Clarke, James Cooper, Cowen, Cranston, Cravens, Cushing, Ferris, Fessenden, Fillmore, Gates, Gerry, Giddings, Patrick G. Goode, Granger, Gustine, Hall, Henry, Holmes, Hudson, Hunt, Charles J. Ingersoll, Joseph R. Ingersoll, James Irvin, W. W. Irwin, Isaac D. Jones, Keim, John P. Kennedy, King, Linn, Mathiot, Maxwell, Maynard, Morgan, Morris, Morrow, Osborne, Parmenter, Plumer, Ramsey, Benjamin Randall, A. Randall, Randolph, Ridgway, Roosevelt, James M. Russell, Saltonstall, Sanford, Slade, Truman Smith, Snyder, Stanly, Stokely, Stratton, Sumter, Sweney, Taliaferro, Tillinghast, Tomlinson, Trumbull, Warren, Washington, Joseph L. White, Thomas W. Williams, Christopher H. Williams, Joseph L. Williams, Winthrop, Wise, Wood, Augustus Young, and John Young—88.

NAYS—Messrs. Landaff W. Andrews, Arnold, Arrington, Atherton, Birdseye, Black, Bowne, Boyd, Brewster, Aaron V. Brown, Milton Brown, Burke, William Butler, William O. Butler, Green W. Caldwell, Patrick C. Caldwell, John Campbell, William B. Campbell, Thomas J. Campbell, Caruthers, Cary, Casey, Clifford, Mark A. Cooper, Cross, Daniel, Garrett Davis, Richard D. Davis, Dawson, Dean, Deberry, Doig, Eastman, Egbert, Everett, John G. Floyd, C. A. Floyd, Fornance, Gentry, Goggin, Gordon, Graham, Green, Harris, Hastings, Hays, Hopkins, Houck, Houston, Howard Hubard, Jack, Cave Johnson, Andrew Kennedy, Lewis, Littlefield, Lowell Robert McClellan, McKennan, Marchand, Alfred Marshall Samson Mason, Mathews, Mattocks, Medill, Meriwether, Miller, Mitchell, Moore, Newhard, Owsley, Patridge, Payne, Pickens, Pope, Rayner, Read, Reding, Rencher, Reynolds, Riggs, Rogers W. Russell, Saunders, Shaw, Shepperd, Steenrod, Alex. H. H. Stuart, John T. Stuart, Summers, Richard W. Thompson, Trotti, Turney, Van Buren, Wallace, Ward, Watterson, Weller, and Westbrook—99.

So the House refused to go into Committee of the Whole.

Mr. CAMPBELL of South Carolina, in accordance with the notice he had given, asked leave to introduce the bill in relation to the congressional districts.

Objection was made.

THE BANKRUPT LAW.

On motion of Mr. EVERETT, the House took up the bill for the repeal of the bankrupt law.

Mr. THOMPSON of Indiana, who was entitled to the floor, addressed the House at length in reply to the gentleman from Massachusetts, [Mr. CUSHING.] He had supposed that the present session was to be devoted entirely to business, and the progress made thus far had confirmed his expectations. No evidence of a disposition to make the hall of the House an arena for party conflicts had appeared until yesterday, when the remarkable spectacle was exhibited of a special friend of the present Administration coming here to throw firebrands into the House, and to charge the majority with neglecting the public business. This charge of neglect of the public business by the Whig party was the war-cry at the commencement of the last session, throughout its progress, at its close, and during the recess. It seemed that the same war-cry was now to be resumed.

At the close of the extra session, the country was told that the President would propose measures of relief to a suffering country. A measure was presented at the next session, and referred to a committee of the peculiar friends of the President, who had ample opportunities to digest it. This committee, after mutilating—that was the word—the plan of the President, made a report, which was allowed to sleep upon the table, without any attempt to have it taken up, until near the end of the long session.

Mr. CUSHING here rose, and remarked that the gentleman was in error as to this statement.

Mr. THOMPSON resumed. The country had been constantly told that the Whig party was responsible for the want of proper legislation by Congress; that they were derelict from their duty. He had supposed that this warfare would have ceased, and that all prejudices would be surrendered up upon the common altar of patriotism; but it seemed that the gentleman from Massachusetts had taken a special occasion to evince a contrary course of conduct. The gentleman seemed to have assumed the character of auctioneer for this bankrupt Administration, and he took it that the gentleman would be entitled to a good part of its effects. This was the first time in the history of any civilized country that a Government had, through the person of its acknowledged leader—a man doing most of its speaking, and much of its thinking—stalked into a representative assembly, and openly put up the Administration in the common market to the highest bidder! The gentleman too, spoke by authority, and not on mere idle rumor. His positions were not thoughtlessly taken, for they tallied with the declarations in his Newburyport speech, wherein he affirmed that the President had wished to declare that he would not be a candidate for a second term. From whom did he receive this information? Of course, he must have received it from the President or the Secretary of State, because they alone could have furnished it.

He referred to the fact, that it was formerly charged that a large number of applications for office were on file from Whigs, and to the action of the House on this charge. The House had called on the President for the names of these applicants; but the President said they were made to him in confidence, and he could not communicate them to the House. How did the fact of these applications having been made get out, unless from the President himself? No sooner was the President called on for the names, than he threw himself upon the reserved ground of confidence.

He next referred to the charge that negotiations were entered into on the part of Whig members of Congress to produce a continuation of the late Cabinet in office. So far as he was concerned, he hurled the charge from him with indignation. He believed the charge wholly unfounded, and called on the authors of it to name the men who had made any such proposition to the Executive.

The gentleman from Massachusetts had said that the Whig party—of which he was once so able a defender, and so distinguished a member—was now prostrate, with its banner trailed in the dust, by the power of the Executive. The gentleman said they were dashed against a constitutional fact. What was that fact? The veto power. He observed, it was the duty of the President to look around him, and gain support where he could; referring particularly to the minority on this floor. The gentleman also told the minority that they would be dashed to pieces, like their predecessors, unless they came into the measures of the President; but it yet remained to be seen whether he would get a bid. Judging from the expression of opinion by the leading organ of the Democratic party, he (Mr. T.) was inclined to think that no bid would be offered by a portion of that party. He thought, from givings-out in various quarters, that the President would ultimately have to resort to this "constitutional fact," to defend himself against a large portion even of that party. Indeed, it was doubtful whether there would be bidders from either side.

But the gentleman, in speaking of the various candidates for the Presidency, had declared that there were persons connected with the Administration, who would yet be heard upon that subject. The friends of this Administration had already been heard from the Northern to the Southern portion of this Union. They were constantly declaring that a storm was brewing. Now, he thought the word *bankrupt* was the only word applicable to this Administration;—an Administration which, under the voluntary provision of the bankrupt law, by its acknowledged chief, had put itself up in market to the highest bidder.

He recollected well—though he was very young at the time, and not prepared to take part in the political discussions of the day—that, during the Administration of the distinguished and venerable gentleman from Massachusetts, [Mr. ADAMS,] there arose in this country a party, who, upon the bare supposition, (which was dispelled on an examination of the facts)—upon the bare suspicion that there was what was called a bargain, intrigue, and management between the then head of the Administration, and another distinguished citizen who was a member of his Cabinet, made it a subject of the most bitter and vindictive denunciation. Yet, notwithstanding that this part of our history was still fresh in the recollection of the gentleman from Massachusetts—when we see, in this age of Republican liberty, a gentleman descended from a line of illustrious Revolutionary ancestry—coming, too, almost from the very Cradle of Liberty, and acting as the organ of the Administration on this floor—boldly, shamelessly, and unblushingly offering the spoils of office as a consideration for party support, we may well have cause for alarm. How many clerkships were there in Philadelphia to be disposed of in this manner? From the collector down to the lowest tide-waiter, the power of appointment was to be directed for the purpose of operating on the coming Presidential contest. Who, now, would charge the Whig party with shaping their measures with a view to the elevation of a particular individual, after hearing the bold and open avowal from the gentleman that the present Administration would shape their measures for the purpose of operating on the coming contest? But (said Mr. T.) there was something exceedingly ridiculous in the idea of the Administration party—and such a party, too!—coming into the Representative hall, and telling its members that it had the power to dispose of the various candidates for the Presidency at its pleasure, and controlling the votes of nearly three millions of freemen by means of its veto power, and the power of appointment and removal. He could not but be struck, on reading the remarks of the gentleman this morning, with the similarity between them and a remark made by one of the officers of his own native State,

This man (a constable) in serving a process on an individual, (a sturdy farmer,) found somewhat more of resistance than was to be expected in that land of steady habits. He was rudely shaken by the party arrested; upon which, with an assumption of great dignity and importance, he said: "I would have you to understand that, in shaking me, you are shaking the commonwealth." So it was with the gentleman from Massachusetts, who assumed so much power and importance for his party. We are, said he, "the fixed fact" around this Government at Washington; and this fixed fact will knock your brains out if you don't come into our support. We bide our time; we see your disagreements, and out of these disagreements we hope the President will have some control over future events; while the distinguished men around him will, when they see proper, "have a word to say."

This idea of the gentleman, that the Administration party will be able to decide between the two great parties which divided the country, reminded him of an anecdote he had read in one of his school-books. A large rooster strutted into a stable, where there were several horses, and, fluttering his wings with great importance, said: 'Let us take care, my friends, that we tread not on each other's toes." The gentleman, with equal airs of importance, assumed that the veto power, and all the appointments and removals, were so to be directed as to be brought to bear on the coming elections of 1844. All, then, that the gentleman had hitherto said about the President's conscience, and the moral and religious obligation that was on him to exercise this veto power in the case of the bank bills, was vain declamation; since he now avowed that this power was to be exercised for party and political purposes. In all the contests between General Jackson and the party in opposition to him, it was never pretended by any one that he used the veto power for the purpose of operating on the elections. It was charged against him, that, in the use of the power, he set his own will up in opposition to that of the people, as expressed through their representatives in Congress, and in carrying out the Constitution as he, and not they, understood it; but no one ever charged him with using it for party and political purposes. The gentleman from Massachusetts complained that the President of the United States had been badly treated; and that he himself had been badly treated by the Whig party. The gentleman said yesterday that he and his friend from Virginia, who sat near him, [Mr. WISE,] had been grossly abused—had been called traitors.

Mr. CUSHING begged leave to correct the gentleman. He made no complaint; but said that his friend from Virginia and himself had had more than their share of the obloquy which fell on all public men.

Mr. THOMPSON continued. If the gentleman did not complain yesterday, he would go back to former times, when he did complain. He would refer to his speech to his constituents, and to his speech at the last session, when he complained that a caucus dictation had arisen which directed the most bitter and violent denunciations against him, and the Administration with which he acted. Yet, notwithstanding this charge against the Whig party, the gentleman complained of being badly treated.

The gentleman commenced this war himself. When the members of the Whig party felt themselves bound to declare that they absolved themselves from all connexion with the President, and that they would be no longer responsible for his measures, the gentleman, in a speech on that floor, said that they had been compelled to take that course by caucus dictation. The manifesto-Whigs of the extra session proclaimed to the world that they owed no further obligation to support the administration of President Tyler; that he had soiled the pure ermine which had been thrown around him; that he brought rebuke and degradation on the office he filled; and that they could no longer be responsibfe for his administration. We were not ashamed (said Mr. T.) to go before the country and tell the people that we were disappointed in the man whom we had elevated to power; and, in all the subsequent developments of his policy, our predictions were fully verified. Referring to Mr. Spencer's letter, Mr. T. said that, supposing the President did make a proposition to his Cabinet that he would decline being a candidate for re-election, did it follow, as a matter of course, that the other facts stated by the Secretary of War were authorized to be inferred by him? All that took place on that occasion would have been considered, by any man of common intelligence, as perfectly incongruous with the matter then before the Cabinet. If the President was a co-ordinate branch of the Government, (as said by the gentleman from Massachusetts,) how supremely ridiculous was it for him to declare that he would not be considered a candidate for re-election, just because his opinions were at variance with those held by another co-ordinate branch of the Government.

In relation to the bank bills, Mr. T. said that the Secretary of State, [Mr. Webster,] in a letter written by him nearly at the close of that session, was the first who intimated a desire for the postponement of that question: he said it was the President's desire that the bank bills should be postponed to the next session of Congress. The same thing was communicated by the gentleman from Massachusetts himself to his constituents; and yet, with these facts staring him in the face, the Secretary of War said that the proposition came from the Whig party to postpone the further consideration of the bank bill, on the condition that the President would retain the members of his Cabinet in office.

But it seemed to him (Mr. T. said) most singular that the doctrines held by the gentleman in 1834, on the subject of the veto power, could have been uttered by a gentleman who now regarded it as the mere instrument of party, to be used to operate on the elections to be held. Mr. T. here read copious extracts from a speech delivered by Mr. C., in 1834, at Faneuil Hall, in which the exercise of the veto power by General Jackson was commented on with much severity. After some further remarks, Mr. T. said he had one inquiry to make of the gentleman from Massachusetts. It remained now for the country to know who it was on that floor that was prepared to receive this proffer on the part of the Administration for executive support. The gentleman had not made this proposition to the Whig party, for he told them that they had butted their brains out against the bucklers of executive authority; but he understood him as addressing himself to the minority. It remained, therefore, for them to tell the country whether they were prepared to consummate the alliance thus proffered. In propositions of this nature, silence was sometimes considered as giving consent; and it became them, therefore, to speak out, lest their silence might be taken as an acceptance of the proposals. The leading organ of the Democratic party told them this morning that that branch of it would have nothing to do with this alliance; but he wished to hear what was said on that floor on the subject. He did hear one gentleman say that he had a great mind to make a bid, but he was afraid that the people would not sanction the bargain. The gentleman from Massachusetts came out boldly and openly with his proposition. He put the Administration up to the highest bidder, and played the auctioneer with considerable skill and ability. "Going, going," said the gentleman; "can't I get a higher bid?" [Laughter, and cries of "A postponed sale."]

The gentleman exulted in the fate of the Whig party, and told them with much satisfaction that their party was destroyed. Now, let him ask the gentleman, in the utmost sincerity of his heart, whether he did not feel some little mortification and regret when he saw the banner under which he had so often rallied trailing in the dust, and trampled under the feet of those against whom he had fought for so many years?

After a few more remarks, not distinctly heard by the reporter, Mr. T. took his seat.

Mr. EVERETT obtained the floor, and, with a few preliminary remarks, moved the previous question. Before taking the question on this motion, however, Mr. E. asked that there might be a call of the House.

Mr. KENNEDY of Indiana appealed to the gentleman from Vermont to withdraw the call for the previous question until he, or some gentleman on his side of the House, could be heard on the subject.

Mr. EVERETT refused to comply.

Mr. KENNEDY said, if he could make no better arrangement, he would undertake to renew the motion, if the gentleman would withdraw it.

Mr. EVERETT insisted on his motion.

The question was then taken on the motion for a call of the House, and it was negatived.

Mr. BRIGGS called for tellers on seconding the demand for the previous question. Tellers, however, were not appointed; and the motion of the gentleman from Vermont was negatived.

Mr. KENNEDY then proceeded to address the House. The question of repealing the bankrupt law, he said, had created considerable sensation in that House. He originally voted against the passage of that law, but not because he was opposed to a well-regulated bankrupt system; and he should vote for the repeal bill, because he conceived a large majority of the American people had decided against the bill as it was. But he was free to say that he believed the bankrupt law of the extra session had done its worst; or, in the language of the gentleman from Vermont, who was its advocate, it had answered the purpose of its passage; or rather, he (Mr. K.) might say, the purpose of those who passed it. It had given the advantage to many, who were not entitled to it, to get rid of their honest debts; and now, when the time had arrived at which many honest men would take advantage of its provisions, it was to be repealed. He responded, then, fully to the observation of the gentleman from Vermont—that it had accomplished its object; and he (Mr. K.) would now vote against its repeal, if on this bill they could engraft a good one—one that would be prospective in its operation, and that should include corporations within its provisions. But, as he had said, he should now vote for the repeal bill, because the American people had said it must be repealed. He must, however, be permitted to say that the manner and the mode of the passage of that law were objectionable to him, and the House must excuse him if he spoke plainly on that subject. What, then, were the circumstances under which that bill became the law of the land? He understood one purpose to be, that it might be the means of passing other laws—that was the understanding he had at the time of its passage; but he had since heard it avowed by members on that floor—not in their capacity as members, certainly—that it was passed to carry the elections in the States of New York and Maine.

He now understood that it was feared by Whig gentlemen on that floor, that, unless they passed the bankrupt law, the Whig party would lose the States of New York and Maine; and in consideration of the Whigs carrying those States, the bankrupt law was enacted. He had heard some gentlemen say since, that, though they had paid the consideration, they had not received the equivalent, [laughter,] and he supposed their defeat operated on some of those gentlemen, and prompted them to this summary execution. [Renewed laughter.] Yes, because the Whigs, instead of carrying those States as they bargained, were routed "horse, foot, and dragoons," they would take back the bill. [Laughter.] Now, if that bill was passed with any such object, it was an unholy and dishonorable combination to betray the best interests of the country.

But he repeated, the mode and manner of the passage of that bill rendered it as obnoxious to him as the principles it contained. He objected to it, first, because of what it did contain; and, secondly, because of what it did not. That bill ought never to have been made to operate retrospectively, or on debts already contracted; for that was, in effect, to repudiate those contracts, and it was a wiping of them out with a congressional sponge. On that account, then, it became odious to the American people. But, further: it ought to have contained a provision to embrace corporations issuing paper as money; and it became odious to the American people also on account of that omission. And

hence the people demanded its repeal, and repealed it must be. So much for the bill itself.

That debate was opened with a long lamentable story of the great defeat that was caused to the universal Whig party; and he (Mr. KENNEDY) absolutely felt a good deal of sympathy for those gentlemen, [laughter;] his heart was warm and tender, and, though he could war with the Whig party—yea, to the knife, and from the knife to the hilt—yet, when the gentleman from New York [Mr. BARNARD] spoke of their labors so dolorously—when he spoke of their labors as like those of some poor creature (whose name he had forgotten) who, through a long summer day, rolled a barrel full of stones up a hill, [roars of laughter] was then met by somebody who knocked them down again:—yes, when he heard this lamentable story, and this afflictive comparison, he almost shed tears over the fall of the "universal" Whig party. [Roars of laughter.] Truly, the Whig party had been rolling stones up the hill of public opinion; yea, even in the very teeth of the American people, and in despite of those principles whose declaration had been made. For the last quarter of a century they had been rolling them up with immense labor, and now, verily, they were knocked back again. [Laughter.]

He would now enter into that part of the debate which had been called the "desultory" part. [Laughter.] The gentleman from Massachusetts [Mr. CUSHING] had said the Whig party had broken themselves to atoms against the buckler of Executive power, or against "a constitutional fact." [Laughter.] Now, he could tell the gentleman from Massachusetts that he was mistaken, and he [Mr. K] would correct him; for he intended, as he went along, to strike both at the right and at the left. The gentleman was wrong, then, in supposing that the Whig party had broken themselves into atoms against either Executive power, Executive vetoes, or "a constitutional fact." No, they had broken themselves to atoms by attempting to roll stones up the hill of public opinion. The truth was, the bankrupt act, together with divers other acts, were concocted and carried through the House of Representatives, and sent to the Senate as one grand whole; and they were to be forced through together. He (Mr. K.) admitted that a great effort was made; and he would admit, if gentlemen believed those measures were intended for the public good, that they did themselves great credit in forcing them through; for he believed, if his constituents meant him to do a thing, he would do it with all his might. But, with those gentlemen, it was a mistake that the American people had ever decided in favor of those measures. The truth was, that in the last campaign they played a game of "hide and go seek;" they put candidates on their ticket of unknown politics—men who could be said to be one thing in one part of the country, and another thing in another part; and thus they rallied that portion of the community that was with neither party, and thus they were enabled to break down the solid phalanx of Democracy. But soon occurred that which every man of foresight would have anticipated—playing, fighting, and quarreling with each other; and now they had heard threatenings of the total destruction of the "universal" Whig party. But the party to which he (Mr. KENNEDY) belonged was also threatened with the danger of being dashed to pieces on Executive authority. He did not speak by authority; but he spoke as one of the 52,000 or 53,000 Democrats of the Hoosier State—and he was the only one that had the right to speak there, [laughter]—and he would say, that if he must bid at all, he should be cautious to ascertain whether the bids were to be called out verbally or in writing; for, in the first case, he should be afraid of a want of authority to make the offer; and, in the next place, he should fear a forgery. So far, however, as the Democracy that he represented on that floor was concerned, he could say that they had no political alliances to form with any men—they had no threats to fear from any quarter—for they had but one set of uniform, straight-forward principles; and so far as the Executive was concerned, or anybody with the Executive,—so far as that Executive would carry out the principles of their party, so far would they stand by him, and not an inch further. But, for himself and his constituents, he must say that they were above the acceptance of office. If one of his Democratic friends should ask him (Mr. K.) to use his influence to get that friend an office, he would reply, No, sir. And why? Because he thought it was not right that they should hold office under this Administration. Nor did he think it right that they should hold office under the late Administration, when the deceased Executive was in the presidential chair; and for reasons which he had avowed, both there and elsewhere, to the world. He held that John Tyler was right in putting only such men into office as would give a fair, and candid, and liberal support to his Administration—if such could be found. [Roars of laughter] He (Mr. KENNEDY) cared not who the Executive might be. No one would hear him denounce the Executive for putting such persons in office, and removing those of an opposite description. It was right that it should be so; for the Executive was placed at the head of the Administration, and he ought to carry out, as he had the responsibility of, his own measures. Should he be told that there should be enemies in the camp, to undermine the measures which the Executive designed for the good of the country? No; it would be suicidal. He, therefore, said to his Democratic friends that, so far as he was concerned, he believed it to be right that John Tyler's friends should have the offices if they were qualified to discharge the duties and to give faithful services to the country. But to return to another question. He knew not whether the gentleman from Massachusetts [Mr. CUSHING] intended to horrify them with the threat of vetoes to be exercised hereafter, when the Democratic party should have the majority on that floor; but, as he understood him, the gentleman from Massachusetts spoke to the effect that the Whigs had been in power a year and a half, and they had passed a United States Bank bill, and other adverse measures, which the President had vetoed; and those vetoes had destroyed that party. The Democrats were coming into power; for they would have a majority in the next Congress: and, if they persisted in adhering to their old false notions in favor of a sub-treasury, instead of taking the exchequer, (which was the next thing to a sub treasury; and, if they would leave it with him for a few minutes, he would make it a good one,) they would be vetoed too. He knew not whether this version was the correct one; but he would tell that gentleman what his (Mr. KENNEDY'S) own views were on that subject. He did not expect to be in the next Congress at all; he was told that his constituents had some objection, [laughter:] if, however, it should be his good or bad fortune to be a member of the next Congress, he should vote for just such measures as coincided with his judgment, right or wrong. If right, and the Executive approved them, well and good; but if the Executive vetoed them, he would tell the House what he would not do;—he would not turn round and commence a denunciation of the Executive; he would not, because the President had crossed his purposes, by a frank discharge of what he honestly conceived to be his duty, take advantage of that circumstance, to tear in pieces the Constitution which governed his country. He would tell gentlemen that he looked upon the Constitution as the great palladium of his country's safety. He would also say, that if he were consulted in the future operations of Congress, he would not give him occasion to use the veto power against them.

He had noticed what effect the course which had been pursued had had on the Western people; and if there was one characteristic which the American people admired more than another, and which they would rally round and sustain more than any other, it was a bold and fearless discharge of duty, regardless of all consequences. He had never seen the time yet (and he hoped he never should see the time) when the veto power was exercised contrary to the wish of the majority of the people. It never had been exercised, that the American people had not rallied round and sustained it. They rallied by instinct around the man who had the courage to take the responsibility of his duties. General Jackson avowed himself ready to "take the responsibility;" and what armed that man's arm, and strengthened it like iron? It was that fearless characteristic which gave evidence of honesty of purpose.

The people believed him to be honest when he had the nerve to do what he believed to be his duty, regardless of all consequences; and thus it was that General Jackson became the idol of his country. He (Mr. KENNEDY) had no disposition to make John Tyler a greater man than God Almighty made him; and, therefore, he never should, so far as he was concerned, give him the opportunity to strike the Democratic party with the vetoes. All hoped they would get a man that would approve their measures. He repeated, he had no desire to make John Tyler a greater man than he was intended to be by God and nature; but he must do him justice. He believed John Tyler was an honest kind of an old soul; [roars of laughter;] he believed John Tyler was as honest as any man they ever had or wished to have, [laughter;] he did not think that John Tyler was as great a man as General Jackson by a considerable spell, [roars of laughter.] But he was as honest a man as they had occasion for, [renewed laughter;] and he believed a majority of the people thought so too; though he was also of opinion that, notwithstanding all the storms that might be raised in the country, he would never again be put into the presidential chair. No, but he would be permitted to retire with a good honest name. [Laughter.] It was true, some individuals would bespatter him with abuse, and attack his character: he had already been denounced as a traitor—but to what? To his country? No; no man ever dared say that John Tyler was a traitor to his country. Well, then, he had been called a traitor to his party; and the very men who made that denunciation were the men who denounced General Jackson, because he would do what his party wished him to do. Now he (Mr. KENNEDY) was a party man; he was radical to the root; he was the most ultra man they ever saw; and if even John Tyler could get the nomination of the national convention which they were to have soon, he would go for him. His colleague [Mr. THOMPSON] had expressed the hope that he might get a chance to attack one of the southern pillars of Democracy, and, if that wish should be gratified by the nomination of that distinguished man, he [Mr KENNEDY] should say Amen; and for that chieftain he would do battle with as much pleasure as for any gentleman in these broad States. And further, if his colleague supposed that that gentleman would be the most weak adversary he could find in the Democratic ranks, if he became their standard bearer, he was very much mistaken. He would tell the gentleman further, that they were going to have a great national convention, to nominate a candidate for the Presidency; and not for the purpose of obtaining the spoils, or of getting over that "fact"—[laughter]—for, however, pleasant that might be, it was a secondary question with the Democracy—but for the maintenance of certain great principles and great measures of these United States. [Cries of "Name them."] Well, he would give them some of them.] Cries of "No, no; go on."] Well, he supposed they were pretty well known; and if there were any gentlemen there who were not acquainted with Democratic principles, he would refer them back to their horn-books, for they were as plain as the simple elements of the language in which they were written. He repeated, then, that they were going to have a convention; and, whenever they met, if they did not promulgate what their principles were, in black and white, so that every man in the country could be informed, he (Mr. K.) would not vote with them.

But when they were published, they would be found to be no rabble medley of politics. They would not avow a United States Bank here, and anti-bank principles there; a tariff here, and anti-tariff sentiments there; a bankrupt law here, and an opposition to a bankrupt law there; distribution here, and opposition to distribution there. He fought in no such ranks. His party's creed would be known to the world. They would say what

they would, and what they would not do; and if John Tyler could answer the catechism, and get the nomination of that convention, he (Mr. K.) supposed he would be good enough for him, [laughter,] notwithstanding all the corruption with which John Tyler had been surrounded; [renewed laughter;] and it was surprising how men might be corrupted by bad example. [Roars of laughter.] But the vetoes, and some of the acts of John Tyler, he approved; and he was not disposed to shut the door against any man who was of the right stamp.

Let the House only think for a moment of an administration with Daniel Webster and John C. Spencer as its high priests, endeavoring to recommend itself to the Democracy. [Laughter.] He thought it would be as easy to graft a crab apple upon an orange tree, as to make Daniel Webster a Democrat. [Laughter.] But he believed Mr. Webster had declared somewhere in Virginia that he was a Democrat—a Jeffersonian Democrat. [A voice: "At Patchogue."] He, for one, confessed that he was prejudiced against him, and ever had been. It was not until lately, when he was abused and denounced by the Whigs, that he had begun to inquire minutely into his real character. He confessed that the abuse of the Whigs had led him to believe there might possibly be some virtue in Daniel Webster, after all that had been said against him, and notwithstanding he had ever thought him a political leper from head to foot. But since those men who had gone and drunk Mr. Webster's wine on the right of the passage of the bankrupt law—those men who had been once so gracious with him—had begun to abuse him, he (Mr. K.) had looked a little more into his history. If, upon a close examination of his life and character, he could find one green spot to rest his eye upon, he would even consent to admit him into the Democratic party; but only as a private, doing battle in the ranks. [Laughter.] As to bargains, he would tell his colleague [Mr. THOMPSON] on behalf of the Democrats of the Hoosier State, that they would make none whatever.

He did not understand the gentleman from Massachusetts [Mr. CUSHING] as having set up the Administration to the highest bidder, although he must confess the remarks of the gentleman had a powerful squinting that way. [Laughter.] What he understood the gentleman to state, was, that the dominant party in the House had become, by its course with regard to the President, no more than a faction; that they were disposed to trample under foot all regard for the Constitution, and the interests of the country, in order to put down Mr. Tyler; and that they manifested a spleen, unbecoming the character of American Representatives. He did not certainly understand the gentleman as meaning any more than that John Tyler, thus situated, and thus opposed by the majority in Congress, should carry on the Government by the best means in his power. John Tyler was President of the United States, and bound to perform his duties as such. It was immaterial to the people who was President, but very important to them that the Government should not be stopped. If John Tyler found the Whig party ever blocking him up, and opposing all efforts on his part to administer the Government, he (Mr. K.) held that it was not only his right, but his duty, as President, to look beyond that party, and to every part of the continent, for aid.

He hoped the Democratic party would not take the responsibility of the acts of the present Administration. Yet he would never vote against any measure whatever, merely on account of its being recommended by John Tyler. He should vote for whatever he thought right, let who might recommend it. Nor would he join with those whose object was to break down John Tyler.

After the general rout which the Whig party had sustained since the adjournment of the last session of Congress, he had supposed they would have been taught wisdom, and have changed their tone. Whipping was beneficial in its effect upon children generally, and so he thought it would be upon the Whigs. Never did a party so much need taking down. None was ever so haughty, so presuming, so self-conceited. Well did he remember the declaration of the imperious tenant of Ashland, that the Democratic party was like a criminal under the gallows, waiting only for the signal of execution, on account of its manifold crimes! Yes! the Democratic party was insulted and upbraided by a likening to the doomed convict with the halter about the neck! and such were the expressions uttered in relation to that party by the sage of Ashland, and repeated by his white Charlies all over the country! Indeed, it appeared to him that the whole Whig party were acting as a band of tyrants during the extra, and even at the last session of Congress. At these sessions, all freedom of discussion was effectually set aside, the gag introduced, and the legislation of this hall made to play second fiddle to proceedings in caucus. But he must in a measure exculpate his Whig friends for what they had done so badly. He did not accuse them of having perpetrated all the mischief of which they were the authors *on purpose*, but only on account of their ignorance of the business of legislation. They knew not how to manage. They had been too long out of power. They had been on the grass until they became lank and lean. The consequence was, that their conduct at every step was marked by excesses; and such a set of legislators he hoped never again to see. They introduced the hour rule, the gag, the dictation of caucuses; and manifested a high degree of hauteur in all their proceedings. Supposing that they had been effectually checked by the late election, he had written to his friends in Indiana, that they were chopfallen and in low spirits—dashed to atoms, as the gentleman from Massachusetts [Mr. CUSHING] remarked. He hoped that the fact that congressional President-making had broken down one party, would be an effectual warning to others to let the people alone make Presidents hereafter.

He next proceeded to speak of the manner in which this personal and party debate had begun, and traced the origin of it to the remarks of the gentleman from Tennessee, [Mr. ARNOLD,] who poured out bile, like a sluice, against the present Administration, and what he termed the "subterranean Democrats." The commencement of the debate lay with the opposite side of the House; and he (Mr. K.) had never known the time of the House to be consumed by a party debate, which did not originate with the Whigs. Heretofore, during the present session, smarting under their recent lashing, they had forborne to enter into a personal and party debate. Of late, however, they had forgotten their whipping by the people, and launched out into their former violent course. Was it, then, to be expected that the special friends of Mr. Tyler would sit there and quietly hear themselves denounced in every manner, and on all occasions, without attempting to reply? The Whig party showed, throughout their whole conduct, that they were looking too much to the perpetuation of the power which had fallen upon them by accident. He could assure them that, unless they changed their course, such an *accident* would never happen to them again. [Laughter.]

In speaking for the Democracy of the Hoosier State, he could assure the gentleman from Massachusetts, [Mr. CUSHING,] as well as his colleague, [Mr. THOMPSON,] that there was no danger of any bargain being consummated with John Tyler. From present appearances, he believed there was as much prospect of the ultras of the Whig party, the Clay men—the white Charlies—coming into the Democratic ranks, as there was of the Tyler men. He had no apprehension of any bargain being entered into. The Democrats would support any measure which they believed to be right, and calculated to advance the best interests of the country, without infringing upon the Constitution—*and none other*. As to the exchequer, he would say that, although it had his decided preference over a national bank, yet he would never take it in preference to the sub-treasury. He cared not for names, and should, therefore, have no objection to vote for the sub-treasury under the name of the exchequer. Give him a pen, and in five minutes he could make the exchequer similar to the sub-treasury, and perfectly acceptable to himself. By striking out all after the enacting clause, and inserting the body of the old sub-treasury bill, the exchequer might at once acquire a large number of friends.

He next proceeded to notice the ground taken by the gentleman from Massachusetts [Mr. CUSHING] against the veto power, when used by General Jackson. Why did that gentleman then war against that power? This warfare against the constitutional power of the President had been usual in the country, whenever exercised to defeat any action of Congress. For his own part, he never wished to encounter this power in the face of his own measures; still, never would any warfare that might be carried on against such a conservative power induce him to consent to its being stricken out from the Constitution. If Mr. Tyler was wrong in using this power, let his enemies abuse his act. Let them contend that the particular occasion of its use was improper and uncalled-for; but not attempt to tear up the whole power from the Constitution. Let them not mutilate that sacred instrument, merely because it has been, in a few instances, the means of impeding their measures.

He hoped that he should be exonerated from the charge, either express or implied, of bargain with the present Administration. His colleague [Mr. THOMPSON] remarked that if the Democrats sat silent, inasmuch as silence gave consent, they would be taken as having consented to the arrangement proposed by the gentleman from Massachusetts. Now, as he knew that whatever his colleague said here would be published and read in Indiana, he would assure him that, in early life, he saw the effects of political bargains, and was convinced of their entire impolicy and impropriety. It was the supposed, if not real, political bargain entered into some years since, that effectually caused the sun of Ashland to set forever. He (Mr. K.) had, therefore, resolved never to consent to any political bargain whatever, nor to suffer his name to be tainted with such a suspicion. As yet, he was at the beginning of his political life. He did not now know where the waves of politics and of party might carry him hereafter; but he was convinced that neither he, nor any party to which he might be attached, could be ever advanced by bargains and coalitions.

His colleague had very artfully contrived to say something about certain leaders in the Democratic party at the South and at the North, and to hint at a coming division between their respective friends. Now, he could assure his colleague, that if he expected to succeed that way, he would find himself, in the result, sadly mistaken. His colleague knew nothing of the bands which bound the Democratic party together. The affections of that party towards their public men were not, in the least degree, dependent upon their geographical location. Democracy knows no distinctions of geography. Let the candidate for the Presidency come from where he will, there will be no differences among them. Let the nomination fall upon whom it may, the party, whatever their individual preferences, will rally around him. The Democratic party says to the Whigs, We want none of your interference; mind how you interfere with our concerns; if you continue to intermeddle with us, we will unite upon any man that is true; our prejudices will yield, and your interference but bind us closer together.

But his colleague expected that the Whig party would, in its turn, be benefited by the "constitutional fact," when the Democrats should have a majority, at the next Congress. Let him indulge this expectation, if he wished: he (Mr. K.) thought he would be mistaken. When the Democratic convention should have met, and settled the claims of rival candidates, the party would be found united as a band of brothers. His colleague would then find himself mistaken in his hopes of Democratic divisions, and, through them, of a Whig triumph—or he was no prophet.

Mr. WISE next obtained the floor, and moved an adjournment; but withdrew the motion, at the request of

Mr. TRIPLETT, who wished to have entered a motion to reconsider the vote of the House on yesterday, refusing to employ a clerk to the Committee on Public Expenditures.

The motion for an adjournment was then renewed, and carried.

IN SENATE.

THURSDAY, December 29, 1842.

Mr. TALLMADGE presented three memorials from the city of New York, remonstrating against the repeal of the bankrupt act.

Also a memorial of a like character from Rochester, New York.

Mr. T. said the letter, accompanying the latter memorial, remarked that the memorial was signed without distinction of party; and that there was great unanimity against the repeal of the law, but in favor of its modification: referred to the Judiciary Committee.

On motion by Mr. CRAFTS, it was ordered that the petition of Ashael Spalding, asking compensation for disbursing money as pension agent, be taken from the files of the Senate, and referred to the Committee on Pensions.

Mr. WILLIAMS presented a petition from Seth Sweetser, a native citizen of the United States, praying Congress to establish a regular line of packets to Chagres, and an overland mail to Panama; which was referred to the Committee on Commerce.

Mr. BUCHANAN presented a memorial from a number of citizens of Adams county, Pennsylvania, praying for the repeal of the bankrupt law; which was referred to the Judiciary Committee.

Messrs. PORTER, BERRIEN, WHITE, and WOODBRIDGE, severally presented memorials from the city of New York, remonstrating against the repeal of the bankrupt act; which were referred to the Judiciary Committee.

Mr. PHELPS presented a memorial from certain inhabitants of the Territory of Wisconsin, asking an appropriation for the construction of a harbor at Milwaukie, for the protection of the commerce on the lakes; which was referred to the Committee on Commerce.

Also, presented a memorial from the same quarter, urging upon Congress the propriety of making no appropriations to pay the expenses of the Legislative Assembly of Wisconsin of this year; but asking that the amount which would be necessarily appropriated for that object, for the past and present year, may be appropriated and applied to the purposes of building one or more harbors on the lakes: referred to the Committee on Commerce.

Mr. SMITH, from the Committee on Public Lands, remarked that a petition from James Trimbull, asking the privilege of relocating a military bounty land warrant, and for a pension, was referred to that committee. In reference to the first branch of the petition, he remarked that there was a general law in existence, which provided for the matter; and as the second branch fell within the duties of the Pension Committee, he moved that the Committee on Public Lands be discharged from its further consideration, and that it be referred to the Committee on Pensions: agreed to.

Mr. S. also reported back, from the same committee, without amendment, and with a recommendation that it do pass, the bill for the relief of Elizabeth Monroe.

Mr. PHELPS presented a memorial from Dr. Andrew Welch, asking compensation for services rendered certain companies of Florida volunteers in the year 1837; which was referred to the Committee on Claims.

DISTRIBUTION OF THE SURPLUS COPIES OF THE CATALOGUE OF THE LIBRARY OF CONGRESS.

The joint resolution from the House, to authorize the distribution of part of the surplus copies of the Catalogue of the Library of Congress to members of the present Congress, came up for consideration as in committee of the whole; the pending question from yesterday being on Mr. KING's motion to postpone the resolution indefinitely.

Mr. TAPPAN observed that he had but a few words to say on the subject, as he conceived the proposition to be very plain. He was as much opposed to the printing or purchasing of books for distribution as any one. But here was a different case; the books, in this instance, were on hand, occupying, most inconveniently, room wanted for other purposes. They were, in fact, an incumbrance to the library, and it was very desirable to get rid of them in some way; and the committee considered the mode pointed out in the resolution the most satisfactory and useful. There are 700 surplus copies on hand. The resolution proposes to give to each member of the present Congress one copy. This will dispose of only about 300; leaving 400 in the library, which every one must allow will be enough for the use of those who may have occasion for them hereafter. If some better mode of disposing of those books were pointed out, the committee would take it into consideration. But it did appear to them that, by giving each member of Congress a copy of this catalogue, a useful purpose would be subserved, not only in relation to the facility afforded to gentlemen in making references to the books in the library, necessary to consult in the way of business; but, in regard to the circulation of the catalogue throughout the country. Mr. T. here referred to lists of various other surplus copies of books which greatly encumbered the apartments of the library, and which the committee desired might be disposed of in some useful way. He again remarked that he was opposed to the printing or purchasing of books for distribution to members; but as these surplus copies of the catalogue were on hand, and it was very inconvenient to keep them any longer, he hoped the resolution would be adopted.

Mr. KING remarked that the honorable Senator from Ohio was so much more conversant with matters relating to the arrangement of the library, that he should not dispute his conclusion that it was necessary to dispose of a portion of those surplus copies of the catalogue. He was, however, of opinion that many of the books referred to in the Senator's list were found no incumbrance.

With regard to the catalogue, he would say that he was willing to vote for a proper distribution to the literary and scientific institutions of the country; but he was utterly opposed to the principle of members of Congress voting to distribute to themselves anything of the kind, even of the smallest value. They had no right to distribute to themselves books, or anything else, paid for by the public money. This matter might appear inconsiderable, but still it involved the principle; and if it is allowed now, there is no knowing where the practice may stop, or to what amount it may be indulged in. Already, shameful abuses in this way had disgraced the legislation of Congress. It was time to put a stop to them. There ought to be some stopping point; and he thought the present was a suitable occasion to arrest the practice. If this surplus cannot be longer kept, let the distribution be made to literary and scientific institutions, and the libraries of State Legislatures; or—what would be much better—let them be sold for whatever they will bring, to reimburse so much of their original cost. They will sell for something; and, however little it may be, it will be a better disposition of them than that proposed.

Mr. SEVIER inquired of the chairman of the Committee on the Library what those catalogues were worth?

Mr. WOODBRIDGE replied that he had no means of ascertaining, and could not satisfactorily answer the question. While up, he would say that, personally, it was indifferent to him whether the resolution passed in its present form or not. But, as chairman of the committee, he conceived it proper that he should reiterate the views of the committee, unanimously concurred in, and expressed by the Senator from Ohio. The object of the distribution to members of Congress is to afford them facilities for performing their duties. This, therefore, was not the first step, or a new thing; for facilities of this kind had always been accorded to Representatives in Congress. It differed in no respect, in this instance, from the facilities for transacting business afforded by the printed documents, reports, and pamphlets, daily laid on the desks of the members of both Houses. The principle was the same, whether the printed matter was in sheets like this, (taking up a Senate document,) or a catalogue of books, necessary to be occasionally consulted in the library of Congress. The committee, therefore, in recommending the resolution, did not enforce any principle different from that upon which, from the beginning of the Government, facilities for business had been furnished to members of Congress. These catalogues were books which were only valuable for present use. In a few years they would be worthless, and would be superseded by a new catalogue. It was considered by the committee that they could not be of so much use to any one else as to the present members of Congress. If it was desirable to give some of them to the literary institutions of the country, enough would be left, after supplying each member of Congress, to distribute to such institutions. The simple question was, whether each member should have a copy of the catalogue, exceedingly useful and valuable to him in the performance of his duty; or the books should remain an incumbrance, if not otherwise given away, to no purpose.

The debate was further continued by Messrs. SEVIER and TAPPAN in favor of the resolution, and by Messrs. KING and LINN against the principle of distribution to members of Congress.

Mr. WOODBURY suggested a modification, if the Senator from Alabama would withdraw his motion to postpone. The modification was, in effect, to insert "literary institutions and universities."

Mr. KING consented to withdraw his motion of postponement, for the purpose indicated by the Senator from New Hampshire.

Mr. LINN suggested the propriety of excepting literary institutions and universities which had already received copies.

Mr. WOODBURY then submitted his amendment.

Mr. TAPPAN moved a modification of that portion of the resolution which proposed the distribution to "members of Congress," by leaving out those words, and inserting "to each person entitled to the use of the library of Congress."

Mr. WALKER thought the resolution ought to be recommitted to the Committee on the Library. He made a motion to that effect, but it did not prevail.

The question was then taken on Mr. TAPPAN's amendment, and it was adopted—ayes 18, noes 11.

Mr. KING moved an amendment, "excepting members of Congress."

This was decided in the negative—ayes 12, noes 18.

Mr. WOODBURY explained that he could not vote for his amendment as amended.

Mr. EVANS believed many of the colleges had already received copies of the catalogue, and, therefore, he thought it would be well to adopt the suggestion of the Senator from Missouri, [Mr. LINN,] and except such as had.

Mr. WOODBRIDGE said he had that moment been informed by the Librarian that such was the fact.

The amendment was accordingly modified, so as to except institutions already supplied with copies of the catalogue.

The resolution, as amended, was reported back to the Senate; and, on the question, "Shall the amendments be ordered to be engrossed, and the joint resolution read a third time?"

Mr. KING called for the yeas and nays, which were ordered; and resulted—yeas 20, nays 13, as follows:

YEAS—Messrs. Bates, Berrien, Clayton, Conrad, Crafts Evans, Fulton, Merrick, Morehead, Phelps, Porter, Sevier, Simmons, Smith of Indiana, Sturgeon, Tallmadge, Tappan, White, Wilcox, and Woodbridge—20.

NAYS—Messrs. Allen, Archer, Benton, Buchanan, Henderson, King, Linn, McRoberts, Mangum, Smith of Connecticut, Walker, Williams, and Woodbury—13.

So the amendments were ordered to be engrossed, and the joint resolution to be read a third time.

QUINTUPLE TREATY.

Mr. BENTON submitted the following resolution, which, under the rules, lies one day on the table, viz:

Resolved, That, in addition to copies of all the correspondence with and from all our ministers abroad in relation to the quintuple treaty, the President be requested to communicate to the Senate (so far as it may be compatible with the public interest) all such correspondence in relation to the treaty with Great Britain.

The following bills, which had been ordered to be engrossed heretofore, were taken up, read the third time, and passed, viz:

The bill for the relief of J. R. Vienne, of Louisiana;

The bill for the relief of sundry citizens of Arkansas, who lost their improvements in consequence of the treaty between the United States and the Choctaw Indians;

The bill allowing drawback upon foreign merchandise exported in the original packages to Chihuhua and Santa Fe, in Mexico;

The bill to authorize the Secretary of the Treasury to make an arrangement or compromise with any of the sureties on the bonds given to the United States by Samuel Swartwout, late collector of the customs for the port of New York;

The bill for the relief of Stalker and Hill; and

The bill for the relief of Ephraim B. Dixon.

Mr. CONRAD submitted the following resolution; which, there being no objection, was then considered and adopted:

Resolved, That the Secretary of the Treasury make report to the Senate what proportion of the public lands in the State of Louisiana have been returned as not worth the cost of survey; and also, if practicable, to cause to be prepared and transmitted to the Senate a plan or diagram of such lands, showing the situation and character thereof.

The bill allowing compensation to pension agents came up as in committee of the whole.

Mr. BATES explained that the bill allowed pension agents 2 per cent. upon all disbursements, subject to the discretion of the Secretary of War; but in no case were such agents to be allowed more than $1,000 per annum, whatsoever the amount of money disbursed by them.

Mr. BENTON was opposed to the system of allowing percentages on disbursements, and remarked that it had been abandoned heretofore by Congress, in consequence of the great abuses which grew up under it. It was wrong in principle, because it caused a conflict of interests between the agent and the United States. It made it the interest of the agent to increase the disbursements, while it was the interest of the United States that they should be diminished.

Messrs. BATES, KING, PHELPS, and SEVIER maintained that it was indispensably necessary, and just and proper, that some compensation should be made those agents for the duties they performed for the Government; and, unless it was done, it would be impossible to get persons to take all the responsibility of disbursing large sums of money at their own risk. They pointed out the danger of the old mode of compensating agents; that was, by allowing them to make use of the money (which was deposited in their hands some months in advance of the time of payment to the pensioners) in speculating purposes, before its disbursement; and showed that the alternatives were either to continue this mode, with its dangers; to give a percentage on the sum disbursed, or a fixed salary; or to be left without agents at all. Agents were indispensably necessary; and they preferred to allow a percentage on disbursements, under the guards in the bill, because it was the most economical and just mode—the agent being compensated only in proportion no his disbursements, which compensation could in no case exceed $1,000.

After a few remarks by Mr. BENTON in reply, and there being no proposition to amend the bill, it was reported to the Senate, and ordered to be engrossed for a third reading.

The bill to continue the office of Commissioner of Pensions was then taken up, as in committee of the whole.

Mr. ARCHER moved to amend the bill, by reinstating the salary of the Commissioner to what it was two years ago, ($3,000;) stating, at the same time, that it was done without any solicitation on the part of the Commissioner, whom he had never conversed with; though he had been informed that he was a valuable officer.

Mr. BATES remarked that it was nothing more than just that the salary of the Commissioner should be reinstated to what it was formerly. Though no application had been made by that officer to the Committee on Pensions to have that object effected, he would be pleased to see it done.

Mr. SEVIER would acquiesce in the amendment, if the Senate thought proper to adopt it; but he thought, as the duties of that officer were diminishing yearly, and as the present was the time to economize, it might not be proper to hazard the passage of the bill by such an amendment.

The question was put on the amendment, and it was disagreed to.

The bill was then reported to the Senate, and ordered to be engrossed for a third reading.

The bill for the relief of the Steamboat Company of Nantucket was then considered as in committee of the whole; and, there being no motion to amend, it was reported to the Senate, and ordered to be engrossed for a third reading.

On motion of Mr. LINN,

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, December 29, 1842.

Mr. KENNEDY of Maryland observed that a select committee was appointed yesterday, to inquire into the propriety of carrying the mail round the coast by steamers; and he begged leave to offer an additional resolution, to inquire into the expediency of employing the same vessels for the inspection of the light-houses on the coast.

Mr. K. then submitted the following; which was considered and adopted:

Resolved, That the select committee appointed to inquire into the expediency of contracting with private companies or others for the transportation of the mail in steamers along the coast, and for other purposes, be also instructed to inquire and report as to the expediency of employing such steamers, under the direction of the proper department, in visiting and inspecting light-houses upon the several coasts of the United States, and of performing such duties in reference thereto as may be found conducive to the preservation and effective use of the same.

ASSUMPTION OF STATE DEBTS.

Mr. JAMES COOPER asked leave to present the petition of a large number of citizens of Adams county, Pennsylvania, praying Congress to adopt some measure which will give the States such a portion of the proceeds of the sales of the public lands, in the shape of stocks of the Federal Government, as will enable them to pay their debts, &c. He was not going (Mr. C. said) to trouble the House with any remarks on the subject of this petition, further than to say that he was in favor of its objects. He would prefer the sending it to a select committee; and if the gentleman from Maryland, [Mr. WM. COST JOHNSON,] who had heretofore presented petitions with the same object in view, and had also given notice of his intention to introduce a bill on the subject, would now move for the appointment of such a committee, he would not move a reference to one of the standing committees. He would be glad to see this question brought fully before the people; for he was sure that it would sooner or later commend itself to their attention, as the best measure of relief from the embarrassments brought on them by an inflated currency, as well as by a mal-administration of the General Government.

Mr. WM. COST JOHNSON said that he would avail himself of the occasion to make a motion that would save a great deal of the time of the House. He had heretofore given notice of his intention to introduce a bill on this subject; and if the House would now agree to the appointment of a select committee to take charge of that bill, and the petition now presented, together with all similar petitions, it would obviate the necessity of his making several speeches and several motions, which he should otherwise be obliged to do. Mr. J. then moved for the appointment of a select committee.

Mr. CAVE JOHNSON moved to lay the motion and petition on the table.

Before taking the question,

Mr. WM. C. JOHNSON presented a petition on the same subject, signed by a number of the citizens of the State of Maryland, together with a letter from one of its signers, explaining its objects and bespeaking his favorable consideration; which were read.

The question was then taken on Mr. CAVE JOHNSON's motion to lay the whole subject on the table; which motion was lost.

The question recurring on Mr WM. COST JOHNSON's motion for the appointment of a select committee,

Mr. CAVE JOHNSON called for the yeas and nays, but they were not ordered; and

On taking the question, it was carried—ayes 76 noes 69.

So the select committee was ordered.

Mr. STEENROD, in pursuance of notice given yesterday, on leave, introduced a bill to amend the act establishing the district court of the United States at Wheeling, Va.; which was read twice, and referred to the Committee of the Whole on the state of the Union.

On motion of Mr. CUSHING,

The report of the commissioners appointed for the exploration and survey of the Northeastern boundary was ordered to be printed.

GENERAL JACKSON'S FINE.

Mr. PICKENS presented certain resolutions of the Legislature of South Carolina, instructing their Senators, and requesting their members, to aid the passage of a law to refund to General Jackson the fine imposed upon him by Judge Hall, of New Orleans, in 1815; and he moved that it might be printed, and have the same direction as the resolutions presented by the gentleman from Virginia, [Mr. WISE.]

The motion was agreed to, and the resolutions were committed to the Committee of the Whole on the state of the Union, having in charge a bill on that subject.

Mr. P. also presented a resolution of the Legislature of South Carolina, asking Congress to refund the fine imposed on Dr. Cooper, for libel against the United States, under the alien and sedition law; and, on his motion, the resolution was referred to the Judiciary Committee, and ordered to be printed.

Mr. EVERETT presented certain resolutions of the Legislature of Vermont, asking the repeal of the bankrupt law.

The resolutions were ordered to be printed, and laid on the table.

Mr. EVERETT also presented resolutions of the Legislature of Vermont, in relation to the continuance of pensions to certain widows.

The resolutions were ordered to be laid on the table.

THE DISTRICT SYSTEM OF ELECTION.

Mr. EVERETT presented a memorial, signed by 57 members of the Legislature of New Hampshire, praying Congress to divide that State into four districts for the election of members of Congress; and, in doing so, he would state that the Legislature of New Hampshire had refused to lay it off into districts. He concluded by moving that it be referred to the Committee of Elections, and that it be printed.

Mr. ATHERTON inquired if it was in order to say a word or two on that subject?

The SPEAKER said it would not be in order if objections were made.

Mr. STANLY objected.

Mr. ATHERTON said he merely wished to make one or two remarks in relation to that petition; and he observed that the gentleman from Vermont had made some remarks on its introduction.

Mr. EVERETT said, if the gentleman from New Hampshire wished to debate the petition, it must go over.

Mr. ATHERTON said he merely wished to say a very few words; and he should offer no objection to the gentleman from Vermont making just such disposition of the memorial as he should choose. [Cries of "Go on."] The memorial purports to be signed by fifty-seven members of the Legislature of New Hampshire, and requests Congress to district that State for the choice of members of Congress. It seemed to him to carry within itself its own answer. It bears on its face the strongest argument (aside from any constitutional objections) why its prayer should not be granted. He supposed the object of the presentation of petitions and memorials was to indicate to Congress the will of the people. Now, this memorial states expressly that the opinion of those representing a majority of

the people of New Hampshire is adverse to districting the State, at present, for the choice of members of Congress. It is signed by fifty-seven members of the Legislature. The House of Representatives of New Hampshire is composed of about two hundred and forty members, and the Senate of twelve members. Here, then, are one-fourth of the members of the Legislature of N. Hampshire—and thus, it is fair to infer, representing one-fourth (or, at best, only a very small minority) of the people of New Hampshire—coming here, and, by this memorial, requesting the Federal Government to interfere and put down the will of a large and overwhelming majority of the people of the State.

Mr. EVERETT moved that the memorial be read. That having been done, he moved that it be referred to the Committee of Elections, and that it be printed.

Mr. J. CAMPBELL moved that it be laid on the table.

That motion was negatived; and on the motion of Mr. EVERETT, the memorial was referred to the Committee of Elections, and it was ordered to be printed.

Mr. HOPKINS called for the orders of the day.

Mr. KENNEDY of Maryland obtained permission to present a memorial from certain insurance companies of the city of Baltimore, praying Congress to remove the obstructions of the Ohio and Mississippi rivers; which was referred to the Committee on Roads and Canals.

The SPEAKER then called for reports from committees.

Mr. FERRIS, from the Committee on Commerce, made a report, accompanied by a bill, to test the practicability of establishing a system of electro-magnetic telegraphs in the United States. The bill was read twice, and referred to the Committee of the Whole.

On the motion of Mr. KENNEDY of Maryland, five thousand extra copies of the accompanying report were ordered to be printed.

Leave was given to withdraw various papers and petitions.

Mr. TRUMBULL, from the Committee on the Judiciary, made a report in the case of David Allspach, accompanied by a bill for his relief. The bill was read twice, and referred to the Committee of the Whole House.

JOINT RESOLUTION.

Mr. MOORE, from the Committee on Private Land Claims, reported the following joint resolution; which was adopted:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Senate and Clerk of the House be, and they are hereby, instructed to furnish to the Commissioner of the General Land Office the original reports from the several land offices in the State of Louisiana, made under the provisions of an act entitled "An act for the final adjustment of claims to land in the State of Louisiana," approved February 6, 1835, also, the title-papers and evidence relating to claims in said reports, confirmed by an act entitled "An act confirming certain land claims in Louisiana," approved July 6, 1842; *Provided*, That claimants shall be entitled to withdraw the original title-papers, after fair copies shall have been taken by the Commissioner of the General Land Office.

Mr GIDDINGS, from the Committee of Claims, reported the following bills:

A bill for the relief of James E. Hunt and others; and

A bill for the relief of Conrad House;

which were read twice, and referred to the Committee of the Whole House.

Mr. PENDLETON, from the Committee on Military Affairs, reported a bill for the relief of Boyd Reilly: read twice, and referred to the Committee of the Whole House.

UNITED STATES COURTS IN MAINE.

The engrossed bill "to change the time of holding the circuit and district courts for the district of Maine," came up on its third reading.

Mr. B. RANDALL, after a few remarks in opposition to the bill, moved to recommit it to the Committee on the Judiciary, with instructions to inquire into the expediency of striking out the first section. He stated that he would be willing to abide by the decision of the committee.

Mr. FESSENDEN opposed the motion, and explained the objects of the bill. He complained of the danger in which the bill would be placed by the proposed delay of action upon it.

Mr. RANDALL briefly rejoined.

The House refused to recommit the bill.

It was then read a third time, and passed.

BILLS FROM THE SENATE.

The following bills from the Senate were read a first and second time, and referred:

An act authorizing the relinquishment of the sixteenth sections, granted for the use of schools, and the entry of other lands in lieu thereof: referred to the Committee on the Public Lands.

An act in relation to donations of land to certain persons in the State of Arkansas: referred to the Committee on the Public Lands.

An act to repeal certain parts of the act of Congress, approved August 31, 1842, entitled "An act to establish certain post-roads:" referred to the Committee on the Post Office and Post Roads.

A resolution to establish an additional joint rule in relation to the presentation of claims or petitions: referred to the Committee of Claims.

LATE CONSUL AT TANGIER.

Mr. McKEON offered the following resolution; which was adopted:

Resolved, That the President of the United States be requested to communicate to this House (if, in his opinion, it be not incompatible with the public interest) copies of correspondence between the late Consul General of the United States at Tangier, and the Government of Morocco.

SECOND REGIMENT OF DRAGOONS.

Mr. CROSS (in accordance with notice given a few days since) introduced a bill to repeal so much of the act of the 23d August, 1842, as requires the 2d regiment of dragoons to be converted into a regiment of riflemen after the 4th of March next.

The bill was read twice, and referred to the Committee on Military Affairs.

MEMORIAL OF COLONEL BROOKS.

Mr. C. J. INGERSOLL rose to present a memorial from Colonel Brooks, of the District of Columbia, complaining of injustice done him in a report of the Committee on Indian Affairs at the last session. Mr. I stated that the author of the memorial was unknown to him, and it was immaterial to himself what reference was given it. After some further remarks,

Mr. STANLY moved that the memorial be laid on the table.

Mr. JAMES COOPER rose, and entered into an explanation of the transaction complained of in the memorial. He was proceeding to make strictures upon it, when

Mr. BOWNE asked if the debate was in order.

The SPEAKER said, only by general consent.

Mr. WISE objected.

Mr. READ called for the orders of the day.

The question was then taken, and the memorial was laid on the table.

Mr. WISE observed that he attempted the day before yesterday to get the floor, before the gentleman from Indiana, with the view not to enter at all into this debate, but to move the previous question. The position of the question, as it was now presented, with the various amendments to the bill for the repeal of the bankrupt law, was such, that the issue would come up before the House precisely as he desired it to come upon the amendment of the gentleman from Massachusetts; being that the repeal should take effect at the time of the passage of the act, and not to affect proceedings that have been commenced, and are not yet concluded.

He could not see that the question now at issue had any connexion with the repeal of the bankrupt law. He could not see that anything that had been said by his friend from Massachusetts required any particular reply; and, especially, he could not have expected to hear such reply from the quarter that it came from. He was ready to vote at once for the repeal of the bankrupt law; but the moment that he heard the remarks of the gentleman from Indiana, [Mr. THOMPSON,] he was compelled to fall into this debate, and to follow its letter and spirit; and all that he regretted now was, that he had not two hours instead of one, to say all that he had to say, and to endeavor to express what he felt (and he felt more than he could express) on the topics presented by that gentleman.

Calmly and coolly discussing this question, his first object would be to place his friend and colleague of the corporal's guard right, and in his true position; and to remove the gross injustice that had been done him by the gentleman from Indiana. What did the gentleman say of his friend from Massachusetts? He would repeat it; and he would now remark, that he doubted not but that the gentleman, after having slept a night on his remarks, was regretting what he had said before this hour of the day. From various places throughout the report of the gentleman's remarks, which was exceedingly correct, he selected two passages as a sample of the injustice that had been done his friend from Massachusetts. Mr. W. then read the following extracts:

"Mr. T. recollected that, during the Administration of the distinguished and venerable gentleman from Massachusetts, [Mr. ADAMS,] there arose in this country a party who, *on a bare suspicion*"—

and he might have added (Mr. W. said) a *damning* suspicion, that remains to this day, and will remain, whether it be false or true, upon that Administration, and all connected with it, forever. Mr. W. continued reading:

"a suspicion which exploded on the examination of the facts, that there was what was called bargain, intrigue, and corruption between that distinguished and venerable gentleman and another high functionary of the Government—that there arose a party who, for numbers, intellect, and moral and political power, had been unequalled in the history of the country."

The gentleman might have added, (said Mr. W.,) that the very elements of that party, which have been scattered since the Administration of General Jackson, remain, and entered into the composition of both the parties now existing in the country. He would not (Mr. W. said) comment on the results that followed from the overlooking of that fact. He would read further:

"All this opposition to that Administration was the result of a bare suspicion of corruption, bargain, or sale; and yet, notwithstanding that event was fresh in the memory of the country, and of every man in public life who was not a mere tyro in politics, they here saw the time come, in this era of boasted republican liberty, when an American Representative, representing an old Revolutionary State, one of the original thirteen—descending himself from a line of illustrious Revolutionary ancestry—was found coming into this hall, as a representative of the Administration"—

And he would say that this was the first time he ever heard of a man's coming there as the representative of the Administration—a new character of a representative, he must acknowledge.

"and boldly, openly, shamelessly offering the spoils of office to the highest bidder."

And then the gentleman (he would not say he ought to have been an auctioneer, for he showed that he could imitate one very well.) went through all the scenes of a sale, and asked [reading:]

"Who bids? I can't dwell. Here is a self-evident fact in the Constitution. Who bids? Going, going, going. Can't I get a bid? Will nobody bid? Gentlemen, the article must be sold. Start it, start it, for God's sake, for something:"

The gentleman might have added, these "*hard times;*" and the reporter interlarded "shouts of laughter."

Well, sir, what said another gentleman?—he meant the gentleman from Vermont, [Mr. EVERETT.] That gentleman said that he "could not see the slightest necessity for such a speech in reply to the gentleman from Tennessee. On the contrary, it had appeared to Mr. E. to be a prepared speech—a studied speech, got in readiness beforehand, all ready to be brought out upon the first occasion that should present itself. Nor should he, indeed, subject himself to any great charge of uncharitableness, if he should suggest that it was a Cabinet speech, prepared upon advice, and uttered by authority."

This was the report of the reporter; his report was that "it was a semi-official and Cabinet speech."

Sir, (said Mr. W.,) you and I, and all the gentlemen here present yesterday—and he presumed all who were present the day before yesterday—heard what was said by the gentleman from Massachusetts. There were more than two hundred witnesses of all parties who heard the remarks of his friend made on that occasion.

Now, what did he say? Some things he had written down, and were precisely in substance all that any man could make of them, and all that the acutest ingenuity could infer from all he said on that occasion. First, in reply to a speech of the

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27TH CONG.....3D SESS. THURSDAY, DECEMBER 5, 1842. VOLUME 12....No. 7.

Continued from No. 6.

gentleman from Tennessee [Mr. ARNOLD] one week ago—a speech that had the start of his friend from Massachusetts—not twenty-four hours, but seven days; his friend deprecated party excitement, such as had been exhibited by the gentleman from Tennessee; and this was called by the gentleman from Indiana throwing a firebrand into the House. He asked the gentleman from Tennessee, in the language of imprecation, or of deprecation, why these criminations and recriminations between the Whig party and the Administration should be continued. "Have you, gentlemen," he asked, "gained anything by this war upon John Tyler?—anything by this game of heading Captain Tyler or dying? Have you gained anything in warring against the veto—this fixed fact in the Constitution? Have you gained anything by attempting to tear the Constitution in tatters? Have the elections not satisfied you, in the name of sense, and in the name of interest, that this war of crimination and recrimination has not helped your party—that the people are not satisfied with it?" This language of his friend from Massachusetts, appealing to common sense, to patriotism, and to good feeling, had been denounced by the gentleman from Indiana as the throwing of a firebrand into the House. The gentleman said that there was no tempest, no war of offence or defence at this session of Congress, until the gentleman from Massachusetts began it. He (Mr. W.) would say that he never did begin it, even in reply; he deprecated crimination and recrimination, and the assault that was made on him, was made by one of the friends of the gentleman from Indiana. Sir, (said Mr. W.,) we were not disposed to enter into such conflicts. In one respect, the gentleman was right. He would admit to him that his friend from Massachusetts would have been in the wrong, if he *had* commenced this war on the Whig party; and that it would have been a cruel war, an inhuman war, and a most wanton and unnecessary attack. What! attack the Whig party now? He would as soon think of striking a woman, or kicking a dead body. The people themselves (said Mr. W.) have made the attack; the elections have decided the matter; and all that we were doing with those of them who are alive at this time, and able to rise on this floor and make assaults on the President of the United States and his friends, was to ask permission to hold back, and say to them "hands off!" This was all they wanted to do, for really they must be permitted the privilege of self-defence; and, if attacked with deadly weapons, to defend themselves with the most effective means in their power. Now, the protest of his friend from Massachusetts, so far from being intended to irritate and mortify his opponents, was, with the memory of his old connexions with the Whig party, most calmly and affectionately addressed to them, protesting against this useless and unprovoked war they were continually making upon the Administration. What did he do next? He told them that they had made a fatal war upon the Constitution, and upon the real interests and prosperity of the country; and that upon this fixed power in the Constitution their angry emotions were dashed into spray, as if from some mighty rock that was washed by the surges of the ocean. It was not the President that his friend alluded to—not his power; but the moral power of the people of the country; and the gentleman, in derision of the "fixed fact," argued that there was no moral power nor spirit of resistance in the people against attacks on our Constitution. He would say to them, in the language of Curran, speaking of the British constitution, that our Constitution would survive more than flames, more than conflagration; and that its spirit, throughout all these conflicts of party, walked safely abroad, fixed in the bosoms of the people, enlivening them, moving them, actuating them, and guarding them, as it was guarded by them.

Defeat upon defeat, he had told gentlemen, had been only followed by malevolence towards the President, and opposition to the Constitution as it is; and he had begged gentlemen to allow reason to resume its throne, to cease the strife of faction, and to take the best thing they could get for their country and for their constituents. In the third place, his friend [Mr. CUSHING] went farther—recurring, doubtless, to the violent war carried on in another quarter, out of the House, against the Administration, by the metropolitan organ of ultra Democracy—and he hoped he should be able to exempt ninety-nine out of every hundred of the Democratic party; but a few leaders of that party were determined that John Tyler should not have the credit of Republicanism and Democracy with their people and their followers; if they could help it—men who themselves were looking, not to principles, but to men. His friend [Mr. CUSHING] warned the moderate Democrats, who go for principles and not for men, to beware of the example of ultraism set by the Whigs before them. The Whigs could not get a Bank of the United States, and they preferred a war to the next best measure; and that war had broken them to pieces on the bosses of the Executive vetoes. His friend warned the Democrats, too, on their part, to prefer the next best measure to their extreme measure of a subtreasury, and not to rush their majority in the coming Congress on that same rock. The exhortation was to all parties to avoid extremes, and at this time to attend to the real interests and honor—he might say, of moderation and of reason. In the fourth place, he [Mr. CUSHING] warned—or threatened, if they pleased—the ultras of both sides, who were disposed to make war on the administration of the public affairs—who were disposed to make war on the Constitution—to take the best measures which they could obtain now, and for years to come, for the public good; that if they persisted in an internecine war on the Administration and the friends of the Administration, they might rue the result; that the Administration was based on an honest attempt, without a party, to serve the country—to do the best in its power for the people; that opposition to such an Administration, by either or any party, would not offend the President, would not offend patronage; but it might and would bring them in collision with the Constitution, and might and would offend the people, and the moderate masses of all parties; that the adherence which the Administration had obtained of the moderate and considerate portion of our Republican people, went on defeating faction and serving the country, and might defeat the ultras of all parties, and place power in the hands of the representatives of moderate principles and measures. But, fifthly, he went further. He warned the gentlemen of all parties, that if the President of the United States, in following a straight-forward line of duty—in pursuing a strict line of rectitude, from which he could not depart—could not be supported by one party in that course,—he would ask any party to come to the help—not his help, but the help of the country and its best interests. And permit him to say, (and he could call upon the Speaker to prove the truth of what he said: he could also call upon every man present whom, eighteen months ago, he could call a "brother Whig," to prove its truth,) that it was proclaimed by the Whig party, that whenever they placed their President in the Executive chair, he should be the President of the nation, and not the President merely of a party. What did they hear during the whole time of General Jackson's and Mr. Van Buren's administrations, vociferated by the Whigs, in every form of emphasis, in every variety of accent, in every tone of derision and denunciation? They heard the party (and *the party* was always italicised) spoken of with contempt and horror, as doing so and so; that *the party* in power did not profess to be the representatives of the people, but of the party. Now, that was all the sentiment avowed by the gentleman from Massachusetts, [Mr. CUSHING,] that when the Administration submitted any question, not to a party, but to the Representatives of the people in the Congress of the United States assembled—the Representatives of the people of the whole nation—that they should pass the best measure, and the people would care not if it were passed by one party or by another. Away with their parties. Party had its uses, and party had its abuses. The only good use of a party was to subserve the will of the majority—to subserve the will of the people. The abuse of party was to defeat the will of the people; and when party undertook to control the will of the people, it was then that a President of the United States did the most patriotic act that a public functionary could do, by arraying the power of the Constitution against the power of party. And for basing the President on these solid principles—for putting the Whigs on their own professions and their own sentiments—sentiments to which he (Mr. W.) adhered—that the President of the United States was not to be a party President—that he was not to look to the Whigs alone, or to the Democrats alone, but to the Representatives of the people, in their representative capacity, and not in their party relations;—it was on sentiments like these, remonstrances like these, warnings like these, that the gentleman from Indiana [Mr. THOMPSON] had based the declaration that an honorable Representative from one of the most honorable States in this Union had set up the Executive power and the spoils of office to the highest bidder. He would say to that gentleman—and that gentleman knew the respect which he (Mr. WISE) bore him—that it pained him to hear such a monstrous perversion of facts from a gentleman so respectable; it grieved him to hear such a monstrous perversion of the sayings and doings of an adversary. It could neither do good to the cause which that gentleman advocated, nor credit to himself. And to the gentleman from Vermont—who had an equal title to his respect with the gentleman from Indiana—he would say, that the people of the United States could now judge well of Whig testimony, and of Whig facts, and of Whig proofs and inferences, when a gentleman rose on that floor, and asserted, without proof or knowledge on the subject, and in the face of a contradiction, that a speech delivered in that House the day before yesterday was well prepared, and was semi-official. In behalf of his friend from Massachusetts, [Mr. CUSHING,] he would declare, before the House, that, so far as one gentleman could judge of the mind and preparation of another, he did believe—as the gentleman assured him was the fact—that the speech was impromptu, without consultation, and without any pretence of preparation. And yet, in the face of these facts, gentlemen could boldly rise up, and say, on the one side, that the gentleman from Massachusetts [Mr. CUSHING] was speaking from authority; and, on the other, that it was an elaborate speech and semi-official. Now, there was a moral in this, and it was this: Those gentlemen, without other facts than those that were unknown, and disputed facts which occurred out of that House, had been giving to the country their statements, interpretations, and constructions. And now let him reason from the known to the unknown, and what would their testimony be worth before a jury of their country? If a gentleman from Indiana could rise, and, in the face of two hundred witnesses who heard what was said, and saw what was done, so monstrously misrepresent what was said and done, as to say that there had been a hawking, a shameless hawking of the Executive power and the spoils of office; if he could thus pervert the facts, in the face of two hundred witnesses—what were his convictions worth about facts which were disputed or unknown? That was the spirit of party. He did not attribute deliberate falsehood to the gentlemen—far be it from him to attribute any such thing to them. No; but so malign was the spirit of party, that, when it seized on the mind of

a man, it embittered his heart, it blinded his vision, and it extinguished all charity in the human bosom. Yes, it would set an editor in the chair editorial to torment his ingenuity to pervert the meaning of an opposing party. But were they editors? Were they scavengers in that hall, to heap up filth against each other? Were they to rack their ingenuity to see how they could torture truth, and pervert it for the malign purposes of party? Or had they seats there as representatives of the people, to deal fairly with each other—to meet each other's facts and arguments, and, in the collision of debate, to elicit truth? Were they lawyers, that were trying to "make the worse appear the better cause?" Or were they gentlemen of sincerity and truth, who believed the cause they advocated was the best cause, and that it needed neither perversion nor misrepresentation to aid it? He appealed to every gentleman who had heard that debate, whether justice had been done to the gentleman from Massachusetts; and whether he had been guilty of an open, bold, shameless hawking of the spoils of Government.

He found that his time was nearly out, while what he had said was but the mere beginning—the mere clearing up of what had been said by his friend from Massachusetts. He wanted, if the rules of the House would give him the time, to prove the wisdom of the remonstrances, and the warnings, and the imprecations of his friend from Massachusetts; and he would recur to the history of the past, even up to the present moment, to show to the ultras of both parties the wisdom of his declarations—the morality of his declarations—and the truth of his declarations. And in the discussion of that history, he would touch on some facts about which he had not spoken as yet, and some facts which had been touched upon by the gentleman from Indiana; but he would not go into those facts at the present time. He had been waiting, and he would continue to wait, for the time for vindication;—and that occasion was when that honest impeachment should be brought up. But he did not see his colleague [Mr. BOTTS] in his seat, who had openly and privately proclaimed that he would impeach the President. He (Mr. WISE) was afraid, before that day came, his colleague would not have it in his power to vote on that question. But to return. There were facts behind the curtain undeveloped; but when the gentleman from Virginia [Mr. BOTTS] should bring the President of the United States before the Senate, he (Mr. WISE) should be ready to speak of some facts which were within his own knowledge; at present, however, in anticipation of the day of impeachment, he should content himself with saying that, whatever others might say of him, he felt, and was proud to feel, that he had within him as good instinct as other men of what was honorable, and just, and true. He would say further, that there was no man in this country who had had better opportunity to know the secret movements of the Whig party, and of the Executive, and of the caucuses and councils of the Whig party there, than he had. And he believed he might justly go further; for he stood in a position to know both sides—and his constituents knew enough of him to believe him if he were doubted there—yes, there was a people who knew and would believe him, when he made to them the declaration that, notwithstanding all that had been uttered, notwithstanding all that had been published, not half was known, not half was published; and when all was known, when all was published, he believed the world, in its judgment, would sustain him in the opinion he now declared—that no man on earth ever acted with purer motive—no man on earth ever acted with purer design—that no man's intentions were ever farther from crime, or guilt, or perfidy, than John Tyler's.

He would go further than this—and he hoped that gentlemen of the Whig party would not take his remarks as reproachful to them, as he spoke for no one in particular here—he would say, when the truth became known, that the authors of the calumnies against the President's character and reputation, where he should be found guilty of treason and of perfidy, would be found guilty of a triple treason and a triple perfidy. He believed this, from the full knowledge which he had acquired of the designs and movements of both parties. He might say that he had been intimate with the motives and movements of the Whig party; and he would now proclaim a fact which hitherto had not been before the public gaze. In all the discussions on the subject, the disease—the cancer, which had eaten up its very vitals—of the Whig party, had been assigned an origin no farther back than the called session of Congress in 1841. The fact was, the disease of the Whig party dated further back; and gentlemen on that floor knew it as well as himself. It dated from the first organization of the Cabinet of Gen. Harrison. Had Harrison lived, the party would have been divided even more than at the present time. He should speak plainly, in order that both sides might understand him. The real difficulties in the Whig party originated with the jealousies of two great leaders of that party—Daniel Webster and Henry Clay. Daniel Webster was placed by Henry Clay in a post in the line of unsafe precedents, (the reporter might mark it—he did not say *safe* precedents.) It was as notorious as the sunlight of midday, that Daniel Webster was the favorite of the then President, Harrison. Although Gen. Harrison felt no enmity to Henry Clay, yet he never would have given him his good will. Henry Clay took his position in the Senate, and Daniel Webster in the Cabinet, at the head of the State Department. But it was a mistake to put Mr. Webster in the Department of State. True, he had the power of patronage—the giving of office, the distribution of the stars and garters of the Administration; but what had Clay with which to checkmate him? He answered, the power of confirmation or rejection of all appointments, in the Senate.

The House had witnessed a great outbreak and clamor against the veto power of the Executive. He would ask, is not power at the beginning of laws greater than the power of the veto? Give him the initiation of laws, and he would cheerfully give to the President the power of the veto. Heretofore, the President had not only the veto power, but also the initiation of legislation.

Turning to the Speaker, he disclaimed making any implication, either directly or indirectly, around or about, having reference to the conduct of that officer. Yet, he must say that the leader of a party—possessing, in fact, the Speaker's chair—controlling the appointment of committees, the organization of the House, the forms of business—deciding what should be entertained in the committees, and what in the House—prescribing the manner in which all propositions should be introduced, and eventually giving shape and substance to every measure—did indeed possess a great degree of power. Gentlemen might talk of the one-man power of the President; but he knew not of a greater one-man power than that actually exercised in the initiation of legislation. The great leader had taken especial care to hold the entire control over the initiation of business, by employing all the machinery of the organization of the House to accomplish his purposes. He had everything that could aid him at command, and all that was left was the power of the Constitution in the hands of the President.

Thus, therefore, whilst one of these great rival leaders had possession of the patronage of the Government, the other held a seat in the Senate, and was omnipotent in the House of Representatives. Was it not notorious that the candidate of one for the collectorship of the port of New York was Edward Curtis, and the candidate of the other Mr. Wetmore? Was it not universally known here, when the Cabinet was first organized, that the appointment of collector to the port of New York was a test of the strength of the two rivals with General Harrison? There were other facts connected with this subject in his knowledge, which he had not spoken of, and which he should hold sacred. But he now proclaimed it, that, had Harrison lived until this time, the ultra Clay clique would have been united with the Democratic party, and warring in common with them, not for any particular candidate, but against Daniel Webster. The seeds of disunion were sown in the Cabinet of General Harrison, and sprouted death to the Whig party. He (Mr. W.) had, on many occasions, heard men on that floor commence speeches in the most lugubrious and dolorous strain, lamenting over the death of Harrison, and then following up their preface with an attack upon the character and administration of John Tyler, attributing all the evils of the times to the fact of his being President. These lamentations, too, proceeded from men who were once prepared to hurl their vindictive thunderbolts against Harrison, because they feared that Mr. Webster would be his successor! Yes; it was the death of General Harrison that dispersed and broke up the plots and counterplots which were forming around him.

In making these remarks, he had no design to cast reproach upon any one. That reproach, if implied, fell upon Mr. Webster as well as Mr. Clay. But the battle lines had been drawn; and he (Mr. W.) spoke of facts.

To proceed with his narrative. The called session came, and John Tyler proclaimed, as distinctly as it could be proclaimed—as clearly as it could be made to appear on paper—that he would not sign a bank bill; that he considered the idea of a United States Bank as defunct, and as condemned by the general will of the country. The President went farther than this: he not only said that a bank had been condemned by the people, and by considerations of expediency, but also that the Constitution interposed an insurmountable objection to its establishment. Yet, in the face of these plain declarations, his *friends*—yes, his friends, for they called themselves the President's *friends*—framed the bank bill, and passed it. The veto came. In the interim, a thousand things transpired, of which he could not now speak

He had now arrived at that part of his remarks where he wished he could dwell longer than the rules of the House would permit him. The gentleman from Indiana [Mr. THOMPSON] had commented on the fact, that a communication was made to the President by the Whig party, or a portion of that party in the House of Representatives, saying to him, that, if it could be understood that the Cabinet were to retain their places, the bank bill would not be sent to the President until the next session of Congress. The gentleman denied this, and positively assured the House that the charge was untrue. Now, he would ask the gentleman, how could he testify?

Mr. THOMPSON of Indiana said he would repeat the expression of his belief that the charge was untrue, and that no gentleman had been authorized to call upon the President and make such a proposition. So far as he knew the opinions and wishes of the Whig party in that House, he felt assured that no individual or committee ever had been, or ever would have been, authorized to submit any such proposition to the President.

Mr. WISE said he was sure that such would be the amount of the gentleman's answer to his question. What did it amount to? That one member out of 242 had no knowledge of the fact of any such proposition having been made to the President! He would inform the gentleman from Indiana that a thousand things happened, about the time to which he referred, which that gentleman did not dream of in his philosophy.

Mr. THOMPSON said he challenged proof of the charge. He called for the name or names of the men who had made this proposition to the President. Let them be announced, that the country might know who they are.

Mr. WISE said he had got gentlemen in the place where he wished them. They should not be gratified, except in his own way. He could, however, tell them that he might lay his hand upon more than one member of that House who could testify—[Many voices: "Let's hear their names"—"who are they?"—"we dare you to say."] Oh! gentlemen were brave, very brave, at this particular time; but let them bring forward their impeachment, and then he would show who was implicated.

The hour having expired,

Mr. FESSENDEN obtained the floor; but

Mr. WISE manifested a strong disposition to proceed; and, at the request of gentlemen in all directions, who showed an impatience to hear the

speaker, he moved that the rules be suspended, in order to enable him to continue speaking for one hour more, or until he should have concluded his speech. [Many voices: "Let him proceed by general consent."]

Mr. FESSENDEN insisted on his right to the floor.

The SPEAKER was about to put the question upon allowing Mr. WISE to proceed; when

Mr. T. F. MARSHALL rose, and inquired whether the proposed exception to the one-hour rule was only intended for the benefit of the gentleman from Virginia, [Mr. WISE,] and no other member?

The SPEAKER replied in the affirmative.

Mr. WARREN said he must insist upon having the yeas and nays.

They were taken, and resulted—yeas 100, nays 80, as follows:

YEAS—Messrs. Arrington, Atherton, Beeson, Bidlack, Black, Bowne, Boyd, Brewster, Aaron V. Brown, Wm. Butler, William O. Butler, Green W. Caldwell, Patrick C. Caldwell, John Campbell, Cary, Chapman, Clifford, Clinton, Coles, Colquitt, M. A. Cooper, Cross, Cushing, R. D. Davis, Dawson, Dean, Doan, Doig, Eastman, John C. Edwards, Egbert, Ferris, John G. Floyd, Charles A. Floyd, Fornance, Gentry, Gerry, Gordon, Gustine, Hastings, Hays, Hopkins, Houck, Houston, Hubard, Charles J. Ingersoll, Wm. W. Irwin, Jack, Wm. Cost Johnson, Cave Johnson, Keim, Andrew Kennedy, Lewis, Littlefield, Lowell, Robert McClellan, Marchand, Alfred Marshall, John T. Mason, Medill, Meriwether, Newhard, Oliver, Parmenter, Patridge, Payne, Pickens, Plumer, Pope, Proffit, Read, Reding, Rencher, Reynolds, Ridgway, Rogers, Roosevelt, Sanford, Saunders, Shaw, Shepperd, Shields, Snyder, Steenrod, Stokely, Sumter, Taliaferro, R. W. Thompson, Jacob Thompson, Trotti, Turney, Van Buren, Ward, Watterson, Weller, Westbrook, Christopher H. Williams, Joseph L. Williams, Wise, and Wood—100.

NAYS—Messrs. Adams, Allen, L. W. Andrews, Aycrigg, Babcock, Baker, Barnard, Birdseye, Blair, Borden, Briggs, Brockway, Bronson, Milton Brown, Jeremiah Brown, Burnell, Caruthers, Casey, Childs, Chittenden, J. C. Clark, James Cooper, Cowen, Cranston, Garrett Davis, Deberry, Everett, Fessenden, Fillmore, Gogain, Patrick G. Goode, Graham, Green, Howard, Hudson, Hunt, Joseph R. Ingersoll, James Irvin, John P. Kennedy, King, Lane, Linn, McKennan, T. F. Marshall, Samson Mason, Mathiot, Mathews, Maxwell, Maynard, Moore, Morgan, Morrow, Osborne, Owsley, Pendleton, Benjamin Randall, Alexander Randall, Randolph, Rayner, William Russell, James M. Russell, Saltonstall, Truman Smith, Sprigg, Stanly, Stratton, A. H. H. Stuart, John T. Stuart, Summers, John B. Thompson, Tillinghast, Toland, Tomlinson, Trumbull, Underwood, Warren, Washington, Jos. L. White, Thomas W. Williams, Winthrop, and John Young—80.

So, two-thirds not voting in the affirmative, the rules were not suspended.

Mr. FESSENDEN regretted that the gentleman from Virginia [Mr. WISE] had made the motion which the House had just rejected, for twenty minutes had been consumed by it, which, by that space of time, would have diminished that portion which his remarks would occupy. He should, however, make his remarks as short as possible. He should not argue the question of the repeal of the bankrupt law, for it was unnecessary; and all he designed to do now was to make what the gentleman from Indiana, yesterday, called "desultory" remarks. The gentleman from Indiana [Mr. KENNEDY] said yesterday, that he had been told the bankrupt law was passed to secure the vote of Maine, and that defeat in that and other sections had induced them to retrace their steps. Now, without speaking for others, for himself he would say that he was unwilling to retrace the steps he had taken.

He then recapitulated the arguments with which he supported the bankrupt law at the extra session, and denied that public opinion called for its repeal. Where was the evidence of such public opinion? He had seen none; but if they had evidence of a change of opinion of his constituents, he would hesitate until he saw whether that opinion had been produced by looking upon the whole merits of the question. It was a question that belonged to the whole country; for the whole country was interested in it, and therefore it ought not to be determined by the opinions of any man's constituents. If his constituents should undertake to instruct him, he should say to them that he was sorry to differ from them; but, so differing, he must beg to act on his own judgment.

One thing more he must be allowed to say, and then he would have done with all he had to say on the subject of the bankrupt law. It was designed for the benefit of creditors, to enable them to secure themselves against the frauds of their debtors by a compulsory process. All this was urged at the time the law was passed, and the argument existed with as much force now as then. He would, in conclusion, ask, why not let the bill stand until its effects could be seen? He would say, leave the Whig party to bear the odium of it, and to see if some benefits could not be derived from it. There were some defects in the law, he admitted; but these defects could be remedied, and he hoped that that would be done rather than destroy the law.

Mr. F. then proceeded to notice the reply of the gentleman from Indiana [Mr. THOMPSON] to the remarks of the gentleman from Massachusetts [Mr. CUSHING.] It was possible, he said, that he might have misapprehended the remarks of the latter gentleman; that his ears might have deceived him in listening to them; and that his eyes might have deceived him in reading them over as reported in the papers. He confessed, however, that to his judgment the remarks of the gentleman from Indiana did not deserve the imputation cast on them by the gentleman from Virginia, [Mr. WISE,] of having grossly misrepresented the gentleman from Massachusetts. He confessed that the remarks of the gentleman from Massachusetts, as he understood them, struck him with surprise, coming from the quarter of the country he did, where such ideas did not originate. The gentleman from Virginia, in his opinion, though he made a labored apology for his friend from Massachusetts, made it all in vain, and, as he understood it, he thought it a most lame and impotent apology. The gentleman from Indiana remarked that the gentleman from Massachusetts commenced this war; to which the gentleman from Virginia replied, by saying that it was commenced by the gentleman from Tennessee; and that all that the gentleman from Massachusetts said, was in reply to him. True, the speech of the gentleman from Tennessee was made first; but how much of the speech of the gentleman from Massachusetts was in reply to it? He would venture to say, not one-fourth. The gentleman from Massachusetts deprecated crimination and recrimination, and expressed his objections to party debates. But the gentleman, after exhorting his opponents not to indulge in the spirit of party, did so himself. This, too, was not the first time the gentleman talked about party and party spirit. If he mistook not, the gentleman commenced this kind of warfare at the extra session, and attempted to convince the people that the members here were influenced altogether by party views for party objects, and not by a desire to carry on the public business. The gentleman endeavored to convince the country that the Whigs were doing nothing for the good of the country; and he made the same charge against the Democrats too, while he claimed that the Administration party alone showed any evidence of a desire to legislate for the public good. After some further remarks from Mr. F. (in which he commented pretty severely on the remarks of the gentleman from Massachusetts, that he belonged to no party,) and reading an extract from Dean Swift's works, in which a no-party man is pictured in a very odious light, he proceeded to notice that part of Mr. C.'s remarks which had been characterized as threatening to bring the power and patronage of the President to bear upon the coming elections. No man of common intelligence, he contended, could put any other construction upon this part of the gentleman's remarks, than that the President would bring the power of his office to bear on the elections. The gentleman said that, in time, the two great political parties of this country would settle down upon two candidates for the Presidency; and that, when that time came round, those immediately around the President would have a word to say; and he warned the friends of political aspirants, that it was not their interest to run counter to this Administration. This, to him, was a most alarming and ominous threat on the part of the Administration. Are we (said Mr. F.) to be told that, because the Administration will have a word to say in the Presidential election, we are to keep silence here? or that we are to support the exchequer bill? He hoped that the day would never arrive when that House would be influenced by arguments like these.

After some further remarks from Mr. F.—

Mr. MARSHALL of Kentucky obtained the floor, and yielded it to

Mr. BRONSON, on whose motion

The House adjourned.

IN SENATE.

FRIDAY, December 30, 1842.

Mr. CHOATE presented a petition from Asa Andrews, of Ipswich, Massachusetts, praying the passage of a law authorizing the payment to him of the amount of a certain judgment obtained against the United States in the district court: referred to the Judiciary Committee.

Mr. TALLMADGE presented a memorial from the State, and three from the city of New York, remonstrating against the repeal of the bankrupt law; which were referred to the Judiciary Committee.

Mr. T. also presented a memorial from a number of insurance companies of the city of New York, praying an appropriation for improving the Mississippi and adjoining rivers, to give facility to commerce: referred to the Committee on Commerce.

On motion by Mr. HUNTINGTON, the Committee on Commerce was discharged from the consideration of several bills, and they were referred more appropriately.

Mr. HUNTINGTON, from the Committee on Commerce, reported back to the Senate the bill for the relief of Snow Y. Sears, without amendment, and with a recommendation that it do pass.

Also, reported back, with an amendment, the bill for the relief of Joshua Drew.

Mr. BENTON presented a petition from New York city, signed by numerous mercantile firms, praying for the immediate and unconditional repeal of the bankrupt law: referred to the Judiciary Committee.

Mr. McROBERTS submitted the following resolution; which was read, and agreed to, viz:

Resolved, That the Commissioner of the General Land Office be directed to lay before the Senate a statement showing at what offices public sales of lands have been held since the 4th of September, 1841, being the date of the act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights; and the total amount of money received at each public sale; and particularly that he state what amount, if any, was paid for lands over the minimum price of $1 25 per acre.

The following resolution, submitted by Mr. BENTON on yesterday, was taken up and adopted, viz:

Resolved, That, in addition to copies of all the correspondence with and from all our ministers abroad in relation to the quintuple treaty, the President be requested to communicate to the Senate (so far as it may be compatible with the public interest) all such correspondence in relation to the treaty with Great Britain.

THE OREGON TERRITORY.

Mr. LINN's bill "to authorize the adoption of measures for the occupation and settlement of the Territory of Oregon; for extending certain portions of the laws of the United States over the same, and for other purposes," came up, as in committee of the whole, for consideration; and some amendments recommended by the select committee were adopted. [The bill was inserted at length in yesterday's Globe.]

Mr. LINN remarked that this measure had been so often submitted to the Senate heretofore, and so fully discussed, that he conceived it unnecessary to dwell, at this stage of the bill, upon its importance and urgency. On these points there could remain no doubt—the subject, indeed, had been exhausted.

Mr. TAPPAN moved to strike out the preamble, in the words following:

"Whereas the title of the United States to the Territory of Oregon is certain, and will not be abandoned; therefore."

Mr. T. remarked that he was in favor of the bill, but did not consider this preamble either necessary or in good taste.

Mr. LINN said it was a point which he intended to discuss when the bill should arrive at the usual stage for debate; and he would be pleased if the Senator from Ohio would defer his motion till then. The select committee had thought proper to prefix this preamble, in consideration of the fact that great doubt and uncertainty prevailed in the public mind as to the intentions of this

Government in relation to the Oregon Territory. It was thought all-important to remove these doubts, and this uncertainty, by the declaratory preamble of this bill. Great Britain had fully and amply recognised our right to the Oregon Territory, and only disputed about the Northern boundary. A general declaration of our right to the Territory, therefore, could not involve anything prejudicial to pending negotiations. We merely, by this preamble, hold out to our own people the reassurance that we will not abandon our claim, and that we will maintain the right of our citizens emigrating to the territory. Mr. L. here took a rapid and well-digested review of the history of our title, and the various negotiations with Great Britain on the subject, showing, as he accumulated the evidences in our favor, that our claim to the whole region from the 42d degree of north latitude to at least the 49th degree; and, in width, from the Pacific Ocean to our territories east of the Rocky Mountains, is indisputable, and only requires the assertion of our right in a proper manner, to be placed beyond cavil.

Mr. McROBERTS followed in support of Mr. LINN's views, and in opposition to Mr. TAPPAN's amendment. He went minutely into the history of the Spanish discoveries on the northwest coast, during the 16th, 17th, and 18th centuries; and showed that the only claim laid by Great Britain to any part of the coast within our asserted boundary, was based on the treaty with Spain in 1790; which he proved was no claim at all against us. He also proved, from the second volume of Vancouver's Voyages, that Captain Gray's priority of discovery as to the Columbia river was recognised by that negotiator so fully and unequivocally, that it was quite a matter of surprise that Great Britain, in the face of evidence so strongly furnished by her own accredited officer, should ever think of preferring any claim to the territory drained by that river.

He showed that Great Britain never had a just claim that she did not enforce; and never put forward an unjust one that she did not endeavor to strengthen by postponement and diplomatic procrastination. If she had the same ground to stand upon in this instance that we have, she would not hesitate a moment to assert it, and to enforce it, if necessary. Why, then, should we weaken our own right, and strengthen her pretensions, by voluntarily deferring the assertion of our claim? Our right was indisputable from the 42d to the 49th degree of north latitude, and from the Pacific ocean to our territory east of the Rocky mountains. This comprised a fertile region 700 miles wide at one extremity, and 500 at the other—running through 7 degrees of latitude, and embracing nearly two hundred millions of acres of land—enough to form four or five new States. It was of vital interest to us to have the control of those Indian tribes which infest our Western borders. The provisions of this bill would enable us to keep them in complete check. Hitherto, it might have been thought that we had territory enough; and that, for some generations, we would not have use for more. But the late census, as well as that preceding, shows that we may calculate on our population being doubled every twenty-three or twenty-four years. By this ratio, we may expect to have a population of fifty-two millions in 1880; and, at the close of the present century, at least ninety-two millions. We have to act for those who are to succeed us; and our neglect of their interests, at the critical moment that it is our duty to place them on a permanent foundation, will be wholly inexcusable. That duty is now to assert our right—to encourage the occupation of our own territory by our own citizens—to give them temporary protection in their emigration; and, in less than ten years, our hardy citizens from the Mississippi valley, transplanted to this new section of our Union, will be able to defend and protect themselves. They will claim no other protection.

If we delay longer to assert our right, Great Britain will assume a new argument in support of her pretensions, grounded on our neglect of our own claims. He wished not only to retain the preamble of the bill, but to avoid any question of its propriety. He wanted to see this bill passed in both Houses by a unanimous vote. Let this be done, and England would at once abandon her pretensions. She would see that we are not only in earnest, and determined to maintain our rights; but that, in support of them, we forget all party differences, and act with an irresistible unanimity. If this were done, we should never again hear a word of the right of Great Britain to the Territory of Oregon.

The foregoing is but a brief and rapid sketch of the excellent speech made by Mr. McROBERTS on this occasion. It will hereafter appear in full.

Mr. TAPPAN repeated that he was in favor of the bill, but considered the introduction superfluous, and not in good taste. He thought some other modifications should be made—some provision for purchasing the lands from the Indians, and surveying the territory, before grants were made. As, however, his motion did not meet the approbation of the friends of the bill, he withdrew it.

Mr. LINN quoted a British act of Parliament, to show that the Government of Great Britain had set the example of extending territorial laws, in the same manner as laid down in this bill for extending the laws of the Territory of Iowa to the Territory of Oregon.

Mr. ARCHER, not doubting the propriety of the principles of the bill, was opposed to the preamble, on the same grounds asserted by the Senator from Ohio; and also was impressed with the propriety of deferring action on the measure till sufficient time were afforded to examine its details, and duly consider provisions so important. He appealed to his friend from Missouri [Mr. LINN] to consent to the motion to strike out the preamble, and hoped at no distant day to be able to give the bill his support. He therefore renewed the motion of the Senator from Ohio.

Mr. LINN reiterated his conviction that it was absolutely necessary to quiet the public distrust of the course which this Government should take, by the pledge involved in the preamble. If, however, the Senator from Virginia wished for time to consider the provisions of the bill, he would have no objection that it should be passed over informally till next week.

This proposition appearing to meet the general concurrence of the Senate, the subject was passed over informally, and, of course, resumes its place on the calendar as the first bill in order next week.

On motion by Mr. WHITE of Indiana, the Committee on Indian Affairs was discharged from the consideration of the petition and documents of George C. Johnson; and leave was granted to withdraw them from the files, for the purpose of being used before a committee of the House of Representatives.

Mr. ARCHER, from the Committee on Foreign Relations, reported back to the Senate, without amendment, the bill for the relief of the claimants to indemnity received from the British Government, for loss of slaves from on board of the Comet and Encomium, at Nassau.

On motion by Mr. BERRIEN, it was ordered that the communication of the Secretary of the Treasury, on the subject of insolvent debtors, be referred to the Committee on the Judiciary, with instructions to report by bill or otherwise.

Mr. CRITTENDEN presented a memorial from numerous respectable merchants of the city of New York, praying for the repeal of the bankrupt law; which was referred to the Judiciary Committee.

Engrossed bill entitled "An act to continue the office of Commissioner of Pensions," came up on its third reading; when

On motion by Mr. BATES, and by unanimous consent, it was so amended, that all such duties in relation to laws granting military bounty land, shall be performed by the Commissioner of Pensions, with the sanction of the President, as may be assigned to him by the Secretary of War.

The bill was then read the third time as amended, and passed.

The following engrossed bills and joint resolutions were then read the third time and passed, viz:

The joint resolution for the distribution of the catalogues of the library of Congress.

The bill for the relief of the Steamboat Company of Nantucket; and

The bill making compensation to pension agents.

The PRESIDENT *pro tem.* laid before the Senate a message from the President of the United States, covering a statement from the Bureau of Equipment and Construction in the Navy Department, in compliance with a resolution of the Senate of the 14th instant, showing the number of vessels and guns which will be employed in the African squadron, under the late British treaty; which, on motion of Mr. ARCHER, was referred to the Committee on Naval Affairs, and ordered to be printed.

The PRESIDENT *pro tem.* also laid before the Senate a communication from the War Department, made in compliance with a resolution of the Senate of the 30th of August last, covering a report of the Topographical Engineers, as to the nature of the obstructions in the Bayou Manchac, on the Mississippi, by whom made, and on what authority, and the probable cost of their removal; which,

On motion of Mr. CRITTENDEN, was referred to the Committee on Military Affairs, and ordered to be printed.

On motion by Mr. LINN, it was ordered that when the Senate adjourn, it adjourn till Tuesday next.

On motion by Mr. MOREHEAD, the Senate proceeded to the consideration of executive business; and, after a short time spent therein, adjourned in accordance with their previous order.

HOUSE OF REPRESENTATIVES.

FRIDAY, December 30, 1842.

The journal of yesterday having been read,

Mr. EVERETT rose to a correction of the journal. The journal had omitted to state that the memorial of a portion of the members of the New Hampshire Legislature, in relation to the division of that State into congressional districts, was laid upon the table, on the motion of the gentleman from South Carolina.

The correction was made.

Mr. EVERETT also rose to a correction of the report of his remarks on the 28th of December, in the Intelligencer of yesterday. He stated that he was made to say that he intended to vote for the amendment of the gentleman from Massachusetts [Mr. BRIGGS] to the resolution to recommit the bill to repeal the bankrupt law to the committee, with instructions; when he, in fact, did not so commit himself. He had not said a word in relation to the amendment, and did not wish to appear committed when he had not made up his mind how he should vote.

Mr. DODGE of Iowa presented, under the rule, a petition, very numerously signed by citizens and residents of the mineral region of Iowa, approving of the bill (reported by Mr. WHITE, from the Committee on the Public Lands, at the last session) for disposing of the mineral lands in Iowa, Wisconsin, and Illinois; and praying that it, or a bill of similar provisions, may be enacted into a law: referred to the Committee on Public Lands.

Mr. STEENROD presented the petition of the members of the bar of the city of Wheeling, to amend the law establishing a district court of the United States at Wheeling.

Mr. DODGE of Wisconsin presented the petition of 638 inhabitants of the town and county of Milwaukie, Territory of Wisconsin, asking Congress for an appropriation for a harbor at Milwaukie.

Also, petition from the inhabitants of the town of Southport, in the Territory of Wisconsin, asking Congress to appropriate seventy thousand acres of the public lands for building a harbor at that place.

Also, petition of the inhabitants of the town of Racine, in the Territory of Wisconsin, asking Congress to appropriate forty thousand acres of the public lands for the building a harbor at that place.

Also, petition of the inhabitants of the town of Racine, in the Territory of Wisconsin, asking of Congress an appropriation for a harbor at that place.

Also, petition of the inhabitants of Mount Pleasant, in the Territory of Wisconsin, asking Congress for an appropriation for a harbor at the town of Racine, in said Territory.

Also, petition of the inhabitants of the town of Rochester, in the Territory of Wisconsin, asking Congress for an appropriation for a harbor at the town of Racine, in said Territory.

Also, petition from the inhabitants of Dane county, in the Territory of Wisconsin, asking Congress for the establishment of a mail route from Racine du Lac, to intersect the Milwaukie mail-route at Cottage Grove.

THE FIFTH AUDITOR.

Mr. SPRIGG said he rose to a question of privilege. A letter had been addressed to the Speaker, and published among the documents of the House, dated "Fifth Auditor's Office, December 14, 1842," which letter contained reflections upon him, personally. He presumed the letter had been read by some of the members, but he would ask the Clerk to read it for the information of the House:

TREASURY DEPARTMENT,
Fifth Auditor's Office, December 14, 1842.

SIR: In a report of a debate in the House of Representatives on Monday last, contained in the National Intelligencer of yesterday, it is stated that Mr. Sprigg, among other things, observed: "He remembered, too, that the House, at his instance, had made a call upon the department (Treasury) for full and detailed information as to the whole system of managing the light-houses of the United States, the contracts for buildings, for supplying oil, paying inspectors, &c., but no answer had ever been obtained, notwithstanding the new clerks which the House had voted them, and notwithstanding numerous and repeated promises made to him personally."

It was with extreme surprise I read this statement, as I had a perfect recollection that it was wholly erroneous; and as it is calculated, uncorrected, to injure the Treasury Department unjustly, in the public estimation, I hope you and the House will excuse me for setting the member right.

It is sufficient to state that the whole of the information called for by the House, in relation to light-houses, on Mr. Sprigg's motion, was transmitted, as required by the resolution, partly to the Committee on Commerce on the 8th of March last, and is contained in their printed report, No. 811; and partly to the House of Representatives direct, by the Secretary of the Treasury, on the 11th of March last, and by the House ordered to be printed, and will be found in document No. 140 of the last session. These two documents contain all the information which was called for by the House.

Mr. Sprigg, *individually*, called for the *cessions of jurisdiction* by the States over all the light-house sites, from the adoption of the Constitution; and although so much labor and time as it required might have been declined on his individual call; yet, as I was desirous of furnishing all the information in my power to every person who sought it, the information was prepared and furnished, as far as it was to be found in the office.

This list was sent to Mr. Sprigg on the 24th of May, and had occupied one clerk about six weeks in the preparation of it; and yet he alleges no answer had ever been returned to his calls for information.

I have the honor to be, very respectfully, your obedient servant,

S. PLEASONTON.

Hon. JOHN WHITE,
Speaker of the House of Representatives.

In relation to this letter, he would say that he was forcibly impressed with the opinion that, if we allowed public officers to intrude their letters before the House, because of reflections made upon their conduct by members, and then place their letters among the public documents, the power of the House was indeed materially weakened. It was a gross insult to the House; and even if he did commit an error in relation to a public officer, had the officer a right to come before the House in this insidious manner, to attack the statement of a member? He said in this *insidious* manner; because the letter was presented to the House by the Speaker, without a knowledge of its contents by that officer, who could not be presumed able to look into every public document laid upon his table. Had the Speaker been acquainted with the contents of the letter, he had no doubt that he would not have presented it.

Mr. S. then went into an explanation of the purport of his remarks at the last session, and gave a statement of the action he had taken in order to obtain information from the Treasury Department on the subject of the light-house system of the country. He read several letters which he had received from the Fifth Auditor, and pronounced their statements hypocritical and false. Having finished his narrative of his connexion with the subject, he said he would not protract his remarks any longer. His only wish was to ascertain whether it was the will of the House that public officers should, in this insidious way, make injurious reflections on its members. He would make a solemn appeal to the House whether voluntary and *ex parte* statements of this kind should constitute a part of its documents; and whether their documentary records should be swelled up, at an enormous expense, by printing matter such as this? The injustice, too, to the House, and to individual members, by permitting letters of this kind to be printed and inserted in the documents, was most manifest; for members could not get up and reply to them, and make their replies a part of the documentary history of the House, alongside of the attacks made on them; but such replies could only have existence in the newspapers of the day, which would pass off and soon be forgotten. The fact was, that some of the officers of the Government about Washington were getting to be too important, any how; and if (said Mr. S.) we do nothing else but tear away the abuses that exist among them, we shall do well. From the Executive down to the subordinate departments, they had heard nothing but abuse of that House; and here was an officer, whose office ought not to exist in the organization of the Treasury Department, (in fact, he was but a fifth wheel, any how,) undertaking to make injurious reflections on a member of the House, and in the most insidious manner to make them a part of its records.

Mr. HOPKINS said that he had not noticed the paper alluded to, until the attention of the House had been called to it by the gentleman from Kentucky. It struck him that it was a paper which ought not to have been filed or placed on the journals, or printed as a part of their documents. It was not, in fact, a public document; and if its writer had any exception to make to the remarks of the gentleman from Kentucky, the public press—the very channel through which they were made public—was open to him. Now, the remarks of the gentleman from Kentucky this morning, in reply to this letter, would not find place among the documents of the House; and in this way injustice was done him, as it would be done to other members if similar proceedings should be permitted. He did not know, however, how the object he had in view was to be reached; but he would submit to the House that, without any formal question being taken, the Clerk should, by general consent, be directed to strike the letter from the journals, (which, he believed, were not yet printed,) and to return the original paper—which was certainly printed without any knowledge of its contents by the members of the House—to its author.

Mr. J. C. CLARK could not believe that the Fifth Auditor intended any disrespect to the gentleman from Kentucky, or that it was his intention to do him any injustice. His only object appeared to have been to correct a misapprehension, into which he believed the gentleman had fallen. In the remarks of the gentleman from Kentucky, as published in the public papers, the Fifth Auditor found charges affecting his official character; and he took what he supposed to be the best means of defending himself, without intending offence to anybody. Now the question was, if a member of Congress, or a committee of the House, or anybody else, made allegations affecting the character of a public officer, which, in point of fact, should be found to be incorrect, whether he should not have the right to defend himself, and place his defence before the public in the best way in his power? Mr. C. would refer to the cases of Colonel Totten and Mr. Winslow Lewis, who, conceiving themselves implicated by reports of different committees of the House at the last session, sent written communications to the House, defending themselves; which were printed, and, respectively, appended to the reports to which they related. No injustice had, in his opinion, been done to the gentleman from Kentucky; and he hoped that no further action would be taken on the subject.

Mr. MERIWETHER could not agree with the gentleman from New York. The cases cited by him were not in point; for the communications written to the House by the parties implicated were in answer to reports of two of the committees; and thus, both the charge and defence were printed together, as part of the documents of the House. In the present case, on the contrary, the charge and defence would not go together; one of them only being printed among the documents of the House. The remarks of the gentleman from Kentucky, to which exception was taken by the Fifth Auditor, did not appear in the documents of the House, but were only published in the ephemeral productions of the day—the newspaper press; and thus passed off, and were soon forgotten.

The usual course was for a person aggrieved to come as a memorialist, remonstrating against the action of the House; but, in this case, the individual came as an officer of the Treasury Department, and he relied on the report of a member's speech in one of the common journals of the day. Now, he (Mr. MERIWETHER) thought the House should vindicate its honor, by dashing from it such communications as these, and by instructing the Clerk to withhold the document, and not allow it to be bound up with the printed documents.

Mr. PROFFIT said his name had been alluded to in this debate; and it was said that the Committee on Commerce had thought fit (without any complaint from him) to attack him at the last session of Congress, and a speech he had made on this floor. Now, the reason why he made no complaint was, because he had never seen nor heard of the report until it was spread on the record and circulated to the country. He made a speech on the light house system, himself believing honestly in its mal-administration; and no gentleman answered him—not even a single member of the Committee on Commerce, that he recollected; yet a few weeks afterwards, he found that the Committee on Commerce had allowed Mr. Pleasanton to pervert his language, and to present it before the country.

Mr. SPRIGG. And further, sir, they sent your speech to him, and invited remark.

Mr. J. C. CLARK was understood to say that it was not done with his knowledge.

Mr. SPRIGG. Why, he states so himself.

Mr. PROFFIT. Yes, and not even a letter from any Auditor, but Mr. Winslow Lewis, of Boston, was allowed to write a letter, in which there was a perversion of his (Mr. P.'s) speech; and he had no means of knowing it until he found it spread before the country, and until this moment he had never had the opportunity to show the injustice that had been done to him. Now, what ought the Committee on Commerce to have done? Why, at least, when they received those letters from Mr. Winslow Lewis and Mr. Pleasanton, they should have asked him if he chose to reply to those letters. If he had not been confined to his bed by sickness when the appropriation bill was before the House, he would have made such statements on the light-house system as would have startled both the House and the country. At present, he had not strength to say much more; but he had no hesitation in saying that, if he had known of these letters, and had had the opportunity to speak to the House on the subject, independent of all party feeling, nine-tenths of the House would have joined him in stopping the printing of that report, even coming, as it did, from the Committee on Commerce.

Mr. J. C. CLARK said it had not been intended to do injustice to the gentleman. But Mr. Winslow Lewis, who had been mixed up with the discussions on the light-house system, feeling himself aggrieved, presented a respectful letter to one of his (Mr. C.'s) colleagues, and that letter was appended to the committee's report without comment. They simply gave Mr. Lewis's statement with their report, which had not been adopted by the House; and the gentleman from Indiana would have the opportunity, when the next appropriation bill was before the House, to take up the matter, and give his own explanations; and if Mr. Lewis (a gentleman of great distinction, who had built many light houses) had been guilty of bad management, or peculation, the gentleman from Indiana could show it.

Mr. UNDERWOOD, in the course of some remarks, disapproved of this course of allowing individuals to reply to the speeches of members on that floor. If a committee of the House was about to act on the character of an individual, it would be proper to hear that individual; and when Gen-

eral Gratiot was about to be proceeded against as a defaulter, that course was followed; for he had himself presented a statement containing General Gratiot's own version of thetransaction. But when a member rose and made a speech, in which, by way of argument, he stated a fact, to allow any officer to come in with a contradiction, would involve them in interminable confusion.

The SPEAKER explained that the letter came to him as a communication from the Treasury Department, and, as such, he had presented it to the House without perusal; if, however, he had known the purport of the communication, it should not have been presented.

Mr. MERIWETHER then submitted the following resolution:

Resolved, That the communication addressed to the Speaker of this House, by S. Pleasanton, on the 14th inst., in relation to some remarks made in the House before that time, by Mr. Grider, a member from Kentucky; which paper was received by the Speaker, and laid before the House without a knowledge of its contents, was not such a communication as ought to have been received and presented to the House; that the same be withheld from the journal and files of the House, and the original be returned to the writer.

The resolution was then adopted.

IMPROVEMENTS IN FLORIDA.

Mr. LEVY offered the following resolutions, which were adopted:

Resolved, That the Secretary of War be directed to place before this House such information as can be obtained in relation to the practicability and probable expense of draining the everglades of Florida.

Resolved, That the Committee on Naval Affairs be directed to inquire into the expediency of making an appropriation for constructing a dry-dock at the navy-yard at Pensacola, and for putting said yard in the necessary condition for the building, fitting out, or repair of vessels of war.

COMMISSIONER OF PUBLIC BUILDINGS.

Mr. FILLMORE, from the Committee of Ways and Means, reported the following resolution, which was adopted:

Resolved, That the Committee on Public Buildings and Grounds be instructed to inquire into the expediency of abolishing the office of Commissioner of Public Buildings, or of reducing his salary.

Mr. GIDDINGS, from the Committee of Claims, reported a bill for the relief of George Randall: read twice, and referred to the Committee of the Whole House.

Mr. WARREN, from the same committee, reported a bill for the relief of Robert E. Ford: read twice, and referred to the Committee of the Whole House.

Mr. MAYNARD, from the Committee on Revolutionary Claims, reported a bill for the relief of the legal representatives of William E. Smith: read twice, and referred to the Committee of the Whole House.

CALL FOR INFORMATION.

Mr. JAMES COOPER, from the Committee on Indian Affairs, reported the following resolution; which was adopted:

Whereas, a resolution calling on the President of the United States "to cause to be communicated to this House the several reports lately made to the Department of War by Lieutenant Colonel Hitchcock, relative to the affairs of the Cherokee Indians; together with all information communicated by him concerning the frauds he was charged to investigate; also, all facts in possession of the Executive, from any source, relating to the subject," was adopted by this House on the — day of August last: and whereas, the information required by the said resolution has not been communicated, nor any reason assigned for the delay: Therefore,

Resolved, That the President be requested to communicate to this House when the information called for by the aforesaid resolution may be expected.

Mr. MATHIOT, from the Committee on Revolutionary Pensions, reported a bill for the relief of Captain Wilson: read twice, and referred to the Committee of the Whole House.

LAND OFFICE IN MISSISSIPPI.

Mr. JACOB THOMPSON asked the favor of the House to discharge the Committee of the Whole House from House bill 104, "to establish a new land district in the State of Mississippi," with a view to its passage. He stated that the lands had been surveyed, and the President was anxious to have their sale postponed until this bill could be passed. It was impossible for land sales to take place at present.

Mr. BRIGGS inquired whether the bill made any appropriation.

Mr. J. THOMPSON said he did not think that this bill came under the rule requiring all money bills to be referred to the Committee of the Whole on the state of the Union. A register and a receiver were authorized to be appointed; yet he thought it could not be said to be creating a charge on the treasury. He left it to the Chair to decide whether the bill would have to go to the Committee of the Whole on the state of the Union, under the rule of the House.

Mr. STANLY objected to the consideration of the bill at this time.

The SPEAKER decided that the bill would necessarily have to go to the Committee of the Whole on the state of the Union; because it created officers who would have to be paid out of the public treasury.

Mr. THOMPSON then moved that it be taken out of the Committee of the Whole House, and referred to the Committee of the Whole on the state of the Union.

The motion was agreed to.

EXECUTIVE COMMUNICATIONS UNDISPOSED OF.

On motion of Mr. CUSHING, two messages from the President of the United States, sent to the House on the 8th and the 25th of March, 1842, and undisposed of by the House, were laid upon the table. The first message transmitted a report on the finances; the second was the message recommending a repeal of the distribution law.

GENERAL JACKSON'S FINE.

Mr. JOHN CAMPBELL rose to present the resolutions of the Legislature of South Carolina, recommending that the fine imposed on General Jackson, during the late war, be refunded.

The SPEAKER stated that a copy of the resolutions had already been presented by another member of the South Carolina delegation, [Mr. PICKENS,] and referred to the Committee on the Judiciary.

Whereupon Mr. CAMPBELL expressed his satisfaction, and withdrew his copy of the resolutions referred to.

BILLS FROM THE SENATE.

The following bills from the Senate were read a first and second time, and referred:

An act for the relief of Stalker and Hill: referred to the Committee of Claims.

An act allowing drawback upon foreign merchandise imported in the original packages to Chihuahua and Santa Fe, in Mexico: referred to the Committee on Commerce.

An act for the relief of sundry citizens of Arkansas who lost their improvements in consequence of a treaty between the United States and the Choctaw Indians: referred to the Committee on the Public Lands.

An act to authorize the Secretary of the Treasury to make an arrangement or compromise with any of the sureties on bonds given to the United States by Samuel Swartwout, late collector of the customs for the port of New York: referred to the Committee on the Judiciary.

An act for the relief of J. R. Vienne: referred to the Committee of Claims.

An act for the relief of Ephraim D. Dickson: referred to the Committee of Claims.

THE BANKRUPT LAW.

Mr. WELLER moved that the rules be suspended, in order to proceed to the consideration of the bill for the repeal of the bankrupt law.

Mr. GIDDINGS called for the yeas and nays on the motion.

They were not ordered.

Tellers were called for and ordered; who reported yeas 112, nays 60. So two-thirds not voting in the affirmative, the rules were not suspended, and the special order of the day came up of course.

PRIVATE BILLS.

The SPEAKER announced the first bill before the House to be "A bill for the relief of the president and managers of the Norristown and Valley Railroad Company," which was passed on the 23d of December; but its delivery to the Senate, subsequently, arrested by a motion by the gentleman from Pennsylvania [Mr. J. R. INGERSOLL] to reconsider the vote by which it had been passed.

After some remarks from Messrs. J. R. INGERSOLL and BIDLACK, the passage of the bill was reconsidered, and carried in the affirmative.

On motion of Mr. FILLMORE, the bill was laid on the table.

Mr. BIDLACK said he would avail himself of this occasion to present the memorial of the Summit Railroad Company, asking for a remission of the duties on certain railroad iron: referred to the Committee of Ways and Means.

The bill for the relief of John McColgan, which was passed on the 23d of December, was next taken up.

The pending question was a motion by the gentleman from Virginia [Mr. HOPKINS] to reconsider the vote by which it had been passed.

After some remarks in opposition to the bill by Mr. CAVE JOHNSON, and in its support by Mr. KENNEDY, Mr. TURNEY called for the yeas and nays on the motion to reconsider; which were ordered.

A debate then arose upon the merits of the bill. Its passage was advocated by Messrs. KENNEDY, McKEON, TILLINGHAST, and WELLER; and was opposed by Messrs. CAVE JOHNSON, FILLMORE, TURNEY, and MERIWETHER;

After which, the question of reconsideration was taken by yeas and nays, and decided in the negative—yeas 75, nays 90.

So the reconsideration was not ordered.

The House then adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, December 31, 1842.

Mr. HENRY DODGE presented the petition of citizens of the town of Southport, in the Territory of Wisconsin, asking Congress for an appropriation for a harbor and light-house at that town, on the western shore of Lake Michigan.

On motion of Mr. HUNT, it was ordered that the petition and accompanying papers of Thomas Thody, on file with the Clerk of this House, be taken from the files, and referred to the Committee on the Judiciary.

Mr. J. C. EDWARDS presented letters of Robert Wallace, General Duff Green, and Stephen Cleaver, members of the convention which framed the constitution of Missouri, and of Lieutenant Fremont, all relating to the subject of the northern boundary of Missouri; which were referred to the Committee on the Territories.

On the motion of Mr. J. C. EDWARDS, it was

Resolved, That the report of Albert M. Lea, in reference to the northern boundary of Missouri; the report of Captain Guion, and of Lieutenant Fremont, in reference to the Des Moines river; and the evidence in reference to the northern boundary of Missouri, be referred to the Committee on the Territories, and printed.

Mr. J. C. EDWARDS, pursuant to notice, introduced a bill declaring what was the northern boundary of the State of Missouri; which was read twice, referred to the Committee on the Territories, and ordered to be printed.

Mr. T. W. WILLIAMS, from the Committee on Commerce, reported a joint resolution for the survey of Block island; which was read twice, and committed to the Committee of the Whole.

On the motion of Mr. BRIGGS, it was resolved that when the House adjourns it adjourn to meet again on Tuesday next.

Mr. J. R. INGERSOLL, from the Committee of Ways and Means, reported a bill for the relief of the rector, churchwardens, and vestrymen of St. Peter's Church; which was read twice, and committed to the Committee of the Whole House.

Mr. FILLMORE, from the same committee, reported a bill making appropriations for the civil and diplomatic expenses of the Government for the fiscal year ending the 30th day of June, 1844; which was read twice, and committed to the Committee of the Whole on the state of the Union.

Mr. KENNEDY of Maryland obtained permission of the House to call up a bill to alter the mode of admeasuring the tonnage of ships or vessels employed in the merchant service of the United States, which was on the Speaker's table on the question of engrossment. The bill was taken up accordingly, and Mr. KENNEDY proceeded to explain its object and necessity. A debate ensued, in which Mr. AYCRIGG, Mr. CUSHING, Mr. T. W. WILLIAMS, and Mr. McKEON, took part; and

the bill was then postponed until next Tuesday fortnight.

TAX ON BANK NOTES AND ON GOLD AND SILVER PLATE.

Mr. BRESON offered the following resolution; which was read for information:

Resolved, That the Committee of Ways and Means be instructed to inquire whether it would be expedient, in lieu of the "*articles of very large and universal consumption*," proposed for taxation by the Secretary of the Treasury, in his letter of the 15th inst., and in aid of the operations of the mint and constitutional currency, to report a bill laying taxes on bank notes of denominations similar to our gold and silver coins, and on gold and silver plate.

The resolution being objected to,

Mr. BRESON moved for the suspension of the rules for the purpose of receiving it; and on this motion called for the yeas and nays; which being ordered, resulted in yeas 75, nays 101, as follows:

YEAS—Messrs. Arrington, Atherton, Besson, Bidlack, Black, Bowne, Boyd, Brewster, Burke, Green W. Caldwell, Patrick C. Caldwell, John Campbell, William B. Campbell, Thomas J. Campbell, Cary, Casey, Clinton, Colquitt, Mark A. Cooper, Cross, Daniel, Richard D. Davis, Dean, Doan, Doig, Eastman, John G. Floyd, Charles A. Floyd, Fornance, Gerry, Gordon, Gustine, Hays, Hopkins, Houck, Hubard, Charles J. Ingersoll, William W. Irwin, Jack, Cave Johnson, Lewis, Littlefield, Abraham McClellan, Robert McClellan, McKeon, Marchand, Alfred Marshall, John Thomson Mason, Mathews, Newhard, Payne, Pickens, Plumer, Read, Reding, Rencher, Reynolds, Rogers, Roosevelt, James M. Russell, Saunders, Shaw, Shields, Snyder, Sprigg, Steenrod, Jacob Thompson, Trotti, Turney, Van Buren, Ward, Watterson, Weller, Westbrook, and Wood—75.

NAYS—Messrs. Adams, Allen, Landaff W. Andrews, Sherlock J. Andrews, Arnold, Aycrigg, Babcock, Baker, Barnard, Blair, Boardman, Borden, Briggs, Bronson, Milton Brown, Jeremiah Brown, William Butler, William O. Butler, Calhoun, Carruthers, Chapman, Childs, Chittenden, John C. Clark, James Cooper, Cowen, Cranston, Cravens, Garrett Davis, Doherry, Everett, Fessenden, A Lawrence Foster, Gentry, Giddings, Goggin, Patrick G. Goode, Graham, Granger, Green, Hall, Henry, Houston, Hudson, Hunt, Joseph R. Ingersoll, James Irvin, William Cost Johnson, Isaac D. Jones, John P. Kennedy, King, Linn, McKennan, Samson Mason, Mathiot, Mattocks, Maxwell, Meriwether, Mitchell, Moore, Morgan, Morrow, Oliver, Osborne, Owsley, Pendleton, Powell, Ramsey, Benjamin Randall, Alexander Randall, Randolph, Rayner, Ridgway, Riggs, William Russell, Saltonstall, Shepperd, Slade, Stanly, Stokely, Stratton, Alexander H. H. Stuart, John T. Stuart, Summers, Sumter, Taliaferro, John B. Thompson, Richard W. Thompson, Tillinghast, Toland, Triplett, Underwood, Wallace, Warren, Washington, Joseph L. White, Thomas W. Williams, Winthrop, Wise, Augustus Young, and John Young—101.

Mr. GIDDINGS called for the orders of the day.

Mr. CUSHING suggested that there were several Executive communications on the table, which came first in order.

The SPEAKER then communicated a message from the President of the United States, transmitting a letter from the Secretary of State, together with certain documents on the subject of the claims of citizens of the United States against the Government of Hayti; which,

On motion of Mr. CUSHING, was referred to the Committee on Foreign Relations, and ordered to be printed.

Also the following message from the President of the United States, communicating copies of a correspondence which has recently taken place between certain agents of the Government of the Haiwaian, or Sandwich Islands, and the Secretary of State:

To the House of Representatives:

I communicate herewith to Congress copies of a correspondence which has recently taken place between certain agents of the Haiwaian or Sandwich Islands, and the Secretary of State.

The condition of those islands has excited a good deal of interest, which is increasing by every successive proof that their inhabitants are making progress in civilization, and becoming more and more competent to maintain regular and orderly civil government. They lie in the Pacific ocean, much nearer to this continent than the other, and have become an important place for the refitment and provisioning of American and European vessels.

Owing to their locality, and to the course of the winds which prevail in this quarter of the world, the Sandwich Islands are the stopping-place for almost all the vessels passing from continent to continent across the Pacific ocean. They are especially resorted to by the great number of vessels of the United States which are engaged in the whale fishery in those seas. The number of vessels of all sorts, and the amount of property owned by citizens of the United States which are found in those islands in the course of a year, are stated, probably, with sufficient accuracy, in the letter of the agents.

Just emerging from a state of barbarism, the government of the islands is as yet feeble; but its dispositions appear to be just and pacific; and it seems anxious to improve the condition of its people, by the introduction of knowledge, of religious and moral institutions, means of education, and the arts of civilized life.

It cannot but be in conformity with the interest and the wishes of the Government and the people of the United States, that this community, thus existing in the midst of a vast expanse of ocean, should be respected, and all its rights strictly and conscientiously regarded. And this must be the true interest of all other commercial States. Far remote from the dominions of European powers, its growth and prosperity, as an independent State, may yet be in a high degree useful to all whose trade is extended to those regions; while its nearer approach to this continent, and the intercourse which American vessels have with it, could not but create dissatisfaction on the part of the United States at any attempt, by ano her power, (should such attempt be threatened or feared) to take possession of the islands, colonize them, and subvert the native government. Considering, therefore, that the United States possess so very large a share of the intercourse with those islands, it is deemed not unfit to make the declaration that their Government seeks, nevertheless, no peculiar advantages, no exclusive control over the Haiwaian Government, but is content with its independent existence, and anxiously wishes for its security and prosperity. Its forbearance, in this respect, under the circumstances of the very large intercourse of their citizens with the islands, would gratify the Government, (should events hereafter arise to require it,) in making a decided remonstrance against the adoption of an opposite policy by any other power. Under the circumstances, I recommend to Congress to provide for a moderate allowance to be made out of the treasury to the consul residing there; that in a Government so new, and country so remote, American citizens may have respectable authority to which to apply for redress in case of injury to their persons and property; and to whom the Government of the country may also make known any acts committed by American citizens, of which it may think it has a right to complain.

Events of considerable importance have recently transpired in China. The military operations carried on against that empire by the English Government have been terminated by a treaty, according to the terms of which four important ports, hitherto shut against foreign commerce, are to be opened to the British merchants, viz: Amoy, Foo-choo-Foo, Ningpo, and Chinghai. It cannot but be interesting to the mercantile interest of the United States, whose intercourse with China at the single port of Canton has already become so considerable, to ascertain whether these other ports, now open to British commerce, are to remain shut, nevertheless, against the commerce of the United States. The treaty between the Chinese Government and the British commissioner, provides neither for the admission nor the exclusion of the ships of other nations. It would seem, therefore, that it remains with every other nation having commercial intercourse with China to seek to make proper arrangements for itself with the Government of that empire in this respect.

The importations into the United States from China are known to be large—having amounted in some years, as will be seen by the annexed tables, to nine millions of dollars. The exports, too, from the United States to China, constitute an interesting and growing part of the commerce of the country.

It appears that, in the year 1841, in the direct trade between the two countries, the value of the exports from the United States amounted to seven hundred and fifteen thousand dollars in domestic produce, and four hundred and eighty-five thousand dollars in foreign merchandise. But the whole amount of American produce which finally reaches China, and is there consumed, is not comprised in these tables, which show only the direct trade. Many vessels with American products on board sail with a primary destination to other countries, but ultimately dispose of more or less of their cargoes in the port of Canton.

The peculiarities of the Chinese Government and the Chinese character are well known. An empire, supposed to contain three hundred millions of subjects, fertile in various rich products of the earth, not without the knowledge of letters, and of many arts, and with large and expensive accommodation for internal intercourse and traffic, has for ages sought to exclude the visits of strangers and foreigners from its dominions, and has assumed for itself a superiority over all other nations. Events appear likely to break down and soften this spirit of non-intercourse, and to bring China, ere long, into the relations which usually subsist between civilized States. She has agreed, in the treaty with England, that correspondence between the agents of the two Governments shall be on equal terms; a concession which it is hardly probable will hereafter be withheld from other nations.

It is true, that the cheapness of labor among the Chinese, their ingenuity in its application, and the fixed character of their habits and pursuits, may discourage the hope of the opening of any great and sudden demand for the fabrics of other countries. But experience proves that the productions of western nations find a market to some among the Chinese; that that market, so far as respects the productions of the United States, although it has considerably varied in successive seasons, has, on the whole, more than doubled within the last ten years; and it can hardly be doubted that the opening of several new and important ports connected with parts of the empire heretofore seldom visited by Europeans or Americans, would exercise a favorable influence upon the demand for such productions.

It is not understood that the immediate establishment of correspondent embassies and missions, or the permanent residence of diplomatic functionaries, with full powers, of each country at the court of the other, is contemplated between England and China; although, as has been already observed, it has been stipulated that intercourse between the two countries shall hereafter be on equal terms. An ambassador, or envoy extraordinary and minister plenipotentiary, can only be accredited, according to the usages of Western nations, to the head or sovereign of the state. And it may be doubtful whether the Court of Pekin is yet prepared to conform to these usages, so far as to receive a minister plenipotentiary to reside near it.

Being of opinion, however, that the commercial interests of the United States, connected with China, require at the present moment a degree of attention and vigilance, such as there is no agent of this Government on the spot to bestow, I recommend to Congress to make appropriation for the compensation of a commissioner, to reside in China, to exercise a watchful care over the concerns of American citizens, and for the protection of their persons and property; empowered to hold intercourse with the local authorities; and ready, under instructions from his Government, should such instructions become necessary and proper hereafter, to address himself to the high functionaries of the empire, or, through them, to the Emperor himself.

It will not escape the observation of Congress, that, in order to secure the important objects of any such measure, a citizen of much intelligence and weight of character should be employed on such agency; and that, to secure the services of such an individual, a compensation should be made corresponding with the magnitude and importance of the mission.

JOHN TYLER.

WASHINGTON, Dec. 30, 1842.

Mr. CUSHING, after a few remarks, moved to refer the message and accompanying documents to the Committee on Foreign Relations, and that it be printed; which motion was agreed to.

The SPEAKER further communicated a report from the Post Office Department, in answer to a resolution of the House, on the subject of the delays in the transportation of the mail between Washington and Augusta, Georgia: referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

The bill from the Senate for the relief of the Steamboat Company of Nantucket;

The bill from the Senate making compensation to pension agents; and

The bill from the Senate to continue the office of Commissioner of Pensions; were severally read twice, and referred.

The amendments of the Senate to the joint resolution providing for the distribution of the copies on hand of the catalogue of the Library of Congress, were read and concurred in.

The SPEAKER observed that the next business in order would be the motions for the reconsideration of certain private bills that were passed last week, of which there were three or four.

Mr. G. DAVIS moved that the House resolve itself into Committee of the Whole, for the purpose of taking up the bill making an appropriation for paying for the printing of the Compendium of the Sixth Census.

Mr. GIDDINGS called for the yeas and nays, but they were not ordered; and, on taking the question, Mr. DAVIS's motion was decided in the negative without a count.

Mr. JOHN C. CLARK moved that the House adjourn, [at a quarter-past 2 o'clock:] rejected.

The House then took up the motion for the reconsideration of the bill for the relief of Isaac Justus; and, after some remarks from Mr. ARNOLD, in favor of the bill, the question of reconsideration was carried; and the next question being upon the passage of the bill, it was decided in the affirmative without a division.

The motion for the reconsideration of the bill for the relief of the widow and heirs of Benjamin W. Hopkins, was next considered; and, after some remarks from Messrs. PARMENTER and SLADE, it was postponed to Friday next.

The motion for the reconsideration of the bill providing for the payment of certain Iowa militia, was also postponed to Friday next.

The motion for the reconsideration of the bill for the relief of Philip Renault was taken up; and after some remarks from Mr. CAVE JOHNSON, in opposition to it, and from Mr. YOUNG, in its support,

On motion by Mr. IRWIN,

The House adjourned.

IN SENATE.

TUESDAY, January 3, 1843.

Mr. CLAYTON presented a memorial from the city and county of Philadelphia against the repeal, but in favor of the modification, of the bankrupt law: referred to the Judiciary Committee.

Mr. EVANS presented a memorial from Winthrop, Maine, in favor of the repeal of the bankrupt law.

Messrs. WRIGHT and TALLMADGE presented several memorials from the city and State of New York, remonstrating against the repeal of the bankrupt act; which were referred to the Judiciary Committee.

Mr. WRIGHT presented a memorial, numerously signed, from Oneida county, New York, in favor of the repeal of the bankrupt act; which was referred to the Judiciary Committee.

Mr. TALLMADGE presented a memorial from J. T. Hudson, praying that the Secretary of War may be enabled to execute a contract made to settle the conflicting claims to the Pea Patch island: referred to the Committee on the Judiciary.

Mr. WHITE presented a petition from the widow and heirs of John B. Chandonai (a half-

breed Indian) praying certain compensation for the services of her husband during the war with Great Britain, and for expenditures in money and in goods for the United States: referred to the Committee on Indian Affairs.

Mr. BENTON presented a memorial from the city of New York, urging that the bankrupt law was uncalled for, and unconstitutional, and highly destructive of the rights of the creditor, and praying for its repeal: referred to the Judiciary Committee.

Mr. CRITTENDEN presented a memorial from the city of New York, in which the memorialists express the opinion that the bankrupt law was not unconstitutional; that they were opposed to its repeal, and suggested modifications: referred to the Judiciary Committee.

Mr. C. also presented a petition from George Reber, administrator of William H. Hunter, deceased, praying the allowance of a claim for services performed by said Hunter for the Indian Department: referred to the Committee on Indian Affairs.

Mr. YOUNG presented a petition from DeKalb county, Illinois, praying for the establishment of a mail route from Chicago to Grand Detour, in that State; which was referred to the Committee on the Post Office and Post Roads.

Mr. KING presented a petition from C. G. Gunter, praying that the title to a Creek reservation may be vested in him: referred to the Committee on Public Lands.

Mr. SEVIER remarked that he had been requested by the Commissioner of Indian Affairs to submit a resolution; which was read, as follows:

Resolved, That the resolution of the Senate of the 3d of March, 1841, requesting the Secretary of War to report to the Senate, at the ensuing session of Congress, his opinion upon the subject of the reservation claims arising under the Cherokee treaty, which had been rejected by the board of commissioners, &c., be, and the same is hereby, rescinded.

Mr. SEVIER remarked that the opinion of the Secretary of War was unnecessary, inasmuch as a law had been passed, and a board of commissioners had been appointed under it, to investigate those claims. The board are now investigating them. They do not want the opinion of the Secretary; and a great labor would be saved the department by rescinding the resolution.

After a few remarks from Mr. GRAHAM, doubting whether any board were progressing with an investigation, (the claims of his constituents not yet being investigated;) and by Mr. KING, assuring him that said commission was now in session in this city, and in the performance of their duty; the question was put on the resolution, and it was adopted.

Mr. MERRICK submitted the following resolution, viz:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of surrendering to the State of Maryland all the interest the United States may have in the stock of the Chesapeake and Ohio Canal Company, upon such just and liberal terms as may be best calculated to induce to the early completion of that important work; and that they be instructed to report by bill or otherwise.

Mr. SMITH of Indiana suggested to the mover to strike out the words "report by bill or otherwise," as they were unnecessary; which suggestion being yielded to,

The resolution was adopted as modified.

Mr. BUCHANAN submitted the following resolution; which lies one day on the table, under the rule, viz:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate any report which may have been made to him, or to the Solicitor of the Treasury, by the United States attorney for the eastern district of Pennsylvania, in relation to the cloth cases, recently tried in that district, involving forfeitures consequent upon the violation of the revenue laws.

Mr. LINN submitted the following resolution; which lies one day, under the rule:

Resolved, That the report of Lieutenant Wilkes to the Secretary of the Navy, relating to the Territory of Oregon, be printed; and that the charts of Columbia river, and the waters of the Admiralty inlet and Puget sound, be engraved or lithographed under direction of Lieutenant Wilkes.

Mr. SMITH of Indiana submitted the following resolution; which lies on the table one day, under the rule, viz:

Resolved, That the Secretary of the Treasury be directed to report to the Senate, in as concise a form as may be practicable:

1. The amount of the public debt at the close of the war of the Revolution, and the amount paid by the Federal Government for the individual States, for the expenditures incurred in that war.

2. The amount of the public debt at the close of the late war with Great Britain; and the amount of the public debt at the close of each Administration of the Federal Government.

3. The amount remaining in the treasury at the close of each Administration.

4. The gross amount of the receipts of each Administration—distinguishing between the receipts from imports, public lands, and other sources.

5. The gross amount of the expenditures of each Administration—distinguishing between the amount paid in discharge of the public debt, and for other purposes.

6. The amount deposited with the States, severally.

7. The gross amount of continental paper money issued by the Federal Government, and the amount of the same redeemed by the Government.

8. The present public debt of the United States, in gross.

9. The present public debt of Great Britain, in gross.

10. The gross amount of exports and of imports of the United States, during each Administration of the Federal Government.

11. What nations have funded their public debt, or the debts of their citizens, under the original par value thereof, or at a diminished rate of interest, and the terms of such funding.

Mr. MERRICK, from the Committee on the Post Office and Post Roads, reported back, without amendment, House bill entitled "An act for the relief of Samuel D. Rose and others;" and House bill entitled "An act for the relief of Barent Stryker"

Mr. SMITH of Connecticut presented several resolutions passed by the Legislature of Connecticut—

1. Instructing their Senators to make suitable exertions to procure the passage of a law to refund to General Jackson the fine imposed on him by Judge Hall, in the year 1815, with interest thereon to the time of payment, without condition or qualification, as an act of long-delayed justice to that venerable citizen, patriot, and statesman.

2. Requesting Congress to make suitable provision for drilling and disciplining the militia officers of the United States, that they may be schooled in the arts of war, and be competent to discharge their duties in time of war.

3 Resolution denying the right of Congress to dictate to the States the mode in which they shall elect their Representatives in Congress; and protesting against the exercise of that right by the Congress of the United States, as a palpable and dangerous violation of rights of the Legislatures and people of the States; which resolutions, on the motion of Mr. SMITH, were ordered to be printed.

Mr. BERRIEN, from the Committee on the Judiciary, to which had been referred the report of the Secretary of the Treasury relating to insolvent debtors of the United States, reported a bill to continue in force the several acts now in existence for the relief of insolvent debtors; which was read, and ordered to a second reading.

Mr. HUNTINGTON submitted the following resolution, which lies on the table one day:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of so modifying the existing laws as that each Assistant Postmaster General, shall be appointed by the President, by and with the advice and consent of the Senate.

Also, whether it be expedient to repeal or modify the law which prohibits contractors for the conveyance of the mail from carrying, without the consent of the Postmaster General, newspapers other than those carried in the mail.

Mr. WOODBURY, from the Committee on Claims, made an adverse report on the claim of James B. M'Kown; which was ordered to be printed.

On motion by Mr. LINN, it was

Resolved, That the Committee on Private Land Claims be instructed to inquire into the expediency of confirming to Martin Fenwick, of Maryland, a certain tract of land lying in the State of Missouri; and that the papers on file in the office of the Secretary of the Senate be referred to the same committee.

Resolved, That the Committee on Private Land Claims be instructed to inquire into the expediency of confirming to Absalom Link a certain tract of land lying in the State of Missouri, and that the papers on file in the office of the Secretary of the Senate be referred to the same committee.

On motion by Mr. LINN, it was

Resolved, That the Committee on Foreign Relations be instructed to inquire into the expediency of making an appropriation for the benefit of the heirs of Wm. A. Slacum; and that the petition and papers on file in the office of the Secretary of the Senate be referred to said committee.

On motion by Mr. LINN, it was

Resolved, That the Committee on Private Land Claims be instructed to inquire into the expediency of passing an explanatory law embracing certain land claims confirmed to the sons of Bento Vasquez in 1836, by the board of commissioners appointed to investigate private land claims in Missouri, under acts of Congress of 9th July, 1832, and 2d March, 1833.

Mr. LINN presented documents relating to the claim of Dr. Fenwick; which were referred.

Mr. YOUNG, on leave, introduced a bill authorizing the sale of school lands in the State of Illinois, and to legalize such sales as have been made prior to the passage of such act; which was read twice, and referred to the Committee on Public Lands.

Mr. YOUNG presented documents on the subject of a grant of land, to aid in completing the Illinois and Michigan canal, which he moved the printing of: referred to the Committee on Printing.

Sundry bills from the House were taken from the table, read twice, and appropriately referred.

THE OREGON TERRITORY.

The orders of the day brought up Mr. LINN's bill "to author ze the adoption of measures for the occupation and settlement of the Territory of Oregon, for extending certain portions of the laws of the United States over the same, and for other purposes;" the consideration of which was resumed from Friday, as in committee of the whole.

Some doubt being expressed as to the question pending,

The CHAIR explained that it was on Mr. ARCHER's motion renewing the motion of the Senator from Ohio [Mr. TAPPAN] to strike out the preamble to the bill, which was in these words: "Whereas the title of the United States to the Territory of Oregon is certain, and will not be abandoned: therefore"—

Mr. LINN remarked that he hoped, upon reconsideration, the gentlemen who were in favor of striking out the preamble when the bill was last up, would now feel satisfied that there was nothing in it to render this motion to strike out necessary, whilst there was much to be considered in favor of letting it stand. It is very certain (as he remarked the other day) that we have *some* Oregon territory, and that to it we will not abandon our title. Great Britain does not deny that we have *some;* why, then, should our assertion to that effect give any cause of dissatisfaction? But, even if it did, the assurance that we will not abandon our title should be made, because it is requisite to quiet the minds of our own people on that point. It is all-important that we should give some satisfactory answer to the daily inquiries made. We owe it to our citizens already settled in the territory, and now amounting to 1,500 or 2,000. He had letters which led him to the conviction that, if this assurance were given, the settlers, during the next summer, would amount to at least 5,000. In a matter of this kind, it was not, in his opinion, at all necessary to have any regard to the effect it would would produce on England. If that country was so unreasonable as to object to the declaration made in this preamble, he certainly would not be deterred by that objection; nor would he make the least modification to suit her views. Still, if other gentlemen in favor of the bill continued to oppose the preamble, he would not, for the sake of retaining it, like to lose the bill itself, merely because the preamble was or was not stricken out. He hoped it would be continued as it was.

Mr. ARCHER said he was very sorry that he did not feel himself any more at liberty to day, than he did when the bill was last under consideration, to accede to the wishes of the honorable Senator from Missouri for the withdrawal of that motion. He thought, as a matter of good taste, they ought not to retain such a preamble. The motives of the honorable Senator from Missouri were—what? To give assurance to the population of that territory that this Government really mean to carry out their own bill! Was there any such assurance wanted? Was not the passage of the bill itself a sufficient assurance? Would it not, in fact, argue a sort of imputation, if, in addition to the passage of the bill, this declaration be required to be made as a sort of guaranty for the sincerity of this Government? The honorable Senator from Missouri would not affirm that such a declaration was necessary, in reference to other subjects of legislation; and if not necessary in other cases, why in this?

But there were other objections still stronger. Did not the gentleman perceive that it would be better to avoid all cause of offence, and to obtain the possession of this territory on terms of perfect amity and good feeling with all foreign powers,

rather than awaken their jealousy and animosity? The adoption of such a preamble he (Mr. A.) thought was calculated to awaken the pride, and possibly the resistance, of the British Government. Did the gentleman suppose that the British Government were so little disposed to indulge the feeling of jealousy as to overlook a circumstance of this kind? Since this subject was last under consideration, he (Mr. ARCHER) had given it an attentive and laborious investigation; and, though he believed the title of the United States was a strong one, yet it was a subject involving so much difficulty, and spread over so great a surface, that he certainly felt a hesitation in saying it was wholly clear, undoubted, and unequivocal. It was a complicated subject. Did it become them, then, to say peremptorily, and at once, that the title is undoubted and unequivocal? He believed it was not the true course of policy for this Government to pursue in relation to this subject. In every view that could be taken of the subject, the preamble was useless, and it might produce evil consequences. He hoped, therefore, the Senate would concur with him in striking it from the bill.

Mr. WALKER observed that on every occasion of referring this subject to a select committee for the last four or five years, it had been his duty, as a member of such committee, (of which his friend from Missouri, [Mr. LINN,] the mover, was chairman,) uniformly to concur in opinion with him that there ought to be some action of Congress for the occupation and settlement of the territory. Heretofore, the bills introduced for that purpose had been postponed from time to time, owing to the allegation that we had many other subjects of negotiation with England to be settled, which this might embarrass. It was always urged as a motive for postponement, that it would be imprudent to act in this matter, lest our action might raise up new difficulties to protract those negotiations.

The same objections cannot now exist. All the difficulties—or, at least, the greatest of them—were settled by the late treaty. They may be considered as adjusted.

The question now was, really, whether we are to assert our rights in relation to this territory, or to abandon them—whether we shall maintain our title, or by our own neglect suffer it to be placed in doubt. Now, he was fully prepared to say, that he was not disposed to abandon one inch of the territory claimed by this country on the northwest coast, from the 42d to the 54th degree of northern latitude. To the whole of this territory, he considered the title of the United States indefeasible, and that we should not abandon our claim to one inch of it. He went further: he would say that Great Britain had no right to the portion occupied by her subjects, and claimed by her; and that it was now more than ever necessary that we should assert our rights, considering the late events with regard to her occupation of China by British forces.

From a careful examination of the various bills heretofore introduced, and the reports of committees, as well as other sources of information on the subject, he had come to the conviction that every inch of the territory within the latitudes designated belonged of right to the United States, and that the British Government has not a shadow of claim to the smallest portion of it. He fully believed that now to refuse the assertion of our claim would be injurious to this country and its honor. He did not believe that, if we made the declaration embodied in this preamble, war with Great Britain would follow. On the contrary, he believed it would extinguish her pretence for a quarrel with us. But, even if it was to produce that effect, he was prepared to make the declaration notwithstanding, and abide the issue. He was not prepared to abandon our title to an inch of the territory, on the ground that our assertion of it would lead to war, or on any other ground; because he considered that title indisputable and indefeasible. He believed it now to be the duty of Congress to assert our title; to declare to the world that we will maintain our rights, and will not abandon them. If Great Britain is to take offence at our declaration that we will maintain our rightful claim, her doing so would be no argument to him that we ought to yield. He considered the preamble to the bill of the greatest importance, and hoped it would not be stricken out.

Mr. LINN remarked that, unfortunately, by our own supineness, we had permitted Great Britain, for all practical purposes, to take possession of the territory. From 1814, through the agency of the Northwest Fur Company, and subsequently through that of the Hudson Bay Company, in which the former was merged, she had gained all she could gain from the practical possession and occupation of the country. She had, by the extension of her territorial laws of Canada, by act of Parliament, carried British laws to the very limits of our own organized territorial governments. England had thus told us what we might or might not do. She had literally said to us, You may go so far, but you shall not go one step beyond: if you do, we will object, and our objection must be enough to stop you: you must abide by our acts of Parliament. Ought we to suffer this? Ought we not, rather, to stand up to her foot to foot, and at once meet her face to face, and put an end to her encroachments?

We are too prone to pay undue deference to our old mother country. We forget how much worse than a bad stepmother she had in time past proved to us. We cannot, in spite of our reason and our recollections, cast off our colonial deference to her authority. We never will get free from her arrogance till another opportunity occurs of proving our independence—another contest, in which she will be as much humbled as she was in the last. He did not desire to see another contest with Great Britain. But he firmly believed we would never, in the face of heaven and the world, stand as freemen, till we had another conflict; and, though he did not desire it, yet he never would take one step backward to avoid it. He would recall to the Senate the aggression of England, the burning of our ships, the murder of our seamen, the destruction of property upon the frontier, which we had sustained year after year, and which all had borne as if our whole population were imbued with the divine spirit of Christianity. Was it so? No, sir; it was not through this high and exalted motive that we submitted; it was from a very different cause. He would assert again, in any contest that may take place, we have retreated so often and so long, and debased ourselves so much, that he felt he would not yield another inch of ground. But he would ask, how would this affect our relations with Great Britain? It was merely asserting that they would not abandon it. It was an encouraging declaration on the part of the United States, to those people who may think proper to cast their lot in that territory.

He could see no objection to the passage of the preamble. Would not Great Britain take the same exception to the bill as to the preamble? Practically, the bill was just as offensive without it as with it.

Mr. KING did not agree with the honorable Senator that it was at all necessary to the assertion of our rights to make the declaration which is made by this preamble. It appeared to him that the most dignified, firm, and decided course was to point out what was necessary to be done, to take possession, and to hold it until the whole matter could be finally and permanently determined. We believe (said Mr. K.) that we have the right to the territory in question; and at a proper time we may be called on to assert that right. But I do not think it necessary for us to assert that right in advance, and to say that we will have the country because it is ours. It would not make our position any better, or give us a higher standing. He hoped the honorable Senator would see the propriety of striking out the preamble. Much as he desired to see the country occupied by an American population, which would be enabled in a few years, if properly supported by the Government, to defend and maintain the territory; yet he would not resort to any such expedient—indeed, none such was necessary. The bill itself, he thought, would go very far towards giving them such a population—a population of hardy, enterprising men.

The country must be ours, and he felt no apprehension that any foreign power, however strong, can by any possibility hold long possession of any portion of this continent. He (Mr. K.) would not precipitate the matter by the adoption of such a preamble as this; he would prefer that the Senate should act on the bill by itself.

Mr. CRITTENDEN said he was inclined to vote against the preamble—not because he did not concur in the propriety of what had been expressed as to maintaining our just rights, but because it seemed to him that, however strong the language employed might be, it was a very feeble method of asserting our claim; it, in fact, rather conveyed the impression that they were doubtful of their own title, and were attempting to fortify it by a declaration that right or wrong, we intend to stand by it. If our title be a clear one, it requires no such declaration; and if it be not a good title, depend upon it, it is not more likely to be recognised by the world, in consequence of such declaration on our part. Believing as he did, that our title is complete and unblemished, he would not sully it by any such proceeding. How would it sound, if, in an act relating to the District of Columbia, we were to insert a declaration that we would never abandon the possession? Would it not be absurd? He could see no occasion for disputing about the matter. It was highly inappropriate and unfit; and he should, therefore, give his vote against the preamble.

Mr. ARCHER hoped the Senator from Missouri understood that he was not either opposed to the bill, or to the maintenance of our rights, whenever there would be occasion to assert them. He only objected to the expediency and necessity of the preamble to the bill. He thought it altogether imprudent, besides being in bad taste, to put any such preamble to the bill at all.

The question being then taken by ayes and noes, it was found that they were 17 to 17; and, as the Chair was about to give a casting vote,

Mr. ARCHER called for the yeas and nays; but before they were ordered,

Mr. KING asked whether this vote taken by yeas and nays, or indeed in any form, would not be calculated to have the very effect which the Senator from Missouri deprecated—that of prejudicing the question, and increasing the doubt he wishes to dispel. The preamble asserts an undoubted title to the territory. A vote to strike out the assertion of this undoubted right would bear the inference that the Senate had some doubt; and even if the motion to strike out did not prevail, the vote of its supporters would have the tendency indicated. He hoped the Senator from Missouri would see the disadvantage of this vote, and agree to remove the difficulty by acceding at once to the motion of the Senator from Virginia.

Mr. PHELPS, as a member of the select committee, should say that he did not consider the preamble to the bill, when pressed by the chairman, very important; but was willing to retain it, on the ground that it was necessary to satisfy the public mind. But now that the subject had been debated, and a question put on striking out the preamble, he thought it better it should be retained, than that any doubt should be increased by the decision in favor of the motion to strike out.

Mr. LINN, after a few remarks, for the sake of unanimity in support of the general provisions of the bill, consented to accept the amendment of the Senator from Virginia.

The preamble, therefore, by general consent, was stricken out.

Mr. FULTON submitted an amendment to come in at the sixteenth line, as follows:

"And to every such inhabitant and cultivator, being a married man, there shall be granted, in addition, one hundred and sixty acres to the wife of said husband, and the like quantity of one hundred and sixty acres to the father, for each child under the age of eighteen years, he may have, or which may be born within five years afterwards.

Mr. FULTON remarked that the object of his amendment was to make some equality in the provisions of the bill between married persons and those who were single. It was also his purpose, in offering it, to hold out strong inducements to men having families to undertake the hazardous enterprise of emigrating to that remote and beautiful territory. The expense to men with families to get there would be much greater than to single

men; and he thought, therefore, to produce equality, a greater quantum of land should be given to married men. He hoped there would be no objection to the amendment.

Mr. BENTON said he desired to vote for this amendment. He went on to show that the French and Spanish Governments, in their plans of settlement in Louisiana, had granted land to the husband, to the wife, and so much for each of his children, and each of his slaves; and that such plan was equitable, and went to equalize the grants among the settlers. Mr. B. said that to the man having a family, it was the most costly and hazardous to emigrate He was for inducing men with families to go to that country, because it would give the strongest bonds which could be given for the faithful defence of the country. The man of family has far more responsibility on him to defend his wife and children. He would therefore vote with the greatest pleasure for the amendment.

Messrs. McROBERTS and CRITTENDEN suggested modifications of the amendment; which were accepted by the mover of it.

The question was then put on the amendment, and it was agreed to.

Mr. PHELPS remarked that the bill provided for extending the civil and criminal jurisdiction of the supreme court and district courts of the Territory of Iowa over the Oregon Territory, as defined in the bill; and for that purpose authorized the appointment of two associate judges of the supreme court of the Territory of Iowa, in addition to the number now authorized by law. He did not think it was necessary to make the appointment of two additional judges obligatory; and moved to strike out the word "shall," in the 3d line of the bill, and insert, "may, in the discretion of the President;" so as to leave discretion with the President to judge of the necessity of their appointment.

The question was put on the amendment, and it was agreed to.

Mr. LINN moved to fill the blank with $100,000 to carry the provisions of the bill into effect; which amendment, after a few remarks by Messrs. LINN, SMITH of Indiana, HUNTINGTON, McROBERTS, and CRITTENDEN, was agreed to.

At the suggestion of Messrs. WOODBURY, CRITTENDEN, and SEVIER, some further amendments were made to the bill. The bill was then reported to the Senate; and,

At the suggestion of Mr. TAPPAN, was ordered to lie on the table till to-morrow, with a view of having it printed as amended.

Mr. ARCHER remarked that George McDuffie, the Senator elected by the Legislature of South Carolina to fill the vacancy occasioned by the resignation of Mr. Preston, was present, though his credentials were not received. He had left home with the expectation that his credentials would be received on his arrival here. Mr. A. had been told by the Secretary that there were precedents to authorize the qualifying of Mr. McDuffie, though his credentials were not formally presented. He moved that he be permitted to qualify.

The CHAIR remarked that there were precedents to justify that course.

Mr. McDUFFIE then presented himself, and was qualified.

On motion by Mr. BAYARD,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, January 3, 1843.

Mr. EASTMAN presented the petition of Joseph French and forty-nine others, citizens of Barnstead, New Hampshire, for a mail route from Gilmanton Iron Works to Manchester, in said State.

Also, the petition of Ephraim Tibbets, and fifty-one others, citizens of said Gilmanton Iron Works; of James Knox and seventy others, citizens of Pembroke; of R. T. Leavitt and one hundred and seventeen others, citizens of Pittsfield; and of J. G. Cilley and one hundred and twenty-nine others, citizens of Manchester; all praying for the establishment of said mail route from Gilmanton Iron Works to Manchester; which said several petitions were referred to the Committee on the Post Office and Post Roads.

Also, the petition of Thomas D. Morrison, of New Hampshire, for remuneration; which was referred to the Committee of Claims.

Mr. BOYD presented the petition of sundry citizens of Marshall and Calloway counties, Kentucky, praying that a pension be granted to Joseph Bowlin, a disabled soldier of the late war.

Mr. H. DODGE presented a petition, signed by four hundred and thirty-two inhabitants of the city of Buffalo, in the State of New York, asking Congress for an appropriation for a harbor at the town of Milwaukie, in the Territory of Wisconsin.

Also, the petition of inhabitants of Sac county, in the Territory of Wisconsin, asking Congress for an appropriation for the improvement of the navigation of the Fox and Wisconsin rivers,

Also, a petition numerously signed by inhabitants of the town of Southport, in the Territory of Wisconsin, asking Congress for an appropriation for a harbor at that town, on the western shore of Lake Michigan.

Mr. LOWELL presented the petition of Edward S. Jarvis, and twenty-six other shipmasters and merchants of Mount Desert, for an appropriation to improve the navigation of Penobscot bay, Maine; which was referred to the Committee on Commerce.

The several committees were called on for reports.

Mr. C. J. INGERSOLL, from the Committee on the Judiciary, reported a bill to amend the act entitled "An act to establish a district court of the United States at Wheeling, in the State of Virginia."

Mr. I. said, as he presumed there would be no objection to the bill, he moved that it be now passed.

The bill was then read three times and passed.

CAPITAL PUNISHMENT.

Mr. C. J. INGERSOLL offered the following resolution, which was adopted:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of abolishing capital punishment in public.

Mr. WISE, from the Committee on Naval Affairs, made sundry adverse reports.

COST OF FIRE-ARMS.

Mr. CALHOUN offered the following resolution, which was adopted:

Resolved, That the Secretary of War report to this House, as soon as practicable,

1st. The cost of the materials for the fabrication of fire-arms at the United States armories.

2d. The price paid for labor on the musket.

3d. The expense, per musket, for all other labor, comprising the making and repairing of tools, pay of officers, &c.—presenting a distinct statement for each of the last three years.

And that he further report the amount expended at each of the armories during the last three years, separately, for all purposes not directly connected with the construction of the musket.

LIGHT-HOUSE IN MAINE.

Mr. LOWELL offered the following resolution, which was adopted:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of erecting a light-house at Little River harbor, in Cutler, Maine.

ABOLITION.

Mr. SLADE rose and said he wished to present the resolutions of the Legislature of Vermont in relation to the abolition of slavery in the District of Columbia. As their reception was precluded by the 21st rule, he should be under the necessity of moving a suspension of that rule, for the purpose of accomplishing his object, and offering the following preamble and resolution:

Whereas, by a law of the United States, framed on the 15th of May, 1820, the foreign slave-trade is declared to be piracy, and is made punishable by death:

And whereas, there is, and has long been carried on in the District of Columbia, within sight of the halls of the two Houses of Congress, and the residence of the Chief Executive Magistrate of this nation, a trade in men, involving all the principles of outrage on human rights which characterize the foreign slave-trade, and which have drawn down upon it the maledictions of the civilized world, and stigmatized those engaged in it as enemies of the human race:

And whereas, the trade thus existing in this District is aggravated in enormity, by reason of its being carried on in the heart of a nation whose institutions are based upon the principle that all men are created equal, and whose laws have, in effect, proclaimed its great and superlative iniquity; aggravated, moreover, by its outrage on the sensibilities of a Christian community, by its sundering of the ties of Christian brotherhood, and by the anguish of its remorseless violation of all the domestic relations, rendered the more deep and enduring by the hallowing influence of the Christian religion upon those relations, and by the increased strength which it gives to the domestic affections:

And whereas, one of the purposes of the Constitution, in providing for the setting apart, and exempting from State jurisdiction, a district for the seat of the Government of the United States, was, to provide a common ground whereon all could meet, under a system of laws not involving, of necessity, principles or usages peculiar to any of the States, but based upon the great principles asserted in the Declaration of Independence, and looking to the great objects contemplated in the preamble to the Constitution:

And whereas, that purpose of the Constitution is defeated, by subjecting a majority of the Representatives of the people and of the States, in the two Houses of Congress, and a majority of those employed in the executive departments at the seat of Government, to the necessity of witnessing a trade in human beings, which is to them a source of grievous annoyance, and an object of deep abhorrence and detestation:

And whereas, this trade in human beings is carried on under the authority of laws enacted by the Congress of the United States; thereby involving the people of all the States in its guilt and disgrace—a guilt and disgrace enhanced by the consideration that those laws are a virtual usurpation of power, the Constitution of the United States having conferred upon Congress no right to establish the relation of slavery, or to sanction and protect the slave-trade in any portion of this Confederacy: Therefore,

Resolved, That all laws in any way authorizing or sanctioning the slave-trade in this District, ought to be repealed, and the trade prohibited; and that the Committee for the District of Columbia be instructed to report a bill accordingly.

Mr. GILMER inquired if the motion was in order; to which

The SPEAKER replied in the affirmative.

The yeas and nays were ordered on the motion.

Mr. A. V. BROWN asked if it would be in order to move to lay the motion on the table?

The SPEAKER said No.

Some confusion then ensued, and several gentlemen attempted to get the floor; in the midst of which, the calling of the roll was commenced.

The House refused to suspend—yeas 73, nays 109, as follows:

YEAS—Messrs. Adams, Sherlock J. Andrews, Aycrigg, Babcock, Baker, Barnard, Birdseye, Blair, Boardman, Borden, Briggs, Bronson, Jeremiah Brown, Burnell, Calhoun, Childs, Chittenden, John C. Clark, Staley N. Clarke, James Cooper, Cowen, Cranston, Cravens, Richard D. Davis, Everett, Ferris, Fessenden, Fillmore, John G. Floyd, Gates, Giddings, Patrick G. Goode, Granger, Halsted, Henry, Hudson, Hunt, Joseph R. Ingersoll, James, Linn, McKennan, McKeon, Mathiot, Mattocks, Maxwell, Maynard, Morgan, Morris, Morrow, Oliver, Osborne, Parmenter, Partridge, Pendleton, Ramsey, Benjamin Randall, Randolph, Ridgway, Roosevelt, William Russell, James M. Russell, Saltonstall, Sanford, Slade, Truman Smith, Stokely, Stratton, Tillinghast, Toland, Tomlinson, Trumbull, Joseph L. White, and Winthrop—73.

NAYS—Messrs. Landaff W. Andrews, Arnold, Arrington, Beeson, Bidlack, Black, Bowne, Boyd, Brewster, Aaron V. Brown, Milton Brown, Charles Brown, Burke, Green W. Caldwell, Patrick C. Caldwell, William B. Campbell, Thomas J. Campbell, Caruthers, Cary, Casey, Chapman, Clifford, Clinton, Coles, Mark A. Cooper, Cross, Daniel, Garrett Davis, Dawson, Dean, Deberry, Eastman, John C. Edwards, Charles A. Floyd, Fornance, Gentry, Gerry, Goggin, Gordon, Green, Gwin, Harris, Hays, Hopkins, Hoteh, Houston, Hubard, Hunter, Charles J. Ingersoll, Irwin, Jack, William Cost Johnson, Cave Johnson, Isaac D. Jones, Keim, King, Lewis, Littlefield, Lowell, Abraham McClellan, McKay, Marchand, Alfred Marshall, Thomas F. Marshall, Mathews, Medill, Meriwether, Miller, Moore, Newhard, Owsley, Payne, Pickens, Plumer, Powell, Rayner, Reding, Rencher, Reynolds, Rhett, Rigga, Rodney, Rogers, Saunders, Shaw, Shields, Sprigg, Stanly, Steenrod, Alexander H. H. Stuart, John T. Stuart, Summers, Sweney, Taliaferro, John B. Thompson, Richard W. Thompson, Jacob Thompson, Triplett, Turney, Van Buren, Ward, Washington, Watterson, Weller, Westbrook, Edward D. White, Christopher H. Williams, Wise, and Wood—109.

NAVAL DEPOT.

Mr. TILLINGHAST presented the resolutions of the General Assembly of the State of Rhode Island, setting forth the very decided and superior fitness of some place in Narraganset Bay for a naval depot: referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

BREAKWATER.

Mr. SALSTONSTALL presented a resolution instructing the Committee of Ways and Means to inquire into the expediency of making an appropriation for the construction of a breakwater at Sandy Bay, Massachusetts.

BANKRUPT ACT.

Mr. ROOSEVELT offered a petition from sundry citizens of New York, praying for the repeal of the bankrupt law: referred to the Committee on the Judiciary.

ABOLITION.

Mr. MORGAN presented a resolution instructing the Committee on the Territories to inquire into the expediency of repealing an act passed by the

Territorial Legislature of Florida, entitled "An act to prevent the future migration or emigration of free negroes and mulattoes into said Territory," or so much thereof as imposes a capitation tax on such of them as may enter said Territory, and authorizes their sale for ninety-nine years for non-payment of said tax.

Mr. BLACK moved to lay the resolution on the table.

Mr. JAMES called for the yeas and nays, which were ordered; and being taken, resulted in yeas 113, nays 80; as follows:

YEAS—Messrs. Landaff W. Andrews, Arrington, Bidlack, Black, Bowne, Boyd, Brewster, Aaron V. Brown, Milton Brown, Chas. Brown, Burke, William O. Butler, Green W. Caldwell, Patrick C. Caldwell, William B. Campbell, Thomas J. Campbell, Caruthers, Cary, Chapman, Clifford, Clinton, Coles, Mark A. Cooper, Cross, Cushing, Daniel, Garrett Davis, Dawson, Dean, Deberry, Doig, Eastman, John C. Edwards, Chs. A. Floyd, Fornance, Gentry, Gerry, Gilmer, Goggin, Gordon, Graham, Green, Gustine, Gwin, Harris, Hays, Hopkins, Houck, Houston, Hubard, Hunter, Charles J. Ingersoll, Wm. Cost Johnson, Cave Johnson, Isaac D. Jones, Keim, King, Lewis, Littlefield, Lowell, Abraham McClellan, Robert McClellan, McKay, Alfred Marshall, John Thomson Mason, Mathews, Medill, Meriwether, Miller, Mitchell, Moore, Newhard, Owsley, Patridge, Pickens, Plumer, Pope, Powell, Rayner, Redding, Rencher, Reynolds, Rhett, Rigge, Rogers, Saunders, Shaw, Shields, Stanly, Steenrod, Alexander H. H. Stuart, John T. Stuart, Summers, Sweney, Taliaferro, John B. Thompson, Richard W. Thompson, Jacob Thompson, Triplett, Turney, Van Buren, Ward, Warren, Washington, Watterson, Weller, Westbrook, Edward D. White, Joseph L. White, Christopher H. Williams, Wise, and Wood—113.

NAYS—Messrs. Adams, Sherlock J. Andrews, Arnold, Aycrigg, Babcock, Baker, Barnard, Beeson, Birdseye, Blair, Boardman, Borden, Briggs, Brockway, Bronson, Jeremiah Brown, Burnell, Calhoun, Casey, Chittenden, John C. Clark, Staley N. Clarke, James Cooper, Cowen, Cranston, Cravens, Richard D. Davis, Everett, Ferris, Fessenden, Fillmore, John G. Floyd, Gates, Giddings, P. G. Goode, Granger, Halsted, Henry, Howard, Hudson, Hunt, James Irvin, William W. Irwin, James, Linn, McKennan, McKeon, Marchand, Mathiot, Mattocks, Maxwell, Maynard, Morgan, Morris, Morrow, Osborne, Parmenter, Pendleton, Ramsey, Benjamin Randall, Read, Ridgway, Rodney, Roosevelt, William Russell, James M. Russell, Saltonstall, Sanford, Slade, Truman Smith, Stokely, Stratton, Tillinghast, Toland, Tomlinson, Trumbull, Wallace, Thomas W. Williams, Winthrop, and John Young—80.

GENERAL JACKSON'S FINE.

Mr. BOWNE offered a resolution on this subject, as follows:

Resolved, That the Committee on the Judiciary be instructed to report, on Thursday next, the following bill to refund the fine imposed on General Andrew Jackson at New Orleans.

[The bill was that introduced by Mr. LINN, in the Senate, on the 10th March, 1842, which provided that the proper accounting officers of the Treasury Department be directed to ascertain the amount of the penalty or damages awarded by the district judge of the United States at New Orleans, in the year 1815, against Major General Andrew Jackson, then commander-in-chief of that district, for official acts in that capacity, and paid by him at that time; and that the sum so paid, with interest at 6 per cent. per annum, be paid to Major General Andrew Jackson, out of any money in the treasury not otherwise appropriated.]

Mr. BOWNE moved the previous question on the adoption of his resolution.

The SPEAKER took the question, and being of opinion that the motion was negatived—

Mr. WELLER called for tellers; and they were ordered.

Messrs. WELLER and BRIGGS were appointed tellers; and they, having taken the vote, reported 66 in the affirmative, and 83 in the negative; so the motion for the previous question was not seconded.

Mr. J. R. INGERSOLL submitted the following resolution, which was adopted:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of making early provision, by special bill or otherwise, for renewing and continuing the pensions of the widows of persons who were lost in the United States ship Epervier.

THE BANKRUPT LAW.

Mr. EVERETT called for the orders of the day.

The SPEAKER announced the order of the day to be the bill to repeal the bankrupt law; on which the gentleman from Kentucky [Mr. MARSHALL] had the floor.

Mr. T. F. MARSHALL, who had the floor, rose, and observed that he was extremely anxious to have said a word or two on the subject of the repeal of the bankrupt law, and was particularly anxious to have said something upon the incidental questions started in debate by the gentleman from Massachusetts, [Mr. CUSHING;] but he was warned by the experience of last night that personal debility would prevent him from proceeding, as he could have wished, for the short time the rules of the House allowed him. He should, therefore, yield the floor to any gentleman who wished to address the House on the subject. He was perfectly sure, he added, that the state of his health would not enable him to proceed as he wished.

Mr. MILTON BROWN regretted the disappointment that all must necessarily feel in consequence of the gentleman's declining to address the House on this subject, as was expected. He regretted, in common with all others, the circumstances that rendered it necessary for him to do so. For himself, he had no purpose to enter into the general debate in regard to these subjects of political controversy which had been discussed by the gentlemen who preceded him. His simple and sole object in now rising to address the House was to say something in regard to the reasons which would induce him to vote against the repeal of the bankrupt law. He voted for that law originally, under the impression that his constituents desired him to do so; and, having no information that they desired its repeal, he voted against that measure at the last session; and, pursuing the same course, he should, for stronger reasons, vote against it now.

Perhaps, in the history of our whole legislation, there never had been a law more misunderstood and more misrepresented than this. Objections had been urged against it, that, he ventured to say, had seldom originated in the law itself, but in the representations of those who raised the objections. It was not his purpose (Mr. B. said) to give this question a party turn; on the contrary, it was his intention to discuss it in connexion with the opinions of both the political parties of the country. It would be borne in mind that, before the last presidential election, the passage of a bankrupt law was advocated by gentlemen of both political parties; and even now it would be found that there were very few who object to such a bankrupt law, of itself, though they object to its details. It was said that there were obnoxious features in the law which not only ought to be repealed, but that the law itself should be repealed. It was worthy of observation, that the clause in the Constitution which gave to Congress the power, and the only power, of passing a bankrupt law, was adopted by nine States to one. At that time a large majority of all parties concurred in the belief that it was a wise provision, and should be acquiesced in by Congress.

To show that both parties, previous to the last presidential election, concurred in the propriety of passing a bankrupt law, he would refer to the fact that there were two bills reported in the Senate, at the same time, from the two political parties in that body; each professing to be the plan of the party who reported it. One of these bills was reported by Mr. Clayton, the other by Mr. Wall. That reported by Mr. Clayton was looked upon as the bill of the Whig party, to which he belonged; and that reported by Mr. Wall, as the bill of the Democratic party, of which he was a distinguished member. For this he had the authority of Mr. Benton, from whose speech on that occasion (which would be found in the Congressional Globe) he begged leave to read a few extracts. Mr. Benton said:

"Three members of the Judiciary Committee have reported one bill; two members have reported another; and these two bills emanate from the two political parties which, under whatsoever names, have existed in this country for fifty years."

And again he says, after stating his objections to the bill reported by Mr. Clayton, turning to Mr. Wall's bill, he says:

"The other is a general bill, looking to the rights of creditors, as well as to the relief of debtors—intended for the future as well as the present and the past—applicable to corporations as well as to persons—embracing the compulsory as well as the voluntary feature—and making provisions for those who are not, as well as those who are, technically merchants and traders."

Another prominent objection that Mr. Benton had to the bill reported by Mr. Clayton, would be found in the same speech.

"After all, [said Mr. Benton,] the bill is not to be applicable to all debtors—the relief is not to be for all persons owing debts. There is to be a line of division between the debtors—a horizontal line—those above the line are to have relief; those below it are denied it. This results from the amount which the debtor must owe in order to entitle himself to the benefit of its provisions. The bill provides for an amount, but leaves the sum in blank. Will the reporter of the bill (said Mr. B., addressing Mr. Clayton of Delaware) name the amount which it is proposed to insert?

"[Mr. Clayton said he had not been instructed to move a particular sum; but $500 had been mentioned in the committee.]

"Mr. Benton continued: Five hundred dollars. That was the sum mentioned in the committee, and no other sum is mentioned here. Five hundred dollars must be considered, then, as the amount necessary to be owed, to entitle a person to the relief of the act. Now, this is arbitrary and unequal; it cuts off the small dealers—the persons of little property—the laborers; it cuts them off from the benefits of the act, and operates as an encouragement to people to go largely in debt, as the large debtors are to be relieved, and the small ones not. It makes the act exclusive for the large dealers, and this contrary to the principle of equality which is professed in the bill, and without any foundation in reason and justice. The weight of debt is relative, not absolute. It depends upon the amount of the debtor's property, and not upon the amount of the debt. To one man, a debt of one hundred dollars is as much as a hundred thousand, or a million, is to another. To one man, five hundred dollars is as much as five hundred thousand is to another; and, beyond question, the most numerous class of debtors in the United States are those who owe less than the minimum proposed in this bill. But these small debtors, numerous as they are, are disregarded and overlooked by the bill. They are to work out their debts in sorrow and in misery, carrying their endless load to the grave; while the dashers—the large debtors—clear out theirs by a declaration and a surrender."

Again: Mr. Benton said—and he referred to this for the purpose of showing that both parties concurred in favor of a bankrupt law—

"I do not think the present session the propitious one for beneficial action on this subject. Five hundred thousand voters, demanding the passage of a law, on the eve of an election, must have an influence upon the hopes and fears of the lawgiver, as well as upon his judgment and conscience. Since they have waited so long, I should have preferred the delay of a few months more. Still, the subject is before us, and we are here; and I am willing to act, and to do what I believe to be my duty. I am ready to assist in framing an act which shall be general in its provisions, and just in its application—which shall do justice to the creditor, as well as to the debtor—which shall apply to trading and money-dealing corporations, as well as to trading and money-dealing individuals—which shall be compulsory with regard to traders and dealers, whether natural or artificial—which shall be optional with respect to other classes of the community—and which shall distinguish between misfortune and misconduct."

Further on, Mr. Benton made the following remark, which proves that the bill of Mr. Wall was the bill of the Democratic party:

"The bill of the minority furnishes the true basis for the enactment of a bankrupt system. We offer to provide for all; and it is for the gentlemen on the opposite side to say that all shall miscarry if they are not allowed to provide for one part, and one side, only.

Here was the proof of two facts: First, that the bill of Mr. Wall originated with the party to which he belonged; and, secondly, that it was considered by them as the true basis of a bankrupt law. Now, what were the provisions of this bill? He had it in his hand, and found that it contained every objectionable feature that was so strongly condemned in the present law. Mr. BROWN then referred to Mr. Wall's speech, published in the Congressional Globe of 1839, page 462, from which he read the following extract:

"It is intended to act both retrospectively and prospectively.

"It looks upon the past, not to condemn, but to relieve. The whole land is strewed with the wrecks of bankruptcy, and we cannot look in any direction, without perceiving the "*jetsam et flotsam*" of trade cast upon its shores. All must admit the fact, however much they may disagree as to the causes, that this state of things has resulted from the contractions and expansions of the currency; and that the fluctuations growing out of it have imparted to all business depending on prices, the hazards and vicissitudes incident to commerce and trade. The best energies of the country have been paralyzed; the brightest visions of gain have disappeared; and the wisest and most prudent schemes, uniting public improvement with individual interest, have perished as if by magic, in the universal revulsion that has desolated the country. This bill proposes to cast the mantle of oblivion over the past conduct of the debtor—over his acts which may have been compelled, or the preferences which may have but extorted, in his vain struggles to prolong his existence in the marts of trade. All that it demands from the debtor who seeks its benefits is, that he should honestly surrender what is left, however small, for the general benefit of his creditors."

Now, continued Mr. B., here was the bill which Mr. Benton said originated with his party, and looked not only to the present, but the past; and which Mr. Wall said demanded nothing from the debtor but that he should honestly surrender what was left of his effects, however small, for the benefit of his creditors. Mr. Benton said that it looked not only to the present, but to the past—to small sums, as well as large ones—and was not confined to the limit of $500, like the bill of Mr. Clayton. Now, it was to be observed that the great feature of the present law which had served to render it unpopular, was the retrospective one; and he had just shown that the bill which

was looked upon as the peculiar bill of the Democratic party, was also retrospective in its provisions.

Another objection which had been urged to this bill, was, that it not only embraced merchants and traders, but other classes of the community. He would not dwell on this part of the subject, but would just remark that both Mr. Benton and Mr. Wall supported a bill which contained the same provisions in this respect.

Great objections had also been made to the present law, because it relieved all persons indiscriminately, no matter how small their debts might be; and it was made a matter of complaint, that men took the benefit of the bankrupt law whose debts did not amount to $100. That was a popular argument, throughout the country.

Now, here it was seen that Mr. Benton and the party who acted with him objected to Mr. Clayton's bill, that it was partial and unjust in its operations, because it was confined to debts of five hundred dollars and upwards. He would venture to assert, that if a bankrupt law had been passed at the extra session, excluding small debtors from its benefits, there would have been an outcry from one end of the country to the other. It would have been said that it was a bill for the benefit of large traders and magnificent speculators only; that it was aristocratic in its provisions, and not made for the really poor and unfortunate, who were alone deserving of relief.

Another objection to the present law was, that it discharged debtors without the consent of a majority of their creditors. Now, this bill, which was so highly eulogized by Mr. Benton and Mr. Wall, contained precisely the same provision. Again: it had been objected to the present law that it allowed the bankrupt debtor to retain too much of his effects. Mr. B. here explained the provisions in Mr. Wall's bill on this subject, contrasting them with the present, and, as he said, highly to the advantage of the latter.

What was the difference between those two laws? The bankrupt bill of Mr. Wall included banks, and this did not. Had, then, the unpopularity of this bill arisen throughout the land, because it did not include banks? Certainly not. If it were so, it would be proper to amend it by including banks, or (what was still more proper) by passing a separate bill; for there was no congruity between the two subjects. But he believed that this topic was used rather as a popular hobby, than with the design that it should be adopted. He would not, however, dwell on the subject. His intention had been merely to show that this bill originated with the self-styled Democratic party, for which he had the express endorsement of Mr. Benton, and that it contained all the objectionable features of that passed at the extra session.

But a word or two as to the provisions of this bill, and the reasons given for its repeal. Those reasons had all turned on its retrospective operations. And what did gentlemen propose? To let all its retrospective features stand, and to repeal its prospective features, which every gentleman on that floor professed to believe was right. There were two views to be taken of the operation of that bill: the first, its operation as beneficial to the debtors; and, secondly, its operation as affecting creditors. In the discussion of this bill, at the time of its passage, he expressed his apprehension that it would at first be misapprehended and misunderstood by the country; but that if it could withstand the first shock, it would be upheld by the people; and he now deemed it most unwise and impolitic to sweep off that which all agreed was wise and constitutional. Why was this? Was it because, in the desire for political effect, a storm had been raised against one part of the law which it was too late to repeal, that that storm had been turned against that part which was unobjectionable? It was admitted that this law, in its prospective operation, was calculated to do good by preventing fraudulent conveyances and dishonest preferences. One of the greatest evils abroad in this land, was the liberty of the debtor to prefer one creditor to another. Not that honest preference which the law designed; but a preference in favor of a member of the debtor's family—perhaps a son, a brother, or a father. Again: this law was calculated to operate favorably on the morality of the country in another point of view. It was calculated to induce the debtor to give up all he had, in consideration of getting a discharge from all his debts. What was the effect now? A man might be in failing circumstances, with a wife and children dependent upon his exertions; or, by a stroke of adverse fortune, nearly everything might be swept away from him, and from those who were dependent on him; and, in such circumstances, there was strong temptation which human nature could not always withstand, to withhold something in the hands of a friend for his wife and children. It was wrong, but he confessed there was strong miligation in consideration of what a man must feel who had a wife and children dependent on him. In these two points of view, then, it was calculated to benefit the morals of the country, by cutting off preferences, and inducing the debtor to give up everything he had, in consideration that he should then have the right to go free. But it was calculated, in its prospective operation, to protect a large class of creditors from the cunning and artifice of the few; for a man might stand by and see a debtor overtrading until (while the mass of the creditors knew nothing of what was going on) a deed of trust was executed, and all his effects were swept from the mass of his creditors into the hands of one who stood by and saw his overtrading. This law, however, stepped in, and said you shall have no private and confidential relations with the debtor, if misfortune overtakes him, but all creditors shall share alike. Was not this, then, calculated to protect the mass of the creditors from unlawful and unhallowed preferences? Would they not believe, then, if this feature of the law was understood, that the people would feel it to be their interest to preserve it? And did they not also believe that, if it was preserved, it would cut off a most fruitful source of litigation, with which the country was flooded? Go into their courts of justice, and the most fruitful source of litigation would be seen to be in questions of preference, deeds of trust, and mortgages; and after exhausting the property, it perhaps fell into the hands of that creditor who was the least of all entitled to it. It not only did this, but it produced a most fruitful crop of perjuries; and if they desired to cut off the inducement to that class of crimes, it must be by the adherence to a simple and equitable proceeding in the division of property, and the cutting off that source of litigation which, in its operation, caused a thousand frauds where but one would exist under this law.

But a most prominent benefit from this law was still to be mentioned. It was the restraining of excessive credits. His doctrine of credits was this: there was no legitimate credit, except that which rested on the ability of a man to pay all his debts. A man who gave credit in the hope of a preference, gave a false and an illusive credit; whereas a legitimate credit was that based on the ability of the debtor to pay all his debts. These were no visionary theories. This was the law in England, where insolvencies, as illustrated by a statement of Judge Story, were as one in seventeen compared with the same number of credits here; for there every creditor was bound to watch over the solvency of his debtor, while here he was bound but to watch over the ability to pay his own debts. Now this country wanted the passage and sustaining of a law which would connect itself with the permanent advancement of its great commercial interests. But mortgages and deeds of trust were the pillars on which false credit rested: sweep them away, and false credit would fall. He believed there should be no preferences. When a man endorsed for another, he should endorse that he was good for all his debts, and that endorser should not be entitled to a preference. And would not this restrain credit? If they destroyed the system by which these preferences were given, they would restrain the ability of the individual to run into debt. And he thought, if these checks had been thrown over the law some years ago, there would have been many saved from total ruin and destruction by endorsing the paper of others. These, then, were some of the advantages of this law; and it had been his object not to argue this question in any party point of view, further than to show that both parties had been in favor of it, from the fathers of the Constitution, descending by the line of great men who have succeeded them.

Mr. WELLER said the speech of the gentleman from Tennessee [Mr. BROWN] was, by the rules of the House, in order; but by the practice of the House it was out of order; for he had confined himself to the question upon which they should be called upon to vote, and it was but the second or third speech which they had had on that question.

He then went on to say that he was opposed to the enactment of the present bankrupt law, because he deemed it to be a violation of the Constitution, which he had sworn to support. He did not find in that instrument any power given to Congress to enact laws giving to individuals the power to violate their contracts. He held that Congress could exercise no powers but those expressly delegated. If the power to pass a general bankrupt law could be exercised without making the law retrospective, he should have no objection to vote for such a measure.

The present bankrupt law was passed at the extra session, under peculiar circumstances. On one day, it was laid upon the table by a majority of eleven votes. The next day the motion was reconsidered—the majority having determined, when the wine flowed freely the night before, to change their determination. It was found necessary to the passage of another bill—the land distribution bill—that this bankrupt measure should be carried through. The whole legislation of the extra session was accomplished by contract. Now that the land bill had been practically repealed, those who voted for the bankrupt law, in order to secure its passage, were calling for a repeal of that measure likewise. The cry for the repeal of the bankrupt law was general, and he presumed no one would have the independence to stand up on that floor and say that the popular voice was not in favor of an early repeal. Indeed, it had been pretty generally admitted by all who spoke, that public sentiment was against the law. Let Congress, then, act in accordance with the wishes of the people. The advocates of the law seemed to concede its unpopularity; yet they contended that the people were ignorant, and did not understand the principles of the law! He had often observed how common a practice it was, with politicians of a certain stamp, to pronounce public opinion, when against them, as erroneous and ill-founded. These same politicians contended that the policy of a bankrupt bill was before the people in 1840, and that they then decided in its favor. He (Mr. W.) denied the assertion. The people were not called upon, in 1840, to decide upon any such measure as a bankrupt law. That was passed by the Whigs at the extra session, and went forth to the people. With ample opportunities to discover its operation—after the law had been largely discussed on the stump and by the press—their verdict was rendered against it, unequivocally and decidedly. Why not carry out that judgment? Because, argued gentlemen, the people are ignorant; because they do not understand their own interests; and because, after one year's operation, they cannot understand the character of the law which has been enacted!

He then went on to argue that a properly digested bankrupt law, prospective in its character, and including corporations within its provisions, would be beneficial. He admitted that the repeal of the present law would be attended with some hardships; that the declaration of some men to be bankrupt necessarily brought on others; and that the continuance of the law might be productive of some advantages; yet, believing the measure to be unconstitutional, he was bound to vote for its repeal. It was a paramount duty which he owed to the Constitution he had sworn to support, to seize the first opportunity to wipe it from the statute-book. He held that this course should be adopted by all who were convinced of the unconstitutionality of the measure, no matter how well they might be convinced of its advantages.

Inasmuch as party politics had been dragged in-

to this discussion, he should follow the example of his "illustrious predecessors." He was aware that the present Executive had extraordinary difficulties to encounter. He came in on the popular wave which swept over so many States, and defeated the Democratic party. It was not, then, to be expected that he would be looked on with kind feelings by that party. Indeed, it was natural that they should distrust him who had such an agency in bringing about their defeat. Yet they resolved, whilst in a minority, to adopt a respectful course of conduct towards him and their Whig opponents. What was the course of the Whig majority towards them? Was it characterized by magnanimity, by chivalry, by courtesy? No. The Democratic party were constantly told that they were defeated; and were compared to convicted criminals, only awaiting the executioner to swing them off. The triumph of the Whig party in twenty States was a constant theme of exultation. Never was such a victory before obtained. He would not stop to inquire into the means by which it was brought about; suffice it to say, they were such as the party should, in their sober senses, be ashamed of, and such as he hoped, for the honor of his country, would never be resorted to again.

But (continued Mr. W.) you were in power. Your chieftain—your favorite Western statesman—was at the other end of the Capitol, shaping the legislation of the country to suit himself. He thought the difficulties which had long encompassed his way were all removed, and the road to the Presidency short and easy. He already imagined himself in the chair, dispensing favors and showering patronage with a lordly air. But he is fallen! fallen, like Lucifer, to rise no more! Blasted by the withering indignation of an insulted people, he stands a melancholy monument of ill-directed ambition. I might, sir, quote the language which Shakspeare has put into the mouth of Wolsey; but I will not. I will spare his friends the mortifying thought of having his picture before them. [Cries of "Quote it."—"Oh yes! let's hear"—"Let's see if he's enough poet for that."] Then I will quote the memorable, and, in this instance, appropriate passage:

> "This is the state of man; to-day he puts forth
> The tender leaves of hope, to morrow blossoms,
> And bears his blushing honors thick upon him:
> The third day comes a frost, a killing frost;
> And when he thinks—good easy man—full surely
> His greatness is a ripening, nips his root,
> And then he falls as I do."

Yes, Mr. Speaker, there has been a frost, a killing frost, in Ohio, Pennsylvania, New York, Maine, Maryland, and elsewhere. The victorious banner which waved so triumphantly in 1840, is now prostrate, and trailing in the dust!

But, he (Mr. W.) was not disposed to exult over a prostrate foe, except on account of the triumph of principle. He would not wound the feelings of the great fallen statesman, by descanting on his melancholy fate. If their affection for him was to be measured by the chastisement they had received on his account, it was certainly very great. But it was said that some men were hardened by adversity. If such were not the fact, he should suppose the recent elections would have materially softened down the Whig party. They seemed to be going on as before—persisting in their former course of conduct, whilst the people laughed at their calamities. They would, he thought, yet find that they have been kicking against the pricks.

As to the extra session, the Democrats were in a minority, and too weak to resist the onward march of constitutional encroachment by the Whig party. The Executive was, however, found to possess sufficient devotion to the Constitution to save it from aggression. He vetoed the bank; and, in so doing, defeated a measure fraught with danger to the liberties of the people. Was it to be wondered at, that the Democratic party applauded him for the act? Did gentlemen of the Whig party expect the Democratic members to apply fish-market epithets to him?

He repeated, the President came into power surrounded by peculiar circumstances, requiring great firmness and great moral nerve. Both parties refused to support him. The Whigs would not, because he refused to obey the mandate of their Captain General. The Democrats supported many of his measures, whilst they denounced others. Moreover, they saw him surrounded, then as now, by men in whom they never had, and never can have confidence.

The President was denounced as a traitor. Why? Because he refused to sign the bank bill. What right had they to expect John Tyler to sign the bank bill, when his former votes had been against such a measure; and when, at the extra session, he declared that it had been condemned by the people? Why, then, denounce him? To what was he a traitor? To the Constitution? No; but to the "universal Whig party"—the same which, in 1840, denounced Mr. Van Buren as the President of a party, and declared that they wanted a man who would soar above party! Yes, the same party, in 1840, protested that they did not ask for patronage; that they were not actuated by a love of the spoils and of office, but by a sincere devotion to their country! How changed the scene in one short year! John Tyler refuses to be a mere party President—refuses to permit Whig caucuses to dictate to him—refuses to allow others to construe the Constitution he had sworn to support. This was the head and front of his offending. This was the reason of his denunciation by the same men who were, in 1840, so eloquent in denunciation of party Presidents. He (Mr. W.) believed that John Tyler had been governed by exalted patriotism. He did not doubt that the measures recommended by him were conscientiously believed to be for the best interest of the country. When the excitement of the times had subsided, and partisans should have turned to other objects, his integrity would be questioned by none.

He trusted that he should not be charged with making war upon this Administration, whenever he should feel compelled to vote against any of its measures. He could not permit his personal associations to influence his political principles. He was wedded to his political principles; yet he believed that this Government belonged to all; and that, being but joint tenants, we were bound not to stop the wheels of Government because a man not altogether after our own heart was at the helm. He held it to be the duty of the Democratic party to support the measures of this Administration, so far as they did not conflict with the opinions which they advocated and with the Democratic creed of Jefferson and Jackson; to support them, in short, whenever they were not made up of the old leaven of Federalism. Had he understood the gentleman from Massachusetts [Mr. CUSHING] as coming here to offer the patronage of the Administration to such party as should support its measures, he should have told him that the President did not possess patronage enough, all told, to buy even his humble self, and still less a majority of the Democratic members. The people were made of sterner stuff than that. They could not be bought, or sold, or transferred to any party for a consideration.

Mr. W. said that the Executive, if sustained at all, must be sustained upon principle; and to be sustained upon principle, he must take care to make his principle conform to those which are supported by the Democratic party. It was idle to talk about organizing a party on Executive patronage alone; those who were governed by no principle, who were alone actuated by desire for office, would fawn on the Executive in the hour of his prosperity, but in the day of his adversity they would abandon him. So far as he (Mr. W.) was concerned, if any wished to know where he was to be found, he would say that in a few months he expected to retire to the shades of private life; but either in a public or private station, he would always be found adhering to the Democratic party. He expected that there would be a national convention for the purpose of reconciling the differences in that party in regard to men; and when that convention spoke, he would be found contending for their nomination with all the energy, all the zeal, and all the ability he possessed.

Mr. FERRIS said that he had so fully expressed his views in relation to the bankrupt law, when it was under consideration, before its passage, that he had deemed it unnecessary to make any observation in relation to the bill for its repeal; that he came to the House with the expectation of hearing the honorable gentleman from Kentucky, [Mr. MARSHALL,] and regretted the cause which prevented him from laying his views on this important subject before the House; that he (Mr. F.) felt it his duty to reply to some of the observations he had heard against the repeal of the bill, and, in doing so, he should but briefly advert to some prominent objections against the bill itself. The bankrupt bill (said Mr. F.) was passed at the time the country was in a state of extraordinary excitement arising from revulsions in commerce, embarrassments in trade, the derangement of the currency, and the desolation and ruin spread over the land from the extravagant speculations and wild projects engendered by the inflation of the paper system. It passed in its present unconstitutional and objectionable form, in which the rights of creditors were totally disregarded, and the obligation of contracts violated, by the most powerful and eloquent appeal to the passions, by which reason was dethroned, and sympathy substituted for judgment. The prominent constitutional objections then urged against the bankrupt law, were, that it was not such a bankrupt law as was authorized by the Constitution, inasmuch as it was retrospective in its operation, and violated existing contracts; that this part of the law came within the spirit, if not within the express letter, of the prohibition against the passage of *ex post facto* laws; that it was voluntary, and the proceedings might be commenced by the debtor, without the actual assent or concurrence of the creditors, or any part of them; and that it extended to all persons, instead of being confined in its operation to traders. It was also urged that the law was inexpedient; that it held out temptations for fraud and perjury; destroyed confidence between man and man; and that, while it held out relief to the unfortunate, imprudent, or profligate; it carried desolation to the homes of the industrious, prudent, economical, and substantial part of the community. In vain it was urged that it would be better to allow the unfortunate to resort to the State insolvent laws, and to a compromise with creditors—which is seldom refused to men who make a fair exposé of their affairs—than to afford them relief, by inflicting on the community evils of such magnitude and danger as would result from an unconstitutional and badly organized bankrupt law; that it was better even that individuals should suffer the consequence of their own extravagance, folly, or imprudence, than that the Constitution should be trampled upon, and the rights of the citizens violated, to accomplish the relief which the bankrupt law was intended to afford. The bankrupt law was passed; and experience has shown the evils resulting from it: and, so far as I can form an opinion, the people call for its repeal. It has been said that a bankrupt law was absolutely essential to the prosperity of a commercial country. This is not warranted by the past experience of our own country. For a period of near forty years between the repeal of the first and the passage of the second bankrupt law, this country had enjoyed an unexampled state of prosperity. Her commerce whitened every sea, and the enterprise of her citizens penetrated the most remote climes. No nation of the same population had, during that time, advanced to prosperity and greatness with more rapid strides, or whose commercial transactions were more extensive or various: yet all this was accomplished without a bankrupt law; and the unfortunate found relief in a compromise with creditors, or the State insolvent laws.

It has been observed by the gentleman from Massachusetts, [Mr. SALTONSTALL,] that a bankrupt law was more necessary, and better adapted to a country like ours—consisting of many sovereign States, with one federal head—than in a kingdom under one Government. With deference to that honorable gentleman, I am of opinion that a bankrupt law is better adapted to the condition of a people under an integral Government, like that of Great Britain, than in a Government like the United States, of a limited character, having, in its legislation on this subject, to interfere with and crush the legislation of the States in rela-

tion to insolvency and contracts. That in one case the law was universal and absolute; and in the other, it gave rise to innumerable questions, arising from the conflicting legislation and judicial collision between the Federal Legislature and courts, and the Legislatures and tribunals of the several States.

We have had, since the organization of the Government, two bankrupt laws: the first bankrupt law, passed soon after the formation of the Government, was a regular constitutional English bankrupt law, and was confined in its operation to traders. It was severe in its provisions, and coercive in its character. It was made in conformity with the Constitution, and in the spirit and policy of a bankrupt law which in its origin and formation was intended to afford to creditors a means of relief against fraudulent or defaulting debtors, by coercing the debtor, in the commission of an act of bankruptcy, to deliver up all his estate for the benefit of his creditors; and in its improved organization, it extended relief to unfortunate traders, as such persons were liable, from contingencies against which human prudence could not guard, to sudden losses and misfortunes. But it never was intended by the bankrupt law to extend to all persons relief from the effects of their own voluntary imprudence or extravagance, to encourage the contracting of debts and obligations, without the means of payment or performing them. This first bankrupt law was severe and searching in its provisions, and was calculated to secure creditors, and reach the fraudulent, nevertheless. It became unpopular; and, although it was limited in its duration to five years, it was repealed in less than three years, in obedience to the voice of the people, loudly expressed in all parts of the country.

We have recently had the experience of a bankrupt law of a different description—a law which was so framed, that the debtor could, on his own application, be discharged from his liabilities without the assent of his creditors, and in absolute violation of their rights, and his own contract, solemnly and voluntarily entered into; and notwithstanding its advent was hailed with so much enthusiasm, it has inflicted injuries on the country incomparably greater than any benefits it has conferred; and now, in the short space of one year, its repeal is loudly called for from all parts of our widely-extended country. Thus both experiments have failed; and it must be manifest that the difficulties of making a bankrupt law which is calculated to prevent fraud, while it relieves from oppression, are almost insurmountable. In England, from the first formation of a bankrupt law, under Henry VIII., to the present time, there have been constant and repeated efforts to improve the bankrupt law. There appears to have been a conflict between the Legislature and those disposed to commit frauds under the law—the one passing provisions against practices of a fraudulent character; and the other seeking to elude them. The bankrupt law was revised in the reign of George IV; improved in the reign of William IV; and Queen Victoria has issued a commission to inquire into the measures necessary to improve the bankrupt law. So productive of fraud and iniquity have been the English bankrupt laws, that some of her best statesmen and jurists—and among the rest, Lord Eldon—have lamented their existence. And here let me observe, that one great objection to the retention of the involuntary portion of the bankrupt law is, that persons disposed to act fraudulently, after arranging their affairs to suit their purposes, obtain some friend to commence proceedings against them—apparently hostile, but in reality to aid the bankrupt fraudulently to obtain a release from his creditors; and the check to this fraud in the English law, which does not exist in the law (and which it is not probable will be incorporated into its provisions) now under consideration, is a provision requiring a large part of the creditors—I believe four-fifths of all the creditors of the bankrupt—to assent in writing to his discharge.

An objection has been urged in this debate against the repeal of the bill, of an extraordinary character. It is said that the bill has discharged many persons from their debts, and that, by so doing, it has swept away the assets of solvent debtors, and placed them in a state of bankruptcy; and it is urged that the law should be continued for their relief. It may be recollected that this was one of the fatal results which was predicted from the passage of the bill. It was then said, you propose relief by releasing one part of the community from their debts and obligations, and by depriving another portion of the community of their rights and property; you propose to relieve the insolvents, by bankrupting their creditors—to benefit one part of society by ruining the other part; and here is an argument based upon the assertion that all these results have been fully verified. If this argument prevails, the bankrupt law must be perpetual, because it will be continually producing the same effects; and if it has made bankrupts by its past operation, what will prevent the like causes from producing like effects by its future operation? Is it not better to check the evil by immediately repealing this bill, thereby restoring confidence between man and man, and proclaiming to the community that those who contract obligations must perform them, and that those who confide their property on the faith of contracts shall have the legal means of enforcing them?

The honorable gentleman from Tennessee [Mr. BROWN] has urged an argument for the continuance of the law still more untenable: he has described to us a bankrupt law introduced by Mr. Wall into the Senate of the United States; and pointed out all its defects; and clearly shown, by his description of Mr. Wall's law—which I have not seen—that it was as objectionable as the law now under discussion. He has conjured up a phantom, and fairly battled it down. What does all this prove? Why, simply that Mr. Wall's law was a very unconstitutional and inexpedient law. Can it be justly pretended that any person is responsible for Mr. Wall's law, except himself and those who advocated it? Surely the members of this House who opposed the present bankrupt law, are not responsible for Mr. Wall's law; and the fair presumption is, they would have opposed it for the same reasons they have opposed the present law. Nor does the badness of that law form any apology or argument in favor of the existing law, which has worked, and is daily working, great evils in the community; and I am firmly persuaded that one of the great barriers to the return of active business trade and commerce, is the existence of this law, which destroys confidence between man and man, and obstruct that faith and reliance on the performance of engagements which constitute the life and impulse to active business. With these views, I am an advocate for the repeal of the law; and for the reasons before mentioned, and considering the lateness of the hour, I shall not detain the House by going into a more extended view of the subject.

Mr. BOWNE then obtained the floor; but yielded it for a motion to adjourn to—

Mr. ANDREWS of Kentucky, on whose motion,

The House adjourned.

IN SENATE.

WEDNESDAY, January 4, 1843.

The PRESIDENT *pro tem.* laid before the Senate a message from the President of the United States, transmitting copies of a correspondence which has recently taken place between certain agents of the Government of the Haiwaian or Sandwich Islands, and the Secretary of State; which, on motion of Mr. EVANS, was ordered to be printed, and referred to the Committee on Foreign Relations.

Also, laid before the Senate a communication from the Secretary of State, transmitting additional information, in compliance with a resolution of the Senate, as to the operations of the bankrupt act; which was referred to the Judiciary Committee, and ordered to be printed.

Mr. CALHOUN said he had been requested to present to the Senate a petition from the city of Philadelphia, against the repeal of the bankrupt law; which law, the petitioners say, is both constitutional and expedient. Mr. C. said he cheerfully complied with the request to present the petition; but, notwithstanding the declaration of the petitioners as to its expediency and constitutionality, he had not changed his opinion that the law was both inexpedient and unconstitutional; and he would therefore vote for its repeal.

Mr. CALHOUN presented a resolution adopted by the Legislature of South Carolina, on the subject of the fine imposed on Dr. Thomas Cooper, deceased, by the courts of Pennsylvania, in the year 1800, under the alien and sedition law, for an alleged libel on John Adams, then President of the United States; and urging that it ought to be refunded by Congress to his heirs, inasmuch as the law under which it was imposed was generally admitted to be unconstitutional.

Mr. C. also presented other resolutions of the Legislature of South Carolina, expressing the opinion of that body that the fine imposed during the late war with Great Britain, by Judge Hall, on General Jackson, for an alleged contempt of judicial authority, was tyrannical and unjust, and put an unmerited stain on the reputation of that distinguished citizen; and that it ought to be refunded with full legal interest, not merely as a pecuniary indemnity, but as a reparation justly due by the whole country for his eminent services, his wounded character and feelings.

The resolutions were read, and referred to the Judiciary Committee.

Mr. TAPPAN presented five memorials from Columbiana county, Ohio, praying for the repeal of the bankrupt law: referred to the Judiciary Committee.

Mr. TALLMADGE presented memorials from the city of New York, and Erie county, New York, remonstrating against the repeal of the bankrupt act.

Mr. T. took occasion to express the hope, as this subject was before the Judiciary Committee, that they would, instead of recommending a repeal of the law, propose such amendments as would remove all objections as to its alleged unconstitutionality and inexpediency.

Mr. BUCHANAN presented a memorial from a number of citizens of Pennsylvania engaged in the pilotage of vessels to and from the Delaware bay and river, asking Congress to make an appropriation to repair the pier on Reedy island, for the protection of commerce: referred to the Committee on Commerce.

Also, presented a memorial from citizens of the Commonwealth of Pennsylvania, asking Congress to refund the fine imposed on Gen. Jackson by Judge Hall.

Also, presented a memorial from a number of underwriters of Philadelphia, signed by the presidents of all the insurance companies, asking Congress to make an appropriation to clear out the snags and other obstructions in the Ohio and Mississippi rivers; which was referred to the Committee on Commerce.

Mr. MILLER presented a petition from citizens of Newark, New Jersey, representing that they are strongly interested in the commerce on the Mississippi and Missouri rivers, and recommending the passage of a law appropriating money to remove obstructions from those rivers: referred to the Committee on Commerce.

Also, presented a petition from citizens of the States of New York and New Jersey, praying for the establishment of a mail route from Dickerstown, via Mount Salem, New Jersey, to Minisink, New York; which was referred to the Committee on the Post Office and Post Roads.

Messrs. MILLER and DAYTON presented memorials against the repeal of the bankrupt law; which were referred to the Committee on the Judiciary.

Mr. RIVES presented a memorial from Richard Pollard, late chargé d'affaires of the United States at Chili, praying to be indemnified for certain losses sustained in consequence of the omission of the United States to give him a letter of credit on London, in payment of his salary, &c.: referred to the Committee on Foreign Relations.

Mr. BAYARD presented a memorial from citizens of Delaware, praying that a regulation of the

Post Office Department, preventing the transmission of newspapers and documents on the mail routes, unless in the mail, may be repealed: referred to the Committee on the Post Office and Post Roads.

Mr. MERRICK presented a like memorial from Richard Sands and others, of the city of Annapolis; which was referred to the same committee.

Mr. EVANS, from the Committee on Finance, reported back to the Senate, without amendment, and with a recommendation that they do pass, the following bills from the House:

The bill for the relief of Isaac and Thomas Winslow;

The bill for the relief of Burr & Smith;

The bill for the relief of Ferdinand Libert; and

The joint resolution authorizing the Secretary of the Treasury to settle, on certain terms, the liabilities of the sureties of Gordon D. Boyd, late receiver of public moneys at Columbus, Mississippi.

Mr. BARROW submitted the following resolution; which lies on the table one day, under the rule, viz:

Resolved, That the Secretary of the Navy be directed to communicate to the Senate the evidence in his possession showing that depredations of a most ruinous kind are being daily committed on the navy timber growing on the public lands; and that our own people are daily selling to our Government live-oak timber, which they take from the public lands; and also such proof as may be in his possession tending to show that any foreign Government has, by contracts with any of our citizens, obtained supplies of live oak, cut from the public land; and, also, inform the Senate what additional grants of power and means to the officers of Government are, in his opinion, necessary to complete the preservation, for national use, of the live-oak timber growing on the public lands in the State of Louisiana and the Territory of Florida.

Mr. BENTON rose to call the attention of the Senator from Virginia [Mr. RIVES] to an error in the printed copy of his speech, made in secret session last August, when the subject of the treaty with Great Britain was under discussion. That part of the printed speech to which he called the attention of the Senator, was this: "The Senator who produced it"—that is, the map from Mr. Jefferson's collection, now lying on his (Mr. B.'s) desk—"could see nothing but the microscopic dotted line running off in a northeasterly direction; but the moment other eyes were applied to it, there was found, in bold relief, a strong red line, indicating the limits of the United States according to the treaty of peace, and coinciding, minutely and exactly, with the boundary traced on the map of Mr. Sparks."

The error to which he referred was in the first part of this quotation—that "the Senator who produced it [the map] could see *nothing* but the microscopic dotted line, running off in a northeasterly direction; *but* the moment *other eyes* were applied to it, there was found, in bold relief," &c. The error was in supposing that the Senator (himself) could not, or would not, see the strong red line in bold relief, or endeavored to conceal it from the Senate, and to make it believe there was no other boundary line on the map but the "microscopic dotted line." Now, what really did take place in the Senate on the occasion of his (Mr. B.'s) producing this map? When he saw that the Senator from Virginia was yet in the act of pressing the importance of the map referred to by Mr. Sparks, he interrupted the Senator by calling out from his seat, "Here is the very same red line on Mr. Jefferson's map, for many years in the library of Congress; it is the same in this map." And, on comparison, it was found to correspond exactly. He did not at all, on that occasion, produce the dotted line as proof of the boundary intended. It was 24 hours afterwards he did that. His object in then interrupting the Senator by the exclamation he had just mentioned, was to show that the grand secret on which so much stress was laid by him, was no secret at all. It could be no secret, for Mr. Jefferson's map had lain in the library of Congress, open to every one's inspection, for twenty or thirty years. It would be recollected that, when he made the announcement, several Senators crowded round him to see the "broad, strong red line." After they had inspected it, the map was carried round to the opposite side of the chamber, and there also examined. There was no more debate that day on the treaty. The moment he had produced this map, it became commonly known to all the Senators who chose to look at it, that there was the same broad, strong line on it, as on the map found by Mr. Sparks, and taken to be Dr. Franklin's map. As well as he recollected, the inspection of that very line occupied the remainder of the sitting in secret session that day. What surprised him was, that the Senator from Virginia could so far mistake the matter as to suppose he (Mr. BENTON) wished to conceal the broad red line, and only bring forward the small dotted line. What he did on the occasion was quite the reverse; he produced this map, and pointed to the "broad, strong red line," to prove that the Senator's great secret was no secret at all; and for no other purpose.

Mr. RIVES said, if the Senator from Missouri, in the statement which he had just made, desired to convey the idea that he (Mr. R.) had intended to make the impression that the object of the honorable Senator, in exhibiting the dotted boundary upon the map which he had produced, was to conceal the red line from the Senate, he was greatly mistaken. He (Mr. R.) had not suspected, or imputed to him any such absurd purpose; but his impression was—and he believed that impression was universal—that, at the time the honorable Senator produced that map, such was the prepossession of his mind with regard to the spuriousness of the map which was understood to have the sanction of Dr. Franklin; and that the only true line was that running in a northeast direction, as represented by the dotted line upon the map which he produced, that his attention was, in a great measure, confined to the dotted line, and his endeavor was to prove the other to be spurious. And to show the honorable Senator that he (Mr. R.) was not singular in this view, he would appeal to the whole Senate, and particularly to those Senators who took part in the discussion—especially to the Senator from South Carolina, [Mr. CALHOUN,] (who, he perceived, had in his speech, as printed, referred to the same occurrence,) whether their impression did not coincide with his own, that the map had been produced by the Senator from Missouri expressly for the purpose of contradicting and rebutting the map exhibited as Dr. Franklin's map. He never suspected the Senator of any design of concealment, for the affair occurred in the face of the whole Senate. His belief was, that the Senator's mind was so prepossessed with the notion that Mr. Sparks's map was spurious, and that the dotted line he pointed out was the line recognised, that he fixed upon that line, and disregarded the other. And, in justification of this impression, he appealed to the Senate, individually and collectively, whether it was not the universal impression at the time, that the honorable Senator produced his map for the purpose of rebutting and falsifying the map communicated by Mr. Sparks. The Senator had remarked that Senators had collected around him. This was true; it was a *scene* which would not soon be forgotten by any who were eye-witnesses of it.

He (Mr. RIVES) was happy to hear the Senator now admit (for this was the only point of controversy he at all anticipated as possible) that it is the red line which does represent what the constructor of the map intended as the boundary of the United States. He confessed he was surprised when he saw the honorable Senator's printed speech, and observed the aspect in which the production of the French map was there presented. The honorable Senator must pardon him for mentioning, in justification of his impression of the transaction, the remark which was made at the time—that the Senator had been caught in his own trap, and fallen into the pit he had laid. The impression of all present, so far as he knew or believed, was, that the Senator had entirely failed in the particular design with which he produced the map from the Herculaneum of Mr. Jefferson's manuscripts.

He felt it due to himself to refer to these circumstances. He was not in the habit of lightly placing before the public representations of what had taken place in the Senate chamber; and he endeavored always to adhere strictly to the history of things referred to, precisely as they transpired. And, if he had, in this instance, fallen into error, it was an error which, he had every reason to believe, was common to the whole Senate.

Mr. BENTON observed that there was but one point to which he should again refer. The printed speech of the Senator from Virginia says:

"A map has been vauntingly paraded here, from Mr. Jefferson's collection, in the zeal of opposition, (without taking time to see what it was,) to confront and invalidate the map found by Mr. Sparks in the Foreign Office at Paris; but, the moment it is examined, it is found to sustain, by the most precise and remarkable correspondence in every feature, the map communicated by Mr. Sparks. The Senator who produced it could see nothing"—[&c., as before quoted.]

The point was, that he (the Senator, Mr. BENTON) could not see, or would not see, the broad, strong, red line—and consequently concealed from the Senate that it existed on the map he brought forward—coinciding with the red line on Doctor Franklin's map; while it was held out that he could see, and did see, the little microscopic dotted line, and showed it to the Senate; the other line—the broad, strong red line—being concealed till "other eyes" were applied to the map. This was a question of fact, on which he took his stand. He now made the declaration, in the presence of those who were present on the occasion alluded to, and who now heard him, that the first thing he did, on producing the map, was to proclaim the red line; and he did proclaim it loudly, too, to prove that Mr. Sparks's secret was no secret at all. This was the point he made, and he could not and should not be driven from it.

Mr. CALHOUN said that, having been called on to state his impression, he rose to say, that he had not doubted that the object of the Senator, in introducing the map referred to, was to rebut the one which had been introduced in connexion with Dr. Franklin's note. He had so stated in his printed speech on the treaty; and never knew, till this morning, that there was any diversity of opinion on the subject.

As to the facts which transpired in secret session in reference to the subject, he must say that his impression corresponded, on material points, with the statements made by the Senator from Virginia.

Mr. BENTON. I affirm, in the presence of forty-eight Senators now present, and most of whom were present on the occasion alluded to, that I proclaimed the red line for the very purpose of rebutting the allegation that the discovery of Mr. Sparks was a secret; and that I did show, by the production of this map, that it could not be a secret. What I now assert is, that I was the first human being that proclaimed the red line in this map to the Senate, and that I called out to the Senator from Virginia for the purpose of showing it to him. I did rebut the assertion that it was a secret newly brought to light. I deny that I made any concealment of that red line. I deny it in the presence of forty-eight Senators, who must know the facts of the case. I now again say, in their presence, that I did proclaim the red line, and did not wait till "other eyes" had discovered it. I say this in the presence of forty-eight Senators, who know what I say is true.

Here the subject dropped.

Mr. MERRICK, from the Committee on the Post Office and Post Roads, reported to the Senate the following bills; which were read, and ordered to a second reading, viz:

A bill to authorize the Postmaster General to make permanent contracts for the transportation of the United States mail on railroads; and

A bill to prevent the employment of private expresses on mail routes, and for the prevention of frauds on the revenues of the Post Office Department.

Mr. M. also gave notice that he would ask leave to introduce a bill to regulate the use and to correct the abuse of the franking privilege, and to regulate the charge for carrying matter through the mails.

Mr. ARCHER gave notice that he would on to-morrow ask leave to introduce a bill for the settlement of claims for French spoliations committed prior to 1800.

Mr. RIVES submitted the following resolution; which lies on the table one day, under the rule, viz:

Resolved, That the President of the United States be requested to communicate to the Senate (if not, in his opinion, inconsistent with the public interest) copies of any correspondence between the Government of Great Britain and the minister of the United States at London, on the subject of the destruction of the steamboat Caroline, which may not have been heretofore publicly communicated to either House of Congress.

WAREHOUSING SYSTEM.

Mr. WRIGHT said that some days ago he presented a memorial from the Chamber of Commerce of New York city, on the subject of the warehousing system, and proposed to refer it to the Committee on Finance; and that motion, at the solicitation of the Senator from Connecticut, and by his consent, was postponed until Senators might have an opportunity to read the memorial, (which was ordered to be printed,) and enable them to vote understandingly on the question of reference. The proposition to resume the subject had been delayed, that certain Senators who were absent might return to their places, and vote on the question. He now moved to take up the memorial, with a view to its reference. He would merely make the motion, for he did not desire to occupy the attention of the Senate, under the conviction of his own mind that the warehousing system, however arranged, must be, in the business of Congress, a financial system, and not one of commercial regulation. He was confident that, if Senators had read the memorial, they would agree with him that the memorialists viewed the question as one of finance, and which only incidentally affected the commerce of the country.

Mr. HUNTINGTON said that the motion to refer this memorial, which was made some days since, was postponed, at his request, with a view to examine the memorial in connexion with the proposed reference, for the purpose of enabling him to see whether there was anything in it that, with propriety, might be made a subject of reference to the Committee on Finance. The perusal by him of the document, so far from changing his opinion expressed to the Senate, that the subject was primarily and principally one of commercial regulation, and not of finance, had but confirmed it. It would be seen that the warehousing system, as argued in this memorial, was one principally to increase the trade of the country, to benefit the importing interests—to give to the importers and the factor the benefits that, under the cash system of duties, they do not now enjoy—the benefits of such a credit system as was afforded by means of dock-warrants. He contended that the object of the warehousing system, as was stated in the memorial, was to build up the commercial marine of the United States.

Mr. H. spoke at some length upon the subject of the English warehousing system, which, though it was characterized as a liberal one, took care to carry out one principle—that of securing a home market at the expense of all other commercial countries. He then viewed the system as proposed by the memorial, as one to benefit merchants of small means, and to counteract the bad effect of the present system of cash duties, which gave a monopoly in trade to large capitalists.

Messrs. WRIGHT and KING spoke at some length upon the subject, maintaining that the warehousing system was one pre-eminently of finance—especially so, as it might have the tendency to withhold from the treasury, for the present, some portions of the revenue which were indispensably necessary to carry on the operations of Government. They argued, that, so far as the system went either to increase or diminish the present amount of revenues, it was a question of finance; and that it would have the effect to diminish them, it was very probable. They, therefore, thought there could be no doubt as to the propriety of referring the memorial to the Committee on Finance.

Mr. SIMMONS made some remarks in favor of the reference of the memorial to the Committee on Commerce, believing that it was a question of commercial regulation merely.

Mr. WRIGHT demanded the yeas and nays on the question of reference to the Committee on Finance, which were ordered; and the question being put, it was decided in the negative—yeas 17, nays 27.

On motion of Mr. HUNTINGTON, the memorial was then referred to the Committee on Commerce.

NAVAL NOMINATIONS.

Mr. BAYARD gave notice that he would, on to-morrow, move the Senate to go into the consideration of executive business, with a view to make disposition of the naval nominations.

Mr. KING presented a memorial from Thomas S. Easton, stating that he had an admirable invention to prevent the explosion of steam-boilers, and praying that Congress would authorize some mode by which to ascertain which, of all the inventions for that object, was the best: referred to the Committee on Naval Affairs.

THE OREGON TERRITORY.

Mr. LINN moved that the Senate proceed to the unfinished business of yesterday; which was agreed to.

The bill providing for the occupation and settlement of the Territory of Oregon was then taken up.

The CHAIR stated that the question pending was on concurring with the amendments made in committee of the whole.

Mr LINN moved to amend the bill in the 231 line, by inserting a provision saving to the grantees of land all claim to it till patented; and prohibiting liens, transfers, &c., (as will be seen in the amended bill below.)

This amendment was adopted.

Mr. BATES suggested a verbal amendment, which Mr. LINN accepted.

Mr. CRITTENDEN thought the bill might be freed from some ground of objection, by striking out the THIRD section, which related to the appointment of two additional judges for the Territory of Iowa to attend to the business of the Oregon Territory, in which there was, as yet, scarcely any population. It would be time enough hereafter, when settlers were numerous enough to require it, to legislate for the occasion.

Mr. LINN explained that in 1839 memorials from Massachusetts showed that 3,000 emigrants from that place would probably proceed to the Oregon Territory, if assured that they would there enjoy the protection of the laws of the United States. But they would not go, unless this assurance was given. He would suggest that, for the present, probably one judge would be enough to provide for. It should also be recollected that it was discretionary with the President to make the appointment, which he would not do till called for.

Mr. CRITTENDEN was satisfied that one judge should be allowed.

The amendment was so made.

Mr. TAPPAN objected to the indefinite power given to the President to make military posts from Arkansas and Missouri to the mouth of the Columbia river.

This point was discussed by Messrs. LINN, TAPPAN, and BENTON; and, at the suggestion of the latter, an amendment was adopted, limiting the military posts to stockades and block-houses, not exceeding five in number.

Mr. TAPPAN made another objection; but it was removed by an explanation from Mr. FULTON, pointing out a provision in the bill on the subject.

The amendments were all concurred in; and the bill was ordered to be engrossed for a third reading, as amended, as follows:

A bill to authorize the adoption of measures for the occupation and settlement of the Territory of Oregon, for extending certain portions of the laws of the United States over the same, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized and required to cause to be erected, at suitable places and distances, a line of stockade and blockhouse forts, not exceeding five in number, from some point on the Missouri and Arkansas rivers into the best pass for entering the valley of the Oregon; and, also, at or near the mouth of the Columbia river.

That provision hereafter shall be made by law to secure and grant six hundred and forty acres, or one section of land, to every white male inhabitant of the Territory of Oregon, of the age of eighteen years and upward, who shall cultivate and use the same for five consecutive years; or to his heir or heirs-at-law, if such there be, in case of his decease. And to every such inhabitant or cultivator (being a married man) there shall be granted, in addition, one hundred and sixty acres to the wife of said husband, and the like quantity of one hundred and sixty acres to the father for each child under the age of eighteen years he may have, or which may be born within the five years aforesaid.

That no sale, alienation, or contract of any kind, shall be valid, of such lands, before the patent is issued therefor; nor shall the same be liable to be taken in execution, or bound by any judgment, mortgage, or lien, of any kind, before the patent is so issued; and all pretended alienations or contracts for alienating such lands, made before the issuing of the patents, shall be null and void against the settler himself, his wife, or widow, or against his heirs-at-law, or against purchasers, after the issuing of the patent.

That the President is hereby authorized and required to appoint two additional Indian agents, with a salary of two thousand dollars each, whose duty it shall be (under his direction and control) to superintend the interests of the United States with any or every Indian tribe west of any agency now established by law.

That the sum of one hundred thousand dollars be appropriated, out of any money in the treasury not otherwise appropriated, to carry into effect the provisions of this act.

SEC. 2. *And be it further enacted*, That the civil and criminal jurisdiction of the supreme court and district courts of the Territory of Iowa, be, and the same is hereby, extended over that part of the Indian territories lying west of the present limits of the said Territory of Iowa, and south of the forty-ninth degree of north latitude, and west of the Rocky mountains, and north of the boundary line between the United States and the Republic of Texas, not included within the limits of any State; and also, over the Indian territories comprising the Rocky mountains and the country between them and the Pacific ocean, south of fifty-four degrees and forty minutes of north latitude, and north of the forty-second degree of north latitude; and justices of the peace may be appointed for the said territory, in the same manner and with the same powers as now provided by law in relation to the Territory of Iowa: *Provided*, That any subject of the Government of Great Britain, who shall have been arrested under the provisions of this act for any crime alleged to have been committed within the territory westward of the Stony or Rocky mountains, while the same remains free and open to the vessels, citizens, and subjects of the United States and of Great Britain, pursuant to stipulations between the two powers, shall be delivered up, on proof of his being such British subject, to the nearest or most convenient authorities having cognizance of such offence by the laws of Great Britain, for the purpose of being prosecuted and tried according to such laws.

SEC. 3. *And be it further enacted*, That one associate judge of the supreme court of the Territory of Iowa, in addition to the number now authorised by law, may, in the discretion of the President, be appointed, to hold his office by the same tenure and for the same time, receive the same compensation, and possess all the powers and authority conferred by law upon the associate judges of the said Territory; and one judicial district shall be organized by the said supreme court, in addition to the existing number, in reference to the jurisdiction conferred by this act; and a district court shall be held in the said district by the judge of the supreme court, at such times and places as the said court shall direct; and the said district court shall possess all the powers and authority vested in the present district courts of the said Territory, and may, in like manner, appoint its own clerk.

SEC. 4. *And be it further enacted*, That any justice of the peace, appointed in and for the territories described in the second section of this act, shall have power to cause all offenders against the laws of the United States to be arrested by such persons as they shall appoint for that purpose, and to commit such offenders to safe custody for trial, in the same cases and in the manner provided by law in relation to the Territory of Iowa; and to cause the offenders so committed to be conveyed to the place appointed for the holding of a district court for the said Territory of Iowa, nearest and most convenient to the place of such commitment, there to be detained for trial, by such persons as shall be authorized for that purpose by any judge of the supreme court, or any justice of the peace of the said Territory; or where such offenders are British subjects, to cause them to be delivered to the nearest or most convenient British authorities, as hereinbefore provided; and the expenses of such commitment, removal, and detention, shall be paid in the same manner as provided by law in respect to the fees of the marshal of the said Territory.

Senate bill No. 31, settling the value of foreign coins of gold and silver circulating in the United States, was taken up as in committee of the whole, and read.

Mr. BENTON made a few remarks in opposition to any action being taken on this bill at the present session. He was but imperfectly heard in the reporter's gallery, but was understood to be opposed to the bill altogether. He read from Childs & Co.'s Price Current, Philadelphia, the following comment on this identical bill, which was reported to the Senate at the last session:

NEW GOLD AND SILVER BILL.

A bill of incalculable importance to the currency of the United States has been reported by the Senate Finance Committee; providing—

Sec. 1. Gold, of British coinage, of 915½-1000ths fineness, [22 carats,] shall be a legal tender at 94 6-10ths cts. per dwt.; French, of 899-1000ths fineness, [21 carats 2 4-10ths grs.,] at 92 9-10ths cts. per dwt.

Sec. 2. Spanish pillar dollars, and dollars of Mexico, Peru, and Bolivia, of 897-1000ths fineness and 415 grs. weight, shall be received at 100 cents; and five-franc pieces of France at 93 cents.

Sec. 3 provides for assays at the mint.

Sec. 4 repeals all former acts making foreign coins current.

By the act of 1834, foreign gold coins are received at—

English, Brazilian, and Portuguese, 22 carats fine, 94 8-10 cts.

French, 21 car. 2 4-10ths grains, fine, 93 1-10 cts.

Spanish, Mexican, and Colombian, 20 carats, 1 7-16th grains, fine, 89 9-10 cts.

Other gold coins are received at the mint assay, and silver coins generally by tale.

We have included in brackets the carat for comparison, though it is found at the United States mint that English coin yields but 915½ pure gold in 1,000 parts, instead of 916⅔, the legal standard of 22 carats.

Before the act of 1834, gold, because of its reduced value

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27TH CONG.....3D SESS. TUESDAY, JANUARY 10, 1843. VOLUME 12....No. 8

Continued from No. 7.

here, sought a foreign market; and scarcely a single coin was seen in our currency. Since that time, it has constantly formed a part of our circulating medium, without driving silver away. This proves that they are equalized in intrinsic value by that standard.

The effect of the remodelled standard is apparent. It banishes utterly all but French and British gold, and renders them less current, by reducing their value. American eagles and shares form but a small proportion of the gold circulation, and are quite inadequate to this end. Gold must, therefore, be excluded from its place, as silver is too cumbrous for the offices of gold denominations.

But this bill looks farther, and excludes foreign silver; for it admits only dollars and five-franc pieces, diminishing the value of Spanish dollars.

The English and French gold coinage always falls below the lawful standards—by design, it is said, at their mints; and it is found that the valuation of 1834 does not admit of recoinage here, without loss. There is good reason, then, for equalizing according to fineness; but we object to any attempt at exclusion.

The whole object of the bill, if we judge by the effect, is to diminish the specie of the country; for our own coinage, with a constant foreign drain, or without it, is yet insufficient for our wants. The deficiency must be supplied with paper money. The wisdom of experience counsels no such change; and we leave it to her lessons to plead, trumpet-tongued, against any measure designed to increase promises without fulfilment.

Mr. B. desired, if it was the intention of the chairman of the Finance Committee to press the bill through at this session, to have some time to examine the subject.

Mr. EVANS had no objection to accommodate the Senator from Missouri by a postponement of the subject for the present, but would certainly call up the bill at an early day, as he understood from the directors of the mints that it was necessary the bill should be passed, in order to place foreign gold and silver coins at a fair relative value with our own. He mentioned several communications he had had on the subject, pointing out the necessity of this measure. He also alluded to the concurrent opinions of Mr. Gallatin and Mr. Appleton, in pamphlets published by them on the subject of the currency, both in favor of this measure.

Mr. BENTON pointed out the effect it would have of driving out foreign specie, and encouraging, as a substitute, paper promises to pay. He asked but a day's delay, to produce evidence which he intended to bring forward on the subject.

Mr. EVANS said the bill might be laid over for one week.

Mr. BENTON observed that he would be ready to-morrow morning to produce the evidence he alluded to.

The bill was then laid on the table for the present.

WAREHOUSING SYSTEM AGAIN.

Mr. WOODBURY remarked that he wished to make a motion. The latter portion of the annual report of the Secretary of the Treasury relates to the warehousing system, to which were appended several documents on that subject, and, among them, was the very identical memorial which had been a few moments ago referred to the Committee on Commerce. He believed that all that portion of the report of the Secretary (including this document) was referred to the Committee on Finance, as a financial question purely. But now, as the Senate had deliberately decided that it was not a question of finance, it would be necessary to discharge the Finance Committee from the further consideration of the subject, and to commit it to the Committee on Commerce. He made that motion.

Mr. HUNTINGTON was not aware that the report of the Secretary on the subject had been referred to the Finance Committee. He wished the general subject to go to the Committee on Commerce.

The Committee on Finance was accordingly discharged from the subject, and it was referred to the Committee on Commerce.

The bill for the relief of Benjamin Murphy was then considered as in committee of the whole, reported to the Senate, and ordered to be engrossed for a third reading.

On motion of Mr. WHITE,

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 4, 1843.

Mr. BEESON presented the petition and documents of Mrs. Drusilla Gieseg, widow of Valentine Gieseg, late superintendent of the Cumberland road, praying to be refunded the amount of a judgment recovered in the court of Fayette county, Pennsylvania, against the estate of the said superintendent, for work done on the Cumberland road: referred to the Committee of Claims.

Mr. DODGE of Wisconsin presented a petition, numerously signed by inhabitants of the town of Milwaukie, in the Territory of Wisconsin, asking Congress for an appropriation for a harbor at that town.

Also, a petition from citizens of Brown county, in the Territory of Wisconsin, asking Congress for an appropriation for the improvement of the navigation of the Fox and Wisconsin rivers.

ARMY APPROPRIATIONS.

Mr. FILLMORE, from the Committee of Ways and Means, reported a bill, making appropriations for the support of the army and military academy, and for armories and arsenals, for the half calendar year ending 30th June, 1843, and for the fiscal year, commencing 1st July, 1843, and ending 30 h June, 1844. The bill was read twice, and committed to the Committee of the Whole on the state of the Union.

COMPENSATION OF DECEASED MEMBERS.

Mr. J. T. MASON submitted a resolution, directing the Sergeant-at-arms to pay the widow of the Hon. J. W. Williams, deceased, his mileage and per diem to the 24 day of January, 1843, being the day of election of his successor. [Cries of "no, no, no."] There could be no question that the executors of the deceased member were entitled to his mileage, and a portion of his per diem, as he was on his way to the seat of Government.

After some conversation with, and suggestions from, various members, Mr. MASON modified his resolution, so as to direct the Committee on Accounts to inquire into the expediency of making such payment.

Mr. L. W. ANDREWS objected to the reception of the resolution.

Mr. HALSTED also objected.

Mr. J. T. MASON moved a suspension of the rules, for the purpose of receiving his resolution; which was agreed to, and the resolution was received.

Mr. HALSTED moved to amend the resolution, by substituting "the day of his death" for the "2d day of January," as the limit of the period for which the deceased member's per diem should be paid.

The amendment was agreed to.

Mr. STANLY said he did not see why the widow or executors of the late Hon. Richard W. Habersham, deceased, should not have the same benefit, and therefore he moved the insertion of the name of Mr. Habersham.

Mr. J. T. MASON accepted the amendment.

Mr. BIDLACK said the resolution, as modified so as to pay the deceased members' mileage and per diem to the day of their death, corresponded with the precedent in the case of his late colleague, the Hon. Mr. Dimock.

Mr. J. T. MASON, under those circumstances, again modified his resolution, so as to direct the Committee on Accounts to allow to the widows of the honorable J. W. Williams and the honorable Richard W. Habersham, deceased, late members of this House, the usual mileage.

After a few words from Mr. BLACK, Mr. BRIGGS, and Mr. UNDERWOOD,

Mr. WISE inquired if either of the deceased members had started to the seat of Government?

Mr. J. T. MASON. Yes; Mr. Williams had.

Mr. WISE. And how far had he travelled? From three to five miles. There was not a particle of service. He (Mr. W.) never had, and never would, vote for such a resolution.

Mr. UNDERWOOD asked if there was any precedent for taking this money away from the administrators, and giving it to the widows? He saw one encroachment after another in this House, on principle; and he saw one allowance after another, which the law did not sanction. This was part of the system of making donations to the families of individuals, which had been introduced into this House. Now, if they intended to pay their debts, according to law, to those individuals who started from home, they would pay the mileage and per diem as long as the member lived, and for that he would vote; but he would not vote for the allowance which the law did not sanction.

Mr. SAMSON MASON submitted an amendment, so as to direct the Committee on Accounts to inquire into the expediency of allowing this payment. He said the House had no information on the subject; but he understood that Mr. Habersham had not even left his residence in Georgia at the time of his death; and, therefore, the resolution, in its original terms, was improper. It directed the Sergeant-at-arms to pay the usual travelling expenses and per diem; but what were the usual travelling fees paid to a member of this House before he left his residence at all? He was opposed to the adoption of this resolution as a peremptory order to the Committee on Accounts to audit the accounts for the deceased members; but he was willing that it should go as a resolution directing an inquiry into the expediency of paying the mileage and per diem in such cases; and he moved to amend the resolution accordingly.

The amendment was concurred in; and the resolution, as amended, was adopted.

REPORTS OF COMMITTEES.

The SPEAKER called the committees for reports, and the following were presented:

Mr. BURKE, from the Committee of Claims, reported a bill for the relief of Charles Waldron; which was read twice, and committed to the Committee of the Whole House.

He also reported, from the same committee, against the petition of Joseph H. Waring.

Mr. COWEN, from the same committee, reported a resolution to discharge the Committee of Claims from the further consideration of the case of George C. Johnston, and that it be referred to the Committee on Indian Affairs. The resolution was agreed to.

Mr. PENDLETON, from the Committee on Military Affairs, reported a bill to establish two additional military posts; which was read twice, and committed to the Committee of the Whole on the state of the Union. [This bill was understood to refer to military posts on the Columbia river.]

On the motion of Mr. STANLY, 5,000 extra copies of the report accompanying that bill were ordered to be printed.

Mr. A. H. H. STUART, from the Committee on Foreign Affairs, reported a bill for the relief of John Randolph Clay, late secretary of the American legation at the court of Vienna; which was read twice, and committed to the Committee of the Whole.

Mr. MATHIOT, from the Committee on Revolutionary Pensions, reported a bill for the relief of Jacob White; which was read twice, and committed.

GENERAL JACKSON'S FINE.

Mr. BOWNE again submitted the resolution on this subject, which he offered yesterday, as published in the Globe Congressional reports.

Mr. WARREN inquired if there was not already a bill on the same subject before the House?

The SPEAKER said he had not read the bill, and was not, therefore, prepared to say what shades of difference there were between the two bills.

Mr. BARNARD objected to this mode of bringing bills before the House.

Mr. ARNOLD presumed the principal motive with gentlemen who brought forward bills and resolutions on this subject, was, that they might make an harangue in favor of the Old Hero. He would, therefore, move to refer the resolution to the Committee of the Whole on the state of the Union, where there was already a bill pending on this very subject.

Mr. BOWNE did not wish, on this question, to trust himself at all in making an answer to charges like those which had emanated from the member from Tennessee, [Mr. ARNOLD,] farther than to say, that gentlemen who were the most ready to impute motives of this description to others, are most apt to entertain them themselves. The motion of the gentleman from Tennessee would most certainly be liable to the objections of his colleague, [Mr. BARNARD;] for it would not be taking the ordinary incipient steps of legislation. His resolution, however, did not conflict with the usual course of legislation. It proposed to instruct the Committee on the Judiciary to bring in a bill on Thursday next; and when that bill came in, it would, of course, take the ordinary channel of legislation. His colleague was mistaken in supposing there was no precedent for the resolution he offered. His recollection informed him that at the last session there was a resolution passed, instructing the Judiciary Committee to report a given bill, (the bill to repeal the bankrupt act;) in consequence of which, that committee did report the bill; and it was in this way brought summarily before the House. His only desire (Mr. B. said) was to have this bill—which he deemed the best one—brought at once before the House, so that there might be a chance of acting on it at the present session. It must be remembered that more than one-third of the session was already gone; and therefore, if they expected to pass a bill on this subject at the present session, it must be brought speedily before the House.

[Mr. CUSHING here handed to Mr. B. the case in point, to which he alluded—being the resolution referring the petition of inhabitants of the county of Otsego, New York, to the Committee on the Judiciary, instructing said committee to report, *instanter*, a bill to repeal the act establishing a uniform system of bankruptcy.]

Mr. B., having read the resolution, said that the difference between it and the one he offered was, that the first directed the committee to report a given bill, *instanter;* while his directed the committee to report the bill accompanying it on the next day. He acted, therefore, in accordance with precedent, as well as parliamentary law. He would say to his colleague that his party had mistaken his ground in opposing this bill. The people had spoken on the subject; the President had recommended it to the favorable consideration of Congress; and the public press of both political parties had loudly called for action on it. His resolution could do no harm; and it would require no great length of time, and no great labor from the Judiciary Committee, to obey its instructions. Let us, then, (said Mr. B.) have this bill at once before us, so that we may act on it before the session closes.

Mr. EVERETT could not see what object the gentleman from New York had in view. A bill on this subject had already been referred to the Committee on the Judiciary, and was now before the Committee of the Whole House; so that if the gentleman should attain his object, the bill he now sought to introduce would take its place on the calendar after the one already on it.

Mr. C. J. INGERSOLL explained that the bill reported at the last session was referred anew to the committee at this.

Mr. EVERETT said he spoke of what was on the calendar. The gentleman, if he got a bill reported now, must have it to come in after the one already on the calendar.

Mr. BARNARD said that, after this explanation of the gentleman from Vermont, he would move to lay the whole subject on the table.

Mr. BOWNE asked his colleague to withdraw his motion for a moment, in order that he might make an explanation, promising to renew the motion. The motion being withdrawn, Mr. B. said there was, it was true, a bill before the House at the last session, and was now on the calendar of the Committee of the Whole. But the subject at this session had been referred to the Committee on the Judiciary; and should they reach the bill on the calendar, it would be urged as an excuse for delay that the Committee on the Judiciary had not reported. Assuredly, Mr. B. said, such an excuse would be made. Mr. B. then, according to his promise, moved to lay the resolution on the table, and called for the yeas and nays, which were ordered.

On taking the question, it resulted in yeas 91, nays 107, as follows:

YEAS—Messrs. Adams, Sherlock J. Andrews, Arnold, Aycrigg, Babcock, Baker, Barnard, Birdseye, Blair, Boardman, Botts, Briggs, Bronson, Jeremiah Brown, Burnell, Calhoun, Childs, Chittenden, James Cooper, Cowen, Cranston, Cravens, Garrett Davis, Deberry, John Edwards, Everett, Fessenden, Fillmore, A. Lawrence Foster, Gates, Giddings, Patrick G. Goode, Granger, Green, Halsted, Henry, Howard, Hudson, Hunt, Joseph R. Ingersoll, James Irvin, James, I. D. Jones, King, Lane, Linn, McKennan, Samson Mason, Mattocks, Maxwell, Maynard, Mitchell, Morgan, Morris, Osborne, Pendleton, Powell, Ramsey, Benjamin Randall, Alexander Randall, Randolph, Rayner, Ridgway, Rodney, William Russell, James M. Russell, Saltonstall, Slade, Truman Smith, Stanly, Stokely, Stratton, Alexander H. H. Stuart, Summers, Richard W. Thompson, Tillinghast, Toland, Tomlinson, Trumbull, Underwood, Warren, Washington, Edward D. White, Joseph L. White, Thomas W. Williams, Joseph L. Williams, Winthrop, Yorke, Augustus Young, and John Young—91.

NAYS—Messrs. Landaff W. Andrews, Arrington, Beeson, Bidlack, Black, Bowne, Brewster, Aaron V. Brown, Milton Brown, Chas. Brown, Burke, William Butler, William O. Butler, Green W. Caldwell, John Campbell, William B. Campbell, Thomas J. Campbell, Caruthers, Cary, Casey, Chapman, Clifford, Clinton, Coles, Mark A. Cooper, Cross, Cushing, Daniel, Richard D. Davis, Doan, Doig, John C. Edwards, Ferris, John G. Floyd, Charles A. Floyd, Fornance, Gerry, Gilmer, Goggin, Gordon, Graham, Harris, Hastings, Hays, Hopkins, Houck, Houston, Hunter, Charles J. Ingersoll, William W. Irwin, Jack, William Cost Johnson, Cave Johnson, Keim, Andrew Kennedy, Littlefield, Lowell, Abraham McClellan, Robert McClellan, McKay, McKeon, Marchand, Alfred Marshall, John Thomson Mason, Mathews, Medill, Meriwether, Miller, Moore, Newhard, Oliver, Owsley, Parmenter, Patridge, Payne, Pickens, Plumer, Proffit, Read, Reding, Rencher, Reynolds, Riggs, Rogers, Roosevelt, Sanford, Saunders, Shaw, Shepperd, Shields, Steenrod, John T. Stuart, Sweney, John B. Thompson, Triplett, Trotti, Turney, Van Buren, Wallace, Watterson, Weller, Westbrook, Christopher H. Williams, Wise, and Wood—107.

Mr. BARNARD then offered the following amendment:

To report to the House, with all convenient despatch, the principal and material facts in relation to the fine imposed on General Jackson at New Orleans by Judge Hall, and the opinion of said committee upon the material questions of law involved in the imposition of such fine, and the acts leading thereto.

Mr. BOWNE remarked, that, should the course proposed by his colleague be adopted, the matter would stand just where it did now. A report had already been made, accompanying the bill which was reported.

Mr. MERIWETHER said he should vote against the resolution of the gentleman from New York [Mr. BOWNE.] The gentleman said that the people had called aloud for a remission of the fine on General Jackson. True, he admitted that fact; but the call was got up by interested politicians. He (Mr. M.) wished something to be done at the present Congress. It was many years ago when the fine was imposed. During the long period which had elapsed, the Democratic party had often had a majority in Congress, and made no effort to have the fine refunded. Now, he wished to help to do that which they had been too modest to bring about. They would have a majority in the next Congress; and as he presumed they would be again too modest, there was a greater necessity for having the fine returned by the present. For himself, he was willing to return the fine, with interest; not because General Jackson ought to have it—not because the imprisonment of Judge Hall was right—but because he believed the motives of General Jackson to be pure. He wished to do that which the friends of the General would not themselves do for their chief. He wished the committee to report the facts, and to show that censure of Judge Hall was not implied.

Mr. UNDERWOOD next obtained the floor. He commenced by referring to a pamphlet which had been recently laid upon the tables of the members, which was a republication of certain essays in the Louisville Journal on the subject of the fine, martial law, &c. He had recently heard that the Nashville Union contained a publication from General Jackson, in which the General gave the lie direct to the statement contained in the pamphlet to which he referred. Now, he (Mr. U.) knew something of the author of this pamphlet; and he was a man of talent, and of the strictest veracity. He had also seen the statement of Louallier, and had read it over and over again. When he was on the stump in 1828, the fine, the imprisonment of Judge Hall, and all the facts connected therewith, were made the subject of daily discussion. The statements contained in the pamphlet to which he referred were then corroborated by General Jackson's friends. Now, if the fine was to be returned, he wished to see the facts reported upon by a committee of the House. If he voted against refunding the fine, it would be for the purpose of showing his condemnation of martial law; setting an example to all military men that no such thing as martial law was ever to be proclaimed [A voice: "Except in Rhode Island"] in this country.

Mr. GWIN then obtained the floor; but

The SPEAKER announced the expiration of the morning hour.

Mr. BIDLACK presented a petition from Auburn, Pa., praying for the repeal of the bankrupt law.

THE BANKRUPT LAW.

Mr. EVERETT called up the orders of the day—the bill to repeal the bankrupt law.

Mr. BOWNE, who held the floor, said that when he obtained the floor on yesterday, it was more with a view to end the debate than for any other object. He was satisfied, however, that the motion which he intended to have made would, if now submitted, not be sustained by the House. He therefore, on this occasion, rose to make an appeal to the House; to address its sober judgment on the propriety—nay, the necessity—of bringing to a termination this debate, in order that it might proceed to the important measures which had been brought before it. He had supposed that the subject did not need much discussion; that the bankrupt law was already sufficiently understood by the Representatives and the people; and that the House was prepared for action, and for carrying out the known will of its constituents. He felt confirmed and justified in this view, from the fact that, at the last session, when the people had not spoken so emphatically as now—when their thunders had not rolled over the country, declaring to their Representatives, in a manner not to be mistaken, that the law must be repealed,—then, with hot haste, and by a strong vote, the law was repealed, so far as the legislation of this House could go. Having given this vote, the members returned to their constituents, where the will of the people was conveyed to them through many channels. Yet, with such facts before them, what did they witness? The bankrupt law under discussion; and not only its repeal delayed, but the public business deferred, and a debate going on upon everything else except the bankrupt law! What would an intelligent man from abroad—what would the constituents of Representatives sitting here say, were they to step in and hear such a debate as had taken place, when they understood that the subject before the House was the repeal of the bankrupt law? He felt humbled and mortified at the course which had been pursued. Not only had the rules appointed for the governance of the House been violated, without any call to order from the Speaker or any one else; but the very courtesies of life had been violated and set aside. He did not desire to speak censoriously, or to judge harshly; and he would on no account intentionally wound the feelings of any member; but he would ask, is it becoming the character of an American Congress, the representatives of an enlightened and free people, to utter—nay, to listen to the language which they had heard in relation to the Chief Magistrate of the nation? Why, the fish-women, and the inmates of Five Points establishments, would in vain endeavor to find in their vocabulary such terms as had been here poured out upon the President. Was nothing due to his station? Was there no respect left for the highest officer of the Government—for the highest officer,

in fact, in the world? Were any other man beside John Tyler, no matter how offensive politically to him, holding that station, he (Mr. B.) would not venture to indulge in such language as he had heard. Nay, what convinced him the more, was the fact, that, however members might speak on the floor, in the heat and impulse of the moment, yet, when reported accurately in the public prints, they were ashamed of their declarations, and could hardly bear to be told that they had used such language.

He did not rise to become the eulogist of the President. This was neither the time nor the occasion for such a thing; other matters were under consideration. He had adverted to the subject for the purpose of calling attention to the importance of gentlemen confining themselves to the rules, and of proceeding to the business of the people.

But he would proceed further. The President had not only been called a low wretch, an unprincipled creature, a base man, together with other ignominous epithets; but we were told—and he also had it from some of his (Mr. B.'s) political friends on this floor—that the Administration of John Tyler was such that no Democrat could accept an office under it. Some of the leading organs of the Democratic party held the same language; and, strange to say, in *juxtaposition* to a paragraph declaring that no Democrat could hold office under John Tyler, would be found another, declaring that the party could not support his Administration because it was surrounded by such men as Daniel Webster and John C. Spencer! What would these organs have the President to do? Dismiss his cabinet? Who would fill their places? According to the doctrine held out, no Democrat could hold office under him at all; and the President would, therefore, find himself in a strange predicament.

He (Mr. B.) yielded to none in his attachment to the principles of his party; yet, if attachment or non-attachment to men was necessary to secure the esteem of his fellows, he feared he should be thrown overboard. Whilst this was apparently a discussion as to whether the bankrupt law should be repealed, it was in reality a discussion as to who should be President. What, he asked, did the people care who was the President? What did the masses care about the man at the head of affairs, so that the Government was well administered?

Gentlemen on the Whig side were desirous of prostrating the Administration at all hazards. They contended that the President had violated his faith and pledges. No matter what might be its principles, these gentlemen thought the Administration was to be prostrated. They declared to the Democratic party that they must avow their adherence or opposition to the Administration—that silence would be construed into support. This appeal brought no fear upon him. Whilst he held the same doctrines he had always professed, he should, upon all occasions when measures were presented to him in the capacity of a Representative of the people, that conformed to the principles of the Democratic party, not be found wanting in his support of this Administration. It would make no difference in his course, even if the tenant of Ashland were seated in the Presidential chair. Should the measures of that statesman accord with his notions of political economy, he would as soon support them as if they emanated from any of the chiefs of his own party—Martin Van Buren, or any one else. But the party had been told that it could not rally around the Administration, because Daniel Webster was there—the great stumbling-block. He was amazed at these declarations. For himself, bad as he considered Daniel Webster, if Mr. W. would renounce the errors of his ways, and come into the Democratic party, he would be for receiving him into its folds, as thousands of others who had left the old Federal party before. [Laughter.]

Bad doctrine, say gentlemen. It was his doctrine; and he, for one, was not disposed to deny it; and the Democratic party, with which he acted, had reason to be proud of it. Ay, to be proud of it. [Laughter.] When great distinguished old Federalists—men noted for their intelligence, and with talents of a high order—renounced the error of their ways, and joined the Democratic party, for what reason should it be said that the doors are closed, and there is no admittance for you? He feared, if that rule had been applied always, he should have been able to point out gentlemen on that floor who might have been debarred entrance, and might not have occupied the places in the Democratic party which they now hold. He might, perhaps, have a little more feeling on this subject than some other gentlemen, for he was brought up a Federalist [laughter,] of the old school, [renewed laughter,] by a father who, though not an active politician, was too honest to disown the name; and he owned it to this day, and despised the shifting and changing of names which had been so often resorted to. He (Mr. B.) did not, until he was 24 years of age, enter the political arena at all; but when he did, and when he examined the question for himself, he espoused the Democratic cause. He repented, however, that he was educated a Federalist; and if this stern, inflexible course had been adopted, he and others on that floor might have been shut out—entirely shut out. [Laughter.]

And if he were once satisfied that Daniel Webster had changed his political creed, and was at heart a Democrat, he, for one, would be as willing to receive him, as to receive any other of those distinguished members of that party who had left it before. [Laughter.] His (Mr. BOWNE's) friends said they could not take him. He had only to say that he spoke for himself. He spoke plainly his own individual feelings; and neither before the country, nor elsewhere, did he wish to have his party responsible for his views on this question. He did not know (nor did he care) what evidence Mr. Webster had given of his conversion to Democracy. He did not know that Mr. Webster had given any. He did not know that Mr. Webster desired or wished to belong to the Democratic party; but he made the remark in answer to the allegation of a gentleman yesterday, who thought there was an insuperable barrier between that party and the Administration and its measures. Now, so far as the measures of the Administration were concerned, there were those of which he approved, and had supported; and, as they came up, he should act as his judgment dictated.

But while he was attempting to reprove the course which gentlemen had taken in this debate, he had almost unconsciously fallen into that course himself. [Laughter.] He had only intended to call the attention of the House to the strange nature of this debate, and to make an appeal to the House to bring it to a close, and to have action upon it. Did gentlemen suppose the mind of a single member could be enlightened by this debate on the bankrupt bill? Did gentlemen suppose that a single vote could be changed, if this debate should be still further tolerated? Or, did gentlemen suppose that they could escape a direct vote on the question, or that it could be shuffled off entirely to another session? Now, he would ask, were not gentlemen who professed to be in favor of a repeal of the bankrupt law willing to come to a test vote on the direct question? Or was the policy which he saw suggested some days ago, in a country paper, to be pursued by gentlemen of the North, who were to oppose repeal, that the Democrats in the next Congress might have the credit of repealing it? Was that to be the policy pursued respecting a law against which the people had unequivocally pronounced? He hoped and trusted not. Let them have a direct vote on the question. They well understood that the people desired to know whether they intended to repeal the law or not. Some gentlemen had said it was to be repealed—that the decree had gone forth; but as day after day passed away, he became more and more convinced that they should get no action on this measure. Let but the motion of his colleague [Mr. BARNARD] be carried, and this bill referred to the Judiciary Committee—thirty days of the session having gone, and two-thirds of the session only remaining, with the various measures before them which called for their action, and which must be acted upon—and what time should they have, if they protracted this useless debate, to act upon it at a future period? Why, if it should go to that committee, it might come back when other measures required all their time; and then this bill would go precisely where its enemies wished it to go. He asked the House whether they might not then take the question, and whether that debate then might not cease. They heard yesterday—and he listened to him with great pleasure—the gentleman from Tennessee, [Mr. M. BROWN,] and his colleague, [Mr. FERRIS,] who were both guilty of being so much out of order, as to discuss the bill itself. [Laughter.] He (Mr. B.) was pleased, because they dealt with the subject candidly and fairly. They heard their arguments on this subject; they heard the arguments on both sides, when the bill was passed, and they had heard them through the columns of the newspapers; why, then, delay? He should close with the remark, that he hoped they would now have action.

Mr. BARNARD was understood to ask the gentleman from New York, who had said that public sentiment called for the repeal of the bankrupt law, whether the gentleman who succeeded him in the representation of his congressional district was not an open, avowed advocate of the bankrupt law?

Mr. BOWNE was understood to reply that he believed he was; but that was not made a question in the late election. And further, the gentleman alluded to was the only advocate of the bankrupt law that he had met with in that district.

Mr. MERIWETHER said if the bankrupt law had not been made a subject of discussion at the last election, it showed that there was not much trouble on that question in that district. He went on to state that he was opposed to the repeal of the bankrupt law; he foresaw that great mischief would result from the repeal; and he intended to take the responsibility of voting against it.

He then made some passing remarks on the speeches of gentlemen who had preceded him in this debate; and said the observations of the gentleman from New York [Mr. BOWNE] verified the distich—

"Long as the lamp holds out to burn,
The vilest sinner may return."

Pursuing that subject (he said) from the givings out on that floor, he concluded the corporal's guard was much larger than was generally supposed; and even the gentleman from New York [Mr. BOWNE] might not be very averse to enlist. The Democratic party had many members who were not unwilling to go over; and at a meeting of Democrats, held on the 19th of December, 1842, at Frankfort, in Kentucky, (which was attended by some of the most distinguished of the Democratic party of that place,) the following resolution was adopted:

"*Resolved*, That Daniel Webster and John C. Spencer, the brightest luminaries of the Whig sky, have, in their transit to Democracy, formed a halo of glory around its principles." [Roars of laughter.]

According to the gentleman from New York, they were willing to take as many as would come. But he had another curious document which he wished to read. It was a letter said to have been written at the White House—at least, it was published in the *Union* of New York. One gentleman had said something about the voracity with which the Whigs struggled for office, or of their "voracious maw;" but it seemed, from this letter, that there was a good deal of trouble among the Democrats about the offices. He then read a letter from the *Union* newspaper, which dolorously depicted the troubles of the President, and likened him to a man walking along a road who was met and despoiled of hat, coat, waistcoat—yea, and breeches also. [Roars of laughter.] From this he glanced at the remarks of the gentleman from Massachusetts, [Mr. CUSHING,] and the offering of the spoils of party at auction.

Mr. CUSHING rose, and said the gentleman from Georgia had repeated a remark which had been made several times in that House, and to which he had desired to reply; but he had not been so fortunate as to obtain the floor. He now begged the gentleman from Georgia to put his finger on a single sentence in his speech which authorized that imputation. [Laughter, and cries

of "Oh, Oh, Oh."] He repeated his request, that the gentleman from Georgia would select from his speech a single sentence which would justify that imputation, or a sentence which the gentleman from Georgia would stand there and declare to the House was unjust in principle, and untrue in fact.

Mr. MERIWETHER said the gentleman from Massachusetts was playing the Yankee with him. He was answering one question by asking another.

Mr. CUSHING said he replied by a denial that he had said anything like that which was imputed to him.

Mr. MERIWETHER had asked the gentleman from Massachusetts whether the Whig party had bid? And the gentleman asked him to point to that part of his speech which said there was an auction. Perhaps the sale had been postponed. If so, he would say no more about it, further than, if it was, it was not for the sake of encouragement.

But he did not think that it was for want of encouragement that the sale ought to have been postponed; for they had some glorious bids—not open ones, to be sure, for it would not do for gentlemen to bid openly; they must cover up appearances. But he would ask, what better bid could be given than that of the gentleman from Indiana, who would not bid openly, to be sure; but "Mark you," said he, "I won't run against your constitutional fact."

Mr. CUSHING asked leave to make an explanation. The gentleman from Georgia asked him if he expected the Whig party to become bidders; and, on his asking him what part of his speech authorized such a question, he charged him with playing the Yankee on him. Now, he would beg leave to ask the gentleman the same question, in substance, again; and he expected a serious and candid answer to it. Would he put his finger on a single passage of his (Mr. C.'s) speech which he considered unjust in principle, or untrue in point of fact. If he did, he (Mr. C.) would bring forward some of the most distinguished men of the country, from the days of the Revolution down to the present time, in support of the doctrines there advanced.

Mr. MERIWETHER said that he had answered the gentleman already, by pointing to the whole of his speech. He could not take time to read it through for the gentleman; but he would advise him, when he went to his room, to take it up and review it again. The gentleman from Virginia, [Mr. WISE,] in endeavoring to explain it away the other day, showed that, in his opinion, it required some explanation.

But when he was interrupted, he was going to show that there was trouble in the Democratic camp, and that there was somebody at the White House, or connected with it, who would have a word to say when the proper time came, as intimated by the gentleman from Massachusetts. Here was a letter, from which he would take the liberty of reading a few extracts, written from somebody at the White House, and published in one of the New York papers. [Mr. M. here read some extracts from the letter he referred to, stating, in substance, that "Mr. Calhoun was here, and that the writer never saw him look so well; that he seemed uneasy about going into a national convention, for fear that Mr. Van Buren, who was more dexterous with the cups and balls, might cheat him out of the nomination."] Now, (said Mr. M.) here is an intimation that there is some difficulty; but he would read further on, to see if there was not some intimation of what the gentleman from Massachusetts threw out in the course of his speech. Mr. M. read as follows:

"If a storm is brewing between the Whigs and the Calhoun men, the Administration has only to remain tranquil; and if the people will only unhorse the leaders, no man would be so strong as John Tyler."

All this, Mr. M. said, went to establish the assertion of the gentleman from Massachusetts—that Mr. Tyler was creating a division in the Democratic ranks, in his own favor. We have heard (said Mr. M.) the confessions of the North wing of the party; but we have heard nothing, as yet, from the Southern wing. He trusted that, before this debate closed, they should hear the confessions of that wing also. All these divisions in the Democratic party certainly showed some signs of their defeat. Why did they keep so many candidates in the field? Why did they not bring out their man, and advocate his pretensions to the Presidency? It was said that they were waiting for a national convention to reconcile their differences about men, and concentrate the opinions of the party on some particular candidate. He would not venture upon a prophecy; but there was one thing he should not be surprised at—and that was, that, when the convention should be held, they should nominate Daniel Webster for the Presidency, and John C. Spencer for the Vice Presidency—who, according to the Kentucky resolutions, which he had just read, had cast a halo of glory around the principles of Democracy.

As he remarked when he set out, he voted for the bankrupt bill, and voted for its repeal; but he should now vote against the repeal. Numbers had taken the benefit of the bankrupt act, who had been driven to it because their debtors first availed themselves of it, and in this way drove them to bankruptcy. It would be cruel and unjust, therefore, to deprive them of the benefits of the act, after they had been ruined by its operation. He should, therefore, vote against the repeal on these grounds, if there were no others to sustain it. Mr. M., in conclusion, contended that the act did not in its operations violate existing contracts, and was not an *ex post facto* law in the meaning of the Constitution.

Mr. PICKENS desired to detain the House but a few moments in relation to this subject. He was aware that it had been sufficiently discussed, and he would be pleased to see an early action upon it. Were he to legislate according to the feelings of his heart, and the sympathies of his nature, he would not deny to those unfortunates who seek for the benefits of this law the relief that it would give them. The gentleman from Louisiana, [Mr. DAWSON,] the only Democrat who voted for this law, said the other day all that could be said in its favor. He confessed (Mr. P. said) that all the sympathies of his nature were deeply roused by the gentleman's warm-hearted and feeling address; but he did not stand here to legislate according to his feelings, nor to give relief to a particular class, at the expense of the Constitution of his country. He did not mean to say that a bankrupt law could not be framed in accordance with the Constitution; and this brought him to the remark of the gentleman from Georgia on this part of the subject. The gentleman asked why this law should now be repealed, since the Constitution gave to Congress the express power to pass a bankrupt law. He agreed with the gentleman that the power was given in the Constitution, but he always considered it as the most dangerous one that could be exercised. That, and the clause giving the power to regulate commerce, were the most dangerous and uncertain powers in the Constitution—powers of which he always thought that Congress should be exceedingly cautious, and strict in their construction when exercising them. When the framers of the Constitution inserted the provision in it in relation to bankruptcy, they must have had in view its meaning as it was then understood from English law and English decisions. All know the statute of Henry VIII, and how extremely limited it was in its provisions. It was intended to apply to swindlers, and dishonest traders only who become bankrupt, and to make them place their assets at the disposal of their creditors. That law was the foundation of all the English laws on the subject made since that time; and there was some doubt whether they had not done more harm than good. If, then, there were just grounds for complaint against the system in a country of limited extent like England, with a consolidated Government, how much more likely would it be to operate injuriously in a country like ours, of diversity of interests and pursuits, and of twenty-six independent sovereignties?

Mr. P., after some further remarks, went on to argue against the principle of voluntary bankruptcy in the present law. He knew that it had been said that there was but little difference between an insolvent law and a bankrupt law, and the opinion of the Attorney General had been given in support of this assumption; but Mr. P. contended that there was a broad distinction between them. The insolvent law was intended for the benefit of the debtor; while the bankrupt law was intended for the benefit of the creditor, and to provide that the assets of his debtor should be paid over for his use. Now, when a bankrupt law contained within it the voluntary principle of bankruptcy, allowing the debtor at his option to relieve himself from his obligations to his creditors, it was nothing but an insolvent law, and, therefore, entirely out of the meaning of the clause in the Constitution referred to. He would, therefore, make the act, if he passed one at all, in strict conformity with the meaning of bankruptcy, as it was understood at the time the provison on the subject was inserted in the Constitution: the meaning of bankruptcy, as laid down in Blackstone, was precisely the one that he would be governed by. He thought that the present law was unconstitutional; because it clearly interfered with existing contracts, and clearly an *ex post facto* law; and he held that gentlemen who supported it were bound to argue that Congress had a right to interfere with contracts, and make an *ex post facto* law. In fact, a gentleman at the last session did take such grounds; and what was his argument? Why, that Congress could interfere with contracts, because the power was prohibited to the States. This was a perfect solecism, and an argument he never expected to have heard. He had thought that this was a Government of limited powers, and confined within the provisions of a written Constitution. But, if such doctrines prevailed, it would sweep within the powers of the Federal Government all the contracts within the country, all the relations between debtor and creditor, and nearly all the transactions of private life. Were gentlemen aware of the tremendous powers they claimed for the Federal Government, by adopting such an argument as this? Credit and confidence between man and man would be broken up. No man would trust his neighbor; and all business would be destroyed, if it should be decided that the Federal Government could step in and interfere with contracts, releasing the debtor from the obligations he had entered into, and thereby depriving the creditor of a portion of his property. If gentlemen took it on this ground, they were compelled to take the argument that this Government can interfere with contracts, and pass *ex post facto* laws. It was a power that would shake the very foundations of civilized society; and, of course, it was not granted to this Government by the framers of the Constitution. It was on this ground principally that he was in favor of a repeal of the law. It had been argued that it should be retained, because all the harm that could be done under it had been done already, and that there were numbers who, having been driven into bankruptcy by it, were now, in justice, entitled to its benefits. Much had been said to excite the commiseration of the House for this class of unfortunate persons. Though he loved the attribute of mercy, he was still bound to do justice. He would not do evil that good might follow. He was for doing equal and exact justice to all, and would not, for the sake of indulging in the kindly feelings of his nature, trample on the Constitution of his country. Mr. P. next went into an argument against the proposition of the gentleman from New York, to include banks and other corporations in the provisions of the bankrupt law. He asked if the gentleman had reflected on the alarming consequences that would follow the successful termination of his motion. What, he asked, would be left to the States, if this proposition should be carried into effect? Their churches, their railroads, their school corporations, and private chartered companies of every description, would be swept away. He was as much opposed to banks as any gentleman on that floor, and had assailed them with all the energies of which he was capable, when other gentlemen, who were now so ready to attack them, quailed under their power. He was utterly and irreconcilably opposed to them; but he would not, for the sake of getting at them, sweep away that noble instrument, on which our liberties rest. Look at Alabama,

whose State Bank is a part of her financial system. Look at South Carolina, which was largely interested in her banks. Would gentlemen have these to be placed at the mercy of the Northern and Eastern banks, to sue out commissions of bankruptcy against them, and drag them down to ruin? What would be the effect of such a provision on the banks of the South and Southwest? Exchanges were generally against them, and in favor of the Northern and Northeastern banks, and they would be placed at the feet of New York and New England. The provision the gentleman sought to introduce would be, in effect, a tremendous bank of the United States, with branches in the North and East, having the power to ruin the Southern banks at their pleasure. Having said all that he intended to say on the bill before the House, he would now briefly touch on the incidental subject that had been brought forward in the debate.

The gentleman from Massachusetts the other day made a very extraordinary speech; and that speech had been quoted variously by different members on that floor, as well as by the public press. He did not know that he understood the gentleman exactly; but if he meant to say (as charged against him by several gentlemen, and by the newspapers) that the power and patronage of the Government were to be held for the purpose of sustaining the Administration in office, and for pulling down and putting up political aspirants, he could only say to the gentleman that he trampled such doctrines with scorn under his feet. The gentleman knew that he (Mr. P.) stood up here in opposition to power and patronage, when it required some nerve to do so; and he now could not be diverted from the line of conduct his principles had marked out for him, either by fear or favor. He wanted nothing from any Administration, and would fearlessly do his duty to his country and the people he represented, without looking to any Administration for its approbation. Not that he had any objection to the present President of the United Statesn; on the contrary, he respected his character and his integrity. He had been abused and traduced grossly and unjustly, and he had his (Mr. P.'s) sympathies on that account.

He would say to the gentleman from Massachusetts, that he rejoiced to see him standing in the position in which he now stood. He would do the gentleman the credit of saying that he had always had a leaning to Democratic principles. [A laugh.] He had great cause to congratulate the country, and the gentleman himself, that, although he had been the most violent ultra—though he had been actually so full of ranoorous abuse, that even he (Mr P.) had shuddered with fear, [laughter,]—though the gentleman and a colleague of his (another of the guard) had been so violent in denunciation that he (Mr. P.) had actually shuddered lest he should be robbed of his seat—yet he had now cause to congratulate them that they had at last embraced the truth. He did not believe they were leaving the truth; because, according to the adage, "truth was mighty and would prevail," and that could hardly be said of the cause they were leaving. The Greeks well understood the frailty of poor human nature. They represented the Goddess of Wisdom with a crown upon her head, clothed with the trappings of power, and sitting in imperial state. They sought to make her attractive. They well understood nature when they represented Wisdom invested with the trappings and symbols of power.

He would not say the gentlemen only loved truth because presented to them in this form; but he would say this—that those gentlemen with whom he (Mr. PICKENS) acted, acted upon broad principles: and, as to the divisions which were supposed to exist in the Republican party, he knew nothing of them. He did not believe that any serious divisions existed. He believed there were no divisions but such as might be reconciled, with prudence and judgment. He could see no cause for the least want of harmony. They stood upon the broad principles of the Constitution.

He would tell the gentlemen, that one of the principles upon which he would not be found harmonizing with them, was the question of free trade. The bank question he considered dead; but, as to this question of free trade, he would tell the gentlemen—those who may come into power—let them come in as they may, the banner of free trade will wave, whether on the part of the Administration or of the opposition. Those principles which were identified with the best interests of the country would prevail.

Did they ask for favor? No, sir. He could assure them, (and there were gentlemen there who knew the fact,) that if he had thought proper to fawn and flatter, he could have borne the trappings of office; but he scorned to dress himself in the livery of any man, he cared not what power or what patronage he might wield. He went for his country—for the Constitution of his country—the constitution and rights of South Carolina against the world. [A laugh.] He would be unworthy of the place he occupied, if he could have suffered his mouth to be muzzled. He contended not for the sake of paltry, party triumph. No: he scorned, he despised the thought; it was for those great principles which it had been the pride and glory of his life to contend for.

As for the divisions in the Whig party, he knew nothing about them; others were better informed. He could only say that he felt a sincere sympathy for them. They came into power under the most abandoned and profligate principles; and now they were about to be dissolved, without much regard to principle. [Laughter.] In reply to the famous Kentucky orator, he would say they (the Whigs) were standing aghast at the handwriting on the wall which proclaimed their guilt.

Mr. PROFFIT said he presumed no man, reading the reports of the debates in that House, could suppose that they were discussing the bankrupt bill. He could tell them what the feeling of the country was in relation to the repeal of the bankrupt law, and in regard to the insincerity which had marked the proceedings of the majority there. The bankrupt bill had always been in a minority; it was laid on the table by 13 or 17 votes; and afterwards taken up by means of a caucus, and passed by a minority—five members standing behind the columns, and refusing to vote. The bill passed against the known will of the people of the United States—against the will of those who sent the members of that House to Congress. And he would tell those gentlemen, by whose votes it passed, that, when they returned home and met their constituents face to face, they found that it was for their interest to return here, and vote for its repeal, before it could go fairly into effect. They now found themselves called upon by the country to repeal the bankrupt law. They were now in the very same condition that they were in last year, in regard to the pay of members. All were in favor of the repeal of the bill, and yet they could never get a dozen votes in its favor. If gentlemen supposed the people would not understand them, they were greatly mistaken. He would now say a word to the Democratic party; for, thank God, he stood in a situation where he cared not whether he pleased or displeased either party. [A laugh.] He had said so at home, and he repeated it here. A plague on the heads of both. He would now tell the gentlemen what was the condition of the Democratic party. Every man of them was anxious to have the bill passed, but did not want to take the responsibility of voting for its repeal; desiring to throw all the odium possible on the Whig party for having voted for its passage. And now they say you do not intend to repeal it, but intend to keep up the divisions and dissensions which exist here. He would say, then, to the Democrats, Do not, when you go home, charge it upon the Whig party that they were unwilling to repeal the law. You know that you said at the last session you were opposed to it; if so, walk up; let us have no humbugging; walk up to the work, and repeal it. He (Mr. P.) clearly saw that the law was not going to be repealed in that House; and the only hopes he had, were, that a bill would come from the Senate for its repeal.

Gentlemen said, strike out the voluntary clause. But did not gentlemen see that that would be perfectly useless? Did they not suppose that it would be an easy thing for a man to go to some good friend, and say, Force me into bankruptcy? Might not a man compel his creditor to drive him into involuntary bankruptcy? All systems connected with this sort of business were liable to fraud. He believed he had spoken very plainly in regard to this matter. He held it to be the duty of every Democrat in that House to walk right up and vote for the repeal of the bill. He believed that nine out of ten of all parties were really in favor of its repeal. He had not impugned the motives of any one; he had but expressed his own opinions.

He had heard a good deal about putting up the Administration at auction. He would ask the gentlemen what they had to offer them in case they should come forward and repeal the bankrupt law? It was the most laughable thing he had ever heard of. What would the gentlemen give them? Did they mean to go upon the credit system? He (Mr. P.) was not disposed to sell himself upon credit. [Laughter.] He would tell the Whigs how it was possible for them as a party, having among them men of intelligence, of tact, of ingenuity, to permit themselves to be drawn into such a debate as this. Would they acknowledge that the gentleman from Massachusetts [Mr. CUSHING] might, at any time he chose, draw them into a debate which must end in their defeat as a party? They had been accused of wasting the time of the House; but to allow such a debate as this to go on, and to continue, day after day, talking about Captain Tyler and Democracy, without doing anything, was the greatest abuse of time that had yet occurred. He gave them his advice freely: he did not intend to charge them anything for it. [A laugh.] There were some few on whom the responsibility would fall: they could gain nothing by it politically—they could not injure the Administration. They might butt their heads against it; but they would be likely to get their brains knocked out, if they had any. [A laugh.] When he acted with the Whig party, he never fought with shadows—he had sought out the substances, and combatted them. The overthrow of that party he should attribute to his having left them. [A laugh.]

He knew not exactly what the gentleman from Massachusetts [Mr. CUSHING] intended to intimate, in the declaration made by him to the House a few days since; but he knew that his friend had some peculiarities of expression. [Laughter.] He wished he could imitate his compressing and condensing power of style; for his friend from Massachusetts could put into one sentence what other men would occupy a whole speech with. But was it wonderful that he should have said that persons connected with this Administration would have something to say in the next presidential election? Did gentlemen suppose that his (Mr. P.'s) tongue could be kept still? [Laughter.] Did they suppose that Daniel Webster would say nothing?—that man whom they were constantly braying at as wolves at the moon? [Laughter.] Did they suppose that John C. Spencer would say nothing?—that his friends from Massachusetts, [Mr. CUSHING] Virginia, [Mr. WISE,] and himself, as well as others, would say nothing? [Laughter.] They—he could assure the gentlemen—were accustomed to have something to say; and he hoped they would not be denied that poor privilege. He cared not who might be the candidate, nor how much might be said about political consistency or inconsistency.

He then went into a series of reminiscences of scenes in the House during the late campaign—the calling of the previous question—the course pursued by the gentleman from South Carolina [Mr. PICKENS] in that contest—the remarks make by Messrs. Vanderpoel and Dromgoole. He next proceeded to comment upon an article in the November number of the Democratic Review, in which the exchequer was condemned, and the re-establishment of the sub-treasury recommended with modifications. This writer in the Democratic Review, who always wrote with sense, proposed that there should be a separate vault in the sub-treasury for private deposites; certificates to be sold at a small premium, in order to "accommodate the people." Hence, he drew the inference that the exchequer, in its essential features, was popular with the Democratic party.

Much had been said about political inconsistency and changes. How had the Whig party got into power, but by constant accessions from the Democratic party of men who were badly treated, or dissatisfied? The Democratic party were coming into power; but it was not the power they wanted. They would have a majority in the next Congress; but they would die on congressional power, unless they could get some executive power. [Laughter.] How could they get power, unless from changes? They would not reject an old farmer who had come up to vote for them, and acknowledged that he had always been in error before. Everything intended to operate on public sentiment was to produce change.. What else but political changes had produced the revolution of 26,000 votes in Ohio, 14,000 in Maine, and so on in other States? It was, then, idle to talk about political instability and inconsistency, when public sentiment so much depended on the wisdom and prudence of those in power.

He did not go for merging with the Democratic party. He, however, claimed to be a Republican Democrat, and always would be. The ticket which he voted had Harrison and Tyler on it, and headed "Democratic Whig" ticket. [Laughter.] But many of those who supported that ticket knew not, until it got in power, whether it was Democratic or not.

When the next election came, though he did not expect to get a Jeffersonian Democrat fully after his own heart, yet he would take the best he could get. [Laughter.] It would not be in his power to go out and cull flowers of his own choosing. If he understood the wishes of the present Administration, it was desirous and anxious to go out of power with a good name. In a few years, most of the speeches now made here would be forgotten, and with them would have passed away the excitement and asperities of the scenes now passing around them. Then, the country would look to the *records* for the *acts* of the present Administration; and he believed that it would be imperishably recorded as having honorably settled every question with which it was charged when it came into power "without a party." Its very success would arise from the circumstance of its having no party. Did any one believe that the treaty with England could have passed the Senate, had the President been possessed of the support of a party in that body? Had the Democracy been in a majority, and a Whig President, they would have said, "this treaty will favor our opponents; let us reject it." So, also, if the case were reversed. But John Tyler held the executive power; and, having no party in the Senate, the result was 39 to 9. He (Mr. P.) thanked God that such a state of facts existed as a President without a party. Upon this he predicated his prophecy that the Oregon question would be settled by this Administration; the Mexican claims settled; and many other public questions, which had long agitated the public mind, brought to a close. All he asked was, that gentlemen would not forestall questions of public policy. Keep still, and, his word for it, the Administration would come out in triumph.

He concluded by declaring it as his conviction that it was the duty of all those who were in favor of the repeal of the bankrupt law, to come up and so vote, instead of giving to the country the idea that Congress could not pass a single measure of importance without incessant cavil.

Mr. GORDON next obtained the floor, but yielded it to a motion for an adjournment.

The House then adjourned, at a quarter past 3 o'clock.

IN SENATE.

THURSDAY, January 5, 1843.

Mr. WRIGHT presented a memorial from William De Puyster, now of the State of New York, but lately of the Territory of Florida, praying compensation for a certain slave taken into the service of the United States by the commanding officer in Florida, and sent to Arkansas with the emigrating Seminoles: referred to the Committee on Military Affairs.

Mr. BUCHANAN presented a memorial from the Philadelphia Board of Trade, signed by the president and secretary, in favor of the warehousing system; which, on motion of Mr. B., was, in connexion with three memorials upon the same subject heretofore presented by him. and laid on the table, referred to the Committee on Commerce.

Mr. TALLMADGE presented three memorials from New York, remonstrating against the repeal of the bankrupt act; which were referred to the Judiciary Committee.

OBSTRUCTIONS IN THE MISSISSIPPI RIVER.

Mr. McROBERTS presented a memorial from citizens of Illinois, numerously signed, asking Congress to adopt an efficient system, and to appropriate means, to remove the snags and other obstructions to the navigation of the Mississippi river.

Mr. McR. remarked that the memorial contained some specific information in regard to the losses of boats and property, at places called the "Graveyard" and "Goose island," in the Mississippi river, and both of which places were within the limits of Illinois—losses which had occurred within a few months past, and which, from their magnitude, presented a subject for the gravest consideration. The losses at those places and others on the river include the following list of boats:

1. The Mentor, sunk at Goose island—boat and cargo a total loss.
2. The New Orleans, sunk at Goose island—boat and cargo a total loss.
3. The Pre-emption, sunk at Goose island—the boat a total loss, and most of the cargo.
4. The Robert T. Lytle, sunk at Goose island—the boat since raised; the cargo lost.
5. The Eliza, sunk at Goose island—boat and cargo, and thirty lives lost.
6. The Fort Pitt, sunk near Goose island—boat a total loss, and part of the cargo.
7. The Louisville, (which was used as a lighter to the Eclipse,) lost near the mouth of the Ohio—boat total loss, and part of the cargo.
8. The Osage Valley, sunk at same place as the Louisville—boat a total loss, and part of the cargo.
9. The John Perry, sunk at island 14, below the mouth of the Ohio—boat and cargo total loss, with the exception of the machinery.
10. The Louisa, sunk between St. Louis and the mouth of the Ohio—whether she would be a total loss, is not stated.
11. The North Alabama, snagged and sunk near Natchez, said to have been loaded with cotton—a total loss.
12. The Glaucus, sunk above St. Louis, on her way to Galena—boat and cargo a total loss.

13, 14, and 15. The Winchester, the Fair Play, and the Lawrence, lost in the Ohio, above its confluence with the Mississippi.

16 The iron steamer Valley Forge, snagged and sunk at the "Graveyard" or Goose island.

In addition to this list are to be added the Transit, Queen of the West, Vicksburg, General Pratt, Neptune, Lebanon, and Corvette; besides others, the names of which are not stated in this memorial.

In a memorial from citizens of St. Louis, it is stated that, in less than five weeks during the last fall, boats and property were lost between St. Louis and Cairo, amounting to two hundred and thirty-four thousand dollars.

The losses, since the period referred to, and those at other places on the Mississippi, Ohio, and Red rivers, would, in all probability, swell the sum to half a million—and this in a period of less than six months. The magnitude of the losses has become alarming, and has seriously affected the value of steamboat property.

Mr. McR. said that, according to a statement recently published, it appeared that there were about one hundred steamboats regularly employed in the trade of the Mississippi as high up as St. Louis and Alton; and that, of this number, twenty-three were lost in 1841, and nearly as many have been lost in the same trade the present year. He said the appropriations made at the last session had enabled the department to put some of the snag-boats in repair, and to commence operations; but that much more means were required, and the establishment of an efficient system to afford protection to the commerce upon our great Western rivers.

He believed that, in the adoption of the system, and in the execution of the work, *the experienced captains of steamboats* were the men who would best accomplish it. The practical knowledge which they possess of the river, and which they have acquired by years of experience, and their intrepidity of character, render them better qualified than any other class of men. He would prefer to see them employed; but, be that as it may, he hoped an ample appropriation would be made; and that, at all practicable seasons of the year, the work would be vigorously prosecuted.

The petition was, on his motion, referred to the Committee on Commerce.

Mr. EVANS, from the Committee on Finance, to which had been referred the bill from the House entitled "An act for the relief of the owners, officers, and crew of the armed brig Warrior, and their legal representatives," made a report recommending that the bill do not pass; which report was ordered to be printed.

Mr. SMITH of Ia., from the Committee on Public Lands, reported back, without amendment, and with a recommendation that it do pass, the House bill for the relief of Elisha Moreland, William M. Kennedy, Robert J. Kennedy, and Mason E. Lewis.

Also, from the same committee, to which had been referred the petition of the citizens of Scott county, Arkansas, praying a donation of land for the county seat of said county, reported that the object of the petition was provided for in the general law, and asked that the committee be discharged; which was done.

Also, reported back from the same committee, with an amendment, the bill to authorize the Legislatures of Illinois, Arkansas, Louisiana, and Tennessee to sell the school lands heretofore appropriated for the use of schools in those States.

Also, reported back, without amendment, the bill to authorize the sale of school lands in the State of Illinois, and to legalize such sales as have been made prior to the passage of this act, and recommending that it be indefinitely postponed; the bill immediately preceding having been so amended by the committee as to embrace the objects of this bill.

Mr. GRAHAM, from the Committee on Claims, reported back without amendment, and with a recommendation that they do pass, the following bills from the House, viz:

The bill for the relief of Peter Lionberger.

The bill for the relief of John R. Delany.

The bill for the relief of the legal representatives of Captain Samuel Shannon, deceased.

The bill for the relief of Cornelius Wilson and James Carter; and

The bill for the relief of James M. Morgan.

Mr. PHELPS, from the Committee on Revolutionary Claims, reported adversely on the claim of George Burke, for bounty land for revolutionary services; which was ordered to be printed.

The following resolution, heretofore submitted by Mr. BUCHANAN, was taken up and adopted, viz:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate any report which may have been made to him, or to the Solicitor of the Treasury, by the United States attorney for the eastern district of Pennsylvania, in relation to the cloth cases, recently tried in that district, involving forfeitures consequent upon the violation of the revenue laws.

The following resolution, heretofore submitted by Mr. SMITH of Indiana, was taken up and adopted, viz:

Resolved, That the Secretary of the Treasury be directed to report to the Senate, in as concise a form as may be practicable:

1. The amount of the public debt at the close of the war of the Revolution, and the amount paid by the Federal Government for the individual States, for the expenditures incurred in that war.
2. The amount of the public debt at the close of the late war with Great Britain; and the amount of the public debt at the close of each Administration of the Federal Government.
3. The amount remaining in the treasury at the close of each Administration.
4. The gross amount of the receipts of each Administration—distinguishing between the receipts from imports, public lands, and other sources.
5. The gross amount of the expenditures of each Administration—distinguishing between the amount paid in discharge of the public debt, and for other purposes.
6. The amount deposited with the States, severally.
7. The gross amount of continental paper money issued by

the Federal Government, and the amount of the same redeemed by the Government.

8. The present public debt of the United States, in gross.

9. The present public debt of Great Britain, in gross.]

10 The gross amount of exports and of imports of the United States, during each Administration of the Federal Government.

11. What nations have funded their public debt, or the debts of their citizens, under the original par value thereof, or at a diminished rate of interest, and the terms of such funding.

Mr. BENTON submitted the following resolution:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate a report of the exports and imports of gold and silver coin and bullion, annually, from the 30th June, 1834, to the end of the last year.

Mr. WOODBURY suggested to the mover of the resolution the propriety of so modifying it as to distinguish between the exports and imports of foreign and domestic coin. The resolution only calls for the exports and imports of gold and silver coin, without regard to whether foreign or domestic. The Senate might not be aware of it, but there was at least $2,000,000 of domestic coin exported annually.

Mr. BENTON, in accordance with the suggestion, modified his resolution by adding, at the end thereof, the words "distinguishing between foreign and domestic coin." It was then adopted.

CAROLINE AFFAIR.

The resolution introduced by Mr. RIVES on yesterday, calling upon the President of the United States to communicate to the Senate, (if not incompatible with the public interest,) all the correspondence between the American Minister at London and others, in relation to the destruction of the Caroline, was taken up for consideration.

Mr. RIVES said it was proper, perhaps, to say a single word as to the particular object he had in view in presenting the resolution. It was in the recollection of the Senate, that a great deal of correspondence, touching this subject, of a very important character, was before this body, in secret session. In several of the published speeches on this treaty, partial extracts had been made from that correspondence. As a matter of justice to all concerned, it was due that the whole correspondence should be communicated, and that they should not be judged by partial extracts therefrom. In all candor and fairness towards those concerned, it was due that it should be published entire; and he saw no reason why the whole should not be communicated to the Senate, for that purpose.

The resolution was then adopted.

The following resolution, introduced by Mr. BARROW, on yesterday, was taken up, and agreed to, viz:

Resolved, That the Secretary of the Navy be directed to communicate to the Senate the evidence in his possession showing that depredations of a most ruinous kind are being daily committed on the navy timber growing on the public lands; and that our own people are daily selling to our Government live-oak timber, which they take from the public lands; and also such proof as may be in his possession tending to show that any foreign Government has, by contracts with any of our citizens, obtained supplies of live oak, cut from the public land; and, also, inform the Senate what additional grants of power and means to the officers of Government are, in his opinion, necessary to complete the preservation, for national uses, of the live-oak timber growing on the public lands in the State of Louisiana and the Territory of Florida.

House bill entitled "An act to amend the act establishing a district court at Wheeling, Va.," was read twice, and referred to the Judiciary Committee.

The bill declaring the assent of Congress to the State of Illinois to impose a tax on all lands sold in that State from and after the time of such sale, was read the second time.

THE BRITISH TREATY AND THE [RED LINES.

Mr. WALKER rose and observed that, before the morning hour passed away, he desired to make a brief statement in relation to a matter which he understood the attention of the Senate was called to yesterday; and, during the discussion of which, he had been appealed to by the Senator from Virginia, [Mr. RIVES,] as to a conversation which he had had with him on his arrival at the beginning of the present session. He alluded to the subject of the maps brought forward last session, in secret session, while the treaty with Great Britain was under discussion; one of which maps was referred to by the Senator from Virginia, [Mr. RIVES,] and the other by the Senator from Missouri, [Mr. BENTON.] He understood that the Senator from Virginia, yesterday, in connexion with the remarks which he had made, referred to him (Mr. WALKER) as entertaining, on one point of the controversy between him and the Senator from Missouri, concurrent recollections and impressions of what occurred at the time of the discussion in secret session particularly referred to by the latter Senator. That point was in relation to the object and purpose for which the Senator from Missouri introduced the old French map of 1784, from Mr. Jefferson's collection in the library of Congress. The Senator from Virginia, he understood, referred to a conversation with him lately in confirmation of this. The conversation alluded to, he recollected, occurred the day after he took his seat in the Senate. His friend from Virginia asked him if he had seen the printed speech of the Senator from Missouri, on the subject of the treaty. He replied that he had not. He then asked if he (Mr. W.) had, at the time of the discussion, understood the Senator from Missouri as introducing the old French map of 1784, from Mr. Jefferson's collection in the library, with a view of rebutting the map referred to by Mr. Sparks, on the supposition of its being Dr. Franklin's map, which indicated by a red line the northeastern boundary of the United States. He (Mr. W.) replied that he did understand the Senator from Missouri as introducing the old French map, with the view of rebutting the statement of Mr. Sparks, that the line marked on the map found by him in the archives of the foreign department in France, was made by Dr. Franklin.

The Senator from Virginia also asked him (Mr. W.) if he recollected whether, at the time of the discussion on that point, his impression was that the Senator from Missouri had or had not succeeded in effecting the object and purpose for which he produced the old French map; and, as well as he (Mr. W.) recollected, he replied that it was his impression that the old French map proved nothing: that, standing by itself, if it proved anything at all, it would be rather more unfavorable to the claim of the United States than anything else. He (Mr. W.) reiterated to the Senator what he had during the discussion in secret sesion repeatedly asserted—that the map referred to by Mr. Sparks never did belong to Dr. Franklin, and most probably never had been seen by him. Now, as regards the object or purpose with which the Senator from Missouri introduced the old French map, all he could do was merely to give his opinion, and to state the impressions left on his mind by what occurred at the time. And, first, with regard to the dispute as to the time the Senator introduced the map, he should say that it was his opinion, that when the subject of Mr. Spark's communication was mentioned by the Senator from Virginia, the Senator from Missouri produced this map, to rebut the statement of Mr. Sparks, and most especially the presumption that the red line alluded to by Mr. Sparks was made by Dr. Franklin. The Senator from Missouri pointed to the red line on the French map, to show that the same line was marked on other maps besides that alluded to by Mr. Sparks. That line, in fact, was on all the old French maps, and indicated merely the boundary of Canada claimed by the French when it was in their possession.

Mr. BENTON. I not only produced it for that purpose, but to show that the great secret was no secret at all; and I proclaimed the "broad, strong red line" aloud from my seat.

Mr. WALKER resumed. He thought that the Senator not only proclaimed it aloud, but, in an emphatic manner, used the expression "here is the bloody red mark." He (Mr. W.) did not think the old French map of 1784 sustained the presumption that the red mark on the map found by Mr. Sparks was either made by Dr. Franklin, or intended to indicate the boundary line between the United States and the British territory.

There were reasons, probably well known to the Senate, why he (Mr. W.) should have his attention arrested by any mention of the name of Dr. Franklin. When, therefore, the Senator from Virginia, during the discussion in secret session, had introduced the subject of Mr. Sparks's communication, the moment the name of that distinguished patriot was mentioned, his (Mr. W.'s) attention was aroused. As soon as an opportunity was afforded, he rose and stated that it was not his purpose to make a speech; but that he had risen with a view of entering his protest against the inference that the map found by Mr. Sparks was, the one referred to in Dr. Franklin's note quoted by him. He then took the ground that it could not be the marked boundary made by Dr. Franklin; and sustained this position by reference to the treaty which Dr. Franklin had drawn up himself but a few days previous. He even pointed out to the Senator from Virginia the impossibility of reconciling that red line with the description of the boundary line given in the treaty drawn up by Dr. Franklin, and which he must have referred to in the note quoted by Mr. Sparks. The red line on the map did not run one inch to the north, and therefore could not answer to the description of the boundary line given by Dr. Franklin. His friend from Virginia [Mr. RIVES] seemed particularly struck with this view of the matter. He rose in his place, and doubted that such could be the case; but he (Mr. W.) showed him that it was, and immediately demonstrated to him that the red line did not run one solitary inch to the north, but took its course due east. Now, it was very well known that Dr. Franklin's great anxiety was to extend the boundary line of the United States as far north as it was possible to extend it. How, then, could it be reconciled to this well-established fact, that, instead of keeping up to the words of the treaty, he should so far sacrifice the rights of the United States as to draw a line on the map which did not run north at all, but ran due east? It was not reconcilable with his solicitude for the northern extension of his native State, and his anxiety to procure all he could for his country, that he should mark out such a boundary as that supposed by Mr. Sparks to be his. On comparing the wording of the treaty drawn up by Dr. Franklin, with the act of Parliament of 1774 designating the boundary line of Canada, it would be found that he must have had of that act of Parliament before him, and that he literally copied from it the description of the boundary line, agreeing in every particular except the last word.

Here Mr. W. quoted both the act and the treaty, and commented on the subject of the true boundary line intended, for some time.

He insisted that the French maps in use at the time all followed the boundaries fixed by maps made 40 years before that date, when Canada belonged to the French, and when France maintained her right to the territory north of that red line. It was a mark merely indicating on a French map the French claim of boundary. In renewing those maps, no regard was paid to errors committed in the old maps. It was not at all probable that Dr. Franklin would take one of those old erroneous French maps upon which to draw the line of boundary intended by him in the wording of the treaty. It was more consistent with all the circumstances of the occasion that he should take the best English map of the day, and mark it with the line referred to in his note quoted by Mr. Sparks. There was not one particle of evidence to be adduced from the circumstance that the map found by Mr. Sparks in Paris had a broad, strong red line, indicating some boundary of Canada, was the map marked by Dr. Franklin; because every French map of the day had the same red line on it. Nothing could be more common than it was for maps to have such red lines. They proved nothing in such a case as this.

Mr. W., after a few more remarks, concluded, reiterating his impressions as to the object and purpose with which the Senator from Missouri introduced the old French map from Mr. Jefferson's collection.

Mr. TAPPAN said he recollected perfectly well the circumstances referred to; and he could say that what had been stated by the Senator from Mississippi, regarding the purpose of the Senator from Missouri in producing the map, conformed exactly with the recollection he had of what occurred.

Mr. RIVES said he certainly did not feel it to be at all necessary to follow the Senator from Mississippi in his very extraordinary reargument. The only thing they had anything to do with was the question, For what purpose was the map produced by the Senator from Missouri? It would be recollected that this was the gist of the whole matter. And, until he heard the remarks of the Senator from Ohio, [Mr. TAPPAN,] he had supposed that the whole Senate agreed with him in the opinion that it was for the purpose of contradicting and invalidating the map already in the possession of the Senate. It appeared, however, according to the statement now made by the Senator from Missouri, that it had been produced by him, not for the purpose of contradicting and invalidating the other, but for the purpose of showing that the map was no secret; that it had been produced long before; that there had been no new discovery. What was it the Senator from Mississippi said was his impression as to the object of the Senator from Missouri in producing the map? Did he not say, as was said by him, (Mr. RIVES,) yesterday, that its production was not to prove there was no secret in the matter, but to invalidate and rebut the authority of the one produced as the map of Doctor Franklin. He (Mr. RIVES) was far from saying that he might not have been led into error, as well as other members of that body; but he certainly thought he might claim, at the hands of the Senate, the acknowledgment, in his justification, that, if he had been led into error, it was an error common to almost the whole of the body.

The complaint of the Senator from Missouri seemed to be, that he (Mr. RIVES) had stated the production of the map by the Senator to have been for the purpose of invalidating, falsifying, and contradicting the other. This was the whole question. And, though he (Mr. R.) would, when the honorable Senator from Missouri assured them that such was not his object, be very unwilling to assert the contrary; yet he felt it due to himself, and to the Senate, to say that such was his impression, and, he believed, the impression of a large majority of the Senate.

The Senator from Missouri now said that his object was not to falsify and invalidate the map of Dr. Franklin. But what did the Senator from Mississippi say? He said the object of the Senator from Missouri, according to his impression, was to rebut and falsify the map of Dr. Franklin.

He (Mr. R.) felt it was due to himself to enter a little into these circumstances, to show how natural it was for him and other Senators to entertain the impression which he did. Why should so much stress have been laid on the map coming from Mr. Jefferson's collection? Why the remark of the Senator, underrating the red line—that any little school miss might have traced it? Why the insinuation that the microscopic-dotted line was the true boundary, and not the broad red one? Surely he could not have mistaken the object of the honorable Senator. He had been assured by several Senators that they had a distinct recollection of the circumstances, and that they agreed with him in the opinion he had expressed; and when, therefore, he found himself arraigned upon that floor for making a statement not justified by the occurrence, he felt he had a right to stand upon his justification, and to say, that if there had been a mistake, it was not his fault, but was owing, perhaps, to the precipitate manner in which the whole matter had gone on. All he had to say was, if there had been a misapprehension, it was a misapprehension that was natural, under the circumstances. The Senator from Missouri was generally very distinct in stating his views and opinions upon any subject; and he (Mr. R.) was the more confirmed in the opinion that he could not have been mistaken on this occasion, from the circumstance that several Senators had collected about him to examine the two maps; and they had all pronounced that, instead of the one being a contradiction of the other, it was precisely the contrary.

Mr. BENTON observed that he was not to be dragged away from the question of fact by any issue as to opinions or inferences. He would adhere to the simple question of fact. Yesterday he had confined himself to the statement made by the Senator in his printed speech. He would do so now. He should not be driven from that by any diversion of the question to opinions. He would again read the Senator's own words. They were in his printed speech:

"The Senator who produced it [the map] could see nothing but the microscopic dotted line running off in a northeasterly direction; but the moment other eyes were applied to it, there was found, in bold relief, a strong red line, indicating the limits of the United States according to the treaty of peace, and coinciding, minutely and exactly, with the boundary traced on the map of Mr. Sparks."

Now the point he made yesterday, and to which he would confine himself to-day, was, that the fact was not as stated in the passage just read. He asserted that the fact was not so, in the presence of forty-eight Senators. In the presence of these forty-eight Senators, his statement was, that the facts were not as represented in those words: that he *could* see something else besides the "microscopic dotted line;" that he did see something else—that he saw the broad "strong red line" before any other Senator saw it on that occasion, and that it did *not* require "other eyes" to be "applied" to the map to discover that broad "strong red line," to have it made known to the Senate that it was in existence. What he asserted was, that there was no necessity for "other eyes" to make that discovery; for the moment the subject of Mr. Sparks's secret was divulged, he (Mr. BENTON) proclaimed aloud that "here was the very same red line." Here, then, was the question of fact. It lay between the assertion of the printed speech he had quoted, and his own assertion now and yesterday in the face of the whole Senate; and that assertion was, that he did see something else besides the microscopic dotted line—that, instead of anything like concealing or not knowing of the broad "strong red line," he proclaimed it aloud; and that his proclamation of it was the first announcement to the Senate of the line on this map corresponding with the line alluded to by Mr. Sparks. The first intimation to the Senate of the existence of that line on this map was made by him to the Senate—and that loudly, so that every one could hear it. The first intimation did not come from any other person. He had stated this yesterday. The Senator from Virginia did not then reply to this assertion. He took twenty-four hours to consider the matter, and now he came forward with opinions and inferences to answer facts. His (Mr. B.'s) assertions were of facts, and nothing but facts. He was met with nothing but assertions of opinion and inferences.

Mr. RIVES said the controversy between him and the Senator from Missouri was, as the Senator stated, as to a question of fact; and he did not mean, any more than the Senator, that the attention of the Senate should be diverted from what was the true and material question of fact between them, by any special pleading. That question was—for what purpose did the Senator from Missouri produce the map from Mr. Jefferson's collection, in executive session? He says it was to prove that Mr. Sparks's map was *no secret*, by producing a map from Mr. Jefferson's collection corresponding with it. On the contrary, I asserted, as I believed, that the Senator produced the map from Mr. Jefferson's collection to contradict and falsify Mr. Sparks's map, by exhibiting one of superior authenticity, which he supposed to conflict with it; but which, when examined, turned out to sustain it by a most remarkable coincidence. Having always supposed that this was the real object of the Senator from Missouri, in the production of the map from Mr. Jefferson's collection, in which he had signally failed in the view of the whole Senate at the time, I felt and expressed great surprise, as mentioned by the Senator from Mississippi, [Mr. WALKER,] that, in the printed speech of the Senator from Missouri, a different turn had been given to the affair; and if there seemed as if the sole object of the Senator, in producing the map from Mr. Jefferson's collection, was to show that Mr. Sparks's map was no secret, and that one exactly like it had long existed in the public Library of Congress! Now, sir, this was all new to me, and I supposed it to be so to the Senate. This, then, is the only material point at issue. The Senator from Missouri, however, chooses to take out a solitary sentence from my speech, separating it entirely from the context, and insists upon reading, in a literal sense, a figurative expression relative to a subordinate and immaterial circumstance. I will recite the whole paragraph, as it stands in the speech, to the Senate:

"A map has been vauntingly paraded here, from Mr. Jefferson's collection, in the zeal of opposition, (without taking time to see what it was,) to confront and invalidate the map found by Mr. Sparks in the Foreign Office at Paris; but, the moment it is examined, it is found to sustain, by the most precise and remarkable correspondence in every feature, the map communicated by Mr. Sparks. The Senator who produced it, could see nothing but the microscopic dotted line running off in a northeasterly direction; but the moment other eyes were applied to it, there was found, in bold relief, a strong red line, indicating the limits of the United States according to the treaty of peace, and coinciding, minutely and exactly, with the boundary traced on the map of Mr. Sparks. That this red line, and not the hardly visible dotted line, was intended to represent the limits of the United States according to the treaty of peace, is conclusively shown by the circumstance, that the red line is drawn on the map all around the exterior boundary of the United States;—through the middle of the Northern Lakes, thence through the Long Lake and the Rainy Lake to the Lake of the Woods; and from the western extremity of the Lake of the Woods to the river Mississippi; and along that river to the point where the boundary of the United States, according to the treaty of peace, leaves it; and thence, by its easterly course, to the mouth of the St. Mary's, on the Atlantic."

Now, sir, what is the plain *gist* and substance of this paragraph? Why, that the Senator had, in the zeal of opposition at the moment, produced the map from Mr. Jefferson's collection, to "confront and invalidate" Mr. Sparks's map, which, however, upon examination, sustained it by a most remarkable and striking coincidence: that the Senator disregarded the strong red line, and fixed upon a microscopic dotted line, running off in a northeasterly direction, as intended to represent the true boundary; but that, in fact, the *red line*, and not the microscopic dotted line, was intended by the constructor of the map to represent the limits of the United States, according to the treaty of peace; and this I proceeded to show, by the face of the map itself. The Senator contends that he did see the red line, and announced it to the Senate while I was upon the floor in the midst of my speech. Now, I have only to say, that, if he did so, I did not hear it; and it is not remarkable, under the circumstances, that I did not. But, sir, did not the Senator do all he could to discredit, to hold for naught—in effect to obliterate, to expunge the red line as the boundary intended by the constructor of the map? Why did the Senator speak of it as a colored demarcation, which any school miss might have made? Did not the Senator from Missouri earnestly insist that the "microscopic dotted line," and *not* the red line, was intended to represent the true boundary? And upon this point, I would appeal distinctly to the recollection of the Senator from Mississippi. [Mr. WALKER, from his seat, said he did.]

In regard to the material fact of the purpose for which the Senator from Missouri produced the map from Mr. Jefferson's collection, I understand the Senator from Mississippi [Mr. WALKER] to have already stated the concurrence of his recollection with my own, to wit: that the map was produced to rebut and falsify Mr. Sparks's map, and not to prove that Mr. Sparks's map was *no secret*. The Senator from South Carolina, [Mr. CALHOUN,] who took a distinguished part in the proceedings on the treaty, and who, in his printed speech, has referred to the same subject, yesterday stated to the Senate that his recollection and impression of the occurrence, in regard to every material fact, concur entirely with the representation I have given of it. So far as has yet appeared, the Senator from Ohio [Mr. TAPPAN] is the only member of the Senate whose impression of the transaction seems to concur throughout with the version the Senator from Missouri has given to it. There are obvious reasons why Senators should not find it very agreeable to make themselves volunteer parties to a controversy of this sort. I can only say, that I have not conversed with a single one of them (and I have conversed with many, since the discussion of yesterday) who does not bear out my recollection as to every material fact of the case, going to demonstrate the object with which the Senator from Missouri produced the map from

Mr. Jefferson's collection, in secret session, and his signal failure in that object, which made too strong a sensation in the Senate chamber at the time, to be readily forgotten by any who were witnesses of the scene. The Senate, in whose presence this transaction passed, are the only competent *triers* of the *fact;* and to their conscious knowledge and recollection of what occurred, I leave, with unshaken confidence, the justification, in every material particular, of the representation I have given.

Mr. BENTON. I will bring this matter to a point. I will not make a speech about opinions. I want the facts only. The Senate will recollect that, at the time of the occurrence about these maps, I had not spoken on the subject of the treaty. It was the next day that I made my argument. So that, so far from its being part of that argument, the argument itself was not made till the day after the occurrence. When the Senator from Virginia had gone through his exposition, and produced what he called our attention to as a grand secret of state, the moment I heard what it was, I proclaimed the red lines on this map. I said aloud, "Here are your red lines—it is no secret at all." Yes, sir, I proclaimed it from my seat—"Here are your red lines." And so identical were they in both maps, that I could not but think, for some time, they were the same. I did produce the map to rebut Mr. Sparks. First, to show that his grand state secret was no secret at all; and, next, to show that there was no evidence in it that Doctor Franklin drew the red line which Sparks relied upon as his. Any schoolboy or girl might make it was well as Dr. Franklin. I did produce the map to destroy the inferences drawn by Mr. Sparks; to show that his secret was no secret; and that there was not a particle of evidence in it that Dr. Franklin ever knew anything about it. I do not complain of gentlemen entertaining opinions or drawing inferences; but I do complain of statements being made as facts, which are the reverse of facts; and to keep to this point I shall read again the words in the printed speech of the Senator from Virginia. They are:

"The Senator who produced it [the map] *could see nothing but the microscopic dotted line* running off in a northeasterly direction; *but the moment other eyes* were applied to it, there was found, in bold relief, a strong red line indicating the limits of the United States, according to the treaty of peace, and coinciding minutely and exactly with the boundary traced on the map of Mr. Sparks."

Here is the point of which I do complain—that *I could not*, or would not, see the "strong red line;" but *could*, and did, see the microscopic dotted line, which I pressed upon the Senate as the true boundary, concealing the "strong red line." I complain of the assertion for fact, that not until "other eyes" were applied to the map, was it discovered that a "strong red line" was on it, corroborating the line on Sparks's map. Now, on this question of fact, I appealed yesterday to forty-eight Senators, who were present on the occasion, that I was the first to proclaim from my table, "Here are your red lines." On this question of fact, I stated yesterday, in the presence of those forty-eight Senators, who must know the truth, that I took my stand; and I will not now be driven from it. I stand now, as well as then, on the question of fact, that I did not wait for "other eyes" to see this "strong red line." These are questions of fact on which I take my stand; and nothing that has yet been said can drive me from it.

Mr. RIVES said he certainly did not deem it necessary to say anything further upon the subject. The Senator from Missouri must know that they were speaking in the presence of gentlemen who were well aware of all the circumstances. His (Mr. R.'s) belief was, that his representation of the transaction was thoroughly borne out. If the Senate would not decide between them, the Senator must be left to entertain his own opinion.

Mr. BENTON. I will read the words over again. I stick to the words, sir:

"The Senator who produced it [the map] could see *nothing but* the microscopic dotted line running off in a northeasterly direction; but the moment *other eyes* were *applied* to it, there was found, in bold relief, a strong red line, indicating the limits of the United States according to the treaty of peace, and coinciding minutely and exactly with the boundary traced on the map of Mr. Sparks."

Mr. RIVES. Will the Senator be so good as to read the whole paragraph from the beginning?

Mr. BENTON. I make no complaint about that part. I complain only of the assertion in the part I have read, and that assertion I deny. Yes, sir, I deny the assertion. I deny it in the presence of forty-eight Senators, who know——

The CHAIR interposed to say that the whole of this was quite irregular.

Some indications of a desire to continue the controversy were manifested; but the Chair called the Senate to order by the usual knocking of the hammer on the table, and other business proceeded.

INDEMNITY FOR FRENCH SPOLIATIONS.

Mr. ARCHER, from the Committee on Foreign Relations, to which numerous memorials upon the subject had been referred, reported a bill to settle the claims for French spoliations committed prior to 1800; which was read, and ordered to a second reading.

OREGON BILL.

The bill to authorize the adoption of measures for the occupation and settlement of the Territory of Oregon, for extending certain portions of the laws of the United States over the same, and for other purposes, was taken up for the purpose of receiving its third reading.

Mr. CALHOUN remarked that this was a bill which involved the most important consequences; and it was of the utmost importance, therefore, that it should be examined with great care, to see whether its provisions accorded with existing treaty stipulations.

Mr. LINN remarked that the bill did not conflict with treaty stipulations.

Mr. CALHOUN further remarked, that its provisions should be examined with great care, and compared with treaty stipulations. In the negotiations which led to the conclusion of the treaty, there was correspondence of great ability, which went fully into the subject; and he, for one, was desirous to look a little more into that correspondence before giving his vote for that bill. He would, therefore, either move to lay the bill on the table, or to fix a day for its consideration, as might best suit the wishes of the Senator from Missouri, [Mr. LINN.]

Mr. LINN said he would prefer that the bill should be passed over informally. He disliked the fixing of any particular day for its consideration, because other business would be almost certain to get precedence over it.

It was finally agreed, however, that its consideration should be postponed until Monday next.

The bill for the relief of Benjamin Murphy was then read the third time, and passed.

On motion of Mr. BAYARD, the Senate then proceeded to the consideration of executive business; and, after some time spent therein,

Adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, January 5, 1843.

Mr. A. C. DODGE offered the following resolution, which was adopted:

Resolved, That the Committee on the Territories be instructed to inquire into the expediency and necessity of so amending the act approved 29th of August last, entitled "An act to provide for the settlement of certain accounts for the support of Government in the Territory of Wisconsin," &c., as to authorize the Legislatures of the respective Territories of the United States to employ a sufficient number of officers and assistants for the transaction of the public business, and to regulate their per diem compensation so that it shall not, in the aggregate, exceed the sum of three dollars per day to each, and that they report by bill or otherwise.

Mr. HOPKINS asked and obtained leave to withdraw, from the files of the House, the papers of Sally McCraw, of Grayson county, Virginia, praying to be allowed a pension; which, upon his motion, was referred to the Committee on Revolutionary Pensions.

He also offered a resolution directing the same committee to inquire into the expediency and propriety of reporting a bill for the relief of the heirs of William Howell, for his services in the war of the Revolution; which was agreed to, and the papers accompanying it were also referred.

Mr. MARCHAND presented a petition of J. M. Carpenter and 108 citizens of Pennsylvania, for the repeal of the bankrupt law.

THE APPORTIONMENT ACT.

Mr. J. CAMPBELL introduced a bill to suspend the operation of the 2d section of the act for the apportionment of Representatives in Congress, according to the sixth census.

The bill was twice read, as follows:

A BILL to suspend the operation of the second section of the act entitled "An act for the apportionment of Representatives among the several States, according to the sixth census."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the operation of the second section of the act entitled "An act for the apportionment of Representatives among the several States, according to the sixth census," approved June 25, 1842, be, and the same is hereby, suspended, so far as the same may affect the election of any person who has been, or may be, chosen to serve as a Representative in the twenty-eighth Congress.

Mr. J. CAMPBELL hoped it would now be engrossed and passed. [Cries of "No."] He moved that it be printed.

Mr. BARNARD moved to refer the bill to the Committee of Elections.

Mr. J. CAMPBELL said he should like to submit a few remarks upon the bill. [Cries of "No."]

The bill was then ordered to be printed, and referred to the Committee of Elections.

Mr. CROSS introduced a bill supplementary to an act entitled "An act to settle the title to certain tracts of land in the State of Arkansas, approved 11th August, 1842;" which was twice read, and referred to the Committee on Public Lands.

Mr. R. W. THOMPSON offered the following resolution, which was adopted:

Resolved, That the Committee on Revolutionary Claims be instructed to inquire into the expediency of allowing to the heirs of George Yates, deceased, compensation for his services as a surgeon's mate in the war of the Revolution.

Mr. HALSTED introduced a bill "to regulate the mode of taking testimony in contested elections, and for other purposes." Read twice, and referred to the Committee of the Whole on the state of the Union.

DUELLING IN THE NAVY.

Mr. STRATTON offered the following resolution, which was adopted:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of reporting a bill for the suppression of duelling in the navy.

Mr. M. A. COOPER introduced a bill to authorize the issuing of a land patent to John H. Howard; which was twice read, and referred to the Committee on Private Land Claims.

PUBLICATION OF THE ACTS OF CONGRESS.

Mr. W. W. IRWIN offered the following resolution, which was adopted:

Resolved, That the Committee on the Judiciary inquire into the expediency of repealing so much of the 21st section of the act of Congress, approved 26th August, 1842, entitled "An act making appropriation for such necessary objects as have been usually included in the general appropriation bills, without authority of law, and to fix and provide for certain incidental expenses of the departments and offices of the Government, and for other purposes," as prohibits the Secretary of State from publishing the laws of the United States in any newspaper except those published in the city of Washington; and that said committee also inquire into the expediency of providing by law for a more extensive publication of the acts and resolutions of Congress, in the English and German languages.

MAIL ROUTE IN NORTH CAROLINA.

Mr. GRAHAM moved the following resolution; which was adopted:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a mail route from Rutherfordton, by the Ready Patch Gap and Edneyville, to Hendersonville, in North Carolina.

Mr. CUSHING objected to further business of this sort.

The committees were then called on for reports.

Mr. JAMES COOPER, from the Committee on Indian Affairs, reported a bill for the relief of George C. Johnson: read twice, and referred to the Committee of the Whole House.

Mr. READ, from the Committee on Military Affairs, made sundry adverse reports.

Mr. EVERETT called for the consideration of the bill to repeal the bankrupt act, and expressed the hope that the House would come to a vote to-day.

The SPEAKER said the business of the morning

hour was first in order, and the gentleman from Mississippi [Mr. GWIN] was entitled to the floor.

GENERAL JACKSON'S FINE.

The House resumed the consideration of the resolution of the gentleman from New York [Mr. BOWNE] directing the Committee of the Whole to report the bill to refund the fine imposed on Gen. Andrew Jackson in 1815, together with an amendment thereto by the gentleman from New York, [Mr. BARNARD]

Mr. GWIN, who held the floor from yesterday, addressed the House in favor of the resolution.

Mr. G. said that the gentleman from Georgia [Mr. MERIWETHER] had declared his intention to vote for the bill to repay, with interest, the fine imposed on General Jackson at New Orleans, by Judge Hall. The gentleman also invoked action on the bill this session. He (Mr. G) was glad to hear that the gentleman from Georgia would not only vote for the bill, but urge early action upon it. He hoped the gentleman's zeal would not abate under the influence of party drill; for such certainly were not the feelings or intentions of his party associates on this floor. He (Mr. G.) was of opinion that the dominant party in this House intended to give the go-by to the bill; and, for that reason, he had urged the gentleman from New York [Mr. BOWNE] to introduce the resolution now under discussion. It was a resolution of instruction, which could, by a call of the yeas and nays, test the sense of the House whether there should be action on this subject this session or not. His reason for believing that no action would be had on the bill this session, was founded upon the manner in which the go-by was given to it at the last session of Congress. The subject had been referred to the Judiciary Committee at an early period of the session. Before action could be had upon it in committee, a member from Ohio [Mr. MEDILL] had to move instructions, by a resolution similar to the one now under consideration. The resolution was not adopted; but it brought the bill out of committee, and it was referred to the Committee of the Whole. There it was permitted to sleep for three months. At length, after every important public bill had been disposed of, he (Mr. G.) had tried, from day to day, to get this bill up in committee for consideration; but the majority pertinaciously refused to take it up. He at length, to test the sense of the House, moved to make it the special order, and called the yeas and nays. A majority of the members present voted to make it the special order; but not two-thirds, as required by the rule; and his motion was lost. But in five minutes, (the House having resolved itself into a Committee of the Whole,) he was able to catch the chairman's eye, and moved to take up the bill. The majority on yeas and nays, that had existed but a few minutes before, suddenly vanished, when the only test of their sincerity was a vote by tellers; and he failed to get it off the table. Well, sir, how stands the question now? The President has recommended to Congress to pass a bill refunding that money to General Jackson. Instead of referring that portion of the message to the Committee of the Whole, (where the bill of the last session now is,) it was, by a party vote, referred to the Judiciary Committee. What had been the action of the committee on the subject he had no means of knowing. He had inquired of a member of the committee, and learned that it was in the keeping of a member now absent from the city, and there was no telling when the committee would act upon it. Under these circumstances, the subject had been brought before the House in its present form, to ascertain whether it was the wish of a majority to consider the subject this session, or give it the go-by, as was done at the last. From the remarks of the gentleman from Georgia, [Mr. MERIWETHER,] he had some hopes that the bill would not only be acted on, but passed. He (Mr. G.) had a few words to say in reply to the gentleman from Kentucky, [Mr. UNDERWOOD.] That gentleman had referred to an anonymous publication that had appeared in a Kentucky paper, over the signature of "A Kentuckian," reviewing the declaration of martial law at New Orleans by General Jackson. The gentleman from Kentucky vouches for the correctness of this publication so far as it refers to Gen. Jackson, and says the writer is a gentleman of high standing and fine talents. The gentleman also referred to a letter, written recently by General Jackson, pronouncing many of the statements of this writer, in regard to his acts and conversations at New Orleans, false. But for the endorsement given by the gentleman from Kentucky to this anonymous writer's statements, and the eulogy he had passed upon him, he would not at this time have alluded to them, being willing to leave the author and his statements where General Jackson had placed them. As the gentleman from Kentucky had introduced the subject into the House, and as these numbers, signed "A Kentuckian," had been published in a pamphlet form, and placed on the table of every member, he (Mr. G.) thought he was justified in referring to it, and showing to the House that the writer was entirely mistaken in some of the facts he had relied on to support his attack upon General Jackson. In the first place, he had asserted that Gen. Jackson "had proclaimed martial law, and caused it to be enforced upon the members of the Legislature, by either thrusting them out, or keeping them out, of their legislative halls by an armed force." This is not true. Nothing of the kind occurred.

Again, he says: "That the order for the arrest, although made on the day of publication, was not executed until the 6th. On the 5th, Judge Hall, of the United States court, acting upon misinformation as to his being then under arrest, issued a writ of *habeas corpus* to have him brought before the court. Finding, on a renewal of the application next day, that the writ had been prematurely issued, and never acted on, the Judge, for the purpose of saving the trouble of writing a new order, and for no other conceivable motive, altered the date of the order to the 6th, and redelivered it to the officers." Here (said Mr. G) is a tissue of errors—to apply no harsher epithet to them. Louallier was arrested on the 5th of March. The petition for the writ of *habeas corpus* was made out on that day. It was granted on the same day, the Judge instructing Louallier's attorney to notify General Jackson that he had applied for the writ. The attorney accordingly wrote to the General on the same day, (the 5th,) notifying him of his application for the writ. On the same day, Judge Hall was arrested. After his arrest, General Jackson learned that the Judge had mutilated the record in the case, by altering the date of the petition for the writ made by Louallier's attorney, as well as his own order. He sent for the clerk, and asked him if this was true. The clerk answered in the affirmative, produced the papers which he had in his pocket, and showed the alterations. This was on the 5th of March; and the petition for the writ of *habeas corpus*, and the order of the Judge granting it, were altered to the 6th; thus showing that it was the intention of Judge Hall to make it appear, from the record, that he was arrested on the 5th for an act not performed until the day after. Let the motive of Judge Hall be judged of leniently or harshly, there is no doubt but he committed forgery in altering the date of the petition, even supposing he had the right to alter the date of his own order.

The writer goes on to say that an order was also issued for the arrest of Judge Lewis and Mr. Dick, the United States attorney; that Dick was arrested, but Lewis, from some unexplained cause, was not. This is, no doubt, an error also. He (Mr. G.) had had occasion to examine the documents connected with this case, with some care; and he never before heard of the arrest of Dick, or the intention to arrest Judge Lewis.

The writer further states, that "on this same 6th of March, General Jackson wrote to the British commander, notifying him that he had received information of the ratification of the treaty of peace." This is not true. General Jackson never wrote such a letter to the British commander, nor did he receive notice of the ratification of the treaty until the 13th of March. He also alludes to a publication made at the time by Judge Hall, and makes quotations from it. Such publication may have been made, but he never heard of it before. He would make no further reference to the errors in fact in this publication. His only motive for alluding to it at all, was to counteract any impression that might be made upon any member of the House from the endorsement of the gentleman from Kentucky, whose high standing in the House for integrity and honor none acknowledged more cheerfully than he (Mr. G.) did.

In conclusion, (Mr. G. said,) he was indifferent as to the disposition the House made of the resolution. The object of the friends of the bill would be accomplished, if it should be speedily brought before the House for its action.

Mr. CUSHING said he had regretted to perceive, in the course of the conversation, rather than the debate, which had taken place on this subject, the least possible indications of any tendency to refer this question to party or personal controversies. He equally regretted to perceive mere technical questions—he meant questions appertaining to legal disputes which had occurred in Louisiana at the time of these incidents—that they should in like manner be deemed material to the question which arose on this bill, or the resolution of the gentleman from New York, [Mr. BOWNE] He thought the question invoked the House to regard it under an aspect far more interesting to them, and with reference to considerations which he should hope would preclude division in that House, and lead to unanimity of opinion on the subject of the bill. He could not but recall to mind that they were then on the eve of the anniversary of that victory of New Orleans—one of the greatest events in the history of our country; and which (whatever might be the differences of opinion in regard to personal incidents in the event—whatever questions there might be in regard to the political views of him who was the hero of that day) was an event which covers the name of our country with imperishable laurels; and he would it were possible for that House and for that Congress (if that bill were to be passed, as he hoped it would) to cast aside all the lesser considerations on which he had touched, to take up the bill in Committee of the Whole, to pass it, and to make the anniversary of the victory of New Orleans a day to be sanctified, in the action of this House, by a restoration of the amount of that fine to Andrew Jackson. [Cries of "Good."] And he intended to propose to the House (if they were ready to welcome and act on such a proposition) a method by which the subject might be accomplished; for there were many of them there—it might be a majority of that House—who had had occasion to condemn certain of the administrative acts of that individual. But he had ceased to be the President of the United States—he was no longer the director of the administration of this country—he had passed from the theatre of public action here, to be an historical personage, not only in this country, but in the eyes of the world.

It seemed to him that it became them to regard that man, and to regard this measure, above all things, in relation to an historical personage and to the honor of the country as connected with that great event, and not in regard to the changeful vicissitudes that might embarrass the mind, arouse the passions, or gather around him either the reproach or applause of the transitory party passions of the hour; for there was one thing which was remarkable in that, and another incident in the recent history of our country, that signalized it to the world. Let the House cast its recollections back to the commencement of the twenty-five years' war which burst upon the world with the French Revolution. Look at the history of England during those twenty-five years; pass upon the events of the victorious career of that great power; and remember, whether in the East or in the West—in Asia, in Africa, or in Europe—that the whole career of that great power during the whole of those twenty-five years was one of almost unchecked victory and glory. On the ocean, there were the victories of Trafalgar, and Copenhagen, and the Nile, to show that wherever, in the seas of Europe, a British fleet encountered her enemy, it was to add new splendor and lustre to the cross of St. George. Follow her on land. It was not merely on the plains of India—it was not merely where Wellesley led his countrymen to victory on the field of Hindoo Assaye; but go to Europe, and they would

find that, although there might have been trifling reverses—although it might have happened (as in the occupation of the Scheldt) an English enterprise on the continent might have failed—although, as in the retreat of Corunna, it might have happened that English arms met with partial reverses,—yet even there, over the grave of the gallant Sir John Moore, it was not a defeat—it was a retreat, to be sure, of English forces from before the French; but it was a successful retreat. But in France, in India, in the Netherlands, wherever the English met the enemy in battle, it was to triumph. But to this picture of the successes of English arms, there was a class of signal exceptions. There occurred a crisis when the English arms were to encounter American arms, as well on sea as on land; when the Anglo Irish blood—for gentlemen erred in talking so much of Anglo-Saxon blood—it was the Anglo-Irish blood—the mingled stream of Celt, Roman, Saxon, and Norman blood—that changed the picture.

On the coast of the United States, on the Atlantic ocean, when the English ships encountered American ships on equal terms, the lustre of the cross of St. George "paled its ineffectual fire" before the stars and stripes of the Union. And on the land there was, he believed, but one example in the world, during that period, of an English army surrendering to another—of the English army, with its banners and forces, surrendering itself to a foreign foe—and that was, in the battle of the Thames, under the command of the sainted William Henry Harrison. There was another though—not of the surrender of forces as prisoners of war to the enemy; yet a gallant British army, one of the best appointed that ever sailed from Europe for America—the conquerors of Salamanca and Vittoria—met in the lines at New Orleans the militia of Louisiana, and the riflemen of Tennessee and Kentucky; and were crushed, and conquered, and slaughtered, in the face of an American army.

Those were great events in the history of our own country and of the world; that was a splendid era on the pages of our history; and on the approach of the anniversary of the victory of New Orleans, he hoped this House would pay a tribute of respect to the day and to the events; and not merely to the man who commanded, but to the men who fought and conquered on that day, and whose power, and gallantry, and courage were but concentrated and embodied in him who led them on that day to victory. It was with these views, regardless of all the other elements of strife and the technical objections, that he desired this bill to be taken up, in order that, if the Senate concurred, the bill might be passed in anticipation of the 8th of January.

Mr. C. H. WILLIAMS obtained permission to make a single remark, the purport of which did not reach the reporter's desk.

Mr. CUSHING then moved to amend the resolution of the gentleman from New York, [Mr. BOWNE,] by striking out all after the word 'resolved,' and inserting a substitute which he had provided, to terminate all debate in Committee of the Whole House on the state of the Union on bill No. 503, entitled "A bill for the relief of General Andrew Jackson," at 2 o'clock to-morrow, when the committee should act on all the amendments that might be proposed and pending. And, further, he moved the previous question, as there was but little time to be spared ere the termination of the present session.

Mr. ARNOLD hoped the gentleman from Massachusetts would not press this resolution under a gag law.

Mr. CUSHING said if this resolution should prevail, he should move, to-morrow, to go into Committee of the Whole on that bill.

Some conversation ensued, in which Mr. PENDLETON, Mr. CUSHING, Mr. BOTTS, and the SPEAKER took part.

Mr. ADAMS said he hoped, whatever motion his colleague might make in relation to this resolution, he would not accompany it with a motion for the previous question.

The SPEAKER said the gentleman [Mr. CUSHING] could not accompany his amendment with such a motion.

Mr. CUSHING had so understood the Speaker, and had changed his motion accordingly.

Mr. ADAMS said he did not before know that his colleague had fallen in love with "the gag;" nor did he [Mr. ADAMS] feel inclined to have "the gag" on this subject.

He then proceeded to comment on remarks which had been made in relation to this bill not being a party measure, and pointed to the debates and the proceedings in the Senate of the United States, and in State Legislatures, to show that the opposite of that assertion was the truth; particularly referring to the prime mover on this subject in the Legislature of New York, (Maj. Davezac,) who was neither Anglo-Saxon, Anglo-Irish, nor Anglo-Scotch; but a protégé of General Jackson of French origin, who introduced it as a Democratic measure, and as one of the first fruits of the Democratic triumph in the State of New York. He hoped this measure would not be allowed to pass in this House without a thorough discussion, even if it did transcend "the glorious 8th of January," which this year, (his colleague had forgotten to notice) was a day devoted to the worship and service of God; and, therefore, it was one on which this House would not be in session. But God forbid that he should say a word in disparagement of that day, or of the person to be honored and profited by this donation. If, however, a proposition was brought before this House to make a present to Andrew Jackson of $1000, as proposed by the bill which had been reported to that House, with interest on it from the month of March, 1815, there was but one consideration that would induce him to vote against it—and that was, he should not like to set the example of pensioning an ex-President of the United States, for that was the principle on which this bill was to be passed, if passed at all. The real object was to make a present to General Jackson in his latter days. He did not know what his circumstances were, [A voice: "Rich enough;"] but if they were such as to require it, (though he would not grant it as a pension or a gratuity for that service,) he would do what had been done before—he would make up a subscription among the members of Congress to make a present to the old man in his last days. It had been done before, and there was no disgrace in it; and if it were now done, that a donation might be made to General Andrew Jackson, he, for one, would take his share of it.

But he could not consent to employ the public money, in order to testify the approbation of the people of this country of those acts for which the sum of $1,000 was levied on him by the regular officers of the law, which he had violated in its tenderest parts. His colleague had changed entirely the issue upon the question in this bill. It was not to refund the fine imposed on the General for his imprisonment of a judge—for his causing a citizen of the United States to be jeoparded in his liberty and life, and for other acts subversive of law and justice; but for glorifying the battle of New Orleans. The gentleman from Mississippi [Mr. GWIN] had stated a number of facts in the pamphlet lately published on this subject, which were contradicted by General Jackson. If a bill were to pass, giving General Jackson money upon disputed facts, these facts should be previously cleared up. But he was speaking of the extraordinary circumstances under which this bill could be brought forward. A bill on the same subject was acted on in the Senate at the last session, and, after being amended so as to comprehend clearly the facts of the case, it was rejected by General Jackson's friends, because it did not contain a condemnation of the judge who imposed the fine; and, if he was not mistaken, he had seen a letter from General Jackson himself, in which he says that he would not have received a dollar unless the character of the judge was blasted. Such was the history of that proceeding at the last session of Congress. The bill was actually passed, or would have been passed; but was rejected by the General's friends coinciding with him, insisting that not only his character should be justified, but the character of the judge blasted. It was a very grave and serious question with him, whether the character of the judge should be censured and condemned by the Representatives of the people of this nation, for the purpose of making a donation to General Jackson. Perhaps he might express himself more strongly by saying that the bill ought not to pass; that if we are to give this donation to General Jackson, it was not by casting reproach upon a just and honorable judge, that we should do justice and vindicate the honor and glory of the country. Again: what were the grounds on which his colleague was pressing this bill? Why, the great and glorious victory of New Orleans. Because we whipped the British, that nobody else could whip—because of this great and glorious victory, this bill must be passed. That was the reason given by his colleague, and that was the reason why he wished the bill passed on the anniversary of the victory. That was not the question of justice involved in this grant—this donation. The victory of New Orleans undoubtedly was a great and glorious one, in which he took a just pride; but he could not, on account of that victory, sanction the acts alluded to in the Kentucky pamphlet, and which were there designated as treason. This reminded him of an anecdote he had heard many years ago of General Arnold, a man very celebrated in our revolutionary history. After his exploits here, Arnold went to England; and finding himself generally shunned there, he sought the society of the Americans whom he found in that country. Being in company with one of them whom he had known in this country, he asked him what the Americans would have done with him, had they caught him instead of Andre. The American answered him by saying, "We would have buried with the honors of war the leg that was mutilated in our service, and then we would have hung the remainder of your body." He should think that this sort of justice would be rather more complete than that of his colleague, who was for rewarding General Jackson for the battle of New Orleans, at the expense of law and justice. He wished to have this matter fully discussed when it came up, and deliberated on without any of your gag-laws, to stop the investigation of the principles involved in it.

If you pass this bill (said Mr. A.) it will not be for the honor and glory of the battle of New Orleans, but for the honor and glory of the exercise of despotic power over your own citizens; it would be for the exercise of the extreme of martial law, when there was no necessity for it. Mr. A. wished the subject discussed, because of this very pamphlet, to which their attention had been called by more than one of the members from Kentucky, and who stated the author to be a distinguished judge of high legal attainments, whose opinions were entitled to respect. In that pamphlet, he was charged with having given an opinion in relation to the power of a commanding general to declare martial law, that was utterly at variance with freedom and with the laws of nations; and he wished to have an opportunity of answering that charge. He wished to have an opportunity to explain and defend the opinions he had given, and to show what were his views of the laws of nations in regard to the power of a commanding general to declare martial law in time of an invasion.

The morning hour having expired, Mr. A. was cut short in his remarks, when he announced his intention of pursuing the subject further at the next opportunity.

Mr. CUSHING then offered a resolution that all debate on the bill in Committee of the Whole should cease at two o'clock to-morrow; and that the said committee should then proceed to act and vote on it, and upon all amendments that might be pending, and report the same to the House.

Mr. C. J. INGERSOLL offered an amendment, that the House should now resolve itself into Committee of the Whole, for the purpose of taking up the bill to refund the fine imposed on General Jackson.

Mr. CUSHING suggested to the gentleman that he could, at any time after taking the question on his (Mr. C.'s) motion, move to go into Committee of the Whole.

The SPEAKER suggested to the gentleman

from Massachusetts that, as the bill had not yet been discussed in Committee of the Whole, his resolution was not in order. The gentleman could move to go into the Committee of the Whole, and then move to take up the bill, as the majority of the House could determine the order of business. The motion to go into Committee of the Whole, for the purpose of taking up a particular bill, would require a vote of two-thirds.

Mr. CUSHING then withdrew his motion, and moved that the House resolve itself into Committee of the Whole.

Mr. CAVE JOHNSON called for the yeas and nays; which were ordered, and resulted in deciding the question in the negative—yeas 100, nays 106, as follows:

YEAS—Messrs. Arrington, Beeson, Bidlack, Black, Bowne, Boyd, Brewster, Aaron V. Brown, Milton Brown, Charles Brown, Burke, Patrick C. Caldwell, John Campbell, Caruthers, Cary, Casey, Chapman, Clifford, Clinton, Coles, Mark A. Cooper, Cross, Cushing, Daniel, Richard D. Davis, Dean, Doan, Doig, Eastman, John C. Edwards, Ferris, John G. Floyd, Charles A. Floyd, Fornance, Gerry, Gilmer, William O. Goode, Gordon, Graham, Gustine, Gwin, Harris, Hastings, Hays, Henry, Hopkins, Houck, Houston, Hubard, Hunter, Charles J. Ingersoll, William W. Irwin, Jack, William Cost Johnson, Cave Johnson, Keim, Andrew Kennedy, Littlefield, Abraham McClellan, Robert McClellan, McKay, McKeon, Marchand, Alfred Marshall, Mathews, Medill, Miller, Mitchell, Moore, Newhard, Parmenter, Patridge, Payne, Pickens, Plumer, Proffit, Read, Rencher, Reynolds, Rigge, Rogers, Roosevelt, Sanford, Saunders, Shaw, Shepperd, Shields, Steenrod, Alexander H. H. Stuart, Sumter, Sweney, Jacob Thompson, Trotti, Turney, Van Buren, Wallace, Ward, Watterson, Weller, Westbrook, and Wise—100.

NAYS—Messrs. Adams, Landaff W. Andrews, Sherlock J. Andrews, Arnold, Aycrigg, Babcock, Baker, Barnard, Birdseye, Blair, Boardman, Borden, Botts, Briggs, Brockway, Bronson, J. Brown, Burnell, Wm. Butler, Calhoun, W. B. Campbell, T. J. Campbell, Childs, Chittenden, John C. Clark, Staley N. Clarke, James Cooper, Cowen, Cranston, Cravens, Garrett Davis, Deberry, John Edwards, Everett, Fessenden, Fillmore, A. Lawrence Foster, Gates, Gentry, Giddings, Goggin, Granger, Green, Halsted, Howard, Hudson, Joseph R. Ingersoll, James Irvin, James, Isaac D. Jones, John P. Kennedy, King, Lane, Linn, McKennan, Thomas F. Marshall, Samson Mason, Mathiot, Mattocks, Maxwell, Maynard, Morgan, Morris, Morrow, Osborne, Owsley, Pendleton, Pope, Powell, Ramsey, Alexander Randall, Benjamin Randall, Randolph, Rayner, Ridgway, Rodney, William Russell, James M. Russell, Slade, Truman Smith, Sprigg, Stanly, Stokely, Stratton, John T. Stuart, Summers, Taliaferro, Richard W. Thompson, Tillinghast, Toland, Tomlinson, Triplett, Trumbull, Underwood, Warren, Washington, Edward D. White, Joseph L. White, Thomas W. Williams, Christopher H. Williams, Joseph L. Williams, Winthrop, Yorke, Augustus Young, and John Young—106.

Mr. BIDLACK asked leave to present a resolution; but objection was made.

THE BANKRUPT ACT.

Mr. EVERETT called up the bill to repeal the bankrupt law, and expressed a hope that it would be carried through to its passage to day.

Mr. GORDON was entitled to the floor. He said it was quite common—nay, he might say, fashionable—in these days to define one's position. An undefined politician was an uncertain thing, [laughter,] and more like a ghost than anything human. He did not rise to define his position. A Democrat of the Jeffersonian school, dyed in the wool, needed no such clew to where he stood on the political chessboard. The people always knew where to find him. He would assist his colleague [Mr. BOWNE] to define his position; and, before he concluded, he should attempt to define the positions of some others on the floor, and of some public functionaries high in the confidence of this Administration.

His colleague stated: "we were told—and he also had it from some of his (Mr. B.'s) political friends on this floor—that the Administration of John Tyler was such, that no Democrat could accept an office under it."

It seemed, then, that his colleague had been talking about accepting office under this Administration, [laughter]—had been talking with his political friends on this floor about the acceptance of office from John Tyler. He should like to know if, at the expiration of the present Congress, he expected to receive an office? And this remark was to be considered as a feeler—put forth to see how such a thing would take here, and then how it would take among the people of his county. Again: his colleague said, "Some of the leading organs of the Democratic party held the same language; and, strange to say, in *juxtaposition* to a paragraph declaring that no Democrat could hold office under John Tyler, would be found another, declaring that the party could not support his Administration because it was surrounded by such men as Daniel Webster and John C. Spencer."

It was, then, very strange to his colleague that some of the Democratic organs should declare that the Democratic party could not support this Administration, because it was surrounded by such men as Webster and Spencer! It was not strange to him, (Mr. G.,) because the great Democratic party never held such opinions as those avowed by that man who recently declared in Faneuil Hall that he had not changed, but was a Massachusetts Whig, a Faneuil Hall Whig, and always meant to be. Here, then, was Daniel Webster unrenounced and unrenouncing, adhering to all the opinions he had ever advocated and avowed. A large portion of the people suspected Daniel Webster of holding opinions which sympathized with British interests. These suspicions were entertained during the last war, when General Jackson with his cannon was thundering at the gates of New Orleans, and when there were times that tried men's souls, and tested the energies of this Government. Yes, as long ago as these memorable times, Daniel Webster was suspected to be British at heart; and, by his own declaration, he had renounced none of his sentiments. Mr. Webster was now at the head of this Administration; and his colleague [Mr. BOWNE] avowed astonishment that certain organs of the Democratic party should declare that the Democratic party could not support this Administration! Since the return of Mr. Webster from England, the people had seen nothing in his course to make them believe he had changed his opinions.

Here Mr. BOWNE rose, and stated that he desired to make a correction of some of the remarks of his colleague.

The SPEAKER inquired whether the gentleman [Mr. GORDON] yielded the floor.

Mr. GORDON. No, sir. [Laughter, uproar, and confusion.]

Mr. BOWNE, as he took his seat, made a remark which could not be heard above the noise which prevailed.

Mr. GORDON resumed. As he was going on to say, since Mr. Webster's return from Europe the Democratic party had seen nothing to give them reason to believe that he had changed his opinions in any particular. In his course in relation to the affair of the burning of the Caroline, the remedial justice bill, the bankrupt law, the negotiation of the treaty with England—and, indeed, in all his acts, he had shown that the declaration made at Faneuil Hall was true to the letter.

Again: his colleague [Mr. BOWNE] said: "He yielded to none in his attachment to the principles of his party; yet, if attachment or non-attachment to men was necessary to secure the esteem of his fellows, he feared he should be thrown overboard." From this remark he (Mr. G.) understood that his colleague declared to his constituents, that if his non-attachment to Mr. Webster was to be the price of their esteem, he was willing to be thrown overboard! Such was a fair construction of his colleague's language. Now he would assure his colleague, that should he take Mr. Webster, changed or unchanged, and show a willingness to be attached to him, his constituents would most assuredly throw him overboard, with a millstone around his neck, that would sink him eternally; and the Democracy of the Union would look on and cry "Amen!" [Laughter, and cries of "Good."] But to quote his colleague again: "What, he asked, did the people care who was the President? What did the masses care about the man at the head of affairs, so that the Government was well administered?"

If this meant that the Democratic party were really to take Mr. Webster, provided he promised to administer the Government well, to navigate the ship of State as she ought to be—if it meant that, old as Daniel Webster was in political sin, his colleague was willing to take him as his candidate,—he would say that the people *did* care who was their President. They wished to know a man beforehand, when he aspired to that office. They wished to know everything about his public and private history—yes, his *private* history—before they would allow him to be brought on the course. No beardless boy could reach that high and responsible post by the suffrages of the people. It must be filled by men of high character and fixed principles—men *known* to the nation as such. The Democratic party never had taken up a Federalist and placed him in the Presidency, and he trusted they never would. When they did so, they would cease to be Democrats.

But his colleague said he cared not who was President; that he was bred a Federalist; that he was a Federalist after he had attained his majority; that he did not enter into political life until he was twenty-four years of age, when he began to think for himself, and renounced his Federalism. How many months elapsed before this result took place he did not know, but he came out a bright and shining Democrat!

Now he (Mr. G.) never had doubted that a man's first love was the strongest. "The dog will return to his vomit, and the sow to her wallow." [Laughter.] Old Federalists were not to be trusted in the highest and most responsible stations. But gentlemen said that the Democratic party admitted all who came into their fold. True; he admitted that the Democratic church was catholic, and that it asked all to come up to the polls and vote. It preached its doctrine to all the world. It excluded none from within its pale. It invited all to come forward and partake. But no man who had not received the laying on of hands by the bishop, was allowed to serve at its altar. [Laughter.] And least of all would it permit an old priest, toward the end of his days, to come out, doff his settled opinions, renounce his Presbyterianism, and assume its mitres and consecrated robes. [Laughter.]

Yes, the gentleman said he had more feeling on this subject than men in general, because he was bred up in a Federal school. He, however, became a Democrat when he attained his majority; but his sympathies were with the old Federalists, and he would not care who was the President of the United States. He believed he had enabled his colleague most satisfactorily to define his position, though he believed it was an isolated position in which he could neither get Democrat nor Whig to join with him.

Some member suggested "the guard."

Mr. GORDON said he had nothing to do with the guard. God forbid he should have anything to do with it, or with "the Captain" either. He meant that he should never join the guard; but as it took two to play at foils, whenever the guard resorted to a game of that sort, he should not be backward. He (Mr. G.) was a plain man, and when he spoke, he spoke his plain honest sentiments, whether they pleased or displeased the guard or anybody else.

The gentleman from Massachusetts [Mr. CUSHING] declared in his speech—and gentlemen would know who he meant when he read it—that it would not be for the political interests of any party to carry on a ferocious war against the Administration and its friends. Well, one of the friends of the Administration was Daniel Webster, and he hoped there were but few Democrats on that floor or elsewhere that would cease to wage war against Daniel Webster so long as he remained in his present high and dangerous position—a position that was dangerous to the principles of Democracy. He hoped there would be few traitors or cowards found in their ranks, who would ground their arms to him. But what was waging war against the Administration? Did it mean opposition to the exchequer? Was that the meaning of it? Was it voting against a bill that might be brought up there, with a recommendation from the White House? And were they to be denounced for voting against a bill which had neither their nor their constituents' confidence? Was the voting against such a bill a waging war against the Administration? He should like to know what waging war against the Administration meant, if it did not mean that. And if that was a warring against the Administration, if he did not mistake the signs of the times, they would have war; a war to the knife, and the knife to the hilt; for he did not believe that a Government bank, or any exchequer plan with power to issue Government paper as the currency of the country, would any more

meet with their approbation and their friendship, than if they had brought in a bill to re-incorporate the old United States Bank; for a Government bank was far more dangerous than an incorporation of individuals—for they had there the purse and the sword united—the money power and the political power, and "the fixed fact" of the Constitution combined. The "fixed fact" would be formidable indeed, if Congress should pass a Government bank to transact not only the concerns of the Government of this growing people but the concerns of the people themselves. He understood from the speech of Mr. Webster, delivered at Faneuil Hall, that he approbated this exchequer plan—that he was in favor of it, if he were not its author; and here, then, they saw the danger of such men as that being in the Cabinet, getting the ear of the President, and dispensing the stars and garters. It was an all-important fact, that he who recommended the exchequer plan to the President as a Government bank—that a functionary who through his whole life had advocated a strong consolidated Government—who had even been British in his notions of a Government—who, when he could not get a national bank, which was ten fold more dangerous to the liberties of the people and of the country, for it was a much stronger instrument in his hand—was the prime minister to carry out his plans of a consolidated Government. Why, when the sub-treasury was first brought forward, it was expressly charged that it was a Government bank in disguise; they put the administration then in power on the defensive on that subject, and it gave them great trouble to get rid of the charge, and to convince the people that it was not a Government bank in disguise. The Democrats denied that it was; and they struck out everything which could furnish a pretence for such an accusation. But now, when this prime minister was warm in his seat, and recommended this plan to Congress, if they were not to pass it, they would be "warring with the Administration," and would come in collision with "the fixed fact." When such threats were made, and such consequences were to follow, it was time that every Democrat should take his stand, and define his position, if any doubt hung over him. The design was formed to overthrow the Democratic party by divisions—he cared not where the project came from; but the Democrats would soon hold their national convention—when they would select, from the two prominent men now before the nation, one to be their candidate: and the Democratic party would not then be either terrified or cajoled—they would stand up to the rack, fodder or no fodder. Post offices over the country were to be used to buy up the Democracy, and to scatter the apple of discord amongst the party, to break it to pieces; but they who thus calculated to corrupt the people, must be steeped to the lips in corruption themselves.

Now, over President Tyler himself there rested a very strong suspicion. He was bred up a Democrat; he was nurtured in the true faith, to which he (Mr. G.) doubted not he would return before he died. He (Mr. G.) hoped, before he went out of power, he would return to his first love. But he was under strong suspicion; and it would take a great deal of whitewashing, and a great deal of repentance, and a great many good deeds, to recommend him to the Democrats, so that he could not only enter the broad door of their church, walk down its aisle, and take his position in their pulpit. [Laughter.] He might come to hear their preaching; but, before he could be allowed to preach himself, he had got to atone for all his political errors. When first they found him, he was running on the Coon ticket as Vice President; and he could tell them the Democracy did not like that very well, for many reasons. They did not like him, because he had such a man as Daniel Webster for his prime minister—a man who came out, and declared on Long Island, at a clambake, and in Virginia, beneath an October sun, and in the face of Virginians, that he was a Jeffersonian Democrat—which the people of the North did not believe, if the Virginians did. And what next? Why, when by authority of the Constitution he came to the executive chair, he found Daniel Webster his prime minister, appointed by his immediate predecessor; and he retained that man in power, and has done so ever since—a man who had been the means of recommending measures to this Congress that the Democrats never did nor could approve of. There were many other things that he must account for, and atone for, too, before he could expect to be the candidate of the Democracy. But there was the "fixed fact," and intimations were thrown out that he was to be the candidate, *nolens volens*. But how was that to be done? Why, an outcry was got up against party. The organs of the Administration out of doors, and the new-fledged friends and followers of the Administration on that floor, had been crying out against party, and deprecating party spirit. And why this outcry against party? Was it not because the Administration party was not very respectable in point of numerical strength, and that, by crying out against party, they hoped to break down both parties, that of the disjointed materials they might make up a party for the Administration? But what would be the consequence attendant on success? Would not the *outs* wage war against the *ins*? The country would again be divided between two great parties, and measures would be made a test between them, whatever those measures might be—whether strong government or representative government, consolidated government or confederated government. To this it would come in the end. He could regard this outcry against party only as evidence of a design to break down all parties, and to remodel a new one. He had understood that this Administration took great credit for the overthrow of the Whig party in the contest of 1842; but he was not willing to give the Administration all the credit they ask on this head. He knew the Secretary of War wrote a celebrated letter to somebody in the State of New York, just on the eve of the election. He knew, also, that that man [Mr. Spencer] was not without sagacity. The Secretary saw that the Democracy of the Empire State were aroused; that they had returned to their "sober second thought;" and that Whigery, in the States where the elections had then been held, was swept where his colleague wanted to go—"overboard;" [laughter;] and to acquire the credit of that mighty triumph, and drag the Democracy in the tail of this Administration, the victory was claimed as theirs. But let him tell that House that, instead of doing them good, it was a positive injury to the Democratic party; for it had lost them two Representatives in the Congress of the United States. That letter produced a prodigious action in the State of New York; and it awoke the Whigs somewhat from their apathy and slumber; and he (Mr. G.) declared in his place before that House, as the conviction of his judgment, that that letter did them no good, but, on the contrary, a positive injury; and that the Whigs were under some obligation and a debt of gratitude to Mr. Spencer for writing and publishing it; for they had obtained two Representatives more in the next Congress than they would have had without it. And it was very natural that it should be so. So sudden was the change, and so unexpected to them—after he wrote the call for the Whig convention at Syracuse to denounce Captain Tyler—was his acceptance of office under that Administration, that, when he wrote and published his letter in defence of that Administration, a tremendous excitement was produced, and energetic action on the part of the Whigs; and, as a consequence, they gained two members more than they would otherwise have had in the next Congress.

He (Mr. GORDON) deemed it his duty to the Democracy thus to undeceive the public mind respecting the supposed effect of that letter. With regard to the ability of Mr. Spencer to transact the duties of his office as Secretary of War, he had no doubt. He did not believe there was another man to be found within the borders of the United States that was better able to despatch business than he was; and if they would only chalk out the business for him to do, he would labor day and night to accomplish it; but, as a political leader, he was without sagacity, and he cared not for the world, provided he could gratify his ambition. He had been long in office in the State of New York, where he had belonged to one party, but now he belonged to another—the Webster party at the seat of the General Government.

But to return. The President was a queer character. He had a Secretary of the Navy who was the true personification of a Virginia abstraction, and who, when he came into office, had no sort of qualification for the office into which he came.

He had no doubt but that, in time, observation and experience would qualify him to make a very good Secretary of the Navy, provided he could get some of these large ideas of a grand and magnificent navy out of his head, and come down to what a Democratic navy should be. When we shall become the depredator upon other nations, and when we should require a large naval force to carry on our schemes of conquest and plunder, then Mr. Upsher would become a very good Secretary of the Navy, because he would be the most ultra in his notions, and would lead on our conquering squadrons in great style. But we are not yet prepared to become a conquering nation—not yet prepared to aggrandize ourselves by plunder and bloodshed; and till then we do not want a navy to the extent of Mr. Upsher's desires. There was a time when Mr. Tyler might have been almost, if not quite, a leader of the Democratic party. If, when he first came into power, he had atoned for running on the Whig ticket, by dismissing his cabinet, instead of retaining the worst of them, and had brought round him Democrats of tried worth and experience; if he had recommended Democratic measures to Congress, and used the veto a little more, denouncing distribution, and some other things,—then he would have plagued some of the Democratic candidates exceedingly. The people were almost prepared to take him up by acclamation, and put him into the Democratic pulpit as their preacher and leader. But he was not himself prepared to go altogether with the Democratic party; he was pretty much in the predicament of his (Mr. G's) colleague [Mr. BOWNE,]—that is, in what General Root once called "a state of betweenity." Almost everybody kept away from the White House; but if he had listened to the admonitions of the Democratic party, and dismissed that minister, in whom the Democracy never can confide, there would have been some chance of his being supported by them. But, instead of being dismissed, there that obnoxious minister sat, poisoning the ear of that honest man who had not the firmness and the courage to dismiss him, and come out what he originally was, and what he [Mr. G.] had no doubt he would now be glad to be.

The Democratic party, in their triumphs of 1842, owed none of their success to this Administration and their letter-writers. The people triumphed in their might. They had seen what was the course of the Whig party while in the ascendant—they had seen how little their practice accorded with their professions, and how ill calculated their measures were to promote the interests and prosperity of the country. A portion of the Democratic party, too, had been deceived; and they, coming back, contributed to their party's success.

He had a little more to say in regard to the speech of the gentleman from Massachusetts [Mr. CUSHING.] The gentleman said that he considered it as "very material that there should be a frank understanding on those matters;" that "there were men in the Administration, or connected with the Administration, who, at a proper time, might have a word to say. He did not, to be sure, know whether their opinion would be potential; but this he knew—that, of all the elements now in tumultuous and conflicting motion in the national caldron, in the grand political seething-pot, the most potential of all was the Federal Government."

The Federal Government was then in the grand political seething-pot. Who put it there? The framers of the Constitution never intended that the Federal Government should be put there. Who, then, put the Federal Government in this grand caldron—this grand political seething-pot, but those connected with this Administration? Yes, it was put in this grand caldron by those who, when the time comes round, will have a word to say; and he now saw that those connected with the Administration had something to do, as well as to say. An editor in New York, (said Mr. G.,)

who has the public printing, comes out and declares John Tyler to be the candidate of the Democratic party for President, and William C. Bouck the candidate for Vice President, subject to the nomination of a national convention. Well, sir, (said Mr. G.,) they have come into our sect, and set up to be the high priests of our church; but if they wait for the nomination of a Democratic national convention to declare that John Tyler and William C. Bouck are the candidates of the Democratic party, they will have to wait a long time. Now, the paper in which this nomination was made, was the official organ; and, he took it, that what it did was by authority; so it would seem that those around this Administration have something to do, as well as to say. So far as Wm. C. Bouck was concerned, it was a foul calumny to say that he had assented to this nomination. Mr. Bouck would soon go with his [Mr. G.'s] colleague overboard, if he assented to it, for it would sink him to eternity. It was, however, doing Mr. Bouck great injustice to suppose that this nomination was made with his concurrence. It was glory enough for him to have the administration of the affairs of the great State of New York for two years to come; and he did not believe that he would give up the bird he had in hand for two in the bushes. The glory of being the choice of the people for the high office he fills, is superior to the glory of running on the same ticket as Vice President with John Tyler. He knew that, in speaking as boldly and frankly as he had done, he should tread on the corns of some of his friends who may have the appointments of postmasters to attend to in their districts. He, himself, had no influence with this Administration; and when applications were made to him for his aid in getting the appointments of postmasters in his district, he turned them over to his colleague from the Oswego district, who had more influence than he had. His colleague had long since superseded him in the office of getting such appointments in his district. He hoped that he would continue in the good work, and, when he had done, that he would return again to the Democratic ranks, and say to President Tyler that he gave him small thanks for the favors he had done him. The gentleman said that some serious collisions had taken place between the Executive and Congress, which he hoped never would occur again. He, on the contrary, hoped that they would occur again, and that they would always occur whenever an unconstitutional bill should be presented to the Executive for his signature. He hoped that every succeeding President would veto and ditto every bank bill that should be sent to him. He hoped that he would go a little further, and veto distribution bills also. If this, however, was intended for effect—if we (said Mr. G.) must vote for the exchequer—if we pass the sub-treasury, it is to be met by this "fixed fact," the threat fell powerless before the feet of the Democracy. He had supposed that the powers and the duties of the Executive were specified and limited by the Constitution.

Here Mr. G. was interrupted by the SPEAKER, and informed that his hour had expired.]

He never believed (continuing the sentence) that it was in the power of the Executive to put the Federal Government in the political seething-pot.

Mr. McKEON then obtained the floor; but yielded it to Mr. BOWNE, for the purpose of enabling him to make an explanation in reply to his colleague [Mr. GORDON.]

Mr. BOWNE observed that he was perfectly well aware that any gentleman on that floor who would attempt to answer such a tirade of personal matter as had fallen from his colleague, must, for the time at least, lay aside all self-respect; and he now presented himself to the House in that attitude, for a moment. He was thankful—knowing, as he did, the Democracy of the Empire State, and the Democracy of the district his colleague represented—that he was not their high priest, and had not the power to put up and put down at his sovereign pleasure. He knew the constituents of the gentleman; and it was through them that he had learned a fact, that accounted for his extraordinary zeal in the cause of Democracy; and he invoked the attention of his colleague while he stated it. Did his colleague remember that he once entertained the design—not carried into execution—of abandoning his party? Did he remember that, in 1840, when he was canvassing with the Democratic party for a seat in Congress, and when his prospects were dim, that his political principles sat so loosely about him that he made overtures to the Whig leaders of his district to desert the Democratic party if he failed in getting the nomination, and become their candidate? This fact (Mr. B. said) he had vouched for by the affidavits of several of the most respectable gentlemen in his colleague's district. Was such a man to lecture him, or other gentlemen, upon their consistency and Democracy? Heaven save the mark! No, sir; I will despair when my Democracy is to be judged by his judgment. I have been too long known to my constituents to fear what he can say; and will let my remarks of yesterday, together with the wilful perversion of them by my colleague, go to them, for their judgment upon them. Let them go to them together; and let them say whether I am to be thrown overboard or not. Sir, I did not yesterday, and never did, say a single word that compromised the principles of Democracy. What I then said, I repeat now; and that is, that if my attachment to Democratic principles is to be measured by my attachment to men, then I must despair of finding favor; for it is one of the cardinal principles of the Democratic party, that principles must be adhered to, rather than men. Principles, not men, is their motto; and it is one that I held to yesterday, and still hold to to-day.

Mr. GORDON rose to reply to the remarks just fallen from his colleague. [Cries of "Go on."]

Mr. McKEON declined yielding the floor, inasmuch as he had but one hour. ["Yield to him."]

Mr. GORDON said he would demand the floor. He made a point of order. He claimed the right to reply to the remarks of his colleague as a privileged question. [Laughter; and many voices "Let him proceed by universal consent."]

After some uproar, Mr. McKEON yielded the floor.

Mr. GORDON remarked, that the speech of his colleague [Mr. BOWNE] was delivered in public, made public in the newspapers, and he supposed was public property; and, as such, he (Mr. G.) had a right to comment upon it, as upon other speeches delivered in that body. He regretted that his colleague should have made such a speech, as much as he had no doubt his colleague now regretted it himself, [laughter;] but, connected as he was with the Democratic party, with whom he had ever acted, he had thought it to be due to them, at least so far as his constituents were concerned, to cut off all connexion between them and the speech of his colleague on yesterday.

With regard to what his colleague had said about him, although he (Mr. G.) hated to speak about himself, it was but fair that he should say that he was brought up a Democrat from his youth. His father had fought the battles of his country in the revolutionary war, and never came here to Congress to beg for a pension in consideration of his services.

He repeated, he was brought up a Democrat, and never had given any vote whatever which did not, in his opinion, and according to the best of his judgment, accord with the principles of genuine Democracy. As regards the statement that he had proposed to become the leader of the Whig party in his district, he would say that he never had aspired to become the leader of any party, but only a faithful follower in the right path. (A voice: "Candidate.") As to his alleged desire to become the *candidate* of the Whigs, on which his colleague had remarked, he would say that his colleague spoke of that about which he knew nothing, and which, *in all its parts, was false*. His colleague, it seemed, had gone among the Federalists of his district to pick up scandal against him. He supposed his colleague had long contemplated making use of it. It must have been some time since his colleague took up the idea of going "overboard," and knowing his (Mr. G.'s) unflinching Democracy, anticipated a broadside from him, and had prepared himself to bring it out upon the proper occasion. [Roars of laughter and shouts.]

Mr. McKEON then took the floor; but his first remarks were very imperfectly heard above the loud conversation which was carried on in every part of the hall. He held it to be necessary to meet every question openly and fairly. The true principles involved in the contest now going on were not yet developed. It was not a mere strife between parties; but one which might make an indelible impression upon the structure of the Government. The country had seen the Vice President called to the executive chair by the death of the President, who came into power possessed with all the emoluments and honors of office. The party which elected him said he was pledged to support certain measures and principles. He thought otherwise; and was compelled to use the veto power upon measures introduced and carried through Congress by those who brought about his election. Stripped of all adventitious circumstances, it would hereafter be represented to the world, on the page of history, by the majority, that they were compelled to separate from the man of their choice.

The next step to be taken was on the part of the minority. They had to determine whether they would accept the patronage, and assume the responsibility, of the present Executive—unless he gave them the measures, and carried out the principles, for which they had been contending ever since the organization of the Government. The majority here said they had left power and patronage because they could not sustain the President in the principles which he was carrying out. The question for the other party to determine was, whether they were ready to go into power with the responsibility of this Administration upon their shoulders. For one, judging from the conduct of this Administration, and speaking in the spirit of frankness, he was unable to see, either in its recommendations to Congress, or in its dispensation of power and patronage, or in its editorial department, (if that was to be taken into account as being by authority,) on what *principle* the Democratic party was called upon to sustain it.

But it was said, Would you wage a furious war against this Administration? He answered, No, certainly not; but the Democratic party had no *favors* to grant to the Executive. The President could *command* their support whenever he was right in his conduct. When the bank bills were vetoed, and the distribution bill defeated, in effect, by a *quasi* veto, they came up faithfully to the support of the principle, and not of the man by whom it was carried out. He asked, Where was the evidence of a furious opposition carried on against this Administration by the minority here in Congress? As to what had been said about ultras, it reminded him of a remark in relation to the zones. The Democratic and Whig parties were declared to be in the torrid and frigid zones, whilst the Administration was the only temperate zone There were two principles at work in the world; one was sustained by the onward movement party, which held that Government admitted of changes, reforms, and purifications; the other was advocated by a party who were for standing where they had always stood, and admitting no improvement or alteration whatever into the Government or its policy. Halfway between those two parties, the Administration desired to place itself.

Here Mr. McK. was interrupted by loud cries of "adjourn;" and yielded to a motion made to that effect.

Mr. EVERETT asked for the yeas and nays on the motion; but the call was not sustained—only 17 gentlemen rising.

The House then adjourned at 5 minutes past 3 o'clock.

IN SENATE.

FRIDAY, January 6, 1843.

The PRESIDENT *pro tem.* laid before the Senate a communication from the Treasury Department, transmitting a report from the Commissioner of the General Land Office, in answer to a resolution of the Senate passed in 1841, showing what amount of money has been refunded to the pur-

chasers of land in the Greensborough (late St. Helena) land district: ordered to lie on the table, and be printed.

Also, laid before the Senate a communication from the Secretary of the Treasury, asking for an appropriation to carry into effect the law passed at the last session, authorizing an ascertainment of the damages done the property of Daniel M. Hughes and others, by certain emigrating Creek Indians; which, on motion of Mr. EVANS, was referred to the Committee on Claims.

Mr. BUCHANAN presented a memorial from a large number of citizens of Franklin county, Pa., asking Congress to repeal the bankrupt law; which was referred to the Judiciary Committee.

Mr. TALLMADGE presented a petition from Brooklyn, and one from the city of New York, asking Congress to adopt the exchequer plan recommended by the Executive; which was ordered to lie on the table, where the bill on that subject now lies.

Mr. McROBERTS presented a joint resolution of the Legislature of Illinois, instructing the Senators and requesting the Representatives from that State to vote for a bill refunding to General Jackson the fine and costs imposed on him by Judge Hall, with interest thereon: ordered to be printed and referred to the Judiciary Committee.

Mr. WRIGHT presented a memorial from inhabitants of Cayuga county, New York, praying that the law which authorized the issuing of bounty lands to the widows of officers and soldiers of the late war, and which expired in 1839, may be renewed and extended in such manner as Congress thinks proper: referred to the Committee on Public Lands.

Mr. CHOATE presented a petition from B. Adams & Co., importing merchants of the city of Boston, asking the refunding of duties which were overpaid by them on goods imported under the act of 1833: referred to the Committee on Claims.

Mr. WILLIAMS presented a petition from Wm. McPherson, who was a seaman in the naval service of the United States, asking a pension for certain injuries received in such service: referred to the Committee on Naval Affairs.

Mr. WOODBRIDGE presented a memorial from the commissioners of internal improvement of the State of Michigan, praying an extension of the time allowed by law for laying down certain railroad iron imported for the use of the railroads in that State free of duty: referred to the Committee on Finance.

Mr. BAYARD presented a memorial from Mary Anne Boyd, widow of an officer who died in the service of the United States, asking the continuance of the pension which she heretofore received under the naval pension law repealed at the last session; which was referred to the Committee on Naval Affairs.

Mr. BATES, from the Committee on Pensions, made an adverse report on the petition of Mary Furber, the widow of Pierce Power, for a pension; which was ordered to be printed.

Mr. B. also reported, from the same committee, a bill for the relief of Samuel Dicy; which was read, and ordered to a second reading; and the report accompanying it to be printed.

Mr. FULTON presented a petition from James S. Conway, of Arkansas, praying to be released from a certain judgment obtained against him by the United States for the recovery of a balance of money intrusted to him for disbursement, on his paying what he alleges justly to be due: referred to the Committee on the Judiciary.

Mr. EVANS, from the Committee on Finance, to which had been referred the bill from the House for the relief of the vestry and churchwardens of the Protestant Episcopal Church of the parish of St. Philip, in Charleston, South Carolina, made a report adverse to its passage; which was ordered to be printed.

Mr. BERRIEN, from the Committee on the Judiciary, reported back, without amendment, and with a recommendation that it do pass, the House bill entitled "An act for the relief of the legal representatives of Alexander Macomb, Robert Jennings, and the heirs and legal representatives of James Roddy, as sureties of Samuel Champlin, deceased, a paymaster in the army of the United States."

Also, reported back, without amendment, and with a recommendation that it do pass, the bill from the House for the relief of John P. Skinner.

Mr. WOODBRIDGE, from the Committee on the Library, reported a joint resolution for the distribution of certain copies of the census return and compendiums of the sixth census; which was read, and ordered to a second reading.

On motion by Mr. RIVES, the petition of John Good, of Ohio county, Va., praying the payment to him of certain damages sustained by the location of the Cumberland road, was ordered to be taken from the files, and referred to the Committee on Claims.

Mr. WOODBRIDGE, on leave, introduced a joint resolution, authorizing the Postmaster General to correct an error in the proposals, and to contract anew for carrying the mail from Chicago to St. Joseph's; which was read twice, and referred to the Committee on the Post Office and Post Roads.

Mr. BAYARD, on leave, introduced a bill to regulate enlistments in the army, navy, and marine corps; which was read twice, and referred to the Committee on Naval Affairs.

Mr. BERRIEN, from the Committee on the Judiciary, reported back, without amendment, and with a recommendation that it do pass, the House bill to amend the act establishing a district court of the United States at Wheeling, Va.

Mr. B. remarked that as a court was soon to be held in Wheeling, it was desirable that the bill should receive the sanction of the Senate forthwith. He asked that it might be considered then. There being no objection, the bill was taken up, as in committee of the whole; and, after a few conversational remarks by Messrs. KING, CRITTENDEN, BERRIEN, and ARCHER, was reported to the Senate, read the third time, and passed.

The following resolution, introduced heretofore by Mr. HUNTINGTON, was taken up for consideration:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of so modifying the existing laws, as that each Assistant Postmaster General shall be appointed by the President, by and with the advice and consent of the Senate.

Also, whether it be expedient to repeal or modify the law which prohibits contractors for the conveyance of the mail from carrying, without the consent of the Postmaster General, newspapers other than those carried in the mail.

Mr. H. remarked, that the Assistant Postmasters General were formerly designated by law as clerks and assistants to the Postmaster General, and subject to appointment of the Postmaster General; but by a subsequent law, they were designated Assistant Postmasters General, and made important officers. Still, the power to appoint those officers was left with the Postmaster General. He maintained that there was no good reason why these assistants, who had become, by law, important officers, and exercised the power of dispensing the patronage of office—who were, by law, authorized to exercise all the powers pertaining to the office of the Postmaster General himself, in case of the death or resignation of that officer,—should be exempt from the usual routine of appointment, (that is, of nomination by the President, and confirmation by the Senate;) especially so, as unimportant deputy postmasters, whose salaries exceed $1,000, are subjected to that mode of appointment. He then dwelt at great length on the second branch of the resolution, touching the subject of carrying newspapers out of the mails in the usual mail conveyances. He impressed on the Committee on the Post Office and Post Roads the importance of the inquiry, whether it was right that the inhabitants of cities, and those living on rapid mail routes, should enjoy the privilege of receiving papers without postage, when the same privilege was not extended to those living in the interior of the country, and could not be from the necessity of the case—the same facility for thus carrying the papers not existing. He was aware that the Postmaster General had the power to grant the privilege to a contractor, at the time of making the contract for carrying the mail, to carry papers out of the mail, provided no preference was given thereby to the proprietor of one newspaper over another in the same place. But such a discretion and power was not in accordance and consonance with our institutions. It ought to be repealed; not because it was abused, but because it was liable to abuse. It gave the Postmaster General a great power over the public press, because it gave him the means of giving preference of one newspaper over another; and the time might come, when it would be used to subserve the purposes of party, and to promote its ends. The public interest, he said, did not demand that he should have the power; it was anti-republican, liable to abuse, and ought to be repealed.

The question was then put on the resolution, and it was adopted.

The Senate bill (No. 40) for the relief of persons heretofore residing within the supposed limits of Arkansas and Louisiana, but by the late settlement of the boundary lines thrown into the territory of Texas, was taken up, as in committee of the whole, for consideration.

Mr. BERRIEN, chairman of the Committee on the Judiciary, by whom the bill had been reported to the Senate, explained that it was a bill of last session, which did not reach the House of Representatives in time to be acted upon. It provides relief for a class of persons who wish to remove into the United States with their property, preferring to remain citizens of the United States.

Mr. CRITTENDEN did not suppose any doubt could exist of the right of such persons to remove into the United States. They were citizens of the United States, and had an undoubted right to do so without any new law on the subject.

Mr. McROBERTS concurred with the Senator from Kentucky; and cited a case in point, which happened once between Virginia and Pennsylvania, when Virginia exercised territorial government over the town of Washington, near Wheeling, though it was subsequently found that the location fell within the territory of Pennsylvania. An issue was tried on the point, whether slaves held by citizens of Virginia in that town were entitled to their freedom in consequence of long residence in it. And the supreme court of Kentucky, before which the trial took place, decided that, although the town was virtually in the State of Pennsylvania, yet Virginia having exercised territorial government over it without interruption from Pennsylvania, the slaves were the property of their masters, and were not entitled to their freedom; that, in fact, the masters were citizens of Virginia, and entitled to all their privileges as such. He (Mr. McR.) therefore thought this law unnecessary, as the persons who resided within the supposed limits of Arkansas and Louisiana, while under the territorial government of those States, are actual citizens of the United States, and have a right to remove into the limits of the States with their property, just the same as they would have if the boundary line of Texas had been placed beyond them.

Mr. FULTON explained that, however undoubted their right might be, they might be subjected to great annoyances and expenses in trying that right; all of which could be avoided by passing this act, the object of which was to remove all pretexts for difficulty.

Mr. CONRAD thought there ought to be a slight amendment. The bill authorizes those persons to bring into the United States all their property. Now, much of this property may have been acquired since the boundary line was determined. It may consist of cotton and slaves since purchased, and not entitled to be brought into the States by any other citizens. He thought there should be a limitation to such property as they possessed at the time the boundary line was determined.

Mr. SEVIER pointed out how injuriously and unequally such a limitation would act. Female slaves, having children immediately after the settlement of the boundary, or subsequently, would be compelled to leave them in Texas, though brought into the United States themselves. Property transferred from one citizen to another since that period, or received as inheritance, might be excluded.

Mr. CONRAD had not thought of those difficulties; his mind was more immediately directed

to the introduction of cotton, the produce of Texas. But if the friends of the bill thought no danger of abuse would arise, he should not press his amendment.

Mr. BERRIEN assured the Senate that the bill was very carefully considered by the Committee on the Judiciary, and that it was sufficiently guarded and confined to the objects and purposes for which it was required.

Mr. ALLEN thought some amendment was necessary to avoid an inference, which might be drawn from the wording of the bill, that those persons had ceased to be citizens by the act of this Government, and that Congress was, in this law, restoring their citizenship. He denied the power of this Government to take away the right of citizenship; and would not, therefore, sanction anything which might seem to imply that the citizenship of these persons was in the slightest degree impaired or rendered doubtful by their being thrown within the limits of Texas. To avoid any construction of this nature, he proposed an amendment, the necessity for which he explained at considerable length.

A long discussion ensued as to the necessity for any amendment; in which Messrs. ALLEN, BERRIEN, CRITTENDEN, KING, MOREHEAD, McROBERTS, WOODBURY, and BAYARD, took part; all concurring that the change of the boundary line did not impair the citizenship of those persons, and that, therefore, without any new law, they might return into any part of the United States, fully entitled to the exercise of their citizenship; but some believing that the same immunity did not extend to their property.

Mr. BAYARD suggested that, by changing a word, the difficulty might be removed. It might be expressed that those persons "returning" into the United States might bring in their property, &c.

Mr. ALLEN accepted this modification, and made his amendment comform to the suggestion. He called for the yeas and nays; which were ordered.

The question on the amendment was then taken, and decided in the negative—yeas 13, nays 25.

Mr. BERRIEN explained that the bill, without any amendment, provided for the return of those persons, with all their property, into the United States, upon taking the course pointed out by it, of applying to the proper court for the necessary authority to remove the property in conformity to law.

The bill was then reported back to the Senate without amendment; and was ordered to be engrossed for a third reading.

On motion of Mr. BERRIEN, it was agreed that when the Senate adjourn, it should be to Monday next.

On motion of Mr. CRITTENDEN, leave was granted to withdraw from the files the memorial and papers of Wm. Duvall.

A bill for the relief of the claimants of slaves lost in the Comet and Encomium, at Nassau, New Providence, and paid for by the British Government, was then taken up, as in committee of the whole.

Inquiry being made as to the nature of the bill, by Messrs. CALHOUN and KING, it was explained by Mr. GRAHAM that a balance of the indemnity paid by the British Government remained in the treasury of the United States; and that, of right, it belonged to the claimants; but, owing to the manner in which it had been kept back, (which was done to see whether any claims for insurance, &c., might spring up,) the money could not be paid out without a special law for the purpose. This act was at the instance of the department; and merely gave to the owners of the money the $7,965 which remained of the indemnity paid into the treasury for the claimants by Great Britain.

This explanation proving satisfactory, the bill was ordered to be engrossed, and read a third time.

The Senate (bill No. 38) reported from the Committee on the Post Office and Post Roads, for the relief of George P. Hill, postmaster of New Orleans, was taken up, as in committee of the whole, and explained by Mr. CONRAD. It appeared by his statement, that in 1841, in consequence of the new regulations limiting the emoluments of postmasters to $5,000 per annum, and in consequence of greater expense to the postmaster at New Orleans than other postmasters were subject to, an allowance of $800 was made to him by the department to meet the excess of expense. But the rent from boxes and commission did not pay him the full salary and allowance—falling short about $650. This bill was to authorize him to refund himself that amount out of the box rents of the office.

Messrs. TAPPAN and KING opposed the bill; and before any question was taken on it.

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 6, 1843.

Mr. BIDLACK presented the petition of citizens of north ern Pennsylvania, for the repeal of the bankrupt law.

Mr. READ presented the petition of 384 citizens of Bradford county, Pennsylvania, praying for the establishment of a mail route from Troy to Athens, in said county.

Also, the petition of sundry citizens of Bradford and Susquehanna counties, praying for a mail route from Montrose, in Susquehanna county, to Athens, in Bradford county.

Mr. BIDLACK presented the following resolution; which was considered and adopted:

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of allowing a pension to Catharine Good, widow of Jacob Good, of Pennsylvania.

Mr. WHITE of Indiana presented the memorial of sundry shipwrights of New York, in favor of the erection of a dry dock at that place: referred to the Committee on Naval Affairs.

STEAM NAVIGATION.

Mr. TRIPLETT submitted the following resolution:

Resolved, That the Secretary of the Treasury communicate to this House, as early as possible, the number of steamboats, and their tonnage, employed on the Mississippi river, from January 1, 1841, to January 1, 1843, and their probable cost or value, and the value of the cargoes transported in them; the number of persons annually employed in navigating them, and the number of persons conveyed as passengers in them for the years aforesaid; the number and value of the steamboats lost or materially damaged in each of the said years, and the cause of such loss or material injury, and the loss sustained by the destruction or damage of the cargoes of such boats, with an aggregate of the loss and damage of boats and cargoes, distinguishing between those lost by the boats running on snags, bars, and rocks, and those lost from other causes; also, the number of lives lost during the said time, making the same distinction.

Mr. FILLMORE requested Mr. T. to modify his resolution, so as to include steamboats navigating the lakes; which being assented to, the resolution was adopted.

Mr. TALIAFERRO called for the orders of the day; when

The SPEAKER announced that the regular order of business would be the calling for the reports of the standing committees.

The committees being called on, the following reports were severally made.

WAR OFFICE.

Mr. STANLY, from the Committee on Military Affairs, to whom was referred so much of the President's message and accompanying documents as relates to the army, reported the following resolution:

Resolved, That the Committee on Public Buildings be instructed to report to the House of Representatives what amount of appropriation is necessary for the erection of an additional building for the War Department, with a plan of said building.

The resolution was adopted.

Mr. CALHOUN, from the Committee on Naval Affairs, reported a bill for the relief of William Faber; which was read twice, and, after being ordered to be engrossed, read the third time, and passed.

PENSION AGENTS.

Mr. TALIAFERRO, from the Committee on Revolutionary Pensions, reported, without amendment, the bill from the Senate making compensation to pension agents; which was referred to the Committee of the Whole House, and ordered to be printed.

COMMISSIONER OF PENSIONS.

Mr. TALIAFERRO, from the same committee, to which had been referred the bill from the Senate to continue the office of Commissioner of Pensions, reported the same without amendment.

On motion by Mr. TALIAFERRO, the bill was then carried through its different stages, and passed.

Mr. FORNANCE, from the Committee on Revolutionary Pensions, reported a bill granting pensions to certain widows of revolutionary soldiers; which was read twice, and referred.

Mr. MORRIS, from the same committee, reported a bill for the relief of James Gray; which was read twice, and referred.

Mr. JAS. COOPER asked leave to submit the following resolution:

Resolved, That the postmaster of the House be, and he is hereby, instructed to furnish to the reporters of the debates in this House such a quantity of stationery as may be required by them in reporting said debates, of which an account shall be kept.

Objection being made—

Mr. C. observed, that he understood, for the first time this morning, that the reporters had been furnishing their own stationery; and, as their reports were necessary for the information of the public, he thought the expense of their stationery at least should be borne by the House. He, accordingly, moved a suspension of the rules for the purpose of receiving the resolution.

Mr. CAVE JOHNSON called for the yeas and nays, but they were not ordered; and,

On taking the question, the motion was rejected.

Mr. GILMER gave notice that he would, on to-morrow, ask leave to introduce a bill to abolish certain subordinate offices in the General Land Office.

GENERAL JACKSON'S FINE.

The SPEAKER announced that the next business in order would be the unfinished business of yesterday, which was the resolution of the gentleman from New York, [Mr. BOWNE,] directing the Committee on the Judiciary to report a bill to refund the fine imposed on General Jackson at New Orleans in 1815, by Judge Hall—the question pending being upon the motion of Mr. ARNOLD to commit the whole subject to the Committee of the Whole House.

Mr. ADAMS, who was entitled to the floor, and as a preface to the remarks he was about to make, submitted the following amendment:

"Strike out all after the word 'resolved,' and insert—

"That the Committee on the Judiciary, to whom has been referred that part of the message of the President of the United States at the commencement of the session, which recommends the reimbursement of the fine imposed on General Jackson by the district court of the United States at New Orleans, in March, 1815, be instructed to report within —— days an amendment to be proposed to the bill No. 503, now in Committee of the Whole on the state of the Union, which shall make the bill conformable to the recommendation of the President, '*without designing any reflection on the judicial tribunal which imposed the fine.*'

"And that the said committee do further report their opinion, whether the declaration of martial law by General Jackson, at New Orleans, was within the competency of his official powers, by the laws of war, without violation of the Constitution of the United States; and, if so, whether his imprisonment of Dominick A. Hall, judge of the district court of the United States, and his arrest and subjection of Louis Louallier, a member of the Legislature of the State of Louisiana, to a trial by a court martial, appointed by General Jackson himself, were justifiable acts of martial law, and not an abusive exercise of despotic and arbitrary power.

"And also their opinion whether, by the passage of this act, according to the recommendation in the message of the President, the sanction of Congress will be given to the principle that those acts of General Jackson belong to that class of cases in which punishment may well be restrained within that limit which 'asserts and maintains the authority of the law, and the subjection of the military to the civil power.'"

The SPEAKER decided that the amendment was out of order, unless the gentleman from Ten-

CONGRESSIONAL GLOBE.

PUBLISHED BY BLAIR AND RIVES, AT ONE DOLLAR PER SESSION, IN ADVANCE.

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Continued from No. 8.

nessee [Mr. ARNOLD] would withdraw his motion to commit.

Mr. ARNOLD withdrew his motion; and the amendment was received.

Mr. ADAMS said he had offered the amendment, in order that the bill, if passed at all, should be passed in the precise manner recommended by the President. In order to show this, he would call attention to the paragraph in the message of the President:

"I recommend to Congress to take into consideration the propriety of reimbursing a fine imposed on General Jackson at New Orleans, at the time of the attack and defence of that city, and paid by him. Without designing any reflection on the judicial tribunal which imposed the fine, the remission, at this day, may be regarded as not unjust or inexpedient."

His amendment would have the effect of returning the fine without reflecting upon the judicial tribunal by which it was imposed. The President went further, in the same spirit, and recommended the remission of the fine on the principle that the Judge was executing faithfully the duties of his office; that the treatment of him, and the trial of Louallier by a court-martial appointed by Gen. Jackson, were violations of law; and the remission of the fine was a mere act of oblivion, without impairing, but, on the contrary, confirming the propriety of the action of the Judge. The President said: "Without designing any reflection on the judicial tribunal which imposed the fine, the remission, at this day, may be regarded as not unjust or inexpedient." He hoped the House would observe the cautious phraseology of this passage. The President did not say that the remission would not be unjust or inexpedient, but that "it may be so regarded."

Again, the President says: "The voice of the civil authority was heard amidst the glitter of arms, and obeyed by those who held the sword; thereby giving additional lustre to a memorable military achievement." What was the meaning of this? The voice of the civil authority was *heard* and *obeyed*. What was that but an acknowledgment of the justice of the act? It was assigned by the President, as a motive for passing the bill, that General Jackson obeyed the judgment of the court. Farther, the President said: "It can hardbe doubted that it would be gratifying to the war-worn veteran, now in retirement and in the winter of his days, to be *relieved* from the circumstances in which that judgment placed him." Certainly, so far as the payment of money was concerned, he had no doubt that the remission would be very gratifying; but whether the "war-worn veteran" was willing to accept a donation on that principle, was another question.

The President next proceeded to lay down a principle of extraordinary importance; and the more so, because the President had recommended the passage of this bill in discharge of what he conceived to be his duty. What did he say? "There are cases in which public functionaries may be called on to weigh the public interest against their own personal hazards; and if the civil law be violated from praiseworthy motives, or an overruling sense of public danger and public necessity, *punishment* may well be restrained within that limit which asserts and maintains the authority of the law, and the subjection of the military to the civil power." *Punishment*—that was the word. Gen. Jackson was to be relieved from the punishment inflicted upon him for a violation of the Constitution and laws. The *punishment* was to be remitted. Again: "The defence of New Orleans, while it saved a city from the hands of the enemy, placed the name of General Jackson among those of the greatest captains of the age, and illustrated one of the brightest pages of our history." It was, then, the defence of New Orleans, the brilliant victory then achieved, and not the imprisonment of Judge Hall—not the subjection of Louallier to trial by a court martial, appointed by Jackson, which gave a claim to the remission of the fine. The question was, whether, in consideration of these services, General Jackson ought not to be *relieved* from the circumstances which this righteous judgment had inflicted upon him.

The President thus concluded the paragraph to which he referred: "Now that the causes of excitement existing at the time have ceased to operate, it is believed that the remission of this fine, and whatever of gratification that remission might cause the eminent man who incurred and paid it, would be in accordance with the general feeling and wishes of the American people." Now, he would not deny that the American people wished this fine to be paid back. It might be so. At least a portion of them wished it—a portion commonly called "the Democratic party." He would remark that the party which pushed this measure with such solicitude in the State Legislatures and in this body—where, from their extreme anxiety to avoid discussion, they wished to call the previous question—had an additional motive, besides that of relieving the "war-worn veteran" from the circumstances under which this righteous judgment placed him. Much had been recently said about setting up the Presidency at auction, as the prætorian guards once did in the Roman empire. He must say, if auctioneering was to elect the next President, that this measure—not of Anglo-Saxon, Anglo-Irish, or Anglo-Scotch, but of French origin, operating first on the Legislature of New York—was one of the best auction schemes that had entered into the campaign. All this desire of the people to have General Jackson's fine remitted, was but a species of auctioneering for the Presidency. The good-will of General Jackson was courted by all the divisions of the Democratic party. From the first proposition of the measure in the Legislature of New York, to its late sanction in the Legislature of South Carolina—the land of the bloody bill—every effort made in its behalf was traceable to auctioneering for the Presidency.

Rumors were afloat—he could not, of course, vouch for their truth—that the great presidential question between the various divisions of the Democratic party, was to be ultimately decided by Gen. Jackson himself. It seemed to be given out that he was to be the president of the national Democratic convention; and who knew what the result would be? Such were the rumors which were afloat. From what the House had seen, it was clear that all the divisions of the party were humble suitors for the good-will or neutrality of Gen. Jackson. He did not expressly assign the paragraph in the message of the President to that purpose. The President alone knew what were his motives; and, therefore, he (Mr. A.) would not say that this was a bid in the great auction. If it was, however, a bid, he would say that it was not a very good one. He thought the "war-worn veteran" would say that such a bid won't do. At any rate, he wished to have the trial made, by putting the bill in precisely the same terms recommended by the President, in order to see whether the "war-worn veteran" would take it.

He then called for the reading of the concluding portion of his resolution; and it was read. The House would perceive, from this, that he proposed to instruct the committee to inquire and report whether this would come under that class of cases to which the President referred as justifying a violation of the civil law. He wished the fact to be reported to the House. Should the bill pass in the form asked for by General Jackson, it would, in effect, become the law of the land in all future time. Should it be passed, it would be recognising the right of a commander of the army to declare martial law, and prostrate every right of the citizen. There was no alternative left. The bill must either be passed in the form recommended by the President, or it would recognise a violation of the laws. One thing or the other must be done. The question was, whether the House would consent to pass the bill in such a shape as to sanction the principle that the commander of the army has the power to declare martial law by his own authority, and without instructions from the Government, and thus take away the privileges, property, and lives of citizens at his pleasure. Sanction this, and your children to the latest day will be subject to martial law at the fiat not only of the President, but of a commander of an army. You must remit the fine, and at the same time recognise the punishment, or do as General Jackson demands—stigmatize the character of a dead man who had the courage and the nerve to discharge his duty. This, too, must be done when the judge has been dead twenty or twenty-five years, and no friend here to vindicate his acts.

After some further remarks from Mr. A., the Speaker announced the expiration of that portion of his hour that remained over from yesterday.

Mr. C. J. INGERSOLL said he thought the gentleman's hour was up.

Mr. EVERETT said the question was a new one, an amendment having been offered, and the gentleman was entitled to his hour.

Mr. C. J. INGERSOLL replied that if a gentleman might thus renew questions, he might go on to speak forever.

The SPEAKER decided that the gentleman from Pennsylvania had the floor.

Mr. C. J. INGERSOLL said that he designed not to enter entirely into the discussion on this subject, but to address himself to——

Mr. ADAMS rose, amidst a confused noise of voices, and addressed the Chair.

Mr. C. J. INGERSOLL said he had the floor.

Mr. ADAMS said he claimed the benefit of the rules, according to previous practice.

Mr. C. J. INGERSOLL said, unless there was an appeal, he should not yield the floor.

Mr. ADAMS retorted that the gentleman was not entitled to the floor, and he (Mr. A.) claimed it, according to the practice of the extra session, at which one gentleman made a speech of two hours' length by simply changing the question at the expiration of his first hour.

Mr. WISE begged leave to state a fact in justification of the Chair.

The SPEAKER, however, went on to explain the case to which allusion had been made; and he was understood to say that there was not a two hours' speech made, as the gentleman from Massachusetts had averred; but when the gentleman who had the floor got through his hour, a new question was made, and the same gentleman got the floor on that new question. There was not a continuance of a speech by a change of the question by the gentleman on the floor; and if it were allowed, it must be obvious to the House that it would operate as a repeal of the hour rule, and a gentleman might, in that way, speak a week.

Mr. WISE reminded the Chair that, at the extra session, he attempted to do what the gentleman from Massachusetts now wished to do; but the Speaker overruled him, and the Chair was sustained by the House.

Mr. WINTHROP inquired if, during the discussion on the bankrupt law, this rule had not been dispensed with. He was understood to refer to the gentleman from New York, [Mr. GORDON,] who spoke some days ago, and again yesterday, on that bill. [A member was heard to say that the question was then in a different shape.] To bring the question before the House, he appealed from the decision of the Chair.

The SPEAKER explained, that when the gentleman from New York [Mr. GORDON] spoke some days ago, the question was in a different shape; and that, it having been changed, he again got the floor yesterday, which was not inconsistent with the rule.

Mr. WINTHROP said the gentleman from

Massachusetts spoke this morning under a new motion; and it was not a case of a gentleman who made a motion, to lengthen his time to speak.

The SPEAKER replied that the gentleman from Massachusetts occupied half an hour yesterday, and he had the floor this morning, to occupy the residue of his time; and therefore he was not entitled to further time, because, in the course of his speech, he submitted an amendment.

Mr. WINTHROP withdrew his appeal.

Mr. C. J. INGERSOLL then resumed his speech, but for some time he was scarcely audible above the hum of conversation which prevailed through the hall. He was, however, understood to say that he should confine himself to an answer to the speech of the gentleman from Massachusetts, [Mr. ADAMS,] reserving himself for a future opportunity to discuss the matter at large, when he should come fully and fairly before the House and the country; and he could assure the gentleman from Massachusetts that he should treat him with all proper courtesy and respect. But he might now congratulate him and the House, that, after a month's inexplicable silence, he had at length recovered his speech; and, in addition to that, he congratulated the gentleman from Massachusetts on his return—he would not say to the prætorian guard, or to any other guard; for, if his reading was correct, the prætorian guard not only put up at auction the Roman empire, but they sold it to a negro—but he congratulated him on his return to presidential support. He, (Mr. I.,) however, would say that the presidential message had not prompted his action. And this he would say, that, as he was the only member of this House who stood upon that floor on the 6th February, 1815, when the news of the victory of New Orleans arrived—and never could he forget it—so he was the author of the modest bill on the table, exculpating the judge, and removing the stain from one individual, without communicating any tarnish to the other.

As he was here in 1815, and was here now, with a heart full of gratitude to Andrew Jackson—though, as he was reminded on a former occasion, General Jackson thrust him from office, [laughter;] and therefore he (Mr. I.) was under no obligation to him—he acted here with respect certainly for the President, but without caring what the President had recommended. He acted because his immediate constituents had sent here many petitions, and urged him at the last session to bring the matter to the consideration of Congress. In that he had motive for action; and the House would do him the justice to observe that, having, by great good fortune, navigated a little bill through the perilous difficulties of a committee, in which the Speaker knew he was in a very humble minority—and having presented a report there, through the kindness of his associates on that committee, (with whom he had enjoyed the most pleasant personal intercourse, as he hoped he should continue to do,) and a gentleman from Georgia, who was not here this session, but who at the last session gave him his countenance and support,—he repeated, he hoped the House would do him the justice to observe that he had waited for no recommendation from a gentleman sometimes called John Tyler, sometimes Captain Tyler, and sometimes the President of the United States, signifying that it should be done; but he had acted upon those things of which the gentleman from Massachusetts was the special champion—the petitions of the people—particularly his own constituents. He had not even wanted the promptings of Maj. Davezac or Captain Anybody; but he had acted on that for which he hoped he should have credit, and that he should not be included in the cruel imputations and the unsparing disparagement with which the gentleman from Massachusetts had this morning assailed the motives of every gentleman who had taken part in this debate. Under all the circumstances, in what he had said and done, he hoped his motives might not be supposed to be what they were not. He had, however, risen for the purpose—

The SPEAKER here, by the falling of his mallet, announced to the gentleman from Pennsylvania that the morning hour had expired.

Mr. C. J. INGERSOLL said he was called by some extraordinary circumstances to go home to-morrow; and, if he might be allowed to go on to-day, he would be glad to do so. [Cries of "Let him go on."]

The SPEAKER was about to put the question whether the gentleman from Pennsylvania should be allowed to proceed? when

Mr. EVERETT objected.

Mr. C. J. INGERSOLL moved a suspension of the rules, that he might be allowed to proceed.

The SPEAKER put the question on that motion; on which, there were 97 in the affirmative, and 70 in the negative. The motion was lost—two-thirds not voting in the affirmative.

Mr. C. J. INGERSOLL afterwards said he would remain until to-morrow, for the purpose of finishing his remarks.

Mr. GIDDINGS called for the orders of the day, viz: private bills.

Mr. EVERETT moved that the House resume the consideration of the bill for the repeal of the bankrupt law; and he expressed a hope that the question might be taken to-day.

The SPEAKER said the motion of the gentleman from Vermont would require a suspension of the rules.

Mr. EVERETT moved a suspension of the rules.

Mr. HOPKINS called for the yeas and nays: and they were ordered, and resulted thus—yeas 113, nays 90; which was less than a majority of two-thirds, and, therefore, the motion did not prevail.

On motion of Mr. COWEN, the House then resolved itself into Committee of the Whole; and the following bills, to which no objections were made, were severally considered and laid aside to be reported to the House:

A bill for the relief of Asahel Lee, Harvey Lee, and Samuel Lee.

A bill for the relief of John Coxe.

A bill for the relief of Samuel B. Tuck.

A bill for the relief of Thomas D. Gilson.

A bill for the relief of Joseph R. Chandler.

A bill for the relief of the heirs or the assignees of the heirs of Isaac Todd and James McGill.

A bill for the relief of Jonathan Britton.

A bill for the relief of Daniel Dunham.

A bill for the relief of David Allspach.

A bill for the relief of James E. Hunt and others.

A bill for the relief of Conrad House.

A bill for the relief of Boyd Reilly.

A bill for the relief of George Randall, John C. Haskell, and E. H. Holmes.

A bill for the relief of Robert G. Ford.

A bill for the relief of William D. Smith.

A bill for the relief of Catherine Wilson; and

A bill for the relief of the heirs and legal representatives of Major General the Baron de Kalb, deceased.

Mr. FILLMORE wished to have taken up a bill to refund a certain sum of money which had been deposited in the treasury, and which could not be drawn therefrom without authority of law—(understood to have been deposited there by Mr. Forsyth.)

After some conversation, in which Messrs. GIDDINGS, COWEN, and UNDERWOOD participated, objection was made.

On motion of Mr. COWEN, the committee then rose, and reported a number of bills to the House.

The following bills were then ordered to be engrossed, and afterwards read a third time, and passed:

An act for the relief of Baron De Kalb.

An act for the relief of Asahel Lee, Henry Lee, and Samuel Lee.

An act for the relief of Samuel D. Tuck.

An act for the relief of John Coxe.

An act for the relief of Thomas D Gilson.

An act for the relief of Joseph R. Chandler.

An act for the relief of the heirs or the assignees of the heirs of Isaac Todd and James McGill.

An act for the relief of Jonathan Britton.

An act for the relief Daniel Dunham.

An act for the relief of David Allspach.

An act for the relief of James E. Hunt and others.

An act for the relief of Conrad House.

An act for the relief of George Randall, J. C. Haskell, and E. H. Holmes,

An act for the relief of Robert G. Ford.

An act for the relief of Catherine Wilson.

An act for the relief of Boyd Reilly.

The question then came up on the motion to reconsider the vote by which the bill for the relief of the heirs of Philip Renault was passed.

Mr. YOUNG addressed the House at some length; and then,

On motion of Mr. FESSENDEN,

The House adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, January 7, 1843.

Mr. GUSTINE presented the petition of George A. O'Brien, for indemnification for losses sustained by his father, Richard O'Brien, Consul General of the Barbary powers previous to 1800.

Mr. READ presented the petition of sundry citizens of Tioga county, Penn., praying for a new post-route in said county, from Elkland to Middleburg; which was referred to the Committee on the Post Office and Post Roads.

Mr. DODGE of Wisconsin presented the petition of inhabitants of the town of Southport, Territory of Wisconsin, numerously signed, asking Congress for an appropriation for a light-house at that town, on the western shore of Lake Michigan.

Mr. SOLLERS introduced the Hon. CHARLES S. SEWELL, the successor of the Hon. JAMES W. WILLIAMS, deceased, who took the oath and his seat.

Mr. BOARDMAN presented a petition of a portion of his constituents, praying for a reduction of the rate of postage on letters, and the adoption of the penny-postage system.

Mr. HUNT offered the following resolution, which was agreed to:

Resolved, That the Committee on the Post Office and Post Roads inquire into the expediency of establishing, by law, a mail route between the village of Lansingburgh and Scaghticoke Point (in the county of Rensselaer and State of New York) on the Scaghticoke and Lansingburgh turnpike road.

Mr. UNDERWOOD asked the House to discharge the Committee of the Whole from a small bill to establish a new judicial district in Kentucky, so that it might be passed.

Objections were made, and the committee was not discharged.

Mr. ARNOLD moved that the Committee of the Whole on the state of the Union be discharged from House bill No. 548, being a bill to reduce the compensation of members of the Senate and House of Representatives, and the Delegates from the Territories, and to repeal all other laws on that subject; and that the same be made the special order of the day for Monday next.

Objections were made.

Mr. ARNOLD moved a suspension of the rule, and on that motion he called for the yeas and nays.

Mr. HOPKINS inquired if that subject had been considered in Committee of the Whole.

The SPEAKER's reply was not distinctly heard; but, after a few words from Mr. CUSHING, the question was put on ordering the yeas and nays, but it was not carried.

Mr. ARNOLD called for tellers; but only nineteen rose in support of that call, and tellers were not ordered.

The question was then taken on the motion to suspend the rules, and it was negatived.

On the motion of Mr. H. DODGE, it was

Resolved, That the Committee on the Territories be instructed to inquire into the expediency of providing by law for the election by the people of the Territory of Wisconsin of sheriffs, judges of probate, justices of the peace, and of all other officers now elected by the people of the Territory of Iowa.

On the motion of Mr. COLES, it was

Resolved, That the Secretary of the Navy be directed to report to this House whether the officers of the exploring expedition have received extra pay for their services; and, if so, to report specially as to the propriety of sanctioning such payments, or of enforcing their repayment.

On the motion of Mr. HENRY, it was

Resolved, That the Committee on Private Land Claims be instructed to inquire into the propriety of granting 160 acres of bounty land to John McGinnis, of Mercer county, Pa., a

soldier in the late war, who enlisted the 1st day of March, 1813, for the period of during the war, served in the corps of artillery, and was discharged the 17th March, 1815; and that said committee report by bill or otherwise.

On the motion of Mr. McKEON, it was

Resolved, That the Secretary of the Treasury be directed to communicate to this House the names of the parties entitled, and the amounts respectively due, of the old funded and unfunded debt payable on presentation.

On the motion of Mr. FILLMORE, it was

Resolved, That the Secretary of War be directed to communicate to this House any reports in relation to the lake harbors which may have been received since his annual report.

Mr. CAVE JOHNSON objected to any other business that would interfere with the regular morning business.

The SPEAKER then called for reports from committees.

Mr. C. J. INGERSOLL, from the Committee on the Judiciary, reported a bill supplemental to an act of the 24th of May, 1828, to continue a copyright to John Rowlett; which was read twice, and committed.

Mr. BURNELL, from the Committee on Naval Affairs, to which was referred the petition of certain persons composing the guard of marines of the late exploring expedition, under Lieut. Wilkes, moved that the committee be discharged from the consideration thereof, and that the said petition do lie on the table.

He went on to make some observations on his motion, amidst frequent interruptions.

After some further remarks from Mr. BURNELL,

Mr. FESSENDEN moved to lay the motion upon the table.

Mr. BURNELL called for the yeas and nays, but they were not ordered; and, on taking the question, the motion was agreed to.

GORDON'S DIGEST.

Mr. TILLINGHAST, from the Committee on the Library, reported a joint resolution providing for a subscription for a certain number of Gordon's Digest; which was read twice, and referred to the Committee of the Whole on the state of the Union.

RETRENCHMENT.

Mr. GILMER, in pursuance of notice given, introduced a bill, on leave, to abolish the offices of Recorder and Solicitor of the General Land Office; which was twice read, and referred to the Committee of the Whole House.

GENERAL JACKSON'S FINE.

The House then resumed the consideration of the resolution submitted by Mr. BOWNE, in relation to the fine imposed on General Jackson at New Orleans, by Judge Hall; the question being upon the amendment offered yesterday by Mr. ADAMS, to refer the subject to the Committee on the Judiciary, with certain instructions.

Mr. C. J. INGERSOLL, who had the floor, continued his remarks commenced yesterday, and noticed, in the first place, an incorrect report of what he then said, which he found in two daily papers of this city. From these reports it would appear that he disclaimed the weight and influence of the Executive recommendation on this subject; which was incorrect. On the contrary, he felt obliged to the President for bringing it to the notice of Congress. All that he meant to say was, that his course had been taken out of respect for his own constituents, and in consequence of petitions on the subject presented by them; and that he did not need Executive influence to induce him to persevere.

He desired to address himself, as he said yesterday, to what he considered a great and important principle in the American Government; and to notice, also, the views that had been taken in relation to this matter by the honorable and venerable gentleman from Massachusetts, whose weight of character attached importance to his argument, and the method and manner in which he had thought proper to state those views to the House. He would rather, however, in the first place, submit his own views of the subject, (though he might thereby lose what he desired to say in reply to the honorable gentleman,) and return to him after he had done with that part of the subject.

The report that he had the honor to submit to the House, and the bill accompanying it, carefully exonerated the judge who imposed the fine from all censure; and he endeavored to comply with what appeared to him a sense of justice as well as of propriety in presenting the facts of the case, without casting the slightest doubt upon what was admitted by all—and that was, the supremacy of the laws. There could be no liberty without law; and he wished to be distinctly understood as disclaiming everything like the remotest intention of, in any manner, impairing the obligations of law. With these views he would, therefore, distinctly say, (without designing to impugn the motives of the judge,) now that the matter had been forced on him by the arguments of the venerable gentleman from Massachusetts—and enforced, too, in a strain of contumely and obloquy on the commanding general who was the subject of this debate—that the fine he sought to have refunded was not imposed by the authority of law. He desired to meet the issue tendered by the gentleman before the American people; and, as a lawyer, he took his stand on the principle that, if they did not refund this money, the Congress of the United States would sanction a judicial usurpation infinitely more dangerous than martial law in all its most odious circumstances. We have (said Mr. I.) a pamphlet put into our hands, entitled "Martial Law, by a Kentuckian;" the author of which he did not know, and of whom he did not wish to speak in terms of disrespect, but who, it seemed to him, did not understand the subject upon which he wrote. It appeared to him that the argument in that pamphlet was fallacious, the positions unsound, and the assumptions extremely dangerous. He would read, from the third or fourth column, the following sentence:

"The General was arraigned before the court without the intervention of a jury, but according to law and universal usage of all courts of justice, and ordered to pay a fine," &c.

Sir, (said Mr. I.) I deny the truth of the principle there laid down, and consider it as infinitely more dangerous than martial law, of which we have heard so much. There is no such law, and I undertake to convince this country of the truth of my assertion. He knew, (Mr. I. continued,) what the fate of this bill was to be—that it would fail; but if it did fail on the principles advanced by the gentleman from Massachusetts, that the imposition of the fine on General Jackson was a righteous judgment—if it failed on the principle advanced in the Kentucky pamphlet which he had just referred to—then he would say that it failed on no principle of law, but on principles infinitely more to be dreaded than the exercise of authority under martial law. He repeated that he disclaimed any intention of casting imputations on the motives of the Judge. He would cast that aside. Nay, he would cast aside the General himself; strip him of his triumphs and the laurels he had gained, and let him be taken as the vilest malefactor, and liable to punishment. But what right had any judge in this country to take a man by his mandate, and, dispensing with the trial by jury, to put him to torture to compel him to answer, (for that was torture;) and if he did not, to inflict on him a fine *ad libitum*? If he could do that, he might imprison him as well as fine; and, sir, why not torture him? Why not torture him to death? Why not question him upon the rack? It was all comprised in this judicial discretion which the Kentucky pamphlet talked of. He challenged all the lawyers in the House to that issue. He meant to go before the country with the issue, that if they did not give back this money to the General, which was thus unlawfully taken from him, though he might have been a thief, a murderer—nay, the vilest criminal in existence—they sanctioned the grossest judicial usurpation. The Judge proceeded in what Mr. Burke called the best and most authentic absurdity of form to administer the English common law of contempts. But was English common law the law of Louisiana? Was English common law the law of the United States? Would any lawyer pretend that it was? The Supreme Court, in two cases, which Mr. I. quoted, had decided that the common law is not the law of the United States. Sir, (said Mr. I.,) there was no law whatever for this, which was called by the gentleman from Massachusetts a righteous judgment. For this there was no law whatever, but the monstrous principle that it was good for a judge to enlarge his authority, and to protect his power.

If there was no English law, then, and no statute law for this judgment, are we (said Mr. I.) to be thrown upon the civil law? Are we to be thrown upon that mixture of the law of Louisiana, which is English, and Spanish, and French? What would be the consequence? Why, martial law was part of the civil law; we take leave of that of England; we are no longer in Saxondom, but we are in the countries of Roman, Spanish, and French jurisprudence—countries of the *auto da fé* and of military power; and the Judge acted under the very law which the General was censured for declaring. He desired (Mr. I. said) to be told what authority this Judge had for this righteous judgment. He knew that it was very easy for a brother judge, or a bigoted lawyer, to make out a justification for him; and, as applicable to the readiness with which some of the legal profession would sanction such abuses of judicial power, he begged leave to quote a passage or two from Mr. Hallam, the best writer on constitutional law that he knew. Mr. I. then read the following:

"Time changes anomaly into system, and injury into right; example begets custom, and custom ripens into law; and the doubtful precedent of one generation, becomes the fundamental maxim of another.

"With the usual bigotry of lawyers defending every pretension or abuse to which their received standards of authority give a sanction."

Yes, sir, (said Mr. I.,) that is what emboldened the Kentucky pamphleteer to say that "the General was arraigned before the court, without the intervention of a jury, *but according to the universal usage of courts of justice, and ordered to pay a fine.*" He knew that he was speaking here in the presence of a great majority of the profession of which he was an humble member, of which he desired to speak without disparagement; but guarding against the bigotry of a profession defending every pretension or abuse to which their received standards of authority gave sanction.

Sir, (said Mr. I.,) the moment we come to the principles and elements of justice, without what Mr. Jefferson called "lubberly law books," there is no foundation of this righteous judgment? Would it be endured in any State in the Union? Every gentleman knew that, in 1831, an act of Congress was passed limiting the powers of the courts in cases of contempts, and restricting the exercise of their authority in such cases to their own officers, attorneys, and witnesses, or to direct obstruction of their administration. Why, when this Judge returned to New Orleans, did he not bring his action of trespass against the commanding general? Why did he make the law in his own case, administer the law, and execute the law? Are we, (said Mr. I.,) the Congress of the United States at this time, to keep in our possession a fund extorted in this way? He wished to avoid this question; but it had been forced on him by the arguments of the venerable gentleman from Massachusetts; and he met it, therefore, without hesitation. He denied that there was any law to sustain the Judge in his arbitrary proceedings. He denied that any judge had the right to proceed in this way. He denied that there was any statute or any common law to justify him. He denied that there was any law whatever, unless they fell into those codes of which martial law was a portion. Mr. I. then referred to the bills passed refunding the fines imposed on Holt and Lyon, under the alien and sedition laws, in consequence of the prevailing opinion that those laws were unjust and tyrannical. Mr. I., after a few more observations on this branch of the subject, explained what he considered martial law to be; premising that he dissented from Mr. Kendall's article in the Democratic Review, (which had been put into his hands since he began to address the House,) as well as the opinions of the gentleman from Massachusetts on this subject. He also

explained the distinction between martial and military law. Martial law, according to his ideas, was nothing more than extreme necessity. A declaration of war authorizes every species and contrivance of destruction, as the inevitable means of ulterior good. It is the law of mere and sheer necessity, substituted for all common, enacted, or judicial law—analogous to the cases of self-protection from personal violence, when life may be taken in self-defence, relying on future justification by due course of law. General Jackson found himself with an undisciplined and inferior force before a large army, composed of well-disciplined veterans, stimulated by the promise of "beauty and booty," from whom it was indispensably necessary, and his duty, to save the city and inhabitants committed to his charge; and he was, by the same principle, constituted the best, if not the only, judge of what was indispensably necessary. Under these circumstances, he proclaimed martial law, assuming the responsibility, throwing himself upon the justice of his country for his justification. Martial law, then, was the law of extreme necessity—such as would authorize any individual to arrest, without waiting for the process of a magistrate, a man who was about to commit a murder, or fire a house.

Mr. I. said, that in Blackstone's Commentaries, and in Hale, these principles would be found philosophically and satisfactorily explained. He disavowed Mr. ADAMS's doctrine, that martial law is the constant attendant of war; and Mr. Kendall's position, that martial law is always the law of a camp in time of war. He agreed in the principle asserted by Mr. Livingston, as his opinion was given in Mr. Kendall's view of this subject—that martial law, distinguishable from military law, is the occasional and temporary application of extreme force to the furtherance of a great belligerent purpose. General Jackson's proclamation of martial law was nothing more than notice that the state of things in New Orleans required the application of that absolute power which dispensed with all the ordinary course of law, and that he assumed the responsibility of making such application.

The morning hour having expired, Mr. I. asked a few minutes longer, to enable him to finish what he had to say.

Objections being made, with cries of "Go on; go on"—

Mr. CLIFFORD moved to suspend the rules; which motion prevailing—

Mr. INGERSOLL continued; and, after further commenting on martial law, and explaining the distinction between it and the ordinary laws of war, he proceeded to express his regrets at the manner and tendency of the remarks of the gentleman from Massachusetts on this subject, very different from the manner in which one past President should speak of another, and contrary to what Gen. Jackson would do under like circumstances as to Mr. ADAMS. He hoped that he, upon reflection, would regret many things that he had said, and would think that many parts of his speech had better have been left unsaid. He [Mr. ADAMS] had characterized the refunded fine as a pension to a past President; which was not a candid view of it. But suppose it was: had not the gentleman from Massachusetts lately voted a much larger pension to the widow of another past President? which surely was a much stronger case. Mr. I. had voted with him on that occasion, and felt no regret at having done so, as he believed it was right, as he had heard the late Wm. Lowndes say that pensions, when individuated by act of Congress, are not inconsistent with our republican Government. The venerable gentleman from Massachusetts himself is in fact a pensioned past President, for he enjoys, by virtue of that office, the franking privilege, which, though small in amount, is the same thing in principle. After thus, with an ungenerous fling, denouncing an act of justice as a pension, the gentleman from Massachusetts next proceeded to speak contemptuously of it as a donation, which he (Mr. I.) also emphatically denied it to be.

Sir, (said Mr. I.) I envy the gentleman from Massachusetts his large instrumentality, first as Secretary of State, and afterwards as President of the United States, in that most munificent of republican donations, the grant to Lafayette; and I trust that that venerable gentleman would not rather bestow on a French foreigner than his own immediate countryman such donations as the rewards of inestimable public service.

Lastly, and worse than all, the gentleman spoke of it as a charity, after a night's reflection on the subject; and contumeliously said that he would give a farthing of alms to the war-worn veteran—"*Date obolum Belisario.*" If this sarcastic charity had been even charitably mentioned, there might be some excuse for it; but as it fell from the venerable member, I submit to his own sense of charity, that it was an uncharitable sarcasm. General Jackson needs no charity—no pecuniary help; all he desires is, that Congress should wipe a stain from his renown—should not suffer him to go to posterity, and be tarnished in history as a violator of law and usurper of despotic power. Mr. I. regretted, for the honor of the country, that one ex-President should speak in such terms of contumely of another.

Mr. I. next referred to Mr. ADAMS's admirable vindication of General Jackson for his invasion of Florida, and his course with regard to Arbuthnot and Ambrister, which he said was so powerful and luminous an argument on the necessity of the case, that the British Government was satisfied, and convinced that, if we had not law, we had justice on our side.

Invading the Spanish territories without order or authority, capturing their forts, hanging an Indian chief without the form of trial, executing two British interlopers, after a mere form of trial—all the high handed, but justifiable proceedings of Gen. Jackson in his Seminole campaign, were justified by Mr. Secretary Adams, on the same plea of indispensable necessity for the public safety which Mr. I. now asserted as the General's justification. He did not refer to this probably the best of all Mr. Adams's state-papers, in order to infer from it inconsistency with that gentleman's present position, but as the true doctrine then, as it was in 1815. After a few further observations, Mr. I.'s hour expired.

Mr. W. O. BUTLER next obtained the floor, but was precluded from addressing the House by the expiration of the morning hour.

JUDICIAL DISTRICT IN KENTUCKY.

On motion of Mr. UNDERWOOD, the House then resolved itself into a Committee of the Whole on the state of the Union, (Mr. MCKENNAN in the chair,) and took up "A bill to divide the State of Kentucky into two judicial districts."

At the suggestion of Mr. FILLMORE, the bill was so amended as to fix the salaries of the marshals and attorneys at $200 per annum, instead of "the same as allowed in other districts."

Mr. FESSENDEN made an ineffectual effort to have taken up a bill to change the judicial district in Maine.

The committee then rose, and reported the bill to the House.

The amendment fixing the compensation of the marshals and attorneys at the stated sum of $200 was adopted, and the bill ordered to its engrossment.

It was then read a third time, and passed.

Mr. FESSENDEN moved that the House go into committee on the bill in relation to the judicial districts of Maine.

Mr. JACOB THOMPSON moved that the House go into committee for the purpose of taking up the bill to establish an additional land district in Mississippi, and urged the necessity of a speedy passage of the said bill.

After some conversation between various members and the Speaker,

Mr. FESSENDEN moved that the House resolve itself into a Committee of the Whole generally.

The motion was not carried.

The bill for the relief of the heirs of Philip Renault came up in order.

Mr. BIRDSEYE addressed the House at length in favor of the bill.

At the request of Mr. C. J. INGERSOLL, the bill was informally passed over, in order to take up the following bill, the objection made to which had been withdrawn:

"A bill supplementary to the act of the 24th May, 1828, to continue a copyright to John Rowlett."

It was ordered to its engrossment, and then read a third time, and passed.

Mr. PARMENTER withdrew his objections to the bill for the relief of Wm. D. Smith.

The discussion of the bill for the relief of the heirs of Philip Renault was resumed, and continued by Mr. MOORE in favor of, and Mr. WM. COST JOHNSON against the claim.

At twenty minutes past 3, Mr. TILLINGHAST obtained the floor; but the desire for an adjournment was so great, that he was obliged to yield the floor.

A motion for an adjournment was made, but momentarily withdrawn at the request of several gentlemen.

Mr. UNDERWOOD offered the following resolution, which was adopted:

Resolved, That the letter of Jeremiah Lukins to J. R. Underwood be referred to the Committee for the District of Columbia, with instructions to inquire into the expediency of purchasing for the Government the clock mentioned in said letter.

Mr. J. C. EDWARDS offered the following resolution, which was agreed to:

Resolved, That the map of the western boundary of Missouri, made out by Seth Lee, accompanying the report of said survey, be printed, provided the printing of said map shall not exceed $6 per hundred copies.

Mr. BRIGGS attempted to introduce a resolution instructing the Committee on Accounts to allow pay to such members of the House as might have been detained from its service by sickness, or who should have started from home in time to have reached the Capitol by the first Monday in December, and were prevented by snows, floods, upsetting, accidents, and other impediments.

The resolution was objected to.

Mr. M. BROWN gave notice of his intention to ask leave, at the earliest opportunity, to introduce "a bill to authorize the appointment of a district judge for the district of West Tennessee, and the northern district of Mississippi."

The SPEAKER submitted several Executive communications, viz:

A communication from the War Department, in answer to a resolution of the House, calling for information as to the practicability of draining the everglades of Florida: referred to the Committee on Territories, and ordered to be printed.

A communication from the Treasury Department, asking for an appropriation to carry into effect the act of the 9th August, 1842, for the relief of David M. Hughes, Charles Shipman, and John Henderson: laid on the table.

On motion of Mr. CUSHING, the House then adjourned.

Mr. CROSS, under the resolution of the House adopted on the subject, referred to the appropriate committees the following petitions, to wit:

The petition of Joseph Wilson, of Phillips county, Arkansas, praying the allowance of a pension.

The petition of sundry citizens of Independence and Searcy counties, in said State, for the establishment of a mail route from Batesville to Lebanon; and

The petition of Elizabeth Davis, praying indemnity for property destroyed by British soldiers in the destruction of the Treasury building in 1814.

IN SENATE.

MONDAY, January 9, 1843.

The PRESIDENT *pro tem.* laid before the Senate a communication from the Post Office Department, transmitting a report in compliance with a resolution of the Senate of 27th July last, showing what reduction of the number of miles on which postages are now charged, in the several cases designated by law, would be necessary to introduce the Federal coinage, so as not to diminish the aggregate revenues of the Post Office Department; which was, on motion by Mr. MERRICK, referred to the Committee on the Post Office and Post Roads, and ordered to be printed.

Also, laid before the Senate a resolution of the Legislative Assembly of Wisconsin, concerning

the propriety of holding the present session of that Assembly, and condemning the course of the Governor in refusing to meet it; which, on motion of Mr. ALLEN, was ordered to be printed, and referred to the Judiciary Committee.

Mr. CONRAD presented a memorial from Wm. A. Bradley, and other citizens of the District of Columbia, praying that an association may be incorporated in Washington city, to be called the Gaslight Company: referred to the Committee on the District of Columbia.

Mr. C. also presented a memorial from John Gregory & Co., merchants, of New Orleans, praying that they may be indemnified for a certain sum of money which was transmitted by the United States mail, and lost between the cities of New Orleans and New York; which was referred to the Committee on the Post Office and Post Roads.

Mr. WRIGHT presented a memorial from several merchants of New York, urging that the bankrupt law is unconstitutional, destructive of the rights of the creditor, and praying for its unconditional repeal: referred to the Committee on the Judiciary.

Mr. W. also presented a memorial from merchants of New York, praying for such a modification of the tariff of duties on cottons as will enable trade to be carried on in fine cottons. Also, a memorial from certain hardware merchants of the city of New York, praying such a modification of the tariff of duties on hardware as to give a proper ad valorem duty on imports of that character; which memorials were referred to the Committee on Manufactures.

Mr. HUNTINGTON presented memorials from citizens of Norwich, Wooster, and Donaldsonville, Connecticut, praying an appropriation to remove obstructions from, and to improve the navigation of the Thames river; which were referred to the Committee on Commerce.

Mr. H. also presented a memorial from citizens of the United States, praying Congress to pass a law extending the time allowed by law for laying down railroad iron imported free of duty: referred to the Committee on Finance.

Also, presented a memorial from sundry proprietors, captains, agents, and pilots in the several lines of steamboats plying to and from the city of New York, praying that the law requiring iron rods to be used fore and aft on board of steamboats, be modified so as to enable hemp to be used for tiller ropes, &c.; and praying that they may be relieved from the penalties incurred under the law: referred to the Committee on Commerce.

On motion of Mr. HUNTINGTON, it was ordered that the petition of Charles Larabee, for an increase of pension, be taken from the files of the Senate, and referred to the Committee on Pensions.

On motion of Mr. MERRICK, it was ordered that the memorial of the president and directors of the Georgetown College, praying for an act of incorporation, be taken from the files, and referred to the Committee on the District of Columbia.

Mr. CRAFTS presented resolutions adopted by the Legislature of Vermont, requesting the Representatives and instructing the Senators from that State to vote for the repeal of the bankrupt law: referred to the Judiciary Committee.

Also, resolutions responding to the resolutions passed by the Legislature of New York, in favor of the abolition of the franking privilege, and in favor of a reduction of the rates of letter postage, and instructing their Senators to vote accordingly: referred to the Committee on the Post Office and Post Roads.

Also, resolutions passed by that Legislature, requesting the Representatives, and instructing their Senators from that State, to vote for the extension, for five years, of the law granting commutation to widows: referred to the Committee on Pensions.

Also, resolutions passed by the Legislature of that State in favor of abolishing slavery in the District of Columbia and the Territories.

The question of reception was raised; when

Mr. KING moved to lay that question on the table.

Mr. TAPPAN said, if he understood the matter, it was not an abolition petition, but the resolution of the Legislature of a sovereign State—Vermont; and was not therefore involved within the rule.

The CHAIR remarked that resolutions of the Legislatures of the States, upon the subject of abolition, fell under the operations of the rule, to the same extent as abolition petitions.

The question was then put on the motion to lay the question of reception on the table, and decided in the affirmative.

Mr. TAPPAN presented the credentials of his friend and colleague, WM. ALLEN, who has been elected by the Legislature of Ohio a Senator in the Congress of the United States for a term of six years from the 4th of March, 1843.

Mr. MILLER presented a memorial against the repeal of the bankrupt law; which was referred to the Judiciary Committee.

Also presented a memorial, signed by 180 merchants, traders, and mechanics of Alexandria, asking Congress to recharter the Bank of the Potomac and the Farmers' Bank of Alexandria for a period of ten years: referred to the Committee on the District of Columbia.

Mr. FULTON presented resolutions adopted by the Legislature of the State of Arkansas, requesting the Representative and instructing the Senators from that State to vote for the bill to refund to General Jackson the fine and costs imposed on him by Judge Hall at New Orleans.

Mr. FULTON expressed a hope, as so many resolutions of instruction from the Legislatures of the States had been presented on the subject of this fine, (which had been so unjustly imposed,) that the bill would be speedily acted upon in the Judiciary Committee, reported to the Senate, and finally passed.

Mr. F. also presented resolutions from the same source, in favor of further appropriations to complete the forts on the frontiers of Arkansas: referred to the Committee on Military Affairs.

On motion by Mr. WOODBRIDGE, it was ordered that the petition of Joseph Campeau, in relation to a claim to land, be taken from the files of the Senate, and referred to the Committee on Private Land Claims.

Mr. W. also presented a petition from John R. Williams, praying that a warrant for a certain tract of land may be patented: referred to the Committee on Public Lands.

Mr. ARCHER presented a memorial numerously signed by citizens of Richmond, Virginia, urging that the bankrupt law was destructive of all confidence between man and man, and asking for its unconditional repeal: referred to the Judiciary Committee.

Mr. KERR presented a memorial from a large number of the citizens of Baltimore, against the repeal of the bankrupt law; which was referred to the Judiciary Committee.

Mr. GRAHAM, from the Committee on Claims, reported back, without amendment, and with a recommendation that they do pass

House bill for the relief of Samuel Hambleton; and

House bill for the relief of the administrator of John Jackson.

Also, reported back from the same committee, House bill for the relief of Dexter Hungerford, of Watertown, Jefferson county, New York, with a recommendation that it do not pass.

Mr. WRIGHT, from the Committee on Claims, made an adverse report on the petition of Samuel Grice, praying for indemnity for property lost in Florida; which was ordered to be printed and laid on the table.

Mr. PHELPS, from the Committee on Revolutionary Claims, made an adverse report on the petition of Ezekiel Wade, praying remuneration for property destroyed during the revolutionary war; and an adverse report on the petition of Lucretia Haymaker, heir-at-law of John Bowen, for bounty land; which reports were ordered to be printed, and laid on the table.

Mr. BAYARD from the Committee on Naval Affairs, reported back, without amendment, the bill to regulate enlistments in the army, navy, and marine corps.

Mr. CONRAD, submitted the following resolution, which lies over for the present:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of repealing so much of the act, entitled "An act respecting the organization of the army, and for other purposes," passed August 23, 1842, as provides that the second regiment of dragoons shall, from and after the 4th day of March next, be converted into a regiment of riflemen.

On motion of Mr. WOODBRIDGE, it was

Resolved, That the Secretary of War be directed to communicate to the Senate such information as may be in the possession of the War Department, not heretofore communicated, relative to any existing impediment to the convenient navigation of lake St. Clair, and relative to the sufficiency of the harbors, and safety of the commerce, on the upper lakes.

Mr. CRITTENDEN, from the Committee on Military Affairs, reported back, without amendment, and with a recommendation that it do pass, House bill entitled "An act for the payment of seven companies of Georgia militia for services rendered in the years 1840 and 1841."

Also, reported back, from the same committee, without amendment, and with a recommendation that it do not pass, the bill for the relief of Thomas Copeland.

Mr. BARROW submitted the following resolution; which lies over one day:

Resolved, That the Secretary of War be directed to inform the Senate why the appropriation made by Congress, at the last session, for Fort Livingston, in the State of Louisiana, has been withheld from the officer superintending the construction of that work; and, also, by virtue of what law, or by whose authority, said appropriation was withheld; and whether the appropriation has been expended on any of the military defences of the country: and, also, that he inform the Senate whether the completion of Fort Livingston is not indispensably necessary to the military defence of New Orleans.

Mr. CRITTENDEN, from the Committee on Military Affairs, reported back, without amendment, and with a recommendation that it do not pass, the bill to refund the balances due Massachusetts for disbursements during the late war.

On motion of Mr. CRITTENDEN, the Committee on Military Affairs was discharged from the further consideration of the petition of Dr. E. Worrell, late assistant surgeon in the army of the the United States, praying to be restored to his late rank in the army.

On motion of Mr. HUNTINGTON, it was

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so modifying the existing laws, that the circuit court of the United States for the district of Connecticut shall be held on the third Tuesday of September and the fourth Tuesday in April, in each year, instead of the time now provided by law.

Several adverse reports from committees were then taken up and concurred in.

Engrossed bill entitled "An act for the relief of the claimants to the indemnity received from the British Government for slaves taken from on board of the brigs Comet and Encomium, at Nassau, New Providence," was read the third time and passed.

Engrossed bill entitled "An act for the relief of persons residing within the reputed limits of the States of Arkansas and Louisiana, and beyond the boundary line between the United States and the Republic of Texas, as established by the commissioners appointed for that purpose," was read the third time and passed.

THE OREGON TERRITORY.

Mr. LINN'S bill for the occupation and settlement of the Territory of Oregon, came up as the postponed business of last week, appointed for further consideration on this day.

Mr. CALHOUN inquired what was the pending question.

The CHAIR said it was on the passage of the bill. It had been read a third time.

Mr. CALHOUN observed that he had been greatly gratified to learn that the Senator from Missouri, who introduced the bill, disclaimed any intention that its provisions should conflict with the provisions of our treaties with Great Britain. It was for the purpose of obtaining time to compare these provisions, and to satisfy himself that they did not conflict, that he had asked a postponement of the bill to this day. He had since examined both the provisions of the bill and of the treaties in relation to the Northwest Territory; and the result of his investigation was, that there was one provision in the bill which would conflict with the existing treaty with Great Britain in relation to this

very territory. He alluded to the provision granting lands to settlers, which he read from the bill. To show in what respect this conflicted with the treaty, he should first take a review of the grounds on which both countries lay claim to the territory, and then the provisions of the adjustment by treaty, which must govern the action of both.

Here Mr. C. made a clear and precise statement of the three grounds upon which the United States Government sustains its title: first, of discovery by Captain Gray of the mouth of the Columbia river, and then by Lewis and Clark of its sources; next, by its transferred right to the Spanish title to the northwest coast; and, thirdly, to the transferred title and claims of France, through its extension of the Louisiana territory. He also stated the grounds upon which England based her claims, which were two: first, under the treaty with Spain, in 1790; and next, with regard to the Columbia river, by priority of discovery of the country tributary to that river. These conflicting claims had been the subject of negotiation, and by the treaty of 1818 it was agreed between Great Britain and the United States that the territory should be open to the subjects of Great Britain and citizens of the United States for ten years. In 1827 the treaty was renewed, leaving it optional with either country to discontinue its obligations upon giving the other a year's notice. He pointed out that the British Government merely claimed for its subjects the equal right of settlement and occupation of the territory with the citizens of the United States; and the Government of the United States insisted on its exclusive right of occupation, settlement, and jurisdiction. He also deduced, from the review of the whole case, that any provision of this bill undertaking to secure to a settler any part of land which he should occupy for five years, would be in conflict with the spirit and meaning of the treaty. For this reason, and also for another reason—namely, that it might be necessary to investigate whether the manner in which it is proposed to extend jurisdiction over the territory is reconcilable with the provisions of the treaty, and the interpretation of it by the British Government as exemplified in its acts of Parliament—he thought it desirable the bill should be committed to the Committee on the Judiciary, or the Committee on Foreign Relations.

Mr. LINN replied, acknowledging that the Senator from South Carolina had correctly stated the claims of the two Governments, and the position in which they stood with regard to the treaty of 1818, renewed in 1827, and requiring one year's notice of discontinuance. He denied, however, that the Senator's deductions were correct—first, that the promise of this bill to make a grant of lands to the settlers, was in conflict with the treaty; and, next, that there could be any question of the right of the United States to extend our jurisdiction over our citizens residing in the territory. The object of the bill was to encourage emigration, by an assurance to those emigrating that they should have the benefit of the jurisdiction of our laws, and the security of their settlements. Without these encouragements, there would be no emigration of our citizens, and England would be left to occupy the whole country, through the agency of her Hudson's Bay Company. Through that agency, she was daily settling down her subjects—taking possession of, and occupying for all practical purposes, the choicest portions of the territory.

Through the same agency, she had extended to those settlers the protection of the British laws. We asked, by this bill, to do nothing more than Great Britain had done. If she interpreted the treaty to her advantage, we surely are entitled to make use of her interpretation to our advantage. But he did not want either the example or dictation of Great Britain in this matter. He took ground upon the indefeasible right of the United States to the territory, and to our indisputable right to extend the jurisdiction of this Government to our citizens within our territory.

Mr. CHOATE was sorry that he was obliged to concur with the Senator from South Carolina, that there was one objection fatal to the provision in the bill making a grant of lands to settlers. He said sorry; because he was entirely favorable to the bill itself, and approved of the objects and purposes proposed by it. On due examination of the existing treaty, he was constrained to say that, to grant away, or to secure a settlement, (which amounted to the same thing,) would be to exercise an ownership, contrary to the spirit of the treaty, according to which every portion of the territory is to be left open to the citizens of both Governments. The obligation not to exercise exclusive jurisdiction or ownership by either party, was implied in the obligation to leave the country free and open to the mutual occupation and settlement of the citizens of both. There was nothing in this view of the treaty conflicting with the extension of the British laws to the subjects of Great Britain residing in the territory; nor would there be in the extension of the jurisdiction of the laws of the United States, in the same manner, over our citizens residing there. There would be mutual jurisdiction; but mutual occupation could not be reconciled with an undertaking on our part to secure locations to our settlers.

Mr. LINN observed, that Congress had, at all events, made some progress in this matter. It was now admitted in Congress that there may be mutual occupation and jurisdiction, without cause of offence to Great Britain. As Great Britain had extended her laws over the territory, so may we extend ours. As she had built forts and made settlements, so may we. She is either to set us the example, or dictate to us what we may do. Now, he would pay no regard to the dictation of Great Britain. He maintained our right to the territory over which we propose to extend our jurisdiction and our population, and it was on this right he based the present bill. There was nothing in it to conflict with any obligation of the United States.

Here Mr. L. extended his remarks, in reply to portions of the observations made by the Senators from South Carolina and Massachusetts, only glanced at above.

Mr. McROBERTS followed, in an argument of much point, which showed the indisputable nature of our claim to the territory, and our unequivocal right to pass a bill with the provisions which this bill contains.

After a few remarks from Messrs. CHOATE and HENDERSON,

Mr. BAYARD submitted an amendment, which he thought would remove all difficulty. It was, in effect, that the provision of a grant of lands, as expressed in the bill, should be changed so as to read, that any person occupying a settlement in the territory for five years should be entitled to a pre-emption right, as against the United States, for 640 acres of land; and so for the share of the wife of a settler and each child for 160 acres.

Mr. CHOATE suggested that the amendment might be printed, and the further consideration of the bill postponed till to-morrow.

It was also suggested that the amendment could be adopted by unanimous consent—which it would require, as the bill was otherwise past the stage for amendment.

Mr. CALHOUN remarked that, as the modification proposed by the Senator from Delaware [Mr. BAYARD] required unanimous consent for its admission into the bill, he, for one, must object to it; because, if admitted, the amendment would, in his mind, be an admission of some doubt as to our title to the territory. He was not prepared to sanction any thing that could bear that construction, believing that the title of the United States was clear. Mr. C. desired to say a few words further; but, at the suggestion of Mr. ARCHER, yielded the floor to a motion for adjournment; wishing it, at the same time, to be understood that he was not entitled to the floor, as he only wanted a few minutes to express what he had to say.

On motion, the Senate then adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, January 9, 1843.

Mr. OLIVER presented a petition from 75 men and 35 women, from Yates county, New York, in favor of a repeal of the present law in reference to a recapture of slaves, &c.

Mr. O. also presented a petition from New York, of 75 men and 35 women, against the admission of Texas into the Union.

Mr. HUBARD presented the petition of John Dixon, for an invalid pension; which was, under the rule, referred to the appropriate committee.

Mr. HENRY DODGE presented the petition of the citizens of the town of Madison, the seat of government for the Territory of Wisconsin, asking Congress for an appropriation for a harbor at the town of Milwaukie, in said Territory.

Also, the petition of the citizens of the town of Jamesville, Rock county, Territory of Wisconsin, asking Congress for an appropriation for a harbor at the mouth of Root river, town of Racine, in said Territory.

Also, a memorial from citizens of the town of Racine, in the Territory of Wisconsin, asking Congress for an appropriation for a harbor at that town, on the western shore of Lake Michigan.

EXTRA PAY.

Mr. BRIGGS, by general consent, submitted the following resolution; which was considered and adopted:

Resolved, That the Committee on Accounts be instructed to allow the pay of all such members of this House as may have been unavoidably detained on their way to the seat of Government at the commencement of this session by the storms, and closing of the rivers by ice, which occurred about that time; or who were detained by being injured by accident; they having left their respective places of abode a sufficient time to have reached the capital in time to have taken their seats on the first day of the session.

IMPEACHMENT.

Mr. BOTTS desired to give notice to the House that to-morrow he should present for their consideration the charges upon which he expected to found an impeachment against the *acting* President of the United States.

Mr. ROOSEVELT presented a petition from sundry citizens of New York, on the subject of the repeal of the bankrupt law; which was appropriately referred.

PLAN OF THE EXCHEQUER.

Mr. FILLMORE, on leave, made a report from the Committee of Ways and Means, on the plan of an exchequer presented by the Secretary of the Treasury, and recommended by the President of the United States, concluding with the following resolution, which Mr. F. said was unanimously adopted:

Resolved, That the plan of an exchequer presented to Congress by the Secretary of the Treasury at the last session, and entitled "A bill amendatory of the several acts establishing the Treasury Department," ought not to be adopted.

Mr. ATHERTON asked leave, and presented a report on the same subject, from the minority of the committee, concluding with the following amendment, which he said he was instructed by them to offer:

And that the Committee of Ways and Means be instructed to bring in a bill regulating the collection, safekeeping, transfer, and disbursement of the public money, in such a manner as shall, as far as possible, substitute provisions of law for executive discretion in the management of the finances, shall prevent the moneys of the people from being used for purposes of private speculation and emolument, and shall render the Government independent of the agency and influence of moneyed corporations.

Mr. FILLMORE said he was instructed by the committee to move the printing of the report, and he would include in his motion the report and amendment of the minority. He would further move that 10,000 copies of both reports be printed, and that they be postponed to, and made the order of the day for, this day two weeks.

Mr. CUSHING understood this to be an argumentative report from the Committee of Ways and Means, containing nothing but a negative proposition, while the report of the minority proposed some definite action on the part of the House. He therefore moved that the whole subject be referred to the Committee of the Whole on the state of the Union, which already had a bill before them in relation to it.

Mr. JOHNSON of Maryland wished to know whether the Committee of Ways and Means intended to bring forward any bill or plan this session on the subject of the currency. He understood this to be a negative proposition—that the committee would not bring forward the plan of the Secretary of the Treasury; and he now wished to know whether they intended to bring forward any plan of their own.

Mr. FILLMORE observed that the gentleman

was correct in supposing that the resolution of the Committee of Ways and Means was a negative proposition. The committee passed only on the subject that was presented to them. It would be perceived, however, that the minority of the committee had offered an amendment, instructing the committee to bring forward a bill—he supposed the sub-treasury—and a substantive proposition would, therefore, be before the House when the subject came up. In answer to the gentleman's question, he would say that he was not aware that the committee intended to bring forward any bill, unless instructed by the House. He hoped the proposition of the gentleman from Massachusetts, to refer the subject to the Committee of the Whole, to be covered up by the exchequer bill of the select committee, would not prevail; as it would deprive the House of giving its opinion, by a direct vote on the proposition which came from the Secretary of the Treasury, recommended by the Executive.

Mr. CUSHING, in reply, contended that it was expected by the House that the committee should make a report containing a plan for the safekeeping and disbursement of the public money, as well as a plan of currency; and that it was their duty to make such a report. Now, the report was not merely a negative report, but a very particular kind of negative report. What did it say? Why, simply that it was not expedient to adopt this particular plan. Had the committee, then, discharged their duty to the House? Had they investigated this broad subject, that was committed to them, in all its parts? Had they met the expectations of the country? Or had they met only the limited question of how the revenue was to be kept? Compare the report of the Committee of Ways and Means with the report of the minority of the same committee. The minority saw the duty they had to perform—that it was to consider the message of the President of the United States, in reference to this subject, in all its parts; and they performed it—presenting a substantial proposition for the consideration of the House. Under these circumstances, he hoped the reference of the whole subject would be made to the Committee of the Whole—where a bill in relation to it was already pending.

How were the moneys of the United States to be kept? In what form were they to be deposited? And under what instructions, and with what limitations? None of these was presented by the act of 1779; but, in the absence of the act of the last Congress, called the independent treasury act, and of the other act which expired by its own limitation, they were left to stand on the discretion of the Treasurer of the United States.

Mr. EVERETT rose to a question of order. The question was on the motion to go into Committee of the Whole; and he wished to know if the whole merits of the finances of the country were in order for discussion.

Mr. CUSHING insisted that he was right; but if the gentleman from Vermont thought he was wrong, let him put his point of order into writing. But the gentleman from Vermont assumed what was not true; for he (Mr. C.) was not stating the whole question.

The SPEAKER interposed, as was understood, to intimate that the gentleman from Massachusetts was not out of order.

Mr. CUSHING resumed. He was of opinion that the majority of the committee were right in the view they had taken of the subject, and that it was the duty of the majority not merely to bring into the House a proposition to negative a bill—that was not the duty assigned to them—their duty was larger and higher; it was to present to the House a measure—a measure which the interests of the Government demanded, and a measure which the country calls for at the hands of this Congress. This they had not attempted to do. He would not say that they had neglected their duty; but they had not performed the duty enjoined by that House. What, then, was the proposition, and the object of the proposition, as stated by the gentleman from New York? There they had a further development of the purposes entertained by that committee. The gentleman objected to go into Committee of the Whole on that report—and why? Why, that if they did, that negative resolution would be overlaid. How? By legislation on the part of the House. Well, was not that what they were bound to do? Were they to spend their time in discussing abstract propositions? What was to be gained by retaining that negative resolution in the House for discussion, instead of taking up the resolution for practical legislation? They should not only take up the resolution, and inquire and discuss it; they should not only inquire whether a particular measure ought to pass; but they should go far beyond that—they should look into the whole scope of legislation, and inquire not only whether a particular bill ought, or ought not, to pass; but whether there was not some form of bill which should pass, and of which a majority of the House could be found to approve. His (Mr. CUSHING's) proposition was, that this subject should be put in a form for practical legislation, and not for mere abstract discussion of a party issue on a particular bill. It seemed to him that it was not only the course of wisdom and of expediency, but of duty, to refer this whole matter to the Committee of the Whole on the state of the Union, that a bill—it was immaterial what bill, nor did he say it should be any particular bill—should be taken up. The gentleman from New York said his object was to have a direct vote of the House on the plan; but, if he wished to make so narrow an issue, it would be competent for him to make it in the House; after they should have been in committee on the whole question, in a practical form, in which there could be legislation. But, no; his object was to prevent legislation. Did the gentleman from New York desire to stand forth as the chairman of Ways and Means in that character, and say that that House was bound to refuse to make any attempt to legislate on the currency? He (Mr. CUSHING) hoped that, instead of sanctioning such a proceeding—instead of promoting a fancy discussion on a fancy resolution, he would consent that at the earliest possible day the House should go into Committee of the Whole, and attempt to pass some measure during this session of Congress.

Mr. ARNOLD said he understood the question now was simply to print; and he thought if this majority and this minority report were before them, in addition to the report which they got from the select committee nearly twelve months ago, they would understand the merits of the propositions much better. He hoped, therefore, that the printing would be ordered, and he now moved the previous question.

Mr. PICKENS asked the gentleman from Tennessee to withdraw that motion, to allow him to make one or two observations in reply to the gentleman from Massachusetts, which he thought would satisfy even him.

Mr. ARNOLD consented, on condition that the gentleman from South Carolina would renew it.

Mr. PICKENS said the report now before the House from the Committee of Ways and Means, was not for the purpose of overlaying a bill, but was in the nature of a negative proposition, and therefore, to effect the purpose of the gentleman from Massachusetts in a more efficient mode, was to let it take its course, and vote upon it in the House by yeas and nays.

Mr. WISE inquired if it was the intention of the Committee of Ways and Means to report a measure, or was it intended to do nothing more than submit a negative proposition?

Mr. PICKENS did not know what the committee intended to do, except so far as their report stated.

Mr. WISE inquired if they had such a proposition under consideration.

Mr. PICKENS again referred the gentleman from Virginia to the report of the committee for an exposition of their views and intentions; and then repeated, that in the House, on this report, they would get specific action. He did not wish to foreclose the gentleman from Massachusetts [Mr. CUSHING] on his own bill; on the contrary he (Mr. P.) wished that gentleman's bill to have a fair hearing and discussion in the Committee of the Whole; and he agreed with the gentleman from Massachusetts [Mr. CUSHING] that this resolution was merely negative against the bill reported by the Secretary of the Treasury, between which and the bill of the gentleman from Massachusetts there was a material and distinct difference, as there was between that gentleman's bill and all others. He was willing that the gentleman from Massachusetts should go into Committee of the Whole on his bill; but on this bill of the Secretary of the Treasury, to which they felt such particular objections, he wished specific action in the House by yeas and nays, in a tangible shape; and if the gentleman from Massachusetts wished for action by the House, he would agree with him, and not commit it to the Committee of the Whole. He concluded by moving the previous question, in conformity with his promise.

Some conversation ensued on the operation of the previous question, and Mr. ARNOLD was induced to withdraw his motion.

Mr. W. COST JOHNSON said, if they had been forced by the previous question to vote on this resolution, they should have voted while they were profoundly ignorant of the long written arguments of the several branches of the committee, which had not even been read by any gentleman, except such as were members of the committee—possibly only by the gentleman who wrote the argument. He was, therefore, opposed to giving a vote upon it, while he had not had an opportunity to examine the arguments which the reports contained. He also objected to vote on the proposition of the gentleman from New York—for the single reason, that it was presented to the House in the attitude, not of active legislation, but of a mere negative proposition, on which they might consume the time of the House, and, when it was disposed of, they would be as far from a settlement of the question as when they referred it to the Committee of Ways and Means, at the beginning of the session. Foreseeing such a result as that which they had witnessed, he voted against the reference of that portion of the President's message to the Committee of Ways and Means.

It was now seen that it was not the purpose of the committee to recommend any specific plan; and he asked, what was to be gained by this proposition of that committee? It was a negative mode of telling the House that they preferred seeing Congress adjourn to the adoption of any plan, or that there was neither capacity nor will in the House to meet the question directly, and to give a specific and tangible vote upon it. He knew how difficult the question was of settlement; but still he thought it was the duty of the House to present a specific proposition for its action, and to test its sense, that the country might see whether there was a majority in favor of any plan whatever. For that reason, he could not see how any progress could be made in legislation by voting on the proposition of the chairman of the Committee of Ways and Means; and, while he would cheerfully vote to print the reports, that they might have every advantage from them, he could not, and would not, agree to consume some two weeks in a discussion on a negative proposition, which, when the vote was taken, would bring them no nearer to its settlement than they were at the commencement of the session.

Mr. BOTTS said, while, of the plans proposed, he should prefer a United States bank, he must recall the House to the simple question before them, which was merely one of printing the reports, and not of the adoption of the resolution of either the majority or the minority of the committee. What was the resolution of the majority? It was simply a negative proposition, that it was not expedient to adopt the plan recommended. And what was the proposition of the gentleman from New Hampshire? It was to bring in a specific plan, which was substantially the sub-treasury. Now, was it not competent for the gentleman to move that specific plan in Committee of the Whole? If, therefore, they would keep these two subjects separate, and confine themselves to the question of printing, they might at once decide it.

Mr. FILLMORE said he was not surprised at the haste with which the gentleman from Massachusetts had attacked the report just laid on their table, before there was even time to read it, or to know its contents. The honorable gentle-

man had complained that the Committee of Ways and Means had presented this subject in a way that would not result in legislation, and the honorable gentleman from Maryland [Mr. W. C. JOHNSON] took exception to the report on the same ground. Now, what was the history of that question before the House? for, by recurring to that, they would see if there was weight in that objection. It was submitted to Congress at the commencement of the last session, and the report, containing the plan as recommended by the Executive, was sent to a committee, a majority of whose members were the avowed friends of the Executive. That committee, after holding the subject under consideration until the middle of February, made a report, accompanied by a bill as a substitute for the plan recommended by the Executive —a plan which had been prepared by a leading member of the Cabinet, and of which a distinguished member of the Cabinet, in a speech at Boston, avowed himself the advocate, and declared that the plan submitted as a substitute for the plan of the Executive was not worth a rush—that it was not worth the parchment on which it was written.

He then went on to remark that the subject of the currency and finance was before the House and the country in every possible phasis in which it could be presented. There was no reason why the House could not come to a vote. If any member was in favor of the plan of the exchequer, it would be easy for him to move to strike out the word "not" in the resolution reported from the Committee of Ways and Means, and thus make it declare that the plan is expedient. He should like to see the individual who was prepared to vote for it.

But the gentleman [Mr. CUSHING] had said that the committee had failed to discharge its whole duty. What was that duty? Was it to report the plan of the gentleman from Massachusetts? Was it to report a bank? No: it was made the specific duty of the committee to report another particular plan. The resolution of reference made it the duty of the Committee of Ways and Means to take into consideration such parts of the President's message as treated of the currency, "including the exchequer plan and the tariff." The Committee of Ways and Means of course had the whole subject of finance under its charge; but the exchequer and the tariff were expressly referred to it. The gentleman said that the committee should have reported some affirmative plan. Were the committee authorized to report a bill which they did not approve, in violation of all parliamentary precedent? According to the doctrine of the gentleman, the committee were bound to report in favor of the Executive plan.

Mr. CUSHING rose to explain. He did not say that the committee were bound to report in favor of the plan of the Executive, but that they should have reported some bill.

Mr. FILLMORE resumed, and was understood to insist upon the interpretation he had put upon the remarks of the gentleman from Massachusetts, [Mr. CUSHING.] He believed that the committee had discharged its duty. If the House differed from it, let the committee be instructed to report a bill in a modified form. He (Mr. F.) had been called out prematurely in this debate; and he desired to state the fact to the House. Though he had moved that the subject be postponed, and hoped it would be, for the purpose of examination; yet he would tell the gentleman from Massachusetts, who appeared so desirous of having the question passed upon, that, should the gentleman move to take up the exchequer bill, he (Mr. F.) would not oppose the motion. The House had been spending weeks in debating abstractions and political questions, in which debate the gentleman himself led off. His only desire, in wishing this report postponed a week or two, was in order to give time for its examination.

Mr. WISE said that the result of the reference of the President's message to the Committee of Ways and Means was precisely what he had anticipated and predicted. Indeed, when the motion was first made to that effect, it was intimated by the friends of the measure, (the exchequer,) that to refer the message of the President to the Committee of Ways and Means would be no more nor less than "*committere agnum lupo.*" It was referred there simply to be destroyed—not to get some other plan from that committee, but to get their verdict of condemnation upon this one plan.

But what had the committee reported? A glance through the preamble had enabled him to discover some of the reasons on which they based their resolution. The reason was, that for ten years past the money power of the Government has been in the hands of the Federal Executive. The report said that it was now in the hands of the Executive; that such a state of things was dangerous; and that the Executive ought to be stripped of it. Now, the Executive had recommended a plan, by which he would be stripped of this power; and the Committee of Ways and Means, instead of carrying out their correct views, in which he (Mr. W.) agreed, contented themselves with saying that the plan would not do. There, their wisdom stopped. There, their patriotism stopped. They merely said that one plan out of a thousand was objectionable. But did the committee say that no other plan should be adopted? That the plan was so bad as to be unworthy of repairs? Did the gentleman [Mr. FILLMORE] say that he could not report a creature of his own brain, which would suit the wants of the country? For some years past there seemed to be but two alternatives—a bank of the United States and a sub-treasury. This, however, was now contradicted by the exhibition of the exchequer—a middle ground between the other two measures. The gentleman said this would not do: why, then, did he not give the House the model of a bank, which, some sessions ago, was made to assume any Protean shape? Could not the gentleman report that measure again? The fair and only construction of his report was, that he wished to have "*aut Cæsar, aut nullus.*" Anything but a bank was unworthy of amendment or consideration! Did the gentleman weigh his words when he said that the exchequer could not be amended? What was the meaning of amendment? Was not every proposition capable of amendment? Was it not a common mode of amendment to move to strike out all after the enacting clause, and insert a wholly different proposition? Did the gentleman mean to say that the plan was so bad that it could not even be remedied in that form? Did he mean to say that he could not strike out the plan of the Secretary of the Treasury, and insert one from the collective wisdom of the Committee of Ways and Means? Why was not a substitute reported?

Mr. FILLMORE said, if the gentleman desired him to answer his question, he would say that a substitute had already been reported by the friends of the Executive, and was now before the House.

Mr. WISE said that the friends of the President did not themselves consider the plan of the Secretary of the Treasury to be perfect, and reported amendments to it. Was he to understand the gentleman as concurring in the amendments? No; the gentleman did not agree to them. The gentleman did not concur in the plan of the Secretary of the Treasury, or in the amendments to that plan by the friends of the President. Why, then, did he not report a better substitute? The gentleman had no answer to that question! The answer was a concealed one.

Mr. FILLMORE remarked that the majority of the Committee of Ways and Means had twice reported their plan to the House, but it was, on both occasions, defeated by the Executive.

Mr. WISE said he had now got the answer he wanted. He would go before the people upon it. A bank of the United States or *nothing!* He was willing to go before a jury of the country on this answer. Yes; the gentleman was willing to let the President have the power of the purse, unless he could get his national bank! Though there were regulations for the organization of the Treasury Department, yet the gentleman very properly thought that something further should be done to limit Executive discretion. When a plan for that purpose was proposed, what was his answer? A bank or nothing. There were no degrees—no gradations of policy or expediency. *Aut Cæsar aut nullus*, was the gentleman's maxim.

He (Mr. W.) differed from his friend [Mr. CUSHING] as to the disposition to be made of this report. He did not agree with him in wishing its reference to the Committee of the Whole on the state of the Union. He wanted it before the House, to be decided by yeas and nays; and thus see whether one party would say that it would take nothing but the sub-treasury, whilst the other declared it must have a bank. He wished to see whether these two parties would insist upon extremes, or no measure. He was willing to sustain the previous question, and as ready to vote now as he would be two weeks hence. When the question should be taken, after the previous question was sustained, he should vote with the minority of the Committee of Ways and Means, who reported an amendment to the resolution of the majority. He should vote for the resolution of the gentleman from New Hampshire, [Mr. ATHERTON;] and he would ask the Clerk to read it aloud, for the information of the House.

[The resolution was read accordingly.]

The majority of the committee undertook to say that the plan of the Secretary of the Treasury should not be adopted. The minority did not choose to stop here; but wisely went further. They wished the majority to prescribe rules to the Executive for administering the finances of the country. In the first place, they said some plan (they did not say what) should be adopted to strip the Executive of his power over the purse of the country. In this, they concurred with the majority, and with himself, that the Executive should be deprived of his present discretion. In the second place, he concurred with the minority, that the public officers should not be allowed to use the money of the Government.

Mr. ATHERTON said the minority went further. They were in favor of prohibiting all persons whatsoever from using the public money.

Mr. WISE said he went the full length with the gentleman. He would allow none the privilege of trading upon the public money. In the third place, the minority said that they would separate the Government from all moneyed corporations. He (Mr. W.) would go that, too. He went for the doctrine in its full extent. Now, all three of these doctrines which he had named were asserted by the plan of the friends of the President. He should vote for the amendment of the gentleman from New Hampshire, [Mr. ATHERTON,] although he preferred, instead of instructing the Committee of Ways and Means—which had already said it would not concur in any plan but that of a bank, which had been twice presented, and which they knew could not be adopted—that the report and resolution should be referred to the Committee of the Whole on the state of the Union. When in that committee, there would be found a bill fully answering in its character to the instructions proposed. He was anxious to go into the Committee of the Whole to vindicate this measure, to exhibit all its details line by line, and to show that it comported with the instructions reported from the minority of the Committee of Ways and Means. He wished to show that it guarded the public funds; that it separated the Government from moneyed corporations; that it devised a system of law for the regulation of our finances; and that it in all respects agreed with the true Democratic theories of the present day and of the past time. He would show that the modification of the sub-treasury, proposed by the leading periodical of the Democratic party, would render it such as that it would agree with the exchequer. The only difference between them was this: The sub-treasury provided two currencies—one for the Government, and the other for the people; whilst the exchequer provided the same currency for both. He begged that the House might, at an early day, go into committee on this measure, and let a vote be taken. He begged this Congress not to go away without settling the question. He warned both of the political parties that it was not their policy to leave it unsettled. It was too much the policy of the leaders of both to keep it open. They seemed disposed to go before the country with the maxim *aut*

Caveat nullus—with extreme measures—and resolved not to take any middle ground. If they should continue to pursue this policy, he ventured to predict that both would be defeated, and that that party which had been most instrumental in keeping this question open would suffer most from the indignation of a suffering people.

Mr. GRANGER observed that the gentleman from Virginia who had just taken his seat [Mr. WISE] remarked that this question had met the fate he supposed it would meet, when the reference of it was made to the Committee of Ways and Means. He (Mr. G) would go further, and say, that it had met the fate he desired that it should meet, when he gave his vote for that reference. Notwithstanding all that the newspaper scribblers had said on this subject—notwithstanding all the efforts that had been made to manufacture public opinion here—notwithstanding the first and second Executive recommendations of this plan, he had declared elsewhere, and he now declared here, that there never was a time, from the moment that that plan was presented to this, when any member of either House of Congress was prepared to record his vote in its favor. We now (said Mr. G.) have that plan before us; and where is the fluttering? Do we (said he) charge it to those who have been charged with delaying the public business by useless and factious declamations? No. No sooner was the report presented from the Committee of Ways and Means, than the honorable gentleman from Massachusetts, not having his cue, thought that the interests of the Administration required that the child should be strangled. He hardly thought the interests of the White House, when an opportunity was presented for the representatives of the people to vote on this favorite child of the Executive, which had been committed to the wolf—his friend from New York [Mr. FILLMORE]—were best consulted by strangling it, as the gentleman seemed to wish. No sooner was the proposition presented, than the gentleman from Massachusetts (one of the friends of the Executive) rose to see whether it could not be boiled down and frittered away in the grand caldron of the Committee of the Whole. It was not his purpose now to say anything in relation to this plan of the Secretary of the Treasury. It was enough for him now to say that he looked upon it to be a monstrous shoot of a Government bank engrafted upon the plan of the sub-treasury. We have heard something (said Mr. G) of the history of this plan, in the House and out of doors. The gentleman from Virginia [Mr. WISE] spoke of the lamb's having been committed to the wolf; and let us then see (continued Mr. G.,) who has treated this pet lamb most kindly—the wolves to whom it had been committed, or the nurses whose peculiar charge it was. Let us see who has given it the most nourishment, who has been the most prepared to receive it into the folds, or turn it out to the wolves. This pet lamb—this darling of the Executive (who, although a year older than when they first saw it, seemed not to be as large as it then was,) was sent to a select committee on the 14th day of December: and what did they do? It was sent properly to a committee, within which was comprised every avowed friend of the Executive on that floor; and it was due to the Executive and to them that such a reference should be made. What was its fate? The honorable gentleman from Massachusetts—who was in the habit of every now and then reading the House a lecture on the delay of the public business—could not bring forward his proposition till the 1st of February, when this pet lamb was presented, and (good heavens) how little it looked! Having received this bill in the committee, and being head of the guard, the gentleman felt as if he could do with it as he pleased; and, after having it nine weeks in his possession, he brought it back in such a shape that nobody could have supposed that it was the one that was committed to him. If it had been turned out in the east room, the President himself would not have known it. Its tail was cut off, its ears slit, and every member of the committee seemed to have put his private mark upon it. It was then brought into the House, and they tried (said Mr. G.) to pull its wool over our eyes. [Laughter.]

When this plan first came from the Executive, there was a great anxiety manifested in the public mind in relation to it; and, therefore, it was expected that the committee would have given it a chance of being brought before the House, and considered by it. But what next? Why, the report of the gentleman from Massachusetts came in, and nothing was heard of the plan of the Executive. On the contrary, nothing was heard of but the splendid plan of the Secretary of the Treasury, and the magnificent report accompanying it. We waited (said Mr. G) a little longer; and what next? The honorable Senator from New York [Mr. TALLMADGE] presented a plan, which was extolled to the skies; while that of the Executive, as well as of the select committee, was forgotten.

He would add a single word in reply to the complaints that had been made of the Committee of Ways and Means for not reporting a bill. What was the proposition of the committee? Why, that the members of that House should be called on, like men, to record their votes, ay or no, for the proposition presented by the Secretary of the Treasury, and recommended to their favorable consideration by the Executive. Did that bar the legislation of the House? Certainly not. Suppose the honorable chairman of the Committee of Ways and Means had reported a bill. If he had, he (Mr. G.) must be permitted to say that the business of the country would not have been forwarded by it. It would have come in behind the bill of the Secretary of the Treasury, and the bill of the honorable gentleman from Massachusetts; and thus not probably be reached this session.

Mr. G. said that, if this plan of the Executive was the Democratic Republican plan for keeping the public money that it was represented to be, he wished every gentleman there to have an opportunity of recording his vote upon it. He had voted against the sub-treasury; and he wanted now to have an opportunity of recording his vote against this exchequer plan, which he considered emphatically a sub-treasury, with a most powerful Government bank engrafted upon it. He would not say thus much of the plan of the gentleman from Massachusetts. He looked upon it as one of the most harmless machines he ever saw; though the one of the Executive was the most powerful, dangerous, and pernicious agent that any Government could be possessed of, controlling all the commerce of the country, and bringing all its business within the influence of the Executive.

Mr. G., in conclusion, said he rose merely to say that if the gentleman from Virginia had seen the result he expected when the reference of this subject was made to the Committee of Ways and Means, he had seen the result he desired when he gave it his vote. When the resolution reported by the committee came up, he hoped that, if there was any gentleman here who favored the plan of the Executive, he would move to strike out the the word "not," so as to get a direct vote for or against it. If no such motion should be made, he would then conclude that there was not a single member present who was in favor of the plan.

Mr. J. R. INGERSOLL, a member of the Committee of Ways and Means, supported the motion of the gentleman from New York, and defended the report of the committee, contending that they had obeyed the order of the House in presenting the report they did. Had the committee reported a bill, as the gentleman from Massachusetts argued that they should, the business of the House would not have been forwarded by it; for it would have to take it's place on the calendar behind the bill of the Select Committee, and he did not know but a dozen other propositions on the the same subject. He believed that the country wanted action, not abstract reports; and therefore he thought it best to let the House take up and act on such of these propositions as the majority preferred. The committee, in his opinion, took the best course in reporting only on the plan committed to them. The country had a right to have the question decided whether the plan of the Executive was or was not to receive the favorable consideration of Congress. We desire (said Mr. I.) to have this question passed upon; and there seems to be no opposition to there being an immediate decision on it, but from the friends of the Executive.

Mr. TURNEY said they met there, at the extra session, when the Whig party had an overwhelming majority in both branches of Congress, and an Executive of their own choosing, and they commenced operations to pass a system of measures; and yet, at this late day, it seemed to be doubtful who was to blame for the present state of things, and for substituting the pocket of the President for a responsible treasury, in which to deposite and safely keep the public moneys! Some years ago, it was deemed a most odious proceeding, when General Jackson removed the deposites; and he was loudly denounced for it by the Whig party: but now they had themselves removed the public moneys from the security of the independent treasury to the pocket of the President. And who was blameable for it? It was said, by the friends of the President, that he was not chargeable with it; and how, then, was he to understand it?

Before the President approved the bill repealing the sub-treasury, that House had reported a bill by one of its committees, and was acting on that plan, to establish a bank of the United States. The President knew this when he signed that bill; and had he, or had he not, made up his mind at that time? for he knew that a national bank was intended to be a substitute for the sub-treasury. Or did he intend that his own pocket should be the depository for the public moneys? The President chose to approve the bill repealing the sub-treasury, and thereby released the public money from the control of law, and placed it in his own pocket. He (Mr. T.) therefore held that the President chose his own individual pocket in preference to any fiscality. And how stood the Whig party on that floor in relation to that subject? They voted to repeal the sub-treasury, and thereby placed the public money in the pocket of the President for safekeeping. And what propositions had they now? Why, they had the exchequer recommended by the President of the United States; but, it was said, that the proposition would not receive the sanction of the House. They had also the proposition of the select committee of the last session. The Whig party, having a majority in that House, had proposed a bank of the United States as their first choice. Well, that could not receive the sanction of the President of the United States, and therefore could not become law. The Whig party, then, would be forced to choose between two propositions; and they must take either the sub-treasury which had been reported by the gentleman from New Hampshire, or allow the public moneys to remain in the pocket of the President. But what did the Whig party say of the character of the President? That he was honest? That he had one drop of patriotic blood in his veins? No; not one. But, on the contrary, the whole Whig party said that this evil President ought not to be trusted by the people of the United States. Why, they denounced him as a traitor, who had sold himself and sacrificed his country on the altar of individual aggrandizement—that he was as base as base could be. That was the character given of the Whig President by the Whig party on that floor. And yet what were they about to do? They could not establish their favorite system—a bank of the United States; but they had the choice, either to leave the money in the pocket of this base individual; or to take the sub-treasury, odious as it might be to them. And which did they prefer? If they preferred the pocket of the President of the United States, they gave the lie to all they had said of the character of John Tyler, and pronounced that they did not themselves believe what they said. John Tyler was the Whig choice, base man or not; and whether he remained so, he (Mr. T.) would leave the country to judge by what now occurred. Did the Whigs then choose to keep the public money in the pocket of John Tyler as their second choice? Their first choice was a United States bank; and, failing in that, did they deem the pocket of John Tyler, without restraint or control of law, the best possible plan? The Whigs had now the opportunity to speak out, and say whether they would have the sub-treasury, or the pocket of John Tyler—believing him to be, as they asserted, a

base and corrupt man. It was evident they must take one or the other horn of the dilemma. Though the sub-treasury was not their favorite scheme, yet it was free from the danger to which the other was exposed; and let them remember it was their own act which produced this state of things. They put the money in the pocket of John Tyler for disbursement and safekeeping; and would they prefer to keep it there when they knew, by two vetoes, that they could not have a United States bank? They had involved themselves in this difficulty, and they were now compelled to adopt the sub-treasury as a means of keeping the public money—a plan by which the use of the public money for the purposes of corruption was prevented; or they must acknowledge to the American people that all they had said of the baseness of John Tyler was wholly false. That was his (Mr. T.'s) view of the question as it was presented to the House; and he knew not one member of the House who had not made up his mind upon it, and upon all the other questions which were involved in the subject-matter of that discussion. John Tyler was the Whig Executive; he was made and created by them, for purposes of their own; and he was better known to them than to him (Mr. TURNEY.) John Tyler was not his (Mr. T.'s) choice, nor the choice of those whom he represented on that floor; for they had no great faith in him, nor could they comprehend him. When Gen. Jackson removed the deposites, he was charged with violating the Constitution, and Mr. Tyler was one of those who held that doctrine; but Mr. Tyler now held that a bank of the United States was unconstitutional. How, then, could General Jackson be guilty of a violation of the Constitution, by removing the deposites from an illegal and unconstitutional institution? He (Mr. T.) would leave this question for others to determine. He repeated, that Mr. Tyler was no favorite of his, nor of his constituents; but he was the favorite (or ought to be) of the Whig party, for they placed him where he is. They quarrelled, it was true; but, as it was a family quarrel, he would leave them to settle it amongst themselves.

But there was an attempt to build up a third party; and under what name? The moderate men of both parties. There was such an attempt made some years ago, when Judge White ran as of no party. Now he (Mr. T.) was of opinion that one or other of the existing great parties of the country was right; and he could not comprehend how a third division was to be made. The moderate men of both parties! Who were they? There were those who advocated a sub-treasury; and they were ultra. Therefore, this moderate party could not go with them. Then there were the bank Whigs; and they were ultra. The moderate men could not, therefore, go with them; but they must take the men who could go between the two—a sort of exchequer concern. But what was an exchequer? They had exchequer schemes reported to that House which were more odious to him than an old fashioned bank of the United States; and he felt grateful that that question was to be brought forward, for he wished to see the Whigs put their names on record in opposition to it, as some guaranty that the interests of the country were not to be destroyed by such institutions. He wished to see the Whigs committed on that question; for he had feared that, feeling themselves tumbling to pieces, they would attempt, by some such plan, to compromise with Captain Tyler. Captain Tyler was certainly no Democrat, for he preferred his pocket to a sub-treasury, which was guarded by legal punishments. But the other party said he was no Whig, because he would not sanction a United States Bank. If, then, he was neither Whig nor Democrat, he was certainly not "a moderate man of both parties," and could not, therefore, be rallied round by them. He (Mr. T.) thought it was exceedingly difficult to define a moderate man of both parties—a man who sometimes went with the Federalists, and sometimes with the Democrats, but who, at all times, abused them both.

Thus, then, it was attempted to build up a third party. But the war which had sprung up in the Whig party did not at all affect the democratic principle. It did not touch the sub-treasury. They had been told by the Whig party that the times were hard and oppressive; and that the prosperity of the country, and high prices, and public confidence must be restored by the repeal of the sub-treasury. They had repealed it; they had destroyed the Democratic policy: and had they raised the price of produce? had they increased the reward of labor? had they restored confidence in the community? had they done anything toward the accomplishment of their promises made in the late campaign? They had repealed the sub-treasury the moment they got into power, but their other promises were unredeemed; and he could not acquit Captain Tyler, and a great class of the Whig party, for repealing that law, before some substitute was provided for it. John Tyler knew that the repeal would throw the money into his own pocket, without the restraint of law; and the Whig party had allowed it to remain there, without having made any great attempts to remove it elsewhere, where it could be protected by law. Now he wished the Whigs to say in what attitude they stood before the country. Let them look back to their own speeches at the time when General Jackson removed the deposites, and then say how they could now allow the public money to remain in the pocket of a man whom they say they believe to be both base and corrupt. He (Mr. T.) believed the Whig party would say that John Tyler was by far more base and more corrupt than they had ever said General Jackson was; and yet they permitted him to retain the public money in his pocket. They would not go for the exchequer; they would not accept the sub-treasury, which they knew they could pass, and thereby guard the money by legal safeguards; and did they not, therefore, make the admission that they preferred the pocket of the base and corrupt President to any other place except the bank, which they knew they could not obtain? For himself, he should vote for the proposition of the gentleman from New Hampshire; and if the House did not adopt that proposition, he should consider it to be an admission of a preference of John Tyler's pocket (whence the money might be taken for corrupt and dangerous purposes) to a system restrained and governed by law.

Mr. CAMPBELL of South Carolina did not rise for the purpose of discussing the exchequer *projet*, more than once recommended by the President, and now reported upon unfavorably by the Committee of Ways and Means, further than to say that, in his opinion, it was by no means the most preposterous proposition that has been submitted to the consideration of the American people, since questions connected with the currency have occupied so much of their attention. Even if its merits could be demonstrated, it would probably have but little prospect of success in a Congress, almost every member of which is pledged, by his previous course, to some other proposition. He had merely risen with the intention (without entering into the discussion at length) of indicating to his constituents the course which he should probably hereafter pursue in connexion with subjects of this character.

Mr. C., as his speeches sufficiently testified, had been always favorable to a separation of the Government funds from the uses of banks; but, when that proposition, so correct in principle, had been connected with another, requiring the public dues to be collected exclusively in specie, he had invariably voted against it—believing that such a requirement was calculated to increase the pressure on the commerce of the country, already almost too great to be borne.

Since that question, however, was last agitated in Congress, a change has occurred. Bank circulation, without any oppression on the part of the Government, has gone on gradually decreasing, until, in many of the States, the circulation is reduced below the specie actually in their vaults. Under these circumstances, Mr. C. believed that the separation of the Government funds from the business of trade, even if connected with the requirement of specie, or Government credits, exclusively, in payment of the public dues, would now be accomplished, without producing a shock upon the commerce and industry of the country.

He had made these remarks, not because he expected, during the existence of the present Congress, to change his vote in relation to this subject; for having been elected by his constituents with a knowledge of his previous course, he would scarcely feel himself at liberty to do so. But he wished to indicate to them, by the remarks he had submitted, that in the event of being returned to the next Congress, he would, unless a change occurred in our monetary affairs, probably act with the Democratic party on this subject, as he had upon most others.

Mr. FILLMORE rose and inquired what would be the effect of a motion to lay the subject before the House upon the table.

The SPEAKER replied that the effect would be, that a vote of two-thirds would be required to take it up.

Mr. FILLMORE declined to make any motion.

Mr. THOMAS F. MARSHALL next obtained the floor, amid many competitors, and addressed the House at large. He desired to take this opportunity of saying that, in the action of the Committee of Ways and Means, (of which committee he was a member,) he entirely and heartily concurred. He would also remark, that his concurrence with the Committee of Ways and Means on this subject, and the vote he should give upon the exchequer—a vote which he hoped would be that of an overwhelming majority of the House—did not result, in any manner, from the source whence the proposition had emanated. If he could be induced, by any motive, to look upon the exchequer with a favorable eye, after the endorsement it had received, the open avowal that it met with the entire approbation of the American Secretary of State would have afforded him that motive and inducement. [Profound attention in all parts of the hall.] There was no man—he made the proposition broadly, and without exception—in whom, on subjects of this nature, twelve months ago, he felt so profound a confidence as the American Secretary of State. He was not one of those—and he wished to let it be known, let censure come upon him, as heretofore, from what quarter it might—who denounced the Secretary of State because he chose to remain connected with the Cabinet when the remaining members saw fit to retire. He refused then to censure the Secretary for remaining at his post. He refused now. It was a question, as Mr. Webster remarked, involving his own honor, and which, therefore, might be left to his own decision. He (Mr. M.) found nothing on which to rest a censure. The American Secretary said that he had been looked to, on account of his supposed knowledge of the subject of finance by the President elect, as one who would be a fit person to be placed at the head of the Treasury Department; and, from the knowledge which he had often displayed in this Capitol and elsewhere on such subjects, he (Mr. M.) should have said that there could not be a more competent judge than the Secretary of State.

It had been thirteen years since he first put his foot in the Capitol of the United States. It was in February, 1830, that he, for the first time, put his foot in the Senate chamber; and when he entered the lobby of the Senate, the floor was occupied by the Senator from Massachusetts, upon a question growing out of what were called and known as the Foot resolutions. He thought then, and now, that he had never seen such a man as he then saw. He had just come from the Virginia convention, where all the greatness of Virginia was assembled—where there were three generations of men, constituting the choicest spirits of the Old Dominion. He heard them all. Still, the yearning desire which he had so early formed, to look upon what he considered a great man in all respects, had not been gratified. But when he entered the lobby of the Senate chamber, and heard the Massachusetts Senator speaking upon a subject involving the true nature and genius of our institutions, and discussing the question then before the Senate with one of the most brilliant sons of the South, [Mr. Hayne,] he thought that he had, for once, looked upon a great man, in all parts and in all respects. After hearing that speech, the impression of which could never fade from his memory, he got Mr. Webster's books. He searched for every scrap

which had ever fallen from him, and Mr. Webster's works were his *vade mecum*. Such was his enthusiastic admiration of the man and his productions, that for years he slept with his speeches under his head. He studied them over and over; and if God had vouchsafed to him any of that faculty by which one man could understand the views of another, he had it from him. If he had not mistaken the whole principles of philosophy, currency, finance, and the political organization of this Government, as laid down in those works—if he had searched those works truly—all which condemned those principles was to be found in the proposition for an exchequer.

A Government bank, with a *State rights* feature incorporated in it, emanating from Daniel Webster! He (Mr. M.) had seen and heard strange things since he had been a member here; but this was the strangest of all things he had ever been called on to witness! If the great Senator from Massachusetts, appointed Secretary of State by the late President (for whom all Whigs voted) to conduct the delicate and difficult negotiations appertaining to that portion of the Union whence he came, and whose confidence he enjoyed, chose to remain connected with the Cabinet in order to discharge the duty assigned to him, he (Mr. M.) admired the firmness which induced him to remain and serve his country, in spite of the denunciations hurled against him. If the great Senator—and he preferred to call him so, because it was in that character in which he first beheld him—chose to treat with scorn and contempt those who, laying it down as the law that the Cabinet should be dissolved *in toto*, hurled themselves against him for maintaining his post and discharging his duty, not as the retainer of any man, but with a single eye to the obligations due to his country, he (Mr. M.) would be the last to denounce him, let orders to that effect come from what quarter they might. He well knew what it was to receive orders, and to have the party scourge laid upon his free back. He admired the man who had the firmness to resist those orders;—but more of that hereafter.

The Secretary of State, in his late speech, said (and some thought sarcastically) that the motives of public men should be presumed to be pure. He (Mr. M.) would be the last person ever to presume impurity of motive against the Secretary of State. He had charged no man: he now meant to charge no man. It was no invention or argument of his own that he brought before the House. If his principles were wrong, the Secretary of State had taught them to him. On him, therefore, let the blame rest. If the ideas he advocated were "obsolete," the Secretary of State taught him what was obsolete.

By the exchequer, the Government was made to legislate under favor of the States' permission. You are to pass a law, which is to be a law, or not, according to whether it shall be permitted by State sovereignties! Here was to be a Government bank, under political direction, trading upon the revenues of the country, and ten millions besides, with a State-rights principle incorporated! Such a measure as had never been heard of before! He could never go for it. Give him the law of 1789, under which the operations of the Treasury Department were now conducted—give him the subtreasury—give him everything else, piled up on one another, rather than this exchequer.

The gentleman from Virginia [Mr. WISE] taunted the Committee of Ways and Means because they did not report a substitute for the exchequer. Why should they have done otherwise than pursue the course they took? Had the gentleman forgotten what he (Mr. M.) heard him say (and the gentleman would pardon him for declaring that he always listened to everything which fell from his lips with the utmost attention) when he told the House that the Whig party, which once had so much life, that he would as soon think of striking a woman, or kicking a corpse, as of attacking it? Lion-like, he turned off from the insignificance of the object.

After a few more remarks in this behalf, not distinctly heard, he proceeded as follows: "We have you hung up—*suspenditur per collum*—between heaven and earth, and fit for neither;" and I made bold to ask the gentleman which of the two schemes was the scheme of the President; when I was answered by him that it was that of the Secretary of State. Now, if this were true—if the gentleman had authority to speak on this subject, and tell this Congress, after the experience he had gained of the strong nature of this "fixed fact in the Constitution," that this proposition, and no other, would be taken,—why, Mr. M. would ask, should the Committee of Ways and Means be expected to report any other?

Mr. WISE said the gentleman was mistaken when he said that he had authority to speak for the Executive on that floor.

Mr. M. took it for granted that the gentleman was acquainted with the designs of the Executive on this subject of the treasury. He had heard him say that he might be waked up at any hour of the night, and he would tell at once what John Tyler would do in regard to a bank of the United States. He had also heard him say to the Whig party that they should have this measure, and no other. Surely, the gentleman did not mean to say that his word was law to the House. He did not refer to his own power, when he spoke in that authoritative tone. Knowing the stubborn nature of the veto—and, by-the-by, he approved of that power in the Constitution—he could, of course, only suppose that he referred to the action of the Executive, and spoke by authority. But why should the Committee of Ways and Means report anything else? To get another veto? Did the gentleman wish to place the Congress of the United States again in this predicament? Who did not remember the charges made against the Whig party at the last session—and for which he had no doubt they were condemned by the people—of legislating for the purpose of catching vetoes? Why, then, (said Mr. M.) should we report another plan, or amend this? The Secretary of State had said, "Don't change this thing." He knew his skill, and the tools he had used, and that it would work well. "Don't, therefore, (said he,) alter it in the least; but give us the thing we have sent you, and I pledge"—Oh! what a pledge—"I pledge my reputation that it will work well." Why, then, (said Mr. M.) should we report another bill, and get another veto? for another veto is inevitable if we do it.

He had been charged in that House and out of the House with being inclined to surrender to Mr. Tyler the independence of Congress upon the subject of the clause in relation to the public lands that was stricken out of the tariff bill (as he said) upon his motion, (though there seemed to be some obscurity upon that question.) When that question came up, as his own honor was involved, he would have that question explained. When that subject came up, it would be found whether he was inclined to surrender, so far as he was concerned, the independence of the legislative branch of the Government to the Executive power.

On that question he differed honestly with some of the most distinguished men of his party; but here emphatically was a question of a surrender of the privileges of the House of Representatives. We have (said Mr. M.) sent plan after plan to the Executive, and they have been vetoed; we have been told that any law on this subject, according with our principles, will be vetoed; we have been told that the legislative will on this subject must submit, and that we must take the law, and every letter of it, from the Executive. This was not a question of the veto power. Not at all. It was not here the question, whether, because the Executive vetoes a law, the Constitution shall be changed. Not at all. The question was, whether the Legislature should take the law draughted by the Executive, with every *i* dotted and every *t* crossed, or get no law at all.

Must they take the law as it came from him, and have no power to amend it? That was the question; and let it be expressly understood, that if the exchequer bill were passed by this Congress, it would be passed contrary to the principles of both parties. Dared he to vote upon a principle like this? Dared he to legislate under the dictation of the President of the United States? That Capitol might crumble to ruin over his head—the commerce of the country might suffer ten thousand fold more than it was now suffering, ere he would lend himself to any such proceeding. It was a question of liberty itself; and yet gentlemen were exceedingly anxious that the measure should pass.

He (Mr. MARSHALL) would probably have another opportunity, before the 4th of March next, to continue his speech. He desired this to be understood as merely the exordium of the speech which he intended to make. [A laugh.] He had a great variety of matters to discourse upon, a great many things to say in relation to his course in Congress, and in relation to his very peculiar position, which he intended to define exactly. [A laugh.] The gentlemen connected with the Administration on that floor were extremely anxious that this measure should pass. They had had a tolerably distinct announciation upon this subject, the other day, from the gentleman from Massachusetts.

He (Mr. M.) had suffered so much from misrepresentation himself, that he would not willingly misrepresent any human being. He had not read the gentleman's reported speech; but he had heard at least three-fourths of it. He considered it as being a sort of half-jest, half-earnest affair—one that might be taken either way. He did not understand the gentleman as announcing upon that floor, by authority of the President, that any one who expected to get office under John Tyler must vote for this bill. But he certainly did understand the gentleman to say that the Whig party were as dead as a stone; that they had butted their brains out against the constitutional question; and that the Administration had thrown them off. He understood it to be, on the part of the President and his administration, a distinct and final repudiation of the Whig party. The gentleman had announced one fact—which would, he feared, be found to be a fact, and a melancholy one—that there was now in the United States no man of sufficiently commanding character and patriotism—no man who, by his name and weight of character alone, could rally around him, as around a common centre, any party in this country. The gentleman had also declared that the proceedings of that body were but a continual struggle between a number of gentlemen in that House, whose name was Legion, and the President of the United States; and that, among this numerous host, there was not a single individual of such standing and stability as to draw with him the support of a party. That the Democrats, divided as they now were, were in very great danger, by means of the "constitutional fact," (against which the Whigs had butted their brains out,) to be placed in precisely the same fix. For there stood the same "constitutional fact," and there stood the great party who had been signally discomfited, and there was another great party soon to be put *hors du combat*. The ring was to be cleared. [A laugh.] He did not know who those gentlemen were whose name was Legion; he had no doubt they could easily be distinguished by the gentleman. Though they were marked as distinctly as the little sheep so pathetically described by the gentleman from New York—though rejected and driven from the fold—no one could blame them for casting a few wistful glances towards those they had left; and he had a sort of hope that, amid the divisions on the other side, and in the exultation which an overwhelming majority was so apt to inspire—believing, as they did, that the Whigs were dead—stone-dead—some of these days they might again look up, and recover their former standing. The gentleman from Massachusetts apparently desired to settle this great question for Congress, leaving them no ground to stand upon.

It would, however, all thought, be a queer state of things to see a union between Mr. Tyler, Mr. Webster, and the Postmaster General. He spoke not now of the other members of the Cabinet, for he did not know them so well; he would not name the gentleman from Maine. But to unite either the Northern or Southern interest with John Tyler—my conscience, what a coalition it would be! If this should take place, and the gentleman from Virginia should be found amongst them, would he ever say anything more on that floor about coalition?

A strange sight to see Mr. Van Buren associated with Mr. Calhoun and Mr. Webster! [A laugh.] But enough of this: let the Democracy stick to

their principles, and leave the Whig party to take care of themselves. The principles they once held were right: let them stick to their principles, and let the others stick to theirs; let the Administration go on as it chose, it would be over in a little time; and, in his opinion, when it was over, and the history of this country came to be written, this Administration—for some of the members of which he felt the highest respect—would be a sort of parenthesis, [a laugh,] which, on looking into the grammar books, would be found to be a passage which might be left out without injury to the sense. [Prolonged laughter.]

He (Mr. M.) had held on to the Administration as long as he possibly could, as a Whig Administration; and he was one who believed that Mr. Tyler, although he had been called a traitor, and denounced for having deserted his party, honestly and sincerely disagreed in judgment, and entertained opposite sentiments from those of a majority of the Whig party. He believed Mr. Tyler to be a lower Virginian of the later platonic school. [A laugh.] He had never entertained the idea of Mr. Tyler being an out-and-out Whig, from the moment of Gen. Harrison's death. Mr. Tyler, if he knew anything of his history, was once a Jacksonman, and quitted the Administration party on account of the difficulties which grew out of the questions of State rights and of Nullification. Mr. Tyler was a Jacksonman when he (Mr. M.) was in opposition to Gen. Jackson's policy, and he was against Gen. Jackson when he (Mr. M.) was on his side.

He was not at the Harrisburg convention, but he had swallowed the ticket agreed upon by the Whig party; he had taken it all down. Out of Congress, he always did whatever the Whigs told him. [A laugh.] And he would do so in Congress, if there was not a higher obligation resting upon him. With a certain class of politicians—politicians of the strict constructionist school—a passage from an old letter of Mr. Jefferson, of but three lines separated from the context, was of higher obligation than the Constitution itself. He never supposed that Mr. Tyler would give his assent to any bank system, until he saw the message which recommended this exchequer plan. Never, until then, had he any hope that the President would sign any bank bill. Whenever he heard Virginia politicians talking about the law of the land, and about the opinions of the fathers of that school of politics, he confessed that he always got scared. But the new doctrine went still farther. The older politicians, if he understood them, never held such doctrine. They were strict constructionists, to be sure; but they never held that the power to incorporate a bank was unconstitutional because no such power was delegated by the Constitution. What was the doctrine they now heard? That the powers of this Government were supreme, absolute, and irresistible within the ten miles square; and that a law passed by Congress might be extended to the States, by the assent of the State Legislatures; or, in other words, a law might be passed by compact between the General Government and the State Legislatures; and the Senator from Massachusetts had endorsed that doctrine. He had not been aware of the existence of this doctrine until within a few months; and yet, it appeared, it was one of the peculiar doctrines of this Administration.

He had never heard the Democratic party take this ground, and on this point he and the Democratic party agreed. Some of the Democratic party, indeed, held that the incorporation of a national bank was improper, as it gave an undue preference to individuals; that it made undue discrimination, giving to the stockholders the use of the public moneys, and placing them in a better condition than all other people. In this particular he and they differed; but would they, holding such doctrine, come forward now and give their support to a government bank of this description? He thought they would not.

Whether the Whig party would ever come into power again, or not, was only for Him who held the issues of life and death to determine; he thought it exceedingly probable that, whether they did or not, he would not be permitted any longer to remain in their ranks; he would not be permitted to bear arms, and to do battle in their ranks; but whether they rose or fell, it was in their power at least to fall with dignity.

The Democratic party, he believed, felt themselves strong enough to succeed in their own measures without assistance. They had seen these gentlemen, whose name was Legion, dash their brains out against this fixed constitutional fact—out of revenge, probably, for having elected a President of the United States who was of a different creed in politics. Cæsar had fallen in the capitol, and fallen at the very base of Pompey's statue. There they lie disabled, and now they want Democracy to take them by the hand and raise them up. But Democracy says no! we will not help you, for we do not like you. We are not responsible for your disasters.

Had it come to this? Had the gentleman from Massachusetts authority to make such a proposition—to announce that Mr. Webster offers his name and his vast influence in favor of a Democratic candidate for the Presidency, whether he comes from the North or from the South, and to establish a Government bank, based on the public revenue, to be conducted by commissioners, bound by no responsibility save to the throne, and with the doctrine of State rights stuck in the middle of the system?

Here Mr. M. was interrupted—his hour having expired; but, before resuming his seat, he gave notice that he would, at the earliest opportunity, resume and continue his speech. No matter what the subject of debate might be, he intended to go right through with what he had to say. If gentlemen chose to be boisterous, he would imitate their example; and he believed he could use the lash as severely as they could.

Mr. PROFFIT then obtained the floor, but yielded it to

Mr. WM. W. IRWIN, who moved an adjournment; but the yeas and nays being called for, and ordered,

Mr. IRWIN, after two or three names had been called, by general consent withdrew his motion.

The question was then taken on Mr. FILMORE's motion to print the two reports, and carried; leaving the motion to print the extra number of copies open.

On motion by Mr. WM. W. IRWIN,

The House adjourned.

IN SENATE.

TUESDAY, January 10, 1843.

The PRESIDENT *pro tem* laid before the Senate a communication from the State Department, transmitting, in compliance with a resolution of the Senate of the 13th December, further information as to the operations of the bankrupt law; which, on motion of Mr. EVANS, was referred to the Judiciary Committee, and ordered to be printed.

Also, laid before the Senate a communication from the Treasury Department, transmitting, in compliance with a resolution of the Senate of the 5th instant, a report made to the Treasury Department by the district attorney of the eastern district of Pennsylvania, in relation to the cloth cases, in which an attempt was made to defraud the revenue.

Mr. BUCHANAN moved that the report be laid on the table, and printed. He would just say, that if, after the report was printed, and examined by him, it should turn out to be the document asked for, he would move for the printing of an additional number of copies; for those frauds on the revenue should be spread before the country, exposed, and put a stop to.

Mr. CRITTENDEN inquired whether the communication there made was not in relation to one of those cases now in litigation, and pending before one of the courts of the United States.

Mr. BUCHANAN said it was possible that some one of the many cases might now be pending before the courts, though he did not know that there was. It was his belief that there had been about forty trials of those cases before the courts and jury in the city of Philadelphia. They were all decided in favor of the United States; and all related to a subject which it was not his wish to discuss until he saw this report. But when it was presented, it would be found that the time had arrived when it was necessary to take some decisive action on the subject.

Mr. CRITTENDEN had no objection to the mode of action the gentleman from Pennsylvania proposed for himself; but a communication was made to him that some of those cases were now depending before the courts.

Mr. BUCHANAN remarked, that if any of those cases were depending before the courts, they had been carried up to the Supreme Court on a writ of error; though he did not know that such was the case.

Mr. CRITTENDEN said, if the cases reported to the Senate were depending in the Supreme Court, it was not proper to publish the report until those cases were decided finally. When cases were undergoing trial in the court which was sitting under their chamber, it would not be proper to make a publication which might have effect on their decision. He understood, furthermore, that the parties believed that it was intended to prejudice these cases now pending, by getting up a debate in the Senate on them. He did not wish the Senator from Pennsylvania to understand that he would, for a moment, entertain an idea that he would be capable of such an act. He did not believe that he was capable of doing anything of the kind; for he knew that if the Senator from Pennsylvania believed that any of these cases were depending before the court below, it would be far from his purpose to say or do anything that might prejudice them. It was the impression of the parties concerned, that there was some person of less consequence moving in an underhand manner to prejudice the trials, by bringing about a debate in the Senate while the cases were pending.

Mr. BUCHANAN said the Senator did him no more than justice, when he asserted that he would be incapable of doing anything which would prejudice a case which might be under judicial investigation before the Supreme Court of the United States; but even if any of these cases were there, (a fact of which he was not aware,) how, on the face of the earth, he would ask, could the printing of this report prejudice those cases? The report, as he understood, disclosed the means by which foreign importers committed frauds upon the revenue of this country. It was a question of law merely. It would be for the Committee on Printing to decide, under all the circumstances, whether the report should be printed. He knew nothing of its contents, except what had been stated to him by others; he only knew that it emanated from a most respectable source. It had been suggested to him that some legislation might be necessary to counteract those frauds which he had referred to; and he had merely asked for the printing of the report, that it might be examined by the Senate.

The report was then ordered to be printed.

The PRESIDENT *pro tem.* laid before the Senate a communication from the Treasury Department, transmitting statements from the incorporated banks in the District of Columbia, showing the state of their affairs at the close of the year 1842; which, on motion of Mr. MILLER, was ordered to be printed, and referred to the Committee on the District of Columbia.

Also, laid before the Senate a communication from the Navy Department, transmitting, in conformity with the 20th section of the act of Congress of 26th August, 1842, a statement showing the expenditures out of the contingent fund of that department for the year ending 30th of September, 1842; which was, on motion of Mr. BAYARD, ordered to lie on the table, and be printed.

Also, laid before the Senate a communication from the Navy Department, in compliance with a resolution of the Senate of the 23d ultimo, giving information of the number of pensions for disability which have been paid to seamen, or privates of the marine corps, since the passage of the act of August, 1841, &c.; which, on motion of Mr. BAYARD, was ordered to lie on the table, and be printed.

Also, laid before the Senate a communication from the Commissioner of the General Land Office, transmitting, in compliance with a resolu-

of the Senate of the 30th ultimo, a statement showing at what offices public sales of lands have been held since the 4th of September, 1841, (being the date of the passage of the distribution act,) and the total amount of money received at such sales, and what amount was paid over the minimum price of $1 25 per acre, &c.; which was, on motion of Mr. McROBERTS, ordered to lie on the table, and be printed.

Mr. CRITTENDEN presented four memarials from most respectable farmers of the State of Kentucky, praying for the appointment of an agency for the purchase of hemp; and urging the propriety of having it manufactured there for the use of the navy of the United States: referred to the Committee on Agriculture.

Mr. CHOATE presented a memorial from merchants and others of the city of Boston, praying indemnity for spoliations committed by the French prior to 1800: ordered to lie on the table, with the bill on that subject.

Mr. CRITTENDEN, from the Committee on Military Affairs, reported a bill for the relief of William Dupuyster and Henry M. Cruger; which was read, and ordered to a second reading.

Mr. EVANS, from the Committee on Finance, reported back, with an amendment, the bill to extend the time of payment of the judgments against the Planters' Bank of Mississippi, and the Agricultural Bank of Mississippi, and for other purposes.

Mr. BARROW, on leave, introduced a bill authorizing an examination and survey of the harbor of Memphis, Tennessee; which was read twice, and referred to the Committee on Military Affairs.

Mr. MILLER, from the Committee on the District of Columbia, to which the memorial of the corporate authorities of the town of Alexandria on the subject had been referred, reported a bill to amend the charter of the town of Alexandria; which was read, and ordered to a second reading.

Mr. M. also, from the Committee on the Post Office and Post Roads, made an adverse report on the petition of Daniel Murray, the surviving partner of Murray & Spencer; which was ordered to lie on the table, and be printed.

Mr. M. also, on leave, reported a bill for repaving and repairing Pennsylvania avenue, in Washington city; which was read twice, and referred to the Committee on the District of Columbia.

Mr. KERR, on leave, introduced a bill to extend the Patent office to 9th street; which was read twice, and referred.

On motion by Mr. BERRIEN, the Committee on the Judiciary was discharged from the further consideration of a memorial from the city of New York, asking Congress to adopt the plan for a board of exchequer; and it was ordered to lie on the table.

Mr. BERRIEN, from the Committee on the Judiciary, to which was referred the petition of Richard H. Wilde, praying that the benefits of the copyright law may be extended to a work which he is about to publish in Europe first, reported a bill for his relief; which was read, and ordered to a second reading.

FINE ON GENERAL JACKSON.

Mr. BERRIEN, from the Committee on the Judiciary, to whom was referred—

"A BILL to indemnify Major General Andrew Jackson for damage sustained in the discharge of his official duty.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Treasury Department be, and they are hereby, directed to ascertain the amount of the penalty or damages awarded by the district judge of the United States at New Orleans, in the year eighteen hundred and fifteen, against Major General Andrew Jackson, then commander-in-chief of that district, for official acts in that capacity, and paid by him at that time; and that the sum so paid, with interest at six per cent. per annum, be paid to Major General Andrew Jackson, out of any moneys in the treasury not otherwise appropriated."

made the following report:

'The Committee on the Judiciary, to whom was referred the bill to indemnify Major General Andrew Jackson for damage sustained in the discharge of his official duty, beg leave to submit the following report:

'The bill has been referred to the Committee on the Judiciary, after having been made a special order in the Senate, and after having undergone discussion there. It has been so referred generally, and without specifying the particular points of inquiry, which were contemplated by the Senate in ordering the reference. The whole subject having been thus referred to their examination, with all the interesting questions which it includes, perhaps it may be considered to be the duty of the committee, as the organ of the Senate in the preparatory examination of legal subjects, to examine and report on those connected with the object of this reference.

"Yet, in the absence of any specific instructions from the Senate, and looking to the discussions which have led to the reference of the bill, the committee have come to the conclusion that they will best fulfil their duty to the Senate by reporting it with an amendment, placing the restoration of the fine imposed on General Jackson, by Judge Hall, on grounds which do not involve any censure of either of the parties in this by-gone transaction, nor in any degree arraign the conduct of the patriotic citizens of New Orleans; but simply protect the Senate from the possible inference that, in passing this bill, it has acknowledged the legal authority of a military officer to establish martial law within the limits of this free republic. They accordingly report the bill with an amendment.

"Strike out all after the enacting clause, and insert—

"That, in consideration of the distinguished military services of Major General Andrew Jackson, in the defence of the city of New Orleans, and of the desire expressed by sundry citizens and Legislatures of this Union, in divers petitions and legislative resolutions submitted to the Congress of the United States, the fine of $1,000 imposed upon Major General Andrew Jackson by the Hon. Dominick A. Hall, be, and the same is hereby, restored; and that the Secretary of the Treasury be directed to pay to Major General Andrew Jackson the said sum of $1,000, with interest at six per cent. thereon, from the day of its payment by him, out of any moneys in the treasury not otherwise appropriated.

"Also, strike out the title of the bill, and insert 'A bill for the relief of Major General Andrew Jackson.'"

Mr. WALKER, from the same committee, read the following; which he submitted to the Senate as a minority report, viz:

"The undersigned, one of the Committee on the Judiciary of the Senate of the United States, to whom was referred the bill to indemnify Major General Andrew Jackson for damages sustained in the discharge of his official duty, dissents from the views of the majority of the committee in this case. The bill referred to the committee contains no censure of the conduct or motives of Judge Hall, nor does it express any opinion as to the acts of the citizens of New Orleans. It leaves all those subjects untouched, to depend upon the judgment of the present age and of posterity. The bill, should it become a law, will be only an expression of the legislative will, that, under all the circumstances of the case, the money paid by Gen. Jackson in discharge of his fine, and now retained in the treasury of the United States, should be refunded. Such a bill arraigns and censures no one. But the report of the committee, by the clearest implication, in the opinion of the undersigned, does arraign the conduct of General Jackson in this case as subversive of the Constitution of the United States. The case does not necessarily involve the power of a military commander to "establish martial law within the limits of this free republic" This question, however, having been introduced by the committee, the undersigned submits that, in time of war, and of imminent public danger, it may be the duty of the commander to arrest those regarded as traitors, spies, or mutineers, within the limits of his camp; especially in cases where it was obvious to him that his refusal to exercise such power would involve the disbanding of his forces, the defeat of his army, and the surrender of that army and of the country which he was bound to defend. The alternative, as he fully believed, was to make the arrest, or the abandonment of his country's standard, and the surrender of one of her greatest cities, to a powerful enemy, whose motto of victory involved indiscriminate plunder and licentious outrage. Under such circumstances, should he make the arrest and save the country? To this question there will be but one response from the heart of every true American patriot. That General Jackson, and those united with him in the defence of New Orleans, fully believed this emergency to exist, is beyond all doubt or controversy. If, then, this was the state of the case, it was the duty of General Jackson to have made the arrest; and the act was not merely excusable, but justifiable. It was demanded by a great and overruling necessity; and had he failed to assume this responsibility, and the consequences which he anticipated had occurred, he would have merited and received universal execration. Such being the facts, was General Jackson bound to liberate the prisoner, immediately upon the mandate of the Federal judge of that district? If, as Gen. Jackson believed, the danger was still imminent—that the liberation *at that time* of the prisoner would overthrow his power, and bring his authority as commander into contempt—that it would surely produce a repetition of similar acts of mutiny and treason, and demonstrate his inability to restrain, much less to punish them—that it would lead to the depopulation or defeat of his army, and the surrender of the city he was bound to defend; the same overruling necessity which justified the arrest, would require the detention of the prisoner until the emergency had passed, and he could be surrendered with safety into the hands of the civil authority. The law which justified the act, was the great law of necessity; it was the law of self-defence. This great law of necessity—of defence of self, of home, and of country—never was designed to be abrogated by any statute, or by any constitution. This was the law which justified the arrest and detention of the prisoner; and, however the act may now be assailed, it has long since received the cordial approbation of the American people. That General Jackson never desired to elevate the military above the civil authority, is proved by his conduct during the trial, and after the imposition of this fine. When the magistrate ascended to the bench—acting for no contempt in the presence of the court—acting in his own case as prosecutor, witness, accuser, and judge; when the General's answer was refused to be heard, and he was denied a trial by jury; when a victorious army, and a rescued and grateful people, thronged the court, the terrified Judge was about to adjourn the court without inflicting the sentence.—General Jackson rose; he quieted the threatened tumult; requested the Judge to proceed; the sentence was imposed; he bowed, in a calm and dignified submission to the mandate of the law, and paid, at once, the penalty inflicted for saving the country. And when, upon retiring from the court, he was surrounded by a grateful and indignant people, his brief, but glorious address was an appeal to all who heard him to respect the civil tribunals, and maintain the supremacy of the law. And now the question is, shall this penalty, thus incurred in discharge of a solemn duty, and thus paid, be paid, or refunded? The title is, "A bill to indemnify Major General Andrew Jackson for damages sustained in the discharge of his official duty." The title is in strict conformity with the facts of the case, and, in the opinion of the undersigned, should be retained. The committee, however, propose to reject it, and to substitute, as a title, "A bill for the relief of General Andrew Jackson." General Jackson has never solicited, nor will he ever receive, such relief. He is no mendicant; he asks no alms, or pension, or bounty, from his country: but that country itself demands that this money shall be refunded as an act of justice. It was a penalty incurred for saving the country, and the country requires that it shall be restored. Nor is the undersigned prepared to give the reasons assigned in the bill for refunding this money. The bill places the restoration of the penalty mainly upon the "consideration of the distinguished military services of General Jackson." This bill is not a payment for services, however great or meritorious. These services are being paid in the

approbation of his conscience and of his country, in the glorious result of his immortal victories on a frontier saved from savage fury and from indiscriminate massacre, in the rescue of New Orleans and the reconquest of Louisiana and of its noble river; paid in closing our late eventful struggle with glory and renown; paid in the highest honors and offices which a grateful people could bestow; and, through ages to come, posterity will continue the payment in gratitude and praise, re-echoed by countless millions throughout this great republic, and in every country and in every land where our principles shall go on, conquering and to conquer, striking down the thrones of despots, and erecting upon their ruins the glorious fabric of the people's will. And are these the services which it is now proposed to compensate by the payment of this paltry sum, in a bill for the relief of General Andrew Jackson? It is not a bill for relief, but for indemnity; not a payment for services, but a restoration of money unjustly withheld; and in no other view can it receive the support of

"R. J. WALKER."

Mr. BERRIEN moved that the report of the committee, and the bill, as amended, be printed; which motion was put, and agreed to.

On motion of Mr. WALKER, the report of the minority of the committee was ordered to be printed, and appended to the report of the majority.

Mr. LINN moved that 20,000 copies extra be printed of both reports.

Mr. EVANS remarked, that that motion would lie over, under the rule, for the present.

Mr. SMITH of Indiana was understood to say that it seemed to him that the motion was not then in order, as the question of printing the report was disposed of. They had that moment ordered the reports to be printed; consequently, this was a new and independent motion, which would have to go to the Committee on Printing.

Mr. BAYARD said the motion would have to go to the Committee on Printing.

The CHAIR was understood to say that the views of the minority were not, strictly speaking, a report; and not being such, the motion to print should properly have been referred to the Committee on Printing; but there being no objection at the time, the question was put on the motion to print, and decided in the affirmative without dissent; which was tantamount to a unanimous vote.

Mr. LINN remarked, that the question was now on ordering an additional quantity to be printed. The motion to print the usual quantity, as a report, was already decided; and the question could not be revived, without it was strictly a report, in the sense of the rule. The Senate having decided by that vote that it was a report, the question to print an additional quantity was exempted for the operation of the rule which required the motion to be referred to the Committee on Printing.

The CHAIR was understood to say that, as a report, it was not necessary to refer the motion to print to the Committee on Printing.

Mr. EVANS said there was no objection to printing the usual quantity of a report; but, the motion to print an additional quantity being an independent resolution, must lie over one day, under the rule.

Mr. BUCHANAN suggested to the Senator from Missouri [Mr. LINN] to let the motion lie over till to-morrow, and call for the yeas and nays on the motion to print; for it was evident that no bill would pass this session to indemnify General Jackson.

Mr. LINN modified his motion to 10,000 copies, instead of 20,000.

Mr. BUCHANAN supposed the Senator from Missouri could get over all the difficulty by letting it lie over till to-morrow morning, when it would not be necessary to ask for the unanimous consent to pass upon the motion.

Mr. LINN yielded to the suggestion; and the motion was laid over till to-morrow.

Several bills from the House were then read twice, and referred to appropriate committees.

The following resolution, introduced by Mr. BARROW, was taken up and adopted, viz:

"*Resolved*, That the Secretary of War be directed to inform the Senate why the appropriation made by Congress, at the last session, for Fort Livingston, in the State of Louisiana, has been withheld from the officer superintending the construction of that work; and, also, by virtue of what law, or by whose authority, said appropriation was withheld; and whether the appropriation has been expended on any of the military defences of the country; and, also, that he inform the Senate whether the completion of Fort Livingston is not indispensably necessary to the military defence of New Orleans."

The following resolution, submitted by Mr. CONRAD yesterday, was taken up and adopted, viz:

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of repealing so much of the act, entitled "An act respecting the organization of the army, and for other purposes," passed August 23, 1842, as provides that the second regiment of dragoons shall, from and after the 4th day of March next, be converted into a regiment of riflemen.

OREGON BILL.

The CHAIR announced the unfinished business of yesterday—the bill authorizing the occupation and settlement of the Territory of Oregon. The pending question was on the passage of the bill.

Mr. LINN called for the yeas and nays; which were ordered.

Mr. CALHOUN inquired if there was not a proposition pending at the adjournment yesterday?

Mr. BAYARD observed that he had had some idea yesterday of presenting an amendment which would obviate the difficulty now likely to impede the passage of the bill; but at that stage of the proceedings it could be adopted only by unanimous consent. Since then, he had thought more about the matter, and should now decline moving the amendment. It was one of the most delicate and difficult questions to touch upon. There was no doubt as to the propriety of encouraging our citizens to settle in that country, nor as to the propriety of establishing fortifications; but as to making appropriations of portions of the territory, what had been said by the Senator from South Carolina and the Senator from Massachusetts yesterday, had placed the subject in a very strong light. As, under existing arrangements, the territory was to be used in common for the purposes of trade, the question which now arose was, whether they could, with any propriety, under the existing relations between this Government and Great Britain, adopt such a bill as this, unless the provision regarding the grants of land to settlers be stricken out. If that portion of the bill were stricken out, he (Mr. B) would, with great cheerfulness, vote for the establishment of fortifications. He would not, however, at present, offer any amendment.

Mr. CALHOUN observed that the Senate, from some cause or other, was exceedingly thin—too much so, he thought, to permit the question to be taken at present. He had waited in expectation that other views than his would be stated; but it appeared that no one at present was inclined to continue the debate. His wish was to reply to any objections which might be offered in relation to what he had said on the subject yesterday; being entitled, as he thought, to close the debate. He was anxious, too, that the few remarks which he intended to make in conclusion should be heard by the whole Senate; he would move, therefore, (and he hoped the motion would meet the concurrence of the Senate,) that the further consideration of this subject be postponed until to-morrow.

It was accordingly postponed.

Senate bill No. 34, providing for ascertaining and disposing of the lead-mineral lands in the States of Illinois and Arkansas, and Territories of Wisconsin and Iowa, and for other purposes, was taken up as in committee of the whole.

Mr. SMITH of Indiana, chairman of the Committee on Public Lands, observed that he would offer two sets of amendments; one set proposed by himself, on the part of the committee, and the other suggested by the Secretary of War; but with regard to which he would merely state his opinion, leaving the Senate to act upon them. Mr. S. then explained the amendments he recommended, many of which were merely verbal alterations. One was to extend the time for entry at the minimum price, after the lots were offered for public sale, from two to three years. Another was to substitute the words "mineral lands" for "lead mines."

All the amendments recommended by the committee were adopted.

Mr. S. then submitted the amendments suggested by the Secretary of War.

One was, to include with lead minerals, "or ores of copper and zinc." Another, to increase the minimum price at which the lands were to be offered at public sale, from $5 to $10.

Mr. SMITH stated that he did not approve of these amendments, but would leave the matter with the Senators from Illinois and the Senate.

Mr. YOUNG stated that there were strong objections to both. As to copper and zinc, he knew of no mines of that nature in Illinois. He believed, some years ago, a copper mine was opened within the border of Wisconsin, which at first, it was supposed, would realize considerable profit; and he understood good prices were obtained for the land in consequence of it. But the speculation was subsequently found unprofitable, and it came to nothing. As to the increase of price, it would be most injurious. He would rather see the price reduced from $5.

Mr. SMITH concurred with the Senator from Illinois, that the amendments ought not to be adopted. He thought the price of the lands for public sale sufficiently high, under all the circumstances. There might be instances in which $100, or $50 an acre, would not be too much; but, in the great mass of cases, $5 would be found a sufficiently high average. The House of Representatives had, indeed, set it down much lower—at $2 50; which was doubled by the Senate.

Mr. YOUNG explained, that, in nine cases out of ten, the lots bought on speculation as mineral lands were finally turned into mere farming lots, and the pursuit of minerals was given up as too unprofitable. It was not more than one in ten of those speculations that made money.

Mr. McROBERTS concurred with his colleague, and objected to those amendments.

Mr. SMITH said he should not, of course, press the amendments, as they were not approved of by the Senators from Illinois, who understood the subject so well.

Mr. CALHOUN made a suggestion, that perhaps it would be proper to fix the minimum price for public sale much higher than at present; and then to make a rapid reduction for private entry. It was understood that, for some mineral lots, $100 an acre would not be too much. An opportunity might be given to obtain, by competition, at public sale, as high a price as possible; and, if the lots were not disposed of at public sale, they could be passed rapidly into private hands, at the minimum price fixed by the bill. He merely made the suggestion.

Mr. YOUNG asked the Senators from Missouri what price the mineral lands of that State were sold for?

He was answered that they were sold for the ordinary price of $1 25 per acre.

After a few more observations from Messrs. YOUNG, SMITH, WOODBURY, and LINN, the two amendments were negatived.

Mr. YOUNG submitted a few amendments; some of which were adopted, and some negatived.

The bill was reported back to the Senate, and the amendments were concurred in. It was then ordered to be engrossed and read a third time.

The CHAIR announced the special orders of the day.

Mr. SMITH of Indiana hoped the Senate would indulge him by allowing the Senate bill No. 41 to be taken up. It was a bill for the relief of a widow, who had, by mistake, made a wrong entry of an 80-acre lot in Missouri.

The Senate assenting, the bill was taken up, entitled "A bill for the relief of Elizabeth Monroe;" and was ordered to be engrossed, and read a third time.

As the first of the special orders, the bill for the relief of William De Buys, postmaster at New Orleans, was taken up, and considered as in committee of the whole; but no amendment being offered, it was reported back; and on the question of ordering it to be engrossed for a third reading—

Mr. KING asked for some explanation as to its being in conformity with the purpose and objects of the law of 1840, regulating the salaries and emoluments of postmasters.

Mr. CONRAD said he would read part of the act of 1840, which did; and then he explained that the postmaster of New Orleans was entitled to the maximum salary allowed by the act—$5,000—on the ground that the commission on the receipts of the office would amount to more, if that was not the limited sum. In 1841, in consequence of the removal of the office to a more convenient location for the public, and other expenses, the postmaster was out of pocket $650; that is, he did not receive the full salary, which was deficient that sum. The object of the bill was to allow him to repay himself out of the box rents.

The bill, without further opposition, was ordered to be engrossed, and read a third time.

The other special orders of the day were postponed; and the following Senate and House bills were taken up, and ordered to be engrossed, and read a third time.

Senate bill 53, for the relief of Wareham Kingsley.

House bill 567, for the relief of Snow Y. Sears.

House bill 511, for the relief Joshua Drew.

Senate bill 60, to re-enact and continue in operation the several acts now in force for the relief of insolvent debtors of the United States, was taken up, as in committee of the whole.

Mr. BERRIEN explained that this was an extension of the act already in existence, for three years longer. It had been reported in conformity with the recommendation of the Treasury Department.

Mr. BENTON adverted to the anomaly presented by this bill. It came from the same committee which had reported in favor of a bankrupt law which was to annul the insolvent laws of the States of this Union. The insolvent laws of the States were set at naught, and attempted to be quashed by a bankrupt law, which itself was nothing but a great insolvent law for the abolition of debts. This bill, too, is for the relief of insolvent debtors. Mr. B. showed how bankruptcy and insolvency were identified both by the committee and the judiciary. He referred to Judge Story's opinions, and showed how inconsistent they were with the definition of bankruptcy as laid down by English jurists, particularly Judge Blackstone.

After an extensive review of the whole subject of bankruptcy and insolvency, Mr. B. concluded by saying he had not risen to oppose the present bill, (for he did not know anything about it till it came up,) but to point out the anomaly of the same committee that recommended a bankrupt law to expunge the insolvent laws of the States, now bringing forward a law for the relief of the insolvent debtors of the United States.

Mr. BERRIEN explained that this was a bill to enable the Treasury Department to permit debtors to the United States, in certain cases, to take the benefit of an insolvent law.

Mr. CHOATE eulogized and defended the character of Judge Story, and explained what he conceived that judge's expressions amounted to, as to cases of insolvency being admissible in a constitutional bankrupt law adapted to this country.

The subject was further discussed by Messrs. BENTON and BERRIEN; and, at Mr. WOODBURY'S request, the communication from the Treasury Department requiring a re-enactment of the law was read.

Mr. WOODBURY conceived that the bankrupt law, if continued, would reach to all the cases necessary; if it was repealed, the re-enactment of this law would be proper. As long as the bankrupt law was in existence, this renewal of the insolvent law was unnecessary.

Mr. HENDERSON was of the same opinion. Debtors to the United States could be discharged under the bankrupt law, which makes provision for such cases.

Mr. BERRIEN observed that there were many cases which could not be disposed of, unless this bill was passed; for instance, cases of custom-house bonds

Mr. WOODBURY assured the Senator that, since the passage of the bankrupt law, debtors to the United States had resorted to it in preference to the insolvent law, because it was cheaper. He suggested that this bill might be laid over till the end of the session. It would by that time be known what was to be done with the bankrupt law.

Mr. BERRIEN would have no objection to the postponement, were it not that it was considered necessary the bill should be passed, to meet cases which otherwise could not be disposed of. It was a beneficent law, and could do no harm.

The bill was then reported back to the Senate, and ordered to be engrossed, and read a third time.

On motion of Mr. BATES, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, January 10, 1842.

Mr. BARTON presented the following petitions:

One of several hundred citizens of Jefferson and Berkeley counties, Va., remonstrating against military rule over the armory at Harper's Ferry.

Of E. A. Hibbard, of Winchester, Va, agent for the Baltimore Clipper and Sun, asking leave to convey newspapers on railroads without hindrance from the Post Office Department.

Of the heirs of James Greer, praying for compensation for inventing a highly useful mode of boring gun barrels.

Mr. CASEY presented the petition of Jane Hanson, of Illinois, praying to be allowed a pension: referred to the Committee on Revolutionary Pensions.

Mr. EDWARDS of Missouri presented the petition of George Wallis, praying compensation for cattle killed by the Sac, Fox, and Iowa Indians.

Mr. ATHERTON presented the petition of Onslow Stearns and 347 others, citizens of Hillsborough county, New Hampshire, principally of the towns of Nashua and Nashville, praying for the repeal of the bankrupt law.

Mr. ATHERTON, under the rule, presented the petition of Elisha Morrill, attorney of John Peters and Sarah Farnum, for title to land.

Mr. CROSS presented a memorial of the Legislature of the State of Arkansas, asking an appropriation for the completion of a road partially constructed by the United States, from Red river to the southern boundary of Missouri.

Mr. C. gave notice that he would ask leave to introduce a bill to be entitled An act to authorize the Governor of Arkansas to select six sections of land for the use of salines, under the sixth proposition of the act for the admission of said State into the Union.

Mr. STOKELY presented the petition of Joseph L. Righter, Jonathan T. Updegraff, and 82 men; and of Jane Robinson and Elizabeth Heaton, and 97 women of Mount Pleasant, in Ohio, against the annexation of Texas, and the admission of any new slave State, and of any abridgment of the right of petition: referred to the Committee on the Judiciary.

Also, the petition of Wm. Robinson, Isaac Waterman, and 72 other men; and of Julia Ann Job, Rebecca T. Updegraff, and 82 other women; for the abolition of slavery in the District of Columbia, and the Territories of the United States, and the domestic slave trade: rejected under the 21st rule.

Also, the petition of the same persons against any more of the public revenue paid by the free States being expended in carrying on the war in Florida, or in the settlement of Florida: referred to the Committee on Military Affairs.

Mr. EDWARDS of Missouri gave notice that he would introduce a bill allowing a reasonable time to the register and receiver of the land office in the Platte land district, in Missouri, to adjust the pre-emption claims in said district, before the lands were offered at public sale.

Mr. REYNOLDS presented the joint resolution of the General Assembly of the State of Illinois, praying the remission of a fine of $1,000, which was unjustly imposed on General Jackson in 1815, at New Orleans. Said resolution requests the delegation in Congress from Illinois to use their exertions to procure the passage of a law to effect the above object.

APPROPRIATION BILLS.

Mr. FILLMORE asked leave to report sundry bills from the Committee of Ways and Means.

Mr. EVERETT objected; but, after some conversation, withdrew his objection.

Mr. FILLMORE then reported a bill making appropriations for the naval service of the United States for the half calendar year ending on the 30th June, 1843, and for the fiscal year ending June 30th, 1844: read twice, referred to the Committee of the Whole on the state of the Union, and (together with the accompanying papers) ordered to be printed.

Also, reported a bill making appropriations for fulfilling treaty stipulations with the various tribes of Indians, and for the current and contingent expenses of the Indian Department for the half calendar year ending June 30th, 1843, and for the fiscal year ending June 30th, 1844: read twice, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Also reported, from the same committee, a bill making appropriations for pensions for the half calendar year ending June 30th, 1843, and for the fiscal year ending June 30th, 1844: read twice, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

RECIPROCITY TREATIES.

Mr. J. P. KENNEDY said that at the last session a joint resolution (No. 13) reported by himself was referred to the Committee of the Whole on the state of the Union. As this resolution related to certain treaty stipulations, which were about to expire by limitation, and as it was important that it should be decided this session, he moved that the Committee of the Whole be discharged from its further consideration; and, in order that the House might take action upon it, he also moved that it be made the special order for this day week.

Mr. TALIAFERRO inquired if the motion was in order?

The SPEAKER said, No.

Mr. TALIAFERRO hoped that the regular order of business would be observed.

Mr. EVERETT inquired what was the regular order of business?

The SPEAKER said, after the committees were called on for reports, the business of the morning hour (General Jackson's fine) would come up.

Mr. EVERETT said he should object to every species of business whatever, until the question of the repeal of the bankrupt law should have been decided.

Mr. KENNEDY still insisting on his motion,

Mr. TALIAFERRO withdrew his objection; which was renewed by Mr. EVERETT.

Mr. KENNEDY then moved a suspension of the rules.

Mr. MERIWETHER called for the reading of the resolution; which was read, as follows:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, requested, whenever he shall deem it compatible with the public interest, to make known to the Governments of Denmark, Sweden, the Hanseatic Republics, Prussia, Austria, and Russia, in conformity with the stipulations of the existing commercial treaties between said Governments and the United States, the desire and intention of this Government to terminate such commercial treaties now in force between said Governments and the United States as have contracted to allow the parties thereto to import on equal terms, as regards duties on merchandise and tonnage, each into the ports of the other, goods, wares, and merchandise, other than those of the growth, produce, or manufacture of the nation in whose vessels the same are borne.

"SEC. 2. *And be it further resolved*, That, in all future negotiations which may be opened with the aforesaid Governments, or with any other, it is the policy of the United States to confine the privilege of reciprocal importation on equal terms as to goods and shipping, to goods, wares, and merchandise the product of the countries from whence and in whose ships they are imported, or the product of such contiguous countries thereto as usually carry on their foreign commerce through the ports of the same."

Mr. CUSHING inquired whether the gentleman [Mr. J. P. KENNEDY] proposed to leave another resolution reported at the same session, in relation to our trade with Great Britain, and still before the Committee of the Whole, unacted on.

Mr. KENNEDY said he was not aware that the resolution of the gentleman from Massachusetts [Mr. CUSHING] was before the Committee of the Whole. He supposed the gentleman referred to his report on colonial trade. He (Mr. K.) was willing to have the committee discharged from the

consideration of that resolution also; and modified his motion accordingly.

The question was then taken on the motion to suspend the rules, in order to admit the motion of Mr. KENNEDY. The House refused to suspend—ayes 70, noes 52—not two-thirds.

IMPEACHMENT OF THE PRESIDENT OF THE UNITED STATES.

Mr. BOTTS rose and inquired of the Chair whether the proposition which he had given notice of his intention to submit on yesterday, could be now received and entertained as a privileged question.

The SPEAKER replied in the affirmative.

Mr. BOTTS then said that he came prepared to acquit himself of the pledge which he was under, to prefer charges against the acting President of the United States.

Here Mr. EVERETT arose and inquired if he was to understand the Chair as deciding that the proceeding on the part of the gentleman from Virginia was in order at that time.

The SPEAKER replied that he had so decided. The gentleman from Virginia, [Mr. BOTTS,] in bringing forward articles of impeachment, presented to the House a high constitutional question, and one which was privileged.

Mr. EVERETT said, as he desired to take the sense of the House upon this point, he would appeal from the decision of the Chair.

Mr. CUSHING asked for the yeas and nays on the appeal.

Mr. WISE. State the question before the House.

Mr. BOTTS inquired whether he was to understand the gentlemen [Messrs. WISE and CUSHING] as objecting to the consideration of the motion he had made?

Several voices: "No."

The bustle prevailing throughout the hall about this time having subsided,

Mr. BOTTS resumed the remarks he had begun. He said that he proposed to introduce charges of corruption, of mal-conduct in office, of high crimes and misdemeanors, committed by the acting President of the United States—charges which he stood prepared to prove, by testimony the most conclusive. He asked that the House might appoint a committee to investigate the charges, and to report what course it was proper to pursue. He was himself prepared to prove every charge which he should bring against the President. He not only *asked*, but he DEMANDED an opportunity of making these charges good. Were he to come here as the humblest citizen of the Republic, and declare his readiness to prove them, he would claim the privilege of doing so as such; much more so, then, did he claim, and insist upon it, as the Representative of fifty thousand people. It was his highest constitutional privilege. One hundred members of this House had declared, and placed it on record, that John Tyler had committed impeachable offences. He (Mr. B.) had so declared; and he considered it due to his own personal honor and reputation that he should be permitted to prove the truth of what he asserted. He was not one of those who dealt in vague and general charges, but would not come up and put their assertions in a tangible form. He made no charges which he was not prepared to sustain with the most conclusive proof. Since his first agitation of this subject at the last session, he had been deeply reflecting and deliberating upon it; and the more he reflected, the more imperative appeared his duty to make these charges. In doing so, he must declare that, so far from being actuated by a desire to render himself conspicuous before the country, and place himself ahead of those on that floor whose lead he generally followed, and whom he would be proud to follow on this as on other subjects, he must be permitted to declare that this was the most painful duty he had ever undertaken to perform. He declared that he was actuated alone by the obligations which rested upon him. He knew not how long he should be a member of the House of Representatives. If the ability of the Legislature of his State was equal to their *good-will* towards him, he should not sit here long; [laughter;] but he could not retire to private life, unless he had first discharged this sacred duty. Should he live to see the overgrown power of the Executive hereafter trampling under foot all opposition—the independence of the Legislature sacrificed—the energies of the people relaxed into listlessness at Executive encroachment and obedience to his will;—should he witness such a state of things in this country, he would have the satisfaction, with a proud heart and erect bearing, that he, for one, at least, had endeavored to arrest it.

Here Mr. EVERETT rose to a question of order. He said he had taken an appeal from the decision of the Chair, by which the gentleman [Mr. BOTTS] was allowed to proceed.

Mr. BOTTS asked if the gentleman was not too late with his objection?

The SPEAKER said no. The gentleman had a right to insist on his appeal.

Mr. BOTTS said he was recognised by the Chair, and inquired whether his resolution could not be entertained as a privileged question.

The SPEAKER replied in the affirmative.

Mr. BOTTS was proceeding with his remarks before the gentleman [Mr. EVERETT] made his objection, and he submitted whether the gentleman was not too late in taking an appeal.

Mr. EVERETT insisted upon his position. He was anxious to have the bill to repeal the bankrupt law taken up and disposed of.

Mr. BOTTS said that if the gentleman apprehended that his resolution would consume too much of the time of the House, he was prepared to submit it in such a form as would render it not liable to the least objection. The whole subject might then be disposed of in fifteen minutes.

Mr. EVERETT observed that he did not, at first, know the object the gentleman had in view; and, therefore, listened awhile to his remarks, till he learned what it was. He then immediately rose, and appealed from the decision of the Chair. It was with great reluctance that he interrupted the gentleman, but he felt desirous that the business of the House should not be delayed by any collateral matter. There were two subjects now before the House, on which debate was going on; and he was for bringing both those subjects to a close as soon as possible. The Speaker had decided that this was a privileged question, and from that decision he appealed. If the House decided against the appeal, then the gentleman from Virginia could go on with his remarks.

The SPEAKER had no doubt that, if the gentleman from Vermont insisted on his point of order and the appeal, he must put the question on it.

The SPEAKER then stated the question; and, at the request of Mr. GILMER, repeated his decision, and the point of order and appeal of the gentleman from Vermont.

Mr. WISE asked if any motion was made in writing. If so, he should like to have it read, in order that he might judge for himself when he came to vote.

Mr. BOTTS said that he would read it himself.

Mr. WISE wished the Clerk to read it.

Mr. BOTTS replied that he would rather read it himself, as he understood his own writing better than anybody else did.

Mr. B. then began reading, and had read but a few passages, when

Mr. COOPER of Georgia expressed a wish that the gentleman would read from the Clerk's table. We can't (said he) hear a word in this part of the House.

Mr. BOTTS. I will take a position where the gentleman can here me, [going to a seat further back in the circle.] Mr. B. then read the following charge:

"I do impeach John Tyler, Vice President, acting as President of the United States, of the following high crimes and misdemeanors:

"1. I charge him with gross usurpation of power and violation of law, in attempting to exercise a controlling influence over the accounting officers of the Treasury Department, by ordering the payment of amounts of long standing, that had been by them rejected for want of legal authority to pay, and threatening them with expulsion from office unless his orders were obeyed; by virtue of which threat, thousands were drawn from the public treasury without the authority of law.

"2. I charge him with a wicked and corrupt abuse of the power of appointment to, and removal from, office; first, in displacing those who were competent and faithful in the discharge of their public duties, only because they were supposed to entertain a political preference for another; and, secondly, in bestowing them on creatures of his own will, alike regardless of the public welfare and his duty to the country.

"3. I charge him with the high crime and misdemeanor of aiding to excite a disorganizing and revolutionary spirit in the country, by placing on the records of the State Department his objections to a law, as carrying no constitutional obligation with it; whereby the several States of this Union were invited to disregard and disobey a law of Congress, which he himself had sanctioned and sworn to see faithfully executed, from which nothing but disorder, confusion, and anarchy can follow.

"4. I charge him with being guilty of a high misdemeanor, in retaining men in office for months after they have been rejected by the Senate as unworthy, incompetent, and unfaithful, with an utter defiance of the public will, and total indifference to the public interests.

"5. I charge him with the high crime and misdemeanor of withholding his assent to laws indispensable to the just operations of government, which involved no constitutional difficulty on his part; of depriving the Government of all legal sources of revenue; and of assuming to himself the whole power of taxation, and of collecting duties of the people without the authority or sanction of law.

"6. I charge him with an arbitrary, despotic, and corrupt abuse of the veto power, to gratify his personal and political resentments against the Senate of the United States, for a constitutional exercise of their prerogative, in the rejection of his nominees to office, with such evident marks of inconsistency and duplicity as leave no room to doubt his disregard of the interests of the people, and his duty to his country.

"7. I charge him with gross official misconduct, in having been guilty of a shameless duplicity, equivocation, and falsehood, with his late Cabinet and Congress, which led to idle legislation, and useless public expense; and by which he has brought such dishonor on himself as to disqualify him from administering the Government with advantage, honor, or virtue, and for which alone he would deserve to be removed from office.

8. I charge him with an illegal and unconstitutional exercise of power, in instituting a commission to investigate the past transactions under a former administration of the custom-house in New York, under the pretence of seeing the laws faithfully executed—with having arrested the investigation at a moment when the inquiry was to be made as to the manner in which those laws were executed under his own administration—with having directed or sanctioned the appropriation of large sums of the public revenue to the compensation of officers of his own creation, without the authority of law; which, if sanctioned, would place the entire revenues of the country at his disposal.

"9. I charge him with the high misdemeanor of having withheld from the Representatives of the people information called for, and declared to be necessary to the investigation of stupendous frauds and abuses alleged to have been committed by agents of the Government, both upon individuals and the Government itself, whereby he himself becomes accessary to those frauds."

Mr. BOTTS then said that he wished to connect no man or set of men with his fame on this resolution. He wished no man to commit himself on it till he had an opportunity of proving the truth of his charges.

Mr. WISE interrupted his colleague, and asked for the reading of the proposition founded on the charges. He did not wish to hear the gentleman's speech till he was in possession of the whole subject.

Mr. BOTTS submitted that the matter was not within the control of his colleague.

The SPEAKER requested the gentleman to submit his motion to the House; when

CONGRESSIONAL GLOBE.

PUBLISHED BY BLAIR AND RIVES, AT ONE DOLLAR PER SESSION, IN ADVANCE.

27TH CONG.....3D SESS. WEDNESDAY, JANUARY 18, 1843. VOLUME 12....No. 10.

Continued from No. 9.

Mr. BOTTS read the following resolution:

Resolved, That a committee of nine members be appointed, with instructions diligently to inquire into the truth of the preceding charges preferred against John Tyler, and to report to this House the testimony taken to establish said charges, together with their opinion whether the said John Tyler hath so acted in his official capacity as to require the interposition of the constitutional power of this House; and that the committee have power to send for persons and papers.

Mr. BOTTS then observed that he had but one remark to make, and he hoped he would not be interrupted by his colleague while making it. After having been challenged, defied, and dared to make these charges—

Mr. WISE would throw no obstructions in his colleague's way. All that he desired was, that the strict order of the House should be preserved in these proceedings.

Mr. BOTTS asked permission of the House to make an explanation.

The SPEAKER observed that, except by universal consent, the gentleman could not be indulged; and the gentleman from Virginia on his right [Mr. WISE] objected.

Mr. WISE said that he would not object to his colleague's proceeding, when the matter was fully before the House. As he understood it, the question was now on the appeal of the gentleman from Vermont; the decision of which would be a decision whether the matter was before the House or not. All that he asked was, that equal latitude of debate should be allowed to all.

Mr. BOTTS said that all he wanted to remark was, that he desired to connect no man, or set of men, with his proposition. He desired no man or party to be committed on it, till the evidence was before the House. By the appointment of a committee to investigate the testimony he would be able to bring forward, they would be able to decide, at a future day, whether Mr. Tyler had committed acts deserving of impeachment by that House. If he succeeded in establishing the truth of these charges, he presumed there would be no member of that House found voting against the impeachment. If, on the contrary, he failed in establishing them, let the odium fall on him, and him alone. He was willing to take all the responsibility; and he wanted no man now to commit himself for or against the charges he offered.

The SPEAKER here asked permission to explain more fully the grounds of his decision. Since the present Speaker had been in the chair, there had been no case of this kind before the House, and only two cases since the beginning of the Government. The first was that of Chief Justice Chase, in which no question like the one now raised was presented. That case was then considered and acted upon by the House as a privileged question. Mr. Randolph rose in his seat, and, without any resolution or specific charges, after some remarks on the conduct of Judge Chase, moved for a committee to take into consideration the propriety of impeaching him. The matter went on day after day, and, by the universal acquiescence of the House, took preference of all other business as a privileged question. In addition to this, the Chair considered this as a high constitutional question, paramount to all others, without reference to the rules of the House. The Chair, therefore, considered the House bound to act on the resolution, either by reception or rejection of it.

Mr. EVERETT then withdrew his appeal. His reason, he said, for making it, was, that he wished to see the business of the House carried on.

Mr. RAYNER here moved the previous question.

Mr. WISE wished to make an inquiry, and requested the gentleman from North Carolina to withdraw his motion, promising to renew it. He wished to inquire what the charges were, and from whom they came. He understood that this House only could make charges on which to found an impeachment.

Mr. BOTTS referred as precedents to the case of Judge Chase, in which Mr. Randolph made the charges; and to the case of Judge Peck, in which the charges were made by a member of the Missouri bar. In both cases, the matter was referred to a committee. What he now presented were not articles of impeachment, but charges for a committee to investigate the truth of, and to found an impeachment on, if substantiated.

Mr. WISE, in a few observations, contended that there was no precedent in the case of Judge Chase; and if the House would look into it, they would find that there was no analogy between that and the present case. In this case, his colleague made himself the impeaching power.

Mr. BOTTS, at the suggestion of Mr. McKAY; modified his resolution, by inserting the word "preceding," before the word "charges." Mr. B. took the occasion further to modify his resolution, by adding "and that the said committee shall have power to send for persons and papers."

The resolution as modified was then read; when

Mr. WISE said: Now, sir, I ask, what are the *preceding* charges?

Mr. BOTTS said that he had now appended the resolution to the charges, and would send them up in that form to be read.

Mr. WISE. I only wish to inquire, further, whether these charges are signed by any person? Who is "I?"

Mr. BOTTS. No, sir; they are not signed; but I can put my name to them—and do it in the presence of witnesses, too, if the gentleman pleases.

Mr. PROFFIT. Send them up; send them up.

The charges and resolution were then sent up to the Chair, and read by the Clerk.

At the conclusion of the reading by the Clerk, there were loud cries of "Question," "Question."

Mr. CAVE JOHNSON moved to lay the resolution on the table. [Cries of "Oh, no; let us have a vote."]

Mr. BOTTS called for the yeas and nays on the motion of the gentleman from Tennessee.

Mr. WISE, and many other members, entreated Mr. C. JOHNSON to withdraw his motion; but he refused to do so.

The yeas and nays were then ordered; and, being taken, resulted—yeas 101, nays 119, as follows:

YEAS—Messrs. Sherlock J. Andrews, Arrington, Baker, Barton, Bidlack, Borden, Bowne, Briggs, Brockway, Bronson, Aaron V. Brown, Charles Brown, Burnell, William Butler, Green W. Caldwell, Patrick C. Caldwell, Calhoun, John Campbell, Clifford, Clinton, Coles, Colquitt, Cowen, Cross, R. D. Davis, Dawson, Dean, Doig, John C. Edwards, Egbert, Everett, Ferris, Fessenden, John G. Floyd, Charles A. Floyd, Fornance, Gates, Giddings, Patrick G. Goode, Wm. O. Goode, Gordon, Graham, Gwin, Hastings, Henry, Hopkins, Hubard, Hudson, Hunter, James Irvin, Jack, William Cost Johnson, Cave Johnson, Isaac D. Jones, Kelm, Lewis, Littlefield, Lowell, Abraham McClellan, Robert McClellan, McKeon, Mallory, Alfred Marshall, Samson Mason, John Thomson Mason, Mathews, Maxwell, Meriwether, Mitchell, Moore, Parmenter, Partridge, Pickens, Benj. Randall, Rencher, Reynolds, Rhett, Riggs, Roosevelt, Saunders, Shields, Sollers, Sprigg, Steenrod, Stokely, Alexander H. H. Stuart, Sumter, Sweney, Jacob Thompson, Tillinghast, Tomlinson, Trotti, Van Buren, Van Rensselaer, Wallace, Ward, Westbrook, Thomas W. Williams, Winthrop, Wood, and Yorke—101.

NAYS—Messrs. Adams, Landaff W. Andrews, Arnold, Atherton, Aycrigg, Babcock, Barnard, Beeson, Birdseye, Black, Blair, Boardman, Botts, Boyd, Brewster, Milton Brown, Jeremiah Brown, Burke, William B. Campbell, Thomas J. Campbell, Caruthers, Cary, Casey, Chapman, Chittenden, J. C. Clark, Staley N. Clarke, James Cooper, Mark A. Cooper, Cranston, Cravens, Cushing, Daniel, Garrett Davis, Deberry, Eastman, John Edwards, Fillmore, A. Lawrence Foster, Gamble, Gentry, Gilmer, Goggin, Green, Gustine, Halsted, Harris, Hays, Holmes, Houck, Houston, Howard, Hunt, Joseph R. Ingersoll, Wm. W. Irwin, James. John P. Kennedy, Andrew Kennedy, King, Lane, McKay, McKennan, Marchand, Thomas F. Marshall, Mathiot, Mattocks, Maynard, Medill, Miller, Morgan, Morrow, Newhard, Oliver, Osborne, Owsley, Payne, Pope, Powell, Proffit, Ramsey, Randolph, Rayner, Read, Reding, Ridgway, Rodney, Rogers, Wm. Russell, James M. Russell, Salstonstall, Sanford, Sewell, Shaw, Shepperd, Slade, Truman Smith, Snyder, Stanly, Stratton, John T. Stuart, Summers, John B. Thompson, Richard W. Thompson, Toland, Triplett, Trumbull, Turney, Underwood, Warren, Washington, Watterson, Weller, Edward D. White, Joseph L. White, Christopher H. Williams, Joseph L. Williams, Wise, Augustus Young, and John Young—119.

So the motion was negatived.

The question then recurred on seconding the demand for the previous question; which was agreed to.

Mr. CUSHING demanded the yeas and nays on the question, Shall the main question be now put? [Cries of "Oh, no."]

Mr. PROFFIT. Yes; let us have the yeas and nays.

Mr. TURNEY inquired what would be the effect of negativing the main question?

The SPEAKER replied, it would drive the question over till to-morrow.

Mr. CUSHING then withdrew his call for the yeas and nays.

Mr. UNDERWOOD renewed the demand; and the yeas and nays were ordered.

The Clerk began to call the roll, when

Mr. UNDERWOOD rose and said he recollected that, under a recent decision of the Speaker, the effect of deciding against putting the main question would be to lay it over from day to day, as had occurred a short time ago; he would therefore withdraw his demand for the yeas and nays. [Cries of "Oh! no; it is too late."] Well, then, he gave notice that, if the main question should be negatived, he would move a reconsideration of the vote seconding the demand for the previous question.

The yeas and nays were then taken, and resulted—yeas 122, nays 90, as follows:

YEAS—Messrs. Adams, Landaff W. Andrews, Sherlock J. Andrews, Arnold, Arrington, Atherton, Aycrigg, Babcock, Baker, Barton, Beeson, Birdseye, Black, Blair, Boardman, Borden, Bowne, Boyd, Bronson, Aaron V. Brown, Milton Brown, Jeremiah Brown, Burke, Burnell, William Butler, William B. Campbell, Thomas J. Campbell, Caruthers, Cary, Casey, Chittenden, Staley N. Clarke, Clinton, Colquitt, James Cooper, Mark A. Cooper, Cranston, Cravens, Cross, Cushing, Daniel, Garrett Davis, Dawson, Deberry, Eastman, John Edwards, John C. Edwards, Ferris, Fessenden, Fillmore, A. L. Foster, Gentry, Gilmer, Green, Gustine, Harris, Hays, Houck, Houston, Howard, Hudson, Hunt, James Irvin, William W. Irwin, Jack, James, Cave Johnson, John P. Kennedy, King, Lane, Lewis, Marchand, Thomas F. Marshall, Samson Mason, Mathiot, Maxwell, Medill, Mitchell, Morgan, Morrow, Newhard, Oliver, Owsley, Powell, Ramsey, Benjamin Randall, Rayner, Read, Reding, Ridgway, Rodney, William Russell, Saltonstall, Sanford, Sewell, Shaw, Slade, Truman Smith, Sprigg, Stanly, Steenrod, Stratton, Alexander H. H. Stuart, John T. Stuart, Summers, John B. Thompson, Richard W. Thompson, Toland, Tomlinson, Triplett, Turney, Underwood, Van Rensselaer, Warren, Washington, Watterson, Weller Joseph L. White, Thomas W. Williams, Wise, and Yorke—122.

NAYS—Messrs. Bidlack, Botts, Brewster, Briggs, Brockway, Charles Brown, Green W. Caldwell, Patrick C. Caldwell, Calhoun, John Campbell, Clifford, Coles, Cowen, Richard D. Davis, Dean, Doig, Egbert, Everett, John G. Floyd, C. A. Floyd, Fornance, Gamble, Gates, Giddings, Goggin, P. G. Goode, Gordon, Graham, Granger, Gwin, Halsted, Henry, Holmes, Hopkins, Hubard, Hunter, William Cost Johnson, Isaac D. Jones, Keim, Andrew Kennedy, Littlefield, Lowell, Abraham McClellan, Robert McClellan, McKay, McKeaman, McKeon, Alfred Marshall, John Thomson Mason, Mathews, Mattocks, Miller, Moore, Osborne, Parmenter, Partridge, Payne, Pickens, Pope, Proffit, Randolph, Rencher, Reynolds, Rhett, Riggs, Rogers, James M. Russell, Saunders, Shepperd, Shields, Snyder, Stokely, Sumter, Sweney, Jacob Thompson, Tillinghast, Trotti, Trumbull, Van Buren, Wallace, Ward, Westbrook, Christopher H. Williams, Joseph L. Williams, Winthrop, Wood, Augustus Young, and John Young—90.

So the main question was ordered.

Mr. UNDERWOOD moved a reconsideration of the vote by which the House had ordered the main question to be put, and also of the vote by which the previous question was seconded. He was about to debate the motion; but was called to order.

The SPEAKER decided that one motion only could be entertained at a time. The motion to reconsider the vote by which the main question was ordered to be put, would first be in order.

Mr. UNDERWOOD accordingly made that motion, and asked for the yeas and nays thereon.

The House refused to order the yeas and nays.

Mr. UNDERWOOD asked for tellers.

The House refused to order tellers.

The question was then taken on the motion to reconsider, and the House refused to agree to it.

The question then recurring upon the adoption of the resolution of the gentleman from Virginia [Mr. BOTTS] *i. e.* of impeachment—

Mr. GRANGER rose and said that one of the proposed charges against the President of the United States was, that he removed certain inno-

cent men from office. [Laughter.] Now, there was a time when he (Mr. G.) acted as accessory to the President, in the execution of a number of political innocents, [laughter,] and he should therefore ask to be excused from voting upon the acceptance of the charges preferred.

Mr. HOPKINS asked for the yeas and nays on the motion, and they were ordered.

The House agreed to excuse the gentleman—yeas 111, nays 91. When Mr. HOUSTON's name was called, he rose and inquired if it was too late to ask the gentleman [Mr. GRANGER] a question. He wished to know whether the gentleman from New York considered the charge of the gentleman from Virginia, [Mr. BOTTS,] as implicating himself, and rendering him liable to the charge of corruption in office?

The SPEAKER said it was too late to ask and answer a question after the call of the roll had been commenced.

The question then recurred on the resolution of the gentleman from Virginia, [Mr. BOTTS,] and resulted as follows: ayes 83, nays 127.

YEAS—Messrs. Adams, Landaff W. Andrews, Arnold, Aycrigg, Babcock, Barnard, Birdseye, Black, Boardman, Botts, Boyd, Milton Brown, William B. Campbell, Thomas J. Campbell, Caruthers, Casey, John C. Clark, Staley N. Clarke, Colquitt, James Cooper, Mark A. Cooper, Cranston, Cravens, Daniel, Garrett Davis, Deberry, John Edwards, Fessenden, Fillmore, A. Lawrence Foster, Gamble, Gentry, Goggin, Green, Halsted, Hays, Houston, Hunt, Joseph R. Ingersoll, James, John P. Kennedy, King, Lane, McKennan, Thomas F. Marshall, Mathiot, Maynard, Moore, Morgan, Morrow, Osborne, Owsley, Pendleton, Powell, Ramsey, Alexander Randall, Rayner, Ridgway, Rodney, William Russell, James M. Russell, Saltonstall, Sewell, Shepperd, Slade, Truman Smith, Sollers, Stanly, Stratton, John T. Stuart, Summers, J. B. Thompson, R. W. Thompson, Toland, Triplett, Trumbull, Turney, Underwood, Warren, Washington, Joseph L. White, Christopher H. Williams, and John Young—83.

NAYS—Messrs. S. J. Andrews, Atherton, Baker, Barton, Beeson, Bidlack, Borden, Bowne, Brewster, Briggs, Aaron V. Brown, Charles Brown, Burke, Burnell, William Butler, Green W. Caldwell, Patrick C. Caldwell, Calhoun, John Campbell, Cary, Chapman, Clifford, Clinton, Coles, Cowen, Cross, Cushing, Richard D. Davis, Dawson, Dean, Doan, Doig, Eastman, John C. Edwards, Egbert, Everett, Ferris, Charles A. Floyd, Fornance, Gates, Giddings, Gilmer, Patrick G. Goode, Wm. O. Goode, Gordon, Graham, Gustine, Gwin, Harris, Hastings, Henry, Holmes, Hopkins, Houck, Howard, Hubard, Hudson, Hunter, James Irvin, William W. Irwin, Jack, William Cost Johnson, Cave Johnson, Isaac D. Jones, Keim, Andrew Kennedy, Lewis, Littlefield, Lowell, Abraham McClellan, Robert McClellan, McKay, McKeon, Mallory, Marchand, Alfred Marshall, S. Mason, J. T. Mason, Mathews, Mattocks, Maxwell, Medill, Meriwether, Miller, Mitchell, Newhard, Oliver, Parmenter, Partridge, Payne, Pickens, Proffit, Read, Reding, Rencher, Reynolds, Rhett, Riggs, Roosevelt, Sanford, Saunders, Shaw, Shields, Snyder, Sprigg, Steenrod, Stokely, Alexander H. H. Stuart, Sumter, Jacob Thompson, Tillinghast, Trotti, Van Buren, Van Rensselaer, Wallace, Ward, Watterson, Weller, Westbrook, Thomas W. Williams, Joseph L. Williams, Winthrop, Wise, Wood, and Augustus Young—127.

So the House refused to adopt the resolution.

The SPEAKER then announced that the next business in order would be the reception of reports from the standing committees; and, they being called on, reports were made as follows:

Mr. THOMPSON of Mississippi, from the Committee on the Public Lands, reported a bill to legalize the sale of certain lands made at Chocchuma and Columbus, Mississippi; which was twice read, and referred.

Mr. HOWARD presented the preamble and resolutions of the Legislature of Michigan, on the subject of a military road from Saganaw to Mackinac.

Mr. WELLER, from the Committee on Indian Affairs, reported a bill declaratory of the 1st and 2d articles of the treaty made with the Chippewa Indians at Saganaw, Michigan; which was twice read, and referred.

Mr. CALHOUN, from the Committee on Naval Affairs, reported a bill for the relief of Mrs. Ann Wangus; which was twice read, and referred.

Mr. WOOD reported a joint resolution directing the application of an existing appropriation for building a dry-dock at Brooklyn, New York; which was twice read, and referred.

Mr. ADAMS presented the memorial of Horatio Greenough on the subject of the disposal of his statue of Washington; which was laid on the table, and ordered to be printed.

Mr. TALIAFERRO, from the Committee on Revolutionary Pensions, reported a bill for the relief of Elizabeth Gresham; which was twice read, and referred.

Mr. MATHIOT, from the same committee, reported a bill for the relief of Elizabeth Powers; which was twice read, and referred.

Mr. TILLINGHAST, from the Committee on the Library, reported a joint resolution for the distribution of certain copies of the census returns, and the Compendium of the Sixth Census; which was read twice, and referred.

Mr. PENDLETON said he had a petition which he wished to present, from a soldier of Wayne's army, who was wounded at the battle of Maumee; and begged leave to accompany it with the following resolution:

Resolved, That the Committee on Military Pensions be instructed to inquire into the expediency of extending the laws relating to revolutionary pensions, to the armies employed against the Indians northwest of the Ohio river prior to the year 1795, with leave to report by bill or otherwise.

The resolution was adopted, and the petition referred to the same committee.

Mr. CHAPMAN presented the resolutions of the Legislature of Alabama, on the subject of the appointment of an agent to settle all questions remaining unsetted under the late Creek treaty: referred to the Committee on Indian Affairs.

Mr. ROOSEVELT presented a petition from sundry citizens of New York, complaining of the operations of the new tariff on the importation of hardware. As the memorial contained valuable statistical information, he moved that it be printed; which was agreed to.

Mr UNDERWOOD presented the memorial of sundry captains and owners of steamboats navigating the western waters, complaining of the act of Congress regulating steamboat transportation; which was referred to a select committee.

Mr. EVERETT moved that the House proceed to the consideration of the bill to repeal the bankrupt law.

The SPEAKER said that the next business in order would be the resolution of the gentleman from New York, [Mr. BOWNE,] to refund the fine imposed on General Jackson.

Mr. EVERETT moved to postpone that resolution till to-morrow; which motion was agreed to.

The SPEAKER said that the resolution reported by the Committee of Ways and Means, on the subject of the exchequer, would be the next business in order.

Mr. PROFFIT, who had the floor, addressed the House in reply to Mr. MARSHALL; and, in the course of his remarks, commented very severely on the tortuous course of the Whig party. He could not keep the run of them; and at no one time did he know where to find them. At the last session, a large majority of them declared that the President was guilty of impeachable offences; and now, when one of their number stood boldly forward, and brought forth his charges on which to found an impeachment, staking his reputation, name, and fame on the truth of them,—why, they were gone. This morning, it was decided that the President was unimpeached and unimpeachable. He was willing, and all the business men of the country were willing that they should withdraw their case, pay costs, and let it drop. For his part, he would have been perfectly willing that the impeachment should have gone on, as he would like to see the black silk gowns, and other trappings of a court of impeachment; but he did not vote for the resolution, because he did not believe in the truth of the charges, or that they contained impeachable matter. He conceived, however, that every gentleman who voted for it believed that the charges did contain impeachable matter.

Mr. T. F. MARSHALL here asked leave to make an explanation; which being granted, he said that he voted for the resolution, but did not expect, nor did he wish, to be understood as committing himself to the questions, either as to the propriety of an impeachment, or whether the charges contained impeachable matter, which was one of the gravest and most difficult questions which could be brought forward. Further, he had not examined that question. He was only in favor of giving the gentleman the committee, and nothing more.

Mr. PROFFIT. Well, sir, here is one of the first lawyers in the House, that is not for endorsing the charges as containing impeachable matter. I take it for granted that all the lawyers in the House will say the same thing, and that the vote on the resolution was a kind of accommodation vote.

Mr. COOPER of Georgia asked leave to make an explanation. He was far from thinking, in the vote he gave, of expressing any opinion in regard to this matter. He merely intended to say that it was due to the gentleman from Virginia, due to the country, and due to the officer, that he should vote for a committee of investigation. He did not believe for one moment, that any committee could be found who could implicate the President.

Mr. PROFFIT hoped there would be no more explanations, and that he might be permitted to go on. The gentleman from Virginia, it seemed, was to be left alone in his glory.

Mr. BOTTS asked leave to make an explanation. He was prouder of the position he occupied, than that of any other gentleman on the floor.

Mr. PROFFIT made a remark in reply, which was not heard; and then went on to notice the remarks of the gentleman from New York, [Mr. GRANGER,] and the charges that gentleman had made against the Executive and his friends on that floor. The gentleman said that he (Mr. P.) and his friends took the pet lamb and crippled it, and he thought, with the gentleman from Kentucky, that the gentleman from New York was perfectly competent to speak about sheep. Mr. P., for himself, confessed that the gentleman's speech was the most sheepish speech he had ever heard.

Again, (said Mr. P.,) we were told that the friends of the President follow his lead on all occasions; and, in five minutes after, in direct contradiction to what he had just said, he charged us with disagreeing with the President, and making his bill our own. One moment, the gentleman charged him (Mr. P.) and his friends with following the President's lead; and the next, he charged them with having taken the President's pet lamb and cropping it, and cutting its tail off. Why did not the Whig party have their caucuses as formerly, and agree upon a plan of attack?

After some further remarks, he denied that he was in favor of the President's exchequer plan in all its details; but, nevertheless, he was surprised, on passing through Cincinnati, on his way to the seat of the General Government, to find so many persons in favor of it—from 5,000 to 6,000 of whom in that city had signed a petition to Congress, praying its passage, with very distinguished Whig gentlemen at their head. The report of the gentleman from New York, which originated this debate, he had no doubt every Democrat would wish to see printed; nay, he doubted not they would vote to print 10,000 extra copies, for it was the strongest report in favor of the sub-treasury that ever emanated from any committee on earth. He knew they said the sub-treasury had some errors; but every word in that report, against the exchequer, was an argument against a bank of the United States. They went against expansive power: and was not that right? and was it not an argument against a bank of the United States as well as against the President's exchequer? He pursued this theme some time; then replied to arguments based on the assumption that the officers of the Government would issue more paper than the law allowed under the exchequer, pointing to the issue of treasury notes, which was not known to exceed the authorized amount, under Mr. Van Buren's or the subsequent Administration. He then cited a case to show the influence of leading politicians in procuring for their friends loans from a national bank. He next noticed some remarks made by the gentleman from Kentucky [Mr. MARSHALL] yesterday on the present exchequer plan.

Mr. MARSHALL explained.

Mr. WISE desired to correct the report of Mr. MARSHALL's remarks, which appeared in the National Intelligencer of this morning, as far as they regarded himself. In that report, Mr. MARSHALL was made to say that he (Mr. W.) had said he might be waked up at 4 or 6 o'clock in the morning, and he could tell what Mr. Tyler would do in relation to any measure.

Mr. MARSHALL said he did not make any such remark.

Mr. WISE continued. What he said in the remarks referred to by the gentleman from Ken-

tucky [Mr. MARSHALL] was, that he could tell, on any morning at 6 o'clock, when fairly awake, whether Mr. Tyler would sign a United States Bank bill or not. He did not assume to know what he would do upon other subjects. He could make one additional remark. It was two weeks after the death of General Harrison, when he (Mr. W.) was on his circuit, canvassing for Congress, before he heard of the death of that man. The news of his death was accompanied with the inaugural address of John Tyler, in which it was stated that he would, as regarded a United States bank, follow the example of the fathers of the Republican faith. Between that moment and the interview which he had with Mr. Tyler, after the death of General Harrison, he had some hesitation about the course which Mr. T. would pursue upon the subject. He did not know whether he would follow the example of Madison on the one hand, or of Jefferson on the other. Yet, always having believed, himself, that a bank of the United States was constitutional, and knowing that it had been so decided, he had hoped the President had determined to remain *stare decisis*, and to sanction the establishment of such an institution. Under that impression, and with this doubt upon his mind, he came to Washington. His first interview with the President dispelled every doubt; and from that time forward, he could not have been waked up without declaring that John Tyler never would sign a bank bill. He knew John Tyler's history well. John Tyler had been his constituent, as also he had been John Tyler's. He knew his votes in the Legislature of Virginia, and in Congress; and, from that knowledge, he was enabled to make up his opinion.

Mr. T. F. MARSHALL was glad that the gentleman [Mr. WISE] had made the correction of the report of his remarks. He (Mr. M.) had himself intended to have made the same correction.

Mr. PROFFIT resumed, and proceeded to address the House upon various political topics of the present day. He defended the President from the charge of wishing to have his exchequer scheme passed without an amendment, and even without the dotting of an *i* and the crossing of a *t*. He charged it upon the party opposed to him, that they passed a bank bill without the dotting of an *i* or the crossing of a *t*, and without affording opportunity for due consideration. He charged them with making a report which avoided the issues before the country, and with a condemnation of the exchequer project by a committee, on which there was not a friend of the President to vindicate his views. He pressed upon the consideration of the House the fact that the Democratic Review and several leading papers of the Democratic party had advocated a plan of finance precisely similar to that of the gentleman from Massachusetts, [Mr. CUSHING;] and replied to the remark that the friends of the President thought one way with regard to this measure, and his friends another.

Mr. CUSHING asked permission to withdraw the motion he had made to commit the report of the Committee of Ways and Means on the exchequer to the Committee of the Whole on the state of the Union.

Mr. EVERETT objected to the withdrawal of the motion.

Mr. PROFFIT resumed. He replied to the remark that Mr. Webster said the plan of an exchequer, as reported by the friends of the President, was not worth a rush, by saying that this showed that the friends of the President had agreed to differ among one another without quarrelling. They were all independent men. As to the remark of the gentleman from Kentucky, [Mr. MARSHALL,] that he for a long time slept with Webster's works under his pillow, he (Mr. P.) would say that he believed Dickens (more generally called Boz) had made the same remark about his sleeping with some book about him. He (Mr. P.) believed he should hereafter get a pile of books and put them under his head every night. All he had to say about the Whigs not assigning to the gentleman from Kentucky [Mr. MARSHALL] such a position as he deserved, and was entitled to by his commanding talents, was, that the Whig party were ungrateful. The gentleman, however, on that subject, only made the same speech which he (Mr. P.) had heard him make twice before. He asked the Whigs if they really meant to do nothing in relation to the currency, except what they had proposed already. If not, he begged they would say so, and let it go out to the country. The Democrats would come into the next Congress with a great majority; and he predicted that they would pass nothing but the ordinary appropriation bills. They would make no new issues before the people. Though willing to go before the country on the sub-treasury, yet they would talk about its modification, and about having a chest for the accommodation of the people, by selling them small drafts at a discount.

He then went on, until the expiration of his hour, defining what he thought would be the position of the Democratic party, the Whig party, and the Administration.

After he had concluded,

Mr. UNDERWOOD obtained the floor, and made a personal explanation in relation to the loan of the United States Bank to Owens, referred to by the gentleman from Indiana, [Mr. PROFFIT.]

Without concluding, he moved an adjournment; which was carried.

IN SENATE.

WEDNESDAY, January 11, 1843.

The PRESIDENT *pro tem* laid before the Senate a report from the Commissioner of Public Buildings, in relation to the manner of the expenditure of the appropriations subject to his control; which,

On motion by Mr. EVANS, was ordered to be printed, and referred to the Committee on Public Buildings and Grounds.

THE QUINTUPLE TREATY.

Also, laid before the Senate a communication from the President of the United States, transmitted in reply to the resolution of the Senate of the 27th December last, calling upon him for information as to whether the quintuple treaty for the suppression of the slave-trade had been communicated to the Government of the United States in any form whatever, and as to what had been the course of the Government in relation thereto, &c. The communication states that no application had been made to this Government to become a party to that treaty; but that agents abroad, who regarded the signature of that treaty as an occurrence of some political importance, had transmitted unofficial copies of it to the State Department; but that it had not been communicated from any other quarter, or in any other form.

On motion of Mr. BENTON, the communication was ordered to be printed; and, on motion by Mr. ARCHER, it was referred to the Committee on Foreign Relations.

Mr. SMITH of Indiana presented certain documents from the War Department, relative to a claim pending before the Committee on Public Lands; which was referred to that committee.

Mr. MILLER presented a memorial, signed by P. K. Dickerson and other citizens of North Carolina, residing on the line of the Raleigh Railroad, praying such a modification of the tariff as to allow railroad iron to be imported free of duty: referred to the Committee on Finance.

Mr. M. also presented a memorial from citizens of the city of Washington, praying that the charters of the banks in said city may be extended for ten years: referred to the Committee on the District of Columbia.

Mr. BATES presented the memorial of Horatio Greenough, sculptor, upon the subject of the statue of Washington, suggesting the propriety of a change of its position. Mr. B. moved its reference to the Joint Committee on the Library, stating that the memorial was a paper of much merit and interest, as was everything coming from the hands or pen of that distinguished artist. The memorial was referred accordingly, and ordered to be printed.

Mr. HUNTINGTON, from the Committee on Commerce, to which had been referred the memorial of William Russell, praying for fishing bounty, reported a bill for his relief, and others; which was read, and ordered to a second reading, and the report accompanying it ordered to be printed.

Mr. H. also, from the same committee, to which had been referred the petition of Rufus and Charles Lane, praying for fishing bounty, reported a bill for the relief of the owners and crew of the schooner Twin; which was read, and ordered to a second reading, and the report accompanying it ordered to be printed.

Mr. H., from the same committee, made an adverse report on the petition of Samuel Brown, praying additional compensation for his services as naval officer at Providence, Rhode Island; which was ordered to lie on the table, and be printed.

Mr. H., from the same committee, made reports, which were ordered to be printed, adverse to the passage of the following bills from the House, viz:

The bill for the relief of owners, masters, and crew, of the schooner Joanna, of Ellsworth, Maine.

The bill (499) for the relief of Samuel Billings, owner of the fishing-schooner Laura.

The bill (227) for the relief of the owners, master, and crew of the schooner Martha, of Eastport, Maine.

The bill (390) for the relief of the owners and crew of the schooner Martha.

Mr. EVANS, from the Committee on Finance, reported back, with an amendment, the bill for the relief of the West Feliciana Railroad Company, and the Grand Gulf Railroad and Banking Company.

Mr. E. also reported back, from the same committee, the bill from the House for the relief of John Gerard Ford, accompanied by a written report adverse to its passage; which was ordered to be printed.

Mr. WOODBRIDGE, from the Committee on Commerce, made reports, which were ordered to be printed, adverse to the passage of the following House bills, viz:

The bill (414) for the relief of Isaac Champlin, and others, owners of the schooner Buffalo; and,

The bill (415) for the relief of Orrin Prentiss, of Stonington, Connecticut, owner of the schooner Lilly, and the crew of said vessel.

Mr. ARCHER presented a petition from persons residing at Harper's Ferry, and in the neighborhood, praying a restoration of the civil superintendency over the armory at that place; which was referred to the Committee on Military Affairs.

THE BANKRUPT LAW.

Mr. BENTON presented the petition of Abraham R. Van Nest and others, of the city of New York, praying for the unconditional repeal of the (so called) bankrupt act, upon the ground of its unconstitutionality, and because it was destructive of the rights of creditors.

In presenting this petition, Mr. B. took leave, under the indulgence of the Senate, to correct, for the third time in this body, an error into which he had fallen some time back in relation to voluntary bankruptcy. He had been led to believe that bankruptcy might be voluntary—that the English bankrupt system contained this principle; and, consequently, the principle came to us as a part of the system which we had borrowed from England. He had been led to believe this, and had expressed himself in several speeches to that effect. He had spoken in favor of this voluntary bankruptcy, and, on questions of amendment, or in substitution of one bill for another, he had voted in favor of it. But it was all wrong, and he had declared and renounced the error in two speeches heretofore made before the Senate—once in December, 1841, and again in August 1842—on both which occasions he had traced the error to its source, and showed there was no such thing in the English systems. The sixth section of the act of George IV (1826) was the foundation of this error: on referring to that section, (which he did a year or two ago,) he found that the section only authorized those traders and merchants who were the proper subject of a bankrupt law to make a declaration of insolvency, and file it in the bankrupt court, where it operated as an act of bankruptcy, on which the creditors might proceed, or not, as they pleased. If the creditors did not proceed, and that within a limited time, the declaration of insolvency stood for nothing: the debtor could not proceed upon it—he could not drag the creditors

into court! Thus the section shows. Mr. B. here read the section as follows:

Bankrupt act of the sixth year of George IV, (1826.)

"SEC. 6. That if any such trader shall file in the office of the Lord Chancellor's secretary of bankrupts, a declaration in writing, signed by such trader, and attested by an attorney or solicitor, that he is insolvent or unable to meet his engagements, the said secretary of bankrupts, or his deputy, shall sign a memorandum that such declaration hath been filed; which memorandum shall be authority for the London Gazette to insert an advertisement of such declaration therein; and every such declaration shall, after such advertisement inserted as aforesaid, *be an act of bankruptcy committed by such* TRADER *at the time when such declaration was filed:* but *no* commission shall issue thereupon, *unless* it be sued out within two calendar months next after the insertion of such advertisement, and *unless* such advertisement shall have been inserted in the London Gazette within eight days after such declaration filed. And no docket shall be struck upon such act of bankruptcy before the expiration of four days next after such insertion of such advertisement, in case such commission is to be executed in London; or before the expiration of eight days next after such insertion, in case such commission is to be executed in the country: and the Gazette containing such advertisement shall be evidence to be received of such declaration having been filed."

Having read this section, Mr. B. said it was explicit, and precluded argument. The voluntary action of the debtor, which it authorized, was limited to the mere filing of the declaration of insolvency. It went no further; and it was confined to traders—to the trading classes—who, alone, were subject to the laws of bankruptcy. Mr. B. said his first error, in acting upon this idea of voluntary bankruptcy, applicable both to traders and those who were not, was committed in 1827, soon after the British act passed, and when he had not seen it. It was, in fact, only one or two years ago that he had seen the statute; and, from that time, had renounced the error.

Mr. B. said that the English had, as we all know, an INSOLVENT SYSTEM, as well as a BANKRUPT SYSTEM. They had an INSOLVENT DEBTORS' COURT, as well as a BANKRUPT COURT; and both these were kept separate, although there were no STATES in England to be trodden under foot by treading down the insolvent laws. No so with us. Our insolvent laws, though belonging to States called sovereign, are all trampled under foot! There would be a time to go into this. At present, Mr. B. would only say that, in England, bankruptcy and insolvency were still kept distinct; and no insolvent trader was allowed to proceed as a bankrupt. On the contrary, an insolvent, applying in the Insolvent Debtors' Court for the release of his person, could not proceed one step beyond filing his declaration. At that point the creditors took up the declaration, if they pleased, transferred the case to the Bankrupt Court, and prosecuted the case in that court. This is done by virtue of the 13th section of the Insolvent Debtors Act of 7th Geo. IV., (1827.) Mr. B. read the section, as follows:

Insolvent debtors act of 7th year of George IV, (1827.)

SEC. 13. "*And be it further enacted,* That the filing of the petition of every *person* in actual custody, who shall be subject to the laws concerning bankrupts, and who shall apply by petition to the said court for his or her discharge from custody, according to this act, shall be accounted and adjudged *an act of bankruptcy from the time of filing such petition;* and that any *commission* issuing against such person, and under which he or she shall be declared bankrupt before the time appointed by the said court, and advertised in the *London Gazette,* for hearing the matters of such petition, or at any time within two calendar months from the time of filing such petition, shall have effect to avoid any conveyance and assignment of the estate and effects of such person, which shall have been made in pursuance of the provisions of this act: *Provided, always,* That the filing of such petition shall not be deemed an act of bankruptcy, *unless* such person be so declared bankrupt before the time so advertised as aforesaid, or within such two calendar months as aforesaid; but that every such conveyance and assignment shall be good and valid, notwithstanding any commission of bankruptcy under which such person shall be declared bankrupt after the time so advertised as aforesaid, and after the expiration of such two calendar months as aforesaid."

This (said Mr. B.) accords with the section of the year before in the bankrupt act. The two sections are accordant, and identical in their provisions. They keep up the great distinction between insolvency and bankruptcy, which some of our judges have undertaken to abrogate: they keep up, also, the great distinction between the proper subjects of bankruptcy—to wit: traders, and those who are not traders; and they keep up the distinction between the release of the person (which is the object of insolvent laws) and the extinction of the debt with the consent of creditors, which is the object of insolvent systems. By this section, if the "*person*" in custody who files declaration of insolvency shall be a trader, subject to the laws of bankruptcy, it only operates as an act of bankruptcy, upon which the creditors may proceed, or not, as they please. If they proceed, it is done by suing out a commission of bankruptcy; which carries the case to the bankrupt court. If the creditors do not proceed, the petition of the insolvent trader only releases his person. Being subject to bankruptcy, his creditors may call him into the bankrupt court, if they please; if they do not, he cannot take it there, nor claim the benefit of bankruptcy in the insolvent court: he can only get his person released. This is clear from the section; and our act of 1840 committed something worse than a folly in not copying this section. That act creates two sorts of bankruptcy—voluntary and involuntary—and, by a singular folly, makes them convertible! so that all may be volunteers, if they please. It makes merchants, traders, bankers, and some others of the *trading* classes, subject to involuntary bankruptcy: then it gives all *persons* whatever the right to proceed voluntarily. Thus the involuntary subjects of bankruptcy may become volunteers; and the distinction becomes ridiculous and null. Our act, which is compiled from the English Insolvent Debtors Act, and is itself nothing but an insolvent law perverted to the abolition of debts at the will of the debtor, should have copied the 13th section of the English insolvent law: for want of copying this, it annihilated involuntary bankruptcy—made all persons, traders or not, volunteers who chose to be so—released all debts, at the will of the debtor, without the consent of a single creditor—and committed the most daring outrage upon the laws of property which the world ever beheld!

The petition was then referred to the Committee on the Judiciary.

Mr. MILLER, from the Committee on the District of Columbia, reported back, without amendment, the bill from the House for the relief of Casper W. Weaver.

Mr. DAYTON, from the Committee on the Judiciary, made a report (which was ordered to be printed) adverse to the passage of the bill from the House, for the relief of Gorham A. Worth, one of the sureties of Samuel Edmunds, deceased:

Mr. D , from the same committee, to which had been referred the petition of Alexander M. Jenkins, and others, sureties of William Linn, late receiver at Vandalia, Illinois, praying to be discharged from their joint liabilities on the payment of the distributive proportions of the judgments obtained against them, respectively, made an adverse report; which was ordered to be printed.

On motion by Mr. WILLIAMS, the Committee on Naval Affairs was discharged from the further consideration of the claim of Anne F. Green, and other heirs-at-law of Com. Samuel Nicholson, deceased, there being no evidence on which to sustain the claim.

Mr. FULTON, on leave, introduced a bill for the relief of Mary Tucker; which was read twice, and referred to the Committee on Public Lands.

On motion by Mr. YOUNG, leave was granted to withdraw from the files the papers of Ephraim Sprague, touching his claim for losses in the Black Hawk war.

Mr. WALKER presented a petition from John Grant, of New Orleans, praying permission to sue the United States for damages incurred by the breach of a contract with the Engineer Department, for removing a bar in the Choctaw pass, in the harbor of Mobile: referred to the Judiciary Committee.

Mr. SEVIER presented additional documents relating to the claim of Lieut. R. D. Collins, for compensation for services in Florida as quartermaster; which were referred to the Judiciary Committee.

Mr. WOODBURY presented a memorial from John McClintock and others, of Portsmouth, New Hampshire, praying indemnity for spoliations committed by the French prior to 1800; which was laid on the table, with the bill on that subject.

The bill to extend the Patent Office to 9th street, was read the second time, and referred to the Committee on Patents.

The joint resolution for the distribution of certain copies of the Census returns and Compendium of the Sixth Census, was read the second time.

The bill for the relief of Henry Gardner and others, directors of an association called the New England Mississippi Land Company, was taken up as in committee of the whole, on an amendment from the Committee on the Judiciary.

Mr. BERRIEN explained that the amendment was intended to guard the interest of the United States.

After a few remarks by Messrs. BENTON and TAPPAN adverse to the bill, and by Mr. BERRIEN in its defence, it was, on the motion of Mr. KING, postponed till Monday next, and made the special order for that day.

REPORT ON THE FINE ON GENERAL JACKSON.

The resolution introduced by Mr. LINN on yesterday, to print 10,000 extra copies of the report of the majority, and 20,000 of the report of the minority of the Committee on the Judiciary on the bill to indemnify General Andrew Jackson for damages sustained in the discharge of his official duties, came up for consideration.

Mr. CRITTENDEN did not see what interest Senators could feel in sending the reports abroad in this way, as every newspaper in the country would publish them; and they would be widely disseminated long before the extra copies could be printed and ready for distribution. If it was intended to pay a compliment to some one—either the author of the minority report, or General Jackson himself—he would not be unwilling to entertain the proposition to print a reasonable number of extra copies; but he thought it really an unnecessary and useless expense to order the quantity required by this motion.

Mr. LINN remarked that the printing of the report would not be, by any means, an expensive job. The report was very brief. The objection to printing it, therefore, could not be on the ground of expense. He had no doubt it would be a source of gratification to the people of the country to see the grounds on which the Judiciary Committee reported the bill back to the Senate. Many of the Senators here had received their instructions on the subject of this bill, and they would no doubt be pleased to furnish their constituents with the position in which the matter stands. This would be a good way to do it—for their constituents would see both sides in these reports. On the score of expense, it was a small matter to contend about.

Mr. ARCHER rose merely to remark that it appeared to him the only object they could have in ordering the printing of an extra number of copies of any document was, that it might have a greater circulation than it would naturally obtain through the newspapers, either on account of its great length or some other cause, which possibly might exclude it from the columns of the public newspapers. But, as to these reports, both of them together would scarcely fill a single column: they scarcely exceeded the size of an ordinary letter. If they did order the printing, then, it would not be with the view of obtaining for it a larger circulation, but in order to pay a compliment to some one or other—either to the author of the report, or to General Jackson. But he would submit to the Senate whether it was proper to order the printing for such a purpose, no matter how well-merited the compliment might be. With these views, he felt constrained to vote against the proposition.

Mr. SMITH of Connecticut said he would not consider the mere object of paying a compliment, a legitimate reason for incurring the expense of extra copies out of the public money. But this was a different case, as the expense was to be incurred for the information of the people. It is necessary to spread before the people, in an authentic form, the reports of the majority and minority of the committee to which the Senate referred the bill. The arguments thus presented will enable the American people to judge whether this fine is to be refunded, and in what manner. They will be enabled to give expression to their opinions, and to make it known to their representatives, whether they approve of General Jackson's con-

duct at New Orleans or not. His (Mr. S.'s) object was to obtain the opinion of the American people on the fullest information that could be furnished to them, and therefore, whether the expense was great or small, it would make no difference in the vote he should give to accomplish that object. Having given the people this information, and ascertained their will, he should obey their injunction.

Mr. LINN observed that his friend from Virginia seemed to imply that it was in compliment to the author of the minority report that he had made this motion. He could assure the Senator, if such was his impression, that he had had no such idea as that of merely paying compliments in that way. Throughout the whole affair, in relation to the subject, he had had other motives for what he had done; and he was still actuated by the same motives. Before the subject was brought up, last session of Congress, and during its subsequent discussion, the ground was taken, by the political opponents of Gen. Jackson, that he never had paid this fine himself; and, consequently, his friends were subjected to the imputation of asking for him the repayment of money to which he could have no claim. His object was to bring this question to the test; and he considered that he had now done so; for, although there is nothing in the report of the majority of the committee directly affirmatory of the fact, there is a tacit admission, which it is important should go to the public in an authentic form. The calumny was going through the country like wildfire, that General Jackson did not pay the fine. The discussion on this bill, both last session and the present session, had set that question at rest. It was in every respect desirable that these reports should be disseminated. The committee should stand responsible for its recommendation of an amendment to place the repayment of the fine, on the ground of General Jackson's military services, and not as an act of justice.

Mr. ALLEN demanded the yeas and nays on the resolution; which were ordered, and were as follows:

YEAS—Messrs. Allen, Benton, Buchanan, Fulton, King, Linn, McRoberts, Sevier, Smith of Connecticut, Sturgeon, Tappan, Walker, Wilcox, Williams, Woodbury, Wright, and Young—17.

NAYS—Messrs. Archer, Barrow, Bates, Bayard, Berrien, Chesse, Clayton, Conrad, Crafts, Crittenden, Dayton, Evans, Graham, Huntington, Kerr, McDuffie, Mangum, Miller, Morehead, Porter, Smith of Indiana, White, and Woodbridge—23.

So the Senate refused to print the reports for circulation among the people.

The joint resolution authorizing the Secretary of the Treasury to settle, on certain terms, the liabilities of the sureties of Gordon D. Boyd, late receiver of public moneys at Columbus, Mississippi, was taken up for consideration, and read.

Mr. HENDERSON explained the purpose and object of the resolution. From Mr. H.'s statement, it appeared that, at the time of the speculations in Mississippi lands, G. D. Boyd, the receiver of public moneys at the land office of Columbus, was in the habit of giving certificates of entries to persons who did not pay him in money, but gave checks on distant banks. Several of these checks were dishonored; and, in consequence, Boyd became a defaulter. The lands, in some cases, were conveyed to him, or his securities; and the object of this joint resolution was to authorize the Secretary of the Treasury, if he found it to be best for the public interest, to take the lands in discharge of the debt, at the original price from the land office of $1 25 per acre.

Mr. KING objected to any such compromise. If the sureties were able to pay, they should be required to make good the whole of the defalcation. No countenance should be given to such a line of conduct as that practised in this instance. At the time of these speculations it was known that vast tracts were bought and culled over; and now it was proposed to allow the refuse of these tracts—not worth, perhaps, 25 cents an acre—to be handed back to the Government at $1 25. Mr. K., at some length, pointed out the injurious tendencies of such a course.

Mr. EVANS explained that the joint resolution merely gave the Treasury Department power to make the arrangement, if nothing better could be done.

Mr. HENDERSON made an explanation in relation to decisions of the circuit court of the United States in Mississippi, which rendered it doubtful whether the United States could make a better arrangement.

Mr. WALKER said it seemed to him that the matter was not properly understood. On the facts of the case, as presented to the circuit court in Mississippi, no lawyer could entertain a doubt of the propriety of the decision. The case was this: When Mr. Boyd was appointed receiver, in making out the bonds for his securities, an error was committed, which was the occasion of their not being signed. New bonds were preparing, to be signed by new securities; and, in this interval, he issued the certificates of entries, for which he was not paid the money. The court decided that the sureties who did not till subsequently become his securities, were not liable by their bonds to that extent. Now, with regard to so much of the defalcation as originated in this interval, if taking back the lands was the best that could be done, he was willing to support the resolution; but no further.

After a few remarks from Mr. EVANS, the question was taken on the passage of the joint resolution, and decided in the negative: so the resolution was rejected.

The following engrossed bills were taken up, read a third time, and passed:

Senate bill to re-enact and continue in operation the several acts now in force for the relief of insolvent debtors of the United States.

Senate bill for the relief of Wareham Kingsley.

Senate bill for the relief of Elizabeth Monroe.

Senate bill for the relief of William De Buys, postmaster of New Orleans.

Senate bill to provide for ascertaining and disposing of the lead mineral lands in the States of Arkansas and Illinois, and Territories of Wisconsin and Iowa, and for other purposes.

House bill for the relief of Joshua Drew.

And the House bill for the relief of Snow Y. Sears.

OREGON TERRITORY.

The bill to authorize the occupation and settlement of the Territory of Oregon came up as the unfinished business; the question pending being, "Shall this bill pass?"

Mr. TAPPAN said he hoped the bill would be adopted by the Senate; for he considered it of the utmost importance that it should pass, notwithstanding the reasons which had been assigned by the Senator from South Carolina and the Senator from Massachusetts, on a former day, against its passage. It appeared that, by certain treaty stipulations between this Government and Great Britain, entered into in the year 1818, the British had the right of trading throughout the whole of that territory; of entering into all the ports and harbors upon the coast; and of carrying on their trade therein, as freely and as fully as might be done by the citizens of the United States. Under this treaty, the British Trading Company had erected a fort, called Fort Vancouver, and had settled and cultivated some of the adjacent lands; but to what extent, he (Mr. TAPPAN) did not know.

And now (said Mr. TAPPAN) we have the proposition advanced in this Senate, that these treaty stipulations give to Great Britain a tenancy in common with the Government of the United States within the Oregon Territory—that the subjects of Great Britain had a right to occupy it with the citizens of the United States. No Senator had intimated any doubt as to the title of the United States to the territory, founded upon discovery and upon treaties. As to the treaty or convention of 1818, although he thought the construction put on it by honorable Senators was quite a forced construction, he would guard against the consequences of such construction, that it might not grow up into an admitted claim to the whole territory.

Mr. CALHOUN said he had merely stated what interpretation was put upon the treaty; he had given no opinion as to the correctness of that interpretation.

Mr. TAPPAN said the Senate would recollect that there had been recently before them a question as to the Northeastern boundary of the United States. That question had arisen from the same kind of carelessness or ignorance in our negotiators of the treaty of Ghent, which seems to have prevailed in negotiating the convention of 1818.

By the treaty of peace of 1783, the northwest corner of Nova Scotia was the point from which the boundary line of the United States was to be run, and it was the point at which that boundary line was to terminate. Whatever uncertainty there might be in the description of any part of that boundary, there was none whatever in the place where the line should begin and end; nor was there any difficulty, doubt, or uncertainty as to where that northwest corner was to be found. The map which it is known the commissioners had before them and used, as well as all the English maps of their North American possessions, agreed in placing this corner far north of the St. John river, and west of the bay of Chaleurs. I speak of English maps, because it is well known that the French claimed that the northern part of Maine belonged to Canada, and laid it down accordingly on their maps of that country, even after the peace of 1783. Any ordinary country surveyor might have ascertained where that northwest corner of Nova Scotia was, and from that might have run the north line of Maine; nor would any two honest surveyors have differed as to the position of the corner, or the line to be run from or to it.

This matter, so clear, and, until then, undisputed, was made doubtful and uncertain by our negotiators of the treaty of Ghent. If that treaty, instead of stipulating for the appointment of a joint commission "to run and mark the boundary line between the two Governments," had required such commission "to ascertain the northwest corner of Nova Scotia, and to run the line from and to that point," no difficulty would ever have arisen between the two Governments as to either the north or east line of Maine; but, as the treaty stipulated that if the commissioners disagreed where the line was, it should be left to some friendly power to determine, the British Government, with their usual adroitness, seized upon this agreement to draw off the attention of the people of Great Britain and the United States from the true point for settlement, and fix it upon an inquiry and examination as to where are the highlands mentioned in the treaty of peace. The British Government, after raising this controversy, took possession of the country north of the St. John, and held it by military force. You all know (said Mr. T.) the long train of negotiation which we have been amused with upon this matter; the reference of the question of "where were the highlands" to the King of Holland; his award, and the rejection of it by this Government. He would now ask the attention of the Senate to the close of this controversy to the treaty recently concluded with Lord Ashburton. The negotiation of this treaty shows the complete success of British diplomacy. A territory which had been ours, not only without dispute, but without any suspicion as to the goodness of our title, for more than thirty years, until the treaty of Ghent, was admitted by our own Secretary of State to have never belonged to us. When the late treaty with Great Britain was laid before the Senate, with the correspondence which led to it, it was seen that the boundary settled by it, between our possessions and the British, was one proposed by our Government, and acceded to by the British negotiator, giving them all the territory north of the St. John, and a large tract west, which they had never claimed. We lost all this (said Mr. T.) by negotiation, and would not regain it without a war; for in any future negotiation or reference as to the north line of Maine, we could not expect the British to recede from the St. John, when we had offered, not to cede the country north of that river for an equivalent, but to fix upon that as the true boundary intended to be described in the treaty of 1783. For this reason, he voted to ratify this treaty. The boundary was our own proposition; and we would be considered by the whole civilized world as precluded from advancing a claim to a more northern boundary.

The territory was lost by our own folly, and could not be regained without a war; and war, in the present state of the country, (which he would not explain, as it was understood by every Senator,) was, with him, entirely impracticable.

Individuals (said Mr. T.) are called fools if they will not profit by their own experience: so are nations. If, soon after the treaty of 1783, we had granted the land in the north part of Maine, and invited a settlement to be made on it, it would never have been claimed by Great Britain. The northwest corner of Nova Scotia would now be the northeast corner of the United States. But, instead of settling it ourselves, we let the British settle it; we negotiated until it was gone from us. He was for taking a very different course with the Oregon Territory. He would let the hardy Western yeomanry in upon that country; he would plant fifty thousand rifles there, in hands that knew how to use them; and no more would be heard of British claimants, or British claims to that territory. If (said Mr. T.) this is not done—if, from fear of offending our old mother, we forbear to take strong possession of the country, and go on negotiating and arbitrating about it as we did about Maine—by-and-by some Secretary of State will be found proposing the line of the Rocky Mountains as the Western boundary of our glorious Union. Yes, and proposing it when we dare not involve the nation in a war. He would trust to no such contingency. He would settle the country immediately, and hold it.

On motion of Mr. SEVIER, who intimated a desire to examine certain documents relating to this subject, the bill was informally passed over.

On motion of Mr. HUNTINGTON,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 11, 1842.

Mr. LEVY offered a resolution calling upon the Secretary of the Navy to communicate to the House a copy of the report, survey, and estimate, with reference to the improvement of the mouth of the river Suwanee; and also, that he prepare and furnish the House with estimates of the sum required to construct a railroad to connect the St. John and Suwanee rivers.

Mr. EVERETT objected to everything out of the regular order of business.

Mr. KING said he had a resolution, which was simply one of inquiry, and would not occupy a minute; but the objection was not withdrawn.

Mr. READ presented a petition for the repeal of the bankrupt law.

The SPEAKER then called for reports of committees, and the following were presented:

Mr. OSBORNE, from the Committee of Claims, reported a bill for the relief of George A. Winslow; which was read twice, and committed to the Committee of the Whole House.

On motion of Mr. KENNEDY of Maryland, it was ordered that the Committee on Commerce be discharged from the consideration of the petitions of citizens of the State of Connecticut, for the improvement of the Thames river; and they were referred to the Committee of Ways and Means.

The same committee, on like motions, was discharged from other petitions and memorials on various subjects.

Mr. HOLMES presented a petition of John H. Sargent, of the State of South Carolina, praying an amendment of the law regulating the granting of patents for inventions.

On motion of Mr. KENNEDY, it was

Resolved, That the Secretary of the Treasury report to this House the amount of goods lost by fire in the public stores in the city of New York, during the last ten years, and the duties that would have been paid on such goods if they had not been destroyed.

On the motion of Mr. FILLMORE, it was

Resolved, That the Committee of Ways and Means be discharged from the further consideration of so much of the general estimates of appropriations for 1843-'44 as relates to the rebuilding of the light-house on Brandywine shoal, Delaware Bay, and to the construction of a light-house on Flynn's Knoll, near Sandy Hook; and that the subjects be referred to the Committee on Commerce.

On the motion of Mr. FILLMORE, it was

Resolved, That the Committee of Ways and Means be discharged from the further consideration of the following resolution, viz: "*Resolved*, That the Committee of Ways and Means be instructed to inquire into the expediency and necessity of so amending the act of the 29th of August last, entitled 'An act to provide for the settlement of certain accounts for the support of Government in the Territory of Wisconsin,' as to authorize the Legislatures of the respective Territories of the United States to employ a sufficient number of officers and attendants for the transaction of the public business, and to regulate their per diem compensation, so that it shall not, in the aggregate, exceed the sum of $3 per day to each; and that they report by bill, or otherwise;" and that it be referred to the Committee on the Territories.

TERRITORIAL BUSINESS.

Mr. POPE, from the Committee on the Territories, reported a bill to authorize the election or appointment of officers in the Territory of Wisconsin; which was read twice, and committed to the Committee of the Whole.

Mr. POPE submitted a resolution to set apart Tuesday, Wednesday, and Thursday, the last day of January and the first two days of February, for the consideration of the business relating to the Territories of the United States.

Mr. CAVE JOHNSON hoped that the House would not agree to the resolution. He had no objection to take up the Territorial business at the proper time; but he could not consent to fix specific days, on which it should override all other business, how important soever it might be.

Mr. KENNEDY of Maryland said, at previous sessions five days had been usually appropriated to Territorial business; but now, only three days were asked.

Mr. CAVE JOHNSON reminded the House that there were but 45 legislative days remaining of this short session.

Mr. POPE explained.

Mr. BLACK hoped the resolution would be agreed to. There was a great deal of important business in which the Territories were concerned, which must be laid before the House during the present session. There was the boundary difficulty between the State of Missouri and the Territory of Iowa, which was eliciting much warmth of feeling, and which he hoped the House would take some steps to settle. He entreated the gentleman from Tennessee, therefore, not to oppose the motion of the gentleman from Kentucky, for three days would be barely sufficient for the disposal of the business to come before them.

Mr. CAVE JOHNSON would consent to two days being set apart for the Territorial business; and he suggested the first Friday and Saturday in February. (Cries of "And meet at 10 o'clock.")

Mr. WELLER moved the previous question, observing that the time proposed in the resolution was short enough.

The previous question was sustained by the House, the amendment of the gentleman from Tennessee was negatived, and the original resolution was agreed to.

Mr. BLACK, from the Committee on the Territories, reported a bill to amend "An act to provide for the settlement of certain accounts for the support of Government in the Territory of Wisconsin, and for other purposes;" which was read twice, and committed to the Committee of the Whole.

GENERAL JACKSON'S FINE.

Mr. EVERETT asked if it was in order to move a suspension of the rules, for the purpose of taking up the bill to repeal the bankrupt law.

The SPEAKER replied that the resolution of the gentleman from New York, [Mr. BOWNE,] in relation to the bill to refund the fine of General Jackson, would take precedence during the morning hour.

That subject was then taken up, on which the gentleman from Kentucky [Mr. WM. O. BUTLER] had the floor.

Mr. WM. O. BUTLER addressed the House during the hour, in vindication of Gen. Jackson's course, and in advocacy of a return of the fine.

Mr. HUNT obtained the floor; but the morning hour having expired, the subject went over.

THE EXCHEQUER.

The SPEAKER announced the resolution of the Committee of Ways and Means, expressive of the opinion that it was not expedient to adopt the exchequer plan of the Executive, to be the next business in order.

Mr. UNDERWOOD, who had the floor from yesterday, then resumed the discussion. He commenced by remarking that the gentleman from Indiana, [Mr. PROFFIT,] in the course of his remarks last night, took occasion to introduce the name of Mr. Clay—as he (Mr. U.) thought, without any great propriety—in an attempt to illustrate, as the gentleman had said, the influence of conspicuous individuals in the administration of the affairs of a bank of the United States. He had subsequently addressed the following letter to the editors of a morning paper:

WASHINGTON, January 10th, 1842.

MESSRS. GALES AND SEATON: In an argument made by me, to-day, in the House of Representatives, I asserted that the Bank of the United States had, in many instances, been influenced, in the granting of accommodations, by persons high in power, and by politicians of conspicuous standing. This assertion was made in reply to the allegation that the exchequer plan of the President was liable to fail under the influence of men in high stations; and I said that gentlemen arguing in favor of a bank of the United States were seemingly forgetful of the fact of its having been so influenced. I then referred to a case from Peters's Reports of the decisions of the Supreme Court of the United States, 9th volume, page 382—Bank of the United States *vs.* Waggener and others. I stated that, after the Branch Bank of the United States at Lexington, Kentucky, had twice refused to grant a loan, upon a third application, through the influence or representation of Mr. Clay and other gentlemen, the loan was granted or authorized by the parent board at Philadelphia, notwithstanding the refusal of the branch at Lexington. I also distinctly stated, and repeated, that I did not intend to cast the least shadow of imputation upon either the personal or political character of Mr. Clay; and neither did I intend to say that he was personally concerned in any manner with this bank transaction. A gentleman from Kentucky (Mr. UNDERWOOD, who is now entitled to the floor) said that the case referred to by me would not bear out my assertion. I would deeply lament if I should do any person injustice, particularly Mr. Clay; and therefore I hasten to give the following extracts from the decision referred to.

The following is an extract of the facts in the statement of the case—*Peters's Reports*, vol. ix., page 382:

"In the state of things existing in 1822, William Owens applied to the office at Lexington for a loan of $5,000, in the notes of the Bank of Kentucky, assuring the bank that they would answer his purpose as well as gold and silver. The offer was rejected by the directors of the bank; and, on its renewal, was again refused. A third time the loan was applied for; the interference of a gentleman connected with the business of the bank (not a director) to procure it was solicited and obtained, and the application was referred to the board at Philadelphia, by which the loan was authorized."

It further appears from this report, page 385—

"That this negotiation was at the earnest instance of Owens, and for his accommodation. When he thought his own instances insufficient, he sought the aid of others, and especially applied to Mr. Clay, who was counsel for the bank, and to the late Colonel Morrison, who had been president of the office, to use their influence as his friends to aid him in obtaining what he asked."

It further appears, from a statement of Mr. Sergeant, counsel for the bank, on page 388: "That the office twice declined his (Owens's) application, and then he employed the influence of his friends, Mr. Clay and Colonel Morrison, to obtain an order from the parent board."

I could give other extracts, if time permitted. My assertion that Mr. Clay's influence was sought and used with the parent bank, was based on the authority of the facts thus disclosed, which distinctly show that "a gentleman not a director," but one "*connected with the business of the bank*," must have meant Mr. Clay; because Colonel Morrison is stated only to *have been* president of the bank. Mr. Clay, as appears by the record, was *then* attorney for the bank at Lexington.

I submit whether my assertion is not sustained by the facts, and I ask an immediate insertion of this letter in the Intelligencer, that Mr. UNDERWOOD or any other gentleman may have an opportunity to correct me if I have unintentionally misrepresented the case. GEORGE H. PROFFIT.

Mr. U. then went on to say, that the first extract in that letter was not complete. It should have gone on and said: "A mortgage on real estate being given as additional security on the loan;" and then it would have shown that, while Mr. Clay was willing to use his influence to obtain a loan for his friends, he took care that it was secured by a mortgage on real estate. This was showing an additional trait in the character of Mr. Clay, with which he (Mr. U.) was satisfied; but he would advise the gentleman from Indiana [Mr. PROFFIT] when, in future, he wished to extract a passage from a record, never to stop in the middle of a sentence, nor make a full stop where there should be but a comma. With some other observations on the transaction referred to in the above extracts, he dismissed that subject, and proceeded to other considerations connected with it.

The gentleman from Indiana, by citing the name of Mr. Clay, had desired to prove that a Bank of the United States would yield obedience to the solicitation of distinguished men, and would exercise the expansive power, or grant loans and deal in exchange under the influence of politicians; but in all this, the gentleman had failed to draw an obvious distinction, which could not fail to strike the mind of every man who thought on the subject,

In a bank of the United States, he admitted such influence would exist, in a greater or less degree; but he contended that the danger to be apprehended from the exercise of this power by a directory of private individuals was infinitely less than that which was threatened by its exercise by a Government, to whom the exchequer scheme would give an accumulation of power. There was, therefore, no analogy; nor was there anything in the argument of the gentleman which could operate against the establishment of a national bank; while the full force of his argument operated against giving such power to an Executive or a Government.

He then proceeded to say that, as they should do nothing more than discuss these questions during the present session, they might as well discuss them on this resolution as in any other way. And the first remark which he wished to make on the currency question, and to which he wished to call the attention of the House and of the country, was, that, by the passage of any one of these exchequer bills, they would take the subject from private individuals, or a corporation of private stockholders, and give it to the Government of the country; thereby enlarging its powers to a dangerous extent. The great defect in, and the great error (as he conceived) of, the legislation of the country on the subject of the currency in times past, had been, that it destroyed the association of private individuals forming a Bank of the United States, and giving a currency to the country through their means. The idea was thrown out by Mr. Van Buren, and others of that party, that the association of wealth, in the shape of a corporation, was dangerous to the liberties of the country, and was anti-republican in its tendencies; but, seeing that a currency was necessary, in some way, to meet the wants of the country, this exchequer plan of the Executive was formed, with a view to gain popularity, and to form a middle party. And he (Mr. UNDERWOOD) acknowledged that the exchequer plan would give the country a currency, but it would increase the power and patronage of the Executive to a dangerous extent. He conceived they never could have a currency in this country, which would restore the prosperity of the people, unless it was based on an association of capitalists in the form of a chartered national bank; and instead of making such a corporation pay the Government a *bonus*, and then allow them to make as much interest as they could on their loans and on bills of exchange, the true policy would be to refuse a *bonus*, and limit the bank in the amount of its profits; and thus all temptation to expansion would be taken away, and thereby they would diminish the injury to the country, while they would extend the benefits to every rank. The great injury to the country at the present time was the restriction of its currency, and its diminution to a gold and silver standard. He illustrated this part of the subject, by stating its effect on sales under an expanded, in contrast with the prices under a contracted currency; and the difference produced in the ability of the people to secure around them the comforts of life.

Now this exchequer plan of his friend from Massachusetts, instead of increasing the circulating medium of the country—instead of enhancing the price of labor—instead of operating as a remedy for existing evils, simply proposed that there should be dollar for dollar thrown into circulation for the amount of specie in their vaults. So far, therefore, as it operated on the prices of the labor and property of the country, it would have no sort of influence in remedying the evils with which the country was afflicted. What, then, would it do? Its only effect would be to enable the individual that might have $1,000 in his possession, to deposite it in specie, and get that amount in portable currency, that he might carry about him. Now, was it worth while to create an institution which would only have that effect so far as the currency and business of the country was concerned? As a mere fiscal agent, its operation would not be more beneficial than the sub-treasury; and, as that had been condemned both by the popular voice and by the existing Administration; and as it was not, under present circumstances, likely to be resorted to by either party, it was not necessary for him to pursue that point of his argument. As to the exchequer, so far as the currency was concerned, it would have no sort of effect whatever, because it would create no sort of additional circulation. It would only give as much paper circulation as its operations would abstract from the specie circulation of the country; and, therefore, it would not remedy the existing evils produced by a limited amount of currency.

In the progress of the debate, a great many arguments had been urged, which he would like to have time to reply to; but, as it was impossible to go into a discussion of the objects, views, and principles of parties and of men, he should very briefly notice a few things that had been said, and bring his remarks to a close.

It had been said on that floor that the Whig party was prostrate, and that it was incapable of making any effort hereafter to resuscitate itself from the overthrow it had sustained from the Democratic party in the fall elections. He believed that these declarations, made from various quarters, proceeded more from the fears of the individuals making them, than from the solid convictions of their judgments. The only real foundation on which these declarations rested, was the example set by the New York elections of last fall. He would not take the time to go into all the circumstances connected with these elections; but every gentleman who looked at them, and compared them with the elections of 1840, would find that there were more than 40,000 individuals who did not go to the polls.

[A member here said: "Pipe-laying had ceased;" and another was heard to say: "The times were so hard, that they had no money to expend in elections."]

Yes, sir: there were more than 40,000 persons who did not vote at all. The successful candidate fell short of the vote of 1840 more than 4,000 votes; and the defeated candidate more than 20 000. Now, had these voters changed their opinions? and was there any evidence that they would not vote in 1844 as they did in 1840? There was no evidence of it; and those gentlemen who boast of the result felt very much as Bob Bailey the duellist did, when his adversary fell at the first fire. This worthy said that, when he saw his antagonist fall before him, his first sensation was fear lest he might get up again, and demand another fire. So it was with the Democrats exulting over their late victory in New York; they were afraid of meeting their adversaries a second time. He admitted that some things had happened which had a tendency so to sour and chagrin great numbers of the Whig party, that they refrained from going to the polls; but he confidently believed that the great motives which kept them away in 1842, would carry them to the polls in 1844. Everything was tending to form parties on principles, and not on men; and issues made up on principles alone would induce people to go to the polls and vote. Those who had kept away from the polls had seen that their votes would do no good; and therefore they had, in perfect disgust at those who had prevented the adoption of the measures they believed indispensable to the welfare of the country, refrained from voting at the late elections.

How was it in Ohio? The Democratic triumph there was a minority triumph, and they had a minority Governor. There was also the same falling off in the number of votes polled, as was exhibited in the New York elections. Sir, the conduct of the guard and of Mr. Tyler had kept the people away from the polls. [A member asked: Will not the same conduct continue?] No, sir, you can't keep them away in 1844. The constitutional fact will compel them to go. The time has not yet arrived when it is necessary fo them to exert themselves; but the demonstration they made in 1842 in behalf of principles of 1840, will convince their adversaries that the Whig party are strong and united. [A voice: "What are the principles of 1840?"]

The gentleman from Virginia [Mr. WISE] said the other day, that, if waked up at six o'clock any morning, he could have to'd what John Tyler would do in regard to a bank of the United States—that a bank bill would not be signed by him. That was information which the people of this country had not in their possession. It was not believed in his section of the country. The very fact that Mr. Tyler attended the Harrisburg convention—the very fact, which was known, that Mr. Clay was his favorite candidate for the Presidency, was enough to show that he would have approved and signed anything that Mr. Clay would have approved and signed. Now, he would ask with what consistency could Mr. Tyler, after being in favor of Mr. Clay's selection for the Presidency, who was known to be the advocate of a United States bank, pretend that he was not looked upon as being also in favor of that measure?

Mr. BIDLACK begged leave to interrupt the gentleman, and ask him if Mr. Clay himself had not, on various occasions, and particularly at Hanover court-house, disclaimed that he was in favor of a national bank.

Mr. UNDERWOOD had never heard any such disclaimer imputed to Mr. Clay since the Harrisburg convention. If there had been any such disclaimer, he would thank the gentleman to show it.

Mr. BIDLACK said that such a disclaimer had twice before been brought to the notice of the House; and in a speech which he had made, he had produced the proof from documentary evidence. He referred particularly to the Hanover speech.

Mr. UNDERWOOD said that the speech would speak for itself. He was not aware of any such evidence. But if Mr. Tyler was not pledged to approve the measures of Mr. Clay—if he was desirous to nominate him for the Presidency, and actually shed tears, as it was said, because he did not receive the nomination, were there not good grounds to believe that he would approve a national bank bill? What were they to say in regard to the testimony of Hill and Owen of North Carolina, who testified that Mr. Tyler expressly told them that his opinions in relation to a national bank had undergone a change? He had not heard the veracity of these gentlemen questioned; and yet here was a direct issue between them and Mr. Tyler on this subject.

Mr. WISE would inquire of the honorable gentleman from Kentucky, whether, during the canvass for the Presidency of 1840, he saw the address which was put forth by the Central Harrison Committee of Virginia? That address was published in all the Richmond papers; and it would be found there asserted, not only that Mr. Tyler would not sign a bank bill, but that General Harrison would not sign one. He would ask the gentleman if he ever read that address.

Mr. UNDERWOOD did not recollect that he had ever read it. He did not refer to these numerous addresses, made throughout the country during the presidential canvass.

Mr. RAYNER asked leave to make an explanation, as reference had been made to two gentlemen of his State. The charge they made was, that Mr. Tyler positively informed them that his opinions upon the constitutionality of a bank of the United States had changed. This was published in the papers of the country; and Mr. Tyler dodged the question, by saying that he never expressed any such opinion in the Harrisburg convention.

Mr. WISE observed that, if his friend from Kentucky would permit him, he would undertake to say that the President had denied that he ever made any such declaration at all. The gentleman need not, therefore, say that he dodged the question. The President had denied, and published to the world the denial, that he made any such declaration whatever to Gen. Owen, Mr. Hill, or anybody else.

Mr. UNDERWOOD observed that his time was drawing to a close, and he would, therefore, go on with his remarks, and, as he hoped, without any more interruptions. The Virginia Whigs might have written and published an address, such as the gentleman alluded to, and it might have been designed to operate on that State alone. The great error of the Whig party, and for which he believed the judgment of Heaven had fallen upon them, was their selecting John Tyler as their candidate for the Vice Presidency, in the hope of carrying the State of Virginia. Instead of selecting a man who was known to have co-operated with them in all

their measures; instead of selecting a man who for years had manifested a consistent devotion to their principles, the Whig party selected John Tyler, merely for the sake of carrying the State of Virginia. Having made this selection, it was very probable that the Whigs of Virginia may have put forth such an address intended for that State only; but it was known that at Nashville the convention put forth resolutions directly the contrary, and in favor of a bank of the United States. We learn (said Mr. U.) wisdom by experience; and no man will, in future, get on the Whig ticket except on principle. The contest would then be carried on on principles alone. He himself should retire to the shades of private life; see his own corn grow, and raise his own lambs. But, as an American citizen, he should take a lively interest in the coming contest, and he hoped to see it waged on great principles, and not on the mere scramble for place of political aspirants.

He concluded by expressing it as his belief that the next Presidential contest would be decided upon the question as to whether there should be a national currency, based on individual funds; on the question of distributing the proceeds of the public lands to the States, to whom, as he thought, they rightly belonged; on the question of restricting the power of the Executive by limitations upon it, through an amendment to the Federal Constitution; and on all those other measures which had become the standard faith of the Whig party. When the contest turned on questions like these, he as firmly believed that the people would decide it in favor of the ascendency of the Whigs, as he now believed he was talking to the House of Representatives. It must be so, or the institutions of the country could not be preserved. Without it, they would not be worth preserving.

Mr. EVERETT said that the principal object he had in view was to bring this debate to a close, by moving the previous question. He would submit, as an apology for so doing, that there were now three or four subjects before the House, upon which, as the gentleman from Indiana [Mr. PROFFIT] well remarked, the same speeches might be made. On all of them, a collateral debate had arisen, without regard to the matter immediately before the House. Before he took his seat, however, he had a word or two to say upon the question now pending. When the exchequer plan was committed to the Committee of Ways and Means, it would be recollected that he moved to instruct the committee to report the identical bill as submitted by the President, with a view of coming to a direct vote upon it. He considered such a course to be due to the Executive. It was presented to Congress as the peculiar measure of the President, and he thought it due to that officer that the House should express a direct opinion upon it. This was not the first time it had been recommended by the Executive; and, on that account, the course which he (Mr. E) had suggested was the more important. This repetition of the Executive recommendation was a still greater reason why the House should come to a decision upon the measure.

But it was also recommended in other quarters, of which he would give the origin and history. At the close of the extra session of the present Congress, a member of the cabinet, (Mr. Webster,)—the only member of the Harrison Cabinet who remained in office—wrote a letter, in which he pledged himself that the Executive should recommend some measure which would give relief to the country. That member of the cabinet pledged his reputation that such a measure should be brought forward. After that period, he (Mr. E.) always considered this (the exchequer) to be the measure of that member of the cabinet—drawn up by him, and originating with him. Indeed, when the report of the Secretary of the Treasury upon the plan was sent to Congress, it was considered by every one as the argument of the member of the cabinet to whom he referred. At the last session, it was not favorably received. A committee of the friends of the President, to whom it was referred, made vital alterations in it, and no action was taken by the House upon the report. It now came to Congress with another Executive recommendation. But he would first state the fact which occurred in the vacation: The Secretary of State, in a speech delivered by him at Faneuil Hall, again recommended it as the only measure which should be adopted—and adopted without modification. This recommendation was reiterated by the Secretary of War. Now, it struck him, that there was an almost unparalleled degree of recklessness exhibited in the recommendations of these two Secretaries. They must have known that it had no chance whatever of being adopted; yet the recommendation of it to favorable consideration would hereafter give them an opportunity to say that, had their counsels been taken, the country would greatly have been benefited.

He held that this measure contradicted all those grounds on which the party to which those two Secretaries were attached had fought the political battle of 1840. The main issue then was upon the sub-treasury; and that was condemned, because it was a Government bank in disguise. It was objectionable because it gave too much power to the President, and because, if managed (as it would be) by politicians, it would soon run into bankruptcy. This measure of the exchequer would carry out the obnoxious principles which the Whig party predicted would result from the sub-treasury. He agreed with the Secretary of State in the opinion that both the bill reported by the committee of the friends of the President in the House, and that reported in the Senate, would be injurious. The President's bill he did not doubt would have the effect of enlarging the currency; but it would, at the same time, enlarge the power of the Executive; and therefore was liable to the same objection as the sub-treasury. The proposition, he apprehended, was never made with the expectation that it would receive Whig votes, but was addressed to the other side of the House. And why did it not find favor with the Democratic party? He answered, because they would never avow that the object of the sub-treasury was to create a Government bank, whilst this bill did so plainly. That party never could be induced to say that the sub-treasury was intended to be, or could become, a Government bank. Should it be adopted by a Democratic Congress, he had no fear of its being vetoed; because, if fairly established and put under way, it would become a bank of discount and circulation, as the exchequer would be.

He believed that the opinion of the country—certainly that of the House—was made up upon this measure; and as it was now before the House in such a way as to exclude the transaction of all other business so long as it remained undisposed of, (the suspension of the rules having given it preference,) in order to take it out of the way of other matters, he would move the previous question, and also a call of the House.

Mr. CUSHING said he hoped the gentleman would not persist in his motion—making a speech attacking all the world around him, and then permitting no one to reply. Such, indeed, was strange generosity.

Mr. EVERETT asked for the yeas and nays on the motion for a call of the House.

They were ordered.

Mr. ATHERTON suggested to the gentleman [Mr. EVERETT] to withdraw his motion, and move an adjournment; so as to let the question stand over until to-morrow, when it could be taken early.

Mr. EVERETT consented to withdraw the motion for a call of the House, and withdrew the motion for the previous question for a moment, in order to enable him to submit an amendment to the resolution of the Committee of Ways and Means. He moved to amend the resolution, by striking out the word "*not;*" the effect of which amendment would be to declare the plan of an exchequer "*expedient.*"

He then renewed his motion for the previous question.

Mr. ATHERTON moved an adjournment; but withdrew the motion for a moment, at the request of

Mr. WM. COST JOHNSON, who presented the proceedings of the people of Erie county, Pennsylvania, in favor of the issue of $200,000,000 Government stock, to be divided among the States.

Mr. WINTHROP rose and said that, as this was an adverse report, and the usual course of such reports was to lay them upon the table, he moved that this whole subject be laid on the table.

Such being the state of the question—

The House adjourned.

IN SENATE.

THURSDAY, January 12, 1843.

The PRESIDENT *pro tem.* laid before the Senate a communication from the Treasury, covering a report made agreeably to the sixth section of the act for the extension of the loan of 1841, and for an addition of five millions thereto, and for allowing interest on treasury notes due; showing that there had been borrowed under that act the sum of of $5 672,976 88; and that $16 155 of that amount was obtained at 5½ per cent., $3,213,791 86 at 5½ per cent., and $2,443,030 02 at 6 per cent.

On motion by Mr. EVANS, the communication was ordered to lie on the table, and be printed

On motion by Mr. SMITH of Connecticut, the resolutions of the Legislature of Connecticut, requesting Congress to adopt measures for disciplining the officers commanding the militia throughout the United States, which was presented and ordered to be printed a few days ago, was referred to the Committee on the Militia.

Mr. DAYTON presented a memorial, signed by sundry persons, against the repeal of the bankrupt law; and requesting, in any modification of the law by Congress, that the essential features of the law, as now existing, may be retained. Mr. D. said he did not know from what quarter the petition came, but begged leave to state that, in presenting it, he did not wish it to be received as any indication of what his course would be in the action upon the bill to repeal the law: referred to the Committee on the Judiciary.

Mr. SMITH, from the Committee on Public Lands, reported back, without amendment, and with a recommendation that it do pass, the bill for the relief of Mary Tucker.

Mr. SMITH, from the same committee, to which was referred the House bill entitled "An act for the relief of Joseph Hoover, and Abelard Guthrie, and Edmund Ogden," reported the same back with an entire substitute for the bill, which was read.

Mr. GRAHAM, from the Committee on Claims, reported back, without amendment, and with a recommendation that it do pass, the bill for the relief of William G. Sanders.

Mr. G. also, from the same committee, to which was referred the bill for the relief of Teackle Savage, administrator of Bolitha Laws, made a report adverse to its passage; which was ordered to be printed.

Mr. CLAYTON, from the Judiciary Committee, to which was referred House bill for the relief of David W. Haley, made a report adverse to its passage; which was ordered to be printed.

Mr. WALKER presented a petition from John Hutchins, praying to be allowed a pre-emption right to a certain tract of land.

Also, a petition from Thomas L. Somerall, praying for the confirmation of a certain entry of public land, made while he was register of the land office at Mount Salus, Mississippi.

Also, a petition from John Fletcher, representative of William Taylor and Robert Elliott, praying confirmation to a certain tract of land, or an equivalent therefor.

And also the petition of Zachariah Dixon, praying for the right of pre-emption to 160 acres of land; which several petitions were referred to the Committee on the Public Lands.

Mr. W. also presented a petition from William Dowsing, register of the land office for the north-eastern district of Mississippi, praying to be reimbursed moneys paid by him for clerk-hire; which was referred to the Committee on Claims.

Mr. KING remarked that on yesterday the joint resolution authorizing the Secretary of the Treasury to settle, on certain terms, the liabilities of the sureties of Gordon D. Boyd, late receiver of public moneys at Columbus, Mississippi, was rejected. He was opposed to the resolution as I stood, and voted against it. Since then, he had examined it, and had come to the conclusion that it might be passed in such form as to guard more

effectually the interests of the United States. He therefore moved that the vote rejecting it be reconsidered.

The question was put, and the vote was reconsidered.

Then, on motion by Mr. KING, the resolution was recommitted to the Committee on Finance.

Mr. FULTON, on leave, introduced a bill to revive the act entitled "An act to enable the claimants to lands within the limits of Missouri and the Territory of Arkansas, to institute proceedings to try the validity of their claims," approved the 26th of May, 1824, and an act to amend the same, and extending the provisions of said act to claimants to land within the States of Louisiana and Mississippi; which was read twice, and referred to the Committee on the Public Lands.

The following bills were taken up as in committee of the whole, considered, reported to the Senate, and ordered to a third reading, viz:

House bill for the relief of Isaac and Thomas S. Winslow.

House bill for the relief of Burr & Smith.

House bill for the relief of Ferdinand Seibert.

House bill for the relief of Elisha Moreland, William M. Kennedy, Robert J. Kennedy, and Mason E. Lewis.

House bill for the relief of Peter Lionberger.

House bill for the relief of John R. Delany.

House bill for the relief of James M. Morgan.

House bill for the relief of Cornelius Wilson and James Canter.

House bill entitled "An act for the relief of the legal representatives of Captain Samuel Shannon, deceased."

The bill to authorize the Legislatures of the States of Arkansas and Tennessee to sell lands heretofore provided for the use of schools in those States, was taken up as in committee of the whole on an amendment from the Committee on Public Lands—being an entire substitute for the bill, and making its provisions of general application.

The substitute, after being amended on the suggestion of Mr. YOUNG, was adopted, reported to the Senate, and ordered to be engrossed for a third reading.

House bill entitled "An act for the relief of the owners, officers, and crew of the armed brig Warrior, or their legal representatives," was taken up as in committee of the whole.

Mr. EVANS remarked that the Committee on Finance had examined the bill, and made a report adverse to its passage. He therefore moved that the bill be indefinitely postponed.

The question was put on the motion, and carried in the affirmative.

Senate bill to authorize the sale of school lands in the State of Illinois, and to legalize such sales as have been made prior to the passage of this act, was taken up; and, on the motion of Mr. SMITH of Indiana, (who said the object of the bill was provided for in the bill on the same subject already acted upon,) was laid on the table.

The bill to indemnify claimants for spoliations committed by the French prior to 1800, came up in order as in committee of the whole; and, without action thereon, was, on the motion of Mr. ARCHER, laid on the table for the present, with a view to await the action of the House on the same subject.

Senate bill declaring the assent of Congress to the State of Illinois imposing a tax on all lands heretofore sold by the United States in that State, from and after the time of such sale, was taken up as in committee of the whole, considered, reported to the Senate, and ordered to be engrossed for a third reading.

The PRESIDENT *pro tem.* laid before the Senate a communication from the Solicitor of the Treasury, on the subject of the claims of the first municipality of New Orleans to the square of ground on which the custom house of that city is constructed; which, on motion by Mr. CONRAD, was ordered to lie on the table, and be printed.

OREGON TERRITORY.

The bill to authorize the occupation and settlement of the Territory of Oregon, came up as the unfinished business; the question pending being, "Shall this bill pass?"

Mr. SEVIER said the select committee, to whom the subject of the settlement of the Oregon Territory had been referred, had endeavored, in considering the subject, to effect two objects—one was the preservation of our national faith, and the other was the preservation of our rightful possessions west of the Rocky Mountains. And the committee believed that those two objects will be effected by the passage of the bill they have submitted to the Senate.

It was gratifying to him to find that every Senator conceded the point, that our right to the territory in question was incontestable. That question had been well settled.

He had in his possession documents which set forth, in brief and comprehensive terms, the claim of the United States.

Mr. Gallatin had claimed for the United States the possession of this territory, on these grounds:

"The first discovery of the Columbia, by Gray; the first exploration of the territory through which that river flows, by Lewis and Clarke; and the establishment of the first posts and settlements in the said territory, by citizens of the United States:

"The virtual recognition by the British Government of the title of the United States, in the restitution of the post near the mouth of the Columbia, agreeably to the first article of the treaty of Ghent, without any reservation or exception whatsoever:

"The acquisition by the United States of all the titles of Spain, which titles were derived from the discovery and exploration of the coasts of the region in question, by Spanish subjects, before they had been seen by the people of any other civilized nation:

"And, lastly, upon the ground of *contiguity*, which should give to the United States a stronger right to those territories than could be advanced by any other power. 'If,' said Mr. Gallatin, 'a few trading factories on the shores of Hudson's Bay have been considered by Great Britain as giving an exclusive right of occupancy as far as the Rocky Mountains—if the infant settlements on the more southern Atlantic shores justified a claim thence to the South Seas, and which was actually enforced to the Mississippi—that of the millions of American citizens already within reach of those seas, cannot consistently be rejected. It will not be denied, that the extent of contiguous country to which an actual settlement gives a prior right, must depend, in a considerable degree, on the magnitude and population of that settlement, and on the facility with which the vacant adjacent land may, within a short time, be occupied, settled, and cultivated by such population, compared with the probability of its being occupied and settled from any other quarter. This doctrine was admitted to its fullest extent by Great Britain, as appeared by all her charters, extending from the Atlantic to the Pacific, given to colonies established then only on the borders of the Atlantic. How much more natural and stronger the claim, when made by a nation whose population extended to the central parts of the continent, and whose dominions were by all acknowledged to extend to the Rocky Mountains.'"

These were the points upon which our claim was based. It was unnecessary to trouble the Senate by going any further into the evidence of our title. Our discovery of the country drained by the Columbia river had been made as early as the year 1792. But our claim did not rest alone upon priority of discovery, but also upon a treaty of cession with Spain, by which the title of Spain to the country in question, in 1819, became the property of the United States. We had not, in the year 1792, any settlement west of the Mississippi river, which then belonged to Spain; and, in fact, but few settlers west of the Allegany mountains. We had no State west of the Ohio river or of the Allegany mountains; and it was therefore a matter of no consequence whether we owned the territory at that early period or not. But in the year 1803, when the treaty with the French Republic was made, it had become important that we should possess that portion of country, for the purposes of trade, for the sake of the fur trade and of the lumber trade; but most of all was it important for the purpose of protecting our settlements from the Indians, who were tampered with, as had always been the case, by the English. Hence it would be found that Mr. Jefferson had, as early as 1804, recommended to Congress an appropriation for the exploration of the Missouri, and the country west of the Rocky Mountains. Lewis and Clarke were accordingly authorized to explore the Missouri river to its sources, and thence the country west of the Rocky Mountains to the ocean; and they were the first who explored the tract of country lying along the course of that river, and west of the Rocky Mountains. Pursuing the same object, Mr. Madison granted facilities for the establishment of a colony at the mouth of the Columbia, upon the application of Mr. Astor. A settlement was formed, and a fort erected, and an important commerce was established with Russia and with China. But when the war of 1812 broke out, that coast being under the control and in the possession of renegades, it was given up to a British armed force, without firing a gun. Had there been a sufficient force, the result would probably have been different. But the place was surrendered; and it continued to be occupied by the British until the treaty of 1818, when our commissioners required its surrender, and it was given up. But, the British having occupied the country for so long a period—from 1812 until 1818—they had been enabled to erect a line of forts, and to extend their settlements over the whole country; and, when our people came again into possession, they found themselves under considerable disadvantage—all the most important points being preoccupied by the English; who had taken care also to instil into the Indian tribes such a hatred of our people, that it was dangerous for them to attempt forming a settlement at all. They were compelled, in some cases, to abandon their forts. And, when an attempt was made, in 1818, to settle the line of boundary, the British refused to come to any terms. They desired to navigate the Columbia river, and, in fact, to command the whole country. The consequence was, that certain stipulations, by which the country was to be occupied in common for the space of ten years, were entered into. If Senators would for a moment turn their attention to the terms of those stipulations, they would find that no provision was contained in them by which the settlement of that tract of country was prohibited or prevented. Each nation had the right to claim access to the ports of the other, for the purposes of trade and commerce. There was no provision by which settlement was restricted. He had procured a work, which was prepared for the State Department, by Greenhow, in which this arrangement will be found, and in which much other valuable information, connected with the discovery and settlement of that country, is also to be found.

The British had extended their settlements everywhere; and not only had they done this, but they had gone on and attached the whole of that country to the province of Canada, appointed justices of the peace, and were administering their laws throughout that country.

What was it that we now proposed to do? We proposed to endeavor to get possession of what we were entitled to, and of which we had for so long a time been kept out of possession. By passing this bill, we should extend to our settlements that protection and encouragement they so much needed. The bill had been more carefully drawn than that which passed the British Parliament; for provision had been made that, in all cases, persons claiming to be British settlers should be handed over to the British authorities for trial; whereas they made no such concession on their part, but, on the contrary, compelled every aggressor to be tried by her laws, as administered in the courts of Canada, and the smaller offences by justices of the peace within the territory.

Mr. LINN here stated the additional fact, that the British even claimed the right to exercise jurisdiction over the Indian tribes, and had actually tried and executed Indians for capital offences.

Mr. SEVIER proceeded to observe that this bill had been framed with a view to as great liberality as possible. It provided for the building of a chain of forts across the mountains. The British had been building forts themselves everywhere; they could not, then, find fault with us for doing what they had already done.

Now, what were the objections which were raised against the passage of this bill? One objection was, that by it we grant lands to settlers. He (Mr. S) looked upon this as the very life and soul of the bill. Strike out this provision, and you would have no settlers there; but, on the contrary, the country would remain in the possession of the British henceforth and forever.

Look at the situation of the country. Consider the distance from the confines of Missouri to be traversed by settlers—through a country, too, filled with Indians, many of them hostile—a country through which there was no road, and in which they could only subsist by their skill and success as

hunters. They would have to traverse the mountains amid hostile bands of Indians, and afterwards descend the river, where they would meet the British—worse antagonists than the Indians. They would have then to establish their settlements, make their improvements, and erect their mills; this would be a work of time, requiring two or three years; and until this was done, they would have to subsist upon the fish of the river and the game of the woods. Was it reasonable to suppose that any one would be willing to encounter these difficulties and dangers without the hope of reward? No. In his opinion, the bounty was too small. He did not believe they would get a single settler to go there. If the land clause was stricken out, they might as well destroy the whole bill; they would then have a line of forts erected, without settlers to be protected; they would have forts to protect nobody, for nobody would go there. They would settle on this side of the mountains, where there were no difficulties to be encountered. For his own part, he would rather see the bounty quadrupled. He was sorry to hear so much said about the power of Great Britain, and our fears of her power. He disliked to hear these appeals made to our fears.

Though Great Britain had filled the whole world with dread, yet he hoped to see one nation, at least, that would not succumb to her aggression—and that nation was the United States. He hoped to see this country carry out her laws, regardless of what Great Britain might think or do. This country had already experienced aggressions on the part of Great Britain. The public mind was a little sore on this subject. He would dislike to see them repeated, though he did not fear the power of England. On a late occasion he had voted to take possession of a tract of country claimed by Great Britain. And he was not alone in that vote—he had with him the Senator from Missouri—and not succeeding, he had voted for the treaty. He had grown tired of negotiations at that time, and was more so now; and he believed other Senators were also.

In regard to this subject, he desired some action should take place. We had a right to the whole of that country, from the Mexican to the Russian possessions—all of it that was worth claiming;—for south of 42 degrees parallel, there was not sufficient rain for agricultural purposes. The only portion fit for cultivation was from 42 degrees to 49 degrees of north latitude. If the British were confined to the country north of the 49th parallel of latitude, they could have no other object in remaining there but the carrying on of the fur trade, that would soon be exhausted; and when that is exhausted, that whole coast, both by British and Russians, will be abandoned, and, of consequence, virtually fall into our possession.

He believed the possession of that country was highly important to this Government, for the purpose of carrying on our trade in the Pacific ocean with China and Russia. It was important that we should have a place where our vessels might go for supplies and for repairs; they were now obliged to resort to the Sandwich Islands for these purposes. He considered it important, also, in order to preserve peace upon our frontier. He would be in favor of putting in operation the principles advanced by Mr. Monroe, in his message to Congress in December, 1823.

Mr. Monroe said that

"The occasion had been judged proper for inserting as a principle, in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintained, are henceforth not to be considered as subjects for colonization by any European power."

This is a sentiment to which he most cordially responded; and in order to carry it out to the letter, he was willing to encounter some difficulties and dangers. He would be willing, if our financial condition would justify it, to vote a million or two of dollars to build a railroad from the frontiers of Missouri, up the valley of the river Platte, to its source in the Rocky Mountains; and on this road, between these points, which could be travelled in two or three days, carry all our emigrants and their effects, for a year or two, free of cost or charges. But, unfortunately, we have not got the money for making such a road, although over such a country, which is level and a prairie, where there would be no grading of consequence, and no timber or obstructions to remove; it would cost comparatively but a trifling sum—perhaps a million and a half, or two millions of dollars. I would at this time prefer such an expenditure of the public money, to any distribution of it to the States.

He was sorry to find Senators objecting to pursue this course, for fear of giving offence to Great Britain. She had been extending her settlements south of the Columbia river, and she had erected forts; but the building of forts alone by us, without inducing settlers to migrate, would as speedily set us by the ears with Great Britain, as if we made the grants. These were the views he entertained in relation to the subject. He hoped, therefore, the bill would pass, as he believed it was highly important to the interests of this country that the Territory of Oregon should be settled and protected.

Mr. BENTON addressed the Senate for considerably more than an hour. It is not possible to do justice to his remarks till published in full. At present, all that can be given is a mere outline of some of the leading points which he urged.

He reviewed the gradual increase of the British pretensions to the northwest coast, and showed that up to 1818 nobody heard of her having any to the Territory of Oregon. Then, on her refusal to accede to a just settlement of boundary, she laid a nest-egg for a future claim of right, by a stipulation for joint occupation and settlement. Before the ten years of that stipulation had expired, she had hatched this nest-egg into a chicken, that flapped its wings and crowed defiance; and she said that British interests had grown up on the Columbia river, which she should and would protect. And from that day to this, she had been following up this avowal, by encouraging her fur companies to make settlements in, and to occupy the most valuable portions of, the territory. Through the agency of these companies, and the advantages enjoyed by her subjects of importing into the country British and foreign goods duty free, she had rendered the various Indian tribes of the whole region tributary to her; our citizens were compelled to abandon all competition with her traders; many of them were either murdered or expelled by the Indians. And to talk of joint occupation was absurd; for, according to the doctrines now held in regard to the treaty of 1818, she practically is to have all the trade and occupation, and we are to refrain from taking the same steps she has taken.

Mr. B. took an extensive review of the title of the United States, and also of the claims set up at different periods of time by Great Britain. He showed the position of the question at the time Mr. Adams was Secretary of State, and that then not one word of her present extent of pretensions was heard.

Throughout every administration, from the foundation of the Government to the present time, the grounds of our title, as well as of the British pretensions, were openly and freely discussed in the face of the world. Every negotiation on the subject—every proposition to or by our Government—was instantly and openly communicated to Congress, and given to the people. We had nothing to conceal. We avowed and maintained our title, in the face of the world; and we made no propositions that we could be ashamed of. Now, for the first time, it is found that, on a requisition from the Senate of the United States for information from the Executive as to the reasons why this question was not settled with other questions lately adjusted by treaty, and for information as to the propositions made by both Governments for its settlement, it is said it is incompatible with the interests of the country that the information should be given. Publicity might be incompatible with the honor of the administration making such propositions or concessions as it was to be feared were made to the British negotiator; but it never could be incompatible with the interests of this country, which never had, and never can have, anything to keep secret in regard to her title to anything she lays claim to.

As to the idea that had been thrown out, that we could not, if we threw ourselves upon our rights, maintain the country against Great Britain, and any attempt to do it would precipitate a war, which would lose us the whole territory—he utterly repudiated it as a gross fallacy. When we were, as a nation, much younger, less populous, and less powerful, we not only held our own against Great Britain, but humbled her. Now that we are eighteen millions, with an annual increase of at least three per centum, it was not to be supposed that we should fear her threat of war. It had been said that she could, from her access by sea, and through the facilities of her establishments already in the hands of her fur traders, and their influence over the Indian country, pour into the territory thousands of troops to expel our citizens. But, should she attempt this, what might be the consequence to herself at home—at her own doors? What the effect of twenty or thirty thousand of our choicest spirits poured into Ireland, to assist that nation to recover its independence?

Great Britain would never want a pretence for war, when she should deem it her interest to relinquish peace. All her dispositions and arrangements are to place herself in a position for aggressive war. Her grasping policy circumvented the globe. She was daily encroaching on the territory of every other nation; while no other nation in the world was claiming any of hers. The day could not be distant when such a power must be involved in war. He might not live to see it, but there were those now in the years of manhood, who would live to see the consequence of her arrogance. When that war with us comes, which is so often threatened, the price she will have to pay for it is not alone the loss of her Hudson bay territories and the Canadas, but the dismemberment of her own kingdom by the independence of Ireland.

Mr. MOREHEAD obtained the floor; and, on his motion,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, January 12, 1843.

Mr. JOHN C. EDWARDS presented a petition from sundry citizens of Missouri, praying the establishment of a post route from Fort William, in Franklin county, Missouri, to Little Poney post office, in Pulaski county, Missouri: referred to the Committee on the Post Office and Post Roads.

Mr. RIDGWAY presented a memorial, signed by 13 members of the bar of Chilicothe, Ohio, praying Congress to restore the summer term of the United States circuit and district courts to Columbus, the seat of government of Ohio; which was referred to the Committee on the Judiciary.

Also, memorials of the same character, signed by 141 citizens of Columbus, and others, all citizens of Ohio; which were referred to the same committee.

Mr. SHAW presented the petition of John McClintock and others, citizens of Portsmouth, New Hampshire, praying indemnity for French spoliations on American commerce prior to the year 1800.

Mr. FILLMORE inquired what would be the first business in order.

The SPEAKER said that the committees would be called on for reports; after which, during the morning hour, the resolution of the gentleman from New York, [Mr. BOWNE,] in relation to General Jackson's fine, would come up for consideration.

The committees were then called on for reports.

JOINT RULE IN RELATION TO CLAIMS.

Mr. GIDDINGS, from the Committee of Claims, reported an additional joint rule which had been adopted by the Senate, with a recommendation that it be adopted.

The SPEAKER was about to put the question on the engrossment of the rule, when

Mr. HOPKINS called for its reading.

It was then read as follows:

Resolved, (the House of Representatives concurring,) That the following be added to the journals of the two Houses of Congress, to wit:

Whenever a claim against the United States of any description has been or shall be presented to either House, and referred to a committee, and such committee shall have made a report in writing against the allowance of the claim, and the same shall have been concurred in by such House, it shall not be in order to revive the consideration of such claim in that House, at the same or any future session of Congress, either by bill, resolution, petition, or otherwise, except upon a memorial of the claimant, first setting forth, upon affidavit, that he has discovered new evidence in support of his claim since the decision against it, and a statement of the substance of such evidence; or, second, assigning specific errors in the report of the committee adverse to it: *Provided*, That an order discharging a committee from the further consideration of a claim, shall in nowise require a compliance with this rule.

Mr. TALIAFERRO opposed the proposition, and asked for information.

Mr. W. W. IRWIN called for its reading; and it was again read. [Cries of "Good;" "That's right."]

Mr. GIDDINGS advocated the proposition.

Mr. TALIAFERRO contended that it would be unjust to adopt such a rule, without giving previous notice to the country.

Mr. GIDDINGS rejoined.

Mr. W. W. IRWIN took the ground that it would be unjust, and be committing a gross piece of injustice to adopt such a rule. He doubted the right of Congress to cut off the right of appeal to the equity, justice, and consideration of a future Congress.

Mr. GRAHAM advocated the proposed rule; and contended that it was rendered necessary by the constant practice of presenting the same claim over and over again for years, after it had been rejected by each successive Congress.

Mr. EVERETT called for the reading of the resolution; which was again read.

Mr. EVERETT moved to lay the resolution on the table; but, at the solicitation of Mr. RAYNER, he withdrew it.

The debate was then continued by Messrs. RAYNER, TILLINGHAST, REYNOLDS, and HOPKINS, who concluded by renewing the motion to lay the resolution on the table.

Mr. GRAHAM called for the yeas and nays on the question; which being ordered, were taken, and resulted in yeas 80, nays 129.

So the motion to lay the resolution on the table was not agreed to.

The morning hour having expired, the resolution was therefore laid over till to-morrow.

Mr. FILLMORE inquired of the Chair what would be the next business in order?

The SPEAKER replied that the report and resolutions of the Committee of Ways and Means, together with the pending questions on that subject, were now in order.

Mr. FILLMORE said he would then appeal to the House to know whether they would not, by general consent, permit this subject to be laid over, with the understanding that the previous question should be withdrawn, and that the further consideration of it be postponed till Monday week, and made the special order of the day for that day. In the mean time, Mr. F. hoped that the printing of the extra copies of the report of the committee, and the minority report, would be ordered.

Mr. EVERETT made a few remarks, in too low a tone to be heard by the reporter.

Mr. BIDLACK observed that he should have no objection to the postponement, but that he had made a pledge yesterday to the gentleman from Kentucky, [Mr. UNDERWOOD,] which he should like to redeem. That gentleman denied that he could furnish proof that Mr. Clay disclaimed a national bank during the late Presidential contest, and said that other expedients could be resorted to. Mr. B. was now prepared with the proof he alluded to, and wished to have an opportunity to show it.

Mr. FILLMORE hoped the gentleman would permit the question on printing to be taken first; and Mr. B. assenting—

The question on printing the extra copies was taken and carried.

Mr. FILLMORE hoped the question would be next taken on the postponement till Monday week

Mr. WISE wished it to be understood that the decision of this question was not to interfere with the going into the Committee of the Whole on the exchequer bill.

Mr. FILLMORE. Certainly.

Mr. CUSHING supposed also, with the understanding that the previous question should be withdrawn; which was also agreed to.

Mr. BIDLACK rose and asked permission to address the House, so as to redeem the pledge he made yesterday to the gentleman from Kentucky. He had the proof ready, and was prepared to produce it.

Mr. WISE presumed the gentleman could wait till Monday week, when the whole subject would come up.

Mr. BIDLACK said that he would not detain the House ten minutes.

Cries of "Hear him," "Hear him."

Objection being made—

Mr. CUSHING said that he would move that the House resolve itself into Committee of the Whole on the exchequer bill. Should this motion prevail, the gentleman would have an opportunity to make all the explanation he desired.

Mr. RAYNER asked if the motion of the gentleman would not interfere with the repeal of the bankrupt act. If so, he was opposed to it.

Mr. CUSHING having called for the yeas and nays on his motion, the question was taken and resulted in yeas 101, nays 104, as follows:

YEAS—Messrs. Allen, Arnold, Aycrigg, Baker, Barnard, Barton, Bidlack, Black, Blair, Borden, Bowne, Boyd, Briggs, Bronson, Burnell, Green W. Caldwell, Patrick C. Caldwell, Calhoun, John Campbell, Childs, Chittenden, John C. Clark, Staley N. Clarke, Colquitt, Mark A. Cooper, Cowen, Cranston, Cross, Cushing, Dawson, John Edwards, Egbert, Ferris, Fessenden, Fillmore, John G. Floyd, Fornance, Gamble, Gates, Giddings, Patrick G. Goode, William O. Goode, Granger, Gwin, Halsted, Hays, Henry, Holmes, Howard, Hubard, Hudson, Hunt, Charles J. Ingersoll, James Irvin, William W. Irwin, William Cost Johnson, Isaac D. Jones, Lewis, Robert McClellan, McKeon, Mallory, Mitchell, Morgan, Morrow, Osborne, Pendleton, Proffit, Benjamin Randall, Rencher, Ridgway, Rodney, Roosevelt, William Russell, James M. Russell, Saltonstall, Sanford, Saunders, Shields, Slade, William Smith, Stokely, Stratton, Sumter, Taliaferro, John B. Thompson, Tillinghast, Tomlinson, Trotti, Trumbull, Van Rensselaer, Ward, Warren, Watterson, Weller, Thomas W. Williams, Joseph L. Williams, Winthrop, Wise, Wood, and John Young—101.

NAYS—Messrs. Adams, L. W. Andrews, S. J. Andrews, Arrington, Atherton, Babcock, Beeson, Birdseye, Boardman, Botts, Brewster, Aaron V. Brown, Milton Brown, Charles Brown, Jeremiah Brown, Burke, William Butler, William B. Campbell, Thomas J. Campbell, Cary, Casey, Chapman, Clifford, Clinton, Coles, Cravens, Daniel, G. Davis, R. D. Davis, Dean, Deberry, Doig, Eastman, John C. Edwards, Everett, Charles A. Floyd, A. Lawrence Foster, Gentry, Goggin, Gorden, Graham, Green, Harris, Hopkins, Houck, Houston, Jack, James, Cave Johnson, Kehn, John P. Kennedy, King, Lane, Linn, Littlefield, Lowell, Abraham McClellan, McKay, McKennan, Marchand, Alfred Marshall, Samson Mason, Mathiot, Mathews, Mattocks, Maxwell, Maynard, Medill, Meriwether, Miller, Owsley, Parmenter, Ramsey, Alexander Randall, Randolph, Rayner, Read, Reding, Reynolds, Rigg, Rogers, Shaw, Shepperd, Truman Smith, Snyder, Sprigg, Stanly, Steenrod, Alexander H. H. Stuart, John T. Stuart, Summers, Sweney, Richard W. Thompson, Jacob Thompson, Toland, Triplett, Turney, Underwood, Van Buren, Washington, Westbrook, Christopher H. Williams, Yorke, and Augustus Young—104.

Mr. HOLMES moved that the House go into Committee of the Whole on the French spoliation claims.

The motion was ruled out of order.

THE BANKRUPT LAW.

On motion of Mr. EVERETT, the House resumed the consideration of the bill to repeal the bankrupt law, together with the various amendments thereto.

Mr. McKEON (who had the floor) resumed and concluded his remarks. He said he was aware that objections had been made to such a discussion as had been going on upon this measure; but if gentlemen would recollect the history of the House of Representatives, they must perceive that debates of this character would arise upon some subject brought before it during the session. He did not know a subject on which it was more proper than the present. It was a common thing in the House of Commons of England for both parties to discuss the measures of the ministry in general. It was also common in this country. In the present instance, the debate began with the majority of the House, upon the lead of the gentleman from Tennessee, [Mr. ARNOLD,] who was followed by the gentleman from Massachusetts, [Mr. CUSHING,] and then by two colleagues of his own, [Messrs. BOWNE and GORDON,] who separated from each other. As these gentlemen had defined their positions, he intended to place himself right—speaking his own individual opinions, and not those of any one else.

It had been suggested to him to inquire what the Democratic party should do, when the gentleman from Massachusetts [Mr. CUSHING] said that if the Whigs would not support the administration, the President must get support from their opponents.

Mr. CUSHING desired to make a correction. He did not wish to be judged either by the construction or misconstruction of the gentleman.

Mr. McKEON said he would read from the gentleman's speech. He then read the following passage:

"Mr. C. would say to gentlemen of all parties in the House, and more especially to gentlemen constituting the majority in Congress, if you will not co-operate with the President in carrying on the Government, which is your highest duty, he must seek the aid of your adversaries."

Mr. CUSHING. "Carrying on the Government," not supporting the Administration.

Mr. McKEON. "Carrying on the Government." What did that mean?

Mr. CUSHING said he would explain its meaning.

Mr. McKEON said he could not yield the floor, as he had but forty minutes left.

Mr. CUSHING said he desired the House to observe this.

Mr. McKEON resumed, and again read from the speech of the gentleman from Massachusetts, as follows:

"If you Whigs will lock the wheels of the Government, I trust aid will be found in the Democrats."

What were the measures of this Administration which the Democratic party were called on to applaud and support? One of the strongest measures of the last session—he meant the remedial justice bill, which took away from the State sovereignties a portion of their judicial power, and transferred it to the Federal courts—received the unbroken and undivided vote of the Democratic party against it. Yet this measure was recommended by the President in his message of December, 1841. The President then said:

"I cannot fail, however, to suggest to Congress the propriety, and, in some degree, the necessity, of making such provisions by law, so far as they may constitutionally do so, for the removal at their commencement, and at the option of the party, of all such cases as may hereafter arise, and which may involve the faithful observance and execution of our international obligations, from the State to the Federal Judiciary."

It was in pursuance of this recommendation that the remedial-justice law was passed by the majority in the House and the Senate. The Democratic party opposed it at every step; but it received the signature of the President, whom they were called on to support! Again: the ground taken by Mr. Webster (and, without doubt, sanctioned by the Executive) in his correspondence about the McLeod affair, was not approved by the Democratic party. Were they now asked to endorse it? Were they also required to acquiesce in the distribution bill, which the President signed, and which he decidedly recommended, provided it did not render an increase of the duties on imports above 20 per cent.? In December, 1841, after the passage of the bill, the President said:

"It might be esteemed desirable that no such augmentation of the taxes should take place as would have the effect of annulling the land-proceeds-distribution act of the last session, which act is declared to be inoperative the moment the duties are increased beyond 20 per cent., the maximum rate established by the compromise act."

Thus it seemed that the President was exceedingly anxious that the law should be carried into effect.

But, he asked, were the Democrats to find reason to support him on account of his course in the Rhode Island affair? Was it the loan bill which commended him to favor? The gentleman from Indiana [Mr. PROFFIT] but the other day pictured the glories of the Administration in eloquent terms. Who before this Administration, in a time of profound peace, had ever witnessed the spectacle of an agent of the Government going about the streets of London to borrow money without success? Was that one of the glories of this Administration? At the last session, it asked for inordinate appropriations for the army and navy; but, under the lead of the gentleman from Tennessee, [Mr. CAVE JOHNSON,] a majority of the House reduced them to a more moderate standard. The President approved of the tariff bill, too, which was the worst ever passed by an American

Congress; and on the very question upon which the Democrats staked their existence as a party, he defeated their wishes, by approving a bill to repeal the sub-treasury. And were they now asked to endorse all these acts? Upon what principle the support asked by the gentleman from Massachusetts [Mr. CUSHING] was to be given, he could not undertake to say. He knew of none. The measures approved by the President were all Federal, and sustained by the majority of that party in Congress. But perhaps it was thought the Democratic party should support the President on account of his Democratic acts. He (Mr. McK.) would hereafter show that even in them he did not concur with the party.

He was glad that in the next Congress the strife would be one of principle. There was a radical difference between the two parties on the subject of the tariff, the bank, and the distribution of the proceeds of the public lands. Did the President agree with the Democracy upon these subjects? As he understood the views of the President, that officer thought it was the duty of the Government to furnish a paper currency for the country. The Whigs were also in favor of a paper currency; but they thought it could be best applied through a national bank, whilst the President proposed that it should be afforded by means of an exchequer. The Democrats, on the other hand, declared that there should be no paper currency created by the Federal Government. Thus, it would be perceived, there was a sad difference between them.

Here Mr. CUSHING rose to ask a question, but

Mr. McKEON said he had no time to spare, and proceeded with his remarks. In 1834, the President differed with the Whig party about a bank of the United States. Still he declared that such an institution was expedient. Mr. Tyler then said that the Constitution should be amended. In his speech on the removal of the deposites, he held this language, speaking of the advantages of a United States bank: "Nor am I insensible to the beneficial influences it (has had) over the currency of the country; but I oppose it because it is unconstitutional." Again: "If my opinion could have any influence over the country, my advice would be, restore the deposites, and amend the Constitution." It was due to the President to say that his opinions on this subject had been on record for some time. His Whig friends should have inquired into them before they placed his name upon the ticket for the Vice Presidency.

As for the exchequer which the President sent to Congress, he held that it was the worst scheme for expanding the currency which he had ever yet seen, and more fraught with dangerous results. The Secretary of State had indeed shown how much he understood about currency, when he staked his reputation upon its good results.

In 1841, the President recommended, in strong terms, that the distribution law should be passed, and went on to show that it would be of immense benefit to the States, by relieving them from taxation. On this point, therefore, the President was at issue with the Democratic party; for they held that no distribution law should be passed, let the duties be over or under 20 per cent. Holding such a law to be unconstitutional, it mattered not with them whether there was an overflowing or an exhausted treasury.

The head of this Administration was elected as a Whig, and his Secretaries were identified with the Whigs of 1840. They still had command of the high places, and he knew not a man of them who had come to the conclusion to absolve himself from his union or identification with the Whig party, when battling against the Democrats in 1840. He would say to his colleague from Otsego, [Mr. BOWNE,] who seemed so anxious to throw open the doors of the Democratic church to Mr. Webster, that he must have spoken too quick. His colleague was not sure that Mr. Webster would come. Mr. Webster said he was a Whig, and always meant to be; and his colleague might himself get into the Whig party, instead of getting the Secretary of State into the Democratic party. The speech at Faneuil Hall contained this passage: "I am a Whig—always have been—always will be; and if any body undertakes to turn me out of the pale of that communion, let him see who'll get out first." Was this manifesting any disposition to come into the Democratic party? Were not all the opinions of Daniel Webster reflected in the recommendations to the House of Representatives? Was there no difference of opinion between him and the Democratic party on the subjects of the treaty, the tariff, and the currency? He (Mr. McK.) never expected to see the Democracy of Daniel Webster. Mr. W. so firmly believed in the truth of Federalism, and had so long stood forth as its illustrious champion, that he would never yield up that, in the defence of which he had acquired all his reputation.

He recollected another incident, when a difficulty occurred between this Government and France; during which (he said) he would not vote the appropriation if the enemy were thundering at the door of the Capitol. He recollected, too, and well, the declaration of the gentleman from Massachusetts, [Mr. ADAMS,] that he had but another step to take, and that was into the ranks of the enemy; and he should never forget the enthusiasm which hailed that declaration, for it burst through all bounds. He went on to show that the gentleman now at the head of the State Department, though he might ask to be received into the Democratic ranks, could never expect to be trusted.

He then reviewed the speech of the gentleman from Massachusetts, [Mr. CUSHING,] which had been so much commented on during this debate; and made the declaration that, if it was meant that the veto power was to be used to aid the Executive in carrying on a war against the opposing party, nothing could have so great an influence in exciting the people of this country against the veto power as such an avowal. He enumerated various prominent questions, on which there was a clearly defined and irreconcilable difference on principle between the two prominent parties in the country; and showed the impossibility of forming a party by a combination of men holding such opposite principles to carry on the Government. The Administration must be carried on, on one or the other set of principles of the existing parties; and the man who expected that he could form a political rainbow of various colors, mistook the temper of the American people.

Mr. RAYNER said he voted for the bankrupt law at the extra session; and, as he meant to vote for its repeal, he desired to state the reasons which governed him in the vote he should give. He voted for the bankrupt law with some misgivings; but he yielded his doubts regarding its propriety, at the earnest entreaty of others, who deemed it essential to the well-being of the community. The people of North Carolina were less commercial in their pursuits than some other people of the United States; and, so far as they were concerned, he saw no pressing necessity for such a law; but he could not shut his eyes to the embarrassments and sufferings and distresses that were operating on the commercial and trading sections of the Union, crippling their energies, and tying up the hands of industry. And when he looked at the cause of those embarrassments and distresses, he saw the suffering portions of the community were not paying the penalty of their own imprudence, but were enduring miseries brought upon them by rash and wicked measures of financial quacks and political gamblers. It was a state of things growing out of twelve years of misrule, that aroused the country in 1840 to overthrow the self-styled Democratic party, and to bring in the Whig party to relieve the country as far as they could do so; and the maladministration which they came in to correct, forced upon them the bankrupt law. But since the causes which led to the passage of the bankrupt law no longer existed, or existed with much less force, he thought the question might now be entertained, whether there was a duty incumbent on them to keep the law any longer in existence. The objects of the law had been, in a great measure, accomplished. Those who had been thrown into insolvency by the maladministration of public affairs, had received the benefit of it; those whose energies and industry had been destroyed by the action of the Federal Government, were left free, and the manacles struck from their hands, and they could now pursue the onward course of enterprise and industry.

The mechanic had been released, and again sent to his shop; the sailor to his ship; the merchant to his counter; and the farmer to his plough. The beneficent action of the law had presented to them new fields for enterprise and labor, in which they might hereafter not only obtain the means of subsistence, but of paying the debts from which they had been released—debts which honor called on them to provide for when possessed of the ability to do so, though they were freed from all legal obligations. And while the honest and unfortunate had received the benefits of this law, the reckless and imprudent had been brought to a state of accountability, and the creditor on his part had received the benefits of it also. Notwithstanding the benefits of the bankrupt law, still there were evils in it, as there were in every finite system—a few of which he would now advert to. Although he voted for this law, considering that the objections to it were more than counterbalanced by the benefits he thought it would produce, yet he believed that these objections operated with greater force now than then. He also believed that the present state of things in the country, as well as public opinion, demanded its repeal. One great objection to it was, that its tendency would be, he feared, to destroy confidence, take away the means of obtaining credit, and thereby materially injure the business of the community. Capitalists would fear to trust men of business, because of the inducements held out to them to relieve themselves from debt in this easy and ready manner; while men would be tempted to run into hazardous and improvident speculations, from the belief that, if they failed, they could, with so little trouble, extricate themselves from their embarrassments. Another serious objection to this law, as a permanent system, was, that it came in conflict with, and unsettled, all the laws which the States had established for the regulation of the transactions between debtor and creditor. It was one of the essentials to a sound system of trade, that the relations of debtor and creditor should be put on a firm and permanent basis. Any law, therefore, that prevented or interfered with this state of things, was impolitic as well as unjust. There was still another reason why he would vote for a repeal of this law; and that was, that public opinion had settled down to the conviction that it ought to be repealed. He had, at the time of the enactment of this law, stated that his constituents would be but little affected by it, and that, therefore, they would care very little about it. He was still of that opinion; but, so far as they had agitated the subject, he believed that they were decidedly in favor of the repeal. Though willing, however, to vote for the repeal, yet he could not vote for it without some amendment as to the time when it should take effect. All those who had commenced the initiatory proceedings to avail themselves of the benefits of the act, had done so on the faith of the Government, and they had a sort of vested right in it. Further, it would not be just to exclude those creditors from its benefits, who had extended forbearance to their debtors to this time. Such a proceeding would operate as a punishment for the best and kindest feelings of human nature, and would be calculated to destroy all confidence in legislation. He was opposed to the amendment including corporations in the provisions of the bankrupt act, and agreed with the gentleman from South Carolina [Mr. PICKENS] that it would be the most dangerous exercise of power that could be witnessed in this Government.

After some remarks commenting pretty severely on the course of the President, and expressing the hope that the Whig party would revive again,

Mr. R. then went on to say that, however mortified he felt at many occurrences during this debate, he was yet gratified that it had taken place. It had served to draw more distinctly the lines of party, and had shown to the country (what he long knew) that there were but two parties in the House of Representatives. The Tyler faction were merged into the Locofoco party; and, amid the seething

and boiling of the political caldron, the scum of that party was about to be thrown off.

Mr. R., in reply to various remarks made during the debate, spoke until the expiration of his hour.

Mr. T. F. MARSHALL then obtained the floor, but deferred his remarks until to-morrow.

THE UNITED STATES LOAN.

The SPEAKER submitted a communication from the Treasury Department, enclosing a report of the amount borrowed in pursuance of the bill to authorize a loan.

The communication not being opened, several gentlemen asked for its reading; whereupon the Clerk read the accompanying letter of the Secretary of the Treasury, from which it appeared that the amount borrowed under authority of the act of Congress was $5,672,976 88.

Mr. FILLMORE moved that the communication be referred to the Committee of Ways and Means, with instructions to inquire into the expediency of modifying so much of the law as requires the Secretary of the Treasury to report the amount of the loan effected under par value.

Mr. SPRIGG asked, was it not intended that the communication should be printed?

Mr. FILLMORE said it might not be prudent to print it.

The motion was then agreed to.

EXECUTIVE COMMUNICATIONS.

The SPEAKER submitted the following Executive communications:

A communication from the Navy Department, containing a list of vessels built in the United States since 1826: laid on the table, and ordered to be printed.

A communication from the War Department, covering the report of Capt. Hughes's reconnoissance of the Ohio river: referred, on motion of Mr. IRWIN, to the Committee of Ways and Means, and ordered to be printed.

A communication from the Navy Department, showing in what manner the contingent fund of that department had been expended: laid on the table, and ordered to be printed.

A communication from the Treasury Department, in answer to a resolution of the House calling for information in relation to the alleged defalcation of Jesse Hoyt, late collector of the port of New York: laid on the table, and ordered to be printed.

A communication from the Treasury Department, covering copies of the statement rendered by the incorporated banks of the District of Columbia: referred to the Committee for the District of Columbia, and ordered to be printed.

On motion of Mr. S. MASON, the use of the hall, on Tuesday next, was granted to the Colonization Society.

Mr. ROOSEVELT gave notice of his intention to move a suspension of the rule appropriating three days to the consideration of Territorial business.

TRIAL OF LOUALLIER.

Mr. BARNARD rose and said, that as the Committee on the Judiciary wished to obtain information to aid them in their investigation of the matters before them relative to General Jackson's fine, he would ask the House to adopt the following resolution:

Resolved, That the Secretary of War be required to furnish to this House a copy of all the papers and proceedings to be found in his department relative to the arrest, and trial by court martial, under the orders of General Jackson, of E. L. Louallier, (or Mr. Louallier, jr.,) at New Orleans, in March, 1815.

SENATE BILLS.

The following bills from the Senate were severally twice read, and referred:

A bill for the relief of Elizabeth Monroe: referred to the Committee on Public Lands.

A bill for the relief of persons residing within the reputed limits of the States of Arkansas and Louisiana, and beyond the boundary line between the United States and the republic of Texas, as established by the commissioners appointed to ascertain the same: referred to the Committee on the Judiciary.

A bill for the relief of Wm. De Buys, postmaster at New Orleans: referred to the Committee on the Post Office and Post Roads.

A bill to provide for ascertaining and disposing of the lead mineral lands in the States of Illinois and Arkansas, and Territories of Wisconsin and Iowa, and for other purposes: referred to the Committee on Public Lands.

A bill to re-enact and continue in operation the several acts now in force for the relief of insolvent debtors of the United States: referred to the Committee on the Judiciary.

A bill for the relief of Wareham Kingsley: referred to the Committee on Revolutionary Pensions.

A bill for the relief of claimants to indemnities received from the British Government for loss of slaves from on board the Comet and the Encomium at Nassau, Bahamas: referred to the Committee on Foreign Relations.

The amendment of the Senate to the bill for the relief of Joshua Drew was concurred in.

REDUCTION OF THE ARMY.

Mr. MERIWETHER offered the following resolution, which was adopted:

Resolved, That the Committee on Military Affairs inquire into the propriety of reducing the number of commissioned officers of the army, corresponding with the reduction of privates; whether the army may not be further reduced, by disbanding one or more regiments of infantry, or the second regiment of dragoons; and whether a regiment or battalion of infantry may not be converted into marines.

PENSIONS IN WESTERN VIRGINIA.

On motion of Mr. HOPKINS, it was

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of establishing a pension agency at Wytheville, Virginia, for the counties of Lee, Scott, Russell, Tazewell, Washington, Smyth, Wythe, Grayson, Carroll, Pulaski, Mercer, and Giles.

On motion of Mr. ANDREWS,

The House adjourned.

IN SENATE.

FRIDAY, January 13, 1843.

On motion by Mr. BARROW, it was ordered that, when the Senate adjourn, it adjourn till Monday next.

The PRESIDENT *pro tem.* laid before the Senate a communication from the State Department, transmitting, in compliance with a resolution of the Senate of the 21st of August last, information obtained from the American consuls abroad as to the cost of all commodities imported by this country from foreign countries, at the places from whence imported, during the months of July, August, and September of the past year, with the rates of insurance, freights, &c.

On motion by Mr. WALKER, (on whose motion the information was called for,) the communication was ordered to lie on the table, and be printed.

The PRESIDENT *pro tem.* also laid before the Senate a report from the War Department, in compliance with the 5th section of the act of Congress of 3d May, 1809, giving a statement of contracts and agreements made by the late Board of Navy Commissioners during the last year, not already included in their report to Congress of the 13th December, 1842; which,

On motion by Mr. WILLIAMS, was ordered to lie on the table, and be printed.

Mr. WRIGHT presented a memorial from the Utica and Schenectady Railroad Company, praying that the tariff law may be so modified as to allow two years further for the importing of railroad iron free of duty; which was referred to the Committee on Finance.

Mr. TAPPAN presented a memorial from citizens of Carrollton, Ohio, representing that they view, with feelings of deep regret and mortification, the gross injustice which has been done the Hon. Amos Kendall for "*a desire faithfully to perform the duties of his office as Postmaster General, and to protect the public interest committed to his charge*," in the suit and rendition of judgment against him, in his individual capacity, in favor of Wm. B. Stokes and others; and urge that, where a public officer acts and performs his duties "faithfully," the Government for which he thus acts should, in justice, protect and defend him in person and property in connexion with such performance. The memorialists, therefore, pray Congress to adopt some measures that will extricate Mr. Kendall from the difficulties growing out of his desire to guard the interests of the United States faithfully.

Mr. T. moved that the memorial be referred to a select committee. This proposition elicited some discussion as to the propriety of the proposed reference; in which Messrs. BERRIEN, GRAHAM, ARCHER, CONRAD, KING, WALKER, and TAPPAN participated.

The memorial was disposed of by referring it, on the motion of Mr. BERRIEN, to the Committee on Claims.

On motion by Mr. EVANS, it was ordered that the memorial of a number of ship-owners of the town of Robinson, Maine, for a port of delivery at that place, be taken from the files of the Senate, and referred to the Committee on Commerce.

Mr. BERRIEN presented a memorial from certain freeholders in the county of Erie, Pennsylvania, remonstrating against the repeal of the bankrupt law; which was referred to the Judiciary Committee.

Mr. PORTER presented a memorial from citizens of Monroe, Michigan, for a like object; which was referred to the Judiciary Committee.

Mr. HUNTINGTON presented a memorial from George B. Slater and others, of Connecticut, praying an appropriation to complete certain improvements to the navigation of the river Thames; which was referred to the Committee on Commerce.

On motion by Mr. WILLIAMS, it was ordered that the petition and papers of Richard Patten be taken from the files, and referred to the Committee on Naval Affairs.

Mr. WOODBURY presented resolutions adopted by the Legislature of New Hampshire, in relation to the proceeds arising from the sales of the public lands; declaring that the distribution thereof to the States is unconstitutional, and recommending that the distributive share of that State (which she declines to accept) be applied to the general expenditures: ordered to be printed, and referred to the Committee on Finance.

Also, from the same source, a resolution respecting the postage on letters, and urging a reduction thereof; and recommending a limitation on the franking privilege, and certain other modifications of the post office laws: ordered to be printed, and referred to the Committee on the Post Office and Post Roads.

Also, from the same source, resolutions upon the subject of the bankrupt law, the tariff law, and the distribution law, urging the propriety of their repeal; and requesting the Representatives and instructing the Senators from that State to vote for their repeal: ordered to lie on the table and be printed.

Mr. KERR presented a memorial, signed by 160 citizens of Baltimore, chiefly business men, remonstrating against the repeal of the bankrupt law: referred to the Judiciary Committee.

Mr. GRAHAM, on leave, introduced a bill directing a survey of a direct communication between Albemarle Sound and the Atlantic ocean; which was read twice, and referred to the Committee on Commerce.

Mr. PHELPS, from the Committee on Pensions, made reports (which were ordered to be printed) on the following bills from the House, and adverse to their passage, viz:

The bill for the relief of Richard Marsh.

The bill for the relief of A. Spear, the widow of John Spear.

The bill for the relief of Alice Usher.

The bill for the relief of Mary Williams, widow of Jacob Williams, deceased.

Mr. PHELPS, from the same committee, made an adverse report on the petition of Jonathan Brown, praying for a pension; which was order to be printed.

Mr. BERRIEN, from the Committee on the Judiciary, reported back, without amendment, and with a recommendation that it do pass, the bill for the relief of John Wharry.

Mr. BATES, from the Committee on Revolutionary Pensions, made reports (which were order-

ed to be printed) on the following bills from the House, and adverse to their passage, viz:

The bill for the relief of Carter B. Chandler.

The bill granting a pension to Robert Poindexter of Kentucky.

The bill for the relief of Elizabeth Dawkins; and

The bill granting a pension to John Peak.

Mr. BAYARD, from the Committee on Naval Affairs, reported back, without amendment, the following bills from the House, viz:

The bill for the relief of Benjamin J. Totten; and

The bill granting to James Lowe $1,000 and one section of land.

On motion by Mr. BARROW, it was

Resolved, That the Committee on Military Affairs be instructed to inquire into the expediency of retaining the organization of the four companies of light artillery, as fixed by the law of the 5th of July, 1838.

Mr. WILLIAMS, from the Committee on Naval Affairs, reported back, without amendment, and with a recommendation that it do pass, the bill for the relief of William Allen.

Mr. W., from the same committee, made a report adverse to the passage of the House bill for the relief of Mary Crawford; which was ordered to be printed.

Several adverse reports of standing committees were then taken up, and concurred in.

The following bills, which were ordered to be engrossed on yesterday, were taken up, read the third time, and passed, viz:

House bill for the relief of Isaac and Thomas S. Winslow.

House bill for the relief of Burr & Smith.

House bill for the relief of Ferdinand Seibert.

House bill for the relief of Elisha Moreland, William M. Kennedy, Robert J. Kennedy, and Mason R. Lewis.

House bill for the relief of Peter Lionberger.

House bill for the relief of John R. Delany.

House bill for the relief of James M. Morgan.

House bill for the relief of Cornelius Wilson and James Canter.

House bill entitled "An act for the relief of the legal representatives of Captain Samuel Shannon, deceased."

The bill to authorize the Legislatures of the States of Illinois, Louisiana, Arkansas, and Tennessee, to sell lands heretofore appropriated for the use of schools in those States; and

Senate bill declaring the assent of Congress to the State of Illinois imposing a tax on all lands heretofore sold by the United States in that State, from and after the time of such sale.

House bill entitled "An act for the relief of the vestry and churchwardens of the Protestant Episcopal Church of the parish of St. Philip, in Charleston, South Carolina," was taken up as in committee of the whole, on an adverse report of the Committee on Finance, and indefinitely postponed.

The bill for the relief of John P. Skinner, and legal representatives of Isaac Green, was taken up as in committee of the whole; and, after some remarks by Messrs. McDUFFIE, SEVIER, EVANS, and WOODBURY, against it, and by Mr. BERRIEN in favor of its passage, it was, on motion by Mr. EVANS, postponed till Friday next for further examination.

The PRESIDENT *pro tem.* laid before the Senate the credentials of JAMES BUCHANAN, who has been elected by the Legislature of Pennsylvania as a Senator for that State for six years from and after the 4th day of March next; which were ordered to be placed upon the files.

THE OREGON TERRITORY.

Mr. LINN'S bill for the occupation and settlement of the Territory of Oregon next came up as the unfinished business of yesterday; the question pending being on its passage.

Mr. MOREHEAD, being entitled to the floor, rose, and was understood to say that he had learned from his friends that, in consequence of the argument made yesterday by the Senator from Missouri, [Mr. BENTON,] the Senator from Massachusetts [Mr. CHOATE] desired to reply. He, (Mr. M.,) therefore, most cheerfully yielded the floor. But, as the hour was late, he moved that the Senate adjourn.

The Senate then adjourned over to Monday.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 13, 1843.

Mr. MEDILL presented a petition from members of the bar, and other citizens of Lancaster, Ohio, praying the repeal of the law of the last session, removing the summer term of the circuit and district courts of Ohio to Cincinnati: referred to the Committee on the Judiciary.

Mr. READ presented a petition from sundry citizens of northern Pennsylvania, praying for the repeal of the bankrupt law.

Mr. WISE presented a memorial, signed by twelve hundred citizens of Baltimore and Baltimore county, praying Congress to pass the exchequer bill; which he moved to refer to the Committee of the Whole on the state of the Union.

The motion being carried,

Mr. WISE moved that the House resolve itself into Committee of the Whole on the state of the Union, for the purpose of taking up the exchequer bill.

Mr. FILLMORE requested the gentleman to withdraw his motion for the present, to give him an opportunity to report a bill from the Committee of Ways and Means; which being assented to by Mr. WISE,

Mr. FILLMORE, from the Committee of Ways and Means, reported a bill making appropriations for certain fortifications of the United States for the half calendar year beginning on the 1st January, 1843, and ending on the 30th June, 1843; and for the fiscal year beginning on the 1st July, 1843, and ending on the 30th June, 1844; which was twice read, and referred to the Committee of the Whole on the state of the Union.

Mr. WISE then renewed his motion to go into Committee of the Whole on the exchequer bill.

Mr. EVERETT asked if the motion would require a vote of two-thirds, as in a suspension of the rules, or would a majority be sufficient.

The SPEAKER said that a majority could go into Committee of the Whole at any time.

Mr. MATHIOT called for the yeas and nays; which being ordered,

The question was taken and decided in the negative—yeas 53, nays 128, as follows:

YEAS—Messrs. Allen, Barton, Bidlack, Bowne, Briggs, Bronson, Burnell, Green W. Caldwell, Patrick C. Caldwell, John C. Clark, Mark A. Cooper, Cowen, Cushing, Dawson, John Edwards, Egbert, Fessenden, Fillmore, John G. Floyd, Gwin, Hays, Houston, Hubard, Hudson, Hunt, Charles J. Ingersoll, Linn, Mitchell, Pickens, Plumer, Rencher, Ridgway, Roosevelt, William Russell, Sewell, Shields, William Smith, Snyder, Stokely, Stratton, Taliaferro, Tillinghast, Tomlinson, Ward, Watterson, Weller, Westbrook, Thomas W. Williams, Joseph L. Williams, Winthrop, Wise, Wood, and John Young—53.

NAYS—Messrs. Adams, Landaff W. Andrews, Sherlock J. Andrews, Arnold, Arrington, Atherton, Babcock, Baker, Barnard, Beeson, Birdseye, Blair, Boardman, Botts, Boyd, Milton Brown, J. Brown, Burke, Wm. Butler, William O. Butler, Calhoun, Wm. B. Campbell, Thos. J. Campbell, Caruthers, Cary, Casey, Chapman, Childs, Staley N. Clarke, Clifford, Clinton, Colquitt, Cranston, Daniel, Garrett Davis, Richard D. Davis, Dean, Deberry, Doan, Eastman, John C. Edwards, Everett, Charles A. Floyd, Fornance, Gamble, Gentry, Giddings, Goggin, Gordon, Graham, Halsted, Harris, Henry, Hopkins, Hunter, Joseph R. Ingersoll, James Irvin, Jack, Cave Johnson, Keim, Andrew Kennedy, John P. Kennedy, Lane, Littlefield, Lowell, Abraham McClellan, Robert McClellan, McKay, McKennan, Marchand, Alfred Marshall, Thomas F. Marshall, Samson Mason, Mathiot, Mathews, Mattocks, Maxwell, Maynard, Medill, Meriwether, Miller, Moore, Morgan, Morrow, Newhard, Osborne, Owsley, Parmenter, Partridge, Payne, Pearce, Pendleton, Pope, Powell, Ramsey, Benjamin Randall, Randolph, Rayner, Read, Reding, Reynolds, Riggs, Rodney, J. M. Russell, Sanford, Saunders, Shaw, Shepperd, Truman Smith, Sprigg, Stanly, Steenrod, A. H. H. Stuart, John T. Stuart, Summers, Sweney, Jacob Thompson, Toland, Trotti, Van Rensselaer, Warren, Washington, Edward D. White, Joseph L. White, Christopher H. Williams, Yorke, and Augustus Young—128.

So the House refused to go into Committee of the Whole on the exchequer bill.

Mr. EVERETT moved a suspension of the rules, that he might move to take up the bill to repeal the bankrupt law.

Mr. CUSHING said, as that would exclude all other business, and as this was private bill day, he would call for the yeas and nays.

The yeas and nays were ordered; and, being taken, resulted as follows: Yeas 119, nays 70.

The motion was not carried; the majority being less than two-thirds.

The joint resolution to bar a second application for claims against the Government, unless supported by new facts, which was under discussion yesterday during the morning hour, again came up in order.

Mr. PARMENTER opposed the adoption of the resolution.

Mr. GIDDINGS advocated the passage of the resolution.

The SPEAKER then put the question of concurrence in the resolution, and pronounced that he thought the noes had it.

The yeas and nays were called for and ordered; but before they were taken,

Mr. BIDLACK, after some few observations on the necessity of some such rule, gave notice that, if it should be rejected, he would, at the first opportunity, introduce a resolution calling upon the Committee of Ways and Means to report on the expediency of bringing in a bill to appoint some officer whose duty it should be to examine those cases of private claims, cross-examine witnesses, and put cross-interrogatories.

Mr. ADAMS objected to the resolution, on the ground that it interfered with the right of petition, which was secured to the people by the Constitution. Already restrictions on that right existed, of which he did not approve. He urged the fact, that there was no other remedy to the claimant but to petition Congress. In this country, no man could sue the Government; whilst in England, there was a board of exchequer for the settlement of claims. In that country, a subject might even sue the King for justice. He also opposed the resolution on another ground. The Committee of Claims was, in fact, a court of justice, the members of which had a political interest in opposing claims. Members were prevented often from allowing claims, by the fear of being charged with extravagant expenditure of the public money. They were also, he had no doubt, sometimes influenced by party considerations in rejecting a claim. Therefore, he thought that a rejection once ought not to prejudice a claim ever thereafter.

Mr. HOLMES contended that this resolution proposed an important innovation in the practice of the House; and begged that the House would pause before it adopted a measure which might inflict so much injustice upon individuals.

Mr. ARNOLD argued in favor of the adoption of the resolution, and contended that it did not, as supposed by his venerable friend from Massachusetts, [Mr. ADAMS,] abridge the right of petition. He was induced to favor the resolution, on account of his experience on the Committee of Claims. He solemnly believed that nine out of ten of the claims presented here had no foundation whatever.

The debate was further continued by Messrs. GRAHAM and TILLINGHAST; when

Mr. BOTTS moved the following amendment:

"*Provided, however*, That this rule shall not operate as a bar to the presentation of any claims that may have, at a former session, passed either House of Congress."

After some remarks from Mr. BRIGGS, Mr. JOHN C. CLARK demanded the previous question.

Mr. STANLY asked the gentleman from New York to withdraw the call for the previous question, to allow him to offer an amendment, promising to renew the call.

Mr. J. C. CLARK assenting,

Mr. STANLY offered the following amendment to the amendment:

"*And provided, further*, That no committee of either House of Congress shall be permitted to employ a clerk, without permission being first obtained for that purpose."

Mr. STANLY, after explaining his reasons for offering this amendment, renewed the call for the previous question; which being seconded, and the main question ordered,

The first question was taken on Mr. STANLY'S amendment; and it was agreed to.

The question was next taken on Mr. BOTTS'S amendment; and it was also agreed to.

The question was then taken on concurring in the resolution as amended; and the yeas and nays having been ordered, the result was—yeas 95, nays 103, as follows:

YEAS—Messrs. Landaff W. Andrews, Sherlock J. Andrews, Arnold, Arrington, Atherton, Aycrigg, Babcock, Barton, Beeson, Bidlack, Birdseye, Black, Boardman, Botts, Bowne, Brewster, Bronson, Milton Brown, Burke, William Butler, Green W. Caldwell, P. C. Caldwell, John Campbell, Wm. B. Campbell, Thomas J. Campbell, Caruthers, Casey, Chapman, John C.

Clark, Clifford, Clinton, Coles, Colquitt, Mark A. Cooper, Cowan, Cranston, Daniel, Garret Davis, Doig, Eastman, John C. Edwards, Ferris, Fessenden, Gentry, Giddings, Gilmer, Gordon, Graham, Green, Harris, Houston, Hunter, Cave Johnson, Lane, Lewis, Linn, Littlefield, Abraham McClellan, McKay, Mathiot, Mathews, Maxwell, Maynard, Meriwether, Mitchell, Morrow, Osborne, Owsley, Pearce, Pendleton, Pickens, Pope, A. Randall, Randolph, Rayner, Reding, Rencher, Reynolds, Rogers, James M. Russell, Sanford, Saunders, Sewell, Shaw, Sheppard, Wm. Smith, Sprigg, Stanly, Stratton, John T. Stuart, Trotti, Turney, Warren, Washington, and Watterson—95.

NAYS—Messrs. Adams, Allen, Baker, Barnard, Blair, Borden, Boyd, Briggs, Jeremiah Brown, Burnell, William O. Butler, Calhoun, Cary, Staley N. Clarke, Cross, Cushing, Richard D. Davis, Dean, Deberry, Doan, John Edwards, Everett, Fillmore, John G. Floyd, Gates, Goggin, P. G. Goode, W. O. Goode, Granger, Gustine, Halsted, Hastings, Henry, Holmes, Hopkins, Hubard, Hudson, Hunt, C. J. Ingersoll, J. R. Ingersoll, James Irvin, William W. Irwin, Isaac D. Jones, John P. Kennedy, King, Lowell, Robert McClellan, McKennan, McKeon, Mallory, Marchand, Thomas F. Marshall, Samson Mason, Mattocks, Medill, Miller, Moore, Morgan, Newhard, Parmenter, Partridge, Plumer, Powell, Proffit, Ramsey, B. Randall, Read, Riggs, Rodney, Wm. Russell, Saltonstall, Slade, Truman Smith, Snyder, Sollers, Stearod, Stokely, Summers, Taliaferro, John B. Thompson, Richard W. Thompson, Tillinghast, Triplett, Van Buren, Ward, Weller, Westbrook, Edward D. White, Joseph L. White, Thomas W. Williams, Christopher H. Williams, Joseph L. Williams, Winthrop, Wise, Wood, Yorke, Augustus Young, and John Young—103.

So the resolution was not concurred in.

Mr. FILLMORE, from the Committee of Ways and Means, introduced the following resolutions:

Resolved, That the Committee of Ways and Means be discharged from the consideration of so much of the "estimates of appropriations for 1843 and 1844" as relates to the construction of a dike for closing Hog island channel, in Charleston harbor, South Carolina, and that the subject be referred to the Committee on Commerce.

Resolved, That the Committee of Ways and Means be discharged from the further consideration of so much of the estimates of appropriations for 1843 and 1844, as relates to the commencement of a work at Sandy Hook, New York; to the commencement of a fort on Sollers' point flats, Baltimore harbor; to the preservation of the site of Fort Caswell, Cape Fear, North Carolina; to the preservation of the site of Fort Moultrie, Charleston, South Carolina; to the commencement of a fort on the coast of Georgia; to the commencement of a fort between Mobile bay and the Rigolets, Louisiana; to the erection of barracks, quarters, and storehouses at Fort Gibson, Arkansas; and to the erection of forts and batteries on Staten island, New York harbor; and that those subjects be referred to the Committee on Military Affairs, with instructions to inquire into the expediency of selling Fort Gansevoort and its site, (within the city of New York,) and of applying the proceeds to the purchase, from the State of New York, of the works and their site on Staten island.

Mr. HOLMES moved to amend the first resolution, by substituting the Committee on Military Affairs for the Committee on Commerce.

After a debate, in which Messrs. HOLMES, PICKENS, FILLMORE, GRANGER, and PROFFIT took part, the amendment was negatived, and the original resolutions were adopted.

Mr. TURNEY gave notice of his intention to ask leave to introduce a bill further to continue in force the act for the payment of horses and other property lost in the military service of the United States.

Mr. PENDLETON, from the Committee on Military Affairs, offered the following resolution, which was agreed to:

Resolved, That the Secretary of the Navy be requested to furnish to this House a copy of the report heretofore made to him by Lieut. Wilkes, relative to his examination of Oregon Territory.

He also submitted a resolution (which was agreed to) ordering the printing of a certain map accompanying the report of the Committee on Military Affairs, respecting the erection of military posts in the Oregon Territory.

Mr. GIDDINGS called for the orders of the day.

The SPEAKER announced the next business to be the question of reconsideration of the vote by which the bill for the relief of Philip Renault was carried, which, on previous days, has been debated at great length.

Mr. TILLINGHAST, who was entitled to the floor, spoke on the question at much length.

The question was then taken on the motion for reconsideration, and resulted in ayes 70, noes 43.

No quorum voting, tellers were called for and ordered; and, on taking the question, the motion was carried—ayes 86, noes 49.

The question then recurred on the passage of the bill, when

Mr. YOUNG of New York, intimating his intention to address the House on the subject,

The House adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, January 14, 1843.

Mr. HUBARD presented the petition of Sarah Hughes, widow of William Hughes, praying for a pension under the act of July 7, 1838.

Also the petition of Frances Lewis, formerly widow of William Palmer, deceased, praying for a pension under the acts of July 4 and March 3, 1837; which were appropriately referred.

Mr. CASEY presented the memorial of the Legislature of the State of Illinois, relative to preemption rights, and donations of public lands to actual settlers; which, on his motion, was referred to the Committee on the Public Lands, and ordered to be printed.

Mr. ATHERTON presented the petition of B. B. Whittemore, and others, citizens of Amherst, New Hampshire, praying for the repeal of the bankrupt law.

Mr. DODGE, delegate from Wiskonsin, presented the petition of inhabitants of the county of Milwaukie, Territory of Wiskonsin, asking Congress for an appropriation for a harbor at the town of Milwaukie, in said Territory.

Two petitions from inhabitants of Racine county, asking Congress for an appropriation for a harbor at the mouth of Root river, town of Racine, in said Territory.

Three petitions from the town of Lanesville and vicinity; Rock county, Territory of Wiskonsin, asking Congress for an appropriation for a harbor at the mouth of Root river, town of Racine, in said Territory.

Petition from the town of Betoit, Territory of Wiskonsin, asking Congress for an appropriation for a harbor at the mouth of Root river, town of Racine, in said Territory.

Petition of citizens of Iowa county, Territory of Wiskonsin, asking Congress for an appropriation for a harbor at the mouth of Root river, town of Racine, in said Territory.

Petition of citizens of Walworth county, Territory of Wiskonsin, asking Congress for an appropriation for a harbor at the mouth of Root river, town of Racine, in said Territory.

Petition of citizens of the town of Madison, the seat of Government for the Territory of Wiskonsin, asking Congress for an appropriation for a harbor at the mouth of Root river, town of Racine, in said Territory.

Petition numerously signed by citizens of the city of New York, asking Congress for an appropriation for a harbor at the town of Milwaukie, in the Territory of Wiskonsin.

Mr. BRONSON, from the Committee on Public Lands, reported a bill for the relief of Elizabeth Monroe, of Missouri. This bill, which was merely changing a location of land, was passed through its final stages.

Mr. BOTTS presented a memorial from Richmond, for the repeal of the bankrupt law.

Mr. BARNARD presented the petition of 81 inhabitants of Bethel, in Windsor county, Vermont, against the repeal of the bankrupt law.

Mr. EVERETT presented a resolution of the Legislature of Vermont, in relation to the franking privilege. He was also understood to say that the same legislative body had agreed to a resolution on the subject of the reduction of the pay of members of Congress.

Mr. L. W. ANDREWS called up a motion of reconsideration of a vote some time since taken, negativing a resolution to allow the Committee on Public Expenditures a clerk, and to confer the power to send for persons and papers.

After some conversation between Mr. WISE, Mr. ANDREWS, the SPEAKER, and others, the reconsideration was agreed to; and the resolution, modified so as to authorize the committee to send for persons and papers only, was agreed to.

Mr. HUBARD offered the following resolutions, which were adopted:

Resolved, That the Committee on the Militia be instructed to inquire into the expediency of taking some action to ensure *uniform* annual returns of the militia in the several States to the Secretary of War; and also of recommending a fair and just basis of apportionment for the distribution of the national arms.

Resolved, That the Committee on the Militia be instructed to report a bill to correct the "extraordinary disproportion between the arms allotted, to the several States and their respective populations," arising under the act of 1808 for arming and equipping the whole body of the militia; and to ensure, in future, a fair and equal distribution of the national arms amongst the several States of this Union.

Mr. TILLINGHAST introduced the following resolution, and it was agreed to:

Resolved, That the Committee on Naval Affairs be required to inquire into the expediency of continuing the pension of Mrs. Eliza Stevens, widow of the late Commodore Thomas W. Stevens, deceased.

Mr. WELLER presented certain resolutions of the General Assembly of Ohio, requesting their Senators and Representatives to procure sundry amendments of the laws in relation to the Post Office establishment. They were referred to the Committee on the Post Office and Post Roads.

Mr. J. C. EDWARDS presented a petition from sundry citizens of the southwestern part of Missouri, praying an appropriation for the survey and improvement of Brandon and Spring rivers: referred to a select committee.

Mr. TURNEY, pursuant to notice, introduced a bill further to continue in force the act for the payment of horses and other property lost in the military service of the United States. It was read twice, and committed.

Mr. J. C. EDWARDS introduced the following resolution, and it was agreed to:

Resolved, That the Secretary of War be requested to inform this House what time will be necessary to make a survey of Grand river, from its junction with the Arkansas river to Fort Gibson, to the junction of the Neosho and Spring river; and of Spring river, from the point last aforesaid, to the western boundary of the State of Missouri.

Mr. SPRIGG presented the memorial of manufacturers of hats in the State of Kentucky, praying that hatters' furs be admitted into the United States free of duty.

Mr. McKAY presented a memorial of Joseph H. Walters, of the county of Brunswick, in the State of North Carolina, praying to be allowed and paid the amount of damage he alleges to have sustained in his rice plantation, in consequence of the operations of the Government for the improvement of the navigation of Cape Fear river; which was referred to the Committee of Claims.

Mr. HOWARD offered the following resolution, which was adopted:

Resolved, That the Secretary of War furnish this House with a copy of the report of F. B. W. Stockton, of his survey of the harbor &c. at the mouth of Galien river, (New Buffalo,) in the State of Michigan.

Mr. BIDLACK presented the petition of certain citizens of Pennsylvania for the repeal of the bankrupt law.

Mr. TALIAFERRO called for the orders of the day; when

The SPEAKER having called on the standing committees for reports, the following were made:

Mr. FESSENDEN, from the Committee on Naval Affairs, reported a bill for the relief of Mary Barry, widow and administratrix of Thomas Barry; which was twice read, and referred.

Mr. TALIAFERRO made some unfavorable reports from the Committee on Revolutionary Pensions.

Mr. ANDREWS of Kentucky, from the Committee on Revolutionary Pensions, reported a bill for the relief of Mary Pike; which was twice read, and referred.

On motion by Mr. ANDREWS, the same committee was discharged from the further consideration of the petition of Polly Wentworth.

On motion by Mr. RODNEY, the same committee was discharged from the further consideration of the petition of Polly McCraw.

Mr. STRATTON, from the Committee on Invalid Pensions, reported a bill for the relief of Jeremiah Kimball; which was twice read and referred.

Mr. BURKE presented resolutions of the Legislature of the State of New Hampshire, instructing the Senators and requesting the Representatives from said State, in Congress, to use their exertions to procure such a modification of the existing post office laws, as that postmasters, members of Congress, and officers of the General Government shall not enjoy the franking privilege, except in cases relating to their official duties; and also to procure a reduction of the present rates of postage.

Mr. BURKE, from the Committee of Claims, to

which was referred the bill from the Senate, for the relief of Ephraim H. Dickson, made an unfavorable report thereon.

Mr. CROSS, from the Committee on Public Lands, reported a bill to authorize the Governor of the State of Arkansas to select six sections of land under the act for the admission of said State into the Union: read twice and referred.

On motion by Mr. UNDERWOOD, ordered that the second Thursday and Friday of February next be set apart for the consideration of business relating to the District of Columbia.

Mr. UNDERWOOD, from the Committee for the District of Columbia, reported a bill to extend the charter of certain banks in said District: read twice, and referred.

Mr. SMITH of Connecticut, from the Committee on Public Lands, reported a bill to grant a township of land to the Virginia Institution for the education of the blind, deaf, and dumb: read twice, and referred.

Mr. CUSHING moved that the House resolve itself into Committee of the Whole on the state of the Union: rejected without a division.

Mr. GARRETT DAVIS gave notice that he would to-morrow ask leave to introduce a bill to reduce the number of persons in the employment of the Government at the port of New York.

Mr. LEVY submitted the following resolution, which was considered and adopted:

Resolved, That the Secretary of War be required to furnish to this House a copy of the report and survey of the mouth of the Suwanee river in Florida, and the estimate for said work; and that he also furnish to this House an estimate of the cost of surveying a route for a railroad to connect the waters of the St. John's and Suwanee rivers.

Mr. MARK A. COOPER submitted the following resolution; which lies over one day:

Resolved, That the Committee of Claims be instructed to inquire into the expediency and justice of refunding to the State of Georgia an unliquidated balance paid by that State for volunteers ordered out in the years 1835, 1836, 1837, and 1838, and not embraced in the law of last session providing for this claim.

FINE ON GENERAL JACKSON.

The resolution introduced by Mr. BOWNE, to instruct the Committee on the Judiciary to bring in a bill to refund the fine extorted from General Jackson at New Orleans, in 1815, by Judge Hall, came up as the business of the morning hour.

The amendment submitted by Mr. ADAMS, to refer the subject, with certain instructions, to the same committee, being the pending question—

Mr. HUNT (who had the floor) observed that, coming into the House as he did, at the commencement of the session, just recovering from a severe indisposition, he had prescribed to himself the course of a silent member, attending to the public business, and casting a silent vote as his conscience dictated. He should have adhered to that determination, but for the strange, and, to him, alarming legal proposition put forward by the gentleman from Pennsylvania, [Mr. C. J. INGERSOLL,] in connexion with the case now under consideration. Feeble as he was, he could not consent to give a silent vote upon the question stated by him, when that question had been placed on the ground assumed by the gentleman. He had been relieved somewhat from the effect produced by the startling proposition to which he had just alluded, in reference to the law that should govern this and similar cases—that was, in reference to the supremacy of civil over military law—in consequence of the ground on which the gentleman from Kentucky [Mr. W. O. BUTLER] had placed it. He understood that gentleman distinctly to avow that General Jackson himself never claimed that the military was superior to the civil power; and he understood the gentleman further, in the course of his able and eloquent remarks, which were listened to by himself, as well as the House, with the greatest pleasure, distinctly to say that he placed the refunding of this fine upon the ground that General Jackson, under the circumstances in which he found himself, acted from an overruling necessity. If, therefore, the case was to come before the House placed on that ground, it was stripped of the objectionable features thrown round it by the argument of the gentleman from Pennsylvania. A bill had been reported in the other House, proposing to refund this fine; and it was placed on the ground of the meritorious services rendered by General Jackson, without casting the slightest reflection upon the judge who imposed the fine, and giving no intimation that the military was superior to the civil power. It was placed on the ground that General Jackson, in the honesty of his motives, was placed under the necessity, for the time being, of prostrating or closing up the civil tribunals; or, to use his own language, proclaim martial law. He did not say that, placing it on that footing, he would vote for the refunding of this fine; all he meant to say was, that placing it on these grounds would relieve it from the objectionable features thrown around it by the gentleman from Pennsylvania.

Having but a brief portion of the morning hour left him, he proposed, as succinctly as possible, to place before the House his own views of the legal grounds on which this case rested; and, in order to do that more intelligibly, he should endeavor to present to the notice of the House the laws bearing on it, exclusive of any opinions of his own. If he succeeded in getting through with the legal question before the expiration of his hour, he should then, with the leave of the House, proceed to give his own opinions on it.

Now, in order to understand the principles which ought to govern this question, he asked the House calmly to consider what it was. Laying out of view many of the circumstances which it would be necessary to take into consideration, and which would take from General Jackson all pretence that the proclamation of martial law was indispensable to the preservation of the city he defended, he would present a statement of facts, according to dates, which it would be important to consider in coming to a decision on this question. The battle of New Orleans, as was known to all, was fought on the 8th of January, 1815; and, on the 3d of March following, an article appeared in the New Orleans Courier, signed "A Citizen of Louisiana, of French origin," and which article was written by a Mr. Louallier. On the 5th of March, Louallier was arrested by order of General Jackson; and, on the same day, application was made to Judge Hall, the district judge of Louisiana, for a writ of *habeas corpus* in his favor. The order was issued by the Judge; and, in issuing it, the writ was made returnable on Monday, the 6th. The Judge dated the order on the 6th. It was ascertained, before the writ was issued, or before it passed out of his control, that there was a mistake; and the Judge was called on to correct it, which was done by dating it the 6th. On the evening of that day the counsel of Louallier, at the suggestion of Judge Hall, apprized General Jackson of these proceedings, and that a writ of *habeas corpus* had been issued. On that day Judge Hall himself was arrested by General Jackson's order; and, on the morning of the 6th, before breakfast, a court-martial was appointed to sit on the life of Louallier. Judge Hall was kept in confinement from the 5th to the 11th or 12th, and then taken by a guard of regular soldiers without the limits of the city, and discharged. Gentlemen would find the truth of this statement in Senate Doc. No. 14 of the present session.

Now, the first question he wished to ask was this: had General Jackson any authority to declare martial law? He wished to meet this broad question, because he thought the time had arrived when it should be settled, while they could do it, instead of transferring it to posterity, when it would be more difficult of settlement. Had, then, General Jackson, or had any military officer, even in time of war, the right to proclaim martial law, and to suspend the civil proceedings of the tribunals of the country? It was important to answer this question; otherwise, it might become a precedent of most dangerous import hereafter. He undertook to show that neither General Jackson nor any other military officer had any such authority, (and on this point he thought the country was much indebted to a writer who had been often quoted on this floor, in opposition to the right to such authority of any military power;) but he did not contend that, in time of war, a military commander might not find himself placed in circumstances as described by a gentleman from Kentucky, who had preceded him in this debate, in which an overruling necessity might compel him to invade the rights of property and of persons; but of that necessity such officer must judge, and act at his peril. He admitted that the necessity might exist for a commander to burn houses and take property; but the Government would be under the necessity of making compensation for property so destroyed or taken; and as it was overruling necessity that afforded the law for such a procedure, there was not—there could not be—any provision made for it by law in advance. In illustration of this position, he showed that compensation was made for property destroyed in the defence of Baltimore.

He next quoted the 9th section of the 1st article of the Constitution, which provides that "the privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it;" and he asked who was to be the judge of that necessity? Was it the President of the United States, or any subordinate officer in command? No; it was the Legislature of the country that was the judge, and the only judge, of that necessity. He supported this position by citing the practice of Mr. Jefferson, who in 1807, as President of the United States, applied to Congress for a temporary suspension of the writ of *habeas corpus* for three months; which, however, was refused by the House of Representatives, where the bill was defeated, which had passed the Senate for that purpose. Where, then, was the authority found by which General Jackson proclaimed martial law? It was certainly not in the Constitution; for he found no countenance for the exercise of it there; nor yet in the history of England, whence the *habeas corpus*, as well as the principles of freedom on which our system is based, was derived. The *habeas corpus* was one of the boons which the sturdy Barons wrested from King John at Runnymede; and when had there been any attempt to suspend it there? Besides, eminent legal authority had distinctly stated that the doctrine of military or martial law as laid down in Blackstone and Holt, had no application to England; and surely the inhabitants of this country ought to have as great protection for life and property, as was enjoyed there under that law.

He next glanced at the trial of Louallier by a drum-head court-martial, (for which he was understood to contend that General Jackson had no legal authority,) for the purpose of opposing the declaration of General Jackson's friends and defenders, that the imposition of the fine was a usurpation of authority, and an unjust judgment, which they were called upon to wipe away. By the citation of the articles of war, &c., he showed the authority of a commander, which, however, he asserted did not extend so far as General Jackson appeared to have supposed.

Thus he had presented one portion of his case. He had asked the friends of General Jackson to show him where General Jackson, or any other military commander, got his authority to suspend the writ of *habeas corpus*?—where he got his authority for the arrest and trial of Louallier by a drum-head court-martial? And he thought he had not left it on that ground, and with interrogations only; for he had shown affirmatively, on the other hand, that the Constitution guarantied the right of the writ of *habeas corpus*, except in urgent cases; and he had shown further the opinion of Mr. Jefferson, by his practice, and the action of the Legislature, in relation to an abrogation of that right, from which it was evident it was not conceded that a subordinate officer possessed such authority.

The SPEAKER here announced that the morning hour had expired.

Several Senate bills were read twice, and referred.

The SPEAKER laid before the House a letter from the Secretary of the Navy, transmitting the annual statement of contracts made by the Navy Department for and during the year 1842, in behalf of the United States, sent to Congress in pursuance of the act of 3d of March, 1809; which letter and statement were laid on the table.

The SPEAKER also laid before the House a letter from James D. Doty, Governor of the Territory of Wisconsin, enclosing a printed commu-

CONGRESSIONAL GLOBE.

PUBLISHED BY BLAIR AND RIVES, AT ONE DOLLAR PER SESSION, IN ADVANCE.

27TH CONG.....3D SESS. FRIDAY, JANUARY 20, 1843. VOLUME 12....No. 11.

Continued from No. 10.

nization to Congress in relation to the right of the Legislature of said Territory to hold a session on the first Monday of December, 1842.

On motion by Mr. HENRY DODGE, it was referred, and ordered to be printed.

The bill for the relief of Philip Renault, on which the motion for consideration had been carried, was taken up; the question being on its passage.

Mr. MOORE moved the postponement of the further consideration of the question till Friday next; which motion was carried.

On motion by Mr. POWELL, the bill to provide in certain cases for the sale of the real estate of infants in the District of Columbia, was then taken up; and on taking the question on its passage, it was decided in the affirmative.

The bill for the relief of the inhabitants of West Florida was then taken up; and, after some remarks from Mr. GIDDINGS in opposition to it, and from Messrs. BLACK and LEVY in its favor,

Mr. ADAMS moved that the House adjourn; stating that he wished to make some remarks on the pending question.

Accordingly, the House adjourned.

IN SENATE.

MONDAY, January 16, 1843.

The PRESIDENT *pro tem.* laid before the Senate a communication from the War Department, transmitting, in compliance with a resolution of the Senate of the 9th instant, certain information, not heretofore communicated, relating to the existing impediments in the navigation of Lake St. Clair, and the insufficiency of harbors on the upper lakes for the protection of the commerce thereon; which,

On motion of Mr. WOODBRIDGE, was referred to the Committee on Commerce, and ordered to be printed.

Also laid before the Senate a report from the War Department, in compliance with a resolution of the Senate of the 10th instant, calling for information why the appropriations made by Congress at the last session, for the continuation of the construction of Fort Livingston, La., had not been applied to that object, &c.; which,

On motion of Mr. BARROW, was ordered to lie on the table, and be printed.

Mr. ALLEN presented joint resolutions of the Legislature of Ohio, instructing the Senators, and requesting the Representatives from that State to vote for the immediate repeal of the bankrupt law; which were referred to the Judiciary Committee.

Also, joint resolutions, from the same source, instructing the Senators, and requesting the Representatives from that State, to vote for and obtain a modification of the post office laws, so that newspapers shall not be charged with postage in the congressional districts in which they are printed; that the Washington city papers shall not be charged with postage during the session of Congress; that papers printed at the seats of government of the several States, shall not be charged with postage during the sessions of the Legislature of the State in which printed; that documents printed by order of Legislatures of States shall not be charged with postage in the States in which they may be ordered to be printed; and that the rates of postage be made to conform to the Federal coin: referred to the Committee on the Post Office and Post Roads.

Mr. ALLEN presented a memorial from citizens of Cincinnati, asking Congress to make an appropriation to improve the navigation of the Ohio and Mississippi rivers.

Mr. A. remarked that the memorial was drawn up with great care and ability, and related to a subject of very general importance; and, therefore, moved that it be printed, and referred to the Committee on Commerce. Agreed to.

Also, a memorial from citizens of Ohio, praying for a repeal of the law of last session, authorizing one term of the district court of that State to be held at Cincinnati: referred to the Judiciary Committee.

Messrs. WRIGHT and CALHOUN presented memorials from a large number of persons, who style themselves mechanics and workingmen of the cities of New York and Brooklyn, praying for the immediate erection of a floating dock at the naval station at Brooklyn, on the plan of J. S. Gilbert: referred to the Committee on Naval Affairs.

Mr. WRIGHT presented a memorial from a large number of manufacturers of fur hats in the States of New York, Massachusetts, and Connecticut, praying such a modification of the tariff law of August last as will dispense with the duty of 25 per cent. on unmanufactured furs, so as to admit them free of duty: referred to the Committee on Manufactures.

Mr. CALHOUN presented a memorial from the city of Philadelphia, praying the adoption of the plan for a board of exchequer as recommended by the Executive, as a proper basis for the improvement of the currency; which was ordered to lie on the table.

Mr. C. remarked that, in complying with the request to present this memorial, he did not wish to be understood as being an advocate of the object of the memorial.

On motion by Mr. LINN, leave was granted to withdraw from the files the papers relating to the claim of Thomas M. Isett.

Mr. GRAHAM presented joint resolutions adopted by the Legislature of North Carolina, in favor of an appropriation to complete, according to the original plan, the arsenal of deposite and construction authorized by a law of Congress to be constructed in the South, and which had been commenced at Fayetteville, North Carolina: referred to the Committee on Military Affairs.

Mr. STURGEON presented a memorial from Northwestern Pennsylvania, asking that the bankrupt law may be so modified as to dispense with its voluntary features; if not, that it be repealed: referred to the Judiciary Committee.

Also, a petition from citizens of Pennsylvania, for the unconditional repeal of the bankrupt law: referred to the Judiciary Committee.

Mr. TALLMADGE presented memorials from the cities of New York and Brooklyn, praying for the adoption of the board of exchequer recommended by the Executive: ordered to lie on the table, to be taken up with the bill.

Mr. BUCHANAN presented a memorial from the city and county of Philadelphia, in favor of the adoption of the board of exchequer recommended by the Administration: ordered to lie on the table.

Also, presented a memorial from a number of citizens of Pennsylvania, asking Congress to issue $200,000,000 of stock certificates to the States, on the credit of the public domain: referred to the Committee on Finance.

Also, presented a petition from Christopher Doughty, a revolutionary soldier, in which he stated his services in very strong and feeling terms, and asks Congress to grant him a pension: referred to the Committee on Pensions.

Mr. CRITTENDEN presented a memorial from Scott Campbell, a half-blooded Indian of the Dacota nation, praying Congress to indemnify him for the refusal of the Senate to ratify the stipulation of the treaty of Washington of 29th September, 1837, allowing him 8,000 acres of land, or money, for certain services to the United States: referred to the Committee on Claims.

Mr. HUNTINGTON presented a memorial from Sarah H. Bacon, of Norwich, Connecticut, widow of the late passed midshipman Frederick Bacon, who was lost on board the Seagull, one of the vessels in the South Sea exploring expedition, praying Congress to pass a law allowing her the extra pay to which, by agreement, her husband was entitled for his services in the South Sea exploring expedition: referred to the Committee on Naval Affairs.

Mr. BATES presented a petition from Waily A. Spencer, on behalf of Mary Spencer and Mary Field, praying that the law allowing five years' half pay to widows of revolutionary officers and soldiers may be revived, so as to extend to them a pension for life: referred to the Committee on Revolutionary Pensions.

Mr. KERR presented a memorial from one hundred and eighty-five inhabitants of Baltimore, mostly of mercantile forms, praying that the bankrupt law may not be repealed: referred to the Judiciary Committee.

On motion by Mr. CRITTENDEN, the Committee on the Judiciary was discharged from the further consideration of the memorial of citizens of Harper's Ferry, praying the restoration of the civil superintendency over the United States armory at that place; and from the further consideration of the report of the Secretary of War in relation to the nature of the obstructions in the Bayou Manchac.

On motion by Mr. MILLER, it was ordered that the petition of Alexander Cummings, praying for allowance for extra mail service, be taken from the files, and referred to the Committee on the Post Office and Post Roads.

Mr. CALHOUN presented a petition from Isaac Hopkins, praying indemnity for certain of his property taken into the service of the United States and lost during the Revolutionary war: referred to the Committee on Revolutionary Claims.

Mr. SMITH of Indiana presented joint resolutions adopted by the Legislature of Indiana, urging the passage of a law to extend the benefits of the act of Congress of June 7th, 1832, to the volunteers and militia who were in the service against the Western Indians, from the nominal close of our Revolutionary war by the treaty with England, in 1783, to the final close thereof by treaty with the Indians at Greenville, in 1795.

Mr. GRAHAM, from the Committee on Claims, reported back, without amendment, the following bills from the House, viz:

No. 360. An act for the relief of John Core.

No. 622. An act for the relief of Thomas D. Gilson.

No. 633. An act for the relief of John E. Hunt and others; and

No. 638. An act for the relief of Robert G. Ford.

Also, reported back from the same committee, with an amendment, House bill entitled "An act for the relief of George Randall, John C. Haskell, and Elisha H. Holmes."

Also, from the same committee, to which was referred the bill from the House for the relief of Conrad House, made a report adverse to its passage; which was ordered to be printed.

Mr. LINN, from the Committee on Private Land Claims, reported back, without amendment, and with a recommendation that it do pass, the bill to continue in force the act for the final adjustment of private land claims in Missouri, approved the 9th July, 1832, and the act supplemental thereto, approved the 2d of March, 1833.

Mr. CONRAD presented a petition from Mary A. Zantzinger, of the State of Louisiana, widow of the late Major Richard A. Zantzinger, who died in consequence of wounds received in the late war with Great Britain, praying for a pension: referred to the Committee on Pensions.

Mr. BAYARD, from the Committee on Naval Affairs, reported back, without amendment, House bill (654) for the relief of William Fabre.

Also, from the same committee, made a report (which was ordered to be printed) adverse to the passage of the House bill (357) for the relief of Nancy Tompkins, and recommending that the bill be indefinitely postponed.

Also, from the same committee, reported back, with sundry amendments, the bill providing for the

establishment of schools of instruction in the naval service of the United States.

Also, from the same committee, made a report (which was ordered to be printed) adverse to the passage of House bill (356) for the relief of Lloyd J. Bryan.

Also reported, from the same committee, a bill for the relief of Richard Patten; which was read, and ordered to a second reading.

Mr. BENTON presented a petition from John F. Delaplaine, a native citizen of the United States, representing that he has lost more than a million of dollars by the bankrupt law, and that he will lose all he is worth, unless it be repealed; he therefore prays for its repeal: referred to the Judiciary Committee.

Mr. WILLIAMS, from the Committee on Naval Affairs, reported back, without amendment, the bill for the relief of Robert Ramsay.

Also, from the same committee, made a report (which was ordered to be printed,) adverse to the passage of the bill for the relief of Susan Brown.

Mr. FULTON, from the Committee on Private Land Claims, reported back, without amendment, and with a recommendation that it do pass, the bill to revive the act entitled "An act to enable the claimants to lands within the limits of Missouri and the Territory of Arkansas to institute proceedings to try the validity of their claims," approved the 26th of May, 1824; and an act to amend the same, and extending the provisions of said act to claimants to land within the States of Louisiana and Mississippi.

Mr. KERR, from the Committee on Patents, reported back, without amendment, the bill for extending the Patent Office to 9th street.

Also, from the same committee, to which had been referred the petition of Charles M. Keller, praying that so much of the patent law as prohibited any person in the Patent Office from taking out a right for inventions, be suspended, so as to extend the benefits of the patent law to an invention of his for propelling steamships, reported a bill for his relief; which was read, and ordered to second reading.

Mr. KING presented a petition from Mr. Stewart, of Washington city, administrator of Captain William Walker, praying that the Secretary of the Treasury be authorized to settle, on principles of justice and equity, the claim of said Walker for services in taking a delegation of Creek Indians to Washington, and for certain expenditures of money on their account, which was disallowed him by the disbursing officers: referred to the Committee on Claims.

Mr. PHELPS moved to take up the Senate bill No. 25, to authorize the settlement of the account of Joseph Nourse; which had been laid on the table, at his instance, some time ago.

The bill was accordingly taken up, as in committee of the whole, and read. No amendment being offered, it was reported back to the Senate; when

Mr. KING moved to strike out so much of the bill as awards interest to the claimant. He made strong objection to the whole principle of the bill, which had, within a few years, become a practice. The principle was, to get a decision of the courts in favor of a claim, without any authority from Congress to try the issue against the United States.

Mr. WALKER pointed out an act of Congress, in conformity with which the decision in this case had been made by the courts, and confirmed by the Supreme Court, upon points contended throughout by the district attorney. He said the interest allowed was only from the time of the decision in favor of the claimant.

Mr. KING called for the yeas and nays on his motion to strike out the portion of the bill allowing interest; which were ordered.

The motion resulted in the negative—yeas 16, nays 17.

The bill was then ordered to be engrossed, and read a third time.

The CHAIR announced that the unfinished business of last week was next in order, being the bill for the settlement and occupation of the Territory of Oregon.

Mr. CHOATE was entitled to the floor, but hoped the Senator from Missouri would have no objection to the bill being passed over informally till to-morrow.

No dissent being expressed, it was passed over informally.

The special orders were next called up; but,

Mr. PHELPS made an appeal to the Senate to take up a private bill for the relief of Thomas Fillebrown, jr.

On the motion to take up this bill, a quorum did not vote.

Mr. LINN said his only reason for voting in the negative was, that he thought the bill would interfere with the special orders; on one of which it might be the desire of the Senator from Ohio [Mr. TAPPAN] to address the Senate.

Mr. TAPPAN remarked that it was a matter of indifference to him when he should offer the few observations he had to make.

Mr. PHELPS explained the necessity which he conceived existed for taking up the private bill he had mentioned.

On the question to take it up, there were 14 ayes, and 14 noes.

So it was decided in the negative.

The special order then proceeded; being the joint resolution proposing an amendment to the Constitution of the United States, so as to limit the term of office of the judges of the supreme and inferior courts.

The joint resolution was read; and the question being on its adoption,

Mr. TAPPAN, by whom it had been introduced, explained at considerable length its objects and necessity.

Mr. SMITH of Connecticut followed in a speech of much research, pointing out the difference between the Government of this country and that of England, and showing that the independence of the judges in Great Britain was proper against the sovereign power; but only proper here against the executive and legislative power, returning to the people at stated times their legitimate control.

Mr. BERRIEN did not suppose any considerable number of Senators could be in favor of any change; and therefore conceived it unnecessary to argue the subject. He merely called for the yeas and nays; which were ordered.

The question on the adoption of the joint resolution was then taken by yeas and nays, and resulted in the negative, as follows:

YEAS—Messrs. Allen, Benton, Buchanan, Fulton, Linn, Sevier, Smith of Connecticut, Sturgeon, Tappan, Wilcox, and Woodbury—11.

NAYS—Messrs. Archer, Barrow, Bates, Berrien, Choate, Clayton, Conrad, Crafts, Crittenden, Dayton, Evans, Graham, Kerr, McDuffie, Mangum, Miller, Merrick, Phelps, Porter, Rives, Smith of Indiana, Tallmadge, White, and Woodbridge—24.

Senate bill No. 65, for the relief of Samuel Dicey, was then taken up and ordered to a third reading. Also House bill, No. 397, for the relief of Mary Tucker.

On motion of Mr. SEVIER,

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, January 16, 1843.

Mr. LOWELL presented the petitions of L. F. Wheeler and six other merchants and shipmasters of Eastport; of James Moore and twelve other merchants and shipmasters of Machiasport; and of Barnabas Strout and nineteen other merchants and of shipmasters of Cherryfield—all praying for an appropriation to improve the navigation of Penobscot bay, Maine; which were referred to the Committee on Commerce.

Mr. PLUMER presented a petition, numerously signed by citizens of West Pennsylvania, praying for the unconditional repeal of the bankrupt law.

Mr. REYNOLDS presented petitions of citizens of the State of Illinois, praying a grant of a section of land to each male inhabitant of the age of twenty-one years, who shall emigrate to, settle on, and cultivate the soil in the Territory of Oregon; which petitions, together with proceedings of a public meeting of citizens of Alton, in the same State, upon the same subject, were referred to a select committee.

Mr. WISE rose to present two memorials—one from citizens of Baltimore, and the other from citizens of Philadelphia—in relation to the exchequer; which he moved to refer to the Committee of the Whole on the state of the Union.

Mr. ARNOLD objected to the presentation of those petitions, and to all other business that was out of order.

THE BANKRUPT LAW.

Mr. CLIFFORD inquired if this was not resolution day, and if resolutions were not in order from the State of Maine. As the Speaker was understood to assent, he offered a resolution to the effect that the Judiciary Committee be instructed to report forthwith the following bill to repeal the bankrupt act. [The bill referred to in the resolution simply provided that the bankrupt law "be, and the same is, hereby repealed."]

Mr. ARNOLD objected to the reception of the resolution.

Mr. TOLAND was also understood to urge some objection.

Mr. WINTHROP rose to a point of order; and inquired whether it was in order to introduce a resolution instructing a committee on a subject pending in the House.

Mr. CLIFFORD replied that this was a separate bill altogether, and essentially different from any other before the House.

The SPEAKER overruled all the objections which had been raised.

Mr. CLIFFORD moved the previous question on his resolution.

Mr. BRIGGS moved to lay the resolution on the table.

Mr. CLIFFORD called for the yeas and nays; which being ordered, resulted as follows: yeas 81, nays 110:

YEAS—Messrs. Adams, Allen, Sherlock J. Andrews, Arnold, Aycrigg, Baker, Barnard, Blair, Borden, Briggs, Milton Brown, Jeremiah Brown, Calhoun, Childs, Staley N. Clarke, James Cooper, Cowen, Cranston, Cravens, Cushing, Dawson, John Edwards, Everett, Fessenden, Fillmore, Gentry, Giddings, Patrick G. Goode, Granger, Halsted, Henry, Howard, Hudson, Hunt, Joseph R. Ingersoll, James Irvin, William W. Irwin, James, John P. Kennedy, King, Linn, McKennan, Thomas F. Marshall, Samson Mason, Mathiot, Maxwell, Maynard, Meriwether, Moore, Morgan, Oliver, Osborne, Pearce, Pendleton, Powell, B. Randall, Randolph, Ridgway, Rodney, Wm. Russell, James M. Russell, Truman Smith, Sollers, Stokely, Stratton, Richard W. Thompson, Toland, Tomlinson, Triplett, Trumbull, Van Rensselaer, Wallace, Warren, Washington, Joseph L. White, Christopher H. Williams, Joseph L. Williams, Winthrop, Yorke, A. Young, and John Young—81.

NAYS—Messrs. Landaff W. Andrews, Arrington, Atherton, Barton, Beeson, Birdseye, Black, Boardman, Botts, Brewster, Bronson, Aaron V. Brown, Charles Brown, Burke, William Butler, Green W. Caldwell, Patrick C. Caldwell, William B. Campbell, Thomas J. Campbell, Caruthers, Cary, Casey, Chapman, Clifford, Clinton, Coles, Colquitt, Mark A. Cooper, Cross, Daniel, Garrett Davis, Richard D. Davis, Dean, Deberry, Doig, Eastman, John C. Edwards, Egbert, John G. Floyd, Charles A. Floyd, Fornance, A. Lawrence Foster, Goggin, William O. Goode, Gordon, Green, Gustine, Gwin, Harris, Hopkins, Houck, Houston, Hubard, Hunter, Jack, Cave Johnson, Keim, A. Kennedy, Lewis, Littlefield, Lowell, A. McClellan, R. McClellan, McKay, McKeon, Marchand, Alfred Marshall, Mathews, Mattocks, Medill, Miller, Mitchell, Morris, Newhard, Owsley, Parmenter, Partridge, Payne, Plumer, Ramsey, Read, Reding, Reynolds, Rhett, Riggs, Rogers, Roosevelt, Sanford, Saunders, Sewell, Shaw, Snyder, Steenrod, A. H. H. Stuart, John T. Stuart, Summers, Sweney, Taliaferro, John B. Thompson, Tillinghast, Trotti, Turney, Underwood, Ward, Watterson, Weller, Westbrook, Wise, and Wood—110.

So the resolution was not laid on the table.

The question then recurred on seconding the previous question.

Mr. CAVE JOHNSON called for tellers, and Messrs. C. JOHNSON and JAMES were appointed; and, having taken the vote, they reported 91 in the affirmative, and 79 in the negative.

So the motion for the previous question was seconded.

The question recurred, "Shall the main question be now put?"

Mr. BARNARD called for the yeas and nays; which were ordered, and resulted—yeas 115, nays 88, as follows:

YEAS—Messrs. Landaff W. Andrews, Arrington, Atherton, Barton, Beeson, Bidlack, Birdseye, Black, Bowne, Boyd, Brewster, Bronson, Aaron V. Brown, Charles Brown, Burke, Wm. Butler, Green W. Caldwell, Patrick C. Caldwell, William B. Campbell, T. J. Campbell, Caruthers, Cary, Casey, Chapman, Clifford, Clinton, Coles, Colquitt, Mark A. Cooper, Cross, Daniel, Garrett Davis, Richard D. Davis, Dean, Deberry, Doig, Eastman, John C. Edwards, Egbert, Ferris, John G. Floyd, Charles A. Floyd, Fornance, A. L. Foster, Gentry, Gilmer, Goggin, William O. Goode, Gordon, Green, Gustine, Gwin, Harris, Hastings, Holmes, Hopkins, Houck, Houston, Hubard, Hunter, Jack, Cave Johnson, Keim, Andrew Kennedy, Lewis, Littlefield, Lowell, Abraham McClellan, Robert

McClellan, McKay, Marchand, Alfred Marshall, Mathews, Mattocks, Medill, Miller, Mitchell, Morris, Newhard, Oliver, Owsley, Parmenter, Partridge, Payne, Pickens, Plumer, Pope, Ramsey, Read, Reding, Reynolds, Riggs, Roosevelt, Sanford, Saunders, Sewell, Shaw, Shields, Wm. Smith, Snyder, Sprigg, Steenrod, Alexander H. H. Stuart, John T. Stuart, Sweney, Taliaferro, John B. Thompson, Jacob Thompson, Trotti, Turney, Ward, Watterson, Weller, Westbrook, Wise, and Wood—115.

NAYS—Messrs. Adams, Allen, Sherlock J. Andrews, Arnold, Aycrigg, Baker, Barnard, Blair, Boardman, Borden, Briggs, Milton Brown, Jeremiah Brown, Burnell, Calhoun, John Campbell, Childs, Staley N. Clarke, James Cooper, Cowen, Cranston, Cravens, Cushing, Dawson, John Edwards, Everett, Fessenden, Fillmore, Gates, Giddings, P. G. Goode, Granger, Halsted, Henry, Hudson, Hunt, Joseph R. Ingersoll, James Irvin, William W. Irwin, James, William Cost Johnson, John P. Kennedy, King, Lane, Linn, McKennan, McKeon, Samson Mason, Mathiot, Maxwell, Maynard, Meriwether, Moore, Morgan, Osborne, Pearce, Pendleton, Powell, Benjamin Randall, Randolph, Ridgway, Rodney, Wm. Russell, James M. Russell, Saltonstall, Slade, Truman Smith, Stanly, Stokely, Stratton, Richard W. Thompson, Tillinghast, Toland, Tomlinson, Triplett, Trumbull, Underwood, Van Rensselaer, Wallace, Warren, Washington, Joseph L. White, Christopher H. Williams, Joseph L. Williams, Winthrop, Yorke, Augustus Young, and John Young—88.

So the House ordered the main question to be now put.

The question was then taken on the resolution of Mr. CLIFFORD; and the yeas and nays having been ordered, it was decided in the affirmative—yeas 128, nays 78, as follows:

YEAS—Messrs. Landaff W. Andrews, Arrington, Atherton, Barton, Beeson, Bidlack, Birdseye, Black, Boardman, Bowne, Boyd, Brewster, Bronson, Aaron V. Brown, Charles Brown, Burke, William Butler, Green W. Caldwell, Patrick C. Caldwell, William B. Campbell, Thomas J. Campbell, Caruthers, Cary, Casey, Chapman, Clifford, Clinton, Coles, Colquitt, M. A. Cooper, Cross, Daniel, Garrett Davis, Richard D. Davis, Dean, Deberry, Doig, Eastman, John C. Edwards, Egbert, Ferris, John G. Floyd, C. A. Floyd, A. Lawrence Foster, Gentry, Gilmer, Goggin, Wm. O. Goode, Gordon, Green, Gustine, Gwin, Harris, Hastings, Holmes, Hopkins, Houck, Houston, Hubard, Hunter, Jack, Cave Johnson, Keim, Andrew Kennedy, Lewis, Littlefield, Lowell, Abraham McClellan, Robert McClellan, McKay, McKennan, McKeon, Mallory, Marchand, Alfred Marshall, Mathews, Mattocks, Medill, Miller, Mitchell, Morris, Newhard, Oliver, Owsley, Parmenter, Partridge, Payne, Pickens, Plumer, Pope, Proffit, Ramsey, Read, Reding, Rencher, Reynolds, Riggs, Rogers, Roosevelt, Sanford, Saunders, Sewell, Shaw, Shepperd, Shields, Wm. Smith, Snyder, Sprigg, Steenrod, Stokely, Alex. H. H. Stuart, John T. Stuart, Summers, Sweney, Taliaferro, John B. Thompson, Jacob Thompson, Tillinghast, Triplett, Trotti, Turney, Ward, Washington, Watterson, Weller, Westbrook, Wise, and Wood—128.

NAYS—Messrs. Adams, Allen, Sherlock J. Andrews, Arnold, Baker, Barnard, Blair, Borden, Briggs, Milton Brown, Jeremiah Brown, Burnell, Calhoun, Childs, Staley N. Clarke, Cowen, Cranston, Cravens, Cushing, Dawson, John Edwards, Everett, Fessenden, Fillmore, Gates, Giddings, Patrick G. Goode, Granger, Halsted, Henry, Howard, Hudson, Hunt, Charles J. Ingersoll, Joseph R. Ingersoll, James Irvin, James, Wm. Cost Johnson, John P. Kennedy, King, Lane, Linn, Thomas F. Marshall, Samson Mason, Mathiot, Maxwell, Maynard, Moore, Morgan, Osborne, Pearce, Pendleton, Powell, Benjamin Randall, Randolph, Ridgway, Rodney, W. Russell, James M. Russell, Slade, Truman Smith, Stanly, Stratton, Richard W. Thompson, Toland, Tomlinson, Trumbull, Van Rensselaer, Wallace, Warren, Edward D. White, Joseph L. White, Christopher H. Williams, Joseph L. Williams, Winthrop, Yorke, Augustus Young, and John Young—78.

Mr. BARNARD rose for the purpose of asking some directions from the Speaker, or the House, in regard to his duty in this matter. He understood the House as having passed an order that the Committee on the Judiciary should bring in a bill forthwith to repeal the bankrupt law; but there was a standing rule of the House conflicting with this order, which provided that no committee should hold its meetings while the House was in session. He wished to know how he was to act, so as to avoid a breach of one or the other of these rules.

Mr. WISE said that, in order to relieve the gentleman from New York of the difficulty he had suggested, he would move that the Committee on the Judiciary have leave to sit during the sittings of the House, till they had performed the duty assigned them.

Mr. BARNARD. Is that motion in order, Mr. Speaker? If it is not, I shall object to it.

The SPEAKER said that the motion was not in order; and

Mr. WISE appealed from that decision. He would appeal to the House if, after the vote just given, it was not the duty of the Committee on the Judiciary to report the bill "forthwith."

Mr. CLIFFORD called for the yeas and nays on the appeal; which were ordered.

Mr. THOMPSON of Indiana moved to lay the appeal on the table; and

Mr. CLIFFORD called for the yeas and nays on that question; which were also ordered.

Mr. BARNARD begged leave to inquire of the Chair if the rule in regard to the meetings of the committees during the sessions of the House did not require a vote of two-thirds to be set aside.

The SPEAKER answered that it did; and not only that, but this being resolution day, without debate, under the rules, it would require two-thirds to suspend that rule also.

The question was then taken on laying the appeal on the table, and decided in the affirmative—yeas 104, nays 91.

The SPEAKER continued the call for resolutions from the State of Maine.

Mr. LOWELL offered a resolution to authorize the Committee on the Judiciary to sit during the session of the House, for the purpose of taking the necessary steps to comply with the resolution of the House directing them to report a bill "forthwith" for the repeal of the bankrupt law. He also moved the previous question.

Mr. R. W. THOMPSON moved to lay the resolution on the table. [Loud cries of "The yeas and nays."]

Mr. FILLMORE hoped the gentleman from Maine would withdraw his resolution, as the whole subject would certainly require some discussion.

Mr. LOWELL did not comply, and the yeas and nays were ordered; and, being taken, resulted as follows—yeas 97, nays 105.

So the resolution was not laid on the table.

The question then recurred on seconding the demand for the previous question.

Mr. W. W. IRWIN inquired whether, if the demand for the previous question was seconded and the main question was ordered to be put, it would not require a vote of two-thirds to adopt the resolution, as it would operate to suspend the rule of the House.

The SPEAKER replied that the resolution only provided that the committee have leave to sit.

Mr. READ said the 23d rule directed that on this day resolutions should be introduced; but it also directed that, when a resolution was introduced which any gentleman wished to debate, such resolution should lie over until another day, and not interrupt the presentation of resolutions which no gentleman desired to debate. Now, the chairman of the Committee of Ways and Means had expressed his desire to debate this question; and he (Mr. R.) submitted whether, such a declaration having been made, the resolution must not necessarily go over; and whether it was in order for the gentleman from Maine to move the previous question.

The SPEAKER replied that the gentleman from Maine moved the previous question before the gentleman from New York expressed his wish to debate the resolution, or before he [Mr. FILLMORE] was even entitled to the floor.

Mr. W. W. IRWIN raised an objection, on the ground that the gentleman from Maine had moved the previous question before his resolution was read by the Clerk, or had even reached the Chair.

Some conversation ensued on this point, which, however, the Speaker overruled.

Mr. BARNARD called for tellers on seconding the demand for the previous question; but he subsequently withdrew it, and it was renewed by Mr. YORKE.

Messrs. READ and POPE were appointed tellers, and they reported 81 in the affirmative, and 79 in the negative; so there was a second.

The main question was then ordered to be now put, and the resolution was adopted by a vote of ayes 112, nays 81, as follows:

YEAS—Messrs. Landaff W. Andrews, Arrington, Atherton, Beeson, Bidlack, Birdseye, Black, Boyd, Brewster, Aaron V. Brown, Burke, William Butler, William O. Butler, Green W. Caldwell, Patrick C. Caldwell, William B. Campbell, Thomas J. Campbell, Cary, Casey, Chapman, Clifford, Clinton, Coles, Mark A. Cooper, Cross, Daniel, Richard D. Davis, Dean, Deberry, Doan, Doig, Eastman, John C. Edwards, Egbert, John G. Floyd, Charles A. Floyd, Fornance, A. Lawrence Foster, Gentry, Goggin, William O. Goode, Gordon, Graham, Gustine, Gwin, Harris, Hastings, Holmes, Hopkins, Houck, Houston, Hubard, Hunter, Jack, Cave Johnson, Keim, Lewis, Littlefield, Lowell, Abraham McClellan, Robert McClellan, McKay, McKeon, Mallory, Marchand, Alfred Marshall, Mathews, Mattocks, Medill, Miller, Mitchell, Morris, Newhard, Owsley, Parmenter, Partridge, Payne, Pickens, Plumer, Pope, Proffit, Ramsey, Read, Reding, Reynolds, Rhett, Riggs, Rogers, Roosevelt, Sanford, Saunders, Sewell, Shaw, Shepperd, Shields, William Smith, Snyder, Steenrod, John T. Stuart, Summers, Sumter, Taliaferro, John B. Thompson, Jacob Thompson, Triplett, Trotti, Turney, Ward, Watterson, Weller, Westbrook, Wise, and Wood—112.

NAYS—Messrs. Adams, Allen, Sherlock J. Andrews, Aycrigg, Baker, Barton, Blair, Boardman, Borden, Botts, Briggs, Bronson, Milton Brown, Jeremiah Brown, Calhoun, Childs, Staley N. Clarke, Cowen, Cranston, Cravens, Garrett Davis, John Edwards, Fessenden, Fillmore, Gates, Giddings, Patrick G. Goode, Granger, Green, Henry, Howard, Hudson, Hunt, Joseph R. Ingersoll, James Irvin, William W. Irwin, James, William Cost Johnson, Isaac D. Jones, John P. Kennedy, King, Lane, Linn, McKennan, Thomas F. Marshall, Mathiot, Maxwell, Maynard, Moore, Morrow, Osborne, Pearce, Powell, Benjamin Randall, Randolph, Ridgway, Rodney, William Russell, James M. Russell, Saltonstall, Slade, Truman Smith, Stanly, Stokely, Stratton, Alexander H. H. Stuart, Richard W. Thompson, Toland, Tomlinson, Van Rensselaer, Wallace, Warren, Washington, Edward D. White, Joseph L. White, Christopher H. Williams, Joseph L. Williams, Winthrop, Yorke, Augustus Young, and John Young—81.

REMOVAL OF JONATHAN ROBERTS.

Mr. FESSENDEN offered the following resolution, and moved the previous question thereon:

Resolved, That the Secretary of the Treasury be directed to inform the House whether any charges have, at any time, been preferred to the department against Jonathan Roberts, late collector of the port of Philadelphia, relative to his discharge of the duties of said office; and if any have been, that he be directed to furnish copies of the same. Also, that he transmit to the House copies of any order, instructions, or request, addressed to said Jonathan Roberts, to remove or appoint any subordinate officer of the customs at the port of Philadelphia. Also, a copy of the order or letter dismissing him from the office of collector of said port, and copies of all letters and papers in possession of the department relating to the subjects embraced by this resolution.

Mr. CAVE JOHNSON objected to the reception of the resolution as out of order. According to the rule, he contended it must lie over.

The SPEAKER sustained the objection.

Mr. FESSENDEN contended that he had moved the previous question on the resolution.

The SPEAKER said that, inasmuch as the resolution was one which called on the department for information, it must lie over.

Mr. TOLAND then moved a suspension of the rules for the purpose of considering it at this time.

Mr. J. R. INGERSOLL asked for the yeas and nays on the motion; and they were ordered.

The House refused to suspend the rules—yeas 103, nays 76, (not two thirds,) as follows:

YEAS—Messrs. Adams, Allen, Landaff W. Andrews, Sherlock J. Andrews, Arnold, Aycrigg, Babcock, Baker, Barnard, Barton, Birdseye, Black, Blair, Boardman, Borden, Botts, Briggs, Bronson, Milton Brown, Jeremiah Brown, Calhoun, William B. Campbell, Thomas J. Campbell, Caruthers, Casey, Mark A. Cooper, Cowen, Cranston, Cravens, Garrett Davis, Deberry, Everett, Fessenden, Fillmore, A. Lawrence Foster, Gentry, Goggin, Graham, Granger, Green, Howard, Hudson, Hunt, Joseph R. Ingersoll, James Irvin, James, Isaac D. Jones, John P. Kennedy, Linn, McKennan, Thomas F. Marshall, Samson Mason, Mathiot, Mattocks, Maxwell, Maynard, Meriwether, Mitchell, Moore, Morrow, Osborne, Owsley, Pearce, Pendleton, Powell, Benjamin Randall, Randolph, Ridgway, Rodney, Wm. Russell, J. M. Russell, Saltonstall, Sewell, Shepperd, Slade, Truman Smith, Sollers, Stanly, Stratton, Alexander H. H. Stuart, John T. Stuart, Summers, Taliaferro, J. B. Thompson, Richard W. Thompson, Tillinghast, Toland, Tomlinson, Triplett, Trumbull, Turney, Van Rensselaer, Wallace, Warren, Washington, Edward D. White, Christopher H. Williams, Joseph L. Williams, Winthrop, Yorke, Augustus Young, and John Young—103.

NAYS—Messrs. Arrington, Atherton, Beeson, Bidlack, Bowne, Boyd, Brewster, Aaron V. Brown, Charles Brown, Burke, William O. Butler, Green W. Caldwell, Patrick C. Caldwell, John Campbell, Cary, Chapman, Clifford, Clinton, Cushing, Daniel, R. D. Davis, Dean, Doan, Doig, Eastman, John C. Edwards, Egbert, Ferris, John G. Floyd, Charles A. Floyd, William O. Goode, Harris, Hastings, Hays, Holmes, Hopkins, Houck, Houston, Hunter, William W. Irwin, Cave Johnson, Keim, Andrew Kennedy, Littlefield, Lowell, Abraham McClellan, Robert McClellan, McKay, Marchand, Alfred Marshall, Mathews, Newhard, Parmenter, Partridge, Payne, Plumer, Pope, Proffit, Read, Reding, Reynolds, Rhett, Riggs, Roosevelt, Sanford, Saunders, Snyder, Sprigg, Steenrod, Sumter, Jacob Thompson, Ward, Watterson, Weller, Westbrook, and Wise—76.

So the resolution lies over.

RESOLUTIONS OF NEW HAMPSHIRE.

Mr. BURKE presented the resolutions of the Legislature of New Hampshire in relation to the tariff, the bankrupt law, &c.; which he moved be laid on the table and printed.

After objection to the printing, made (but subsequently withdrawn) by Mr. BOTTS, the motion was carried.

Mr. HUDSON offered a resolution instructing the Committee of Ways and Means to inquire into the expediency of bringing in a bill to refund to the State of Massachusetts a certain balance of the sum expended by her for the services of her militia during the late war with Great Britain.

Mr. HOPKINS asked if the resolution should not be referred to the Committee on Military Affairs, which had heretofore had this subject under consideration.

Mr. HUDSON suggested a modification of his

resolution, so as to include the claims of the State of Maine.

Mr. JOHNSON of Maryland asked the gentleman to again modify his resolution, so as to include the claims of the State of Maryland; which was agreed to, and

The resolution as modified was adopted.

Mr. TILLINGHAST offered a resolution instructing the Committee on the Judiciary, which had just been directed by a resolution of the House to report a bill to repeal the bankrupt act, also to report a proviso to said bill, that this repeal shall not extend to any case which, at the time the act goes into effect, shall be pending, or to any proceedings which have been legally commenced under the said bankrupt act.

Mr. CLIFFORD moved to lay the resolution on the table.

Mr. TILLINGHAST called for the yeas and nays; which were ordered, and, on taking the question, resulted in yeas 60, nays 112.

Mr. ARNOLD moved that the House do now adjourn.

Mr. TILLINGHAST and other gentlemen called for the yeas and nays.

Mr. ARNOLD withdrew the motion.

The question then recurred on seconding the demand for the previous question; and there was a second. The main question was also ordered to be put, and the resolution was agreed to.

The House then adjourned.

IN SENATE.

TUESDAY, January 17, 1843.

Mr. EVANS presented a petition from Nancy Polereesky, widow of John Polereesky, late an officer in the army of the Revolution, praying a pension: referred to the Committee on Pensions.

Mr. WOODBURY presented the credentials of the Hon. CHARLES G. ATHERTON, who was elected by the Legislature of New Hampshire a Senator from that State for six years from the 4th of March next; which were read, and ordered to be placed on the files.

Mr. CRAFTS presented joint resolutions adopted by the Legislature of Vermont, asking the reimbursement, by Congress, of the expenditures incurred in defending the frontier towns during the late border difficulties with Canada: referred to the Committee on Claims.

Mr. RIVES presented a memorial from certain citizens of the city and county of Philadelphia, asking early action by Congress on the subject of the currency, and recommending the adoption of the plan for a board of exchequer recommended by the Executive: ordered to lie on the table, and be printed.

Mr. BUCHANAN presented a petition from Mary Krug, the widow of Philip Krug, a revolutionary soldier, praying the renewal of the act of July, 1838, granting half-pay pensions to widows of revolutionary officers and soldiers: referred to the Committee on Pensions.

DESTRUCTION OF STEAMBOATS ON THE OHIO AND MISSISSIPPI RIVERS.

Mr. LINN stated that he had been requested to present to the Senate a memorial from the city of St. Louis, in Missouri, signed by nearly fifteen hundred of its most intelligent and useful business men. He knew many of the gentlemen who had put their names to this memorial; and he could assure the Senate that the utmost confidence was due to any statements they endorsed. The prayer of the memorial is, that Congress may make an appropriation for improving the navigation of the great Western rivers. The memorialists state that, especially in the Missouri and Mississippi rivers, within the last four years, the accumulation of snags has been so great as to render navigation not only dangerous in the extreme to commerce, but hazardous, in consequence of the great number of lives lost by passengers. They farther state, that, in the year 1839, there were forty steamboats lost; in 1840, there were forty-one; twenty-nine in 1841; and in 1842, twenty eight. These boats would average $25,000 each—making a total loss of $3,000,000. But this is not all: they further state, that almost every boat engaged in the Missouri trade has been injured, more or less, by snags, the repairs of which cost about $260; which makes a total loss to the community of $3,710,000 in the course of four years. They also say, that about 450 steamboats are employed in the trade of the Western rivers; eighty-one partly or entirely owned in St. Louis in 1841; and about 200 participate more or less in what is called the St. Louis trade. About one hundred boats, they say, are regularly employed in the trade of their city—of which number, twenty-three were lost in 1841, and nearly as many have been lost in the past year.

Between the 11th of September and the 13th of October in the past year, (less than five weeks,) the following steamboats were lost between the city of St. Louis and the mouth of the Ohio:

Sept. 11.—Mentor, at Goose island—boat lost, and part of the cargo: loss	$34,000
Sept. 13.—New Orleans, sunk within a hundred yards of the wreck of the Mentor: loss	45,000
Sept 22.—Pre-emption, sunk within a quarter of a mile of the Mentor—boat total loss: loss, including part of the cargo	25,000
Same day.—Robert T. Lytle, sunk in sight of the same place—the boat since raised: loss, in cargo, &c.	7,000
Sept. 26.—Fort Pitt, sunk within half a mile of the wreck of the Mentor: boat lost; cargo partly saved	25,000
Oct. 6.—Hull of steamboat Louisville, sunk five miles above Cairo: loss	8,000
Oct. 7.—Osage Valley, struck the hull of the Louisville, and sunk—boat total loss; cargo partly saved: loss	40,000
Oct. 13.—Eliza, bound to New Orleans, with full cargo and a large number of passengers, struck a snag six miles above Cairo; tore the bottom out; sunk to the hurricane deck in two minutes, and between forty and fifty persons were drowned: loss of boat and cargo	50,000

These losses, amounting to $234,000, occurred in less than five weeks, between St. Louis and the mouth of the Ohio.

Among other boats sunk last year, they name the John Perry, Queen of the West, North Alabama, Vicksburg, Pratte Barge, Nonpareil, Lebanon, Corvette, Amaranth, Neptune, &c.; all valuable boats, and richly laden.

They further say, that the most formidable obstructions in the Western rivers are at St. Louis, or near that place; but they, nevertheless, sympathize with their fellow-citizens throughout the great valley of the Mississippi, and feel called on to cooperate with these in urging this honorable body to do justice to the West, by making ample appropriations for the immediate improvement of our rivers—the Missouri, the Ohio, and Upper and Lower Mississippi. They observe that they can safely say that the commerce on those rivers and their tributaries, forming twenty thousand miles of interior navigation, cannot amount to less, at the present time, than two hundred millions per year. The removal of snags, the clearing of logs from the banks caved in, and the improvement of the harbor of St. Louis, (all commenced several years ago,) cannot be completed unless by the aid of the Government, and under its authority. They say that the rapids of the Upper Mississippi could be improved by a slack-water navigation, or a canal, which would enhance the value of the public lands.

This subject was taken up by the population of the whole valley of the Mississippi. Every man, woman, and child, in that valley, was directly interested in the improvement of the great Western rivers. This population must and will be heard on this important matter. He could not face his constituents without doing all in his power to obviate the crying and melancholy evils complained of. He could not return home unless he exerted himself, with all the ability and energy he possessed, to procure this appropriation.

Nearly four millions of dollars worth of property had been destroyed in less than four years—a greater loss, he presumed, than had accrued from storm or tempest on our Atlantic coast. This can be obviated by Congress on the Western waters, whilst God alone can command the storms of the great deep. The greatest amount of loss will be found between St. Louis and the mouth of the Ohio—a distance of two hundred miles. A snag-boat at work at a few points designated emphatically "steamboat graveyards," would have prevented all the destruction of property and loss of lives complained of in this and other petitions. Captain Shreeve eradicated one year all the snags that formerly obstructed these points; by which navigation was rendered comparatively safe. This can be done again. It was vainly hoped that iron steamboats would have resisted the snags and sawyers which stand in some places like a forest of enormous trees. This has been tested, and found wanting. The Valley Forge iron boat was lost this winter; but she had, he understood, been since raised. Scarcely a Western newspaper can be taken up, in which some account of a fresh wreck is not found. Last night, he observed in one the loss of the Henry Clay, valued at $40,000, without estimating the cargo. Two hundred millions of dollars are involved in the trade carried on by steamboats on these rivers—thirty millions belonging to St. Louis.

He said he held in his hand a pamphlet, printed by the Chamber of Commerce of St. Louis, and drawn up with care, ability, and truth, which he thought would throw some light on the subject; and he would ask that it might be referred to the Committee on Commerce, with the memorial.

Mr. SMITH of Indiana said he fully and heartily concurred with the memorialists, as well as in the very just remarks of his friend from Missouri. The subject was of great importance to the whole country, but of special consequence to the Great West. He had long thought that this important matter had been too much neglected by Congress. Such had been the loss of property and sacrifice of human life, in consequence of the neglect of the Government to remove the obstructions from the Western waters, and to provide safe harbors on the Western lakes, that there was, and would be, but one voice on the subject; and he trusted and hoped that the time had arrived for effective action on the subject. He might not live, however, politically, to see the work accomplished, as his term in the Senate was about to expire; but he trusted that Western members would press the matter upon the attention of Congress, until the navigation of Western waters shall be rendered cheap and safe to the great and increasing commerce of the West. He would not go into the details of the memorials referred to by the Senator from Missouri. The facts, however, are most startling; and he recommended their attentive examination to the committee to whom they were referred.

Mr. HUNTINGTON did not rise for the purpose of entering into discussion, but to assure the Senators that the subject had not escaped the attention of the Committee on Commerce. Several memorials were before the committee; and all he deemed necessary to say at present was, that the most anxious desire to do justice in the matter pervaded the committee.

Mr. ALLEN expressed his satisfaction at the assurance just given by the chairman of the Committee on Commerce, that the subject would be carefully considered. He rose to move the printing of this memorial, that it might go, with others on the subject, to that committee, in the same manner and form. He hoped the committee would embody all the facts, information, and reasoning of the several memorials, in one general report, showing the extent, importance, and value of the navigation of the Western waters, and the loss of lives and property occasioned by the obstructions, for the removal of which the appropriation is asked.

Mr. WILLIAMS conceived that these memorials, instead of going to the Committee on Printing, on the question of printing, ought to go to the Committee on Commerce, which could select such portions of them as might be considered most important for printing.

Mr. BARROW stated that it was the design of the Committee on Commerce to investigate all the papers on the subject referred to it, and to combine the information and facts they furnished into a

general report. Every member of the committee, as far as he could observe, was well disposed towards the object in view, and all were aware of the importance of the navigation of these Western rivers, and of the necessity for doing something to arrest the losses complained of.

The committee had imposed on him the task of collating the materials and making up the report, which he was at present engaged upon, and hoped would be ready for consideration in a few days. When the report is completed, it will be found that the printing of this memorial, or of that from Cincinnati, separately, will be unnecessary; as all that they contain will be introduced in the report itself.

Mr. CALHOUN said, in the absence of a representation of the State of Tennessee in this body, he thought it proper to call the attention of the committee to one of the main branches of the Mississippi river, which had apparently been entirely overlooked: he alluded to the Tennessee river. That river was, he believed, of more importance than any other of the branches of the Mississippi, with the exception of the Ohio. There were no less than six States interested in the navigation of that river. It was a larger stream than the Ohio, and, if the same expense were bestowed upon it, as upon the Ohio river, he would not be at all surprised to see, in the course of ten years, the commerce upon that river exceed that of the Ohio. He hoped that the interests of Tennessee would not be allowed to suffer, in consequence of having no representation here; but that the committee would inquire how far this great river was entitled to their attention; and that they would establish some principle upon which the navigation of these great internal seas—for such, to all intents, they were—might be improved; and to see how far this great river was entitled to their attention, on the principle thus established.

He believed the time was not far distant when a large proportion of the commerce of the Mississippi would pass through this channel. There was already in process of construction a railroad connecting the city of Savannah with the Tennessee river—a very considerable portion of which was now nearly completed, being graded, and ready to receive the iron. It would require but small expense to open a continuous road from Charleston, on the one side, to the Tennessee river on the other; which would afford, at all seasons of the year, a more speedy communication than any line upon the Atlantic coast.

Mr. BENTON rose to invite the attention of the committee to the appropriation of $100,000, made at the last session of Congress, for removing obstructions in the Mississippi river, and other great Western rivers. He read the appropriation, in these words:

"For building and repairing the necessary boats, and for carrying on the improvements on the Missouri, Mississippi, Ohio, and Arkansas rivers, one hundred thousand dollars, under the direction of the Secretary of War; and for the preservation and repairs of public works heretofore constructed for the improvement of harbors, thirty thousand dollars."

The appropriation for the rivers (Mr. B. said) was made on the motion of the Senator from Kentucky farthest on the other side, [Mr. CRITTENDEN;] and he would wish the committee to ascertain how far it had been applied.

He (Mr. B.) had been on the Mississippi and Missouri since the appropriation. That was made in August, and he had been on the river in October and November; at which time he saw no employment of these snag-boats. The destruction of the commercial boats was the greatest that ever was known. He had passed one (the Eliza) immediately after its loss—the top was visible above the water—and where forty lives, to say nothing of property, were supposed to be lost. It was agonizing to behold the survivors wandering among the trees on the shore, consumed by grief, and lingering at the spot where the dearest of objects had gone to the bottom. He saw this soon after it happened. It was one of numerous instances; and not only further appropriations were needed, but it was well to know how far the one of the last session had been applied.

Mr. WALKER called the attention of the committee to a navigable tributary of the Mississippi river, flowing 600 miles through a country that furnished a larger contribution of cotton to the commerce of the South, than either the Tennessee, the Red river, or the Arkansas. He alluded to the Yazoo river. If the attention of the committee was to be directed to the improvements of the rivers just mentioned, he should require an extension of the appropriation for that purpose to the necessary improvements of the Yazoo. Mr. W. entered into a variety of details, showing the importance and value of the navigation of the Yazoo river and its connecting rivers and passes.

Mr. CRITTENDEN said he regretted that anything like disputation should occur at this early stage of the business, as to the extent of the improvements to be made, and as to the rivers to be improved. He hoped that something would be done in relation to the great rivers of the West—the Mississippi and the Ohio, and perhaps some others; but if they were going to include all the inferior streams, it was perfectly evident, as had been well said by the Senator from Alabama, [Mr. KING,] they would not be able to legislate upon the subject at all. The Mississippi and the Ohio rivers were to those States whose boundary they formed, what the ocean was to our Atlantic brethren; and it would be found, upon examination, that there was a greater amount of commerce upon those rivers than upon the whole Atlantic coast. These rivers were our great inland ocean, and we had as much right to claim the assistance of this Government as those living upon the Atlantic coast had. He did not desire to see public attention drawn off from those rivers which were important in themselves, to those of comparatively less importance. He hoped the committee which had charge of the subject would confine themselves to the great object of the improvement of these large rivers. This would be sufficient to engage their attention for the present; and—as the gentleman from Alabama [Mr. KING] had well said—hereafter, when their means would enable them to do so, it would be proper to turn their attention to the smaller rivers. Upon the same principle upon which the attention of Congress was demanded to the Yazoo, a hundred other streams would claim attention. There were in the State of Kentucky two or three rivers: there was Green river, Kentucky river, and Licking river—

[Mr. BUCHANAN. And Salt river.]

—all these to be improved by the State itself, at an expense of millions of dollars. He hoped the committee, for the purpose of rendering effectual anything which they might do upon this subject, would confine their attention to those rivers which partake of the character of national.

Mr. WALKER thought this a question of as great importance as could come before the Committee on Commerce. The navigation of these great inland channels of communication with the ocean, furnished more produce for exportation than the Atlantic coast, on which so many millions had been expended for the alleged benefit of commerce. He pointed out the vast sums expended for the mere survey of that coast, and contrasted the amount of expenditure yet required to complete it, and for which appropriations were continually solicited from Congress, with the amount required for improving the Western waters, which it seemed so difficult to obtain. He did not wish it to be understood, that if no appropriation was made for the Yazoo river, he would oppose the appropriation for the Ohio and Mississippi rivers; but what he meant to say was, that if the Tennessee and other rivers are introduced into the measure, he would insist on the superior claims of the Yazoo.

Mr. BENTON said the application now made from St. Louis was for the application of the peculiar remedy invented for the rivers with falling-in banks; and it would be injurious to the object to complicate it with a general inquiry into the propriety of improving all the Western rivers. These rivers were of different characters, and required different modes of improvement. Those with falling-in banks and soft bottoms were obstructed chiefly by logs and trees. Those with permanent banks were obstructed chiefly by rocks and hard bars. For each, a different treatment was required. The snag-boat had been invented twelve or fifteen years ago, for the removal of logs and trees; and the application now was to continue to employ them. The Mississippi, the Missouri, the Red river, and the Arkansas, were the principal rivers which required them. The Ohio required them in a less degree, as there were but few sunken logs or trees in it. Its banks were permanent, and presented no examples of the acres of land falling in at once, with all their vast trees upon it, which were seen upon the rivers with falling-in banks.

He (Mr. B.) was very willing that the Tennessee, and other rivers should receive the improvement suitable to them; but it would be wrong to clog the present application with an inquiry in relation to them. Rocks and hard bars did not require snag-boats; and the whole application now was for the snag-boats. He (Mr. B.) was willing they should be used wherever necessary, and wherever they could go. They were obliged to be large, to have the power necessary to drag these immense trees from their beds in the rivers: they could not go into small rivers; but he was willing they should go where they could. But they should first go to the great theatre of the destruction of life and property—and that was the Mississippi.

Mr. SEVIER pointed out that the appropriation now sought for was to remove snags in the rivers where they formed such dangerous impediments to navigation. The other rivers to which gentlemen alluded were not impeded by snags or sawyers; the improvements they might require were altogether of a different character.

Mr. CALHOUN said, in reference to the improvement of the Tennessee river, he had, at the last session of Congress, been charged with a memorial, very numerously signed, praying that that important river might be put upon exactly the same footing as the other great branches of the Mississippi. The memorial was referred to a committee, but he believed no action had been taken upon it. He would not, perhaps, have thought it necessary to take so lively an interest in the subject, had he not been particularly solicited by the memorialists to bring the matter under the notice of the Senate. What he desired, therefore, at present, was, that whatever principle should be applied to the other important branches of the Mississippi, should be applied to this also. He claimed, on behalf of the memorialists, that the committee should adopt some broad principle which should be applicable to all the important branches of the Mississippi, and not confined to one or two only.

Mr. BARROW said he would add one additional remark to what he had said when first up. He certainly did not desire to protract this desultory conversational debate, because he thought it was altogether mistimed; but he thought it his duty, in order that Senators might not suppose that he had omitted to take notice of their suggestions, or that he had any disposition to overlook this important stream to which they had called the attention of the committee of the Senate, to make this single remark: that the Committee on Commerce had before it memorials from the West, and from the East, asking Congress for an appropriation for the improvement of the navigation of the Mississippi and Ohio rivers; and, by some of them, the Missouri was also included. These memorials had been handed over by the committee to him, [Mr. BARROW,] for examination, and in order that he might make a report upon them.

He believed the committee were bound to report upon the subject as it had been submitted, and that they had no right to enter into an inquiry whether an appropriation ought to be made at this session for the improvement of the Tennessee and the Yazoo, or any other than those which had been specially submitted to their consideration by the memorialists. He would ask, was it a reasonable expectation that the committee should go into the broad subject of improvement, unless specially instructed so to do? He would not have troubled the Senate with this additional remark, had he not apprehended that the Senator from South Carolina and the Senator from Mississippi might suppose that the committee had overlooked important matters to which their attention had been called.

The memorial was then referred to the Committee on Commerce.

Mr. TALLMADGE presented a memorial from a large number of persons, of the cities of New York and Brooklyn, praying for the immediate erection of a floating dock at the naval station at Brooklyn, on the plan of J. S. Gilbert: referred to the Committee on Naval Affairs.

Also, presented two memorials from the city of New York, remonstrating against the repeal of the bankrupt law: referred to the Committee on the Judiciary.

Also, presented two memorials from the cities of New York and Brooklyn, in favor of the adoption of the plan for a board of exchequer recommended by the President: ordered to lie on the table.

Also, presented a memorial from the Chamber of Commerce of Apalachicola, Florida, asking an appropriation for establishing light-houses on Cape St. George and Cape San Blas; which was referred to the Committee on Commerce. Mr. T. said that this memorial had been on his table for some time, but, in consequence of indisposition, he was unable to present it to the Senate.

Mr. CALHOUN presented a memorial of a convention of delegates of the citizens of East Tennessee, praying an appropriation for the improvement of the Tennessee river; which was referred to the Committee on Commerce.

Mr. BENTON presented a petition from Captain John Moore, praying the payment of his accounts as commissary of subsistence of certain Missouri militia; which was referred to the Committee on Military Affairs.

Also, presented two memorials from the city of New York, signed by a number of persons, in which they say that it is their belief that the (so called) bankrupt law is unconstitutional and destructive of the rights of the creditor, and pray for its repeal: referred to the Committee on the Judiciary.

Also, presented a memorial from a number of inhabitants of Platte county, Missouri, who were residents on a military reservation, complaining of the destruction of their property by a United States officer, in consequence of not obeying his order of removal from said reservation; and asking a settlement of their claims for the loss of this property, and for the loss of their land, which was covered by the reservation alluded to: referred to the Committee on Military Affairs.

Mr. BENTON remarked that he had intended, on yesterday, to call the attention of the Senate to what he conceived to be another error in the printed speech of the Senator from Virginia [Mr. RIVES] on the British treaty, in secret session; but the Senator was not then in his seat. It was his intention to do so to-day; but, as the morning hour had expired, he would not trespass on the time of the Senate, but would postpone doing so till to-morrow morning.

Mr. BAYARD, from the Committee on Naval Affairs, reported a bill for the augmentation of the marine corps; which was read, and ordered to a second reading.

Mr. B. remarked that he had been directed, by the same committee, to report a bill which was connected with the great subject under discussion this morning—the improvement of harbors and rivers, to give facility to commerce. It was a bill for the survey and examination of the harbor of Memphis, Tennessee, with a view of establishing a navy-yard and naval depot at that place. He had been directed to report that bill back, without amendment, and with a recommendation that it be passed.

Mr. ARCHER presented a memorial from the heirs of Daniel Truehart, praying indemnity for property destroyed during the revolutionary war: referred to the Committee on Claims.

Mr. MERRICK, from the Committee on Military Affairs, to which had been referred the resolutions adopted by the Senate, instructing that committee to inquire into the expediency of retaining the organization of the four companies of light artillery, and of repealing so much of the act of last session respecting the reorganization of the army, which provided that the second regiment of dragoons should be converted into a rifle regiment, reported a bill to repeal certain portions of the act entitled "An act respecting the organization of the army, and for other purposes," approved the 23d August, 1842; which was read, and ordered to a second reading.

Mr. MERRICK, from the same committee, reported back, without amendment, the bill for the relief of Dr. Boyd Reilly.

Mr. CONRAD presented a memorial from the Chamber of Commerce of the city of New Orleans, praying for the establishment of the warehousing system; which was ordered to be printed, and referred to the Committee on Commerce.

Mr. EVANS, from the Committee on Finance, to which was referred the memorial of the Board of Directors of the Petersburg Railroad Company, praying for an extension of the time for admitting railroad iron free of duty, reported a bill for the benefit of the Petersburg Railroad Company; which was read, and ordered to a second reading.

Mr. EVANS, on leave, introduced a bill authorizing the appointment of an assistant collector for the port of Bangor, in the collection district of Belfast, Maine; which was read twice, and referred to the Committee on Commerce.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill to amend an act entitled "An act to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union, on the conditions therein expressed," approved June 15, 1836, made a report favorable to its passage; which was ordered to be printed.

Mr. WHITE, from the Committee on Indian Affairs, reported back, without amendment, House bill (212) entitled "An act authorizing sales of land, with the improvements thereon erected by the United States, for the use of their agents, teachers, farmers, mechanics, and other persons employed amongst the Indians."

Also reported back, from the same committee, without amendment, Senate bill for the relief of Joseph Bryan, Harrison Young, and Benjamin Young.

Mr. BATES, from the Committee on Pensions, reported back, without amendment, House bill (462) for the relief of John Hicks; and House bill (289) for the relief of John Javins.

On motion by Mr. MERRICK,

Resolved, That the Postmaster General be directed to communicate to the Senate a statement showing the number of existing contracts with railroad companies for the transportation of the mail, and the price established to be paid for said service, under each contract; and also the amount paid for the transportation of the mail over each of said routes the year previous to the contract with the respective railroad companies.

The following engrossed bills were then read the third time and passed, viz:

The bill authorizing a settlement of the accounts of Joseph Nourse.

The bill entitled "An act for the relief of Samuel Dyson;" and

The bill entitled "An act to revive the act for the relief of Mary Tucker."

The PRESIDENT *pro tem.* laid before the Senate a communication from the Treasury Department, transmitting, in compliance with a resolution of the Senate of the 5th instant, a statement of the imports and exports of gold and silver coin and bullion since 1834; which, on motion of Mr. BENTON, was ordered to be printed. Then,

On motion of Mr. HUNTINGTON, the Senate proceeded to the consideration of executive business; and, after some time spent therein,

Adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, January 17, 1843.

Mr. A. C. DODGE, of Iowa, presented a memorial from citizens of the city of Burlington, Iowa, representing that the commerce and business of said city, together with that of the flourishing and thrifty towns of Bloomington, Davenport, Rock Island, Galena, Dubuque, and Prairie du Chien, and the country around them on either side of the river, embracing the finest portions of the State of Illinois and the Territories of Iowa and Wisconsin, is subjected to a most burdensome tax in the increased price of freights, occasioned by the obstructions to the navigation of the Mississippi river at the Des Moines, or Lower Rapids, and earnestly urging on Congress the great importance of making an appropriation to remove said obstructions: referred to the Committee on Commerce.

Also, a petition for a donation of land to the Mechanics' Mutual Aid Association of Iowa city, for literary and scientific purposes: referred to the Committee on Public Lands.

Also, a petition from citizens of the mineral district in Iowa, praying a speedy sale of the mineral lands: referred to the Committee on Public Lands.

Mr. READ of Pennsylvania presented two petitions, signed by sundry citizens of Pennsylvania, praying for the repeal of the bankrupt bill: referred to the Committee of the Whole.

Mr. GREEN offered the following resolution:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of bringing in a bill appropriating $200,000 per year, commencing the present year, and to be continued for the ensuing ten years, to be applied to the removal of the obstructions in the Western waters, and be under the control of the Secretary of War; and report to this House with the most convenient despatch.

Mr. FILLMORE said that he was about to report a bill on the subject contained in the resolution.

Mr. GREEN proposed that the House should adopt his resolution.

The question was taken, and the resolution adopted.

Mr. H. DODGE introduced "A bill for the protection of commerce on the western shores of Lake Michigan."

Twice read, and referred to the Committee of the Whole on the state of the Union.

Mr. EVERETT moved the printing of the substitute for the exchequer plan now in Committee of the Whole.

The motion was adopted.

Mr. PENDLETON desired to present a memorial in relation to the improvement of the Ohio and Mississippi rivers.

Objection having been made, Mr. P. moved a suspension of the rules; but the House refused to suspend.

The committees were then called on for reports.

Mr. FILLMORE, from the Committee of Ways and Means, reported a bill making appropriations for the improvement of certain harbors and rivers, and for continuing the Cumberland road, for the half calendar year ending June 30, 1843, and for the fiscal year ending June 30, 1844.

The bill was twice read, and referred to the Committee of the Whole on the state of the Union.

Mr. PICKENS, from the same committee, reported a bill to extend the time for laying down iron actually imported for railroad companies. Mr. P. suggested that it would not be necessary to refer the bill to the Committee of the Whole. He therefore moved that the bill be printed, and that it lie on the Speaker's table: agreed to.

CLERK IN THE SECOND AUDITOR'S OFFICE.

Mr. J. R. INGERSOLL, from the Committee of Ways and Means, reported a joint resolution for the continuation of an additional clerk in the Second Auditor's Office; which was twice read, and referred to the Committee of the Whole on the state of the Union.

Mr. BURKE, from the Committee of Claims, reported a bill from the Senate entitled "An act for the relief of J. R. Vienne," without amendment: twice read, and referred to the Committee of the Whole House.

Mr. COWEN, from the same committee, reported a bill for the relief of the legal representatives of Robert A. Kelly: twice read, and referred to the Committee of the Whole House.

Mr. GIDDINGS, from the same committee, made sundry adverse reports.

PROPOSED MEETING AT TEN O'CLOCK.

Mr. COWEN reported a resolution that the House shall meet, on Friday and Saturday next, at 10 o'clock, for the transaction of private business.

Mr. C. moved the previous question on the adoption of the resolution; but the House refused to second it.

Mr. TURNEY moved to lay the resolution on the table.

Mr. COWEN asked for the yeas and nays on the motion.

The House refused to order them.

The motion to lay on the table was then adopted without a division.

Mr. J. P. KENNEDY presented a petition from Baltimore against the repeal of the bankrupt law; which, he said, was numerously signed by men of both parties.

Mr. WARREN, from the Committee of Claims, reported a bill for the relief of the legal representatives of W. S. Esleth: read twice, and referred to the Committee of the Whole House.

Mr. CARY, from the Committee on Public Lands, reported a bill granting the right of pre-emption to certain settlers in Wisconsin: read twice, and referred to the Committee of the Whole House.

Mr. HOWARD, from the Committee on Public Lands, reported a bill granting a quantity of land for the improvement of Grant river, at the town of Potosi, in Wisconsin Territory: read twice, and referred to the Committee of the Whole House.

Also, a bill granting to the Territory of Wisconsin a certain tract of land, for the benefit of the town of Fairplay, in said Territory: read twice, and referred to the Committee of the Whole House.

Mr. HOPKINS, from the Committee on the Post Office and Post Roads, reported Senate bill 39, (proposing certain amendments to the bill for the establishment of additional mail routes, passed August, 1842,) with the unanimous recommendation that it be rejected. The bill and report of the committee were ordered to lie on the table.

REPEAL OF THE BANKRUPT LAW.

Mr. BARNARD, from the Committee on the Judiciary, reported the following bill:

A BILL to repeal the bankrupt law.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act to establish an uniform system of bankruptcy throughout the United States," approved on the 19th day of August, 1841, be, and the same is hereby, repealed.

Provided, however, That the repeal shall not extend to or affect any case which, at the time this act goes into effect, shall be pending before any court; nor to any proceeding which, at said time, shall have been legally commenced, and which shall be then in progress, under and by virtue of the said act hereby repealed.

The bill was read a first time.

Mr. BARNARD objected to its second reading, which he said he could do under the rule, which forbade the second reading of a bill on the same day it was reported, unless no objection was made.

Mr. CAVE JOHNSON said that the second reading of the bill having been objected to, the question would come up before the House, Shall this bill be rejected?

Mr. BARNARD repeated his objection, and insisted on his right to make it.

Mr. CLIFFORD remarked that the parliamentary law was imperative in requiring the question to be taken on the rejection of the bill, after the objection made to its second reading by the gentleman from New York [Mr. BARNARD.]

The SPEAKER said that, by reference to the 109th rule of the House, he found that, if objection was made to the *first* reading of the bill, the question would *then* ensue upon its rejection. By that rule, no bill could have its first and second reading on the same day, without a special order from the House.

Mr. CAVE JOHNSON. Let us make it the special order *now*.

Mr. BARNARD said he claimed the floor to make another report from the Committee on the Judiciary.

Mr. MOORE suggested that the second reading of the bill be fixed for to-morrow.

Mr. BARNARD persisted in his point of order, and his right to the floor.

Mr. ATHERTON observed, that the bill had been read the first time; and it was not necessary for it to be read a second time, that the gentleman from New York [Mr. BARNARD] should make the motion. He (Mr. A) would now make the motion that the bill be read the second time.

Mr. BARNARD said that the gentleman from New Hampshire [Mr. ATHERTON] was not entitled to the floor to make the motion.

Mr. ATHERTON said that the bill was not disposed of; it was under consideration; and, the gentleman having reported it, and refused to move its second reading, or its reference, he had no right to the floor for any other purpose.

Mr. BARNARD insisted upon it that the bill was not before the House. He had the floor, and no person had a right to make the motion but himself.

Mr. BRIGGS understood that the gentleman claimed the floor for another subject.

Mr. ROOSEVELT asked if it was not now in order to move to amend the bill?

After some further conversation—

The SPEAKER said that he was clearly of opinion that the House had the right to order the bill to be read a second time now.

Mr. BARNARD then observed that, after that decision of the Chair, he should no longer object to the second reading.

The bill was then read the second time; when

Mr. TURNEY rose, and said that he wished to offer an amendment to the bill; but,

Mr. BARNARD rising, the Speaker awarded the floor to that gentleman.

Mr. B. then, under instructions from the Committee on the Judiciary, moved to recommit the bill to that committee, with instructions to report amendments to the following effect:

"1st. Confining the repeal to that part of the bankrupt law which authorizes proceedings in bankruptcy on the sole petition and motion of the bankrupt.

"2d. Authorizing any bankrupt to declare himself insolvent, and making such declaration an act of bankruptcy upon which his creditors may proceed against him in bankruptcy.

"3d. Authorizing the creditors, or a majority of them in amount, to nominate the assignee of the bankrupt's estate.

"4th. Providing that the assent of a majority in amount of the creditors shall be necessary to a discharge."

Mr. TURNEY rose to a question of order. The Speaker, he understood, gave the floor to the gentleman from New York, as a matter of courtesy to the reporter of a bill. Now, he contended that he, having risen and claimed the floor before the gentleman, was entitled to it. The gentleman from New York, he added, had forfeited his right by courtesy, because, after reporting the bill, he had objected to its second reading, and refused to make a motion to refer it to the Committee of the Whole, in accordance with the universal practice.

The CHAIR said that the member from New York was entitled to the preference given him, according to the universal practice of the House. No member had ever interposed between the reporter of a bill and any motion he might wish to make in regard to it.

Mr. TURNEY contended that the present case was entirely different from the usual practice of the House; for here the reporter of the bill objected to its second reading, and refused to make any motion to facilitate its progress.

The SPEAKER persisting in his decision,

Mr. TURNEY appealed, and addressed the House in favor of the appeal.

Mr. BARNARD was so unfortunate as to differ with the gentleman from Tennessee in regard to the facts of the case. According to his recollection, he addressed the Chair before the second reading of the bill; and after it was read the sec time, he again addressed the Chair first.

Mr. CAVE JOHNSON desired to say that his colleague [Mr. TURNEY] was correct as to the facts stated by him. After the bill was read the second time, his colleague got up first, and addressed the Chair. This fact was within the recollection of several members. The Speaker, he understood, gave the floor to the gentleman from New York, on the ground of courtesy to the introducer of a bill; but it must be observed that the gentleman from New Hampshire [Mr. ATHERTON] got the floor between the introduction of the bill and its second reading, and that it was upon his motion that it was read the second time.

Mr. HOUSTON desired to ask the Chair whether it would now be in order to offer an amendment.

The SPEAKER answered in the negative.

Mr. HOPKINS hoped the gentleman from Tennessee would withdraw the appeal. The Chair, in his opinion, had an arbitrary and unqualified right, under the parliamentary law, of awarding the floor to either of the members who may rise at the same time. Besides, the object that both he and the gentleman from Tennessee had in view, would not be promoted by persisting in the appeal. But for the appeal, a motion to amend would be in order, and a motion to commit also. He only asked the gentleman to withdraw his appeal, and he would make a motion to strike out the proviso.

The SPEAKER said that he would not go into an issue with the gentleman from Tennessee upon his statement of facts, because the Chair did not decide upon the facts he stated. The Chair decided upon the uniform practice and courtesy of the House to the reporter of a bill. The second reading occurred not upon the motion of the gentleman from New Hampshire, (who was not entitled to the floor to make it,) but as the necessary course of the bill upon the withdrawal of the objections of the gentleman from New York, [Mr. BARNARD.] Had the gentleman persisted in his objections, the question would have been, not upon the second reading, but upon the rejection of the bill.

Mr. CLIFFORD asked if an amendment striking out the proviso of the bill would be in order, if the appeal were withdrawn.

The SPEAKER said that it would not.

Mr. CLIFFORD then addressed the House in favor of the appeal, contending that, upon the grounds stated by the gentleman from Tennessee, [Mr. TURNEY,] the Speaker ought to have given him the floor, instead of the gentleman from New York. The object of the gentleman from New York, as was apparent to every one, was to defeat the bill. He therefore hoped that all who were in favor of the repeal would vote to reverse the decision of the Chair.

Mr. BRIGGS exclaimed against the appeal of the gentleman from Maine to the House, to vote against the decision of the Chair.

Mr. CLIFFORD. Because it is wrong.

Mr. BRIGGS (without noticing the explanation) said, if the Speaker was right, it was the duty of the House to sustain him; but the course pointed out by the gentleman from Maine, who was himself a lawyer, would give a blow at parliamentary rule, with a vengeance; for it was an appeal to vote against the decision of the Chair, right or wrong. He made some further remarks which were not distinctly heard.

Mr. WISE said there was no principle involved, except as to who was entitled to the floor; and he added that he believed the Speaker had absolute power on that point.

The SPEAKER then put the question, "Shall the decision of the Chair stand as the judgment of the House?" which was determined in the affirmative.

Mr. WISE then asked what would be the effect of the previous question.

The SPEAKER was understood to say that it would bring the House to a vote on the engrossment of the bill.

Mr. WISE inquired whether it would cut off the proviso.

The SPEAKER replied in the negative.

Mr. WISE. Then I move the previous question. I am in favor of the proviso. [Great excitement.]

Mr. BARNARD. Mr. Speaker, if this motion ——

Mr. WISE (amidst much confusion) Mr. Speaker, is this in order?

The SPEAKER replied, but his voice was overpowered by the hum of excited conversation throughout the hall.

Mr. WISE. Mr. Speaker, I cannot hear a word. [Great confusion.]

Mr. BARNARD. If this motion had been made in the ordinary way ——

Mr. WISE again interposed, and exclaimed that he could not hear a word that was said.

The SPEAKER called the House to order.

Mr. BARNARD then resumed, and said if this motion had been made in the ordinary way, on the commitment of the bill, and the previous question was sustained, he was aware it would bring the House directly to a vote on the main proposition; but the Speaker would remember that the motion was not made by him as an individual member of the House, but as the organ of the Judiciary Committee, and in the form and shape of a report from that committee; and in such a case, he submitted, the rule did not apply; and that if the previous question was seconded, the vote must first be taken on the report of the Judiciary Committee.

The SPEAKER'S reply did not reach the reporter's desk.

Mr. BARNARD inquired whether the House could cut off the report of a committee.

The SPEAKER replied that it was for a majority of the House to determine.

Mr. WISE asked the Clerk to read the bill as it would stand if the previous question was seconded.

The Clerk read the bill, as submitted yesterday by Mr. CLIFFORD, simply repealing the bankrupt law, with the proviso submitted by Mr. TILLINGHAST.

Mr. WISE. I stick to the previous question.

The Speaker put the question on seconding the demand for the previous question, but he was unable to decide. Tellers were then demanded, and Messrs. WELLER and BRIGGS were appointed; and having taken the vote, they reported 92 in the affirmative, and 83 in the negative. There was, therefore, a second.

Mr. BARNARD. Mr. Speaker, has the morning hour expired? (It was 10 minutes past 1.)

The SPEAKER. It has.

Mr. BARNARD. Then I call for the orders of the day.

The SPEAKER. The order of the day is the further consideration of the bill for the repeal of the bankrupt law. [Roars of laughter.]

[This bill, which was now the order of the day, was the bill some time since introduced by Mr. EVERETT, to which various amendments had been offered, and on which Mr. MARSHALL was entitled to the floor from the middle of last week.]

Mr. CUSHING rose and said Mr. KENNEDY'S bill to regulate the mode of measuring the tonnage of vessels had been made the special order for this day.

Mr. WISE inquired if the previous question had not been seconded on the bill which the Judiciary Committee, by direction of the House, had reported.

The SPEAKER said it had, and it would be the order of the day for the morning hour to morrow.

Mr. WISE. [Laughing.] Well, "take your time, Miss Lucy." [Laughter.]

Some conversation ensued respecting the bill which Mr. CUSHING contended was the special order for this day; but

The SPEAKER announced the order of the day to be Mr. EVERETT'S bill to repeal the bankrupt law, on which the gentleman from Kentucky was entitled to the floor.

And the state of the question was this:

Mr. BARNARD had moved the following amendment to (or substitute for) the original bill:

"That so much of the act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved on the 19th of August, 1841, as authorizes any person owing debts to apply by petition, for the benefit of said act, together with all the parts of said act which are applicable solely to the mode of obtaining the benefit of the provisions of such act, in behalf of debtors, by the voluntary petition of such debtors, without the concurrence or aid of their creditors be, and the same is hereby, repealed: *Provided*, That this act shall not affect any case or proceeding in bankruptcy already commenced, or which shall be commenced before the 4th day of July next, or any pains, penalties, or forfeitures, prescribed and incurred, or which shall be incurred, under said act."

And Mr. CUSHING had offered the following amendment to the original bill:

"In the proviso of the original bill, strike out the '5th day of December, 1842,' &c., and insert so that the proviso shall read as follows. '*Provided*, That this act shall not affect any case or proceeding in bankruptcy commenced before the passage of this act, or any pains, penalties, or forfeitures incurred under the said act; but every such proceeding may be continued to its final consummation, in like manner as if this act had not been passed."

Mr. BRIGGS had moved that the bill be committed to the Committee on on the Judiciary, with the following instructions:

"To report a bill to repeal that part of the existing law which authorises the voluntary application of debtors, and to include corporations which issue paper to circulate as money within the operations of said law."

Which proposed instructions Mr. C. JOHNSON had moved to amend, so as to instruct the committee to report a bill for the immediate repeal of the bankrupt law, without limit or qualifications; (simply, in fact, striking out the proviso of the original bill of Mr. EVERETT.]

Mr. MARSHALL rose and said he would not be responsible for any delay of the action of this House on the subject of the bankrupt law; but he wished to inquire what would be the effect on himself, if he moved the previous question, and it should not be sustained by the House—whether he should retain the right to the floor. He did not wish to take the responsibility of any delay in the action of the House; but he did not wish to forfeit his right to the floor, if the House should refuse to second his motion.

The SPEAKER replied that, if the previous question was voted down, the gentleman from Kentucky would not be absolutely entitled to the floor, though, no doubt, he would obtain it by courtesy.

Mr. MARSHALL said, then, for the second or third time, he put himself on the courtesy of the House, and he moved the previous question.

Mr. GRANGER said, if the previous question was not sustained, he should certainly object to the gentleman from Kentucky having the floor.

Mr. MARSHALL. But if I get it, the gentleman from New York cannot prevent my speaking.

Mr. GRANGER said, warmly, the gentleman from Kentucky had spoken once.

Mr. MARSHALL contradicted the assertion of the gentleman from New York.

The SPEAKER also said that the gentleman from Kentucky had not spoken on this question.

Mr. MARSHALL again moved the previous question.

Mr. CUSHING protested against the motion for the previous question. He said several gentlemen had entered into a very general debate, which had been continued for several days while this bill was before the House, and he protested against being thus cut off from a reply. If, however, he could get the floor, if the House should negative the previous question, he should claim and retain it, courtesy or no courtesy.

Mr. MARSHALL said there was not a gentleman on that floor more anxious to discuss the question than he was.

(Cries of "Go on, then.")

Mr. WISE inquired, if the previous question was sustained, and the main question was ordered to be put, and the amendment of the gentleman from Massachusetts [Mr. CUSHING] should be adopted, whether the bill would not then be, in substance, the same as the bill to be acted upon to-morrow morning?

Mr. CUSHING. Precisely.

Some conversation ensued as to the priority of the amendments; and

Tellers were demanded on seconding the motion for the previous question. Messrs. BRIGGS and READ were appointed; and they reported 110 in the affirmative, and 28 in the negative; there was, therefore, a second.

The effect of sustaining the previous question was to cut off the several motions to commit with instructions, and to bring the House to a vote upon the amendments to the bill.

The question recurred on the amendment of the gentleman from Massachusetts, [Mr. CUSHING]

Mr. SMITH of Virginia called for its reading; and it was read.

Mr. S. expressed a desire to move an amendment to the amendment; but the motion was ruled out of order.

The amendment was then adopted—yeas 148, nays 62, as follows:

YEAS—Messrs. Adams, Allen, Landaff W. Andrews, Sherlock J. Andrews, Arnold, Aycrigg, Babcock, Baker, Barnard, Barton, Beeson, Bidlack, Birdseye, Black, Boardman, Borden, Botts, Bowne, Brewster, Briggs, Bronson, Milton Brown, Jeremiah Brown, Burnell, William Butler, Calhoun, John Campbell, Thomas J. Campbell, Caruthers, Casey, Chapman, Childs, John C. Clark, Staley N. Clarke, Cowen, Cranston, Cravens, Cushing, Richard D. Davis, Dawson, Deberry, John Edwards, John C. Edwards, Everett, Fessenden, Fillmore, John G. Floyd, Charles A. Floyd, Gates, Gentry, Gerry, Goggin, Patrick G. Goode, Gordon, Graham, Granger, Green, Gustine, Henry, Holmes, Howard, Hudson, Hunt, Charles J. Ingersoll, Joseph R. Ingersoll, James Irvin, William W. Irwin, Jack, James, William Cost Johnson, Isaac D. Jones, John P. Kennedy, Lane, Linn, Robert McClellan, McKennan, McKeon, Mallory, Thomas F. Marshall, Samson Mason, Mathiot, Mattocks, Maxwell, Maynard, Meriwether, Mitchell, Moore, Morgan, Morris, Morrow, Newhard, Oliver, Osborne, Parmenter, Payne, Pearce, Pendleton, Pickens, Plumer, Pope, Powell, Ramsay, Benjamin Randall, Randolph, Rencher, Ridgway, Rodney, William Russell, James M. Russell, Saltonstall, Sanford, Sewell, Shields, Slade, Truman Smith, Sollers, Stanly, Stokely, Stratton, Alex. H. H. Stuart, John T. Stuart, Summers, Taliaferro, John B. Thompson, Richard W. Thompson, Jacob Thompson, Tillinghast, Toland, Tomlinson, Triplett, Trotti, Trumbull, Van Buren, Van Rensselaer, Wallace, Ward, Warren, Washington, Watterson, Westbrook, Edward D. White, Joseph L. White, Thomas W. Williams, Joseph L. Williams, Winthrop, Wise, Wood, Yorke, and Augustus Young—148.

NAYS—Messrs. Arrington, Atherton, Boyd, Burke, Green W. Caldwell, Patrick C. Caldwell, William B. Campbell, Cary, Clifford, Clinton, Mark A. Cooper, Daniel, Garret Davis, Dean, Doan, Doig, Eastman, Egbert, Ferris, Fornance, Gilmer, William O. Goode, Gwin, Harris, Hastings, Hays, Hopkins, Houck, Cave Johnson, Keim, Andrew Kennedy, Lewis, Littlefield, Lowell, Abraham McClellan, McKay, Marchand, Alfred Marshall, Mathews, Medill, Miller, Owsley, Partridge, Proffit, Reding, Reynolds, Riggs, Rogers, Saunders, Shepperd, William Smith, Snyder, Sprigg, Steenrod, Sumter, Sweney, Turney, Underwood, and Weller—62.

The question next came up upon the amendment of the gentleman from New York, [Mr. BARNARD.]

Mr. MOORE asked for the yeas and nays; and they were ordered.

The amendment was then rejected—yeas 73, nays 136, as follows:

YEAS—Messrs. Adams, Allen, Sherlock J. Andrews, Arnold, Aycrigg, Babcock, Baker, Barnard, Boardman, Borden, Briggs, Jeremiah Brown, Burnell, Wm. B. Calhoun, Childs, J. C. Clark, Staley N. Clarke, Cowen, Cranston, Cravens, Dawson, John Edwards, Fessenden, Fillmore, Gates, Patrick G. Goode, Granger, Henry, Howard, Hunt, Joseph R. Ingersoll, James Irvin, Wm. W. Irwin, James, King, Linn, McKennan, Samson Mason, Mathiot, Maxwell, Maynard, Morgan, Morrow, Osborne, Pearce, Pendleton, Powell, Benjamin Randall, Randolph, Ridgway, Rodney, James M. Russell, Saltonstall, Sollers, Stokely, Stratton, A. H. H. Stuart, R. W. Thompson, Toland, Tomlinson, Trumbull, Underwood, Van Rensselaer, Warren, Edward D. White, Jos. L. White, Thos. W. Williams, Christopher H. Williams, Joseph L. Williams, Winthrop, Yorke, Augustus Young, and John Young—73.

NAYS—Messrs. L. W. Andrews, Arrington, Atherton, Barton, Beeson, Bidlack, Birdseye, Black, Botts, Bowne, Boyd, Brewster, Bronson, Aaron V. Brown, Milton Brown, Charles Brown, Burke, Wm. Butler, William O. Butler, Green W. Caldwell, Patrick C. Caldwell, John Campbell, William B. Campbell, Thomas J. Campbell, Caruthers, Cary, Casey, Chapman, Clifford, Clinton, Coles, M. A. Cooper, Daniel, Garrett Davis, R. D. Davis, Dean, Deberry, Doan, Doig, Eastman, John C. Edwards, Egbert, Everett, Ferris, John G. Floyd, Fornance, Gentry, Gerry, Goggin, Wm. O. Goode, Gordon, Graham, Green, Gustine, Gwin, Harris, Hastings, Hays, Holmes, Hopkins, Houck, Houston, Hubard, Hudson, Hunter, Charles J. Ingersoll, Jack, Cave Johnson, Isaac D. Jones, Keim, John P. Kennedy, Andrew Kennedy, Lane, Lewis, Littlefield, Lowell, Abraham McClellan, Robert McClellan, McKay, McKeon, Mallory, Marchand, Alfred Marshall, T. F. Marshall, Mathews, Mattocks, Medill, Meriwether, Miller, Mitchell, Moore, Morris, Newhard, Oliver, Parmenter, Partridge, Pickens, Plumer, Pope, Ramsey, Rayner, Reding, Rencher, Reynolds, Riggs, Rogers, Roosevelt, William Russell, Sanford, Saunders, Sewell, Shaw, Shepperd, Shields, Slade, Truman Smith, Snyder, Sprigg, Stanly, Steenrod, John T. Stuart, Summers, Sumter, Sweney, John B. Thompson, Jacob Thompson, Tillinghast, Triplett, Trotti, Van Buren, Wallace, Ward, Washington, Weller, Westbrook, Wise, and Wood—136.

The SPEAKER announced the question to be upon the engrossment of the bill; and it was ordered to be engrossed.

The CHAIR. When shall the bill have its third reading?

Many members. "Now."

Mr. ARNOLD rose and objected, upon the ground that the bill was not yet engrossed.

The SPEAKER said that the bill must go over until to morrow, unless by unanimous consent.

Mr. EVERETT moved that the bill be read again to-day.

The SPEAKER said that the bill not being engrossed, that could not be done but by general consent.

Mr. HOPKINS said that it could be done by order of the House.

Mr. EVERETT moved a suspension of the rule.

Mr. WISE inquired what would be the effect if the bill should be brought in engrossed in an hour's time? Could it not be read the third time then? It was useless for gentlemen to persist in this kind of opposition, where there was so large a majority in favor of the repeal. It would be better

to let the bill be read the third time now, and passed, and be done with it.

The question was then put on the suspension of the rules—and decided in the affirmative, ayes 143, noes 28.

Mr. GRANGER called for the yeas and nays on the passage of the bill; which being ordered,

It was read the third time and passed—yeas 140, nays 71, as follows:

YEAS—Messrs. Landaff W. Andrews, Arrington, Atherton, Baldwin, Beeson, Bidlack, Birdseye, Black, Boardman, Botts, Bowne, Boyd, Brewster, Brockson, Aaron V. Brown, Burke, W. Butler, W. O. Butler, Green W. Caldwell, P. C. Caldwell, William B. Campbell, Thomas J. Campbell, Carruthers, Cary, Casey, Chapman, Clifford, Clinton, Coles, Cowen, Daniel, Garret Davis, Richard D. Davis, Dean, Doherty, Doan, Duer, Eastman, John C. Edwards, Egbert, Everett, Ferris, John G. Floyd, Charles A. Floyd, Fornance, Gentry, Gerry, Gilmer, Gordon, Patrick G. Goode, William O. Goode, Gordon, Graham, Green, Gustine, Harris, Hastings, Hays, Holmes, Hopkins, Houck, Hudson, Hubbard, Hudson, Hunter, Charles J. Ingersoll, Jack, Cave Johnson, Kemble, Andrew Kennedy, Lewis, Littlefield, Lowell, Abraham McClellan, Robert McClellan, McKay, McKennan, McKeon, Mallory, Marchand, Alfred Marshall, Thomas F. Marshall, Mathews, Maxtocks, Medill, Mitchell, Morris, Newhard, Oliver, Osborne, Owsley, Parmenter, Partridge, Pickens, Plumer, Pope, Pratt, Ramsey, Rayner, Read, Reding, Rencher, Reynolds, Rhett, Riggs, Roosevelt, Sanford, Sewell, Shaw, Sheppard, Shields, Slade, Truman Smith, Snyder, Sprigg, Stanly, Steenrod, Stokely, Alexander H. H. Stuart, John T. Stuart, Summers, Sumter, Sweney, Taliaferro, John B. Thompson, Jacob Thompson, Tillinghast, Triplett, Trotti, Trumbull, Underwood, Van Buren, Ward, Washington, Watterson, Weller, Westbrook, White, Wood, and Augustus Young—140.

NAYS—Messrs. Adams, Allen, Sherlock J. Andrews, Arnold, Aycrigg, Babcock, Baker, Barnard, Borden, Briggs, Milton Brown, Jeremiah Brown, Burnell, Calhoun, Childs, John C. Clark, Staley N. Clarke, Cranston, Cravens, Cushing, John Edwards, Fessenden, Fillmore, Gates, Granger, Henry, Howard, Hunt, Joseph R. Ingersoll, James Irvin, William W. Irwin, James, William Cost Johnson, Isaac D. Jones, John P. Kennedy, King, Lane, Lee, Samson Mason, Mathiot, Maxwell, Maynard, Meriwether, Moore, Morgan, Morrow, Pearce, Pendleton, Powell, Benjamin Randall, Randolph, Ridgway, Rodney, William Russell, James M. Russell, Saltonstall, Stanton, Richard W. Thompson, Toland, Tomlinson, Van Rensselaer, Wallace, Warren, Edward D. White, Joseph L. White, Thos. W. Williams, Christopher H. Williams, Joseph L. Williams, Winthrop, Yorke, and John Young—71.

So the bill was passed in the following form:

AN ACT to repeal the Bankrupt Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved 19th August, 1841, be, and the same is hereby, repealed: *Provided*, That this act shall not affect any case or proceeding in bankruptcy commenced before the passage of this act, or any pains, penalties, or forfeitures incurred under the said act; but every such proceeding may be continued to its final consummation, in like manner as if this act had not been passed.

[Mr. M. A. COOPER desired to move to be excused from voting; but the Speaker decided that the motion came too late, as the first two names on the roll had already been called.]

Mr. MARK A. COOPER asked to be excused from voting on the bill for the following reasons:

He is desirous to vote for the repeal of the bankrupt law, as a true representative of his constituents' opinions, as well as of his own.

The friends of this bill have incorporated into it a proviso, which sanctions all the principles of the bankrupt law; principles which he thinks unconstitutional and unjust, as well as immoral in their effects, and ought not to receive his support. He cannot, therefore, vote for the bill. If it were a mere question of time, he could vote; but that is not the case.

Again: being in favor of the repeal, he cannot vote against the bill; a part of which proposes a repeal of the bankrupt act; because that would be to sanction the existence and operation of the act for an indefinite period.

On motion of Mr. FILLMORE, the House resolved itself into Committee of the Whole, (Mr. HOPKINS of Virginia in the chair.)

Mr. FILLMORE moved that the committee take up House bill No. 645, being a bill making appropriations for the army, &c.

The motion was agreed to; and the Clerk read the bill through all its sections. It was then read section by section for amendment, and the House passed several without objection. When the item was under consideration which appropriates $90,000 for arsenals—

Mr. DEBERRY moved to strike out $90,000, and insert $110,000, with the specific direction that $20,000 of that sum should be appropriated for the completion of the arsenal at Fayetteville, North Carolina. He went into some statements to show the importance of that arsenal, and the action which had been had in relation thereto by the Legislature of North Carolina; whence instructions had been received by the Senators for that State, and a request by its members in the House of Representatives, that they would give their aid in procuring the necessary appropriations for the completion of that work. It had been going on for several years, but the appropriation hitherto had been too small to enable the Government to complete it; and he now moved his amendment in conformity with the wishes of his State Legislature and of his immediate constituents, amongst whom this arsenal was situated.

Mr. FILLMORE said if the arsenal was in the course of construction, it was provided for by the present appropriation, for the department asked for sums sufficient to carry on all works that were deemed essential; and if this work was not embraced in the detailed statement from the department, he supposed it was not deemed necessary. He hoped, therefore, that there would be no particular designation of arsenals in this bill. The Committee of Ways and Means had recommended all the appropriations asked for by the department; and he trusted, in the present embarrassed state of the treasury, they should not go beyond the estimates.

Mr. McKAY said if the chairman of the Committee of Ways and Means would examine the detailed estimates, he would find that it was not intended to expend any portion of this money on the arsenal in question; the amendment of his colleague was, therefore, a proper one. The chairman of the Committee of Ways and Means had said that it was unnecessary to specify any particular works; but if that gentleman would look at previous acts of Congress, he would find that it had been frequently done; and there was no reason why it should not be done in this case, as the works had been begun, and no appropriation was proposed for their completion.

Mr. FILLMORE replied.

The committee then rose and reported progress.

Mr. PROFFIT moved a reconsideration of the vote by which the bill to repeal the bankrupt act had been passed.

Mr. CUSHING obtained the floor on the question of reconsideration, and then moved an adjournment.

Mr. FILLMORE requested the gentleman from Massachusetts to withdraw that motion, that the House might receive some Executive communications which were on the Speaker's table.

Mr. CUSHING consented to do so, with the understanding that he retained the floor on the question of reconsideration when it should come up.

The SPEAKER then presented various Executive communications, mainly consisting of information called for by resolutions of the House. One was a report of the inspectors of the penitentiary in the District of Columbia. Another was a communication from the War Department, in answer to a resolution of the 27th ultimo, requiring a detailed statement of all the expenditures from the Chickasaw fund. Another was a communication in answer to a resolution calling for certified copies of all papers on file relating to the arrest and trial of Louallier by a court-martial, by direction of General Jackson, at New Orleans, in 1815.

Mr. KING of Georgia presented a petition from sundry citizens of Baltimore, praying for the establishment of a steamboat communication between that port and Chagres, South America; which was referred to the Select Committee heretofore appointed on that subject.

On motion of Mr. TURNEY, the House adjourned.

IN SENATE.

WEDNESDAY, January 18, 1843.

The PRESIDENT *pro tem.* laid before the Senate a communication from the War Department, transmitting, in compliance with the acts of Congress of 1808 and 1809, statements of all the contracts made by the bureaus under the direction of that department, in the year 1842; which, on motion by Mr. HUNTINGTON, was laid on the table.

Mr. WRIGHT presented a memorial from the city of New York, praying for the repeal of the bankrupt law; which was referred to the Judiciary Committee.

Mr. WOODBURY presented a memorial signed by J. Bagby, praying that the bankrupt law may be so modified as to give mechanics a lien on work executed by them; which was referred to the Committee on the Judiciary.

Mr. WOODBRIDGE presented a petition from William Morrow, praying remuneration in consequence of violations by United States agents of a contract for executing certain works at the United States arsenal in the District of Columbia; which was referred to the Committee on Claims.

Mr. LINN presented a memorial from citizens of the southern part of Missouri, praying for the removal of the land office from Jackson to Fredericktown, in that State: referred to the Committee on the Public Lands.

Mr. WOODBRIDGE, on leave, introduced a bill to apply certain alternate sections of the public domain towards completing works of internal improvement in the State of Michigan, and for other purposes; which was read twice, and referred to the Committee on the Public Lands.

On motion by Mr. SMITH of Indiana, the Committee on the Public Lands was discharged from the further consideration of the claim of Mr. Downing, for reimbursement of money paid by him for clerk-hire in his office as register of a land office; and it was referred to the Committee on Claims.

Mr. MILLER, from the Committee on the District of Columbia, reported back, with amendments, the bill for repaving and repairing a portion of Pennsylvania avenue.

Mr. WILLIAMS, from the Committee on Printing, to whom the subject had been referred, made a report (which was concurred in) in favor of printing the communication from the Solicitor of the Treasury in relation to the cloth cases, in which frauds were attempted on the revenue.

Mr. WOODBURY stated that, as the subject of resolutions was now before the Senate, he felt obliged to make a remark as to one introduced at the last session by his former colleague.

Mr. W. regretted that the resolution had not yet been answered. Some of the information desired in it related to the persons and matters connected with the cloth cases, on which a report had just been ordered to be printed. Other reports, containing letters and documents on this topic, and the conduct of those concerned in it, had been printed by Congress at the last session, and distributed widely abroad as well as in this country.

It was due to all concerned that the answer to the call made in the resolution of my late colleague, should go to the world with the other papers bearing on this question. It was supposed to be calculated to throw much light on the whole subject.

The answer may have been delayed or omitted by accident. If so, this notice would revive attention to it in the proper quarter, and would save the introduction of any other resolution asking for the reasons which had prevented a reply hitherto.

The PRESIDENT *pro tem.* laid before the Senate a communication from the State Department, transmiting in compliance with a resolution of the Senate, further information received at that department concerning the operations of the bankrupt law; which, on motion of Mr. BATES, was ordered to lie on the table, and be printed.

Also, laid before the Senate a communication from the War Department, transmiting, in compliance with the act of Congress of 1804, a report of the names, dates of appointment, and pay of all persons employed in the Indian Department; which was ordered to lie on the table.

Mr. PHELPS, from the Committee on Revolutionary Claims, referred back, without amendment, the bill from the House for the relief of the representatives of Baron De Kalb.

THE RED LINES AGAIN.

Mr. BENTON (after some prefatory remarks, to the effect that he had waited for some days till the Senator from Virginia, who had been absent, resumed his seat, for an opportunity to recall that

Senator's attention to the error in his printed speech on the subject of the treaty, yet uncorrected,) said, yesterday he was about to do so, when the morning hour expired; and he postponed the subject on that account till now. The error of which he complained was in these words of the Senator's printed speech:

"The Senator who produced it [the map] could see *nothing but* the microscopic dotted line running off in a northeasterly direction; but the moment *other eyes* were *applied* to it, there was found, in bold relief, a strong red line, indicating the limits of the United States according to the treaty of peace, and coinciding minutely and exactly with the boundary traced on the map of Mr. Sparks."

This error was not only printed in the Senator's speech, but reprinted in the speech of the Senator from South Carolina; and arguments were based upon it, as if it was a matter of fact. His object now was, to appeal to the Chair for its decision as to the facts of this statement. I ask you, Mr. President, (continued Mr. BENTON,) whether the extract I have just read is correct or not, and whether I was not the first to proclaim the "strong red line," before "other eyes" were required to point it out?

The CHAIR made some remarks not distinctly heard, but it was understood to import an impression that it could hardly be in order to make any statement, unless required by the Senate in regular debate.

Mr. BENTON was understood to say that he did not mean to press an interrogatory out of order.

Mr. BARROW remarked that it seemed to him that the presiding officer of the Senate should not be called upon to state his recollection of facts which were personal to Senators, and about which there was a controversy between two Senators. It was deeply to be regretted that there was any such misunderstanding between Senators as to matters of fact. This subject had been before the Senate twice, and, as he conceived, improperly; and it was now before it again, which rendered it more so. It was more than probable that, if the discussion went on to-day, it would devolve on the Chair to put an end to it; he would therefore be placed in an awkward predicament, if he should be compelled to put an end to a controversy in which, upon the call of a Senator, he had become, on its very threshold, a witness. He merely threw out the suggestion, of which he hoped the honorable Senator from Missouri [Mr. BENTON] would perceive the propriety. If the memory of the presiding officer was fresh and fixed as regarded facts of a public character, there would be no impropriety in Senators calling upon him for his recollection of them; but there was certainly an impropriety in pursuing such a course in this case, (when his memory of the transaction must be imperfect,) which was more of a personal than a public nature. The Senator from Missouri had a right to call upon any Senator to give to the Senate his recollection of the facts; but not upon the Chair. He therefore suggested to him, whether his own good sense did not perceive there was an impropriety, under the circumstances, in calling upon the presiding officer to become a witness. There were Senators who had a recollection of this transaction, as well as the presiding officer; their memory was as perfect as his: he suggested, then, whether, under the circumstances of the case, the Senator from Missouri should press this point.

The CHAIR remarked that, if it was the sense of the Senate, he would state his recollection of the transaction. His memory was not as full and exact as he could desire; but, having been called upon most unexpectedly, and having held no conversations upon the subject, within his recollection, he felt some delicacy in making any statement.

Mr. BENTON was understood to remark that there could be no want of delicacy in the presiding officer, before whom the transaction occurred, stating his recollection of the fact.

The CHAIR said he was taken by surprise, but he would put it to the sense of the Senate whether he might be permitted to make a statement. The question was then put to the Senate, and decided in the negative.

Mr. BENTON then called upon the Senator from Louisiana [Mr. BARROW] to state to the Senate his recollection of the transaction in controversy.

Mr. BARROW then rose, and said that, if he had any distinct recollection of the transaction, he would tell it to the Senate; but, since the matter was first introduced, he had endeavored, for the last two days, to refresh his memory, with a desire to put the matter, so far as he could, on a proper footing. But his recollection was so indistinct, that he would not undertake to state anything positive. He took very little interest in the discussion which sprung up when the map was presented by the Senator from Missouri. He felt very little interest as regarded these lines, and never perused the map when in the possession of the Senator from Missouri, [Mr. BENTON;] nor afterwards, when it was sent to the seat of the Senator from Virginia, [Mr. RIVES,] did he attend there, for the purpose of examining it, as others did. He would state the impression made on his mind on that day; premising that he did not pretend to know anything with certainty in reference to the matter in dispute, as to these lines, at that time. Occupying a seat there [pointing to the seat] when the debate sprung up, he paid no particular attention to what was said by any Senator, for he felt that it was of more importance that the discussion should be interrupted. Having made up his own mind how he should give his vote, he did not feel it incumbent on him to listen. His attention was not therefore attracted to the debate, until struck with the solemn manner in which the Senator from Virginia had introduced the map. This was his impression—whether on sufficient grounds, or not, he would not undertake to say. The map was introduced by the Senator from Missouri. What he said when he called the attention of the Senate to it, and the lines upon it, he did not remember. When the map was transferred to the seat of the Senator from Virginia, there was a collection of about a dozen Senators around it. He never pretended at all to go there. He had no curiosity about it. But the impression made on his mind was, that the map was introduced by the Senator from Missouri, to rebut or destroy the effect (as he understood it) of the map of Mr. Sparks; but that it did not sustain the honorable Senator from Missouri in his position before the examination of the map took place at the seat of the Senator from Virginia. That seemed to be the impression made on the Senate; but whether it was well-grounded or not, he would not undertake to say. He repeated, that he paid no particular attention to what took place when the map was introduced. The Senator from Missouri introduced the map, he had no doubt, for the purpose that he had stated; and he had no doubt, also, that he made the remarks he said he did make when he introduced it. He entertained no doubt on his part at all; but he must say that his recollection was not sufficiently accurate to testify to the facts as they occurred.

Mr. BENTON observed that it was an issue of fact; and, that there could be no mistake, he would read the passage of the Senator's printed speech over again:

"The Senator who produced it [the map] *could see nothing but the microscopic dotted line* running off in a northeasterly direction; *but the moment other eyes* were applied to it, there was found, in bold relief, a strong red line indicating the limits of the United States, according to the treaty of peace, and coinciding minutely and exactly with the boundary traced on the map of Mr. Sparks."

Here a thing was stated as a fact, which he (Mr. B.) denied in every particular. And, in contravention of what is therein stated, he asserted that he *did see something* besides the "microscopic dotted line;" that he not only saw the "strong red line," but that he was the first to proclaim it, to show that Mr. Sparks's discovery was no secret at all. He would now ask his colleague [Mr. LINN] for his recollection of what occurred.

Mr. LINN stated that when the Senator from Virginia introduced Mr. Sparks's map, the impression on his mind was, that there was more importance attached to it than it merited. Indeed, he thought it of so little consequence, that he could recollect he so expressed himself to the Senator from Pennsylvania next to him [Mr. BUCHANAN] at the time; and observed to him that the map ought not to have been introduced in the debate, as the question would not turn on that point then; for it had been settled by our forefathers, that the boundary claimed by Maine was the one intended; but if we were going to make a sacrifice for the sake of peace, we ought to do it frankly. While he (Mr. L.) was conversing on this point with the Senator from Pennsylvania, his colleague [Mr. BENTON] raised his voice and cried out, "Here are the bloody lines—the red lines;" and he went on to remark that it was no secret at all, because it was in Mr. Jefferson's collection of maps and books, and had been for years open to the inspection of every one in the Library of Congress. And what brought it more distinctly to his recollection, was his colleague's remark—that it came from the collection of one distinguished for his care in collecting and keeping everything that was of interest to his country—Mr. Jefferson. He (Mr. L.) had discharged his mind of all impressions about the introduction of Mr. Sparks's map, because he never attached any importance to the sort of evidence it could furnish; nor, indeed, to the point made upon it. And with regard to the object for which his colleague introduced Mr. Jefferson's map, his impression was, that it was to prove there was no secret; but beyond that object, he did not recollect any other, unless it was to prove that there should be no importance whatever attached to Mr. Sparks's map. His impression was, indeed, that his colleague had no other object in view, when he brought forward his map. He wished to show that we had, for years, had just such a map in our own archives, open to public inspection.

Mr. ARCHER said he earnestly hoped that the matter would be allowed to stop here. He was convinced there had been nothing but a diversity of sentiment, reflecting in no degree on either Senator; and he could see no reason, therefore, for so much sensitiveness on the part of the Senator from Missouri. He hoped that, in this view of the matter, which he believed was concurred in by Senators on all sides, the subject would be allowed to drop. It was rare, indeed, that all the minute transactions of but a few weeks gone by, were retained distinctly in the recollection of gentlemen. This was his own case in the present instance. He had not the smallest recollection of the particulars which had been alluded to, or he would have interposed and endeavored to terminate the controversy. As it evidently appeared to be a mere difference of impression on the part of the honorable Senators, he hoped the question would be allowed to rest, without any further debate.

Mr. CALHOUN said, as allusion had been made to him, he deemed it proper to state what his recollection was of the facts, as far as he himself was concerned. His impression at the time was, that the map from the library was produced by the Senator from Missouri for the purpose of rebutting and invalidating the one in the possession of the gentleman from Virginia. His impression was, further, that when the map was being unfolded by the Senator from Missouri, and his eye caught the dotted line, he called the attention of the Senate to it, as being the true boundary line, and as differing from the line described in Mr. Sparks's map, inasmuch as it ran in a more northerly direction. This was his impression, though he might have been in error. He had himself supposed that the red marks delineated the boundaries of counties, or of States; but he found afterwards that this supposition was wrong. And the general impression resting upon his mind was, that the map produced by the Senator from Missouri did not sustain him in what he (Mr. CALHOUN) believed to be his object, viz: in rebutting the other map.

These were the impressions he entertained at the time, and they had not been changed since. He would take this occasion to remark, that he hoped another debate in secret session would never be published. He thought the precedent was going to be highly pernicious; it would probably operate as a restriction upon the liberty of debate. He had written out his own speech reluctantly, and only with a view, as other speeches were being published, of putting himself right; and in writing that speech, he had taken the general run of the facts, without entering into the minute details, which, in

a case like that, could have but little influence upon the public mind.

Mr. BENTON reiterated that, in the presence of forty-eight Senators, (most of whom were present on the occasion,) he was the first himself to proclaim the red line. He not only could see them, contrary to the words he had quoted; but he did not, as they assert, leave it to "other eyes" to be applied to the map to discover them. He proclaimed them aloud from his seat. This was the issue of fact. And on it he appealed to the Senators around him for their recollections.

Mr. SMITH of Connecticut observed that, according to his recollection, when the Senator from Missouri heard of Sparks's map, he raised the map in his own hands, and exclaimed, "here are the bloody red lines." The words were so remarkable, that they made a strong impression on his mind.

Mr. BENTON asked if he had any recollection of allusion being made to the "secret?"

Mr. SMITH replied that his recollection was rather indistinct about that; but still his impression was, that it must have been to show there was no secret about it.

Mr. ALLEN observed that this was (to say the least of it) a very troublesome dispute, growing out of a deeply exciting discussion which had taken place with closed doors, and in consequence of the additional circumstance that the matter had not been noticed at the time by any reporter. His impression was, that there was no real difference between the Senator from Virginia and the Senator from Missouri. The difference was barely as to the form of the question now made—the one adhering to the object for which the map was introduced, and the other to the fact of the announcement of the broad red line which was visible to every one. Believing, then, that there was nothing substantial involved in the controversy, he must be permitted to express his regret that the matter should be deemed sufficiently important to occupy the attention of the Senate.

He had hitherto remained quiet, and volunteered no opinion nor expression of his impressions upon the subject; but, being now particularly called upon, he could state very readily what those impressions were; and he did so with a perfect conviction that the statement could not reflect in the least degree on any member of that body, in one way or the other. His attention was attracted to the fact of the introduction of the map by the Senator from Virginia, by the solemnity with which it was introduced; the Senator evidently regarding it as a matter of peculiar importance, and calling the attention of the Senate very pointedly to the map.

While this part of the discussion was going on, the Senator from Missouri (according to his recollection of the case) obtained an old atlas, and spreading open a map, exclaimed, "here is the red line." As to the motive with which the Senator from Missouri introduced the atlas, his recollection was not very distinct; but the circumstance of the red line having been pointed out by him he (Mr. A.) particularly remembered, in consequence of the manner in which the Senator had called attention to it, being devoid of that deference or courtesy which he (Mr. A.) conceived was due to the gentleman who had possession of the floor. As to the fact of the announcement of the red line, he recollected distinctly that the Senator from Missouri made use of the word "bloody." He might not perhaps have recollected the circumstance, but for the phrase made use of by the Senator; which, of itself, was calculated to make an impression upon the memory. He repeated, that he did not conceive that this statement could affect either Senator, one way or the other; for he did not conceive that there was any essential difference between the Senators—the one contending as to the object for which the map was produced, and the failure of that object; and the other as to the announcement of the broad red line.

Mr. RIVES begged leave to say that he did not think it at all necessary to enter into the discussion of the matter with any spirit of controversy, but——

The CHAIR here interrupted the Senator from Virginia, with a request that he might be permitted to explain the preceding remarks he had made. The Chair then stated that his recollection was refreshed by the remarks which had fallen from the Senator from Ohio, [Mr. ALLEN.] They reminded him that he had held a conversation with him, and in which conversation that Senator accorded with his recollection, that there was no substantial difference between the two Senators. The Chair superadded the remark, that if it was the sense of the Senate, he would add that no issue was made up on the fact of the Senator from Missouri [Mr. BENTON] having announced the red lines. That, on a previous occasion, the Senator from Virginia [Mr. RIVES] had remarked that he could not have fallen into the absurdity of imputing the design to the Senator from Missouri, of an intended suppression of the red line, with the view to impose upon the Senate or the country. That the recollection of the Chair was, that the red line was announced; but the ground of his supposition, that there was no substantial difference between the Senators, was, that the remarks of the Senator from Virginia, complained of, were not literal and exact, but only figurative. They had been so regarded by the Chair. And if the Chair might use the expression, he had understood the expression of the Senator from Virginia to mean, that the mind's eye of the Senator from Missouri was so engrossed with the microscopic dotted line, that he gave none, or scarcely any, consideration to the plain or palpable red line; and that his opinion on this point was much fortified by the statement made by the Senator from Virginia on a previous occasion, that he could not, or did not, design the absurdity of attempting to produce the impression, either upon the Senate or the public mind, that the Senator from Missouri attempted to exhibit the dotted line, and at the same time to suppress or conceal the existence of the red line, which was bold and strongly marked on the same map.

Mr. RIVES said he desired to say a word or two, for the purpose of placing the matter in its true attitude before the public, though he doubted whether the public were disposed to take any interest in the matter at all. He concurred entirely in the very candid and sober view of the matter which had been presented by the Chair, and by the Senator from Ohio, with regard to the red line and the dotted line. The whole difference between the Senator from Missouri and himself, reduced itself to a mere matter of opinion, as had been very justly remarked. He would state, most distinctly, that his own impression in regard to the expressions used by the Senator from Missouri, was, that the Senator had not referred to the red lines at all; though it was possible that the words might have been spoken, without having reached his ears, as there was some confusion at the time, and as he (Mr. RIVES) was then speaking. At all event, the circumstance, if it so occurred, had made no impression upon his mind; and he had consequently no recollection of it. What he desired to say was (what had been so happily expressed by the Chair,) that it was the mind's eye by which the red line was disregarded; the red line might have been seen, but, if seen, not recognised as the true boundary; but the microscopic dotted line was insisted on by the Senator as being the true boundary. And he was confirmed in this opinion, by referring to the printed speech of the Senator from Missouri; in which he insisted, in three distinct places, upon the dotted line as being the true boundary; and, according to the recollection of the Senator from South Carolina, the Senator from Missouri made the remark, that any little school miss might have drawn the red line.

The Senator from Missouri seemed disposed to leave entirely in the dark the object for which he had introduced the map, and confined himself to the expression (which, undoubtedly, was intended to be understood as a figurative expression) that the broad red line could not be seen until other eyes were applied to it. He had never intended to deny that the Senator announced the red line; but what he asserted was, that the Senator had insisted upon the microscopic dotted line as being the true boundary. The whole question, then, was, in truth, a difference of impression or of recollection as to the object for which the map had been introduced. He (Mr. R.) had honestly stated his own impression as to what that object was, and that he considered the Senator as having failed to accomplish that object and in that opinion he believed he was sustained by a very large majority of the Senate. With regard to the other point, it was a matter of form merely.

Mr. BENTON said he was entirely satisfied with the explanation of the Senator from Virginia. He would now drop everything that had passed, and would merely read to the Senate the last letter which was ever written by Dr. Franklin; it was written in the year 1790, and addressed to Mr. Jefferson, who was at that time Secretary of State.

Copy of the last letter written by Dr. Franklin.

"PHILADELPHIA, April 8, 1790.

"SIR: I received your letter of the 31st of last past, relating to encroachments made on the eastern limits of the United States, by settlers under the British Government, pretending that it is the *western*, and not the *eastern* river of the bay of Passamaquoddy, which was designated by the name of St. Croix, in the treaty of peace with that nation, and requesting of me to communicate any facts which my memory or papers may enable me to recollect, and which may indicate the true river which the commissioners on both sides had in their view to establish as the boundary between the two nations.

"Your letter found me under a severe fit of my malady, which prevented my answering it sooner, or attending, indeed, to any kind of business. I now can assure you that I am perfectly clear in the remembrance that the map we used in tracing the bounsdary was brought to the treaty by the commissioners from England; and that it was the same that was published by Mitchell above twenty years before. Having a copy of that map by me in loose sheets, I send you that sheet which contains the bay of Passamaquoddy, where you will see that part of the boundary traced. I remember, too, that in that part of the boundary we relied much on the opinion of Mr. Adams, who had been concerned in some former disputes concerning those territories. I think, therefore, that you may obtain still farther light from him.

"That the map we used was Mitchell's map, Congress were acquainted at the time, by letter to their Secretary for Foreign Affairs, which, I suppose, may be found upon their files.

"I have the honor to be, with the greatest esteem and respect, sir, your most obedient and most humble servant,

"B. FRANKLIN.

"To THOMAS JEFFERSON,
"Secretary of State of the United States."

Mr. B. said that this put an end to Mr. Sparks's map. This letter shows that Mitchell's map, and not D'Anville's map, was that Dr. Franklin used for showing our title; and here is that map, showing our boundary along the mountain ridge by Quebec and the St. Lawrence, and going to the northwest corner of Nova Scotia, within a quarter of an inch of the river on this map—within ten or fifteen miles of it, in fact. This shows that Mr. Sparks's discovery in Paris is not the measure of our title to the Northeastern boundary.

Here the subject dropped.

THE OREGON TERRITORY.

The CHAIR announced the order of the day to be the unfinished debate on the passage of the bill for the settlement and occupation of the Territory of Oregon.

Mr. CHOATE, being entitled to the floor, addressed the Senate for nearly two hours. The two main topics upon which he dwelt, were: first, the question of the proposed grant of lands to settlers, as an infraction of the convention between this country and Great Britain, established for ten years in 1818, and renewed in 1827, to continue from year to year until discontinued by a year's notice from either party; and next, the question of the settlement of other difficulties with England by the late treaty, without also settling that in relation to the Oregon Territory.

In the course of his remarks, he stated that his only objection to the bill was in relation to the provision making a grant of lands. If it was recommitted, and that provision was stricken out, the rest of the bill should have his hearty concurrence. Even if the bill remained in its present shape, and it could be satisfactorily proved to him that this provision, which proposes a grant of land to settlers, is not an infraction of the treaty, he would give it his support. He would go further; he would say, that if the year's notice were given of our intention to relinquish the treaty with Great Britain, he would, after the cessation of our obligations under it, most cheerfully support a bill of this kind. But he conceived the whole question, at present, was, whether this bill, in its present form, would not be a violation of our obligations under the treaty; and that it would, he had not now the slightest doubt.

Here Mr. C. went into an examination of the terms of the treaty, with a view of showing that

the only occupation or settlement which could take place in good faith, was a joint occupation and settlement for purposes of trade, hunting, and trapping; and that Great Britain never had in any single instance otherwise interpreted the treaty, or acted upon it. Her encouragement of the Hudson Bay Company was for purposes of trade and hunting, strictly in conformity with the treaty. If the company had built forts and made settlements, it was in furtherance of the objects of trade, and carrying on the trapping and hunting in which it was engaged. It was perfectly open to us, under the treaty, to do the same. He denied that England had extended over the country an exclusive jurisdiction. She only applied her own laws to her own subjects. We might do the same. If it could be shown that she ever granted away a single acre of the territory, or exercised an exclusive right of that kind, he would then say that we might do the same. But no such thing could be shown, for it had not been done.

As to the allegations that England, in a communication with the ministers of our Government, had said that British interests had grown up in the territory, which should and would be protected, he contended, that taking the whole context, and giving what followed in the sentence, so far from this being an assertion of exclusive right, or a threat of possession against the United States, the most direct reservation was made of the rights of the United States to joint occupation and interest in the territory under the treaty, by which both countries were bound. He read the passage in full, with a view of showing the correctness of his view of the avowal made by England.

In commenting upon the speech of the Senator from Missouri, [Mr. BENTON,] who had preceded him in the discussion when the subject was last up, he took occasion to remove an erroneous impression, which he conceived was calculated to do great injustice to a distinguished man, [Mr. Webster,] who could not there defend himself. He alluded to the fears expressed by the Senator from Missouri, that the President's message declining to furnish the correspondence, or informal communications, relative to the pending negotiation about the Oregon Territory, implied grounds for concluding that propositions had been made by our Secretary of State, which the Administration was ashamed or afraid to avow; that, in fact, the rumor must be correct which had got abroad, that a proposition had been made or entertained, by the Secretary of State, to settle down upon the Columbia river as the boundary line. Now, he was glad to have it in his power to undeceive the Senator, and to assure him, which he did from authority—for he had been requested by the Secretary himself to do it for him—that he never either made or entertained a proposition to admit of any line south of the 49th parallel of latitude, as a negotiable boundary line for the territory of the United States.

After Mr. C. had considerably more at large, and in his own words, (the purport of which is only attempted in this sketch,) fully explained this matter, he next turned to so much of the remarks of the Senator from Missouri, as condemned the late treaty with Great Britain in relation to the Northeastern boundary line. He entered into a long, minute, and topographical inquiry and explanation, with a view of showing that the course pursued by the Secretary of State was the most advantageous ever attempted for this country in any previous negotiation with Great Britain. Having argued this point elaborately, he turned to the line agreed upon through the great Western lakes, with a view of proving that we had in reality—and not merely seemingly, as the Senator from Missouri supposed—gained four millions of acres of land. He quoted a pamphlet, (said to be written by Lord Palmerston,) to show that the most intelligent English statesmen considered that we had immeasurably the best of the bargain in the late treaty, and particularly as to the acquisition of this four millions of acres in the West. He traced the line from Pigeon river to the Lake of the Woods, as agreed upon, with a view of showing that it was the identical line stipulated by the treaty of 1783, as no other water-course was known till 1803 but the southern water-course adopted as the true line in the late treaty.

In conclusion, Mr. C. hoped the bill would be recommitted, and (the provision granting lands being stricken out) that the measure would be adopted.

Mr. BENTON replied to so much of the Senator's remarks as touched upon his speech; and insisted that the same line to which the Senator's concluding remarks alluded, was thirty or forty miles north of that which the Senator supposed.

Mr. B.'s remarks (which were mostly statistical) will be given in full in a day or two.

Mr. MOREHEAD next obtained the floor; and, on his motion,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, Janduary 18, 1843.

Mr. READ presented two remonstrances, signed by citizens of Pennsylvania, against the repeal of the bankrupt law: referred to the Committee of the Whole.

Mr. RIGGS presented the petition of citizens of Whitewater, in the Territory of Wisconsin, praying the construction of a harbor at Milwaukie, in said Territory, for the protection of the commerce of the upper lakes.

Mr. GWIN offered the following resolution; and it was agreed to:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of reporting a joint resolution, authorizing the appointment of a special agent to inquire into the alleged frauds under the pre-emption laws; the appointment of such agent having been recommended by the Commissioner of the General Land Office in his annual report.

Also, that said committee be instructed to inquire into the expediency of reporting a bill to amend the existing and former pre-emption laws, so as to permit the heirs or representatives of those who settled on the public lands with the intention of availing themselves of the privileges of the pre-emption laws, but who died before the forms required by said laws had been complied with, to enter the same, if satisfactory evidence is produced that the settler or settlers, if living, would be entitled to said land.

Mr. GWIN also offered the following resolution, and it was adopted:

Resolved, That the Secretary of the Navy be requested to communicate to this House all the information in possession of the Navy Department in regard to the naval depot of the United States at Port Mahon, and especially whether any vessels of the United States Mediterranean squadron have been kept for any length of time in said port inactive; and if so, how long; and whether any of the officers have heretofore established themselves, during such period, on shore at that place, and for what length of time, for the purpose of keeping house, and the names of such vessels and of said officers; and further to state whether any, and what, reforms have been contemplated, or are considered to be necessary, in regard to the condition and conduct of the Mediterranean squadron in these particulars.

Mr. GWIN also offered the following resolution; and it was adopted, after an amendment had been agreed to, on the motion of Mr. KING:

Resolved, That the Secretary of the Navy be requested to communicate to this House the amount of the daily expenses, exclusive of the pay of the officers and crew, of the Missouri and Mississippi steam-frigates, respectively, while in service; and to specify the amount of fuel consumed by each daily, including the amount of wastage, where the said fuel has been purchased, from whom, by whom, and at what price.

Mr. GWIN asked leave to offer the following resolution:

Resolved, That the President be requested to communicate to this House, (if in his opinion it is not incompatible with the public service,) whatever information may be in his possession in relation to the recent capture of Monterey, in California, by Commodore T. Ap Catesby Jones; and to state whether the said Jones had any instructions from the Government which were intended should be construed into authority for such proceedings.

Mr. LINN objected, and the resolution was not received.

Mr. BRIGGS offered the following, and it was adopted:

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of giving a pension to John Cary, a free colored man, a native of the county of Westmoreland, and State of Virginia, now resident of this District, who says he was a body servant of General Washington at the time of Braddock's defeat, in 1755, and was present at that battle; and also, that he was a servant of General Washington at the surrender of Cornwallis, in 1781; and who is believed to be 112 years old.

Mr. TILLINGHAST rose to a privileged question, and then explained that an error had occurred in recording his vote on a motion made yesterday to fix 10 o'clock, A. M. as the hour of meeting on Friday and Saturday next, which are days appropriated by the rules to private business. Having caused a correction of the journal, he moved a reconsideration of the vote of yesterday.

Mr. MERIWETHER moved to lay that resolution on the table, observing that gentlemen who voted to meet early did not come to the House at the time fixed.

Mr. COWEN called for the yeas and nays, but they were not ordered; and the motion was laid on the table.

Mr. REYNOLDS rose to a privileged question; and was understood to move the reconsideration of some vote, which was not distinctly heard.

Mr. EVERETT desired to move a suspension of the rules, to enable the House to proceed with and dispose of, the question of reconsideration of the vote of yesterday on the passage of the bankrupt law; which was moved by the gentleman from Indiana [Mr. PROFFIT.] He thought that should be disposed of before the House proceeded to any other business.

Mr. ADAMS moved that the House resolve itself into a Committee of the Whole, for the purpose (as he said) of taking up the bill for the satisfaction of claims for French spoliations prior to 1800.

Mr. EVERETT, on an explanation being given that the question of reconsideration which he wished to dispose of, would come up of course after the morning hour, withdrew his motion to suspend the rules.

Mr. ADAMS then pressed his motion, and called for the yeas and nays upon it; which were ordered, and resulted as follows—yeas 107, nays 78.

ARMY APPROPRIATION BILL.

So the House resolved itself into Committee of the Whole, (Mr. HOPKINS of Virginia in the chair,) and resumed the consideration of the bill making appropriations for the support of the army.

Mr. PROFFITT moved to take up the bill making appropriations for the continuation of the Cumberland road.

The CHAIR said that the motion was not in order—the army appropriation bill having the priority—and must be postponed, in order to take up other business.

Mr. ADAMS then moved to postpone the bill, for the purpose of taking up the bill providing indemnity for French spoliations prior to 1800.

Mr. PICKENS called for tellers, which were ordered; and, on taking the question, they [Messrs. SAUNDERS and READ] reported ayes 78, noes 80.

So the motion of Mr. ADAMS was rejected.

[When the committee rose yesterday, the question pending was on the following amendment submitted by Mr. DEBERRY:

"For arsenals, one hundred and ten thousand dollars; twenty thousand dollars of which to be applied towards completing the arsenal now under train of construction at Fayetteville, North Carolina."]

The question being put on the amendment of Mr. DEBERRY, it was decided in the negative without a division.

Mr. DEBERRY then called for tellers, which were ordered.

Mr. ADAMS then renewed his motion to postpone the bill, for the purpose of taking up the French spoliation bill.

Mr. READ inquired if the motion was in order, a similar one having just been rejected.

The CHAIR said that it was, there having been intervening business since the same motion was made and rejected, viz: the call for and ordering of tellers on the amendment of the gentleman from North Carolina, [Mr. DEBERRY.]

Mr. READ called for tellers on the motion; which were ordered.

Mr. FILLMORE expressed the opinion that motions of this kind should not be made oftener than once a day; for, by moving them in this way, just after they had been rejected, as was done by the gentleman from Massachusetts, a great and unnecessary waste of time was occasioned.

Mr. PICKENS observed that, if proceedings like this were to be tolerated, there would be no getting on with the business of the House; they would never be able to tell what they were about to do.

The CHAIR repeated his decision, that the motion was in order; and the question was taken by

the tellers, (Messrs. WELLER and STRATTON,) who reported ayes 68, noes 78.

So Mr. ADAMS's motion was again rejected.

The question recurring on Mr. DEBERRY's amendment,

Mr. McKAY suggested to his colleague to modify it, so as not to increase the appropriation, but to make it obligatory on the Secretary of War to apply $10,000 of the balance of the appropriation of last year, now on hand, to the arsenal at Fayetteville. Mr. McK. said that there was an appropriation of $120,000 made last year, with the understanding that $10,000 of it should be applied to the North Carolina arsenal; and of this appropriation, he had ascertained that over $94,000 now remained unexpended in the treasury. All that was wanted, therefore, was to direct the application of a part of this sum to the object his colleague had in view. If his colleague would modify his amendment in the manner he had suggested, he presumed that no gentleman would object to it, as there would in that case be no increase of the appropriation.

Mr. DEBERRY had no particular objection to the course of his colleague, but his constituents were anxious for the appropriation which he had proposed. They strongly suspected that there was no intention on the part of the department to make this anything more than a mere arsenal of deposite. It was for this reason that the Legislature of North Carolina interfered and passed resolutions. He urged the propriety and necessity for completing this arsenal, since it was the only arsenal south of the Potomac. He did not believe in the sincerity of those officers of the department, who held out that they intended to complete the work. His constituents were tired of being tantalized and humbugged, and it was now several years since any progress had been made. He expressed his willingness to modify his amendment according to the suggestion of his colleague, [Mr. McKAY,] so as to authorize the Secretary of War to appropriate $10,000 of the money now on hand to the completion of the arsenal at Fayetteville.

Mr. McKAY read a letter from the officer under whose charge the work was; from which it appeared that a large quantity of materials was now on hand for the construction of the work, and the Government would suffer injury by allowing the works to remain much longer in their present situation.

Mr. GILMER opposed the amendment. He thought the principle wrong. He saw no reason why Congress should make any exception in favor of the arsenal in North Carolina, when the process of restricting all the expenditures of the Government was going on.

Mr. GRAHAM replied, and sustained the amendment. He contended that the Legislature should interfere in this matter. The case was peculiar. In addition to the fact that the materials were on hand, he urged the fact that no other arsenal existed south of the Potomac.

Mr. FILLMORE said, if an unexpended balance remained over from last year, it was unnecessary to give the direction in relation to the North Carolina arsenal. Let the department make the expenditure. He urged, moreover, that the proposed division of a part of the appropriation for arsenals to the North Carolina arsenal would endanger the public property elsewhere.

Mr. CALHOUN expressed a desire to have the Fayetteville arsenal completed; and pressed upon the committee the consideration, that, whilst there were many arsenals throughout the Northern and Eastern States, there was none in the South and Southwest. He advocated a reorganization and overhauling of the whole system of arsenals, contending that there were too many in some sections, and not enough in others.

Mr. GILMER inquired whether this appropriation was to complete arsenals already begun, or to erect new arsenals, or for the custody of arms.

Mr. FILLMORE said that there were but two arsenals begun which were not finished. The appropriation was mainly intended for repairs; for the items of which expenditure he referred to document No. 45.

Mr. GILMER concurred with the gentleman from Massachusetts, [Mr. CALHOUN,] that there were too many arsenals at present. He should move to reduce the appropriation from $90,000 to $50,000, so as to expend money only on those absolutely necessary.

The CHAIR decided the motion would not be in order at this time.

Mr. GILMER said he had so supposed, but now gave notice of his intention to make it at the proper time.

Mr. SAUNDERS replied to various gentlemen who had opposed the appropriation. He thought it due at least to the wishes of the State Legislature of North Carolina to make this small appropriation of $10,000.

Mr. MERIWETHER complained that he was in the dark as to the propriety of this appropriation. He did not understand the reason for many of the proposed items of appropriation, and wished for information before he could consent to vote away the public money.

Mr. GRAHAM explained, for the information of the gentleman from Georgia, [Mr. MERIWETHER.]

The question was then put on the amendment; and, as 16 only rose in its favor,

Mr. DEBERRY withdrew it.

Mr. SMITH of Virginia moved to strike out the whole appropriation, and insert an appropriation of $25,000 for the completion of arsenals at Little Rock, Ark., and Fayetteville, N. C. He said that the arsenals, it must be admitted, were in decent and reputable condition, especially as $90,000 of the money previously appropriated for their repair was yet unexpended. But, beyond this, it was stated by gentlemen on that floor that many of the arsenals were unnecessary; and, as the treasury of the country was, and was likely to continue, in an embarrassed condition, he had proposed to strike out the whole appropriation, and substitute a sum which would be sufficient for two arsenals, at points where it was obvious they were requisite.

Mr. GILMER called the attention of his colleague to the detailed estimates, which would show him that $10,000 only was required for each of the arsenals for which he proposed to make appropriation.

Mr. SMITH acted on the suggestion, and substituted $20,000 for $25,000.

Mr. FILLMORE expressed his surprise at the proposition of the gentleman from Virginia. He said an appropriation was necessary to repair the arsenals, both for their preservation and the preservation of the arms which they contained; and further, he deprecated the basing of legislation on unauthorized statements. Instead of $90,000 unexpended, as stated by the gentleman from Virginia, there was only some $70,000; and it must be borne in mind, that that sum was appropriated to defray such expenses as should be required in the interval, up to the 1st of July, and it was for the period subsequent to that day that the appropriation under consideration was to be made.

Mr. SMITH said there was no proposition more clear than that the buildings were in good condition and repair; and, according to the gentleman's own admission, there was some $70,000 unexpended, and therefore he could not be justly charged with a desire to leave the public property to go to ruin. He then justified his motion on other grounds. The gentleman from Massachusetts [Mr. CALHOUN] had shown that some of the arsenals were unnecessary, and therefore it was their obvious duty to put them out of existence; but, in justification of his amendment, especially in relation to the arsenal at Little Rock, he reminded the committee of the proximity of 40,000 Indian warriors to that country, who could sweep its occupants from that portion of this Union.

Mr. CROSS opposed the amendment in some remarks, which were not distinctly heard.

The amendment was then negatived.

Mr. GILMER moved to strike out $90,000 and insert $50,000.

The motion was negatived.

Several items were then read and passed without amendment.

When the Clerk read the item making an appropriation for further military surveys,

Mr. GILMER said he thought that was a branch of the public service which could be suspended, and he moved to strike out that appropriation.

Mr. SMITH of Virginia asked the chairman of the Committee of Ways and Means how that money was expended. He thought there were men amongst the officers of this country that were competent to make these surveys.

Mr. FILLMORE understood that there was a considerable additional expense beyond that of mere officers, such as clerk-hire, transportation, &c.

Mr. SMITH observed that they had very large annual expenditures for transportation, and a number of officers of high pay. It seemed to him that the military service should be exclusively employed in these surveys. It was by employing other persons than the regular officers of the Government, that the expenditures of the Government were swelled up to such an extent.

Mr. FILLMORE spoke of the great importance of the surveys, and said that they were made so as to be ready whenever it might be necessary to erect fortifications.

Mr. SMITH observed that there were two or three different classes of fortifications, covering the whole frontier; and he could not imagine the necessity for an appropriation as small as this. He thought that these surveys were more for the purpose of giving good jobs to the officers above their regular pay, than for any real benefit to the country. Our officers were so well paid, that it was not necessary to give them such jobs to eke out their means of living.

The question was then taken on Mr. FILLMORE's motion, and it was rejected.

Mr. CALHOUN desired to ask the chairman of the committee what was meant by the clause "for expenses for preparing drawings for artillery." The reason he asked was, there was generally a proviso in the appropriation bills, that there should be no extra compensation paid to any officers, or other persons in the employment of the department. Yet, notwithstanding this proviso, the committee of which the gentleman from Virginia [Mr. GILMER] was at the head, had ferreted out the fact that many of the ordnance officers received an extra compensation of $2 per day, in addition to their regular pay, for preparing drawings of artillery. Now, it appeared to him that this kind of work was part of the regular duty of these officers, for which they received regular pay.

Mr. FILLMORE explained that there had been a board of officers appointed for the purpose of making every part of the artillery uniform, and that a draughtsman was employed to assist them. The committee, considering the extra pay of this board an abuse, struck it out of the appropriation of last year, and this year there was no estimate for it. The pay of the draughtsman, however, was estimated for; and this, with the incidental expenses of stationery, &c., made up this item.

Mr. CALHOUN said that as there had been a provision inserted in the former appropriation bills, that no person in regular pay should receive any extra compensation, the law had been trampled on by the department in making such allowances; and he would suggest to the gentleman from Tennessee, [Mr. ARNOLD,] to call up his bill as soon as possible, to correct this and all similar abuses.

Mr. SMITH of Virginia asked if this $1,200 was for the purchase of paper alone.

Mr. FILLMORE answered, for drawing paper, ink, &c.

Mr. SMITH then observed, that this "and so forth" might include everything.

Mr. GILMER wished to call the attention of the committee to the fact, that in this bill there were $65,000 appropriated, by three clauses in juxtaposition, and all for the same general and specific purposes. First, there was a clause appropriating $15,000 for the surveys for the military defences of the country, inland and Atlantic; secondly, for military and geographical surveys west of the Mississippi, $15,000 for the half calendar year, and $15,000 for the fiscal year—making $30,000; and, thirdly, for the continuation of the surveys on the Northern

lakes, $30,000. He did not wish to stop all those surveys, but it seemed to him that the two first were for the same objects. It seemed to him that there was a looseness, not only about the mode of appropriating the public money, but about its expenditure; and he pledged himself to the gentleman from Massachusetts [Mr. CALHOUN] to cooperate with him in checking such a course of things.

Mr. CHARLES BROWN moved to strike out the appropriation for the continuation of the surveys of the North and Northwestern lakes; for, according to the opinions held by many gentlemen there, they could not be carried on correctly without the superintendence of Mr. Hassler. We have (said Mr. B.) immediately following this appropriation, very large appropriations for the Military Academy, where for years they had been educating young men for the scientific purposes of the Government. They had an engineer corps, also, whose officers received very high salaries; and everybody must be satisfied that there were enough of them to make all the surveys, both inland and Atlantic, and carry on all the scientific works of the Government, without employing other persons. He was for employing these officers in these works; and if they were not competent, to get others in their places. These surveys cost somewhere about half a million yearly, and nobody knew where they were going on. It was time that this business was systematized, so that they might know what they were doing, and how much they were expending on it.

Mr. FILLMORE spoke of the importance of these surveys, and explained the difference between them. The object was to make them for the purpose of ascertaining the points at which fortifications would be necessary on the Gulf, on the lakes, and on the Atlantic frontier. Mr. F. handed up to the Chair a letter from the War Department, showing the importance and utility of these surveys; which was read.

Mr. C. BROWN wished to know if these surveys were made by the regular officers of the Government, or by other persons. He did not wish to stop these surveys, and was willing to incur all the incidental expenses connected with them; but he objected to the expense of employing other persons, when the Government had officers enough under regular pay.

Mr. FILLMORE believed that the work was carried on by the regular officers of the Government.

Mr. C. BROWN said that, if the gentleman meant that these surveys were for the purpose of ascertaining points for fortifications, he looked upon them as a useless expense; for, considering the changes taking place in the system of fortifications, together with the increase in the population of different parts of the country surveyed, it would be impossible now to say where it would be best to have fortifications, or of what description they should be, some years hence. He thought the officers had better be employed in walking about the streets, than making surveys with such objects in view.

Mr. MERIWETHER moved to strike out $30,000, and insert $20,000 for the surveys of the North and Northwestern lakes. He said that $20,000 was sufficient, inasmuch as the department had only estimated for that sum, though the committee had given $30,000.

Mr. M. read a letter from Captain Williams, of the engineer corps, for the purpose of showing that an appropriation of $20,000 would be amply sufficient.

Mr. FILLMORE argued that the increased appropriation proposed would be greatly beneficial, in completing the survey at an earlier day than it could be done under present arrangements.

Mr. MERIWETHER contended that the present was not the time to increase such appropriations—a time when the Secretary of the Treasury told us the tariff would have to be altered so as to add $3,000,000 to the revenue of the Government. He hoped that the sum of $20,000, asked for by the officer in charge of the work, who was on the spot and knew everything about it, would be granted, instead of $30,000 as asked for by Col. Abert, who lived in Washington, and never saw the work in question.

Some conversation here took place between Messrs. CAVE JOHNSON and FILLMORE as to whether this item was not proposed and rejected last session; the result of which was, that such was not the fact.

Mr. SMITH of Virginia said that, if he understood the question rightly, the amendment involved the question whether there should be an increase of the present annual appropriation, for the purpose of completing the survey at an earlier day than was now contemplated. He argued that, in our present condition, it was better to leave expenditures as they were, than to incur any increase.

The question was put, and the amendment rejected.

Mr. REYNOLDS then rose, and moved to amend the bill, by adding after the 122d line, an item providing for an appropriation of $20,000 for a military survey from Council Bluffs, on the Mississippi, to the mouth of the Columbia river, in Oregon Territory. He stated that he desired to have this item inserted in lieu of the item of $20,000 "for surveys west of the Mississippi. The Chair, however, informed him that it would not be order to move to amend that item, as it had been passed upon by the committee; and it was for this reason that he offered the amendment to come in at the end of the section. He then addressed the House in a strain of forcible reasoning in favor of his amendment. It was not, as gentlemen might think, an extraordinary proposition. It was important as bearing upon the proposed settlement of Oregon Territory; and he hoped that gentlemen would not be so squeamish as to refuse to allow our citizens to take possession of that territory, merely because England pretended to have a right to it. If England had any claim whatever to the soil of Oregon, it was confined to that portion above, the mouth of the Columbia, where the survey he proposed would not touch. He expressed an anxious desire that the attention of members should be called to this subject, in order that they might consider the propriety of hereafter constructing a military road in Oregon. For the purpose of giving an opportunity to gentlemen to weigh the matter well in their own minds, he would move that the committee rise, and then let the question be taken on his proposition tomorrow.

Mr. FILLMORE appealed to the gentleman to withdraw the motion for a moment.

Mr. REYNOLDS consented to do so.

Mr. FILLMORE entered into an explanation of the subject, and urged that there was no necessity for the specific appropriation wished by the gentleman from Illinois, [Mr. REYNOLDS] The amount appropriated in this bill for surveys, exceeded that appropriated for some years past. The item, too, for surveys west of the Mississippi river, ($20,000,) might, under the direction of the department, be applied towards the very object desired by the gentleman, [Mr. REYNOLDS] The House, he thought, should not decide upon the manner in which this appropriation should be expended, but should leave it to the department. He also would remind the gentleman from Illinois that there was already a survey or map in existence, which had been prepared by Captain Wilkes when on the exploring expedition.

Mr. REYNOLDS replied generally to the objections of the gentleman from New York, [Mr. FILLMORE.] He contended that Congress—elected for two years, and more responsible to the people than any public officer—was better qualified to decide what surveys were best for the interest of the Government, than either the Secretary of War or the President. If he were anxious to know as to surveys about Buffalo or the surrounding country, he would sooner take the statements of the gentleman, (its Representative,) than all the secretaries in the country. So, too, he would rather have the opinions of the Representatives of the people, coming from every part of the Union, in relation to these local surveys, than those of public officers in Washington city. As to the map of Captain Wilkes, referred to by the gentleman, that might be very good in its way, and very accurate and very *pretty*; but he did not want a survey or map of Columbia river only. That might be well enough for navigation; but it would not answer the purposes of the people, who wished a military route to Oregon, in order that they might go there with their families and settle.

Mr. R. concluded by moving that the committee now rise: previous to putting which motion, some conversation took place between Messrs. CAVE JOHNSON, FILLMORE, and CALHOUN, in relation to a bill to prohibit extra allowances to public officers; the result of which conversation was an agreement to have the Committee of the Whole discharged from the further consideration of said bill, instead of reporting it to the House.

The motion that the committee rise was then put, and carried.

Mr. C. JOHNSON moved to discharge the Committee of the Whole from the bill prohibiting extra allowances to officers of the Government.

Mr. McKENNAN asked if it had been before a committee.

Mr. ARNOLD said it had not.

Mr. FILLMORE had no doubt it was a very proper bill.

The resolution was then agreed to.

Mr. BLACK, from the Committee on the Territories, reported a bill to amend the several acts organizing the Governments of the several Territories of the United States; and it was read twice and committed.

Mr. MALLORY offered a resolution requiring the Secretary of War to report to this House a practicable plan for the reduction of the expenditure of the Military Academy at West Point, and to limit the number of cadets, so as to correspond with the wants of the country and the strength of the army.

Mr. CUSHING objected, and the resolution was not considered.

Mr. J. T. MASON presented a joint resolution of the Legislature of Maryland, in relation to the stock in the Chesapeake and Ohio Canal; which was ordered to be printed.

Mr. FILLMORE presented a statement of the receipts of the Government for the last quarter; which was ordered to be printed.

The House then adjourned.

IN SENATE.

THURSDAY, January 19, 1843.

Mr. SMITH of Indiana presented a joint resolution adopted by the Legislature of Indiana, on the subject of the rigid construction given by the Postmaster General to the post office laws. Mr. S. remarked that there was much feeling in the whole Western country concerning a regulation of that department, making pamphlets and newspapers (which may happen to have the name of the person sending such matters through the mail) chargeable with letter postage. Great difficulty and much feeling are the consequence of such construction of the post office laws, especially in the State of Indiana; so much so, that the attention of the Legislature had been called to the subject, and that body have passed the resolutions he then presented, urging a repeal or modification of that portion of the laws of the department which justified such a regulation. He hoped the Committee on the Post Office and Post Roads, to which he proposed to refer the resolutions, would give the subject their attention. The resolutions were then referred, and ordered to be printed.

Mr. SMITH, from the Committee on Public Lands, to which had been referred House bill entitled "An act for the relief of the heirs or the assignees of of the heirs of Isaac Todd and James McGill," reported the same back with an amendment, being a substitute for the bill.

Mr. PHELPS, from the Committee on Claims, reported back, with an amendment, House bill 619, for the relief of Asahel Lee, Harvey Lee, and Lemuel Lee.

Mr. GRAHAM, from the Committee on Claims, reported a bill for the relief of Duncan L. Clinch; which was read, and ordered to a second reading.

Mr. G. also reported back, from the same committee, without amendment, and with a recommendation that they do pass, House bills for the relief

of John Drysdale, and for the relief of Johnson Patrick.

Mr. MERRICK presented a communication from the Governor of Maryland, enclosing resolutions adopted by the Legislature of that State, relative to a proposed transfer of the stock held by the United States in the Chesapeake and Ohio canal, to the State of Maryland, on the condition that that State will complete the canal to Cumberland before the expiration of five years from the time of transfer: ordered to lie on the table, and be printed.

Mr. PORTER presented a memorial from 142 citizens of the State of Michigan, remonstrating against the repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

On motion of Mr. ARCHER, leave was granted to withdraw from the files the memorial and documents of John Goode.

On motion of Mr. EVANS, the previous orders of the day were postponed, for the purpose of taking up, as in committee of the whole, the bill for the benefit of the Petersburg Railroad Company.

Mr. E. explained, that there were several cases before the Finance Committee in respect to an extension of the time during which railroad iron, to be actually laid down, might be imported free of duty. This was not one of those cases. All those cases now before the committee, were where railroads were in progress of construction, and where it would take some years for their completion; but the case now before the Senate differed in that respect: the railroad was completed, and the company were relaying a portion or all of it with new and better iron, in consequence of a portion of it being worn out. The iron was imported, and in the country. The company have it in their power to lay it all down before the 3d of March next, and entitle themselves to the benefits of the provision in the tariff bill allowing iron laid down before that time to be free of duty. They will lay it down by that time, unless Congress think fit to prolong the time for doing so. But, in order to have it done before the 3d of March, the company will have to employ a considerable number of persons more than they now have, and may probably have to suspend transportation and travel on the road until it is done. This, too, is the line on which the mail is conveyed. If you force the company to this, it will interrupt very much the Southern travelling; and the work would have to be done in a hurried manner, and might be consequently improperly done, and be the cause of accident hereafter. This bill involved none of the principle contained in the other cases before the committee, for the general admission of railroad iron free of duty for a longer period than the tariff of last session justified. The bill proposed to give this company till the 1st day of December next to lay down the rails, so that the work might go on gradually, and be well done.

Mr. BUCHANAN inquired what was the quantity of iron involved in the bill?

Mr. EVANS said, about 2,000 tons.

Mr. BUCHANAN asked whether the tariff law was to be repealed, because it did not suit the convenience of the company to comply with its provisions? This bill came up suddenly this morning, and he had not time to examine it. He had no objection to let it pass this stage; but, unless his present impressions were removed, it should not pass any other stage by his vote.

There being no proposition to amend the bill, it was reported to the Senate, and ordered to a third reading.

Mr. MOREHEAD submitted the following resolution:

Resolved, That the President of the United States be requested to communicate to the Senate any letters or communications on file in the War Department relative to the granting by the British Government to the Hudson Bay Company, and by that company to individuals, of any portion of the Territory of Oregon.

Mr. MOREHEAD made some remarks on the importance of the resolutions, after the remarks of the Senator from Massachusetts [Mr. CHOATE] on yesterday, on a portion of a report made out by Mr. Greenhow, concerning the cessions by Great Britain to the Hudson Bay Company, of land in the Oregon Territory; after which, the resolution was adopted.

The following bills were then taken up as in committee of the whole, considered, reported to the Senate, and ordered to a third reading, viz:

House bill (319) for the relief of Samuel Hambleton.

House bill (427) for the relief of the administrator of John Jackson.

House bill entitled "An act for the payment of seven companies of Georgia militia, for services rendered in the years 1840 and 1841," was taken up as in committee of the whole.

Messrs. KING and CALHOUN did not see the necessity for the passage of this act, inasmuch as they did not know the reason why these militia could not be paid under the existing general law, which provided that all militia called out by the Governors, and mustered into the service of the United States, should be paid, upon the muster-rolls showing the service being duly authenticated and presented at the War Department. If the service was actually performed, and the militia entitled to pay under the provisions of the existing law, but, owing to some informality could not receive it, they were willing to vote for a bill to authorize payment, notwithstanding such informality.

Mr. CRITTENDEN remarked that the Committee on Military Affairs were satisfied that these militia were entitled to pay; and reported back the bill for that purpose. They did not, however, inquire into the reason why the War Department had not allowed the pay under the existing law. He had no objections to let the bill be postponed until the exceptions taken by the War Department could be inquired into.

The bill was then, on the motion of Mr. KING, laid on the table until the inquiry could be made.

Mr. MOREHEAD presented the credentials of JOHN J. CRITTENDEN, esq., who was elected by the Legislature of Kentucky to be a Senator from that State in the Congress of the United States, for six years from and after the 4th day of March next.

THE EXCHEQUER BILL.

On motion by Mr. TALLMADGE, the bill amendatory of the several acts establishing the Treasury Department of the United States was taken up, and postponed till Wednesday next, and made the special order for that day; and Mr. T. expressed a hope that they would be able to give it consideration at that time.

Mr. TALLMADGE presented a memorial from John Golden, of the city of New York—who represents that, in 1835, he received a patent, under the United States patent laws, for an invention of his to issue credit paper; and that he has the exclusive right to that kind of issue; and prays that authority be given him by Congress to issue an amount of credit checks, not exceeding $100,000, under the exchequer board, on his own name, in consideration of his yielding up to Congress his rights under his patented invention. This, being a subject of finance, was referred to the Committee on Finance.

House bill entitled "An act for the relief of Thomas Copeland," was taken up, as in committee of the whole.

Mr. CRITTENDEN made some remarks explanatory of its provisions, and said that the Judiciary Committee were of opinion that it should not pass. He moved that it be indefinitely postponed.

Mr. STURGEON made some remarks in favor of the passage of the bill.

The question was then put on the motion for indefinite postponement, and decided in the affirmative.

The bill to refund the balance due to Massachusetts for disbursements during the late war with Great Britain, came up in order, as in committee of the whole, on an adverse report of the Committee on Military Affairs; but was, on the motion of Mr. BATES, postponed till Tuesday next, and made the special order for that day.

The bill for the relief of William De Peyster and Henry N. Cruger was taken up as in committee of the whole; and, after a few remarks by Mr. CRITTENDEN, explanatory of its provisions, and there being no motion to amend, it was reported to the Senate, and ordered to be engrossed for a third reading.

Mr. SEVIER presented a memorial from the delegation in the House of Representatives from the Territories, soliciting the appointment of a standing committee by the Senate, to be called the Committee on Territories, to take charge of Territorial business; which being read, Mr. S. gave notice that he would on to-morrow morning introduce a resolution so to amend the rules of the Senate as to authorize the appointment of a standing committee of five, to take charge of Territorial business.

The PRESIDENT *pro tem.* presented to the Senate the credentials of GEORGE MCDUFFIE, E-q., who was elected by the Legislature of South Carolina a Senator from that State, in the Congress of the United States, for six years from and after the 4th of March next; which were read.

Senate bill entitled "An act to regulate enlistments in the army, and navy, and marine corps," came up in order as in committee of the whole.

Mr. BAYARD remarked that there was a proviso in the bill which provided that no negro or mulatto should be enlisted in the service of the United States, except in the capacity of musicians, cooks, or stewards. This provision (he said) was introduced into the bill at the last session, on the motion of the Senator from South Carolina [Mr. CALHOUN] after considerable discussion. The committee thought it better, therefore, to let it remain. It was his wish, however, that this proviso should be so modified, that, for temporary service in unhealthy climates, negroes or mulattoes may be treated as a part of the crew on board of those vessels in which they may be employed. On the coast of Africa and the Chinese Sea, it was extremely unhealthy; in consequence, they were compelled to employ natives of the country temporarily to do such duties as were required to be done on shore. It was not proposed to employ negroes in the service, in our own country—such was not the object of the amendment; but, as he said, its object was to authorize the temporary enlistment on foreign stations, and in unhealthy climates. If they were employed at all, it was necessary that they should be enlisted, that they might be subject to the rules and articles of war, and be entitled to receive their pay.

Mr. BENTON was understood to remark that this was the way the thing spreads. One of the requirements of the new British treaty was, that 80 guns should be kept on the coast of Africa. So, in order to carry out that treaty, it now becomes necessary to permit negroes and mulattoes to be enlisted in the service of the United States. He was against it altogether. He was opposed to the repeal of existing laws for any such purpose.

Mr. BAYARD thought the Senator was under a mistake in supposing there was any existing law which precluded negroes or mulattoes from being enlisted in the service of the United States. The superior courts had, indeed, decided that foreigners could not be enlisted; but there was not one word against negroes or mulattoes, until this identical bill was passed by the Senate last session, with the proviso suggested by the Senator from South Carolina, [Mr. CALHOUN,] which limited the purposes for which they might be enlisted. Although this bill had passed the Senate, it was too late to meet the action of the other House, and it fell to the ground. On bringing it forward again, he had learned that the few amendments now offered would be necessary. It was the opinion of an experienced officer serving on a foreign station, that this amendment would place it in the power of the service to spare the lives of Americans, who could not stand the climate on land, at night, in the vicinity of the Chinese seas and other stations. At Ceylon, he was informed, a whole boat's crew might perish by being obliged to lie on shore one night; for such things had happened where boats were sent for water, and had to stay on shore for the night. Now this bill would enable our officers on such stations to employ, for temporary purposes, and for a limited time, the natives, who are accustomed to the climate, and can stand it.

The question was then put on the amendment, and disagreed to—ayes 14, noes 17.

Several verbal amendments were made, and the bill was then reported to the Senate, and ordered to be engrossed for a third reading.

The memorial was then referred to the Committee on Commerce.

Mr. TALLMADGE presented a memorial from a large number of persons, of the cities of New York and Brooklyn, praying for the immediate erection of a floating dock at the naval station at Brooklyn, on the plan of J. S. Gilbert: referred to the Committee on Naval Affairs.

Also, presented two memorials from the city of New York, remonstrating against the repeal of the bankrupt law: referred to the Committee on the Judiciary.

Also, presented two memorials from the cities of New York and Brooklyn, in favor of the adoption of the plan for a board of exchequer recommended by the President: ordered to lie on the table.

Also, presented a memorial from the Chamber of Commerce of Apalachicola, Florida, asking an appropriation for establishing light-houses on Cape St. George and Cape San Blas; which was referred to the Committee on Commerce. Mr. T. said that this memorial had been on his table for some time, but, in consequence of indisposition, he was unable to present it to the Senate.

Mr. CALHOUN presented a memorial of a convention of delegates of the citizens of East Tennessee, praying an appropriation for the improvement of the Tennessee river; which was referred to the Committee on Commerce.

Mr. BENTON presented a petition from Captain John Moore, praying the payment of his accounts as commissary of subsistence of certain Missouri militia; which was referred to the Committee on Military Affairs.

Also, presented two memorials from the city of New York, signed by a number of persons, in which they say that it is their belief that the (so called) bankrupt law is unconstitutional and destructive of the rights of the creditor, and pray for its repeal: referred to the Committee on the Judiciary.

Also, presented a memorial from a number of inhabitants of Platte county, Missouri, who were residents on a military reservation, complaining of the destruction of their property by a United States officer, in consequence of not obeying his order of removal from said reservation; and asking a settlement of their claims for the loss of this property, and for the loss of their land, which was covered by the reservation alluded to: referred to the Committee on Military Affairs.

Mr. BENTON remarked that he had intended, on yesterday, to call the attention of the Senate to what he conceived to be another error in the printed speech of the Senator from Virginia [Mr. RIVES] on the British treaty, in secret session; but the Senator was not then in his seat. It was his intention to do so to-day; but, as the morning hour had expired, he would not trespass on the time of the Senate, but would postpone doing so till to-morrow morning.

Mr. BAYARD, from the Committee on Naval Affairs, reported a bill for the augmentation of the marine corps; which was read, and ordered to a second reading.

Mr. B. remarked that he had been directed, by the same committee, to report a bill which was connected with the great subject under discussion this morning—the improvement of harbors and rivers, to give facility to commerce. It was a bill for the survey and examination of the harbor of Memphis, Tennessee, with a view of establishing a navy-yard and naval depot at that place. He had been directed to report that bill back, without amendment, and with a recommendation that it be passed.

Mr. ARCHER presented a memorial from the heirs of Daniel Truehart, praying indemnity for property destroyed during the revolutionary war: referred to the Committee on Claims.

Mr. MERRICK, from the Committee on Military Affairs, to which had been referred the resolutions adopted by the Senate, instructing that committee to inquire into the expediency of retaining the organization of the four companies of light artillery, and of repealing so much of the act of last session respecting the reorganization of the army, which provided that the second regiment of dragoons should be converted into a rifle regiment, reported a bill to repeal certain portions of the act entitled "An act respecting the organization of the army, and for other purposes," approved the 23d August, 1842; which was read, and ordered to a second reading.

Mr. MERRICK, from the same committee, reported back, without amendment, the bill for the relief of Dr. Boyd Reilly.

Mr. CONRAD presented a memorial from the Chamber of Commerce of the city of New Orleans, praying for the establishment of the warehousing system; which was ordered to be printed, and referred to the Committee on Commerce.

Mr. EVANS, from the Committee on Finance, to which was referred the memorial of the Board of Directors of the Petersburg Railroad Company, praying for an extension of the time for admitting railroad iron free of duty, reported a bill for the benefit of the Petersburg Railroad Company; which was read, and ordered to a second reading.

Mr. EVANS, on leave, introduced a bill authorizing the appointment of an assistant collector for the port of Bangor, in the collection district of Belfast, Maine; which was read twice, and referred to the Committee on Commerce.

Mr. CLAYTON, from the Committee on the Judiciary, to which was referred the bill to amend an act entitled "An act to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union, on the conditions therein expressed," approved June 15, 1836, made a report favorable to its passage; which was ordered to be printed.

Mr. WHITE, from the Committee on Indian Affairs, reported back, without amendment, House bill (212) entitled "An act authorizing sales of land, with the improvements thereon erected by the United States, for the use of their agents, teachers, farmers, mechanics, and other persons employed amongst the Indians."

Also reported back, from the same committee, without amendment, Senate bill for the relief of Joseph Bryan, Harrison Young, and Benjamin Young.

Mr. BATES, from the Committee on Pensions, reported back, without amendment, House bill (462) for the relief of John Hicks; and House bill (289) for the relief of John Javins.

On motion by Mr. MERRICK,

Resolved, That the Postmaster General be directed to communicate to the Senate a statement showing the number of existing contracts with railroad companies for the transportation of the mail, and the price established to be paid for said service, under each contract; and also the amount paid for the transportation of the mail over each of said routes the year previous to the contract with the respective railroad companies.

The following engrossed bills were then read the third time and passed, viz:

The bill authorizing a settlement of the accounts of Joseph Nourse.

The bill entitled "An act for the relief of Samuel Dyson;" and

The bill entitled "An act to revive the act for the relief of Mary Tucker."

The PRESIDENT *pro tem.* laid before the Senate a communication from the Treasury Department, transmitting, in compliance with a resolution of the Senate of the 5th instant, a statement of the imports and exports of gold and silver coin and bullion since 1834; which, on motion of Mr. BENTON, was ordered to be printed. Then,

On motion of Mr. HUNTINGTON, the Senate proceeded to the consideration of executive business; and, after some time spent therein,

Adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, January 17, 1843.

Mr. A. C. DODGE, of Iowa, presented a memorial from citizens of the city of Burlington, Iowa, representing that the commerce and business of said city, together with that of the flourishing and thrifty towns of Bloomington, Davenport, Rock Island, Galena, Dubuque, and Prairie du Chien, and the country around them on either side of the river, embracing the finest portions of the State of Illinois and the Territories of Iowa and Wisconsin, is subjected to a most burdensome tax in the increased price of freights, occasioned by the obstructions to the navigation of the Mississippi river at the Des Moines, or Lower Rapids, and earnestly urging on Congress the great importance of making an appropriation to remove said obstructions: referred to the Committee on Commerce.

Also, a petition for a donation of land to the Mechanics' Mutual Aid Association of Iowa city, for literary and scientific purposes: referred to the Committee on Public Lands.

Also, a petition from citizens of the mineral district in Iowa, praying a speedy sale of the mineral lands: referred to the Committee on Public Lands.

Mr. READ of Pennsylvania presented two petitions, signed by sundry citizens of Pennsylvania, praying for the repeal of the bankrupt bill: referred to the Committee of the Whole.

Mr. GREEN offered the following resolution:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of bringing in a bill appropriating $200,000 per year, commencing the present year, and to be continued for the ensuing ten years, to be applied to the removal of the obstructions in the Western waters, and be under the control of the Secretary of War; and report to this House with the most convenient despatch.

Mr. FILLMORE said that he was about to report a bill on the subject contained in the resolution.

Mr. GREEN proposed that the House should adopt his resolution.

The question was taken, and the resolution adopted.

Mr. H. DODGE introduced "A bill for the protection of commerce on the western shores of Lake Michigan."

Twice read, and referred to the Committee of the Whole on the state of the Union.

Mr. EVERETT moved the printing of the substitute for the exchequer plan now in Committee of the Whole.

The motion was adopted.

Mr. PENDLETON desired to present a memorial in relation to the improvement of the Ohio and Mississippi rivers.

Objection having been made, Mr. P. moved a suspension of the rules; but the House refused to suspend.

The committees were then called on for reports.

Mr. FILLMORE, from the Committee of Ways and Means, reported a bill making appropriations for the improvement of certain harbors and rivers, and for continuing the Cumberland road, for the half calendar year ending June 30, 1843, and for the fiscal year ending June 30, 1844.

The bill was twice read, and referred to the Committee of the Whole on the state of the Union.

Mr. PICKENS, from the same committee, reported a bill to extend the time for laying down iron actually imported for railroad companies. Mr. P. suggested that it would not be necessary to refer the bill to the Committee of the Whole. He therefore moved that the bill be printed, and that it lie on the Speaker's table: agreed to.

CLERK IN THE SECOND AUDITOR'S OFFICE.

Mr. J. R. INGERSOLL, from the Committee of Ways and Means, reported a joint resolution for the continuation of an additional clerk in the Second Auditor's Office; which was twice read, and referred to the Committee of the Whole on the state of the Union.

Mr. BURKE, from the Committee of Claims, reported a bill from the Senate entitled "An act for the relief of J. R. Vienne," without amendment: twice read, and referred to the Committee of the Whole House.

Mr. COWEN, from the same committee, reported a bill for the relief of the legal representatives of Robert A. Kelly: twice read, and referred to the Committee of the Whole House.

Mr. GIDDINGS, from the same committee, made sundry adverse reports.

PROPOSED MEETING AT TEN O'CLOCK.

Mr. COWEN reported a resolution that the House shall meet, on Friday and Saturday next, at 10 o'clock, for the transaction of private business.

Mr. C. moved the previous question on the adoption of the resolution; but the House refused to second it.

Mr. TURNEY moved to lay the resolution on the table.

Mr. COWEN asked for the yeas and nays on the motion.

The House refused to order them.

The motion to lay on the table was then adopted without a division.

Mr. J. P. KENNEDY presented a petition from Baltimore against the repeal of the bankrupt law; which, he said, was numerously signed by men of both parties.

Mr. WARREN, from the Committee of Claims, reported a bill for the relief of the legal representatives of W. S. Esleth: read twice, and referred to the Committee of the Whole House.

Mr. CARY, from the Committee on Public Lands, reported a bill granting the right of preemption to certain settlers in Wisconsin: read twice, and referred to the Committee of the Whole House.

Mr. HOWARD, from the Committee on Public Lands, reported a bill granting a quantity of land for the improvement of Grant river, at the town of Potosi, in Wisconsin Territory: read twice, and referred to the Committee of the Whole House.

Also, a bill granting to the Territory of Wisconsin a certain tract of land, for the benefit of the town of Fairplay, in said Territory: read twice, and referred to the Committee of the Whole House.

Mr. HOPKINS, from the Committee on the Post Office and Post Roads, reported Senate bill 39, (proposing certain amendments to the bill for the establishment of additional mail routes, passed August, 1842,) with the unanimous recommendation that it be rejected. The bill and report of the committee were ordered to lie on the table.

REPEAL OF THE BANKRUPT LAW.

Mr. BARNARD, from the Committee on the Judiciary, reported the following bill:

A BILL to repeal the bankrupt law.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act to establish an uniform system of bankruptcy throughout the United States," approved on the 19th day of August, 1841, be, and the same is hereby, repealed.

Provided, however, That the repeal shall not extend to or affect any case which, at the time this act goes into effect, shall be pending before any court; nor to any proceeding which, at said time, shall have been legally commenced, and which shall be then in progress, under and by virtue of the said act hereby repealed.

The bill was read a first time.

Mr. BARNARD objected to its second reading, which he said he could do under the rule, which forbade the second reading of a bill on the same day it was reported, unless no objection was made.

Mr. CAVE JOHNSON said that the second reading of the bill having been objected to, the question would come up before the House, Shall this bill be rejected?

Mr. BARNARD repeated his objection, and insisted on his right to make it.

Mr. CLIFFORD remarked that the parliamentary law was imperative in requiring the question to be taken on the rejection of the bill, after the objection made to its second reading by the gentleman from New York [Mr. BARNARD.]

The SPEAKER said that, by reference to the 109th rule of the House, he found that, if objection was made to the *first* reading of the bill, the question would *then* ensue upon its rejection. By that rule, no bill could have its first and second reading on the same day, without a special order from the House.

Mr. CAVE JOHNSON. Let us make it the special order *now*.

Mr. BARNARD said he claimed the floor to make another report from the Committee on the Judiciary.

Mr. MOORE suggested that the second reading of the bill be fixed for to-morrow.

Mr. BARNARD persisted in his point of order, and his right to the floor.

Mr. ATHERTON observed, that the bill had been read the first time; and it was not necessary for it to be read a second time, that the gentleman from New York [Mr. BARNARD] should make the motion. He (Mr. A.) would now make the motion that the bill be read the second time.

Mr. BARNARD said that the gentleman from New Hampshire [Mr. ATHERTON] was not entitled to the floor to make the motion.

Mr. ATHERTON said that the bill was not disposed of; it was under consideration; and, the gentleman having reported it, and refused to move its second reading, or its reference, he had no right to the floor for any other purpose.

Mr. BARNARD insisted upon it that the bill was not before the House. He had the floor, and no person had a right to make the motion but himself.

Mr. BRIGGS understood that the gentleman claimed the floor for another subject.

Mr. ROOSEVELT asked if it was not now in order to move to amend the bill?

After some further conversation—

The SPEAKER said that he was clearly of opinion that the House had the right to order the bill to be read a second time now.

Mr. BARNARD then observed that, after that decision of the Chair, he should no longer object to the second reading.

The bill was then read the second time; when

Mr. TURNEY rose, and said that he wished to offer an amendment to the bill; but,

Mr. BARNARD rising, the Speaker awarded the floor to that gentleman.

Mr. B. then, under instructions from the Committee on the Judiciary, moved to recommit the bill to that committee, with instructions to report amendments to the following effect:

"1st. Confining the repeal to that part of the bankrupt law which authorizes proceedings in bankruptcy on the sole petition and motion of the bankrupt.

"2d. Authorizing any bankrupt to declare himself insolvent, and making such declaration an act of bankruptcy upon which his creditors may proceed against him in bankruptcy.

"3d. Authorizing the creditors, or a majority of them in amount, to nominate the assignee of the bankrupt's estate.

"4th. Providing that the assent of a majority in amount of the creditors shall be necessary to a discharge."

Mr. TURNEY rose to a question of order. The Speaker, he understood, gave the floor to the gentleman from New York, as a matter of courtesy to the reporter of a bill. Now, he contended that he, having risen and claimed the floor before the gentleman, was entitled to it. The gentleman from New York, he added, had forfeited his right by courtesy, because, after reporting the bill, he had objected to its second reading, and refused to make a motion to refer it to the Committee of the Whole, in accordance with the universal practice.

The CHAIR said that the member from New York was entitled to the preference given him, according to the universal practice of the House. No member had ever interposed between the reporter of a bill and any motion he might wish to make in regard to it.

Mr. TURNEY contended that the present case was entirely different from the usual practice of the House; for here the reporter of the bill objected to its second reading, and refused to make any motion to facilitate its progress.

The SPEAKER persisting in his decision,

Mr. TURNEY appealed, and addressed the House in favor of the appeal.

Mr. BARNARD was so unfortunate as to differ with the gentleman from Tennessee in regard to the facts of the case. According to his recollection, he addressed the Chair before the second reading of the bill; and after it was read the sec time, he again addressed the Chair first.

Mr. CAVE JOHNSON desired to say that his colleague [Mr. TURNEY] was correct as to the facts stated by him. After the bill was read the second time, his colleague got up first, and addressed the Chair. This fact was within the recollection of several members. The Speaker, he understood, gave the floor to the gentleman from New York, on the ground of courtesy to the introducer of a bill; but it must be observed that the gentleman from New Hampshire [Mr. ATHERTON] got the floor between the introduction of the bill and its second reading, and that it was upon his motion that it was read the second time.

Mr. HOUSTON desired to ask the Chair whether it would now be in order to offer an amendment.

The SPEAKER answered in the negative.

Mr. HOPKINS hoped the gentleman from Tennessee would withdraw the appeal. The Chair, in his opinion, had an arbitrary and unqualified right, under the parliamentary law, of awarding the floor to either of the members who may rise at the same time. Besides, the object that both he and the gentleman from Tennessee had in view, would not be promoted by persisting in the appeal. But for the appeal, a motion to amend would be in order, and a motion to commit also. He only asked the gentleman to withdraw his appeal, and he would make a motion to strike out the proviso.

The SPEAKER said that he would not go into an issue with the gentleman from Tennessee upon his statement of facts, because the Chair did not decide upon the facts he stated. The Chair decided upon the uniform practice and courtesy of the House to the reporter of a bill. The second reading occurred not upon the motion of the gentleman from New Hampshire, (who was not entitled to the floor to make it,) but as the necessary course of the bill upon the withdrawal of the objections of the gentleman from New York, [Mr. BARNARD.] Had the gentleman persisted in his objections, the question would have been, not upon the second reading, but upon the rejection of the bill.

Mr. CLIFFORD asked if an amendment striking out the proviso of the bill would be in order, if the appeal were withdrawn.

The SPEAKER said that it would not.

Mr. CLIFFORD then addressed the House in favor of the appeal, contending that, upon the grounds stated by the gentleman from Tennessee, [Mr. TURNEY,] the Speaker ought to have given him the floor, instead of the gentleman from New York. The object of the gentleman from New York, as was apparent to every one, was to defeat the bill. He therefore hoped that all who were in favor of the repeal would vote to reverse the decision of the Chair.

Mr. BRIGGS exclaimed against the appeal of the gentleman from Maine to the House, to vote against the decision of the Chair.

Mr. CLIFFORD. Because it is wrong.

Mr. BRIGGS (without noticing the explanation) said, if the Speaker was right, it was the duty of the House to sustain him; but the course pointed out by the gentleman from Maine, who was himself a lawyer, would give a blow at parliamentary rule, with a vengeance; for it was an appeal to vote against the decision of the Chair, right or wrong. He made some further remarks which were not distinctly heard.

Mr. WISE said there was no principle involved, except as to who was entitled to the floor; and he added that he believed the Speaker had absolute power on that point.

The SPEAKER then put the question, "Shall the decision of the Chair stand as the judgment of the House?" which was determined in the affirmative.

Mr. WISE then asked what would be the effect of the previous question.

The SPEAKER was understood to say that it would bring the House to a vote on the engrossment of the bill.

Mr. WISE inquired whether it would cut off the proviso.

The SPEAKER replied in the negative.

Mr. WISE. Then I move the previous question. I am in favor of the proviso. [Great excitement.]

Mr. BARNARD. Mr. Speaker, if this motion ——

Mr. WISE (amidst much confusion) Mr. Speaker, is this in order?

The SPEAKER replied, but his voice was overpowered by the hum of excited conversation throughout the hall.

Mr. WISE. Mr. Speaker, I cannot hear a word. [Great confusion.]

Mr. BARNARD. If this motion had been made in the ordinary way ——

Mr. WISE again interposed, and exclaimed that he could not hear a word that was said.

The SPEAKER called the House to order.

Mr. BARNARD then resumed, and said if this motion had been made in the ordinary way, on the commitment of the bill, and the previous question was sustained, he was aware it would bring the House directly to a vote on the main proposition; but the Speaker would remember that the motion was not made by him as an individual member of the House, but as the organ of the Judiciary Committee, and in the form and shape of a report from that committee; and in such a case, he submitted, the rule did not apply; and that if the previous question was seconded, the vote must first be taken on the report of the Judiciary Committee.

The SPEAKER'S reply did not reach the reporter's desk.

Mr. BARNARD inquired whether the House could cut off the report of a committee.

The SPEAKER replied that it was for a majority of the House to determine.

Mr. WISE asked the Clerk to read the bill as it would stand if the previous question was seconded.

The Clerk read the bill, as submitted yesterday by Mr. CLIFFORD, simply repealing the bankrupt law, with the proviso submitted by Mr. TILLINGHAST.

Mr. WISE. I stick to the previous question.

The Speaker put the question on seconding the demand for the previous question, but he was unable to decide. Tellers were then demanded, and Messrs. WELLER and BRIGGS were appointed; and having taken the vote, they reported 92 in the affirmative, and 83 in the negative. There was, therefore, a second.

Mr. BARNARD. Mr. Speaker, has the morning hour expired? (It was 10 minutes past 1.)

The SPEAKER. It has.

Mr. BARNARD. Then I call for the orders of the day.

The SPEAKER. The order of the day is the further consideration of the bill for the repeal of the bankrupt law. [Roars of laughter.]

[This bill, which was now the order of the day, was the bill some time since introduced by Mr. EVERETT, to which various amendments had been offered, and on which Mr. MARSHALL was entitled to the floor from the middle of last week.]

Mr. CUSHING rose and said Mr. KENNEDY'S bill to regulate the mode of measuring the tonnage of vessels had been made the special order for this day.

Mr. WISE inquired if the previous question had not been seconded on the bill which the Judiciary Committee, by direction of the House, had reported.

The SPEAKER said it had, and it would be the order of the day for the morning hour to morrow.

Mr. WISE. [Laughing.] Well, "take your time, Miss Lucy." [Laughter.]

Some conversation ensued respecting the bill which Mr. CUSHING contended was the special order for this day; but

The SPEAKER announced the order of the day to be Mr. EVERETT'S bill to repeal the bankrupt law, on which the gentleman from Kentucky was entitled to the floor.

And the state of the question was this:

Mr. BARNARD had moved the following amendment to (or substitute for) the original bill:

"That so much of the act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved on the 19th of August, 1841, as authorizes any person owing debts to apply by petition, for the benefit of said act, together with all the parts of said act which are applicable solely to the mode of obtaining the benefit of the provisions of such act, in behalf of debtors, by the voluntary petition of such debtors, without the concurrence or aid of their creditors be, and the same is hereby, repealed: *Provided*, That this act shall not affect any case or proceeding in bankruptcy already commenced, or which shall be commenced before the 4th day of July next, or any pains, penalties, or forfeitures, prescribed and incurred, or which shall be incurred, under said act."

And Mr. CUSHING had offered the following amendment to the original bill:

"In the proviso of the original bill, strike out the '5th day of December, 1842,' &c., and insert so that the proviso shall read as follows. '*Provided*, That this act shall not affect any case or proceeding in bankruptcy commenced before the passage of this act, or any pains, penalties, or forfeitures incurred under the said act; but every such proceeding may be continued to its final consummation, in like manner as if this act had not been passed."

Mr. BRIGGS had moved that the bill be committed to the Committee on on the Judiciary, with the following instructions:

"To report a bill to repeal that part of the existing law which authorises the voluntary application of debtors, and to include corporations which issue paper to circulate as money within the operations of said law."

Which proposed instructions Mr. C. JOHNSON had moved to amend, so as to instruct the committee to report a bill for the immediate repeal of the bankrupt law, without limit or qualifications; (simply, in fact, striking out the proviso of the original bill of Mr. EVERETT.)

Mr. MARSHALL rose and said he would not be responsible for any delay of the action of this House on the subject of the bankrupt law; but he wished to inquire what would be the effect on himself, if he moved the previous question, and it should not be sustained by the House—whether he should retain the right to the floor. He did not wish to take the responsibility of any delay in the action of the House; but he did not wish to forfeit his right to the floor, if the House should refuse to second his motion.

The SPEAKER replied that, if the previous question was voted down, the gentleman from Kentucky would not be absolutely entitled to the floor, though, no doubt, he would obtain it by courtesy.

Mr. MARSHALL said, then, for the second or third time, he put himself on the courtesy of the House, and he moved the previous question.

Mr. GRANGER said, if the previous question was not sustained, he should certainly object to the gentleman from Kentucky having the floor.

Mr. MARSHALL. But if I get it, the gentleman from New York cannot prevent my speaking.

Mr. GRANGER said, warmly, the gentleman from Kentucky had spoken once.

Mr. MARSHALL contradicted the assertion of the gentleman from New York.

The SPEAKER also said that the gentleman from Kentucky had not spoken on this question.

Mr. MARSHALL again moved the previous question.

Mr. CUSHING protested against the motion for the previous question. He said several gentlemen had entered into a very general debate, which had been continued for several days while this bill was before the House, and he protested against being thus cut off from a reply. If, however, he could get the floor, if the House should negative the previous question, he should claim and retain it, courtesy or no courtesy.

Mr. MARSHALL said there was not a gentleman on that floor more anxious to discuss the question than he was.

(Cries of "Go on, then.")

Mr. WISE inquired, if the previous question was sustained, and the main question was ordered to be put, and the amendment of the gentleman from Massachusetts [Mr. CUSHING] should be adopted, whether the bill would not then be, in substance, the same as the bill to be acted upon to-morrow morning?

Mr. CUSHING. Precisely.

Some conversation ensued as to the priority of the amendments; and

Tellers were demanded on seconding the motion for the previous question. Messrs. BRIGGS and READ were appointed; and they reported 110 in the affirmative, and 28 in the negative; there was, therefore, a second.

The effect of sustaining the previous question was to cut off the several motions to commit with instructions, and to bring the House to a vote upon the amendments to the bill.

The question recurred on the amendment of the gentleman from Massachusetts, [Mr. CUSHING.]

Mr. SMITH of Virginia called for its reading; and it was read.

Mr. S. expressed a desire to move an amendment to the amendment; but the motion was ruled out of order.

The amendment was then adopted—yeas 148, nays 62, as follows:

YEAS—Messrs. Adams, Allen, Landeff W. Andrews, Sherlock J. Andrews, Arnold, Aycrigg, Babcock, Baker, Barnard, Barton, Beeson, Bidlack, Birdseye, Black, Boardman, Borden, Botts, Bowne, Brewster, Briggs, Broneon, Milton Brown, Jeremiah Brown, Burnell, William Butler, Calhoun, John Campbell, Thomas J. Campbell, Caruthers, Casey, Chapman, Childs, John C. Clark, Staley N. Clarke, Cowen, Cranston, Cravens, Cushing, Richard D. Davis, Dawson, Doherty, John Edwards, John C. Edwards, Everett, Fessenden, Fillmore, John G. Floyd, Charles A. Floyd, Gates, Gentry, Gerry, Goggin, Patrick G. Goode, Gordon, Graham, Granger, Green, Gustine, Henry, Holmes, Howard, Hudson, Hunt, Charles J. Ingersoll, Joseph R. Ingersoll, James Irvin, William W. Irwin, Jack, James, William Cost Johnson, Isaac D. Jones, John P. Kennedy, Lane, Linn, Robert McClellan, McKennan, McKeon, Mallory, Thomas F. Marshall, Samson Mason, Mathiot, Mattocks, Maxwell, Maynard, Meriwether, Mitchell, Moore, Morgan, Morris, Morrow, Newhard, Oliver, Osborne, Parmenter, Payne, Pearce, Pendleton, Pickens, Plumer, Pope, Powell, Ramsay, Benjamin Randall, Randolph, Rencher, Ridgway, Rodney, William Russell, James M. Russell, Saltonstall, Sanford, Sewell, Shields, Slade, Truman Smith, Sollers, Stanly, Stokely, Stratton, Alex. H. H. Stuart, John T. Stuart, Summers, Taliaferro, John B. Thompson, Richard W. Thompson, Jacob Thompson, Tillinghast, Toland, Tomlinson, Triplett, Trotti, Trumbull, Van Buren, Van Rensselaer, Wallace, Ward, Warren, Washington, Watterson, Westbrook, Edward D. White, Joseph L. White, Thomas W. Williams, Joseph L. Williams, Winthrop, Wise, Wood, Yorke, and Augustus Young—148.

NAYS—Messrs. Arrington, Atherton, Boyd, Burke, Green W. Caldwell, Patrick C. Caldwell, William B. Campbell, Cary, Clifford, Clinton, Mark A. Cooper, Daniel, Garrett Davis, Dean, Doan, Doig, Eastman, Egbert, Ferris, Fornance, Gilmer, William O. Goode, Gwin, Harris, Hastings, Hays, Hopkins, Houck, Cave Johnson, Keim, Andrew Kennedy, Lewis, Littlefield, Lowell, Abraham McClellan, McKay, Marchand, Alfred Marshall, Mathews, Medill, Miller, Owsley, Partridge, Proffit, Reding, Reynolds, Riggs, Rogers, Saunders, Shepperd, William Smith, Snyder, Sprigg, Steenrod, Sumter, Sweney, Turney, Underwood, and Weller—62.

The question next came up upon the amendment of the gentleman from New York, [Mr. BARNARD.]

Mr. MOORE asked for the yeas and nays; and they were ordered.

The amendment was then rejected—yeas 73, nays 136, as follows:

YEAS—Messrs. Adams, Allen, Sherlock J. Andrews, Arnold, Aycrigg, Babcock, Baker, Barnard, Boardman, Borden, Briggs, Jeremiah Brown, Burnell, Wm. B. Calhoun, Childs, J. C. Clark, Staley N. Clarke, Cowen, Cranston, Cravens, Dawson, John Edwards, Fessenden, Fillmore, Gates, Patrick G. Goode, Granger, Henry, Howard, Hunt, Joseph R. Ingersoll, James Irvin, Wm. W. Irwin, James, Klog, Linn, McKennan, Samson Mason, Mathiot, Maxwell, Maynard, Morgan, Morrow, Osborne, Pearce, Pendleton, Powell, Benjamin Randall, Randolph, Ridgway, Rodney, James M. Russell, Saltonstall, Sollers, Stokely, Stratton, A. H. H. Stuart, R. W. Thompson, Toland, Tomlinson, Trumbull, Underwood, Van Rensselaer, Warren, Edward D. White, Jos. L. White, Thos. W. Williams, Christopher H. Williams, Joseph L. Williams, Winthrop, Yorke, Augustus Young, and John Young—73.

NAYS—Messrs. L. W. Andrews, Arrington, Atherton, Barton, Beeson, Bidlack, Birdseye, Black, Botts, Bowne, Boyd, Brewster, Bronson, Aaron V. Brown, Milton Brown, Charles Brown, Burke, Wm. Butler, William O. Butler, Green W. Caldwell, Patrick C. Caldwell, John Campbell, William B. Campbell, Thomas J. Campbell, Caruthers, Cary, Casey, Chapman, Clifford, Clinton, Coles, M. A. Cooper, Daniel, Garrett Davis, R. D. Davis, Dean, Deberry, Doan, Doig, Eastman, John C. Edwards, Egbert, Everett, Ferris, John G. Floyd, Fornance, Gentry, Gerry, Goggin, Wm. O. Goode, Gordon, Graham, Green, Gustine, Gwin, Harris, Hastings, Hays, Holmes, Hopkins, Houck, Houston, Hubard, Hudson, Hunter, Charles J. Ingersoll, Jack, Cave Johnson, Isaac D. Jones, Keim, John P. Kennedy, Andrew Kennedy, Lane, Lewis, Littlefield, Lowell, Abraham McClellan, Robert McClellan, McKay, McKeon, Mallory, Marchand, Alfred Marshall, T. F. Marshall, Mathews, Mattocks, Medill, Meriwether, Miller, Mitchell, Moore, Morris, Newhard, Oliver, Parmenter, Partridge, Pickens, Plumer, Pope, Ramsey, Rayner, Reding, Rencher, Reynolds, Riggs, Rogers, Roosevelt, William Russell, Sanford, Saunders, Sewell, Shaw, Shepperd, Shields, Slade, Truman Smith, Snyder, Sprigg, Stanly, Steenrod, John T. Stuart, Summers, Sumter, Sweney, John B. Thompson, Jacob Thompson, Tillinghast, Triplett, Trotti, Van Buren, Wallace, Ward, Washington, Weller, Westbrook, Wise, and Wood—136.

The SPEAKER announced the question to be upon the engrossment of the bill; and it was ordered to be engrossed.

The CHAIR. When shall the bill have its third reading?

Many members. "Now."

Mr. ARNOLD rose and objected, upon the ground that the bill was not yet engrossed.

The SPEAKER said that the bill must go over until to morrow, unless by unanimous consent.

Mr. EVERETT moved that the bill be read again to-day.

The SPEAKER said that the bill not being engrossed, that could not be done but by general consent.

Mr. HOPKINS said that it could be done by order of the House.

Mr. EVERETT moved a suspension of the rule.

Mr. WISE inquired what would be the effect if the bill should be brought in engrossed in an hour's time? Could it not be read the third time then? It was useless for gentlemen to persist in this kind of opposition, where there was so large a majority in favor of the repeal. It would be better

to let the bill be read the third time now, and passed, and be done with it.

The question was then put on the suspension of the rules—and decided in the affirmative, ayes 143, noes 28.

Mr. GRANGER called for the yeas and nays on the passage of the bill; which being ordered,

It was read the third time and passed—yeas 140, nays 71, as follows:

YEAS—Messrs. Landaff W. Andrews, Arrington, Atherton, Baker, Beeson, Bidlack, Birdseye, Black, Boardman, Botts, Brodhead, Bond, Brewster, Brinson, Aaron V. Brown, Burke, W. Butler, W. O. Butler, Green W. Caldwell, R. C. Caldwell, William B. Campbell, Thomas J. Campbell, Carruthers, Cary, Casey, Chapman, Clifford, Clinton, Coles, Cowen, Daniel, Garret Davis, Richard D. Davis, Dean, Deberry, Doan, Doig, Eastman, John C. Edwards, Egbert, Everett, Fessenden, John G. Floyd, Charles A. Floyd, Fornance, Gentry, Gerry, Gilmer, Gordon, Patrick G. Goode, William O. Goode, Gordon, Graham, Green, Gustine, Harris, Hastings, Hays, Holmes, Hopkins, Houck, Hudson, Huntington, Hunter, Charles J. Ingersoll, Jack, Cave Johnson, Kelly, Andrew Kennedy, Lewis, Littlefield, Lowell, Abraham McClellan, Robert McClellan, McKay, McKennan, McKeon, Mallory, Marchand, Alfred Marshall, Thomas F. Marshall, Mathews, Maxtocks, Medill, Mitchell, Morris, Newhard, Oliver, Osborne, Owsley, Parmenter, Partridge, Pickens, Plumer, Pope, Proffit, Ramsey, Rayner, Read, Reding, Rencher, Reynolds, Rhett, Riggs, Roosevelt, Sanford, Sewell, Shaw, Sheppard, Shields, Slade, Truman Smith, Snyder, Sprigg, Stanly, Steenrod, Stokely, Alexander H. H. Stuart, John T. Stuart, Summers, Sumter, Sweney, Taliaferro, John B. Thompson, Jacob Thompson, Tillinghast, Triplett, Trotti, Trumbull, Underwood, Van Buren, Ward, Washington, Watterson, Weller, Westbrook, Wise, Wood, and Augustus Young—140.

NAYS—Messrs. Adams, Allen, Sherlock J. Andrews, Arnold, Aycrigg, Babcock, Baker, Barnard, Bowlen, Briggs, Milton Brown, Jeremiah Brown, Burnell, Calhoun, Childs, John C. Clark, Staley N. Clarke, Cranston, Crary, Cushing, John Edwards, Fessenden, Fillmore, Gates, Granger, Henry, Howard, Hunt, Joseph R. Ingersoll, James Irvin, William W. Irvin, James, William Cost Johnson, Isaac D. Jones, John P. Kennedy, King, Lane, Linn, Samson Mason, Mathiot, Maxwell, Maynard, Meriwether, Moore, Morgan, Morrow, Pearce, Pendleton, Powell, Benjamin Randall, Randolph, Ridgway, Rigney, William Russell, James M. Russell, Saltonstall, Stanton, Richard W. Thompson, Toland, Tomlinson, Van Rensselaer, Wallace, Warren, Edward D. White, Joseph L. White, Thos. W. Williams, Christopher H. Williams, Joseph L. Williams, Winthrop, Yorke, and John Young—71.

So the bill was passed in the following form:

AN ACT to repeal the Bankrupt Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved 19th August, 1841, be, and the same is hereby, repealed: *Provided*, That this act shall not affect any case or proceeding in bankruptcy commenced before the passage of this act, or any pains, penalties, or forfeitures incurred under the said act; but every such proceeding may be continued to its final consummation, in like manner as if this act had not been passed.

[Mr. M. A. COOPER desired to move to be excused from voting; but the Speaker decided that the motion came too late, as the first two names on the roll had already been called.]

Mr. MARK A. COOPER asked to be excused from voting on the bill for the following reasons:

He is desirous to vote for the repeal of the bankrupt law, as a true representative of his constituents' opinions, as well as of his own.

The friends of this bill have incorporated into it a proviso, which sanctions all the principles of the bankrupt law; principles which he thinks unconstitutional and unjust, as well as immoral in their effects, and ought not to receive his support. He cannot, therefore, vote for the bill. It it were a mere question of time, he could vote; but that is not the case.

Again: being in favor of the repeal, he cannot vote against the bill; a part of which proposes a repeal of the bankrupt act; because that would be to sanction the existence and operation of the act for an indefinite period.

On motion of Mr. FILLMORE, the House resolved itself into Committee of the Whole, (Mr. HOPKINS of Virginia in the chair.)

Mr. FILLMORE moved that the committee take up House bill No. 645, being a bill making appropriations for the army, &c.

The motion was agreed to; and the Clerk read the bill through all its sections. It was then read section by section for amendment, and the House passed several without objection. When the item was under consideration which appropriates $90,000 for arsenals—

Mr. DEBERRY moved to strike out $90,000, and insert $110,000, with the specific direction that $90,000 of that sum should be appropriated for the completion of the arsenal at Fayetteville, North Carolina. He went into some statements to show the importance of that arsenal, and the action which had been had in relation thereto by the Legislature of North Carolina; whence instructions had been received by the Senators for that State, and a request by its members in the House of Representatives, that they would give their aid in procuring the necessary appropriations for the completion of that work. It had been going on for several years, but the appropriation hitherto had been too small to enable the Government to complete it; and he now moved his amendment in conformity with the wishes of his State Legislature and of his immediate constituents, amongst whom this arsenal was situated.

Mr. FILLMORE said if the arsenal was in the course of construction, it was provided for by the present appropriation, for the department asked for sums sufficient to carry on all works that were deemed essential; and if this work was not embraced in the detailed statement from the department, he supposed it was not deemed necessary. He hoped, therefore, that there would be no particular designation of arsenals in this bill. The Committee of Ways and Means had recommended all the appropriations asked for by the department; and he trusted, in the present embarrassed state of the treasury, they should not go beyond the estimates.

Mr. McKAY said if the chairman of the Committee of Ways and Means would examine the detailed estimates, he would find that it was not intended to expend any portion of this money on the arsenal in question; the amendment of his colleague was, therefore, a proper one. The chairman of the Committee of Ways and Means had said that it was unnecessary to specify any particular works; but if that gentleman would look at previous acts of Congress, he would find that it had been frequently done; and there was no reason why it should not be done in this case, as the works had been begun, and no appropriation was proposed for their completion.

Mr. FILLMORE replied.

The committee then rose and reported progress.

Mr. PROFFIT moved a reconsideration of the vote by which the bill to repeal the bankrupt act had been passed.

Mr. CUSHING obtained the floor on the question of reconsideration, and then moved an adjournment.

Mr. FILLMORE requested the gentleman from Massachusetts to withdraw that motion, that the House might receive some Executive communications which were on the Speaker's table.

Mr. CUSHING consented to do so, with the understanding that he retained the floor on the question of reconsideration when it should come up.

The SPEAKER then presented various Executive communications, mainly consisting of information called for by resolutions of the House. One was a report of the inspectors of the penitentiary in the District of Columbia. Another was a communication from the War Department, in answer to a resolution of the 27th ultimo, requiring a detailed statement of all the expenditures from the Chickasaw fund. Another was a communication in answer to a resolution calling for certified copies of all papers on file relating to the arrest and trial of Louallier by a court-martial, by direction of General Jackson, at New Orleans, in 1815.

Mr. KING of Georgia presented a petition from sundry citizens of Baltimore, praying for the establishment of a steamboat communication between that port and Chagres, South America; which was referred to the Select Committee heretofore appointed on that subject.

On motion of Mr. TURNEY, the House adjourned.

IN SENATE.

WEDNESDAY, January 18, 1843.

The PRESIDENT *pro tem.* laid before the Senate a communication from the War Department, transmitting, in compliance with the acts of Congress of 1808 and 1809, statements of all the contracts made by the bureaus under the direction of that department, in the year 1842; which, on motion by Mr. HUNTINGTON, was laid on the table.

Mr. WRIGHT presented a memorial from the city of New York, praying for the repeal of the bankrupt law; which was referred to the Judiciary Committee.

Mr. WOODBURY presented a memorial signed by J. Bagby, praying that the bankrupt law may be so modified as to give mechanics a lien on work executed by them; which was referred to the Committee on the Judiciary.

Mr. WOODBRIDGE presented a petition from William Morrow, praying remuneration in consequence of violations by United States agents of a contract for executing certain works at the United States arsenal in the District of Columbia; which was referred to the Committee on Claims.

Mr. LINN presented a memorial from citizens of the southern part of Missouri, praying for the removal of the land office from Jackson to Fredericktown, in that State: referred to the Conimittee on the Public Lands.

Mr. WOODBRIDGE, on leave, introduced a bill to apply certain alternate sections of the public domain towards completing works of internal improvement in the State of Michigan, and for other purposes; which was read twice, and referred to the Committee on the Public Lands.

On motion by Mr. SMITH of Indiana, the Committee on the Public Lands was discharged from the further consideration of the claim of Mr. Downing, for reimbursement of money paid by him for clerk-hire in his office as register of a land office; and it was referred to the Committee on Claims.

Mr. MILLER, from the Committee on the District of Columbia, reported back, with amendments, the bill for repaving and repairing a portion of Pennsylvania avenue.

Mr. WILLIAMS, from the Committee on Printing, to whom the subject had been referred, made a report (which was concurred in) in favor of printing the communication from the Solicitor of the Treasury in relation to the cloth cases, in which frauds were attempted on the revenue.

Mr. WOODBURY stated that, as the subject of resolutions was now before the Senate, he felt obliged to make a remark as to one introduced at the last session by his former colleague.

Mr. W. regretted that the resolution had not yet been answered. Some of the information desired in it related to the persons and matters connected with the cloth cases, on which a report had just been ordered to be printed. Other reports, containing letters and documents on this topic, and the conduct of those concerned in it, had been printed by Congress at the last session, and distributed widely abroad as well as in this country.

It was due to all concerned that the answer to the call made in the resolution of my late colleague, should go to the world with the other papers bearing on this question. It was supposed to be calculated to throw much light on the whole subject.

The answer may have been delayed or omitted by accident. If so, this notice would revive attention to it in the proper quarter, and would save the introduction of any other resolution asking for the reasons which had prevented a reply hitherto.

The PRESIDENT *pro tem.* laid before the Senate a communication from the State Department, transmiting in compliance with a resolution of the Senate, further information received at that department concerning the operations of the bankrupt law; which, on motion of Mr. BATES, was ordered to lie on the table, and be printed.

Also, laid before the Senate a communication from the War Department, transmiting, in compliance with the act of Congress of 1804, a report of the names, dates of appointment, and pay of all persons employed in the Indian Department; which was ordered to lie on the table.

Mr. PHELPS, from the Committee on Revolutionary Claims, referred back, without amendment, the bill from the House for the relief of the representatives of Baron De Kalb.

THE RED LINES AGAIN.

Mr. BENTON (after some prefatory remarks, to the effect that he had waited for some days till the Senator from Virginia, who had been absent, resumed his seat, for an opportunity to recall that

Senator's attention to the error in his printed speech on the subject of the treaty, yet uncorrected,) said, yesterday he was about to do so, when the morning hour expired; and he postponed the subject on that account till now. The error of which he complained was in these words of the Senator's printed speech:

"The Senator who produced it [the map] could see *nothing but* the microscopic dotted line running off in a northeasterly direction; but the moment *other eyes* were *applied* to it, there was found, in bold relief, a strong red line, indicating the limits of the United States according to the treaty of peace, and coinciding minutely and exactly with the boundary traced on the map of Mr. Sparks."

This error was not only printed in the Senator's speech, but repriated in the speech of the Senator from South Carolina; and arguments were based upon it, as if it was a matter of fact. His object now was, to appeal to the Chair for its decision as to the facts of this statement. I ask you, Mr. President, (continued Mr. BENTON,) whether the extract I have just read is correct or not, and whether I was not the first to proclaim the "strong red line," before "other eyes" were required to point it out?

The CHAIR made some remarks not distinctly heard, but it was understood to import an impression that it could hardly be in order to make any statement, unless required by the Senate in regular debate.

Mr. BENTON was understood to say that he did not mean to press an interrogatory out of order.

Mr. BARROW remarked that it seemed to him that the presiding officer of the Senate should not be called upon to state his recollection of facts which were personal to Senators, and about which there was a controversy between two Senators. It was deeply to be regretted that there was any such misunderstanding between Senators as to matters of fact. This subject had been before the Senate twice, and, as he conceived, improperly; and it was now before it again, which rendered it more so. It was more than probable that, if the discussion went on to-day, it would devolve on the Chair to put an end to it; he would therefore be placed in an awkward predicament, if he should be compelled to put an end to a controversy in which, upon the call of a Senator, he had become, on its very threshold, a witness. He merely threw out the suggestion, of which he hoped the honorable Senator from Missouri [Mr. BENTON] would perceive the propriety. If the memory of the presiding officer was fresh and fixed as regarded facts of a public character, there would be no impropriety in Senators calling upon him for his recollection of them; but there was certainly an impropriety in pursuing such a course in this case, (when his memory of the transaction must be imperfect,) which was more of a personal than a public nature. The Senator from Missouri had a right to call upon any Senator to give to the Senate his recollection of the facts; but not upon the Chair. He therefore suggested to him, whether his own good sense did not perceive there was an impropriety, under the circumstances, in calling upon the presiding officer to become a witness. There were Senators who had a recollection of this transaction, as well as the presiding officer; their memory was as perfect as his: he suggested, then, whether, under the circumstances of the case, the Senator from Missouri should press this point.

The CHAIR remarked that, if it was the sense of the Senate, he would state his recollection of the transaction. His memory was not as full and exact as he could desire; but, having been called upon most unexpectedly, and having held no conversations upon the subject, within his recollection, he felt some delicacy in making any statement.

Mr. BENTON was understood to remark that there could be no want of delicacy in the presiding officer, before whom the transaction occurred, stating his recollection of the fact.

The CHAIR said he was taken by surprise, but he would put it to the sense of the Senate whether he might be permitted to make a statement. The question was then put to the Senate, and decided in the negative.

Mr. BENTON then called upon the Senator from Louisiana [Mr. BARROW] to state to the Senate his recollection of the transaction in controversy.

Mr. BARROW then rose, and said that, if he had any distinct recollection of the transaction, he would tell it to the Senate; but, since the matter was first introduced, he had endeavored, for the last two days, to refresh his memory, with a desire to put the matter, so far as he could, on a proper footing. But his recollection was so indistinct, that he would not undertake to state anything positive. He took very little interest in the discussion which sprung up when the map was presented by the Senator from Missouri. He felt very little interest as regarded these lines, and never perused the map when in the possession of the Senator from Missouri, [Mr. BENTON;] nor afterwards, when it was sent to the seat of the Senator from Virginia, [Mr. RIVES,] did he attend there, for the purpose of examining it, as others did. He would state the impression made on his mind on that day; premising that he did not pretend to know anything with certainty in reference to the matter in dispute, as to these lines, at that time. Occupying a seat there [pointing to the seat] when the debate sprung up, he paid no particular attention to what was said by any Senator, for he felt that it was of more importance that the discussion should be interrupted. Having made up his own mind how he should give his vote, he did not feel it incumbent on him to listen. His attention was not therefore attracted to the debate, until struck with the solemn manner in which the Senator from Virginia had introduced the map. This was his impression—whether on sufficient grounds, or not, he would not undertake to say. The map was introduced by the Senator from Missouri. What he said when he called the attention of the Senate to it, and the lines upon it, he did not remember. When the map was transferred to the seat of the Senator from Virginia, there was a collection of about a dozen Senators around it. He never pretended at all to go there. He had no curiosity about it. But the impression made on his mind was, that the map was introduced by the Senator from Missouri, to rebut or destroy the effect (as he understood it) of the map of Mr. Sparks; but that it did not sustain the honorable Senator from Missouri in his position before the examination of the map took place at the seat of the Senator from Virginia. That seemed to be the impression made on the Senate; but whether it was well-grounded or not, he would not undertake to say. He repeated, that he paid no particular attention to what took place when the map was introduced. The Senator from Missouri introduced the map, he had no doubt, for the purpose that he had stated; and he had no doubt, also, that he made the remarks he said he did make when he introduced it. He entertained no doubt on his part at all; but he must say that his recollection was not sufficiently accurate to testify to the facts as they occurred.

Mr. BENTON observed that it was an issue of fact; and, that there could be no mistake, he would read the passage of the Senator's printed speech over again:

"The Senator who produced it [the map] *could see nothing but the microscopic dotted line* running off in a northeasterly direction; *but the moment other eyes* were applied to it, there was found, in bold relief, a strong red line indicating the limits of the United States, according to the treaty of peace, and coinciding minutely and exactly with the boundary traced on the map of Mr. Sparks."

Here a thing was stated as a fact, which he (Mr. B.) denied in every particular. And, in contravention of what is therein stated, he asserted that he *did see something* besides the "microscopic dotted line;" that he not only saw the "strong red line," but that he was the first to proclaim it, to show that Mr. Sparks's discovery was no secret at all. He would now ask his colleague [Mr. LINN] for his recollection of what occurred.

Mr. LINN stated that when the Senator from Virginia introduced Mr. Sparks's map, the impression on his mind was, that there was more importance attached to it than it merited. Indeed, he thought it of so little consequence, that he could recollect he so expressed himself to the Senator from Pennsylvania next to him [Mr. BUCHANAN] at the time; and observed to him that the map ought not to have been introduced in the debate, as the question would not turn on that point then; for it had been settled by our forefathers, that the boundary claimed by Maine was the one intended; but if we were going to make a sacrifice for the sake of peace, we ought to do it frankly. While he (Mr. L.) was conversing on this point with the Senator from Pennsylvania, his colleague [Mr. BENTON] raised his voice and cried out, "Here are the bloody lines—the red lines;" and he went on to remark that it was no secret at all, because it was in Mr. Jefferson's collection of maps and books, and had been for years open to the inspection of every one in the Library of Congress. And what brought it more distinctly to his recollection, was his colleague's remark—that it came from the collection of one distinguished for his care in collecting and keeping everything that was of interest to his country—Mr. Jefferson. He (Mr. L.) had discharged his mind of all impressions about the introduction of Mr. Sparks's map, because he never attached any importance to the sort of evidence it could furnish; nor, indeed, to the point made upon it. And with regard to the object for which his colleague introduced Mr. Jefferson's map, his impression was, that it was to prove there was no secret; but beyond that object, he did not recollect any other, unless it was to prove that there should be no importance whatever attached to Mr. Sparks's map. His impression was, indeed, that his colleague had no other object in view, when he brought forward his map. He wished to show that we had, for years, had just such a map in our own archives, open to public inspection.

Mr. ARCHER said he earnestly hoped that the matter would be allowed to stop here. He was convinced there had been nothing but a diversity of sentiment, reflecting in no degree on either Senator; and he could see no reason, therefore, for so much sensitiveness on the part of the Senator from Missouri. He hoped that, in this view of the matter, which he believed was concurred in by Senators on all sides, the subject would be allowed to drop. It was rare, indeed, that all the minute transactions of but a few weeks gone by, were retained distinctly in the recollection of gentlemen. This was his own case in the present instance. He had not the smallest recollection of the particulars which had been alluded to, or he would have interposed and endeavored to terminate the controversy. As it evidently appeared to be a mere difference of impression on the part of the honorable Senators, he hoped the question would be allowed to rest, without any further debate.

Mr. CALHOUN said, as allusion had been made to him, he deemed it proper to state what his recollection was of the facts, as far as he himself was concerned. His impression at the time was, that the map from the library was produced by the Senator from Missouri for the purpose of rebutting and invalidating the one in the possession of the gentleman from Virginia. His impression was, further, that when the map was being unfolded by the Senator from Missouri, and his eye caught the dotted line, he called the attention of the Senate to it, as being the true boundary line, and as differing from the line described in Mr. Sparks's map, inasmuch as it ran in a more northerly direction. This was his impression, though he might have been in error. He had himself supposed that the red marks delineated the boundaries of counties, or of States; but he found afterwards that this supposition was wrong. And the general impression resting upon his mind was, that the map produced by the Senator from Missouri did not sustain him in what he (Mr. CALHOUN) believed to be his object, viz: in rebutting the other map.

These were the impressions he entertained at the time, and they had not been changed since. He would take this occasion to remark, that he hoped another debate in secret session would never be published. He thought the precedent was going to be highly pernicious; it would probably operate as a restriction upon the liberty of debate. He had written out his own speech reluctantly, and only with a view, as other speeches were being published, of putting himself right; and in writing that speech, he had taken the general run of the facts, without entering into the minute details, which, in

a case like that, could have but little influence upon the public mind.

Mr. BENTON reiterated that, in the presence of forty-eight Senators, (most of whom were present on the occasion,) he was the first himself to proclaim the red line. He not only could see them, contrary to the words he had quoted; but he did not, as they assert, leave it to "other eyes" to be applied to the map to discover them. He proclaimed them aloud from his seat. This was the issue of fact. And on it he appealed to the Senators around him for their recollections.

Mr. SMITH of Connecticut observed that, according to his recollection, when the Senator from Missouri heard of Sparks's map, he raised the map in his own hands, and exclaimed, "here are the bloody red lines." The words were so remarkable, that they made a strong impression on his mind.

Mr. BENTON asked if he had any recollection of allusion being made to the "secret?"

Mr. SMITH replied that his recollection was rather indistinct about that; but still his impression was, that it must have been to show there was no secret about it.

Mr. ALLEN observed that this was (to say the least of it) a very troublesome dispute, growing out of a deeply exciting discussion which had taken place with closed doors, and in consequence of the additional circumstance that the matter had not been noticed at the time by any reporter. His impression was, that there was no real difference between the Senator from Virginia and the Senator from Missouri. The difference was barely as to the form of the question now made—the one adhering to the object for which the map was introduced, and the other to the fact of the announcement of the broad red line which was visible to every one. Believing, then, that there was nothing substantial involved in the controversy, he must be permitted to express his regret that the matter should be deemed sufficiently important to occupy the attention of the Senate.

He had hitherto remained quiet, and volunteered no opinion nor expression of his impressions upon the subject; but, being now particularly called upon, he could state very readily what those impressions were; and he did so with a perfect conviction that the statement could not reflect in the least degree on any member of that body, in one way or the other. His attention was attracted to the fact of the introduction of the map by the Senator from Virginia, by the solemnity with which it was introduced; the Senator evidently regarding it as a matter of peculiar importance, and calling the attention of the Senate very pointedly to the map.

While this part of the discussion was going on, the Senator from Missouri (according to his recollection of the case) obtained an old atlas, and spreading open a map, exclaimed, "here is the red line." As to the motive with which the Senator from Missouri introduced the atlas, his recollection was not very distinct; but the circumstance of the red line having been pointed out by him he (Mr. A.) particularly remembered, in consequence of the manner in which the Senator had called attention to it, being devoid of that deference or courtesy which he (Mr. A.) conceived was due to the gentleman who had possession of the floor. As to the fact of the announcement of the red line, he recollected distinctly that the Senator from Missouri made use of the word "bloody." He might not perhaps have recollected the circumstance, but for the phrase made use of by the Senator; which, of itself, was calculated to make an impression upon the memory. He repeated, that he did not conceive that this statement could affect either Senator, one way or the other; for he did not conceive that there was any essential difference between the Senators—the one contending as to the object for which the map was produced, and the failure of that object; and the other as to the announcement of the broad red line.

Mr. RIVES begged leave to say that he did not think it at all necessary to enter into the discussion of the matter with any spirit of controversy, but——

The CHAIR here interrupted the Senator from Virginia, with a request that he might be permitted to explain the preceding remarks he had made. The Chair then stated that his recollection was refreshed by the remarks which had fallen from the Senator from Ohio, [Mr. ALLEN.] They reminded him that he had held a conversation with him, and in which conversation that Senator accorded with his recollection, that there was no substantial difference between the two Senators. The Chair superadded the remark, that if it was the sense of the Senate, he would add that no issue was made up on the fact of the Senator from Missouri [Mr. BENTON] having announced the red lines. That, on a previous occasion, the Senator from Virginia [Mr. RIVES] had remarked that he could not have fallen into the absurdity of imputing the design to the Senator from Missouri, of an intended suppression of the red line, with the view to impose upon the Senate or the country. That the recollection of the Chair was, that the red line was announced; but the ground of his supposition, that there was no substantial difference between the Senators, was, that the remarks of the Senator from Virginia, complained of, were not literal and exact, but only figurative. They had been so regarded by the Chair. And if the Chair might use the expression, he had understood the expression of the Senator from Virginia to mean, that the mind's eye of the Senator from Missouri was so engrossed with the microscopic dotted line, that he gave none, or scarcely any, consideration to the plain or palpable red line; and that his opinion on this point was much fortified by the statement made by the Senator from Virginia on a previous occasion, that he could not, or did not, design the absurdity of attempting to produce the impression, either upon the Senate or the public mind, that the Senator from Missouri attempted to exhibit the dotted line, and at the same time to suppress or conceal the existence of the red line, which was bold and strongly marked on the same map.

Mr. RIVES said he desired to say a word or two, for the purpose of placing the matter in its true attitude before the public, though he doubted whether the public were disposed to take any interest in the matter at all. He concurred entirely in the very candid and sober view of the matter which had been presented by the Chair, and by the Senator from Ohio, with regard to the red line and the dotted line. The whole difference between the Senator from Missouri and himself, reduced itself to a mere matter of opinion, as had been very justly remarked. He would state, most distinctly, that his own impression in regard to the expressions used by the Senator from Missouri, was, that the Senator had not referred to the red lines at all; though it was possible that the words might have been spoken, without having reached his ears, as there was some confusion at the time, and as he (Mr. RIVES) was then speaking. At all event, the circumstance, if it so occurred, had made no impression upon his mind; and he had consequently no recollection of it. What he desired to say was (what had been so happily expressed by the Chair,) that it was the mind's eye by which the red line was disregarded; the red line might have been seen, but, if seen, not recognised as the true boundary; but the microscopic dotted line was insisted on by the Senator as being the true boundary. And he was confirmed in this opinion, by referring to the printed speech of the Senator from Missouri; in which he insisted, in three distinct places, upon the dotted line as being the true boundary; and, according to the recollection of the Senator from South Carolina, the Senator from Missouri made the remark, that any little school miss might have drawn the red line.

The Senator from Missouri seemed disposed to leave entirely in the dark the object for which he had introduced the map, and confined himself to the expression (which, undoubtedly, was intended to be understood as a figurative expression) that the broad red line could not be seen until other eyes were applied to it. He had never intended to deny that the Senator announced the red line; but what he asserted was, that the Senator had insisted upon the microscopic dotted line as being the true boundary. The whole question, then, was, in truth, a difference of impression or of recollection as to the object for which the map had been introduced. He (Mr. R.) had honestly stated his own impression as to what that object was, and that he considered the Senator as having failed to accomplish that object and in that opinion he believed he was sustained by a very large majority of the Senate. With regard to the other point, it was a matter of form merely.

Mr. BENTON said he was entirely satisfied with the explanation of the Senator from Virginia. He would now drop everything that had passed, and would merely read to the Senate the last letter which was ever written by Dr. Franklin; it was written in the year 1790, and addressed to Mr. Jefferson, who was at that time Secretary of State.

Copy of the last letter written by Dr. Franklin.

"PHILADELPHIA, April 8, 1790.

"SIR: I received your letter of the 31st of last past, relating to encroachments made on the eastern limits of the United States, by settlers under the British Government, pretending that it is the *western*, and not the *eastern* river of the bay of Passamaquoddy, which was designated by the name of St. Croix, in the treaty of peace with that nation, and requesting of me to communicate any facts which my memory or papers may enable me to recollect, and which may indicate the true river which the commissioners on both sides had in their view to establish as the boundary between the two nations.

"Your letter found me under a severe fit of my malady, which prevented my answering it sooner, or attending, indeed, to any kind of business. I now can assure you that I am perfectly clear in the remembrance that the map we used in tracing the boundary was brought to the treaty by the commissioners from England; and that it was the same that was published by Mitchell above twenty years before. Having a copy of that map by me in loose sheets, I send you that sheet which contains the bay of Passamaquoddy, where you will see that part of the boundary traced. I remember, too, that in that part of the boundary we relied much on the opinion of Mr. Adams, who had been concerned in some former disputes concerning those territories. I think, therefore, that you may obtain still farther light from him.

"That the map we used was Mitchell's map, Congress were acquainted at the time, by letter to their Secretary for Foreign Affairs, which, I suppose, may be found upon their files.

"I have the honor to be, with the greatest esteem and respect, sir, your most obedient and most humble servant,

"B. FRANKLIN.

"To THOMAS JEFFERSON,
"Secretary of State of the United States."

Mr. B. said that this put an end to Mr. Sparks's map. This letter shows that Mitchell's map, and not D'Anville's map, was that Dr. Franklin used for showing our title; and here is that map, showing our boundary along the mountain ridge by Quebec and the St. Lawrence, and going to the northwest corner of Nova Scotia, within a quarter of an inch of the river on this map—within ten or fifteen miles of it, in fact. This shows that Mr. Sparks's discovery in Paris is not the measure of our title to the Northeastern boundary.

Here the subject dropped.

THE OREGON TERRITORY.

The CHAIR announced the order of the day to be the unfinished debate on the passage of the bill for the settlement and occupation of the Territory of Oregon.

Mr. CHOATE, being entitled to the floor, addressed the Senate for nearly two hours. The two main topics upon which he dwelt, were: first, the question of the proposed grant of lands to settlers, as an infraction of the convention between this country and Great Britain, established for ten years in 1818, and renewed in 1827, to continue from year to year until discontinued by a year's notice from either party; and next, the question of the settlement of other difficulties with England by the late treaty, without also settling that in relation to the Oregon Territory.

In the course of his remarks, he stated that his only objection to the bill was in relation to the provision making a grant of lands. If it was recommitted, and that provision was stricken out, the rest of the bill should have his hearty concurrence. Even if the bill remained in its present shape, and it could be satisfactorily proved to him that this provision, which proposes a grant of land to settlers, is not an infraction of the treaty, he would give it his support. He would go further; he would say, that if the year's notice were given of our intention to relinquish the treaty with Great Britain, he would, after the cessation of our obligations under it, most cheerfully support a bill of this kind. But he conceived the whole question, at present, was, whether this bill, in its present form, would not be a violation of our obligations under the treaty; and that it would, he had not now the slightest doubt.

Here Mr. C. went into an examination of the terms of the treaty, with a view of showing that

the only occupation or settlement which could take place in good faith, was a joint occupation and settlement for purposes of trade, hunting, and trapping; and that Great Britain never had in any single instance otherwise interpreted the treaty, or acted upon it. Her encouragement of the Hudson Bay Company was for purposes of trade and hunting, strictly in conformity with the treaty. If the company had built forts and made settlements, it was in furtherance of the objects of trade, and carrying on the trapping and hunting in which it was engaged. It was perfectly open to us, under the treaty, to do the same. He denied that England had extended over the country an exclusive jurisdiction. She only applied her own laws to her own subjects. We might do the same. If it could be shown that she ever granted away a single acre of the territory, or exercised an exclusive right of that kind, he would then say that we might do the same. But no such thing could be shown, for it had not been done.

As to the allegations that England, in a communication with the ministers of our Government, had said that British interests had grown up in the territory, which should and would be protected, he contended, that taking the whole context, and giving what followed in the sentence, so far from this being an assertion of exclusive right, or a threat of possession against the United States, the most direct reservation was made of the rights of the United States to joint occupation and interest in the territory under the treaty, by which both countries were bound. He read the passage in full, with a view of showing the correctness of his view of the avowal made by England.

In commenting upon the speech of the Senator from Missouri, [Mr. BENTON,] who had preceded him in the discussion when the subject was last up, he took occasion to remove an erroneous impression, which he conceived was calculated to do great injustice to a distinguished man, [Mr. Webster,] who could not there defend himself. He alluded to the fears expressed by the Senator from Missouri, that the President's message declining to furnish the correspondence, or informal communications, relative to the pending negotiation about the Oregon Territory, implied grounds for concluding that propositions had been made by our Secretary of State, which the Administration was ashamed or afraid to avow; that, in fact, the rumor must be correct which had got abroad, that a proposition had been made or entertained, by the Secretary of State, to settle down upon the Columbia river as the boundary line. Now, he was glad to have it in his power to undeceive the Senator, and to assure him, which he did from authority—for he had been requested by the Secretary himself to do it for him—that he never either made or entertained a proposition to admit of any line south of the 49th parallel of latitude, as a negotiable boundary line for the territory of the United States.

After Mr. C. had considerably more at large, and in his own words, (the purport of which is only attempted in this sketch,) fully explained this matter, he next turned to so much of the remarks of the Senator from Missouri, as condemned the late treaty with Great Britain in relation to the Northeastern boundary line. He entered into a long, minute, and topographical inquiry and explanation, with a view of showing that the course pursued by the Secretary of State was the most advantageous ever attempted for this country in any previous negotiation with Great Britain. Having argued this point elaborately, he turned to the line agreed upon through the great Western lakes, with a view of proving that we had in reality—and not merely seemingly, as the Senator from Missouri supposed—gained four millions of acres of land. He quoted a pamphlet, (said to be written by Lord Palmerston,) to show that the most intelligent English statesmen considered that we had immeasurably the best of the bargain in the late treaty, and particularly as to the acquisition of this four millions of acres in the West. He traced the line from Pigeon river to the Lake of the Woods, as agreed upon, with a view of showing that it was the identical line stipulated by the treaty of 1783, as no other water-course was known till 1803 but the southern water-course adopted as the true line in the late treaty.

In conclusion, Mr. C. hoped the bill would be recommitted, and (the provision granting lands being stricken out) that the measure would be adopted.

Mr. BENTON replied to so much of the Senator's remarks as touched upon his speech; and insisted that the same line to which the Senator's concluding remarks alluded, was thirty or forty miles north of that which the Senator supposed.

Mr. B.'s remarks (which were mostly statistical) will be given in full in a day or two.

Mr. MOREHEAD next obtained the floor; and, on his motion,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 18, 1843.

Mr. READ presented two remonstrances, signed by citizens of Pennsylvania, against the repeal of the bankrupt law: referred to the Committee of the Whole.

Mr. RIGGS presented the petition of citizens of Whitewater, in the Territory of Wisconsin, praying the construction of a harbor at Milwaukie, in said Territory, for the protection of the commerce of the upper lakes.

Mr. GWIN offered the following resolution; and it was agreed to:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of reporting a joint resolution, authorizing the appointment of a special agent to inquire into the alleged frauds under the pre-emption laws; the appointment of such agent having been recommended by the Commissioner of the General Land Office in his annual report.

Also, that said committee be instructed to inquire into the expediency of reporting a bill to amend the existing and former pre-emption laws, so as to permit the heirs or representatives of those who settled on the public lands with the intention of availing themselves of the privileges of the pre-emption laws, but who died before the forms required by said laws had been complied with, to enter the same, if satisfactory evidence is produced that the settler or settlers, if living, would be entitled to said land.

Mr. GWIN also offered the following resolution, and it was adopted:

Resolved, That the Secretary of the Navy be requested to communicate to this House all the information in possession of the Navy Department in regard to the naval depot of the United States at Port Mahon, and especially whether any vessels of the United States Mediterranean squadron have been kept for any length of time in said port inactive; and if so, how long; and whether any of the officers have heretofore established themselves, during such period, on shore at that place, and for what length of time, for the purpose of keeping house, and the names of such vessels and of said officers; and further to state whether any, and what, reforms have been contemplated, or are considered to be necessary, in regard to the condition and conduct of the Mediterranean squadron in these particulars.

Mr. GWIN also offered the following resolution; and it was adopted, after an amendment had been agreed to, on the motion of Mr. KING:

Resolved, That the Secretary of the Navy be requested to communicate to this House the amount of the daily expenses, exclusive of the pay of the officers and crew, of the Missouri and Mississippi steam-frigates, respectively, while in service; and to specify the amount of fuel consumed by each daily, including the amount of wastage, where the said fuel has been purchased, from whom, by whom, and at what price.

Mr. GWIN asked leave to offer the following resolution:

Resolved, That the President be requested to communicate to this House, (if in his opinion it is not incompatible with the public service,) whatever information may be in his possession in relation to the recent capture of Monterey, in California, by Commodore T. Ap Catesby Jones; and to state whether the said Jones had any instructions from the Government which were intended should be construed into authority for such proceedings.

Mr. LINN objected, and the resolution was not received.

Mr. BRIGGS offered the following, and it was adopted:

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of giving a pension to John Cary, a free colored man, a native of the county of Westmoreland, and State of Virginia, now resident of this District, who says he was a body servant of General Washington at the time of Braddock's defeat, in 1755, and was present at that battle; and also, that he was a servant of General Washington at the surrender of Cornwallis, in 1781; and who is believed to be 112 years old.

Mr. TILLINGHAST rose to a privileged question, and then explained that an error had occurred in recording his vote on a motion made yesterday to fix 10 o'clock, A. M. as the hour of meeting on Friday and Saturday next, which are days appropriated by the rules to private business. Having caused a correction of the journal, he moved a reconsideration of the vote of yesterday.

Mr. MERIWETHER moved to lay that resolution on the table, observing that gentlemen who voted to meet early did not come to the House at the time fixed.

Mr. COWEN called for the yeas and nays, but they were not ordered; and the motion was laid on the table.

Mr. REYNOLDS rose to a privileged question; and was understood to move the reconsideration of some vote, which was not distinctly heard.

Mr. EVERETT desired to move a suspension of the rules, to enable the House to proceed with and dispose of, the question of reconsideration of the vote of yesterday on the passage of the bankrupt law; which was moved by the gentleman from Indiana [Mr. PROFFIT.] He thought that should be disposed of before the House proceeded to any other business.

Mr. ADAMS moved that the House resolve itself into a Committee of the Whole, for the purpose (as he said) of taking up the bill for the satisfaction of claims for French spoliations prior to 1800.

Mr. EVERETT, on an explanation being given that the question of reconsideration which he wished to dispose of, would come up of course after the morning hour, withdrew his motion to suspend the rules.

Mr. ADAMS then pressed his motion, and called for the yeas and nays upon it; which were ordered, and resulted as follows—yeas 107, nays 78.

ARMY APPROPRIATION BILL.

So the House resolved itself into Committee of the Whole, (Mr. HOPKINS of Virginia in the chair,) and resumed the consideration of the bill making appropriations for the support of the army.

Mr. PROFFITT moved to take up the bill making appropriations for the continuation of the Cumberland road.

The CHAIR said that the motion was not in order—the army appropriation bill having the priority—and must be postponed, in order to take up other business.

Mr. ADAMS then moved to postpone the bill, for the purpose of taking up the bill providing indemnity for French spoliations prior to 1800.

Mr. PICKENS called for tellers, which were ordered; and, on taking the question, they [Messrs. SAUNDERS and READ] reported ayes 78, noes 80.

So the motion of Mr. ADAMS was rejected.

[When the committee rose yesterday, the question pending was on the following amendment submitted by Mr. DEBERRY:

"For arsenals, one hundred and ten thousand dollars; twenty thousand dollars of which to be applied towards completing the arsenal now under train of construction at Fayetteville, North Carolina."]

The question being put on the amendment of Mr. DEBERRY, it was decided in the negative without a division.

Mr. DEBERRY then called for tellers, which were ordered.

Mr. ADAMS then renewed his motion to postpone the bill, for the purpose of taking up the French spoliation bill.

Mr. READ inquired if the motion was in order, a similar one having just been rejected.

The CHAIR said that it was, there having been intervening business since the same motion was made and rejected, viz: the call for and ordering of tellers on the amendment of the gentleman from North Carolina, [Mr. DEBERRY.]

Mr. READ called for tellers on the motion; which were ordered.

Mr. FILLMORE expressed the opinion that motions of this kind should not be made oftener than once a day; for, by moving them in this way, just after they had been rejected, as was done by the gentleman from Massachusetts, a great and unnecessary waste of time was occasioned.

Mr. PICKENS observed that, if proceedings like this were to be tolerated, there would be no getting on with the business of the House; they would never be able to tell what they were about to do.

The CHAIR repeated his decision, that the motion was in order; and the question was taken by

the tellers, (Messrs. WELLER and STRATTON,) who reported ayes 68, noes 78.

So Mr. ADAMS's motion was again rejected.

The question recurring on Mr. DEBERRY's amendment,

Mr. McKAY suggested to his colleague to modify it, so as not to increase the appropriation, but to make it obligatory on the Secretary of War to apply $10,000 of the balance of the appropriation of last year, now on hand, to the arsenal at Fayetteville. Mr. McK. said that there was an appropriation of $120,000 made last year, with the understanding that $10,000 of it should be applied to the North Carolina arsenal; and of this appropriation, he had ascertained that over $94,000 now remained unexpended in the treasury. All that was wanted, therefore, was to direct the application of a part of this sum to the object his colleague had in view. If his colleague would modify his amendment in the manner he had suggested, he presumed that no gentleman would object to it, as there would in that case be no increase of the appropriation.

Mr. DEBERRY had no particular objection to the course of his colleague, but his constituents were anxious for the appropriation which he had proposed. They strongly suspected that there was no intention on the part of the department to make this anything more than a mere arsenal of deposite. It was for this reason that the Legislature of North Carolina interfered and passed resolutions. He urged the propriety and necessity for completing this arsenal, since it was the only arsenal south of the Potomac. He did not believe in the sincerity of those officers of the department, who held out that they intended to complete the work. His constituents were tired of being tantalized and humbugged, and it was now several years since any progress had been made. He expressed his willingness to modify his amendment according to the suggestion of his colleague, [Mr. McKAY,] so as to authorize the Secretary of War to appropriate $10,000 of the money now on hand to the completion of the arsenal at Fayetteville.

Mr. McKAY read a letter from the officer under whose charge the work was; from which it appeared that a large quantity of materials was now on hand for the construction of the work, and the Government would suffer injury by allowing the works to remain much longer in their present situation.

Mr. GILMER opposed the amendment. He thought the principle wrong. He saw no reason why Congress should make any exception in favor of the arsenal in North Carolina, when the process of restricting all the expenditures of the Government was going on.

Mr. GRAHAM replied, and sustained the amendment. He contended that the Legislature should interfere in this matter. The case was peculiar. In addition to the fact that the materials were on hand, he urged the fact that no other arsenal existed south of the Potomac.

Mr. FILLMORE said, if an unexpended balance remained over from last year, it was unnecessary to give the direction in relation to the North Carolina arsenal. Let the department make the expenditure. He urged, moreover, that the proposed division of a part of the appropriation for arsenals to the North Carolina arsenal would endanger the public property elsewhere.

Mr. CALHOUN expressed a desire to have the Fayetteville arsenal completed; and pressed upon the committee the consideration, that, whilst there were many arsenals throughout the Northern and Eastern States, there was none in the South and Southwest. He advocated a reorganization and overhauling of the whole system of arsenals, contending that there were too many in some sections, and not enough in others.

Mr. GILMER inquired whether this appropriation was to complete arsenals already begun, or to erect new arsenals, or for the custody of arms.

Mr. FILLMORE said that there were but two arsenals begun which were not finished. The appropriation was mainly intended for repairs; for the items of which expenditure he referred to document No. 45.

Mr. GILMER concurred with the gentleman from Massachusetts, [Mr. CALHOUN,] that there were too many arsenals at present. He should move to reduce the appropriation from $90,000 to $50,000, so as to expend money only on those absolutely necessary.

The CHAIR decided the motion would not be in order at this time.

Mr. GILMER said he had so supposed, but now gave notice of his intention to make it at the proper time.

Mr. SAUNDERS replied to various gentlemen who had opposed the appropriation. He thought it due at least to the wishes of the State Legislature of North Carolina to make this small appropriation of $10,000.

Mr. MERIWETHER complained that he was in the dark as to the propriety of this appropriation. He did not understand the reason for many of the proposed items of appropriation, and wished for information before he could consent to vote away the public money.

Mr. GRAHAM explained, for the information of the gentleman from Georgia, [Mr. MERIWETHER.]

The question was then put on the amendment; and, as 16 only rose in its favor,

Mr. DEBERRY withdrew it.

Mr. SMITH of Virginia moved to strike out the whole appropriation, and insert an appropriation of $25,000 for the completion of arsenals at Little Rock, Ark., and Fayetteville, N. C. He said that the arsenals, it must be admitted, were in decent and reputable condition, especially as $90,000 of the money previously appropriated for their repair was yet unexpended. But, beyond this, it was stated by gentlemen on that floor that many of the arsenals were unnecessary; and, as the treasury of the country was, and was likely to continue, in an embarrassed condition, he had proposed to strike out the whole appropriation, and substitute a sum which would be sufficient for two arsenals, at points where it was obvious they were requisite.

Mr. GILMER called the attention of his colleague to the detailed estimates, which would show him that $10,000 only was required for each of the arsenals for which he proposed to make appropriation.

Mr. SMITH acted on the suggestion, and substituted $20,000 for $25,000.

Mr. FILLMORE expressed his surprise at the proposition of the gentleman from Virginia. He said an appropriation was necessary to repair the arsenals, both for their preservation and the preservation of the arms which they contained; and further, he deprecated the basing of legislation on unauthorized statements. Instead of $90,000 unexpended, as stated by the gentleman from Virginia, there was only some $70,000; and it must be borne in mind, that that sum was appropriated to defray such expenses as should be required in the interval, up to the 1st of July, and it was for the period subsequent to that day that the appropriation under consideration was to be made.

Mr. SMITH said there was no proposition more clear than that the buildings were in good condition and repair; and, according to the gentleman's own admission, there was some $70,000 unexpended, and therefore he could not be justly charged with a desire to leave the public property to go to ruin. He then justified his motion on other grounds. The gentleman from Massachusetts [Mr. CALHOUN] had shown that some of the arsenals were unnecessary, and therefore it was their obvious duty to put them out of existence; but, in justification of his amendment, especially in relation to the arsenal at Little Rock, he reminded the committee of the proximity of 40,000 Indian warriors to that country, who could sweep its occupants from that portion of this Union.

Mr. CROSS opposed the amendment in some remarks, which were not distinctly heard.

The amendment was then negatived.

Mr. GILMER moved to strike out $90,000 and insert $50,000.

The motion was negatived.

Several items were then read and passed without amendment.

When the Clerk read the item making an appropriation for further military surveys,

Mr. GILMER said he thought that was a branch of the public service which could be suspended, and he moved to strike out that appropriation.

Mr. SMITH of Virginia asked the chairman of the Committee of Ways and Means how that money was expended. He thought there were men amongst the officers of this country that were competent to make these surveys.

Mr. FILLMORE understood that there was a considerable additional expense beyond that of mere officers, such as clerk-hire, transportation, &c.

Mr. SMITH observed that they had very large annual expenditures for transportation, and a number of officers of high pay. It seemed to him that the military service should be exclusively employed in these surveys. It was by employing other persons than the regular officers of the Government, that the expenditures of the Government were swelled up to such an extent.

Mr. FILLMORE spoke of the great importance of the surveys, and said that they were made so as to be ready whenever it might be necessary to erect fortifications.

Mr. SMITH observed that there were two or three different classes of fortifications, covering the whole frontier; and he could not imagine the necessity for an appropriation as small as this. He thought that these surveys were more for the purpose of giving good jobs to the officers above their regular pay, than for any real benefit to the country. Our officers were so well paid, that it was not necessary to give them such jobs to eke out their means of living.

The question was then taken on Mr. FILLMORE's motion, and it was rejected.

Mr. CALHOUN desired to ask the chairman of the committee what was meant by the clause "for expenses for preparing drawings for artillery." The reason he asked was, there was generally a proviso in the appropriation bills, that there should be no extra compensation paid to any officers, or other persons in the employment of the department. Yet, notwithstanding this proviso, the committee of which the gentleman from Virginia [Mr. GILMER] was at the head, had ferreted out the fact that many of the ordnance officers received an extra compensation of $2 per day, in addition to their regular pay, for preparing drawings of artillery. Now, it appeared to him that this kind of work was part of the regular duty of these officers, for which they received regular pay.

Mr. FILLMORE explained that there had been a board of officers appointed for the purpose of making every part of the artillery uniform, and that a draughtsman was employed to assist them. The committee, considering the extra pay of this board an abuse, struck it out of the appropriation of last year, and this year there was no estimate for it. The pay of the draughtsman, however, was estimated for; and this, with the incidental expenses of stationery, &c., made up this item.

Mr. CALHOUN said that as there had been a provision inserted in the former appropriation bills, that no person in regular pay should receive any extra compensation, the law had been trampled on by the department in making such allowances; and he would suggest to the gentleman from Tennessee, [Mr. ARNOLD,] to call up his bill as soon as possible, to correct this and all similar abuses.

Mr. SMITH of Virginia asked if this $1,200 was for the purchase of paper alone.

Mr. FILLMORE answered, for drawing paper, ink, &c.

Mr. SMITH then observed, that this "and so forth" might include everything.

Mr. GILMER wished to call the attention of the committee to the fact, that in this bill there were $65,000 appropriated, by three clauses in juxtaposition, and all for the same general and specific purposes. First, there was a clause appropriating $15,000 for the surveys for the military defences of the country, inland and Atlantic; secondly, for military and geographical surveys west of the Mississippi, $15,000 for the half calendar year, and $15,000 for the fiscal year—making $30,000; and, thirdly, for the continuation of the surveys on the Northern

lakes, $30,000. He did not wish to stop all those surveys, but it seemed to him that the two first were for the same objects. It seemed to him that there was a looseness, not only about the mode of appropriating the public money, but about its expenditure; and he pledged himself to the gentleman from Massachusetts [Mr. CALHOUN] to co-operate with him in checking such a course of things.

Mr. CHARLES BROWN moved to strike out the appropriation for the continuation of the surveys of the North and Northwestern lakes; for, according to the opinions held by many gentlemen there, they could not be carried on correctly without the superintendence of Mr. Hassler. We have (said Mr. B.) immediately following this appropriation, very large appropriations for the Military Academy, where for years they had been educating young men for the scientific purposes of the Government. They had an engineer corps, also, whose officers received very high salaries; and everybody must be satisfied that there were enough of them to make all the surveys, both inland and Atlantic, and carry on all the scientific works of the Government, without employing other persons. He was for employing these officers in these works; and if they were not competent, to get others in their places. These surveys cost somewhere about half a million yearly, and nobody knew where they were going on. It was time that this business was systematized, so that they might know what they were doing, and how much they were expending on it.

Mr. FILLMORE spoke of the importance of these surveys, and explained the difference between them. The object was to make them for the purpose of ascertaining the points at which fortifications would be necessary on the Gulf, on the lakes, and on the Atlantic frontier. Mr. F. handed up to the Chair a letter from the War Department, showing the importance and utility of these surveys; which was read.

Mr. C. BROWN wished to know if these surveys were made by the regular officers of the Government, or by other persons. He did not wish to stop these surveys, and was willing to incur all the incidental expenses connected with them; but he objected to the expense of employing other persons, when the Government had officers enough under regular pay.

Mr. FILLMORE believed that the work was carried on by the regular officers of the Government.

Mr. C. BROWN said that, if the gentleman meant that these surveys were for the purpose of ascertaining points for fortifications, he looked upon them as a useless expense; for, considering the changes taking place in the system of fortifications, together with the increase in the population of different parts of the country surveyed, it would be impossible now to say where it would be best to have fortifications, or of what description they should be, some years hence. He thought the officers had better be employed in walking about the streets, than making surveys with such objects in view.

Mr. MERIWETHER moved to strike out $30,000, and insert $20,000 for the surveys of the North and Northwestern lakes. He said that $20,000 was sufficient, inasmuch as the department had only estimated for that sum, though the committee had given $30,000.

Mr. M. read a letter from Captain Williams, of the engineer corps, for the purpose of showing that an appropriation of $20,000 would be amply sufficient.

Mr. FILLMORE argued that the increased appropriation proposed would be greatly beneficial, in completing the survey at an earlier day than it could be done under present arrangements.

Mr. MERIWETHER contended that the present was not the time to increase such appropriations—a time when the Secretary of the Treasury told us the tariff would have to be altered so as to add $3,000,000 to the revenue of the Government. He hoped that the sum of $20,000, asked for by the officer in charge of the work, who was on the spot and knew everything about it, would be granted, instead of $30,000 as asked for by Col. Abert, who lived in Washington, and never saw the work in question.

Some conversation here took place between Messrs. CAVE JOHNSON and FILLMORE as to whether this item was not proposed and rejected last session; the result of which was, that such was not the fact.

Mr. SMITH of Virginia said that, if he understood the question rightly, the amendment involved the question whether there should be an increase of the present annual appropriation, for the purpose of completing the survey at an earlier day than was now contemplated. He argued that, in our present condition, it was better to leave expenditures as they were, than to incur any increase.

The question was put, and the amendment rejected.

Mr. REYNOLDS then rose, and moved to amend the bill, by adding after the 122d line, an item providing for an appropriation of $20,000 for a military survey from Council Bluffs, on the Mississippi, to the mouth of the Columbia river, in Oregon Territory. He stated that he desired to have this item inserted in lieu of the item of $20,000 "for surveys west of the Mississippi. The Chair, however, informed him that it would not be order to move to amend that item, as it had been passed upon by the committee; and it was for this reason that he offered the amendment to come in at the end of the section. He then addressed the House in a strain of forcible reasoning in favor of his amendment. It was not, as gentlemen might think, an extraordinary proposition. It was important as bearing upon the proposed settlement of Oregon Territory; and he hoped that gentlemen would not be so squeamish as to refuse to allow our citizens to take possession of that territory, merely because England pretended to have a right to it. If England had any claim whatever to the soil of Oregon, it was confined to that portion above, the mouth of the Columbia, where the survey he proposed would not touch. He expressed an anxious desire that the attention of members should be called to this subject, in order that they might consider the propriety of hereafter constructing a military road in Oregon. For the purpose of giving an opportunity to gentlemen to weigh the matter well in their own minds, he would move that the committee rise, and then let the question be taken on his proposition to-morrow.

Mr. FILLMORE appealed to the gentleman to withdraw the motion for a moment.

Mr. REYNOLDS consented to do so.

Mr. FILLMORE entered into an explanation of the subject, and urged that there was no necessity for the specific appropriation wished by the gentleman from Illinois, [Mr. REYNOLDS] The amount appropriated in this bill for surveys, exceeded that appropriated for some years past. The item, too, for surveys west of the Mississippi river, ($20,000,) might, under the direction of the department, be applied towards the very object desired by the gentleman, [Mr. REYNOLDS] The House, he thought, should not decide upon the manner in which this appropriation should be expended, but should leave it to the department. He also would remind the gentleman from Illinois that there was already a survey or map in existence, which had been prepared by Captain Wilkes when on the exploring expedition.

Mr. REYNOLDS replied generally to the objections of the gentleman from New York, [Mr. FILLMORE.] He contended that Congress—elected for two years, and more responsible to the people than any public officer—was better qualified to decide what surveys were best for the interest of the Government, than either the Secretary of War or the President. If he were anxious to know as to surveys about Buffalo or the surrounding country, he would sooner take the statements of the gentleman, (its Representative,) than all the secretaries in the country. So, too, he would rather have the opinions of the Representatives of the people, coming from every part of the Union, in relation to these local surveys, than those of public officers in Washington city. As to the map of Captain Wilkes, referred to by the gentleman, that might be very good in its way, and very accurate and very pretty; but he did not want a survey or map of Columbia river only. That might be well enough for navigation; but it would not answer the purposes of the people, who wished a military route to Oregon, in order that they might go there with their families and settle.

Mr. R. concluded by moving that the committee now rise: previous to putting which motion, some conversation took place between Messrs. CAVE JOHNSON, FILLMORE, and CALHOUN, in relation to a bill to prohibit extra allowances to public officers; the result of which conversation was an agreement to have the Committee of the Whole discharged from the further consideration of said bill, instead of reporting it to the House.

The motion that the committee rise was then put, and carried.

Mr. C. JOHNSON moved to discharge the Committee of the Whole from the bill prohibiting extra allowances to officers of the Government.

Mr. McKENNAN asked if it had been before a committee.

Mr. ARNOLD said it had not.

Mr. FILLMORE had no doubt it was a very proper bill.

The resolution was then agreed to.

Mr. BLACK, from the Committee on the Territories, reported a bill to amend the several acts organizing the Governments of the several Territories of the United States; and it was read twice and committed.

Mr. MALLORY offered a resolution requiring the Secretary of War to report to this House a practicable plan for the reduction of the expenditure of the Military Academy at West Point, and to limit the number of cadets, so as to correspond with the wants of the country and the strength of the army.

Mr. CUSHING objected, and the resolution was not considered.

Mr. J. T. MASON presented a joint resolution of the Legislature of Maryland, in relation to the stock in the Chesapeake and Ohio Canal; which was ordered to be printed.

Mr. FILLMORE presented a statement of the receipts of the Government for the last quarter; which was ordered to be printed.

The House then adjourned.

IN SENATE.

THURSDAY, January 19, 1843.

Mr. SMITH of Indiana presented a joint resolution adopted by the Legislature of Indiana, on the subject of the rigid construction given by the Postmaster General to the post office laws. Mr. S. remarked that there was much feeling in the whole Western country concerning a regulation of that department, making pamphlets and newspapers (which may happen to have the name of the person sending such matters through the mail) chargeable with letter postage. Great difficulty and much feeling are the consequence of such construction of the post office laws, especially in the State of Indiana; so much so, that the attention of the Legislature had been called to the subject, and that body have passed the resolutions he then presented, urging a repeal or modification of that portion of the laws of the department which justified such a regulation. He hoped the Committee on the Post Office and Post Roads, to which he proposed to refer the resolutions, would give the subject their attention. The resolutions were then referred, and ordered to be printed.

Mr. SMITH, from the Committee on Public Lands, to which had been referred House bill entitled "An act for the relief of the heirs or the assignees of of the heirs of Isaac Todd and James McGill," reported the same back with an amendment, being a substitute for the bill.

Mr. PHELPS, from the Committee on Claims, reported back, with an amendment, House bill 619, for the relief of Asahel Lee, Harvey Lee, and Lemuel Lee.

Mr. GRAHAM, from the Committee on Claims, reported a bill for the relief of Duncan L. Clinch; which was read, and ordered to a second reading.

Mr. G. also reported back, from the same committee, without amendment, and with a recommendation that they do pass, House bills for the relief

of John Drysdale, and for the relief of Johnson Patrick.

Mr. MERRICK presented a communication from the Governor of Maryland, enclosing resolutions adopted by the Legislature of that State, relative to a proposed transfer of the stock held by the United States in the Chesapeake and Ohio canal, to the State of Maryland, on the condition that that State will complete the canal to Cumberland before the expiration of five years from the time of transfer: ordered to lie on the table, and be printed.

Mr. PORTER presented a memorial from 142 citizens of the State of Michigan, remonstrating against the repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

On motion of Mr. ARCHER, leave was granted to withdraw from the files the memorial and documents of John Goode.

On motion of Mr. EVANS, the previous orders of the day were postponed, for the purpose of taking up, as in committee of the whole, the bill for the benefit of the Petersburg Railroad Company.

Mr. E. explained, that there were several cases before the Finance Committee in respect to an extension of the time during which railroad iron, to be actually laid down, might be imported free of duty. This was not one of those cases. All those cases now before the committee, were where railroads were in progress of construction, and where it would take some years for their completion; but the case now before the Senate differed in that respect: the railroad was completed, and the company were relaying a portion or all of it with new and better iron, in consequence of a portion of it being worn out. The iron was imported, and in the country. The company have it in their power to lay it all down before the 3d of March next, and entitle themselves to the benefits of the provision in the tariff bill allowing iron laid down before that time to be free of duty. They will lay it down by that time, unless Congress think fit to prolong the time for doing so. But, in order to have it done before the 3d of March, the company will have to employ a considerable number of persons more than they now have, and may probably have to suspend transportation and travel on the road until it is done. This, too, is the line on which the mail is conveyed. If you force the company to this, it will interrupt very much the Southern travelling; and the work would have to be done in a hurried manner, and might be consequently improperly done, and be the cause of accident hereafter. This bill involved none of the principle contained in the other cases before the committee, for the general admission of railroad iron free of duty for a longer period than the tariff of last session justified. The bill proposed to give this company till the 1st day of December next to lay down the rails, so that the work might go on gradually, and be well done.

Mr. BUCHANAN inquired what was the quantity of iron involved in the bill?

Mr. EVANS said, about 2,000 tons.

Mr. BUCHANAN asked whether the tariff law was to be repealed, because it did not suit the convenience of the company to comply with its provisions? This bill came up suddenly this morning, and he had not time to examine it. He had no objection to let it pass this stage; but, unless his present impressions were removed, it should not pass any other stage by his vote.

There being no proposition to amend the bill, it was reported to the Senate, and ordered to a third reading.

Mr. MOREHEAD submitted the following resolution:

Resolved, That the President of the United States be requested to communicate to the Senate any letters or communications on file in the War Department relative to the granting by the British Government to the Hudson Bay Company, and by that company to individuals, of any portion of the Territory of Oregon.

Mr. MOREHEAD made some remarks on the importance of the resolutions, after the remarks of the Senator from Massachusetts [Mr. CHOATE] on yesterday, on a portion of a report made out by Mr. Greenhow, concerning the cessions by Great Britain to the Hudson Bay Company, of land in the Oregon Territory; after which, the resolution was adopted.

The following bills were then taken up as in committee of the whole, considered, reported to the Senate, and ordered to a third reading, viz:

House bill (319) for the relief of Samuel Hambleton.

House bill (427) for the relief of the administrator of John Jackson.

House bill entitled "An act for the payment of seven companies of Georgia militia, for services rendered in the years 1840 and 1841," was taken up as in committee of the whole.

Messrs. KING and CALHOUN did not see the necessity for the passage of this act, inasmuch as they did not know the reason why these militia could not be paid under the existing general law, which provided that all militia called out by the Governors, and mustered into the service of the United States, should be paid, upon the muster-rolls showing the service being duly authenticated and presented at the War Department. If the service was actually performed, and the militia entitled to pay under the provisions of the existing law, but, owing to some informality could not receive it, they were willing to vote for a bill to authorize payment, notwithstanding such informality.

Mr. CRITTENDEN remarked that the Committee on Military Affairs were satisfied that these militia were entitled to pay; and reported back the bill for that purpose. They did not, however, inquire into the reason why the War Department had not allowed the pay under the existing law. He had no objections to let the bill be postponed until the exceptions taken by the War Department could be inquired into.

The bill was then, on the motion of Mr. KING, laid on the table until the inquiry could be made.

Mr. MOREHEAD presented the credentials of JOHN J. CRITTENDEN, esq., who was elected by the Legislature of Kentucky to be a Senator from that State in the Congress of the United States, for six years from and after the 4th day of March next.

THE EXCHEQUER BILL.

On motion by Mr. TALLMADGE, the bill amendatory of the several acts establishing the Treasury Department of the United States was taken up, and postponed till Wednesday next, and made the special order for that day; and Mr. T. expressed a hope that they would be able to give it consideration at that time.

Mr. TALLMADGE presented a memorial from John Golden, of the city of New York—who represents that, in 1835, he received a patent, under the United States patent laws, for an invention of his to issue credit paper; and that he has the exclusive right to that kind of issue; and prays that authority be given him by Congress to issue an amount of credit checks, not exceeding $100,000, under the exchequer board, on his own name, in consideration of his yielding up to Congress his rights under his patented invention. This, being a subject of finance, was referred to the Committee on Finance.

House bill entitled "An act for the relief of Thomas Copeland," was taken up, as in committee of the whole.

Mr. CRITTENDEN made some remarks explanatory of its provisions, and said that the Judiciary Committee were of opinion that it should not pass. He moved that it be indefinitely postponed.

Mr. STURGEON made some remarks in favor of the passage of the bill.

The question was then put on the motion for indefinite postponement, and decided in the affirmative.

The bill to refund the balance due to Massachusetts for disbursements during the late war with Great Britain, came up in order, as in committee of the whole, on an adverse report of the Committee on Military Affairs; but was, on the motion of Mr. BATES, postponed till Tuesday next, and made the special order for that day.

The bill for the relief of William De Peyster and Henry N. Cruger was taken up as in committee of the whole; and, after a few remarks by Mr. CRITTENDEN, explanatory of its provisions, and there being no motion to amend, it was reported to the Senate, and ordered to be engrossed for a third reading.

Mr. SEVIER presented a memorial from the delegation in the House of Representatives from the Territories, soliciting the appointment of a standing committee by the Senate, to be called the Committee on Territories, to take charge of Territorial business; which being read, Mr. S. gave notice that he would on to-morrow morning introduce a resolution so to amend the rules of the Senate as to authorize the appointment of a standing committee of five, to take charge of Territorial business.

The PRESIDENT *pro tem.* presented to the Senate the credentials of GEORGE MCDUFFIE, Esq., who was elected by the Legislature of South Carolina a Senator from that State, in the Congress of the United States, for six years from and after the 4th of March next; which were read.

Senate bill entitled "An act to regulate enlistments in the army, and navy, and marine corps," came up in order as in committee of the whole.

Mr. BAYARD remarked that there was a proviso in the bill which provided that no negro or mulatto should be enlisted in the service of the United States, except in the capacity of musicians, cooks, or stewards. This provision (he said) was introduced into the bill at the last session, on the motion of the Senator from South Carolina [Mr. CALHOUN] after considerable discussion. The committee thought it better, therefore, to let it remain. It was his wish, however, that this proviso should be so modified, that, for temporary service in unhealthy climates, negroes or mulattoes may be treated as a part of the crew on board of those vessels in which they may be employed. On the coast of Africa and the Chinese Sea, it was extremely unhealthy; in consequence, they were compelled to employ natives of the country temporarily to do such duties as were required to be done on shore. It was not proposed to employ negroes in the service, in our own country—such was not the object of the amendment; but, as he said, its object was to authorize the temporary enlistment on foreign stations, and in unhealthy climates. If they were employed at all, it was necessary that they should be enlisted, that they might be subject to the rules and articles of war, and be entitled to receive their pay.

Mr. BENTON was understood to remark that this was the way the thing spreads. One of the requirements of the new British treaty was, that 80 guns should be kept on the coast of Africa. So, in order to carry out that treaty, it now becomes necessary to permit negroes and mulattoes to be enlisted in the service of the United States. He was against it altogether. He was opposed to the repeal of existing laws for any such purpose.

Mr. BAYARD thought the Senator was under a mistake in supposing there was any existing law which precluded negroes or mulattoes from being enlisted in the service of the United States. The superior courts had, indeed, decided that foreigners could not be enlisted; but there was not one word against negroes or mulattoes, until this identical bill was passed by the Senate last session, with the proviso suggested by the Senator from South Carolina, [Mr. CALHOUN,] which limited the purposes for which they might be enlisted. Although this bill had passed the Senate, it was too late to meet the action of the other House, and it fell to the ground. On bringing it forward again, he had learned that the few amendments now offered would be necessary. It was the opinion of an experienced officer serving on a foreign station, that this amendment would place it in the power of the service to spare the lives of Americans, who could not stand the climate on land, at night, in the vicinity of the Chinese seas and other stations. At Ceylon, he was informed, a whole boat's crew might perish by being obliged to lie on shore one night; for such things had happened where boats were sent for water, and had to stay on shore for the night. Now this bill would enable our officers on such stations to employ, for temporary purposes, and for a limited time, the natives, who are accustomed to the climate, and can stand it.

The question was then put on the amendment, and disagreed to—ayes 14, noes 17.

Several verbal amendments were made, and the bill was then reported to the Senate, and ordered to be engrossed for a third reading.

OREGON TERRITORY.

The order of the day brought up, as the unfinished business, the bill for the occupation and settlement of the Territory of Oregon, on which the pending question was the passage of the bill.

Mr. MOREHEAD, who was entitled to the floor, said that, for reasons which he had stated this morning, when offering the resolution calling for information from the executive department as to the allegation that the British Government had made grants in the territory, and which information he expected would be laid before the Senate to-morrow morning, he would move that the bill be passed over informally; as it would be extremely desirable, in the further discussion of the subject, that there should be some knowledge of the grounds on which the allegation, so often alluded to, had to rest.

Mr. BENTON said that, before the question was put on the postponement, he would ask the indulgence of the Senator for a few remarks which he deemed it necessary to make in answer to the Senator from Massachusetts [Mr. CHOATE] who spoke yesterday. It was chiefly in reference to the Northwestern boundary line agreed upon in the late treaty. A good deal had been said about the Northeastern boundary line, without the subject being at all exhausted; and it was now time to say something about the Northwestern boundary line of that treaty.

Mr. B. then produced a large map of the territory though which the Northwest boundary line passes, and pointed out the trading route, called the portage route, from the Pigeon river to the Lake of the Woods, and the route called the water communication, lying considerably to the north of the portage route. What he contended was, that the treaty of 1783 designated the water communication as that intended for the boundary line, and that it was the true boundary line of the United States. He further contended, that so convinced were the British themselves of this fact, that, in 1802, they broke up the depot of their Northwest Fur Company at Grand Portage, and removed it fifty miles north, for the purpose of getting off the territory of the United States, and evading the duty to which their goods were liable to the United States. The portage route was then exclusively ours: and we had, by the treaty of 1783, a joint right to the use of the northern watercourse forming the intended boundary line. By the treaty of 1842, our American negotiator had surrendered up what was admitted by the British to be ours in 1842; had given them the exclusive right to the northern water communication; and had brought them back to the joint occupancy of the portage route; from which, like the Jews, they were forty years wandering in the wilderness. Their hearts yearned after the flesh-pots of Egypt, and this modern Joshua had led them through the wilderness to their land of promise. And not content with giving them everything they craved, he made the President say, in his message, things calculated to make the American people believe that everything of theirs which he had given away, instead of proving a loss, proved an acquisition of four millions of acres of valuable mineral lands.

Mr. CHOATE replied, and entered upon proof, from what he considered concurrent testimony, that the water communication meant by the treaty of 1783 was the portage route—partly water and partly portage; because, from the beginning of the world to that day, no other route or communication was ever known from the Pigeon river to the Lake of the Woods. What he contended for was, that, as the words of the treaty of 1783 could not literally be applied to any one line of communication—no watercourse from the river to the lake being continuous—they must be taken in the geographical sense, and could apply to nothing else but the known and established route travelled by the French, when they owned Canada, before 1760, and by the English, who succeeded them, down to the time of the treaty of 1783.

[This explains the point of controversy between the two Senators, so far as it can be rendered intelligible without the aid of maps. They alternately addressed the Senate several times—referring to documents, maps, treaties, and evidence derived from statements made by both Englishmen and Americans.]

The question was then put on passing over the bill informally, and agreed to.

On motion of Mr. SMITH of Indiana,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, January 19, 1843.

Mr. WASHINGTON presented (under the rule of the House heretofore established) the petition of Lewis Gordon, a disabled seaman, praying a pension; which was referred to the Committee on Invalid Pensions.

Mr. REDING presented the petition of Theodore Gould, of Haverhill, New Hampshire, praying for a pension; which was appropriately referred.

Mr. BIDLACK presented three memorials from citizens of Pennsylvania, praying for the repeal of the bankrupt act; which were laid on the table.

Mr. RIDGWAY presented a memorial, signed by 48 merchants and others, of the county of Franklin, Ohio, praying Congress to restore the summer term of the United States circuit and district courts of Ohio, to Columbus, the seat of Government of that State. Also, a memorial signed by 11 members of the bar, and others, of the town of Delaware, Delaware county, Ohio, of the same character; which were referred to the Committee on the Judiciary.

AMERICAN HEMP.

Mr. GARRETT DAVIS called for the second reading of the joint resolution to establish agencies for the purchase of water-rotted hemp.

Mr. EVERETT objected to the consideration of any business out of its regular order.

The CHAIR suggested to the gentleman from Vermont, that the resolution came up upon its second reading under the rules. It was then read the second time, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and he is hereby, authorised to establish an agency in the State of Kentucky, and an agency in the State of Missouri, for the inspection, test, and purchase of water-rotted hemp for the use of the American navy.

The resolution was then ordered to be engrossed for a third reading; and then, by general consent, read the third time, and passed.

Mr. McCLELLAN of New York asked leave to offer the following resolution, which was read for information:

Resolved, That the Secretary of the Treasury be requested to report to this House copies of the returns made to him by the several district attorneys, clerks of the circuit and district courts, and marshals of the United States, of the fees and emoluments received by them, respectively, in pursuance of the provisions of the act entitled "An act making appropriations for the civil and diplomatic expenses of the Government for the year eighteen hundred and forty-two."

Mr. EVERETT objected to the resolution, under the apprehension that it would give rise to debate.

Mr. McCLELLAN moved a suspension of the rules; which being carried, the resolution was considered and adopted.

SOLDIERS OF OLD INDIAN WARS.

Mr. WHITE of Indiana presented a memorial and joint resolution of the Legislature of Indiana, praying the passage of a law to extend the benefits of the act of Congress of June 7, 1832, to the volunteers and militia who were in service against the Western Indians, from the nominal close of our revolutionary war by the treaty with England in 1783, to the final close thereof, by treaty with the Indians at Greenville, in 1795.

Also, a memorial and joint resolution of the same body, on the subject of the Post Office laws.

ARMED OCCUPATION OF FLORIDA.

Mr. GIDDINGS asked leave to offer a resolution directing the Committee on Military Affairs to inquire into the expediency of reporting a bill to repeal the act of the last session of Congress entitled "An act providing for the armed occupation of Florida."

Objections being made by several,

Mr. GIDDINGS moved a suspension of the rules; but the motion was rejected without a division.

REPEAL OF THE BANKRUPT ACT.

The SPEAKER announced that the next business in order was the bill reported by the Committee on the Judiciary repealing the bankrupt act.

Mr. CUSHING, in reply to questions from several members, asking which bill it was, explained that it was not the one that was passed, and upon which a motion for reconsideration was pending; and moved to lay it on the table, which motion was carried.

FRANKING PRIVILEGE.

The bill to authorize the chief clerk in the Department of State to frank public and official documents sent from that office, was read the second time, and ordered to be engrossed for a third reading.

Mr. BRIGGS called for the third reading of the bill, and observed that it was only authorizing the chief clerk in the Department of State to do what the Secretary has the right to do.

Mr. EVERETT objected to the third reading today, and the bill was therefore passed over.

Mr. CAVE JOHNSON asked the House to take up the bill introduced by him, prohibiting extra allowances to officers of the Government.

Mr. CUSHING objected, and the motion was not, therefore, put to the House.

Reports of committees, being the next business in order, were called for by the Chair, and the following were made:

Mr. MOORE, from the Committee on Private Land Claims, reported a bill to revive the act entitled "An act to enable claimants to lands within the limits of Missouri and the Territory of Arkansas to institute suits to try the validity of their claims," approved May 26th, 1824; and extending the same to claimants to lands within the limits of the States of Louisiana and Mississippi, and for other purposes: read twice, and referred to the Committee of the Whole on the state of the Union.

Mr. MOORE, from the same committee, also reported a bill for the relief of Philander Smith and James Young; which was read twice and referred.

Mr. DEBERRY, on leave, presented the joint resolutions of the Legislature of North Carolina on the subject of the United States arsenal in that State: laid on the table.

Mr. STANLY, from the Committee on Military Affairs, moved that said committee be discharged from the further consideration of the petition of sundry citizens of Virginia, on the subject of the superintendency of the national armories; which motion was agreed to.

Mr. STANLY, from the same committee, reported a bill in addition to the act for the payment of the Florida militia, who were called into service during the years 1839 and 1840: read twice, and referred to the Committee of the Whole on the state of the Union.

Mr. W. O. BUTLER, from the same committee, reported a bill to amend the act entitled "An act respecting the organization of the army and for other purposes," approved 23d August, 1842: read twice, and referred to the Committee of the Whole on the state of the Union.

Mr. GOGGIN, from the same committee, moved that it be discharged from the further consideration of the memorial of Uriah Brown; which was agreed to.

Mr. CALHOUN, from the Committee on Naval Affairs, reported the following joint resolutions; which were severally twice read, and referred:

A joint resolution in favor of Frances M. Lewis; and

A joint resolution in favor of Mary Neale.

Mr. F. WOOD, from the same committee, reported a bill making an appropriation for the construction of a floating dry-dock at Pensacola; which was twice read, and referred.

Mr. CUSHING, from the Committee on Foreign Affairs, to which was referred so much of the message of the President of the United States as communicated the late treaty with England, reported a bill for carrying said treaty into effect; which being read,

Mr. CUSHING observed, that the House would perceive that the bill just reported was for execut-

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27TH CONG.....3D SESS. WEDNESDAY, JANUARY 25, 1843. VOLUME 12....No. 12.

Continued from No. 11.

ing what was called the Ashburton treaty. The Committee on Foreign Affairs had charge of the general subject, by the reference to them of a portion of the President's message at the commencement of the session, and particularly by the references of the message communicating the treaty. The committee had, therefore, reported this bill for the purpose of carrying into effect those provisions of the treaty which required the legislation of Congress. The sixth article was as follows:

"It is furthermore understood and agreed, that for the purpose of running and tracing those parts of the line between the source of the St. Croix and the St. Lawrence rivers, which will require to be run and ascertained, and for marking the residue of said line by proper monuments on the land, two commissioners shall be appointed—one by the President of the United States, by and with the advice and consent of the Senate thereof, and one by her Britannic Majesty; and the said commissioners shall meet at Bangor, in the State of Maine, on the 1st day of May next, or as soon thereafter as may be, and shall proceed to mark the line above described from the source of the St. Croix to the river St. John; and shall trace on proper maps the dividing line along said river, and along the river St. Francis to the outlet of Lake Pohenagamook; and from the outlet of the said lake, they shall ascertain, fix, and mark, by proper and durable monuments upon the land, the line described in the first article of this treaty; and the said commissioners shall make to each of their respective Governments a joint report or declaration, under their hands and seals, designating such line of boundary; and shall accompany said report or declaration with maps certified by them to be true maps of the new boundary."

In looking at the treaty, it was found that not only the 6th article, but others, required appropriations to carry them into effect; but for one of the other articles the Committee of Ways and Means had already reported an appropriation of $300,000 in the general appropriation bill, viz: to pay and satisfy the States of Maine and Massachusetts for the expenses incurred by them in protecting and surveying the disputed territory. It was found, however, by reference to the rules of the House, that the Committee of Ways and Means were prohibited from including in the general appropriation bills any appropriations for carrying treaties into effect. Therefore there were two appropriations to be made under that article; and it would be found, on referring to the rules of the House, that there was a rule providing that an appropriation for carrying out a treaty shall not be included in the general appropriation bill. The rule is in these words:

"In preparing bills of appropriation for other objects, the Committee of Ways and Means shall not include appropriations for carrying out treaties made by the United States; and where an appropriation bill shall be referred to them for their consideration, which contains appropriations for carrying a treaty into effect, and for other objects, they shall propose such amendments as shall prevent appropriations for carrying a treaty into effect being included in the same bill with appropriations for other objects."

Thus it became necessary that all appropriations for carrying out treaties should be made in separate bills; and in this case it was deemed judicious to do it in the bill providing for the appointment of a commissioner. The committee had also further, in the execution of the treaty, thought it proper to insert the 6th section, for the provision of a squadron for the coast of Africa. That section is in these words:

"SEC. 6. *And be it further enacted*, That it shall be the duty of the President of the United States, in the execution of the provisions of the 8th article of said treaty, to apply so much of the naval appropriations as may be necessary therefor to the preparation, equipment, and maintenance of the naval force therein stipulated to be employed on the coast of Africa by the United States."

As this bill contained appropriations he moved that it be referred to the Committee of the Whole on the state of the Union, in the usual course.

Mr. C. J. INGERSOLL inquired if there was any report accompanying the bill.

Mr. CUSHING replied that there was not a report; but he would state that it was contemplated to make a report, which would be presented before the bill came up for consideration.

Mr. C. J. INGERSOLL was understood to inquire the nature of the report.

Mr. CUSHING replied that he would only yet say that there would be a report.

After a few words of conversation and explanation between Mr. FILLMORE and Mr. CUSHING, the motion was agreed to.

The SPEAKER then continued the call for reports, and the following were presented:

Mr. C. H. WILLIAMS, from the Committee on the Territories, reported a bill entitled "An act making appropriation for a law library for the use of the court of appeals for the Territory of Florida;" which was read twice, and committed.

He also reported a bill making appropriations for completing the public buildings of Florida; which was read twice, and committed.

Mr. STALEY N. CLARKE, from the Committee on Revolutionary Pensions, reported a bill for the relief of Samuel Edgecomb; which was read twice, and committed.

And, also, a bill granting a pension to David Munn.

Mr. BABCOCK reported a bill for the relief of Jacob Miller; which was read twice, and committed.

Mr. GORDON, from the Committee on Invalid Pensions, made divers adverse reports.

Mr. READ, from the same committee, made an adverse report in the case of Peter W. Short.

Mr. STRATTON was also understood to make an adverse report on the case of James Stevens.

Mr. McKENNAN moved that the Committee on Roads and Canals be discharged from the further consideration of a petition for a harbor at Racine, and that it be referred to the Committee on Commerce; which was agreed to.

Mr. J. L. WILLIAMS, from the Committee on the Post Office and Post Roads, reported the Senate bill for the relief of the Steamboat Company of Nantucket; which was committed to the Committee of the Whole.

FINE ON GENERAL JACKSON.

Mr. HUNT (who was entitled to the floor during the morning hour, for fifteen minutes, being the residue of his hour, partly occupied on a previous day) then resumed his speech on the subject of General Jackson's fine, the resolution of the gentleman from New York [Mr. BOWNE] coming up as the business next in order. He said his time was too limited to permit him to go into this subject as he desired; but he proposed to show that, by the Constitution of the United States, and the laws on the subject, Judge Hall was justified in the course he took; that he was bound to issue the writ as he did; and that he was equally bound, in reference to the dignity and the integrity of his court, to punish as for contempt, and to punish summarily. The first authority to which he would call the attention of the House was the third article of the treaty of Paris of April 30, 1803—the treaty by which this country obtained what is now Louisiana:

"ART. 3. The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted, as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and, in the meantime, they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess."

The next authority to which he asked the attention of the House, was the act of the 8th of April, 1812, admitting Louisiana into the Union. The second section of that act provides as follows:

"And that all the laws of the United States, not locally inapplicable, shall be extended to the said States, and shall have the same force and effect within the same, as elsewhere within the United States."

Now, what were the laws of the United States, that, by the article of the treaty of Paris, and the act admitting Louisiana into the Union, were to extend and operate over that State? The act of 1789, commonly called the judiciary act, showed what some of them were; and, amongst them, there was a law extending to the inhabitants of that State the writ of *habeas corpus*. He asked the attention of gentlemen to the 14th and 17th sections of the judiciary act of 1789. The 14th section was in these words:

"That all the beforementioned courts of the United States shall have power to issue writs of *scire facias*, *habeas corpus*, and all other writs not specially provided for by statute, which may be necessary for the exercise of their respective jurisdictions, and agreeable to the principles and usages of law; and that either of the justices of the Supreme Court, as well as judges of the district courts, shall have power to grant writs of *habeas corpus* for the purpose of an inquiry into the cause of commitments."

The 17th section contained these words:

"That all the said courts, &c. shall have power, &c. and to punish, by fine or imprisonment, at the discretion of said courts, all contempts of authority in any cause or hearing before the same."

These 14th and 17th sections were expressly extended to Louisiana by the treaty to which he had called the attention of the House, and by the act of 1812, from which he had already quoted; and yet the gentleman from Pennsylvania had said that there was no law there in force but the laws of Spain or Portugal, and France.

But, in this connexion, he referred to the 4th article of the Constitution of the United States, which, of itself, would settle this question. The 4th section of the 4th article of the Constitution has these words:

"The United States shall guaranty to every State in the Union a republican form of government, and shall protect each of them against invasion."

And now he would say a word to the gentleman from Pennsylvania [Mr. C. J. INGERSOLL] respecting the case of Judge Peck, which, probably, gave rise to the act of 1831. The gentleman from Pennsylvania would not find, from the beginning to the end of the proceedings in that case, (and the managers appointed on the part of this House were men of the highest abilities,) that it was assumed or admitted that in any other case than that under consideration could Judge Peck have been subjected to impeachment. Judge Peck had undertaken to punish as for contempt when the case was one of libel; but it was not admitted that in any other class of cases he could have been subject to impeachment. And he (Mr. H.) should like to know if, anywhere, contempt was punishable with the intervention of a jury? The gentleman from Pennsylvania had referred to the act of 1831, in the course of his observations, and, therefore, he (Mr. H.) would briefly allude to it.

In consequence of the act of Judge Peck, the Legislature of the country passed a law, pointing out the future limits within which judges should confine themselves; but, on looking over that law, he found that it expressly recognised the case existing before Judge Hall, and only went to strip judges of the power which Judge Peck exercised—of punishing as for contempt libel committed out of his court. With the permission of the House, he would read the first section of the act of March 2, 1831, which was passed in consequence of the act of Judge Peck. It was as follows:

"That the power of the several courts of the United States to issue attachments and inflict summary punishments for contempts of court, shall not be construed to extend to any cases except the misbehavior of any person or persons in the presence of the said courts, or so near thereto as to obstruct the administration of justice; the misbehavior of any of the officers of the said courts in their official transactions; and the disobedience or resistance by any officer of the said courts, party, juror, witness, or any *other* person or persons, to any lawful writ, process, order, rule, decree, or command of the said courts."

Now, with what face could the gentleman from Virginia say that, in the act of 1831, there was any condemnation of the course pursued by Judge Hall? He (Mr. HUNT) submitted, then, that, both by the Constitution and the laws of this country, Judge Hall was bound, or he would have violated his oath of office, to issue the writ, and to punish contempt summarily and without the intervention of a jury.

Here the gentleman's hour expired, and Mr. BOTTS obtained the floor.

Mr. FILLMORE requested the gentleman from Virginia to give way, for a motion either to take up the question of reconsideration of the vote by which the bankrupt repeal bill was passed, or to go into Committee of the Whole.

The SPEAKER informed the gentleman from

New York that there were various Senate bills on the table, and also several Executive messages, the disposal of which he suggested.

The several Senate bills were accordingly read twice, and committed; and the Executive messages were presented to the House, and appropriately referred. Of the Executive communications, there were the following:

A communication from the Treasury Department, transmitting the report of the surveyor general of Arkansas and the Territories of Wisconsin and Florida.

Also, a report of the Secretary of the Treasury, showing the number of officers, &c., at the port of New York on the 1st July, 1828, and the 1st January, 1842, and the amount of revenue at those two periods.

Likewise, a report of the Secretary of the Treasury, in answer to a resolution of the House of Representatives of the 11th January, 1843, in reference to goods lost by fire in the public stores of New York.

The SPEAKER also submitted a communication from the War Department, in answer to a resolution of the House adopted on the 14th ult., calling for a survey in Florida: referred to the Committee of the Whole on the state of the Union.

Mr. MATHIOT, from the Committee on Revolutionary Pensions, reported a bill for the relief of Nancy Wilson: twice read, and referred to the Committee of the Whole House.

REPEAL OF THE BANKRUPT LAW.

Mr. FILLMORE called up the bill for the repeal of the bankrupt law, which was passed by the House, but still on the Speaker's table, in consequence of a motion of reconsideration made by the gentleman from Indiana, [Mr. PROFFIT.]

Mr. CUSHING, who was entitled to the floor, addressed the House at length, in reply to the remarks made by various gentlemen, during the last three weeks in relation to the present Administration. He commenced by remarking that the President of the United States was accused of obstructing the passage of Whig measures of relief, and was charged with uncertainty and vacillation of purpose. As these charges had been made against the President, he felt it to be his duty to ask the country who was chargeable with vacillation and uncertainty of purpose, and the destruction of measures of relief? Who were they who, with sacrilegious hands, were seeking to expunge the last measure of the "ill-starred" extra session from the statute-books? Forty-seven Whigs, he answered, associated with the Democratic party in the House, and formed a coalition to blot out that measure. [Laughter, and cries of "Good."] He repeated it: forty-seven Whigs formed a coalition with the Democrats to expunge all the remains of the extra session which existed. For three weeks past, there had been constantly poured forth the most eloquent denunciations of the President, of the Secretary of State, and of himself. He might imagine, as was said by Warren Hastings when such torrents of denunciation were poured out upon him, that there was some foundation for the imputation of the orators. He should inquire into the merits of the political questions, and into the accusations made against him. He was told that he had thrown a firebrand into the House—that he had brought a tomahawk here. He denied it. He had done no such thing. It was not true that he commenced the debate which was carried on; and when gentlemen said that he had volunteered remarks out of the regular order, in reply to the gentleman from Tennessee, [Mr. ARNOLD,] he told them that they were not judges. His mode of defence was counter-attack, and it was for him to judge of the argument. If he carried the war into the enemy's camp, the responsibilty was with those who commenced the attack.

It was arrogated to themselves by the Whigs, that they possessed the exclusive license of attack, and that the friends of the Administration must not stand up and defend themselves. According to these gentlemen, he must not resist the attacks made upon him. He understood his rights; and if gentlemen would assail the Administration—if they would pour out frantic abuse upon it, it was his right, to reply, whenever his convictions of duty enabled him. In doing this, he had held up a magic mirror to the country. He had placed before the House the means by which members could read their own hearts. When gentlemen undertook to arraign him for alleged sins against the Constitution and the form of our Government, and put upon him an imputation which could not be found in his speech, and which he challenged them to justify by pointing out one sentence,—when gentlemen come here into the House and do this, he declared that it was an endeavor to pass upon the country the false coin of political profession. Was there any one who would say that, of 242 members of this House, every man was free from political motives in his conduct? He repelled the charges which they made upon him and upon the Administration; and he should endeavor to show that they proceeded only from interested motives, whether of fame, wealth, power, or anything else by which men were banded together as parties. What was a party? He defined a party to be an association of men seeking to get power.

When they talked of principles, what did they mean? The gentleman from Kentucky [Mr. MARSHALL] did not develop any principles on which he acted. Principle with that gentleman was *a measure*—the United States bank. Did the United States bank constitute principle? Did the sub-treasury of itself constitute a principle? The gentleman from New York [Mr. McKEON] nods assent. If such a thing constituted principle, he (Mr. C.) scorned the idea. He did not recognise the notion that the question whether the public deposites should be kept by a cashier or an agent, constituted a principle. He scorned the idea that a man should be called a traitor if he did not rally around the sub-treasury. He well understood what the gentleman from New York [Mr. McKEON] meant by principles; and that was, the restoration of the expelled Bourbons, and with them the revival of their repudiated sub treasury—a return to power, to revenge themselves upon those who had an agency in their expulsion. As to the principles of the gentleman from Kentucky, [Mr. MARSHALL] he should wait until that gentleman should have had an opportunity to develop them, before he made any comments.

Thus, then, when he saw that the questions now agitating the country were questions of party; that parties were divided upon the issue of what they called the principles of a national bank and a sub-treasury, he thought it was time for the country to interfere, and prevent the interests of the people from being crushed between the upper and nether millstones. For presenting the true issue to the country, and for calling upon the House to aid the constitutional chief of the Government in carrying on the Government, he had been accused of offering at auction the power of the Federal Government! When he saw the gentleman from Indiana [Mr. R. W. THOMPSON] occupying an hour in expanding a paragraph from the Globe into a speech, and the gentleman from New York responding to the strain of his argument, he was reminded of a portion of the funeral oration of Antony over Cæsar, (which Mr. C. recited.) When he found the gentleman from Indiana taking up the interested lead of the Globe, and re-echoing the charges of the Globe, he asked himself, was that gentleman in favor of Mr. Van Buren for the Presidency? If not, he could not explain why that gentleman had fallen into the trap set by this organ of Mr. Van Buren; and it, indeed, seemed to him that the gentleman, and those who followed him, were like the wild bull in the Spanish shows, who rushed at the red flag held out to him, whilst the matador stood by to plunge the dagger in his side.

He would ask gentlemen to consider the merits of this debate. What was the point in the eloquent denunciations and the continued invectives which had been heaped upon him? He argued that the people of the United States were peculiarly a nation of political-readers, and that they prided themselves upon their political information; but, in their reading, there was too much of party—too much of the superficial party discussions of the day. If a man advanced a general idea of political action apart from party, the people fell into spasms at the paradox; and the remark was immediately made a subject of attack by all the champions of party. This was illustrated by the treatment of a remark made by him at the last session, upon the exercise of the veto power by the President. For weeks together, he was denounced for advancing the very idea which was to be found in the works of Madison. But it was necessary, to be made a topic of reproach against one of the friends of the President; and, therefore, it did not avail anything to show that he was right, and that the very doctrine which he advanced was once uttered by Henry Clay in a corresponding debate in the Senate of the United States. The same line of debate was renewed upon him at the present session.

The position of the two great parties, and those few who stood here to defend the acts of the Administration, was peculiar. Our Government was now undergoing a test in a new particular. This was the first time that the Administration of the Government had ever devolved upon the Vice President. Now, he had called upon the people and the House to adapt themselves to that contingency, and support the Constitution; for with the "constitutional fact" was associated the party fact; and whilst the President was not a party chief, there was a party chief of the party in power. The question was, whether there could be two Administrations—one, a constitutional Administration, by the President; and the other, a party Administration, exercised by a party chief in the Capitol? With this issue before him—whether the President, or the party leader—the chief in the White House, or the chief in the Capitol—should carry on the Administration—he felt it to be a duty which he owed to the Government of his country to give his aid to the constitutional chief. That was the real question which had pervaded all our contests thus far. He said to the majority here, that it was no less their duty to their party than to their country, if they expected to succeed, to aid the Administration in carrying on the Government. It was not merely the only mode in which they could carry on the Government, but also the only means by which they could maintain the ascendency of their party in power. Every consideration of duty invoked them to sustain the President.

He (Mr. C.) had been charged with separation from the Whig party as a crime. He would say that, had that party followed his advice, they would now have been powerful, united, and omnipotent, as at the commencement of the Administration; but he was overruled, and the batteries of the two political parties were both turned upon the President. The question with all was, What were the interests of party? From that time all discussions were but the voice and the echo of party. The inquiry did not arise how the public interests were to be affected by any measure; but the President was accused of treason, whenever he did not approve of it. Yes; the President was accused of treason—not to the Constitution, nor to the Government of his country, but to party. Instead of asking what was the President's duty to the country, they only inquired what he ought to do for the party. In this view of matters, he (Mr. C.) took his stand in defence of the Constitution. He cared not what might be the clamors of party men raised around him. He should stand and permit himself to be hewn down, rather than yield any of the positions which he had taken. In this spirit he came to touch upon the topics advanced in the general debate upon the merits of the Administration. Each party had an interest in misconstruing the Administration. All parties here wished to break it down, by making an attack on the motives of its friends.

They expected it; they were ready to encounter it; they appealed to time for a judgment on their actions, and the course they had pursued. What was it that the gentlemen from Maine [Mr. FESSENDEN] and Indiana [Mr. R. W. THOMPSON] and Vermont [Mr. EVERETT] had imputed to them; giving the lead in this debate to all the denunciations which had been poured upon them? The gentleman from Maine admitted that he had adopted the idea of the gentleman from Indiana, in charging him (Mr. CUSHING) with offering the power of this Government at auction, as the price with which

to purchase a party in that House; and he challenged the gentleman from Indiana to point out a sentence of his speech which could bear such a construction.

Mr. THOMPSON rose; but

Mr. CUSHING said he could not yield the floor.

Mr. THOMPSON said, then, he hoped the gentleman would not challenge him for an explanation, unless he would yield the floor, to give him an opportunity to make it.

Mr. CUSHING said the gentleman could not escape in that way. He had felt it to be his duty to spread out an article of the Globe, and he would have opportunity sufficient to explain hereafter; but he (Mr. CUSHING) could not now yield any part of the half hour that remained to him.

The gentleman from Maine had said that, instead of replying to the gentleman from Tennessee, [Mr. ARNOLD,] who commenced this debate, he (Mr. C.) had only devoted ten lines to that gentleman's speech.

Mr. FESSENDEN rose.

Mr. PROFFIT. "Order!" "order!"

Mr. CUSHING refused to yield the floor, and continued his remarks. The gentleman from Maine said he (Mr. C.) began the attack on the Whig party at the extra session; but he denied that that was true. He spoke but once on party questions at the extra session, and then in reply to assaults on the Administration.

Mr. FESSENDEN again rose, but

Mr. CUSHING said he could not—he would not—yield any part of the small portion of time remaining to him, and continued. The gentleman from Maine said that, at the commencement of the second session, he began a like course of remark; but he (Mr. C.) said that was not true. Late in, or about the middle of the session, he did reply to various speeches; but he did not begin the attack on any gentleman, or any party. It was after a debate in which many gentlemen had spoken, that he replied to those gentlemen. The gentleman from Maine then proceeded to say, that, in the controversy of the last session, it was not as alleged by him—it was not a fact that the Whig party was broken to pieces against the fixed constitutional fact of the constitutional power of the President; but it was in consequence of the disappointment felt on the failure of measures of relief. What measures? Did not the President concur with the House in the enactment of the bankrupt law? And when had he asked for its repeal? Did not the President concur in the passage of the distribution act? And when the House and the Senate chose to pass measures for relief, what measures did they pass in which the President did not concur? There was nothing but the United States Bank in which he did not concur; and he (Mr. C.) appealed to this House, and from this House to the people of the United States, whether there was anything else; and he there asserted that a majority of the people of the United States were opposed to a United States bank.

The gentleman from Indiana had quoted from a speech of his in 1834, on the bank bill, for the purpose of showing an extreme inconsistency on his part; to which he would only reply, that he could not conceive that political blindness could be so obtuse as not to perceive that the experience of the last four years in the history of the Bank of the United States must have affected every one's judgment in regard to that bank. Were they expected to fix their judgments and opinions on what they were before that period? Were they expected to retain opinions held before the gross corruptions and abuses of that bank were brought to light? He denied that the people of the United States, or a majority of them, were in favor of a United States bank; but if this were so, it did not change the nature of the constitutional fact to which he had adverted.

Mr. C. then referred to and quoted some remarks of Mr. FESSENDEN, in which he spoke of the power of the President over the public press, and of the venality and corruption of some of the Whig newspapers. Mr. C. said that the remarks of the gentleman involved two facts. In the first place, there was the allegation that the entire Whig press was venal; and, in the next place, that it was bought up by the President of the United States. There could be no other meaning attached to the gentleman's remarks. In reply to the gentleman, he denied the venality of the press in these broad terms. He admitted that there was much of the extreme of faction in it; there was faction in that House, and among the people; and it was consequent on the common passions of our nature: but it was not true that the press was thus venal, and under the control of the President of the United States; and that, being bribed by him, it had calumniated the present Congress. The gentleman had supposed an impossible fact. The President never possessed the patronage sufficient to materially affect the press; and what little patronage he did possess, had been taken away by the act of the last session. The gentleman from Maine then proceeded to arraign him (Mr. C.) as a no-party man, and to pick out of the newspapers and quote against him a migratory paragraph which some of them had extracted from Jonathan Swift; and Jonathan Swift, the most corrupt tory of the corrupt reign of Queen Anne, with Lord Bolingbroke by his side, was used to arraign him for his speeches in an American Congress. All the coarse denunciations of that man, (who was not inaptly termed the libeller of his generation,) vented forth against the party opposed to him, in order that he might hound on the dogs of faction, were quoted against him, because he deprecated faction and party excitement. He was ashamed that any gentleman should come into that House, and read lessons on party spirit from the most factious and corrupt writer that ever existed. There were lessons on that subject, which it would better have become the gentleman to read from; such, for instance, as the farewell address of the Father of his Country, from which the most wholesome and useful instructions could be drawn. He would have the gentleman from New York, also, [Mr. GORDON,] who seemed to correspond with the gentleman from Maine in his ideas of the blessings of party spirit, to reflect on the same lessons. He would have that gentleman and his colleague [Mr. McKEON] to remember the letter of Andrew Jackson in 1816, to James Monroe, in which he also invoked his countrymen to banish all party spirit from their councils. On this subject he must advert to what was an indisputable fact in the history of the world. There had been two combinations of republics precisely analogous to ours—he meant the republics of Greece and the Italian Republics. Both these republics were bound together by a community of language and of customs, of origin and of interest. Any one who would read and reflect upon their histories, would see that it was party spirit, and the spirit of faction, that caused their overthrow. As illustrative of this fact, he begged leave to read a passage from the warrior statesman and historian of one of these confederated republics—Thucydides.

[Mr. C. here read the extract which he alluded to.]

Now, it seemed to be supposed by these two great parties that the moderate men of the House and country were to be the victims of both of them. He begged gentlemen not to delude themselves with the idea that he was a moderate man, or that he had the least idea of becoming the passive victim, in the words of Thucydides, of these two factions. Had not the gentleman from Virginia [Mr. WISE] and himself opinions of their own, which they possessed the right to advocate and defend? So far as they had the power to influence the opinions of the people of the United States, it was their right and their duty to exert it, as well as the right and duty of the men connected with this Administration. Instead of holding out the spoils of office, as the gentleman from Indiana charged him with doing, he did but exercise the right and duty belonging to him and every citizen, to be heard at a proper time on the question of the Presidency. This the gentleman called, like the chief of the Prætorian bands, putting up the empire at auction. Now, he should suppose that the language he used would, instead of being considered a tender, or a seduction, be considered in the light of an indecent threat on the House; for that, and that alone, was the disingenuous construction that could be put on his language. The gentleman from Indiana, as he had already said, did not signalize any portion of his remarks on which he founded the imputations he cast out. Till the gentleman did that, he had no answer to make, except the one he would now give—and that was, the most emphatic denial of all these imputations. When the gentleman could put his hand on that portion of his remarks on which he founded these imputations, then it would be time enough for him to answer them. No gentleman had yet done it; and, though he had challenged them again and again to do so, they confined themselves to these general denunciations. It would be in vain for him to combat this man of straw which gentlemen had raised up; and he would, therefore, dismiss that part of the subject.

It was his wish—and, but for the limitation of the time allowed him, it was his intention—to comment particularly on the speech of the gentleman from North Carolina, [Mr. RAYNER,] as well as the speech of the gentleman from Indiana; but he was admonished by his friends around him that his time was fast passing away. He would merely say, in reference to the remarks of the gentleman from North Carolina, that he, in common with the gentlemen from Kentucky, [Mr. MARSHALL,] did not impute to him (Mr. C.) corrupt motives, though he imputed what he (Mr. C.) was bound to disavow. The gentleman from North Carolina in the rhetorical illustration and exaggeration of his ideas, (so common with members on that floor,) objected that, in the face of this House and the nation, he (Mr. C.) had declared that the power and patronage of this Government would be exercised in favor of those in power. Now he denied that he ever made any such declaration; and he challenged the gentleman to show it. The remark he made had a far different tendency, and rose far above the murky atmosphere which pervaded that House. His allusion was to the carrying on of the Government, and to the duty of every man, no matter to what party he belonged, to co-operate with the President in that object. It was immaterial whether the Government was carried on by Whig or Democratic votes, or by a combination of both, so that it was rightfully administered. If it could not be carried on by Whig votes, might it not be carried on by Democratic votes, or by a combination of parts of both? It was all idle delusion to say that there was anything wrong in the President's calling on either of the two parties, or on both, to aid him in carrying on the Government. Did any gentleman complain of the tariff law of the last session, because it was carried by a combination of Whig and Democratic votes? Was that corruption, any more than the President's carrying on the Government by the aid of any votes he might get for that purpose? There was no more wrong in the fact that he, a member of that House, should carry an important measure either by Whig or Democratic votes, as he could get them, than for the President to carry on the Government by the same means.

In the few moments left him, he desired to say that this Administration stood upon its acts and measures, and went before the country by whom it was to be judged upon them. All these questions of the hour would pass away with the hour; they were transient, and could not awake the interest of posterity. They would pass away; and if this Administration was to be condemned—which he was sure that it could not justly be by those then, around them, upon its acts and measures—it would appeal to posterity against the party excesses and extravagant acts of party spirit which occasioned its condemnation. It had been too much the custom in that House to indulge, on general questions, in broad and sweeping denunciations of men; to talk of treachery, and of the shameless acts of the Executive, and those around him; and this was to delude the public mind, and to stimulate it into hostility to the Administration. He did not know but that the indignation excited by such of these denunciations as had fallen to his share, might have caused him to retaliate, by using corresponding language. If so, he regretted it, and hoped that he might be excused for it. He might now move the previous question; but would

decline doing so, as some gentlemen might wish to reply to them.

Mr. FESSENDEN said, as the gentleman from Massachusetts had such opportunity to prepare a defence, he really had supposed they should have had something like an argument. The gentleman from Massachusetts must have understood the sentiment of the House respecting his remarks on a previous occasion—for all sides of the House put the same construction on them; and he took it for granted, the gentleman's explanation would now be made. But he put it to the House, as to a jury, on the case, whether they had had anything in the gentleman's speech, this morning, except the merest special pleading in defence of himself. Why did the gentleman from Massachusetts confine himself to a single sentence of his (Mr F.'s) speech?

He pursued this train of remark; and of the speech of the gentleman from Massachusetts, he said the House judged not by a single sentence, but by its whole tenor.

Mr. CUSHING insisted that a false construction had been put on his remarks. He had made such remarks in his place as he had a right to make, and they had been misrepresented.

Mr. FESSENDEN said the gentleman's speech was published in the newspapers, and its truth and accuracy were not denied; and if it was not correct, he had had an opportunity to say what he did mean.

Some conversation ensued between the two gentlemen respecting the published reports of their respective speeches, and other matters of no public importance.

Mr. FESSENDEN then resumed; and, in reference to the accusation of the gentleman from Massachusetts, that he had charged that gentleman with beginning the attack on the Whigs at the extra session, he said he denied that he had said any such thing.

Mr. CUSHING. It is in your printed speech.

Mr. FESSENDEN. I said no such thing as that the gentleman "began *the* attack." I said that he began *his* attack at the extra session; and I ask the gentleman if, at that session, he did not attack the Whig party?

In such explanatory observations, the gentleman from Maine continued his speech in reply to the various branches of that of the gentleman from Massachusetts.

Mr. G. DAVIS then obtained the floor.

Mr. R. W. THOMPSON appealed to him to yield it, for the purpose of enabling him to reply to the remarks of the gentleman from Massachusetts [Mr. CUSHING.]

Mr. G. DAVIS declined yielding the floor, glad as he should be to oblige his friend from Indiana.

Mr. R. W. THOMPSON said he would make a remark, expressing his reason for desiring to reply to the speech of the gentleman from Massachusetts at this time. That gentleman, after 21 days of deliberation, reflection, and study, now came here and charged him with expanding an editorial article in the Globe into a long speech. Now, he wished the opportunity to reply to this charge impromptu—to take up the club, and dare the gentleman to meet him—to challenge him to a debate on the spot, without prompting from any editor, or from elsewhere.

Mr. G. DAVIS said the time was so short, and, if he yielded the floor, it was so uncertain whether he could again obtain it, that he was compelled to go on with his remarks. He then proceeded to say that he was opposed to the reconsideration of the vote on the passage of this bill, (the repeal of the bankrupt law.) In so announcing himself, it would be sufficient for him to say that his course was taken in consequence of the well-settled and well-ascertained wishes of his constituents—nine in ten of whom were opposed to the law. He admitted that he was not bound to obey all the admonitions of popular feeling; but, in the present instance, their judgment was the result of time and of deliberation.

He felt gratified at the party character which the debate had taken, because he held it to be important to the preservation of the institutions of the country that the measures of its administrative and legislative departments should be strictly scrutinized and investigated. Were he in power, he should not shun any investigation.

He replied to the portion of the speech of the gentleman from Massachusetts, [Mr. CUSHING,] relating to the alleged dictation of the ex-Senator from Kentucky [Mr. Clay.] The gentleman from Massachusetts declared that there were but two alternatives—one, a constitutional administration, under the lead of the President; and the other, a faction, under the lead of the Senator from Kentucky. Such remarks were no more nor less than calumnies on that distinguished man; and he would ask the gentleman what principle Mr. Clay had changed, by which he had obtained the ill-will of the gentleman, after having had his support for fifteen years previous to the extra session? He asked, Did the Senator from Kentucky bring forward any new measure at the extra session? Did he enter upon any untrodden path, in order to embarrass the path of John Tyler? No, was the answer.

He replied to the remark so often to be found in the speeches of the gentleman from Massachusetts, that the Whigs were embarrassing the administration of Mr. Tyler; and enumerated ten measures passed at the extra session by the Whigs, and opposed by the Democrats, all of which measures, he said, were necessary to enable the President to carry on the Government—the repeal of the sub-treasury, the donation to Mrs. Harrison, the distribution law, the bankrupt law, the loan bill, the fortification bill, the bill to pay the debts of the Post Office Department, the change of the tariff, by adding three new articles, and saving the treasury, and the two bank bills. All these measures were recommended by the President, and supported by the Whigs, and opposed by the Democrats; yet the Whigs were charged with obstructing Mr. Tyler. He also enumerated ten measures passed by the Whigs at the last session of Congress, on the recommendation of Mr. Tyler; all of which were opposed by the Democratic party.

He went into the subject of the party relations subsisting between the President and the two parties, at large; commenting upon the course of Mr. Webster, and eulogizing the public conduct and political career of Mr. Clay. He concluded his remarks at half past three o'clock.

Mr. MARSHALL entered into a legal and constitutional argument in explanation of his objections to the bankrupt law: and then said, that beyond those objections, he had the imperative voice of his constituents at home to urge him on to seek its repeal. He next went into the general subject of debate, with which he consumed his hour.

Mr. PROFFIT then obtained the floor, and remarked, that as he was in some measure responsible for the present debate, by his having moved the reconsideration of the vote on the passage of the bill, and as several gentlemen had spoken, he would now withdraw his motion.

Mr. R. W. THOMPSON appealed to his colleague not to withdraw the motion, in order that he might have an opportunity to reply to what had fallen from the gentleman from Massachusetts, [Mr. CUSHING.]

Mr. PROFFIT declined doing so.

Mr. L. W. ANDREWS inquired if he could not renew the motion to reconsider.

The SPEAKER said it was too late.

So the bill to repeal the bankrupt law goes to the Senate forthwith.

The House then adjourned.

IN SENATE.

FRIDAY, January 20, 1843.

The PRESIDENT *pro tem.* laid before the Senate a communication from the Treasury Department, covering reports from the Surveyors General of the State of Arkansas and the Territories of Iowa and Wisconsin, which had not been received at that department when the annual report of the Commissioner of the General Land Office was sent in; which, on motion by Mr. SMITH of Indiana, was ordered to lie on the table and be printed.

Mr. STURGEON presented a memorial from citizens of the city and county of Philadelphia, praying for the passage of the exchequer plan; which was ordered to lie on the table and be printed.

On motion by Mr. CRAFTS, leave was granted to withdraw from the files of the Senate the petition and papers of the administrator of Joseph Edson.

Mr. MILLER presented a petition from Charles L. Williamson, late commander in the United States navy, praying Congress to grant him a pension for disability incurred in the service of the United States; which was referred to the Committee on Naval Affairs.

Mr. HUNTINGTON, from the Committee on Commerce, reported back, without amendment, and with a recommendation that it do pass, the bill from the House entitled "An act to authorize the enrolment or register of the Nueva Granada."

Mr. H., from the same committee, reported a bill to declare Robbinston, in the State of Maine, a port of entry; which was read, and ordered to a second reading.

Also, reported back, from the same committee, without amendment, and with a recommendation that it do pass, the bill authorizing the survey of a direct communication between Albemarle sound and the Atlantic ocean.

Mr. SEVIER, from the Committee on Pensions, reported back to the Senate, without amendment, and with a recommendation that they do pass, House bills of the following titles, viz:

The bill for the relief of Nancy Hambright, the widow of Captain John Hambright, deceased.

The bill for the relief of John F. Wiley.

The bill for the relief of James Sweetman; and

The bill for the relief of Thomas King.

On motion of Mr. SEVIER, the Committee on Pensions was discharged from the bill from the House for the relief of Martha Damarine, she having died pending the claim.

Mr. S., also, from the same committee, made a report (which was ordered to be printed) adverse to the passage of the bill from the House for the relief of Gideon A. Perry.

On motion by Mr. SEVIER, the Committee on Pensions was discharged from the petition of John Bosworth, and it was referred to the Committee on Naval Affairs.

Mr. PHELPS, from the Committee on Pensions, reported back, without amendment, and with a recommendation that they do pass, House bills for the relief of Joseph Nimblett, and the bill granting a pension to Israel Thomas.

Also, from the same committee, made an adverse report on the bill from the House for the relief of Anne Royall, the widow of Captain Wm. Royall, deceased.

Mr. DAYTON, from the Committee on the Judiciary, reported back, without amendment, and with a recommendation that it do pass, the bill for the relief of Joseph W. Reckless.

Mr. WILLIAMS, from the Committee on Naval Affairs, made an adverse report on the petition of Mary A. Boyd, widow of Thomas J. Boyd, late surgeon in the United States navy, for a pension.

Mr. WALKER, from the Committee on the Judiciary, reported back, without amendment, and with a recommendation that it do pass, the bill for the relief of Richard Coxe, jr., Robert Anderson, and George W. Southall.

Mr. BATES, from the Committee on Pensions, made adverse reports on the petition of the widow of William Davis, for arrears of pension; and the petition of Charles Larrabee, for an increase and arrearage of pension; which were read, and ordered to be printed.

Mr. KERR presented a memorial from sundry merchants and others of the city of Baltimore, remonstrating against the repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

Mr. PHELPS, from the Committee on Pensions, reported back, without amendment, and with a recommendation that it do pass, the House bill for the relief of Horace Wetherell.

The bill to extend the time for the payment of judgment obtained by the United States against the Planters' Bank of Mississippi, and the Agricultural Bank of Mississippi, was taken up as in

committee of the whole, on certain amendments, which were agreed to; and, there being no motion to further amend the bill, it was reported to the Senate, and ordered to be engrossed for a third reading.

CHARTER OF ALEXANDRIA.

The bill to amend the charter of the town of Alexandria, in the District of Columbia, was taken up, read the second time, and taken up as in committee of the whole.

Mr. MILLER explained that the object of the bill was to allow the legal voters of that town the right to elect their mayor by ballot. He was now elected by the common council. The passage of the bill was urged not only by a majority of the common council, but by a large majority of the people. The Committee on the District had reported favorably to the passage of the bill.

Mr. SEVIER remarked that the Senator from New Jersey [Mr. MILLER] spoke of legal voters. He wished to be informed what were the qualifications for a legal voter in that town.

Mr. MILLER replied, that to be a legal voter, a person must be 21 years of age, be a freeholder, and must have resided in the town one year previous to the election.

There being no motion to amend the bill, it was reported to the Senate, and ordered to be engrossed for a third reading.

Mr. GRAHAM, from the Committee on Claims, made a report (which was ordered to be printed) adverse to the passage of the bill from the House, for the relief of Samuel B. Tuck.

Mr. LINN, on leave, introduced a resolution, so to amend the 33d rule of the Senate as to add to the list of standing committees a Committee on Territories.

The resolution lies on the table one day, under the rule.

Mr. BERRIEN, from the Committee on the Judiciary, reported back, without amendment, and with a recommendation that they do pass, House bills of the following titles, viz:

The bill entitled "An act supplementary to the act of 24th May, 1828, to continue a copyright to John Rowlett."

The bill entitled "An act for the relief of Samuel Lord;" and

The bill for the relief of Charles B. Hall.

BANKRUPT LAW.

House bill entitled "An act to repeal the bankrupt law," was taken up, read twice, and, on motion by Mr. BERRIEN, referred to the Judiciary Committee.

Senate bill for the relief of Richard Henry Wilde was taken up as in committee of the whole.

Mr. BERRIEN explained that the object of this bill was to secure to Mr. Wilde, an American citizen, the benefits of our copyright law, in relation to the productions of his literary labors, which are of such a nature that he can hardly expect, in the first instance, remuneration for their publication in this country, until they shall have gained some celebrity abroad. He is under the impression that he could sell his copyright in England, so as to avoid the expense and risk of getting out his works, upon which he has spent great labor, time, and research. He desires to be secured in his right, as an American citizen, to the benefits of our copyright law in the United States, after his books shall have been published abroad. It was considered by the committee to whom the bill had been referred, that this was a peculiar case in which it would be well to extend the indulgence required.

Mr. TAPPAN thought the same case might be applicable to many authors, citizens of the United States; and there could be no reason in favor of this special case, that would not be equally strong in favor of others. He, therefore, moved an amendment, in substance, to strike out the name of "Richard Henry Wilde" wherever it occurred in the bill, and substitute such words as would make its application general to authors, citizens of the United States.

Mr. BERRIEN conceived it would be best to confine the bill to the isolated case which Congress was called upon to act. He did not think the Senate was prepared to go into the general subject of revising the copyright law. He thought the proper course would be to allow this bill to pass, and to institute an inquiry into the propriety of revising the general law.

Mr. TAPPAN intimated that, if his amendment was to meet with opposition, he should require the yeas and nays.

Mr. CRITTENDEN requested the bill and amendment would be read.

They were read accordingly.

Mr. KING had not particularly examined into the subject of the copyright law; but his present impression was, that there should be no legislation at all in relation to it. But, if a majority of the Senate decided on passing this bill, it ought to be made general in its application. It was not his intention, in any case, to vote for it, because he was opposed to the principle of partial extensions of the copyright law. If he could have been induced to make any exception, it certainly would have been it favor of Mr. Wilde. He was, however, compelled, under a sense of duty, to move the indefinite postponement of the bill.

Mr. BERRIEN argued at considerable length against the indefinite postponement of the bill, and in favor of the propositien to legislate alone on this isolated case. If other cases of like claims should hereafter come up, they, also, could be legislated upon separately. He stated that the subject of Mr. Wilde's labors was Italian literature; for which there was not, at present, a market in this country. The bill only proposed that if, hereafter—that is, after the publication in England—the work should prove of such consequence as, from its reputation abroad, to create a demand for its republication in this country, he should be entitled to the benefit of our copyright law; to which, as an American citizen, he would unquestionably be entitled, without this special act, but for the previous publication in England.

The debate was continued some time by Messrs. BUCHANAN and ALLEN against the bill, and by Messrs BERRIEN, CRITTENDEN, and BAYARD in its support; and by Messrs. WOODBURY and CONRAD in favor of Mr. TAPPAN's amendment.

The question was then taken on Mr. KING's motion of indefinite postponement; and decided in the negative—yeas 12, nays 26.

The question then recurred on Mr. TAPPAN's amendment; and it was rejected.

The bill was then reported back to the Senate without amendment, and ordered to be engrossed for a third reading.

PETERSBURG RAILROAD COMPANY.

On motion by Mr. EVANS, the bill for the benefit of the Petersburg Railroad Company was taken up on its third reading.

Mr. BUCHANAN observed that this was a very important bill, and, as the Senate was very thin, he hoped it would be laid over.

Mr. EVANS said there was so little time between this and the 3d of March, that there was good reason to fear, if the bill was not passed today, it could not be acted upon in time.

Mr. BUCHANAN said he was sorry to be obliged, at so late an hour, to trespass upon the patience of the Senate; but he was desirous of stating his views upon this subject. And, at the very commencement of the debate, (for the bill was not going to pass *sub silentio*,) he must be permitted to state, that he did not believe that any other than an incorporated company would have made the request contained in the memorial upon which this bill was founded. He had no prejudice against incorporated companies; but he thought, when they reviewed the history of this railroad-exemption question, they would have every reason for believing that the question ought to be allowed to rest, at least, until a general revision of the tariff.

Under the act of May, 1830, privileges were conferred upon the railroad companies which were not enjoyed by individuals. The farmer, who tills the soil—the merchant, who builds ships to navigate the ocean,—all were obliged to pay a duty upon the iron which they used in their respective employments; but the railroad company having petitioned Congress, got an act passed to reduce the duty for their special benefit, from the rate paid by all other classes of citizens, down to 25 per cent. And not content with this, two years afterwards they petitioned Congress again, and were relieved from the payment of all duties whatever. And it was an astonishing fact, that this railroad company, (if he understood the matter correctly,) had got a remission from Government of duties to the amount of upwards of $83,000. Releasing the duties upon their iron to that amount, was precisely equal to bestowing upon them that sum after it had been collected and placed in the treasury.

Let us examine this matter a little farther. At the extra session in 1841, the question arose, whether railroad iron should be taxed as all other iron? And the Senator from Connecticut proposed to allow the railroad companies an extension of the privilege of importing their iron free of duty until the 3d of March, 1843; making a period of eighteen months. He, (Mr. B.,) with that good nature which he trusted had always characterized him, agreed that the time should be extended. And now what was it that they proposed to do by this bill? It was proposed that all the railroad iron which might be in the country, under the compromise that was made upon that subject, at the extra session, between the Senator from Georgia and himself, may be laid down hereafter; thus repealing the principle which was laid down in 1841 and in 1842. What was that principle? He observed that a bill had been reported by the Committee of Ways and Means in the other House, giving to all the railroad iron that may be laid down previous to the 3d of March, 1843, the privilege of drawback of all the duties. What reason was there for exempting these corporations from the payment of duties, which all other classes of citizens were obliged to pay? It was never intended, according to the construction of the original law, to establish the principle that any railroad company should be permitted the opportunity of introducing two sets of rails without duty. The old iron, when taken up, would sell for more than was originally paid for it by them. Now, under what specious garb did this entering wedge present itself? They were told that all the railroad iron had been imported, and that they could comply with the law, and lay it all down previous to the 3d of March; but that it would be inconvenient to do so. He (Mr. B.) knew enough about the construction of railroads, to know that it was the simplest thing in the world to lay down the iron, after preparation had been made to receive it; and the sooner it was laid down after the road was prepared for it, the better. As to stopping the travelling, he had seen new rails laid down when the cars were passing twice every day. All they had to do was to connect the old with the new rails. It was one of the plainest mechanical operations in the world.

He was anxious to see what would be the result of the present application. He had agreed, in good faith, to extend the law of 1841, until the 3d of March 1843. The company had had eighteen months in which to complete their work; and they now came forward and said they wanted six months longer. It amounted, in fact, to a repeal of the duties on all railroad iron.

He would now give the Senate a small particle of information upon this subject of exemption. In consequence of the law which they had passed, placing a duty upon iron, two very large establishments had been created in Pennsylvania for the purpose of manufacturing railroad iron. One of them, called the Great Western Iron Works, had been established with New England capital, and was situated upon the Alleghany river. The company had contracted with Governor Morrow, as president of the Little Miami Railroad Company, for the delivery at Cincinnati of three hundred tons of railroad iron, at $50 per ton; and that it had been delivered according to contract, and was of an excellent quality. He had been informed that these iron works could, at the present moment, manufacture 100 tons of railroad iron per week, and that they were now engaged in making a quantity of such iron, either for the State of Indiana, or a company within it—he had not

learned which. And now, at the very time when this company was manufacturing railroad iron—not only to the extent of the demand within the State of Pennsylvania, but also furnishing the State of Indiana—they were applied to again, to suspend the duty upon that article; thus holding out to Pennsylvania a promise to the hope, and breaking it to the reality: first, placing a duty upon iron by the tariff bill; and then, by exceptions subsequently made, defeating their former act. And for whose benefit? For the benefit of incorporated companies. It was (as he said before) the entering wedge against the common right of the citizens of the United States.

He declared most solemnly that he would rather, at this moment, vote for a drawback on iron employed in the building of ships, than to vote for this bill for the exclusive benefit of railroad companies, who were not subject to foreign competition at all. He thought the question had been settled. He had yielded to the former urgent demands made by associated wealth upon Congress, through a spirit of compromise and conciliation. Now, the demands were repeated; and they might rest fully assured that those companies would never be satisfied, as long as they continued to exist, with the ordinary privilege of citizens.

As regarded this company, he was glad to hear that they could lay down their rails before the 3d of March, and he thought they should be limited to that time. He had no doubt, however, that this bill would pass the Senate; but he did not think it would go through the House of Representatives at so galloping a rate. He had never heard of the bill until yesterday; and now it appeared everything else must be suspended, in order to hurry it through. He was aware of the power of moneyed corporations; and that those gentlemen who had presented their petitions would remit no efforts to secure the passage of the bill, and he should look with considerable interest upon the result. He was anxious to know whether the benefits of the tariff bill, which passed both Houses by the votes of Pennsylvania members, were now to be withdrawn by special legislation.

He would add nothing farther; there were other gentlemen in that body as deeply interested in this question as he himself was; he would leave to them the discussion of the question. But he wanted to see what would be the fate of the bill, for it would be, as sure as that he was now speaking, but the entering wedge to the complete destruction of the benefits of the tariff law, so far as the State of Pennsylvania was concerned.

Mr. MILLER saw nothing in this peculiar case that would not apply to every railroad company entitled to the privilege of the provision in the tariff law. If this bill is passed, every other railroad company in the country may come in and show the same grounds for claiming an extension of the time from the 3d of March to some distant day; which claims, if allowed, would amount to a repeal, for the time, of the law imposing a duty on railroad iron.

Messrs. EVANS and CRITTENDEN contended that it was only an indulgence which the Petersburg Railroad Company solicited; which would make no difference to the revenue, as the iron was already in the country, and could be laid down within the time by extraordinary expense and exertion, and the greatest inconvenience to the public; as, in that event, all travelling on the road should be suspended; whereas, if time were given, the new iron could be laid down gradually, and without interruption to the regular trains.

The subject was further debated by Messrs. PHELPS and ARCHER.

Mr. SEVIER moved to lay the bill on the table till Monday, as the hour was late, and the Senate would have to go into executive session.

Mr. EVANS said it might be passed over informally.

The bill was accordingly passed over informally.

Mr. SEVIER moved that, when the Senate adjourn, it be to Monday; which was agreed to.

The following engrossed bills were then taken up, read a third time, and passed:

An act to regulate enlistments in the army, and navy, and marine corps of the United States.

An act for the relief of Wm. De Peyster and Henry N. Cruger.

An act for the relief of the administrators of John Jackson.

An act for the relief of Samuel Hambleton.

On motion of Mr. SEVIER, the Senate then went into executive session, and soon after adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 20, 1843.

Mr. TROTTI of South Carolina presented the petition of Gilbert Stalker, praying remuneration for a steamboat lost in the service of the United States on the coast of Florida.

Mr. MEDILL presented the petition of Andrew F. Tyler, of Morgan county, Ohio, who lost his health while in the army of the United States, praying a pension: referred to the Committee on Invalid Pensions.

Mr. BARNARD rose to make an inquiry in relation to a statement which appeared in the journal of yesterday, read this morning. It was there stated that the motion to reconsider the vote by which the bankrupt law was passed was withdrawn by the mover; from which statement, the inference was that the bill was passed. He would respectfully inquire of the Chair whether it had been established, by precedent, that the mover of a motion to reconsider had the right to withdraw it at his pleasure.

The SPEAKER replied that such was the fact.

Mr. BARNARD said that, if there was no precedent on record, he would raise the question. The power to withdraw a motion to that effect, gave to one individual the means of preventing a reconsideration of any measure which might have been passed. He again inquired whether the point which he raised had been decided by the House on an appeal taken from the decision of the Chair.

The SPEAKER said that the House had so decided, and at the last session.

ASSUMPTION.

Mr. SUMMERS presented a memorial from Kanawha county, Va., in favor of an assumption of State debts, as proposed by the gentleman from Maryland, [Mr. W. C. JOHNSON.] He moved that it be referred to the Select Committee on that subject.

The motion was agreed to.

On motion of Mr. PENDLETON, the memorial of the people of Cincinnati, (which, he said, was prepared with great care and research) on the subject of removing the obstructions in the Mississippi and Ohio rivers, was ordered to be printed.

Mr. HUDSON made an adverse report.

EXPENDITURES IN THE NAVY DEPARTMENT.

Mr. MERIWETHER offered the following resolution, which was adopted:

Resolved, That the Secretary of the Navy inform this House what amount has been expended under the act of Congress authorizing the building of a war steamer by —— Stevens; whether the building of said vessel is now going on; and what, if any, amount of the appropriation therefor has been transferred to any other object; and whether the expenditures for "pay of commission, warrant, and petty officers, and seamen" for 1842, has exceeded the amount appropriated by the act of Congress in 1842; if so, to what amount, and from what source has the deficiency been supplied; and whether the expenditures for increase, repair, armament, and equipment of the navy, has exceeded the appropriation therefor, and from what source the deficit has been supplied.

ORDER OF BUSINESS.

Mr. FILLMORE inquired whether private bills would be debatable to-day.

The SPEAKER replied in the affirmative.

Mr. FILLMORE said he must then call for the orders of the morning hour, in order to enable the House to go into Committee of the Whole as soon as possible.

Mr. G. DAVIS made further inquiries in relation to what was the order of business. He was understood to ask on what days private bills were debatable.

The SPEAKER said on every Friday and Saturday except the first and last of the session, private bills were debatable.

THE FRANKING PRIVILEGE.

Mr. BRIGGS called up the bill now on its third reading, to authorise the chief clerk in the State Department to frank public documents.

Mr. L. W. ANDREWS asked for the yeas and nays on the passage of the bill, and they were ordered.

Mr. McKENNON said he should be in favor of the bill, if it extended, the franking privilege to the chief clerks of other departments as well as the Department of State. As it was, he must oppose the bill.

Mr. BRIGGS explained the object of the bill. At present, the franking privilege was possessed by the heads of bureaus in the departments generally. The public documents of those departments were now franked by the heads of their bureaus. [Mr. C. J. INGERSOLL. But never by the tail of a bureau.] Now, there was no bureau in the State Department; and hence the Secretary of State was obliged to frank all the documents of his department. The object of the bill was merely to give his chief clerk the right of franking public documents—a right expressly limited and restricted by this bill.

Mr. TALIAFERRO rose to a question of order. He contended that the consideration of this bill was not now in order, but must come in its proper place on the calendar, which was sixth on the list of subjects.

The SPEAKER decided that the bill was in order now, having been engrossed, and laid on the Speaker's table.

Mr. ADAMS advocated the passage of the bill There was a reason for granting this privilege of franking to the chief clerk of the State Department, which did not apply to the other departments. The Secretary of State was charged with the duty of distributing all the printed laws of the United States. This duty occupied much of his time, as he could attest when in the State Department himself, and when its business was much less than at present. The bill was merely to relieve the Secretary of much drudgery which he now had to undergo.

Mr. C. J. INGERSOLL opposed the bill. He thought the duties of other Secretaries were much more onerous than those of the Secretary of State. Had not the Secretary of State more time to perform his ordinary functions than either the Secretary of the Treasury, War, or Navy? He instanced the labors of the Secretary of the Treasury, which were incessant; "still beginning—never ending," and who had no assistance in this respect of franking. He was well aware that this was the most abused of all privileges, and he was ready to reduce rather than extend it.

Mr. TILLINGHAST contended that this bill contemplated no extension of the franking privilege. It was not an extension, but a substitution, to relieve the Secretary of his immense labors in franking.

The previous question was then moved and seconded.

The main question was then on the passage of the bill; which, being taken, resulted in yeas 120, nays 69, as follows:

YEAS—Messrs. Adams, Sherlock J. Andrews, Arrington, Babcock, Baker, Barnard, Bidlack, Birdseye, Black, Borden, Botts, Brewster, Briggs, Bronson, Aaron V. Brown, Milton Brown, Burnell, Green W. Caldwell, Calhoun, John Campbell, Caruthers, Cary, Casey, Childs, Chittenden, Staley N. Clarke, Clinton, Coles, Cranston, Cravens, Cushing, Garret Davis, Richard D. Davis, Dawson, Deberry, John Edwards, John C. Edwards, Everett, Ferris, Fessenden, Fillmore, Charles A. Floyd, Gates, Giddings, Patrick G. Goode, Graham, Granger, Green, Henry, Hopkins, Houck, Houston, Howard, Hudson, Hunt, Joseph R. Ingersoll, James Irvin, William W. Irwin, Jack, James. Cave Johnson, Isaac D. Jones, John P. Kennedy, King, Littlefield, Lowell, McKennan, Alfred Marshall, Thomas F. Marshall, Samson Mason, Mattocks, Maxwell, Maynard, Mitchell, Moore, Morgan, Morris, Newhard, Osborne, Parmenter, Partridge, Pendleton, Plumer, Pope, Powell, Proffit, Benj. Randall, Randolph, Rencher, Ridgway, Rodney, Wm. Russell, James M. Russell, Salstonstall, Sanford, Saunders, Shepperd, Slade, Truman Smith, Sprigg, Steenrod, Stokely, Alexander H. H. Stuart, John T. Stuart, Summers, Sweney, Taliaferro, Richard W. Thompson, Jacob Thompson, Tillinghast, Toland, Tomlinson, Triplett, Trumbull, Van Rensselaer, Ward, Warren, Watterson, Weller, Westbrook, Edward D. White, Thomas W. Williams, Christopher H. Williams, Joseph L. Williams, Winthrop, Wood, Yorke, Augustus Young, and John Young—120.

NAYS—Messrs. Landaff W. Andrews, Arnold, Atherton, Jeremiah Brown, Burke, William Butler, William O. Butler, Patrick C. Caldwell, William B. Campbell, Thomas J. Campbell, Colquitt, Mark A. Cooper, Cowen, Daniel,

Dean, Doig, Eastman, Egbert, John G. Floyd, Fornance, A. Lawrence Foster, Gentry, Gerry, Gilmer, Goggin, William O. Goode, Hays, Hubard, Charles J Ingersoll, Kelm, Lane, Abraham McClellan, McKay, McKeon, Mathiot, Mathews, Medill, Meriwether, Miller, Owsley, Payne, Ramsey, Rayner, Reding, Reynolds, Riggs, Rogers, Roosevelt, Sewell, Shaw, Shields, William Smith, Snyder, Stanly, Stratton, Trotti, Underwood, Van Buren, and Joseph L. White—59.

So the bill was passed.

Mr. MALLORY asked leave to offer the following resolution; which was read for information:

Resolved, That the Secretary of War be instructed to report to this House, as early as practicable, a plan for the reduction of the expenses of the military academy at West Point; and to limit the number of cadets so as to correspond with the wants of the country, and the present strength of the army.

Mr. FILLMORE objected; and

Mr. MALLORY moved a suspension of the rules for the purpose of offering the resolution; but the motion was rejected.

The SPEAKER announced that reports of the standing committees would be the next business in order; and, being called for, the following reports were made:

Mr. GIDDINGS, from the Committee of Claims, reported a bill for the relief of D. and J. Wilkinson; which was read twice, and referred.

Mr. TOMLINSON, from the same committee, reported a bill for the relief of Andrew Fisher; which was twice read, and referred.

Mr. COWEN, from the same committee, reported a bill for the relief of William W. Street, and a bill for the relief of Gamaliel E. Smith; which were severally twice read, and referred.

WAREHOUSING SYSTEM.

Mr. McKEON inquired of the chairman of the Committee on Commerce when they might expect a report on the warehousing system.

Mr. KENNEDY of Maryland replied that the committee were now engaged in preparing their report, and that it might be expected shortly.

COLORED SEAMEN.

Mr. WINTHROP, from the Committee on Commerce, to which was referred the memorial of Benjamin Rich and others, on the subject of the imprisonment of colored seamen arriving in some of the Southern ports, made a report thereon; and moved that it, together with the report of the minority of the committee, which he said would be made by the gentleman from North Carolina, [Mr. RAYNER,] be printed.

Mr. RAYNER presented the report of the minority, on the same subject, and moved that it be printed.

Mr. KENNEDY of Maryland said that, as one of the committee, he dissented partly from, and agreed partly with, both reports. He would probably have an opportunity of presenting his views on the subject when it came up; and perhaps he might prepare an additional report. At present, he would move the printing of an extra number of copies.

The reports having been read,

Mr. BLACK moved to lay the motion to print on the table.

Mr. WINTHROP called for the yeas and nays, which were ordered; when

Mr. KENNEDY withdrew his motion to print the extra number of copies, and

The question was taken on Mr. BLACK'S motion to lay the motion to print on the table; and the result was yeas 73, nays 114, as follows:

YEAS—Messrs. Arrington, Barton, Black, Aaron V. Brown, Burke, William Butler, William O. Butler, Green W. Caldwell, P. C. Caldwell, John Campbell, Wm. B. Campbell, Caruthers, Casey, Chapman, Clifford, Coles, Colquitt, Mark A. Cooper, Cross, Daniel, Dawson, Dean, Deberry, Doan, Doig, Eastman, John C. Edwards, Charles A. Floyd, Fornance, Gerry, Gilmer, Goggin, W. O. Goode, Gustine, Harris, Hays, Holmes, Hopkins, Houston, Hubard, Hunter, Jack, Cave Johnson, Keim, Lewis, Abraham McClellan, McKay, McKeon, Mathews, Medill, Meriwether, Miller, Mitchell, Moore, Newhard, Owsley, Payne, Pickens, Plumer, Powell, Reding, Rencher, Rogers, Saunders, Wm. Smith, Snyder, Sprigg, Summers, Sweney, Tallaferro, Trotti, Turney, and Christopher H. Williams—73.

NAYS—Messrs. Adams, Allen, Landaff W. Andrews, Sherlock J. Andrews, Arnold, Babcock, Barnard, Bidlack, Birdseye, Borden, Botts, Bowne, Brewster, Briggs, Bronson, Jeremiah Brown, Burnell, Calhoun, Childs, Chittenden, Staley N. Clarke, Clinton, Cowen, Cranston, Cravens, Cushing, Garrett Davis, Richard D. Davis, John Edwards, Everett, Ferris, Fillmore, John G. Floyd, A. Lawrence Foster, Gates, Gentry, Giddings, P. G. Goode, Gordon, Granger, Green, Henry, Howard, Hudson, Hunt, C. J. Ingersoll, J. R. Ingersoll, James Irvin, William W. Irwin, James, Isaac D. Jones, John P. Kennedy, Lane, Linn, Littlefield, McKennan, Mallory, Alfred Marshall, Samson Mason, Mattocks, Maxwell, Maynard, Morgan, Morris, Morrow, Osborne, Parmenter, Partridge, Pendleton, Pope, Ramsey, B. Randall, Randolph, Rayner, Reynolds, Ridgway, Riggs, Rodney, Roosevelt, Wm. Russell, James M. Russell, Saltonstall, Sanford, Sewell, Slade, Truman Smith, Stanly, Steenrod, Stokely, Stratton, Alexander H. H. Stuart, John T. Stuart, John B. Thompson, Richard W. Thompson, Jacob Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Van Buren, Van Rensselaer, Wallace, Warren, Weller, Edward D. White, Joseph L. White, Thomas W. Williams, Joseph L. Williams, Winthrop, Wood, Yorke, Augustus Young, and John Young—114.

So the motion to lay on the table was not carried.

A message was here received from the President of the United States, by the hand of Robert Tyler, esq., his secretary, transmitting various bills which had been approved and signed by him.

The question then recurred on the demand for the previous question, which was seconded, and the main question was ordered to be put; and the motion to print the ordinary number of both reports was then agreed to.

Mr. FILLMORE inquired if the morning hour had not expired?

The SPEAKER replied that it had.

Mr. FILLMORE said then he would move that the House resolve itself into Committee of the Whole on the state of the Union; but, before the motion was put, he would send a resolution to the Chair, for the action of the House, with the observation that the House must bear in mind that there was a special order for Monday.

The resolution was read; and it proposed to fix half-past two o'clock to-day to terminate debate in Committee of the Whole on the army appropriation bill.

Mr. GIDDINGS moved to lay the resolution on the table, and the noes appeared to have it. A division was called for, and only 46 voted in the affirmative. The noes were, therefore, not counted; and the resolution not carried.

Mr. C. JOHNSON moved to amend the resolution by fixing two o'clock to-morrow, instead of half-past two o'clock to-day, to terminate debate.

Mr. FILLMORE, (to prevent a waste of the time of the House by a useless discussion,) moved the previous question; which was seconded. The main question was also ordered to be put, and the amendment of the gentleman from Tennessee was agreed to.

Mr. L. W. ANDREWS then renewed the motion to lay the resolution on the table; which was agreed to—83 voting in the affirmative, and 58 in the negative—the vote being taken by Messrs. M. A. COOPER and MATHIOT, tellers.

Mr. COWEN called for the orders of the day; but he gave way to

Mr. HOPKINS, on whose motion a change was given to the direction of a bill, the title of which was not heard.

Mr. BRIGGS moved that the committee resolve itself into Committee of the Whole.

Mr. GIDDINGS insisted that his colleague [Mr. COWEN] had called for the orders of the day.

Mr. COWEN asked if, after the orders of the day had been called for, it would not require a vote of two-thirds to go into Committee of the Whole.

The SPEAKER'S reply was not heard.

Mr. CHILDS, with unanimous consent, reported a bill from the Committee on Commerce for the relief of Samuel Hoffman; which was read twice, and committed.

Mr. GORDON also reported a Senate bill from the Committee on Invalid Pensions.

Mr. BRIGGS withdrew his motion to go into Committee of the Whole.

Mr. GIDDINGS called for the orders of the day

The SPEAKER accordingly announced the question to be on the bill for the relief of the inhabitants of West Florida; on which the gentleman from Massachusetts [Mr. ADAMS] had the floor.

Mr. COWEN said he was anxious that the private business should be proceeded with; and, therefore, he raised the objection to this bill, that it was rather of a public than a private nature.

The SPEAKER decided that the bill must be considered as private. The Chair could not undertake to go beyond its face, from which it appeared to be a bill for the relief of private citizens in Florida.

Mr. ADAMS inquired whether it would be in order to move a postponement of the bill under consideration until to-morrow.

The SPEAKER said it would.

Mr. ADAMS was understood to express a desire that the bill for the relief of the heirs of Philip Renault should now be disposed of. After a brief argument against the bill under consideration, and an expression of his desire to occupy the floor on to-morrow against the passage of the bill, and the principles on which it was founded, he concluded by moving its postponement until to-morrow.

Mr. LEVY said he had no objection to the course proposed by the gentleman from Massachusetts, [Mr. ADAMS,] provided the postponement would not hazard the final action of the House on the bill. He hoped it would be allowed to take precedence of other business.

Mr. ADAMS then modified his motion so as to make the bill the special order for to-morrow.

The motion was agreed to.

The House then resumed the consideration of the bill for the relief of the heirs of Philip Renault. The pending question was a motion to reconsider the vote by which the bill was passed.

Mr. JOHN YOUNG (who held the floor) addressed the House at length in opposition to the motion to reconsider, and in favor of the justice of the claim of Renault.

Mr. WELLER called for the previous question, but the call was not sustained by the House.

Mr. C. JOHNSON then addressed the House in opposition to the bill.

Mr. ADAMS supported the claim, and was followed in the debate by Mr. MOORE, Mr. STUART of Illinois, Mr. POPE, and Mr. CUSHING.

Mr. J. R. INGERSOLL expressed a desire to have the question postponed for a week longer.

Mr. CUSHING made a motion to that effect.

Mr. C. JOHNSON moved the previous question; which motion prevailing,

The House adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, January 21, 1843.

Mr. NEWHARD presented the petition of Jacob Wilt, of Lehigh county, Pennsylvania, a soldier of the revolutionary war, praying for a pension.

The SPEAKER called for reports from committees.

Mr. R. W. THOMPSON, from the Committee on the District of Columbia, reported a bill to incorporate the Grand Lodge of the Independent Order of Odd Fellows of the District of Columbia; which was read twice, and committed.

Mr. J. CAMPBELL, with unanimous consent presented resolutions adopted by the Legislature of South Carolina on the subject of the tariff; which were read at his request, and then referred to the Committee of Ways and Means, and ordered to be printed.

Mr. BARNARD, from the Committee on the Judiciary, reported several Senate bills, without amendment; among which was a bill entitled "An act to extend for a longer period the several acts for the relief of insolvent debtors of the United States:" this bill was read a third time, and passed.

Mr. W. B. CAMPBELL, from the Committee on Military Affairs, reported a bill further to continue in force the act for the payment of horses and other property lost in the military service of the United States; which was read twice.

Mr. C. then moved that it be put on its third reading; and the question was put on its engrossment.

Mr. GRANGER and Mr. LINN objected, on the ground that, if it did not make an appropriation, it took money from the treasury, and therefore must be committed.

Mr. TURNEY said its commitment would be tantamount to its rejection, and therefore he moved the previous question.

The SPEAKER said the previous question would bring the House to a direct vote on the engrossment.

Mr. EVERETT moved to lay that motion on the table.

Mr. TURNEY called for the yeas and nays; and

they were ordered, and resulted—yeas 52, nays 114.

So the motion to lay on the table was rejected.

The question was then taken on the demand for the previous question, and carried in the affirmative.

The bill was ordered to its engrossment; and, having been read a third time, was passed.

Mr. GOGGIN presented certain papers in relation to the Creek Indians in Alabama; which were referred to the Committee on Military Affairs, and ordered to be printed.

Mr. CUSHING, from the Committee on Foreign Affairs, to whom was referred the message of the President, in relation to the tonnage duty on Spanish vessels, reported "a bill concerning tonnage duties on Spanish vessels:" read twice, and referred to the Committee of the Whole on the state of the Union.

Mr. RODNEY, from the Committee on Revolutionary Pensions, reported a bill for the relief of Amy McGuire, widow of the late Major Thomas McGuire: read twice, and referred to the Committee of the Whole House.

Mr. GORDON, from the Committee on Invalid Pensions, reported a bill for the relief of Sampson Brown: twice read, and referred to the Committee of the Whole House.

Mr. SANFORD, from the same committee, reported a bill for the relief of Wm. Patterson: read twice, and referred to the Committee of the Whole House.

Mr. POPE, from the Committee on Territories, reported a "bill fixing the boundary between Missouri and Iowa;" which was read twice, and referred to the Committee of the Whole on the state of the Union.

Mr. UNDERWOOD, from the Committee for the District of Columbia, reported sundry bills in relation to the lunatic asylum and the custody of lunatics: read twice, and referred.

COMMODORE AP CATESBY JONES.

Mr. BOTTS offered a resolution, calling upon the Secretary of the Navy for all correspondence and information in that department, in relation to the rumored recall of Commodore Thomas Ap Catesby Jones from command of the Pacific squadron; which was read.

Mr. WISE said he hoped his colleague would not press his resolution. No communication had been received from Commodore Jones, owing to the distance of his station from the seat of Government; and he therefore hoped that the House would wait to hear from the Pacific. The department has, as he felt assured, taken no action in the matter.

Mr. BOTTS said he would willingly withdraw his resolution, if his colleague were right. He was induced to offer it, in consequence of the statement in the Globe of this morning, in relation to the alleged recall of Commodore Jones.

Mr. WISE said there was no truth in the rumor stated in the Globe—no foundation whatever for it.

Mr. BOTTS was understood to say that he was under the impression that Captain Parker was ordered to take the place of Commodore Jones.

Mr. WISE remarked that he saw Capt. Parker on yesterday, and that officer said that he had not been ordered to the Pacific at all. He felt certain that no such course as that supposed by his colleague had been taken with regard to Commodore Jones.

Here the subject dropped.

The House then resumed the consideration of the motion of the gentleman from Massachusetts, [Mr. WINTHROP,] to print 5,000 extra copies of the majority and minority report from the Committee on Commerce, in relation to the imprisonment of negro seamen in Southern ports. The question was taken, and the motion adopted.

The motion to print 3,000 extra copies of the report upon the commerce of the lakes, heretofore submitted, was adopted.

GEN. JACKSON'S FINE.

This subject came up as the regular business of the morning hour—the gentleman from Virginia [Mr. BOTTS being entitled to the floor.

Mr. BOTTS rose and inquired how much of the hour remained.

The SPEAKER said, twelve to fifteen minutes.

Mr. BOTTS said if the House had no objection, he would defer his remarks until Monday.

No objection being made, the subject was passed by.

Mr. GIDDINGS here called for the orders of the day, but yielded his call.

EXTRA ALLOWANCES.

Mr. C. JOHNSON asked the House, by general consent, to take up his bill to prohibit extra allowances to public officers.

No objection having been made, the bill was read as follows:

A BILL to prohibit extra allowances to any officer of the Government.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall not be lawful for the President of the United States, or either of the heads of departments, or any disbursing officer of the United States, to settle, allow, or pay to any officer of the Government, or to any person in the pay or employment of the Government, any additional compensation or allowance, or extra pay, or per centum whatever, in addition to the regular pay of such officer, or other person, for or on account of any services, of whatever nature or kind they may be; and that all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

Mr. C. JOHNSON submitted an amendment, the object of which, he said, was to carry out more effectually the provisions of the bill. It provided that it shall be the duty of the President to remove any officer who should be found guilty of violating its provisions.

Mr. ADAMS opposed the bill, and contended that it would be likely to increase, rather than reduce, the public expenditures. Its effect was to prohibit officers from performing extra services; the consequence of which would be, the appointment of new and additional officers. He argued that extra services were often required of the military and naval officers, for which they should be paid.

Mr. CUSHING wished to know whether this bill had the absolute right to be considered this day.

The SPEAKER said that the bill was under consideration by consent.

Mr. CAVE JOHNSON then withdrew his amendment.

Mr. CUSHING said it seemed to him that this was one of those bills which demanded the consideration of some committee; and he would, therefore, move that it be referred to the Committee on Military Affairs.

Mr. PICKENS understood that this bill, as amended by the gentleman who introduced it, limited the power of the President in regard to dismissal from office; which he deemed unconstitutional. [Mr. P. was here informed that the amendment was withdrawn.] Mr. P. had no doubt but the power of making extra allowances had been greatly abused; but he doubted whether the House would not do more harm than good by prohibiting it altogether. He had no objection to a declaratory clause, which would point out the abuses which ought to be corrected.

Mr. CUSHING then withdrew his motion, and moved to refer the bill to the Committee of the Whole on the state of the Union.

Mr. GILMER was afraid that, if the bill was referred to any committee, it would not be passed this session; and he thought it indispensable to the preservation of a pure government, or the restoration of a pure government, that some such measure should be adopted. The gentleman from Massachusetts seemed to him not to have met the bill in the true spirit. It was very true, in the abstract, that there were extra services which would entitle the persons performing them to an equitable claim on the Government for extra compensation; but if the gentleman would refer to the facts shown in the report of a committee of this House at the last session, he would find that these extra compensations, which have grown up into such an alarming abuse, were not paid for extra services, but for the ordinary services which the Government had a right to demand of the officers receiving them. Now, he would grant, with the gentleman from Massachusetts, that if the Chief Justice should be required to take the command of the army, or render any service which the people of the United States had not a right to require from him, then he would be entitled to claim extra compensation for it. So also, if the commander-in-chief of the army of the United States was required to perform any civil duty not within the line of his official duties, then he would be entitled to claim an extra allowance for it. But the fact was, that soldiers had been allowed extra compensation for performing a soldier's duty, and civilians had been allowed extra compensation for performing their civil duties; and that was the great evil they wished to correct. The practice also of granting extra compensation comprehended too much discretion in the executive departments, and allowed them to fix the compensations of the public officers, which ought only to be done by Congress. There were no officers in the public service whose duties were not prescribed by law; and he maintained that the Government had a right to demand all their time, within the line of their duty, as an equivalent for the liberal salaries allowed them. If they rendered any extra services deserving of extra compensation, Congress was the place to apply for it. Why should the bill be referred either to the Committee on Military Affairs, or to the Committee of the Whole? The House had, by a full vote, discharged the Committee of the Whole from the further consideration of it; and it was now before them, and open to amendment. All the members of the committees were members of the House; and they could discuss and amend the bill as well in the House as in the committee-rooms. If they had amendments to offer, now was the time to do it. He hoped the reference would not be made, as a delay of the bill would probably defeat it for this session. It was necessary for a pure and honest Government that some such regulation should be adopted. There had been the most flagrant and outrageous abuses in making extra allowances to officers for performing merely the ordinary duties of their stations, in violation of law; for he would observe, that such a prohibition as was contained in this bill was already on the statute-book. The passage of this bill, therefore, would show the departments that the attention of the Representatives of the people was turned to the subject, and that they were determined to correct the abuses complained of.

Mr. HOLMES supposed that, with the exception of two or three enlightened minds, there were not ten persons in the House who had given any consideration to this bill; and yet they were in this hasty manner called on to do—what? Why, to correct abuses which, as the gentleman who introduced the bill said, had existed since the foundation of the Government. Now, he took this ground: that there ought to be no legislation for the purpose of reforming long-standing abuses, without reflecting deeply on the evils that might thereby be produced. Without any correspondence with the heads of departments, but by the consultation of two or three members together, who were for curing all the evils existing in the Government, they were called, in this hurried manner, to legislate in the dark, without knowing what the evils were that were complained of, and without knowing whether the cure would be effectual.

Mr. TILLINGHAST opposed the bill as conflicting with existing laws, and as tending to put it out of the power of the Government to make compensation for services that may be rendered, and that may be indispensable for the carrying on of the Government.

Mr. J. R. INGERSOLL said that the passage of the bill would present a very extraordinary instance of inconsistency on the part of Congress. They had now before them a bill just passed by the Senate, providing extra compensation for the officers who were engaged in the exploring expedition; and while they were considering this bill, (which had passed one body, and would no doubt pass the other,) they were asked to pass another, prohibiting all extra compensations whatever, no matter how meritorious and indispensable the service that might be rendered. Mr. I. dwelt on the important services rendered by the officers of the exploring expedition, and the privations they en-

consulered, for the purpose of showing that, in these cases, as well as similar ones, extra compensation was both just and necessary.

After a few words on the mode in which this subject had been brought up, he advocated its committal to the Committee of the Whole on the state of the Union.

Mr. GRANGER gave some reasons for voting with the ultras in the House on this bill. He had opposed the reduction of the army and the navy, which the gentlemen who supported this bill had effected; but, during a long peace, a system had grown up in this Government, of making extra allowances; and a feeling had arisen through the community, in consequence, of hostility to the army and the navy, which were the glory and pride of the nation. Now, he advocated this bill for the purpose of sustaining the army and the navy from further reductions; and he ventured to assert, that if some such bill had been in existence before, the reductions which had taken place in het army and navy would not have been made.

Mr. C. BROWN hoped the House would not be prejudiced against this bill by the remarks of the gentleman from Pennsylvania [Mr. J. R. INGERSOLL] respecting the mode in which it came before them. The bill was there, and it was entitled to as much consideration as if it had been reported with all the formalities of the House. Of the bill itself, he said it was worthy of their attention. This House, with the other branches of the Legislature, fixed the pay for the officers of the army and of the navy, and also of the clerks in the departments; and they had given power to the heads of departments to allow extra compensation; and who did not know that favoritism existed, and that the power which they had delegated to others had been wrongfully used? What was the remedy for this? A very plain one. Let no officer receive more than his pay for services which he may render; but if he did more than was contemplated when the pay was fixed, let him come to Congress with his claim, like the officers of the exploring expedition, and there would always be found justice enough to pay him for his extra services.

Mr. MOORE said this subject had been sufficiently discussed at the last session, and therefore he moved the previous question.

Mr. ARNOLD appealed to the gentleman to withdraw that motion, to give him an opportunity to say a single word.

The motion was not withdrawn, and the previous question was seconded, which had the effect of bringing the House to a direct vote on the engrossment of the bill. The bill was ordered to be engrossed; and the question recurred on its third reading.

Mr. MOORE moved the previous question, which was seconded; and the main question was ordered to be put.

The yeas and nays were demanded and ordered on the passage of the bill, and resulted as follows—yeas 151, nays 15.

YEAS—Messrs. Allen, Landaff W. Andrews, Arnold, Arrington, Atherton, Besson, Birdseye, Black, Boardman, Borden, Botts, Boyd, Briggs, Bronson, Aaron V. Brown, Milton Brown, Charles Brown, Jeremiah Brown, Burke, William Butler, Green W. Caldwell, Patrick C. Caldwell, Calhoun, John Campbell, William B. Campbell, Thomas J. Campbell, Caruthers, Cary, Casey, Chapman, Childs, Staley N. Clarke, Clifford, Coles, Mark A. Cooper, Cowen, Cravens, Garrett Davis, Richard D. Davis, Dean, Deberry, Doan, Eastman, John C. Edwards, Egbert, Everett, Ferris, Fillmore, John G. Floyd, Gates, Giddings, Gilmer, Goggin, William O. Goode, Graham, Granger, Gwin, Hall, Harris, Hastings, Henry, Hopkins, Houck, Houston, Howard, Hubard, Hudson, Hunt, Charles J. Ingersoll, James Irvin, Cave Johnson, Isaac D. Jones, Keim, John P. Kennedy, Lane, Lewis, Linn, Littlefield, Lowell, Abraham McClellan, Robert McClellan, McKay, McKennan, Mallory, Alfred Marshall, Samson Mason, Mathiot, Mathews, Mattocks, Maxwell, Maynard, Medill, Meriwether, Miller, Mitchell, Moore, Morgan, Newhard, Osborne, Owsley, Parmenter, Partridge, Payne, Pendleton, Pickens, Pope, Powell, Ramsey, Benjamin Randall, Alexander Randall, Read, Reding, Reynolds, Rhett, Ridgway, Riggs, Rogers, Roosevelt, William Russell, James M. Russell, Saltonstall, Saunders, Sewell, Shields, Slade, Truman Smith, William Smith, Snyder, Stanly, Steenrod, Alexander H. H. Stuart, John T. Stuart, Sweney, John B. Thompson, Jacob Thompson, Tomlinson, Triplett, Trotti, Turney, Underwood, Van Buren, Warren, Washington, Watterson, Weller, Westbrook, Christopher H. Williams, Joseph L. Williams, Winthrop, Yorke, and Augustus Young—151.

NAYS—Messrs. Adams, Barnard, Burnell, Cranston, Cushing, Holmes, Joseph R. Ingersoll, James, Morrow, Proffit, Randolph, Taliaferro, Tillinghast, Van Rensselaer, and Thomas W. Williams—15.

RECONSIDERATION.

Mr. ARNOLD said he rose to a privileged question. He believed such was the only question on which he could get the floor. He moved a reconsideration of the vote by which the bill had been passed. He had appealed to the gentleman from Louisiana [Mr. MOORE] to withdraw the motion for the previous question, in order to enable him to offer an amendment to the bill; and that gentleman, though often in favor of retrenchment, and though he knew what he (Mr. A) intended to offer, refused to accord him the privilege of making an amendment.

Mr. GIDDINGS suggested that the gentleman should postpone his remarks until Monday, and let the House act on the private bills before it.

Mr. ARNOLD expressed his willingness to speak at some other time; but several gentlemen objected to a postponement of the motion to reconsider, and he was obliged to go on at this time.

Mr. MOORE explained the reasons why he had refused to withdraw the motion for the previous question. He could not have served the gentleman from Tennessee [Mr. ARNOLD] by so doing; because the engrossment of the bill had been ordered, and it was not liable to amendment.

Mr. ARNOLD resumed, and addressed the House for some time in favor of his bill for reducing the pay of members of Congress and officers of the Government 25 per cent., which bill was proposed at the last session, and referred to the Committee of the Whole, and never acted on. He complained that he could not make a motion to take it up, without being laughed at; this, too, when the people in the country called aloud for the adoption of some such measure of retrenchment. He desired to have the passage of the bill just passed reconsidered, for the purpose of attaching his proposition to it as an amendment. He argued that it would reduce the expenditures of the Government four millions annually; and he complained that the Whig party, of which he had been proud to be a member, had not fulfilled their pledges of retrenchment and reform so profusely made in every portion of the Union.

Mr. STANLY made a few remarks, the purport of which was to correct a statement of the gentleman from New York, [Mr. GRANGER,] that the credit of his having accomplished a reduction of the army at the late session was due to the gentleman from Tennessee, [Mr. C. JOHNSON.] He held that all the credit of that measure (if any could be claimed) belonged to the gentleman from Massachusetts [Mr. ADAMS.]

Mr. C. JOHNSON said he had always so acknowledged.

The previous question was then moved and seconded; and, on putting the main question to the House, the motion to reconsider was rejected without a division.

PRIVATE BUSINESS.

The House took up the bill for the relief of the inhabitants of West Florida; which was made the special order for to-day, and on which the gentleman from Massachusetts [Mr. ADAMS] had the floor.

Mr. ADAMS addressed the House at some length in opposition to the bill, and concluded by moving to lay it on the table; but, at the earnest request of Mr. LEVY, withdrew the motion, to allow that gentleman an opportunity of being heard in explanation, and in favor of the bill.

Mr. C. H. WILLIAMS offered a resolution (which was adopted) calling on the Secretary of War to report whether any change had been made in the organization of the military divisions of the army of the United States since March 1st, 1842; and if so, the reasons for such change.

Mr. BRIGGS offered a resolution calling on the Secretary of the Treasury for a report showing the operation of the late tariff act on the revenue; which was adopted.

The House then adjourned.

IN SENATE.

MONDAY, January 23, 1843.

The PRESIDENT *pro tem.* laid before the Senate a communication from the Navy Department, showing the names of the persons employed in that department during the year 1842; which, on motion by Mr. ARCHER, was ordered to lie on the table and be printed.

Also, a communication from the same department, in compliance with the 20th section of the act of 1842, showing the manner in which the contingent fund of that department has been expended; and showing the amount of all former appropriations remaining in the treasury, and in the hands of disbursing agents, to the 30th June, 1842: ordered to lie on the table and be printed.

Also, laid before the Senate a communication from the Navy Department, made in compliance with a resolution of the Senate of the 5th instant, in relation to depredations made on the live-oak timber belonging to the United States, and pointing out measures proper to be adopted to prevent future destruction of such timber; which, on motion by Mr. HUNTINGTON, was ordered to lie on the table and be printed.

Mr. TALLMADGE presented a memorial from New York, remonstrating against the repeal of the bankrupt law. Mr. T. remarked that the letter accompanying the memorial showed that the latter was signed by most influential and wealthy men of large capital, engaged in most extensive business operations; and whose pursuits gave them full opportunity to acquire a practical knowledge of the operations of that law: referred to the Judiciary Committee.

Mr. LINN presented a memorial from James Smith, praying the establishment of a new department of government, to be called the Department of Agriculture, to take charge of the agricultural interest; which was referred to the Committee on Agriculture.

Also, presented a memorial from citizens of Missouri, residing in the Jackson land district, in that State, praying the removal of the land office from Jackson to Fredericktown; which was referred to the Committee on the Public Lands.

Also, a petition from inhabitants in the south-eastern part of Missouri, praying an appropriation for the survey and improvement of Spring and Grand rivers; which was referred to the Committee on Commerce.

Mr. EVANS presented a memorial from citizens of Bangor, in the State of Maine, praying the adoption of measures for placing the navigating interests of the United States on a more equal footing with those of foreign powers, than is secured by existing treaties; and

Mr. BATES presented a similar memorial from Gershom B. Nestor, and others, of Massachusetts; which memorials were referred to the Committee on Commerce.

Mr. ARCHER presented a memorial adopted at a meeting of citizens of Ohio county, Virginia, asking Congress to make a large issue of public stocks, based on a pledge of the public lands, for the relief of the States; which was referred to the Committee on Finance.

Mr. BUCHANAN presented three memorials from citizens of the city and county of Philadelphia, asking Congress to adopt the plan for a board of exchequer; which were ordered to lie on the table, to be considered with the bill on that subject.

Also, presented a petition from James Gee, a soldier of the late was, who has received a pension for wounds received in the service of his country, asking Congress for certain arrears of pension from the time he was disabled to the time at which he received a pension: referred to the Committee on Pensions.

Also, presented a memorial from Edward Dexter, of Providence, Rhode Island, praying indemnity for the capture of the schooner Betsy by the French privateer Cisalpine, prior to 1800.

Mr. B. said this was one of the cases arising under the treaty of 1800; and moved that it lie on the table, as a bill had been reported making indemnity for such claims: agreed to.

Mr. MERRICK presented certain resolutions adopted by the Board of Common Council of the City of Washington, on the subject of the cession to the State of Maryland of the stock held by the United States in the Chesapeake and Ohio Canal; which was referred to the Committee on Roads and Canals.

Mr. BAYARD presented a memorial signed by 3,000 inhabitants of the cities of New York and Brooklyn, in which they express the opinion that the sectional floating dry-dock is superior to any other, and praying that a dry-dock of that description be erected at Brooklyn: referred to the Committee on Naval Affairs.

Mr. B. also presented a memorial from a number of respectable citizens of the city and county of Philadelphia, complaining of the deranged state of the currency, and suggesting that the plan for a board of exchequer would furnish some means of relief: ordered to lie on the table.

Mr. WOODBURY presented additional documents in relation to the claim of Robert Rodgers to a tract of land; which, with the memorial on the subject now on the files of the Senate, were referred to the Committee on Private Land Claims.

Mr. CHOATE presented a memorial from Robert G. Shaw and others, of Boston, praying that there may be such an alteration of our treaty stipulations with foreign governments, as to secure a more reciprocal trade: referred to the Committee on Commerce.

Also, presented a memorial from Daniel Weed and 26 others, of Massachusetts, praying that the constitutional rights of colored seamen, citizens of free States, may be restored to them: referred to the Judiciary Committee.

Mr. CALHOUN presented a memorial from citizens of the city and county of Philadelphia, in favor of the adoption of the plan for a board of exchequer; which was ordered to lie on the table.

Mr. WALKER remarked that the Judiciary Committee, a few days ago, had instructed him to make a report adverse to the passage of the bill from the House for the relief of Gorham A. Worth. Since that report was made, new evidence and documents have been developed. They did not change his mind as to the propriety of rejecting the bill; but it was due that the committee should have an opportunity of reconsidering their former decision, if there should be found anything in this new evidence to justify it. He, therefore, moved that the bill be taken up, with a view to its recommitment to the Judiciary Committee.

The question was put, and carried in the affirmative; and the bill was referred accordingly.

Mr. CONRAD presented a memorial from H. J. Ramsay and others, purchasers of public lands in the State of Louisiana, asking for relief in consequence of the patents for the same being withheld: referred to the Committee on Public Lands.

Mr. KERR presented a memorial from the city of Baltimore, signed by a number of large commission merchants, protesting in a solemn manner against the repeal of the bankrupt law: referred to the Judiciary Committee.

Mr. YOUNG presented a memorial from inhabitants of township No. 41 north, of range 7, east of the 3d principal meridian, in Kane county, Illinois, praying for the relinquishment of the sixteenth sections of land reserved for school purposes, and the selection of other lands in lieu thereof; which was ordered to lie on the table—a general bill for the object prayed for having already passed the Senate.

Mr. BAYARD, from the Committee on Naval Affairs, reported back, without amendment, and favorably to its passage, the joint resolution from the House, to establish agencies for water-rotted hemp in the States of Kentucky and Missouri.

Mr. CONRAD, from the Committee on Public Lands, reported back, with an amendment, House bill entitled "An act for the relief of James B. Sullivan, of the parish of Rapides, in the State of Louisiana."

Mr. HUNTINGTON, from the Committee on Commerce, made a report (which was ordered to be printed) in favor of the indefinite postponement of the bill from the House, entitled "An act for the relief of Benjamin Evans."

Mr. BATES, from the Committee on Pensions, made a report (which was ordered to be printed) adverse to the passage of the bill from the House, entitled "An act for the relief of Samuel Neely."

Also, reported back, from the same committee, with sundry amendments, the bill for the relief of Samuel M. Asbury.

The PRESIDENT *pro tem.* laid before the Senate a communication from the Treasury Department, reporting, in compliance with a resolution of the Senate of the 28th ultimo, statements of the revenue from imports during the third and fourth quarters of the year 1842; the outstanding appropriations at the close of the years 1840, 1841, and 1842, respectively; and the quantity of land advertised for sale since the 4th March, 1840; which, on motion of Mr. WOODBURY, was referred to the Committee on Finance, and ordered to be printed.

COMMITTEE ON TERRITORIES.

The resolution of Mr. SEVIER, so to amend the 33d rule of the Senate as to authorize the appointment of a new standing committee to take charge of Territorial business, came up for consideration.

Mr. SEVIER made some remarks in favor of the resolution, not distinctly heard.

Mr. KING said he had no disposition to throw any obstacle in the way of the business of the Territories; but it struck his mind that there could no great advantage result from the passage of the resolution. The Territories had their delegates in the other House, who were pleased to attend to the interests of the Territories, and to take such measures as were proper to advance them, both before the House and the standing committee having charge of that class of business. He thought, so far as speedy action in the Senate was desirable, that greater facility would be given by the several standing committees of that body to Territorial business, than could in all human probability be given by a regular and independent committee. He had no great objection to the adoption of the resolution, but thought it better for the Territories that it should not be.

Mr. SEVIER thought that there were many local matters which might be better or more promptly attended to, if there was a regular standing committee. He saw no reason why the Territories were not equally entitled as the District of Columbia to an exclusive committee. He hoped the resolution would be adopted.

The question was then put on the adoption of the resolution, and it was decided in the negative.

Mr. KING presented a memorial from a number of ship-owners of Newburyport, Massachusetts, representing that the mercantile navigation of the United States has suffered materially from the effects of the existing treaties, and the arrangements between the United States and Great Britain, the Hanseatic Republics, France, Holland Denmark, Russia, and Sweden, respectively; and that those treaties and arrangements termed reciprocal have not proved reciprocal to the navigation of the United States. Mr. K. said the memorialists to asked that Congress would, so far as the treaties permitted, make such regulations as would relieve them from the consequences resulting from these relations. Mr. K. had no doubt that the shipping interests of the United States had been impaired by a desire to extend reciprocal commercial relations. The memorial was referred to the Committee on Commerce.

Mr. LINN expressed a wish that the Senate would take up the Oregon bill, as the member from Kentucky, who was entitled to the floor on it, was ready to proceed in his remarks.

Mr. EVANS hoped the Senate would dispose of the unfinished business of Friday—being the bill for the benefit of the Petersburg Railroad Company.

Some debate of a conversational character here arose on the priority of business. Messrs. EVANS and GRAHAM contending that the Petersburg railroad bill should have precedence; and Messrs. LINN and SEVIER, that the Oregon bill should.

Mr. CALHOUN expressed a hope that the bill for the benefit of the railroad company would be taken up and disposed of; for, if it was intended to be of any benefit at all, it should be passed forthwith.

Mr. BATES moved to take up the railroad bill; and the question being put on that motion, it was determined in the affirmative—ayes 18, noes 17.

PETERSBURG RAILROAD COMPANY.

Mr. ARCHER said he would have had great occasion to regret having yielded to the wishes of the Senator from Arkansas for an adjournment, when this subject was last before the Senate, if it had failed to come up for discussion to-day; for it was a subject of very great importance, not only to the parties who were to be immediately benefited by it, but to the community at large. He would, nevertheless, have been contented to intrust those interests, great as they were, to the care of other gentlemen in that body, were it not for the relation in which he stood to the parties, and for the observations made on a former day by the Senator from Pennsylvania, [Mr. BUCHANAN.] The Senator from Pennsylvania had, in his apprehension, given a sufficient evidence of the untenableness of the grounds upon which the passage of this bill was attempted to be resisted, when he (evincing, as he did, the utmost solicitude about the fate of the bill) opened the debate by making that sort of appeal to the Senate which the gentlemen of his party always reserve as the *ultima ratio*—as the reason which should ride over all other considerations. The gentleman declared this to be one of those cases (to which allusion was so often made) of moneyed institutions successfully struggling to supersede all considerations of the public interest, or of public faith. The gentleman from Pennsylvania was a man of letters, and a man of taste; he knew too well the Horatian rule to fail in the observance of it.

He (Mr. ARCHER) desired to call the attention of the Senate to what had been made the subject of anticipated invective. This corporation was one which was instituted for a great agricultural purpose, affecting not one portion alone, but several portions of this Union. The gentleman's own State was largely interested, as well as that which he (Mr. A.) had the honor to represent. Nor was this all. This road was subservient to the communication along the whole seaboard of the United States, and vitally affected the interests of all the maritime States of the Union—such were the interests involved in this question, and not merely those of the party claiming relief by this bill. And what was the nature of the benefits to be conferred by the bill upon the party who were applicants for its passage? Did they ask a remission of duties to be granted them, to which they were not now entitled? Not at all. The iron was already in the country, or would be within a few days; and all they asked was, an extension of the time for laying it down.

Even the laying down of the iron might be completed in time; but, if they were driven, by a denial of their request—by a refusal to pass this bill—to go on within the limits of the period which remained to them under the present law, what would be the result to the parties and to the community? The parties would be compelled, impoverished as they now were, to employ labor at any cost, in order to complete their work within the given time. This would be attended with considerable inconvenience to the company; but it was not the company alone which was going to be affected. A portion of the great Southern road, upwards of a hundred miles in extent, would have to be taken up; and the communication along this great artery, which connects the North with the South, suspended for the period of a whole month. The parties asked no remission of duties; but they asked a remission of expense, and for an indulgence, which, if conferred, would avert from the public the highest inconvenience.

Associated wealth! corporations! Why, the company asking this indulgence was nearly bankrupt. He (Mr. A.) had asked one of the presidents of the company at what price his stock was selling, and his answer was, "At no price." The company was largely indebted to the State. And such were the moneyed corporations which, according to the gentleman from Pennsylvania, were sure to obtain from Congress whatever they might ask. He denied the very ground on which the Senator planted himself. The privilege now asked had nothing to do with the question of favoring the iron-manufacturing interests. The iron manufacturers of Pennsylvania would not sell one pound more of iron if this bill should be rejected, than they would if it were passed. There was no

ground, then, on which the gentleman's opposition could rest. The honorable Senator from Pennsylvania had spoken of his conciliatory disposition. Did he not perceive how much he was now acting out of that character—to which he (Mr. A.) would readily agree he was generally entitled—for he was asking at the hands of the Senate for a most vindictive action on this subject. He was asking for a subjection of the interests of the whole maritime frontier to—what? The honorable Senator had told them—and he (Mr. A.) asked the particular attention of the Senate to this point—The honorable Senator had told them that a great company had been recently established upon the Alleghany river, for the manufacturing of railroad iron. So all these sacrifices were invoked by the honorable Senator—for whose benefit? For the benefit of one single iron manufacturing establishment in his own State. This was his notion of justice. He (Mr. ARCHER) supposed that the interests of these corporations, to which the honorable Senator was so hostile—corporations which subserve agriculture and commerce—were to be sacrificed; and to what? Why, to the interests of another corporation—an iron manufacturing company in Pennsylvania.

When the discussion in which they had been involved in relation to our protective policy upon the passage of the tariff bill was going on, what was the appeal then made to them? What was the design of the gentleman who made that appeal, in relation to the protection of the interests of the country? Was it that new interests were to be built up? Or was it not rather that the old and established interests of the country should be protected? At that time there were none of these establishments for the manufacturing of iron for railroads in existence.

The gentleman, then, in invoking protection for these iron establishments, was not borne out by the policy heretofore avowed. Protection was intended to be extended to the old and existing institutions. There was scarcely a man on this floor, or, indeed, anywhere—certainly not south of the Potomac—who would have dared to avow the doctrine that it was intended that new interests should be generated. But admitting it to be otherwise—that we were bound not to sacrifice a new interest, or a new industry that had recently sprung up;—admitting the full force of the arguments of his honorable friend, still they would have no application to this case. It could be no breach of that protective policy, admitting it to extend to the company whose interests were advocated by the honorable Senator, to say to the Petersburg company, If you do not transcend the time limited for making importations, you shall have the privilege of laying down your iron when you please. The true intendment was a limit upon the time for importation. As to the laying down of the iron, it was wholly unimportant: it had no reference to the real policy of the protection of the manufacturing interests of the country.

The limitation of the time for laying down the iron stood merely in the relation of a penalty; and inferior courts of justice often remit penalties where the substance of the obligations is fulfilled. If a court of law were to enforce the penalty, the court of chancery would interfere. Congress was the highest court of justice and of equity. Here was a penalty, the application of which was to enure to the benefit of no one. They were enforcing a penalty in a case which was not reached by the policy of our protective tariff. It would be a sanctioning on their part of the vindictive penalty; and he submitted to the honorable Senator whether his claim to the character of conciliator would not be endangered by his strenuous advocacy of this vindictive action. It would not only not enure to any public benefit, but it would be productive of no sort of benefit to the iron-manufacturing company in Pennsylvania, which was the only establishment now manufacturing that sort of iron in the United States. There should, he thought, be no hesitation on the question.

Mr. BUCHANAN said he believed this to be a bill of great importance, and calculated, in its effects, to repeal the policy of the late tariff law, in reference to a single article, without a modification of the whole of it. He wished to present to the Senate his views upon this subject, and he would do it as briefly as possible. He had no interest in this bill, which was not common to every Senator. His honorable friend was mistaken if he supposed that he argued that, because there were one or two establishments for the making of railroad iron in Pennsylvania, that was a reason for the rejection of this bill. He had stated the fact merely for the information of the Senate, and for no other purpose. Still, it was important information, and well worthy the attention of the country. The Senator said he (Mr. BUCHANAN) was well acquainted with the Horatian rule. He presumed the rule the Senator referred to was, that he never asked the interposition of the gods, unless in a difficulty otherwise insuperable. But if he should succeed in representing to the Senate his ideas upon this subject, he thought the Senator would agree with him that there was no insuperable difficulty in the case.

It appeared to him a perfectly plain case; and notwithstanding the Senator from South Carolina thought it was unworthy of argument, he doubted whether he would be able to succeed in refuting even the feeble arguments which he would be able to present. He asserted that corporations had great power in this country. They were never satisfied. One decision against them might follow another; and they were always ready, like the heads of the hydra, to spring up to new life, and persist in urging their claims upon Congress. If ever a question had been settled on broad, and liberal, and just principles, he contended it was this question, so far as corporations were concerned. Let them look at this case, and they would see the respectable Committee on Finance reporting a bill, without a line accompanying that report for the benefit of a corporation.

If a poor old soldier applied for a pension, the question was, in every instance, referred to a committee; and the case was presented to the Senate in an ample and full report. The Senate could not tell now how much iron was to be laid down; they could not even tell the length of the road that was to be relaid; or how much had already been laid down; they could not tell whether they were to release to the company the payment of $50,000 or $500. They had the naked statement of the company, which conveyed no authentic information on the subject.

Mr. B. proceeded to review the history of the legislative enactments in reference to this company, and argued that the exclusive privileges granted to it had already occasioned the tax upon the community to be increased to a very great extent. And now the question was, whether a second exemption from the payment of duties, to which all other citizens were subject, should be extended to this railroad company; for so far from its being a mere extension of the time for laying down the iron, it would in reality be a further release of duties. He was far from being an enemy to corporations whose purposes, objects, and views were for the public advantage. He was far from being an enemy to railroad corporations; he believed they had been of much service to the country. But as to the influence exerted by corporations, it was plainly visible. The Oregon Territory bill was laid aside; the question involving peace or war was laid aside, in order that this measure should pass, and that the railroad company should be put to no inconvenience. When he asserted that corporations had influence, he was borne out by the facts before them. Did they not see respectable men associated together in the form of a company, having an object to accomplish, bringing respectable men from Virginia to advocate and support their interests? They could, and did, urge their claims with more impunity, and with greater pertinacity, and with better success, than individual citizens. He did think, when he had consented in 1841 and 1842 to yield to their demands, that we should have heard no more of railroad companies' exemptions from the common burdens borne by the citizens of this country. If they should succeed in passing this bill, it would be, as he said before, but the entering wedge, so far as regards Pennsylvania and Kentucky, and the other iron producing States. Whether the tariff be right or wrong, (and he was not going to discuss that question)—whether the principle of protection be of benefit or not—it was a general enactment, designed to have a general application; and he regarded it as highly improper and inexpedient to fritter away that law by special legislation.

Mr. RIVES said he desired to make a single observation in regard to the point upon which the Senator from Pennsylvania seemed to lay all the emphasis, viz: that here was an application for exemption from the duty on iron, to which exemption the company asking it was not entitled, according to the equitable construction of the law. It seemed to him (Mr. R.) that the construction given to the law by the honorable Senator was altogether too liberal, and that it did not satisfy the equity of the case.

Mr. RIVES here read the provision of the statute which applies to the laying down of the iron necessary to complete the road previous to the 3d March, 1843. It appeared to him, from the facts presented in the memorial of the Petersburg company, that the road never had been completed, and that the Senator from Pennsylvania was therefore incorrect in supposing that the intention was to renew the exemption heretofore enjoyed. The company, it appeared, had procured, in the first instance, very light iron, which, when laid down, was discovered to be entirely unsuitable; and they were consequently under the necessity of ordering a new importation. The iron had not been worn out: it was not, therefore, for the purpose of replacing old rails by new, but of substituting good rails for those which had been mistakenly supposed to be sufficient. It seemed to him that this circumstance, instead of diminishing the weight of reasoning in favor of the passage of the bill, added to it, in a very considerable degree; because the company had been subjected to a double hardship, and had incurred considerable loss. He thought that, in a fair, practical, and equitable view of the case, it came clearly within the spirit, if not directly within the letter, of the law.

Mr. EVANS was very sorry to be under the necessity of saying another word on this subject. But, as he was obliged to do so, he would confine himself to one or two remarks of the Senator from Pennsylvania, [Mr. BUCHANAN,] which, he conceived, applied to the only question that could arise as to the propriety or policy of the present bill. The first point relied upon by the Senator is, that this is a bill, not simply for extending the time for laying down iron imported under the provisions of the tariff law, but to release the iron imported by the company up to the 3d of March, for its railroad, from duty altogether; or, in other words, to make a donation of $50,000 to this company; because, as he says, its iron is not entitled to the exemption from duty, according to the letter and spirit of the provision in the tariff law. He thinks we are giving to this company privileges which do not belong to it under existing law. This argument has been answered in part by the Senator from Virginia, [Mr. RIVES,] with whom he (Mr. E.) concurred. The law of 1841 allowed all railroad iron imported previous to 3d March, 1843, to come in duty free, and to remain exempt from duty, provided it was laid down before that day for use, where it is intended for the construction or completion of railroads in the course of construction. By the tariff law of 1842, railroad iron imported and laid down for use up to the 3d of March, 1843, is exempt from duty; but, because this provision refers to the law of 1841, which it is intended to carry out, the Senator insists that it is confined to new railroads, new branches, or parts in construction, and not before complete. He contends that this railroad is not one entitled to the privilege, because iron was laid down upon it before. But the Senator overlooks the fact that this company was only trying an experiment, not knowing the extent of business or weight of transport which might be required; and, indeed, at first not anticipating anything like what has come to pass; and imported iron, which, on trial, proved entirely too light. It proved so unfit for the use of the road, that the company has, for a few years back, been devoting its means to the

object of replacing this light iron with a more substantial and permanent kind. Until this is fully accomplished, the road is not complete; and in spirit, if not in letter, it is entitled to the privilege of the law of 1841, recognised in the law of 1842. Another answer to the objection made by the Senator is, that the act of 1842 *extended* the provision of the act of 1841 to *all* railroad iron imported and laid down for use prior to 3d March, 1843; and, although the words "entitled under any existing law" are used, it does not exclude the construction that iron for repairs of railroads may not be imported duty free, according to the spirit and meaning of the law of 1842. The Senator says there was no existing law which entitled this company to import iron for its railroad, without payment of duty, to replace iron already in use that had before been imported duty free. If that is the construction of the proviso in the law of 1842, this bill will not affect it. But, the Senator will say, Why pass it, then, if it will be of no avail? It is precisely because the friends of the bill think it will avail, and because they put a different construction on the law of 1842, that they wish to pass it. They wish to pass it, because, while it inflicts no injury on the revenue, (for it can make no difference in that particular,) it will give not only great convenience to the operations of the company, but confer a public benefit on the country, and its mails and commerce, by preventing an unnecessary interruption and suspension, for an indefinite period, of the intercourse of travel by that route of railroad.

The Committee on Finance had considered all these things. It found that the iron was here, and would and could be laid down by the 3d of March, if this indulgence was not granted; that, therefore, it would make no difference to the revenue. They construed the provision of the law of 1842 in the spirit on which that law was based; and, taking care that the period of importing the iron duty free should not be extended, they conceived it reasonable to extend the time for laying down that already imported. He was aware that, in one sense, it might be said the time of importation will be extended, because, without this bill, no iron would be imported past a day which would allow time for laying it down prior to 3d of March; and that iron imported on the 2d of March might be duty free, while that imported next day would be subject to duty. But the law was so; and the committee did not propose any modification of it, well knowing that, practically, there would be no such importation up to the day. In fact, all the iron ordered under that provision of the law, is either in the country, wholly or in the greater part—with the exception, perhaps, of some few tons in port, and not yet landed; though he did not know that there was any ordered not by this time received. The bill proposes merely to allow the company till December next for laying down this railroad iron. It does not prolong the time for importation. It makes no difference to the revenue. It will, besides being some convenience and saving of expense to the company, be of great convenience and saving of time, if not of expense, to the Government in continuing, uninterrupted, the transmission of the mails; and, in general, to the public at large, interested in the travel or commerce of the South.

Mr. BAYARD asked whether the bill would have reference merely to the iron already in the country, or to all that may be imported up to the 3d of March?

Mr. EVANS replied that it would extend to iron imported up to the 3d of March; but there would be none so imported beyond what would come in duty free, even if the bill was not passed. The existing law goes to the same extent; and the committee did not think proper to make any alteration, fully impressed with the conviction that there would be no importation under this bill, that would not take place under the law of 1842.

The debate was continued by Messrs. ARCHER and EVANS in support of the bill, and by Messrs. BUCHANAN and PHELPS in opposition.

The question was then taken on the passage of the bill, and it was passed—yeas 20, nays 19, as follows:

YEAS—Messrs. Archer, Berrien, Calhoun, Conrad, Crafts, Crittenden, Evans, Fulton, Graham, Henderson, Kerr, King, McDuffie, Mangum, Merrick, Rives, Sevier, Walker, Woodbridge, and Young—20.

NAYS—Messrs. Allen, Bates, Bayard, Benton, Buchanan, Clayton, Linn, McRoberts, Miller, Morehead, Phelps, Smith of Connecticut, Smith of Indiana, Sprague, Sturgeon, Tappan, Wilcox, Williams, and Woodbury—19.

Several communications from the President of the United States were then read and ordered to be printed.

Among them was one in reply to Mr. RIVES's resolution adopted a few days ago, calling for the correspondence between this Government and that of Great Britain on the subject of the burning of the Caroline; which correspondence the Secretary of State transmitted to the Senate, as desired.

The PRESIDENT *pro tem* laid before the Senate a message from the President of the United States, communicating, in compliance with a resolution of the Senate of the 19th instant, reports from the State and War Departments, touching the possession of the Oregon Territory. The Secretary of State, in his communication, remarks, that a letter from Thomas J. Farnham, of January 4, 1840, appears to have been transmitted to that department by the Secretary of War in the month of May following; and that on the 6th of the same month a letter was transmitted to the American minister in London, with extracts from that communication. As the President was desirous of knowing whether the intelligence contained in Mr. Farnham's letter, relative to large grants by the British Government to the Hudson Bay Company, of a large and valuable tract of land in the Oregon Territory, and of supposed grants and sales of those lands by that company to individuals, was well-founded, the minister was instructed to make application to the proper quarter for information on the subject. In presenting the matter to the British Government, he was assured that no such grant of land had been made to the Hudson Bay Company, and that the only grant which had been made to that company was a grant of exclusive trade with the Indians in certain parts of North America for a further term of twenty-one years, on the surrender of the former grant.

The communication was ordered to lie on the table, and be printed.

THE OREGON TERRITORY.

The unfinished debate on the passage of the Oregon bill was then resumed.

Mr. MOREHEAD, being entitled to the floor, addressed the Senate for upwards of an hour. He advocated the passage of the bill in its present form, and maintained that the United States should either take this step now, or submit to the loss of the territory. He showed that the provision objected to by other Senators—that of *promising* a grant of land to settlers—did not conflict with our obligations under the treaty, as Great Britain never had denied our undisputed right to *some* territory in Oregon. There was not one step proposed to be taken in this bill, that we were not fully justified in taking by the construction of the treaty on which Great Britain had heretofore acted, and was at the present moment acting.

He reviewed, in detail, the progress of the British settlements on the Columbia, from the time of the breaking up of Mr. Astor's settlements to the present period, and showed that the whole policy of England was to encourage a British population there, as the exclusive possessors of the soil, under the calculation that, when numerous enough, that population would decide in favor of putting the country exclusively under British dominion. So unrestrained and rapid was her advance to this consummation, that, if it was not averted by the passage of this bill, no future legislation on our part could regain our lost ground.

Mr. McROBERTS, in order to show that England's claim to any portion of the Territory of Oregon was of recent date, read from the parliamentary debates on the subject of the treaty of Nootka Sound, the arguments of the ablest British statesmen of that day, and the admissions of the then ministry of England, that, instead of gaining anything by that treaty, Great Britain had lost whatever dubious claims she might have previously had to joint occupation with Spain south of Nootka Sound, and was restricted in her right of fishing and trading to the country north of Nootka Sound.

On motion of Mr. WOODBURY,

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, January 23, 1843.

Mr. LOWELL presented the petition of William A. Palmer and 26 others, for the establishment of a mail route from Jonesborough, in the county of Washington, Maine, to Palmer (so called) in the town of Machias, in said county; which was referred to the Committee on the Post Office and Post Roads.

Mr. JOHN C. EDWARDS presented the petition of James Thomas, Judith Moss, and Claiborne Thomas, praying an appropriation of land scrip to supply a deficit of ten per cent., allowed to revolutionary claimants under an act of 1835: referred to the Committee on Pensions.

Mr. FILLMORE asked the indulgence of the House to enable him to make a personal explanation in reference to himself and the Committee of Ways and Means. As long as he had been a member of the House, he had never, on any occasion prior to this time, felt it his duty to notice any newspaper article in reference to his own conduct individually, or the conduct of those with whom he was associated. Nevertheless, there had been brought to his notice an editorial article that was published in the Union, a leading administration paper of the city of New York, under date of Saturday, January 21, 1843, reflecting so grossly on him and the Committee of Ways and Means, that he felt it to be his duty to notice it. He would send the paper to the Clerk's table, that it might be read for the information of the House. Mr. F. then handed up the following to the Clerk's table; and it was read by the Clerk:

"THE INFAMY OF FACTION.—One of the most infamous acts of faction in the plenitude of its power ever perpetrated took place at the Capitol of the United States the day before the Committee of Ways and Means reported on the subject of the exchequer bill.

"It had been ascertained that a majority of the more liberal and discreet Whigs were in favor of the exchequer scheme recommended by the Executive; and it was further ascertained that it was very probable that the Committee of Ways and Means would report in favor of the bill brought forward by Mr. Cushing. These facts having reached the ears of the leaders of the Clay faction, a caucus was ordered and holden, and went into operation the night before the report of the committee was made.

"At the opening of the caucus, it was plain that the majority of the Whigs present, weary of waging a reckless, unprofitable, and infamous opposition to the people's will, had determined to go forth like men, and sustain the President and the exchequer.

"At this stage of the affair, the leaders took their stand, and commenced a furious attack on the President and the Administration, and denounced them both; and having got up much excitement, they avowed that, if any man as a Whig gave the least countenance to the plan of the President, he would be a traitor to his party; and, as such, should be presented to his country.

"Still many of the more discreet and liberal Whigs manifested a disposition to sustain the exchequer, and to do something to relieve the embarrassments of the nation.

"At this stage of the game, a letter from Mr. Clay was brought forward and read. In that most precious document, he urged that it was the duty and policy of the Whigs to defeat the exchequer, and leave the country to suffer. 'Let the people *feel*,' said the writer of the letter *adroitly;* 'let them suffer: and, casting the responsibility of the act on the shoulders of the President as they will, they will soon become outrageous, and blight the vast hopes of his ascendency. But, if you give them an exchequer, it may relieve them somewhat; it may afford something of that pecuniary aid they seek, and the Whigs will be divested of the capital they work upon.' Such was the substance, if not the very letter, of the epistle; and it was not without its effect. A long and animated debate ensued; and, finally, the question was taken by yeas and nays. It was not known what was the exact vote; but it is known that the minority was very strong, and that the majority in favor of instructing in *caucus* the Committee of Ways and Means to report against the exchequer did not exceed *four votes*.

"A majority obtained, after everything like argument, menace, and denunciation had been exhausted; and Mr. Clay's white Charlies defeated the exchequer bill in caucus, bound in chains one of the most important standing committees of the national Congress, and deprived the nation of an opportunity of even discussing a bill, in the fate of which the happiness, the interests, and the future splendor of the whole nation, are involved.

"If the exchequer bill had not been defeated by the caucus—if it had been permitted to be introduced to Congress, where it legitimately belonged—it would have passed by the votes of the Democracy, aided by those of the supporters of the Administration, and the support it would have obtained at the hands of the more liberal Whigs. But Mr. Clay ordained that the people should suffer; his slaves in Congress consummated the act; and let the infamy of the deed rest on the shoulders of the unprincipled of the Whigs, and him who, as Mr. Randolph of Roanoke fitly and eloquently said, attempted to sustain himself"

and his hopes by forming a coalition between the puritan and the blackleg.

"Let the American people read and see, to their utter amazement, that a caucus of unprincipled demagogues at Washington, acting at the nod of Mr. Clay, can and do blight and desecrate the dearest and holiest interests of the nation. Let them read and know these things; and then, if they be true to themselves, let them advance in solid columns to the rescue of an administration that is entitled to every man's confidence, respect, and approbation."

Mr. F. desired, also, that an article in the Madisonian of this morning, on the same subject, might be read.

Mr. WISE wished to know whether this was a privileged question, and whether it had preference over the business of the House.

The SPEAKER said that the gentleman from New York [Mr. FILLMORE] asked leave to make a personal explanation; and permission was granted him by the general consent of the House.

Mr. WISE said he only wished to know whether this was a privileged question. He certainly should not object to extending to the gentleman the usual courtesy of the House.

The article from the Madisonian was then read as follows:

NEW YORK, January 19, 1843.

One of the most disgraceful acts that ever distinguished a faction, occurred at Washington a few days prior to the uttering of the report of the Committee of Ways and Means, in reference to the exchequer bill.

It is a somewhat roundabout way, to be sure, to get facts before the public, that transpire at Washington, to send this from New York to the American metropolis; but, as there are obstacles here in the way of free communication, and as the fact I wish to get to the world is important, I send it to you—and here I state it.

The night before the Committee of Ways and Means was to report on the exchequer bill, a "caucus" of the Whigs was held, and the subject was taken up for consideration.

After consultation and debate had been had, it was found that there was a strong and a determined disposition, on the part of the Whigs, to report favorably, and to vote in favor of the bill. Indeed, there was a majority of the caucus in favor of such an issue. In the midst of this state of feeling, it was urged by unprincipled leaders that, if the bill found a favorable report, and should, by any chance, be adopted, it would at once insure the popularity of the Administration, and facilitate the prosperity of the President. This, of itself, in all probability, would have been enough to damn the bill, and secure the defeat of the exchequer scheme; but other aids were called in to consummate the unprincipled baseness of the Whigs.

To complete the work of iniquity, a letter—written, as it is said, by Mr. Clay—dated at Natchez, was read, in which it was urged that Congress ought to linger on till the 4th of March, do nothing for the country, and thus, by "applying the screws to the whole commerce and business of the nation, rouse it to indignation toward the President, and thus aid the towering ambition of the Kentucky candidate for the Presidency."

My sources of information are correct and authentic; and the facts here stated cannot be denied by the Whigs in Congress.

But for the acts of the Whig caucus, the Committee of Ways and Means would have reported the exchequer bill, on the basis of the scheme presented by the Executive; it would have been taken up in the House, and been adopted by the votes of the Democrats, aided by the liberal Whigs.

These facts are of too much consequence to the people of the United States to be kept back; and they should be heralded to the world, that the citizens of the United States may know how it is that they are imposed upon, and saddled with embarrassments of the most distressing and blasting nature.

The House would perceive that very grave and serious charges were brought against the Committee of Ways and Means on their reporting against the exchequer. The first charge in the article in the New York Union, and reiterated in the Madisonian, was this:

"It had been ascertained that the majority of the more liberal and discreet Whigs were in favor of the exchequer scheme recommended by the Executive; and it was further ascertained that it was very probable that the Committee of Ways and Means would report in favor of the bill brought forward by Mr. Cushing. This fact having reached the ears of the leaders of the Clay faction, a caucus was ordered and holden, and went into operation the night before the report of the committee was made."

In regard to the single fact there stated, he desired to say that the report of the Committee of Ways and Means on this subject was made on Monday morning; so that, if the caucus was held on the night preceding that report, it must have been held on Sunday evening. No caucus, however, was held, on that or any other subject, to his knowledge; and no communication came to his knowledge, from any source, showing that a Whig caucus had been held directing that report to be made.

The next charge was:

"At the opening of the caucus, it was plain that a majority of the Whigs present, weary of waging a reckless, unprofitable, and infamous opposition to the people's will, had determined to go forth like men, and sustain the President and the exchequer. At this stage of the affair, the leaders took their stand, and commenced a furious attack on the President and the Administration, and denounced them both; and having got up much excitement, they avowed that, if any man, as a Whig, gave the least countenance to the plan of the President, he would be a traitor to his party; and, as such, be presented to his country."

He had only to say, in reference to that charge, that he had no knowledge of it, and had no belief that anything like it ever took place; and he challenged any one to rise in his place, and say that he could prove it to be true.

The next charge was, "that a letter from Mr. Clay had been produced and read at the caucus," &c. [Here Mr. F. read the paragraph on that subject above quoted.] To this he could only say that he knew not what Mr. Clay's sentiments were on the subject; that he never heard that Mr. Clay wrote any letter on the subject; and that no such letter of Mr. Clay was ever presented at any Whig caucus at which he was present; nor spoken of, nor alluded to. The only knowledge he had of Mr. Clay's sentiments on the subject, was that general knowledge derived from observing his political course of conduct.

Having denied, as he did peremptorily and emphatically, any knowledge of the subject, he had only to say further, that all the statements contained in the two articles to which he had called the attention of the House were, so far as he had any knowledge of the subject, unequivocally false. If any members here knew any facts or circumstances sustaining them, he begged that they would bring them out. It was due to the subject, and due to the country, that they should speak out, if they had anything to say on the subject. In justice to the Committee of Ways and Means, he would say that they took up the subject of the exchequer with a sincere desire to recommend it, or some similar measure, to the House; and it was after the most mature and serious consideration that they came to the conclusion that they could only perform their duty to the country by recommending its rejection. He did not know that his duty to himself, or to the committee, required that he should say more. If there were any members present who had any knowledge of the subject, he would say that it was their duty to communicate it to the world. Mr. F. was also understood to ask if any of "the guard" knew anything of the matter, that they would rise and disclose it.

Mr. WISE inquired if the gentleman from New York, by his last allusion—which he (Mr. W.) thought was at least gratuitous—meant to impute to him, or any of the other members of "the guard," as the gentleman was pleased to call them, any part or lot in the publication in the *Union*.

Mr. FILLMORE said he had not meant to impute to any one of those gentlemen either part or lot in so dishonorable a transaction.

Mr. WISE said he knew no more about that publication than the gentleman from New York did: he saw it for the first time this morning in the *Madisonian;* and he was astonished, or he might have been astonished, at the facts there detailed, whatever little foundation there might be at the present time for such statements; yet, looking at the past, he did know—and the gentlemen themselves had confessed before the country by the adoption of a report, which they adopted by a majority, he believed, of 100 to 80, at the last session of Congress, in which they set forth the fact in reference to a fiscal agent—that a caucus, and nothing but a caucus, by its machinery, did contrive the legislation of Congress; that a caucus sent its agent to the President, to know what his will was, in order that they might contrive their legislation; or, in the language of their own report, or of the gentleman from Massachusetts at the last session, that they might conform their action in compliance with the executive will. He had now only to say, on this matter, that he congratulated the gentlemen if they thought—and, whether this was false or true, he knew not—that if it was true, it would be disgraceful: he congratulated himself that they had awakened to true sentiments; and that if a caucus should dictate to the House what its legislation should be, it would be disreputable to that standing committee (of Ways and Means)—that it would be disreputable to its chairman, [Mr. FILLMORE,] and disreputable to the party which thus conducted the legislation of the country. Whether the gentleman and his party had been in past, or in the present instance, so guilty, let the world judge from the report which they had adopted; in which it was stated by themselves that they did, in an informal manner, send the emissary of a caucus on the subject of a fiscal agent, to ascertain how they might comply with the Executive will.

He did not wish to consume the time of the House; nor should he have risen, but for the allusion to himself, and five other gentlemen on that floor; and he would conclude now, by moving that the House resolve itself into a Committee of the Whole on the state of the Union, for the purpose of taking up the exchequer bill reported by the select committee at the last session of Congress; and in Committee of the Whole they would have an opportunity to discuss the whole subject; and after the committee had reported to the House, they would be able to determine who was for action, and who was against action on that subject. He, for one, did not, on his part, wish to take up the time of the House, or to waste it by this negative action. He hoped the gentlemen would go to business like men, take up the exchequer bill, and, by their own action, show the truth or falsehood of these statements in relation to their conduct.

Mr. FILLMORE rose to inquire if there was not a special order for to-day?

The SPEAKER was understood to reply in the negative.

Mr. FILLMORE said there must certainly be a mistake.

The SPEAKER directed the Clerk to consult the journal.

Mr. J. R. INGERSOLL, in the mean time, asked permission to present to the House a memorial from Philadelphia in favor of the exchequer scheme recommended by the select committee; and he moved its reference to the Committee of the Whole having that bill in charge.

He also asked leave to present the memorial of the Chamber of Commerce of Philadelphia in favor of the prosecution of the coast survey; which was referred to the Committee of the Whole.

The Clerk, having consulted the journal, reported that the special order was for Monday next, the 30th instant.

Mr. BRIGGS understood that Monday the 30th was set apart for Territorial business.

Mr. FILLMORE said there was certainly a mistake, and it had occurred thus: The Committee of Ways and Means brought in their report on Monday, two weeks ago, on the subject of the exchequer scheme of the President; and, amongst other things, proposed its postponement until Monday two weeks, (this day,) and that it be made the special order for that day. It would now be recollected that the question went over until the next day, (Tuesday,) and thus the error had occurred; Monday two weeks, being Monday the 30th instant.

Mr. CUSHING, to get rid of the difficulty, moved to postpone the special order, (if there were one for to-day,) that the House might go into Committee of the Whole on the state of the Union.

Mr. BURNELL and Mr. GIDDINGS were understood to present petitions on the subject of the currency, deeming this a favorable opportunity to do so.

Mr. BOTTS rose and said he wished to make a remark on a subject brought to the attention of the House a few days ago, as on a privileged question. He alluded to the vote taken in relation to the printing of 5,000 extra copies of the reports from the Committee on Commerce, on the subject of the imprisonment of colored seamen in Southern ports. That vote was passed without much attention, or he certainly should have opposed it at the time. It was enough to say that neither report was read to the House; and he did not wish to commit himself on such a subject, or to give it his sanction, until he had fully examined it; nor did he wish that it should receive congressional sanction by an order for the printing of an additional number. If it would have the tendency to allay excitement, he would not object; but as he did not conceive such would be the result, he now moved a reconsideration of the vote by which 5,000 extra copies of those reports were ordered.

Some irregular conversation ensued; in the midst of which, it was understood that some gentleman

moved to lay the question of reconsideration on the table.

Mr. WISE inquired what the question in these reports was, before he voted on this motion. He wished simply to inquire if it was not a discussion whether a sovereign State had the power to prevent free negroes from returning to the Commonwealth. Under an act of the Legislature of Virginia, she prohibited free negroes returning; and under that law, some colored seamen, who had entered her ports, had been arrested; and he wished to know if these reports, and the bill accompanying one of them, were to prevent Virginia from saying who should enter within her limits?

Mr. KING rose to make some remarks; but

The SPEAKER said a motion had been made to lay the reconsideration on the table; and that was not a debatable question.

Mr. WISE asked if the motion to lay on the table should prevail, if it would not, in effect, sanction the printing of the 5,000 extra copies?

Some conversation ensued.

The yeas and nays were then called for, and ordered; and, being taken, resulted—yeas 85, nays 112, as follows:

YEAS—Messrs. Adams, Allen, S. J. Andrews, Aycrigg Babcock, Baker, Barnard, Birdseye, Blair, Boardman, Borden, Brewster, Briggs, Bronson, Jeremiah Brown, Burnell, Calhoun, Childs, Chittenden, John C. Clark, Staley N. Clarke, Cowen, Cranston, Cravens, Garrett Davis, R. D. Davis, John Edwards, Everett, Ferris, Fessenden, Fillmore, A. Lawrence Foster, Gates, Giddings, Patrick G. Goode, Granger, Halsted, Henry, Hudson, Hunt, James Irvin, William W. Irwin, James, Isaac D. Jones, John P. Kennedy, Andrew Kennedy, Linn, McKennan, Mathiot, Mattocks, Maxwell, Maynard, Morgan, Morris, Morrow, Osborne, Owsley, Parmenter, Pearce, Pendleton, Ramsey, Benjamin Randall, Randolph, Read, Ridgway, William Russell, James M. Russell, Saltonstall, Slade, Truman Smith, Stanly, Stokely, Tomlinson, Triplett, Trumbull, Underwood, Van Rensselaer, Washington, Edward D. White, Joseph L. White, Thomas W. Williams, Joseph L. Williams, Winthrop, Yorke, Augustus Young, and John Young—85.

NAYS—Messrs. L. W. Andrews, Arnold, Arrington, Atherton, Beeson, Bidlack, Black, Botts, Bowne, Boyd, Aaron V. Brown, Milton Brown, Burke, William Butler, William O. Butler, Green W. Caldwell, Patrick C. Caldwell, John Campbell, William B. Campbell, Thomas J. Campbell, Caruthers, Cary, Casey, Chapman, Clifford, Clinton, Coles, Mark A. Cooper, Cross, Cushing, Daniel, Dawson, Dean, Deberry, Eastman, John C. Edwards, Egbert, John G. Floyd, Charles A. Floyd, Gerry, Gilmer, Goggin, William O. Goode, Gordon, Graham, Gwin, Hays, Holmes, Hopkins, Houck, Houston, Hubard, Hunter, Charles J. Ingersoll, Joseph R. Ingersoll, Jack, Kelm, Lewis, Littlefield, Lowell, Abraham McClellan, McKay, McKeon, Mallory, Marchand, Alfred Marshall, Thos. F. Marshall, John Thompson Mason, Mathews, Medill, Meriwether, Miller, Mitchell, Moore, Newhard, Oliver, Partridge Payne, Plumer, Pope, Powell, Reding, Rencher, Reynolds, Riggs, Rodney, Rogers, Sanford, Saunders, Shepperd, Shields, William Smith, Snyder, Sprigg, Steenrod, Alexander H. H. Stuart, John T. Stuart, Summers, Sweney, Taliaferro, Jacob Thompson, Trotti, Turney, Warren, Watterson, Weller, Westbrook, Christopher H. Williams, Wise, and Wood—112.

So the motion to lay on the table was not carried.

Mr. WISE then rose and moved the previous question.

Mr. KING appealed to him to withdraw the motion.

Mr. WISE declined doing so. He thought gentlemen had made up their minds on the subject.

Mr. STANLY inquired what would be the effect of sustaining the previous question.

The SPEAKER replied that it would bring the House to a direct vote on the motion to reconsider.

The call for the previous question was sustained—ayes 94, noes not counted.

Mr. SLADE called for the yeas and nays on ordering the main question to be now put; and they were ordered.

The main question was then ordered to be now put—yeas 128, nays 68, as follows:

YEAS—Messrs. Landaff W. Andrews, Arnold, Arrington, Atherton, Barton, Beeson, Black, Boardman, Borden, Botts, Bowne, Boyd, Aaron V. Brown, Milton Brown, Burke, William Butler, William O. Butler, Green W. Caldwell, Patrick C. Caldwell, John Campbell, William B. Campbell, Thomas J. Campbell, Caruthers, Cary, Casey, Chapman, John C. Clark, Clifford, Clinton, Coles, Mark A. Cooper, Cranston, Cushing, Daniel, Deberry, Doig, Eastman, John C. Edwards, Ferris, John G. Floyd, Charles A. Floyd, Gentry, Gerry, Gilmer, Goggin, Gordon, Graham, Gwin, Halsted, Hays, Hopkins, Houston, Hubard, Hunter, Jack, Cave Johnson, Isaac D. Jones, Kelm, Lewis, Linn, Littlefield, Lowell, Abraham McClellan, McKay, McKeon, Mallory, Marchand, Alfred Marshall, Samson Mason, John Thomson Mason, Mathews, Medill, Meriwether, Miller, Mitchell, Moore, Morgan, Morris, Morrow, Newhard, Owsley, Parmenter, Partridge, Payne, Pearce, Pickens, Plumer, Pope, Powell, Read, Reding, Rencher, Reynolds, Ridgway, Riggs, Roosevelt, William Russell, Sanford, Saunders, Shields, Truman Smith, William Smith, Snyder, Steenrod, Stokely, Alexander H. H. Stuart, Summers, Sweney, Taliaferro, Richard W. Thompson, Jacob Thompson, Triplett, Trotti, Trumbull, Turney, Underwood, Watterson, Weller, Westbrook, Edward D. White, Joseph L. White, Christopher H. Williams, and Wise—128.

NAYS—Messrs. Adams, Sherlock J. Andrews, Babcock, Baker, Barnard, Bidlack, Birdseye, Blair, Brewster, Briggs, Bronson, Charles Brown, Jeremiah Brown, Burnell, Calhoun, Chittenden, Staley N. Clarke, Cowen, Cravens, Richard D. Davis, Dawson, Dean, John Edwards, Egbert, Everett, Fessenden, Fillmore, Gates, Giddings, Patrick G. Goode, Granger, Henry, Hudson, Hunt, Charles J. Ingersoll, Joseph R. Ingersoll, James Irvin, William W. Irwin, James, John P. Kennedy, Andrew Kennedy, McKennan, Mathiot, Mattocks, Maxwell, Maynard, Osborne, Pendleton, Ramsey, Benjamin Randall, Randolph, Rodney, James M. Russell, Saltonstall, Shepperd, Slade, Stanly, Tillinghast, Tomlinson, Van Rensselaer, Warren, Washington, Thomas W. Williams, Joseph L. Williams, Winthrop, Yorke, Augustus Young, and John Young—68.

Mr. WINTHROP asked for the yeas and nays on the motion to reconsider: they were taken, and resulted—yeas 113, nays 83, as follows:

YEAS—Messrs. L. W. Andrews, Arnold, Arrington, Atherton, Barton, Beeson, Bidlack, Black, Botts, Bowne, Boyd, Aaron V. Brown, Milton Brown, Charles Brown, Burke, Wm. Butler, William O. Butler, Green W. Caldwell, Patrick C. Caldwell, John Campbell, Thos. J. Campbell, Caruthers, Cary, Casey, Chapman, Clifford, Clinton, Coles, Mark A. Cooper, Cross, Cushing, Daniel, Garrett Davis, Dawson, Dean, Deberry, Eastman, John C. Edwards, Ferris, Charles A. Floyd, Gentry, Gerry, Gilmer, Goggin, William O. Goode, Gordon, Graham, Gwin, Hays, Holmes, Hopkins, Houck, Houston, Hubard, Hunter, Charles J. Ingersoll, Jack, Cave Johnson, Isaac D. Jones, Keim, Lewis, Littlefield, Lowell, Abraham McClellan, McKay, Mallory, Marchand, Alfred Marshall, Thomas F. Marshall, John Thomson Mason, Mathews, Medill, Meriwether, Miller, Mitchell, Moore, Newhard, Owsley, Payne, Pearce, Pickens, Plumer, Pope, Powell, Reding, Rencher, Reynolds, Rhett, Riggs, Rogers, Saunders, Shepperd, Shields, William Smith, Snyder, Steenrod, Stokely, A. H. H. Stuart, J. T. Stuart, Summers, Sumpter, Sweney, Taliaferro, Jacob Thompson, Trotti, Turney, Ward, Washington, Watterson, Weller, Westbrook, Wise, and Wood—113.

NAYS—Messrs. Adams, Allen, Sherlock J. Andrews, Babcock, Baker, Barnard, Birdseye, Blair, Boardman, Borden, Brigge, Bronson, Jeremiah Brown, Burnell, Calhoun, Childs, Chittenden, John C. Clark, Staley N. Clarke, Cowen, Cranston, Cravens, Richard D. Davis, Egbert, Everett, Fessenden, Fillmore, John G. Floyd, Gates, Giddings, Patrick G. Goode, Granger, Hall, Halsted, Henry, Howard, Hudson, Hunt, Joseph R. Ingersoll, James Irvin, William W. Irwin, James, John P. Kennedy, King, Linn, McKennan, Samson Mason, Mathiot, Mattocks, Maxwell, Maynard, Morgan, Morrow, Parmenter, Pendleton, Ramsey, Benjamin Randall, Randolph, Read, Ridgway, Roosevelt, William Russell, J. M. Russell, Saltonstall, Sanford, Slade, Truman Smith, Stanly, Richard W. Thompson, Tillinghast, Tomlinson, Triplett, Trumbull, Underwood, Van Rensselaer, Wallace, Edward D. White, Joseph L. White, Thomas W. Williams, Winthrop, Yorke, Augustus Young, and John Young—83.

So the vote, by which the printing of the reports was ordered, was reconsidered.

The question of printing the reports then coming up for consideration,

Mr. FILLMORE observed that, as the vote just taken might be considered as a test of the sense of the House, he would move to lay the motion to print on the table.

Several members expressing the desire that the subject might be passed over for the present without any formal motion,

Mr. FILLMORE withdrew his motion to lay the pending question on the table.

Mr. WISE renewed the motion, and called for the yeas and nays, which were ordered; and, on the question being taken, it was decided in the affirmative—yeas 104, nays 84, as follows:

YEAS—Messrs. Landaff W. Andrews, Arnold, Arrington, Atherton, Barton, Beeson, Bidlack, Black, Bowne, Boyd, Milton Brown, Charles Brown, Burke, William Butler, William O. Butler, Green W. Caldwell, Patrick C. Caldwell, John Campbell, William B. Campbell, Thomas J. Campbell, Caruthers, Cary, Casey, Chapman, Clifford, Clinton, Coles, Colquitt, Mark A. Cooper, Cross, Cushing, Daniel, Garrett Davis, Dean, Deberry, Doig, Eastman, John C. Edwards, Egbert, Gentry, Gerry, Gilmer, Goggin, Wm. O. Goode, Gordon, Graham, Gwin, Hopkins, Houston, Hubard, Hunter, Charles J. Ingersoll, Jack, Cave Johnson, Lewis, Littlefield, Lowell, Abraham McClellan, McKay, McKeon, Mallory, Marchand, Alfred Marshall, Medill, Meriwether, Miller, Mitchell, Moore, Newhard, Oliver, Owsley, Partridge, Payne, Pearce, Pickens, Plumer, Powell, Reding, Rencher, Reynolds, Rhett, Riggs, Rogers, Saunders, Shepperd, Shields, William Smith, Steenrod, Alexander H. H. Stuart, Summers, Sumter, Sweney, Taliaferro, Jacob Thompson, Trotti, Turney, Wallace, Washington, Watterson, Weller, Westbrook, Christopher H. Williams, Wise, and Wood—104.

NAYS—Messrs. Adams, Allen, Babcock, Baker, Barnard, Birdseye, Blair, Boardman, Borden, Botts, Briggs, Bronson, Jeremiah Brown, Burnell, Calhoun, Childs, Chittenden, Staley N. Clarke, Cowen, Cranston, Richard D. Davis, Dawson, Everett, Ferris, Fessenden, Fillmore, John G Floyd, Gates, Giddings, Patrick G. Goode, Granger, Hall, Halsted, Henry, Howard, Hudson, Hunt, Joseph R. Ingersoll, James Irvin, William W. Irwin, James. Isaac D. Jones, John P. Kennedy, King, Linn, Robert McClellan, McKennan, Mathiot, Mattocks, Maxwell, Maynard, Morgan, Morris, Morrow, Osborne, Parmenter, Pendleton, Pope, Ramsey, Randolph, Read, Ridgway, Rodney, William Russell, James M. Russell, Saltonstall, Slade, Truman Smith, Stanly, John T. Stuart, Richard W. Thompson. Tillinghast, Tomlinson, Triplett, Trumbull, Underwood, Van Rensselaer, Edward D. White, Joseph L. White, Thomas W. Williams, Winthrop, Yorke, Augustus Young, and John Young—84.

So the motion to print the reports was laid on the table.

On motion by Mr. FILLMORE, a communication from the Navy Department, on the subject of certain expenditures, was referred to the Committee on the Expenditures of the Navy Department, with instructions to inquire into their legality and propriety.

Mr. FILLMORE wished to know, now, what was the order of the day.

The SPEAKER was understood to say the special order.

Some conversation in relation thereto, and some explanations were gone into, amidst much confusion. Ultimately, the House was brought to the question on the motion to lay the reports on the table.

Mr. FILLMORE called for the yeas and nays, and they were ordered; and, being taken, resulted in yeas 74, nays 114, as follows:

YEAS—Messrs. Adams, Allen, Arrington, Baker, Barton, Beeson, Bowne, Brewster, Briggs, Aaron V. Brown, Burnell, Green W. Caldwell, Calhoun, John Campbell, Casey, Childs, Coles, Cowen, Cross, Cushing, Daniel, Richard D. Davis, John Edwards, John C. Edwards, Fornance, Gates, Gerry; Gilmer, Patrick G. Goode, Gwin, Hopkins, Houck, Houston, Hubard, Hudson, Hunter, Charles J. Ingersoll, William W. Irwin, Cave Johnson, Isaac D. Jones, Andrew Kennedy, Lewis, Mallory, Marchand, Mathews, Morris, Newhard, Oliver, Partridge, Plumer, Benjamin Randall, Read, Rencher, Reynolds, Riggs, Roosevelt, Saltonstall, Sanford, Saunders, Shields, William Smith, Steenrod, Sumter, Sweney, Jacob Thompson, Tillinghast, Trumbull, Ward, Watterson, Weller, Westbrook, Thomas W. Williams, Winthrop, and Wise—74.

NAYS—Messrs. Landaff W. Andrews, Arnold, Atherton, Aycrigg, Barnard, Bidlack, Birdseye, Blair, Botts, Boyd, Bronson, Milton Brown, Charles Brown, Jeremiah Brown, Burke, William Butler, Patrick C. Caldwell, William B. Campbell, Thomas J. Campbell, Caruthers, Cary, Chittenden, John C. Clark, Clifford, Colquitt, Mark A. Cooper, Cranston, Cravens, Garrett Davis, Dawson, Dean, Deberry, Doig, Eastman, Egbert, Everett, Ferris, Fessenden, Fillmore, John G. Floyd, Charles A. Floyd, Gentry, Goggin, William O. Goode, Gordon, Graham, Granger, Halsted, Howard, Hunt, Joseph R. Ingersoll, James Irvin, James, Keim, John P. Kennedy, Lane, Linn, Littlefield, Lowell, Abraham McClellan, Robert McClellan, McKay, McKennan, McKeon, Thomas F. Marshall, Samson Mason, Mathiot, Mattocks, Maxwell, Maynard, Medill, Meriwether, Mitchell, Moore, Morgan, Morrow, Osborne, Owsley, Payne, Pearce, Pendleton, Pickens, Powell, Randolph, Ridgway, Rodney, Rogers, William Russell, James M. Russell, Shepperd, Slade, Truman Smith, Stanly, John T. Stuart, Summers, Taliaferro, John B. Thompson, Richard W. Thompson, Tomlinson, Triplett, Trotti, Turney, Underwood, Van Rensselaer, Wallace, Warren, Washington, Edward D. White, Joseph L. White, Christopher H. Williams, Joseph L. Williams, Yorke, Augustus Young, and John Young—114.

So the motion to lay on the table was negatived.

Mr. EVERETT then withdrew his motion to amend, which was made on a previous day.

Mr. BIDLACK then obtained the floor, and commenced by referring to the statement that Parson Miller had made a mistake of one thousand years in his calculations as to the day of the final destruction of the world. He (Mr. B.) had found himself in a similar predicament. Being anxious to obtain the floor, for the purpose of speaking on the bill to repeal the bankrupt law, and having calculated on a certain day when he should speak, he found that he was now not only mistaken as to the time, but also as to the subject on which he would have to deliver his speech. In consequence, much of what he had desired to say was now lost. He had desired to speak from the notes he had prepared on the evening that the gentleman from Kentucky [Mr. UNDERWOOD] spoke; but they were now out of his possession; and even if he had them, he doubted whether they would be applicable to the question now before the House. [Many voices, "What is the question?"] He was asked by gentlemen all around him what was the question. As he understood it, the question before the House was the resolution reported by the Committee of Ways and Means, to whom was referred so much of the President's message as related to the collection, safekeeping, and disbursement of the public money, declaring that the scheme of an exchequer proposed by the Executive should not be adopted; together with the counter-resolution of the gentleman from New Hampshire, [Mr. ATHERTON] which he was in favor of adopting.

He believed that the people of this country desired Congress to postpone their discussions about the executive officers of the Government, and do something for the good of the country. Much had been said about the "universal Whig party"—how it got into power, how it died, and what physicians

attended it. This reminded him of the nursery tale, part of which read: "Who killed Cock Robin? Who saw him die?" [Laughter.] "I," says the gentleman from Accomac, [Mr. WISE;] "I saw him die." [General laughter.] No man knew more of the seeds of disease—how they were sown, and by whom—than the gentleman from Accomac. That gentleman was correct in assigning the causes of its downfall. So far from the Whigs being right in charging their defeats upon the present Chief Magistrate, he (Mr. B.) believed the gentleman was entirely correct in saying that the Whig party would have fallen *per se*, even if John Tyler had never had anything to do with it. [Laughter.] The manner in which it was collected together insured its destruction.

Here Mr. BARNARD rose, and called the gentleman [Mr. BIDLACK] to order.

The SPEAKER desired the gentleman from New York to state his point of order.

Mr. BARNARD made a statement not heard above the general noise.

Mr. PICKENS. The gentleman from Pennsylvania [Mr. BIDLACK] is only stating the question. He is, therefore, clearly entitled to proceed.

Mr. BIDLACK. I am sure I am right. If the gentleman calls me to order, I will show him how it is that it is. [Laughter.]

Mr. BARNARD. My point of order is, that the gentleman is not discussing, or approaching to discuss, the question before the House.

The SPEAKER said he would remark to the House that the bill to repeal the bankrupt law had certainly given rise to a debate of a very general and irrelevant character, and not strictly in order. If the gentleman from New York [Mr. BARNARD] should insist on his point of order—that is, on a strict observance of the rules of the House—the gentleman from Pennsylvania [Mr. BIDLACK] must take his seat.

Mr. BARNARD said he did insist upon it.

Mr. BIDLACK said he would bow to the decision of the Chair. He did not much regret that he was prevented from proceeding in the strain in which he had commenced, especially as his remarks were applicable to a party now so dead; and the House will recollect the old adage—that we should say as little about the dead as possible, except what was good: "*De mortuis, nil nisi bonum.*" [Laughter.] He would remark, nevertheless, by way of apology—[Many members: "No need of any apology."] Really, the House was difficult to please. [Laughter.] He knew not whether he could make a speech of an hour without saying anything on the subject. If the House had allowed him to say what he wished in the first place, he should have been done in ten minutes. He was then going on to show that, in relation to the currency, the people would not be satisfied with the adoption of a mere resolution. [Several: "You are out of order now."] He was told he was out of order, because he said something that related to the subject! At home he was reputed a good-natured man; not so here. It seemed that a man could get nothing in that House, except what he had to fight for. Perhaps it would be found he could do better at that than at speaking.

It appeared to him that a majority of this House never would be able to settle their accounts with the people, if they contented themselves with merely adopting the resolution, and then leaving the subject to slumber. Whether what had been asserted in an article in the "Union," read this morning by the gentleman from New York, [Mr. FILLMORE,]—that a Whig caucus had prevented the Committee of Ways and Means from reporting the exchequer bill—was true or not, he had no means of knowing. Yet he feared a determination had been come to, to do nothing; and there leave the question. He believed that it was in accordance with the wishes of a distinguished individual—a candidate for the Presidency—to leave the question open until after the Presidential election, as was alleged to have been his wish in regard to the tariff. [Many voices, "Who is he?"] That man must be dull of comprehension who did not know to whom he alluded.

He was willing to let gentlemen enjoy all the obtuseness of intellect that they claimed, and, therefore, he would not mention the name of the individual. What he wished to say was, that, though he was opposed to the resolution as reported by the Committee of Ways and Means, he was not in favor of the exchequer plan as recommended by the Executive. He was opposed to endorsing paper money any further than was rendered necessary by existing demands on the treasury, which might be supplied by the issue of treasury notes. The plans of the President, of the Secretary of the Treasury, and of the gentleman from Massachusetts, [Mr. CUSHING,] were all recommended by plausible reasoning. That of the gentleman from Massachusetts was, he thought, the most acceptable. But either was, in his opinion, an entering wedge to a paper-money system which he could never approve. But he did not desire to discuss the exchequer. What he had sought an opportunity to do was to show that it was the duty of the majority to adopt some plan, and that they could not escape that responsibility by endeavoring to throw it upon the President's veto of the bank bill; for Mr. Clay himself had expressed his willingness to dispense with the agency of the Bank of the United States, if any other expedient could be devised. It was this which had induced him to demur to the argument of the gentleman from Kentucky, [Mr. UNDERWOOD,] who had endeavored to throw all the blame upon John Tyler's "constitutional fact." He referred to what took place when the gentleman from Kentucky was addressing the House, and when that gentleman said:

"The very fact that the present Executive attended the Harrisburg convention, that it was declared in every paper throughout the United States that Mr. Clay was his favorite for the Presidency, had convinced the people that he would approve and sign anything that Mr. Clay favored.

"Mr. BIDLACK (Mr. U. yielding the floor) inquired if Mr. Clay himself had not, on various occasions, and particularly in his speech at Hanover, disclaimed that he was in favor of a national bank? [Several voices "No."] If he had not said that it was a question which was to be postponed and submitted to the decision of the people?

"Mr. UNDERWOOD said he had never heard any disclaimer imputed to Mr. Clay before, since the canvass of 1840 commenced; if there was anything in any speech he (Mr. Clay) had ever made, disclaiming the policy of a national bank, he was was ignorant of it. He requested the gentleman to produce it."

He (Mr. B.) pledged himself to produce it. He had done so heretofore in his speech on the bank bill at the extra session, in which he produced evidence that Mr. Clay was willing that other expedients should be tried before a national bank was again resorted to. Subsequently, he had endeavored to get the floor to redeem his pledge; and, as he had been prevented by the course taken, he now claimed the right, on this occasion, to do what he had been called upon to do.

All that he professed to be was an humble member of the Democratic party. He was not sufficiently connected with the President to enable him to defend him; but his doctrine was, "let justice be done, though the heavens fall." He did think that the gentleman from Kentucky argued unfairly in contending that John Tyler was guilty of treachery in vetoing a bank, because he (Mr. Tyler) was once in favor of Mr. Clay as President. The argument of the gentleman was this: Mr. Clay is in favor of a bank; John Tyler was in favor of Mr. Clay; *therefore*, John Tyler was bound to sign a bank bill! He took occasion to say that this was not a correct conclusion, and that Mr. Clay, in his speech at Taylorsville, had said that other expedients might be resorted to. Mr. Clay expressed himself willing to leave the matter to the arbitrament of enlightened public opinion. Therefore, he contended that it would not have been inconsistent in Mr. Clay, had he been elected President, to have resorted to all other expedients before he took a bank of the United States.

In order not to do injustice to Mr. Clay, he would ask the attention of the House to the exact language of that distinguished individual, in his published remarks. It is:

"That the currency of the country, its stability and uniform value, and, as intimately and indissolubly connected with it, the insurance of the faithful performance of the fiscal services necessary to the Government, should be maintained and secured by exercising all the powers requisite to those objects, with which Congress is constitutionally invested. These are the great ends to be aimed at—the means are of subordinate importance. Whether these ends, indispensable to the well-being both of the people and the Government, are to be attained by sound and safe State banks carefully selected and properly distributed, or by a new bank of the United States, with such limitations, conditions, and restrictions as have been indicated by experience, should be left to the arbitrament of enlightened public opinion."

He would take occasion to say that Mr. Clay's course, in his Hanover speech, was not in accordance with his general boldness and openness of character. In that speech he but pursued a portion of the Whig policy in 1840, which was "all things to all men." Therefore, Mr. Clay told the people of Virginia, with whom he thought a bank to be unpopular, that he was willing to try other expedients. It was the same policy which induced the venerable Harrison to be represented at the North as an Anti-mason, and at the South as the peculiar friend of the slaveholders. It was the same policy which the Whigs pursued when they declared in favor of a tariff in the North, and against it in the South. If the Democratic candidate was any the better for any particular quality, or for holding any particular principles, the Whig was sure to have it just as it was with the man who wished to sell his horse, when one of the bystanders inquired if he was not spavined? "Spavined! spavined!" said he; "I don't know exactly what that is; but if the horse is any the better for being spavined, he is spavined!" [Laughter.]

Mr. B. referred to the course taken by the leading Whig paper of Virginia on this question in 1841, immediately preceding the inauguration of General Harrison, and when the election of a Senator from Virginia [Mr. ARCHER] was pending before the Legislature. An article in the Richmond Whig of March 2, 1841, contains the following words:

"I propose to shew, that, unless the Whig party are prepared now to devote themselves to the accomplishment of objects not only not avowed then, but disavowed—that unless they are willing to incur the suspicion that the ends to be attained by the elevation of General Harrison were not honestly and fully stated to the people during the canvass—they are not only not required to elect a bank Senator, but that they are forbidden to do so by every consideration of justice, candor, and fair dealing."

This writer, after going on to show that he, and the other Whigs with whom he had acted, have constantly denied the issue now contended for, inquires:

"Did we not refer to General Harrison's oft-repeated declaration, that the Constitution contained no grant of power to create a bank; and that he could not be induced to sign a charter until there had been a fair trial, to determine whether the fiscal concerns of the Government could be managed without one; and, moreover, unequivocal evidence of the popular approbation of the measure? How, then, can any one contend that nothing but a national bank was looked to by the friends of the President as a substitute for the sub-treasury, as the consequence of the ejection of Mr. Van Buren?

"General Harrison having been elected with the open avowal of constitutional opposition to a bank, except in one contingency, and not apprizing the people that he considered that contingency as having occurred—*the fair inference is, that the people of the United States are opposed to a bank.*"

The same writer further remarked:

"Recollecting the course pursued in Virginia by his friends, it seems to me that we are debarred from the agitation of the bank question. Is any friend of General Harrison willing to see a national bank established, at the hazard of charging him with committing a fraud on the people? How could he escape it, if the election of a bank Senator is claimed as an act of justice to him? Would it not be an acknowledgment of the charge preferred by his enemies, that he concealed his opinions on that subject? Is there one man in Virginia, who took an active part in the late contest, who appealed to the people to discard Mr. Van Buren, that a bank might be established? Indeed, I might go further, and inquire if the adoption of any one of the prominent measures which some indiscreet Whigs, intoxicated with success, are demanding a called session to enact, was urged as a reason for the dismissal of Martin Van Buren."

After referring to the letter of General Harrison to Sherrod Williams, and to some other circumstances, the article went on to say:

"Under these circumstances, so far from the Whigs being under any obligation to elect a bank Senator, does not the President elect stand pledged to the country to make trial of some other system, before he can adopt the national bank? General Harrison, at present, enjoys the reputation of being an honest man, in the fullest sense of the term; of being a frank, open-hearted soldier, as well as a prudent statesman; and I believe he deserves it. He should beware, then, how he receives counsel which would make him depart from the strict letter of the understanding with the American people on which he was elected."

After reading the above extracts, Mr. B. asked, how could the gentleman from Kentucky, or the Whig party, charge Mr. Tyler with treachery, for doing just what Mr. Clay said he would do.

Again: Mr. Clay, in his Hanover speech, after expressing his individual preference for a national bank, used the following language:

"But it is the end—that of a sound and sufficient currency, and a faithful execution of the fiscal duties of Government—that should engage the dispassionate and candid consideration of the whole community. There is nothing in the name of a bank of the United States which has any magical charm, or to which any one need be wedded. It is to secure certain great objects, without which society cannot prosper; and if, contrary to my apprehensions, these objects can be accomplished by dispensing with the agency of a bank of the United States, and employing that of State banks, all ought to rejoice, and heartily acquiesce; and none would more than I should."

Mr. Clay, in this paragraph, expressed his willingness that other expedients should be adopted; and, if it should be found that the objects he had in view—viz: a sound and sufficient currency, and a faithful execution of the fiscal duties of the Government—could be accomplished by dispensing with a bank of the United States, none would rejoice more than he would.

He did not wish to be understood, in these remarks, as enlisting against Mr. Clay, and in favor of Mr. Tyler; but, as a fair and a candid man, recollecting these remarks of Mr. Clay at Hanover, he thought it no more than fair and just to call the attention of the gentleman from Kentucky [Mr. UNDERWOOD] to them, for the purpose of showing him that he had no more right to draw conclusions derogatory to Mr. Tyler, than he had to censure Mr. Clay for the same thing. He knew that it was in the power of the sophistry of the gentleman from Kentucky, as well as others of Mr. Clay's friends, to explain away these things, and make them mean anything or nothing; but he thought that it would generally be believed by the intelligent of the country, that Mr. Clay, when he made his Hanover speech, was willing to accommodate himself to the particular atmosphere by which he was surrounded. He did not intend, when he rose, to occupy the attention of the House thus long. The question on which he wished to speak was not before the House, and he was unprepared with the notes of many things he wished to refer to. He had, however, endeavored to redeem the pledge he made some days ago to the gentleman from Kentucky, [Mr. UNDERWOOD,] and he trusted and believed that he had succeeded.

Mr. CUSHING said he did not know what it was the purpose of the House to do in reference to the subject before them—whether it was their intention summarily to defeat the exchequer bill, by adopting the resolution before them, or to suffer it to undergo a regular discussion and examination on its merits. He could hardly believe that it could be the pleasure of the House to dismiss so important a measure in this summary manner—to condemn it first, and try it afterwards. He could not believe that the House would decide against it without any discussion. It was said of Rhadamanthus that he punished first, and tried afterwards—"*castigat auditque;*" but that was a mode of procedure fit only for the regions below, and not for the judgments of that House.

He would, in the first place, move to amend the resolution by striking out the word "not," as that would be the most appropriate way to bring the whole subject up for discussion; and then, after laying before the House a number of memorials on the subject, which he had not yet had an opportunity of presenting, he would move an adjournment, reserving his remarks for to-morrow. Mr. C. then laid before the House a number of memorials from the principal cities of the United States, all praying for the passage of the exchequer bill; after which, he moved that the House adjourn; which motion prevailing,

The House adjourned.

IN SENATE.

TUESDAY, January 24, 1843.

The PRESIDENT *pro tem.* laid before the Senate a communication from the State Department, transmitting further information received at that department as to the operations of the bankrupt law; which, on motion by Mr. ARCHER, was ordered to be referred to the Judiciary Committee, and be printed.

Memorials were presented by Mr. EVANS from Bath, Maine, and by Mr. SIMMONS from Bristol and Providence, Rhode Island, representing that the mercantile navigation of the United States has suffered materially from the effects of the existing treaties, and the arrangements between the United States and Great Britain, the Hanseatic Republics, France, Holland, Denmark, Russia, and Sweden, respectively; and that those treaties and arrangements termed reciprocal have not proved reciprocal to the navigation of the United States; and asking that Congress would, so far as the treaties permitted, make regulations which would relieve them from the consequences resulting from these relations.

Mr. CALHOUN presented a memorial from Cyrus Shepard and others, of Genesee county, N. Y., in favor of a horizontal protective tariff; which was referred to the Committee on Manufactures.

Also, presented a memorial from citizens of the city and county of Philadelphia, in favor of the plan for a board of exchequer; which was ordered to lie on the table.

Mr. RIVES presented a memorial from the city of New York, in favor of the plan of the Executive for a board of exchequer: referred to the Committee on Finance.

Mr. WRIGHT presented a memorial from citizens of Oswego, New York, remonstrating against the repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

Also, presented a petition from Samuel Dewey, asking for a pension; which was referred to the Committee on Pensions.

Also, presented a petition from Joseph Watson, of Ohio, praying for compensation as secretary and storekeeper to Indian department in the Northwest; which was referred to the Committee on Claims.

Mr. CONRAD presented a petition from Laurens Millander, of Louisiana, praying for confirmation of sales of public lands in the New Orleans land district; which was referred to the Committee on Private Land Claims.

Mr. SMITH, from the Committee on Public Lands, reported back, with an amendment, the bill to apply certain alternate sections of the public domain towards the completion of works of internal improvements in the State of Michigan, and for other purposes, accompanied by a special report; which was ordered to be printed.

Mr. MERRICK, from the Committee on the Post Office and Post Roads, to which had been referred sundry memorials from all parts of the United States, and resolutions adopted by the Legislatures of the States, in favor of restricting the franking privilege, and of reducing the rates of postage, reported a bill to limit the use and correct the abuse of the franking privilege; and a bill to reduce the rates of postage; which were read, and ordered to a second reading.

[The bill concerning postages fixes the rate on all single letters carried a distance not exceeding thirty miles, at five cents; for all distances exceeding thirty miles, ten cents. Double, triple, and quadruple letters, in the same proportion. On newspapers, not exceeding in dimension 1,350 square inches, one cent postage; on papers exceeding that dimension, one cent additional for every 5 square inches above the 1,350 square inches.]

Mr. WALKER remarked that the Committee on the Judiciary, to which had been referred the memorial of John Grant, of Mississippi, praying certain compensation, had instructed him to report the following resolution, viz:

Resolved, That the Secretary of War be directed to communicate to the Senate a copy of the contract made with John Grant, for dredging the channel of the Choctaw pass, in the harbor of Mobile, in October, 1836; together with the date of the cancellation of the said contract, and the reasons therefor; also, a copy of any contract made with others for said work since 1836, and when the work was commenced under such contract; together with a statement of all the moneys expended in improving said Choctaw pass since 1836; also, a copy of the contract for excavations in the Dog river bar, and when said excavations commenced under said contract, and the price paid for any machines to execute that work; also, a statement of the time consumed in the construction of the steam dredging machine built for the removal of the bar at the mouth of the Mississippi, including the time of transportation and other delays, until the work of excavating commenced.

The resolution was then read and adopted.

On motion of Mr. CONRAD, the report of the Secretary of the Treasury touching the question of refunding certain purchase money to citizens of Louisiana, was taken from the table, and referred to the Committee on the Public Lands.

Mr. BERRIEN, from the Committee on the Judiciary, reported back, without amendment, and with a recommendation that it do pass, the bill from the House entitled "An act to transfer to the trustees of Centre College, in Kentucky, the lands heretofore granted to the Kentucky Asylum for the teaching the Deaf and Dumb."

Mr. B., from the same committee, reported a bill to settle the title to Pea Patch island, in the river Delaware; which was read, and ordered to a second reading.

The following bills were then read the third time, and passed:

The bill for the benefit of the Planters' Bank of Mississippi, and the Agricultural Bank of Mississippi; and

The bill to amend the charter of the town of Alexandria, in the District of Columbia.

The bill for the relief of Richard H. Wilde (by granting him the benefit of the copyright laws of the United States to a certain work of his on Italian literature, notwithstanding such work may be first published in England) was taken up and read the third time; and the question then being "Shall the bill pass?"

Mr. TAPPAN made some remarks adverse to its passage, and demanded the yeas and nays; which were ordered.

Mr. BERRIEN made some remarks in favor of the bill; when

The question being taken on its passage, it was determined in the affirmative—yeas 24, nays 15.

Mr. CRITTENDEN presented a petition from Balie Peyton, now of New Orleans, praying the payment of the award of certain arbitrators, for property taken by the United States on which to erect a light-house; which was referred to the Committee on Commerce.

On motion by Mr. RIVES, the House bill for the relief of Teackle Savage, administrator of Bolitha Laws, which had been reported adversely upon by the Committee on Claims, was taken up and recommitted to that committee—some additional testimony in favor of the claim involved having been received.

Mr. CRITTENDEN, from the Committee on Military Affairs, reported a bill for the relief of Mary W. Thompson; which was read, and ordered to a second reading; and the report accompanying ordered to be printed.

Mr. TALLMADGE presented several memorials from the cities of New York, Buffalo, and Troy, in the State of New York, in favor of the plan for the board of exchequer recommended by the Executive; which were ordered to lie on the table.

OREGON TERRITORY.

The bill for the occupation and settlement of the Territory of Oregon came up on its passage, as the unfinished business of yesterday.

Mr. WOODBURY, who was entitled to the floor, addressed the Senate at considerable length in support of the bill.

He considered the Oregon Territory as incontestably ours, as any other of our possessions. There was no more reason against our occupying it, than there could have been against our exercising jurisdiction over Iowa or Wisconsin when we placed them under our territorial government. There could be only one of two objections to our exercising the same ownership—one of which was, that we entertain some doubt of our title; and the other, that it may be inexpedient to exercise our undoubted right.

To neither of these reasons could he accede. Indeed, so far as regards the first, he was glad to find that there was not a single member of the Senate who seemed to entertain the slightest doubt of our just title to the entire of the territory. All contend that our right to all we claim is indefeasible. Why, then, should there be any hesitation about exercising our ownership over the territory? The dispute between us and England never can be about that; for she does not profess to deny our right to territory. She may reasonably confine us to the letter of the existing treaty; but, in doing this, she is necessarily bound to show that she conforms strictly to it herself. If she gives it a construction which we hitherto have not given to it, she can have no just cause of complaint should we adopt

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Continued from No. 12.

her construction. But, in truth, that treaty can neither give nor withhold rights of territory, and the exercise of sovereignty; for it is expressly limited to a specific purpose—that of securing, during its continuance, the free and open intercourse of the citizens of one of the contracting parties, and subjects of the other, for purposes of trade and commerce, leaving the rights of the respective parties untouched. As, then, England gains no right over our portion of the territory but that of freedom to trade, like that of our own citizens—for which she concedes an equivalent right to our citizens over her portion of territory, if she has any—what other country can dispute our exercise of jurisdiction? Not France, for she sold to us all possible claim she could have derived; not Spain, for her title is transferred to us; and certainly not Russia, for we do not propose to encroach upon her southern boundary beyond the 54th degree of northern latitude. No other country under heaven can have any pretension to our territory; and we have seen that the existing treaty with England, so far from giving her any, expressly stipulates that its obligations shall not be construed in any manner to affect title. If she was not conscious that she could set up no claim of her own, she would not endeavor to make the world believe that her object is, in contending for the narrow slip of land really in dispute north of the Columbia river, merely to keep open, for the benefit of all nations, a free port at the mouth of that river. And even this she did not think of till we made a settlement there. This is not the first time she has interfered to prevent enterprises for the advancement of our commerce. Mr. W. here mentioned several instances of like interference.

The question is, what are our rights? We derive them either by purchase, discovery, or by treaty. If she has any, she must show as good a title, or yield that ours is superior; and this sets at rest her claims. She did not purchase the undoubted title of Spain to all her rights on the Northwest coast, as we did; she did not discover the Columbia river, as we did; and with regard to treaties, it has been shown, over and over again, that she acquired no right to soil or territory under any one to which she has been a party. There is nothing of the kind in her treaty with Russia, in her treaty with Spain, or in her treaty with ourselves. In no one of these treaties has she gained an iota of claim to soil or territory. She is granted nothing but a joint use of the right to fish, hunt, trade, or navigate.

There is not a word in the treaty of 1818 about joint occupation or settlement. We do not look to that treaty for our right to occupy or to settle our Territory of Oregon. We stand upon our incontestable title. Neither can she derive from it what it does not directly or indirectly mention. It is merely a treaty of trade and commerce, to be free and open to the subjects and citizens of the two powers. We might sign a treaty to-morrow, giving England an equal right with our own citizens to free trade with the port of New York; but who could be so absurd as to contend that we thereby conveyed to her a joint occupancy and joint right of settlement on the soil and territory of New York to the defeasement of our own title?

By the treaty of 1818, renewed in 1827, the citizens and subjects of both powers are undoubtedly entitled to a free and open exercise of intercourse for purposes of trade and commerce. On our part, we refrain from exacting duties on goods belonging to British subjects found on our territory; and England guaranties the same with respect to our citizens on territory claimed by her. This is the true, and only true, meaning and spirit of the treaty.

Mr. W. here entered upon a critical examination of the treaty of 1818, and its renewal in 1827, showing that no other construction could be put upon the wording of both, than that which he had given. In confirmation of this, he cited various passages in the communications from the British ministers in every convention or negotiation held with them from the time of the treaty of 1818, to the time that the renewal of the charter of the Hudson Bay Company gave a new impetus to its encroachments, and induced it to seek a pledge from the British Government for the protection of any interests which might grow up in its settlement. At the time of negotiating the renewal of the treaty of 1818, in 1826, the very propositions for additional stipulations which the British minister made, show that England never did construe the treaty as reaching to anything but trade and commerce; and the refusal of our negotiators to admit those additional stipulations showed that we peremptorily refused to grant the right of joint occupation and settlement.

Mr. W. here quoted in full the various propositions alluded to, and conclusively established his position from concurrent testimony.

It was clear, then, that, in carrying out the provisions of this bill, we would in nowise interfere or act in conflict with our obligations by treaty, so long as we take care not to interrupt the right of British subjects to the free and open pursuits of objects of trade and commerce. The question, then, was narrowed down into a very small compass. There can be no doubt of our right to the territory: on that, all were agreed. The treaty cannot restrain us from the exercise of that right, for it has no bearing whatever upon it; and, therefore, the remaining thing to be settled is the question of expediency. That, too, he conceived, now admitted of no doubt.

That it is expedient to go as far at present as this bill proposes to go, he was perfectly satisfied—satisfied that, in doing so, we would not only give no just grounds of complaint to Great Bri ain, but that it would be the means of preventing future and more formidable, because more accumulated, causes of difficulty with that Government. But, independent of this consideration, there was another, which he thought imperative; and it was, that our citizens, who have cast their fortunes in the territory, claim our protection, and it is our duty to grant it. It is the duty of the United States to protect our citizens in their lawful pursuits on every portion of our territory, no matter how remote or inconvenient from the nucleus of Government. It is the duty of Congress to extend its territorial laws for the benefit of those remotely-settled citizens.

It is especially expedient that all this should be done now, and quickly; seeing that the longer neglect of fulfilling this duty is laid hold of by a rival power as a ground for enlarging and strengthening pretensions which never could have arisen, had we made a timely effort to secure our rights from cavil. Besides the duty which binds us to protect our citizens in this territory, we owe it to our commercial interest, in distant seas, to provide for them a harbor of shelter, such as the Columbia alone affords, on the Northwest coast. Our fleet stationed in the Pacific, for the protection of our commerce, is entitled to the facilities which we should create there for re-equipment, refitting, and revictualing. We should have a fort there, which would serve them as a naval station, with our citizens around it ready at all times to make a market with their productions for the wants of our marine service in that distant quarter. England could not be jealous of this, for she has done the same thing. And, independent of all these considerations, there is another class of beings to whom we owe obligations which it is our duty to fulfil. He alluded to the aborigines of the territory. It is our duty to extend to them protection, and there is abundant evidence that they stand in need of it. It is our duty to introduce among them the arts of civilization, and the lights of the gospel. In no other way can we so well, so effectually, and so cheaply fulfil all these duties, as by carrying out the provisions of this bill.

Mr. PHELPS remarked that, as a member of the committee which reported the bill, he concurred in the general views taken by the committee; and in respect to the general conditions involved in the bill, he believed the committee were unanimously in favor of them. With the views of Senators he had nothing to say; but he felt it his duty, as a member of the committee, to vindicate the bill from the charge that its provisions came in conflict with the convention made between this Government and Great Britain for the joint occupation of the Territory of Oregon. He would only say that, if such was the effect of the bill, it departed very widely from the purposes of the committee in agreeing to it. There was nothing further from their purpose than to involve this country in a difficulty with the most powerful nation on the globe, by a violation of the rights of that nation under the convention alluded to. He was confident that the bill, as it stood under the new modification, did not conflict with that convention, but was in conformity with the construction Great Britain herself put upon its provisions.

As the bill came from the committee, it provided that one section of 640 acres of land should be given to each white male inhabitant who might settle in that territory; but, under the new modification, it provided that provision shall be made by law for the granting of 640 acres to each settler. The provision, as it stood, made the grant of land; but the modification says that provision shall be made by law to grant it. The modification, he conceived, made no difference; for the principle at the back of it was the same. The great question, and only question, was, whether the bill came in conflict with the convention or agreement between the two countries. He believed that it was perfectly harmonious with the convention, if they put upon that convention the construction which the Senator from New Hampshire [Mr. WOODBURY] showed had been placed upon it by England herself—as that of a commercial treaty only. If it did even extend so far as to prohibit the settlement of the country at all, the bill did not conflict with the convention, because it proceeded on the principle of a prospective settlement—of holding out inducements merely to our citizens to settle there. Great Britain could have nothing to do with it, even under the latter construction, until the act was carried into effect—that is, by hereafter making the grant which was guarantied in the bill. The bill only holds out the inducement for our citizens to go and make settlements, but not to take exclusive and permanent possession of the country. The bill could not be made a subject of complaint by Great Britain, until the grant of land was actually made, and the country taken possession of, or the citizens occupying lands under title from the United States came in conflict with British subjects. There was a stronger ground still. The question raised was, as to the purport of the convention of 1818—how far did it permit citizens of this country to occupy that territory. The provisions of the convention were, simply, that any portion of the country claimed by either of the parties to the convention should, from the signing of that convention, be free and open to the subjects and citizens of both Governments; and that its provisions should not be construed to prejudice any claim of this country, or right to the territory. The joint occupation was not, in terms, for purposes of trade, or for purposes of settlement. The convention was general; and whether it allowed of permanent settlements in the country, or not, was a question of construction. If England complains of the action of Congress, it must be on the ground that we misunderstand the construction of that convention. If we follow the construction given to it by her, there can be no question as to the propriety of the passage of this bill. Mr. P. then cited from the law of Parliament resting on the convention, in favor of the Hudson Bay Company, a provision to the effect that nothing in that act should be construed to allow any body corporate to make grants, or to exercise the rights of trade with the Indians, to the exclusion of

citizens of the United States of America. He then quoted further provisions of the law, which went conclusively to prove that the treaty was one of trade and commerce with the Indians merely, and that the rights of the United States were scrupulously guarded. He then quoted other provisions of the act of Parliament extending the laws of Canada over the portions of that territory at the disposal of the Hudson Bay Company, as a justification of the provision of this bill which authorized the courts of the United States to extend their jurisdiction over the American settlements in that territory.

Mr. P. then went on to say that the promise of a provision hereafter, by Congress, of a grant of lands to settlers, is of the same nature as our pre-emption rights allowed in the States and Territories of the United States. It is not necessary that the grant of lands should precede the occupancy. Our system has been to permit the occupancy first, giving a pre-emption right, which is to secure the possession afterwards. The provision of this bill would act in like manner. It would be viewed in the light of a pre-emption right to such portion of territory as should belong to us.

It is not necessary for England to make such a law for the encouragement of her settlers. No one but the Crown can dispute title with them. The mere possession and continued occupancy is sufficient title to insure the grant from the Crown at some future time, and is relied upon as safely as if secured by act of Parliament. The subjects of Great Britain already have this possession and occupancy; and to place our citizens on an equal footing, it is indispensable that we give them the assurance which this bill proposes—which is the mode in which we always secure settlers in our new territories.

No man in the Senate was more opposed to war than he was. He knew that peace was essential to the interests of this country. He knew that it suited best with the habits and pursuits of our people. He would not, therefore, lightly advocate anything calculated to produce collision with a foreign power. But, although he would not wantonly enter into conflict, he could not, to shun it, give countenance to an act so absurd as that of a mere idle assertion of our rights without an accompanying and absolutely necessary provision for exercising them.

Mr. HUNTINGTON said he had examined the bill with a sincere desire to give it his support; but he felt constrained to say, after a careful examination of the treaty of 1818, that he feared it could not, consistently with good faith, become the law of the land. He would go as far as he who went farthest in maintaining the rights of this country, and asserting our claim to the Oregon Territory, and in passing all necessary laws within the limits of the just powers of this Government; but, while he was for sustaining those rights, he was also for preserving all the covenants entered into by this Government with a foreign power. The only questions to which he desired to direct their attention were, first, as to whether this bill did or did not interfere with the stipulations of the convention of 1818. When this question was satisfactorily settled, the only remaining question would be, Was it expedient to pass the bill? In order to ascertain whether the bill would conflict with the stipulations of that convention, it would be necessary to examine not only the phraseology, but the spirit and object of the convention. By the terms of the convention, it was agreed that the country, together with its harbors, bays, and creeks, should be free and open, for the space of ten years, to the vessels, subjects, and citizens of the two powers. Whether the terms "free and open" were—as the Senator from New Hampshire supposed—to be confined to the sense of a mere trading establishment, leaving both parties free to assert their right to exercise jurisdiction over the territory; whether it were a mere commercial treaty, or (as was supposed by other gentlemen) it were capable of a more extended construction, giving the rights of national occupancy to the subjects of each nation;—in either point of view, the same result would follow—viz: that neither Government had the right to interfere with the rights of the citizens of the other. He was now speaking of the principle involved in the words of the convention; and that was clearly that, if this Government exercise the right of granting titles to any portion of the disputed territory, it amounted to an exercise of sovereignty and jurisdiction, which might conflict with the freedom and openness provided for by the treaty. It was the highest assertion of right that could possibly be made, and would most undoubtedly operate to the disadvantage of the other contracting party. What was the principal object of the treaty? It was to prevent the occurrence of quarrels and dissensions between the parties. With the knowledge of this fact, could any Senator doubt that the design was, that no grants of land should be made by either party? Would it not serve to create those very disputes and difficulties which the convention was intended to avert?

There was not much analogy between this case and the case stated by the Senator from New Hampshire—of a treaty of commerce between this country and Russia, by which the port of Archangel should be free for American vessels. This bill provided expressly that any portion of the territory might be occupied by settlers emigrating from this country, and that a good title should be given to them; which was the highest act of sovereignty.

It had been stated that this bill proposed to do nothing more than Great Britain had already done; but if he had rightly understood the purport of the communication which was read to the Senate yesterday, they were informed by the Secretary of State that the British Government had expressly disavowed the making of any grants. He was not going to deny that Great Britain—who grasped at every advantage—would be very willing that this territory should be settled by her own subjects; but if they were to believe the assertion of her accredited agent in this case, she had done nothing which could interfere with the stipulations of the convention; and yet it was proposed by this bill to exercise the highest act of sovereignty that could be exercised by any Government. Was he not right, then, in saying that the bill would conflict with the convention? Gentlemen would ask, did they mean to suffer themselves to be entirely dispossessed by the Hudson Bay Company? No such thing. He would go so far as to say it would be wise to put an end to their encroachments; but he would do it in a way which the convention would allow, by giving one year's notice of our intention. He thought it far better to take this course, than to render themselves obnoxious to the imputation of having acted in contravention of our solemn engagements.

Mr. McDUFFIE next obtained the floor, and remarked that he had been reluctant to enter into this discussion; and certainly should not have risen to take part in it, had it not appeared to him that there were other grounds than those yet advanced, which would influence him in opposing the passage of this bill. The objections he had to it seemed to him to be of greater magnitude than could at that late hour be discussed. He would therefore ask the indulgence of the Senate in moving an adjournment.

At Mr. KING's suggestion, the further consideration of the bill was postponed till to-morrow morning.

The motion to adjourn having been withdrawn,

On motion of Mr. KING, the Senate went into executive session; and after some time spent therein, adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, January 24, 1843.

Mr. CROSS presented, under the resolution adopted by the House, the petitions following, to wit: Of Joseph H. Egner, praying a confirmation of title to a tract of land in Independence county, Arkansas, located by said Egner and Charles McArthur, in virtue of a Spanish claim.

And of L. D. Marchand, of Little Rock, Arkansas, for indemnity on account of spoliations committed by France prior to 1800; which were referred to the appropriate committees.

Mr. GRAHAM asked leave to offer a resolution of inquiry, which was read as follows:

Resolved, That the President of the United States be requested to communicate to this House, as soon as practicable, answers to the following inquiries:

Are the commissioners appointed in pursuance of an appropriation made at the last session of Congress to adjudicate claims arising under the Cherokee treaty of 1835, instructed to hold their sessions in Washington, or among the Indians in North Carolina?

What other and further instructions are given to said commissioners?

The resolution was adopted.

STATE OF THE FINANCES.

Mr. ROOSEVELT offered the following resolution, which was read as follows:

Resolved, That the Secretary of the Treasury be directed to inform the House, at as early a day as practicable, whether there has, or has not, been a great falling off in the accruing revenues from imports since the passage of the tariff act of the 30th August last, as compared with the same period in the years 1839, 1840, and 1841; and what, in his opinion, (assuming the said receipts since the 1st of September last as a basis,) will be the probable amount of the net revenue from imports for the year 1843; and the probable amount of the public debt at the end of the said year; and what measures, if any, will, in his opinion, be necessary to insure the punctual payment of the interest, and the ultimate liquidation of the principal, of the said debt.

This resolution could not, under the rules, be considered, except by unanimous consent.

Mr. FILLMORE said a statement had already been submitted from the department.

Mr. ROOSEVELT said the report from the department did not cover the whole ground, but only related to a single quarter.

Mr. FILLMORE saw no necessity in accumulating these calls upon the departments.

Mr. BIRDSEYE objected to the further consideration of the resolution as out of order.

OBSTRUCTIONS IN THE OHIO RIVER.

Mr. STEENROD presented the memorial of the board of trade of Wheeling, in favor of an appropriation by Congress to remove the obstructions in the Mississippi and Ohio rivers. He moved that the memorial be printed.

Mr. STANLY objected to the printing of the memorial.

After some remarks from Mr. STEENROD, the question was taken, and the motion to print carried in the affirmative.

On motion of Mr. WISE, the Committee on Naval Affairs were discharged from the consideration of sundry petitions.

GENERAL JACKSON IN RHODE ISLAND.

Mr. CRANSTON presented the resolutions of the State Legislature of Rhode Island and Providence Plantations, instructing their Senators and requesting their Representatives to use their best exertions to procure a remission of the fine imposed on General Jackson in 1815 by Judge Hall.

The preamble and resolutions were read; after which,

On motion of Mr. CRANSTON, they were laid on the table, and ordered to be printed.

The several committees were called on for reports.

Mr. S. MASON, from the Committee of Ways and Means, made an unfavorable report.

Mr. GIDDINGS, from the Committee of Claims, made several adverse reports.

RECIPROCITY TREATIES.

Mr. J. P. KENNEDY, when the Committee on Commerce was called, rose and asked the House to take up, at an early day, the joint resolution of last session, reported by him, for continuing the treaties now in force with certain powers. He suggested that the 5th of February be set apart for that purpose.

Mr. CAVE JOHNSON objected to the motion, and it was not considered.

Mr. BREWSTER, from the Committee on the Public Lands, made an adverse report.

On motion of Mr. BRIGGS, the bill reported last session from the Committee on the Post Office and Post Roads, reducing the rate of postages in the United States, was ordered to be printed.

Mr. WM. RUSSELL, from the Committee on the Post Office and Post Roads, made an adverse report.

Mr. RUSSELL begged leave to offer a resolution, changing the hour of meeting to 11 o'clock on and after the 29th January.

Mr. BARNARD objected to the consideration of the resolution.

A motion was made by Mr. RUSSELL to suspend the rules for that purpose; which he, however, subsequently withdrew.

POTOMAC BRIDGE.

Mr. POWELL, from the Committee for the District of Columbia, reported the following resolution, which was adopted:

Resolved, That the Secretary of War be directed to communicate to this House the progress and present condition of the works carried on for the repairs of the Potomac bridge, and which, by the act of September, 1841, were to be executed "under the orders and general direction" of said Secretary. And, also, what impediments have intervened to delay the final completion of the work; and why, with adequate appropriations at command, a sufficient force might not have been applied to secure to the public, for the present winter, so important an accommodation.

Mr. CAVE JOHNSON, from the Committee on Private Land Claims, reported a bill for the relief of certain settlers in the southeast district of Louisiana. The bill was read twice, and ordered to be engrossed.

Mr. PENDLETON, from the Committee on Military Affairs, made a report, which was ordered to be printed.

Mr. CALHOUN, from the Committee on Naval Affairs, reported the following resolution, which was adopted:

Resolved, That the Secretary of the Navy be directed to ascertain and report to the House of Representatives the amount standing due and claimed on the books of the department to officers, seamen, marines, and others attached to the navy, from the time of its establishment to the year 1840.

Mr. TALIAFERRO, from the Committee on Revolutionary Pensions, reported a bill for the relief of Maria Fowler: read twice, and referred to the Committee of the Whole House.

Mr. FORNANCE, from the Committee on Revolutionary Pensions, reported a bill for the relief of the children of Mary Rhinewall: twice read, and referred to the Committee of the Whole House.

On motion of Mr. MATHIOT, the same committee was discharged from the consideration of sundry memorials.

THE SANDWICH ISLANDS AND CHINA.

Mr. ADAMS, from the Committee on Foreign Affairs, to whom was referred a message of the President recommending an appropriation for carrying on commercial intercourse with the Sandwich islands and China, made a report, accompanied by two bills—a bill to provide for future intercourse between the United States and the Government of the Hawaian or Sandwich islands; and a bill to provide means for future intercourse between the United States and China.

The bills were twice read, and referred to the Committee of the Whole on the state of the Union.

Mr. ADAMS expressed a desire to have them taken up and acted on at an early day, in order that they might go to the Senate.

The SPEAKER said he had no doubt the House would indulge the gentleman by going into Committee of the Whole at an early day, without making any special order on the subject.

Mr. GENTRY, from the Committee on Public Lands, reported a bill from the Senate for the relief of Mary Tucker; which was read a third time, and passed.

Mr. HALSTED, from the Committee of Elections, reported bill No. 649—"A bill to suspend the operation of the second section of the act entitled 'An act for the apportionment of Representatives among the several States according to the Sixth Census' "—with an amendment: read twice, and referred to the Committee of the Whole on the state of the Union.

Mr. WILLIAM RUSSELL made another attempt to get up his resolution changing the hour of the meeting of the House to 11 o'clock; but without success.

GEN. JACKSON'S FINE.

The House proceeded to the consideration of the resolution directing the Committee on the Judiciary to report a bill for refunding the fine imposed on Gen. Jackson, at New Orleans, in 1815, by Judge Hall—being the regular business of the morning hour.

Mr. BOTTS observed that he had had the floor since Friday last, without an opportunity to express his sentiments on the subject; and no member had evinced the least desire to call it up. He had waited so long, that the train of reflections in which he had indulged had been almost lost.

He thought that every one must have been struck with the peculiarity of the time, manner, and circumstances, in which this matter had been brought before the House. It was seven-and-twenty years ago that this fine was imposed on General Jackson, by a judicial officer, for what he termed a gross and outrageous contempt of the courts of justice; and yet it was but lately that the refunding of it was thought of. The proceeding, too, did not come from the people, but came from the Legislatures of several States, by instructions to their Senators, and requests to their Representatives, to vote immediately for the passage of a bill restoring the fine, with costs and interest—though the Government never pays interest to its creditors, though they may have had their lawful dues lying in the treasury for years. Let it be borne in mind, too, that this was the first Whig Congress that had sat for years; and, further, that it was the last Congress that would sit prior to the convention that was to nominate the candidate for the Presidency. The conclusion, therefore, was inevitable, that the whole proceeding was to purchase the political support of General Jackson for one or the other of the aspirants.

In the course of his political life, he had several times felt himself called on to speak in terms derogatory of General Jackson, and he had hoped that he should not be compelled to speak of him again; he had hoped that the General's friends would not have committed the imprudence of dragging this weak, if not superannuated, old man again into the political arena. In his whole life, he had found but one bright spot, and that was the one his friends were now endeavoring to wipe out—he meant his prompt submission to judicial authority.

As his own State (Virginia) had undertaken to interfere in this matter, and had given instructions to her Senators, and requested her Representatives, to vote for refunding this fine, he felt himself called upon to give the reasons why he could not comply with the request of the Legislature. Having received that request, he felt it to be his duty to look into all the facts connected with the case; and having done so, he came to the conclusion that he could not with propriety vote for the measure.

Mr. B. then went into a review of the transactions of General Jackson at New Orleans, from the time he took command there, till after the treaty of peace was made known to him; taking a brief view of the arrest of Louallier and Judge Hall, and the proceedings consequent thereon; and in the course of this part of his remarks, characterized the conduct of General Jackson as the most despotic, cruel, and tyrannical that had ever been perpetrated in any country. When Mr. B. spoke of General Jackson's application to the Legislature to suspend the *habeas corpus* act, and his declaration of martial law—

Mr. C. J. INGERSOLL inquired of the gentleman if he had ever heard that the Legislature of Louisiana had shut up the courts of justice?

Mr. BOTTS said that he had not; and though it might be true that the Legislature did shut up the courts of the State, they had no power to shut up the United States courts.

After commenting on the facts he had stated, Mr. B. denied that General Jackson had the power to declare martial law, and to substitute his own absolute will for the laws of the country. He denied that he (the General) had the right to constitute himself the supreme judge, both in his own camp, and over the civil tribunals of the land; and to imprison judges, counsellors, clerks—and, in short, every officer connected with the administration of justice, declaring his own despotic will the supreme law of the land. The gentleman from Pennsylvania, [Mr. C. J. INGERSOLL,] a few days ago, not only denied the right of Judge Hall to pass sentence on General Jackson, but claimed for him the right of a trial by jury; and, to his (Mr. B's.) astonishment—for he had great respect for the gentleman's legal attainments—challenged the lawyers of the House to that issue. He (Mr. B.) never read but one law book in his life, and that was twenty years ago; and he would commend that authority (Blackstone's Commentaries) to the gentleman's notice, as he would find in it an ample refutation of the opinions he had given.

[Here Mr. B. made a long quotation from Blackstone's Commentaries on the subject of public wrongs.]

After reading those long extracts from Blackstone, he challenged the gentleman from Pennsylvania, [Mr. C. J. INGERSOLL,] or any other lawyer on that floor, or in this country, to point to an instance in which contempt had been punished by a jury—in which a judge, sitting in his court, or even when not in his court, when his process had been obstructed, tried such contempt by a jury.

Mr. C. J. INGERSOLL, in the course of some observations which passed between him and Mr. BOTTS, inquired how the common law got into Louisiana.

Mr. BOTTS replied, precisely as it got into the District of Columbia, and everywhere else in this country. When Louisiana was admitted into the Union, the common law was necessarily introduced.

He then continued to observe, that the gentleman from Pennsylvania [Mr. C. J. INGERSOLL] had referred to the act of 1831 on the subject of contempts, to show that there was no authority for the course adopted on the part of Judge Hall. Now, the act of 1831 was designed to restrain the power of the courts on these questions of contempt. He read an extract from that enactment in confirmation of that position, and said that that act, although it was intended to curtail, to limit, and to restrain the courts in the exercise of their high prerogatives in cases of contempt, nevertheless was authority in such cases as this. And that was not only the law of the land, but it was right that it should be the law of the land; for to deprive judges of the power to punish for contempt, was at once to break down the power of the courts to administer justice and the laws of the land.

Now, having shown what were the facts of the case—having shown, as he had done, conclusively, that the Judge had the power to inflict this, the mildest punishment in such a case, he would proceed to show to the House that there was no propriety in the efforts now made to refund that money. For the information of the House, he would state a fact—which was, perhaps, not known to the members of the House generally, and still less to the people of this country, and certainly not known to the State Legislatures, which had instructed their Senators, and requested their Representatives, to aid in procuring the refunding of that fine. That fine had been remitted. That fine had been paid to General Jackson. Every dollar of that money General Jackson had received; and the authority on which he made that statement was an article in the Democratic Review, written by a warm personal and political friend of General Jackson, who had collected all his information from the public records, and from private history—he alluded to Mr. Amos Kendall. The article was a long one on the subject of General Jackson's fine, from which he would read an extract. He then read a passage, the purport of which was understood to be, that a subscription was made at New Orleans to refund the fine levied on General Jackson; that it was presented to, and accepted by, General Jackson; and by him was distributed amongst the widows and orphans of that place.

The SPEAKER here announced that the morning hour had expired.

Mr. BARNARD, Mr. CUSHING, and others begged the House to allow the gentleman from Virginia to go on, and occupy his whole hour, instead of postponing the residue of his speech until to-morrow: this was agreed to.

Mr. BOTTS resumed. Now, he called the attention of the House particularly to the fact, that the money was raised; that it was offered to General Jackson; and, in the language of this writer, [Mr. Kendall,] the money was accepted, and was distributed among the widows and orphans of New Orleans. Who could distribute the money, after it had been accepted by General Jackson, but General Jackson himself? Was it his own money? Could he distribute the money of other people among

the widows and orphans of New Orleans? And it was an act of beneficence and of benevolence for which General Jackson got credit at the time. But now they were asked (and the gentlemen who made the request were aided by the protestations of General Jackson, and by the entreaties of General Jackson) to refund—what? The money he paid into the public treasury? No. To pay back the money he distributed in charity to the widows and orphans of New Orleans? Where was the authority for the distribution of that money, unless i was his own? And if it was his own, and he derived all the credit due to the benevolence of the act, where was the propriety of asking that House to refund that money? The result of the whole inquiry had led him to the conclusion that the attempt made, and the manner in which it had been made, to procure the passage of a bill to refund that fine, had grown out of what he had adverted to in the first portion of his remarks—that it was an attempt to purchase the political favor of Gen. Jackson, notwithstanding Gen. Jackson had himself told them he would take the money on no other terms than a recognition of his right to do all he did; and unless they would declare, either expressly or by implication, that he had the power to declare martial law; that he had the power to suspend the writ of *habeas corpus;* that he had the power to imprison the judge; and that he was guiltless of the lawless acts arrayed against him. They were called upon to do all this, and thereby to disgrace Judge Hall; and to do it at a period just before the nomination, by national conventions, of candidates for the Presidency from amongst the gentlemen who had been put prominently forward. They had witnessed the enthusiasm of the gentleman from Massachusetts, [Mr. CUSHING,] who, some short time since, was in such hot haste to pass this bill; but, since the publication of General Jackson's letter in the public prints, that gentleman had sat as placid and as quiet as a lamb, without even attempting to call it up during the morning hour, or the expression of any anxiety on the subject. And if that letter had been published at an earlier period, he doubted whether the Legislatures of Virginia and South Carolina would ever have instructed their Senators and requested their Representatives to aid the passage of this bill to refund that fine.

After a few remarks on this bidding for the favor of General Jackson, and the expression of his conviction that there was one who was likely to be a candidate for the Presidency, who stood on too lofty a pinnacle ever to stoop so low, he asked why, as it was not done when General Jackson was in the pride and insolence of his power, it should be done now?

Mr. RAYNER obtained the floor; but

Mr. FILLMORE called for the orders of the day.

PETERSBURG RAILROAD COMPANY.

Mr. CARY craved permission to report a bill from the Senate, for the relief of the Petersburg Railroad Company.

The bill was taken up, and was read twice. A motion was then made that it be put upon its third reading; to which, however, objection was made.

Mr. PICKENS hoped the motion would be agreed to, and that no objection would be made to its passage, for it would not affect the revenue.

Mr. FILLMORE said it was an important measure, and should not be passed without some consideration.

Mr. CARY said he would observe that, if the bill was not passed soon, it would be of no avail.

Mr. FILLMORE moved that it be referred to the Committee of Ways and Means.

Mr. BOTTS asked permission to explain the object of the bill, and he thought objection to it would be removed. According to the tariff law of 1842, a duty was imposed on railroad iron. But all such iron imported and laid down before the 3d of March, 1843, was exempt from duty; and this bill was merely designed to extend the time for laying down the rails, the iron being already in the country. If, however, this bill were not passed, and the company were compelled to lay down its rails within the time now specified, they would do it; but they would necessarily be driven to arrest the travel and the transportation of the mails on the great line of Southern and Northern transportation.

Mr. CUSHING begged leave to state a corresponding fact. He was directed to state, that if the Eastern railroad had not also an extension of time for the like purpose, they would be compelled to lay down their rails while the ground was still frozen and covered with snow.

Mr. BOTTS said, if these companies were driven to lay down their rails under such circumstances, the lives and limbs of many persons would be endangered, while travelling over the road.

Mr. PICKENS said this bill would not deprive the treasury of a single dollar, as the iron was already in the country. But, if the bill were committed, he would move to amend it, by the substitution of the more general bill, extending the same privilege to companies in other States of the Union, that their rails might all be permanently laid down.

Mr. FILLMORE said this bill presented the serious question whether they would or would not repeal a portion of the tariff act of 1842.

He was the more opposed to the object of the bill, because it was for the benefit of a particular company. He hoped, if any action was to be had, it would be by the passage of a general bill.

Mr. PICKENS suggested that the bill be taken up, and amended accordingly.

Mr. FILLMORE said he was not prepared to amend it. He then went on to say that this was an innovation in favor of an incorporated company at the South. If any companies required exemption, it was those at the North, which had not the advantage of a track in winter free from snow. Moreover, he thought that the laws on the subject of exempting railroad iron would require some revision. This bill extended the exemption to all iron laid down; whilst the act of 1832 was modified so as to apply only to *bars* of iron. He hoped that the bill would be postponed for a day.

Mr. PICKENS intimated his willingness to accept the modification proposed by the gentleman from New York [Mr. FILLMORE] if that gentleman would consent to have the bill now acted on.

Mr. CARY hoped there would be no delay.

Mr. RANDOLPH said he was in favor of referring the bill to the Committee of Ways and Means. He was opposed to it in every shape. He was opposed to the privileges it was designed to grant, whether made general or special. Already had this Petersburg company laid down their rails.

Mr. CARY said, merely temporarily; not with a design to be permanent.

Mr. RANDOLPH was entirely opposed to such an early commencement of the work of repealing the provisions of the tariff of last session. He was opposed to any and every act which might have that tendency. Already had this grant remitted between three and four millions of duties on railroad iron. Yet this country abounded in iron ore! It had the materials, the machinery, the workmen; and, with all these advantages, not a foot of railroad had been laid with American iron. Congress had continually favored railroad companies. Why, he asked, should they be favored above other portions of society? Why take millions from the treasury for their benefit?

Mr. PICKENS wished to know what the gentleman meant by saying that this bill would deprive the treasury of its revenue. The iron was already in the country.

Mr. RANDOLPH said he could easily answer the question. The iron had come into the country subject to duty, unless the company complied with certain conditions. The company did not wish to comply with those conditions, but wished other conditions extended to them—without which, they would have to pay duty. He would mention the fact that various capitalists had, upon the faith of the tariff bill of the last session, invested their money in the manufacture of railroad iron. Would it not be doing a great injustice to remit the duties on railroad iron, after the enactments of the late session?

Mr. SALTONSTALL made a few remarks in advocacy of the principles of the bill.

Mr. CARY desired to say that a great injury would be perpetrated upon a large portion of his constituents, if this bill should not be speedily passed; and no good could come to any human being. If he thought that the treasury would suffer by the passage of the bill, he would not urge it. But it interfered with no vested rights. It would not affect the iron interest. The iron was already imported. If it would not be considered out of order to refer to the proceedings of the Senate, he would say that it had been there contended that this bill presented a special case, and was *sui generis*. Its passage only involved a question of *time*. If not passed immediately, its friends would not give a farthing for it.

He believed that, before the passage of the tariff bill of last session, there was no manufactory of railroad iron in the United States. Since that bill was passed, one manufactory had been established. When he saw men in the other wing of the Capitol, who advocated different views on the subject of the tariff, sustaining this bill, he could but think that it was right, and ought to be passed.

After some remarks from Messrs. FILLMORE and BOTTS, the floor was obtained by Mr. BRIGGS. The subject was then laid over until to-morrow.

RETRENCHMENT AT NEW YORK.

Mr. G. DAVIS asked leave to introduce a bill "to reduce the number and compensation of the officers and other persons employed at the port of New York."

Mr. CUSHING inquired if the bill was to be introduced as a matter of favor.

Mr. G. DAVIS said that he designed to move its reference.

Mr. CUSHING made no objection.

The bill was then read. It recites the number of officers employed in the custom-house at New York, together with their aggregate salaries in 1828 and in 1840, and provides for a reduction of the same.

Mr. G. DAVIS moved that the bill be printed, and referred to the Committee of the Whole on the state of the Union.

Mr. CUSHING moved that it be referred to the Committee of Ways and Means.

Mr. WISE objected to the printing of the bill. He should hereafter object to the introduction of everything which he did not know something about.

Mr. HOLMES objected to the bill altogether. Under the guise of a bill, it was in reality a series of charges preferred against the administrations of the Federal Government for the last twelve or fourteen years. With the alarming fact that during the fourth quarter of 1842, instead of eight millions of revenue, there was but eight and a half millions of importations; it was proposed not to increase the revenue, but merely to reduce the salaries of the collecting officers!

He was unwilling to hold out to the people an inducement to believe that their burdens were to be reduced by such a bill as the present. But the time would come when their distresses would be relieved—when, by an alteration of the tariff, new blood would be infused into the body politic.

After some further remarks from Mr. H., not distinctly heard,

Mr. CUSHING inquired whether it would be in order to call for the orders of the day.

The SPEAKER said it would not—the bill now before the House having been introduced by general consent.

Mr. WISE said he had objected to it.

The SPEAKER had not heard any objection from the gentleman.

Mr. CUSHING then moved that the bill be laid on the table.

Mr. G. DAVIS called for the yeas and nays on the motion; and they were ordered.

Mr. BARNARD appealed to the gentleman from Massachusetts [Mr. CUSHING] to withdraw his motion to lay on the table.

Mr. CUSHING declined doing so, unless the author of the bill now before the House would move to refer it to one of the standing committees, instead of the Committee of the Whole.

The question was then taken on laying the bill on the table, and resulted—yeas 15, nays 155.

So the motion to lay on the table was rejected.

The question then recurred on the motion to refer the bill to the Committee of the Whole on the state of the Union; and, the question being put, it was decided in the affirmative, without a division.

THE EXCHEQUER BILL.

The report of the Committee of Ways and Means, adverse to the plan of the exchequer, as recommended by the President, came up for consideration as the regular order of the day. The state of the question was this: The report of the majority of the committee concluded with a resolution that it was *not* expedient to adopt the plan of an exchequer as proposed by the Secretary of the Treasury, and recommended to Congress by the Executive; which resolution Mr. CUSHING had yesterday moved to amend by striking out the word "*not*."

Mr. CUSHING, who had the floor, observed that these propositions embraced the whole subject of the currency and the finances of the country; and in the uncertainty whether the House ever intended to go into Committee of the Whole on the exchequer bill, he should in this form enter into the question as introductory to the debate upon the whole subject. Mr. Burke, in his writings on the French Revolution, complained that the age of chivalry was gone, and that the age of sophistry and chicanery had succeeded it. There was much truth in this remark. The present age was agitated with questions of banking, finance, and currency—all of them questions in which the interests rather than the feelings of mankind were involved. In discussing, then, the question before the House, he must ask its indulgence while he gave a dry and uninteresting statement of facts—facts which he could only take time to state, without stopping to discuss them.

The resolution of the majority of the Committee of Ways and Means, (upon his motion to amend which the question was pending,) was a mere negation of action of any sort whatever; but although it was impliedly merely negative of a particular measure, yet it, in effect, avowed an exclusive preference for a United States bank. In the whole scope of the financial questions before them, the committee had gone into only one form of a single idea, which they negatived. That the House and the country might see the particular nature of this report, let it be supposed that, in the tariff act prepared by the Secretary of the Treasury in obedience to the order of the House—let it be supposed that the Committee of Ways and Means, instead of reporting that bill back, or of amending it, or reporting some other bill on the same subject, when the demand of the country was so urgent for settling the tariff question—had simply reported that it was not expedient to pass the particular bill presented by the Secretary of the Treasury. Had such a report been made at the last session, everybody would have said that the Committee of Ways and Means had not performed their duty—not met the wants and expectations of the country. Now, in their report upon the exchequer, the Committee of Ways and Means had done precisely the same thing that he had imagined in respect to the tariff. In the preliminary debate on this subject, the select committee to whom it was referred at the last session was taken to task for reporting a bill of their own, instead of reporting back to the House the bill of the Secretary of the Treasury; and their conduct was commented on in very severe terms. But what was the contrast presented between the course of the select committee, and that of the Committee of Ways and Means? The former, whilst they presented a bill different from that of the Secretary of the Treasury, were not then, and were not now, exclusively devoted to it. If the majority of the House were ready to adopt the bill of the Secretary of the Treasury, he was ready to vote for it; and if the House should go into Committee of the Whole on the bill of the select committee, it was his purpose to move to substitute for it the bill of the Secretary of the Treasury. He would do this, that the whole subject might be brought before the House; and that no gentleman might avoid the responsibility, that rested on him, of voting on it.

We come (said Mr. C.) to the investigation of this question in a peculiar exigency in the affairs of the Government. With the expiration of the charter of the United States Bank, had expired all the laws regulating the depositing, disbursing, and transfer of the public moneys by means of that institution. The independent treasury had been repealed by law; and that mode of regulating the public deposites, disbursements, and transfers, had also ceased to exist. What, then, was the peculiar predicament of the Government, when the Committee of Ways and Means had refused to do anything in relation to the subject? Why, the public deposites were held by the Treasurer of the United States, under the act of 1789; [here Mr. C. recited the act;] and it was upon the extremely general provisions of that act that the deposites and disbursements of the public money were now made, subject only to the discretion of the Executive. And in regard to the materials to be received at the treasury, there was but one act regulating that subject; and that was the resolution of 1816. [Here Mr. C. recited the provisions of that act.]

In this predicament of the Government, the President of the United States, in whom this discretion was imposed by the existing laws, came to the House, and asked it to relieve him of that discretion, and to take away from him this general power over the treasury. To this appeal of the Executive—that Congress should strip him of this power, and impose fixed bounds and limits to his authority—what was the reply of the Committee of Ways and Means? It was, that he should retain that power—that he should not be relieved of his responsibility, unless it could be done by the agency of a joint stock bank. That was precisely the state of the question. It was not meeting the exigencies of the Government to say that, because they cannot have a United States bank, the Committee of Ways and Means will not agree that there shall be any legislation on the subject. But there was a question beyond the mere exigency of the Government; and that was, the exigency of the people. Now, what did the people of the United States want in regard to this matter? Did they respond to this reply of the Committee of Ways and Means? Did they say that, because there could not be a bank of the United States, there should be no legislation on the subject? He said, no. No portion of the people of the United States took the ground that there should be no legislation on the subject, unless for the purpose of chartering a bank of the United States. Here Mr. C. referred to the late elections, to show what were the sentiments of the people on the subject. He admitted that there was a minority of the people of the country who wanted a bank of the United States; but he denied that any portion of that minority took the ground that they would have one, or nothing else. In the first place, they did not desire a bank of the United States, in order that they might obtain a greater facility of loans for there was already too much bank capital in the country. He repeated that they did not desire a bank of the United States for the purpose of adding to the sum total of bank paper currency, and thereby increasing the facility of obtaining loans. If, then, the minority of the people did not desire a bank of the United States for this purpose, for what purpose did they desire it? They desired it, in the first place, as a depository; secondly, for the transfer of funds from one point to another; thirdly, to give a nationality to paper currency, instead of gold and silver; and, fourthly, to strengthen the credit of the paper of the State banks. Now he contended that all these objects were attainable without the aid of a United States bank. But, if it were otherwise, could a bank of the United States be had? He assumed that it could not in the current three years; that it could not be had during the remaining two years of the present Administration, nor in the first year of the next. Would the gentleman from New York [Mr. FILLMORE] have the country wait for that long period, without any legislation on the subject of the finances? But he would present a stronger case. He would assume that there could be no bank of the United States for the next seven years. There was, therefore, a stronger case presented; and he would ask the Committee of Ways and Means if they would have the country wait for the next seven years, without any legislation on the subject of the currency, and the safekeeping and disbursement of the public money, because they cannot get a bank of the United States?

But, again: suppose a bank charter a possible fact, within a period of three years—which it was not—then there was another point of view in which it must be seen: could the stock be subscribed? He assumed that it could not be subscribed abroad, where there was an absolute horror of the credit of the United States. And he assumed that it could not be subscribed at home, for there was a growing distrust of bank investments; and it was a period of time when they could not obtain a loan on the credit of the United States at 6 per cent. interest. If, then, they could not obtain that loan, it was preposterous to suppose that they could get capitalists to join in a great stock bank; so that, if it was constitutionally a fact, it was not financially a possible fact.

But there might be another alternative, it was said; and that was, the sub-treasury. But he would say that the people of the United States did not want the sub-treasury, and their objection to it had been manifested by the elections. Though the affirmative of what should be the alternative for the sub-treasury was not put in issue, the sub-treasury itself was put in issue; and so far as the elections decided anything, they decided against the sub-treasury.

But, independent of this, the people did not want the sub-treasury, because it gave not a depository for depositors; it was not instrumental as a means of transfer; it did not regulate exchanges; nor did it furnish a currency for the country; which things the wants of the people called upon Congress to grant. Now, what was to remain? It was, to ask for some instrument or institution which shall, in the first place, be without certain things, against which the people of the United States had decided; and which should furnish certain things, amongst which were the means of deposite, the means of transfer, the means for a currency, and the means of regulation. Now, it behooved the committee to inquire if it was, or was not, advisable to provide an instrument or an institution which could be constitutionally and judiciously established, and meet the affirmative wants of the people of the United States, and avoid those things which they had negatived.

Now, the plan of the exchequer (whether the plan of the Secretary of the Treasury, or of the committee) did all that the people required. It gave them everything in a United States bank which the people want; and avoided everything in it which the people did not want, and everything which was against the fixed financial feelings of the people of the United States. The exchequer gave what the people wanted, and all that they wanted. He had presented a vast number of memorials in its favor, and he knew there was a vast mass on the way to the Capitol, praying for its adoption, without distinction of party. He was informed that one had been signed by 3,000 of the best and wisest men of Boston. He had assumed, then, that the exchequer would meet the exigencies of the Government and the wants of the people; and he now proceeded to notice the plan of its issues. True, there were differences between the plan of the Secretary of the Treasury and the plan of the committee; but the differences were immaterial and did not affect the general idea; and if any portion of the House desired to change the amount of the issues, and other immaterial portions of the bill, let them do it in committee. But he must be permitted to say that in a portion of the public press there had been a persevering delusion on the subject of the exchequer scheme. The Evening Post of New York had misrepresented the House bill; but he would reply to the objections to the exchequer scheme submitted by the Committee of Ways and Means. The committee objected, in the first place, that it was not so safe a depository as a United States bank. There was a time when he should have been ready to concur in opinion

with the Committee of Ways and Means, that a United States bank, inasmuch as it gave the capital of the bank as a collateral security, was the safer depository; but when the gentleman from New York [Mr. FILLMORE] affirmed, as a proposition of this day, that a United States bank was the safer depository, he (Mr. CUSHING) denied the truth of the position. With the prostrate condition and the ruin of the United States Bank (which was overthrown by mismanagement, and its capital squandered) before them, it did not become them to say the safer depository was a United States bank. The gentleman from New York [Mr. FILLMORE] admitted this tacitly in his report, when he said that the United States Government foresaw the danger in season to withdraw the deposites. In the second place, the committee objected that the exchequer was a Government bank; but in what respect was it so? Why, it was objected that the sub treasury was a bank. If the exchequer was a bank, because it received deposites, and bought bills of exchange, then the sub-treasury was a bank. But before they undertook to object to a thing on a mere word, it became them to analyze it thoroughly. He denied that the exchequer was in any sense a bank. The essence of a bank was a great stock corporation for profit.

But, then, the Committee of Ways and Means objected to the exchequer, that it was capable of expansion. But how? By a vote of the Congress of the United States. And what, then, was the proposition of the gentleman from New York? [Mr. FILLMORE.] Why, they could not trust the constitutional Government of the United States, including the President and the two branches of Congress; but they could trust a corporation of mercenary men. And was not that preposterous? But again: the gentleman said the promises of the exchequer were liable to non-redemption; that was, the Government of the United States would not take care of its own honor and credit, and would issue its paper without the means of redemption. Here, again, was the idea that they could trust a bank parlor directory in Philadelphia; but they could not trust the Government of the United States. All these, and other objections which he enumerated, which the committee had raised to the exchequer, he contended, told with tenfold force against a bank of the United States.

He pursued this subject at some length, and exposed what he conceived to be popular errors respecting a United States bank.

He did not wish gentlemen to understand that, in thus presenting these facts to the House, his idea was that paper should be excluded from the common transactions of men. Far from it. There was no more necessity for entirely excluding paper from the transactions of men, than for excluding it from the proceedings of the House. But he repeated, we never should have a stable currency, until we separated the faculty of making money from the faculty of lending it. [A member: "The exchequer proposes to loan money, and to make it also."] No, not to *loan* it.

He saw an illustration of the idea he had advanced, in what he had frequently observed during the progress of affairs in this country, and in the course of his reading about other countries. It was this: that in all free States there were two parties—the one in favor of onward movement toward the future; and the other in favor of recurrence to the past. The object of the latter party was to restore things which had existed. This was the radical error of the Committee of Ways and Means, in making their report. They forgot that the world was not now where it was ten years ago. New facts had occurred, new ideas had been developed, new purposes avowed. Forgetful of the new facts derived from past experience, the Committee of Ways and Means would call upon the Government to refuse all legislation, unless they could have restored an old fashioned bank of the United States.

At this point the hour expired, and

Mr. BARNARD obtained the floor.

Mr. T. F. MARSHALL was anxious that the gentleman should be allowed to proceed, and conclude his speech; but several members objected.

Mr. BARNARD claimed the floor, and moved an adjournment; which motion prevailed.

IN SENATE.

WEDNESDAY, January 25, 1843.

Mr. HUNTINGTON presented a memorial from the widow and ten children of Joshua Raymond, deceased, praying a pension for his services in the Revolutionary war, and indemnity for French spoliations prior to 1800. The portion relating to the pension was referred to the Committee on Pensions.

Mr. BATES presented a memorial from Joseph W. Cross, and other citizens of West Boyleston, Massachusetts, praying that provision may be made in all treaties between the United States and foreign powers for a peaceful adjustment of all international difficulties which may arise: referred to the Committee on Foreign Relations.

Mr. BUCHANAN presented a memorial from a number of citizens of Cumberland county, Pa., in which they protest solemnly and humbly against the repeal of the bankrupt law: referred to the Committee on the Judiciary.

Mr. CRITTENDEN presented the petition of sundry citizens of Waterford, in the county of Washington, in Ohio, complaining of the deranged state of the currency, and the want of a national currency, and recommending the issue of $200,000,000 of Government stock, based on a pledge of the public domain, to be distributed in a representative ratio to the States and Territories, as a means of relief; which was referred to the Committe on Finance.

Mr. YOUNG, from the Committee on Roads and Canals, reported a joint resolution directing the transfer of the stock held by the United States in the Chesapeake and Ohio canal, to the State of Maryland, and the cities of Washington, Georgetown, and Alexandria, on certain conditions; which was read, and ordered to a second reading.

On motion by Mr. HUNTINGTON, the Committee on the Judiciary was discharged from the further consideration of the memorial of Balie Peyton, and it was referred to the Judiciary Committee.

Mr. TALLMADGE presented a memorial from Elmyra, New York, in favor of the plan recommended by the Executive for a board of exchequer: ordered to lie on the table.

Mr. BAYARD, presented a petition from McKean Buchanan, a purser in the navy of the United States, praying indemnity for losses sustained by him in consequence of an order of his commanding officer forbidding the issue of articles denominated therein; and a petition praying to be allowed, in the settlement of his accounts, a commission on certain bills of exchange, drawn by him for the benefit of the public service; which were referred to the Committee on Naval Affairs.

Mr. BAYARD, from the Committee on Naval Affairs, reported a bill concerning the naval peace establishment; which was read, and ordered to a second reading.

The Senate proceeded to consider, as in committee of the whole, the bill entitled "An act for the relief of John P. Skinner, and the legal representations of Isaac Green."

Messrs. BERRIEN and PHELPS explained that this bill was intended to relieve the individuals named, as sureties on a bond of Mr. Emerson, a pension agent, who failed, having some $10,000 of the money of the United States in his possession. The ground assumed in their argument, as a justification to relieve the sureties, was, that the sureties being cognizant of the insolvency of Emerson, gave notice to the Government of that fact, and pointed out a sufficiency of property held by him, against which process might be issued to secure the Government; but the United States officers, whose duty it was to protect its interests, neglected to take any legal proceedings to get possession of the property, and permitted private individuals to attach, and have all of it disposed of, to satisfy their claims; and then proceeded against the sureties, to secure the amount of the default of Emerson. These Senators maintained that the sureties, having pointed out property ample to secure the United States, should not be held responsible for the amount of the default, inasmuch as the proper officers of the Government neglected to proceed against the principal when he was possessed of the property.

Mr. EVANS made some remarks against the bill; but said, if it was to pass on the grounds assumed, to justify its passage it ought to appear on the face of the bill, so that it should not be hereafter drawn into a dangerous precedent. He, therefore, moved to amend the bill, to the effect that, in consequence of the failure of the proper officers of the Government to take legal proceedings against Emerson at the time requested by the sureties, said sureties should not be held to a fulfilment of the obligations of their bond.

Mr. KING opposed the bill, on the ground that it was establishing entirely a new principle—a very dangerous one, and one opposed to the practice of the Government in all past time, to relieve the sureties from the obligations of their bond, when the principal had failed. The custom had been always, and should remain so, of having process issued against the principal and sureties; so that, if one failed, the others might secure the interests of the United States.

The question was put on the amendment proposed by Mr. EVANS, and carried in the affirmative.

The bill was then reported to the Senate, the amendment concurred in, and ordered to be engrossed, and the bill to be read a third time.

THE OREGON TERRITORY.

The bill for the occupation and settlement of the Oregon Territory then came up on its passage, as the unfinished business of yesterday.

Mr. McDUFFIE rose and addressed the Senate. A wise and prudent man, (said Mr. McD.,) in any of the various departments of human affairs, would be very reluctant to engage in any enterprise, however thoroughly satisfied of his right so do so, until he should have well considered, first, the appropriate time for its commencement; secondly, the means by which it was to be accomplished, and its probable cost; and, finally, the benefits which were ultimately to result from its accomplishment. And he must be permitted to say, if the worthy Senator from Missouri, who had, with so much zeal and ability, presented this bill to the consideration of the Senate, had violated any of the maxims of sound policy, (as he humbly conceived he had,) it had arisen from the circumstance of totally overlooking the considerations to which he had just alluded. All those Senators who had engaged in this discussion seemed to have limited their investigations to what he was compelled to regard as the most unimportant of all the questions which this measure involves. They had confined themselves to the mere abstract question of the right of title. They had argued the question as if the Senate of the United States was the tribunal which was to adjust and determine the question of the validity of the English or the American title; and as if this was the only question to be determined. He believed no Senator, who had taken part in this discussion, had expressed the slightest doubt as to the validity of the title of the United States to the Territory of Oregon. He had investigated the subject as fully and as thoroughly as the documentary evidence to which he had been able to obtain access had enabled him to do; and, with these lights before him, he was free to declare that he regarded the title of the United States, at least as far north as the forty-ninth parallel of latitude, as one of the clearest titles that was ever the subject of national controversy. But, at the same time that he made this declaration, he would be very sorry to assume the responsibility of precipitating the nation into any measure, upon his own judgment, or the judgment of the Senate, upon questions which it did not belong to either to determine. Gentlemen seemed to have forgotten that there were two parties interested in this question; and that, however clear our title might appear to us, theirs might appear equally clear to the other party. Here was a case of joint occupancy, and an existing question as to title. The Senate had seemed, throughout the whole discussion, to assume that ours was the true title, and were proceeding upon that assumption; although

the British, at the same time, claimed that theirs was the true title. By whom were these conflicting claims to be settled? By one of the interested parties? Certainly not.

A few words on the subject of the convention of 1818, which had been indefinitely prolonged by that of 1827. He concurred perfectly with those Senators who had maintained that the provision of this act, which granted, or stipulated to grant, allodial titles, or titles in fee simple, to all those citizens of this country who might emigrate to that territory, was a palpable violation of the convention. It was in vain to disguise the fact, whatever might be determined in regard to this matter. They were about to take possession of the territory, to establish a line of American forts, and, by all the means and appliances of war, to defend that possession. They were about to invite the citizens of this country to go there—not for the purpose of carrying on the fur trade; not to do that which was consistent with a joint occupancy by the two parties to the convention; but to establish a permanent settlement. The British Government and the British nation, however we might disguise the fact in our arguments here, could not be so blind as not to perceive the palpable object of this measure. He begged to inquire of the worthy Senators who took so deep an interest in the fate of this bill, what was the existing emergency which called upon the United States to take this step? The question, for the last twenty-four years, had been allowed to slumber, while we were in the midst of the greatest national prosperity, with a treasury so abundantly supplied that the wit and ingenuity of man could not find out a legitimate mode of disencumbering it of its superabundant treasure. He called upon Senators to state what was the existing emergency, which demanded, now, that a measure of this kind should be adopted. Why was it that they were invoked at this moment—and, he must be permitted to say, this inauspicious moment—to enter into a measure of this kind? Why had it not been done twenty years ago, or at some subsequent period prior to the present? He was decidedly averse to embark in it now. What was the condition of our affairs in relation to England? Had they already forgotten that only the other day a momentous treaty had been concluded, with England, concerning one of the most embarrassing difficulties that had arisen since the termination of the late war? He would ask, How, and at whose instance, was that adjustment made? It was made at the instance of that nation, concerning whose grasping ambition so much had been said by gentlemen on this floor. Was it her ambition, her love of conquest, and desire of the acquisition of territory, that induced England to send to us the olive branch of peace, in the form of an extraordinary mission? Great Britain voluntarily moved in this matter, and tendered to us the olive branch of peace; and he thanked God that our Government accepted it in the spirit in which it was extended to us. He was not disposed to find fault with the result of those negotiations, even if they had conceded much more territory than was conceded, had it been done with the consent of the State immediately interested, and consistently with the honor of the country. He would rather that peace should be made on almost any terms, than to go to war. The matter had been adjusted; and he must be permitted to say, that for the adjustment of this question, if for nothing else, the people of the United States owed a debt of lasting gratitude to the Administration by whom this adjustment had been effected; and he would go further, and say, that every patriot in England, and every patriot in the United States, would shake hands, and declare that the Government of each was indebted to the negotiators. He thanked God that the treaty had been brought to a successful termination. Well, sir, (said Mr. McD.,) while congratulating ourselves on the termination of these great difficulties, at such a moment as this, what are we about to do? While a part of our territorial boundary remained still to be adjusted—while the question was still a subject of pending negotiation between the two countries—the Senate of the United States, a branch of the Legislature, intimately connected with the treaty-making power, is about to adopt a military movement, in order to take military possession of the territory. Now, however we may view this act, whatever interpretation we may place upon it—I will ask gentlemen to assume to themselves for a moment the position of the British ministry, and imagine what would be the natural effect upon their minds of a measure of this kind. Sir, they sent us the olive branch of peace to adjust the most important difficulty. Instead of reciprocating the amicable spirit manifested by them, we are about to send forth the flaming sword of defiance;—yes, at the very moment our minister is instructed to negotiate for a settlement of the question, we snatch from their hands the olive branch of peace, and place the sword of defiance in its stead. This may be strong language; but strong as it is, it is not stronger than the natural interpretation which will be placed on our conduct, if this bill be passed, by Great Britain.

I have asked, what is the emergency which demands the passage of this bill? Is there any probability that we shall fail in the adjustment of the question by negotiation? If gentlemen believe we shall fail, and that we shall ultimately be under the necessity of resorting to force of arms to establish our title and maintain our occupation, this is an additional reason why we should adopt no measure which, in the estimation of the civilized world, and in our own, could possibly place us in the wrong. Let us fairly and honorably try to negotiate. Let us try to adjust this boundary, as we have done the other. And, as I think the title of the United States is infinitely more clear than that upon which the negotiation has just terminated, I think the probability of an amicable adjustment is so much the greater. But gentlemen say we must proceed in this way—we must take possession, because the British are doing the same. They are making lodgments, establishing settlements, looking forward to the exclusive possession at some future period. Now, I totally dissent from this opinion; and if there is any one conclusion to which the documents before the Senate must irresistibly bring the minds of Senators, it is that Great Britain has not the remotest idea—that she has not done a solitary act, nor uttered a solitary word, on the question, evincing the remotest desire to make permanent exclusive settlements in that territory. All that she desired, all that they have ever claimed, is the right to prosecute the fur-trade, and to make such temporary settlements as were necessary to accomplish that object. Have they done more, sir? It is true the worthy Senator from Kentucky [Mr. MOREHEAD] made a formidable array of charges against England, in reference to acts which she has already done. In the first place, that she has made a fort one hundred miles from the mouth of the Columbia river; and the gentleman, with that candor which forbids him to suppress any part of the truth, read a full account of that fort, concluding with a statement that it was a mere stockade fort, in its very character intended for no other purpose than to repel the attacks of the Indians; and so it is with all the other forts which they have established. This, then, amounts to nothing; it furnishes no evidence of an intention of establishing permanent settlements, the idea of which seems to have taken hold of the minds of Senators. The Senator from Kentucky related another very important fact. He said, England has violated the convention, which stipulated the joint occupancy in the prosecution of the fur trade; because, whenever our boats ascended the Columbia river to trade with the Indians, they were immediately driven off by the English, who had the audacity to come there and sell goods to the poor Indians cheaper than the Americans did; and this was a violation of the convention. Why, sir, this harmonizes very badly with the remark of the worthy Senator from New Hampshire, [Mr. WOODBURY,] who indicated, as one important object to be gained by the passage of this bill, the civilization of the Indians. But, if we cannot afford to sell them goods at a cheap rate, it surely does not show a very Christian spirit. But all this is mere words. I put it to the Senate whether any one, in the course of this discussion, has put his finger on a solitary act which indicated an intention, on the part of Great Britain, to establish for herself an exclusive occupation. I assert that, as far as I have examined, I have discovered no evidence of any such intention.

Now, Mr. President, having pressed these brief views, tending to show the inexpediency of adopting such a measure at this time, in reference to negotiations now pending between the two countries, let me ask the Senate, What will be the natural interpretation that England will put upon our act? If we had passed the measure without debate, it might not have been regarded in any degree offensive; but you may rest assured, when this act comes to be regarded by the British Ministry, particularly if they have any desire to take possession of the territory, what will be the interpretation they will put upon it? They will interpret the act by the speeches delivered here. Will they not, sir? Consult your own bosoms. What is the impression produced upon yourselves, when an English paper—not even a ministerial paper—throws out denunciations against the United States?

What, then, will be their interpretation of this act, military in its character, heralded forth to the world with denunciations against England, on account of her grasping ambition—referring to her acts in the Eastern hemisphere, in Asia and in China, as well as on this continent? Sir, however calmly we may hear these things, the British will not hear them with calmness. Now, sir, let me tell you how many gentlemen are mistaken as to the feeling existing in England in regard to this subject. I was there for about six months during the years 1838 and 1839; and if I were called upon on my oath to declare what appeared to be the most prevailing sentiment in England, I would say it was an absolute horror of the idea of a war with America. All ranks, high and low, every person I encountered, in the highway and elsewhere, universally concurred in the sentiment that the ancient feuds that had separated the two countries had passed away—that a new era had grown up—that they were bound together by the strong ties of consanguinity, both being of the Anglo-Saxon race, differing from all the rest of the world; and I heard the language used—language in which I concurred—that if the two Governments, on a question of mere boundary, which might be intrusted to arbitrators, should involve themselves in war, they would deserve the eternal execration of the world. This was the universal sentiment.

Sir, I am not afraid of being charged with dreading the tremendous power of England. Surely, the courage of the people of the United States, illustrated in so many glorious battles by land and by sea, is not reduced to so low an ebb, that they may not venture to be just and moderate for fear of encountering the hazard of being thought to be cowardly. No, sir; no such interpretation will be put upon our conduct. I confidently believe, therefore, that if we wait with patience, and fairly employ the means of peace which are in our hands, and leave the executive department of the Government to discharge its duty, I confidently believe, from the progress already made in the adjustment of our difficulties, that this comparatively unimportant one would be adjusted. So far, sir, as regards our foreign relations.

But there are some domestic views of the subject which gentlemen have overlooked. What do we want with this territory? What are we to do with it? What is to be the consequence of our taking possession of it? What is the act we are called on now to do? Why, it is neither more nor less than an act of colonization, for the first time proposed since the foundation of this Government. If this were a question of gradual, and continuous, and progressive settlement—if the territory, to which our citizens are invited, were really to become a part of this Union, it would present a very different question. But, sir, does any man seriously suppose that any State which can be formed at the mouth of the Columbia river, or any of the inhabitable parts of that territory, would ever become one of the States of this Union? I have great faith—no one had much greater—in the power of the representative prineiple to extend the sphere of government; but I confess that, even in the most sanguine days of my youth, I never conceived the possibility of embracing within the same Government people living

five thousand miles apart. But, sir, the worthy Senator from New Hampshire [Mr. WOODBURY] seems to have discovered a principle much more potent than the representative principle. He refers you to steam, as far more potent. I should doubt very much whether the elements, or powers, or organization of the principles of government, will ever be changed by steam. Steam! How are we to apply steam in this case? Has the Senator examined the character of the country? What is the character of the country? Why, as I understand it, that about seven hundred miles this side of the Rocky Mountains is uninhabitable, where rain scarcely ever falls—a barren sandy soil. On the other side—we have it from a very intelligent gentleman, sent to explore that country by the State Department, that there are three successive ridges of mountains extending towards the Pacific, and running nearly parallel; which mountains are totally impassable, except in certain parts, where there were gaps or depressions, to be reached only by going some hundred of miles out of the direct course. Well, now, what are we to do in such a case as this? How are you going to apply steam? Have you made anything like an estimate of the cost of a railroad running from here to the mouth of the Columbia? Why, the wealth of the Indies would be insufficient. You would have to tunnel through mountains five hundred or six hundred miles in extent. It is true they have constructed a tunnel beneath the Thames; but at a vast expenditure of capital. With a bankrupt treasury, and a depressed and suffering people, to talk about constructing a railroad to the western shore of this continent, manifests a wild spirit of adventure which I never expected to hear broached in the Senate of the United States. And is the Senate of the United States to be the last entrenchment where we are to find this wild spirit of adventure which has involved this country in ruin? I believe that the farmers, the honest cultivators of the soil, look now only to God in his mercy, and their own labor, to relieve them from the wretchedness in which the wild and visionary schemes of adventure have involved them.

Now, it is one of the most uncalculating measures which was ever brought before the Senate. For whose benefit are we bound to pass it? Who are to go there, along the line of military posts, and take possession of the only part of the territory fit to occupy—that part lying upon the seacoast, a strip less than one hundred miles in width; for, as I have already stated, the rest of the territory consists of mountains almost inaccessible, and low lands which are covered with stone and volcanic remains, where rain never falls, except during the spring; and even on the coast no rain falls from April to October, and for the remainder of the year there is nothing but rain. Why, sir, of what use will this be for agricultural purposes? I would not for that purpose give a pinch of snuff for the whole territory. I wish to God we did not own it. I wish it was an impassable barrier to secure us against the intrusion of others. This is the character of the country. Who are we to send there? Do you think your honest farmers in Pennsylvania, New York, or even Ohio or Missouri, will abandon their farms to go upon any such enterprise as this? God forbid! If any man who is to go to that country, under the temptations of this bill, was my child—if he was an honest and industrious man, I would say to him, for God sake, do not go there. You will not better your condition. You will exchange the comforts of home, and the happiness of civilized life, for the pains and perils of a precarious existence. But if I had a son whose conduct was such as made him a fit subject for Botany Bay, I would say, in the name of God, go. This is my estimate of the importance of the settlement. Now, what are we to gain by making the settlement? In what shape are our expenditures there to be returned? When are we to get any revenue from the citizens of ours who go to that distant territory—3,300 miles from the seat of Government, as I have it from the Senator from Missouri? What return are they going to make us for protecting them with military posts, at an expense at the outset of $900,000, and swelling hereafter God knows how much—probably equalling the annual expenses of the Florida war. What will they return us for this enormous expense, after we have tempted them, by this bill, to leave their pursuits of honest industry, to go upon this wild and gambling adventure, in which their blood is to be staked?

Sir, does any man suppose that, in the next twenty years, we shall derive a cent of revenue? I put it to the Senate, Is there a man here who supposes that the wealth or power of the United States will be increased to the amount of one solitary cent by all the colonists that may be prevailed upon to go there? No, sir, not a cent. Well, now, make a moderate estimate; what do you think it will cost, on the scale on which you set out, during the next twenty years? Why, if you get off with ten millions of dollars, it will be about what any reasonable man would consider a proper estimate. The country is inhabited by fierce and warlike savages. It is a country abounding with recesses to which they can retreat, and in which they will be inaccessible; and if we ever get to war with them, (and we know by experience that the most certain way to get to war is to go among them,) we shall find another Florida; and every person knows how much the expenses of that unfortunate war had exceeded the anticipations of those who foreboded the worst. Sir, the interests of the people of the United States, throwing out of view the ardent and unpatriotic desire of adventurers, and consulting the solid interests of the agricultural and manufacturing interests of the country,) I venture to say that, for the next twenty years, there is not a congressional district in this Union, costing the Government nothing, but, on the contrary, contributing to its support, which will not be more valuable to the United States than the whole of this territory. It never can be of any value for agricultural purposes.

All the accounts I have read concur, without any dissenting voice, in stating that the fur-trade is in rapid course of deterioration. The animals which yield furs are disappearing; and the time is not remote when even the British fur company will abandon the country, if you leave them alone. So you have a prospect, by the mere lapse of time—by the mere progress of events—by the extermination of animals—of having the territory dropped into our possession. But, if the British had no claim to this territory, and there were nothing which impelled us to go with our military establishments and agricultural settlements, I would not consent—if there was an embankment of even five feet to be removed, I would not consent to expend five dollars to remove that embankment to enable our population to go there. I do not wish to tempt the people to form settlements there. I wish this to be a great empire, grown up by the natural course of civilization, and the natural extension of population. I thank God for his mercy in placing the Rocky Mountains there. I believe, if it had not been for those mountains, we would have been already in the Pacific. You cannot civilize men, if they have an indefinite extent of territory over which to spread their numbers; for so long as they spread their numbers, instead of becoming civilized, they become semi-savage. All agree that civilization can best be effected when the country is hedged in by narrow boundaries.

Why, Mr. President, if there is any one lesson inculcated by history, beyond the possibility of doubt, it is that all nations of the world which have within the last one or two centuries sent out distant colonies, have found them to be far more expensive than profitable. There is nothing which can justify such an enterprise, but the existence of a superabundant and starving population. In our case there is no such necessity. Are we pent up within narrow limits?—are we stifled for air?—are we starving for want of means of subsistence? Why, sir, we are very much distressed, to be sure; but it is from plethora, not from consumption. We are now in a condition in which a Senator from Kentucky, in discussing the tariff bill, told us we were, and that is—in a most deplorable condition. The barns were full—were breaking down with the weight of grain; the country was overburdened with a superabundance of all the means of human subsistence. This is the case now. In the history of the United States, a period was never known of such an abundance of everything necessary to support human life—corn selling for ten to twelve and a half cents a bushel; wheat at forty cents, and every other article of consumption in proportion;—and with a country like this, and with a soil as productive as the valleys of Egypt, and so extensive that you cannot people it for a century to come,—with such a soil, and such means for rewarding the honest agricultural laborer, shall we, at an enormous expense, derived from taxes upon the labor of the industrious, indulge the whims and caprices of the adventurous portion of the population, who love to roam over the mountains? It is not proper to hold out such inducements to our citizens to engage in these adventurous pursuits. There are no advantages to be derived from them. The advantages of the fur trade have been highly extolled; but I have seen no results but the enormous wealth of John Jacob Astor, and one or two others, to justify the commendation. Are the honest mechanic and agriculturist, engaged in the honest pursuits of industry, to be taxed, that inducements may be held out to the adventurous to engage in this trade, which has enriched so few?

Have you read the account of Astor's adventures in the fur trade? You will there find that the most of his operators were foreigners and the half-breed Indians. There were no citizens of the United States employed by him; and by this bill you will induce none of your citizens to embark but those of an adventurous character—those who have nothing to lose. I cannot think any man who has a strong feeling of patriotism—who has a heart bound to his country as it ought to be, and endearing associations inseparably connected with home—would abandon his friends and family, and all endeared to him, to emigrate to that country. No, sir; captivating as it may be to one portion of the Union, this is a spirit we ought not to encourage: we ought rather to induce the honest and industrious classes to remain among us, and contribute to the support of their Government.

But, in the ardor with which gentlemen have been drawn into the discussion of this question, they seem to have totally overlooked a very important matter—the ways and means. Do we so abound in financial resources, as to be able, at this particular moment, to appropriate $900,000 to a scheme of this kind? Have gentlemen considered the question of ways and means? I have not heard a single individual, in the course of the debate, make the slightest reference to the pecuniary means of this country to justify such an appropriation. I must, however, except the Senator from New Hampshire. At the close of his remarks, he made a slight allusion to our finances, rather with a view of showing that, as bad as they were, we might make the appropriation necessary to carry the plan into operation. That gentleman was himself Secretary of the Treasury, at a period of great financial embarrassment; and the tribulation to which he was then exposed, no doubt, brought him to sympathize with the present Secretary of that Department, and to consider the importance of having ways and means; and the still greater importance of prosecuting this measure, whether you have the ways and means or not. Well, sir, two great political parties are now contending for power. They have both, in some degree, adopted the same watchword—economy and retrenchment. That was the sign under which the Whigs conquered in 1840; it is the sign under which the Republicans hope to conquer now. Hitherto, on this subject, we have had nothing but words. I have not seen the slightest effort to establish, in the administration of this Government, any system of economy. I have not witnessed any apparent misgiving in the minds of Senators who are favorable to the adoption of this measure, as to the deficient condition of the finances. I confidently believe that we will not have a sufficiency of means to carry on the Government, and to pay the ordinary demands which are contracted on its behalf. The expenditure which the Government is required to make will not leave, at the end of

the year, anything to be applied to the object contemplated in this bill.

I have seen a statement of the probable amount of the imports of the last quarter, purporting to come from a person who investigated the subject thoroughly, and who had the means to investigate it; and the result was, that the probable amount of the whole imports for that period would be little more than eight millions of dollars. What does this indicate? A state of things which, of all others, calls upon us to pause.

What is the condition of this Government? Who is it that rules? Who is responsible for the measures adopted here? Nobody, sir. We are in a state of interregnum. Nobody is responsible. For God's sake, let us postpone measures of this kind until there is somebody in the Government responsible. The Executive is exerting, no doubt, the best of his powers to do something; but he is not sustained by the other branches of the Legislature. Neither of the great parties seems to have any sympathy for the Executive. They stand by, and fold their arms. If you should say to either of them, you have appropriated $900,000 without having the means to meet that appropriation, they would say it does not concern us; it belongs to the other party to provide the ways and means. For God's sake, then, let us not adopt equivocal measures of this kind when there is no party responsible for anything. Wait a year or two. Within that period you will have a chance of having that territory gained by amicable negotiation. Within that period you will certainly have somebody at the head of this Government—whether Democratic or Whig—of sufficient power to assume the responsibility of the measures adopted for administering the Government. I beseech you now, by every consideration connected with the national welfare, to pause. The time will come when it will be proper to act. I think, of all times, this is the most inappropriate; and I say, emphatically, pause before you proceed further in this matter.

Mr. LINN remarked that it was his wish to close the debate on this subject; and, unless some other Senator desired to address the Senate then, he would move to pass over the bill, informally, till to-morrow. He made that motion, and it was agreed to.

On motion by Mr. CRITTENDEN, the Senate proceeded to consider, as in committee of the whole, the bill for the payment of seven companies of Georgia militia, for services rendered in 1840 and 1841.

Mr. CRITTENDEN moved an amendment, to come in at the end of the bill, appropriating $19,399 87 out of any money in the treasury not otherwise appropriated, to satisfy the claims involved in the bill; which was agreed to.

The bill was then reported to the Senate, and ordered to be engrossed for a third reading.

On motion by Mr. MILLER, the bill for repairing and repaving a portion of Pennsylvania avenue was taken up, and recommitted to the Committee on the District of Columbia.

Mr. CRITTENDEN moved to postpone the previous orders, for the purpose of taking up the joint resolution authorizing the establishing of agencies for water-rotted hemp.

Mr. KING thought it better to go on with the regular orders, and let the resolution come up in its order.

Messrs. CRITTENDEN and SEVIER remarked that the subject was one of exceeding interest and importance to two or three States in the Union, and hoped the resolution would be considered at once.

The question was put on the motion to take up the resolution, and decided in the negative—ayes 13, nays 14.

On motion by Mr. GRAHAM, it was ordered that the petition of D. G. Skinner be taken from the files of the Senate, and referred to the Committee on Claims.

The bill for the relief of Charles J. Jenkins and William W. Mann, assignees of John McKinne, was taken up, as in committee of the whole; and, after a few remarks by Messrs. KING and HUNTINGTON in opposition, and by Mr. BERRIEN in favor of its passage, it was postponed till Friday next.

On motion by Mr. BERRIEN,

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 25, 1843.

Mr. READ presented a petition, signed by sundry citizens of northern Pennsylvania, praying for the repeal of the bankrupt law; which was laid on the table.

Mr. SAUNDERS, from the Judiciary Committee, reported a bill for the relief of Richard Steel; which was read twice, and committed.

Mr. WISE, from a select committee appointed at the last session, and reappointed at the present one, reported a bill to establish a Government office for printing, binding, &c., and for other purposes; which was read twice, ordered to be printed, and committed to the Committee of the Whole on the state of the Union.

Mr. CUSHING submitted a letter which he had received from Mr. Cunard, of Halifax, Nova Scotia, which corrected an error into which he had fallen, in a report he had made on the subject of British colonial trade.

THE EXCHEQUER.

Mr. FILLMORE insisted upon the orders of the day, and objected to all other business, the solicitations of various members to the contrary notwithstanding.

The SPEAKER, therefore, decided that the exchequer was the subject in order.

Mr. PICKENS inquired if it overrode the business of the morning hour, during which the resolution of the gentleman from New York, [Mr. BOWNE,] respecting the bill to refund to General Jackson the amount of his fine, was in order; and as it had been discussed for several weeks, he hoped the House would proceed with, and dispose of it.

The SPEAKER replied that, as the gentleman from New York [Mr. FILLMORE] insisted upon the order of the day, the reports and accompanying resolution on the exchequer scheme overrode all other business, as that subject was before the House, under a suspension of the rules; and on that question, the gentleman from New York [Mr. BARNARD] was entitled to the floor.

The question was therefore taken up. It stands thus:

The Committee of Ways had Means had reported the following resolution:

Resolved, That the plan of an exchequer presented to Congress by the Secretary of the Treasury at the last session of Congress, entitled "A bill amendatory of the several acts establishing the Treasury Department," ought not to be adopted:

To which resolution Mr. ATHERTON, from the minority committee, had moved the following amendment:

And that the Committee of Ways and Means be instructed to bring in a bill regulating the collection, safekeeping, transfer, and disbursement of the public moneys, in such a manner as shall, as far as possible, substitute provisions of law for executive discretion in the management of the finances; shall prevent the moneys of the people from being used for purposes of private speculation and emolument, and shall render the Government independent of the agency and influence of moneyed corporations.

And Mr. CUSHING had moved to amend the resolution of Mr. FILLMORE, by striking out after the word "ought" the word "*not;*" [so as to make the proposition affirmative, instead of negative. This motion, the reader will recollect, had been originally submitted by Mr. EVERETT; but withdrawn by him.]

So the pending question was on the amendment of Mr. CUSHING.

Mr. BARNARD said if he supposed that the action of this House on the subject of the currency was to end with the vote to be taken on the resolutions now on the table, he should not trouble the House with any remarks on the subject; he should content himself with recording his vote on that proposition, and with referring to the very able report made by the Committee of Ways and Means, as that report furnished abundant reasons and arguments for his justification. Though he felt bound to say at the same time that there were perhaps positions and arguments in that report, from which, if that were the question before the House, he should feel himself bound to dissent; but his hope and trust was, that when this House should definitively have acted on the proposition before them, they would then proceed to some positive and affirmative action upon the subject of the currency. He hoped and trusted that this House would not content itself with the negative proposition now before it. He held it to be proper for the House to act on this subject in the form in which it had been presented by the Committee of Ways and Means; but he held it also to be proper, and the bounden duty of the House, after that action should be passed, to proceed, if possible, to mature some measure of relief for the country. He believed such a thing was practicable; and whatever was practicable for the House to do on this important subject, and whatever it could do without a sacrifice of principle, for the relief both of the Government and of the country, he held that this House was bound to do. And so far as he was concerned, the gentleman from Massachusetts [Mr. CUSHING] need be under no apprehension that he (Mr. B.) entertained any disposition to stop with the action of the House on this subject; and he gave that gentleman notice now, that if he did not himself move to go into Committee of the Whole on his bill, he (Mr. B.) would himself move it, and urge it on the House at the earliest possible time.

Mr. WISE. Why did you not do it before? We have been urging you all along.

Mr. BARNARD (without noticing the observation of the gentleman from Virginia) continued. And he would do that, not with the remotest idea that the House would entertain that gentleman's bill, but that, after the House had condemned his bill; along with that presented from the Secretary of the Treasury, it would be the most convenient mode of getting at another proposition which he should feel it his duty to present to, and urge upon, the House. It was his purpose to refer, before he concluded his remarks, to the measure to which he had just alluded; and the observations he might feel bound to make on the proposition now before them, would be made chiefly with a view of preparing, so far as he could do by his remarks, the mind of the House for action on that measure which he should present.

The present Congress had twice presented to the President of the United States a measure of its own on the subject of finance and currency, and that measure had twice been rejected. The President of the United States had presented his plan of finance. At the last session of Congress they gave that plan a silent veto; at the present session, they proposed to give it a positive veto, according to the forms prescribed and the powers conferred by the Constitution. When that should be done, then perhaps the House might see that the decks were clear, and that it would be competent for them to look about and see by what measures they should steer and guide the vessel for the conclusion of a safer voyage. He repeated that the President of the United States had vetoed their measure of finance and currency; and they had vetoed, and proposed again to veto, the President's measure of finance and currency; by which, so far as he was concerned, he intended that the President of the United States, and his friends on this floor, should understand that the Congress of the United States was as much of "a constitutional fact" as the President of the United States.

When the county had a United States bank, it was found capable of performing certain offices and functions for the Government and the country. The President of the United States proposed by his plans that the same important offices and functions should be performed: he proposed his plan, therefore, as a substitute for a bank of the United States. That those offices and functions could be performed in another way, everybody could see when they examined a plan which would be submitted to the country.

There was only one mode in which the important functions of keeping and disbursing the public moneys could be performed without the use of a national bank, or the State banks. This mode

was, that the Executive should perform those offices and services itself. This was what was proposed by the plan of the Executive. It proposed to perform all the duties connected with the financial department of the Government, by the agency of officers appointed by the President, under the Constitution; that the Government should keep, transfer, and disburse its own revenues; that it should perform the duties of commissioners of loans and pension agents; that it should receive deposites, issue a currency for the country, and supply commercial exchanges. All these functions were proposed to be performed, by the plan of the Secretary of the Treasury. What was the proposed board of exchequer? He answered, an executive department of the Government; or a branch of an executive department, composed of officers appointed by the President—just such a department, in fact, as the Post Office, the General Land Office, the Bounty Land Office, the Pension Office, the War or Navy Department.

It must be obvious that a portion of the duties proposed to be performed by the exchequer were competent to be performed by it; whilst there was no competency whatever for the remainder. There was a competency to keep and disburse the public moneys, to make loans, and to give the paper of the Government as evidence of debt, and perhaps to issue such paper in a form to circulate as money—although he would never invest the Executive with any such authority, except in cases of great exigency. But there was something more proposed by this exchequer. It proposed to receive deposites, to issue convertible paper to circulate as money, and to deal in commercial exchanges. So far as the proposition to receive deposites and deal in exchanges was concerned, he must declare his conviction that there was no power in the Government for the performance of such functions. It was true that the Government might deal with individuals on Government account, but not with individuals on individual account.

In the first place, then, taken as a whole, the proposed exchequer was a subordinate executive department of the Government—an executive treasury, with sub-treasuries, or branches. In the second place, it was an executive commercial bank of deposite and exchange. For the first, there was a competency; for the second, none whatever. But he had serious objections to the establishment of an executive treasury. He would mention one now, which condemned the whole scheme—and that was, the simple fact that it proposed that the surplus revenues of the country should be kept in the hands of executive officers, instead of being deposited in banks. What was the history of the keeping of the public money since the foundation of our Government? At the first session after the adoption of the Constitution, in 1789, a law was passed requiring the Treasurer of the United States to be the keeper of the public moneys. It did not prescribe the *place* or *mode* of keeping them. That was left to the Treasurer's own discretion. Understanding that there was but one mode, the Treasurer adopted that. There were three or four State banks: and these he adopted as his depositories; and did not, for a moment, keep the money in his own possession. At the second session of Congress, the Bank of the United States was chartered; and it afforded further opportunities to the Treasurer for making deposites. The law did not require him to make it a depository; yet he did so—not dispensing with the agency of the State banks. Thus the matter went on till 1794, when a committee was appointed to examine the Treasurer's accounts—who reported that all the functions of the Treasury Department connected with the transfer, safekeeping, and disbursement of the public moneys, were satisfactorily performed by banks. (Mr. B. read an extract from their report.) That committee proposed no action, being satisfied with the mode of proceeding adopted by the Treasurer. Things thus went on until 1811, when the charter of the old bank expired, and when resort was again had to the State banks. The Treasurer then had about two hundred to select from. It was the period of the war, when all the banks of the country south of New England suspended specie payments. Notwithstanding this fact, the Treasurer continued to deposite in them, knowing that the banks were just as sound after, as before they suspended. In 1816, the second Bank of the United States was incorporated, and then Congress for the first time undertook to legislate in relation to the mode of keeping the public moneys, by appointing the Bank of the United States as the depository. It was not so much for the safety of the public funds, as for the benefit of the bank, in consideration of the heavy bonuses exacted of it and paid for the charter. The bank then became the depository, and no further legislation was had until 1836. In 1833, however, the Executive undertook to interfere, and took the public money out of the control of law, to put it in the hands of officers of its own appointment. In 1836, Congress, in consequence of the largely accumulated amount of revenue in the hands of the Executive, passed a law on the subject. But, even then, the mode of keeping the public money was not changed; but the Secretary of the Treasury was merely required to select certain banks in which the Treasurer was to deposite. In 1837, a suspension of specie payments, more general than that which occurred during the war, took place; and the opportunity was seized to introduce a new mode of keeping the funds of the Government. Mr. Van Buren called Congress together, and proposed his sub-treasury, or (as his friends delighted to call it) the independent treasury. This was not adopted until the last year of his administration. It went into operation on the 4th of July, 1840, and remained in operation just one year. In the mean time, Mr. Van Buren lost his office on that very measure; for the political revolution of 1840 turned on it more than on everything else that entered into the contest. It was repealed, and, with it, the law of 1836; thus leaving matters as they stood under the act of 1839. There was no surplus revenue to tempt the banks to corruption; and it was thought that the funds of the Government might be safely left to the Secretary of the Treasury. The terms on which the banks kept the money had been reported by the Secretary of the Treasury; and from that report, it would be found that it was deposited in banks to the credit of the "Treasurer of the United States," and could not be drawn, except by warrants according to law. This was the system in operation now; and the system which had been in operation, with the exception of one year, since the foundation of the Government. Why, then, should we be asked, after an experience of 52 years out of 53, to change the mode of keeping the public money, which had been found to work so well? Was there anything in the system of Mr. Van Buren, as demonstrated during one year's operation, to induce the country to think it ought to be adopted again? He thought that the public money should be kept as prudent and discreet individuals would keep theirs. The practice of depositing in bank was almost universal—was like the maxims of the common law—was founded in wisdom, and had the approval of nearly every man of ordinary understanding. How, he asked, was it with States? Did any State in the Union permit its funds to be kept in the personal custody of its officers? How was it with counties, private associations, and courts intrusted with the care of money? Did any of them employ personal agents? And why was the United States Government alone called on to adopt a new mode of proceeding? He did not think that Government officers were more to be trusted than agents of private associations.

Had not this Government had its abundant share of dishonest and unfaithful officers? There was nothing in the nature of public service which guarantied fidelity. It was not the best men who seek office, nor the most faithful who obtain it. It was the bold, desperate, and reckless, who were crowding all the avenues to public employment; and it was this description of persons, in a great degree, who were the most successful in obtaining it. He doubted if the Pennsylvania Bank of the United States was ever worse served in the article of faithful and honest agents, than the Government of the United States had been during the last twelve years. Yet they were called on, under these circumstances, and with all the experience of the Government, to change the mode in which the public money had been kept since the commencement of the Government. On his soul, he believed that public office in this country was the worst school of morals this side of the penitentiary. Many an honest man was matriculated in office, who graduated a rogue; and, if the rogue got in, he was ten times a rogue. He should not consent, for one, to change that mode of keeping our surplus moneys, which was the universal practice of the country. There was something in the nature of money itself, and particularly of public money, which ought to forbid its being intrusted to individuals.

After commenting on the objectionable features of a Government bank, which were presented by the bill of the select committee, Mr. B. went on to say that, by that bill, there was to be a redemption fund of twenty millions of dollars kept constantly on hand in the exchequer. He did not hesitate to say that, under this plan, if it should go into successful operation, there would pass through the hands of these Government officers, in one single year, upwards of fifty millions of dollars.

There were other points in regard to this Executive treasury and sub-treasury scheme which he should be glad to notice if he had time; but he must hurry on.

He begged leave to say a few words in regard to this treasury board and its agencies, considered as a commercial bank. The gentleman from Massachusetts [Mr. CUSHING] took the ground, yesterday, that it was not a commercial bank; that it was not a bank at all, nor anything like a bank; that, if there were banking powers conferred by this scheme, the Treasury Department had banking powers already, because it received deposites, made transfers of the public money, and dealt in exchanges, by buying and selling drafts. Now, put all that out of view that belonged to an executive treasury, and did not belong to a bank; and still this was a Government bank. By this exchequer, the Government was to deal with individuals, not on Government account. By it, the Government agreed to receive from individuals fifteen millions of dollars, for which it was to give bank money—viz: certificates of deposite;—and yet the gentleman said that it was not a bank. He should be glad if the gentleman would tell them what the Bank of Amsterdam was. That bank received deposites in gold and silver, and made its profits by issues of paper, in the form of certificates of deposite. It never loaned a dollar, nor did it deal in exchanges at all. The Bank of Hamburg operated precisely in the same way, and in no other. The gentleman from Massachusetts, [Mr. CUSHING,] with all his learning and knowledge on the subject, could get up and gravely tell the House that this was not a bank. But this bank was to deal in exchanges. In the first place, it was to buy bills of exchange, and there was no limit to the amount it might purchase. It was restricted in its dealings from State to State, and State to Territory; and it was restricted as to the time of the bills; beyond this, there was no limitation. It may also buy this exchange in the way of discount, because the bill expressly provides that it was not to take more than six per cent. for exchange, nor to give more than 2½ per cent. premium on the bills it might purchase. It might deal upon this subject in the way of favor to those who were its friends, and to frown down and oppress those who were not. Then, it had the power of selling exchange; and here, again, it was unlimited. It might draw and redraw to the amount of millions. It might also sell cheaper to its friends, and refuse to sell to those who were not. After this description he had given of this commercial bank of exchange, he should like to see any gentleman get up and say that it was not a bank. He knew that this Government might create a bank, if it should be found necessary for the management of its finances, and necessary for the commerce and business of the country; but he denied that the Government could, by its own officers, carry out all the objects and purposes of a bank. He did not believe that there was any individual in that House who would rise in his place and advocate such an institution; yet there it was proposed by the Executive, and urged by his friends on that floor, that the Government should, by its own officers, set up a great Govern-

ment bank of deposite and exchange, and deal with individuals for profit. In conclusion, Mr. B. observed that he had only time to say that, at the proper time, he should urge upon the House to go into Committee of the Whole upon the bill of the gentleman from Massachusetts, for the purpose of moving, as an amendment to it, the simple plan of furnishing a currency for the Government and the people.

Mr. WINTHROP observed that it was with extreme reluctance he had made up his mind to address the House on this subject. There was an old proverb, which said, "out of the fulness of the heart the mouth speaketh;" but he had no fulness of the heart to speak on this subject. It was so hackneyed, worn out, and embarrassed by the various and complicated questions that were connected with it, that he could not conceive how any man could speak on it without repugnance. This subject of the currency had been tossed, for the past ten years, on the waves of party contention; and when a few years since they thought they were about coming into port with it, and hailed what the man from the mast-head thought to be land, they found, to their sorrow, what they took to be land to be nothing but a fresh reef of rocks; and if he might be permitted to pursue the figure further, he would add, that the subject of the currency had become as stale as a piece of mouldy biscuit after the voyage.

As there were likely to be questions, before this debate was brought to a close, upon which any vote he might give would be liable to be mistaken, he was not content to leave his constituents without some explanation in regard to the votes he might give. The challenge had been given by several gentlemen, and repeated by the gentleman who had just taken his seat, for any one to rise in his place, and declare that he was in favor of this project of the Executive. He did not rise to accept that challenge.

Mr. BARNARD said that he withdrew the challenge.

Mr. WINTHROP. Well, if the gentleman withdraws it, the House will bear me witness that the challenge has been repeatedly made by others. He was not prepared to take up the gauntlet, and defend the project of the Executive of the last session; but still he could not say that he was in favor of the report of the Committee of Ways and Means. He was ready to avow that, if the resolution concluding that report should be forced on him, his vote must be given against it.

Before he entered on the question embraced in that resolution, he wished to give his views briefly on the subject of the currency, and the present regulations for the management of the finances. Referring to the law of 1789, providing for the custody of the public money, Mr. W. said that there was now no other regulation by law on the subject, but that it was left entirely to the discretion of the Executive. For his own part, he could not feel that he had discharged his duty to the people, by omitting to vote, on every occasion, for bringing the public treasure under the custody of the law. Did gentlemen tell him that they had repeatedly tried to accomplish that desirable object, and been prevented by the vetoes of the Executive? He was no apologist for vetoes; but because the Executive, either from conscience or contumacy, had seen fit to refuse his sanction to the measures they had passed, was that a sufficient reason why Congress should forbear to make another attempt? We are (said Mr. W.) the representatives of the people, and are bound to continue our efforts to place their money under the control of law; and if there be any distrust of the Executive—if there be any well-founded alarm as to his objects and aims, so much the more necessary is it that we should pass some law to limit his discretion, and place the custody of the public funds under the proper safeguards of law. We have now (said Mr. W.) that union of the purse and the sword, so much deprecated at the time when General Jackson removed the public deposites from the Bank of the United States. If there must be such a union, he preferred that it should be under the sanction of law. He knew that, as yet, no injury had resulted from this union; but our poverty had been our protection; our coffers were so empty, that it mattered little who kept the keys. The time, however, might come when the case would be different. He had no apprehension that this tariff, about which there had been such ominous predictions, was to prove so ruinous to our revenue. He believed, after time had been given to the people to consume the stock of goods on hand, that our revenues would be greatly increased under its operations; and if the rigors of the cash system should be mitigated by the warehousing system, that, with a moderate duty on tea and coffee, would, before the close of the next session of Congress, bring up a different and more prosperous state of our finances than was now presented.

But, at any rate, whether full or empty—whether exhausted or exuberant—he held it to be Whig doctrine—he held it to be republican doctrine—he held it to be constitutional doctrine—that the treasures of the nation should be under better sanctions and guards than he thought they now were. He had no hesitation in saying that a national bank, with a moderate capital of $10,000,000, $15,000,000, or even $20,000,000, which experience had shown was necessary, was his first choice for a fiscal agent for the Government. The profligate mismanagement of such an institution had not impaired his confidence in a United States bank, any more than the monstrous misrule of this Government, for the last ten years, had impaired his confidence in the free institutions and the admirable forms of government under which we live. And such a moment as the present he thought the most favorable for the establishment of such an institution as the one he had suggested; for, with the evils attendant on the mismanagement of the late bank before them, they would be likely to secure it on such a safe and sure foundation as would save it from such evils in future; but, at the same time, he confessed that, with such principles as the President held, the course he (Mr. WINTHROP) suggested was rendered an altogether impracticable idea at the present moment.

But that was not the only course to be pursued: there were others, which might and ought to be tried, until the object could be accomplished. Why, if the House would do nothing else, it might call upon the Secretary of the Treasury to put in black and white, and submit it for their amendment and adoption, as a working plan, the system which was now pursued for the collection, safekeeping, and disbursement of the public money. Any system—even a bad system—resting on a written law, was better than one resting only on Executive discretion, or than no system at all. So strong did he regard the necessity of some provision for the safekeeping and disbursement of the public money, that, for one, he regretted that even the sub-treasury system was repealed as summarily as it was. Odious and abhorrent as that system was, he doubted, if it could be brought to a vote, that it would be repealed at this moment, if it was now standing. And in justice to his friends in that House, he would say—and he should tell no secrets by doing so—that on the floor of either House, at the extra session, the repeal of the sub-treasury, as an independent outright act, was not one of the propositions of the party then in power. They had been charged at sundry times, and in divers places, with perplexing and embarrassing the President at the extra session; but he had already said that he concurred in no such charges. There was some ground for another charge, which came from a gentleman from Virginia the other day—that there was a too great willingness to comply with the wishes and desires of the President; and that the sub-treasury repeal, as an independent act, was a measure more as compliance and complaisance to him. The United States bank bill was under consideration, and the signature of the President to that bill would have repealed the sub-treasury, and his veto would have left it standing; but it seemed as if the non-repeal of that system would make the President responsible for leaving the sub-treasury in operation, or force him to sign the bank charter; and it was thought better to relieve him from such a predicament. With this view, the repeal bill was introduced, and it was hurried hastily through; and he (Mr. W.) could not but regret that it was so. He could hardly help saying, if it were to do over again, he would not give his vote in favor of the repeal.

After some further observations in continuation of that subject, he proceeded to observe that he did not hold, nor did his friends hold, that it was the duty of the Government to take care of itself, and leave the people to take care of themselves; and he was for doing as much as he constitutionally could for the relief of the people, as well as of the Government; and he confessed that the issue of $15,000,000 or $20,000,000 of exchequer notes, redeemable in specie at New York alone, or at New York and some one or two other places, he was opinion, would, in some measure, relieve the country. Government paper was not in favor with him, but they had been living on it for five years past. He did not agree with the gentlemen who regarded Government paper, resting on dollar for dollar, as altogether worthless. It seemed the gentlemen forgot one of their old arguments, which they had been accustomed to use in relation to the hard-money doctrines of years past, when they preferred paper money on a specie basis, if they now spurned it as contemptible and worthless. It would be a great convenience as a medium of local payments, as a medium of treasury payments, and as a medium of exchange. The treasury notes now in use were found everywhere of great convenience in all those respects. But he was not unwilling to say that there were other parts of the exchequer *projet* that he looked at with less favor: he referred particularly to that part which had been commented on by his friend who last addressed the House—the power to be given to buy bills of exchange generally. He agreed that that power would be liable to many abuses. After some observations on this point, he proceeded to say that he had no fancy for resting the operation of the proposed system on the assent of the States; but, on all these features and parts of this subject, he intended to hold himself at liberty to act as he might think wise and proper, under existing circumstances, when that bill should come before the House for its action.

He had said enough to show that a national bank was his first choice as a fiscal agent for the Government; and while he was not prepared to give in his adhesion to the Executive for it, he was ready (if nothing better presented itself) to vote for the House bill, rather than continue the present system; and, in doing so, he believed he should vote for what many believed to be harmless, and for what some believed to be beneficial.

He desired now to allude briefly to the reports and the resolutions before them; but, before doing so, he begged leave to bear his humble testimony, in the most unqualified terms, to the ability and fidelity with which the chairman of the Committee of Ways and Means had discharged his duty to the country in reference to this matter. After a warm eulogy of that gentleman, he proceeded to his report, which seemed to cut off all hope of such an institution as was proposed, without the greatest danger. The report said:

"It must be obvious to every intelligent man, who will carefully examine the plan here shadowed forth, that, if this institution be ever legalized, and put in operation under the Executive authority of the Government, it will exert a power and influence, for good or for evil, upon the business and politics of this country, compared with which a bank of the United States, or the sub-treasury, would be impotent and harmless. If it were possible to have such an institution without increasing Executive power, or endangering the treasury, which should be administered by men of undoubted talents and integrity, endued with competent financial skill, and a cautious, vigilant sagacity, uncontaminated with political and partisan bias, it is undoubtedly capable of rendering some service both to the business wants of the country and the financial embarrassments of the treasury. But to hope for this, is to expect a change in human nature itself, and in the ordinary motives that govern the conduct of men, and especially political men, little less than miraculous. Our institutions are based upon no such theory of human perfectibility. They contemplate the possibility of error and vice in those who are intrusted with power, and therefore guard the trust by every limitation, as to time and amount, not incompatible with the object to be attained."

It appeared to him (Mr. W.) that the gentleman from New York [Mr. FILLMORE] had run into the extreme, and too much into the theory of human depravity. It appeared to him that that gentleman had taken for his text, when he wrote his report, the remark of an ancient philosopher, who said

"the only safety in relation to human government is distrust, distrust, distrust;" or the language of a Roman poet, "*una salus, nullam sperare salutem.*"

He (Mr. W.) did not deny that there was something of distrust necessary in relation to human Governments, and particularly free Governments; but he also undertook to say, that some degree of confidence was not only useful, but indispensable, even to the existence of free Governments. It was true, our institutions were not based on human perfectibility, but were based on integrity, on education, on morality, and on virtue. Montesquieu said the foundation principle of monarchy was fear; but of a republic, virtue; and if virtue followed not their counsels, he (Mr. W.) feared it was vain to attempt to guard their institutions from overthrow, or, in other language, "If the Lord keep not the city, the watchmen wake but in vain."

He admitted they had of late had no very great encouragement there to place implicit confidence in men; he admitted they had seen some demonstrations which might have served reasonably to check their confidence. But he was not ready to admit that the age of virtuous politicians was fully gone; he could not agree with his friend from New York, [Mr. BARNARD,] that public office was the best school for roguery and vice. He trusted they should yet live to see the day when they should have such men as they had in the earlier days of the Republic; and men, too, of more recent date, who should feel that, when they were called to the offices of the country, they were not called to some pitiful job, but to a sacred function—men whom he might address in the words, though not in the spirit, in which Macbeth was addressed by—that demi-demon, he had almost said, with which his destiny was associated—

"What thou would'st highly, that would'st thou holily.
Art not without ambition; but without
The illness should attend it."

At any rate, he, for one, was not ready at present to base our institutions or our system, or objections to systems, upon the absence of everything like public virtue. It was true, the report seemed to rest on the watchfulness and vigilance of stockholders; but where was their vigilance in the thousand and one institutions which had failed? Now, though the United States bank was his first choice, he did not say that it was the only means by which this Government could manage its affairs.

After remarking upon several passages at the close of the report made to the House by the Committee of Ways and Means, he expressed his regret that he should have to vote against the resolution of that committee. He believed that the proper course to have been pursued would have been to have laid the report of the committee on the table, as was the custom of the House with regard to adverse reports generally. At the same time that he advocated this course as the best that could be pursued, he designed to cast no imputation whatever upon the Committee of Ways and Means. He was unwilling to subject the motives of the majority of the House to perversion and misconstruction, by passing the resolution which had been reported. Pass that, and it would be said that the Whig party intended to cast reproach upon the author of the exchequer scheme. The cry would be raised, that the majority here intended to nail the project to the counter, or counterfeit coin. It would be said that the design was to hold up the plan to the country as one which had none so poor as to do it reverence. A thousand eyes were turned toward the proceedings of the Whigs in Congress, and he wished to afford no new motive for their further malignant gaze. He wished to take away everything that could be turned into a subject of misconstruction and invective.

He hoped he should be pardoned for saying a few words in relation to the author of the exchequer *projet*. He did not stand here as the defender of the Secretary of State. That man was one of his most distinguished constituents; and he felt it to be a duty which he owed to those he represented to say something of him. When he saw so much unmerited reproach cast upon him, he felt that it would be doing injustice to those who assembled in Faneuil Hall to hear him, did he return home without saying anything on the subject. He was not one of those who listened to the Faneuil Hall speech of the Secretary of State. He regretted that such a speech was then and there made. He dissented entirely from many parts of it—for instance: the charge that the Whigs of Massachusetts, by declaring a final separation from the President, had committed themselves to an indiscriminate warfare against all his measures, he thought, was not at all warranted by facts. The idea, too, that no peculiar party element entered into the passage of the tariff bill of last session, because some twenty or thirty Whigs found themselves so situated as to be obliged to vote against, whilst some ten or a dozen of the opposite party voted for it, was altogether absurd. Nor had the charge that the convention of the Whigs of Massachusetts had transcended their authority, by considering subjects not usual in such conventions, any foundation. But that the interrogatory "Where shall I go?" instead of being applicable to his relation to the Whigs of Massachusetts, whose confidence no man ever enjoyed in a more eminent degree than the Secretary of State, was dictated by a mere lust of office—a mere truckling to place and power—was as gross as it was unfounded. Indeed, the very next sentence of the speech forbade any such construction. He referred to the sentence where the Secretary declared that he was, and always should be, a Massachusetts Whig.

In relation to the subject before the House, he would declare that he was not unwilling to admit that there was something in the argument of the gentleman from Kentucky, [Mr. MARSHALL,] who contended that there was an inconsistency between the speeches of Mr. Webster and the report on the subject of the exchequer. He should not undertake to explain away that inconsistency. But he would say that, in all Mr. Webster's discussions of the sub-treasury, his leading argument against it was, that it was an abandonment of the duty of the Government to regulate the exchanges and currency of the country. All his other objections were subordinate to this. Indeed, it was the burden of all his speeches; and he (Mr. W.) would remark, that there was no inconsistency between that view of the sub-treasury and Mr. Webster's views in relation to the exchequer. Although he disapproved of his position, yet he thought, when the Secretary of State was accused of inconsistency, he might reply, in the language of an ancient philosopher, "I may have acted contrary to myself, but never contrary to the republic."

He had no idea that Mr. Webster would thank him for what he had said here to-day, although he might say amen to some of his remarks; yet he had felt it to be a duty to those whom he represented to say what he had said—spurning alike misrepresentations and misconstructions which might be made here and at home.

Mr. T. F. MARSHALL next obtained the floor. He commenced by remarking that he had ventured, the other day, in reply to certain remarks of his friend and colleague—in which he [Mr. G. DAVIS] expressed the opinion that Mr. Webster was destitute of genius—to bring in a sketch of that great man's character. He did so, that he might be acquitted of having formed a preconceived judgment in relation to him. He should not have ventured to arraign the Secretary of State before the Whig party; for he apprehended that the Secretary would decline their jurisdiction. Were he (Mr. M.) to be judged, he would disclaim their jurisdiction. He did not, then, arraign him before the Whigs; because he, as well as the Secretary, would deny their jurisdiction. He arraigned him for a great and glaring departure, not from a sentence taken from a speech, but from the whole of the principles of his philosophy, and the leading principles of his life. He had been bold enough to term him his master. He did not mean thereby that he was his party master, whom he was bound to follow—not thinking that he was the incarnation of the principles of any political party, which he (Mr. M.) must obey. Thanks be to God, he knew no such master within the broad bounds of this republic! He meant to use the word in the same light as that in which Aristotle was the master of the Macedonian, Anaxagoras of the Athenian Pericles, and Socrates of the practical statesmen of Greece—not that he (Mr. M.) resembled Alexander, or Pericles, or Alcibiades, but that Mr. Webster combined the wisdom of all those philosophers. He referred to the pledge given in Faneuil Hall, when he pledged his reputation upon the policy of the exchequer. He was reported as meaning a sneer at the reputation of the Secretary of State, when his intention was the farthest possible from such a thing. In his judgment, the pledge of the reputation of the Massachusetts Senator would have outweighed all the jewelled diadems of Europe's proudest princes.

Inasmuch as the Government organ, in a strain more elevated and dignified than usual, had taken notice of his remarks, he would beg leave to read a passage from the Faneuil Hall speech to which he referred:

"The subject of the currency, gentlemen, has been the study of my life. Thirty years ago, a little before my entrance into the councils of the Government, the questions connected with a mixed currency, involving the proper relation of paper to specie, and the proper means of restricting an excessive issue of paper, came to be discussed by the most acute and well-disciplined understandings in England, in Parliament. At that time, during the suspension of specie payments by the banks, when paper was 15 per cent. below par, Mr. Vansittart had presented his celebrated resolution declaring that a bank note was still worth the value expressed on its face; that the bank note had not depreciated, but that the price of bullion had risen. Lord Liverpool and Lord Castlereagh espoused this view, as we know; and it was opposed by the close reasoning of Huskisson, the powerful logic of Horner, and the practical common sense of Alexander Baring (now Lord Ashburton.) [Applause.] The study of those debates made me a bullionist.

"They convinced me that paper could not circulate safely in any country, any longer than it was immediately redeemable at the place of its issue. Coming into Congress the very next year, or the next but one after, and finding the finances of the country in a most deplorable condition, I then, and ever after, bestowed myself, in preference to all other public topics, to the consideration of the questions relating to them. I believe I have read everything of value that has been published since on those questions, on either side of the Atlantic. I have studied, by close observation, the laws of paper currency as they have exhibited themselves in this and other countries, from 1811 down to the present time. I have expressed my opinions at various times in Congress; and some of the predictions which I have made have not been altogether falsified by subsequent events. I must, therefore, be permitted, gentlemen, without yielding to any flippant paragraph of a newspaper, or to the hasty ebullitions of debate in a public assembly, to say that I believe the plan for an exchequer, as presented to Congress at its last session, is the *best* measure—the *only* measure for the adoption of Congress, and the trial of the people. I am ready to stake my reputation, that if this Whig Congress will take that measure, and give it a fair trial, within three years it will be admitted by the whole American people to be the most beneficial measure of any sort ever adopted in this country, *the Constitution only excepted.*" [Cheers.]

There were cheers (said Mr. M.) at that remark. But the Secretary of State goes on:

"I mean, that they should take it as it was when it came from the Cabinet; not as it looked when the committee of Congress had laid their hands upon it." [Laughter.]

And (said Mr. M.) *marked it*, according to the gentleman from New York [Mr. GRANGER.] [A laugh.]

"For when the committee of Congress had struck out the proviso respecting exchange, it was not worth a rush—it was not worth the parchment it would be engrossed on. The great desire of this country is a general currency, a facility of exchange; a currency which shall be the same for you, and for the people of Alabama and Louisiana; and a system of exchange which shall equalize credit between them and you, with the rapidity and facility with which steam conveys men and mer-

handise. This is what the country wants—what you want, and you have not got it."

Now, here was as full an endorsement as could have been given to any plan in any language. So careful was he in recommending the plan, that the Secretary took great pains to satisfy all how he became competent to decide; therefore, he mounted up to the sources of his information; and, in order to make his recommendation still more emphatic, he threw around it all the sanction of his name, and all the dignity of his knowledge and character. Consider, then, that this exchequer scheme was thus put forth as a great sanitive measure, and the best that could be adopted—the Constitution only excepted; it did become every man who had—as he said—known and had faith in Mr. Webster, to examine closely into a proposition coming to us with all these sanctions.

He did not know who was the writer of the newspaper article to which he referred, nor whether it was in order to refer to such articles in debate. But it had been done; and perhaps the peculiar style of this article would excuse it in the present instance. He did not know, as he said, who wrote the article; yet it was very much like something which he heard in a certain speech delivered on the floor of the House yesterday, (looking towards Mr. CUSHING.) Mr. M. then read a passage from the Madisonian, charging him with having shunned the true issue involved in the exchequer, and with having argued upon incorrect premises, &c.

When he asked the gentleman from Massachusetts [Mr. CUSHING] yesterday what he considered a bank to be, he refused to give any definition whatever, but said he was arguing negatively—a phrase which he confessed, in that connexion and in that application, did not define the gentleman's meaning with sufficient precision to make it intelligible to him. He had quoted heretofore on that floor, when the question of a Government bank was the very subject under consideration, some remarks of Mr. Webster, in which he denounced a Government bank as the very worst of all possible human inventions; yet Mr. Webster now offered them the same thing, declaring it to be the best contrivance which the wit of man had ever devised for this country, save and except only the Constitution of the United States. If this could be proved to be a Government bank, then Mr. Webster stood convicted of having, when in power, offered for this country the very worst experiment which foreign nations had ever tried. Now the gentleman from Massachusetts defined a bank to be a joint-stock company of private individuals, dealing in money and exchanges for profit; and if this were true, there could be no such thing as a Government bank.

Mr. CUSHING. I did not give any definition of my own of a bank. I did say that, in the popular acceptation of the term, a bank was a joint-stock company of individuals, doing business for profit.

Mr. MARSHALL said that he understood a bank to consist not so much in the persons who exercised the powers and faculties with which it was vested, as in the nature of its powers and faculties. A bank might be in the hands of individuals incorporated or not; or in the hands of a single individual, who issued his own notes; or it might be in the hands of the Government; and banks might have various faculties. The Bank of Amsterdam, for instance, was a bank of deposite, issuing certificates of deposite for the money received by it—which was counted by weight, and not by tale; while the certificates that were given to the depositors expressed the amount in weight, and not in the number and size of the worn and defaced pieces of gold and silver which made it up. It was simply a place of deposite; and yet it was called a bank. What was the institution proposed by the Executive? It was a moneyed institution. It was a bank of deposite, having ten millions of Government money placed under the control of its directors—for what? For paying the expenses of the Government? No. It was for the purpose of dealing with the affairs of individuals, for profit. He asked gentlemen, if there was a bank incorporated, with ten millions of capital, with power to receive deposites and deal in exchanges, whether it would be a bank or not.

He thought every one would say that it was a bank. Well, then, if this same thing, conducted by the officers of the Government, possessed the same powers and faculties, was it not also a bank? Mr. Webster had, at times, exercised an extraordinary influence over the minds of the people of this country on questions of this sort. He knew that there was a strong party in favor of this project in his own State; and, therefore, the opinions of Mr. Webster, in regard to a Government bank, were worthy of consideration at this time. In one of his speeches Mr. W. said (speaking of a Government bank) that it was an experiment that had never been tried in this country; but the experience of other countries in which it had been tried demonstrated that it was, of all human inventions, the very worst. That was the position in which Mr. Webster placed himself in regard to a bank of the United States.

After continuing his argument to prove that the exchequer plan of the President was the very identical Government bank which Mr. Webster so much denounced, Mr. M. went on, as he said, to speak of principles and of men. It had been the fashion to charge the Whig party as being led by a dictator, in opposition to the President, for the purpose of embarrassing him and his measures. He had quarrelled with the dictator, and was likely to come by the worst of it; but it was not that, that he quarrelled with him for. He quarrelled with him because he was unwilling to surrender his constitutional views at the foot of the throne; because he was unwilling to give up everything on the bank bill that it was worth. He knew nothing of any private matters between Mr. Webster and Mr. Clay. If Mr. Webster chose to consider Mr. Clay as his rival for the Presidency, that was no affair of his. If he lacked confidence in Mr. Clay, that was no ground of dispute with him, (Mr. M.) But if he had hated Henry Clay ever so badly, he would scorn to strike him through the Constitution of the United States. What! was Mr. Clay so invulnerable, that he was only to be got at by thrusting a dagger through the vitals of the Constitution; by trampling down all the long-settled and established opinions of his whole life? He would not pay any mortal man so high a compliment. If he could not floor him, without flooring the Constitution, he would let him alone. If he had time, he should like to enter somewhat into a discussion of the principles laid down by his colleague, [Mr. GARRETT DAVIS.] His colleague stated that Mr. Clay was the very incarnation of Whigery, or the impersonation of Whigery; and that he who was not with Mr. Clay was not and could not be a Whig.

Mr. GARRETT DAVIS. If my colleague will permit me, I will repeat what I said. It was, "that the man who sought to overthrow Henry Clay, was as much an opponent of the Whigery of the present day, as an opponent of General Washington would have been of the Whigery of 1776.

Mr. MARSHALL. Well, that was very much like it; but he would reserve to himself the discussion of that subject for a proper time and place; protesting, however, against what he might now say being construed as an expression, on his part, of hostility to, or an intention to oppose him, in case he should be the Whig candidate for the Presidency.

After some other observations, he said that he was speaking of the Secretary of State, the other day, when the gentleman from Indiana [Mr. PROFFIT] interrupted him right in the midst of a sentence. He said his mind was full of that great man at that time, and he was speaking of what should be or must be his fate. His (the Secretary of State's) position was a most unnatural one—a most unnatural one. Daniel Webster united with Mr. Tyler upon a question of State assent to be incorporated in a Government bank, was one of the funniest things that ever he heard of. [Laughter.] It was an unnatural position, and he (Mr. Webster) could not remain there. He had before said, and he said again, that Daniel Webster was a great man. People had called him cold. He (Mr. M.) did not think he was cold.. Some men had said that he was like Mont Blanc amongst the mountains; and that, if there was light around his brow, it was light without heat. The honorable gentleman proceeded to defend Mr. Webster against such assertions, and also against the remark of the gentleman from Kentucky [Mr. G. DAVIS]—that he had no genius; but that his mind was like a crucible, into which men's thoughts were thrown; and that then he could reproduce them in a new form; and he compared the attempts which had been made to extinguish Mr. Webster, to an attempt of schoolboys to extinguish mighty Vesuvius with a squirt.

Mr. GARRETT DAVIS entered into some explanations, that the House might clearly understand what he meant when he said that Mr. Clay was an impersonation of the Whig party.

Mr. PENDLETON moved an adjournment; but withdrew it, to permit various executive communications to be presented to the House.

Several resolutions were also presented and agreed to; and then

The House adjourned.

IN SENATE.

THURSDAY, January 26, 1843.

Mr. BAGBY of Alabama appeared in his seat today.

Mr. YOUNG presented a memorial from citizens of Henry county, Illinois, praying for the establishment of a mail-route from Peoria, by way of Mount Hawley and other towns, to Fulton city, in Whiteside county, in that State; which was referred to the Committee on the Post Office and Post Roads.

Mr. STURGEON presented a memorial from A. G. Allison and others, of the southwestern part of Pennsylvania, praying that the bankrupt law may be so amended as to make it, morally and politically, more acceptable to them, or that it may be repealed; and a memorial from citizens of the northern part of Pennsylvania, in favor of its immediate repeal: which memorials were referred to the Committee on the Judiciary.

Also, presented a memorial from Pittsburg, Pennsylvania, praying the adoption of the plan for a board of exchequer recommended by the Executive; which was ordered to lie on the table.

Memorials were presented by Mr. WILLIAMS, from inhabitants of Wiscasset, Maine; and by Mr. EVANS, from inhabitants of Augusta, Hallowell, Gardiner, Pittston, Belfast, Waldoborough, and Thomaston, Maine, engaged in commerce and navigation, representing that the mercantile navigation of the United States has suffered materially from the effects of the existing treaties, and the arrangements between the United States and Great Britain, the Hanseatic Republics, France, Holland, Denmark, Russia, and Sweden, respectively; and that those treaties and arrangements termed reciprocal have not proved reciprocal to the navigation of the United States; and asking that Congress would, so far as the treaties permitted, make regulations which would relieve them from the consequences resulting from these relations: referred to the Committee on Commerce.

Mr. ALLEN presented a memorial, signed by a number of citizens of Clark county, Ohio, in reference to the proposed change in the route of the Cumberland road through that State; which was referred to the Committee on Roads and Canals.

Also, presented a petition from Edward Dexter, of Providence, Rhode Island, praying indemnity for losses sustained prior to 1800 by the spoliations of the French; which was ordered to lie on the table.

Mr. TALLMADGE presented a memorial from citizens of the village of Dunkirk, New York, remonstrating against the repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

On motion by Mr. HUNTINGTON,

Resolved, That the Secretary of War be directed to communicate to the Senate a copy of a report made by an officer of the corps of topographical engineers, and on the files in the War Department, upon the subject of an iron pile light for Bartlett's reef, on Long Island Sound.

On motion by Mr. SMITH of Indiana,

Resolved, That the Committee on Private Land Claims be instructed to inquire into the expediency of providing, by law, for the satisfaction of the claim of Joseph Barrow, sen., of In-

diana, sole heir of Pierre Barrow, who was entitled to 400 acres of land under the acts of Congress of 29th August, 1788, and 3d March, 1791; and, also, into the expediency of satisfying the claim of the said Joseph Barrow, sen., to a military right for land located on White river, joining the land of Abraham King Kendall, confirmed by the Governor prior to 1806.

Mr. ARCHER, from the Committee on Foreign Affairs, reported back, without amendment, House bill entitled "An act for the relief of Edwin Bartlett, late consul of the United States at Lima;" and

House bill entitled "An act for the relief of the legal representatives of Daniel Brent, deceased, late consul of the United States at Paris;" and

House bill entitled "An act for the relief of Alexander H. Everett."

Mr. ARCHER, from the same committee, reported back, without amendment, and with a recommendation that it be indefinitely postponed, House bill entitled "An act for the relief of John A. Smith."

Mr. WILLIAMS, from the Committee on Naval Affairs, made adverse reports (which were ordered to be printed) on the bill for the relief of Charles G. Ridgely; and on the petition of Charles L. Williamson, for a pension for disability incurred in the service of the United States.

Mr. BAYARD, from the Committee on Naval Affairs, reported a bill to amend the act entitled "An act for the reorganization of the Navy Department of the United States;" which was read, and ordered to a second reading.

Mr. BERRIEN, from the Committee on the Judiciary, reported a bill for altering the time of holding the circuit court of the United States for the district of Connecticut; which was read, and ordered to a second reading.

Mr. GRAHAM, from the Committee on Claims reported back, without amendment, and with a recommendation that it do pass, the bill from the House for the relief of Allen Rogers.

Also, on his motion, the Committee on Claims was discharged from the further consideration of the petition of Scott Campbell, a half-breed Sioux Indian; and it was referred to the Committee on Indian Affairs.

Also, reported back from the same committee, without amendment, and with a recommendation that it be indefinitely postponed, House bill for the relief of the legal representatives of Francis Pellicer.

Also, on his motion, the Committee on Claims was discharged from the further consideration of House bill for the relief of Garret Vleit; and it was referred to the Committee on Public Lands.

The bill to indemnify Major General Andrew Jackson, for damages sustained in the discharge of his official duty, came up in its regular order; but was postponed till to-morrow, at the suggestion of Mr. LINN, who believed that it would be still further discussed, and might interfere with the bill then pending as the unfinished business.

The bill for the relief of Wm. Russell and others, was read the second time, taken up as in committee of the whole, considered, reported to the Senate, and ordered to be engrossed for a third reading.

The bill for the relief of the owners and crew of the schooner Twin, was taken up as in committee of the whole, considered, reported to the Senate, and ordered to be engrossed for a third reading.

The following bills from the House, which had been reported adversely upon by the Committee on Commerce, were taken up as in committee of the whole; and, on the motion of Mr. HUNTINGTON, indefinitely postponed, viz:

The bill for the relief of the owners and crew of the schooner Martha.

The bill for the relief of Samuel Billings, owner of the fishing schooner Lurana.

The bill for the relief of the owners, master, and crew, of the schooner Martha, of Eastport, in the State of Maine.

The bill for the relief of the owners, master, and crew, of the schooner Joanna, of Ellsworth, Maine.

The following bills from the House were read the third time and passed, viz:

The bill for the relief of John P. Skinner, and the legal representatives of Isaac Green; and

The bill entitled "An act for the payment of seven companies of Georgia militia, for services rendered in the years 1840 and 1841."

The bill from the House, for the relief of the West Feliciana Railroad Company, and of the Grand Gulf Railroad and Banking Company, was taken up, as in committee of the whole, on amendments proposed by the Committee on Finance.

[This bill proposes to relieve those companies from the payment of duties on certain railroad iron, which was lost on its way from New York to the place of its destination; which iron would not have been dutiable, if it had been actually laid down on the roads within three years from the time at which it was imported.]

The amendments of the committee having been agreed to, the bill was then debated by Mr. KING in opposition to its passage, and by Mr. EVANS and Mr. WALKER in favor of its passage; and there being no further proposition to amend, it was reported to the Senate; and the amendments were ordered to be engrossed, and the bill to be read a third time.

THE OREGON TERRITORY.

The unfinished debate from yesterday, on the question of passing the Oregon bill, was resumed.

Mr. LINN addressed the Senate for two hours, in reply to the objections made against the bill.

With the exception of the two Senators from South Carolina, the Senators who had taken ground of opposition confined their objections to one provision of the bill—that providing a grant of lands to settlers.

One of the Senators from South Carolina [Mr. CALHOUN] objected not only to that provision, but to other provisions, and in general to the expediency and policy of any action on the subject at present. The other Senator from South Carolina, [Mr. McDUFFIE,] who spoke yesterday, took wider ground, and objected to the bill in every particular. If his views were well-founded, we never should have anything to do with the territory.

In answering the objections of the last Senator, [Mr. McDUFFIE,] he would meet all that had been made from every quarter.

It was, however, matter of gratification to him that so many Senators had concurred in the propriety, policy, and expediency of the general objects of the bill, and that their objections were confined to a single provision.

If he understood the Senator from South Carolina [Mr. McDUFFIE] correctly, he conceived that Senator imputed to him a violation of the maxims of sound policy, by precipitating this measure without due consideration. If the Senator would but look to the records of Congress for the last twenty years, he would find that such an imputation was groundless. A bill of similar nature, and with the same objects in view, was urged upon Congress with great ability by Dr. Floyd, in 1821. Mr. Monroe, in his last annual message, and Mr. Adams, while President of the United States, recommended, in forcible terms, the attention of Congress to be given to the subject. In 1828, Congress did take it up; and a bill for the occupation of the territory was discussed at great length in both Houses. It failed in the Senate by a bare majority of two votes. It had been repeatedly before Congress since, and almost continuously since 1838–'39. There was nothing precipitate in all this, and certainly no want of due consideration. For his own part, he had always acted with studied delicacy in the matter. When it was urged upon him that while so many difficulties were to be adjusted with Great Britain, it was inexpedient to take any decided step in relation to a minor point, he refrained from pressing the subject to a final vote. Now, the main difficulties with England were adjusted; and there were none left pending but the minor ones, of which he considered this the most important. So far, then, from being chargeable with having chosen an inauspicious and inexpedient time for urging this measure, he thought he had selected the most appropriate, and he would say, critically appropriate, period, for taking a necessary, and almost indispensable step.

He understood the Senator's objections to the bill to be three fold. First, he objects that the bill would, in its main provisions, be an infraction of the treaty of 1818, renewed in 1827; secondly, that, if carried out, it would involve our Government in the expenses of an armed military occupation of the territory; and, thirdly, that the territory is a useless acquisition, likely to prove, not only an incumbrance, but a disadvantageous one, by inciting our population to dispersion, instead of that concentration which he considers essential to the highest state of civilization.

Mr. L. here took these points in succession, and entered upon their refutation with elaborate arguments, fortified by documentary evidence.

First, he considered the arguments of the Senators who had taken ground that the bill would be an infraction of the treaty, and examined critically that branch of the subject, concluding with a reference to the proposition made to Mr. Gallatin, in 1826, by the British ministry, when they wanted an additional stipulation in the renewal of the treaty of 1818, for the right of joint occupancy; which Mr. Gallatin refused to concede, and upon the very ground that justified this bill; and showed it was not an infraction of the treaty, and that England had put it out of her power so to regard it, by the very application which she had made, and which she was refused by our negotiator. Mr. L., having disposed of this objection, proceeded to the next.

The second objection related to the expense or the proposed measure. In the outset, the Senator from South Carolina [Mr. McDUFFIE] had made y mistake in supposing the appropriation required bf this bill would amount to $200,000. It only called for half that amount. This, in ten years, (if obliged to be continued so long,) would amount to but $1,000,000, instead of $10,000,000, as the Senator argued. But had not the Senator entirely overlooked the numerous losses which this country had suffered for the last thirty years, through its commerce and its industry, by being gradually supplanted in that region by British trading companies? At one time we had a trade, in furs alone, worth half a million of dollars annually; and, through the supineness of our Government, it had been allowed to dwindle down to $2,000. Did we not, then, incur incalculably greater loss by neglect, than the annual expenditure now proposed? In the next ten years, would not the increased advantages to our commerce in the Pacific, the facilities afforded by the security of our harbors in the territory to our marine service, and all the other advantages of insuring a thriving population on the border of the Pacific, be infinitely more than the sum of one million, even if the occupation by military posts costs so much? Now, with regard to distance, inconvenience, and expense, he asked Senators only to draw a parallel between this measure and that of the establishment of the African squadron, which was to place the recaptured negroes in the colony of Liberia. He showed that this squadron was the twelfth part of the navy of the United States—to wit, 80 guns out of 940; and that the whole cost of the navy for 1843 was about $7,000,000—the twelfth part of which was near $600,000; and this was the annual cost of the African squadron, while only $100,000 was proposed for the Columbia settlement. The African squadron was to be kept up five years, at near $600,000 per annum, besides loss of lives and ships on the African coast. This was near $3,000,000; yet no objection to that! Mr. L. commented on this strange preference given to an African over an American object, and insisted that, while millions could be lavished on the African squadron, no objection should be made to $100,000 for saving the Columbia from foreign dominion.

As to the third objection—that of the country being composed of rocky mountains, regions either covered with volcanic remains or arid sands, with only a small portion of arable land, and that subject to alternate droughts and inundations of rain—he (Mr. L.) should say that the Senator [Mr. McDUFFIE] who entertained these opinions must certainly be unacquainted with the vast amount of documentary evidence gained from eyewitnesses, whose testimony does not admit of a question of doubt, and all which concur in proving that, in the

Oregon Territory, there are extensive valleys not inferior to our Western valleys in size, unrivalled in fertility, and blessed with a salubrity of climate scarcely equalled by that of any State in this Union. Mr. L. here read a vast accumulation of documentary evidence in proof of this position.

Having met all these arguments in detail, Mr. L. proceeded with general arguments in support of the policy and expediency of the bill; he demanded why the British wanted it, if it was so worthless; animadverted upon the inconsistency of treating the territory as not worth having, and, at the same time, dreading a war from Great Britain, if we touched it; and concluded with an exhortation to Senators, before they decided upon voting against it, to consider well the effect which a rejection of this essential step would have—not only disappointing and discouraging our own citizens, but giving countenance to the pretensions of, and leaving open and undisputed to, a rival power, every sort of encroachment upon our national rights.

The foregoing is given as a mere sketch of Mr. L.'s arguments in substance. His speech in full will convey them more correctly, and furnish all the documentary evidence referred to.

Mr. BERRIEN next obtained the floor; and, on his motion,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, January 26, 1843.

Mr. REDING presented the petition of Mrs. Caroline Ladd, of Bradford, Vermont, for a pension: referred to the Committee on Invalid Pensions.

Mr. J. L. WILLIAMS presented the memorial of David Taylor, G. F. Norris, and J. K. Rogers, Cherokee claimants under the treaty of 1835–6, praying the adoption of such speedy measures as shall render effectual the 17th article of said treaty.

Mr. ATHERTON, under the rule, presented the memorial of John Haven and others, inhabitants of Portsmouth, New Hampshire, praying for such measures as shall give to the navigation of the United States such terms of just reciprocity as shall most conduce to the public welfare.

Mr. H. DODGE presented the memorial of David Irwin and others, asking Congress that an act may be passed confirming certain entries to lands; and that patents may be issued for the same, in accordance with the prayer of the memorial.

Mr. WELLER presented the memorial of sundry citizens of Preble county, Ohio, praying an appropriation to the Cumberland road, and remonstrating against any change whatever in the present location through that county: referred to the Committee on Roads and Canals.

Mr. RODNEY presented the resolutions of the Legislature of the State of Delaware, on the subject of the conflicting claims to the Peapatch Island in the Delaware, and calling on the Government to retrocede it to said State; pledging the faith of the Legislature to restore it to the United States when the title shall have been quieted by the Supreme Court: referred to the Committee on the Judiciary, and ordered to be printed.

Mr. CAVE JOHNSON, on leave, submitted the following resolution; which was considered and adopted:

Resolved, That the Secretary of the Navy inform this House the amount of money paid to the officers of the scientific corps engaged in the exploring expedition, and to the navy officers engaged in the coast survey, since the 3d day of March, 1839; distinguishing between the amount paid them as their regular annual compensation, and moneys, paid them for extra or any services other than their regular compensation.

Mr. KEIM, from the Committee on Military Affairs, by the general consent of the House, reported a bill for the relief of Daniel Homans; which was twice read, and referred.

Mr. MEDILL presented a memorial from a company of gentlemen, citizens of Ohio, showing the fearful extension of British commerce, settlements, arms, and influence over the territories of the United States west of the Rocky Mountains, encouraged by the late movements of the Hudson Bay Company for the occupation of the Russian possessions and California, under the probable advice of the British Government, and the movements of that Government for the possession of the Musquito coast and the Sandwich Islands—alleging that their apprehensions for the early and peaceable establishment of our rights have been greatly increased by the late treaty with Great Britain, and the almost simultaneous breaking up of the American Fur Company. Great Britain having obtained thereby one hundred and twenty miles of valuable frontier southwest of the St. Francis river, which she agreed to relinquish by the arbitration of 1832; and all intercourse between the Americans and Indians having been cut off: expressing their doubts of the propriety of employing a sufficient military force to maintain possession of the country, under the present depressed condition of the treasury; and praying a grant of land to themselves and associates, not exceeding 20,000 square miles, under such regulations as Congress shall see proper to prescribe, on condition of their immediate removal, settlement upon, and defence of the same.

On motion by Mr. MEDILL, the memorial was referred to the Committee on Military Affairs.

Mr. BRONSON presented the petition of sundry merchants, shipmasters, and others, of Augusta and Hallowell, Maine, praying for a revision of our navigation laws, so as to place our tonnage on an equal footing with that of foreign nations; which, on motion by Mr. KENNEDY of Maryland, was referred to the Committee of the Whole on the state of the Union; and the bill on that subject, heretofore reported by the Committee on Commerce, was made the special order of the day for the first Tuesday in February next.

Mr. COWEN, from the Committee of Claims, asked leave to make an adverse report on the case of General Joseph M. Hernandez. Mr. C. said that there was a minority report on this subject, and he moved that both reports be printed, and laid on the table.

Mr. TOMLINSON, from the minority of the same committee, said that the minority had reported, by bill, in favor of the claimant, and he moved to have the bill read.

The SPEAKER said that the minority could not report a bill.

Mr. COWEN suggested that the gentleman could get at his object by moving to refer the subject to the Committee of the Whole. The majority of the committee were desirous of bringing the whole subject before the House.

The SPEAKER suggested to the gentleman from Ohio, that, by reporting the bill of the minority, it would not make the majority of the committee responsible for it; and in this way the subject could be best brought before the Committee of the Whole.

Mr. COWEN acquiesced in that course; and the bill was read twice, and referred to the Committee of the Whole; and the reports were ordered to be printed.

Mr. GIDDINGS, from the Committee of Claims, reported a bill for the relief of John Hodgkin; which was read twice, and referred to the Committee of the Whole.

Mr. KENNEDY of Maryland, from the Committee on Commerce, reported a bill making provision for the warehousing of imported goods, accompanied by a detailed report on the subject. The bill was twice read, and referred to the Committee of the Whole on the state of the Union; and the report was ordered to be printed.

On motion by Mr. KENNEDY, five thousand extra copies of the report were also ordered to be printed.

Mr. POPE presented a memorial on the subject of the improvement of the Western rivers; which,

On motion by Mr. STEENROD, was referred to the Committee of the Whole on the state of the Union.

Mr. WISE presented four memorials from the northwestern part of New York, praying for the passage of the exchequer bill.

PLAN OF AN EXCHEQUER.

The House resumed, as the special order, the adverse report of the Committee of Ways and Means on the subject of the exchequer—the question being on the motion of Mr. CUSHING to amend the resolution concluding that report, by striking out the word "*not*."

Mr. PENDLETON, who had the floor, observed, that some days since the gentleman from Massachusetts informed the House that, of the number of petitions presented on the subject of the exchequer, the one from the city of Cincinnati alone contained 5,000 signatures. He presumed that he had received all the petitions that came from his section of the country—some of which were in favor of the President's plan, and some in favor of the congressional plan. The advocates of the latter, however, in comparison with the former, were exceedingly few. The gentleman who brought these petitions to the city, and delivered them to him, informed him that they contained but 1,200 names. Be this as it might, among those names he recognised many of his personal friends of both political parties, whose wishes and opinions were entitled to receive from him the most respectful consideration. Shortly about to retire from public life, to renew his associations with these very petitioners, he might be permitted to say, without giving offence, that that association would be more agreeable to his tastes and habits than anything he could find here. He felt most anxious to think with them, and reconcile his vote in accordance with their feelings and wishes to the paramount duty which he owed to his country. Before he could give such vote, he found it necessary to examine the report of the Committee of Ways and Means. He approached that argument with every disposition to be able to draw a different conclusion from it. He had examined it with the utmost care, and he now frankly confessed that, with all the scrutiny he had been able to give it, with a predisposition against it, yet he could find no part of it with which he could conscientiously differ.

After some other observations, he turned to the report of the Committee of Ways and Means, and enumerated the plans of finance and currency in that document set forth, to which he added others; thus placing in opposition the sub-treasury, the United States bank, the Executive exchequer plan, the projet of the Select Committee, and the State bank system. Of the State bank system, he said, there were none now to contend for it; and yet it was a system which President Jackson, in his annual messages, said had been ascertained and proved to be the best and most valuable, and entirely successful. He read extracts from four of President Jackson's messages on the subject. But, after all, that system failed; and now no one was found its advocate. He then traced the history of the sub-treasury, of which some future committee would say there was none willing to be its friend: the people had denounced it by larger majorities than they have ever before rejected any public measure; and that being disposed of, he would look at the Executive's plan of an exchequer, and compare it with the condemned sub-treasury. The sub-treasury provided simply a fiscal agent for the collection, safekeeping, transfer, and disbursement of the public revenue; the exchequer proposed to do the same thing, and substantially in the same way. But, in addition to this, the exchequer proposed to furnish and secure a national currency. They had been told that there was too much bank capital in the country; but he contended that capital was wanted to develope their resources and carry their produce to market. He illustrated, at some length, the mode of doing business with bills of exchange.

He then went into a comparison of the sub-treasury and the exchequer. The one provided that all the dues of the Government should be paid in specie. The other provided that they should be paid, first, in specie; second, in certificates of deposite; third, in treasury notes; and, fourth, in the notes of specie-paying banks. Now, what was the difference between the two? In the matter of specie payment, they were the same. The second mode of payment, according to the exchequer, was by certificates of deposite, representing bullion or gold and silver. This was, in fact, the same thing as paying in specie. But certificates of debt were to be given to the public creditors; and these were to be received in payment of public dues. This, then, was but a substitute for coin. He moreover

opposed the principle of giving certificates to creditors of the Government, as a measure only resorted to by spendthrift governments. The third mode of payment was in treasury notes; but did the exchequer bill provide for an issue of treasury notes? Certainly not; although it made them receivable. The fourth mode was in the notes of specie-paying banks. This would do no good, because it would compel the specie to be locked up in the vaults of the banks. Hence he argued that the scheme would not tend to increase the currency of the country, and was but a complex piece of machinery. He also argued against the provision by which certificates of deposite were to be given to those who might deposite specie at any point. Such deposites, he contended, would, whenever they were of any advantage, cost more than it would to transport specie from place to place.

In relation to the provision requiring the assent of the States to the establishment of branches within their several limits, he urged that the question of the currency entered into the elections all over the country; and the consequence would be, that branches would be permitted in the States, according as this or that party obtained the ascendency. He agreed with the gentleman from Kentucky, [Mr. MARSHALL,] that we should not depend upon State legislation in determining upon a plan of finance. In mere matters of expediency, he would be as willing to yield as any man; but he could not, on a question like this, surrender any great power vested in Congress by the Federal Constitution.

After urging, as a further objection to the bill, that it would furnish two kinds of currency—gold and silver, and a national paper currency—Mr. P. was cut off by the expiration of his hour.

Mr. WISE next obtained the floor, and said that he should not now speak, but for his limit of time, in which he could not compress what he had to say on the subject. He should, however, avail himself of the opportunity, to throw off some of the preliminary matter, before the House should resolve itself into Committee of the Whole, when he should again speak. If the question had to be decided to-day, (as had been intimated by the chairman of the Committee of Ways and Means,) he wished, before sundown, to reply to all that there was of argument in the speech of the gentleman from Kentucky, yesterday. That gentleman had devoted his time, on three several occasions when he had addressed the House, to the Secretary of State, and the views of that functionary upon matters of finance. As this regular set-to on the Secretary of State involved important principles, he should endeavor to discuss those parts of the gentleman's speech in which he had sought to convict the Secretary (whom he called his master) of inconsistency. The gentleman seemed to think that the Secretary of State had, for the first time, advanced a great principle, on which he (Mr. M.) had dwelt in his speech. He would say to the gentleman, that Mr. Webster had not advanced the principle for the first time—not the first by a hundred; for it was first advanced by Alexander Hamilton, and afterwards by the gentleman's own illustrious uncle—John Marshall. This great principle was discussed in the first meeting of the cabinet of General Washington; and the issue was made between Jefferson and Hamilton, whether the Federal Government was sovereign to the full extent of its Federal powers; whether, if the Federal Government possessed a power, it possessed it independently and separately. It was then contended that State assent could not give a power which before was not possessed; as a State dissent could not take away a power which was possessed. It was then not only conceded by Jefferson, but admitted by all, (for the question was whether the power had been granted or not,) that whatever power was granted and did exist, was paramount and all-pervading. This was conceded. If, then, the power of incorporation had been given, it was held that such power was co-extensive with the limits of the Union, and bounded only by its jurisdiction and territory. Thus, then, it became an axiom, that, as the State assent could not give, so, also, the State dissent could not take away, a power, except by an amendment of the Constitution, made in the prescribed form.

The gentleman from Kentucky having taken pains to insist three several times that the Secretary of State first advanced this ground—that the power of incorporation would extend over the Union—and then, assuming that a Government bank was the worst of all institutions, having gone on to prove that the exchequer was a Government bank, he (Mr. W.) proposed to discuss that question. Is the exchequer a Government bank?

In the first place, it was not a definite idea to talk of the exchequer, because, as his friend from Massachusetts [Mr. CUSHING] had said, the idea was capable of various modifications. There were two plans before the House—the plan of the Secretary of the Treasury, and the plan of the Select Committee; one containing the provision which required State assent, whilst the other did not. There was a third plan—that of the Senate. Thus, then, the exchequer was subject to as many modifications as a national bank or a sub-treasury. When he spoke of an exchequer, he spoke of the idea as embodied in the resolution of the gentleman from New Hampshire, [Mr. ATHERTON,] which was, in the first place, that it should be without any act of incorporation; second, that it should separate the Government from individuals—public funds from private; and especially that there should be an exercise of the constitutional custody and control of Congress over the public money, independent of the Executive; not stripping the Executive of any power given by the Constitution, but defining, limiting, regulating, controlling, and directing it. This was his idea of the exchequer, and the gentleman from Kentucky insisted that it was a Government bank.

He (Mr. W.) would discuss this question. In the first place, he would say, that the gentleman had taken great pains to reply to an article in the Madisonian, in which the word *precise* had occurred several times. He thought the gentleman had taken care not to be very precise himself. He wished to show that the gentleman's definition of a Government bank would not bear the test of examination. When the gentleman said that the *nature*, and not the *name*, constituted an institution, he was very true.

The gentleman said, first, that it was a moneyed institution; second, that it dealt in money for profit. Mark the second proposition—that it dealt in money for profit. He wished that the gentleman was in his seat, that he might ask him who he presumed concurred in this report of the Committee of Ways and Means? What was the very power of the Government, which was now in question before the House and the country? He would take the power as it was defined by the Committee of Ways and Means. "The country," said the Committee of Ways and Means, "has been agitated for many years on the all-absorbing questions of finance and currency. The power of finance involves the inquiry into the best mode of collecting, keeping, and disbursing the public revenue"—that is, the public money—"and that of the currency into the best mode of creating a circulating medium"—that is, the circulating money of the country. That, said Mr. W. is a definition in which I concur.

The very power of the Government which was now in question, was the power of finance, which first involved the subject of collecting, keeping, and disbursing the public money; and the other power involved in this question, was the power of currency, which included the power of regulating and controlling money for Government purposes. Then, if this power of the Government was exercised at all, it must be in the form of some institution of law, which, first, was a moneyed institution, and, secondly, dealt in money for profit. He wished to be distinctly understood in this argument—from which he defied the gentleman to escape—that, whether it be an institution of law by act of corporation, or by organization, such as the Bank of the United States, and the Treasury Department—if it exercised the above powers, it must be an institution of law, in whatever form created, which is a moneyed institution dealing in money for profit.

The present treasury system was a bank under that definition.

The act of 1789, which organized the Treasury Department, and made the Treasurer of the United States the keeper of the public moneys—which created the receivers and disbursing agents officers of the Government—was an institution of law, not by act of incorporation, but by organization. There was a moneyed institution; and, secondly, it was an institution which dealt in money for the sake of profit. Was it not notorious that, under every administration of the Government, from General Washington's to this day, under every Secretary of the Treasury, and in every month and week, the Government had bought and sold bills of exchange for the transfer of the public money, and as often getting a premium as paying it? Moreover, the Secretary of State, for paying foreign ambassadors, and the Secretary of the Navy, for paying the officers of the navy abroad on foreign service, had to buy bills of exchange. Mr. Woodbury himself, the great advocate of the independent treasury, had done it. But this was a very minute view of the scope of profit and loss in which the Treasury had been engaged. He begged leave to call the gentleman's attention to a much broader system of profit and loss, in which the Treasury dealt under the act of 1789. Why, the whole book of profit and loss was before them in the case before the House. How should the public money be best collected and kept? Why, there was profit in the idea of preventing loss. How should the Government collect its dues in the most valuable funds? There was positively the idea of gain. How should it be kept in the safest manner? How disburse it in the most profitable way? Why, in disbursing, the Government would avail itself of that system which paid no discount, but made a profit. Not only the act of 1789, but the Treasury itself, according to that definition, was a bank—a moneyed institution, dealing in money for profit. The collectors, receivers, and especially one body of officers created at the last session of Congress, constituted a bank, if this idea was correct. To show how utterly fallacious was this definition of a bank, he would ask what the gentleman would make of the commissioner of loans sent to obtain a loan at a premium if he could get it, or at the lowest discount? Did not the gentleman see that this definition of a bank would not bear the test? He defied the gentleman to create or define, in fancy or in fact, an institution which should have the power of finance and the power of the currency—the power of disbursing and the power of creating a currency—without having the nature of a bank. This was reducing the gentleman's argument at once to the *argumentum ad absurdum*. What, then, was the distinction?

The gentleman had very truly said that a bank might be incorporated, or not; one of deposite or of issue, or not; of loan and discount, or not; that it might be a sole, or joint, &c., &c. Now he would ask the gentleman if every private individual was a banker, who, merely for the ordinary transactions of life, borrowed money, or lent money, or who took a discount, or shaved or exacted a premium when he sold a bill of exchange? Certainly not; and yet the same individual who did all these things, neither more nor less, under a different aspect, without an act of incorporation, or with it, was called a banker; and why? Because the name of banker depended not only upon the nature of his business, but upon his profession; and if he (Mr. W.) had time, he could produce an abundance of authorities to prove the truth of the position. I may (said Mr. W.) lend my friend from Indiana a thousand dollars, and may sell him a bill of exchange, and I may not be a banker. Though I may issue to him a bill of credit; though I may discount his note; though I may exact a premium from him; and even though I may perform one of the modern functions of a bank—defraud him,—yet all that will not constitute me a banker. But in a land where unlicensed banking is tolerated—as it was in Virginia, till it was suppressed and punished by law—if I set up my sign as a banker and broker, profess to deal in the business of banking, discount, and deposits—to deal in money for profit; then not only the nature of my business, but my profession constitutes me a banker. As long as I am a private individual,

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not held to the common law usages, which are binding on bankers and nobody else—as long as I do not profess myself to be a banker, all the courts of justice in the world will not treat me as such; will not exact the common customs of a bank, (the three days of grace, for example,) and will not allow me the privileges of one. So it was (Mr. W. went on to say) with the Government. The Government had to deal with all—the poorest, as well as the richest. It was no banker; but still, as a private individual must do, it had to collect money to pay its debts, to keep money, and disburse money. So long as it was exercising the powers vested in it by the Constitution over the finances and the currency, it was no bank; but the moment it stepped beyond the power of the Constitution—beyond the power of the currency, the power to lay and collect taxes, the power to create a circulating medium in such form that the collections and disbursements of the Government might be safely made,—the moment it transcended that power, collaterally or directly, incidentally or positively, and performed the business of discount and exchange, dealing in money for the sake of profit alone,—then, and not till then, it was a bank. The proposition, then, with which he met the argument of the gentleman from Kentucky, was, that the mere custody and control of the public money would not constitute a bank. If it did, then the gentleman could not escape. Would he maintain the proposition that they were obliged to create a joint-stock company, or obliged to create a bank? One or the other: let the gentleman take that position. Yes, let him take that position, that there must either be an incorporation of private individuals, which would not be a Government bank, or an institution of the Government; and what did he arrive at then? And what was the difference between a Government bank and a national bank, in common parlance? A Government bank was for the purpose of the collection, safekeeping, transfer, and disbursement of the public money for public purposes, and to regulate the circulating medium, so as to make taxes uniform, and both the people and the Government safe. And what was the difference between such a bank and a national bank? The first difference was a constitutional difference. The next was, that the Government bank was for Government purposes alone; but a national bank was not only for national purposes, but for individual profit. A national bank was not necessarily connected with the collection, safekeeping, transfer, and disbursement of the public moneys; nor was it necessarily connected with the circulating medium. But further—and this was an important difference, to which he wished to call the attention of the gentleman from Kentucky, [Mr. MARSHALL,] and those gentlemen who objected to the assent and dissent principle—the national bank project would delegate the great power over the finances and the currency to a company consisting of a president and nine directors. If, then, they created a national bank, they yielded the sovereign power and the control of the institution, which would wield the great government power over the currency and the finances to a board of directors, which stood as 6 to 3 against the Government. It was not left to the courtesy of the States to assent to the exchequer or not, for six directors would possess sovereign power—six directors of individual stockholders. What became, then, of the argument of the gentleman from Kentucky? [Mr. MARSHALL] But when the exchequer was established, or the odious and denounced sub treasury was restored, all would admit that it was a Government power—that it was the power of the Constitution exercised according to the legislative will. If, however, gentlemen would object to the principle of assent and dissent on the part of the States, they ought by all means to object to the creation of a national bank; for the reason that it would give to six individuals, and not to sovereign States, that were a part of the federal compact, the great power of assent or dissent. And it was not only a one-third power, but there was a perpetuity of power, unrepealable for the duration of the charter of the national bank. That was a fourth difference between a Government bank and a national bank. A Government bank was always under the command of the Government, and subject to the will of the people; but a national bank embraced in its first idea an act of incorporation, which contained in it the sound doctrine of vested rights, which made it intact for the time of its creation, however objectionable it might be.

He next proceeded to defend the Secretary of State, who (he said) did not, for the first time, at Faneuil Hall, avow his renunciation of a bank of the United States. He was understood to assume that Mr. Webster made such a declaration in the Senate of the United States in 1836 What, then, was the issue between the Secretary of State and the gentleman from Kentucky—the great master and the great pupil? The issue was this: If they could not create an incorporation of vested rights, delegating to a two-thirds directory the power over the finances and the currency, should they abandon the power and the custody entirely, and leave the public moneys unguarded, as at present? That was what was proposed by the chairman of the Committee of Ways and Means in his report, which would leave everything to executive discretion and executive power. And the gentleman from Kentucky would have no Government bank, for he would rather have the present system, which, according to his argument, was itself a Government bank; so that he was in a position that was a little more unnatural than the one in which he said the Secretary of State was placed.

The honorable gentleman continued to comment on the remarks of the gentleman from Kentucky [Mr. MARSHALL] until the expiration of his hour brought him to a conclusion.

Mr. ATHERTON next addressed the House. He deemed it proper that he should reply to some of the positions in the report of the majority of the Committee of Ways and Means, from which he dissented; although, so far as their resolution was concerned, it had his decided approval. It appeared, from the general course of the debate, that the majority of the Whig party objected to a Government bank, whilst the other portion objected to a United States bank. The whole tenor of the report of the committee indicated a preference for the independent treasury over any other system, except a bank of the United States. From the remarks of the gentleman from Massachusetts, he should infer that that gentleman preferred the independent treasury to any system, except a Government bank. Now, he thought these several divisions of the Whig party were correct in their objections—one to a Government bank, and the other to a United States bank.

Mr. WISE wished to know if the gentleman understood him (Mr. W.) as having advocated a Government bank.

Mr. ATHERTON said he did understand the gentleman as having advocated what he (Mr. A.) considered a Government bank.

These objections to a Government bank, which were urged by a majority of the Committee of Ways and Means, would, he was of the opinion, apply with equal force to a United States bank. What were they? He referred to the 12th page of the committee's report, where the objection was raised that it would give an undue control over the State banks. The report said: "It is true that, by the exchequer plan, the bills of specie-paying banks are receivable for public dues; but it must be borne in mind, that it is made the imperative duty of the agent receiving them to settle with the banks weekly; and this settlement can have no other object than to draw out the amount in specie. * * * * But, by the exchequer plan, large additions are invited for deposites and drafts sold; and all received for public dues and drafts sold goes into the hands of the exchequer agent, who has the power to favor a petted institution, by paying out its bills during the week, and to crush an obnoxious one, by demanding the specie on all its bills. This may be a most dangerous political power, which may be brought to bear with tremendous effect upon the various banks throughout the country, and is, in this respect, far more dangerous than the sub-treasury." Now, he asked, how would this danger be lessened by confiding these powers to the hands of an irresponsible money corporation? Would any of the evils be taken away, by placing those powers in the hands of a corporation governed by men whose object would be to subserve their own exclusive interest—men not selected by, and responsible to, the people—and who have no ambition to perform their trusts faithfully? He thought that it must be admitted the power thus spoken of by the committee would be equally dangerous in the hand of a moneyed corporation.

Again: on the 10th page of the report the committee said: "We have deplorable evidences of this, in the numerous defaulters to the Government, and the scarcely less numerous instances of bank officers, acting under the immediate eye of those interested, who have embezzled the funds which they were paid to guard." Here was an admission that bank officers were not to be trusted! Did not, he would ask, the fact apply with equal force to the officers of a bank created with Government? In the same page (10) the committee further said: "All these facts lead to but one conclusion, and that seems irresistible: which is, that the Government ought not to engage in banking, but that that should be left to private corporations or companies, which may be effectually restrained in their issues by penal laws, for the violation of which they may be made amenable to the courts. Certainly nothing short of this can prevent excessive issues, or insure prompt redemption; and even this has not always effected that object. Mr. Ricardo, an eminent writer on this subject, says: 'Experience, however, shows that neither a State nor a bank ever has had the unrestricted power of issuing paper money, without abusing that power. In all States, therefore, the issue of paper money ought to be under some check or control.' As you cannot check or control Congress on this subject, it would follow that we ought not to attempt to exercise this power." Now, what he would remark was, that this power was as liable to abuse in the hands of a corporation, as by the Government itself. It was, in fact, the interest of individuals owning corporations which ever prompted to over-issues.

In speaking of defalcations by officers and agents, the committee said: "This is the hazard with an honest agent. But suppose the exchequer agent dishonest. Suppose him a warm political partisan: might not these favors be dealt out to political friends, and denied to political enemies? Or suppose money is wanted to corrupt the fountains of the elective power, or carry some great political contest:—how easy would it be for a dishonest and pliant exchequer agent to buy the drafts of some irresponsible political friend, and thus pour out the national treasury for the basest of purposes!"

He asked, were the dangers here spoken of likely to be lessened by confiding the public money to an immense corporation? Did not the history of the late United States Bank show that the public money was constantly used for the furtherance of political purposes? Surely, if such an objection as has been here urged by the committee applied to the exchequer, it applied with much greater force to an irresponsible corporation. It had been well remarked by the gentleman from Massachusetts,

[Mr. WINTHROP,] who addressed the House on yesterday, that distrust was the prevailing sentiment of this report. It must be considered that this was a Government of limited powers, and the theory of which was to trust its agents with no more power than was absolutely necessary. It was essentially a Government of limited powers, and the people had reserved to themselves all which were not absolutely necessary to carry it on. What had the House heard from the gentleman from New York? [Mr. BARNARD.] Why, that there was a competency in the Constitution for the adoption of the exchequer, so far as it related to the safekeeping and disbursement of the public money, but not so as regards its provisions for depositing and for the regulation of commercial exchanges. There was also, according to the gentleman, a competency for the adoption of the sub-treasury. Now, if it was not competent for the Government to deal in exchanges—if the Constitution gave no such power, how could such a power be delegated to a corporation? Congress could not delegate what it did not possess. Therefore, the argument of the gentleman from New York [Mr. BARNARD] overthrew all argument which might be derived from the Constitution in favor of the power to establish a bank of the United States.

But it was formerly urged as a great objection to the subt-reasury, that it failed to exercise the power granted to Congress—of regulating the currency. What was a legal currency? Gold and silver were recognised by the Constitution as the legal currency of the country; and the resolution of 1816 also recognised it as such; although, at the same time, it provided that the notes of the United States Bank should be a legal tender. If Congress was bound to provide a currency, of course they must provide one which is legal; and nothing but gold and silver was recognised in the Constitution as such. The surest way of regulating exchanges, (if anything could be done incidentally by the Government for that purpose,) was by enacting a law providing for the entire collection and disbursement of the public revenues in gold and silver. But even if there were a power in the Government to regulate exchanges, its interference would, he imagined, be attended only with mischief. The Government, properly, had nothing to do with such matters. Exchanges should be regulated by the course of trade; and it would be as reasonable to contend that the Government should regulate the price or the freight of merchandise. Gentlemen had spoken of the watchful eye of self-interest to regulate the banks: why not leave exchanges to be regulated by it also? When gold and silver are the currency, the rate of exchange can never exceed the price of transportation. If a bank on one side of the street redeems its notes, whilst another on the opposite side does not, the difference between the notes of the two is as much the rate of exchange as if the two banks were in different sections of the country. Why should the Government any more undertake to regulate the price of exchange than the price of provisions? He illustrated this position by several examples, and concluded that any interference by the Government in such a matter would be vain and idle—would defeat its own ends—and, so far from being beneficial, would be disadvantageous, to commerce.

The Constitution, as he had said, fixed the standard of value—gold and silver only. All acknowledged it was desirable that more gold and silver should circulate in the community. [Mr. BARNARD shook his head.] As the gentleman had shaken his head, he would read a few extracts from what was said by a man who, he presumed, was very good authority with the gentleman. He read from the message of Governor John Davis to the Legislature of Massachusetts in 1834.

"There is doubtless a difference of opinion as to the causes which produce the great vacillations in the money market. At one time, the premium on capital falls below the legal rate of interest; at another, money can scarcely be had on any terms. There can, however, be little doubt that the small quantity of specie in circulation is one of the causes tending to produce these disastrous fluctuations. If a panic should seize the public, if distrust should overshadow our banks but for a day, all payments in specie would cease; for the funds on hand do not amount to one-twelfth of the bills in circulation, and those deposites they are bound to pay on demand. This disproportion between specie and paper cannot be materially increased. If the quantity of specie is diminished, the paper circulation must be curtailed. If it is increased, the paper may also be increased. The paper, therefore, fluctuates as its basis changes."

"The disastrous fluctuations which we experience (he adds in 1834) are to some extent to be imputed to the fluctuations in specie, (meaning in amount, not in value;) and the smaller the amount of specie in the country, the more likely they are to occur. The most obvious remedy, therefore, against the recurrence of this calamity, and the most certain method of saving the active industry of the country from the devouring vortex of this almost periodical disaster, which comes of curtailing discounts, is to increase, by some judicious regulations, the quantity of specie in circulation to such an extent that these occasional drains shall not curtail the circulating medium so as to produce such consequences. If the circulation of small bills had never been permitted, but their places had been supplied with specie, the quantity now in circulation would be large, and would greatly strengthen the confidence of the public and the ability of the banks, as it would flow in to supply the place of that drained off, and thus supersede, to a great extent, the occasion for these forced curtailments of discounts which always prove injurious to the public. The States which have adopted this course, are best supplied with specie; and if the whole country could be prevailed on to suppress small bills, great relief would be realized from it."

"Experience has long since proved that a metallic currency is least liable to fluctuations, and therefore best adapted to the purpose for which it is designed; and it is to be hoped the earliest opportunity will be seized to return to it—so far, at least, as to rectify the present credit system of paper currency, and prevent its pernicious fluctuations."

"Fluctuations visit all who have property, and all who work to acquire it, with injury, and compel them to submit to severe sacrifices. *What is called a scarcity of money, only means that the banks do not discount.*"

The gentleman from Massachusetts [Mr. CUSHING] had well mentioned, among the inherent evils of paper money, its expansibility, which brought periodical ruin, disaster, and distress. Should the Government, then, increase and promote this evil, by issuing Government paper by a Government bank, or indirectly through the agency of a United States bank? Was it possible to remedy the evil of expansion, by increasing the amount of the paper volume? Would not such a course be only adding fuel to the flame? And if it was proposed by a bank of the United States to regulate the issues of other banks, history proved that such a purpose could not be so accomplished. History and experience showed that the banks nearest and most under the influence of the United States Bank, were the first to suspend; whilst those remotely situated from that institution held out longest, and were the last to cease paying specie. If it was expected to check these overissues of banks by law, such an idea could not be carried out, because it went counter to all experience of the past. What had been the history of the banking system? Did not observation tell us that banks could not be restricted by law? The zeal, and influence, and the untiring energy of interested individuals, were entirely too strong for the law. They had heretofore set all law at defiance. They had applied to State Legislatures to give them authority to suspend specie payments, and then called it giving relief to the community—giving relief by issuing more of their irredeemable paper!

And as to the watchful eyes of self-interest, which, it was said, were so important in the prevention of the abuses of banking, had they not been shown to be utterly unavailing? Had it not been shown to be powerless, in all that they had heard of the suspensions and frauds committed on the stockholders and the public? And what had availed the power of the Legislatures of the States? It had proved to be utterly useless, as was lately found to be the case with regard to a bank in Massachusetts. The Legislature of that State passed a law to provide for inspections of the banks of that State; and the law had proved to be so perfectly useless, that the present Governor, in his message, recommended its repeal.

The gentleman from Massachusetts, in the remarks which he had made to the House, had not asserted that the result of the late presidential election had been an affirmative decision upon the question as to the propriety of establishing a bank of the United States. He would ask the gentleman whether, in the result of that election, the people had manifested their approbation of the exchequer plan. And he would ask whether, if the question were now put to the people of this country whether they would have a bank of the United States or an independent treasury, he believed that they would decide in favor of a bank. No, sir; he would not say so. What did they hear from the gentleman from Vermont? That the objection urged against this scheme was, that it was a Government bank. This being the case, the issue was now given up. It was given up in the report of the Committee of Ways and Means. If it had been rendered unpopular on account of a mistake as to its true character, arising from false imputations which had been cast upon it, what did the result prove? Not that the people condemned the independent-treasury scheme, but that they condemned the scheme of a Government bank. To show that he had not misstated the report, he would read the following passage:

"These banking powers, thus conferred upon the exchequer, for the purpose of furnishing a paper circulation, distinguish this plan from that of the sub-treasury."

They were under the apprehension that, when once established, this would be converted into a great Government bank. But, that there was no reason for even this apprehension, was evident from various passages in the report. The report acknowledged that the independent-treasury plan made it felony, punishable by fine and imprisonment, for an officer of that institution to use any of the public moneys intrusted to its keeping. They had, therefore, what had been urged as the main objection to it, at once given up. The objections fell to the ground; they vanished into air—into thin air. It had been frequently said, on that floor, that it was very difficult to tell what precise issue was determined by the late presidential election. At any rate, he would contend, with great confidence, that, whenever the sub-treasury scheme was presented as a distinct issue to the people, they approved it. But it was said, by a distinguished Whig, on this floor, that the election of members to the popular branch of this Congress turned upon their being for or against this scheme.

The gentleman from New York had gone over one of the old arguments against the independent-treasury scheme; but, in doing that, he had admitted (and he thought the admission did great credit to his candor) that the only objection to the scheme was, that it provided, after the money was deposited, that it was under the control of officers of the Government, and not officers of the bank. And he understood the gentleman to say that, since the foundation of the Government, except during an interval of one year, the moneys of the Government had always been deposited in banks. This was during the year in which the independent treasury was in operation.

An allusion was made in the report—in order to show that the danger was in intrusting the public moneys in the hands of individuals—to the case of Mr. Swartwout. But this, he apprehended, was not a case which bore any analogy to that which they were considering. Had the independent, treasury scheme been in operation, Mr. Swartwout never could have carried on his frauds and depredations upon the Government. This, then, furnished no argument against the establishment of an independent treasury.

It was stated in the report, and had been repeated in the House, that a bank cannot abscond. To be sure, it could not. It had not substance enough. It was a thing altogether as impalpable as a shadow.

"Like shadows they come, like shadows depart."

But could not cashiers—could not presidents abscond? Did the history of the times show that they were pure? He thought not. Why should banks come in and demand the use of the public moneys between the time of collection and of disbursement? What right had they to speculate with the money of the Government? If the right was not to be granted to individuals, why should it be granted to corporations? It appeared from documents before them, that the loss had not been one-half so great under the operation of the sub-treasury scheme, as it had been by using banks as depositeries, and receiving depreciated bank paper.

Mr. McDuffie, in a report which he made a few years ago to the House of Representatives on this subject, stated that the Government had lost upwards of thirty millions of dollars by taking depreciated bank paper. What was the effect upon the country generally of the encouragement thus given to the circulation of bank paper? The very stimulus given to trade by its means tends to create loans; and these loans go on extending, until at

last, the bubble bursts; and, as had been well said by a gentleman on that floor, it was upon the hard hand and the unsuspecting head of the poor laborer that the rain falls. It was a well-settled rule, that the price of labor was the last to rise, and the first to fall. This appeared not only from the maxims of political economists, but from universal history. He begged leave to read an extract from Thiers's History of the French Revolution:

"The value of the assignats declining daily in proportion to their total mass, it required a larger and larger amount to purchase the same quantity of necessaries; and thus the prices became excessive. The people, receiving only the same nominal value for their labor, could no longer procure such things as they needed, and vented themselves in complaints and threats. Bread was not the only article the price of which was enormously increased; that of sugar, coffee, and soap was doubled. The laundresses had come to the convention to complain that they were obliged to pay thirty sous for soap, which had formerly cost them but fourteen. To no purpose were the people told to raise the price of their labor, in order to re-establish the proportion between their wages and the articles of consumption. They could not be brought to act in concert for the accomplishment of this object," &c.—*Thiers's Hist. Fr. Rev.*, vol, 4, p. 441.

This single instance exhibited its operation in all cases. There could be no combination among laborers to raise the price of labor according to the depreciation in the currency.

On the 7th page of the report it was stated that, "by the sub-treasury, the Government only risked, in the hands of its officers, the amount of money that might be on hand between the time of collection and the time of disbursement." This was true, under all systems. They were obliged to employ collecting officers and disbursing officers, and they had the honesty of those officers to assure them against loss. And he would here observe, that it seemed to him the argument that corporations could be trusted, and men could not, was a very unsound argument. According to this supposition, there must be certainly something very corrupting in the circumstance of holding office—something which tends to obliterate the moral feelings. Gentlemen talked about the safety of the public moneys when deposited in banks, and that they would be found faithful to their trusts. Why, the Government was left powerless; the money was placed in the hands of those who were responsible to the people, and the Government was left prostrate.

Mr. PROFFIT obtained the floor, and replied briefly to some of the observations of the gentleman from New Hampshire. The gentleman had alluded to a report made some years ago by Mr. McDuffie, which stated that the Government had lost thirty millions of dollars by depositing the public funds in banks. What effect had this statement upon the gentleman himself, and upon his party? Did the gentleman suppose that he was to be permitted to make use of such arguments; or that they would be allowed to pass without reply? Did the gentleman mean to come out and avow himself in favor of an independent, old-fashioned treasury? Would his party agree to this? They would not do it; they dared not do it. Why did not the gentleman tell them something about the working of that old-fashioned sub-treasury? During the whole time it was in operation in New York, was there a single dollar in specie out? It was the duty of the friends of the Administration to defend themselves from such attacks as the gentleman had just made. How many millions of treasury notes did the gentleman himself vote for, although he was now so vehement in his denunciations against the issue of a paper currency by the Government? Let him answer this; and let him show, too, that the old-fashioned independent treasury scheme, which he vaunted so much, was free from abuses.

Mr. FILLMORE rose and said he desired to address a few words to the House, in reference to this matter.

An adjournment, however, being desired by several members, he yielded to a motion for that purpose, and

The House adjourned.

IN SENATE.

FRIDAY, January 27, 1843.

The PRESIDENT *pro tem.* laid before the Senate a communication from the War Department, transmitting printed copies of the Official Army Register for 1843; which was ordered to lie on the table.

Mr. PORTER presented two memorials from Ypsilanti and Jackson, Michigan, remonstrating against the repeal of the bankrupt law; which were refered to the Judiciary Committee.

Mr. CLAYTON presented joint-resolutions, adopted by the Legislature of Delaware, urging upon Congress the retrocession from the United States, to the State of Delaware, of the Peapatch Island.

Mr. CLAYTON observed that the object of the retrocession was not that Delaware might retain possession of the island; but that the title, which had been so long litigated, might be settled, and vested permanently in the United States. For this purpose it was necessary that the Supreme Court should have original jurisdiction over the suit or controversy on which the title shall be tried;—the party claiming against the United States not having assented to the proposition of Congress to try the title in the State of Maryland. For the purpose of giving the Supreme Court original jurisdiction of this controversy or suit, and to obtain a proper and conclusive decision of the title, it was necessary to recede the island to the State of Delaware. Mr. C. said the people of Delaware could not rest satisfied with the present state of things—the conflicting claims for jurisdiction over the soil, and the conflicting right of property. He observed that neither himself nor his colleague would at that time take measures to carry into effect these resolutions, for the reason that an arrangement had been entered into, by which the title would be effectually and fairly adjusted; and to carry which into effect, a bill has been reported from the Judiciary Committee. It would not be necessary, therefore, for his colleague and himself to take any steps then in the matter, but await the decision of the Senate on the bill, by which the controversy would be fairly arranged to the satisfaction of all parties. If the bill did not pass, then they would take some steps in accordance with the resolutions just presented. The resolutions were ordered to be printed, and referred to the Judiciary Committee.

Mr. BUCHANAN remarked that this would be joyful news to some of his constituency—that the States of Delaware and New Jersey were about to settle this long litigated question. For years and years the citizens of Philadelphia had felt great anxiety that the fortification which had been commenced on that island should be completed; and which could not be done, on account of the disagreements between those two States.

Mr. BUCHANAN presented a memorial of a number of citizens of Washington county, Pennsylvania, asking for an immediate, entire, and unconditional repeal of the bankrupt law; which was referred to the Judiciary Committee.

Mr. WRIGHT presented a petition from Patrick Keon, of Jefferson county, New York, praying for a modification in his behalf of the naturalization laws of the United States; which was referred to the Judiciary Committee.

Also, a memorial from a number of citizens of the town of Oswego, New York, praying that they may be allowed to import from Canada certain lumber, free of duty: referred to the Committee on Finance.

Also, a petition numerously signed by citizens of Troy, New York, praying for a repeal of the bankrupt law: referred to the Judiciary Committee.

Also, a petition from a large number of inhabitants of the county of Lenawee, in the State of Michigan, remonstrating against the repeal of the bankrupt law: referred to the Judiciary Committee.

Mr. WOODBURY presented a memorial from the town of Portsmouth, New Hampshire, from persons engaged in commerce and navigation, complaining of the depressed state of those interests, and attributing it to the irreciprocal commercial regulations of the United States with foreign powers, and praying for such a modification of those regulations, consistent with treaty stipulations, as will produce greater reciprocity in trade: referred to the Committee on Commerce.

Mr. STURGEON presented two memorials from inhabitants of Alleghany county, Pennsylvania, praying the adoption of the plan recommended by the Executive, for a board of exchequer; which were laid on the table.

Also, presented a memorial from the board of trade of Philadelphia, signed by Thomas P. Cope, president, asking for an appropriation for the purpose of completing the coast survey, which has been in a state of progress for several years; and stating a number of reasons why it should be continued. Also, concludes with a request that an appropriation be made for a light-house on the Brandywine shoals, in the Delaware. The first branch of the memorial was referred to the Committee on Finance, and the latter to the Committee on Commerce.

Mr. BATES, from the Committee on Pension made an adverse report (which was ordered to be printed) on the petition of James Gee for a pension.

Mr. PHELPS, from the Committee on Pensions, reported back, with an amendment, the House bill for the relief of Esther Augur.

Also, reported back, from the same committee, without amendment, and with a recommendation that it do pass, the bill from the House for the relief of Benjamin Truston.

Also, from the same committee reported a bill for the relief of Nancy Polereesky, which was read, and ordered to a second reading.

On motion by Mr. KERR, the bill from the House for the relief of Elizabeth Dawkins, which had been reported unfavorably upon by the Committeee on Pensions, was recommitted to that Committee—new evidence in support of the claim having been received.

On motion by Mr. MERRICK, the previous orders of the day were postponed for the purpose of considering the bill from the House for the relief of Barent Stryker. The bill was then taken up as in committee of the whole, considered, reported to the Senate, and, according to order, was read the third time and passed.

Mr. LINN, on leave, introduced a bill for the relief of Henry M. Shreeve, and to authorize the purchase of the patent for his snag-boat: which was read twice, and referred to the Committee on Patents.

The bill to prevent the employment of private expresses on the mail routes, and for the prevention of frauds on the revenue of the Post Office Department, was read the second time, and taken up as in committee of the whole.

Mr. MERRICK said this was one of a series of bills to be reported to the Senate from the Committee on the Post Office and Post Roads, with the view of correcting sundry abuses which exist, and of sundry frauds which are practised upon the Post Office Department. The object of the present bill was to make some beneficial and salutary provisions in relation to a matter that was of very considerable importance to that department—namely, the securing to it of the legitimate revenue derivable from the transportation of the mail from one portion of the Union to the other.

It was well known to the Senate, that a very large portion of the proper revenue of that department was abstracted from it by what were called private expresses, which had been recently established between the more important commercial cities, and by which letters and other mailable matter were conveyed at a rate of charge less than that which was demanded by the Post Office Department; and, by charging less, although the mails were conveyed daily, and, in many places, twice every day, at the expense of the Government, they were obtaining the transportation of a very large proportion of the mailable matter passing through these routes, and consequently abstracting from the department a very considerable part of its legitimate revenue. As the Post Office Department had been established, and was kept up at the expense of the Government, for the performance of this service to the public, it was not only proper, but absolutely necessary that it should have a monopoly of the service, and enjoy all the benefits to be derived from it. The passage of this bill was contemplated by the committee as a preparatory step to the passage of another important bill for the reduction of the rates

of postage. Unless objections were offered to some of the features of this bill, he did not deem it necessary to trouble the Senate with any further observations.

Mr. HENDERSON said he thought the provisions of the bill were carried to an unwarrantable extent. Congress probably possessed the constitutional power to pass a law of this kind; but it appeared to him it would be a bad precedent, and one which would lead to the stretching of the powers of Congress to every subject. The object of the bill appeared to be to secure to the Government a monopoly in the carrying of the mails.

So far as the bill proposed to restrain individuals from entering into competition with the Government, he had no objection; but when it was proposed to interfere with the public conveyances, and to make it penal for railroad cars and steamboats to convey passengers who, they might suppose, were engaged in carrying expresses, he was decidedly averse to its adoption. This was the point to which he desired to call the attention of the Senate.

They might as well undertake to make it penal for one individual to sell a horse to another, because he might possibly use the horse in the conveyance of private expresses. They might as well make it penal for an innkeeper to entertain a man, or for the authorities of a town to allow a man to pass through their town, if they suspected that he was carrying a private express. They had as good a right to do the one as the other. He believed, ordinarily, railroad companies had no right to refuse to carry a passenger who tendered his passage money, and who did nothing that was exceptionable. They were liable to damages if they should refuse; and yet it was here proposed to make them a sort of agent of the Government, to secure the monopoly sought for by the Post Office Department. There would be no limit to this sort of legislation if it were once commenced. It seemed to him an undue assumption of power on the part of Congress.

Mr. MERRICK said he would be as unwilling as any one to do an act which would involve the Congress of the United States in an unconstitutional proceeding. But it seemed to him that, in this case, there was no just ground for the gentleman's apprehensions. It being absolutely necessary that the Post Office Department should be sustained, it was the imperious duty of Congress to pass all such laws as were necessary to effect this object. The evil which they proposed to remedy was one which struck at the very existence of that department: he meant the sources of its existence—its revenue. They must, therefore, legislate so as to secure a sufficient return, in money, from the people whom the department served, to defray its expenses. This was the whole scope and object of this bill. He begged the honorable Senator's attention to the phraseology of the bill. The penalty was to be imposed only in cases where the conductors of railroads, &c., *knowingly* transported any individual engaged in carrying private expresses, in violation of the law; and leaving it entirely free, where no compensation was demanded, for individuals to act in the matter as they pleased. The whole object of the bill was to put down, with as little inconvenience as possible to citizens generally, the evil of permitting private expresses to be employed to the prejudice of the Post Office Department.

The further consideration of this subject was, on motion of Mr. LINN, postponed, for the purpose of proceeding to the consideration of the special order of the day.

On motion, it was ordered, that when the Senate adjourn, it adjourn till Monday next.

THE OREGON TERRITORY.

The bill for the occupation and settlement of the Territory of Oregon, which still continues the special order, came up, and the debate on the question of its passage was resumed from yesterday.

Mr. BERRIEN being entitled to the floor, addressed the Senate for about an hour and a half in opposition to the passage of the bill.

His objections were chiefly: First, that the provision undertaking to make a future grant of lands to settlers, is in contravention of the spirit and meaning of the existing treaty between this Government and that of Great Britain; next, that it is an inexpedient and impolitic time to legislate upon the subject at all; and, lastly, that this bill, under existing circumstances, is an injudicious interruption or interference with the constitutional prerogative of the executive department, which has notified Congress that a negotiation is pending in relation to this subject.

He agreed with those Senators who held that the provision guarantying to settlers a grant of land would be an infraction of the treaty. He agreed with the Senator from South Carolina, [Mr. CALHOUN,] not only in his opposition to that provision, but also in regard to the inexpediency, under existing circumstances, of attempting to carry out other provisions of the bill. With most of what had fallen from the other Senator from South Carolina he also concurred, though he was not disposed to undervalue the importance to our commerce of our right to the territory, or the advantages which we might derive from its occupation and settlement. But, taking the subject in all its bearings into consideration, he could not but believe that he subserved the interests of this country best by giving his vote against the passage of the bill.

He had every confidence in the purity of motive and patriotism of the gentlemen who advocated the bill; and participating with them, as he did, in the national feelings which excited their zeal, he could make ample allowance for the construction which their minds had been led to give to the treaty of 1818, and its renewal in 1827. This national feeling, however, he conceived had carried them too far. He had given the subject a calm and dispassionate consideration; and the result was, that, according to his best judgment, he had come to the conclusion that this bill would be a palpable violation of the treaty, and that England must so regard it. National rights were as dear to him as to any one; but national honor, and the imperative duty of keeping inviolate our plighted faith, were of such moment, that he would rather suffer loss than tarnish the purity of that plighted faith. But he had no apprehension that the postponement of action on this matter would have any tendency to the lapse of our interests in the Oregon Territory. We still hold our title to be as indefeasible as we ever did. We will make no concession that any other nation on earth can have as strong, as undoubted, and as just a claim, as we have. And, independent of all this, the circumstances under which we look to it as ours, are different from those which have influenced Great Britain to look to it. It is adjacent to us, touching our territorial border, part of our continent, best calculated for the habits and pursuits of our population. Oceans divide it from the British domain, and the objects which once rendered it valuable to her commerce are fast melting away. The sources of the fur trade are diminishing rapidly, and, at no distant day, we may fairly infer that England will cease to have any permanent interest in that region. Time, then, instead of lessening our chances of quiet and undisputed possession, acts in our favor, and operates unfavorably with regard to the interests of the power which is assumed to be our rival.

The probability is, if we but wait the natural progress of events, that we shall find ourselves quietly in possession of the territory long before the real wants of our population will demand its occupation by an act of Government. At present, we should consider that we are but one of the two parties entitled to equality of rights, under an existing compact. What we insist upon as our exclusive rights, may, and probably will, be insisted upon by Great Britain as her exclusive rights. And who is to judge between the parties? Certainly not one of them, on its own *ex parte* evidence. It is a matter of negotiation; and the executive department of this Government, to whom the Constitution has confided the power of negotiating with foreign nations, subject to the subsequent approval of the Senate, has notified the legislative department that a negotiation is actually pending. Mr. B., at considerable length, argued that the effect of this bill would be, in all probability, to obstruct or arrest an amicable and satisfactory adjustment of the question of boundary; which, if once settled, would remove all difficulty from the passage of such a bill as Congress might think necessary for the occupation and disposal of the recognised territory of the United States.

Mr. B. in the course of his remarks replied briefly to the various arguments of the friends of the bill, Messrs. LINN, WOODBURY, MOREHEAD, &c., and answered each by applying to them the main principles of his objections, as already substantially stated.

He hoped a majority of the Senate would concur with him in the suggestions he had thrown out as to the inexpediency of this measure, and give a negative vote on the passage of the bill.

Mr. ARCHER next obtained the floor, and declared his willingness to go on with the few remarks he had to make. But it had been suggested to him that he would probably have to advert to documents not at present in the Senate, but which could be procured by Monday; and he would therefore propose that the bill be passed over informally, and, if no other business was on hand, he would then move an adjournment.

On motion then, the further consideration of the bill was postponed till Monday next.

Mr. RIVES presented a memorial from David Irvin and others, praying the passage of a law authorizing the issuing to them patents for certain lands purchased from the United States, which patents have been withheld on account of some informality in the sale: referred to the Committee on Public Lands.

On motion by Mr. BAYARD, the Committee on Naval Affairs was discharged from the further consideration of the petition of John Bosworth, and it was referred to the Committee on Invalid Pensions.

Mr. WRIGHT presented a memorial very numerously signed, from the county of Chatauque, in the State of New York, remonstrating against the repeal of the bankrupt law.

Also, a petition from the county of Warren, New York, numerously signed, pointing out the manner in which small debtors, possessed of $500 or $600 worth of property, commit frauds on their creditors, through false appraisement of said property, under that provision of the bankrupt law securing $300 worth of property to the bankrupt; which memorials were referred to the Judiciary Committee.

Mr. SEVIER presented a memorial from Francis county, Arkansas, for the establishment of a mail route; which was referred to the Committee on the Post Office and Post Roads.

Also, presented a petition and documents from William Wynn, of Arkansas, concerning his claims; which was referred to the Committee on the Public Lands.

Mr. McROBERTS, on leave, introduced a bill for the relief of Richard Lewis, and others; which was read and committed.

Mr. GRAHAM made an unsuccessful motion for the Senate to proceed to executive business. Then,

On motion by Mr. TAPPAN, the Senate adjourned till Monday next.

HOUSE OF REPRESENTATIVES.

FRIDAY, January 27, 1843.

Mr. A. MARSHALL presented memorials from merchants, shipmasters, and others, of Belfast and Wiscasset, Maine, asking such changes in the commercial arrangement with foreign Governments as shall give to the navigation of the United States such terms of just reciprocity as shall most conduce to the public welfare.

Mr. McKEON presented, and referred to the Committee of Ways and Means, the following petition, praying for a reduction of duties on pins:

To the Senate and House of Representatives of the United States of America:

The undersigned, interested in the importation and sale of the article of pins, respectfully represents

That, previous to the extra session of Congress, in 1841, said article was allowed to be imported

free of duty. At that session, a duty of 20 per cent. ad valorem was imposed thereon. At which rate, said article was imported to a very large amount, yielding, in revenue, many thousand dollars during the few months that the act was in force; that, under the tariff of 1842, the duty was raised, and now varies from 51 to 75 per cent.—the higher rates being imposed upon the inferior qualities, which are principally used by the poor; that the present rates of duties amount to a prohibition; there having been collected, under the present act, less than three hundred and fifty dollars for duties on said article imported into the city of New York to this date. Your petitioners further show that, as they believe there are but two establishments for the manufacturing of pins in the United States, they therefore pray for a modification of the present tariff, so as to reduce the duty on pins to a rate not exceeding 20 per cent. ad valorem.

[This memorial is signed by 85 of the leading mercantile firms in the city of New York.]

CHANGE OF THE HOUR OF MEETING.

Mr. RUSSELL offered the following resolution:

Resolved, That, from and after the 30th instant, the daily hour to which the House shall stand adjourned shall be 11 o'clock.

The question was taken, and the Speaker announced that the resolution was carried; but

Mr. ARNOLD called for a division.

The ayes were counted, and numbered 42.

It being evident that there was no quorum present,

Mr. COWEN asked for the yeas and nays; which were ordered.

Mr. HOPKINS inquired if any one had any objection to the resolution.

Mr. FILLMORE said he hoped the mover would consent to have the commencement of the operation of the resolution postponed for one week, as the Committee of Ways and Means had much business before them, and it would be inconvenient to them if the hour was changed.

Mr. RUSSELL declined making the modification.

Mr. FILLMORE then moved to amend the resolution, by fixing on Monday week as the day when it should commence. This amendment was agreed to, and the resolution was then adopted.

Mr. W. COST JOHNSON presented various memorials, asking for the passage of a law for the creation of $200,000,000 of Government stock, to be distributed among the States.

PLAN OF AN EXCHEQUER.

The House, then, upon the call of Mr. FILLMORE, resumed the consideration of the report of the Committee of Ways and Means on the subject of the exchequer—the question being on the motion of Mr. CUSHING to amend the resolution concluding that report, by striking out the word "*not*."

Mr. FILLMORE, who held the floor, addressed the House at length. He commenced by referring to the charge which had been put forth, that the Committee of Ways and Means, in proposing no affirmative action on the subject of the exchequer, had neglected to discharge their duty. In order to test whether they had, he should content himself by referring to the manner in which the question was presented to the committee, and in which it now stood before the House and the country, as admitted by the gentleman from Massachusetts. More than a year ago, the scheme was first submitted to Congress, and then referred to a select committee, a majority of whom were the friends of the President. After two and a half months of reflection, this committee reported a substitute for the plan of the Executive, dispensing with its main features. If, then, any modifications of the exchequer were wanted—if the Committee of Ways and Means had neglected to discharge their duty in reporting modifications, he referred gentlemen to those reported by the friends of the Administration. The gentleman, too, who made the objection that the Committee of Ways and Means had neglected their duty in not reporting modifications, since they could not agree to the plan itself, had given notice that he would move to substitute the bill of the Secretary of the Treasury for his own bill, for the purpose of bringing the subject before the House in every possible shape. Now, he submitted it to the consideration of the House, whether the Committee of Ways and Means had not presented the subject in every shape possible, by not favoring either of the schemes? The gentleman from Massachusetts [Mr. CUSHING] had moved to strike out the word "*not*," so as to make the resolution of the committee an affirmative proposition. He would state, in reference to that matter, that he had himself risen and proposed the word be stricken out, thereby making the resolution an affirmative instead of a negative proposition. He could not see the difference between voting in favor of a resolution declaring that the exchequer should *not* be adopted, and voting against a resolution declaring that it should be adopted. If, indeed, there were any in the House, who, after the many discussions which had taken place, were unprepared to say whether they were in favor of, or against, the exchequer, he was sorry for it. He could not but admire the manly independence of the gentleman from Ohio, [Mr. PENDLETON,] who yesterday told the House that, although many of his constituents had petitioned for it, he must, after a close and careful examination of the subject, give his vote against the proposition. It was a determination resulting from an honest conviction of the heart, which he admired. He could not do otherwise than commend the spirit of the man who, when he found a measure to be right, resolved to hold himself ready to sustain it; and, if wrong, to condemn it. Nor could he think that there were men in the House who would take shelter of their opinions under a negative proposition. After some further remarks upon this head, he proceeded to an explanation of a position which was taken in the report of the Committee of Ways and Means, and which, he understood, was misconceived by some of his friends. He alluded to that portion of the report which spoke of the power of removal from office. It was in 1835, when the whole subject was under debate in the Senate, and when he also examined the subject, that he came to the conclusion that, where the power of appointment was vested in the President and Senate, in that case the President and Senate together alone had the power of removal. In support of the position he maintained, he cited the reasoning on the subject contained in the Federalist, which was at the time of its adoption held to be the true construction of the Constitution. In that work it was argued to the people, when the Constitution was pending before them for their adoption, that where a concurrence of the President and Senate was necessary to appointment, the same was also requisite to removal from office. The Constitution provided no power of removal. That only resulted from the power of appointment. He stated as a remarkable fact, that, although such a debate took place in 1835, he had not, after a diligent search, been able to get a printed copy of Mr. CALHOUN's bill. He found a manuscript copy, together with the amendments proposed, among the archives of the Government; and as it passed the Senate, the only principle asserted was this: it repealed the law limiting the tenure of offices to four years, provided that the only limit should be in case of defalcation; and declared that the President should assign his reasons to the Senate for any removal he might make. There was no principle in it which tended to limit the power of removal. Now, his own opinion was, that the President possessed no such power.

He noticed the objections which had been raised to a continuance of the present regulations of the Treasury Department, on the ground that the laws in force did not provide any place of security for the public money, and also that there were not sufficient provisions of law for the punishment of embezzlements. The gentleman from Massachusetts had argued that there were no provisions for the punishment of defaulters, except such as might be contained in the act of 1789, and the resolution of 1816.

Mr. CUSHING said his proposition was more qualified; and made another remark not heard.

Mr. FILLMORE alluded to the supposition entertained by some, that the Committee of Ways and Means had omitted their duty. He feared the House had forgotten their own action on the subject.

There were already existing by law ample checks and guards for the security of the public money. In the first place, there was the law of 1789, which provides that it shall be the duty of the Treasurer of the United States to receive and keep the moneys of the United States, and disburse them upon warrants drawn by the Secretary of the Treasury. Mark the words: "disburse them upon warrants drawn by the Secretary of the Treasury." Then, what next? As to the medium in which the public dues shall be paid, we have (said Mr. F.) the joint resolution of 1816, which prescribes that they shall be paid in gold and silver, treasury notes, and the bills of specie-paying banks. Thus we have (said Mr. F.) the provision designating the officers who shall keep the public money; and next, we have the medium in which it shall be paid. Now, he wanted to know what more there was in the famous exchequer bill which came from the Treasury, or that of the select committee of this House, to secure the public treasure from embezzlement? Instead of calling the officer who is to have the custody of the public money, the Treasurer of the United States, the bill proposes to call them a board of exchequer, though one of them is to be this same Treasurer. First, there is to be the Secretary of the Treasury; second, the Treasurer of the United States; and then there are to be three commissioners to constitute this board of exchequer. The system now in operation was but a part of that "one idea" which provides for five officers, instead of one to do the same thing, and who are to be appointed in the same manner, viz: by the President of the United States, by and with the advice and consent of the Senate. But it had been said that there was now no security for the faithful custody and disbursement of the public money, and therefore the Committee of Ways and Means neglected their duty in failing to provide for it. Let us (said Mr. F.) look a little into the law on this subject. Gentlemen seemed to have forgotten that, in repealing the independent treasury, they left the penal part of it providing for the security of the public money untouched. They repealed the act so far as it relates to the receivers general, and the public buildings for the deposite of the public money, together with the provision requiring the public dues to be paid in gold and silver; yet the penal part of the act—which secures the faithful custody, transfer, and disbursement of the public money—this House had not the folly to repeal. Not only did they retain it, but they added to it. There were the most ample and the most penal provisions against anybody who should use the public treasure. In addition to the penalty imposed by the sub-treasury act, they had also provided for the evidence by which guilt should be ascertained—which the independent-treasury act did not do. Mr. F. then read from the act of 13th August, 1841, repealing the independent-treasury act, the following provisions:

"*Provided, always*, That, for any offences which may have been committed against the provisions of the seventeenth section of the said act, the offenders may be prosecuted and punished according to those provisions; and that all bonds executed under the provisions of said act, and all civil rights and liabilities which have arisen or accrued under said act, and the remedies therefor, shall remain and continue as if said act had not been repealed; anything herein contained to the contrary notwithstanding.

"SEC. 2. *And be it further enacted*, That if any officer charged with the safekeeping, transfer, or disbursement of public moneys, or connected with the Post Office Department, shall convert to his own use, in any way whatever, or shall use by way of investment in any kind of property or merchandise, or shall loan, with or without interest, any portion of the public moneys intrusted to him for safekeeping, transfer, disbursement, or for any other purpose, every such act shall be deemed and adjudged to be an embezzlement of so much of the said moneys as shall be thus taken, converted, invested, used, or loaned, which is hereby declared to be a felony; and the neglect or refusal to pay over, on demand, any public moneys in his hands, upon the presentation of a draft, order, or warrant drawn upon him, and signed by the Secretary of the Treasury, or to transfer or disburse any such moneys promptly, according to law, on the legal requirement of a superior officer, shall be *prima facie* evidence of such conversion to his own use of so much of the public moneys as may be in his hands. Any officer or agent of the United States, and all persons advising, or knowingly and willingly participating in such embezzlement, upon being convicted thereof before any court of the United States of competent jurisdiction, shall, for every such offence, forfeit and pay to the United States a fine equal to the amount of the money embezzled, and shall

suffer imprisonment for a term not less than six months, nor more than five years."

There was the law as it now stood. Were not these provisions penal enough to satisfy the gentleman? Had the Committee of Ways and Means neglected their duty, in not imposing greater penalties? If so, he would point them to the provisions of the famous exchequer bill, and then see if that measure provided better securities for the public money than now existed. Instead of prohibiting the public officers from using, investing, or loaning the public money, they were expressly authorized to do it. He asked if the Committee of Ways and Means had neglected their duty, when they said that these penalties for the unfaithful application of the public money were ample, and far better than the exchequer bill.

But he had occupied more time on this subject than he had supposed he would, when he commenced. He had a word to say to the gentleman from Massachusetts, [Mr. CUSHING,] and others, who had contended that this exchequer was not a Government bank.

That he might not misrepresent the honorable member from Massachusets, who spoke first, and den ed that this was a Government bank, he would read his remarks as published; and, if there was any mistake in the report of them, he desired that he would correct it. Mr. F. then read as follows, from Mr. CUSHING's speech on the exchequer bill:

"There existed now no bank of the United States, and very few specie-paying banks of any sort; so that, now, the public dues were received either in gold and silver or in treasury notes. The whole subject was placed at absolute discretion in the hands of the Treasurer, subject to the final discretion of the President. Under these circumstances, the President came to Congress, and asked to be relieved from this discretion—asked that Congress would define and limit it. Now, to an appeal like this from the Executive of the country, what did the Committee of Ways and Means reply? Their reply to the President was: 'No, you *shall* retain this discretion; we will not relieve you from it, unless in one specific way, and that only—viz: in the form of a joint stock charter for a bank of the United States.' This was the point to which the House were now brought."

On this assertion that the President had come to that House, and asked to be relieved from the discretion vested in him, and asked to have his power defined and limited, he would appeal to facts for an answer. How had the President asked to be relieved? The laws, as had been shown, required the public treasure to be kept in the custody of the Treasurer of the United States. The law, as it stood, declared that if that Treasurer, or any other officer intrusted with any other public money, should use it, or lend or invest it, or in any other way dispose of it, or who should refuse or neglect to pay it over when required to do so, the act should be taken and deemed to be an embezzlement, and should be punished with a fine to the amount of the whole sum embezzled, and imprisonment for not less than six months, nor more than five years. Now, what did this bill propose? Did it propose to put the public money in the hands of any other person or persons than those appointed by the President of the United States? No. On the contrary, it proposed to put the public money into the hands of a host of receivers; and not only that, but to put in their custody at the same place the hoards of private individuals. Did that look like a desire on his part to be relieved from responsibility? Thrice did Mark Anthony offer the crown to Cæsar on the Lupercal, and thrice did he refuse it; but he apprehended that the Executive had come to that House with no such feeling, when he asked to be relieved from his responsibility. He only asked to have it increased in a ten-fold degree; so that not only might he have the control of the public treasure, but of all the private funds and banking of the nation. But to return to the speech of the gentleman from Massachusetts. The gentleman said: "Again the committee insisted that the treasury board was virtually a Government bank." Yes (said Mr. F.) we did insist that it was. The gentleman went on to speak as follows:

"Mr. C. had often been surprised—yes, and humbled, too—to observe how often words could be put, and that by very sensible men, in the place of things, and as a mask for the thing. The cry was, that this exchequer scheme was nothing but a plan for a Government bank. Why, so they might, with equal truth, say of every plan in which the treasury of the United States acts at all. If the exchequer was a bank because it received deposites, then the treasury was a bank too. If the exchequer was a bank because it afforded the means of transfer and exchange, then the treasury was a bank, for it did the same. Before we undertook to object to any measure on the ground of mere words—and words too often intentionally vague in their import—it became us to analyze the thing. Now, Mr. C. positively denied that the exchequer was a bank, in any sense of the word—popular or scientific; and he challenged gentlemen to show that there was in it anything analogous to a bank, which was not equally to be found in the treasury, either under the sub-treasury law, or as things now stood. It did, to be sure, perform acts which were in themselves the same as the acts of a bank."

Well, really—as the gentleman said—we must look at the intention of the thing, and what acts it has to perform, to make it a bank. He asserts that this is no bank; and then concludes with the unqualified assertion that it performs acts which were, in themselves, the same as the acts of a bank. Now, really, was there not some truth in the first part of the paragraph just read, in which the gentleman declared that "he had often been surprised—yes, and humbled, too—to observe how often words could be put (and that by very sensible men) in the place of things, and as a mask for the thing?" But the gentleman said that this was no bank. Had he attempted to give his definition of what a bank was? He said, to be sure, that it performed the functions of a bank; but still it was no bank. Sir, (said Mr. F.,) I have been somewhat puzzled myself to know what a bank is. He had a definition of a bank here, which he had transcribed from a work lately published, called "The History of Banking in the United States." According to that definition, a bank was "a commercial institution or repository for the purpose of receiving the money of individuals, and to improve it by trafficking in merchandise, bullion, or bills of exchange; and may be of a public or private nature." Now, if this was the true definition of a bank, the exchequer certainly was one.

In the first place, it was an institution or repository, in the language of the definition, for the purpose of receiving the money of individuals. This exchequer proposed a bank of deposite for the purpose of receiving the funds of individuals, and either to keep them in security professedly—how far it might do that, he would not pretend to say—or to improve them by trafficking in goods, bullion, or bills of exchange. This, it would be perceived, it was expressly authorized to do; for it was to deal in bills of exchange, by buying and selling them. There was the definition from one of the standard works of the country, which showed that this exchequer was a bank, and was from a writer who was disinterested, and, so far as he had given evidence of it, without prejudice on the subject. But Mr. F. did not press this definition of a bank. A long time ago they had a discussion on the sub-treasury, which was created for the collection, safekeeping, transfer, and disbursement of the public money, by means of the Government's own officers. This went far beyond the sub-treasury. That did not propose the buying and selling of bills of exchange; this did. That did not propose the receiving the deposites of individuals. That did not propose a board of directors; this did. That did not propose branches in the States; this did. It would, therefore, be perceived that it went beyond the sub-treasury in its likeness to a bank. He would now give the definition of the gentleman of a Government bank, as given in his speech on the independent treasury bill. It was headed "treasury bank," and was to be found in Gales & Seaton's Register of Debates for the year 1837, vol. 14, part 1st, page 883. Mr. F. then read the following from Mr. CUSHING's speech on that occasion:

"TREASURY BANK.

"Notwithstanding the disclamations of any desire for added patronage, under cover of which this project is introduced to us; and notwithstanding my unwillingness to suspect the President of insincerity in this matter, still I cannot exclude from my mind the conviction that a bank, a national bank, is the 'be-all and the end-all' of the new experiment. We begin with a large issue of treasury drafts having circulation as a currency. We proceed with yet larger issues of treasury notes expressly framed to be a currency. All these have got to be funded hereafter. Ultimately they may be of large amount. They not only constitute, in themselves, the basis of a treasury bank, but a sort of introduction to the use of Government paper as the paper medium of the country. Advocates of the new scheme admit that Government paper is to be the alternative and the substitute for bank paper. The sub-treasuries themselves, when they are put in full operation, drawing back and forth on each other, issuing and receiving large sums of money, and still more frequently issuing and receiving one kind or another, or paper credit based on the Government deposites—will be a genuine bank in everything but the name."

"In everything but the name!" Oh! what was there in a name? And who did the House suppose gave that definition of a bank? It was his honorable friend from Massachusetts. [Laughter.] He had quoted from Gales & Seaton's Debates of 1837, volume 14, part 1, page 883. He did not know but he might instruct the House by reading further from that speech; for it contained some good doctrine. The gentleman [Mr. CUSHING] had given them, in that speech, some good notions respecting Government paper, too; for he had covered the whole ground. He said, in reference to Government paper:

"We are to have a paper currency, recognised by the Government of the United States, and employed in its dealings; but it is to be irredeemable Government paper. This is the newest new humbug. The fever fit of gold money has had its day. That of paper succeeds it. If the scheme were not too laughably absurd to spend time in arguing about it seriously—if the mischiefs of a Government paper-money currency had not had an out-and-out trial, both in Europe and America,—I might discuss it as a question of political economy. But I will not occupy the time of the committee in this way. I am astounded at the fatuity of any set of men who can think of such a project. Has Law's Mississippi bubble—have the bills of credit of the colonies—has the continental money of the Confederation—have the assignats of the French republic—imparted no warning lesson to the present generation? It is, notoriously, of all the means by which a Government can raise money, the most liable to abuse of all currencies, the most impossible to maintain conformable to any fixed standard of value. We, in the time of the colonies and of the Confederation, did everything we could do to give to the paper of the Government the qualities of money. Did we succeed? You know that, in spite of all Government could do or say to prevent it, our paper money went on perpetually depreciating in value, until a hundred dollars of it could scarce pay for a breakfast."

Such was the description of Government banking, from the great advocate of that scheme. And there were some other things in that speech to which he might advert; but he would yield the floor, rather than occupy it for the few minutes that remained to him, if the House were ready to take the question.

Mr. GIDDINGS moved the previous question, and reminded the House that this was private-bill day.

Mr. CAVE JOHNSON called for tellers, and they were ordered.

Mr. JACOB THOMPSON moved to lay the whole subject on the table.

Mr. CUSHING called for the yeas and nays, and they were ordered; and being taken, resulted as follows—yeas 66, nays 141.

YEAS—Messrs. Allen, Arrington, Borden, Bowne, Brewster, Aaron V. Brown, Burnell, John Campbell, Casey, Chapman, Clinton, Coles, Cowen, Cross, Cushing, Garrett Davis, Richard D. Davis, John C. Edwards, Ferris, C. A. Floyd, Fornance, Gerry, Gilmer, Patrick G. Goode, Wm. O. Goode, Harris, Hastings, Hopkins, Houston, Hudson, Charles J. Ingersoll, William W. Irwin, Wm. Cost Johnson, Cave Johnson, Isaac D. Jones, Keim, Andrew Kennedy, Lewis, Mallory, Marchand, John Thomson Mason, Mathews, Mitchell, Morris, Newhard, Parmenter, Rencher, Reynolds, Rigga, Roosevelt, Sanford, Saunders, Wm. Smith, Snyder, Steenrod, Stokely, Sweney, Jacob Thompson, Tillinghast, Van Buren, Ward, Waller, Westbrook, Thomas W. Williams, Winthrop, and Wood—66.

NAYS—Messrs. Adams, Landaff W. Andrews, Sherlock J. Andrews, Arnold, Atherton, Aycrigg, Babcock, Baker, Barnard, Barton, Beeson, Bidlack, Birdseye, Black, Blair, Boardman, Botts, Briggs, Brockway, Bronson, Jeremiah Brown, Burke, William Butler, Green W. Caldwell, Patrick C. Caldwell, Calhoun, Thomas J. Campbell, Caruthers, Cary, Childs, Chittenden, John C. Clark, Staley N. Clarke, Clifford, Colquitt, Cranston, Cravens, Dawson, Dean, Deberry, Doig, Eastman, John Edwards, Egbert, Everett, Fessenden, Fillmore, John G. Floyd, A. Lawrence Foster, Gates, Gentry, Giddings, Gordon, Graham, Granger, Green, Gustine, Hall, Halsted, Hays, Henry, Houck, Howard, Hubard, Hunter, Hunt, Joseph R. Ingersoll, James Irvin, Jack, James, John W. Jones, John P. Kennedy, King, Lane, Linn, Littlefield, Lowell, Abraham McClellan, Robert McClellan, McKay, McKennan, McKeon, Alfred Marshall, Samson Mason, Mathiot, Mattocks, Maxwell, Maynard, Medill, Meriwether, Moore, Morrow, Osborne, Owsley, Partridge, Payne, Pearce, Pendleton, Powell, Ramsey, Benjamin Randall, Alexander Randall, Randolph, Read, Reding, Ridgway, Rodney, Rogers, Wm. Russell, James M. Russell, Saltonstall, Sewell, Shepperd, Shields, Slade, Truman Smith, Stanly, Stratton, Alex. H. H. Stuart, John T. Stuart, Summers, John B. Thompson, Richard W. Thompson, Toland, Tomlinson, Triplett, Trotti, Turney, Underwood, Wallace, Warren, Washington, Edward D. White, Joseph L. White, Christopher H. Williams, Yorke, Augustus Young, and John Young—141.

So the resolutions were not laid on the table.

The question then recurred on the previous question, and tellers were called and ordered.

Mr. CUSHING withdrew his amendment to strike out the word "not" from the resolution of the majority of the Committee of Ways and Means, which affirmed that it was "not" expedient to adopt the Executive plan of the exchequer.

Mr. BOARDMAN and Mr. READ were then appointed tellers to take the vote on seconding the demand for the previous question; and they re-

ported 98 in the affirmative, and 75 in the negative; so there was a second. The main question was also ordered to be put. The question then recurred on the resolution of the minority of the committee, which was presented by Mr. ATHERTON, in the following words:

And that the Committee of Ways and Means be instructed to bring in a bill regulating the collection, safekeeping, transfer, and disbursement of the public moneys, in such a manner as shall, as far as possible, substitute provisions of law for executive discretion in the management of the finances; shall prevent the moneys of the people from being used for purposes of private speculation and emolument, and shall render the Government independent of the agency and influence of moneyed corporations.

Mr. PICKENS wished it to be understood that that was not a substitute for, but an addition to, the report of the majority of the committee.

The yeas and nays were called for on the amendment; and being ordered, resulted as follows—yeas 105, nays 116.

YEAS—Messrs. Arrington, Atherton, Beeson, Bidlack, Black, Bowne, Brewster, Aaron V. Brown, Charles Brown, Burke, William O. Butler, Green W. Caldwell, P. C. Caldwell, Cary, Casey, Chapman, Clifford, Clinton, Coles, Colquitt, Cross, Cushing, Daniel, Richard D. Davis, Dawson, Dean, Doan, Doig, Eastman, John C. Edwards, Egbert, Ferris, John G. Floyd, Charles A. Floyd, Fornance, Thomas F. Foster, Gerry, Gilmer, William O. Goode, Gordon, Gustine, Gwin, Halsted, Harris, Hastings, Hays, Hopkins, Houck, Houston, Hubard, Hunter, Charles J. Ingersoll, William W. Irwin, Jack, Cave Johnson, John W. Jones, Isaac D. Jones, Keim, Andrew Kennedy, Lewis, Littlefield, Lowell, Abraham McClellan, Robert McClellan, McKay, McKeon, Mallory, Marchand, Alfred Marshall, John Thomson Mason, Mathews, Medill, Miller, Newhard, Oliver, Parmenter, Partridge, Payne, Pickens, Read, Reding, Rencher, Reynolds, Rhett, Riggs, Rogers, Roosevelt, Sanford, Saunders, Sewell, Shields, William Smith, Snyder, Steenrod, Sumter, Sweney, Jacob Thompson, Trotti, Turney, Van Buren, Ward, Watterson, Weller, Westbrook, and Wood—105.

NAYS—Messrs. Adams, Allen, Landaff W. Andrews, Sherlock J. Andrews, Arnold, Aycrigg, Babcock, Baker, Barnard, Barton, Birdseye, Blair, Boardman, Borden, Botts, Briggs, Brockway, Bronson, Milton Brown, Jeremiah Brown, Burnell, William Butler, Calhoun, Thomas J. Campbell, Caruthers, Childs, Chittenden, John C. Clark, Staley N. Clarke, Cowen, Cranston, Cravens, Garrett Davis, Deberry, John Edwards, Everett, Fessenden, Fillmore, A. Lawrence Foster, Gates, Gentry, Giddings, Patrick G. Goode, Graham, Granger, Green, Hall, Henry, Howard, Hudson, Hunt, Joseph R. Ingersoll, James Irvin, James, William Cost Johnson, John P. Kennedy, King, Lane, Linn, McKennan, Samson Mason, Mathiot, Mattocks, Maxwell, Maynard, Meriwether, Mitchell, Moore, Morgan, Morris, Morrow, Osborne, Owsley, Pearce, Pendleton, Powell, Ramsey, Benjamin Randall, Alexander Randall, Randolph, Ridgway, Rodney, William Russell, James M. Russell, Saltonstall, Sheppard, Slade, Truman Smith, Stanly, Stokely, Stratton, Alexander H. H. Stuart, John T. Stuart, Summers, Taliaferro, John B. Thompson, Richard W. Thompson, Tillinghast, Toland, Tomlinson, Triplett, Trumbull, Underwood, Wallace, Warren, Washington, Edward D. White, Joseph L. White, Thomas W. Williams, Christopher H. Williams, Joseph L. Williams, Winthrop, Yorke, Augustus Young, and John Young—116.

The question then came up on the adoption of the following resolution of the Committee of Ways and Means, viz:

Resolved, That the plan of an exchequer presented to Congress by the Secretary of the Treasury at the last session of Congress, entitled "A bill amendatory of the several acts establishing the Treasury Department," ought not to be adopted.

And, the roll having been called, the result was—yeas 193, nays 19, as follows:

YEAS—Messrs. Adams, Allen, Landaff W. Andrews, Sherlock J. Andrews, Arnold, Arrington, Atherton, Aycrigg, Babcock, Baker, Barnard, Beeson, Bidlack, Birdseye, Black, Blair, Boardman, Botts, Boyd, Brewster, Briggs, Brockway, Bronson, Aaron V. Brown, Milton Brown, Charles Brown, Jeremiah Brown, Burke, Burnell, William Butler, William O. Butler, Calhoun, Thomas J. Campbell, Caruthers, Cary, Casey, Chapman, Childs, Chittenden, John C. Clark, Staley N. Clarke, Clifford, Clinton, Coles, Colquitt, Cranston, Cravens, Cross, Daniel, Garrett Davis, Richard D. Davis, Dawson, Dean, Deberry, Doan, Doig, Eastman, John Edwards, John C. Edwards, Egbert, Everett, Ferris, Fessenden, Fillmore, John G. Floyd, Fornance, A. Lawrence Foster, Gates, Gentry, Gerry, Gilmer, William O. Goode, Gordon, Graham, Granger, Green, Gustine, Gwin, Hall, Harris, Hays, Hopkins, Houck, Houston, Howard, Hubard, Hunter, Hunt, Charles J. Ingersoll, Joseph R. Ingersoll, James Irvin, James, Cave Johnson, John W. Jones, Keim, John P. Kennedy, King, Lane, Lewis, Linn, Littlefield, Lowell, Abraham McClellan, Robert McClellan, McKay, McKennan, McKeon, Mallory, Marchand, Alfred Marshall, Samson Mason, John Thomson Mason, Mathiot, Mathews, Mattocks, Maxwell, Maynard, Medill, Meriwether, Miller, Mitchell, Moore, Morgan, Morrow, Newhard, Oliver, Osborne, Owsley, Parmenter, Partridge, Payne, Pearce, Pendleton, Pickens, Powell, Ramsey, Benjamin Randall, Alexander Randall, Randolph, Read, Reding, Reynolds, Rhett, Ridgway, Riggs, Rodney, Rogers, Roosevelt, William Russell, James M. Russell, Saltonstall, Saunders, Sewell, Sheppard, Shields, Slade, Truman Smith, Snyder, Sprigg, Stanly, Steenrod, Stokely, Stratton, Alexander H. H. Stuart, John T. Stuart, Summers, Sumter, Sweney, Taliaferro, John B. Thompson, Richard W. Thompson, Jacob Thompson, Toland, Tomlinson, Triplett, Trotti, Trumbull, Turney, Underwood, Van Buren, Wallace, Ward, Warren, Washington, Weller, Westbrook, Edward D. White, Joseph L. White, Christopher H. Williams, Joseph L. Williams, Wood, Yorke, Augustus Young, and John Young—193.

NAYS—Messrs. Baston, Borden, Bowne, Green W. Caldwell, Cowen, Cushing, Thomas F. Foster, Patrick G. Goode, Halsted, Hudson, William W. Irwin, William Cost Johnson, Isaac D. Jones, Morris, Rencher, Tillinghast, Thomas W. Williams, and Winthrop—18.

So the resolution was adopted.

Mr. BURNELL moved a reconsideration of the vote just given, and supported his motion with some remarks; which, from the noise in the hall, the reporter could not catch distinctly enough to report. After he concluded, he withdrew his motion.

Mr. CHARLES J. INGERSOLL renewed the motion for reconsideration. The first part of Mr. INGERSOLL's remarks were entirely inaudible to the reporter, in consequence of the distance he spoke from. When heard, he was understood to say that the monetary concerns of the nation belonged to the House of Representatives; and he desired to see the day when that sentiment shall prevail in all parts of the country. It would tend more to the settlement of our difficulties, the tranquillity of parties, and the interests and happiness of the country, than anything else that had been proposed.

In the outset of his remarks, he would premise that he opposed any measure presented by the present Chief Magistrate with great reluctance, because he felt under obligations to him for several of his public acts since he had been in the Executive chair. He felt thus both as a Representative and as a citizen of the United States; and would be happy if he had it in his power to coincide with him in the measures he proposed. He would further take this occasion to say, that he felt under a deep debt of gratitude to the President of the United States, for proving to this country a truth which it had not before been awakened to. It had been said, as a matter of reproach to the President, by a distinguished gentleman, that he was a President without a party. He would not say whether it was desirable or not that a President should have a party; but this he would say, that Mr. Tyler had been the instrument—possibly the unconscious instrument—of teaching these United States of America that there was a virtue in their Constitution that they had not been aware of; that the great functions of the Government, executive, judicial, and legislative, might be administered by the demise of the Chief Magistrate's bringing to the Executive chair a gentleman not intended for it. No man could contemplate the event without perceiving that, in this new and difficult aspect of our Constitution, everything worked well. He did not mean to speak in reference to party measures, for he was aware that many disapproved of what had been done and what had not been done; but he meant to say that, in this new state of things, there was no check to the working of our system of government, and it had gone on prosperously as heretofore. Though in the condition of parties, the aspect of things might be changed, yet, without extolling the present President, he wished the community to understand that, at all times, under such circumstances, the administration of this Government, or the functions of this Government, had been performed as usual; and we find true what Mr. Jefferson said—that this was the strongest Government in the world. He regretted, because of his personal relations with the President—which were of the most kind and friendly nature—that he was compelled to oppose any measure presented by him to this House; yet he had determined that he would take the earliest opportunity, not only of opposing this exchequer plan, proposed by the President, but he would take leave to add, as a matter of further opposition to him, that it had been proposed by the Executive at all. The act of 1789, which had been brought into view today, for the first time, was perhaps not as familiar to gentlemen as it ought to be. He had studied it with care, and had come to the conclusion that that act of Hamilton, Ellsworth, Ames, and others, framed by those who aided in framing the Constitution, contained the germe and basis of all we wanted; and that it was by departing from that germe and basis our subsequent difficulties had arisen. It was by going back as far as possible to that act, that the difficulties under which we now labor are to be overcome. Now he did not wish to be understood as referring to the independent treasury. He had voted for it when it was passed into a law, and he had voted for it to day; but he was not exclusively wedded to it. He was inclined to think that it never should have been made an Executive or party question; and that all we wanted was to insist on the principle contained in it. The act of 1789 was infinitely better than the sub-treasury, and possessed within itself all we wanted. We had, therefore, nothing to do but to go back to that from which the convulsions of parties had driven us. Shortly after that act was passed, the Bank of the United States went into operation; and how? Mr. I. here recited the resolution of Congress, which, he said, was construed to authorize the Secretary of the Treasury to report a plan for a national bank at the next session; and the consequence was, a bank became for a long time the keeper and disburser of the public funds, and, in the lamentable instance of the second Bank of the United States, became the despot of the Government. Immediately after the Bank of the United States came the State banks. The United States Bank of Pennsylvania was begun under the auspices of a highly distinguished gentleman, whose friendship he had the happiness to enjoy; and the Manhattan Bank, as he had always understood, was commenced under the auspices of the then Vice President of the United States. Both these banks were established to counteract the influence of the national bank. Things went on for years in the same way, under the suspensions in England, and expansions and contractions in this country, till this Government was nearly *banked* to destruction. He would say again, that the convulsion of parties had thrown us back again upon the act of 1789, for there was but little left of the sub-treasury. Let us, then, (said Mr. I.,) be cautious how we take a single step beyond that; let us look well what we do. What did the Executive recommend to them? He recommended a treasury bank; and though, for his own part, he had never been able to understand the horror expressed for such an institution by many honorable men of the country, yet he took it for granted that a treasury bank was much to be deprecated. He knew it was the opinion of Mr. Madison, as well as of many eminent men of the country, that a treasury bank, with a paper circulation, and with the power to regulate exchanges, was a most formidable and most dangerous institution! No Government should ever have his vote for such an institution. No Government, with his vote, should ever have the power to issue paper at all. He could not vote for it, unduly pressed on them, as he thought. He was not in the habit of being influenced by the public press; but, from what he saw, he thought the Executive and all its branches had made this project a favorite object; and this, with him, was a very strong objection to it.

After some other observations, which were very imperfectly heard, he alluded to the speech of the Secretary of State, delivered in Faneuil Hall, Boston, in which Mr. Webster said that, if there was any subject which he understood, it was this one; and he further said, that he was a bullionist. He (Mr. I.) denied that the Secretary of State was a bullionist; he denied that any man could be a bullionist who would give to the Executive of these United States the power to issue paper money that was not immediately convertible; and yet that was the project of Mr. Webster. Instead of such views being the emanation of a master mind, as they were called the other day, he, (Mr. I.,) an humble and comparatively insignificant individual, pronounced them crudities and puerilities. He was of opinion that, if he Secretary of State, instead of occupying his great mind (if great it were) on treasury projects, with which he had nothing to do, would occupy his great mind on what was the legitimate province of his department—the extension of commerce with foreign nations—he would produce more good, for he might aid in bringing the exchanges in our favor, by bending the energies of his great mind to that subject, instead of wasting them where they would be profitless. He had heard it suggested that the Secretary of State was before long to leave for England on a sort of Ashburton special mission, to make a commercial treaty between England and this coun-

ury; and he [Mr. INGERSOLL] would send him on that errand; for, properly regarded, it was a great errand. He further alluded to the admission by Mr. Webster in his Faneuil Hall speech, that a United States bank was an obsolete idea, which afforded proof that something was gained. He deemed much to be gained when Mr. Webster admitted a bank to be an obsolete idea; and if he would apply his talents, with those of the two Houses of Congress, to develop the resources of the country, its prosperity would be put on a more satisfactory foundation. The honorable gentleman made other observations, which were totally lost at the reporter's desk.

Mr. I. D. JONES next obtained the floor, and was assailed with cries of "adjourn," "adjourn," and "go on, go on." He said if any other gentleman wished to go on to night, he would yield to him the floor.

Mr. WISE said he had a few words to say, which he wished to say to night; and the gentleman from Maryland could have his hour to-morrow. He wished to make his observations to night, for the House was just waking up to the subject.

Mr. CAVE JOHNSON moved an adjournment.

Mr. GRANGER called for the yeas and nays.

Mr. WISE said he was willing to sit until candle-light, for he had just woke up like Rip Van Winkle, and he wanted to explain what had happened while he had been asleep.

The yeas and nays having been ordered upon the motion to adjourn, Mr. CAVE JOHNSON withdrew it.

Mr. ISAAC D. JONES then commenced his remarks. He said that his object in rising was to explain the reasons for his vote upon the resolution by which the exchequer scheme had been condemned—having been prevented from doing so this morning by the operation of the previous question. He referred to the fact, that the State-bank system had not an advocate in the country; and yet it was the only system now in force. Why should this system of keeping the public money be allowed to remain in operation, when it did not have a friend in the country? Congress had twice shown its preference for a national bank; but that had been as often vetoed; and it was, moreover, doubtful whether the stock of such an institution could be subscribed. He preferred even that the sub-treasury should be adopted, bad as it was, rather than the public money should remain in the hands of the Executive. He was unwilling to trust any longer to Executive discretion; therefore, he had voted against the resolution of the committee, by which the exchequer plan was condemned. In doing so, he wished it to be understood that the recommendation of the Executive had no influence upon him. He did not look to the quarter whence the scheme came; and he was the last man in the House who would yield anything to the Executive in the initiation of measures. When the House went into committee upon the exchequer bill, he should express his views at large, and the reasons which would induce him to vote for it.

Mr. ARNOLD next obtained the floor, and expressed a desire to address the House, because, as the "godlike Daniel" had remarked, he thought he understood the subject thoroughly. He would not, however, discuss the bill which this morning received so signal a defeat; because it would be like pouring water on a drowned mouse. After an expression of his opinion in favor of the bankrupt law, and a notice to the House that he should continue to call up his retrenchment bill, he moved the previous question.

Mr. WISE appealed to the gentleman to withdraw his motion, in order to enable him to explain the cause of his absence this morning, when the vote was taken upon the exchequer.

Mr. ARNOLD consented, provided the gentleman from Virginia would only speak ten minutes.

Mr. WISE said if there was anything which he spurned, it was the suspicion of *dodging*. He therefore asked the Speaker to inform him what questions had been taken during his absence. Which having been done, he said that to-day, for the first time during the session, he had felt the sensation of hunger, his health being bad. He retired to the lower part of the Capitol to snatch a snack, [A voice: "Briggs, do you hear that?"] and while there, he fell into a conversation which detained him from the House for some time. To his utter astonishment he found, when he returned, the gentleman from Pennsylvania [Mr. C. J. INGERSOLL] on the floor, discussing the merits of the Secretary of State, the exchequer, and matters and things in general. As during his absence the House had voted upon the proposition of the gentleman from New Hampshire, [Mr. ATHERTON,] and also upon the resolution of the Committee of Ways and Means, and he would not appear on the journal of the House, he would make a request of the reporters of both papers to record *nunc pro tunc* what would have been his votes in case he were present. Upon the resolution of the gentleman from New Hampshire, he should have voted *ay;* and secondly, on the proposition of the Committee of Ways and Means, he should have voted *no*. He hoped this declaration would vindicate him from any suspicion of dodging. Indeed, his constituents, and most of the members of the House, knew him too well to think he would resort to any such thing.

Had not the gentleman from Tennessee [Mr. ARNOLD] put a limit upon him worse than the hour rule, he would go on and show the reason of the votes he should have given. He stated some of them yesterday. Nothing could induce him to vote for such a proposition as that brought in by the Committee of Ways and Means; for he well remembered his indignant feelings in 1837, when Mr. Cambreleng, from the Committee of Ways and Means, brought in the negative proposition that a bank of the United States ought not to be established. He then held that it was an abandonment of the legislative duty of Congress with regard to the currency. Therefore, with the same feelings of indignation, he would have voted against this negative proposition, regarding it also as an abandonment of the power of Congress over the finances of the country.

He then referred to the remarks of the gentleman from Pennsylvania, [Mr. C. J. INGERSOLL,] and said he should be obliged to that gentleman—who was so bold as to say that Daniel Webster knew nothing about finance, judging by his Faneuil Hall speech—if he had informed the House what was his substitute for the exchequer.

Mr. C. J. INGERSOLL said the law of 1789 with some modifications.

Mr. WISE remarked, that this was anything but a definition, according to Blackstone, and would throw open the whole field of experiment and exploration. The act of 1789 was to be condemned on many accounts, as had been remarked by his friend from Maryland [Mr. I. D. JONES] Moreover, the exchequer itself was but a proposition to modify the law of 1789. After some further remarks, Mr. W. expressed the hope that the House would, on to-morrow, go into committee on the exchequer, calmly discuss it on its own merits, and decide its fate without party recrimination, or reference to party objects. His ten minutes having expired, he concluded by moving the previous question.

Mr. POPE requested the gentleman to withdraw the motion for the previous question for a moment; and, Mr. WISE (with the approbation of Mr. ARNOLD) assenting, Mr. P. explained that pressing and important business prevented him from being present when the vote was taken. He had no particular desire to vote on the resolutions, as he could vote on the exchequer bill, when it came up; but, as the gentleman from Virginia [Mr. WISE] had thought proper to say how he would have voted, had he been present, he (Mr. P.) would do the same thing. He should have voted for the resolution, and against the amendment; for, until the 3d of March next, he was bound to his constituents to vote for a bank of the United States.

Mr. EVERETT then moved to lay the motion for reconsideration on the table; which was carried, without a division; and

The House adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, January 28, 1843.

Mr. RIDGWAY presented a memorial, signed by 41 members of the Ohio Legislature, asking Congress to repeal the law which removed the summer term of the circuit and district courts of the United States from Columbus to Cincinnati: referred to the Committee on the Judiciary.

Mr. TILLINGHAST presented certain resolutions of the Legislature of Rhode Island, relative to the rates of postage.

Mr. GILMER presented a resolution, (which was agreed to,) calling upon the President of the United States to communicate to this House, if not incompatible with the public interests, any information in possession of the Government as to the negotiation of a treaty, or of overtures to treat, for the cession of California by Mexico to England.

Mr. BOARDMAN presented a petition on the subject of the warehousing system.

Mr. PICKENS said there was on the table a bill from the Senate for the relief of the Petersburg Railroad Company, which he desired that the House should now take up; and, if the House would agree to do so, he pledged himself to move the previous question, to prevent the consumption of the time of the House with that subject. The company wished a decision of the House, one way or the other.

Mr. COWEN objected, this being private bill day.

Mr. KEIM presented two petitions, signed by Wm. Green, Abraham Behm, and one hundred and fifty highly respectable Democratic citizens of Berks county, Pennsylvania, praying Congress to create $200,000,000 of national stock to be distributed to the States: referred to the Committee on Assumption of State Debts.

Mr. READ presented the petition and documents of Lois Robinson, praying for bounty land, or half-pay for five years in lieu thereof: referred to the Committee on Revolutionary Claims.

Mr. LOWELL presented the petition of Sewall Lake, and 45 other citizens of Bucksport, Maine, for an additional duty on sawed lumber, firewood, spars, &c., which was referred to the Committee of Ways and Means. Also, the petition of Darius Dickey, of Jonesport, Maine, for remuneration for services rendered in the capture of the British schooner Industry during the late war with Great Britain; which was referred to the Committee of Claims.

Mr. GIDDINGS appealed to the House to take up the bills on the private calendar, yesterday having been occupied with a subject which superseded that order of business.

Mr. CUSHING objected, and moved that the House resolve itself into Committee of the Whole on the state of the Union; avowing his object to be to move to take up the exchequer bill. He had been so continuously reproved for not doing this, that he would in future make the motion daily, until he accomplished his purpose.

Mr. PAYNE inquired if the resolution respecting the refunding of the fine of General Jackson, was not in order during the morning hour.

The SPEAKER replied that it was a part of the business of the morning hour, if not set aside by a resolution of the House.

The SPEAKER put the question on the motion of the gentleman from Massachusetts, [Mr. CUSHING,] and it was negatived.

Mr. McKENNAN renewed the motion of the gentleman from Ohio, [Mr. GIDDINGS,] to appropriate this day to the private calendar.

This motion was agreed to after being modified, on the suggestion of Mr. PICKENS, so as to take effect after the morning hour.

Mr. UNDERWOOD submitted the following resolution; which was read twice, and committed to the Committee on Public Lands; after a brief statement of the necessity which existed for its passage.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in all cases where a soldier of the last or revolutionary war, who was entitled to bounty land, has died without obtaining a patent for the land, and where application is made by a part of the heirs of the deceased soldier for the bounty land, it shall be the duty of the proper officers of the War and Treasury Departments to issue the warrant and patent in the name of the

heirs of the deceased soldier, without specifying each; and the patent so issued in the name of the heirs generally, shall inure to the benefit of the whole, in such portions as they are severally entitled to by the laws of descent in the State or Territory where the soldier died.

The SPEAKER then called for reports from committees, and the following were presented:

Mr. McCLELLAN of New York, from the Committee on Patents, reported a bill for the relief of Stephen K. Jennings; which was read twice and committed.

Mr. PENDLETON, from the Committee on Military Affairs, moved that the committee be discharged from the further consideration of the memorial of citizens of Ohio, asking a grant of land in the Oregon Territory, and that it be referred to the special committee heretofore appointed; which was agreed to.

Mr. CROSS, from the Committee on Private Land Claims, reported adversely on the petition of H. M. T. Moss.

Mr. GIDDINGS obtained the discharge of the Committee of Claims from the petition of citizens of Cayuga county, New York, praying that the fine of General Jackson, which the President, in his annual message, recommended should be refunded, should be given to the children of John Adams.

He also made an adverse report on the Senate bill for the relief of Stalker & Hill.

Mr. GORDON, from the Committee on Invalid Pensions, made several adverse reports; amongst which were reports on the petitions of Joseph Bowler and George Pool.

Mr. BREWSTER, from the Committee on Public Lands, reported a bill for the relief of Thomas H. Brown; which was read twice and committed.

Mr. TURNBULL, from the Committee on the Judiciary, moved that it be discharged from the further consideration of the petition of David Jones; which was agreed to.

Mr. CRANSTON, from the Committee on Public Buildings and Grounds, reported a bill for the relief of John Skirving; which was read twice and referred.

Mr. FILLMORE presented documents from the War Department, communicating information in relation to the appropriation for holding a treaty with the Sioux Indians in 1841, and the authority under which Governor Doty acted in drawing the drafts for provisions and goods furnished to the Indians; which were referred to the Committee on Indian Affairs.

Mr. MOORE, from the Committee on Private Land Claims, made an adverse report upon the petition of John H. Howard.

GENERAL JACKSON'S FINE.

This subject next came up in order, on which Mr. PAYNE was entitled to the floor.

Mr. BOTTS requested permission to make an explanatory statement. He said it would be recollected that, when the gentleman from Pennsylvania [Mr. C. J. INGERSOLL] addressed the House, some days ago, he laid down the broad principle that there was no legal authority to punish contempts by attachments, and on that point the gentleman challenged the legal knowledge of that House. And when he (Mr. BOTTS) addressed the House, the gentleman from Pennsylvania asked him how the common law became the law of Louisiana; to which he replied, that the common law became the law of the State of Louisiana, precisely as it became the law of every other State in the Union. Since that time, he had met with an authority on that point, which he wished to communicate to the House.

He was then understood to quote Gordon's Digest, article 106, page 480, being the 14th section of the judiciary act of 1789.

Mr. PAYNE then resumed the floor, and said, on rising to address the House on this occasion, he felt somewhat as a gentleman who addressed the House a few days ago felt. He had reflected on this question, and on some parts of it he had wished to say a few words; but, by the adjournment of it from day to day, much of what he intended to have said had passed from his recollection, and he should now find it exceedingly difficult to strike on the train of thought which he had chalked out for himself. Besides, there was another thought in his mind, when he before wished to address the House on this subject. He had thought that, on an appeal to the justice and magnanimity of the House, there would have been found no difficulty in agreeing to this proposition; but he had since abandoned that expectation. The speech of the gentleman from Virginia [Mr. BOTTS] had satisfied him that such were the trammels of party, that the appeal he had contemplated would be useless: he should therefore not appeal to this Congress at all, but he should look beyond it, to the American people; and in making his appeal to them—and they were the fountain of all justice, as of all authority on political questions—he had not the slightest doubt that his appeal would be heard, and that the time would come when an appeal to that tribunal would produce an effect which would so operate on this body as to force the passage of the measure under consideration. When this question was examined before that tribunal, it would be gaged by the square of justice; it would not be asked if its passage would promote the aspirations of any particular individual for the Presidency, or its adoption blight the hopes and prospects of other ambitious aspirants, who may be looking to that elevation. As he had said, it would be gaged by the square of justice; and the only question that would be asked would be, was General Jackson justified in the course he adopted at New Orleans? Was he justified or not? If he was, they would at once declare that this fine should be refunded; but if he was wrong, no human being under heaven would desire, he (Mr. P.) apprehended, that it should be done. The gentleman from Virginia [Mr. BOTTS] asked where General Jackson got his authority to declare martial law at New Orleans; and as the question had been asked, he would proceed to answer it. He should not contend that either the Constitution or the laws justified General Jackson in declaring martial law at New Orleans: he conceded that point. He would go further; and admit that, so particular had been the people of the United States in the adoption of constitutions, that there was scarcely a constitution which did not expressly declare that the military was subordinate to the civil power; and the Constitution of the United States contained the same doctrine. Yet, notwithstanding all this, it did not follow that, in time of war, a case might not arise in which it was justifiable—nay, in which it was essential—that a commander should assume the responsibility of declaring martial law. The preservation of the army itself, and of the country, from an invading army, would furnish circumstances under which a commander would be justified in declaring martial law. The ground, then, on which he predicated the authority of General Jackson to declare martial law at New Orleans, were these grounds of self-defence which were paramount to all written constitutions and laws; and his defence and justification rested on the necessity of the measure.

He then cited the instance of the invasion of Florida by General Jackson at the time the territory belonged to the King of Spain, a neutral power. There was no authority for such invasion. Yet the country was inhabited by Indians, who were constantly committing depredations on the Americans; and who were incited thereto, and supplied with ammunition, by the English. General Jackson saw the necessity of invading this territory; for self-preservation was paramount to all constitutional law. The King of Spain earnestly protested against the conduct of General Jackson, and demanded his removal from command. But the General, then, had an able champion and defender—a man who should, at least, be authority on questions of constitutional law with a majority of this House. He referred to the gentleman from Massachusetts, [Mr. ADAMS] Mr. P. then read an extract from the complaint of the Spanish minister, and the answer made by Mr. ADAMS on behalf of this Government. It was, indeed, difficult to find a more conclusive and ample defence of General Jackson, than that made by the gentleman from Massachusetts. That gentleman then said that General Jackson was governed by the most enlarged patriotism, and by a pressing necessity, of which he alone could be the judge. General Jackson did judge; and the consequences of his entrance into the territory of the neutral King of Spain were well known.

Now he contended that every principle involved in the invasion, by General Jackson, of a neutral territory, was also involved in this declaration of martial law at New Orleans. The question very naturally arose, Why was it that the distinguished gentleman from Massachusetts, [Mr. ADAMS,] who was formerly so able a champion of General Jackson, now turned round, at the end of thirty years, to become—he had almost said—the reviler and slanderer of him whom he once so powerfully defended? He would not say that the feeling evinced by the gentleman had its origin in the political contest of 1828; but he could tell the gentleman that others less charitable than himself not only thought such to be the fact, but were not backward in so declaring.

The next view which he took of the declaration of martial law by General Jackson, was the necessity of the case. Upon the establishment of the necessity of declaring martial law alone depended the justification of the General. If, therefore, it could be established that martial law was necessary when General Jackson declared it, he would demand the passage of this bill to refund the fine. In order to do this, he must advert to the facts as related in the history of the times. He read from Martin's History of Louisiana, to show that a large number of the people of that State were always adverse to a change in their government, and to becoming members of the Confederacy; that they were disaffected; and that they were ready to become traitors when occasion offered. He also read from the address of the British commander, when arriving in Louisiana, proclaiming to the people of Kentucky, Tennessee, and others, that, should they start aside, they might have money in abundance, and a good price for their productions. These patriotic individuals paid no attention to the proclamation of the British commander; and, for the honor of humanity, it was to have been hoped that none would be forced to aid the British commander in circulating his incendiary publication. But enemies were found who circulated the pamphlet, and scattered copies of it all over the country between Mobile and the Mississippi. There were, besides this, other evidences of the existence of treason. The Executive continued to inform Gen. Jackson that the country was filled with enemies and spies. Even one of the colonels was tainted, and contemplated a surrender to the British. He could not say whether the Legislature were infected or not; but, if he had its journal, he might, perhaps, put his hand on one or more propositions that would throw some light on the subject.

The gentleman from Virginia [Mr. BOTTS] had said that General Jackson acted merely upon vague rumor, and had not informed the public where he derived his information of the treason which existed. The gentleman from Virginia, it would be remembered, informed the House that he never read but one law book in his life. From this remark, it would be nothing more than natural to suppose that he had been equally negligent in reading the history of his country. He (Mr. P.) made no such charge, because everybody knew that the gentleman from Virginia was very well versed in the history of this country.

Mr. BOTTS said, that what he observed on a former occasion was, that General Jackson had not given any reasons for his suspicion of the existence of treason, so far as he (Mr. B.) had yet ascertained.

Mr. PAYNE remarked that he was proceeding on the supposition that the gentleman had omitted to read the history of the times. It would have certainly been improper in General Jackson to take the course he did, without controlling reasons.

Mr. BOTTS here inquired what history the gentleman had got his information from.

Mr. PAYNE said from Martin's History of Louisiana.

Mr. BOTTS said he had never read that book.

Mr. PAYNE resumed, and read a passage containing information of the treason then in progress, communicated to General Jackson by Colonel Duncan. He also read (to show that General

Jackson did not act on vague and general suspicions) a passage from La Tour. How, then, he asked, was the city of New Orleans to be saved? How defended against a powerful invading enemy, except by declaring martial law? General Jackson saw and felt the responsibility of his situation, and he ordered New Orleans to be put under the same rules as a military camp. It was put under garrison; all the avenues coming into and going out of the city were blocked up, and all communication cut off between traitors within and the enemy without. The next thing was the publication, by Mr. Louallier, of an incendiary pamphlet, the object of which was to produce mutiny and disobedience to the orders of General Jackson. He was arrested, together with Judge Hall, (who became his accomplice,) by the order of General Jackson. On this head of the subject, he would remark, that there was an argument in the Democratic Review so full and conclusive, that he need not say anything more; but would content himself by having it printed in his speech when that should be published in full.

He then went on to argue that New Orleans could not have been saved, except for the declaration of martial law. The forces of the Americans amounted to but 3,000 men; many of them raw soldiers, undisciplined, inexperienced, and without proper arms. Against them, the enemy were 14,000 strong, of the best troops in the world. He referred to the fact stated by the gentleman from Massachusetts, [Mr. CUSHING]—that the British arms were victorious everywhere but in America. Everywhere they had added a halo of glory to the conquering cross of St. George. The condition of England, too, was at that time entirely free from danger. She had nothing to fear from France. The star of Napoleon had set. There was no reason to fear an insurrection in Ireland: her altars had been cloven down, and their fires of freedom extinguished with the blood of Emmett. Thus left to contend with a power which had torn the diadem from the hero of Austerlitz, and broken up the confederation of the Rhine, it was the Americans alone—the Anglo-Jackson blood—which tore the lion from the conquering flag. He might say to the ladies of New Orleans, lovely and virtuous as they were, that, had it not been for the conduct of Andrew Jackson, their mothers and aunts would have been surrendered to the lusts of an infuriated soldiery.

He would tell the ladies of New Orleans more—that at this very time, when an effort was made to refund to General Jackson the fine so unjustly imposed on him, the Senators from Louisiana, in another branch of the legislative body, were voting against it—ay, voting against the remission of the fine to their defender. Let that go to them: he had no further remark to make on that subject. He had said that here he rested the claim of General Jackson to have this fine refunded to him—not as a gratuity; not as a remuneration for his distinguished services; but as an act of justice. He demanded it as an acquittal—an absolute acquittal—from the aspersions that had been so foully cast upon him. But the gentleman from Virginia [Mr. BOTTS] said, the other day, that General Jackson had received the amount of this fine from a subscription raised by the ladies of New Orleans; and that, instead of putting the money in his own pocket, as he had a right to do, distributed it among the widows and orphans of those who fell in the defence of the city. For this reason, the gentleman contended that the Government should not refund the amount of the fine. Now, did the gentleman suppose that General Jackson could have received this money as a gratuity or as a reward for his services? If he had done so, he would not have been Andrew Jackson. On the contrary, knowing that the amount thus raised by the gratitude of those whom he had saved from the outrages of a licentious soldiery could not be restored to them, he, in accordance with that benevolence and humanity which always distinguished him, recommended its distribution among the widows and orphans of those who had fallen in battle. He rejoiced that the gentleman from Virginia had brought this subject to the notice of the House. It showed that there was a deep sense of gratitude to their deliverer pervading all classes of the city. But the most remarkable declaration of the gentleman from Virginia was, that, in reading the history of General Jackson, he could find but one green spot in his life. But one green spot in the life of Andrew Jackson! Why, he could go back to his boyhood, when he was a prisoner in the British camp. While there, he was insolently ordered by a British officer to black his boots. Did he obey with the servile acquiescence of a timid and inexperienced boy? No; he indignantly refused, and told him that he was a prisoner of war, and not amenable to the exercise of such authority. Was not this a green spot in his life? But again: Look at the condition of the country during the last war, at the time when General Jackson was appointed to a command in the army. Our cities had been sacked; and the British flag had waved over the walls which surround us; and the northwestern frontier was deluged in blood; and the whole nation was in alarm. No sooner was General Jackson appointed, but the tide of victory was rolled back. victory to our arms succeeded victory, till the war ended in a blaze of glory at New Orleans. Look to the Creek war; the battles of Emuckfa, Talledega, Echota, and the Horse Shoe; was there no green spot there? Why, if they did not know the intelligence of the gentleman from Virginia, they might naturally suppose that he was as ignorant of the history of his country as he professed to be of law.

Upon all these grounds, the fine should be refunded; and refunded because it was unjustly imposed on him; because General Jackson acted from the necessity of the case; and, if he had not declared martial law, the wealth of the city, and, above all, its helpless females, would have become the prey of a brutal soldiery. Could an American Congress hold that it had no power to refund this fine? Look at the gratuity of $25,000 given to the widow of General Harrison. He did not vote for that donation, because he believed that this Government had no right to make gratuities. But here was a different case; here was an act of justice to be performed, and money to be restored, that had been unjustly extorted and withheld for nearly thirty years. Hull was paid for his perfidy and cowardice; and why should General Jackson be punished for his patriotism and courage? He disliked to speak of an American in the manner he was compelled to speak of Hull; but he must say that a large portion of the American people declared that he was highly tinctured with treason. This man, then, was rewarded by this very Congress, who refused to do justice to the defender of his country. He asked if the American people would tolerate conduct like this. Again: a bill had passed the House for paying the Massachusetts militia for refusing to serve under the orders of the General Government; yet the House could refuse justice to the man who had shed his best blood in the service of his country. The gentleman from Massachusetts, the other day, very insidiously brought the traitor Arnold in the debate, for the purpose of applying his case to that of General Jackson; and repeated the anecdote of the American who said, that if his countrymen had caught him, they would have buried with the honors of war the leg that was mutilated in their service, and hung the rest of his body. He could well retort upon the gentleman, and direct what point there was in the anecdote to him, and those who thought with him. He might say, that if Arnold were here now, before this Congress, they would (judging from its action in Hull's and General Jackson's cases) pension the treasonable part of his body, and hang up the leg that was wounded in defence of the country.

The SPEAKER here reminded Mr. P. that his hour had expired.

Mr. DAWSON obtained the floor.

Mr. C. J. INGERSOLL gave notice that he would on Monday ask leave to introduce a bill to amend the act organizing the Treasury Department.

MILITARY DISTRICTS.

The SPEAKER laid before the House a communication from the War Department, in answer to the resolution of the 21st instant, requiring the Secretary of War to inform the House what (if any) change has taken place in the organization of the military divisions or districts of the United States since 4th March last; and, if so, the reasons for such change, &c., &c.

Mr. C. H. WILLIAMS moved to refer it to the Committee on Military Affairs, with instructions to inquire into the expediency of providing, by law, for the abrogation of the present arrangement of the military departments, as adopted by the general order No. 40, issued on the 12th of July, 1842, and for the purpose of restoring the two military divisions as they existed immediately before the issuing of that order.

Mr. CAVE JOHNSON moved to amend the instructions by adding the following:

"And also to inquire into the propriety of abolishing the office of commanding general in chief."

Mr. STANLY said he had no objection to the amendment; but he would suggest to the gentleman to go farther, and inquire into the expediency of abolishing the army and navy altogether.

Mr. CAVE JOHNSON said he hoped that, in time, Congress would reduce both. He believed it essential to the good of the country that the army and navy should both be considerably reduced.

Mr. C. H. WILLIAMS accepted the amendment as a modification of his resolution; and, in that form, it was adopted.

The SPEAKER communicated a report from the War Department, transmitting 245 copies of the Army Register, in compliance with the resolution of February 1st, 1842: laid on the table, and ordered to be printed.

Also, a communication from the Navy Department, in reply to a resolution of the House, showing the cost and progress made in building the iron war steamer, under the direction of Mr. Stevens, at New York: laid on the table, and ordered to be printed.

LAW FEES.

Mr. RANDALL, from the Committee for the District of Columbia, reported a bill regulating the fees of the officers of the courts in the District of Columbia; which was twice read, and referred to the Committee of the Whole.

The bill for the relief of the heirs of Robert Fulton was taken up on its second reading; but, objection being made, it was laid aside.

The following bills were read a third time and passed:

A bill for the relief of John Patten, jr., owner of the fishing schooner Credit, and the master and crew of said vessel.

A bill for the relief of Abner Lowell and others, owners of the fishing schooner William.

A bill for the relief of William Ellery, owner of the fishing schooners Sevo and Ida, and others.

A bill for the relief of John H. Russell and others, owner, master, and crew, of the fishing schooner Lucy Ann.

A bill for the relief of Mary Bradstreet and Amos Tappan.

A bill for the relief of Knott Martin the 3d, and Arnold Martin, owners of the fishing schooner Only Son, and others.

A bill for the relief of Barnabas Baker and others, of the fishing schooner called the Union, of Dennis, Massachusetts.

A bill for the relief of Joshua Knowles, jr., and owners, and the crew of the fishing schoner Garnet.

An act to set aside certain reservations of lands on account of live oak in the southeastern district of Louisiana.

The amendment of the Senate to the bill entitled "An act for the payment of seven companies of Georgia militia, for services rendered in the years 1840 and 1841," was read and concurred in.

The amendment of the Senate to the bill entitled "An act for the relief of John P. Skinner, and the legal representatives of Isaac Green," was read and concurred in.

The following Senate bills were read a first and second time, and referred.

An act for the relief of the Planters' Bank of Mississippi, and the Agricultural Bank of Mississippi.

An act for the relief of Wm. De Peyster and Henry N. Cruger.

An act to regulate enlistments in the army, navy, and marine corps.

An act to amend the charter of the town of Alexandria.

An act for the relief of Richard Henry Wilde.

The bill for the relief of the Petersburg Railroad Company, was taken up; and, on the question of its passage,

Mr. RANDOLPH called for the yeas and nays; which being taken, resulted as follows—yeas 55, nays 92. The bill was, therefore, rejected.

Mr. GIDDINGS then moved that the House go into committee, for the purpose of taking up the private calendar; which motion was agreed to, and Mr. McKENNAN took the chair.

A joint resolution for the relief of Benj. Ogle Tayloe was taken up and read.

Mr. WM. SMITH said he must object to the resolution, until he heard some reason for its adoption. The resolution was, therefore, passed over.

Also, a bill for the relief of the wardens of St. Paul's Church, Philadelphia, was passed over, under objection by the same gentleman.

The following bills were laid aside to be reported:

A bill for the relief of Charles Waldron.
A bill for the relief of John Randolph Clay.
A bill for the relief of Jacob White.
A bill for the relief of George B. Johnson.
A bill for the relief of Jacob Gray.
A bill for the relief of the sureties of Samuel Swartwout.
A bill for the relief of Mary Barry.
A bill for the relief of Alexander Mitchell.

[This bill was objected to by Mr. MERIWETHER; but, at the earnest appeal of Mr. STEENROD, the objection was withdrawn.]

A bill for the relief of Ann W. Angus.
A bill for the relief of Elizabeth Gresham.
A bill for the relief of Elizabeth Powers.
A bill for the relief of George A. Winslow.
A bill for the relief of Mary Pike.
A bill for the relief of Jeremiah Kimball.
A bill for the relief of J. R. Vienne.
A bill for the relief of the legal representatives of Robert A. Kelly.
A bill for the relief of W. S. Eveleth.
A bill granting the right of pre-emption to certain settlers in Wisconsin.
A bill for the relief of P. Smith and James Young.
A joint resolution for the benefit of F. M. Lewis.
A joint resolution for the benefit of Mary Neal.
A bill for the relief of Jacob Miller.
A bill for the relief of David Munn.
A bill for the relief of Samuel Edgecomb.
A bill for the relief of Nancy Wilson.
A bill for the relief of the Nantucket Steamboat Company.
A bill for the relief of D. and J. Wilkinson.
A bill for the relief of Andrew Fisher.
A bill for the relief of Gamaliel E. Smith.
A bill for the relief of William Street.
A bill for the relief of Samuel Hoffman.
A bill for the relief of Samuel Dicy.
A bill for the relief of Jane McGuire.
A bill for the relief of Sampson Brown.
A bill for the relief of William Patterson.
A bill for the relief of Maria Fowler.
A bill for the relief of Mary Rhinalt.
A bill for the relief of Richard Sneed.
A bill for the relief of Thomas Weaver and Jacob Heyberger, sureties of the Norristown and Valley Railroad Company.
A bill for the relief of S and M. Riche.
A bill for the relief of John Hodgkin.
A bill for the relief of Thomas H. Brown.
A bill for the relief of Samuel R. Jennings.
A bill for the relief of John Skirving.
A bill for the relief of Rebecca Guest.

The following bills were passed over, objections severally being made:

A bill for the relief of Daniel Homans.
A bill for the relief of Stalker and Hill.

The adverse report upon the petition of General Hernandez was passed over without action.

On motion of Mr. GIDDINGS, the committee then rose, and reported the several bills above mentioned as laid aside to the House.

The said bills were, with some exceptions noted below, ordered to their engrossment, and then read a third time, and passed conjointly by one vote of the House.

The following bills, though reported, were laid over, under objections made in the House:

A bill for the relief of Alexander Mitchell.
A bill for the relief of John Skirving.
A bill for the relief of Thomas Weaver and Jacob Heyberger.

A bill (from the Senate) authorizing the Secretary of the Treasury to make a compromise with any of the sureties of Samuel Swartwout on his official bond as collector of the port of New York.

Mr. C. JOHNSON moved to recommit the bill for the relief of the Norristown Railroad Company; which was not agreed to; but, as objection was made to the bill, it went over.

On the motion of Mr. McKENNAN, the bill for the relief of the inhabitants of West Florida, which was the special order for to-day, and on which Mr. LEVY, having the floor, intended to address the House, was made the special order for Friday next.

OFFICERS IN THE BALTIMORE CUSTOM-HOUSE.

Mr. J. P. KENNEDY submitted the following resolution, and it was agreed to:

Resolved, That the Secretary of the Treasury be directed to inform this House whether any addition has been made to the number of officers attached to the Baltimore custom-house, or to any department thereof, since the 1st of September, 1841; and if any addition has been made, that the Secretary of the Treasury be further directed to report to this House the names of such additional officers as have been appointed since the date above mentioned, the nature of their duties respectively, their day, and the date of their appointment. That the Secretary of the Treasury also inform this House what necessity existed, in the affairs of the custom-house of Baltimore, for any such addition to the officers thereof; and whether the said addition was recommended by the collector, or by any other officer of the customs of Baltimore; and if recommended by any other, by whom.

COMMANDERS IN THE NAVY.

Mr. ADAMS submitted the following joint resolution:

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That the first proviso to the first section of the act entitled "An act making appropriations for the naval service for the year 1842," approved August 4th, 1842, be, and the same is hereby, so modified, as to allow of the addition, by promotion, of four commanders in the navy above the number limited and prescribed by the proviso aforesaid; and if the addition shall be made to the number of commanders as contemplated by this resolution, no further addition shall then be made to the number of commanders in the navy until the whole number shall be again reduced to that authorized and limited by the law hereby modified.

Mr. MERIWETHER objected.

Mr. ADAMS said, as objection was made, it was necessary that he should state that its object was to enable the President and the Senate to promote the commander of the late exploring expedition. There were now four officers who had precedence of Lieutenant Wilkes, whom it was necessary to promote before that officer could be honored for his services in an expedition which was productive of so much good to the country.

After a few words from Mr. MALLORY, Mr. MERIWETHER, and Mr. ADAMS, the resolution was read twice, and committed to the Committee of the Whole.

DEFALCATIONS.

Mr. BURNELL submitted the following resolution, and it was agreed to:

Resolved, That the Secretary of the Treasury be, and he hereby is, directed to report to this House annually all cases wherein any officer of the Government has failed to settle his accounts for the current year, the cause of the same, and what proceedings have been directed in each of such cases; also, all defalcations which may have taken place during the current year, and the proceedings in relation thereto.

Mr. J. C. CLARK, from the Committee on Naval Affairs, reported a bill to authorize the examination and survey of the harbor of Memphis, Tennessee; which was read twice, and committed.

The House then adjourned.

IN SENATE.

MONDAY, January 30, 1843.

The PRESIDENT *pro tem.* laid before the Senate a communication from the State Department, transmitting documents received by the Caledonia, from United States consuls abroad, showing, in compliance with a resolution of the Senate of August last, the cost of articles imported into the United States, during the months of July, August, and September last, at the ports from whence imported, &c.; which, on motion of Mr. HUNTINGTON, was ordered to lie on the table for the present.

Also, laid before the Senate a communication from the War Department, transmitting, in compliance with a resolution of the Senate of the 26th inst., a copy of the report of an officer of the topographical engineers, on the subject of an iron pile light for Bartlett's reef, in Long Island Sound; which was ordered to lie on the table, and be printed.

Memorials were presented by Mr. EVANS, from Thomaston, Newcastle, and Nobleborough, Maine; by Mr. CRAFTS, from Montpelier, Vermont; by Mr. SIMMONS, from Newport, Rhode Island; from shipowners, merchants, and others, engaged in commerce and navigation, representing that the mercantile navigation of the United States has suffered materially from the effects of the existing treaties, and the arrangements between the United States and Great Britain, the Hanseatic Republics, France, Holland, Denmark, Russia, and Sweden, respectively; and that those treaties and arrangements termed reciprocal have not proved reciprocal to the navigation of the United States; and asking that Congress would, so far as the treaties permitted, make regulations which would prove more reciprocal; which were referred to the Committee on Commerce.

Mr. EVANS presented two memorials from citizens of Maine engaged in the lumber trade, asking that a specific duty may be levied, greater than the duty of the present tariff, on certain kinds of lumber imported from New Brunswick and Nova Scotia: referred to the Committee on Manufactures.

Mr. MILLER presented a memorial from citizens of the State of Pennsylvania, in which they state that they are very much in want of a proper currency, and ask Congress to issue $200,000,000 of scrip, based on the proceeds of the sales of the public lands, to be divided among the States and Territories, as a proper and ready means of relief: referred to the Committee on Finance.

Mr. DAYTON presented a petition from Sarah Williamson, a widow of a deceased revolutionary soldier, complaining of the construction by the department of the pension act of July 7, 1838, by which she has been excluded from its benefit; and asking Congress to pass an act reversing that construction, to enable her to obtain a pension: referred to the Committee on Pensions.

Also, presented a memorial from members of the bar and citizens of New Jersey, complaining of the inconvenience resulting to them in consequence of the sessions of the United States courts being held in Burlington and New Brunswick, and praying the passage of a law authorizing them to be holden at Trenton for the future: referred to the Committee on the Judiciary.

Mr. BUCHANAN presented six memorials from the city and county of Philadelphia, asking Congress to restore to Mr. Kendall his personal liberty, of which he has been deprived in consequence of the verdict rendered against him by the district court of the United States for the District of Columbia, in favor of Stockton & Stokes, for conscientiously discharging his official duty to the United States, under his oath of office as Postmaster General.

Mr. B. remarked that he would only say that he believed, with the memorialists, that Congress should not permit Mr. Kendall thus to be deprived of his personal liberty for conscientiously discharging his duty to his Government by protecting its interests. He hoped, therefore, that the Judiciary Committee, to which he proposed to refer it, would forthwith report a bill granting the relief petitioned for. [Mr. B. was here told that memorials hereto-

fore presented on this subject had been referred to the Committee on Claims.] He believed, notwithstanding such reference, that the proper reference would be to the Judiciary Committee. It was properly a judicial question, and the remedy should come from that committee.

The memorials were then referred to the Committee on Claims.

Mr. BAGBY presented a petition from Farley D. Thompson, asking to be relieved from liabilities incurred as surety for Chilton White, late postmaster at Lagrange, Alabama: referred to the Committee on the Post Office and Post Roads.

Mr. BERRIEN presented a memorial from the Central Railroad and Banking Company, asking remission of duties on such railroad iron as may be imported for the use of that company before the 1st of March, provided it be laid down within the present year: referred to the Committee on Finance.

Mr. CRITTENDEN presented a memorial from certain persons of the United States residing in the State of Pennsylvania, ascribing all the distress and embarrassments of the country to the want of a proper and sufficient currency; and, as a remedy for these evils, they recommend that on the lands now unsold $200 000,000 of stock be issued to the States and Territories by the United States, and that the proceeds of the sales of these lands be pledged to the redemption of the same: referred to the Committee on Finance.

Mr. McDUFFIE presented resolutions adopted by the Legislature of South Carolina, against the tariff passed at the last session of Congress; which were referred to the Committee on Finance, and ordered to be printed.

Mr. McROBERTS presented a preamble and resolutions of the General Assembly of the State of Illinois, (which were ordered to be printed,) expressing the opinion—

1. That the present tariff of duties should be modified, and that duties should be imposed with a view to revenue, and protesting against the principle of distribution.

2. That the repeal of the independent treasury was precipitate, unwise, and injurious.

3. That a bank of the United States is unconstitutional, inexpedient, and ought not to be re-established.

Mr. SIMMONS presented certain resolutions of the General Assembly of Rhode Island, on the subject of the reduction of postage on letters; which were ordered to lie on the table and be printed, a bill having been reported for that object.

Mr. LINN presented a memorial, signed by 369 citizens of Louisville, Kentucky, asking for the extension of a portion of the laws of the United States over the Oregon Territory, for grants of land, and for the erection of military posts there: ordered to lie on the table, a bill for the purpose being now before the Senate.

Mr. BUCHANAN presented a memorial from Samuel Raub, in which he represents that he has discovered an effectual mode of preventing the explosion of steam-boilers; and with a view to make the apparatus (for which he has a patent) free to every citizen of the United States, and cause a knowledge of it to be disseminated to every part of the Union, whether for boats, stationary engines, or otherwise, he prays Congress to purchase the patent: referred to the Committee on Commerce.

Mr. MILLER, from the Committee on Claims, reported a bill for the relief of Daniel G. Skinner; which was read, and ordered to a second reading.

Also, reported back, from the same committee, with an amendment, House bill entitled "An act further to continue in force the act for the payment of horses and other property lost in the military service of the United States."

Also, reported back, from the same committee, without amendment, House bills for the relief of Richard Rush, and for the relief of James S. Calhoun.

Also, made a report (which was ordered to be printed) adverse to the passage of the bill for the relief of James Taylor, and for other purposes.

Mr. WALKER, from the Committee on Public Lands, reported a bill for the relief of John Hutchins; which was read, and ordered to a second reading.

Also, from the same committee, to which were referred the resolutions directing an inquiry into the expediency of authorizing the State of Mississippi to appropriate $25,000 of the two per cent. fund belonging to her to the completion of the railroad from Jackson to Brandon, reported a bill in relation to said fund; which was read, and ordered to a second reading.

Mr. HUNTINGTON, from the Committee on Commerce, reported back, without amendment, and with a recommendation that it do pass, the bill for the relief of Charles Gordon, owner of the schooner Two Sons, and the legal representatives of the crew of said vessel.

Mr. LINN presented a petition from Elias Knight and 103 others, of Calais, Maine, asking aid for removing to, and settling in, the Territory of Oregon; which was ordered to lie on the table.

On motion of Mr. KING, the bill for the relief of Francis Pellicer was taken up, and recommitted to the Committee on the Public Lands.

Mr. CONRAD, from the Committee on Public Lands, reported a bill for the relief of John R. Williams; which was read, and ordered to a second reading.

Mr. BATES presented a petition from L. Pomeroy, and 174 other citizens of Pittsfield, Massachusetts, praying for the repeal of the bankrupt law: referred to the Committee on the Judiciary.

On motion by Mr. SMITH of Connecticut, leave was granted to withdraw from the files the memorial and documents of C. Fox.

The following bills were read the third time and passed, viz:

The bill for the relief of William Russell and others.

House bill for the relief of the owners and crew of the schooner Twin.

Engrossed bill entitled "An act for the relief of the West Feliciana Railroad and Banking Company, and the Grand Gulf Railroad Company, came up on its third reading; but was postponed on the suggestion of Mr. BUCHANAN, who had made application at the Treasury Department for information as to the effect of the bill on the revenues.

The bill to prevent the employment of private expresses upon mail routes, and for the prevention of frauds upon the revenues of the Post Office Department, was then taken up as in committee of the whole.

Mr. HENDERSON (who, when this bill was under consideration on Friday last, contended that some of its provisions were unconstitutional) admitted to-day, after further examination of the subject, that its provisions might be constitutional, yet he thought it was stretching the power of the Constitution unnecessarily. He would not say, then, that the bill violated the Constitution in any particular provision; but he would say that it was not doing a proper thing in an easy and proper manner. He approved of the bill so far as its object went to secure to the Post Office Department its legitimate revenue, by suppressing these private expresses on the mail routes, and preventing the transportation of mailable matter out of the regular mail; but he thought it was interfering too much with individual rights to attempt to accomplish that object by imposing a penalty on the owner or owners of every stage-coach, railroad car, steamboat, or other vehicle or vessel, which shall, with the knowledge of any owner or owners, in whole or in part, or with the knowledge or connivance of the driver, conductor, captain, or other person having charge of any such stage coach, railroad car, steamboat, or other vessel or vehicle, convey or transport any person or persons acting or employed as a private express for the conveyance of letters, packets, or packages of letters, or other mailable matter. If they had a right to impose a penalty on the owners of steamboats, stages, and railroads, for transporting any individual as a passenger, (which it is the duty of some of them by the laws of the States to do,) on the mere suspicion that the individual was employed as a private express; they had the right to go farther, and impose a penalty on landlords on such roads who might entertain or harbor said individual.

He was opposed to all force laws which ran too much into the regulations of civil society. He would always raise his voice against extending unnecessarily this interdict on society. The manner proposed was not the one most necessary and proper. He was in favor of the object of the bill, but was opposed to Congress laying out its arms to exercise the power of dictating to the owners of the railroads and steamboats whom they shall or shall not transport as passengers. He argued that the bill went far enough in the second section—as far as he was disposed to go—by enacting

"That it shall not be lawful for any stage-coach, roadroad car, steamboat, packet-boat, or other vehicle or vessel, nor any of the owners, managers, servants, or crews of either, which regularly performs trips at stated periods on a post route, or between two or more cities, towns, or other places, from one to the other of which the United States mail is regularly conveyed under the authority of the Post Office Department, to transport or convey, otherwise than in the mail, any letter or letters, packet or package of letters, or other mailable matter whatsoever, except such as may have relation to some part of the cargo of such steamboat, packet-boat, or other vessel, or to some article at the same time conveyed by the same stage-coach, railroad car, or other vehicle. And for every such offence the owner or owners of the stage-coach, railroad car, steamboat, packet-boat, or other vehicle or vessel, shall forfeit and pay the sum of one hundred dollars—one half to the use of the informer, and the other half to the use of the Post Office Department—to be recovered by action of debt, or by indictment or information, in any court of competent jurisdiction in the United States; and the driver, captain, conductor, or person having charge of any such stage-coach, railroad car, steamboat, packet-boat, or other vehicle or vessel, at the time of the commission of any such offence, and who shall not at that time be the owner thereof, in whole or in part, shall, in like manner, forfeit and pay, in every such case of offence, the sum of fifty dollars, to the like uses, and to be recovered in like manner, as is above provided in the case of the owner or owners.

Mr. MERRICK was glad to find that the Senator from Mississippi, upon further examination of the bill, was willing to admit that there could be no constitutional objection to its provisions. He hoped that that Senator agreed with him also as to the importance of some legislation, to prevent the growing evil which the bill was intended to remedy. Mr. M. then went on to show that, unless the second section was agreed to, the object of the passage of the bill would be defeated; that frauds would be still perpetrated, and the department deprived of a great portion of its revenues. Individual rights were as well guarded as they could be in the second section of the bill, and at the same time to reach and suppress the evil complained of. That section had no application to any individual, except the person who might notoriously be employed as an agent for conveying mailable matter by private express; for it provides that—

"Nothing in this act contained shall be construed to prohibit the conveyance or transmission of letters, packets, or packages, or other matter, to any part of the United States, by private hands, no compensation being tendered nor received therefor in any way; or by a special messenger employed only for the single particular occasion."

Mr. M. then spoke at much length, pointing out the many frauds on the department through those private expresses, which had been placed on all the most profitable mail routes, and actually came so much in competition with the Government, by carrying mailable matter at one-third less than the Government, as to deprive the department of the greatest portion of its revenues; and thereby disabled it from reducing the rates of postage, which was so much desired by the people, and from extending greater facilities to the more remote and sparsely populated sections of the Union. He, in conclusion, said, that unless these private expresses were suppressed, and the Government had a monopoly of mailable matter, the Post Office Department would soon become a burden on the public treasury.

The morning hour having expired,

On motion of Mr. LINN, the bill was passed over informally; and the Senate proceeded to the consideration of the special order, being

THE OREGON BILL.

Mr. ARCHER, in a speech of considerable length, contended against the passage of the bill in its present shape. He replied to the arguments of Messrs. LINN, BENTON, and WOODBURY, and concluded by recommending the recommittal of the bill to the Committee on Foreign Relations, or committee of the whole, for the purpose of having it amended, by striking out that part which relates to the granting of lands to settlers.

Mr. YOUNG remarked that it was not his intention to detain the Senate long with the few observations he had to make, as the very elaborate

discussion which the subject had received did not leave much that was new to be said. He thought, however, it would not be difficult to prove that this bill would not, and, indeed, could not, be viewed by Great Britain as an infraction of the existing treaty between that Government and this. He should not attempt to travel over the same ground so ably explored by the Senator from Missouri, [Mr. LINN,] in his statements of the foundation of our title. He should dwell chiefly on the fact, admitted by Senators on both sides, that our claim is prior and paramount to that of Great Britain. It would be necessary, however, to have a clear definition of what that claim is. He understood it to be based, in the first instance, on the discovery of the Columbia river by Captain Gray, in the year 1792. We have evidence of the admission of this fact, not only in the writings of British navigators, but in the recognition, by the British Government itself, of the name given by Captain Gray to the river. This discovery was followed up by that of the sources of the Columbia river by Lewis and Clarke, sent out by Mr. Jefferson for the purpose in 1805. Captains Lewis and Clarke explored the country, traced the river from its sources to its mouth, and took formal possession of the territory for the United States.

Our next claim grows out of the occupation of the country. The first settlement made in it was by John Jacob Astor, in 1811. In the war which followed, between this country and Great Britain, he was dispossessed; but in the restoration of Fort George (Astoria) to our Government in 1818, Great Britain recognised our right to that settlement, and, consequently, to whatever title arose out of it. In fact, up to that restoration, and long after, we never heard of any claim to the territory on the part of Great Britain. Here, then, we had an additional claim—that which grows out of the law of nations; for although, in the first instance, the law of nations recognises as the first claim priority of discovery, it further requires that the discovery shall be followed up by occupation; and we had fulfilled the condition. We had made the discovery by Captain Gray, and Captains Lewis and Clarke; and had followed it up by occupation, which was only interrupted by the force of war, but subsequently the possession was restored to us as our right; and from the date of that restoration, in 1818, we have never parted with the occupation. The negotiations then, and every negotiation since, show that we maintained throughout this whole period our title, rights, and occupation of the territory.

We never have abandoned one iota of our claims to its sovereignty. On the contrary, we have evinced an unwavering determination to maintain our rights. It struck him that Senators were mistaken who urged that Great Britain had exclusive occupation of the territory; or that, from the use she makes of the stipulations of the treaty, she can acquire any title. It struck him, also, that it was a mistake to think she will ever look to the territory for agricultural purposes. And herein lay a great difference between her views and ours. They are, in fact, different, and yet not conflicting. We want the territory for agricultural pursuits mainly. She looks to it for the main pursuit of her Hudson Bay Company, which is the trade in furs.

Now, it is in conformity with the law of nations that Indians—wandering tribes like the Arabs, or persons merely traversing a country for purposes of hunting, fishing, trading, &c.—have been regarded as no impediments to those who take possession of the soil for making a permanent occupation, and converting it to agricultural purposes. It was according to this recognised law of nations that Europeans settled on this continent, though it was at the time inhabited by the aborigines.

It was on this principle that the pilgrim fathers took possession of the soil of New England, and turned it to agricultural purposes, without breaking the law of nations by dispossessing the Indians who would not cultivate it. So in the Oregon Territory: the Hudson Bay Company, not having for its primary object agricultural pursuits, never had encouraged more culture of the soil than necessary for the temporary support of its employees. But, with our citizens, agriculture must be the primary object. And we have already a number of our citizens there engaged in this pursuit. There is no jealousy towards them on the part of the Hudson Bay Company, so long as they make agriculture their primary pursuit. What can be more convincing than this, that it is not for agricultural purposes the British look to the country? The apprehension, then, is entirely groundless, that they would view the occupation of the soil by our citizens as an infraction of the treaty. Great Britain never will want it herself for agricultural purposes. No British company of capitalists will ever run the risk of investing their money in such a speculation.

If, as some gentlemen suppose, such a company has been formed, it must soon fall to the ground; for it never will come to anything in practice. None but individuals living on the soil, and cultivating it for themselves, can fully realize its benefits. Our citizens are peculiarly suited for that purpose. Those who have gone there wish to remain, and others wish to follow them. They ask but the same protection of laws from us, which Great Britain affords to her subjects. They wish also to be assured of a grant of the lands they may reclaim from the wilderness. All this the Senator from Missouri proposes to do by this bill. He proposes to give them hereafter the grant they ask; to extend over them the Territorial laws of Iowa; and to establish a sufficient number of forts to give them protection from savage Indians. Now, may not all this be done without any infraction of the treaty? Mr. Y. here referred to a conversation between Mr. Gallatin and the British ministers, in the negotiation about the treaty, in which the British ministers themselves suggested that the laws of one of our organized Territories might be extended over the country, though we might not organize a new Government in it. They also suggested a plan by which forts might be erected, and the soil might be cultivated. How, then, can it give Great Britain offence, that we carry out, by this bill, her own suggestions? Our citizens already there give no offence, by occupying any portion of the soil they please in agriculture. On the contrary, the most friendly feelings are evinced by the employees of the Hudson Bay Company towards them. It is only when they engage in the fur trade, that they are looked upon with jealousy. We all know that both Great Britain and her Hudson Bay Company are governed by what they consider their best interests. Their friendly disposition to our citizens engaged in agriculture shows that they do not look to that as their object. Why, then, should we suppose they would object to any number of our citizens taking up land for agricultural purposes?

Mr. Y. here read the remarks of Mr. Greenhow on the subject. He also referred to the opinions expressed by the Senator from Kentucky, [Mr. MOREHEAD,] the other day, with a view of showing that the Senator was mistaken in supposing the Hudson Bay Company had any object of making a permanent location of lands for agricultural purposes or settlements. The whole matter was explained by Mr. Lea. He says the greater portion of the settlers on lands are missionaries, who proceeded to the territory for the benevolent object of benefiting the Indians, by teaching them the truths of Christianity, and the usages of civilized life. In the pursuit of this object, it was found essential that they should occupy and farm some land—both for subsistence, and with a view of instructing the Indians in the advantages of cultivation, over the precarious means of supporting life before known to them. At the forts of the Hudson Bay Company, no more land is cultivated than is absolutely necessary to supply the wants of those engaged in the primary occupation of the fur trade. There is nothing like an effort or disposition to make permanent settlements. It is a mere temporary occupation. There is nothing even of a permanent character in the forts of the Hudson Bay Company. They are mere stockade-forts, perishable in their nature, and only calculated for defence against Indians. He mentioned all this to show there will be no difficulty in the way of our citizens settling in the country. The Hudson Bay Company can have no objection, and will make none, to agricultural settlements. Now, this being the case, what is there, really, in the present bill, to give offence? Not the appropriation of portions of the soil for agricultural purposes; for no objection is made to that now, nor will there be after this bill passes. Not the establishment of forts; for that was suggested by the British themselves, and the example has been set by them. Not the protection of our citizens by the extension of our Territorial laws over the territory; for they also suggested that, and set the example. Suppose they should object to any one of these things: can we not say to them, "You have done it; and if the treaty authorizes you, it authorizes us?" And as to the occupation of the fort at the mouth of the Columbia river: was it not Mr. Astor who first built it? and was it not restored to us in 1818, because the right of possession was in us? Have we not kept it ever since; and may we not now either repair it, rebuild it, or enlarge it, at our pleasure, without cause of offence? What else does this bill propose to do? To establish two Indian agencies. What objection can there be to that? It is well known to the British that our practice is to appoint Indian agents to protect and control the Indians in our territories. They know we have territory in Oregon, and Indians on it. They know that the duty of our Indian agents by no means interferes with their fur-trade. And with respect to the jurisdiction to be extended over the country, do we not propose to avoid any interference with British jurisdiction, by the provision that any subjects of England accused of offence under our laws shall be transferred for trial to British authority? No difficulty or objection can therefore arise out of that portion of the bill. The next provision is, that $100,000 shall be appropriated to carry out the measure. It was to be lamented that the treasury was in its present condition. But it did not seem to him to come well from the Senators of the old States to object to this small item of $100,000, and, in short, to every appropriation required for the new States and Territories. They should contrast the appropriations for the old States with those for the new; and before they object to the latter, judge fairly whether it was just or generous in them to become objectors. Yet how seldom were they disposed to mete out to the new States even the measure of justice. It was with the utmost difficulty the Senator from Kentucky [Mr. CRITTENDEN] last session obtained an appropriation of $100,000 to remove some of the impediments to navigation in the Western waters. The usual annual appropriation for that object, so necessary, had been withheld for two or three years. In the just effort, too, to obtain an appropriation for the Western armory, did not the preponderance of the interests of the old States prevail to cut it down to the paltry sum of $5,000? Why should the condition of the treasury be constantly held up as an excuse for not doing justice to the West, while the most extravagant and useless appropriations are lavished elsewhere? Look at the appropriations recommended to Congress this session. May not ten-times the amount required by this bill be retrenched from them? What occasion is there for such an increased and extravagant naval establishment? Does not every one see that smaller vessels of war would do more service for the country than those large and costly frigates, too unwieldy to act with celerity or effect?

When all this would be duly considered, he was in hopes the Senators of the old States would drop their objections to this appropriation of $100,000.

He trusted he had established a sufficient number of points to show that gentlemen were mistaken in supposing this bill could create any difficulty with Great Britain. He had shown that our claim to the territory is the best claim; that we have a right paramount to any that Great Britain possibly can have; that we have priority of possession, which we have never parted with; that we can give no offence to Great Britain in doing what she suggested to us we might do, and what she herself has done; that the occupation of the soil by our citizens is a legitimate occupation for agricultural purposes, to which she, merely in pursuit of commercial objects, cannot object; that we make no direct grant,

and only undertake to do it hereafter—a provision which, by the uniform and undeviating practice of our Government, is never carried out till we have extinguished all other claims of title, as evinced by our uniform extinction of Indian titles; and that we are only raising objections, which, if not raised here, never would be thought of by Great Britain. It would be very well understood by Great Britain that, as a negotiation is pending for the adjustment of boundary, (and he believed that was the only question at issue in the negotiation about Oregon,) this Government would not carry out the provision till that question was settled. The prospective nature of the provision would be so construed. The British Government could not help so construing it, knowing that, according to undeviating practice, we could not for some years (four or five at least) take the preliminary step of extinguishing the Indian title; without accomplishing which, we never make grants of lands. This is such a plain view of the case, that it seemed strange gentlemen should overlook it. Keeping it in view, they certainly could not find any provision in the bill justly meriting the objection that it could give offence to Great Britain. For his part, he viewed it in altogether a different light. He regarded it as he was sure the British themselves would regard it—as a great peace measure, instead of one calculated to produce strife. With these convictions, he should himself vote for the bill.

Mr. LINN did not rise to consume more than a very few moments of the time of the Senate. Indeed, he felt it unnecessary to do so, after the very lucid statement of the Senator from Illinois, placing the matter on the plain grounds on which it should be viewed. He (Mr. L.) should, therefore, not say another word on the subject of title, for that was conceded; nor was it necessary to recapitulate what had already been so repeatedly urged. He was sorry the preposition was made to recommit the bill, because he knew, at this late period of the session, it would be fatal; as a delay must arise which would, in all probability, bring up the subject again at too late a day to pass it through the other House, amidst the multiplicity of business at the close of the session.

This bill had been drawn up with great care, and with the special object of not leaving it obnoxious to the objection that it could be considered an infraction of the treaty with Great Britain. Indeed, so scrupulously had it been drawn up, that, instead of extending our Territorial laws over the country, merely as Great Britain suggested we might do, without being liable to objection on her part, that provision of the bill had been made to guard against any possible infringement on the rights of the subjects of Great Britain, coming under the operation of these laws; and it is provided that British subjects, accused of offences in our territory, should be handed over to British authorities for trial. The British minister told our minister how far we should not go; that is, that we should not organize a new government and laws for the territory; and the bill keeps clear of that, by taking their own suggestion of the means of accomplishing our object. With many of the positions of the Senator from Virginia he could agree, but he should draw opposite conclusions from them. For instance, they could stand upon the same ground as to what it was right to do; but, while the Senator conceived it inexpedient to do it, he would feel that, because it was right, it was expedient, and ought not, and could not, give offence. When it was done, suppose Great Britain remonstrated; what would be the natural course, but to say to her, Well, we did it because you did; you set the example; if we are wrong, you must have been first wrong; so let us both talk the matter over, like sensible people, and set it right. This would be the result, and not war. England could not help seeing that, if we committed a breach of the treaty, it was a consequence of herself having been first guilty of the same breach of the treaty. And as to her resentment being more likely to be provoked on a point of honor than on the mere question of territory, he should ask, Were we to be treated as if we had no points of honor at stake?—no appreciation of such feelings? Are we only to think of dollars and cents, and have no regard for our national honor in this matter? The Senate of the United States would be coming to a low pass indeed, if the expenditure called for by this bill were to outweigh the national honor at stake in the decision of the question. England is to jeopard her dearest interests sooner than permit her honor to be touched; but we are to do nothing to maintain ours. He never could, and never would, come to such conclusions. He knew the gallantry and the chivalry of the Senator from Virginia; and it was not, therefore, in disparagement of anything he had said that he made these remarks. He seemed to attribute to his (Mr. L.'s) colleague and himself a very pugnacious disposition towards Great Britain.

Mr. ARCHER disclaimed anything personally applicable to the Senators. It was to the general tone of the friends of the bill he had alluded. The Senator from Missouri was the last man in this body for whom he could entertain unkind opinions.

Mr. LINN continued: What the Senator had stated amounted to this,—that it was his apprehension the British Government might make the remarks uttered here against its grasping policy, a pretext for hostile feelings; and that, taken in connexion with General Jesup's letter on the subject of military posts in the territory, they could not help feeling resentment. Now, can the Senator, or any one else, suppose that Great Britain has any right to make objections to an officer of this Government freely expressing his opinions to the Executive, when officially called upon so to do; or that any Senator of the United States should be restrained from a free discussion of topics involving the interests and honor of our country, even if, in doing so, he is obliged to denounce the policy of a foreign power? Surely, any foreign power that would object to this freedom of discussion, must be only seeking for a bare pretext of quarrel. But he had no apprehension that this discussion would have any such effect. If it could have this effect, he would be glad to know how a quarrel was to be avoided. Nothing this Government could do to carry out its claims, or to assert its title to the territory, would be free from the same objections. There was no official act that could be devised—no possible step that could be taken, which would not be deemed conflicting with British interests. If we are to consult nothing but the preservation of harmony, we must remain perfectly quiescent, and let British interests grow up and overspread the territory without interruption or remonstrance. Let the Hudson Bay Company go on settling the whole country, and turning its entire resources to its own advantage; let her have undisputed possession of the Northwest territory, from the Russian settlements to Mexico, and she will rejoice. That is the only way in which we can please and gratify that company, and conciliate the British Government. Any one step we take, no matter how trivial, to secure or promote our own interests there, must lessen their satisfaction.

The Senator from Virginia must certainly have strangely misconceived his (Mr. L.'s) remarks, the other day, in relation to our loss of the fur trade. What he (Mr. L.) had stated was, that our fur trade, once amounting to $500,000 per annum, had dwindled down to $2,000. Not that the fur trade had been extinguished, or the fur animals exterminated, so as to make this difference; but that, to the amount of half a million of dollars annually, our fur trade in the Northwest territory had been usurped by the Hudson Bay Company. Through the supineness of our Government, the Hudson Bay Company had been allowed to supplant us in our own soil. The trade is not destroyed; it has passed from our hands into those of the Hudson Bay Company. The company has undoubtedly, in some cases, trapped out the country—that is, reduced the supply of beaver. But it takes care to resuscitate such districts.

He had placed this bill on three grounds of immediate national and domestic interest to this Government: First, it will give protection to our citizens on the western frontier of the new States and Territories against the Indians congregated there for the relief of the old States; secondly, it will protect what remains of our fur trade, and have some tendency to retain what we have lost; and, thirdly, it will, by the protection and encouragement it affords to our citizens going to the territory, or there already, induce that occupation which is essential to the maintenance of our title and our rights. In relation to the system of military forts, he was fortified in his estimate of their importance, by the reports of the executive departments, and the recommendation of the subject to Congress, made by three or four Presidents of the United States. How the principles of this bill can, on any rational ground, produce war with Great Britain, he was at a loss to conceive, unless she is determined to snatch at any pretext as an occasion for war. She has herself gone beyond the point at which she can recur to the treaty for a pretext. She has said we may go so far without infraction of the treaty; and we only propose to do what she has suggested. The bill proposes nothing inconsistent with the admissions of her ministers as to what we might do, and had a right to do. If his friend from Virginia meant to press his motion for recommittal, he hoped it would be with instructions.

Mr. ARCHER said he would have no objection. The select committee being discharged, he was at some loss to know what committee to make the recommittal to. Perhaps the committee of the whole would be the best. But the recommittal might be dispensed with, if the Senate would agree to strike out the provision relating to the grant of lands. He would first try that motion, reserving the right, should objection be made, of putting the motion for recommittal afterwards.

The question was then put for unanimous assent to strike out; but objection was made.

Mr. ARCHER then said that it had been suggested to him that it would be best to recommit the bill, generally, without instructions. He would therefore move to recommit it to the committee of the whole.

Mr. CALHOUN intimated his desire to speak on the subject while it was yet before the Senate. He would therefore ask the indulgence of having the bill passed over informally till to-morrow.

The bill was accordingly passed over informally.

On motion of Mr. HUNTINGTON, the Senate then went into executive session, and soon after adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, January 30, 1843.

Mr. CHARLES BROWN presented seven petitions of citizens of the city and county of Philadelphia, praying Congress to relieve Amos Kendall from the pecuniary and personal liabilities under which he now suffers, for the faithful performance of his duty as late Postmaster General.

Mr. BREWSTER presented, under the rule, the petition of E. W. Clarke and 64 others, inhabitants of Oswego, New York, praying that the punishment of flogging may be prohibited in the United States naval service: referred to the Committee on Naval Affairs.

TWO HUNDRED MILLIONS OF NATIONAL STOCK.

Mr. JOSEPH R. INGERSOLL, from the Committee of Ways and Means, to which had been referred several memorials, asking for the creation of two hundred millions of national stock to be distributed among the States and Territories, and the District of Columbia, by general consent made a report thereon, concluding with a resolution that it was not expedient to grant the prayer of the memorialists, and that the committee be discharged from the further consideration of the subject.

Mr. I. said that there was also a report from the minority of the committee on the same subject; and his motion was, that both these reports be printed, together with 10,000 extra copies of them. In order that the House might have an opportunity of understanding the subject of these reports, before taking the question on printing the extra copies, he would propose that that question be laid over informally, for the present, by general consent.

Mr. EVERETT observed that, as this subject had been heretofore referred to a select committee,

raised for that purpose on the resolution of the gentleman from Maryland, [Mr. WM. COST JOHNSON,] he would move to refer these reports to the same committee.

Mr. JOSEPH R. INGERSOLL would merely say, that though the references of this subject to the Committee of Ways and Means and the select committee were of the same character, yet they were not identical. These reports were based on memorials, which were referred to the Committee of Ways and Means prior to the reference of the same subject to the Select Committee.

Mr. PICKENS hoped that, before the question was put on the gentleman's motion, the minority would be allowed to make their report. [Great confusion in the hall, and a dozen members on the floor.]

Mr. CUSHING inquired what the question was. Was it on printing the extra copies?

Mr. PICKENS said, No. The proposition was to pass that question over informally.

The SPEAKER said that the motion of the gentleman from Vermont was to refer the reports to the Select Committee; but the first question would be on printing the ordinary number of copies.

Mr. BRIGGS called for the previous question.

Mr. CUSHING and several others rose to ask a question. [Repeated calls to order.] If his colleague (Mr. C. said,) persisted in holding on to the previous question before he knew what it was, he would insist on the reading of the reports.

The question on seconding the previous question was put and carried, and the main question was also ordered.

The SPEAKER was about putting the main question, when

Mr. CUSHING insisted on his right to have the reports read. He had no idea of half a dozen gentlemen calling the previous question on him, before he knew what the question was.

Mr. TOLAND called for the orders of the day.

The SPEAKER said that the reports were received by general consent, and must override the orders of the day.

Mr. READ appealed from the decision of the Chair; but, upon explanation, withdrew the appeal.

Mr. SAUNDERS moved to lay the whole subject on the table.

The SPEAKER said that, if the gentleman from Massachusetts insisted on the reading of the reports, they must be read before taking any question.

Mr. CUSHING said that, if the House would allow him to ask a question, he would agree to dispense with the reading. [Cries of "Order, order."]

The Clerk then read the report of the majority; when

Mr. READ called for the orders of the day.

The SPEAKER said that the motion to print was pending, and must have the preference.

Mr. EVERETT moved to lay the question of printing on the table; which motion was put, and negatived.

The question on printing the ordinary number of copies was then put, and carried.

Mr. EVERETT again moved to refer the reports to the Select Committee raised on the resolution of Mr. WM. COST JOHNSON.

The SPEAKER reminded the gentleman from Vermont that his motion had been cut off by the previous question.

Mr. EVERETT said that that was on the question of printing only; that being decided, his motion was now renewed, and in order.

Mr. TOLAND said that he had called for the orders of the day previous to the motion of the gentleman from Vermont.

After some conversation between the SPEAKER and Messrs. TOLAND and EVERETT,

The SPEAKER said that the gentleman from Pennsylvania [Mr. TOLAND] was right, and that the motion of the gentleman from New York must lie over for the present.

[The majority report being too long to be copied for this evening's paper, the reporter contents himself for the present with giving the report of the minority, as follows:]

The minority of the Committee of Ways and Means, assenting to most of the reasons and to the conclusions presented in the report of the majority against the prayer of the memorialists, asking the Federal Government to issue $200,000,000 of public stock in aid of the debts of the States, would also urge, in addition, (without pretending to go into anything like a full development of their reasons,) that they deem the exercise of such a power on the part of the General Government *unauthorized by the Constitution*.

The minority have always been induced to believe that the Federal Constitution was a compact to which the States acceded, and became parties; and that the powers of the Government accrued from that compact, and were defined in it. Before Congress is authorized to act upon any subject-matter, it must first be such a subject, over which power is specifically granted in that instrument, or clearly to be inferred as absolutely necessary to carry out some granted power. They can see no positive grant of power to Congress to authorize them to do what the memorialists desire.

To assume such a debt, and to create such a stock, binding upon posterity, is a very high exercise of sovereign power, and is, in itself, independent and substantive, and cannot be inferred as incidental to a grant over inferior subjects.

There is a clause in the Constitution which declares that "Congress shall have power to lay and collect taxes, duties, imposts, and excises, and provide for the common defence and general welfare of the United States." (Sec. 5.) This power was not given to pay the debts of the several States of this Union, but to pay the debts of the "*United States*." These words define the confederacy of States as a whole, and as contradistinguished from the separate and independent States. To assume that this power was given to authorize the Government to pay the debts of the separate States, contracted solely for their benefit and for their local purposes, is to allow the different States to contract debts, and, through the Federal Government, to bind others to pay them; which would make this Government subservient to local interests and to State authority, and absorb "the general welfare of the United States." If this should be the established principle of the Government, it would be directly stimulating each State into a wild career of reckless speculation, which would inevitably end in their separate existence, or in a consolidated despotism, where even their boundaries would be forgotten amid the universal despair that would follow the overthrow of constitutional liberty.

The terms "general welfare," in the Constitution, were designed as a mere declaration of extreme caution; and the true intent and meaning of those who used them was, that they should be a limitation to the apparently absolute and uncontrolled power given in the same clause—"to lay and collect taxes," "to pay the debts," &c. It was intended that this power should not be used wantonly or unjustly; but that Congress should strictly consult the "general welfare of the United States," and carry out the same only by confining its full exercise to objects specially enumerated in that instrument, and which are thereby declared to be national. These powers were not intended to be applied to local interests, or to State debts; but to those great national objects which were specifically declared by grants of power to be within the jurisdiction of the General Government.

It is not denied that this Government is one of limited powers, and that the Constitution is intended to define those powers. By merely assuming that it is national, you cannot effect objects not enumerated, or not essentially necessary to those that are. The convention has precisely defined those objects or powers that are national, and Congress cannot legally undertake to declare what shall also be national for other purposes not defined in the Constitution.

To do so, is to do nothing more nor less than to claim that Congress shall set up its own discretion as to the objects of "general welfare," instead of confining its action to the specific enumerated powers of the Constitution itself. If the "general welfare" be the only limitation on the discretion of Congress, why then any enumeration of powers at all? All power was at once given, and the judgment of Congress was thereby declared to be the Constitution of the confederacy. What right have we to set aside the judgment of the convention? They chose by enumerating the powers, to show what were intended to be national objects; and the very enumeration excludes the idea of legislation upon subjects not enumerated

The minority consider the proposition to pledge the faith of this Government for the redemption of $200,000,000 of public stock to relieve the States, or pay their debts, as involving the whole taxing power of this Government.

It is a proposition to tax posterity, not for the existence and independence of the confederacy, but for purposes unknown to the Constitution, and at war with those principles of liberty which secure to a free people the practical right to tax themselves alone, and to be protected from the lawless profligacy of those who may have assumed to bind them in all future time.

In all civilized countries, the line which limits the power of Government as to taxation, is the line that defines enlightened liberty. There are some of the States that owe nothing, and many but little; and to compel them to become jointly liable, by the action of this Federal Government, for the debts of the other States, would be an act of such gross injustice to them, that it would create feelings hostile to the permanency of the Union. The strength of our Union consists in the *Government acting with wise forbearance upon subjects of doubtful import—in doing exact justice to all the parties—in imposing equal burdens—and mildly shedding around equal blessings upon all.* By such a course, it will generate feelings of devoted attachment in a loyal and free people, who will be ever ready to defend it from aggressions abroad, or from treason at home.

The strength of the Government does not consist in arbitrary or great power, but in the attachment of an intelligent people to those great principles which make them free and equal. If the Government assumes a doubtful power, the exercise of which creates palpable injustice to whole communities, its operation will alienate the feelings of those who suffer, and loosen the bonds that keep the confederacy together.

The creation of such a Government debt would only end in taxing the productive industry of the country for the benefit of stockholders and speculators. Those who deal in Government funds, and live by the fluctuations of paper, might amass fortunes; but the great laboring class would be beyond the reach of its benefits, whilst they would be made finally to feel its burdens, in the future taxation of the Government to meet the vast obligations thus incurred. It is wild and visionary to suppose that the creation of such stock would add anything to the national wealth. It would only tend to make the industrious and solvent liable for the debts of the abandoned and profligate. The first immediate effect would be to swell expansion, and stimulate a bloated paper currency, which would be felt in foreign exchanges setting against us, and a consequent demand for gold and silver to adjust balances. It would place our local currency above the level of the currency of the world, and create a drain for our specie to equalize it. This, of course, would inevitably end in explosion, like the Mississippi bubble or the French assignats. Without intending to go into a full argument, but merely to suggest the general grounds of opposition, the minority look upon the whole scheme as unconstitutional, wild, and visionary, and full of fraud and the grossest injustice.

The undersigned, therefore, propose that the resolution of the committee be amended, by adding thereto the following words:

Resolved, further, That, to adopt the recommendations of the said memorials, would be unconstitutional, and dangerous to the harmony of the Union.

F. W. PICKENS,
JOHN W. JONES,
C. G. ATHERTON.

Mr. WISE moved that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. ADAMS hoped that resolutions would be received.

The SPEAKER said that a majority of the House could determine whether it would go into Committee of the Whole, or receive resolutions.

Mr. WISE called for the yeas and nays on the motion, which were ordered; and, the question was taken, resulting in yeas 107, nays 83, as follows:

YEAS—Messrs. Allen, Arrington, Atherton, Barnard, Barton, Beeson, Bowne, Boyd, Brewster, Briggs, Brockway, Aaron V. Brown, Charles Brown, Burke, Burnell, William Butler, Green W. Caldwell, Patrick C. Caldwell, Cary, Chapman, Clifford, Clinton, Coles, Colquitt, Cowen, Cushing, Daniel, Dawson, Dean, Deberry, Doan, Eastman, John C. Edwards, Ferris, John G. Floyd, Charles A. Floyd, Fornance, Gamble, Gates, Gerry, Giddings, Gilmer, William O. Goode, Granger, Gustine, Harris, Hastings, Hopkins, Houston, Hubard, Charles J. Ingersoll, William W. Irwin, Jack, William Cost Johnson, Cave Johnson, John W. Jones, Isaac D. Jones, Keim, King, Littlefield, Lowell, Abraham McClellan, McKay, McKeon, Mallory, Marchand, John Thomson Mason, Mathews, Mattocks, Maxwell, Miller, Mitchell, Moore, Newhard, Oliver, Parmenter, Partridge, Payne, Pearce, Pickens, Pope, Reding, Rencher, Reynolds, Rigge, Rogers, Roosevelt, Sanford, Saunders, Sewell, Steenrod, Sumter, Sweney, Taliaferro, Jacob Thompson, Tillinghast, Trotti, Turney, Van Buren, Watterson, Weller, Westbrook, Christopher H. Williams, Joseph L. Williams, Winthrop, Wise, and Wood—107.

NAYS—Messrs. Adams, Landaff W. Andrews, Sherlock J. Andrews, Arnold, Aycrigg, Babcock, Baker, Birdseye, Blair, Boardman, Borden, Botts, Bronson, Milton Brown, Jeremiah Brown, Calhoun, John Campbell, Caruthers, Casey, Childs, Chittenden, Staley N. Clarke, Cranston, Garrett Davis, Richard D. Davis, John Edwards, Everett, Fessenden, Fillmore, A. Lawrence Foster, Thos. F. Foster, Gentry, Gordon, Graham, Green, Halsted, Henry, Howard, Hudson, Hunt, Joseph R. Ingersoll, James Irvin, James, John P. Kennedy, Lane, Linn, McKennan, Mathiot, Maynard, Meriwether, Morgan, Osborne, Owsley, Pendleton, Powell, Ramsey, Rayner, Read, Ridgway, Rodney, William Russell, James M. Russell, Saltonstall, Slade, Truman Smith, Snyder, Stanly, Stratton, Alex. H. H. Stuart, John T. Stuart, Summers, John B. Thompson, Richard W. Thompson, Toland, Triplett, Trumbull, Underwood, Wallace, Edward D. White, Joseph L. White, Yorke, Augustus Young, and John Young—83.

So the House resolved itself into Committee of the Whole on the state of the Union—Mr. HOPKINS of Virginia in the chair.

EXCHEQUER.

Mr. WISE moved that the committee lay aside the army bill, which was first in order in Committee of the Whole, and take up the bill No. 206, amendatory of the several acts establishing the Treasury Department.

Mr. FILLMORE had certainly no objections to the consideration of that bill, but he thought the army bill should be first disposed of.

Mr. WISE begged leave to remind the gentleman that the army bill was postponed for a week, to make way for a negative resolution.

Mr. ARNOLD moved that the committee take up his bill to reduce the pay of members of Congress and of the officers of the Government. He thought his bill much more important than either of the others.

Mr FILLMORE called for tellers, which were ordered, (Messrs. MOORE and STRATTON;) who, on counting, reported ayes 71, noes 82.

So the committee refused to take up the exchequer bill.

ARMY BILL.

The committee resumed the consideration of the bill making appropriations for the army; the question being on the amendment proposed by Mr. REYNOLDS, to strike out the appropriation of $20,000 for surveys west of the Mississippi, and insert $20,000 for a survey of a military road from

the Council Bluffs to the mouth of the Columbia river.

Mr. REYNOLDS (imperfectly heard) commenced by calling the attention of the committee to certain documents, particularly the report of Colonel Totten, to show the necessity of a survey of this road before the Government can get the occupation and settlement of the Oregon Territory. There was a considerable opposition to the granting of land in that territory to the citizens of the United States, because there was a convention with Great Britain; but the same objections did not apply to the measure he proposed.

He thought it was high time that the Government should take possession of this territory, if they ever intended to do it. If they did not now, it would be extremely difficult to do it some years hence. The British Government, by their Northwest Company, had taken possession of the country, and formed trading and agricultural settlements. Mr. R. here went into an argument to show the right of the United States to the country; and deprecated the idea of our refraining from an assertion of our rights, because it might give umbrage to the British Government. He admitted that there was no inducement now to our citizens to make settlements in the country, unless the Government would encourage and protect them.

Mr. FILLMORE said it was very evident that if the debate should go on in this way, there would be no end to it. He understood from the Clerk that there was a special order, which would take up two or three days; and he would, therefore, suggest that the committee rise, in order that a resolution to take this bill out of committee might be offered. Mr. F. accordingly moved that the committee rise.

On taking the question, the result was—ayes 74, noes 15; no quorum voting.

Mr. CUSHING called for tellers, and Messrs. DEAN and MATHIOT were appointed; and they reported 83 in the affirmative, and 39 in the negative. The committee therefore rose and reported progress.

Mr. FILLMORE then reported a resolution fixing 3 o'clock for the termination of debate on the army bill in Committee of the Whole.

Mr. ADAMS requested the gentleman from New York to yield the floor to him, that he might submit two resolutions which he had prepared to present to the House to-day, which, by the rule, was resolution day. That order of business, however, having been passed over, he asked the gentleman to give him the opportunity to present them.

Mr. FILLMORE then yielded, with the expression of his desire that the resolutions would not lead to debate.

Mr. ADAMS then presented a resolution calling upon the President of the United States to inform the House by what authority Captain Thomas Ap Catesby Jones had taken possession of Monterey in California, &c.

The resolution was objected to, and therefore it was not received.

Mr. ADAMS then submitted another resolution, which called upon the President of the United States for a copy of the instructions given by the President to Captain Thomas Ap Catesby Jones, at the time of his appointment to his present command, and of all communications which may have been received from the said Captain T. Ap Catesby Jones, in relation to the capture of Monterey; and also calling upon the President to inform this House if there had been any despatch transmitted recalling Captain Jones from his command.

This resolution was also objected to, and therefore was not received.

Mr. FILLMORE renewed his motion to fix the time for the termination of debate on the army bill, in Committee of the Whole; and, on the suggestion of Mr. CAVE JOHNSON, fixed half-past 3 o'clock. On this he moved the previous question, which was seconded; and the main question was ordered to be put. The resolution was then adopted.

Mr. FILLMORE moved that the House again resolve itself into Committee of the Whole on the state of the Union, which was agreed to; and Mr. HOPKINS resumed the chair.

The pending question, when the committee rose, was the motion of the gentleman from Illinois, [Mr. REYNOLDS,] and its consideration was now resumed.

Mr. CUSHING said that the mode proposed to be adopted by the gentleman from Illinois was not the proper one in which to deal with that great question. It was well understood that there was a bill on the subject of the Oregon Territory now before the Senate; and the specific question involved in the amendment of the gentleman from Illinois would come before the House when the time arrived for it to pass on the bill which the Senate might send to them. It was, therefore, now premature to enter upon it, and he protested against its being now made a test question. He would suggest to the gentleman from Illinois that he was prejudicing the question which he wished to promote, by the course he was adopting; and he would suggest to him the propriety of withdrawing his amendment.

Mr. PENDLETON also opposed the amendment, mainly on the ground that he could not approve of that specific disposition of the appropriation, preferring to leave it in the discretion of the proper department, as the bill now proposed.

Mr. CROSS also briefly suggested that the gentleman's object would be gained by the survey which was necessary to mark the boundary line between the United States and Texas, which must be done pursuant to treaty stipulation; and, therefore, he suggested a modification of his amendment.

The amendment was then negatived without a division.

Mr. FILLMORE, in pursuance of instructions from the Committee of Ways and Means, offered an amendment, as was understood, to make a further appropriation for extending and rendering more complete the meteorological survey.

After a few words from Mr. CAVE JOHNSON, Mr. J. R. INGERSOLL, and Mr. FILLMORE, the amendment was agreed to.

When the committee arrived at the clause appropriating money for the support of West Point Academy—

Mr. ROOSEVELT submitted an amendment to cut off the pay of the cadets. The country (he said) furnished the cadets with a good education, and paid them for accepting it; and yet, in times when the country required their services, they sent in their resignations. He directed the attention of the committee to the resignations, when the service of these officers, who were prepared by the country, was required for the Florida war; and said he had no doubt an abundance would be found to avail themselves of the education which West Point afforded, without paying them for learning. He urged his amendment, too, on the ground that the state of the revenue of the country, as shown by a document lately placed on their desks, was such as to call for all practicable retrenchments. From the document to which he alluded, he derived the information that but $10,000,000 could be expected from imports for the current year; and if to this were added the amount that could be expected from the public lands, they would have but $11,000,000 to meet the expenditures of the Government—of $20,000,000, at the lowest estimate of the Secretary of the Treasury; though how they were to be reduced to that amount, he (Mr. ROOSEVELT) could not imagine. He suspected they would amount to $27,000,000, which must be met with $11,000,000, for they could calculate upon no more. Under such circumstances, it was time to look around them, and see what reduction could be made in their expenditures, that they might protect the credit of the country. True, the money paid to the cadets was small in amount; but the expenditures of this Government were made up of an aggregate of small items; and by this retrenchment, perhaps $20,000 or $30,000 might be saved; of the precise amount, however, he had not informed himself.

Mr. UNDERWOOD inquired if there were not more cadets who had graduated, than could find employment in the service of the country. He also wished to know whether they were not kept as supernumeraries; and how many they were in number, and also how much the Government paid to them.

Mr. ROOSEVELT understood there were more graduating than the service of the country required; but he could not answer all the inquiries of the gentleman from Kentucky.

Mr. PROFFIT opposed the amendment, contending that it would cut off the sons of poor people from West Point, (many of whom, even now, could not raise the necessary outfit for their boys without the aid of friends,) and leave its doors open only to the rich.

Mr. GRANGER said the reason why West Point had fallen into disfavor, was because rich men availed themselves of it to educate their sons, and then withdraw them from the public service. He was of opinion that, unless great care be taken, that institution would be destroyed But respecting the resignations of some years past, to which allusion had been made, he said that was a time when the States were entering on public works, and the persons alluded to resigned, not from cowardice, but to enter the public service in other branches.

He next commented on the proposal of the gentleman from New York, [Mr. ROOSEVELT,] to withhold the pay of the cadets. If he remembered right, their pay was $16 a month, with rations. The gentleman from Indiana [Mr. PROFFIT] had, well described their condition. He (Mr. G.) had, in the course of his congressional life, appointed two cadets, and in neither instance had he sought political influence, or endeavored to confer personal obligation. In one instance, the parents of the youth had to make heavy sacrifices to provide an outfit for him, when he started to West Point; in the other, the young man was the son of a widow, and his friends had to make advances in order to enable him to enter. In both cases, he sought out those most worthy of the place, and who would be least likely to leave the army when their services were wanted. Of all the propositions submitted in relation to the institution, that of his colleague was the worst, and struck the heaviest blow at the poor.

It was the nature of an institution like the West Point Academy to run to ruin, unless carefully watched. Every new officer stationed there had some new scheme to propose, and each board of visiters brought forward something more grand than their predecessors. It was these things which were much calculated to influence the public mind against the institution.

Mr. MALLORY obtained the floor; but

Mr. ROOSEVELT rose to make an explanation. While up, [Mr. MALLORY not yielding, because of the shortness of the time left,] he was understood to say that he had not offered his amendment as the peculiar friend of the poor; but as one alike representing the interests of both rich and poor.

Mr. MALLORY said he desired to make a single remark. He believed West Point to be a good institution, and would do nothing to injure it. Yet, he was of the opinion that it was upon too large a scale. It should be reduced to correspond with the strength of the army. Unless its friends stepped forward and curtailed its expenses, it would be broken down by its own weight. The board of visiters, he thought, was a humbug, and ought to be abolished. Indeed, they were men of not sufficient science to enable them to examine the cadets and the institution. As other gentlemen were desirous of speaking during the remaining fifteen minutes, he would conclude by offering a proviso.

The proviso was read. [See a subsequent part of this day's proceedings]

The CHAIR decided it to be out of order at this time.

Mr. CHARLES BROWN said he was opposed to the motion of the gentleman from New York, [Mr. ROOSEVELT.] It would banish from the institution all poor boys, and leave it open only to the wealthy—of whom there had been already too large a proportion there. Not that he wished only the sons of the poor to be educated there; but that they ought to have at least an equal chance—which they would not have, if the amendment taking from them all their pay was adopted. He would not say the pay of the cadets might not, and ought

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Continued from No. 14.

not, to be reduced; but sufficient for their support ought to be given them. If the whole of their pay was abolished, some of the most promising boys would have to leave the institution. The cadet he had selected from his district would be compelled to abandon it. His parents had too many children to support, to allow them to keep any one of them in such an institution. He had selected the boy alluded to from the public school of his district, because of his superior fitness for the station. At the time of his being selected, the boy maintained himself by delivering milk, each morning, at 75 cents a week. He hoped, therefore, if the institution was to remain, that its doors would not be closed to the poor of the country. If either class ought exclusively to be educated at the public expense, it should be the poor. They would be most likely, from necessity, to devote themselves to the service of their country in after life. The sons of the wealthy too often relied upon their wealth for support, and yielded no return to the country for the education they had received from it. But he was for keeping the institution open alike to all classes while it existed.

He was, however, opposed to the continuance of the institution altogether. It was in opposition to the whole nature and character of our Government. The General Government was not created to educate men to fill its different departments. It was not intended that it should train up men as inheritors of its power and places—of the offices of its army, navy, its legislative halls, or its executive departments; for, if the principle was to be carried out, it ought to educate men to be members of Congress and executive officers. This was not the genius of free government. He thought, when the people or the people's Government wanted officers or agents of any kind, they ought to have the whole body of citizens to select from, and take the best qualified. If this institution was abolished, many others would spring up among the people in its place. If the appointments in the army and navy were open to the best qualified to fill them, they would find, instead of a few hundred boys, thousands of full-sized, well-educated, ready-made men, every way prepared to do good service. If the competition were allowed, a military education would become a part of the exercises of ordinary schools and seminaries. Boys would be trained there for the army, for the law, or medicine, or civil engineering. There would be no lack, he said, of military educated men, when military educated men are in demand; the supply, like all other pursuits of life, would be fully equal to the demand. At present, the door of the army was closed to all who did not go through the West Point Academy.

Another objection to it was, that the country had to pay for educating many who never rendered any service in return. At the beginning of the Florida war, and when their services were required, they abandoned the flag of their country by scores. Out of the hundreds and thousands educated at that institution, how many—he might say how *few*—had ever rendered any important service to the country. What had been the facts recently stated on the floor of that House, when the subject of the coast survey was under consideration? Why, that there were not in the whole army and navy of the United States men competent to carry on that survey; and that the country must look to the private walks of life for the necessary talent and education to carry it on.

He did not wish to be understood as speaking slightingly of the officers of the army who had been educated at West Point, nor of the competency of most of them to perform all the duties required of them. On the contrary, he considered them generally as of a high order of military and scientific men; but, as officers, they had not generally shown themselves superior to the officers of the army who had been selected from the citizens at large. Our recent wars, and particularly the Florida war, had not developed any great military genius or acquirements. The officers of the revolutionary army, and of that of the late war, would not lose by comparison with those of the West Point academy, or of any other school. General Jackson, and the uneducated officers under him, had shown as much skill and bravery, and had had more success in their Indian wars, and before New Orleans, than would be found in all the wars and battles of all the West Point officers. It would be strange, indeed, if that institution had not sent out some good officers out of the thousands there educated; but, comparatively, they had been few. Even now, those educated there did not rank in the army higher than Colonel Kearney, and his dragoon officers, who had all been taken from private life.

It was needless, he said, to attempt to disguise the fact, that, throughout the whole country, there was a deep-rooted and widespread opposition in the public mind to the institution. Many States had instructed their Representatives and Senators to abolish it; and, but a day or two ago, Connecticut sent in her opposition. He did not wish to impute improper motives to any member of the House; but it was but too apparent that, if all the personal connexions of members with the cadets, and all other political and personal considerations thereby created, could be excluded, the institution would not remain another day.

If it must remain, he trusted all—even its strongest friends—would perceive the necessity of curtailing its numbers, as was proposed by the amendment of the gentleman from Virginia, [Mr. MALLORY.] The army was being reduced, and there were already more cadets attached to it than were necessary to fill all its offices. If, therefore, it was considered necessary to educate boys to make officers for the army, it was not necessary, certainly, to educate them to be mere hangers-on to that army, at the expense of the public treasury—to be the "mere cankers of a long peace." These were not times for useless expenditure. The revenue of the country was far short of its expenditures. Retrenchment must be made somewhere, or the national debt would increase. It had increased, he said, and was increasing at a fearful rate; taxes had increased, and would have to be increased still further to pay it; and ought they to go on educating boys for the army and navy, and paying hosts of officers in both, to walk the streets of the cities in idleness? He was opposed to it all.

Mr. HOLMES said he imagined there would be but one sentiment in relation to the proposition of the gentleman from Virginia, [Mr. MALLORY.] It would root out the abuses of that glorious institution, West Point, and diminish the increasing feeling against it; whilst it would not impair its usefulness. He opposed the amendment of the gentleman from New York, [Mr. ROOSEVELT,] and thought it could not have been seriously offered. It might be—as gentlemen had said—that some officers resigned their places after having been educated at the expense of the Government; but he could testify that a number of those who *volunteered* to go and fight against the savages were educated at West Point; and, though retired to civil life, came when their country called them, and rushed to the battle-field. He replied to the doctrine of the gentleman from Pennsylvania, [Mr. BROWN]—that Government should not educate any one to fill its offices. The contrary from what the gentleman wished was in practice every day. He referred the gentleman to the whole organization of the army and navy. The education of those who had to command must be begun somewhere. In the navy, it was begun with the midshipman; and in the army, with the cadet. If gentlemen, with their Oregon ideas, would precipitate us into a campaign in that territory, he wished to have men of science to conduct it; for it really seemed to him that they desired to conquer Oregon *per fas aut nefas*.

Mr. J. R. INGERSOLL advocated the West Point academy. He contended that it was not true that the cadets were educated for the army. They were already *in* the army, and *in* it educated as much as any soldier. It would be as reasonable to cut off the pay of the soldiers composing the army as of the cadets. He replied to the objection that officers educated at West Point had resigned, and pictured to the House the conduct of the gallant Dade and his compatriots who fell in Florida, and who received their education at West Point. He argued that the academy had had an important influence upon the military discipline of the country, as extended and improved by those who had there received their education and retired to civil life.

The question was then taken on the amendment of Mr. ROOSEVELT, and lost without a division.

Mr. MALLORY offered an amendment, providing that no more cadets shall be appointed to the military academy after the 1st of July next, till otherwise ordered by Congress; and directing the Secretary of War to report a plan to Congress, at the next session, for the gradual reduction of the expenses of the military academy.

Mr. CAVE JOHNSON moved to amend the amendment, so as to reduce the number of cadets to one hundred; but this motion was rejected—ayes 27, noes 99.

Mr. A. C. DODGE offered the following amendment to the amendment:

Provided, That in all cases of appointments of cadets to the West Point Academy, the individual selected shall be an *actual* resident of the congressional district of the State or Territory from which the appointment purports to be made.

This amendment was adopted.

The question was then taken on the first clause of the amendment, as proposed by Mr. MALLORY, and lost—ayes 44, noes 83.

The question was taken on the second branch of the amendment, directing the Secretary of War to report to Congress, at the next session, a plan for the gradual reduction of the expenses of the Military Academy at West Point; and lost—ayes 46, noes not counted.

Mr. AYCRIGG offered an amendment directing the Secretary of War to report a plan whereby a person paying his own expenses may be educated at West Point: rejected.

Mr. TRIPLETT offered an amendment providing that hereafter there shall not be a board of visiters at the West Point Academy. Carried—ayes 89, noes not counted.

Mr. EVERETT offered an amendment providing that the number of cadets shall be limited to the number of Representatives in Congress; and that each congressional district shall be entitled to have one cadet, and no more, at the academy: carried.

The amendment, as amended, was then agreed to.

Mr. CAVE JOHNSON offered an amendment providing that no money appropriated by this bill shall be applied to the payment of any larger sum of money to the officers of the General Staff, the Quartermaster General's department, the Subsistence and Purchasing departments, the Engineer and Topographical bureaux, and Military Academy, &c., &c., than is now paid to the officers of the same grade in the infantry, and that all laws inconsistent with this proviso be repealed: rejected.

Mr. ARNOLD moved that the committee rise: rejected.

Mr. BARTON offered an amendment, providing for the restoration of the civil, and the abolishment of the military superintendencies of the national armories: rejected.

Mr. SPRIGG moved to strike out the whole clause making appropriations for ordnance and ordnance stores: rejected.

On motion by Mr. FILLMORE, the committee rose and reported the bill to the House.

The question then coming up on concurring in the amendments made in Committee of the Whole,

Mr. ANDREWS of Kentucky moved the previous question; which was seconded by the House, and the main question ordered.

Mr. CALDWELL moved that the House adjourn; which question was decided by yeas and nays in the affirmative—yeas 91, nays 67.

So the House adjourned.

IN SENATE.

TUESDAY, January 31, 1843.

Mr. EVANS presented a memorial from citizens of Maine engaged in the lumber trade, asking Congress to levy an increase in specific duty on lumber imported into the United States from the British colonies; which was referred to the Committee on Manufactures.

Mr. MILLER presented a memorial, signed by Benjamin J. Wood and others, citizens of New York and New Jersey, remonstrating against the repeal of the bankrupt law: referred to the Judiciary Committee.

Mr. WRIGHT presented two memorials—one signed by 177, and the other by 213 citizens of Lockport, in Niagara county, New York, remonstrating against the repeal of the bankrupt law; which were referred to the Judiciary Committee.

Also presented a memorial from inhabitants of Windsor, in Broome county, New York, praying Congress to repeal the bankrupt law; which was referred to the Judiciary Committee.

Mr. STURGEON presented a memorial, signed by citizens of Alleghany county, Pennsylvania, recommending the issue, by the General Government, of $200,000,000 of stock to the States and Territories, based on the proceeds of the sales of the public lands: referred to the Committee on Finance.

Also, presented a memorial, numerously signed by citizens of the city and county of Philadelphia, Pa., urging upon Congress the propriety of some action to restore Mr. Ken[illegible]l to his personal liberty, of which he has been deprived in consequence of his faithful discharge of his duties as Postmaster General of the United States: referred to the Committee on Claims.

Mr. WILLIAMS presented a memorial from merchants and ship-owners of Portland, Maine, praying Congress to make such alterations in our commercial regulations with foreign powers, consistent with treaty stipulations, as will produce greater reciprocity in trade: referred to the Committee on Commerce.

Mr. YOUNG presented a petition from John Dowling, attorney in fact, and administrator of Patrick Grey, deceased, of Jo Daviess county, Illinois, praying indemnity for a horse lost in the late Black Hawk war: referred to the Committee on Claims.

Also, presented a memorial from the city council of Galena, Illinois, praying that that city may be made a port of entry: referred to the Committee on Commerce.

Also, presented a memorial from a number of citizens of Peoria county, Illinois, praying for the establishment of a post route from Peoria to Fulton city, in Whiteside county, in that State: referred to the Committee on the Post Office and Post Roads.

Also, presented the petitions of Aaron Payne and Wm. C. Murphy, praying for arrears of pension: referred to the Committee on Pensions.

Also, presented the last report of the president and board of canal commissioners of the Illinois and Michigan canal; and the report of the Committee on Finance in the Illinois Legislature, on the subject of the canal; which were referred to the Committee on Roads and Canals, having charge of that subject.

Mr. WOODBURY presented a petition from Alvin C. Gowell, representing that he invented a great improvement in rockets, and other fire-works, which had been adopted by the War Department; and praying compensation for the same: referred to the Committee on Military Affairs.

Mr. BATES, from the Committee on Pensions, to which had been referred House bill for the relief of Tirzah Hunt, reported the same back, with a recommendation that it be indefinitely postponed. The question was then put on the motion for indefinite postponement, and carried in the affirmative.

Mr. MILLER, from the Committee on the District of Columbia, reported back, with an amendment, the bill for repairing and repaving Pennsylvania avenue.

Mr. M. also, from the same committee, reported a bill extending the charters of the several banks in the District of Columbia; which was read, and ordered to a second reading.

Mr. PHELPS, from the Committee on Indian Affairs, reported back, without amendment, and with a recommendation that it do pass, House bill entitled "An act for the relief of the Stockbridge tribe of Indians."

Mr. P. also reported, from the Committee on Pensions, a bill granting a pension to David Welch; which was read, and ordered to a second reading.

Mr. KERR presented additional documents in support of the claim of Elizabeth Dawkins; which were referred to the Committee on Pensions.

Mr. WILLIAMS presented joint resolutions adopted by the Legislature of Maine, instructing the Senators and requesting the Representatives from that State to vote for a bill unconditionally refunding to General Jackson the fine so unjustly imposed on him by Judge Hall of Louisiana; which were read, and ordered to be printed.

Numerous bills from the House, of a private character, which passed that body on Saturday last, were taken up, read twice, and appropriately referred.

Mr. MILLER, from the Committee on the Post Office and Post Roads, to which had been referred the resolution of inquiry into the expediency of having the Assistants Postmaster General appointed by the President, with the advice and consent of the Senate, reported a bill to amend the act entitled "An act relative to the appointment of the Assistants Postmaster General of the United States;" which was read, and ordered to a second reading.

Mr. DAYTON, from the Committee on the Judiciary, to which had been referred the memorial of the members of the bar and other citizens of New Jersey, on the subject of holding the United States district courts at Trenton, instead of Burlington and New Brunswick, reported a bill to alter the place of holding the district court of the United States for the district of New Jersey; which was read, and ordered to a second reading.

Mr. TALLMADGE presented a memorial from shipowners of the city of New York, praying that a floating dock, on the plan of Mr. Gilbert, may be constructed at Brooklyn: referred to the Committee on Naval Affairs.

On motion of Mr. CRITTENDEN, the joint resolution to establish in the States of Kentucky and Missouri agencies for water-rotted hemp, was taken up as in committee of the whole.

Mr. YOUNG remarked that it had been suggested to him, by one of the Representatives from Tennessee, that an agency should also be established in that State, as a considerable quantity of hemp was raised there. He therefore moved to insert one agent for Tennessee. He would also make a similar motion in regard to the State of Illinois, for hemp was raised in that State. In reference to the hemp of Illinois, he would only say that he had presented a specimen to the Navy Department, and the Secretary remarked that it was the best specimen ever presented there. He was satisfied that in the State of Illinois, if an agency was established there, hemp would meet with very extensive cultivation. He did not desire to throw any obstacle in the way of the resolution; but, believing that there would be very small additional expense incurred, if an agent were appointed to each of the States of Tennessee and Illinois, and not knowing of any objection to such an amendment, he hoped it would be acquiesced in.

Mr. CRITTENDEN said that the resolution, as it now stood, only made provision for the two States (Kentucky and Missouri) which were largely engaged in the cultivation of this article, and in the preparation of water-rotted hemp. He thought it was time enough to create agencies in the other two States proposed, when they shall have made the same progress in the preparation of the article. The agencies would involve some expense. He submitted, therefore, to the Senator from Illinois, whether, under the circumstances, those States having yet cultivated so limited a quantity of the article, and having made no progress in the water-rotting process, it was necessary that agencies should be established there immediately. When the necessity arises for the creation of agencies in those States, no Senator would be more ready to vote for them than he would. He hoped the Senator from Illinois would not jeopard the resolution by moving, at this late stage of the session, an amendment which would make it necessary to return the resolution for action in the other House.

Mr. SMITH of Indiana spoke also of the progress making in the State of Indiana in the cultivation of hemp, 400 acres of which had been planted by one individual alone, and he was extensively water-rotting it; and however desirable it might be to have an agency in that State also, as the matter then stood he would not embarrass the resolution, at this stage of the session, with an amendment. He was willing that agencies should be first established in those States which had made greater progress in the culture and preparation of the article.

Mr. YOUNG remarked, that it was far from his intention to embarrass the passage of the resolution. He did not know, at the time when he made the motion, that the proposed agencies involved any considerable expense. As the Senator from Kentucky supposed the amendment might hazard the passage of the resolution, he would withdraw it.

Mr. BENTON remarked that the two agencies proposed in the resolution were general in their character. The inspections and purchases by those agents would not, therefore, be confined to the hemp of the particular State in which they may reside; but they can purchase the hemp of Tennessee and Illinois. These agencies would be established at such points on the rivers as would give the greatest facility to the hemp-growers of all the States.

Mr. KING did not understand what necessity there was for such a resolution as that now before the Senate. He was not aware that any encouragement from the General Government for this particular branch of farming was more called for than would be proper for the growth of breadstuffs for the navy. It was the beginning of a system of sending agencies from the General Government into the States, which would lead to such results that the very gentlemen now advocating this proposition would have to come forward the first, themselves, for its repeal. A system of favoritism would grow up, (for these agents could not help becoming the tools of influential men in local districts,) which would result in the purchase for the Government of the worst materials at the highest price, until what they would select would not be worth having. There could be no better way devised for supplying the navy with hemp for cordage and cloth, than that which now exists; whereby the Secretary of the Navy advertises for proposals and samples, and decides upon the best articles he wants, at the most favorable prices. Let the farmers who choose to grow hemp for the navy compete with the foreign article, and make it better and sell it cheaper, and it will insure a market for so much as our navy may require. All this should be done without this special interference on the part of the General Government.

Mr. ALLEN inquired of the Senator from Kentucky, [Mr. CRITTENDEN,] whether the Secretary of the Navy had not the power already, under existing laws, to appoint agents to examine and purchase hemp.

Mr. CRITTENDEN supposed he had. The Senator from Alabama seemed to apprehend that the agents that might be appointed in those two States, under this resolution, would soon become subjected to individual influence; and the consequence would be the purchase of worthless hemp for the use of the navy. He asked that Senator whether those agents would be more liable to individual influence, or more likely to purchase a bad article, than those officers employed at Boston or New York by the Government, to make purchases of the foreign article.

Mr. KING. They make their purchases by contract, on samples.

Mr. CRITTENDEN. Well, then, the agent that makes the contract for the purchase, has to examine the hemp; and is just as liable, through individual influence, to purchase a bad article, as the agencies, if established in Kentucky or Missouri. To say that we cannot have a sufficient agency, is to say that we are a race of dishonest men. The Senator's argument was as much an argument against all human agency, as it was against the agency proposed in the resolution. It was really surprising that the Senator from Alabama apprehended no collusions and improper influences in the agents for purchasing the foreign article in the Eastern ports. Mr. C. then spoke at some length on the disadvantages to the hemp-growers of the West, in consequence of having to transport their hemp at a great expense, after it is prepared, to the Boston market, to undergo the inspection of the agent there; which hemp is frequently condemned by such agents, owing to the imperfect knowledge, on the part of the growers of the article, of the water-rotting process. The hemp thus condemned is left without a market; and is then sold, at a great sacrifice, for purposes of sacking. Now, if these agencies were established in Kentucky and Missouri, those engaged in the culture and preparation of the article would be saved at least the expense of transportation; for if the hemp was condemned at home, they would then manufacture it into something else. He had no doubt, if proper encouragement was given our own people who have turned their attention to the matter, sufficient hemp—better than the foreign article—could be raised in the State of Kentucky alone, to supply the wants of the navy.

Mr. BAYARD spoke at some length on the propriety of passing the resolution. He remarked that the Senator from Alabama would perceive that, unless some authority was given by the passage of such a resolution to establish agencies, no appropriation could be made for the object. The resolution was merely intended as a basis to authorize the insertion in the general appropriation bill of an item to defray the expenses; which could not be done under the rule, which excludes from that bill all appropriations except for objects authorized by law. If the resolution was passed, still it remains for Congress, after they shall have seen an estimate of the amount necessary to pay those agents and make the purchases, to say whether they would make the appropriation. Unless the appropriation was made, the resolution would remain as a dead letter on the statute.

Mr. LINN expressed a wish that the question would be taken without further debate; if that was not done, he would move to pass the resolution over till to-morrow.

Mr. McDUFFIE remarked, that the resolution involved a matter of some importance, and desired that it might be postponed till to-morrow, to enable him to make a few remarks. Then,

On motion by Mr. MOREHEAD, the resolution was passed over informally.

THE OREGON TERRITORY.

The unfinished debate on the question of passing the bill for the occupation and settlement of the Territory of Oregon, came up as the special order.

Mr. CALHOUN, being entitled to the floor, addressed the Senate for upwards of an hour in opposition to the passage of the bill. The time and circumstances he considered most unpropitious for urging this measure. It could lead to nothing but the loss of the territory. And he had a much higher estimate of its value and importance than his distinguished and eloquent colleague [Mr. McDUFFIE.] The exercise of our sovereignty over it now, must inevitably lead to resistance on the part of Great Britain. That resistance could only result in our either retracting or maintaining our position. Should we have to retrace our steps, it would be to a position infinitely worse than that we now occupy. Should we persist, war must be the consequence. And what could we expect from a struggle of that kind in a region so distant, when everything would operate favorably for our opponents, and to our own disadvantage? It must end in giving to Great Britain the entire possession of the territory; and how then could we regain a footing in it but by negotiation? Was it not better to have the negotiation now in amity, than after a contest, amid unkind feelings?

Mr. C. pointed out, at considerable length, the consequences of a strife with England on this subject. He adverted to the unprepared condition of this country for it. He considered our present position the most safe, honorable, and advantageous we could, under existing circumstances, occupy. It was so considered by every administration since the convention of 1818. Time would do more for us than any legislation we could devise. The rapid advance of our population in number and progress westward, had been such within the past thirty years, as to justify the calculation that the period cannot be far distant when even the Rocky Mountains cannot stop its onward march. We gain strength by time. The British, on the contrary, will be weakened by those circumstances which will operate most favorably to us.

Mr. PHELPS could not concur in the views taken by those Senators who had spoken in opposition to the principal provision of this bill—that which proposes a prospective grant of lands to settlers. He argued that the right of occupation by our citizens was conceded in the admission that we might extend our Territorial laws over the territory. We could not have citizens to extend those laws to, unless they had habitations to dwell in, and lands to cultivate. The prerequisite of occupation was therefore implied. He took each provision of the bill successively, and maintained that there could be nothing inconsistent with the treaty in its purpose and objects. He read extracts from the correspondence of Mr. Gallatin, to show that the British ministers during their negotiation with him, admitted that we might do everything we now proposed to do by this bill. He dwelt at considerable length on the terms of the treaty, and the proper definition of its provisions; and concluded by expressing a hope that the bill in its present shape would be supported by a majority of the Senate.

Mr. RIVES intimated a desire to address the Senate on the subject. He believed he had some peculiar views, to which he would wish the attention of Senators might be directed; but the attendance was so thin, at that late hour, that he should ask the indulgence of the Senate to allow the bill to be passed over informally till to-morrow.

Mr. LINN would not object, as the Senator from Virginia desired a postponement, although he could wish that some further progress were made in the matter this evening. He had risen to make a single remark, which seemed to be called for, in consequence of what had fallen from the Senator from South Carolina, [Mr. CALHOUN.] He alluded to the circumstance of Mr. Monroe's communication relative to the building of a fortification at the mouth of the Columbia river, for the protection of our commerce. While up, he would say a word in reference to the imputation of the introduction of this bill by him being a rash measure. Now, he contended there could be no objection to this bill on the score of rashness; for he had urged the subject in 1838, and repeatedly since. He had yielded to the experience and judgment of others, in refraining to press it to a final vote, while the difficulties with England were under negotiation. He now believed it would have been better if he had not yielded to that course. Had he pressed the matter forward, he believed the interests of this country, in relation to the Oregon Territory, would have been secured by this time, or at least would stand upon a better footing than they now do.

Mr. CALHOUN replied, briefly, that although he was Secretary of War in Mr. Monroe's administration, and knew it was a wise and prudent administration, he did not feel responsible for any of the measures of his Cabinet in which he had not taken part. As to the enforcement of this bill at any period since it was first proposed, the true question was, whether its provisions could be carried out if Great Britain resisted them.

Mr. LINN said that, as the Senator from Virginia wished the subject to be passed over informally till to-morrow, he should make no objection to that motion.

The bill was then passed over informally; and,

On motion of Mr. EVANS,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, January 31, 1843.

Mr. C. J. INGERSOLL presented two petitions of citizens of the city and county of Philadelphia, in the State of Pennsylvania, setting forth that "Amos Kendall, late Postmaster General of the United States, is now confined within the limits of the county of Washington, in the District of Columbia, in consequence of having withheld, while Postmaster General, the payment of a sum of money, said to have been due by the Post Office Department to certain mail contractors, but which he believed they were not justly entitled to; and praying Congress to pass such a law as will restore to the said Amos Kendall his personal liberty, and remunerate him for the loss of time and expenses incurred in defending the suits against him by the aforesaid mail contractors."

Mr. MOORE presented the petition of Reuben Drake, and 33 other inhabitants interested, praying for the establishment of a post route from Natchitoches to Monroe, Louisiana.

Mr. LOWELL presented the petition of Silvanus G. Pressey, and 75 other merchants and shipmasters of Deer Isle, Maine, for an appropriation to improve the navigation of Penobscot Bay; which was referred to the Committee on Commerce.

Mr. BOYD presented the memorial of D. A. Green, and 88 other citizens of Smithland, Kentucky, asking an appropriation to remove obstructions to the navigation of the Mississippi, Ohio, Missouri, and Arkansas rivers; which was referred to the Committee of the Whole on the state of the Union.

STATE OF THE FINANCES.

Mr. CLIFFORD asked leave to offer the following resolution:

Resolved, That the Committee of Ways and Means be instructed to inquire, and report to this House, what will be the probable receipts into the treasury, during the residue of the current year, from all sources; and also what will be the amount of charges upon the treasury during the same period; and whether there will not be a deficiency to meet the current expenses, and, if so, its probable amount, and what measures ought to be adopted to supply the necessary means.

Mr. STANLY objected to the reception of the resolution.

Mr. CLIFFORD thereupon moved a suspension of the rules, in order to get it before the House.

Mr. W. COST JOHNSON hoped the gentleman from North Carolina would withdraw his objection.

Mr. WISE asked for the yeas and nays on the motion to suspend the rules. They were ordered, and resulted—yeas 88, nays 76, as follows:

YEAS—Messrs. Adams, Arnold, Arrington, Bidlack, Black, Bowne, Boyd, Aaron V. Brown, Burke, Burnell, William O. Butler, Green W. Caldwell, Calhoun, Cary, Casey, Clifford, Clinton, Cross, Cushing, Richard D. Davis, Dawson, Dean, Doan, Eastman, John C. Edwards, Egbert, John G. Floyd, Charles A. Floyd, Fornance, Gerry, Gwin, Harris, Hays, Holmes, Hopkins, Houck, Houston, Hubard, Hunter, Charles J. Ingersoll, William W. Irwin, Jack, William Cost Johnson, John W. Jones, Keim, Andrew Kennedy, Littlefield, Lowell, Abraham McClellan, McKay, McKeon, Mallory, Marchand, Alfred Marshall, Mathews, Medill, Mitchell, Morris, Newhard, Oliver, Parmenter, Partridge, Payne, Pickens, Benjamin Randall, Read, Reding, Reynolds, Riggs, Roosevelt, Sanford, Saunders, Sewell, Shields, William Smith, Snyder, Steenrod, Sweney, Jacob Thompson, Turney, Van Buren, Watterson, Weller, Westbrook, Joseph L. Williams, Winthrop, Wise, and Wood—88.

NAYS—Messrs. Landaff W. Andrews, Sherlock J. Andrews, Aycrigg, Babcock, Baker, Barton, Blair, Boardman, Botts, Briggs, Brockway, Milton Brown, Jeremiah Brown, Thomas J. Campbell, Caruthers, Chittenden, Staley N. Clarke, James Cooper, Cowen, Cranston, Garrett Davis, John Edwards, Fillmore, Gates, Gentry, Giddings, Graham, Granger, Green, Halsted, Henry, Hudson, Hunt, Joseph R. Ingersoll, James Irvin, James, John P. Kennedy, Lane, McKennan, Samson Mason, Mathiot, Mattocks, Maxwell, Maynard, Meriwether, Moore, Owsley, Pearce, Pendleton, Pope, Ramsey, Rayner, Rencher, Ridgway, Rodney, William Russell, James M. Russell, Saltonstall, Truman Smith, Stanly, Stokely, Stratton, Alexander H. H. Stuart, John T. Stuart, Summers, Taliaferro, Tillinghast, Toland, Trumbull, Warren, Edward D. White, Joseph L. White, Thomas W. Williams, Christopher H. Williams, Yorke, Augustus Young, and John Young—76.

So (two-thirds not voting in the affirmative) the rules were not suspended.

Mr. J. YOUNG reported a bill for the relief of

John McGinnis; which was read twice, and referred to the Committee of the Whole House.

REPORT ON GEN. JACKSON'S FINE.

Mr. PEARCE asked leave to make a report, from the Committee on the Judiciary, on the subject of refunding the fine imposed on Major General Andrew Jackson. He said he was instructed to move the printing of five thousand extra copies.

Mr. RAYNER said that, inasmuch as this was one of the leading measures of the session, he should ask for the reading of the report of the committee.

Objection having been made, at the suggestion of the Speaker the presentation of the report was deferred until the Judiciary Committee should be called in its turn.

SCHOOL LANDS IN THE WEST.

Mr. CASEY, from the Committee on the Public Lands, reported Senate bill No. 33, entitled "An act to authorize the Legislatures of Illinois, Arkansas, Louisiana, and Tennessee to sell the lands heretofore appropriated for the use of schools in said States."

Mr. C. asked that the bill might be now passed, as it was important to three or four States, and had several times passed the Senate.

Objection having been made, Mr. C. moved the previous question on ordering the bill to a third reading.

Mr. HOWARD objected to the bill, and moved that it be laid on the table.

Mr. STUART of Illinois wished to speak, but was prevented by the state of the question before the House.

The question was then taken, and the House refused to lay on the table—ayes 48, noes 126.

So the motion to lay on the table was rejected.

The question recurring on the demand for the previous question, it was seconded by the House, and the main question was ordered.

The main question being on the third reading of the bill,

Mr. HOWARD of Michigan addressed the House at some length in opposition to it.

Mr. STEWART of Illinois replied.

MrsA. V. BROWN moved the previous question, and it was seconded. The main question was then ordered to be put. On the passage of the bill the yeas and nays were called for, but not ordered. Tellers were then called for, and ordered; and Messrs. SNYDER and GRANGER were appointed, and they reported 70 in the affirmative, and 61 in the negative; so the bill was passed.

Mr. HOWARD, from the Committee on Public Lands, reported, with some amendments, Senate bill to provide for ascertaining and disposing of the lead mineral lands in the States of Illinois and Arkansas, and Territories of Wisconsin and Iowa, and for other purposes. It was committed to the Committee of the Whole, and the amendments were ordered to be printed.

Mr. BRONSON, from the Committee on Public Lands, reported a bill to authorize the investigation of alleged frauds under the pre-emption laws, and for other purposes; which was read twice, and committed.

Mr. PEARCE, from the Judiciary Committee, moved that the report which was this morning laid on the Clerk's desk, respecting the refunding of General Jackson's fine, together with the minority report of the committee made at the last session, be printed, and that there be printed 5,000 extra copies.

Objection was made, and the usual number only was ordered.

Mr. BARNARD, from the Judiciary Committee, reported Senate bill to authorize the settlement of the accounts of Joseph Nourse, with an adverse report thereon. The bill, together with the report, was committed to the Committee of the Whole.

Mr. MOORE, from the Committee on Revolutionary Claims, reported a bill for the relief of Elizabeth Burress; which was read twice, and committed.

Mr. CROSS, from the Committee on Private Land Claims, reported a bill for the relief of the heirs and legal representatives of John Peters, deceased; which was read twice, and committed.

THE ARMY APPROPRIATION BILL.

Mr. SAMSON MASON asked the House to take up and dispose of the army appropriation bill, on which the previous question was yesterday ordered. He made this request for the chairman of the Committee of Ways and Means, who was indisposed this morning; and he hoped the House would allow the bill to be disposed of, for there were only about twenty-one days remaining of the session, after deducting those days assigned to special orders. It was, therefore, very desirable that the House should now consent to act.

The bill was taken up by general consent.

The amendment of the committee making an appropriation for extending and rendering more complete the meteorological survey, was not concurred in.

The amendment requiring individuals to be hereafter appointed as cadets, to be actual residents of the congressional district of the State or Territory from which the appointment purports to be made, was concurred in.

Mr. McKENNAN called for the yeas and nays on the question of concurrence with the amendment, which provides that hereafter there shall not be a board of visiters at the West Point Academy, unless otherwise ordered by Congress; and being ordered, they resulted—yeas 109, nays 51.

So the amendment of the committee was agreed to.

The next amendment of the committee provided that the number of cadets should be limited to the number of members and delegates in Congress.

The amendment was concurred in; also the amendment striking out the appropriation for the board of visiters.

The amendments having been passed over, the bill was ordered to its engrossment; and, having been read a third time,

Mr. BRONSON moved the previous question; which was seconded, and the main question ordered to be now put.

The bill was then passed.

The Committee on Enrolled Bills here made a report; and, after the several bills had been signed by the Speaker,

Mr. BARNARD inquired whether there was not a motion to rescind the special order appointed for to-day.

Mr. ROOSEVELT said he had made such a motion; but he did not purpose calling it up, unless more important business should come before the House.

The SPEAKER said it would be in order to call up the motion to-morrow, or at any time during the continuance of the special order.

TERRITORIAL BUSINESS.

Mr. A. C. DODGE called up the special order of the day—the consideration of business appertaining to the several Territories.

Mr. D. said that, before he made a motion that the House go into Committee of the Whole, he desired to obtain a decision upon a motion made at the last session of Congress. He referred to the motion then made to reconsider the vote by which the House rejected the bill to pay the militia of Iowa for services rendered in 1839, when called out during the unpleasant controversy with Missouri. The bill was rejected by a few votes, and he believed its merits were not properly understood. If members would give him their attention, he would endeavor to establish the justice of the claim. He inquired whether it was in order to debate the motion to reconsider at this time.

The SPEAKER answered that it was.

Mr. ROOSEVELT asked if it was strictly in order to revive a motion made at the last session of Congress,

The SPEAKER said that it remained on the calendar as part of the unfinished business before the House.

Mr. DODGE resumed. He read from the journal of the House at the first session of the twenty-sixth Congress, to show that a resolution was adopted, directing the Secretary of War to appoint an officer to muster the militia of Iowa preparatory to their payment. In accordance with this resolution, an officer was appointed, who mustered the militia, and made a report to the Secretary of War. That report was transmitted by Secretary Poinsett to the Hon. R. M. T. HUNTER, Speaker of the House, and by him laid before it. In that letter, the Secretary suggested certain corrections of the muster-roll, which were made by the proper officer, and also recommended that the troops should be paid.

[Here Mr. D. read from the letter of Mr. Poinsett referred to.] The objection raised last session to the payment of the troops, was, that the service in which they were engaged was uncalled for and unnecessary. Now, he (Mr. D.) stood upon that floor as the representative of those people who were called out by officers sent to Iowa by the United States Government; and he felt it to be a high and responsible duty which he owed them, to see that justice was done. He then proceeded to show that the men were called out by officers of the United States—the Governor and marshal of the Territory—and read passages from their several communications. The Governor of Iowa received notice that the authorities of Missouri were collecting taxes from the citizens of that Territory; and he immediately issued his proclamation, warning them not to execute their process. In the Governor's proclamation, the act of Congress on the subject was referred to, as making it obligatory upon him to do what he did. [Here Mr. D. read from the law.] The Governor was the officer of the United States, sent to afford protection to the inhabitants of the Territory over which he presided. So also was the marshal, who made the call upon the Governor, and who was fully sustained by the district attorney of the United States, his legal adviser. He then read the letter of the United States marshal, and commented upon it.

Mr. D. then read certain letters from the United States marshal, and the opinion of Charles Western, esq., the United States attorney, together with a letter from Stephen Whitcher, esq., to show the necessity that existed for calling the Iowa militia into service. Mr. D. also read the act of the Legislature of Missouri extending the northern boundary of that State, which he said precipitated and brought on all these difficulties. After reading these documents, Mr. D. said that the point he wished to make, was, that the Territorial Government of Iowa had exercised jurisdiction over the territory in dispute, ever since it was acquired from the Indians in 1833; and that the Legislature of Missouri invaded it with an armed force, for the purpose of wresting it from the United States and the Territory of Iowa, and levying taxes on it; that it comprised within it a population of six thousand persons, whose sentiments were so averse to the attempted usurpations of Missouri, that they resisted it to the utmost of their power; being backed in such resistance by those whom they were bound to respect—viz. the governor appointed over them by the Government of the United States; and the marshal, and the district attorney of the Territory, also United States officers. He would add, that it was a most unwelcome service to the people of Iowa; for, apart from their disinclination to oppose their own countrymen in arms, they were called out at a most inclement season of the year, when the ground was covered with snow. Could Congress, then, refuse to compensate for services rendered under such circumstances? They were not men capable of solving nice constitutional questions, but were the men whose enterprise had opened to settlement and cultivation a rich and fertile Territory, and who were in time to extend our borders by the settlement of Oregon. Such men were not nice casuists, and were, therefore, sufficiently justified in obeying the orders of their lawful superiors. He could tell the House, that such was the aversion to this service, that many of the officers—men of character and respectability—for refusing to obey the order calling them into service, were tried by a court-martial, under the militia laws of the Territory, and cashiered. There was another fact to which he wished to call the attention of the House. Every one of the generals, according to the construction of the War Depart-

ment, had been stricken out of the account; and though there were eight of them in the field, not an officer above the rank of colonel would be paid. He himself was ready and willing to acquiesce in this decision, though it affected him, as one of the generals stricken out; for his anxiety to get the men paid the poor pittance they claimed for their hard service, and to get the farmers paid for the corn, beef, and pork they furnished for the sustenance of the men and their horses, superseded any feeling for himself, and those of the same rank with him. To add to the hardships of the case of these claimants, he would add, that at the time these supplies were furnished, the homes of a number of the settlers were proclaimed for sale by the President, and that they sold their produce for the purpose of raising money to pay for them; believing, as they were assured by those they had confidence in, that their accounts would be settled and allowed at the War Department. Now, in consequence of their not getting paid, as they had a right to expect, many of them were forced to borrow money, at a heavy interest, to pay for the homes they had settled and brought into cultivation. As he before stated, the service was a most unwelcome and most unpleasant one; and he desired to make an appeal to the gentleman from Kentucky, [Mr. UNDERWOOD,] who made a remark last year that he believed had caused the defeat of this bill. The gentleman, on calling for the yeas and nays, said that he wished to see who would vote for a bill to pay these people for fighting their own countrymen. Now, he would remark to the gentleman, that the people he spoke of in this way were by no means deserving of his censure. They engaged very reluctantly in this service, at the command of those placed by this Government in authority over them; and one of these men had faithfully served his country in the last war with Great Britain, and was present and saw the gentleman from Kentucky wounded and taken prisoner at Dudley's defeat. They were not nice judges of constitutional law; but the hardy and enterprising settlers, who had settled and brought into cultivation a rich and growing territory, and who would extend the boundaries of the United States, by settling and defending its territory, even to the Pacific ocean. He hoped the motion for reconsideration would prevail.

The question was then taken on the motion for reconsideration, and resulted in ayes 52, noes 43.

No quorum voting, tellers were ordered and appointed, [Messrs. BRIGGS and C. BROWN;] and the question being again taken, they reported ayes 74, noes 36.

There still being no quorum, Mr. CAVE JOHNSON moved to lay the motion for reconsideration on the table, and called for the yeas and nays, as the best means of getting a full vote.

Mr. MEDILL moved a call of the House: rejected—ayes 44, noes not counted.

Mr. CAVE JOHNSON again called for the yeas and nays on the question of reconsideration, and they were ordered; and resulted—yeas 90, nays 45.

The question then recurred on the passage of the bill.

Mr. MORGAN and Mr. CAVE JOHNSON called for the yeas and nays, and they were ordered; and resulted—yeas 89, nays 48.

So the bill was passed.

The House then adjourned.

IN SENATE.

WEDNESDAY, February 1, 1843.

The PRESIDENT *pro tem.* laid before the Senate a communication from the Patent Office, covering the annual report of the Commissioner of Patents; which, on motion by Mr. HUNTINGTON, was referred to the Committee on Patents.

Mr. BUCHANAN presented a memorial signed by twenty-three citizens of Pennsylvania, asking Congress to create a stock of $200,000,000, based on the public domain, to be distributed among the States and Territories in the proportion of their representative ratio; which was referred to the Committee on Finance.

Mr. MILLER presented the proceedings of a meeting of the citizens of the District of Columbia, residing on the eastern side of a branch of the Potomac, asking Congress to purchase one or more of the bridges across the Eastern branch, and to make them free: referred to the Committee on the District of Columbia.

Mr. STURGEON presented a memorial from citizens of Westmoreland county, Pennsylvania, praying for the amendment or repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

Also, presented a memorial from Alleghany county, Pennsylvania, in favor of the adoption of the plan for a board of exchequer, as recommended by the Executive: referred to the Committee on Finance.

Mr. BAGBY, on leave, introduced a bill for the relief of Jamison and Williamson; which was read twice, and referred to the Committee on the Post Office and Post Roads.

PORT OF ENTRY AT GALENA.

Mr. McROBERTS introduced a bill to establish a port of entry at Galena, in the State of Illinois. He said he should move its reference to the Committee on Commerce; and, in doing so, would send with it a memorial from the city council of Galena, asking that a port of entry may be established there. He said, if the committee would read the memorial, he thought they would find abundant reasons for acceding to the request of the memorialists.

He would say to the Senate that Galena, according to the statement of the city council, contained a population of 3,000, and that some estimate could be formed of its commerce from the details which the memorial furnished. In 1842, the number of up-river steamboat arrivals at the place was 195, and the number of keel-boats towed by steamers was 160. The number of pigs of lead shipped at the port was 240,000, besides a considerable amount of lead in small bars. It also appears that the exportation of lead has increased from 11,000,000 lbs. in 1835, to 30,000,000 lbs. in 1841; this last amount, at three cents per pound, would be nearly a million of dollars. It is also shown that the importations to the city of Galena, in 1841, of merchandise, amounted to about one million three hundred thousand dollars.

The memorial presents some interesting statistics connected with the lead trade in the whole of the country upon the Upper Mississippi.

Mr. McR. said there were abundant reasons shown in the memorial why Galena should be made a port of entry, and he hoped the committee would recommend it accordingly.

The bill was read twice, and was, with the memorial, referred to the Committee on Commerce.

On motion by Mr. EVANS, the Committee on Finance was discharged from the further consideration of the petitions of H. F. Pierment and John Golder.

Mr. MERRICK, on leave, introduced a joint resolution, to provide for the adjustment with foreign countries, by treaty, of the rates of duties on imports and exports, on principles of just reciprocity; which bill having been read,

Mr. M. remarked that he would not then ask for its second reading, with a view to its reference. The subject of the bill was a very comprehensive one. He merely wished it to be printed; and if, after an examination of its provisions, Senators should think any reference of it to a committee necessary, he would move to refer it to a select committee.

The bill was then ordered to be printed.

Mr. MERRICK, from the Committee on the Post Office and Post Roads, reported back, with an amendment, House bill entitled "An act for the relief of Peters, Moore, and Company."

Several adverse reports of standing committees, on private claims, were taken up and concurred in by the Senate.

The Senate then resumed the consideration, as in committee of the whole, of the bill to prevent the employment of private expresses upon mail routes, and for the prevention of frauds upon the revenues of the Post Office Department.

Mr. HENDERSON said he would be perfectly satisfied with the bill, if it was amended in two particulars—that was, by inserting in its second and fifth sections the words "and actually in possession of such mailable matter;" so as to make the penalty attach to the owners of stage-coaches, railroad cars, and steamboats, who may carry as passenger any person employed as a private express, only in cases where such agents may be actually in possession of mailable matter for transportation.

Mr. MERRICK said he had no sort of objection to the amendment, because it was exactly in accordance with the idea of the committee in agreeing to the provisions of the bill—its object being to prevent frauds on the revenues of the department, without placing unnecessary restrictions on the rights of the owners of railroads, steamboats, and stages.

These amendments were agreed to.

Mr. PORTER remarked that the provisions of this bill proposed to establish restrictions much broader than by the Post Office law of 1825. By reference to that law, it would be seen that the interdict only extended to letters; and left it optional to those who might wish to transmit newspapers and pamphlets, either to send them by the regular mails, or by other conveyance. But this bill places the interdict on all mailable matter—newspapers, pamphlets, and even the public documents, which he believed were mailable matter. According to the provisions of this bill, it would be penal for any person to transport any of the public documents, except through the regular mail. He objected to that portion of the bill which made it penal to transmit newspapers and pamphlets out of the mail, because it was a great convenience to the public to receive newspapers out of the mail, and in advance of it—which was the case now, to a very great extent; and yet it was no disadvantage, or a very small one, to the Post Office Department to be deprived of the carriage of them. Newspapers were sometimes actually conveyed from six to twelve hours sooner, by way of the Sound and Housatonic railroad, to Albany, than by the regular mail route between New York city and Albany. Now, anything which facilitated the transportation between those cities was of great interest to his constituents. He could not, therefore, consent to that provision of the bill which makes it penal to convey newspapers and documents out of the mail. He proposed to send home some documents of a public nature, which, if he should happen to place on board of a steamboat for that purpose, would subject himself to the penalties of the bill, for transporting mailable matter out of the mail. He would, therefore, to obviate his objection to the bill, move to strike from the second section the words "or other mailable matter whatsoever."

Mr. MERRICK said his honorable friend from Michigan was entirely mistaken as to the meaning of the words "mailable matter." He ventured to say that there was not a lawyer within the walls of the Senate, or elsewhere, if he were called upon to construe those words, who would not do so with reference to the existing laws, which defined what was mailable matter. Newspapers and pamphlets were not made mailable matter by this bill, but by previous law. The term "mailable matter" was used, because it was comprehensive, and included all matter other than letters, which by existing law was mailable. If these words were stricken out, the effect of the bill would be destroyed. Mr. M. further argued that, inasmuch as it was made the duty of the Government to carry newspapers and pamphlets in the mail, it should be secured in a monopoly of such carriage, as the expense has to be incurred by making provision for their transportation. It was necessary to have such a monopoly, to enable the department to transport the mail, unless it was desirable that that department should fall a burden on the common treasury.

Messrs. WOODBRIDGE, PORTER, CHOATE, HUNTINGTON, and WOODBURY, pointed out objections to the bill, which they expressed a wish that the chairman of the Post Office Committee [Mr. MERRICK] would consent to remove, by modifications of its provisions.

Mr. MERRICK replied to these several objections, and the bill was passed over informally till to-morrow, the morning hour having expired.

THE OREGON TERRITORY.

The unfinished debate on the question of passing the bill for the occupation and settlement of the Territory of Oregon came up as the special order.

Mr. RIVES, being entitled to the floor, addressed the Senate for about an hour and a half in support of the general objects of the bill, but in opposition to the retention of the provision for a grant of lands.

He recognised and adopted to the fullest extent the reasons so ably and eloquently enforced by the Senator from Missouri, [Mr. LINN,] in relation to the national importance of the territory. He also concurred with him in the opinion that our interests and our rights must suffer irretrievably by any further delay on the part of our Government to take the necessary steps for the occupation of the territory by our citizens. With the exception of the mere formality of taking possession of Fort George, (Astoria,) after the war, in 1818, our Government never had done anything to obtain the occupation we claim as our right, or even the joint occupation in pursuance of the treaty. For nearly thirty years—since the breaking up of Mr. Astor's establishment in 1813—we had been out of possession, and the British Hudson Bay Company had been allowed the exclusive occupation for all practical purposes. However limited the views and objects of that company were for the first ten or fifteen years of this interval, it was in vain now to escape the conviction that these views and objects have been enlarged and extended so as to embrace agricultural pursuits, and the permanent settlement of selected portions of the territory. Pending the difficulties which had so long existed between Great Britain and the United States, in relation to the Northeastern boundary and other irritating subjects, the postponement of this question of the occupation and settlement of the Oregon Territory was, perhaps, the best thing that could be done, under the circumstances. Now that these leading difficulties have been so happily adjusted by the late treaty, it seemed to be the proper time for taking some steps on the part of our Government to preserve our rights.

Mr. R. reviewed the whole history of our title, and showed that it took its origin in the original charters granting to our ancestors the territory from sea to sea—from the Atlantic to the Pacific. He recapitulated the history of the Columbia river, and all the arguments of title founded on discovery; and from all these, he proved that we stood on quite a different foundation from that on which Great Britain would stand. We claimed the sovereignty as ours by right of discovery. But if we neglected the condition of the laws of nations, which requires that we should follow up the discovery by occupation, Great Britain might contend that our neglect was a waiver of our right. The terms of the existing treaty had, however, saved our claim on the ground of discovery; but we could no longer, with safety, refrain from some efficient act of joint occupation, consistent with our obligations and good faith under the treaty. He considered the provisions of this bill, with the exception of that proposed to be stricken out, were in strict conformity with the spirit and meaning of the convention, and such as would be perfectly unexceptionable. He therefore would vote for the recommittal of the bill; and if the provision for grants of land should be stricken out, he would give hearty support to the bill.

Mr. SEVIER hoped the Senator from Virginia [Mr. ARCHER] would modify his motion, which he understood now was to recommit the bill to the Committee on Foreign Relations, so as to make it to the committee of the whole.

Mr. ARCHER explained that, in consequence of the select committee which reported the bill having been discharged, he did not know what other committee than one of the standing committees the bill could be referred to. There was no committee of the whole.

Several Senators explained that in the Senate there was not, strictly speaking, a committee of the whole.

Mr. SEVIER said, if so, he would prefer having the question taken on the passage of the bill in its present form. On the motion to recommit the bill to the Committee on Foreign Relations, he called for the yeas and nays.

The yeas and nays were ordered.

Considerable difficulty seemed to arise as to the recommittal of the bill; most of the Senators who had taken part in the discussion merely requiring that the land provision should be stricken out, so as to have a unanimous vote in favor of the bill. But the call for the yeas and nays not being withdrawn, the motion to recommit to the Committee on Foreign Relations had precedence.

Mr. ARCHER having asked for a suggestion to get out of the difficulty; and,

Mr. BUCHANAN having thrown out one, to the effect that the recommital might be to a select committee, admitting of the appointment of the same gentlemen who were on the committee that reported the bill, the motion to recommit to the Committee on Foreign Relations was withdrawn.

Mr. ARCHER then moved to recommit the bill to a select committee.

Mr. BENTON, on the question of recommittal being put, obtained the floor; but the hour being late, the subject was passed over informally.

On motion of Mr. BUCHANAN,

The Senate went into executive session; and, after some time spent therein,

Adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 1, 1843.

Mr. CHARLES J. INGERSOLL presented a petition of citizens of Philadelphia, Pa., for the passage of such a law as will restore Amos Kendall to his personal liberty, of which he has been deprived in consequence of a judgment obtained against him for certain of his official acts while Postmaster General of the United States.

Mr. RIDGWAY presented a memorial, signed by 35 citizens of Columbus, Ohio, petitioning Congress to repeal the law by which the summer term of the circuit and district courts of the United States were removed from Columbus to Cincinnati: referred to the Committee on the Judiciary.

Also, a memorial, signed by the members of the bar and other citizens of Marion, Marion county, Ohio, (in all 67,) of the same character, and the same reference made.

Mr. LITTLEFIELD presented resolutions of the Legislature of the State of Maine, instructing the Senators and requesting the Representatives of that State to use their influence to procure the passage of a bill unconditionally refunding to General Jackson the fine, with interest and cost, imposed on him by Judge Hall.

[These resolutions passed the Senate of Maine by a unanimous vote, and by a vote of two to one in the House of Representatives.]

The Hon. Mr. CRAWFORD, successor to the late Mr. HABERSHAM of Georgia, was this morning sworn, and took his seat.

Mr. GARRETT DAVIS submitted the following resolution; and it was adopted:

Resolved, That the Secretary of the Treasury report to this House the number, classes, and compensation of every description of the officers, and all other persons connected with the collection of the revenues, in the employment of the United States, at the following ports, viz: Portland, Boston, Salem, Newburyport, New London, Philadelphia, Baltimore, Norfolk, Charleston, Mobile, and New Orleans, on the 1st day of January, 1843, and on the 1st day of January, 1829, respectively; and that he also report the gross amount of revenue collected at each of those ports for the two years preceding those dates.

Mr. BOARDMAN offered the following resolution; and it was agreed to:

Resolved, That the Postmaster General be directed to report to this House how he has expended the appropriation made at the last session of Congress for the purchase of the grounds adjacent to the General Post Office building; what use has been made of the property purchased; and whether, in his opinion, it is necessary and expedient for the Government to purchase the remainder of the grounds on the square.

THE ARMY APPROPRIATION BILL.

Mr. JACOB THOMPSON rose to a privileged question; and, having obtained the floor, moved a reconsideration of the vote taken yesterday, by which the army appropriation bill was passed. His object was to move a resolution, if the House should agree to reconsider the vote, to recommit the bill to the Committee of Ways and Means, with instructions to strike from it every item which could be dispensed with, without detriment to the public service. For the three several days that the House went into Committee of the Whole on this bill, the entire time of the House was taken up with a discussion of some two or three minor points; while every gentleman knew, he presumed, that this bill contained a large amount of appropriations—something like $5,000,000. During that debate, the question was asked, (but never answered by the chairman of the Committee of Ways and Means,) what amount of revenue was expected for the coming year? If he could now get the ear of the chairman of that committee, he would again ask what amount was expected to be received during the coming year.

Mr. FILLMORE said he was too hoarse to address the House; but, if the gentleman from Mississippi would come to his desk, he would show him what the Secretary of the Treasury expected, from a document which that officer had furnished to the House. The honorable gentleman made some other observations, which did not reach the reporter's desk.

Mr. THOMPSON continued. From the estimates laid before them, it was evident the Secretary had greatly erred in his estimate. He had anticipated $16,000,000 from customs, when it was evident the sum could not exceed $12,000,000, and by many not more than $10,000,000 was expected. The Secretary of the Treasury had also estimated that $3,700,000 would accrue from the sales of the public lands; but in his (Mr. THOMPSON's) estimation, that was also a mistake; for he did not believe that more than a million and a half of dollars could be realized from the public lands. From the papers of this morning, it appeared that the officers of the Government had succeeded in borrowing $5,000,000; but in the fiscal year 1844, if they gave no power to the Secretary or the President to borrow more, they would have a deficit amounting to $7,000,000 or $8,000,000. Now he was one of those who, in his private relations, adopted this system—

Mr. JAMES COOPER rose, and asked if it was in order to discuss the subject at this time.

The SPEAKER was understood to reply that the gentleman from Mississippi was in order.

Mr. THOMPSON resumed. If they had no means of raising money, what should be the policy of this Government? They had attempted to borrow; and in that attempt they had failed. [Cries of "No, no, no!"] Abroad, they were disgraced and dishonored. They had succeeded, it was true, in now borrowing a sum of money; but who did not feel that they were disgraced by the manner in which it had been done? It surely was not a matter of felicitation; and he hoped there would be no further attempts to borrow; and he was willing so to make the appropriations as to avoid that necessity. And he wished to put this question as a test vote, whether gentlemen would so make the appropriations as to avoid the additional necessity of borrowing money.

Mr. DODGE of Iowa asked the gentleman from Mississippi to let the question of reconsideration go over to another day, that this day and to-morrow might be devoted to Territorial business, which was the special order for those days. Yesterday, much of the time was consumed in the discussion of a question in relation to land in Illinois and the army bill; and he trusted that the remaining time set apart for Territorial business would be given to it.

Mr. THOMPSON said he was quite willing to assent to such an arrangement.

Mr. SAMSON MASON hoped the motion of the gentleman from Mississippi would be disposed of this morning, for it was very desirable that the House should take final action on this bill as soon as possible, that it might go to the Senate.

Mr. THOMPSON said he had but a very few remarks more to make. It was not his intention to make a speech; he merely wished to call the attention of the House to the fact, that if they proceeded thus to make appropriations, they should look to the necessary consequences of such a course. Last year, they passed a bill called the

tariff bill—which was expected, he believed, by the committee who reported it, to yield a revenue of $26,000,000; but the prospect now was, that it would not yield more than $10,000,000. And as he saw no proposition made to reduce the duties fixed by that bill, he asked whether they would go forward and make appropriations, while there was no money to meet them. The consequence of increasing our tariff of duties had been, in a great degree, to destroy our commerce; and if appropriations were limited even to $20,000,000, he was of opinion that it would be more than the revenue would meet. They would necessarily, then, be driven to borrow money; and he asked, should they not rather strike out every item of expenditure which could be dispensed with, rather than borrow money under existing circumstances? They had attempted to borrow money to meet the ordinary expenses of the Government for three or four years, and he held that they should now stop that policy.

Before he concluded, he would make a remark respecting the Secretary of War. That gentleman had reduced the appropriations this year $1,800,000, for which he deserves the thanks of Congress. This was owing, in a great degree, to services dispensed with in the Florida war; and he (Mr. T.) was satisfied that still greater savings might be effected if the Committee of Ways and Means would state to him the impossibility of meeting such appropriations. But it would be impossible for him, or any other member of the House, without a consultation with the Secretary of War, to point out what items can be most appropriately dispensed with, and what items of appropriation can be properly and judiciously diminished.

Mr. GRANGER said he was in hopes that this bill, which was yesterday passed apparently so unanimously, would have been permitted to go to the Senate undisturbed, and without the lecture to this entire body from the gentleman from Mississippi. But that gentleman had not only read a lesson to this entire body, including his own political friends; but he had read a lesson to himself, for he had allowed this bill to pass yesterday, without calling for the yeas and nays, that he might record his vote against it; and yet he now rose and took the course which the House had witnessed. He (Mr. G.) could not suppose that the gentleman was seeking to create political capital; he was certainly far above that. But did he not seek to create the impression that this whole body had been trifling with the public interests?

He went on to observe that, in voting for that bill, he (Mr. G.) had not been actuated by selfish or local prejudices; for the army was more necessary to the frontier country in the neighborhood of the gentleman from Mississippi, than for that district from which he (Mr. G.) came. And, on the subject of the tariff bill, he said he was a high protective tariff man, up to the hub; and at the last session he recorded his vote in favor of a tax on tea and coffee, which would have yielded $4,000,000. Did the gentleman from Mississippi do as much?

Mr. THOMPSON said he had not voted for it.

Mr. GRANGER. No; the gentleman was opposed to a high protective tariff. They of the North, who went for protection, stood up in their places and supported a tax which would manifestly have produced to the treasury $4,000,000; and yet the gentleman from Mississippi rose in his place and talked as he had done about a high protective tariff. Such remarks would come better from some other quarter.

Mr. THOMPSON said he understood the friends of the tariff to say, at the time of its passage, that, independently of the tax on tea and coffee, it would raise something like $20,000,000.

Mr. GRANGER was understood to say that he thought the tariff, on its present basis, if undisturbed, would raise that amount; and though he was willing to give the additional amount that could be raised by the tax on tea and coffee, he believed the expenditures could be cut down to $22,000,000; and then there would be sufficient to cover their expenditures.

The gentleman, it appeared, was exceedingly alarmed about the credit of the United States Government. But he would tell that gentleman that, whatever their necessities might be, this Government had never yet denied its debts. The Government had raised—if he were to judge from the papers of this morning—or rather the officers of the Government had negotiated, their 6 per cent. loan at par. That was not doing very much with this tariff, even without the duty on tea and coffee, and with the honor and honest faith of this nation pledged for its repayment. But if it should not be repaid, why, there was the simplest process in the world: for they had nothing to do, if it were inconvenient to pay, but to "repudiate." The gentleman from Mississippi would see the immense advantage of repudiation; for, at the best, nobody but the purse-proud aristocrat, or some foreigner who had here invested his millions, would be the loser; while it would be, though certainly a novel, yet, doubtless, an equitable mode of distributing the money of the world among all the people of the world. [Laughter.]

The majority of this House had little reason to stand by the Administration; but they had good reason to stand by the honor and integrity and the plighted faith of this nation; and he trusted in God that the Representatives of the people—confident in the resources, and the ability, and the character of the seventeen millions of this American nation—would go forward, and make such appropriations as should sustain every arm of the national defence; and if it should be necessary during a temporary depression, to pledge the credit of the country to sustain even this Administration, like American patriots he trusted they would do it, and not be rebuked for discharging their high duty.

Mr. JAMES COOPER then obtained the floor, and moved that the motion to reconsider be laid on the table.

The question was taken, and the motion agreed to.

JUDGE BETTS AND CAPT. MACKENZIE.

Mr. SNYDER asked leave to offer the following resolution:

Resolved, That the Committee on the Judiciary inquire whether Samuel R. Betts, district judge of the United States for the southern district of New York, refused to entertain a complaint of murder alleged to have been committed on the high seas, upon the ground that he had other business of a civil nature to occupy his time; and to report to the House the proper proceedings to be taken on the occasion.

Mr. BARNARD and others objected.

Mr. SNYDER then moved a suspension of the rules, in order to receive the resolution.

The motion was voted down, without a division.

On motion of Mr. JAMES COOPER, 500 extra copies of the report of the Secretary of War, on the subject of the Chickasaw fund, were ordered to be printed.

Mr. WINTHROP asked leave to present, and have referred to the Committee of the Whole on the state of the Union, sundry memorials, signed by 2,107 citizens of Boston, complaining of the present state of trade and the derangement of the currency, and asking that the exchequer, with some modifications, may be adopted.

SPECIAL ORDER FOR TERRITORIAL BUSINESS.

Mr. ROOSEVELT called up his motion to reconsider the vote by which three days were set apart for the consideration of business relating to the several Territories. He said that but thirty days of the session remained, whilst there was a vast amount of business before the House. He thought that three days was rather more than the proportion which should be assigned to the affairs of 100,000 out of 17,000,000 of people. He referred to the discussion which took place yesterday, when the whole day was consumed on the reconsideration of a bill rejected at the last session by a solemn vote of the House; and also mentioned the fact that Friday was set apart for the consideration of a bill in which the citizens of Florida were interested, and which would elicit much debate. He concluded by moving that the special order be rescinded.

Mr. POPE, after raising a question of order on the motion, contending that it was too late, moved that it be laid on the table.

This motion was agreed to.

REPORTS FROM COMMITTEES.

Mr. PENDLETON, from the Committee on Military Affairs, reported a resolution rescinding the call made upon the Secretary of the Navy for a copy of Lieutenant Wilkes's report and survey of Oregon.

The resolution was objected to in various parts of the House.

Mr. PENDLETON stated that the committee were informed that it would take a month to copy Lieutenant Wilkes's report, and therefore they could not get it in time to answer the objects for which they desired it.

The resolution was then adopted.

Mr. STOKELY, from the Committee on Military Affairs, reported a bill for the relief of certain companies of Michigan militia: read twice, and referred to the Committee of the Whole House.

Mr. WOOD, from the Committee on Naval Affairs, reported a bill to authorize the purchase of the land adjoining the navy yard at Brooklyn, New York: read twice, and referred to the Committee of the Whole on the state of the Union.

FRENCH SPOLIATION CLAIMS.

Mr. CUSHING, from the Committee on Foreign Affairs, reported the following resolution:

The Committee on Foreign Affairs, to whom was referred the memorial of Ebenezer Wheelwright, and others, praying indemnity from the United States for French spoliations prior to 1800, report the following resolution for the consideration of the House:

Resolved, That all debate in the Committee of the Whole House on the state of the Union, on House bill No. 57, entitled "A bill to provide for the satisfaction of claims due to certain American citizens, for spoliations committed on their commerce prior to 31st July, 1801," shall cease on Tuesday next, at 2 o'clock, and the committee shall proceed to vote on the amendments then pending, or that may be offered to said bill, and then report the bill to the House, with such amendments as may have been agreed to by the committee.

Mr. CUSHING said it was evident that no bill of any importance could be decided, without the adoption of some such resolution as this. It was due to the suffering memorialists that the House should come to a decision upon this bill. He desired to have the previous question on this resolution:

Mr. J. P. KENNEDY opposed the resolution, on the ground that Tuesday next was appointed for the consideration of another subject.

Mr. CAVE JOHNSON inquired whether it was in order for the Committee on Foreign Affairs to report a resolution fixing a day for the termination of the debate on a bill which had never been taken up in Committee of the Whole?

Mr. CUSHING said three speeches had been made on the bill.

Mr. PICKENS said it had never been taken up. The Committee of the Whole had several times expressly refused.

The SPEAKER, after referring to the rule of the House, decided the resolution to be in order.

Mr. HOPKINS moved that the whole subject be laid on the table.

Mr. CAVE JOHNSON rose to address the House, but was called to order. Several gentlemen attempted to speak.

The point of order was discussed by Messrs. CUSHING, J. P. KENNEDY, PICKENS, GILMER, CAVE JOHNSON, and the SPEAKER; turning chiefly on a question of fact, viz. whether the bill for the relief of claimants under French spoliations prior to 1800, had ever been taken up in Committee of the Whole.

Mr. CAVE JOHNSON moved to lay the whole subject on the table, and asked for the yeas and nays on the motion; which were ordered.

The House refused to lay on the table—yeas 93, nays 103, as follows:

YEAS—Messrs. L. W. Andrews, Arnold, Arrington, Atherton, Beeson, Black, Brewster, Charles Brown, Burke, William Butler, William O. Butler, Green W. Caldwell, John Campbell, Caruthers, Cary, Casey, Chapman, Clifford, Clinton, Coles, Daniel, Garrett Davis, R. D. Davis, Dean, Deberry, Doan, Doig, Eastman, Egbert, John G. Floyd, Fornance, Gamble, Gentry, Gerry, Gilmer, William O. Goode, Gordon, Graham, Harris, Hastings, Hays, Hopkins, Houck, Houston, Hubard, Hunter, Charles J. Ingersoll, Jack, Cave Johnson, John W. Jones, Andrew Kennedy, Littlefield, Lowell, Abraham McClellan, Robert McClellan, McKay, McKeon, Marchand, Alfred Marshall, Medill, Meriwether, Miller, Mitchell, Moore, Newhard, Owsley, Partridge, Payne, Pickens, Pope, Profit, Rayner,

Reding, Rencher, Reynolds, Riggs, Rogers, William Russell, Saunders, Shields, William Smith, Snyder, Steenrod, Summers, Jacob Thompson, Triplett, Turney, Underwood, Van Buren, Wallace, Weller, Westbrook, and Christopher H. Williams. —93.

NAYS—Messrs. Adams, Sherlock J. Andrews, Aycrigg, Babcock, Baker, Barnard, Barton, Birdseye, Blair, Boardman, Borden, Briggs, Brockway, Bronson, Jeremiah Brown, Burnell, Calhoun, Thos. J. Campbell, Childs, Chittenden, John C. Clark, Staley N. Clarke, James Cooper, Cowen, Cranston, Cushing, Dawson, John Edwards, Ferris, Fessenden, Fillmore, A. Lawrence Foster, Thomas F. Foster, Gates, Giddings, Granger, Green, Gustine, Henry, Holmes, Howard, Hudson, Hunt, Joseph R. Ingersoll, James Irvin, William W. Irwin, James, William Cost Johnson, Isaac D. Jones, Keim, John P. Kennedy, King, McKennan, Mallory, Thomas F. Marshall, Samson Mason, John Thomson Mason, Mathiot, Mathews, Mattocks, Maxwell, Maynard, Morgan, Morris, Morrow, Oliver, Parmenter, Pearce, Pendleton, Powell, Ramsey, B. Randall, Ridgway, Roosevelt, J. M. Russell, Saltonstall, Sanford, Sewell, Slade, Truman Smith, Stanly, Stokely, Stratton, A. H. H. Stuart, J. T. Stuart, Taliaferro, John B. Thompson, Richard W. Thompson, Tillinghast, Toland, Tomlinson, Trumbull, Ward, Warren, Edward D. White, Joseph L. White, Joseph L. Williams, Winthrop, Wise, Wood, Yorke, and John Young—103.

So the motion to lay the subject on the table was rejected.

The question was then taken on the demand for the previous question, and carried—ayes 82, noes 74.

Mr. TURNEY then called for the yeas and nays on ordering the main question; which were ordered, and resulted in yeas 90, nays 95.

So the House refused to order the main question, and

The SPEAKER said that it would have to lie over till to-morrow.

CAPTURE OF MONTEREY.

Mr. ADAMS offered the following resolutions:

Resolved, That the President of the United States be requested to inform this House by what authority, and under whose instructions, Captain Thomas Ap Catesby Jones, commander of the squadron of the United States in the Pacific ocean, did, on or about the 19th of October last, invade in warlike array the territories of the Mexican Republic, take possession of the town of Monterey, and declare himself commander of the naval and military expedition for the occupation of the Californias.

Resolved, That the President of the United States be requested to communicate to this House copies of *all* the instructions given by him, or under his authority, to the said Captain Jones, from the time of his appointment to the command of the said squadron; also, copies of all communications received from him relating to his expedition for the occupation of the Californias; and, also, to inform this House whether orders have been despatched to the said Captain Jones, recalling him from his command.

Mr. GRANGER moved the previous question.

Mr. WISE hoped the gentleman from New York would withdraw his motion, to enable him to make a statement. He had a statement in his hand from Commodore Jones himself.

Mr. GRANGER suggested to the gentleman from Virginia that he might send that statement to the chair, and have it read by the Clerk.

Mr. WISE said he would not let it go out of his hands, unless the gentleman from New York would withdraw the motion for the previous question.

Mr. GRANGER did not accede to the proposition.

The previous question was then seconded—93 voting in the affirmative, and 70 in the negative.

Mr. WISE now called for the orders of the day —the morning hour having expired.

TERRITORIAL BUSINESS.

The Territorial business being the special order for this day,

Mr. LEVY moved that the House resolve itself into Committee of the Whole thereon; which was agreed to, and Mr. J. R. INGERSOLL was called to the chair.

On the motion of Mr. DODGE of Wisconsin, the committee took up a bill to authorize the election and appointment of officers of the Territory of Wisconsin; which, on his motion, was amended, and laid aside to be reported to the House.

Mr. DODGE of Wisconsin then moved that the committee take up the bill for the protection of commerce on the western shore of Lake Michigan.

Mr. CAVE JOHNSON suggested some immaterial amendment; which was agreed to.

Mr. MERIWETHER asked what the amount was, which this bill proposed to appropriate.

The Clerk was understood to reply that it was $83,000.

Mr. J. P. KENNEDY advocated the bill, which was intended to appropriate money for the construction of harbors, which the commerce of the lakes so much required.

Mr. MERIWETHER contended that this appropriation should have formed part of the general appropriation bill. He was opposed to this division of the appropriations.

Mr. BLACK also opposed the bill. He said he did not do so on the ground of the extravagance of its appropriation. He would not stop to inquire into the amount appropriated in the bill. He looked to a higher question involved in this bill. He looked to the question as to the right of the Federal Government to carry on internal improvements. He had always opposed such improvements by the General Government, wherever the improvement might lie—whether in his own State or elsewhere. He regarded opposition to internal improvements by the Federal Government as one of the most substantial tenets of the Republican faith.

Mr. POPE rose, and advocated the bill. He did not regard this as a constitutional question, but merely as one of expediency. He replied to various objections urged against the bill.

Mr. ROOSEVELT rose to make a single inquiry. How much would it cost to complete the several harbors, since what was proposed to be appropriated in this bill was only a beginning? [A voice: "Less than the New York custom-house."]

Mr. H. DODGE stated that an estimate had been made by the Topographical bureau of the whole cost of the several harbors, and the amount was $171,000. He then proceeded to address the committee in favor of the bill. Unwilling as he was to obtrude himself upon the House, (knowing the delicate relation in which delegates from the Territories stood, and also knowing the importance of the time of the House,) he should say but little on the subject. It was, indeed, true that but little time was given to the business of the Territories on yesterday; when the army bill was passed, it wanted a quarter of 2 o'clock; and when the House adjourned, it was a quarter past 3. Thus, only one hour and a half was given to the Territories on that day; and yet to-day the gentleman from New York [Mr. ROOSEVELT] again manifested a disposition to lay the heavy hand of power upon us!

He proceeded to reply to various objections urged against the appropriations. The estimates for the harbors were made five years ago; and since that time, the memorials of the Legislature of Wisconsin had been continually presented to Congress. Numerous memorials had also come here from Ohio, New York, Indiana, and Illinois—all asking the same object. It was a matter of vital importance; and though some gentlemen here might think lightly of everything that concerned the Territories, he trusted it would be viewed in the proper light, and that justice would be done.

It had been asked why this bill was without a report. He would answer, that early in the session he consulted with the chairman of the Committee on Commerce, [Mr. J. P. KENNEDY,] and that gentleman thought it was best to report a bill identical with the bill of last session. The estimates for the completion of these harbors were made in 1837, and their aggregate was $228 000; since that time, the price of lumber, of provisions, and of labor had fallen. Plank, which then cost $50, could now be bought for $15. So with other things which would be used. The actual expense, then, of the whole three harbors, he thought could not exceed $171,000.

As to the constitutional objection to the appropriations, he would say that objections of this kind, however applicable to appropriations for internal improvements in the States, could not apply to the Territories. The Territories were the property of the National Government; and all they asked was that justice might be done. Already had the Territory of Wisconsin paid into the treasury near $3,000,000 from sales of public lands within it. The mere pittance of 2½ per cent. upon the revenue there collected, would complete the harbors asked for. They were important to the Territory and to its increasing exports. The Secretary of War had called attention to their importance in a national point of view. (Here Mr. D. read from the report of the Secretary of War.) In case of a war with England, what, he asked, would be our condition? Where could our troops be landed in that section of the country?—settled by a hardy, enterprising and intelligent population, which would be soon sufficient for it to become a State. Its improvement was important to the Atlantic States. He referred to the risk of life at present incurred by all who navigate the lakes—life which was above all price. The gentleman from Georgia [Mr. MERIWETHER] he thought, would not have been so ardent in his opposition to the bill, had he been in some of the storms last November upon the lakes, where the people of Wisconsin were liable to be wrecked on their own shores. He described the storms which often arose on the lakes, and the dangers which the people had to encounter. They had risked everything in making their settlements. Should they, then, be only regarded as step-children, thrown aside, and their interests not attended to?

He availed himself of the occasion to do justice to several gentlemen now on that floor, who had enlisted in behalf of Wisconsin, when their services were so effective in defending her territory from devastation—Messrs. REYNOLDS, CASEY, and STUART of Illinois. It was due to those gentlemen to say that they had continued to be friendly to his people.

After referring to the fact that the Committee of Ways and Means had reported a bill appropriating $60,000 for the harbor of Chicago, and $642,000 for harbors generally, he begged that his Territory might not be thrown off, whilst other parts of the Union were so well provided for. All that his constituents wanted was aid to enable them to develop the resources of their section of the country.

Mr. WM. COST JOHNSON observed that the bill would meet his approbation, provided one amendment should be made. The clause for a harbor at Milwaukie provided that the harbor should be constructed at the mouth of the river. Now, as he understood that there was a much better location, where nature had almost formed a harbor, he moved to amend the bill, by providing that the location of the harbor should be selected under the direction of the Secretary of War; thus leaving the question open.

Mr. H. DODGE acquiesced in the suggestion.

The amendment was then agreed to.

Mr. J. P. KENNEDY said, as the fiscal year had been changed, he wished to have the bill so amended, to distribute the appropriations accordingly—directing a portion to be expended during the half-calendar year ending June 30, 1843, and the remainder during the fiscal year ending June 30, 1844. He wished to have the several sums divided accordingly.

The amendment was agreed to.

The bill (no further propositions to amend having been submitted) was then laid aside to be reported.

Mr. LEVY moved to take up the bill making appropriations for certain roads and the improvement of certain rivers in the Territory of Florida; which was agreed to.

Mr. W. W. IRWIN offered an amendment to strike out the Escambia river, and insert the Choctahatchie, so as to make the appropriation for the improvement of the latter river instead of the former: carried.

Mr. CAVE JOHNSON moved to strike out the appropriation of $12,000 for the road commencing on the Apalachicola, and suggested the inexpediency of making such large appropriations for objects that could be dispensed with in the present state of our finances.

Mr. LEVY explained, and defended the appropriation; and the vote being taken,

The amendment of Mr. JOHNSON was rejected, and the bill was laid aside to be reported to the House.

On motion by Mr. LEVY, the committee took up the bill making appropriations for the completion of the public buildings in the Territory of Florida; and, after some explanations by Mr. L., it was also laid aside to be reported.

On motion by Mr. LEVY, the bill making an

appropriation of $5,000 for a law library for the Territory of Florida, was taken up.

Mr. ROOSEVELT briefly opposed the bill; and

After some remarks from Messrs. BLACK, PROFFIT, and LEVY, the question was taken on reporting the bill to the House; and it was lost.

On motion by Mr. LEVY, the bill making an appropriation for the erection of a marine hospital at Key West, was taken up.

Mr. CAVE JOHNSON moved to strike out the enacting clause of the bill.

Mr. LEVY made some remarks, explaining and advocating the bill, and in opposition to the motion.

Tellers were demanded on the motion of the gentleman from Tennessee [Mr. CAVE JOHNSON] to strike out the enacting clause; and Messrs. R. W. THOMPSON and HOUSTON were appointed; and they reported 45 in the affirmative, and 68 in the negative—being less than a quorum.

A motion was made that the committee rise; which was negatived—ayes 58, noes 64. As this division proved that a quorum was in attendance, the committee returned to the consideration of the motion of Mr. C. JOHNSON to strike out the enacting clause.

Mr. JOHNSON withdrew his motion, and the bill was laid aside to be reported to the House.

Mr. DODGE of Iowa moved to take up bill No. 388, entitled "A bill for the construction of certain roads and a canal route in the Territory of Iowa;" which motion was agreed to.

Mr. D. then moved the following amendment, to be inserted in lieu of the bill as it now stands:

That the sum of fifty thousand dollars be, and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, to continue the removal of the obstructions to the navigation of the Mississippi river, at the Des Moines and Rock River rapids, in said river, to be expended under the direction of the Secretary of War during that portion of the year 1843 when most good can be effected by the same.

This object Mr. D. advocated, and supported his advocacy by reading extracts from certain memorials from the Territories, and from a message of Governor Chambers to the Territorial Legislature at its last session.

The debate was continued by Mr. CAVE JOHNSON, Mr. DODGE of Iowa, and Mr. SPRIGG.

Mr. POPE advocated the appropriation as contemplated for a useful object. The trade was very important; and it would be needless to endeavor to arrest these expenditures. They would be made; for the removal of the obstructions in the Western rivers had been commenced, and the continuance of it was only like repairing a road. He regretted the low state of the treasury; yet the fault he attributed to others—to the striking out of tea and coffee, as dutiable articles, from the tariff bill, by the Senate.

Various gentlemen expressed a desire to speak; but

Mr. C. JOHNSON moved that the committee rise; which motion was carried.

The committee then rose, and reported the several bills noticed as laid aside to be reported.

Mr. CHAPMAN, from the Committee on Public Lands, reported a bill to amend the act of 1838, granting pre-emption rights to certain settlers: read twice, and referred to the Committee of the Whole House.

Mr. POPE, from the Committee on Territories, reported "A bill concerning the Legislative Assembly of Wisconsin:" read twice, and referred to the Committee of the Whole on the state of the Union.

The SPEAKER, at the suggestion of Mr. FILLMORE, laid before the House a *confidential* communication in relation to certain frauds alleged to have been committed upon the Cherokee tribe of Indians. The message (without being opened or read) was referred to the Committee on Indian Affairs.

The SPEAKER also laid before the House a communication from the War Department, in answer to a resolution calling for information in relation to the repair of the Potomac bridge: referred to the Committee for the District of Columbia.

Also, a communication from the Treasury Department, transmitting, in compliance with the 30th section of the act of 1836, a detailed statement of the condition of the Chickasaw fund: referred to the Committee on Indian Affairs, and ordered to be printed.

Also, a communication from the Navy Department, in answer to a resolution calling for information in relation to the pay of seamen and others: laid on the table, and ordered to be printed.

Also, the annual report of the Commissioner of Patents: laid on the table, and ordered to be printed.

Mr. BRIGGS submitted a motion to print 5,000 extra copies; which was objected to, and lies over.

Mr. GRAHAM offered the following resolution, which was adopted:

Resolved, That the Committee of Claims be instructed to inquire into the expediency of paying John Phagan for services he rendered the United States, under the direction of the Secretary of War, in Florida, among the Seminole Indians.

On motion of Mr. WELLER, the House then adjourned.

IN SENATE.

THURSDAY, February 2, 1843.

The PRESIDENT *pro tem.* laid before the Senate a communication from the Treasury Department, transmitting, in compliance with the third section of the act of 30th April, 1836, an exhibit of the condition of the several trust funds arising out of the treaties with the Choctaw Indians; which, on motion of Mr. SMITH of Indiana, was referred to the Committee on Indian Affairs.

Mr. SMITH of Indiana presented joint resolutions of the Legislature of Indiana—one relating to the construction of a harbor at Michigan city; and another asking an appropriation for the improvement of the navigation of the Wabash river; which were referred to the Committee on Commerce, and ordered to be printed.

Mr. BATES presented two petitions from Ipswich, Massachusetts—one signed by Daniel Weed and 26 others, praying for the abolition of slavery in the District of Columbia; and the other, signed by W. W. Graves and 25 others, for the abolition of slavery generally.

Objection was made to their reception; and,

On motion of Mr. BERRIEN, the question of reception was ordered to lie on the table.

Mr. WALKER presented memorials from the city council and citizens of Natchez, Mississippi, praying the establishment of a naval armory and dock-yard at that place; which was referred to the Committee on Naval Affairs.

Mr. CHOATE presented petitions from Isaac Hall and Thomas Curtis, merchants of Boston, praying the payment of a sum of money retained by the United States consul in the Isle of France—being part of the proceeds of a vessel owned by them, which was condemned and sold as unseaworthy: referred to the Committee on Commerce.

Mr. CONRAD presented a petition from F. Denon and others, purchasers of public lands in Louisiana, praying that patents may be issued to them for other lands in lieu of those entered, which proved to be within the limits of previous grants; which was referred to the Committee on the Public Lands.

Mr. STURGEON presented a memorial from citizens of Pennsylvania, praying that $200,000,000 of stock, founded on the public domain, may be issued by the Government to the States and Territories, in a representative ratio; which was referred to the Committee on Finance.

Mr. S. also presented a memorial, signed by 750 ladies of Philadelphia, (and, to judge from their signatures, very delicate and fair ladies,) praying that Congress may exercise their constitutional right, and abolish slavery in the District of Columbia.

Mr. BERRIEN objected to its reception; and, on motion, the question of reception was laid on the table.

On motion of Mr. WRIGHT, leave was granted to withdraw from the files of the Secretary of the Senate the petition of Elisha Bentley for a pension.

On motion by Mr. LINN, the documents on the files of the Senate relating to the proposition to purchase the patent of Captain Shreeve for his snag boat, were ordered to be taken therefrom, and referred to the Committee on Patents having charge of the bill for that purpose.

Mr. GRAHAM, from the Committee on Claims, reported back, without amendment, and with a recommendation that they do pass, the bill from the House for the relief of Andrew Fisher, and the bill for the relief of William W. Street.

Mr. MERRICK presented a memorial from the board of trade of the city of Baltimore, on the subject of the depressed state of the shipping interest, which the memorialists attribute to the want of reciprocity in our treaty stipulations with foreign powers, and ask legislation on the subject: referred to the Committee on Commerce, and ordered to be printed.

On motion by Mr. HUNTINGTON, the Committee on Public Lands was discharged from the further consideration of the petition of William Wynn, and it was referred to the Committee on Private Land Claims.

On motion by Mr. CONRAD, the petition and documents of Charles Dehault Delassus were ordered to be taken from the files of the Senate, and referred to the Committee on Claims.

Mr. PORTER, from the Committee on Roads and Canals, reported a bill making further appropriations for the continuation of the Cumberland road in the States of Ohio, Indiana, and Illinois; which was read, and ordered to a second reading.

Mr. P. also, from the Committee on Patents, reported a bill for the relief of Robert B. Lewis; which was read, and ordered to a second reading.

Mr. HENDERSON, from the Committee on Private Land Claims, reported the following bills; which were read, and ordered to a second reading, viz:

A bill for the relief of the heirs of Wm. Fisher; and

A bill granting a tract of land to Villeneuve Leblanc, in consideration of the benefit derived to the public lands from his services in damming the mouth of False river.

Mr. WILLIAMS, from the Committee on Naval Affairs, to which had been referred the report of the Secretary of the Navy on the subject of the payment of naval pensions since the 16th of August, 1841, reported a bill respecting the payment of invalid pensions to officers of the naval and marine service of the United States; which was read, and ordered to a second reading.

The PRESIDENT *pro tem.* laid before the Senate a communication from the War Department, transmitting the annual statement of the appropriations in that department for the service of the year 1842—showing the balance of appropriations on the 1st of January, 1842, the repayments and transfers in 1842, the amount applicable to the service of 1842, &c., &c.; which was ordered to lie on the table.

The bill from the House making appropriations for the support of the army and military academy for 1843 and 1844, was read twice, and referred to the Committee on Finance.

The Senate then proceeded to consider, as in committee of the whole, the unfinished business of the morning hour of yesterday, being the bill to prevent the employment of private expresses upon mail routes, and for the prevention of frauds upon the revenues of the Post Office Department—the question pending being the amendment proposed by Mr PORTER, to strike out of the second and fifth sections the words "or other mailable matter whatever;" the effect of which proposition would be, if adopted, to permit all matter, except letters, to be conveyed by private expresses.

Mr. MERRICK expressed the hope that the Senate would not consent to adopt the amendment, because, if it was adopted, the good anticipated from the measure would be defeated. It was important that it should be retained, in order that the department may collect and receive all the revenues to which it was entitled, in consequence of the expense which it is compelled to incur in making preparations to carry such matter as is by law chargeable with postage. The Senator from Michigan [Mr. PORTER] seemed to think on yesterday, that it was

unimportant to the department to have a monopoly of carrying newspapers and pamphlets in the mails. He (Mr. M.) admitted that it would be unimportant if the department was not compelled to incur the expense for carrying them.

He had, since yesterday, made an inquiry of the Post Office Department as to the amount of revenue derivable from these sources. He had been informed that a communication had been just received from New York by the Postmaster General upon this very subject. The communication was from an authentic source, and gave statistics as to the effect upon the revenues of the department, by permitting the privileges exercised by those private expresses, of conveying, by railroads and steamboats, matter which properly belonged to the mails. The Senate might be enabled to see the loss on newspaper postage alone, from the fact, as stated in that communication, that 28,000 newspaper sheets were sent to New York daily, outside of the mail; the postage on which, if transmitted through the mail, would cost about $320 per day, or $99,850 per year. That was the amount of which the department was deprived, at that point, of newspaper postage only, by the facility which was permitted these private expresses on the regular mail routes. If they allowed these persons thus to appropriate that enormous sum of money, which rightly belonged to the department, to their private uses, and, at the same time, compel the department to incur the expense of carrying the mail, it would soon be found that the Government would have to sustain that department out of the common treasury, and tax the people therefor.

Mr. M. said that the same evils exist to the same extent in other cities of the United States, as in the city of New York, in proportion to the extent of their commerce and population. If, therefore, it was desirable to preserve to the people the comforts, convenience, and advantages which were offered by the mails of the United States, without, at this unpropitious time, letting that department fall a burden on the common treasury, those evils should be speedily modified or removed. The Postmaster General had informed him that he made a contract with a certain railroad company for transporting the mails between the cities of Baltimore and Philadelphia, for which he pays the annual sum of $20,000; and in a week after the contract was entered into, that company put on their line another car for the transportation of the express, carrying matter which properly belonged to the United States mail, which they had contracted to carry: thus receiving double pay for carrying the same matter—that is, $20,000 for the department, and probably some $20,000 or $30,000 for the extra car; and enabling those private individuals to come into competition with the Government, and by fraud to pocket the postage which belonged the department. This flagrant outrage on the rights of the department was practised within two hours ride of that Capitol.

He had no doubt that the loss to the department of postage on newspapers alone, by those private expresses—which were now established, or being established between all the commercial cities in the Union, and most profitable routes—would amount to $300,000 annually. The department would have to come to a dead halt, unless Congress interpose, and legislate effectually and efficiently to guard the revenues of the department.

He then replied to the complaints of the Senator from Connecticut, [Mr. HUNTINGTON,] that, by the provisions of this bill, packages of money and bills of exchange belonging to the merchants would be liable to postage; remarking that the Post Office Department was established principally for the benefit of the commercial community, and if they conspired to break through these arrangements, (as had been intimated,) and, consequently, to break down the department, why, then, it would have to fall. If they were not willing to pay for the mail facilities granted to them, the department could not be carried on at all. He maintained that it was expedient and necessary that the commercial interest should contribute in fair proportion to support the department, by paying for their packages of money and bills of exchange, if they were transmitted by mail. They, however, had the privilege of sending packages of money by private individuals, or by special express, if they thought proper to do so at their own expense; but could not send them by those regular express lines. With a view to accommodate the bill as far as possible to the suggestions of Senators, and to define, in specific terms, what was mailable matter, he moved the following amendment, to come in as an additional section to the bill, viz:

And be it further enacted, That all "mailable matter," and matter properly transmissible by mail, shall be deemed and taken to mean all letters and newspapers, and all magazines or pamphlets periodically published, and all written and printed matter whereof each copy or edition shall not exceed one pound in weight; but bound books of any size shall not be held to be included within the meaning of this term; and any packet or packets, of whatever size, being made up of any such mailable matter, shall subject all persons concerned in transporting the same to all the penalties of this law, equally as if it or they had not been made up into packets or packages.

Mr. HUNTINGTON thought that Senators would all agree in one thing—that it was necessary and proper to put an end, in some form, to these private expresses. Unless this was done, the revenues from postage would not sustain the Post Office Department; and the Government would be obliged to sustain it at the expense of the common treasury. In the suggestions he made on yesterday, concerning the transmission of packages of money by the mercantile class, he did not wish to be understood as desiring that that class should be specially protected in this bill. He then went on to argue that the merchants should not be compelled to risk their money, bills of exchange, and other valuable evidences of debt, through the mail; but ought to be permitted to transmit them in a more secure and cheap manner, if these facilities were afforded by those private expresses. If the commercial community were compelled to place such packages in the mail, they would be taxed much heavier than they were now taxed. He then went on to argue that the provisions of the bill to suppress the transmission of papers out of the mail could not be enforced; that some means would be invented to evade them; and that it would be useless to attempt to enforce them.

Mr. MERRICK replied, expressing the opinion that if the bill was passed, it would save to the department, in the course of a year, at least $1,000,000; and afford means to extend greater facilities to distant and sparsely populated portions of the Union, and also to reduce the rates of postage on letters. He concluded by moving that the amendment be printed; which was agreed to.

The bill was then passed by informally; the time for proceeding to the orders of the day having arrived.

THE OREGON TERRITORY.

The special order brought up the unfinished debate on the question of passing the bill for the occupation and settlement of the Oregon Territory—the motion pending being that of recommitting the bill to a select committee.

Mr. BENTON, who was entitled to the floor from yesterday evening, addressed the Senate for upwards of two hours in support of the bill in its present form.

There was one point on which every Senator who had yet spoken concurred—that the title to the Territory was in the United States. The land being our property, we have an unquestionable right to make whatever use of it we desire. It is enough for us to know we are right, for us to do whatever we think it is our best interest to do with our own property. Nobody has a right to be offended at this. If any other power takes offence at what we propose to do with our own property, that should be no reason why we should not do it. The same arguments used on this occasion to tie up our hands from doing anything lest it might provoke a collision with another power, had been pushed quite as far when General Jackson determined to insist upon our rights from France. Yet, because Gen. Jackson was right, he persisted; and the result was contrary to the predictions of the timid—we obtained our right, and there was no collision. Were we now to pursue the same course, we would maintain our right too, and there would be no collision. But even if there should be war in consequence of our doing what we have an unquestionable right to do with our own property: that should not stop us. We know we are right, and we leave the consequences of maintaining our right in the hands of Him who sides with justice.

It had been said that we should leave our cause to time—that time was our best negotiator. What had we ever gained by time? What had we ever gained by negotiation? In every instance that either had been tried between us and Great Britain, she had come off the gainer, and we the loser. It had been so with regard to the Oregon Territory: it had been so with regard to the Northeastern boundary. At first, all that England asked in relation to the Northeastern boundary, was a variation of the line, so as to give her a right of way at all seasons between Quebec and Halifax. When we would not agree to that, she offered to purchase as much territory as she wanted. That offer being rejected, her pretensions began to take root, and she had cultivated them so assiduously ever since, that at last she placed herself in a position to acquire more than ten times as much as she at first asked. And in the treaty of 1842, our Secretary-negotiator gave her everything she desired. So with the Northwestern boundary line between the Lake of the Woods and Lake Superior: she began by asking a revision of the line. Our negotiators were so astonished at even this boldness, that they had to ask the British minister to repeat the request, thinking there must be some mistake. But there was none, though the demand was made in the gentle language of a request that there might be a revision of the line. It was refused; but on that very request grew up her pretensions, till, in the Webster treaty of 1842, our Secretary-negotiator gave her everything she demanded; brought her back fifty miles from the post to which she had retreated on her own territory in 1802, to get off our territory, and to avoid paying us duty on her goods passing through our country. After having voluntarily abandoned their position on our territory at Grand Portage, and gone fifty miles to the north, they are brought back, and allowed the joint occupancy of the Portage route in our territory, free of all duties, and forever. And we are told this treaty brings within the United States four millions of fine mineral lands—as if we made that gain by it. To be sure, those four millions of acres were within our territory, because they were always within it—they never had been beyond it. They were ours before the treaty, as well as after it. England knew that, and had fled from the emporium of the northwest—the Constantinople of that region—to a position 50 miles north, where she was sure of not being on our soil. What she had been denied by every treaty, by every negotiation, and by every ministry of the United States, from the Revolution to the time of the present Administration, she had been granted by our Secretary-negotiator in 1842. What power, what authority had he to do what all other American negotiators had uniformly declared they had neither power nor authority for doing?

He wanted to see the power and the authority for altering the boundaries of the United States, to the entire advantage of a foreign power, and to the disadvantage and irreparable loss of the United States. He wanted to see the power and authority for giving these advantages to a foreign power—and particularly to the British Government, whose chief object in such acquisitions was to prepare herself for war. These demands of hers were the progeny of the last war. She then found out what an invaluable acquisition to her would be a safe road from Quebec to Halifax. She found out how valuable to her, in a warfare against us, were the services of her allies, the Indian bloodhounds on our Northwestern frontier. That war had cost us one hundred and twenty millions of dollars. It took but sixty millions of this to maintain ourselves against the whole power of Britain, by sea and land, except on the Northwestern frontier; and there alone it cost us another sixty millions. Her Hudson Bay Company, with its 1,200 men and its Indian bloodhounds, was another Great Britain, which it cost us as much to resist as the naval and military forces of the empire of Great Britain itself. And by our late treaty, she had been secured in all those positions. She had

been made strong to assail, and we weak to repel. She had gained everything; we lost everything.

Such has always been the result of time, delay, and negotiation with Great Britain. Such would be the consequence of time and negotiation in the settlement of the question of the Oregon Territory. Some Senator had calculated the distance by sea between us and the mouth of the Columbia river at eighteen thousand miles. Twenty years ago he had calculated it at twenty thousand from Boston to the Columbia, and he then made use of the calculation as an argument of the strongest kind to show the importance of the harbor at the mouth of that river for our commercial and military marine in the Pacific—cut off, as they were, by a sea of twenty thousand miles in extent, from shelter or retreat on their own soil—and that harbor theirs, but unprepared for their use. The distance was the strongest argument in favor of its being made a naval depot and fortification. Gentlemen also talked of the distance by land being 3,000 miles, and the expense of carrying out this bill $100,000. But they voted for the late treaty, by which Great Britain compels us to keep 80 guns afloat on the coast of Africa, at a cost of six hundred thousand dollars a year; and for what? To recapture negroes. And when we have them, what are we to do with them? Not to bring them to the United States, surely. We have no islands, like the West India islands, for taking apprentices at 40 years of age to work for our interests. But we are to colonize Liberia, where we have not a foot of territory. We are not to do anything with our own territory of Oregon; but we are to colonize Liberia at an expense of five millions in five years! He would next year call for information as to the number of negroes our African fleet shall have recaptured; and he was pretty sure that by dividing the number into $600,000, it would be found that the colonization of Liberia by African negroes would cost us more per head than the 640 acres apiece to each of our citizens choosing to settle in the Territory of Oregon.

Mr. CHOATE said there was one point on which the Senator from Missouri had touched, which he wished to make a few observations upon in reply. He meant that relating to the Northwest boundary line from the Lake of the Woods to Lake Superior. It would be necessary, however, to refer to documents not then at hand. He would therefore ask the indulgence of the Senate to pass the bill over informally.

The bill was accordingly passed over informally.

Mr. BAYARD, from the Committee on Naval Affairs, reported a joint resolution authorizing the investment of the naval hospital fund; which was read, and ordered to a second reading.

On motion of Mr. BAYARD, it was

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of abolishing the system of revenue cutters, and of employing a part of the navy of the United States in that service.

Mr. CALHOUN presented a petition from John Sarchet, of Philadelphia, praying Congress to modify the tariff so as to bring it down to a revenue standard. The petition (said Mr. C.) contained much valuable information as to the effect of the present tariff; and he moved that it be referred to the Committee on Manufactures, and be printed.

The PRESIDENT *pro tem.* laid before the Senate a communication from the Ordnance Bureau, showing the management and condition of that department; which was ordered to lie on the table.

On motion,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 2, 1843.

Mr. BRIGGS, on leave, laid on the table an amendment to the bill reported some days since by the Committee on the Post Office and Post Roads, reducing the postage on letters carried by mail: ordered to be printed.

Mr. DODGE of Iowa moved that the House resolve itself into Committee of the Whole on the state of the Union, for the purpose of taking up the business relating to the Territories. He stated that so much of the time which was under the special order to be devoted to Territorial business had been occupied in attending to that of the nation, that he trusted the House would, as an act of sheer justice, adopt his motion, and proceed at once, without the consumption of the morning hour, to the execution of the special order.

Mr. JOHN CAMPBELL wished, before taking the question on the motion of the gentleman from Iowa, that the House would take up and assign a special day for the consideration of the bill suspending for a limited time the operation of the districting law of the last session. That bill had been referred to the Committee of the Whole, in the vortex of which he feared it would be lost, considering the short time that yet remained of the session, unless some special day was assigned for its consideration. He would suggest that it be made the special order for Thursday next.

Mr. CAVE JOHNSON hoped the House would make no more special orders. They were already considerably embarrassed by the number they had made.

Mr. JOHN CAMPBELL said that he was surprised at the objections of the gentleman from Tennessee, considering the opposition he made to the bill, the rigor of which it was proposed to relax.

The SPEAKER informed the gentleman from South Carolina that Thursday was already assigned for some other business.

Mr. J. CAMPBELL said he would then propose Monday next.

Mr. TURNEY said he would remind the House that the Committee of Elections had reported against this bill, and that the question would arise on that report.

The SPEAKER said that the motion of the gentleman from Iowa to go into Committee of the Whole was yet undisposed of.

Mr. ADAMS said that the motion of the gentleman from Iowa to go into Committee of the Whole was not in order, and could not take precedence over the other business of the House. True, a motion to go into Committee of the Whole on the state of the Union would be in order; but the Territorial business was not in that committee, but in the ordinary Committee of the Whole.

The resolution, therefore, that he moved yesterday, in relation to the capture of Monterey by Commodore Jones, was first in order; and on that the previous question had been seconded.

Mr. POPE observed that two of the three days allotted to Territorial business had passed over, and only three or four hours had been devoted to that business. He hoped that, in consideration of that fact, the House would go into Committee of the Whole on that business for the remainder of the day; and he had no doubt, if they did so, but that they would finish it.

The SPEAKER said that the question did not admit of debate, and directed the Clerk to read the resolution; which was done, as follows:

Resolved, That the President of the United States be requested to inform this House by what authority, and under whose instructions, Captain Thomas Ap Catesby Jones, commander of the squadron of the United States in the Pacific ocean, did, on or about the 19th of October last, invade in warlike array the territory of the Mexican Republic, take possession of the town of Monterey, and declare himself commander of the naval and military expedition for the occupation of the Californias.

Resolved, That the President of the United States be requested to communicate to this House copies of *all* the instructions given by him, or under his authority, to the said Captain Jones, from the time of his appointment to the command of the said squadron; also, copies of all communications received from him relating to his expedition for the occupation of the Californias; and also to inform this House whether orders have been despatched to the said Captain Jones, recalling him from his command.

The question was put on ordering the main question, and carried.

Mr. ADAMS called for the yeas and nays on the main question; which were ordered.

Mr. CUSHING asked to be excused from voting on the resolution. His reason was this: He should be glad to vote for the resolution, and saw no reason why it should not pass the House. He knew nothing in regard to it that the Administration should conceal; and he was, therefore, unwilling to vote against it. But he could not vote for it, because it excluded the usual condition in resolutions of this nature—that the communication of the information called for should not, in the judgment of the President, be incompatible with the public interest.

Mr. WISE also asked to be excused from voting. His reason was this: He had information in his possession from Commodore Jones himself, and therefore knew the fact that there was no necessity for adopting the resolution. Commodore Jones informed him that, without any orders from the Government at all, but from a report which he had no reason to doubt, as well as from information received from a United States consul in South America, that there was actual war between the United States and Mexico, together with the suspicious movements of the British fleet, inducing him to believe that they were about to take possession of the Californias, he captured Monterey. As soon as information reached him that war did not exist, he restored Monterey to the Mexican authorities; and he also informed Mr. W. that his relations with them were better than they ever were before.

Mr. BRIGGS called Mr. WISE to order.

Mr. WISE said, that it was to him the strangest thing in the world, that, with positive information from Commodore Jones himself, ready to be given to them, gentlemen were determined to vote blindfold in this matter. The Administration had nothing to do with the affair.

Mr. GRANGER rose and addressed the chair; but gave way to

Mr. WISE, who withdrew his request to be excused.

Mr. GRANGER again rose and said: A single remark why I wish to be excused. If the Administration is, as I doubt not, so entirely blameless in this matter, the gentleman from Virginia, I suppose, and the other friends of the Administration, would desire to be placed right. [Cries of "order, order."]

Mr. BRIGGS rose to a question of order, on the ground that the gentleman from New York was debating the merits of the question.

Mr. GRANGER. I am not debating the question, sir.

Mr. WISE said, as he was interrupted, he hoped other gentlemen would be required to conform to the same rule; or that he should have the right to reply.

Mr. GRANGER. I will take my seat—I think I have said enough.

Mr. WISE. Yes, you have.

The yeas and nays were then taken, and resulted thus—yeas 118, nays 69; so the resolution was adopted:

YEAS—Messrs. Adams, Allen, Landaff W. Andrews, Sherlock J. Andrews, Arnold, Arrington, Atherton, Aycrigg, Baker, Barnard, Birdseye, Black, Blair, Boardman, Borden, Boyd, Brewster, Briggs, Brockway, Bronson, Aaron V. Brown, Milton Brown, Jeremiah Brown, Burnell, William Butler, Thomas J. Campbell, Caruthers, Casey, Chittenden, John C. Clark, Staley N. Clarke, James Cooper, Cowen, Cranston, Crawford, Daniel, Garrett Davis, Dean, Deberry, John Edwards, Fessenden, Fillmore, A. Lawrence Foster, Gerry, Giddings, Patrick G. Goode, Granger, Green, Halsted, Henry, Houck, Hudson, Hunt, Joseph R. Ingersoll, James Irvin, James, Isaac D. Jones, Keim, John P. Kennedy, Linn, McKay, McKennan, McKeon, Samson Mason, Mathiot, Mathews, Mattocks, Maxwell, Maynard, Meriwether, Mitchell, Moore, Morgan, Morris, Morrow, Osborne, Owsley, Partridge, Pendleton, Pope, Ramsey, Benjamin Randall, Rayner, Read, Reynolds, Ridgway, William Russell, James M. Russell, Saltonstall, Sanford, Slade, Truman Smith, Sprigg, Stanly, Stokely, Stratton, Alexander H. H. Stuart, John T. Stuart, Summers, Sweney, Richard W. Thompson, Tillinghast, Toland, Tomlinson, Triplett, Trumbull, Turney, Warren, Weller, Joseph L. White, Thomas W. Williams, Joseph L. Williams, Winthrop, Yorke, Augustus Young, and John Young—118.

NAYS—Messrs. Barton, Beeson, Bidlack, Bowne, Charles Brown, Burke, William O. Butler, Green W. Caldwell, Patrick C. Caldwell, John Campbell, Chapman, Clifford, Clinton, Cross, Richard D. Davis, Dawson, Doig, Eastman, John C. Edwards, Egbert, John G. Floyd, Charles A. Floyd, Fornance, Gentry, Gilmer, Wm. O. Goode, Gordon, Gustine, Harris, Hastings, Hays, Hopkins, Houston, Hunter, Charles J. Ingersoll, William W. Irwin, Jack, Cave Johnson, Littlefield, Lowell, Abraham McClellan, Robert McClellan, Mallory, Marchand, Alfred Marshall, Medill, Newhard, Oliver, Parmenter, Payne, Pickens, Powell, Reding, Rencher, Riggs, Rogers, Roosevelt, Saunders, Sewell, Shields, Snyder, Steenrod, Jacob Thompson, Ward, Watterson, Westbrook, Christopher H. Williams, Wise, and Wood—69.

FRENCH SPOLIATION CLAIMS.

The next question in order was the resolution of the gentleman from Massachusetts, [Mr. CUSHING,] who, from the Committee on Foreign Affairs, yesterday made the following report:

The Committee on Foreign Affairs, to whom was referred the memorial of Ebenezer Wheel-

wright, and others, praying indemnity from the United States for French spoliations prior to 1800, report the following resolution for the consideration of the House:

Resolved, That all debate in the Committee of the Whole House on the state of the Union, on House bill No. 57, entitled "A bill to provide for the satisfaction of claims due to certain American citizens, for spoliations committed on their commerce prior to 31st July, 1801," shall cease on Tuesday next, at 2 o'clock, and the committee shall proceed to vote on the amendments then pending, or that may be offered to said bill, and then report the bill to the House, with such amendments as may have been agreed to by the committee.

On this resolution, the House yesterday seconded the motion for the previous question, but negatived the question "Shall the main question be now put?" on which the question now recurred.

Mr. BOYD moved to lay the resolution on the table.

Mr. CUSHING called for the yeas and nays, and they were ordered, and resulted thus—yeas 94, nays 104. So the motion to lie on the table was negatived.

The question again recurred, "Shall the main question be now put?"

Mr. CAVE JOHNSON asked for the yeas and nays, which were taken, and resulted—yeas 94, nays 100.

So the House determined that the main question should not be now put.

The SPEAKER then announced that the morning hour had expired.

TERRITORIAL BUSINESS.

The special order was resumed.

The bills reported from the Committee of the Whole were taken up, with a view to their engrossment; but, at the suggestion of Mr. POPE, they were laid aside for the present.

The House then resolved itself into a Committee of the Whole on the state of the Union, (Mr. J. R. INGERSOLL in the chair.)

The bill making an appropriation for certain roads, and the survey of certain canal routes, in the Territory of Iowa, was first taken up—the question being on the amendment of Mr. A. C. DODGE, to apply $50,000 of the appropriation to the removal of the obstructions in the Mississippi river at the rapids of the Des Moines.

Mr. CAVE JOHNSON spoke briefly in opposition to the amendment.

Mr. REYNOLDS replied, arguing in favor of the great benefit to be derived from the proposed improvements, and contending that the opening of this great national highway was not a mere local measure, but alike interesting to all the States of the Union.

Mr. THOMPSON of Mississippi did not rise to make a speech, but to urge upon the committee to pass on this bill without further discussion. At the last session of Congress, the days set apart for Territorial business were principally consumed in the examination of general questions, without coming to any decisive result; and he feared that this day would be taken up in the same manner if they allowed a discussion to go on, on the constitutional powers of the Government. He hoped that the committee would, without further debate, settle this question—a question which he considered to be one of mere expedience only—viz., whether they should appropriate this $50,000 to roads and improvements in the Territory of Iowa, or to the opening and improvement of the Mississippi river, the great highway of the Union.

Mr. BARNARD opposed the amendment, on the ground that the improvement of the Mississippi was not Territorial business, and that legislation in regard to it in this way gave it a preference over other rivers of the United States equally deserving of the favor of the Government. He was willing to give the $50,000, or $100,000, if necessary, for the improvement of the Mississippi river; but at the same time he wanted to start fair—he wanted the Hudson river to have an equal share. There was a bill on the table making an appropriation for the improvement of several rivers of the United States, including the Mississippi as well as the Hudson, and he wished gentlemen to wait till that bill came up.

Here was an appropriation of $50,000 for clearing out the obstructions of the Des Moines and Rock River rapids, and gentlemen talked of its importance; but he would ask them to tell him the amount of merchandise which passed over the Des Moines rapids? Was it $5,000,000 per annum? Was it $10,000,000? He would go for those improvements at the proper time; but he should ask gentlemen, at the same time, to give him a little for the North River; and $60,000,000 of merchandise every year passed the spot where they proposed to make improvements in that river, besides one million of passengers. Now, he made these remarks to show gentlemen that there were other important points which required their attention as well as the rivers in question. He did not like this way of getting at the improvement of the Western rivers, while others, quite as important, were left unnoticed. Let them wait until they got a report from a proper committee, and then he would go as far as any gentleman of this House—at least as far as they ought to go, considering the state of the national treasury. He would, if it were necessary, go the whole length of the river, extending 3,000 miles, when the state of the treasury would permit; but, at present, he would recommend that they should wait. He was against this amendment; but he would go for the original bill.

Mr. BLACK, in the course of some observations, expressed his disappointment on hearing the speech of the gentleman from Illinois, [Mr. REYNOLDS;] for that gentleman had promised to make some remarks on the constitutionality of this bill, but he had done nothing more than cite precedents to justify it. He then called that gentleman's attention to the Maysville road bill, which was vetoed by the political chief of the gentleman from Illinois—General Jackson—as a precedent of a contrary tendency.

Mr. WARD said he thought the proposition of the gentleman from New York [Mr. BARNARD] was a correct one; and he hoped the Delegate from Iowa would withdraw his amendment; and when it came into the House in another form, he (Mr. WARD) would give it his support.

Mr. DODGE of Iowa said he saw the time of the House would be lost on this proposition, and the other Territorial business would not, consequently, have proper consideration, and therefore he withdrew his amendment.

The question then recurred on the bill in its original form.

Mr. ROOSEVELT said the motion of the Delegate, which was just withdrawn, to strike out every section of the original bill, and substitute for it a different proposition, was an admission by the Delegate that this appropriation was uncalled for, or at least could be dispensed with. He did not intend to be unkind to the Territories, but he wished to be kind to the credit of the country. They had been going on too fast; and now they found that if they were to have any money, they must borrow it. He hoped some regard would be paid to the state of the treasury; and he would beg gentlemen to remember that even borrowed money was to be repaid. He hoped this body, at least, whatever others might do, would hold to the doctrine that every engagement into which the Government might enter was to be honestly and punctually discharged.

But what was the prospect for the treasury? Why, so far as appeared by a document before them, the revenue for 1843 would not exceed $12,000,000. He disapproved, then, of the commencement of new works, which might end in expenditures they knew not how great, and last they knew not how long. The custom-houses of both New York and Boston afforded examples for their admonition, and showed the necessity of strictly guarding at the outset against improper appropriations.

By a statement published in the Madisonian of this morning, it appeared that there were outstanding treasury notes amounting to $11,731,327 69; and if to this were added the amount of loans, they had an existing debt exceeding $25,000,000. This was a fact which spoke so loudly for itself, that he would abstain from further observation.

Mr. WELLER, in the course of some observations, was understood to say that if this bill had proposed to make appropriations for Northern custom-houses or rivers, or Southern harbors, they would have heard nothing there of the embarrassed state of the treasury, or of constitutional objections. He rejoiced, however, that in the next Congress the West would be more equitably represented, and then she would do justice to herself. He defended the Delegate from Iowa from the unwarranted interpretation which the gentleman from New York [Mr. ROOSEVELT] had given to his motion; adding that the Delegate had expressly adopted such a course as promised the greatest amount of good.

Mr. McKENNAN briefly advocated the appropriation proposed to be made by this bill; and then moved that it be laid aside, to be reported to the House.

Mr. UNDERWOOD rose to renew the amendment offered by the gentleman from Iowa, [Mr. A. C. DODGE.] He advocated the propriety of the appropriation, and condented that it would open the avenues to the Territory, and thereby give it an influx of population.

The question was taken on the amendment just offered by the gentleman from Kentucky, (appropriating $50,000 to the removal of obstructions in the Mississippi river at Des Moines rapids,) and the Chair reported 51 in the affirmative.

Tellers were ordered, (to see if a quorum was present,) and they reported ayes 77, noes 39.

So there was no quorum voting.

Mr. MERIWETHER demanded that the fact be reported to the House.

The CHAIRMAN said he was informed that there was a quorum in the hall, and ordered the tellers to take the vote again.

The tellers reported 97 in the affirmative, being evidently a majority.

So the amendment was agreed to.

The bill was then laid aside to be reported.

On motion of Mr. H. DODGE, the committee took up "a bill concerning the Legislative Assembly of Wisconsin."

Mr. CAVE JOHNSON wished to hear some reason for the appropriation contained in this bill.

Mr. POPE explained that it was necessary, in order to enable the Legislative Assembly to meet. There was now no appropriation, and the Governor refused to co-operate with them until an appropriation should be made, and their meeting legalized.

Mr. ADAMS called for the reading of the bill. He thought it had not been reported with due consideration. He wished the committee to consider well before they decided whether the Governor or the Legislature of Wisconsin was right.

Mr. POPE explained the bill. The Legislative Assembly supposed they had assembled "according to law;" and, therefore, those words were inserted in the bill. At his suggestion, they were stricken out, so as to leave it an open question whether the Assembly met, according to law, in December.

Mr. WARREN wished to know why it was necessary for the Legislature to sit 50 days.

Mr. POPE explained. According to law, the Territorial Legislatures were allowed to sit 75 days. But, in consequence of the expenses which had to be incurred, in the shape of mileage, &c., at the meeting of the Legislative Assembly in December, the committee thought proper to limit the session to be held to 50 days.

Mr. T. W. WILLIAMS referred to the law passed at a former session of Congress, and asked if it did not prohibit sessions of Territorial Assemblies from being held without an express appropriation being first made.

Mr. BRIGGS called for the reading of the law.

Mr. DEAN explained the organic law of the Territory of Wisconsin on this subject. That required that there should be a meeting of the Legislative Assembly on the first Monday in December of every year. When the Governor refused to meet them, on the ground that there was no appropriation, they adjourned. Now, the object of this bill was to pay them for their meeting on this occasion, according to the law of the Territory. Important business required their early meeting; and he hoped the bill would be passed.

Mr. BRIGGS wished to hear the facts. At the last session of Congress, a law was passed, which

provided that no session of a Territorial Assembly should be held, unless an appropriation had previously been made. [Several members: "An appropriation was made."] Now, he wished to know whether the appropriation was made for the meeting in December last.

Mr. H. DODGE said an appropriation was made in the civil and diplomatic appropriation bill of 1842.

The Clerk read a clause from that bill, which appropriated $20,000 for the pay and mileage of the Legislative Assembly of Wisconsin.

Mr. BRIGGS wished to be informed whether the appropriation was for services past or prospective.

Mr. H. DODGE explained. That appropriation was for the Legislative Assembly of 1842, but was misapplied by the Secretary of the Territory, and applied to the payment of arrearages and old debts of the Territory. That officer contended that he had ample reasons to justify him in so doing. If, then, the Secretary misapplied the funds for the payment of the Legislative Assembly, it was not their fault.

Mr. D. pressed upon the committee the necessity of passing this bill. There was now no legislature, and none could be assembled until the bill was passed. Everything was now in the hands of the Governor. All appointments were made by him, without check or control from any body of counsellors.

Mr. BRIGGS said that he was not precisely relieved from his difficulties. If he understood the gentleman, he said that the money was appropriated for one purpose, but that the Governor applied it to another.

Mr. FILLMORE, without intending to enter into the present controversy, begged leave to make an explanation. At the last session of Congress, an appropriation was made for this Territory, for the year 1842. In recommending the appropriations, however, the Committee of Ways and Means found claims for very large arrearages, which they refused to allow; and they only recommended the amount of appropriation that had been made the year before. When the bill came up in the House, a motion was made to insert an appropriation for arrearages, which was rejected. The bill then went to the Senate; and finally, for the purpose of avoiding these arrearages in future, a section was inserted, providing that, hereafter, no sessions of the Territorial Legislatures shall be held without an appropriation from Congress to pay them.

This was the state of the case, so far as the Committee of Ways and Means was concerned. He did not see how it applied to the present question.

Mr. ADAMS moved to strike out the provision for mileage and per diem for the members of the Legislature of Iowa, who met on the first Monday of December last, and whom the Governor refused to communicate with, on the ground that there was no appropriation to pay them.

Mr. MORGAN read a communication from Governor Doty and the Secretary of State, to show that the session of the Legislature was illegal, and that there was no money to pay them. Mr. M. went on to argue that this fact was known to the members of the Legislature.

Mr. POPE said that no appropriation was asked in this bill—the appropriation having been already made at the last session; and all that was now asked, was to direct the proper application of it. In May last, Congress made the appropriation for the year 1842, having no reference to past debts; and, contrary to law, the money was applied to pay them.

Mr. UNDERWOOD then said that the whole matter turned upon the single point, whether the members of the Legislature had any knowledge that the amount of the appropriation was expended, and that there was no money to pay them.

Mr. POPE said that there was no evidence to show that the Legislature had any such knowledge. They met on the first Monday of December, pursuant to adjournment; and the Governor had made no proclamation directing them not to meet. There was no difficulty in the case. The only question was, whether these men, for the short time they met, without any knowledge that the Governor disapproved of their meeting till they assembled together, should be paid.

The question was then taken on Mr. ADAMS's amendment, resulting in ayes 54, noes not counted; but there not being a quorum present, there was no decision.

Mr. CUSHING wished to ask one question, on the answer to which would depend his vote: Did the organic law of the Territory authorize this meeting of the Legislature?

Mr. POPE said that it did.

After some remarks from Mr. McKAY, the reading of the law providing for the sessions of the Legislature was called for by several; and that, together with the provision in the appropriation bill of the last session, referred to by Mr. FILLMORE, was read.

Mr. WISE then said that it appeared that the law authorized the Legislature of the Territory to fix upon the time of its meetings; and that they did fix upon the first Monday in December of every year. Now, these were two leading facts; and he wished to know whether gentlemen contended that the laws above stated were repealed by the proviso in the appropriation bill noticed by the gentleman from New York [Mr. FILLMORE.] He contended that they were not repealed, and that the Legislature met in pursuance of law. He contended also that there was an appropriation to pay them; for the appropriation was made for the year 1842, and they met in December of that year. Now, if the Governor had applied the money to any other purpose, or withheld it from them, it was no fault of theirs. Mr. W. said that he would not only vote for paying them, but he would pass a severe censure on any Governor, State or Territorial, who would dare to make a rump parliament of a Legislature meeting under an organic law.

Some explanations were made, and some conversation ensued, between Messrs. BRIGGS, FILLMORE, WISE, and CUSHING, respecting the appropriation for the Territorial Legislature.

Mr. BRIGGS understood that there was an appropriation for the pay of the members of the Legislature during the month of December, which embraced the greater part of their session.

Mr. WISE took the same view; but said that the Governor of the Territory had applied that money to pay arrearages of the Legislature; and he complained that this was a trick on the legislation of Congress.

Mr. MORGAN entered into some explanations.

Mr. MEDILL handed to the Clerk a report from a committee of the Territorial Legislature, which entered into the great question involved in the difference between that body and the Governor, and the legality of the meeting of the Legislature. He called upon the Clerk to read this report for the information of the committee.

The Clerk read it accordingly.

Mr. ARNOLD moved that the committee rise; which was negatived.

Mr. EVERETT and Mr. WISE continued the debate.

Mr. HOWARD defended Governor Doty, and read from a pamphlet to show that he had been guided in his action on the subject in dispute, by an act of the Legislature of the Territory, passed the 15th February, 1842, from which he read an extract.

He then went on to vindicate Governor Doty, and to charge that the faults found with him to-day were intended to be made the ground of an application for his removal. He vindicated Governor D., and expressed it as his opinion that that officer was quite as competent to decide questions of law as the Legislative Assembly.

Mr. ARNOLD moved that the committee rise, and report the several bills laid aside to be reported.

The vote was taken, and resulted ayes 58, noes 58—no quorum.

Tellers were ordered, who reported ayes 58, noes 59—no quorum.

The committee then rose, and reported the fact to the House.

Mr. ARNOLD moved that the House adjourn.

The question was taken by yeas and nays, and resulted—yeas 58, nays 72.

The House having again resolved itself into Committee of the Whole,

Mr. CAVE JOHNSON said that, in any view of the case, the Legislature ought to be paid. Suppose the appropriation of $20,000 was designed to apply to the preceding session, and that the money was properly applied by Governor Doty. Then, the Legislature meeting at their annual session, without having any information that the appropriation was exhausted, and that there was no money to pay them, certainly ought to be paid. On the other hand, if the appropriation was for that session, and the money was misapplied by Governor Doty, they having no knowledge of the fact, still they ought to be paid. In either view of the case, the money was justly due them, and they ought to have it.

The question was again put on Mr. ADAMS's amendment, resulting in ayes 35, noes 70.

No quorum voting, tellers were called for, and ordered; and the vote being again taken, resulted in ayes 34, noes 71.

The committee then being still without a quorum, rose, and reported the fact to the House.

Mr. ARNOLD moved that the House adjourn.

Mr. WELLER called for the yeas and nays; which were ordered, and resulted in yeas 53, nays 58.

So the House refused to adjourn.

Mr. UNDERWOOD then rose, and said that there was no use in moving a call of the House. He never knew any good to result from it, and he would, therefore, suggest that the best thing they could do would be to adjourn.

The House then adjourned.

IN SENATE.

FRIDAY, February 3, 1843.

Mr. ALLEN presented a memorial of citizens of Clark county, Ohio, residing on the line of the Cumberland road from Springfield to the Indiana line, remonstrating against the proposed change in the location of the road, and asking for an appropriation for its continuation: referred to the Committee on Roads and Canals.

Also, presented a memorial from citizens of Philadelphia, relating to the judgment by which Mr. Kendall is now deprived of his personal liberty, and urging upon Congress the propriety of relieving him, by satisfying the judgment: referred to the Committee on Claims.

Mr. EVANS presented a memorial from citizens of Eastport, Maine, connected with the shipping interest, complaining of the depressed state of that interest, and attributing it to the want of reciprocity in the commercial regulations between the United States and the nations with which she trades; and praying such alterations in those regulations, consistent with treaty stipulations, as will produce greater reciprocity: referred to the Committee on Commerce.

Mr. TALLMADGE presented a petition from John H. Sherburne, asking compensation for services under appointment from the War Department, rendered in connexion with the removal of the Indians from Florida: referred to the Committee on Indian Affairs.

Mr. TALLMADGE presented memorials from Ithaca, Rochester, Jefferson county, Cayuga county, New York, one from the city of New York, and one from Erie county, Pennsylvania, remonstrating against the repeal of the bankrupt law: referred to the Committee on the Judiciary.

Mr. WRIGHT presented a memorial from the chiefs and principal men of the Stockbridge and Munsee tribes of Indians, in the Territory of Wisconsin, on the subject of the bill before Congress containing provisions for those Indians to become citizens of the United States: referred to the Committee on Indian Affairs.

On motion by Mr. BENTON, it was

Resolved, That the Committee on Indian Affairs be instructed to inquire if any (and, if any, what) legislative measures are necessary to secure the Shawnee tribe of Indians the payment of interest on moneys invested by the United States for the said tribe, under the 4th article of the treaty of 1801.

Mr. B. presented documents relating to the subject; which were referred to the same committee.

Mr. BAYARD presented a memorial from citizens of Philadelphia, praying for the creation of a Government stock of $200,000,000, based on the public domain, to be divided among the States and Territories, in a representative proportion: referred to the Committee on Finance.

Mr. BUCHANAN presented a memorial from citizens of northern Pennsylvania, concerning the operations of the bankrupt law. The memorialists state that they are aware that some good may grow out of that law; but the preponderance of the evil is so great, that, in nineteen out of twenty cases, it is absolute oppression and tyranny: and they ask for its repeal. The memorial was ordered to lie on the table, the Committee on the Judiciary being about to report on the subject.

Mr. BENTON submitted the following resolution, which lies on the table one day, under the rule, viz:

Resolved, That the President be requested (so far as it may be compatible with the public interest) to communicate to the Senate copies of any remonstrance or protest addressed by General Cass, Envoy Extraordinary and Minister Plenipotentiary of the United States at the court of France, to that Government, against the ratification, by France, of the quintuple treaty, and of all correspondence between the Government of the United States and France, and of all communications from the said General Cass to his own Government, and from this Government to him, relating thereto, and relating to the late treaty with Great Britain.

On motion of Mr. BAYARD, leave was granted to withdraw from the files of the Senate, for the purpose of transmitting to the Judiciary Committee in the other House the petition and documents relating to the claim of Jenkins and Langtry.

Mr. EVANS, from the Committee on Finance, reported a bill for the remission of duties on railroad iron; which was read, and ordered to a second reading.

Mr. BATES, from the Committee on Pensions, to which had been referred House bills for the relief of John Farnham, and for the relief of the legal representatives and heirs of William Lomax, reported them back, without amendment, and with reports (which were ordered to be printed) recommending their indefinite postponement.

Also, reported back from the same committee, without amendment, and with a recommendation that it do pass, the House bill for the relief of Jonathan Britton.

BANKRUPT LAW.

Mr. BERRIEN, from the Committee on the Judiciary, (to which had been referred Senate bill to repeal the bankrupt law, and a similar bill from the House of Representatives, and memorials and resolutions on the subject of the repeal,) made a report, recommending the indefinite postponement of the Senate bill, and reported back the House bill with an entire substitute for it. He asked for the printing of the report and substitute for the bill; which was agreed to.

Mr. TALLMADGE moved that 1,500 copies additional to the usual quantity of the report and bill be printed.

Mr. KING inquired whether it was a detailed report.

Mr. BERRIEN remarked that the report and bill were of great length. The committee had gone into an examination of all the questions connected with the subject which had been presented for the consideration of the Senate, through the report of the Secretary of State, of the decisions of the judges of the district courts under that law.

Mr. KING could not perceive why they should print an extra quantity of this report. The object of the report, he presumed, was for the benefit of those who had to legislate upon the subject. If it was intended that the report should be printed for circulation, with a view to base the response of the country upon it, before the action of the Senate on the bill, he would only say that it must fail of its object; for the action of the Senate will, no doubt, have taken place before such response could be received. If the report was not a very voluminous one, it would find its way into the newspapers, and be circulated much sooner than it could be by the other mode. He did not presume that, at this short session, any return of public opinion could be had before the action of the Senate: the expense of printing would, therefore, be uselessly incurred. He hoped it would not be printed.

Mr. TALLMADGE remarked that the expense of printing the additional quantity proposed would be very trifling. After it was printed, he had no doubt there would be calls for it from every part of the country. As to whether there would be time, before the action of the Senate on the bill, to have a response from the people on the report and bill of the committee, he would only say that there was a possibility, at least; and he might express the hope that, after the report shall have been examined, Senators on the other side, even, would be convinced that the law should remain on the statute-book.

Mr. WOODBURY said that, if the report was not long, he would like to hear it read.

Mr. BERRIEN replied that the report was a voluminous one; and there was a long bill accompanying it, which the committee propose as a substitute for the bill which passed the House. Mr. B. then stated, in substance, that the substitute proposed to repeal so much of the voluntary clause of the previous law as allowed any person, on his own application, to take the benefit of the law; that it proposed to make the declaration of insolvency conform to the provisions of the act of 6 William IV; that it leaves it to the option of the creditor to suspend action after a declaration of insolvency, or to proceed to close up the affairs of the debtor, under such declaration of insolvency; that the remaining part of the law was so amended as to confine its provisions to what are technically called traders; that it proposed to make the consent of a majority in amount of the creditors necessary to the granting of a certificate to a bankrupt. He said there were other important alterations which he could not cite from memory.

The question was put on the motion to print the additional quantity, and decided in the affirmative —ayes 16, noes 14.

Mr. STURGEON, from the Committee on Patents, reported back, without amendment, and with a recommendation that it do pass, House bill for the relief of William Gale.

Mr. WILLIAMS, from the Committee on Naval Affairs, reported adversely to the passage of the bill from the House, for the relief of Anne W. Angus: the report was ordered to be printed.

Mr. KERR, from the Committee on Patents, under instruction from that committee, moved to print the annual report of the Commission of Patents; and also to print a quantity in addition to the usual number: the motions were referred to the Committee on Printing.

Mr. MILLER gave notice that he would on Monday ask the Senate to take up and consider the bill for repairing and repaving Pennsylvania avenue.

The PRESIDENT *pro tem.* laid before the Senate a communication from the War Department, transmitting a report showing the number of clerks and other persons employed in that department during the year 1842, and their salaries: ordered to lie on the table.

Mr. BAGBY, on leave, introduced a bill supplementary to the act entitled "An act granting pre-emption rights to settlers on the public lands," approved June, 1838; which was read twice, and referred to the Committee on Public Lands.

THE OREGON TERRITORY.

The unfinished debate on the bill for the occupation and settlement of the Oregon Territory, came up as the special order—the question pending being to recommit the bill to a select committee.

Mr. CHOATE, being entitled to the floor from yesterday evening, addressed the Senate for about an hour, in reply to Mr. BENTON'S remarks of yesterday.

He confined himself chiefly to that portion of the speech of the Senator from Missouri which related to the treaty lately settled between this country and Great Britain, and particularly touching the Northwest boundary at this side of the Rocky Mountains, between the Lake of the Woods and Lake Superior. The force of Mr. C.'s argument was to show that the true boundary line intended by the treaty of 1783 was that adopted by the treaty of 1842. First, he held that, at the time, no other route was known than that by the Grand Portage and southern chain of water and portage communication; and that the northern water communication never had been travelled, or, if it had, that the Senator from Missouri could not produce proof that, from the creation of the world to the year 1783, a human being had ever passed from Lake Superior to the Lake of the Woods by the northern route. In support of his view that the Portage route was the boundary line intended by the treaty of 1783, he adverted to various documentary and historical evidences, and referred to the English maps of the day, and the writings of persons belonging to the Northwest fur companies. He insisted that, where he was able to produce such a quantity of concurrent testimony in support of his position, and the Senator from Missouri had not hitherto produced a particle of evidence in proof of his, the conclusion was inevitable that the southern route was that intended by the treaty of 1783; and therefore the treaty of 1842, instead of altering the boundary line, had merely carried out, in fact, the spirit and intention of the old treaty.

Mr. BENTON assured the Senator that his proofs of the northern line being the proper one were abundant and overwhelming. He had a point now, which he meant to stick to, until the attention of the American people was fixed upon it; and that was, that their interests had been sacrificed to British interests, and the boundary line of the United States had been removed for the exclusive benefit of the British, and to the irreparable injury of our own country. He took the treaty of 1783, and read its provisions in relation to the boundary line between the Lake of the Woods and Lake Superior, and showed that they explicitly and expressly mentioned that from Pigeon river the water communication was to be followed for tracing the line. Now, the northern water communication from Pigeon river is continuous, with the exception of a portage of 697 paces; whereas the southern route is not, strictly speaking, a water communication, but a route partly water and partly portage—the portage amounting, altogether, to 27 miles. It was easy to see that the term "water communication" could only apply to the northern route; and that nothing but a strained construction, to give the British all the benefit of the mere technicality that there was no continuous water communication, could have been adopted to fix upon the portage route as the boundary line meant by the treaty of 1783. He then compared the most accurate American map lately published, in which all the land and water marks are accurately laid down, with the wording of the treaty of 1783; and proved that there was such a circumstantial corroboration that the northern line was the true boundary line meant, that it was impossible to avoid that conclusion, unless a predetermination existed to interpret everything just as the British wished. The British themselves, until 1814, never thought of any other line; or why would they then ask in such gentle language for a revision of the boundary line? Why did they, in 1802, remove from the Grand Portage to a position 50 miles north, but to get off our territory, and escape paying duties to us for goods brought within what they then knew was our territory? Mr. B. read various historical facts concerning Mr. Jay's treaty of 1794, which treaty was not to go into effect till 1796, to show that it was in consequence of Mr. Jay's refusal to give the British fur company any joint right of communication south of the northern water communication, that they had to remove, in 1802, fifty miles north, where they remained forty years, till brought back by our Secretary-negotiator in 1842, and allowed the exclusive occupation of the portage route—for it was idle to call it a joint occupation, as our citizens could not attempt anything jointly about it, without subjecting themselves to be waylaid and shot down by the company's allies, their Indian bloodhounds. This company, which could now command twelve hundred of its own men, congregated on the northern bank of Arrow river, within a stone's throw of our territory,

had been thus advantageously placed for British interests, in every way adverse to our interests—in a position better than they occupied last war, when it cost us sixty millions of dollars to defend ourselves against their aggressions, and those of their bloodhound allies, the Indians. Our Secretary-negotiator, studious of promoting British interests and prostrating those of his own country, had allowed this Hudson Bay Company a joint use of our portage route, entirely within our own territory, and the only commercial route in the whole region; and had exempted their goods from the duties which our own citizens would have to pay on them. He had precluded our citizens from competing with them on equal terms, and called this a joint use, where everything should be exclusively advantageous to the British. Yet this was the effect of a treaty which the Senator from Massachusetts called upon us to thank God Almighty and Daniel Webster for having blessed us with. He also tells us of the insignificance of this mere use of the portage, which he considers of mere mutual convenience. But how is it that the British are so covetous of everything worthless that belongs to us? If such things are so valueless, why are they at such pains to attain them? It is because they are of inestimable value in their far-reaching policy.

Mr. B. referred to the negotiations with our commissioners, and General Porter's refusal to accede to the British propositions, on the ground that he had no authority to depart from the terms of the treaty of 1783. He quoted the correspondence and negotiations of every period since 1783, in which any effort was made by Great Britain to get a revision of the boundary line; and concluded by showing that the present Secretary of State had done what all previous American statesmen, negotiators, and administrations had, with true American hearts, and feelings alive to American interests, utterly refused to do. It was now, for the first time, that an American negotiator, with British interests at heart—an American negotiator whose feelings throughout the late war were with the British; and who, after the massacre at the river Raisin, asked us if that was the entertainment to which we were invited;—it was now, for the first time, that we had an American negotiator capable of sacrificing the interests of his country for British interests—of altering our boundary line to the entire aggrandizement of England, and the disadvantage of the United States; and to give a British trading company an exemption from duties in our own territory, to which our citizens, in competition with them, are subjected. But it was all of a piece with the favor he showed the British throughout the late war, and corresponds with the part he took against his own country.

Mr. B. rejoiced that he had at last roused the attention of the Senate to the importance of this question about the Northwest boundary line. He should now stick to it until the whole country was roused up to a proper understanding of the matter. The people of the United States should see how their Secretary-negotiator had sacrificed their interests and rights of their country to the same British power whose advocate he was in war. They shall see that there is a striking conformity between his negotiations now, and his speeches during that war.

Mr. WOODBRIDGE said as he had been requested to state to the Senate the opinion he entertained as to the general correctness of the account given by Mr. McGillivray respecting the Northwestern boundary, he could only say that, as far as Mr. McGillivray himself was concerned, he was a man whose character, reputation, and standing, rendered his statements, in his (Mr. W.'s) opinion, worthy of the fullest credence. Mr. W. proceeded to state that Mr. McGillivray, who had been a highly respected member of the Colonial Government of Canada, had brought upon himself the censure of the British ministry by the course he took in regard to that boundary, because it was considered more favorable to this country than to Great Britain. No one could be better able than that gentleman was to give an accurate account of the situation of the country, for no man was better acquainted with its true situation.

Mr. CHOATE said he presumed that we now had the whole proof which the honorable Senator from Missouri was able to adduce in support of his position. And in what did it consist? There was nothing but this map which the honorable Senator had exhibited to them. [Mr. BENTON. There are forty others.] But those we had not seen. He had asked the honorable Senator to go back as far as the year 1783, and give any evidence sufficient to constitute a reasonable ground of belief that his position was correct; and he referred him to a map made in the year 1839, by a patriotic countryman of his own, who knew nothing about the matter which was now the subject in dispute. The Senator declared that there were forty other maps which would show the same thing. He (Mr. CHOATE) believed he might safely aver that every one of the forty was equally at fault in respect to this matter.

It was well known to every one that it was Mitchell's map which had been the main guide in the formation of treaties. He prayed the attention of the Senator from Missouri and of the Senate to Mitchell's map, which he now exhibited to them. Our own patriotic diplomatists had said of Mitchell's map, that, though in some respects erroneous, it was upon the whole the best, and we ought to stick to it. This map furnished additional evidence in favor of the southern route.

Mr. C. then proceeded to argue that the southern route had always been the recognised boundary, and that no change had been made in it under the late treaty; that it remained precisely as settled by Mr. Jay's treaty; and he again called upon the Senator from Missouri to produce evidence to sustain the position he had taken.

Mr. BENTON said the Senator had rejected the testimony of his own countrymen, and had taken that of the British. The gentleman seemed willing to rely upon this British map in this case, although he would not permit it to be any authority in the case of the Northeastern boundary. If the gentleman was so fond of citing British authorities, he should have the opportunity of examining the affidavits of eight of the Northwest Company.

He was now done with the matter for the present; but he would yet demonstrate to the American people, that the line had been altered, and ingloriously altered.

Mr. ARCHER said the whole of the Senate must be sensible that this debate had gone far enough. He hoped it would now be terminated. He rose for the purpose of withdrawing the motion, which was before the Senate, for the recommitment of the bill to a select committee; for he had been advised, and had become convinced, that such a motion was irregular and unparliamentary. He could not persist in the motion, although he still desired to attain the object he had in view in making it—namely, to ascertain the sense of the Senate as to the propriety of retaining that clause which had given rise to so much debate. If that object could not be accomplished in any other way, he now gave notice that he would renew the motion to refer the bill to the Committee on Foreign Relations.

Mr. WALKER expressed himself in favor of the bill in its present form, and had been its advocate for five years. The Senator from Virginia misconceived him, if he understood him as desiring to make a motion to strike out the provision by a unanimous vote. He had merely suggested to the gentlemen favorable to the general objects of the bill, but opposed to the provision for granting lands, that they might, by unanimous consent, be allowed to be placed in such a position as to enable them to take a direct vote on that point.

Mr. LINN remarked that the Senator from Virginia would see that the motion to strike out could not come from the friends of the bill. The Senator himself might make it.

Here a conversational discussion arose as to the best mode of attaining the object of taking a direct vote on the land provision, and other portions of the bill considered objectionable; and it was at last decided that the vote ordering the bill to be engrossed, and the vote on concurring in the amendments of the committee of the whole, should be reconsidered; which was done.

The bill then came up as in committee of the whole again; when

Mr. BENTON rose and stated that, to his utter astonishment, on looking to the map which the Senator from Massachusetts had, when up a few moments ago, presented to the Senate as evidence of the boundary line of 1783, he had found it was Mitchell's old map of 1755. When the Senator argued from it, he (Mr. B.) and, he supposed, all the Senate, took it for granted it was Mitchell's improved map of some date subsequent to the treaty of 1783. To his utter astonishment, he found that a map printed eight-and-twenty years before the treaty of peace—a map printed in 1755—was brought forward to show the boundary line settled by a treaty of 1783!

Mr. CHOATE said he had called for Mitchell's map, and that it had been brought to him. His object in using it was to show the only water-course known at the time.

Mr. BENTON remarked that Hunter's island was not laid down in that map at all.

Here the subject of the map dropped, and the discussion on the motion pending when the interruption occurred was resumed.

Mr. ARCHER now made the motion to strike out the clause of the bill about which there had been so much discussion, granting land to settlers in the Oregon.

Mr. LINN demanded the yeas and nays on that motion; which were ordered.

Mr. HENDERSON expressed the opinion that the bill would be useless and valueless without the clause holding out inducements for persons to settle that territory—the clause giving or promising a bonus in land. He would vote against striking it out. And if it was stricken out, he would not vote for any appropriation, conceiving that it would then be useless. The object of the bill was to settle the country; and no settlement could be obtained without the inducement. He hoped the amendment would not prevail.

Mr. BAGBY said he would vote to strike out the clause; but, in thus voting he did not wish it to be considered as an indication of a change of opinion in regard to the late treaty. The two subjects had been connected in debating this question, which was the reason why he thought it proper that he should make this declaration. His opinions as to the late treaty had undergone no change.

Mr. CALHOUN was understood to take exception to the manner in which the vote was about to be taken. He understood that a general consent had been given to a reconsideration of the vote on the engrossment, and on the amendment of the committee of the whole to the bill, with a view to afford those who had objections to the provisions of the bill, besides the land clause, an opportunity to have those objectionable parts removed. But, as the question was then presented, that opportunity could not be afforded. If the land clause should be stricken out, it would not remove his objections to the bill. He had further objections to it. It was his desire to make the provisions of the bill conform, in all respects, to existing treaty stipulations. It was important that it should. With a view of preserving his inclination to produce such conformity, it was necessary that the bill should be committed to the Committee on Foreign Relations. Gentlemen could strike out the land provision, or not, as it might please them; but he would stand aloof, if his inclination to make the bill conform in all its parts to the treaty stipulations could not be preserved. It was well known that it was the desire of a majority of those who had spoken against the bill to have it committed to the Committee on Foreign Relations; therefore the vote about to be taken could not remove that desire.

Some conversation here took place between Messrs. SEVIER, WALKER, CALHOUN, KING, and BUCHANAN, as to the object for which the general consent of the Senate had been given to admit a motion for the reconsideration of the vote on the engrossment of the bill. The discussion was ended, however, by

Mr. CONRAD, who renewed the motion (which had been previously made, but withdrawn) to commit the bill to the Committee on Foreign Relations.

Mr. LINN demanded the yeas and nays on that motion; which were ordered.

Mr. TAPPAN moved to amend the motion to commit, so as to make it a motion to commit, with instructions to strike out the clause giving a bounty in land.

Mr. CALHOUN moved to amend that amendment with the words "and such other parts as the committee may think expedient."

Mr. ARCHER suggested to the Senator from Ohio [Mr. TAPPAN] to withdraw the amendment to commit with instructions. It would be better to let it go to the committee without limitation.

Mr. TAPPAN acquiesced in the suggestion, and withdrew his proposition.

The question was then taken on the motion to commit and decided in the negative—yeas 22, nays 24, as follows:

YEAS—Messrs. Archer, Bagby, Barrow, Bates, Bayard, Berrien, Calhoun, Choate, Conrad, Crafts, Dayton, Evans, Graham, Huntington, McDuffie, Miller, Porter, Rives, Simmons, Sprague, Tallmadge, and Woodbridge—22.

NAYS—Messrs. Allen, Benton, Buchanan, Clayton, Fulton, Henderson, King, Linn, McRoberts, Mangum, Merrick, Phelps, Sevier, Smith of Connecticut, Smith of Indiana, Sturgeon, Tappan, Walker, White, Wilcox, Williams, Woodbury, Wright, and Young—24.

The question now recurring on the motion to strike out the clause giving a bounty, in land, of 640 acres to each individual settler—

Mr. CALHOUN remarked that the motion to commit the bill to the Committee on Foreign Relations, with a view to make its provisions conform to treaty stipulations, having failed, he would, consequently, vote for striking out the land clause.

The question was then put on striking out the land clause; and decided in the negative—yeas 22, nays 24, as follows:

YEAS—Messrs. Archer, Bagby, Barrow, Bates, Bayard, Berrien, Calhoun, Choate, Conrad, Crafts, Dayton, Evans, Graham, Huntington, McDuffie, Miller, Porter, Rives, Simmons, Sprague, Tallmadge, and Woodbridge,—22.

NAYS—Messrs. Allen, Benton, Buchanan, Clayton, Fulton, Henderson, King, Linn, McRoberts, Mangum, Merrick, Phelps, Sevier, Smith of Connecticut, Smith of Indiana, Sturgeon, Tappan, Walker, White, Wilcox, Williams, Woodbury, Wright, and Young—24.

The amendments of the committee of the whole were concurred in; and the question now being, Shall the bill be engrossed for a third reading?

Mr. HUNTINGTON demanded the yeas and nays; which were ordered.

Mr. McDUFFIE was understood to express a desire to say something on the bill before the final vote was decided, and desired a postponement of the question for that purpose.

The question was then taken on ordering the bill to be engrossed for a third reading, and decided in the affirmative—yeas 24, nays 22, as follows:

YEAS—Messrs. Allen, Benton, Buchanan, Clayton, Fulton, Henderson, King, Linn, McRoberts, Mangum, Merrick, Phelps, Sevier, Smith of Connecticut, Smith of Indiana; Sturgeon, Tappan, Walker, White, Wilcox, Williams, Woodbury, Wright, and Young—24.

NAYS—Messrs. Archer, Bagby, Barrow, Bates, Bayard, Berrien, Calhoun, Choate, Conrad, Crafts, Dayton, Evans, Graham, Huntington, McDuffie, Miller, Porter, Rives, Simmons, Sprague, Tallmadge, and Woodbridge—22.

Mr. MERRICK expressed the hope that the question would be taken on the final passage of the bill. It had been a long time under discussion, and had impeded the progress of other important bills. He had no doubt every Senator's mind was made up as to the passage of the bill. Nothing could be gained by the party opposed to the bill, by the delay of the question on its passage, because there were but four members absent, two of whom were known to be in favor of the bill.

Mr. SEVIER made some remarks not distinctly heard.

Mr. MERRICK said if the bill was postponed till Monday, he was confident the discussion would be renewed. He hoped the question would be put.

Mr. McDUFFIE here waived his desire to speak on the bill before the vote on its passage.

The bill was then read the third time, and passed on a count—ayes 24, noes not counted.

Mr. TALLMADGE gave notice that he would, on Monday, move to postpone all previous special orders of that day, with the view of taking up the exchequer bill.

On motion, it was agreed, that, when the Senate adjourn, it adjourn till Monday next.

On motion by Mr. SEVIER,

The Senate adjourned till Monday.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 3, 1843.

Mr. CASEY presented the petition of William McCabe, of Clark county, Illinois, praying to be paid for a horse lost in the service of the United States: referred to the Committee of Claims.

Mr. LANE presented the resolutions of the State of Indiana on the subject of the reduction of postage, the extension of the pension laws, the construction of a harbor at Michigan City, and the improvement of the Wabash river.

Mr. MARSHALL of Maine presented the petition of S. M. H. Grant and fifty others, citizens of Prospect, Me., praying for an increase of duties on lumber and wood.

RETRENCHMENT.

Mr. CAVE JOHNSON offered the following resolution:

Resolved, That a select committee be appointed to inquire and report to the House whether the several resolutions of the House adopted at the last session for the retrenchment of the expenditures of the House have been carried into effect there; and in what manner the same has been done; and that they also report whether any and what further steps should be taken in relation thereto, for the enforcement of the orders of the House, or the curtailment of its expenditures.

Mr. CUSHING asked if the subject was not already in charge of one of the standing committees.

The SPEAKER said no.

The resolution was then adopted.

Mr. CAVE JOHNSON then expressed a desire that he should not be put on the committee, and that it should be composed of the same gentlemen who constituted the retrenchment committee of last session.

The SPEAKER inquired what number the committee should consist of.

Mr. CAVE JOHNSON said that five would be the most appropriate number.

Mr. DEAN, from the Committee on Territories, reported a bill to establish a town at the Cedar Key in Florida: read twice, and referred to the Committee of the Whole on the state of the Union.

Mr. GENTRY gave notice of his intention to introduce a bill to amend the act entitled "An act for the relief of George Mayfield."

On motion of Mr. DANIEL, the Committee on Roads and Canals were discharged from the further consideration of the petition of the citizens of Dade county, Alabama.

The committees were then called on for reports.

Mr. FILLMORE, from the Committee of Ways and Means, reported a bill making appropriations for the payment of navy pensions due on the 1st July, 1843, and on the 1st January, 1844: read twice, and referred to the Committee of the Whole on the state of the Union.

On motion of Mr. FILLMORE, the Committee of Ways and Means was discharged from the further consideration of the report of the Secretary of War, in relation to the Potomac bridge; and the same was referred to the Committee for the District of Columbia.

Mr. TOMLINSON, from the Committee of Claims, reported a bill for the relief of Sam. Weller. [General laughter.] Read twice, and referred to the Committee of the Whole House.

Mr. COWEN, from the same committee, reported a bill for the relief of the legal representatives of Robert E. Jennings, James Roddy, and Robert B. Carter: read twice, and referred to the Committee of the Whole House.

Mr. OSBORNE and Mr. WARREN, from the same committee, made several adverse reports; which were ordered to lie.

On motion of Mr. WINTHROP, the Committee of the Whole were discharged from the consideration of bills 575 and 576; and the same were referred to the Committee on Commerce.

Mr. FILLMORE moved that the Committee of the Whole be discharged from the further consideration of the general, civil, and diplomatic appropriation bill, and that the said bill be recommitted to the Committee of Ways and Means, with a view to the introduction, by that committee, of a new bill: the motion was agreed to.

Mr. RANDALL of Maine, from the Committee on Commerce, reported a bill for the relief of the owners of the schooner Joseph of Wareham; and also a bill for the relief of the owners and crew of the schooner Perdido: read twice, and referred to the Committee of the Whole House.

Mr. MORROW, from the Committee on Public Lands, reported a bill providing for the sale of certain lands in Ohio and Michigan ceded by the Wyandot tribe of Indians, and for other purposes: read twice, and laid on the Speaker's table.

Mr. CHAPMAN, from the Committee on Public Lands, reported a bill explanatory of an act entitled "An act to amend an act granting preemption rights to certain settlers," approved June, 1838. Mr. C. expressed the hope that no objection would be interposed to the passage of this bill, but that it would be allowed to lie on the Speaker's table for the early action of the House.

Mr. BOARDMAN moved that the bill be referred to the Committee of the Whole on the state of the Union.

This motion was voted down by a large majority, and the bill ordered to lie on the Speaker's table.

On motion of Mr. HOWARD, the Committee of the Whole were discharged from the further consideration of the bill No. 334, and the same was ordered to lie on the Speaker's table.

MAYOR OF ALEXANDRIA.

Mr. UNDERWOOD, from the Committee for the District of Columbia, reported the Senate bill "to amend the charter of the town of Alexandria," providing for the election of the Mayor of Alexandria by the people. He hoped the bill would be passed without delay, and for that purpose moved the previous question.

Mr. CAVE JOHNSON said this was an important bill, and therefore should be referred to the Committee of the Whole on the state of the Union.

The SPEAKER inquired whether the gentleman from Kentucky insisted on his motion for the previous question.

Mr. UNDERWOOD said he did.

The SPEAKER then said the bill could not be debated.

Mr. CAVE JOHNSON called for the reading of the bill, and it was read accordingly. He then inquired what were the present qualifications required of voters in the town of Alexandria.

Mr. UNDERWOOD said that all housekeepers might vote at present for members of the Common Council.

Mr. CAVE JOHNSON. Then the bill still confines the right of suffrage to freeholders only.

Mr. WELLER moved that the bill be laid on the table.

Mr. CAVE JOHNSON asked for the yeas and nays on the motion. They were taken, and resulted—yeas 51, nays 127.

So the House refused to lay the bill on the table.

The question then recurred on the second to the demand for the previous question; which was carried, and the main question ordered.

The main question, being on the third reading of the bill, was also carried; and the bill was read the third time and passed.

Reports from committees being the next business in order—

Mr. C. J. INGERSOLL, from the Committee on the Judiciary, reported a bill to abolish public executions in capital cases; which was twice read, and referred.

Mr. CHITTENDEN, from the Committee on Indian Affairs, made an adverse report on the case of Margaret C. Murray; which was laid on the table.

Mr. W. O. BUTLER, from the Committee on Military Affairs, reported back, with an amendment, the bill from the Senate for the relief of William De Peyster and H. M. Cook.

Mr. A. H. H. STUART, from the Committee on Foreign Affairs, reported a bill for the relief of Seth Sweetzer; which was twice read, and referred.

Mr. RODNEY, from the Committee on Revolutionary Pensions, reported a bill for the relief of Hannah Jenkins, widow of James Jenkins; which was twice read, and referred.

CONGRESSIONAL GLOBE.

PUBLISHED BY BLAIR AND RIVES, AT ONE DOLLAR PER SESSION, IN ADVANCE.

27TH CONG.....3D SESS. FRIDAY, FEBRUARY 10, 1843. VOLUME 12....No. 16

Continued from No. 15.

Mr. TALIAFERRO, from the same committee, reported a bill allowing a pension to John Taylor, and a bill allowing a pension to Nancy Williams; which were severally twice read, and referred.

Mr. TALIAFERRO submitted the following resolution, which was considered and adopted:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the propriety and justice of allowing pensions to the widows of those officers of the navy who perished in the United States ship Hornet, while on a cruise in the Gulf of Mexico.

Mr. CALVARY MORRIS, from the Committee on Invalid Pensions, reported back, without amendment, the bill from the Senate for the relief of Wareham Kingsley.

Mr. FORNANCE, from the Committee on Revolutionary Pensions, reported a bill for the relief of Patrick Masterson; which was twice read, and referred.

Messrs. READ and GORDON, from the Committee on Invalid Pensions, made adverse reports on certain cases that had been referred to that committee.

On motion by Mr. McKENNAN, the Committee on Roads and Canals was discharged from the further consideration of the petition of certain citizens of Richmond, Virginia, praying for an appropriation for the improvement of the navigation of the James river.

MASSACHUSETTS MILITIA.

Mr. MASON of Ohio, from the Committee of Ways and Means, reported a bill to refund the balance due to the State of Massachusetts for disbursements during the late war with Great Britain: read twice, and referred.

Mr. KENNEDY of Maryland, from the Committee on Commerce, reported a bill making appropriations for the improvement of certain harbors; which was twice read and referred.

Mr. UNDERWOOD, from the Select Committee on Steamboat Navigation, reported an amendatory bill on the subject of safety-valves, &c.; which was twice read, referred to the Committee of the Whole House, and ordered to be printed.

Mr. GIDDINGS moved that the House resolve itself into Committee of the Whole for the purpose of acting on private bills, and suggested that bills about which there is no dispute should be first acted on.

Mr. CUSHING asked if the morning hour was passed; and, being answered in the negative, called for the consideration of his resolution on the subject of French spoliations prior to 1800.

The resolution was then taken up and read as follows:

Resolved, That all debate in the Committee of the Whole House on the state of the Union, on House bill No. 57, entitled "A bill to provide for the satisfaction of claims due to certain American citizens, for spoliations committed on their commerce prior to 31st July, 1801," shall cease on Tuesday next, at 2 o'clock, and the committee shall proceed to vote on the amendments then pending, or that may be offered to said bill, and then report the bill to the House, with such amendments as may have been agreed to by the committee.

Mr. ATHERTON moved to lay the resolution on the table.

Mr. CUSHING called for the yeas and nays, which were ordered; and, on taking the question, resulted in yeas 97, nays 93.

So the resolution was laid on the table.

Mr. FILLMORE appealed to the gentleman from Florida, [Mr. LEVY,] who had the floor this morning on the special order, (being a bill for the relief of inhabitants of West Florida,) to allow the pension bill to be taken up. The pensions were to be paid on the 4th of March; and the money wherewith the payments had to be made must be despatched to different parts of the country, which would occupy some time. He, therefore, hoped it would now be taken up; and, as it would consume but a short time, the Delegate from Florida could afterwards address the House on the special order.

Mr. LEVY yielded to what he understood to be the wish of the House; but, at the same time, he asked the House to take up the unfinished Territorial business to-day, and dispose of it.

Mr. FILLMORE moved, then, that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. GIDDINGS appealed to the gentleman from New York, and to the House, to allow the calendar of private bills to be taken up, and to dispose of the undisputed claims. This would occupy but about thirty minutes; whereas he feared the pension bill would consume the day. He moved that the House resolve itself into Committee of the Whole for the purpose of disposing of the undisputed claims.

Mr. LEVY suggested that undisputed Territorial business should be included.

The motion was agreed to, with Mr. LEVY's amendment; and Mr. BOARDMAN took the chair.

The titles of the bills on the calendar were then read in their order; but the great majority were objected to, and, consequently, were laid aside. Several were laid aside to be reported to the House.

The bill for the relief of Sam. Weller was taken up, and the report read.

After a few remarks from Messrs. CAVE JOHNSON, TOMLINSON, COWEN, and PARMENTER, the bill was laid aside, under objection. (The objection was subsequently withdrawn.)

The bill for the relief of William De Buys was taken up, and the report read. After the adoption of an amendment, it was laid aside to be reported.

The bill for the relief of certain companies of Michigan militia was laid aside to be reported.

The bill for the relief of the legal representatives of Robert E. Jennings, James Roddy, and R. B. Carter, was objected to by Mr. MERIWETHER—together with several other bills reported for the first time this morning.

The bill for the relief of Seth Sweetser, and the bill for the relief of Hannah Jenkins, were laid aside to be reported.

The bill for the relief of John Taylor was objected to by Mr. MERIWETHER.

The bill in addition to the act providing for the payment of Florida militia called into the service in 1839 and 1840, was taken up, and an amendment offered by Mr. STANLY, authorizing the accounts to be settled under a specified superintendence; which was adopted. The bill was then laid aside to be reported.

The bill to authorize the purchase of a law library for the judges of the Territory of Florida, was objected to.

The bill to establish an additional land office in the Territory of Iowa was informally passed over, at the suggestion of Mr. A. C. DODGE.

The bill granting the right of pre-emption to certain settlers in the Territory of Wisconsin, was laid aside to be reported.

Also, the bill granting to the Territory of Wisconsin a certain tract of land, for the benefit of the town of Fair Play, in said Territory.

The bill making appropriations for certain roads and rivers in Wisconsin, was objected to by Mr. SPRIGG.

After considering several bills in Committee of the Whole, the committee rose, and reported them to the House

Mr. BRIGGS moved to discharge the Committee of the Whole from the further consideration of the bill for the relief of John Carey, a colored servant of General Washington. Mr. B. said that this old man was 112 years old, and there was no doubt that he had served General Washington, both at Braddock's defeat, and during the revolutionary war.

Mr. FILLMORE objected, on the ground that this bill could be considered at the same time with the rest; but withdrew his objection.

Mr. MERIWETHER objected; and

Mr. BRIGGS moved a suspension of the rules; which was agreed to.

Mr. MERIWETHER called for the reading of the report. As the House was about pensioning the poor of the District of Columbia, he should like to hear the reasons for it.

The report was accordingly read; and then the bill was read the third time and passed.

Mr. A. C. DODGE moved to discharge the Committee of the Whole from the further consideration of the bill making appropriations for certain roads, and for the survey of a canal route in the Teritory of Iowa—[this bill was passed over yesterday, in consequence of the want of a quorum;] this motion was carried.

PENSION BILL.

On motion of Mr. FILLMORE, the House resolved itself into the Committee of the Whole on the state of the Union, (Mr. SAUNDERS, of North Carolina, in the chair,) and took up the bill making appropriations for revolutionary and other pensioners of the United States, for the half calendar year beginning on the 1st January, and ending on the 30th of June, 1843; and for the fiscal year beginning on the 1st July, 1843, and ending on the 30th June, 1844.

No amendment having been offered to this bill, the committee rose, and reported it to the House.

It was then read the third time, and passed.

Mr. MERIWETHER moved to discharge the Committee of the Whole from the further consideration of the bill for the relief of James C. Watson of Georgia. This bill (he said) had been suspended for three years by the objections of a single member; [Mr. GIDDINGS;] and he hoped the gentleman from Massachusetts, [Mr. BRIGGS,] who had just succeeded in getting a bill through for a colored pauper of the District, would give him his assistance.

Mr. GIDDINGS objected, that the bill contained an appropriation, and had not been considered in Committee of the Whole.

Mr. MERIWETHER said that the bill just passed made an appropriation, and yet it had not been considered in Committee of the Whole. It was strange that the gentleman from Ohio should have so much sympathy for a negro, and refuse to do justice to a white man.

The SPEAKER said that, objection being made, the motion could not be received without a suspension of the rules.

Mr. MERIWETHER accordingly moved a suspension of the rules.

Mr. GIDDINGS called for the reading of the report and bill; and they were read.

Mr. G. then called for the yeas and nays on the motion; but they were not ordered; and,

On taking the question, the motion was rejected.

Mr. COWEN moved that the House proceed with the private bills on the calendar, several of which were on their engrossment.

The SPEAKER said that the private calendar would now be taken up.

The following bills were read a third time and passed:

A bill for the relief of the legal representatives of William D. Smith.

A bill for the relief of Alexander Dixon.

A bill for the relief of John Skirving.

A bill granting a quantity of land to the Territory of Wisconsin.

A bill for the relief of Hannah Jenkins, widow of James Jenkins, deceased.

A bill for the relief of Seth Sweetzer.

A bill for the relief of the legal representatives of John Peters, deceased.

A bill to confirm Eliza Burriss, her heirs and assigns, in her title to a tract of land.

A bill for the relief of John McGinnis, a soldier in the late war.

A bill for the relief of Benjamin O. Tayloe.

A bill for the relief of Wm. De Buys.

A bill to allow a pension to Nancy Williams.

A bill granting a certain tract of land to the Territory of Wisconsin, for the benefit of the town of Fairplay.

A bill for the relief of Patrick Masterson.

A bill for the relief of certain companies of the Michigan militia.

A bill for the relief of Wm. Selden, Treasurer of the United States.

Mr. G. DAVIS submitted a motion to reconsider the vote by which the bill for the relief of Benjamin Ogle Tayloe was adopted. The motion was entered.

On motion of Mr. ARNOLD,

The House adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, February 4, 1843.

Mr. McCLELLAN of New York presented the petition of Aaron Blinn and others, of Columbia county, New York, praying a renewal of the pension act, for the benefit of the widows of revolutionary officers and soldiers.

Mr. NEWHARD presented the memorial of 194 citizens of Schuylkill county, State of Pennsylvania, praying Congress to pass a law authorizing the issue of $200,000,000, to be based upon the public lands, and distributed among the States and Territories.

Mr. GWIN presented a memorial from citizens of Adams county, Mississippi, in favor of the selection of Natchez as the site for a naval armory and dry-dock. He observed that, as there was now a bill in the Committee of the Whole on the state of the Union, having reference to this subject, he moved a similar reference of the memorial, and that it be printed. As he believed that Natchez was the best site that had been suggested to the consideration of the House for the location of the armory and dry-dock, he wished, when the bill came up to be acted on, that the claims of that place, as set forth in the memorial, might be fully before the House.

Mr. KEIM presented the petition of Wm. S. Kennedy and 31 others, praying Congress to liquidate the debt of Amos Kendall, incurred in the discharge of his official duties: referred.

Mr. WM. O. GOODE presented the memorial of a number of citizens of Virginia, praying an increase of salary for the judge of the eastern district in that State.

Also, the petition of the surviving children of Winifred Tomlinson, for a pension.

Also, the petition of Abram Heen, for a pension.

Also, the petition of Frances Crafton, for a pension.

Mr. MOORE presented the following petitions, viz:

Of Paul Le Clerc and 109 others, inhabitants of the parishes of Terrebonne, St. Mary, and Assumption, praying for a post route from Houma to Dutch Settlement, Louisiana.

Of George S. Walmsley and 14 others, and Henry O. McEvery and 33 others, praying for a post route direct from Natchitoches to Monroe, Louisiana.

Mr. HENRY submitted a resolution to discharge the Committee of the Whole from bill No. 295, being an act to extend the provisions of an act supplementary to an act for the relief of certain officers and soldiers of the Revolution, known as the "Indian fighters;" and that it be made the special order for Wednesday next.

The motion was not agreed to.

On the motion of Mr. ADAMS, the use of the hall was granted to Benjamin B. Bowen, for the delivery of a lecture, on Monday evening next, on the education of the blind.

On the motion of Mr. CAVE JOHNSON, the House amended a bill entitled "An act in addition to an act for the payment of Florida militia called into service in the years 1839 and 1840," approved August 23, 1842; and, as amended, it was read a third time, and passed.

Mr. PEARCE called up the question on printing the majority and minority reports from the Judiciary Committee, on the refunding of the fine imposed on General Jackson, by Judge Hall, at New Orleans; and on that he moved the previous question.

Mr. PENDLETON called for the reading of the reports.

A conversation ensued, which resulted in the subject being passed over, to avoid the consumption of the time of the House with it to-day; the previous question being left pending.

Mr. HALSTED moved that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill No. 651, entitled "A bill regulating the taking of testimony in cases of contested elections, and for other purposes." [Cries of "No, no, no."]

The motion was not agreed to.

Mr. FILLMORE asked the House to take up the appropriation bills. There were only twenty-four working days of the session left, and yet the appropriation bills were kept back; and he hoped the House would agree to take them up, that they might be disposed of, and sent to the Senate.

Mr. LEVY was understood to appeal to the gentleman from New York to allow the bill for the relief of inhabitants of West Florida to be taken up. It had been the special order for several days, but, for the promotion of other important business, he had allowed it to be passed over; but he hoped the House would now allow it to be disposed of.

Mr. FILLMORE replied that a greater number of days had already been given to the Territorial business than it was usual to give even at the long sessions; and as all the appropriation bills had been kept back, he could not allow them to remain longer on the table, by waiving his motion to go into Committee of the Whole.

Mr. GARRETT DAVIS gave notice that he should move that the committee take up the bill to reduce the number of officers in the New York custom-house.

The question was then taken, and the motion to go into committee carried in the affirmative. (Mr. ALLEN of Maine took the chair.)

Mr. FILLMORE moved that the committee take up the navy appropriation bill.

Mr. ADAMS opposed the motion.

Mr. GARRETT DAVIS asked for the yeas and nays (laughter)—he meant to say tellers—on the motion.

They were not ordered, and the motion was carried without a division.

NAVY APPROPRIATION BILL.

The House bill No. 659, entitled "A bill making appropriations for the naval service for the half calendar year, beginning on the 1st of January and ending on the 30th of June, 1843, and for the fiscal year ending on the 30th June, 1844," was then read through.

Mr. MERIWETHER moved to lay the bill on the table, with a view to take up the bill to reduce the number of officers in the New York custom-house, or some other bill. The present bill involved several millions of dollars, and gentlemen were not yet prepared with the necessary information to enable them to vote and act understandingly upon it. As the bill now before the committee would be soon acted upon, when members were prepared for it, (and it would not be delayed beyond Wednesday next,) he moved that it be laid on the table.

Mr. FILLMORE said the motion was not in order. There was no such thing as laying a bill on the table in committee.

Mr. MERIWETHER. Then I move to postpone the bill.

Mr. FILLMORE opposed the motion.

Mr. G. DAVIS asked for tellers, who were ordered, and reported—ayes 49, noes 58; no quorum.

The vote was again taken and resulted—ayes 48, noes 85; so the House refused to postpone the navy bill.

Mr. MERIWETHER then rose and offered the following amendment:

Add to the first section this proviso:

Provided, That, until otherwise directed by law, no part of the present, or any future appropriations for the pay of commissioned, warrant, and petty officers, including the engineer corps, shall be paid to the same, except upon a reduction of the present pay at and after the rate of twenty per cent. per annum.

Mr. M. said he had but a few remarks to make upon this amendment. It might be asked why he proposed to reduce the pay of navy officers, and let that of all other officers of the Government stand as at present. He would answer, that the pay of the navy officers was increased in 1835, and that of none others. Their pay was then increased with the view of meeting the increased price of provisions and of labor in every department of life. Now, he believed that nine-tenths of the evils under which our navy was suffering, resulted from the high salaries paid to its officers. It was composed of the most disorderly corps he knew of in any existing Government. Indeed, it seemed necessary to keep a court-martial sitting nearly the entire year for their trial for offences.

Here Mr. FILLMORE rose to a question of order. He contended that the amendment was not in order at this time. This bill proposed to pay money due, according to a pre-existing law. If it were merely a bill making contingent appropriations, it would be perfectly competent to limit and prescribe the amount, and manner of making the appropriation. The amendment in reality changed existing laws, and he submitted whether it was in order.

Mr. MERIWETHER said he had anticipated this objection. Whenever any one talked of reducing the expenditures of the Government, they were met with a question of order. So it was last session, when the House limited the number of officers. Certainly, if the House could limit the number of officers, it might also limit their pay.

The CHAIR decided the amendment to be in order.

Mr. FILLMORE appealed from the decision of the Chair, and made some remarks on the question of order.

The appeal was debated by Messrs. FILLMORE, CAVE JOHNSON, TILLINGHAST, WISE, HOLMES, REYNOLDS, and CHARLES BROWN.

The committee sustained the decision of the Chair—70 in the affirmative, and 63 in the negative.

Mr. MERIWETHER then advocated his amendment, and said there was no department of this Government in which a compensation like that which he proposed to reduce was given for a similar grade of talent in the service of the United States. He traced the increased pay now given to the year 1835; and said that, by a document in his possession, he could show that it was then increased, in some instances, 75 or 100 per cent. over what it was before that year: whereas he now proposed a reduction of only 20 per cent. He read a tabular statement, showing the difference of the pay of officers of various grades at the two periods mentioned. He also pointed out an increase of the number of guns afloat, and the cost of pay for each; and contended that the cost of the navy was more now than it was during the war with Great Britain. He advocated a reduction of this branch of the public service at some length.

Mr. WISE replied. He admitted that the pay proper of officers in the naval service was now apparently greater than it was at the period of which the gentleman from Georgia had spoken; but there were then rations, and other things—which by the sailors were termed, in their expressive phraseology, "wee things aboot the deck"—which materially diminished that difference, and left the pay but little less than is now given.

Mr. W. went into an explanation of the manner in which the pay of the navy was increased in 1835, developing the principles on which the Congress of that year—the best in which he had ever served—and the controlling reasons which induced such an increase of pay. He said that Congress then determined to put the corps of officers on the best footing, and to get the best men in the country, by making the pay adequate to their services; that Congress acted on a principle which, he thought, ought never to be lost sight of; that it was easy to build ships—easy to fit out a whole fleet in a very short time; but it required years to make a good officer. Mr. W. thought if the gentleman wished retrenchment, he had better move to strike out the appropriation for increasing the materials on hand for building ships. In that, the gentleman would not strike a blow at the service. He also suggested to the gentleman, instead of moving a tori-

zontal reduction of salaries, to move a more equal distribution of pay—giving the little midshipmen less, and the passed midshipmen and warrant officers more. A horizontal reduction of 20 per cent. would make the pay lower than it was in 1835, when all admitted that the pay was too low; and when, after a full investigation, it was increased.

He then went into an argument against the reduction of the navy—answering the objections urged against its present strength, on the ground of the prospect of permanent peace; and alleging the extent of our commerce on every sea, as a reason for the keeping up of our naval force. He explained the case of Commodore Jones, and the capture of Monterey; and argued that, in case of any resistance by the British fleet, Commodore Jones would have been overpowered, and the American flag struck. He adverted to the state of our trade in various parts of the world as being in a declining state, whilst the English trade was increasing; and all owing to the superior fleet of the British.

Mr. McKEON offered an amendment to the amendment, providing that no part of this appropriation shall be applied to the pay of officers, or to the equipping of vessels, to be employed on the coast of Africa, under the late treaty with England.

The CHAIR decided the amendment to be out of order.

Mr. PROFFIT then got the floor, and addressed the House for a few moments; when

Mr. McKEON interrupted him; and, not understanding that his amendment had been decided to be out of order, wished to take an appeal.

The CHAIR said that it was too late to appeal; and, after some conversation between Messrs. McKEON, PROFFIT, and the CHAIR,

Mr. PROFFIT proceeded with his remarks in opposition to the amendment, and gave a statement of the high pay and emoluments of the superior officers of the British navy as an argument why the pay of the officers of our navy should not be reduced.

He gave way to a motion to rise, after speaking some minutes; and the committee rose and reported progress accordingly.

Mr. GILMER and Mr. I. D. JONES made motions of reconsideration of votes passing two several bills yesterday; which were entered.

Several Executive communications were presented to the House, and referred. They were the following:

From the War Department, in answer to a resolution submitted by Mr. J. P. KENNEDY, calling for the number of officers in the Baltimore custom-house, &c; another, authorizing a report from the officer in charge of the Ordnance Bureau, showing the expenses of the national armories for the year 1842; another, with estimates of the appropriations for the War Department for the year 1843, and the balance of appropriations; another, showing the names of clerks in that department; another, exhibiting the contingencies of that department. There was also one from the Post Office Department, with estimates for the mail service for the year 1843.

The following Senate bills were read twice and referred:

A bill for the relief of William Russell.

A bill for the relief of the owners and crew of the schooner Twig.

Mr. STANLY, pursuant to notice, introduced a bill to amend "An act entitled an act making appropriations for the erection of a marine hospital in North Carolina;" which was read twice, and referred.

Mr. WILLIAMS of Connecticut, from the Committee on Commerce, reported a bill for the relief of John Sands; which was read twice, and committed to the Committee of the Whole.

On the motion of Mr. HOPKINS, the bill for the relief of B. O. Tayloe was modified, amended, and passed. The House then adjourned.

IN SENATE.

MONDAY, February 6, 1843.

The PRESIDENT *pro tem.* laid before the Senate a communication from the War Department, transmitting, in compliance with the 20th section of the act of August, 1842, a statement and report of the expenditures of that department for the calendar year of 1842; which, on motion of Mr. EVANS, was ordered to lie on the table and be printed.

Also, laid before the Senate a communication from the War Department, transmitting, in compliance with a resolution of the Senate of the 24th ultimo, copies of the contract made with John Grant for dredging the channel of the Choctaw pass, and other information concerning the subject; which, on motion of Mr. WALKER, was referred to the Committee on the Judiciary having charge of the claim of this individual.

Mr, CLAYTON and Mr. BUCHANAN presented two memorials from citizens of Pennsylvania, asking Congress to create $200,000,000 of stock, to be based on the proceeds from the public domain, to be distributed among the several States and Territories in a representative ratio: referred to the Committee on Finance.

Mr. EVANS presented a petition from M. Jones, the widow of the late Samuel Jones, a revolutionary soldier, praying that the pension received by her under the pension law of July 7, 1838, may be revived to her: referred to the Committee on Pensions.

Mr. SMITH of Indiana presented joint resolutions adopted by the Legislature of Indiana, urging upon the Senators and Representatives from that State to use their influence to procure the passage of a law granting to that State all the unsold lands in the Vincennes land district, for the purpose of completing the Wabash and Erie Canal: referred to the Committee on Roads and Canals.

Mr. BUCHANAN presented a memorial from a number of citizens of Franklin county, Pennsylvania, asking Congress without delay to repeal the bankrupt law: ordered to lie on the table.

Memorials were presented by Messrs. BUCHANAN and STURGEON from citizens of the city and county of Philadelphia, asking that Mr. Kendall may be relieved from the restraint on his personal liberty, in consequence of a verdict of damages for $11,000, rendered aganst him, in favor of Stockton & Stokes, by the District court of the District of Columbia, for conduct in discharge of his official duty: referred to the Committee on Claims.

Mr. BUCHANAN presented a memorial from the Board of Trade of the city of Pittsburg, asking Congress to make an appropriation for the improvement of the Western rivers: referred to the Committee on Commerce.

Mr. B. also presented two memorials (which, by some strange accident, he said, had been mislaid for a day or two) from the Chamber of Commerce of Philadelphia: one asking for a reconstruction of the pier at or near Port Penn and Reedy island in Delaware river; and one in favor of continuing the coast survey; which were referred to the Committee on Commerce.

Mr. LINN presented a petition from certain inhabitants of the counties of Perry, Cape Girardeau, and Madison, praying for the establishment of a mail route from Chester, in Illinois, to Farmington, in Missouri: referred to the Committee on the Post Office and Post Roads.

Mr. L. also presented a petition from Richard Philips, of New Madrid county, Missouri, praying for the passage of an act authorizing the survey of two tracts of land in the said county, and that the patent for said land may be issued in his name: referred to the Committee on Private Land Claims.

On motion by Mr. BAYARD, the papers of Thomas Ragsdale were ordered to be taken from the files of the Senate, and referred to the Committee on Indian Affairs.

Mr. WRIGHT presented a petition from Aikin Smith, R. Kimball, and 195 others, citizens of Lewis county, New York, praying that in all future treaties between the United States and foreign powers, an article may be inserted, whenever international differences shall arise between such nations, that they shall be left to arbitrators: referred to the Committee on Foreign Relations.

Mr. HUNTINGTON presented a memorial from citizens of Norwich, Connecticut, praying for a reduction of postage on letters, and the abolishment of the franking privilege: ordered to lie on the table.

Mr. TAPPAN presented a memorial, signed by citizens of Jefferson county, Ohio, Brooke county, Virginia, and Washington county, Pennsylvania, praying for the establishment of a mail route from Washington, Pennsylvania, to Steubenville, Ohio: referred to the Committee on the Post Office and Post Roads.

Mr. DAYTON presented a petition from John Howell, Robert McNeely, and Wm. Potts, of New Jersey, praying to be relieved from the payment of a certain judgment, as sureties of Joseph J. Wilson, late postmaster at Trenton: referred to the Committee on the Judiciary.

Mr. STURGEON presented a memorial from citizens of Alleghany county, Pennsylvania, in favor of the plan for a board of exchequer recommended by the Executive: ordered to lie on the table.

Also, presented a memorial from Jonah W. Kirk, the inventor of a useful improvement, (being a guard to protect steamboats navigating the Western waters from snags, sawyers, &c.,) praying that Congress may purchase his right of patent, so as to make the invention free for public use; or, that they make an appropriation to test its usefulness: referred to the Committee on Commerce.

Mr. YOUNG presented a petition from Jacob Wagoner, of Union county, Illinois, praying permission to make a change in the entry of a tract of land which was made through mistake: referred to the Committee on Public Lands.

Mr. WALKER presented a memorial from citizens of Harrison county, Mississippi, praying for a donation of a section of land for the purposes of a manual-labor school: referred to the Committee on Public Lands.

Mr. W. also presented additional testimony in support of the claim of G. A. Worth; which was referred to the Judiciary Committee.

Mr. CHOATE rose, and said he presumed this was as proper a moment as any other to say a word (though he did so with great reluctance) concerning a matter of personal insult towards himself. His attention had been called by a friend, on Saturday last, to an editorial paragraph which represented him as having, in the debate upon the Oregon bill, introduced into the Senate and exhibited Mitchell's map, representing it as having traced upon it the treaty line of 1842, and that, the map being found defective in this particular, the Senate immediately marked its disapprobation of the intention to deceive. He confessed he was somewhat sensitive as to this matter; and he took, therefore, the earliest opportunity, in the most public, as well as the most dignified manner, to contradict the statement. It was not a mere caricature, to which they were all exposed daily, but a deliberate insult. The facts were these: The Senator from Missouri had endeavored to strengthen his arguments by reference to certain maps; and he (Mr. C.) had briefly commented upon these maps, and had also referred to Mitchell's map, which he had stated was known to everybody; and that it had been under the eye of the commissioners who negotiated the question of the Northwest boundary; and that, although it was acknowledged to have some errors, yet that it was considered by our early diplomatists as the best guide, and was adhered to in almost all cases. He had, therefore, proceeded to open, and to comment upon that old map, pointing out what there was in it which he thought strengthened his argument, and his general suggestion upon the examination of the water communication as laid down therein was, that that route for which he had been contending was the only continuous line of water communication; that the line as delineated upon the map bore so strong a resemblance to that specified in the treaty of 1783; and that it afforded to his mind some countenance to the position for which he had contended. He had not said that the actual boundary was laid down in the map. There was, in fact, no Northwest boundary line delineated upon it; and he would have supposed that the folly, the insanity of pointing out to the Senate a line which did not exist upon the map, would have suggested itself to

even an unfriendly editor. Had there been a plain boundary line drawn upon the map, it would not have made out the point he was contending for; for it was the water communication which formed the subject of his remarks. And there was no doubt whatever on his mind, that the water communication delineated on the map was the same as that described in the treaty.

There was a still more erroneous and insulting statement made in latter part of the paragraph—namely, that he (Mr. C.) had withheld or suppressed the fact that the map appeared to be dated prior to 1783; and that when the true date was revealed, it was received not only as a perfect answer to his argument, but with an expression of disapprobation at his audacity. That he, by anything he had said or argued, endeavored to insinuate that the map was of a date subsequent to 1783, was totally and entirely destitute of a shadow of a shade of foundation. He had characterized the map as Mitchell's old map; the date was not in his mind at the time; but he had produced it as the original map which was before the eye of the commissioners in 1783. The truth was, the date was not at all necessary to his argument. And when it was announced that the map was made before 1783, if any one (as represented in the paragraph he had referred to) came near bursting with derision, he could only say that it was a total misapprehension of the issue that was made. If there were any Senators about him whose recollection coincided with his own, he would be extremely glad to hear them so declare.

Mr. WOODBRIDGE said, although he conceived the necessity could hardly be supposed to exist for his saying anything in corroboration of the statement just made by the Senator from Massachusetts, yet, as an appeal had been made, he would state that he certainly did distinctly recollect that the argument of the honorable Senator was founded on the presumption—and the strong presumption—that the view which the honorable Senator had taken was the correct one, from the circumstance of the course of the water communication westward from Lake Superior, as laid down in that map, corresponding with the water communication contended for by the honorable Senator as forming the boundary. As far as the article in the Globe was concerned, he had not seen it, and knew nothing about it; but, most assuredly, the remarks made by the honorable Senator as to the purport of his argument were substantially correct.

Mr. WALKER said the Senator from Massachusetts certainly did call his attention to the matter, and pointed out to him the map, as being the *old* map of Mitchell; and his object seemed to be to prove that the southern line of water communication corresponded with the line for which he had been contending. He thought it due to the Senator to say that he did call his attention particularly to the map; but while he said this, he begged it to be understood as having nothing to do with his opinion as to the success or failure of the honorable Senator in establishing his views.

Mr. SIMMONS said his attention had also been called to the map; and he had noticed that the curvature in the line of water communication corresponded with that which the Senator from Massachusetts argued was the true boundary. And he noticed, also, that there seemed to be no line of water communication north of Hunter's island. He recollected the reference made by the honorable Senator from Missouri to the date of the map; for he was struck with the singularity of the objection, and said to those about him at the time, that the map must, of course, have been published before the date of the treaty, or else how could the commissioners have had it before them?

Here the subject dropped.

Mr. EVANS, from the Committee on Finance, reported back, without amendment, the bill making appropriation for the support of the army and military academy for the half calendar year ending on the 30th June, 1843, and for the fiscal year beginning on the 1st July, 1843, and ending on the 30th June, 1844.

Mr. SEVIER presented a letter from John Rodgers and others, Cherokee Indians, on the subject of their claim against the United States; which was referred to the Committee on Indian Affairs.

Mr. S. also presented certain resolutions, adopted by the Legislature of Arkansas, in favor of appropriations to building of forts and constructing military roads in that State: referred to the Committee on Military Affairs.

Mr. CONRAD presented a petition from George G. Payne, praying allowance for the revolutionary services of his grandfather, by granting the half-pay as lieutenant colonel from the end of the war to the time of his death in 1825, to which he was entitled: referred to the Committee on Revolutionary Claims.

Mr. BERRIEN, from the Committee on the Judiciary, reported back, without amendment, the bill of the House to change the place of holding the circuit court for the district of Maine, from the town of Wiscasset to Portland and Bangor.

On motion by Mr. BERRIEN, the Senate then proceeded to consider the bill as in committee of the whole; and there being no proposition to amend the same, it was reported to the Senate, read the third time, and passed.

Mr. CONRAD, from the Committee on the Public Lands, reported a bill for the relief of Joseph Roby, of New York; which was read, and ordered to a second reading.

Mr. WILLIAMS presented joint resolutions adopted by the Legislature of the State of Maine, instructing the Senators, and requesting the Representatives from that State, to use their continued exertions to procure the immediate and unconditional repeal of the bankrupt law; which were read, and ordered to be printed.

Mr. ARCHER rose and said that on Friday last, when the Oregon bill was upon its passage, he had voted in the affirmative, for the purpose of entitling himself to move a reconsideration. He now made that motion.

Mr. LINN inquired whether the bill was in the possession of the Senate; and, if so, by what rule of the body it was in its possession.

Mr. ARCHER replied that the bill was still in the possession of the Senate; and in order to exonerate the officer of the Senate from any blame which might be imputed to him, he felt it his duty to state that he had mentioned to him the fact that he intended to move a reconsideration.

The CHAIR stated that this having been announced, and two days being allowed by the rule within which the motion for reconsideration might be made, he conceived that no blame could properly be attached to any one on account of its detention.

Mr. LINN said he did not think that this got over the difficulty. If such a course were permissible, it would put the fate of questions of the greatest importance in the power of one or two individuals. It could never have been intended by the rule that a gentleman who intended to move the reconsideration of a vote should have nothing more to do than to go to the Secretary of the Senate, and tell him that such was his intention. It was just as easy for the gentleman from Virginia to have given notice to the Senate of his intention. He did not intend to impute anything improper to his excellent friend from Virginia; but he must be permitted to say that he certainly thought that gentleman was one of the very last who would have resorted to a parliamentary manœuvre. It must be obvious to every one that this was not the correct course to be pursued in the Senate of the United States. It was generally supposed that the bill had gone to the other House; and he would venture the assertion, that many Senators never knew of the honorable gentleman's intention until this moment. The advantage, then, which the mover would have, was obvious; he could have his friends about him, while his opponents would have no opportunity of resisting the motion. The Senate would of course proceed, if they saw fit; but he must be permitted to say it was an anomalous proceeding, and which, if followed, would lead to much mischief.

Mr. ARCHER replied. He thought the matter could be set right with very few words. The honorable gentleman from Missouri might be assured that he did not consider him as designing to throw any unwarrantable imputation upon him, or upon any other Senator, in reference to this matter; it was not according to the honorable gentleman's habit to do anything of this kind; and he thought he should be able to convince him that he was mistaken as to what he considered the impropriety of the course which he had taken in regard to this matter.

He was informed that the invariable usage had been, in such cases, precisely such as he had pursued. Besides, it was declared, by a rule of the Senate, that two days of actual sitting should be allowed, within which the motion might be made. It could not, then, be in accordance with what was right, whether it had been the practice or not, that the bill should pass from the Senate until he had had an opportunity of availing himself of the rule. If an irregular usage had grown up, it ought not to be urged as a sufficient reason for setting aside the rule altogether.

But again, to show the honorable Senator that he was mistaken: when was it that the bill passed? Late on the evening of Friday. When was the next juridical day of the session? Saturday was not. There was, then, no day when it could be within the competency of the Secretary to send away the bill. The vote was taken after the usual hour for adjournment. When the utmost degree of impatience was manifested throughout the Senate for an adjournment, it might not have been in his power to procure the consideration of his motion; because it might, at any time, be superseded by a motion for adjournment. The Secretary must stand acquitted; for he had done only what he had been accustomed to do in like cases; and, as for himself, he must appeal to his honorable friend to say if he had not communicated to him his intention to move a reconsideration. Did that look like a clandestine proceeding?

Mr. CALHOUN made some remarks which were but indistinctly heard by the reporter; after which,

Mr. LINN said he supposed there was nothing left for him but to retreat as gracefully as he could. He had spoken more particularly with reference to the uncertainty of the usage, and of the necessity for having some definite and general rule upon the subject. This question of reconsideration was then (it being suggested by Mr. SEVIER that two or three Senators were absent) postponed until to-morrow at one o'clock.

On motion of Mr. TALLMADGE, the previous orders were postponed, and the Senate proceeded to consider, as in committee of the whole, the bill to amend the several acts establishing the Treasury Department, being

THE EXCHEQUER BILL.

The bill amendatory of the several acts in relation to the regulation of the treasury of the United States, was accordingly taken up, as in committee of the whole.

Mr. TALLMADGE addressed the Senate on the subject for about an hour, in explanation of the provisions and probable effects of the bill, should it become a law.

He regretted that he had not been able, before this time, to bring forward his measure. The delay had not originated with him. It was at the solicitation of other gentlemen he had been induced to accede to its postponement. It had been made the special order for a day passed over some weeks ago; but an important measure (the Oregon bill) was under discussion when that day came, and the present bill was necessarily postponed from time to time, with an expectation that the other would be disposed of, so that the attention of the Senate would be more concentrated on this measure. He had made this explanation to exonerate himself from any imputation of neglecting to call it up, and to show that he had acted in perfect good faith with regard to his avowed intention of bringing it forward at the earliest possible day.

The general design of this bill was to do something for the relief of the country in relation to the currency and exchanges. It is, in some sense, the same bill as that reported by the select committee last session of Congress, of which he had the honor

of being chairman. The report made by that committee was full and elaborate, containing the views of the members with whom he concurred; and it was so ample and satisfactory, in his mind, as to require little additional argument on his part in its support. He would not, at present, go into details, which gentlemen had doubtless seen in that report. He would content himself with stating very briefly a few leading points, on which the whole question must necessarily depend. Now, as the proposition is to do something for the currency and exchanges of the country, the first question which arises is, Does the country stand in need of the interposition of the General Government? He believed it would be conceded that the condition of the country was such as to require relief. He would not undertake to describe that condition—for his imagination could not furnish him expressions adequate to the description. He could not depict the wreck of private fortune and public credit which had taken place within the last few years throughout the length and breadth of the land. Here is a country, with all the element of prosperity—teeming with fertility—and yet with a people starving in the midst of abundance; distress, poverty, and ruin staring them in the face; while the abundance of our harvests is breaking down our granaries for want of a remunerating market. For all this, there must be some adequate cause. He, and those with whom he generally concurred in political views, felt satisfied that, although there might be many causes, yet the main one was to be found in the derangement of the currency and the exchanges of the country. There might be a diversity of opinion as to the origin of that derangement of currency and exchanges; but there could be none as to the existence of the fact.

He believed most seriously that the besetting sin of the country was, that questions, which in themselves were purely national questions of general interest for the whole community, were made the arena of political strife and the watchwords for political battle. As long as such questions as bank or no bank are made the watchwords of party, derangement of the currency and exchanges will continue, and the consequent derangement of the whole business affairs of the community. It was high time to drop these party distinctions, and think of the distress of the country, with a view of affording such relief as could be derived from our legislation. The first consideration in the Congress of the United States should be, how it can best fulfil its duty to the country. He should not hesitate to say that it is its duty to unite on some such measure of relief as that now proposed by this bill. The time, however, was gone by for asking what ought to be done; and the question now is, What can be done? The people are crying out for relief; they are looking to this Government for that relief. And are gentlemen to fold their arms, and say they can do nothing? Here is a measure which will do something. It may not accomplish all that could be desired; but it will accomplish much. It will afford considerable relief.

It proposes nothing that is not perfectly consistent with the constitutional powers of the Government—powers necessarily conferred on it for the collecting, safekeeping, and disbursement of the public revenue. If, in effecting these objects, facilities for exchanges and currency can be given, it is the duty of the General Government to give them. The provisions of this bill aim at nothing more.

Different modes of effecting the objects of collecting, safekeeping, and disbursing the revenue, in connexion with the regulation of the currency and exchanges, had been tried since the foundation of this Government. One was through the medium of a United States bank; another, through that of the pet-bank system; and a third, through that of the sub-treasury or independent treasury.

Mr. T. entered into a long historical detail of the operation of each of these systems, which he summed up in the conclusion—that a revival of any one of them, at the present time, was hopeless, if not impracticable.

Facts should be taken as they exist. It was not what one party or another wished to accomplish, but could not accomplish, should be considered; but what could be effected. Gentlemen who looked to a national bank, even if all their anticipations could be realized in 1844, would not be able to do anything for the relief of the country for seven years to come. It would take them the next long session after 1844 to get through a bill. It would take another year to negotiate the stock; another to get the bank into operation; and at least another before the country would begin to feel any effects from its operation. What sort of relief would this hold out to the present distress under which the country was bleeding at every pore? Now is the acceptable time to do something. It was demanded now, and it was the business and the duty of Congress to meet the demand.

When this plan of an exchequer came up last session, considerable discussion took place on the question of reference. In that discussion he (Mr. TALLMADGE) did not take part, wishing to reserve himself for an unbiassed consideration in committee, should he be one of its members. The measure had, however, been so fully and so ably debated, that the views of Senators were disclosed at large, and the objections on every side were thoroughly understood.

When, therefore, the subject was referred to a special committee, of which he had the honor to be chairman, it became the duty of the committee to weigh all those objections, and to give to them all the importance they deserved. The bill now before the Senate had been framed and amended with these objections specially in view; and it was confidently hoped by the committee that they had accomplished the task of preparing a measure which steered clear of them all.

The first class of objections related to the Executive power which might influence the institution. That, the committee proposed to obviate by the manner of appointing the commissioners—requiring the sanction of the Senate, and rendering them incapable of being removed, unless on special grounds, and with the assent of the Senate. The principle was further carried out in relation to the subordinate officers.

The second class of objections related to the purchase of, and dealing in, bills of exchange. That provision the committee had stricken from the bill, fully satisfied that it was a dangerous one, likely to lead to abuses of the worst kind. They substituted for it the power of selling bills of exchange for specie deposites; and the power of collecting bills of exchange lodged for that purpose, and payable in specie.

Mr. T. pointed out the advantages which would be afforded throughout the Union by this mode of extending facilities for the transmission of funds from one point to another.

The third class of objections related to the using of the powers of the Government for controlling the currency and monetary circulation of the country, by a currency of its own.

Now he held to the doctrine, that the Government ought not to anticipate its revenues by promises to pay; for its affairs should be so regulated that its income should not only be sufficient for its wants, but sufficient to keep in the treasury a surplus of from three to five millions of dollars, to meet unforeseen demands. And if at any time it is driven to the necessity of anticipating its means, it could be done by the temporary expedient of treasury notes—not to be used as circulation, but in the manner which experience had sanctioned. It should not go beyond its anticipated revenue, which would come in for the redemption of these treasury notes. If it did make use of its credit to obtain a circulation beyond its anticipated means, the country could experience no relief from the excess, because it would only act as a means of driving out of circulation an equal quantity of the medium in operation at the time, or not circulate at all. The committee had therefore discarded from the bill anything like a proposition to authorize a credit circulation. They proposed that the bills to be issued should be only for specie deposited, dollar for dollar. This was to be the foundation of the issues. It might be supposed this would not afford any relief, or, if it did, a very limited one. But he would reply that it must afford very great relief, and of that peculiar and practical kind which was felt to be necessary by every one who had the least occasion to pass from one part of the Union to the other.

Mr. T. here entered into particulars, to show the practical operation. Persons would be able to travel all over the Union with the funds of the institution, transact business anywhere with them, make remittances to or from any point, and enjoy all the facilities which used to be afforded by United States Bank notes.

It was not desirable that it should be a bank to afford facilities for credit, as persons of good standing and credit could obtain the relief of advances on their notes from the local banks, and with the proceeds they could obtain from this institution bills of exchange to make their remittances.

It was his conviction that the circulation it would thus afford would be equal to the average circulation of the Bank of the United States, which was about ten millions. For a long time, it had been but six millions; and, in most cases, it had as much specie in its vaults as it had bank-notes in circulation. In such cases, its operations must have been the same, so far as regarded circulation, as the operations proposed by this bill.

The effect on the ordinary circulating mediums of the States was fully examined in the details of the committee's report, to which he referred.

On the whole, he hoped, when Senators would come fully to investigate the subject, and to view it with a single eye to the relief of the country, they would feel satisfied that, while the measure could not be objected to on constitutional grounds, it would not only (so far as the Government was concerned) effect all the objects proposed, of collecting, safekeeping, and disbursing the public revenues; but it would enable it to perform a duty which it owed to the country—of affording that relief which alone could be given by the establishment of a sound currency and a uniformity of exchanges. Whatever might be the course of other Senators, he, at least, should console himself, under any disposition that might be made of the bill, with the proud consciousness that, in bringing it forward, and advocating it as he had done, he had not only performed his duty to his constituents, but to the country at large.

On motion by Mr. MILLER, the further consideration of the bill was postponed till to-morrow. Then,

On motion by Mr. MILLER, the bill for repaving and repairing Pennsylvania avenue was taken up as in committee of the whole; and the several amendments of the Committee on the District of Columbia having been adopted, it was reported to the Senate, and ordered to be engrossed for a third reading.

PRIVATE MAIL EXPRESSES.

The Senate then proceeded to consider, as in committee of the whole, the unfinished business of the morning hour of Thursday last—being the bill to prevent the employment of private expresses upon mail routes, and for the prevention of frauds upon the revenues of the Post Office Department; the question pending being the amendment proposed by Mr. PORTER, to strike out of the second and fifth sections the words "or other mailable matter whatever;" the effect of which proposition would be, if adopted, to permit all matter, except letters, to be conveyed by private expresses.

Mr. MERRICK supposed that the amendment which he introduced on Thursday last, as an additional section to the bill, defining the meaning to be attached to the words "mailable matter," by prescribing what matter was to be charged with postage, would remove the objections of the Senator from Michigan, [Mr. PORTER.] This amendment was submitted with the view of removing the objections of that Senator; he presumed, therefore, he would waive his amendment to strike out the words proposed.

Mr. PORTER replied, substantially, that the objection which he had to the use of the words "mailable matter," on account of the indefinite meaning which might be attached to them, might be removed by the amendment defining what was mailable matter. But he had a further objection, which was not removed by the amendment. That ob-

jection was, that the amendment compelled persons to deposite in the post office packages of money and manuscripts. He wished to confine this bill, as to what constituted mailable matter, to the limitations of the act of 1825. According to the construction of the chairman of the Committee on the Post Office and Post Roads himself, packages of bank notes and manuscripts would come within the denomination of letter postage by the provisions of this bill. Mr. P. said, under this view of the case, he could not withdraw his amendment, or vote for the amendment proposed by the chairman of the Post Office Committee, [Mr. MERRICK.]

He then went into a calculation to show how enormous would be the postage on packages of manuscripts or bank notes weighing from two to three pounds, subject to letter postage, if transmitted 400 miles or upwards. He characterized this effort on the part of the Post Office Department to compel newspapers and pamphlets to be transmitted through the mail, as a new-born zeal brought into action since the passage of the law fixing and limiting the rates to be paid the railroad companies for transporting the mail. By that law, the pay of these companies, for such services, was limited to $300 per mile; the right being reserved to the department to send one ton, or four or more per day, if necessary. Before the passage of such law, the effort was to avoid carrying in the mail so much of this kind of printed matter. But now, the effort was to force it all through the mail, without regard to the additional weight imposed upon those companies, and the limitation on their pay. He then went into some calculation, showing that, notwithstanding those companies performed, in miles, only the forty-eighth part of the whole mail service, and received one-seventh of the cost for the whole service, as stated by the chairman of the Post Office Committee, [Mr. MERRICK,] yet he thought if the weight of the matter transported was taken into consideration, the charge would be found to be not so enormous as supposed.

He then made a calculation in support of that position, showing that, on the road between Baltimore and Philadelphia, a distance of about one hundred miles, and where the pay for the mail service was about $30,000, the quantity of mailable matter transported was equal to four tons per day, (two tons each way,) or 1,460 tons per annum—the pay for which was little more than $1 per cwt. This he conceived to be but a reasonable charge per cwt. for such a distance. It seemed to be the intention of the Postmaster General to convey the idea that those companies received an enormous price for the service they perform. Such was not the case. The annual cost for carrying the mail, he had understood, on the very route cited above, previous to the erection of the railroad, exceeded the present cost, and at one time amounted to $40,000. He then went on to argue that, even if the Government did pay these companies a high price for the service they performed, yet something was due to the States and to the individuals who had constructed those roads for the convenience of the public, on account of the greatness of the undertaking, and the vast and unprofitable outlay of money. He was unwilling to make those roads contribute to the payment of the taxes properly payable by other portions of the country, to sustain the Post Office Department. He concluded with some further remarks in support of his amendment.

Mr. MILLER, as one of the Committee on the Post Office and Post Roads, which had reported the bill, felt that it was due to the chairman to state that he had concurred with him not only in its necessity, on the special grounds stated in its provisions, but as a preliminary and necessary step for the other important bills contemplated by the committee—one of which was a reduction of postage. He entered at large into the subject of the losses and disadvantages which the Post Office labored under in consequence of the competition from private expresses, and showed the necessity for putting them down; which he contended could not be effected unless by carrying out the provisions of the bill, as intended to be modified by the chairman's amendment.

Mr. CONRAD, as a member of the committee, also expressed his conviction that this measure was indispensable for the preservation of the Post Office Department. It made little difference whether the question really at issue came up on the amendment proposed by the Senator from Michigan, [Mr. PORTER,] or the Senator from Maryland, [Mr. MERRICK;] it was still a question whether the competition of these private expresses operating so injuriously to the interests of the department, should be suffered to monopolize the most profitable part of the business, or should be suppressed? He argued at considerable length to show that already these private expresses had made great inroads on the only valuable routes of the regular mail, and that they would continue to encroach till they would also destroy the letter-carrying business, unless this bill were passed.

Mr. WALKER supported the bill by reference to the expenses of the West, where, in consequence of the facilities afforded by steamboat communication from Pittsburg to New Orleans, the Post Office Department must suffer an annual loss of postage on letters and mail-matter of not less than from one to two hundred thousand dollars. It was a common practice for large commission houses to have tin boxes on board these boats, for carrying letters and parcels from one city to another—their correspondents having one key, and themselves another.

A commission house of this kind in Vicksburg or Natchez could invite all their customers to put their letters in their tin boxes; and for twenty-five cents paid to the steamboat for its carriage, mail matter amounting to hundreds of dollars might be transmitted. Five or six commission houses, and five or six rich planters connected with them—having the control of their steamboats, in consequence of being able to freight them—could get all their letters postage free from New Orleans to Natchez, and then to any city on the line of navigation; while the producing classes in the interior of the country had to pay double postage, because the department cannot reduce the rates so long as these frauds are practised.

The debate was continued by Messrs. CHOATE and SIMMONS until half-past 3 o'clock; when,

On motion of Mr. CHOATE, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, February 6, 1843.

Mr. KEIM presented the petition of John S. Jennings, asking compensation for revolutionary services.

Mr. MOORE presented evidence in support of the claim of John D. S. Arden: referred to the Committee on the Public Lands.

Also, the petition of Timothy Denore: referred to the Committee on Invalid Pensions.

BANKRUPT ACT.

Mr. CLIFFORD, on leave, presented the following resolutions of the Legislature of the State of Maine:

STATE OF MAINE.

RESOLVES RELATING TO THE BANKRUPT ACT.

Resolved, That the Senators in Congress from this State be, and they hereby are, instructed, and the Representatives requested, to use their constant and continued exertions for the immediate and unconditional repeal of the bankrupt act, passed at the extra session of the 27th Congress.

Resolved, That a copy of the foregoing resolution, signed by the Governor, be forwarded by the Secretary of State to each of said Senators and Representatives.

In the House of Representatives, January 31, 1843:
DAVID DUNN, Speaker.

In Senate, February 1st, 1843:
EDWARD KAVANAGH, President.

February 1, 1843—Approved:
JOHN FAIRFIELD.

A true copy:
Attest: PHILIP C. JOHNSON,
Secretary of State.

Laid on the table, and ordered to be printed.

VIRGINIA RESOLUTIONS.

Mr. HOPKINS, on leave, presented certain resolutions lately adopted by the Legislature of the State of Virginia, asserting it, as the opinion of the Legislature, that a representative is bound to obey the will of his constituents, or to resign his seat—declaring that WM. S. ARCHER, one of the Senators from that State in the Congress of the United States, by his votes in favor of a bank of the United States, and for the repeal of that provision of the law for the distribution of the proceeds of the sales of the public lands, which provided that distribution should cease whenever the duties upon imports are increased beyond twenty per cent., has violated that great principle, and disregarded the known wishes of his constituents. Also, instructing the Senators, and requesting the Representatives from the State to vote for the repeal of the tariff acts of the last session; to vote against any tariff act not solely for revenue; to endeavor to procure a repeal of the distribution act; to vote against, and use all proper means to prevent the incorporation of a bank of the United States, or any other institution with banking powers; and to use all proper means to procure a repeal of the bankrupt law: laid on the table, and ordered to be printed.

Mr. ROOSEVELT said that a report had been printed, and laid on their tables, purporting to be the report of the Committee on the Judiciary, in favor of the claim of Joseph Nourse. This was a mistake; the committee having reported against the claim, and this being the report of a single member, which was rejected by the majority. He presumed that it was printed as the report of the committee by mistake, under the order directing the printing of the papers relating to the case. The only way to correct the error, in his opinion, would be to direct the Clerk, in making up the documents of the House, to leave it out.

Mr. C. J. INGERSOLL said that, as the report was drawn up by him, it was proper for him to say that he knew nothing about the way it came to be printed.

Mr. CAVE JOHNSON moved to recommit the report; but after some conversation, in which Messrs. ROOSEVELT, BOWNE, and McKENNAN took part,

Mr. CAVE JOHNSON withdrew his motion; and the first motion of Mr. ROOSEVELT, to direct the Clerk to leave out the paper in making up the public documents, was put and carried.

Mr. FILLMORE moved that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. UNDERWOOD called for the regular order of business, which

The SPEAKER said was reports of committees.

WABASH AND ERIE CANAL.

Mr. WHITE of Indiana, on leave, presented the joint resolutions of the Legislature of Indiana on the subject of the Wabash and Erie Canal; which were laid on the table, and ordered to be printed.

Mr. COWEN, from the Committee of Claims, to which had been referred the petition of a number of citizens of Philadelphia on the subject, reported a bill to indemnify Amos Kendall for damages recovered against him by Stockton & Stokes, for his decision against them while in the performance of his duty as Postmaster General, accompanied by a report on the case.

The Committee of Claims, in their report to the House of Representatives, made by Mr. COWEN, in the case of Amos Kendall, among other things, hold the following language:

"From all the evidence in the case, the committee are satisfied that Mr. Kendall was governed by a desire to guard the Post Office Department, over which he presided, against loss, by allowances which he believed unjust and illegal. That purpose was adhered to with unusual pertinacity, but not from any design to do injustice to the contractors. *It is believed to be important that honest guardians of the treasury should not be permitted to suffer for their fidelity.* It is not often that public officers err, as Mr. Kendall did, in favor of the United States; and if those who, in their zeal to save the treasury from unjust claims upon it, are subjected to suits for damages, and imprisonment, for whatever error they may commit, without indemnity or relief, we may well question whether, in all cases of doubt to which the Government is a party, the decisions will not be in favor of the claimant, especially when it is considered that errors against the Government are very rarely made the subject of serious complaint."

The bill having been read twice, Mr. COWEN moved to make it the special order of the day for Friday next.

The SPEAKER said that Friday was already set apart for other business.

Mr. COWEN was aware that the way was entirely blocked up, and that the public business was very pressing; but there was no chance of getting this bill considered, unless a special day was

assigned for it. He apprehended that the House, upon an examination of this case, would find that it was one of the strongest that had ever been presented for its interposition. It was a case that only wanted a hearing to insure its favorable consideration, and that hearing could only be obtained by assigning a special day for its consideration. Mr. C. concluded by moving that the bill be made the special order of the day for Friday next.

The SPEAKER said that Friday was set apart for other business.

Mr. COWEN then moved Saturday; but

The SPEAKER said that Saturday was also taken up.

Mr. COWEN then moved to take up the bill now.

Mr. GARRETT DAVIS argued that the case should be referred to the Committee on the Judiciary.

Mr. COWEN was satisfied that, if the gentleman from Kentucky would turn his attention to the case, he would readily agree that no examination was necessary. There was no difficulty in the way. It was a case in which a public officer had suffered loss by endeavoring to protect the public interests; and, in his opinion, the House should protect such officers from loss or damage. On the first trial of this case, the court being satisfied that the jury had given vindictive damages, set the verdict aside, and granted a new trial; and, upon the second trial, the jury unanimously certified that they were satisfied that Mr. Kendall acted from the purest motives, and in what he believed to be the strict line of his duty.

Mr. J. C. CLARK called Mr. C. to order.

Mr. COWEN went on, and endeavored to explain the case. It was simply this: Mr. Kendall declined to comply with an award of the Solicitor of the Treasury, under the direction of Congress; and, upon a mandamus from the district court, he did comply with it He understood that Mr. K. acted under the advice of the President and his cabinet.

Mr. J. C. CLARK again called Mr. C. to order, and he took his seat.

Mr. G. DAVIS said that they had passed laws to prohibit extra allowances to guard the public treasury against abuses, and the Executive and the public officers had laughed at them. Here was a similar case. A law had been passed, which it was Mr. Kendall's duty to carry into execution; yet he had set it at defiance, and now came and asked to be relieved from the consequences. Now, he thought that it was a proper subject of inquiry for the Judiciary Committee to consider how far a public officer should act on his own opinions in opposition to a law of Congress; and he hoped the bill would be referred to that committee.

Mr. JOHN C. CLARK stated that there were two propositions before the House: one was to take the bill up and consider it now; and the other was to refer it to the Committee on the Judiciary. He (Mr. C.) was against both of them, and thought that the subject should be considered in Committee of the Whole House. He did not pretend to say whether this was a just claim or not, but it was due to the members of the House that they should have an opportunity to take this report home with them, and consider it, before being compelled to vote on it. He did not admire that sort of railroad legislation, which would take a bill up and pass it on the very day it was introduced; and he thought it would not be slighting the committee who had made a report in this case, to take it up and examine it in Committee of the Whole.

Mr. COWEN said that, being opposed, as he always had been, to the consumption of the time of the House, he would not press his motion, but would acquiesce in the reference to the Committee of the Whole.

The question was then put, and the bill and report were referred to the Committee of the Whole.

Mr. HUBARD, from the Committee of Claims, reported a bill for the relief of George Harrison, paymaster in the Kentucky militia during the last war, which was twice read, and referred to the Committee of the Whole House.

Also, he presented several adverse reports.

EXPLORING EXPEDITION.

Mr. KENNEDY of Maryland asked leave to offer a joint resolution for rewarding the officers who were engaged in the exploring expedition: objected to, and not received.

PORT PENN.

Mr. RODNEY submitted a resolution, (which was agreed to,) directing the Committee of Ways and Means to inquire into the expediency of making a suitable appropriation for the repairs of the public pier near Port Penn, in the Delaware river, together with the lands and tenements thereunto belonging, the jurisdiction thereof having been ceded to the United States by an act of the General Assembly of the State of Delaware, passed January 29, 1791, with the express understanding of the General Government, declared by acts of Congress approved August 7, 1789, and July 22, 1790, to pay all necessary expenses to support the boundaries, and repair the said piers, on condition of such cession being made.

Mr. WM. O. BUTLER, from the Committee on Indian Affairs, made an adverse report on the claim of Caleb Atwater.

POTOMAC BRIDGE.

Mr. UNDERWOOD, from the Committee for the District of Columbia, reported a bill to provide for the completion of the Potomac bridge; which was read twice, and committed.

In connexion with this subject, the committee had directed him to report the following resolution, which was agreed to:

Resolved, That the Secretary of War be directed to communicate to this House a full statement of the manner in which the several sums of money appropriated for the repair of the Potomac bridge have been expended—in which the sums paid for materials, and to whom paid, the sums paid for work and labor, and to whom, and the nature of the work and labor they severally performed, shall be separately stated. And that he also inform this House whether the officers, superintendents, and hands employed upon said bridge, in its repair, have been paid by the day, month, or year, and at what rate; and whether any officer, superintendent, or hand, so employed, has, during his employment, received compensation for any other public service, and how much.

Mr. BAKER, from the Committee on Invalid Pensions, made an adverse report on the case of Thomas W. Drewry.

COMMISSIONER OF PUBLIC BUILDINGS.

Mr. BOWNE, from the Committee on Public Buildings and Grounds—who were instructed, by a resolution of this House of the 30th day of December last, to inquire into the expediency of abolishing the office of Commissioner of Public Buildings in this city, or of reducing his compensation—made a written report, in which the committee set forth the inexpediency of abolishing the office. They, however, thought the salary should be reduced; but they deemed it invidious to reduce the salary of this officer, without embracing in the same bill the salaries of other officers of the Government similarly situated, which, with the same propriety and justice, required reduction.

He was understood to move that the report be printed, (which was agreed to,) and that it be referred to the Select Committee on Retrenchment.

Mr. BOARDMAN said he had a bill on that subject, which he wished to present; and for the introduction of which, as objection was made, he moved a suspension of the rules.

The bill was read, for the information of the House. It was "An act to fix the compensation of the Commissioner of Public Buildings," and proposed to fix the salary at $2,000, instead of $3,000, as heretofore.

Mr. CLIFFORD hoped the bill would be received, and passed.

The House agreed to suspend the rules for its reception; and the bill was read a first and second time.

Mr. FILLMORE said it would be better to put the bill on its third reading.

Mr. CAVE JOHNSON moved its engrossment, with that view.

The yeas and nays were called for.

Mr. BOWNE said the Committee on the Public Buildings, pursuant to the instructions of the House, had given this subject a pretty thorough investigation; and, while they agreed that the salary of the Commissioner should be reduced, the committee were of opinion that it would be invidious to reduce in an isolated case, when the officer was receiving no greater excess of salary than nine-tenths of the officers of the Government. The subject of salaries generally had been referred to a select committee, from whom it was expected that a general bill, reducing all salaries, as far as propriety would admit, would be received; and to that committee they wished this particular case to go, with the report of the committee. But now a minority of the Committee on Public Buildings—nay, a single member of that committee, on his own motion, sought a suspension of the rules for the introduction of a bill in this isolated case, without waiting for the printing of the report just made, and now it was put upon its engrossment, and a disposition was shown to pass it right off. Where was his colleague from New York, [Mr. J. C. CLARK,] who, a few minutes ago, protested against hasty legislation when a bill was before the House, supported by the unanimous vote of the Committee of Claims, for the relief of Amos Kendall?—a bill which the chairman of that committee declared had more merits than any other bill which had been reported to this House. He was silent now; and when a bill relating to the salary of an officer, who was in the situation of nearly all other officers of this Government, was brought in, it was pushed through with hot haste, and was to be passed without any consideration whatever. He (Mr. B.) was not opposed to retrenchment, but in favor of it; but he was opposed to the oppression of an individual when he saw that he was singled out by the malice of one man—he did not mean any one member of this House, or of a committee of this House—but a single man who was out of either, but resident in this city—while others in a similar situation were left untouched.

Mr. HOPKINS said this bill proposed to reduce the salary of the Commissioner of Public Buildings, and they had the statement of the gentleman from New York [Mr. BOWNE] that the committee unanimously favored the reduction; and yet objection to the passage of this bill came from that gentleman alone, after he had presented a report from a committee recommending such reduction—which committee should have reported a bill to carry out their own recommendation. The House, however, had permitted one of its members to report a bill, and he did not deem its passage, under all the circumstances, to be legislating in hot haste. What did the bill propose? To reduce the salary of a subordinate officer of the Government to $2,000—a sum exceeding the salary of many of the Governors of the States of this Union, and of many of the judges of the States, whose station required talents and energies far greater and superior to those required by the duties of the office in question. At this late period of the session, he thought he should best consult the wishes of the House by demanding the previous question. He however withdrew that motion, at the request of

Mr. BOARDMAN, who, in the course of some observations, said it was of some consequence that this salary should be fixed before the general appropriation bill was passed, as thereby provision must be made for its payment.

Mr. WARD, as a member of the Committee on the Public Buildings and Grounds, said they were in favor of a reduction of this salary, but they thought it would be invidious to reduce it alone, especially while the postmaster of the House, whose services were only for three months one year, and about six months the next, was receiving $1,500 per annum; and Wilson, who occupied the place of an officer in the rotundo, received $1,500 for walking about there. It appeared to him that those salaries should be reduced also. Now, what were the duties of the Commissioner of Public Buildings?

The fee-simple of the land on which all the public buildings stand, and of all the reservations and unsold lots in the city of Washington, is in the Commissioner of Public Buildings, as successor of the three first commissioners appointed by General Washington. The original conveyances, and the plats of the divisions of the lands between the proprietors and the commissioners, and all the letters, minute-books, accounts, and papers of every

description in relation to the city, are filed away in the office of the Commissioner. The books of the squares, reservations, &c., with the divisions of the squares into lots, with the number of square feet in each lot, are also kept in this office. These records are the property of the General Government, and have been placed in a fire-proof office, under the charge of an officer appointed by the Government, and responsible to it for the faithful discharge of his duties. His principal duties are as follows:

To report to the House of Representatives, at the commencement of the session, copies of all the contracts for the past year, the names of the applicants for said contracts, and the amount of their respective bids.

To make to Congress, annually, at the commencement of the year, a report of the manner in which all appropriations for the public buildings and grounds have been applied.

To submit all the estimates for public buildings and grounds to the Committee on Public Buildings and Grounds, to be examined and approved by them, before they are reported to the House.

To form all the contracts, and disburse all the moneys for materials furnished, or labor performed.

To have a general superintendence of all persons under him in the employment of the Government, and to pay them monthly the amount of their wages.

To attend at his office to the calls of all persons on matters of business; to make examinations for them; and to furnish reports, papers, and evidence from the records of his office, when called for.

To ascertain the number and value of public lots; to make sales of the same, when necessary; to execute deeds of conveyance to the purchasers; and to account for the proceeds.

To select and value donation lots.

To attend to suits depending between the United States and individuals in relation to the public lots.

To cause regular entries to be made of all the moneys paid away on account of the Government, and to keep each appropriation separate and distinct, and to procure vouchers (at his own risk) that will pass the treasury.

To see that the necessary alterations and repairs are made at the Capitol and the President's House; and that the grounds at each place are kept in proper order.

To take charge of the public reservations and lots belonging to Government; and to protect from injury the buildings, trees, shrubs, enclosures, culverts, pipes, hydrants, cisterns, lamps and bridges; and to prevent the removal of any stone, gravel, sand, or other property of the United States, on any part of the public grounds or lots belonging to the United States, in the city of Washington.

To take an inventory of the plate and furniture at the President's House, when the President's term of service expires.

To take charge of the house and furniture in the absence of the President and his family, and to remove the plate to some place of safety.

To keep in order the iron pipes that conduct the water from Smith's spring, by the Capitol, to the General Post Office, and to the Treasury and State Departments; and from Fountain square to the President's House, and to the War and Navy Departments—a distance of more than three miles. These, with the fire plugs, are frequently out of order, and require much attention.

To take charge of the Potomac bridge; to cause it to be properly lighted; to guard against wanton injuries and obstructions; and to preserve a due police on, or near it, so as to insure the safety of the passengers and of the public property; to appoint three efficient draw-keepers, and to see that they discharge their duties faithfully.

To cause the rules and regulations prescribed by the joint orders of the presiding officers of the two Houses of Congress, for the care, preservation, and orderly keeping and police of the Capitol and its appurtenances, to be enforced by the five watchmen or police officers appointed by him, and who are responsible to him for the faithful discharge of their duties.

To prohibit refreshments to be sold in any part of the building or its appendages, except in such rooms as are appropriated to that purpose by Congress; and that the bills of rates of the restaurateurs (after having been approved by him) be kept pasted up in each room.

To cause the Capitol square and the Pennsylvania avenue to be properly lighted up on dark rainy nights, and when the moon affords no light.

To pay the captain and the auxiliary watch their compensation monthly, and to settle the account at the proper department.

The head of each bureau has under him many experienced and well-informed clerks, who can transact, and have transacted, the business of the office, for weeks at a time, in the absence of the chief, without any public inconvenience. Not so with the Commissioner of Public Buildings. The nature of his duties is such as to require his almost daily attention to, and inspection of, the various subjects committed to his charge.

The Commissioner has disbursed and accounted for more than one million eight hundred thousand dollars within the last six years; and will have heavy disbursements to make every year. More fire-proof buildings are needed, and must be built, to protect from the ravages of the fire the very many valuable papers and documents which are now deposited in unsafe buildings, and in rented houses. As the improvements increase, the duties of the Commissioner are necessarily increased.

Now, while the committee were disposed to have the salary of the Commissioner reduced, they thought, in justice to that officer, who had faithfully discharged his duties, he should not be selected for retrenchment, while others were left untouched. He (Mr. WARD) was in favor of retrenchment; and he hoped and trusted it would go on. He hoped the House would proceed, as he was sure there was a disposition to retrench—to carry it out in the bill making appropriations for the navy, which was partially discussed; and not only in the navy and the army, but in the civil offices likewise; and that the House would not thus invidiously select an officer who had faithfully discharged his duties.

Mr. BRONSON moved to amend the bill, by striking out $2,000, and inserting $1,500; and on this he moved the previous question.

The previous question was seconded, the main question was ordered, and the amendment of the gentleman from Maine [Mr. BRONSON] was agreed to; thereby reducing the salary from $3,000 to $1,500.

Mr. ARNOLD was desirous to amend the bill, by appending thereto his bill to reduce the compensation of members of Congress; but he was informed that such a motion was not in order. The bill was then ordered to be engrossed.

Mr. WISE requested the gentleman from Tennessee [Mr. ARNOLD] to move to recommit the bill, for the purpose of making it embrace all the other reductions which had been proposed—and especially that of the gentleman from Tennessee, to reduce the pay of members of Congress. As he had the floor, he (Mr. W.) would make that motion in the name of the gentleman from Tennessee.

Mr. FILLMORE moved the previous question.

Mr. BOWNE called for the yeas and nays.

Mr. ARNOLD hoped the previous question would not be entertained; as, thereby, his motion would be cut off.

Mr. WISE. Will the previous question cut off my motion to recommit?

The SPEAKER replied in the affirmative.

Mr. WISE. Well, we want the yeas and nays on it.

The yeas and nays were not ordered. The previous question was then seconded—the vote in the affirmative (taken by Messrs. WELLER and LINN) being 110. The noes were not taken.

Mr. McKENNAN then moved that the bill be laid on the table.

This motion was rejected—yeas 31, nays 161, as follows:

YEAS—Messrs. Adams, Barton, Bowne, William O. Butler, John Campbell, Staley N. Clarke, Cross, Cushing, Dawson, Doig, Everett, Gilmer, Granger, Henry, Holmes, Howard, William W. Irwin, Lowell, McKennan, Powell, Alexander H. H. Stuart, Sumter, Taliaferro, Richard W. Thompson, Underwood, Ward, Watterson, Weller, Edward D. White, and Wise—31.

NAYS—Messrs. Allen, Sherlock J. Andrews, Arnold, Atherton, Aycrigg, Babcock, Baker, Barnard, Beeson, Birdseye, Black, Blair, Boardman, Boyd, Brewster, Briggs, Brockway, Bronson, A. V. Brown, M. Brown, C. Brown, Jeremiah Brown, Burke, Burnell, William Butler, Green W. Caldwell, Patrick C. Caldwell, Calhoun, William B. Campbell, Thomas J. Campbell, Caruthers, Cary, Casey, Chapman, Childs, Chittenden, John C. Clark, Clifford, Clinton, Colquitt, James Cooper, Mark A. Cooper, Cowen, Cranston, Crawford, Daniel, Garrett Davis, Richard D. Davis, Dean, Deberry, Doan, Eastman, John Edwards, Egbert, Fessenden, Fillmore, John G. Floyd, Charles A. Floyd, Fornance, A. Lawrence Foster, Thomas F. Foster, Gamble, Gates, Gentry, Gerry, Giddings, William O. Goode, Gordon, Graham, Gwin, Halsted, Hays, Hopkins, Houck, Houston, Hubard, Hudson, Huntington, Charles J. Ingersoll, Joseph R. Ingersoll, Jack, Cave Johnson, Keim, John P. Kennedy, Andrew Kennedy, Lane, Linn, Littlefield, Abraham McClellan, Robert McClellan, McKay, McKeon, Mallory, Alfred Marshall, Samson Mason, Mathiot, Mathews, Mattocks, Maxwell, Maynard, Medill, Meriwether, Mitchell, Moore, Morgan, Morris, Morrow, Newhard, Oliver, Osborne, Owsley, Parmenter, Partridge, Payne, Pearce, Pendleton, Pope, Ramsey, Benjamin Randall, Rayner, Reed, Redding, Rencher, Reynolds, Ridgway, Riggs, Rodney, Rogers, Roosevelt, William Russell, James M. Russell, Saltonstall, Sanford, Saunders, Sewell, Shepperd, Shields, Truman Smith, William Smith, Snyder, Stanly, Steenrod, Stokely, Stratton, John T. Stuart, Summers, Sweney, Jacob Thompson, Tillinghast, Toland, Tomlinson, Triplett, Turney, Warren, Washington, Westbrook, Joseph L. White, Christopher H. Williams, Joseph L. Williams, Winthrop, Wood, Yorke, Augustus Young, and John Young—161.

The main question was ordered to be now put; and the bill passed.

Mr. FILLMORE inquired whether the morning hour had not expired?

The SPEAKER said it had.

Mr. FILLMORE moved that the House resolve itself into a Committee of the Whole on the state of the Union.

Mr. ARNOLD moved that the House go into committee, with a view to take up his retrenchment bill, No. 548—[laughter]—the most important bill now before Congress.

The SPEAKER decided that the motion of the gentleman from New York [Mr. FILLMORE] had precedence.

Mr. M. A. COOPER, by general consent, introduced a bill "amendatory of the act establishing a branch mint at Dahlonega, Georgia, and defining the duties of assayer and coiner." The bill was read twice, and ordered to lie on the Speaker's table for the action of the House.

Mr. ARNOLD rose to a question of order. He wished to know whether he was to understand the Speaker as having decided that his motion to go into Committee of the Whole on a particular bill (No. 548) was out of order?

The SPEAKER said that the motion of the gentleman from New York had precedence. He suggested that the gentleman from Tennessee [Mr. ARNOLD] might attain his object by moving to take up his bill in committee, which a majority would be competent to do.

Mr. ARNOLD said he never could get the floor in committee. The presiding officer always happened to be against him.

Mr. GILMER gave notice that he should take the earliest opportunity, when the House resolved itself into Committee of the Whole, to move to take up the bill reported last session from the Select Committee on the Currency.

The question was then taken on going into committee, and decided in the affirmative—ayes 104, noes not counted. (Mr. ALLEN of Maine took the chair.)

Mr. ARNOLD moved that the committee postpone the further consideration of the navy bill, with a view to take up his bill, (No. 548.)

Tellers were ordered, [Messrs. READ and UNDERWOOD,] and reported ayes 55, noes 79.

So the committee refused to postpone the navy appropriation bill.

NAVAL APPROPRIATIONS.

The committee then resumed the consideration of the bill making appropriations for the support of the navy; the question being on the amendment of Mr. MERIWETHER, reducing the pay of the officers twenty per cent.

Mr. PROFFIT (who was entitled to the floor) not being in the hall,

Mr. CAVE JOHNSON observed that the question before the committee was a very limited one, and should not, he thought, bring on any general debate as to the merits of the navy or its size. It was

simply a question of dollars and cents to the officers, and, as such only, should be considered. When the present Secretary of the Navy came into office, he made a large addition to the officers, much greater than had been made in any preceding administration; and the number, therefore, being so greatly increased, offered another reason why the pay should be cut down. If (said Mr. J) you must have so many officers, you must have them at a lower pay. The chairman of the Naval Committee, [Mr. WISE,] in his remarks on this subject the other day, had made a mistake, which he wished to correct. The gentleman said that there was but little increase of the pay of the officers by the act of 1835; and he went on to say, that, if the amendment prevailed, it would cut them down to less than what they received prior to that act. Now, by the act of 1835, the increase of pay, according to his understanding of it, amounted to but little short of one hundred per cent. The report of the Secretary of the Navy of the 1st March, 1842, showed that, prior to the act of 1835, captains received $100 per month, and eight rations per day; and that would amount to the sum of $1,950, which common captains were entitled to. He was aware that, besides this, they had extra allowances for fuel and quarters, &c.; but he apprehended that these emoluments did not amount to more than five or six hundred dollars per year—making, in all, a pay of $2,500 per year. But, under the act of 1835, the senior captain was entitled to $4,500; captains commanding squadrons to $4,000; and captains on leave, $3,500. Now, this showed for the senior captain a pay of nearly one hundred per cent. over the pay prior to 1835. In addition to this $4,500, he receives one ration per day. The gentleman, in his history of the act of 1835, gave the mode in which an investigation was made by a committee of the House into the pay of the officers, and their expenses of living; and said that the naval officers were admitted to the conference of the committee. Now, he apprehended that if the gentleman would call the officers of the other departments of the Government before a committee, to inquire what pay they should receive, he would find none of them disposed to be very economical. He would observe, however, that, at the time the act of 1835 was passed, the Government had so much money that it did not know what to do with it; and hence the liberal scale by which the pay of the navy was graduated.

Mr. WISE asked if he was to understand the gentleman that the pay of the captains was advanced nearly one hundred per cent. by the act of 1835. The gentleman admitted that they received $2,500 prior to 1835, so that a reduction of twenty per cent. would bring them down to where they were when that act was passed. Mr. W. then referred to the English and French services. The pay of British flag officers, [admirals,] was 12,775 dollars per annum; that of French rear admirals, 42,112 francs, or 8,200 dollars per annum.

Mr. CAVE JOHNSON apprehended that the gentleman would not contend that we ought to give our post captains as much as admirals in the British navy. It was not the question, with us, what the British or French Governments paid their officers; but the question was, what we should give our naval officers, in proportion to the salaries of other officers of the Government, the services rendered by them, and the rate of living in this country.

In 1835, when the act was passed, the price of every article of living was almost double what it now is, and the country had its treasury full to overflowing. Now, the treasury was empty, and the prices of living were very much reduced. When they came to look at the pay of the senior captains, ($4,500,) they would find that there were very few officers of the Government who received such high salaries; and yet there were sixty-eight or sixty-nine of them, when there was no earthly reason why there should be so many.

If the amendment of the gentleman from Georgia prevailed, naval captains would then get $3,600 per annum, and commanders $2,100. Lieutenants now received $1,800 per year—more than a member of Congress; and he would ask if there was anything in the service of these officers that entitled them to greater pay than members of that House? Compare the labors of one with the other, together with the compensation they received, and it would be agreed by all that members of that House would do well to exchange with officers of the navy. He admitted the importance of the navy; yet he could not agree that there was any necessity for increasing the number of officers to the extent that had been done by the present Secretary. He trusted that the next Congress, when they come here, would take up the navy and army both, and bring them down to a size commensurate with the present situation of the country. The expenditures of the Government never could be brought within reasonable limits until both these branches of the public service were greatly reduced.

Mr. FESSENDEN opposed the amendment at considerable length, and objected to the mode in which the reduction was proposed to be made—in an appropriation bill, instead of a special bill for the purpose, after a mature examination of the whole subject by a committee of the House. He was not satisfied with the arguments brought forward by the gentlemen from Georgia and Tennessee, that the expenses of living were so much reduced below what they were in 1835, that the pay of the officers should be reduced accordingly. He had seen no evidence of this, and did not believe that the navy officers were subjected to less expense for living now, than they then were. He did not believe that the reduction of the pay of the navy was the proper way to correct the abuses in it; and he thought that many of these abuses were more to be charged to the administration at the head of the Government than to the navy. It was the restoration of officers to their rank and pay, who had been broken by the proper tribunals, that tended more to destroy the discipline and efficiency of the navy than anything else. He commented on the restoration of Captain Levy, after being court-martialed four times; and of the evil influence which such examples exercised in the navy. He quoted the opinion of a distinguished officer, that Democracy would be subversive of all order on board a man-of-war; and reprobated inflammatory addresses on shore respecting the navy, which were productive of a disorganizing spirit in the service. He then proceeded with some remarks on the subject generally.

Mr. GORDON said it seemed to be conceded on all hands that in the year 1835 the pay of officers in the navy was very much increased; and the chairman of the Committee on Naval Affairs [Mr. WISE] had undertaken to account for that increase on the ground that the pay of the officers before that time was insufficient. Now, his recollection was (though he was not a member of this House at that time, and his information was consequently derived from what was published in the newspapers of the day) that the ground of complaint was not so much that the officers of the navy were under paid, as that they were not so well paid as the officers of the army and the officers employed in other branches of the public service. This general recollection of his was strengthened by a document which he held in his hand. He then quoted from that document (which was contained in Gales and Seaton's Debates) the following statement:

"There are now but four captains of the navy commanding squadrons—called commodores by courtesy—who each receive, while employed as such, $100 per month - - $1,200 00
Sixteen rations per diem, at 25 cents 1,440 00
Allowance for cabin furniture - 300 00

$2,940 00
Major general's pay per year - - 8,807 64

Balance in favor of major general - $5 867 64

Brigadier general's pay and emoluments, including fuel at $150 - - $6,048 32
Captain of the navy, commanding a ship of the line - - - - 2,160 00

Balance in favor of brigadier general - $3,888 32

All the brigadiers in the army receive the pay of major generals; and nearly, if not quite, all the colonels receive brigadier's pay; while the sea pay of a captain in the navy, with all his allowances, is per year $2,160
Shore pay 1,930
Master commandant's sea pay, with extra furniture, is 1,350
Shore pay 1,170
Lieutenant's . . . . 960"

This, then, was the ground, or one of the grounds, of the increase of pay in 1835. The complaint was, that they were not as well paid as the officers of the army; but those gentlemen who advocated that increase of pay, did not inquire whether the officers of the army were, or were not, paid too much. There could be no doubt but that the prosperity of the times, the inflation of the currency, and the high price of every commodity, had an effect, at that time, upon the regulation of the pay of the officers of the navy. But now there was a change in the condition and circumstances of the country; and the property and produce of the country were now extremely low, and the means of living were far cheaper than in the year 1835. The country was returning from an inflated paper to a specie—a real and a constitutional currency. They were coming back to the commercial currency of the world, from one of expanded paper promises; and he saw no good reason why the salaries of the officers, which were fixed in times of inflation, should not change with a change of circumstances.

The chairman of the Committee on Naval Affairs had likewise said that the pay of the officers of the American navy was two-thirds less than the pay of the officers in the British navy; and he went further, and said it was necessary to hold up their pay at the present high rates, that when on foreign stations they might entertain foreign princes. But he (Mr. G.) ventured to assert that the salary of no captain, be it what it might, if he gave entertainment to foreign princes on board his ship, paid for that entertainment. It was somehow made up out of the stores of the ship, or somehow or other—he knew not how it was managed—was paid for by the Government of the country.

Mr. WISE called for proof of that, by the production of a single case. He said he denied that it was so.

Mr. GORDON challenged the gentleman from Virginia to produce proof that the salary of any American officer ever paid for such entertainments to foreign princes.

Mr. WISE said he could inform the gentleman from New York that, by the laws of the United States, a captain could not charge the expenses to this Government of the entertainments which (in the Mediterranean, for instance) a captain must necessarily give to a French or an English admiral who had previously entertained such American officer on board his ship. And there was not a naval officer in our service, who wears two epaulettes, who would not disdain the imputation that they *steal* the means to furnish their hospitality.

Mr. KING made some observations which were not heard at the reporter's desk.

Mr. GORDON said all he intended was to express his deep conviction that these entertainments were not paid for out of the salaries of the officers.

Mr. C. BROWN said it was on record, from the head of one of the bureaus, that officers in the navy had taken the ship-stores. The charge was made that the officers had used the wine shipped for hospital purposes.

Mr. WISE denied that such was the fact. He knew what the charge was, and it was entirely different.

Mr. GORDON continued. Let that be as it might, he had his opinion on the subject, and he ventured to say that the country had its opinion; and gentlemen might make there what statements they pleased. But did the efficiency of our navy depend on the ability to give entertainment to foreign princes? Was the navy organized for that purpose?

The chairman of the Committee on Naval Affairs had said it took twenty years to educate a lieutenant for the navy; that they might build a ship in three months, but that they could not make an officer in less than twenty years. But if it took

so long, he (Mr. G.) was satisfied that they had duller apprehensions than he supposed them to have. He rather should conclude that the statement was an exaggeration, and a far-fetched argument, to sustain the pay of those officers at its present rate.

He knew it might be said—and probably it had been said—that they ought not to draw a comparison between the pay of officers of the navy and the pay of officers of the civil departments of our Government, because the officers of the navy had our fighting to do, and had to encounter the perils of the sea. But they were now about to regulate the pay of those officers in a time of profound peace; they were not now required to encounter the perils of battle—unless, indeed, the taking of Monterey, and the whipping of our seamen, and the exercise of tyranny over the apprentices, were worthy to be so characterized. The gentleman from Maine had alluded to the case of Capt. Levy; and, from that case, he travelled into an argument against the extension of the principles of Democracy to the navy; and thence deduced an argument in favor of high salaries, because high salaries were necessary to sustain that branch of aristocracy.

Mr. FESSENDEN explained.

Mr. GORDON reiterated the language quoted by the gentleman from Maine, from a post-captain—that the principles of Democracy might do very well on land, but they would not answer on board a man-of-war; and coupled this with the earnestness with which the gentleman from Maine contended for high salaries, that that branch of our aristocracy might ape the manners and practices of the officers of the British navy. That perfect equality could be established on board a man-of-war, he did not pretend to assert; but an approach might be made to it, by a regulation of the pay of our officers.

He wished there was more practical talent in the navy, less aristocracy, and less disposition on the part of the officers to lord it over their inferiors. He wished to see more humanity exercised, and more practical knowledge and experience manifested. He solemnly believed that the navy was now on the road to ruin; and what was accomplishing it? He answered, the military vanity of the officers, which, as it were, sublimated their common sense, and put high-flown notions into their heads. Indeed, he almost began to believe that the navy, as at present organized, should be abolished, and a better and more practical organization brought about. He did not like to see so many midshipmen selected from one State; nor did he like to see those who were bred up in commercial circles overlooked, for the purpose of selecting young men of aristocratical pretensions.

[Here a message from the President, by the hands of R. Tyler, esq., announced that he had signed and approved certain bills.]

As he was saying, he had begun to think that it would be better to abolish the navy, and organize it on a more practical basis. He was no enemy to the navy. He was, on the contrary, proud of it as the right arm of our national defence. He was proud of what it had accomplished—of what it *had* done; not of what it was now doing. He could not feel any gratification at what had recently occurred on the Pacific ocean; nor was he proud of what was done in the case of Captain Levy, who was tried by a court-martial, and cashiered, but whose sentence was partly remitted by the President. He was not proud of the fact that many of our ships lay rotting at foreign ports. He wished to see the efficiency of the navy restored; and he thought it could best be done by cutting down the high salaries. The pay of the officers was now so high as to produce a combination of influence, which overpowered the Executive. Crowds of applicants were always ready to go into the service; and the consequence was, that the number of officers was continually increased beyond the wants of the country. There were two classes of men in this country: the first were willing to serve their country for a reasonable compensation, and do their duty, for the honor of the places they might have been called to fill; the other class fought for pay, for plunder and the spoils—ever scrambling for places where the pay was high, and always beleaguering the appointing power.

He would again call the attention of the committee to the case of Captain Levy, who was so unjustly treated for no crime whatever. What was the offence for which a court-martial determined that Captain Levy should be dismissed from the navy? A boy on board his ship disobeyed an order, and mocked his officer. Captain Levy—instead of applying to his bare back the cat-o'-nine-tails until the flesh was cut open, and the blood streamed down—determined to shame the boy, by applying a little tar and a few feathers; thus inflicting a less cruel, but much more effectual punishment. The case was passed over by the late Secretary of the Navy; and not until the present Secretary came into office was the matter dug up, and Captain Levy brought to trial before a court-martial. He was subjected to an immense expense, and sentenced to be dismissed from the service. The President interfered, and commuted the sentence to one year's suspension. All this was because Captain Levy resorted to the less cruel and more humane punishment of tar and feathers, instead of stripping the boy, and lacerating his person in the presence of the whole ship's company! Such was a specimen of the manner in which justice was administered in the navy!

But what was the difference between the pay of officers of the navy now, and that prior to 1835? He averred that, in most cases, the pay had been nearly doubled. In 1835, there were four post-captains commanding squadrons, who received $2,940 each. The same officers now received $4,500 each. So in relation to other salaries, he thought a similar elevation would be found to have taken place. But there was some excuse for the increase of pay at that time. The treasury was full, the national debt paid off, the country flooded with bank paper, everything inflated, money cheap, whilst the necessaries of life sold at a high price. These several circumstances combined, made some excuse for the increase of pay in 1835. The reduction of salaries 20 per cent. would not bring the pay of the navy to where it was before that year. Even if the amendment of the gentleman from Georgia [Mr. MERIWETHER] should succeed, the pay of the officers would remain higher than it was before the year 1835.

Whilst he was in favor of reduction generally, he would remark that there were some whose salaries ought not to be reduced. Did he have it in his power, he would so modify the amendment of the gentleman from Georgia as to make the reduction therein directed apply only to officers receiving more than $1,000 per annum. As the gentleman from Indiana [Mr. PROFFIT] had remarked, there were many officers in the navy who actually received far less compensation than the lacqueys of this Government, and of the House of Representatives. He (Mr. G.) wished to restore equality in the pay of those who were in the naval service. The sailor was not, he thought, so well paid, in proportion, as the officer who commanded him; nor were the petty officers so well remunerated as those of a higher grade. He was in favor of republicanism in our navy, and opposed to the infliction of unnecessary punishment. He wished to see the American navy rendered efficient—not effeminated, by officers brought up in the lap of luxury. He did not desire to see or hear of so many frolics given on board our vessels of war to foreign princes and grandees, where our officers would

"Catch the manners living as they rise,"

and import them into this country. Too many foreign habits had already been imported—too much affectation already introduced into our society from abroad; and none had had a greater agency in this importation of foreign customs than our navy officers. Gentlemen on this floor were continually holding up the navies of England and France as models for our imitation—*yes*, holding up the old monarchies of Europe as fit examples to be followed, in respect to their marine, by a republican Government! There was, he thought, no need of our going to Europe, or anywhere else, to learn experience necessary for the management of our ships. There is talent enough in this country for that; and captains enough in the merchant and whaling service, who, in the emergency of war, would be fully capable to take the command of our national vessels. At present, there was no danger of war. The people of this country had the best guaranty of peace with England. They held a mortgage to secure that object, and, as long as the Canadas remained colonies of Great Britain, England would not dare to bring about hostilities. There was no danger of a hostile controversy in relation to our Northwestern territory. So long as we stood up for our rights, we should be able to maintain them, without any obstacle from the English Government.

He concluded by expressing the hope that the amendment would be so modified as to exempt from reduction the pay for those services which had been rendered by officers since the commencement of the half calendar year, and also that the salaries of officers under $1,000 would not be reduced. But, even if these modifications could not be made, he should vote for the amendment.

Mr. TILLINGHAST opposed the amendment. He was at a loss to know whether it proposed a deduction from the pay of officers, or an income tax upon their salaries. He contended that it would be manifestly unjust to make such a horizontal reduction. This horizontal reduction would, it was true, take from the superfluities of one class, but it also took from the necessities of another. A commodore with $4,500 might afford to lose 20 per cent of his pay; but how hard would it go with the midshipman serving on shore to lose $60 out of $300? He argued that though the salary of the commodore might seem high, the highest qualifications and the longest service were required in order to obtain that post. Even the cashier of a respectable bank, serving on land, and with none of the delicate and responsible duties of the commodore at sea, with no lives to preserve, received $5,000. Why, then, should objection be made to the salary of $4,500 for a commodore? Mr. T. then went into a comparison of the pay and emoluments received by the officers of the navy prior to the act of 1835, with what they now receive, in order to show that the increase was not so great as the gentleman from Tennessee contended.

Mr. COOPER of Georgia, after a few preliminary observations, said that he would have preferred taking up the exchequer bill called for by the gentleman from Virginia, [Mr. WISE,] before acting on this, in order to see what the House was disposed to do towards providing the means of carrying on the Government. Not that he would have voted for that bill; but he wished a discussion to arise, which would bring clearly before the House the present condition and prospects of the country, before settling the rate of expenditure for an important and costly branch of the public service. No man who loved his country, and who looked beyond the present moment—whether he belonged to the party of the Administration, or to that party which expected to have the management of public affairs—but must feel that the Government is weighed down by increasing debt and embarrassment, and that a heavy responsibility rests on those who have to carry it on. What was the present condition of public affairs? Why, one party was proposing the use of the Government's credit in the form of paper money, alleging—and alleging truly—that the Government could not be carried on with its present means; that its resources were inadequate; and, with the present means of collecting revenue, no prospect of a change for the better. It would be found that they were, in short, driven to one or the other of three alternatives: to abolish the army and navy, and thus reduce the public expenditures; resort to direct taxes; or use the credit of the Government.

He would now ask of the Democracy if they were prepared, when they came into power, to maintain this Government in its present splendid and extravagant scale? Were they prepared to maintain the navy as it was, and, as the gentleman from Rhode Island said, to increase it? Were they prepared to maintain the army and the civil list on the present scale? If they were, he would tell them that this Government could not stand, unless they resorted to direct taxation, or to the use of its credit by the

issue of paper money. The alternative must be taxation in some form, reduction, or the use of credit. The imposts were not, and would not be, sufficient to carry on the Government on its present magnificent scale. Taxation upon tea and coffee would not do. How, then, was revenue to be raised? There was an average balance against the treasury every year of seven millions; and in five years the debt would be forty millions. What next? Why, if the gentleman from Maryland [Mr. WILLIAM COST JOHNSON] adhered to his project of issuing two hundred millions of Government scrip, the Democrats would be forced into the support of it, unless they reduced their expenditures. Some gentlemen seemed to suppose that the Government could not be carried on unless on a magnificent scale; that they must keep pace with Great Britain in her naval establishment, and be ready to fire with her gun for gun. In addition to that, they were for keeping up their expenditures for internal improvements, for clearing out the Mississippi and Ohio, removing snags and sawyers, &c.; in effect, carrying on a splendid and magnificent Government with splendid salaries. But gentlemen should reflect that all these things could not be done without money; and the question was, where was the money to come from? Mr. C. adverted to the condition of the country at the close of the last war with Great Britain, and reminded them of the arguments used for the establishment of a United States Bank, by which many Democrats were brought into the support of that measure. Were not gentlemen preparing the foundation for the same arguments, and lending themselves to the establishment of a similar institution, by persisting in keeping up the Government on its present magnificent scale? Now, if he were to say that he was for abolishing the army and the navy, as the only means of maintaining the republic, he would be called a radical; yet it was his firm belief that both could be very well dispensed with, or reduced to a very small scale. We needed very few ships, and very few soldiers; and an expense of twelve, fourteen, or, at most, fifteen millions of dollars, was amply sufficient to carry on the Government.

Mr. C., after commenting on the many items of extravagant expenditure which were in favor in the House, lamented that there were Democrats enough on the floor to join with the Whigs to-morrow in voting for clearing out the Mississippi, or Ashtabula, or some other creek, and constructing harbors, &c. If this course of extravagance should be persisted in, gentlemen would be driven to the adoption of the exchequer, or some kindred scheme. For his part, he would say that he never would give up the position that this Government had not the power to use anything as money but gold and silver.

Mr. ARNOLD was glad that the gentleman from Georgia [Mr. M. A. COOPER] had given in his adhesion to him, (Mr. ARNOLD,) and that he would vote for bill No. 548. He was not only willing to cut down midshipmen of the navy, and the pay of this House—

Mr. COOPER interposed to say that he had suggested no plan for cutting down salaries, but he said he would abolish offices. He would abolish the army and the navy.

Mr. ARNOLD. The gentleman, then, was for abolishing the army and the navy, before he would allow $2 to be taken from his own daily pay. That was a specimen of retrenching Democracy. If, however, they abolished the army and the navy, the people would abolish that House. Let them then abolish that House, and abolish the Government; and, as a gentleman near him remarked, let every man be his own Government. The gentleman from Georgia was for liberal pay, and no tax. [Laughter.]

He then went on to notice his own exertions to procure a retrenchment in their expenditures; and he confessed that the Whig party had failed him most grievously, and he feared they would continue to disappoint him most grievously. A gentleman near him observed that the Democrats would stick by him, and he hoped they would. A good many Democrats, he would do them the justice to say, had stood by him, and he hoped they would continue to do so; for retrenchment was essentially necessary. What was the state of the treasury, and what was the condition of the revenues? He was told the revenue would not reach $12,000,000. The highest anticipation was but $15,000,000, whilst the disbursements would be at least double that amount, unless they entered at once on this retrenchment. Such was the prospect before them; and yet gentlemen were picking up a solitary case, and cutting down the salary of a single officer (the Commissioner of Public Buildings) one half. This was done, too, by gentlemen who would not consent to put their hands into their own pockets, and take from their salaries even one-fourth; but they took one-half from one single officer, with swelling acclamation. Such a proceeding was disgraceful to that House. He had had a bill in that House, and he had been imploring them to act upon it since an early day of the last session—a bill which would save to this nation something like $4,000,000; but that bill they would not touch. Why? Because it reached themselves. Did they think the country would give them credit for isolated, pitiful retrenchment; while they not only refused to act upon the bill which came home to themselves, but cast reproach on, and attempted to disgrace, every man who sought to cut down the expenses of this House? No; the country would look upon and treat them with scorn and contempt.

After continuing for some time his strictures on the House and on individual members, who advocated all reforms but such as affected themselves, he went on to say that if their pay was not too much now, eight years ago it was too little. And if it was not too much, the pay of other officers of the Government was not too much. In reply to a remark from Mr. M. A. COOPER, he said $3 a day would be a good price for many members on that floor. He then gave notice that to-morrow morning he should contend with the chairman of the Committee of Ways and Means, who invariably got the floor; and if he got it, he hoped the friends of retrenchment would be there, and give him the yeas and nays, and not fritter away their energies on little isolated cases. The House owed it to themselves not to skulk the question; but if they were against his bill, let them vote it down; and if for it, pass it, and let their constituents have the benefit of it. He found that in the country, (as he had been informed by gentlemen who had learned the fact during their visit to their constituents since the last session,) men, women, and children were for "Arnold's bill 548," [laughter;] and this House must either take it, or lose favor with the people.

Mr. HOLMES next obtained the floor; but gave way to

Mr. STEENROD, who moved that the committee rise.

The motion was agreed to; and the committee rose and reported progress.

Mr. FILLMORE reminded the Speaker that there were several executive communications on the table, which he hoped would be presented and disposed of.

The SPEAKER, accordingly, presented a communication from the Treasury Department, in answer to a resolution of the House, (which was adopted on the motion of Mr. MCCLELLAN of New York,) calling for a return of certain fees of district attorneys, marshals, &c. It was referred to the Committee on the Expenditures of the Treasury Department, and ordered to be printed.

He also presented a communication from the Navy Department, accompanied by 275 copies of the Navy Register.

JESSE HOYT.

The SPEAKER stated that he had received a memorial from Jesse Hoyt, late collector of the port of New York, (understood to be a reply to the report of the accounting officer of the Treasury, charging him with being a defaulter,) which he begged leave to lay before the House.

Mr. ROBERT MCCLELLAN called for the reading of the memorial.

The SPEAKER observed that it was very long.

Mr. FILLMORE said, that if the reading was called for, he must object to the reception of the memorial.

Mr. MCKEON moved that the memorial be printed.

Mr. R. MCCLELLAN claimed the right to hear the memorial read, before the motion to print was put to the House.

Mr. FILLMORE renewed his objection to the reception, and the memorial was not received.

Mr. W. W. IRWIN, in accordance with notice previously given, introduced a bill to amend the act making appropriations for the construction of marine hospitals on the Western waters: read twice, and referred to the Committee on Commerce.

Mr. UNDERWOOD gave notice of his intention to call up, at the earliest day, the bill in relation to steamboat navigation on the Western waters. He urged the necessity of action on the subject, and stated that prosecutions had been commenced against the owners of eighty-two steamboats, for damages received.

Mr. MALLORY wished to offer a resolution calling for information from the Navy Department; but objection was made, and it was not received.

On motion of Mr. WELLER,

The House adjourned.

IN SENATE.

TUESDAY, February 7, 1843.

The PRESIDENT *pro tem.* laid before the Senate a communication from the War Department, transmitting, in compliance with the act of March, 1803, abstracts of the returns of the militia of the several States and Territories, with their arms and accoutrements: ordered to lie on the table, and be printed.

Also, laid before the Senate a communication from the Navy Department, transmitting seventy-five copies of the printed Navy Register.

Also, laid before the Senate a communication from the Navy Department, transmitting a letter of the Second Comptroller, covering a statement of the appropriations for the naval service of 1842; which, on motion by Mr. EVANS, was laid on the table, and ordered to be printed.

Mr. TALLMADGE presented memorials from Hamburg and Wales, in Erie county, and one from Franklinville, in Cattaraugus county, N. Y., urging upon Congress the adoption of the plan for a board of exchequer recommended by the Executive: ordered to lie on the table.

Mr. WOODBRIDGE presented a memorial from 210 citizens of Michigan, praying for an appropriation to complete the works begun in the harbor of St. Joseph;

Also, presented a communication from an intelligent citizen of Buffalo, showing the defective state of the harbors on the lakes, and the annual loss of life, vessels, and other property, in consequence; which were referred to the Committee on Commerce, and the latter to be printed.

Mr. SIMMONS, from the Committee on Printing, to which was referred the proposition to print the annual report of the Commissioner of Patents, reported in favor of printing so much as related to the subject of agriculture, and contained agricultural information.

The question was put on the report of the committee, and concurred in.

Mr. KERR moved to print, for the use of the Senate, 1,000 copies in addition to the quantity ordered, of that part of the report of the Commissioner designated to be printed by the Committee on Printing.

Mr. STURGEON made an inquiry as to whether it was not usual to print some copies of the report for the use of the department from which it emanated.

Mr. KERR said that heretofore it had been usual to print 3,000 copies extra, for the use of the Senate; but this year, after consultation upon the subject, and with a view to avoid any objection to the printing on the ground of expense, he thought it advisable to reduce the number proposed to be printed to 1,000 copies. He remarked that the document was one of great importance, especially to the agricultural portions of the country.

Mr. SIMMONS remarked that the report was a voluminous one, and suggested whether 500 copies would not suffice. Although the information it contained was valuable, he thought that number was sufficient, especially as the newspapers would, in all probability, republish extracts from it of the most valuable portions of the information.

Mr. KERR said that he had consulted with one or two persons in relation to the proper number to have printed. He was of the opinion, himself, that 500 copies were too small a number to be printed of such a document so interesting to the agricultural community. It was seldom, indeed, that they ordered anything of interest to that class, and coming home to their breasts, to be printed. It was not a very voluminous document, and the expense for printing would therefore be small.

Mr. SIMMONS said he merely threw out the suggestion. He did not make a motion to print the smaller number.

Mr. CALHOUN was understood to say that he had heretofore raised his voice against this invention of the Commissioner. It must have occurred to Senators that this officer had regularly taken in charge the agricultural interests of the country, until the department under his control, totally disconnected with that subject, had almost become a home department. If this practice was permitted, by giving sanction to it there, evils (which they did not then see) would soon grow out of it. There was no authority that this officer had, beyond his duties as Commissioner of the Patent Office; yet they saw that, from year to year, he had assumed the charge of superintending the subject of agriculture. If it was not arrested, it would lead to disastrous consequences, which would open their eyes. Although he approved of the objects as much as any man—of disseminating agricultural information, and of doing everything that could be done properly to preserve that interest, he would rather be deprived of a large portion of his income from his agricultural pursuits, than to see this Government becoming the peculiar patron of agriculture, or any other interest.

The question was then taken on the motion to print, and decided in the affirmative.

Mr. STURGEON presented a memorial from Wm. B. Maury, and others, of Pittsburg, Penn., in favor of the adoption of the plan for a board of exchequer; which was laid on the table.

The PRESIDENT *pro tem.* laid before the Senate the laws of the Territory of Florida; which were referred to the Judiciary Committee.

Mr. MERRICK, from the Committee on the Post Office and Post Roads, reported back to the Senate, without amendment, House bill entitled "An act to authorize the chief clerk in the office of Secretary of State to frank public and official documents sent from that office."

On motion by Mr. M., the above bill was taken up as in committee of the whole; and, being explained by him, and there being no preposition to amend it, it was reported to the Senate, read the third time, and passed.

Mr. MERRICK, from the Committee on the Post Office and Post Roads, reported back, without amendment, the House bill for the relief of S. and M. Riche.

Mr. WALKER, from the Committee on Public Lands, reported back, without amendment, the bill to protect the titles to land south of the Arkansas river, held under the New Madrid location, and the pre-emption act of 1814.

Mr. W. remarked that this bill, by some accident, was mislaid in the hands of the committee. It was supposed to have been reported long since. It was the same bill which passed the Senate at the last session; and the committee had reported it back without any alteration whatever. He hoped it would be taken up and considered at once.

Mr. SEVIER also expressed a wish that the bill would be then disposed of; it had passed the Senate two or three times before; but was not finally acted upon.

The bill was then taken up as in committee of the whole, and considered; and there being no motion to amend, it was reported to the Senate, and, being engrossed according to order, was read the third time and passed.

Mr. WALKER reported back from the Committee on Public Lands, without amendment, the bill to confirm the survey and location of claims for land in the State of Mississippi, east of Pearl river, and south of the 31st degree of north latitude.

Mr. GRAHAM, from the Committee on Claims, made a report (which was ordered to be printed) adverse to the passage of the bill from the House for the relief of D. and J. Wilkinson.

Mr. BAGBY, on leave, introduced a bill for the relief of Charles E. Sherman; which was read twice, and referred to the Committee on Naval Affairs.

Mr. McDUFFIE submitted the following resolutions; which lie on the table one day, under the rule, viz:

Resolved, That it is the solemn and urgent duty of the present Congress to adopt, without delay, efficient measures to revive the crippled and decaying commerce, replenish the impoverished exchequer, and arrest the alarming accumulation of the public debt of the United States.

Resolved, That a modification of the existing tariff on foreign imports, such as will render it strictly and in good faith a mere revenue measure, is indispensable to the accomplishment of those objects; and that the recent measures of the British Parliament, partially adopting the principles of free trade, the public indications of a disposition on the part of the present ministry to extend those principles still further, and the probability of the speedy organization of an extensive system of smuggling on the long line of our frontier, furnish pressing motives to Congress for acting on the subject during its present session.

Resolved, That a rigid system of retrenchment, economy, and accountability, such as will bring the annual expenditures within the annual income of the Government, is not less indispensable; and that, while this is rendered necessary by the deplorable state of the public finances, it is rendered just, and not injurious to the public service, by the great reduction of the currency, and consequent appreciation of the value of money.

The resolution submitted by Mr. BENTON on Monday last, calling upon the President for copies of any remonstrance, or protest, addressed by General Cass, as minister, to the French Government, against the ratification by France of the quintuple treaty, &c., came up in order; but was, on the suggestion of Mr. ARCHER, chairman of the Committee on Foreign Relations, passed by informally until to-morrow, to afford further opportunity for its examination.

The engrossed bill entitled "An act for repairing and repaving a portion of Pennsylvania avenue," was read the third time, and passed.

Mr. SMITH of Indiana, from the Committee on the Public Lands, to which had been referred House bill for the relief of Thomas H. Brown, reported the same back, without amendment, and with a recommendation that it be indefinitely postponed.

Senate bill entitled "An act for the relief of Wm. Du Buys, postmaster at New Orleans," which had been returned from the House of Representatives with an amendment, was taken up for consideration, and, on motion by Mr. MERRICK, referred to the Committee on the Post Office and Post Roads.

Mr. WALKER, on leave, introduced a bill for the preservation of the collection of the natural curiosities furnished by the exploring squadron, and from other sources; which was read twice, and, with documents from the National Institution, was referred to the Committee on the Library.

On motions by Messrs. DAYTON and HUNTINGTON, the previous orders of the day were postponed, and the following bills were taken up as in committee of the whole, considered, and, there being no motion to amend them, were reported to the Senate, and finally passed, viz:

The bill to alter the place of holding the district court of the United States for the district of New Jersey, by fixing it at Trenton for the future; and

The bill for altering the time of holding the circuit court of the United States for the district of Connecticut.

Mr. ARCHER presented a petition from George Mayo, for certain compensation; which was referred to the Committee on Claims.

THE OREGON TERRITORY.

The Senate proceeded to consider the motion submitted by Mr. ARCHER, on yesterday, to reconsider the vote by which the bill for the occupation and settlement of the Oregon was passed.

Mr. LINN demanded the yeas and nays on that motion; which were ordered: and, the question being put, the Senate refused to reconsider, by—yeas 24, nays 24, as follows:

YEAS—Messrs. Archer, Barrow, Bates, Bayard, Berrien, Calhoun, Choate, Conrad, Crafts, Crittenden, Dayton, Evans, Graham, Huntington, Kerr, McDuffie, Mangum, Miller, Porter, Rives, Simmons, Sprague, Tallmadge, and Woodbridge—24.

NAYS—Messrs. Allen, Bagby, Benton, Buchanan, Clayton, Fulton, Henderson, King, Linn, McRoberts, Merrick, Morehead, Phelps, Sevier, Smith of Connecticut, Smith of Indiana, Sturgeon, Tappan, Walker, Wilcox, Williams, Woodbury, Wright, and Young—24.

PRIVATE EXPRESSES.

The unfinished debate was then resumed from yesterday, on the bill to prevent the employment of private expresses upon mail routes, and for the prevention of frauds upon the revenues of the Post Office Department; the question pending being the amendment proposed by Mr. PORTER, to strike out of the second and fifth sections the words "or other mailable matter whatever;" the effect of which proposition would be, if adopted, to permit all matter, except letters, to be conveyed by private expresses.

Mr. PORTER, after a few explanatory remarks, withdrew his amendment.

Mr. MERRICK was very glad the Senator had consented to withdraw his amendment. He went into a lengthened explanation of the reasons for using the terms "mailable matter," and "matter transferable by mail." They had a definite meaning in post office parlance, and no other words could be invented more concise and specific for the purpose for which they were used. They might not convey the same meaning with equal precision to Senators and the public at large; and to guard against misconception, he had prepared an additional proviso to the bill, declaratory of the objects included within the terms.

Mr. PORTER next moved an amendment, to strike out expressions in the provision which he considered superfluous and capable of being interpreted to mean anything and everything—he meant the words "written or printed matter."

Mr. MERRICK said this brought up the whole question, whether private expresses were to be put down or not. If they were allowed to carry "written and printed matter," they would be kept up, and would soon become more formidable than ever. They could not be put down, unless they were prohibited from these sources of profit—properly mailable matter.

Mr. HUNTINGTON was very sorry the Senator from Michigan had withdrawn his former amendment. He argued at considerable length its propriety, and begged the Senator would accept an addition to his present amendment, so as to include newspapers. He was averse to all taxes and restraints on the diffusion of knowledge and information to the people.

Mr. MERRICK assured the Senator that it was for that very reason newspapers should be sent by post. As long as the department had to be at the expense of sending newspapers into every ramification of the Union, no matter at what cost, it ought to be insured the advantages of the profitable routes, as well as compelled to be at all the expense of the unprofitable routes.

Mr. PORTER accepted the amendment, and included "newspapers" in his proposition to strike out.

Mr. CONRAD called for a division of the question.

Mr. HUNTINGTON called the attention of the Senate to a suggestion just made to him—that the prohibitions of this bill would reach to the post-riders commonly engaged in different parts of New England, and perhaps other parts of the Union, for supplying persons in the country with newspapers and other matters from towns and cities, too inconvenient or expensive to be sent for specially. Orders were given to these post-riders to bring from cities or towns, which they visited in their rounds, such newspapers and matters as it was convenient for them to bring.

Mr. MERRICK said it certainly would include all such cases; and if it did not, the whole object of the bill would be defeated.

Mr. WOODBURY did not see why any person

should be compelled to send newspapers by the mail. It would do very well for those who preferred sending them in that way; but the compulsion would operate injuriously. As to the compulsion to send money by mail, he pointed out how injuriously that would operate in New England, where the transfer of bank notes for redemption from one bank to another was of daily occurrence, and to enormous amounts. The manner of sending money from one place to another ought to be left to the option of the owners, and free from any restraints.

Mr. MERRICK thought, as long as money was inclosed in letters, it would be impossible to restrain the latter from being sent by private expresses, if money was to be specially exempted. It was a matter, however, in the hands of the Senate; and if any Senator chose to propose an amendment to exempt money, he might do so. He could not, however, give it his sanction.

A division of the question having been called for, the first vote was taken on the proposition to strike out "newspapers;" on which the yeas and nays were called for, and ordered. It was decided in the negative—yeas 11, nays 27, as follows:

YEAS—Messrs. Bates, Crafts, Huntington, Phelps, Porter, Smith of Connecticut, Smith of Indiana, Tallmadge, Wilcox, Woodbridge, and Woodbury—11.

NAYS—Messrs. Allen, Bagby, Barrow, Bayard, Benton, Calhoun, Clayton, Conrad, Dayton, Fulton, Graham, Henderson, Kerr, King, Linn, McDuffie, McRoberts, Mangum, Merrick, Miller, Morehead, Sevier, Sturgeon, Tappan, Walker, Wright, and Young—27.

The next question was on striking out the words "all written and printed matter." This also was decided in the negative—yeas 13, nays 24, as follows:

YEAS—Messrs. Bates, Dayton, Evans, Graham, Huntington, Morehead, Phelps, Porter, Smith of Connecticut, Smith of Indiana, Wilcox, Woodbridge, and Woodbury—13.

NAYS—Messrs. Allen, Bagby, Barrow, Bayard, Benton, Buchanan, Calhoun, Clayton, Crafts, Fulton, Henderson, Kerr, King, Linn, McDuffie, McRoberts, Mangum, Merrick, Sevier, Sturgeon, Tappan, Walker, Wright, and Young—24.

Mr. MERRICK moved a verbal amendment to strike out the word "edition;" which was agreed to.

Mr. WOODBURY then moved to exempt "money and bank notes in packages or bundles."

Mr. DAYTON suggested the propriety of including promissory notes and evidences of debt.

Mr. WOODBURY's amendment was adopted.

Mr. WOODBRIDGE again called the attention of the Senate to the provisions of the bill bearing on owners of railroads, steamboats, or other conveyances; and moved an amendment, exempting from the penalties individual owners or corporations.

Mr. MERRICK opposed the amendment.

Mr. CONRAD thought it was not important, as the object was to prevent penalties being levied on sovereign States owning railroads. The General Government could not sue out a penalty against a sovereign State; therefore, there was no danger, from the provision in the bill, that anything of the kind would ever occur.

Mr. MERRICK said the drawers and employees only, in such cases, would be sued.

Mr. McROBERTS spoke in favor of the bill, and pointed out great losses sustained by the department from the competition of private expresses.

Mr. WOODBRIDGE remonstrated against the injustice of making a State subject to penalties on account of improper persons travelling on their property. A State could not exercise the same vigilance as individuals to prevent infractions of the law.

The amendment was rejected without a count.

The bill was reported back to the Senate, and the amendments made in committee of the whole were adopted.

The bill was then ordered to be engrossed and read a third time.

House bill entitled "An act for the relief of the representatives of Alexander Macomb, Robert Jennings, and the heirs and legal representatives of James Roddy, deceased, sureties of Samuel Champlin, late a paymaster in the army of the United States," was taken up as in committee of the whole, considered, reported to the Senate, and ordered to be read a third time.

The bill from the House entitled "An act for the relief of Dexter Hungerford, of Watertown, Jefferson county, New York," was taken up as in committee of the whole, on an adverse report of the Committee on Claims.

Mr. GRAHAM moved that the bill be indefinitely postponed; but,

On the motion of Mr. TALLMADGE, the bill was laid on the table for the present.

On motion by Mr. PHELPS,

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 8, 1843.

The journal of yesterday being read,

Mr. GILMER rose to a correction of the journal. It was stated there that a bill had been referred to the Select Committee on Retrenchment, of which he (Mr. G.) was chairman. Now, he wished to say that no such committee now existed. The Retrenchment Committee, of which he was the chairman, closed its labors and expired with the last session of Congress. The journal was corrected accordingly.

Mr. HUNT wished to know whether the journal was correct in saying that the bill for the relief of Amos Kendall was referred to the Committee of the Whole on the state of the Union. He supposed it had been referred to the Committee of the Whole House.

The SPEAKER said the bill was referred to the Committee of the Whole on the state of the Union.

Mr. LOWELL presented the petition of Wm. Billings and 132 other citizens of the district of Passamaquoddy, Maine, praying Congress to provide by law that all vessels taking fish and oil from that district shall clear the same from the custom-house; and that the shippers shall furnish to the collector certificates from American fishermen of all American caught and cured fish and American oil; and that the shipper or owner of British fish and oil shall furnish a certificate that the same have been lawfully imported.

Mr. HOUSTON presented the petition of Wm. Shoaler and Zebulon Parr, of Lauderdale county, Alabama, praying Congress to pass a law donating to them certain sections of land therein described, for the purposes and upon the conditions therein specified.

Mr. GORDON presented a memorial from 162 legal voters of the county of Delaware, New York, asking for the passage of a law reducing the pay of members of Congress.

Mr. ARNOLD rose and inquired if it would be in order to move to go into committee.

The SPEAKER said it would.

Mr. ARNOLD said he would then move that the House resolve itself into a Committee of the Whole on the state of the Union, with a view to take up his bill, No. 548. [Laughter.]

Mr. FILLMORE asked the gentleman to withdraw his motion for a moment; to which request Mr. ARNOLD acceded.

TERMINATION OF THE DEBATE ON THE NAVY BILL.

Mr. FILLMORE said he had been requested by many members to move a resolution fixing a period for the termination of the debate on the navy appropriation bill, now in Committee of the Whole. He therefore moved that all debate shall cease on to-morrow, at 2 o'clock, and the committee shall then proceed to vote upon all amendments pending, or that may be offered. He moved the previous question on the motion.

Mr. CAVE JOHNSON opposed the motion, and expressed the hope that the committee would not be deprived of an opportunity to debate the bill as it should be. He would also remark, that the chairman [Mr. FILLMORE] might have introduced the bill much earlier in the session than he did, and thereby have prevented the necessity for such hasty action.

The previous question was sustained, and the main question ordered to be put.

Mr. CAVE JOHNSON moved to lay the subject on the table, and asked for the yeas and nays on the motion.

They were taken, and resulted—yeas 68, nays 96, as follows:

YEAS—Messrs. Adams, Arrington, Atherton, Besson, Boyd Brewster, Aaron V. Brown, Milton Brown, Charles Brown Burke, Green W. Caldwell, Patrick C. Caldwell, Cary, Clifford Clinton, Richard D. Davis, Dawson, Dean, Eastman, Egbert, John G. Floyd, Charles A. Floyd, Fornance, A. Lawrence Foster, William O. Goode, Gordon, Gwin, Harris, Hays, Holmes, Hopkins, Houck, Houston, Hunter, Charles J. Ingersoll, Jack, Cave Johnson, Keim, Andrew Kennedy, King, Littlefield, Robert McClellan, McKay, McKeon, Alfred Marshall, John Thomson Mason, Medill, Meriwether, Newhard, Partridge, Payne, Pickens, Rayner, Reding, Reynolds, Rigga, Saunders, Shields, William Smith, Snyder, Steenrod, Sweney, Jacob Thompson, Turney, Watterson, Weller, Westbrook, and Wood—68.

NAYS—Messrs. Allen, Landaff W. Andrews, Sherlock J. Andrews, Arnold, Babcock, Baker, Barnard, Barton, Birdseye, Blair, Boardman, Bowne, Briggs, Brockway, Bronson, Jeremiah Brown, William Butler, Thomas J. Campbell, Caruthers, Casey, Chittenden, John C. Clark, James Cooper, Cowen, Cranston, Crawford, Cushing, Garrett Davis, Deberry, Doan, John Edwards, John C. Edwards, Everett, Fessenden, Fillmore, Gamble, Gates, Gerry, Giddings, Gilmer, Graham, Granger, Halsted, Henry, Howard, Hunt, Joseph R. Ingersoll, Isaac D. Jones, John P. Kennedy, Lane, Linn, McKennan, Mathiot, Mattocks, Maxwell, Maynard, Mitchell, Moore, Morgan, Morris, Osborne, Owsley, Pearce, Pendleton, Powell, Ramsey, Benjamin Randall, Ridgway, William Russell, James M. Russell, Saltonstall, Sanford, Shepperd, Slade, Truman Smith, Stanly, Stokely, Stratton, Alexander H. H. Stuart, John T. Stuart, Summers, Taliaferro, John B. Thompson, Richard W. Thompson, Tillinghast, Toland, Tomlinson, Triplett, Trotti, Trumbull, Underwood, Thomas W. Williams, Christopher H. Williams, Joseph L. Williams, Wise, and Yorke—96.

So the resolution was not laid on the table.

The question recurring on the adoption of the resolution, it was carried without a division.

Mr. ARNOLD moved that the bill introduced by him (No. 548) to reduce the pay and mileage of members of Congress, and the salaries of the officers of the Government, be made the special order of the day for Tuesday next.

Mr. SMITH of Virginia inquired when the bill to remit the fine of General Jackson was likely to come up.

The SPEAKER said that it was in order every morning after the reception of resolutions. The question was now on the motion of the gentleman from Tennessee, [Mr. ARNOLD,] which would require a vote of two thirds.

Mr. ARNOLD called for the yeas and nays, which were ordered; and, on taking the question, resulted in—yeas 131, nays 53, as follows:

YEAS—Messrs. Adams, Allen, S. J. Andrews, Arnold, Arrington, Atherton, Baker, Besson, Blair, Boardman, Bowne, Boyd, Brewster, Briggs, Brockway, Bronson, Aaron V. Brown, Milton Brown, Charles Brown, Jeremiah Brown, Burke, William Butler, William O. Butler, Green W. Caldwell, Thomas J. Campbell, Caruthers, Cary, Casey, Chapman, Chittenden, John C. Clark, Clifford, James Cooper, Cowen, Daniel, Garrett Davis, R. D. Davis, Dean, Deberry, Doan, Doig, Eastman, John C. Edwards, Egbert, Fornance, A. Lawrence Foster, Gamble, Gates, Gentry, Gerry, Giddings, Gilmer, Gordon, Graham, Granger, Gwin, Halsted, Harris, Hays, Henry, Houck, Houston, Charles J. Ingersoll, Joseph R. Ingersoll, James Irvin, Jack, Cave Johnson, John W. Jones, Keim, John P. Kennedy, Andrew Kennedy, King, Linn, Lowell, McKay, Alfred Marshall, Mathiot, Mattocks, Maynard, Medill, Meriwether, Mitchell, Moore, Morgan, Morris, Morrow, Newhard, Osborne, Owsley, Parmenter, Partridge, Pendleton, Pope, Powell, Ramsey, Benjamin Randall, Reding, Reynolds, Ridgway, Rogers, Roosevelt, William Russell, James M. Russell, Saltonstall, Saunders, Sewell, Shepperd, Shields, Slade, Truman Smith, Snyder, Stanly, Steenrod, Stokely, Stratton, John T. Stuart, Jacob Thompson, Tomlinson, Trotti, Trumbull, Underwood, Weller, Westbrook, Thomas W. Williams, Christopher H. Williams, Joseph L. Williams, Wise, Augustus Young, and John Young—131.

NAYS—Messrs. L. W. Andrews, Aycrigg, Babcock, Barnard, Barton, Birdseye, Patrick C. Caldwell, Clinton, Cranston, Cushing, Dawson, John Edwards, Everett, Ferris, Fessenden, John G. Floyd, Charles A. Floyd, William O. Goode, Holmes, Howard, Hudson, Hunter, Hunt, Isaac D. Jones, Lane, Littlefield, Robert McClellan, McKennan, McKeon, John Thomson Mason, Maxwell, Payne, Pearce, Pickens, Rigga, Sanford, William Smith, Alexander H. H. Stuart, Summers, Sumter, Sweney, Taliaferro, John B. Thompson, Richard W. Thompson, Tillinghast, Turney, Ward, Washington, Edward D. White, Joseph L. White, Winthrop, Wood, and Yorke—53.

So Mr. ARNOLD's motion was carried.

Mr. KENNEDY of Maryland asked leave to offer the joint resolution, offered by him yesterday, for rewarding the officers engaged in the exploring expedition; and, the resolution having been read for information,

Mr. CAVE JOHNSON objected to its reception.

Mr. KENNEDY of Maryland moved a suspension of the rules.

Mr. WISE suggested to the gentleman to allow the resolution to be referred to the Committee on Naval Affairs, who already had the subject before them. This would remove, he supposed, any objections to its reception.

Mr. CAVE JOHNSON said that he objected to the reception of the resolution at any rate; and,

The question being then put on Mr. KENNE-

DY's motion to suspend the rules, it was decided in the affirmative—ayes 116, noes not counted.

Mr. KENNEDY then moved to refer the resolution to the Committee on Naval Affairs.

Mr. BARNARD moved to refer it to the Committee of the Whole on the state of the Union.

Mr. WISE remarked that there was a memorial from the officers of the exploring expedition on the same subject already before the Committee on Naval Affairs; and it was, therefore, proper that this resolution should go there also.

The question was then put on the reference to the Committee on Naval Affairs, and carried without a division.

Mr. JONES of Maryland called up the motion made by him some days ago, to reconsider the vote rejecting the resolution submitted by Mr. CUSHING, to take the bill providing indemnity for French spoliations prior to 1800 out of the Committee of the Whole.

Mr. CUSHING called for the yeas and nays on the motion; which were ordered.

Mr. WELLER moved to lay the motion on the table; and,

Mr. CUSHING having called for the yeas and nays, they were ordered, and resulted in—yeas 105, nays 102, as follows:

YEAS—Messrs. Landaff W. Andrews, Arnold, Arrington, Atherton, Beeson, Bidlack, Black, Bowne, Boyd, Brewster, Aaron V. Brown, Milton Brown, Charles Brown, Burke, William Butler, William O. Butler, Green W. Caldwell, Patrick C. Caldwell, John Campbell, Wm. B. Campbell, Thomas J. Campbell, Caruthers, Cary, Casey, Chapman, Clifford, Clipton, Daniel, Garrett Davis, Richard D. Davis, Dawson, Dean, Deberry, Doan, Doig, Eastman, John C. Edwards, Egbert, John G. Floyd, Gamble, Gentry, Wm. O. Goode, Gordon, Graham, Gwin, Harris, Hastings, Hays, Hopkins, Houck, Houston, Hubard, Hunter, Charles J. Ingersoll, Jack, Cave Johnson, John W. Jones, Andrew Kennedy, King, Lane, Littlefield, Lowell, Abraham McClellan, Robert McClellan, McKay, McKeon, Alfred Marshall, John Thomson Mason, Mathews, Medill, Meriwether, Miller, Mitchell, Moore, Owsley, Partridge, Payne, Pickens, Pope, Rayner, Reding, Rencher, Reynolds, Riggs, Rogers, Saunders, Sheppard, Shields, William Smith, Snyder, Steenrod, John T. Stuart, Summers, Sweney, Richard W. Thompson, Jacob Thompson, Trotti, Turney, Underwood, Van Buren, Wallace, Ward, Watterson, Weller, Westbrook, and Christopher H. Williams—105.

NAYS—Messrs. Adams, Allen, Sherlock J. Andrews, Aycrigg, Babcock, Baker, Barnard, Barton, Birdseye, Blair, Boardman, Briggs, Brockway, Bronson, Jeremiah Brown, Burnell, Calhoun, Childs, Chittenden, John C. Clark, Cowen, Cranston, Crawford, Cushing, John Edwards, Everett, Ferris, Fessenden, Fillmore, Thomas F. Foster, Gates, Gerry, Giddings, P. G. Goode, Granger, Halsted, Henry, Holmes, Howard, Hudson, Hunt, J. R. Ingersoll, James Irvin, William Cost Johnson, Isaac D. Jones, John P. Kennedy, Linn, McKennan, Mallory, Mathiot, Mattocks, Maxwell, Maynard, Morgan, Morris, Morrow, Newhard, Oliver, Osborne, Parmenter, Pearce, Pendleton, Powell, Ramsey, Benjamin Randall, Alexander Randall, Read, Ridgway, Rodney, William Russell, James M. Russell, Saltonstall, Sanford, Sewell, Slade, Truman Smith, Stanly, Stokely, Stratton, Alexander H. H. Stuart, Sumter, Taliaferro, John B. Thompson, Tillinghast, Toland, Tomlinson, Triplett, Trumbull, Washington, Edward D. White, Joseph L. White, Thomas W. Williams, Joseph L. Williams, Winthrop, Wise, Wood, Yorke, Augustus Young, and John Young—102.

So the motion was laid on the table.

PRESENTATION OF WASHINGTON'S SWORD AND FRANKLIN'S STAFF.

Mr. G. W. SUMMERS now rose, and addressed the Speaker, who recognised the honorable gentleman as in possession of the floor; and all eyes were at once turned to him, and the whole House was at once hushed into silence. The galleries were densely filled with an anxious and attentive auditory, which had collected in anticipation of the interesting proceedings which were about to be witnessed. Many Senators occupied seats amongst the members in the House, and some of the representatives of foreign powers, accredited to this Government in diplomatic relations, were ranged below the bar; and all listened with profound stillness, while the honorable gentleman from Virginia spoke as follows:

Mr. SPEAKER: I rise for the purpose of discharging an office, not connected with the ordinary business of a legislative assembly. Yet, in asking permission to interrupt, for a moment, the regular order of parliamentary proceedings, I cannot doubt that the proposition which I have to submit will prove as gratifying as it may be unusual.

Mr. Samuel T. Washington, a citizen of Kanawha county, in the Commonwealth of Virginia, and one of my constituents, has honored me with the commission of presenting, in his name, and on his behalf, to the Congress of the United States, and, through that body, to the people of the United States, two most interesting and valuable relics, connected with the past history of our country, and with men whose achievements, both in the field and in the cabinet, best illustrate and adorn our annals.

One is the sword worn by George Washington, first as a colonel in the colonial service of Virginia, in Forbes's campaign against the French and Indians; and afterwards, during the whole period of the war of Independence, as commander-in-chief of the American army.

It is a plain cutlass, or hanger, with a green hilt and silver guard. On the upper ward of the scabbard is engraven "J. Bailey, Fishkill." It is accompanied by a buckskin belt, which is secured by a silver buckle and clasp; whereon are engraven the letters "G. W.," and the figures "1757." These are all of the plainest workmanship, but substantial, and in keeping with the man and with the times to which they belonged.

The history of this sword is perfectly authentic, and leaves no shadow of doubt as to its identity.

The last will and testament of General Washington, bearing date on the 9th day of February, 1799, contains, among a great variety of bequests, the following clause: "To each of my nephews, William Augustine Washington, George Lewis, George Steptoe Washington, Bushrod Washington, and Samuel Washington, I give one of the swords or cutlaux of which I may die possessed; and they are to choose in the order they are named. These swords are accompanied with an injunction, not to unsheath them for the purpose of shedding blood, except it be for self-defence, or in defence of their country and its rights; and, in the latter case, to keep them unsheathed, and prefer falling with them in their hands, to the relinquishment thereof."

In the distribution of the swords, hereby devised, among the five nephews therein enumerated, the one now presented fell to the share of *Samuel Washington*, the devisee last named in the clause of the will which I have just read.

This gentleman, who died a few years since, in the county of Kanawha, and who was the father of Samuel T. Washington, the donor, I knew well. I have often seen this sword in his possession, and received from himself the following account of the manner in which it became his property, in the division made among the devisees.

He said that he knew it to have been the sidearms of General Washington during the revolutionary war—not that used on occasions of parade and review, but the constant *service sword* of the great chief; that he had himself seen General Washington wear this identical sword, (he presumed for the last time,) when, in 1794, he reviewed the Virginia and Maryland forces, then concentrated at Cumberland, under command of General Lee, and destined to co-operate with the Pennsylvania and New Jersey troops, then assembled at Bedford, in suppressing what has been called "the whiskey insurrection."

General Washington was at that time President of the United States, and, as such, was commander-in-chief of the army. It is known that it was his intention to lead the army in person on that occasion, had he found it necessary; and he went to Bedford and Cumberland prepared for that event. The condition of things did not require it, and he returned to his civil duties at Philadelphia.

Mr. Samuel Washington held the commission of a captain at that time himself, and served in that campaign, many of the incidents of which he has related to me.

He was anxious to obtain this particular sword, and preferred it to all the others, among which was the ornamented and costly present from the great Frederick.

At the time of the division among the nephews, without intimating what his preference was, he jocosely remarked, "that, inasmuch as he was the only one of them who had participated in military service, they ought to permit him to take choice." This suggestion was met in the same spirit in which it was made; and the choice being awarded him, he chose this, the plainest and intrinsically the least valuable of any, simply because it was "the battle sword."

I am also in possession of the most satisfactory evidence, furnished by Col. George Washington, of Georgetown, the nearest male relative of General Washington now living, as to the identity of this sword. His information was derived from his father, William Augustine Washington, the devisee first named in the clause of the will which I have read, from his uncle, the late Judge Bushrod Washington, of the Supreme Court, and Major Lawrence Lewis, the acting executor of General Washington's will: all of whom concurred in the statement, that the true *service sword* was that selected by Capt. Samuel Washington. It remained in this gentleman's possession until his death, esteemed by him the most precious memento of his illustrious kinsman. It then became the property of his son, who, animated by that patriotism which so characterized the "father of his country," has consented that such a relic ought not to be appropriated by an individual citizen, and has instructed me, his representative, to offer it to the nation, to be preserved in its public depositories, as the common property of all; since its office has been to achieve and defend the common liberty of all.

He has, in like manner, requested me to present this cane to the Congress of the United States, deeming it not unworthy the public acceptance.

This was once the property of the philosopher and patriot, Benjamin Franklin.

By a codicil to his last will and testament, we find it thus disposed of:

"My fine crab tree walking stick, with a gold head, curiously wrought in the form of the cap of liberty, I give to my friend, and the friend of mankind, General Washington. If it were a sceptre, he has merited it, and would become it."

General Washington, in his will, devises this cane as follows:

"Item. To my brother Charles Washington, I give and bequeath the gold-headed cane left me by Dr. Franklin, in his will."

Captain Samuel Washington was the only son of Charles Washington, the devisee, from whom he derived, by inheritance, this interesting memorial; and having transmitted it to his son, Samuel T. Washington, the latter thus seeks to bestow it worthily, by associating it with the battle-sword, in a gift to his countrymen.

I cordially concur with Mr. Washington in the opinion that they each merit public preservation; and I obey, with pleasure, his wishes in here presenting them, in his name, to the nation.

Let the sword of the hero and the staff of the philosopher go together. Let them have place among the proudest trophies and most honored memorials of our national achievements.

Upon that staff once leaned the sage of whom it has been said "He snatched the lightning from heaven, and the sceptre from tyrants."

A mighty arm once wielded this sword in a righteous cause, even unto the dismemberment of empire. In the hand of Washington, this was "the sword of the Lord and of Gideon." It was never drawn, except in defence of the public liberty. It was never sheathed until a glorious and triumphant success returned it to the scabbard, without a stain of cruelty or dishonor upon its blade. It was never surrendered, except to that country which bestowed it.

[Loud and long-continued plaudits followed the delivery of this address.]

The SERGEANT-AT-ARMS advanced to the seat of the honorable gentleman, and received into his custody the interesting relics.

Mr. ADAMS then rose to submit a resolution in relation thereto. He said:

Mr. SPEAKER: In presenting this resolution to the House, it may, perhaps, be expected that I should accompany it with some remarks suitable to the occasion; and yet, sir, I never rose to address this House under a deeper conviction of the want of words to express the emotions that I feel. It is precisely because occasions like this are adapted to produce universal sympathy, that little can be said by any one, but what, in the language of the heart—in tones not loud, but deep—every one present has literally said to himself. My respected friend from Virginia, by whom this offering of patriotic sentiment has been presented to the Representative Assembly of the nation, has, it seems to me, already said all that can be said suitable to this occasion. In parting from him, as after a few short days we must all do, it will on my part be sorrow, that in all probability I shall see his face and hear his voice no more. But his words of this day have been planted in my memory, and will there remain till the last pulsation of my heart. The sword of Washington! The staff of Franklin! Oh, sir, what associations are linked in adamant with those names. Washington! the warrior of human freedom—Washington! whose sword my friend has said was never drawn but in the cause of his country, and never sheathed when needed in his country's cause!—Franklin! the philosopher of the thunderbolt, the printing press, and the ploughshare.

What names are these in the scanty catalogue of the benefactors of mankind—Washington and Franklin! What other two men, whose lives belong to the 18th century of Christendom, have left a deeper impression of themselves upon the age in which they lived, and upon all aftertimes? Washington, the warrior and the legislator! In war contending, by the wager of battle, for the independence of his country, and for the freedom of the human race—ever manifesting, amidst the horrors of war, by precept and example, his reverence for the laws of peace, and for the tenderest sympathies of humanity. In peace, soothing the ferocious spirit of discord among his own countrymen into harmony, and giving to that very sword now presented to his country a charm more potent than that attributed in ancient times to the lyre of Orpheus. Franklin, the mechanic of his own fortune, teaching, in early youth, under the shackles of indigence, the way to wealth; and, in the shade of obscurity, the path to greatness: in the maturity of manhood, disarming the thunder of its terrors, the lightning of its fatal blast; and wresting from the tyrant's hand the still more effective sceptre of oppression: while descending into the vale of years, traversing the Atlantic ocean; braving, in the dead of winter, the battle and the breeze; bearing in his hand the charter of Independence, which he had contributed to form; and

tendering, from the self-created nation, to the mightiest monarchs of Europe, the olive-branch of peace, the mercurial wand of commerce, and the amulet of protection and safety to the man of peace on the pathless ocean from the inexorable cruelty and merciless rapacity of war; and, finally, in the last stage of life, with fourscore winters on his head, under the torture of an incurable disease, returning to his native land, closing his days as the Chief Magistrate of his adopted Commonwealth, after contributing, by his counsels, under the Presidency of Washington, and recording his name, under the sanction of devout prayer, invoked by him to God, to that Constitution, under the authority of which we are here assembled as the Representatives of the North American people, to receive, in their name, and for them, these venerable relics of the wise, the valiant, and the good founders of our great confederated Republic these sacred symbols of our golden age.

May they be deposited among the archives of our Government; and may every American who shall hereafter behold them, ejaculate a mingled offering of praise to that Supreme Ruler of the universe, by whose tender mercies our Union has been hitherto preserved through all the vicissitudes and revolutions of this turbulent world, and of prayer for the continuance of these blessings, by the dispensations of his providence to our beloved country from age to age, till time shall be no more. (Great applause.)

Mr. Speaker, I submit the following joint resolution:

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That the thanks of this Congress be presented to Samuel T. Washington of Kanawha county, Virginia, for the present of the sword used by his illustrious relative, George Washington, in the military career of his early youth, in the seven years' war, and throughout the war of our national independence; and of the staff bequeathed by the patriot, statesman, and sage, Benjamin Franklin, to the same leader of the armies of freedom in the revolutionary war, George Washington.

That these precious relics are hereby accepted in the name of the nation; that they be deposited for safekeeping in the Department of State of the United States; and that a copy of this resolution, signed by the President of the Senate and Speaker of the House of Representatives, be transmitted to the said Samuel T. Washington.

The resolution was adopted unanimously, and with loud acclamation.

Mr. McKENNAN said, as it was evident, after the interesting scene just witnessed, that the House was not in a fit state for the transaction of business, he would now move that the House adjourn.

Mr. HOPKINS requested the gentleman to withdraw the motion for a moment, in order that it might be stated on the face of the resolutions that they were unanimously adopted.

The suggestion was acceded to, and the resolutions amended accordingly.

Mr. TALIAFERRO moved that the addresses of Messrs. SUMMERS and ADAMS, this morning, be spread upon the journal; and also that a copy be transmitted to Mr. Washington, of Kanawha, Virginia.

The motion was adopted, *nem. con.*

The House then adjourned.

IN SENATE.

WEDNESDAY, February 8, 1843.

Mr. EVANS presented the following resolutions, which he stated he intended to submit as an amendment to the resolutions introduced on yesterday by the Senator from South Carolina, [Mr. McDUFFIE,] when they shall come up for consideration, viz:

Resolved, That, among the causes which have contributed most efficiently to the depression of the foreign and domestic commerce of the country, and to the consequent impoverishment of the national treasury, and which have thus rendered a resort to loans inevitable, is the want of a currency of uniform value in all parts of the United States, commanding the confidence of the people; and no measure designed to revive commerce, replenish the treasury, and avert the further accumulation of public debt, will be complete or adequate to the accomplishment of these objects, which fail to supply their wants.

Resolved, That another of the prominent causes of the present prostrated condition of the business of the country, and of the public finances, and which has largely impaired American character and credit, which has exposed republican institutions to reproach and obloquy, is the failure of so many States of the Union to provide for the regular payment of the interest on their public debts; and especially the favor and countenance which have been given, to some extent, in some portions of the country, to the alarming and destructive doctrine, that these debts are not binding upon the people of the States which have created them, but may be annulled and repudiated at their discretion.

Resolved, That, while this Congress does not intend to adopt any measures for the payment by the United States of the debts of the individual States, it nevertheless deems it proper, in view of the disastrous consequences to the national character and credit, and to the institutions of republican government, of the failure of the States to fulfil their obligations, and of the principle which has been asserted—that these obligations are not binding on them—to declare, that the debts of the States, created by the legislative authority thereof, respectively, are obligatory and binding upon said States, and cannot be by them annulled or repudiated; and that it is the solemn and urgent duty of the people of said States to resort to the most efficient means in their power for the preservation of their faith, and the fulfilment of their obligations.

Resolved, That it is the duty of Congress, by every constitutional and proper means in its power—by the adoption of measures to restore and preserve a currency of uniform value throughout the United States; by the collection and disbursement of the public revenue, and the regulation and administration of the public finances, in such way as shall be least burdensome to the people, and most conducive to the revival of trade and commerce; as shall secure the wages of labor from fluctuation; as shall give security and steadiness to the industry of the country,—to render every practicable aid and encouragement to the people of the several States in their efforts to meet their engagements, and to discharge the obligations into which they have entered.

The resolutions were ordered to be printed.

Mr. BUCHANAN presented a memorial from a large number of merchants and officers of insurance companies of the city of Philadelphia, stating that the growing interests of our commerce in the Pacific ocean, not only in the west and northwest quarter of America, but in the Sandwich Islands and China, call loudly on the Government to establish a regular line of packets to Chagres, and an overland mail to Panama, for the conveyance of correspondence and treasure to and from the Pacific. They ask Congress to take the subject into consideration. Mr. B. observed, on presenting the memorial, that it was strange the attention of Congress had never been called to the subject of the petition before. All communication to the Pacific has to pass round Cape Horn; when it was known that there was a near route, which would save ten or twelve thousand miles. He would be glad, indeed, if anything could be done to effect the end desired by the memorialists; and so far as any expression of his opinion would go to induce the attention of the Committee on Commerce to the subject, he trusted the committee would give the subject their early attention. The memorial was referred to the Committee on Commerce.

WASHINGTON'S SWORD AND FRANKLIN'S STAFF.

A message was received from the House of Representatives, by MATTHEW ST. CLAIR CLARKE, their clerk, informing the Senate that that body had passed a resolution, and had directed him to ask the concurrence of the Senate therein; and had also directed him to state that the sword and cane, which were the subject of the resolution, were also forwarded, through their Sergeant at-arms, to be presented to the Senate.

Mr. ARCHER rose and said he presumed that this would be the proper occasion for making the motion which he desired to make—that the Senate proceed to immediate action upon the subject of the resolution which had just been communicated to them from the House of Representatives.

The resolution was then read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of this Congress be presented to Samuel T. Washington, of Kanawha county, Virginia, for the present of the sword used by his illustrious relative, George Washington, in the military career of his early youth, in the seven years' war, and throughout the war of our national independence; and of the staff bequeathed by the patriot, statesman, and sage, Benjamin Franklin, to the same leader of the armies of freedom in the revolutionary war, George Washington.

That these precious relics are hereby accepted in the name of the nation; that they be deposited for safekeeping in the Department of State of the United States; and that a copy of this resolution, signed by the President of the Senate and Speaker of the House of Representatives, be transmitted to the said Samuel T. Washington.

Mr. A. then proceeded to address the Senate.

Mr. PRESIDENT: The grounds of the proceedings of the other House, in reference to these invaluable relics, not being necessarily supposed to be known to this body, it may not, perhaps, be considered improper or inappropriate, (coming, as they do, from a citizen of that State which I have the honor in part to represent,) that I should make some brief remarks before committing the resolution to the disposal of this honorable body.

Sir, it is known to all who have read the history of General Washington's life, that he left to four nephews each a sword, one of which had had the signal honor of being worn by him during the whole period of his military services, from the time he entered the army in the service of his country, then in a colonial condition, down to the memorable period when, having achieved his country's independence, and coupled his name with immortality, he resigned the high commission which he bore, and retired to the enjoyment of domestic tranquillity.

Sir, it was a mark of good taste on the part of one of the nephews of General Washington to select, as a memorial of that illustrious man most worthy of being presented to the Congress of the United States, this simple sword. It is a relic of no ordinary value in the estimation of that gentleman, as I am sure it will be in the estimation of the Senate and the country—having been the battle sword of that hero, during the whole period of his immortal career.

Sir, I ought, perhaps, to say that there is no question of its identity, plain and simple as it is; and if I desired evidence to show that it was really the sword which General Washington had worn throughout his glorious career of military service, I would find sufficient to convince myself, at least, in its very plainness and simplicity.

But I will not go into an argument to prove its identity, nor will I trace its history: that has been already done in the other House, by an honorable member of that body, a colleague of mine, who has added, by the manner in which he executed that duty, another wreath to his own honor, and shown how well he deserved to be made the instrument of conveying to Congress this invaluable gift.

Sir, there may be those who think it is unfitting the dignity of Senatorial bodies to pay attention to the preservation of such simple relics as this; but I confess, if there be any such, I am not of the number.

Sir, those who have been the precursors of our course in the great career of liberty, have not been of the opinion that such mementoes were valueless. We have no record of any country, in which freedom has triumphed, where illustrious men, after they have passed from their mortal career, had not statues erected to their memory, and relics and memorials, such as those now lying upon your table, commemorative of their achievements, carefully preserved. They are calculated, in an eminent degree, to produce the feelings and the practice of virtue in successive generations. By associating the memorials of great achievements with the names of those who performed them, and presenting them continually to the eyes of men, they serve to inspire the same feelings which have produced such achievements.

Sir, judging from my own feelings, no statue nor mausoleum can produce so great an effect as the smallest relic which is intimately associated with the person of the benefactor of his country. These are, indeed, small and inconsiderable relics; but who are the persons, and what are the names, with which they stand associated?

WASHINGTON!—when this name is mentioned, who shall be presumptuous enough to conceive that eulogy can add anything to the feelings which the mere sound of it produces? WASHINGTON!—of whom one of the most eminent men living in the present day, and himself the subject of a monarchy, has said, and said truly, that among uninspired men, that was the greatest name of all. And it is, Mr. President; for I must be permitted to say, if it were possible that a man as heroic and as virtuous as Washington should be permitted by a beneficent Providence to be placed in authority now, he could not by possibility be as great a man as Washington was. And why? Because circumstances must, in every case, form one of the elements of greatness. Because no living man can again be placed in circumstances where he can signalize himself as our glorious Washington has done.

Sir, we may have many founders of liberty in every country and in every clime; but never can there be another founder of the liberties of a whole race; and though we should prove recreant to his memory, and treacherously refuse to preserve the mementoes of his fame, this is the character which Washington will receive in all aftertimes, from all races of men. Yes, sir, it is receiving General Washington in a light altogether too confined to claim his benefactions as our exclusive benefactions, and his fame as our fame.

Sir, the thousands of generations which are to

spring up in aftertime upon the face of the earth, under the shadow of that glorious germe of liberty which has been planted upon this continent, when it shall have extended its luxuriant branches and brought forth its fruit in full maturity, will all of them claim Washington, as we now are entitled to claim him—as their benefactor, and the author of their liberties, as he has been of ours!

And FRANKLIN!—names associated in this country's history as the greatest benefactors of the human race—FRANKLIN, scarcely less illustrious for his important discoveries in science. Names now associated by the seemingly fortuitous gift of a mere cane!—inconsiderable, indeed, in itself, but of immense value, as having belonged to him.

Sir, the discoveries of Franklin, as a philosopher, (for I mean now only to pay a passing tribute to him in that view,) will hereafter be considered as most extraordinary benefactions to the cause of science—greater than those of any man that has lived in any age of the world.

Such are the names which are here associated by these trifling gifts! And what is it that the Senate is now called upon to do by this resolution? To pay a passing tribute of homage or admiration? No; that is not the word to be employed in speaking of either of these men: it is not homage—it is not admiration; there is but a single word in our language that will express it—the tribute of our veneration.

Sir, it was the simplicity of the style of our venerated Franklin, which distinguished him as much as his eminent virtues, and his profound knowledge, and his glorious contributions to the cause of liberty as well as science. He said of General Washington—the friend of liberty and the friend of mankind—that he deserved a sceptre. Sir, that great man not only merited, but he gained a sceptre. It was thought, at the period of his demise, not too great praise to say that he was enthroned in the hearts of his countrymen. And thus it is that he is destined to be sceptred in the estimation and the admiration of all succeeding ages.

Mr. President, I shall detain the Senate no longer. The inconsiderable meed of praise which I feel proud to bestow upon those illustrious names shall no longer be an interruption or impediment to the expression which I know the Senate is ready to make—of that tribute of veneration so justly due to the benefactors of mankind.

The resolution having been unanimously adopted,

On motion of Mr. ARCHER, the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 8, 1843.

Mr. DODGE, of Wisconsin, presented the petition of the inhabitants of the town of Milwaukie, Territory of Wisconsin, asking Congress to establish a mail route commencing at Milwaukie, passing through Wauwatooso, Menomonee, Lisbon, and Warren, intersecting a route at Summit, which runs through Piperville and Watertown, to Fox Lake; which last named route was established at the last session of Congress.

Also, a petition of the inhabitants of the towns of Wauwatoosa, Lisbon, and Warren, asking Congress to establish a mail route commencing at Milwaukee, running through the north part of the town of Wauwatoosa, also through the towns of Lisbon, Menomonee, and Warren, to intersect the mail route already established through the town of Summit, to Piperville, Watertown, and Fox Lake, in the Territory of Wisconsin.

Also, a petition of Roxanna Evans, late Roxanna Lewis, asking Congress to make an appropriation to remunerate her for the loss of property destroyed by the British on the 13th December, 1813, at Lewistown, in the State of New York.

Also, a petition of the citizens of the town of Lisbon, Milwaukie county, Territory of Wisconsin, asking Congress to establish a mail route from the town of Milwaukie, through the north part of the town of Wauwatoosa, through the towns of Menomonee, Lisbon, and Warren, to intersect the mail route at Summit, through Piperville and Watertown, to Fox Lake; this latter route having been established at the last session of Congress.

Also, a petition of the inhabitants of the town of Wauwatoosa, asking Congress to establish a mail route from the town of Milwaukie, in the Territory of Wisconsin, passing through the said town of Wauwatoosa, on the road established by the Legislative Assembly of the Territory, to intersect the established route at Summit, as established by Congress.

Mr. A. MARSHALL presented the petition of A. Dodge, and 22 other citizens of Prospect, Maine, asking for an increase of the duty on lumber and wood.

Mr. SHIELDS presented a petition from the citizens of Barrytown, and the vicinity thereof, in Washington county, Alabama, praying for the establishment of a post route therein mentioned.

THE NATIONAL RELICS.

Mr. TALIAFERRO submitted the following resolution, prefaced with a few observations, which were inaudible at the reporter's desk:

Resolved, That 20,000 copies of the full journal of the proceedings of the House on the presentation of the sword of Washington, be printed for distribution by the members of this House.

Mr. BRIGGS begged permission to amend the journal before that resolution was agreed to. He begged to move an amendment of the journal, by the addition of the following letter of Mr. Samuel T. Washington to Mr. SUMMERS, accompanying the sword and cane, which were yesterday presented to Congress:

COAL'S MOUTH, KANAWHA COUNTY, (Va.).
January 9, 1843.

MY DEAR SIR: With this, you will receive the war-sword of my grand-uncle, General George Washington, and the gold-headed cane bequeathed to him by Doctor Benjamin Franklin. These interesting relics I wish to be presented, through you, my dear sir, to the Congress of the United States, on behalf of the nation.

Congress can dispose of them in such manner as shall seem most appropriate, and best calculated to keep in memory the character and services of those two illustrious founders of our Republic. I am, with esteem, yours,

SAMUEL T. WASHINGTON.

To Hon. GEORGE W. SUMMERS,
House of Representatives.

The motion to amend was agreed to; and the resolution of the gentleman from Virginia was then adopted.

ORDER OF BUSINESS.

Mr. REYNOLDS then moved that the House proceed with its regular business during the morning hour—namely, the calling on committees for reports.

Mr. FILLMORE moved that the House resolve itself into Committee of the Whole on the state of the Union, for the purpose of taking up the navy appropriation bill.

Mr. PICKENS said the order of business had been too long departed from, and he now called for its observance—that committees might report during the morning hour.

Mr. FILLMORE said there was very little time left for the discussion of the navy appropriation bill in Committee of the Whole on the state of the Union; and therefore he felt bound to press his motion.

Mr. J. P. KENNEDY inquired what became of the special order yesterday; the House, in a fit of enthusiasm, having adjourned without taking it up.

Mr. PICKENS said, by general consent it was laid aside.

Mr. KENNEDY asked the House then to give him to-morrow for the subject of reciprocity.

After a conversation, in which Messrs. FILLMORE, J. P. KENNEDY, PICKENS, and CLIFFORD, took part, Saturday was assigned for that business.

GENERAL JACKSON'S FINE.

Mr. PEARCE called up the question of presenting the reports of the Judiciary Committee on the subject of refunding the fine of General Jackson, on which the previous question was moved on a former occasion.

After a desultory conversation, the motion to print was agreed to.

FRENCH SPOLIATIONS.

Mr. R. W. THOMPSON rose to move a reconsideration of the vote of yesterday, by which was laid on the table the motion of Mr. I. D. JONES, to reconsider the vote by which the resolution of Mr. CUSHING, from the Committee on Foreign Affairs, to fix a day to take a bill entitled "A bill to provide for the satisfaction of claims due to certain American citizens, for spoliations committed on their commerce prior to the 31st July, 1801," out of Committee of the Whole, was laid on the table.

Mr. BARNARD denied the power of the gentleman to make such a motion.

Mr. PICKENS said, if it could be done, they might go on reconsidering throughout the session.

Mr. HOPKINS also observed that it could not be done, otherwise their business would be interminable.

Mr. R. W. THOMPSON explained; and after a few words from Mr. FILLMORE and Mr. ATHERTON,

The SPEAKER decided that the motion could not be entertained.

Mr. R. W. THOMPSON appealed from the decision of the Chair.

Mr. MERIWETHER moved to lay the appeal on the table.

After a few words from Mr. ADAMS, the motion of the gentleman from Georgia was agreed to, and the appeal was laid on the table.

NAVY APPROPRIATION BILL.

The House then resolved itself into Committee of the Whole on the state of the Union, (Mr. ALLEN in the chair,) and proceeded with the consideration of the navy appropriation bill.

The pending question was upon an amendment of the gentleman from Georgia, [Mr. MERIWETHER,] by which the pay of all officers in the navy was to be reduced 20 per cent.

Mr. HOLMES (who held the floor) addressed the committee at large. He commenced by remarking that he should not enter into the merits of the amendment under consideration. He was well aware that the spirit of retrenchment was abroad in the country. It only remained for the House to determine how that spirit had been excited, and how it was to be satisfied and put to rest. The conviction was now crowding upon us, that a crisis was at hand; and it did not behoove Whigs only, or Democrats only, but it behooved every man to believe himself to be the depository of the interests of this Government. Before the American people he arraigned the present Congress, and he now declared that the Whigs had faltered in the discharge of their duty, whilst the Democrats remained inert. All seemed to be alike indifferent to the crisis which was at hand. He had long foreseen, that when the country came to its present dilemma—when the taxing power applied to commerce failed to furnish an adequate revenue, and difficulties came in every shape—all would shrink from the responsibility when the spectre appeared in terrible array before them. Now, when the expenses of the Government were estimated at $20,000,000, and its receipts at but $10,000,000, gentlemen, instead of calmly viewing the state of things, and seeking a remedy, covered their eyes, and avoided even the sight of the calamities around them. He was convinced that the time had arrived when the Representatives here assembled, individually and collectively, were bound to take heed of the public wants, and when they could no longer go home, and say to their reproaching constituents, "thou canst not say I did it." He felt it his duty to move that all appropriation bills be laid on the table; and that this, as well as others, be not passed, until the House could know what were to be the sources of revenue. He would, therefore, send to the Chair the following preamble and resolution, which he intended to offer in the House at the proper time.

The resolution was read for information as follows:

Whereas the fact is now disclosed, that the revenue of the Government will fall one-half from the amount estimated by the Secretary of the Treasury for the year 1843, and that the high duties imposed upon foreign imports by the tariff of 1842 have prevented the importation of merchandise to the amount estimated at the time of the passage of the tariff bill: And whereas all the appropriation bills presented to the House by the "Committee of Ways and Means" have been based upon the estimates of revenue furnished by the Secretary of the Treasury in his annual report at the commencement of the session: And whereas it is highly inexpedient to proceed with

CONGRESSIONAL GLOBE.

PUBLISHED BY BLAIR AND RIVES, AT ONE DOLLAR PER SESSION, IN ADVANCE.

27TH CONG.....3D SESS. TUESDAY, FEBRUARY 14, 1843. VOLUME 12....No. 17

Continued from No. 16.

the consideration of the appropriations before we have correct information upon the amount of a probable income: Therefore,

Resolved, That this appropriation bill be laid aside informally; and that a committee be appointed to inquire and report upon the probable revenue; to report a bill, arranging the duties upon imports so as to raise the largest amount of revenue; and further to report upon the best mode of retrenching expenses, so as to make the revenue meet the expenses.

The CHAIR said the resolution was not in order.

Several members: "It is not offered."

Mr. HOLMES said he now gave notice of his intention to offer the resolution, and also of his intention to move that a committee be appointed, whose duty it should be to examine into the causes of a failure in the revenues of the Government; to report to the House the proper means to be resorted to, to supply the deficiency; and to report whether it was not proper to cut down—not the navy, not the army, not the civil list—but all and every salary and emolument now enjoyed by any person in the employ of the Government, in a horizontal scale.

The question was now presented, whether we should have a Government such as Mr. Jefferson wanted, and which he (Mr. H.) did not want; or a Government such as the experience of the last war taught us was the most proper—a Government with adequate means of defence. It must, he thought, be evident that we could not carry on our Government with a revenue of $10,000,000, unless we abandoned our navy—not with such a revenue, unless we were content to have a passive commerce. It was needless to think of keeping ships in every quarter of the globe, without a navy to enforce their rights and the decrees of this Government. Now, whilst he wished to sustain our commerce, we had before us the discovery that our means were decreasing, whilst our expenditures were increasing. The resources on which alone we had to rely, were those derived, in the first place, from a tax on commerce, and, in the second, from direct taxation. What was the present position of our commerce? In 1816, our trade was in the most flourishing condition, and all countries were tributaries to the United States. Then was introduced a system of indirect taxation, for the benefit of internal industry. The encouragement given to internal industry had the effect of diminishing imports, and of breaking down commerce. As commerce decreased, so did the duties derived by Government from imports. The failure of the one produced a failure of the other. What was the answer of these friends of home industry, when the prediction was made, that, by fostering it, we should diminish commerce, and lessen the duties derivable from imports? They said, when import duties fail, tax those establishments and pursuits which your policy has reared. The time had now arrived when this prediction was verified, and when, by pushing the tax upon commerce to an extreme, for the benefit of these domestic establishments, the revenue had failed. There must either be a resort to commerce, by reducing the tariff; or to excises and other direct taxes, as held out by the advocates of home industry, when commerce was first taxed for their benefit. But did any one believe that if a tax of 20 per cent. were imposed upon all the iron, coal, cloth, spirits, and other articles manufactured in the United States, it would be paid? Most assuredly not. Were such a measure to be carried, he believed that it would excite an insurrection, in comparison with which the famous "whiskey insurrection" would be but as a small breeze to the howling storm. Could gentlemen seriously think of taxing the wheat of Indiana or Illinois, the cotton of Mississippi, the means of exhausted Maryland? These States could not now support their State Governments. They could, with difficulty, struggle against the weight of indebtedness upon them.

All other measures would be of no avail, except a modification of the tariff and a revival of free trade. However painful it might be to the manufacturers, they must be told that the question was not whether their interests should suffer, but whether this great Republic should survive or perish. The tariff must be brought down to the sole objects of revenue—the *revenue point*. There was one point, which, whenever arrived at, produced smuggling; and also a point which was too low, because a higher one would produce more revenue. Gentlemen might depend upon it, should the present tariff be allowed to remain in force two more years, there would be little or no revenue at all. He had lately seen a letter from Mr. Everett, our minister at London, in which it was stated that he had ascertained, beyond a doubt, that the most extensive preparations were making to carry on a system of smuggling along the whole of our frontier. He had also been told by a friend who was acquainted with the lake trade, that great preparations were making for smuggling. [A voice: "What are they?"] A large amount of capital had been invested in erecting warehouses, and in the construction of vessels suited to the business. An efficient police was also engaged to further the designs of smugglers, and thereby enable them to bring in goods at a cost of from 10 to 12 per cent. to the American merchant.

He called attention to what the Whigs of the present Congress had done. Did they dream, when they created the present high tariff, that in less than six months the revenue would lapse into one-half of what they estimated? Was it not their duty to propose some mode of relief? They said their hands were tied, and that they had not the executive power. The Democrats contended that they were not responsible, being then in a minority. The Executive could not act, because Congress was not with him. Congress would not, because it was divided into parties. Parties would not, because they were engaged in President-making. Thus, whilst the question with us was, whether a Northern or a Southern man should be President, the Government was gradually going to decay.

He should not vote for any diminution of salaries, unless he could carry out a total reform. He wished members would come to the rescue. The people, he felt assured, would take matters in their own hands, unless Congress should soon act as became it. Congress should cut down the salaries of its own members, as well as the salaries of officers of the Government. Such a measure—general in its character—would, he thought, have a salutary effect. Let not gentlemen talk of cutting down the navy only. Let them not say that its officers were idle and dissipated. Pass this reduction of their pay alone, and it would be a direct censure cast upon them. He referred to the situation of the country during the last war, when dismay was spread over the land, and when the hearts of some of the stoutest patriots quailed at the thought that our country had too hastily entered into a contest with England. Nothing but the achievements of the navy dispersed the gloom, and enabled us to end the war in one blaze of glory. He related several anecdotes of our navy, and also of the British service, in order to illustrate his position, that it was not necessary to the efficiency of the navy that its officers should always be fighting, or, like Nantucket whalers, always on the ocean.

He was, in time of peace, for keeping the navy in a state of efficiency to be prepared for war; and deprecated Mr. Jefferson's Chinese policy, which prevented the growth of that arm of national defence. Did gentlemen expect—with our merchants competing with Great Britain in every clime, in the sale of those manufactures so essential to her existence, and contesting with her the carrying trade, which enabled her mercantile marine to keep up her military marine—that we should escape from the same attack that was made on China, if our navy should be dismantled? Gentlemen from the West, who were so much opposed to appropriations for an efficient navy, thought themselves perfectly ensconced behind the mountains, and as secure from the British Paixhan guns as a tortoise within her shell is from the birds and beasts of prey; but they might find themselves mistaken. He declared it as his belief that, without the protection of an efficient navy, there was not a point in the country watered by our rivers that would not be assailed by British cannon from their steamships, in the event of a war with that power. The Atlantic and the Gulf were admitted to be assailable by all; but gentlemen thought that the mighty rivers of the interior were safe. There was not one of them that was so. Did any gentleman suppose that the British steamships could not run up the Mississippi, and lay the towns on its banks under contribution? Whoever doubted it, doubted the application of means to ends. Nay, more; there were the Northern lakes, which could be covered by British fleets before any preparation could be made to meet them. Gentlemen were aware that ships from Liverpool, of one thousand tons, could now enter Lake Ontario, through the Welland Canal. Suppose a war should be declared with England. Their steamships could go up the canal, take possession of every lake, take possession of the peninsula of Michigan—go up the Mississippi, and take possession of the towns on its banks; and where were we, without a navy, to meet them? What dependence was there on the much-vaunted Western rifle? Why, we might as well attempt to take possession of the rock of Gibraltar with the arrows of the Indian, as to assail one of these mighty engines with rifles.

Now, his proposition to each and every member of the House was this: to put their hands on their hearts, and resolve to extricate the country at once from the difficulties in which it is involved; that a committee be appointed to inquire into the best mode of accomplishing that object, and adapting the remedy to the situation of the country and its resources, without any regard to sectional interests or to President-making. Mr. H. referred to the embarrassed state of the treasury, the deficiency of revenue under the late high tariff, and the growing increase of the public debt; and showed that, without some adequate measure of relief, the country would soon be driven to the alternatives spoken of by the gentleman from Georgia, [Mr. COOPER,]—of direct taxation, or the abolishment of the navy and army. Extensive preparations were making for smuggling goods into the country, which would reduce our revenues from imports to a still lower state. Under these circumstances, he appealed to gentlemen to lay aside party feelings and sectional interests, and adapt their legislation to the welfare of the whole country. It was not now a question whether one interest should be fostered at the expense of another, nor whether the people could live under a smuggling trade; but whether the Government should be carried on.

Mr. WHITE of Indiana observed that, from the commencement of this session down to the present hour, it had become extremely fashionable among that portion of the members who were pleased to term themselves the Democracy, to avail themselves of every occasion to denounce the Whig party—denounce their principles, and impeach their motives of action. The speech of the gentleman from South Carolina, [Mr. HOLMES,] just delivered, was a continuation of these attacks; and he could wish that the province of defending his party had fallen into abler and better hands. He had, some days since, determined to take the first opportunity to make that defence; and, weak as it might be, he would now make it. It would be well if gentlemen of the Democracy, before they denounced the principles of the Whigs, would declare what their principles were. The Whigs, they said, were the high tariff party, the distribution party, and the bank of the United States party; but what were their principles? There seemed to be a difference of opinion among gentlemen of

the Democratic party as to what Whig principles were. One gentleman declared that the Whigs had no principles, and had none in 1840; another gentleman said that in 1840 they had principles, but that they were most detestable and profligate; and another gentleman said that they had one set of principles for the North, and another for the South. Now, with this diversity of opinion as to what Whig principles were, he should like to know whether those of the Democratic party were better defined. If the gentleman from South Carolina was to be believed, free trade was one of the cardinal principles of Democracy. He asked the gentlemen from the North if they were prepared to adopt free trade as one of their principles. The gentleman from New York opposite to him [Mr. McKeon] said that free trade was the true policy of the country; and another gentleman from the same State [Mr. R. D. Davis] was for free trade, direct taxes, no laws for the collection of debts, and the universal rights of man. Well, he would call Mr. John C. Calhoun to the stand—one of the leaders of the Democracy in the other branch of the Legislature, the candidate of a large portion of his party for the Presidency, and, he might be permitted to add, one of the most consistent of the Democratic leaders.

[Here Mr. W. read a quotation from a speech of Mr. Calhoun of the last session, ending with the assertion that the whole Democratic party was rallied under the banners of free trade, in favor of free trade.]

Here he had the testimony of the gentleman from South Carolina, [Mr. Holmes,] and of two gentlemen from New York, [Messrs. McKeon and Davis,] that free trade was one of the cardinal principles of Democracy, and, above all, that of the great leader of a large portion of them—one whom he was bound to declare that he believed to be as honest a man as ever breathed the political atmosphere, and, whatever might be said of his changes of opinion on political subjects, there was no spot or blemish either on his public or private character. He alluded to John C. Calhoun, who made the declaration.

Now, he asked Northern gentlemen on that floor, who could deceive their Southern colleagues no longer, if they were in favor of those principles of free trade as the cardinal principles of Democracy? He appealed to the Representative of the district in which Mr. Van Buren, the great leader of Northern Democracy, resided.

Mr. R. McCLELLAN. Mr. Speaker, I rise to respond. If by free trade I am to understand direct taxation, I am opposed to free trade. But if, by free trade, I am to understood low duties and low taxation, then I am in favor of free trade. [Cries of "That's right."]

Mr. WHITE said he asked the gentleman if he was in favor of free trade; and that gentleman replied, by asking him what free trade meant.

Mr. McCLELLAN. Well, sir, I will tell the gentleman what I mean, so plainly that he shall not misunderstand me.

Mr. WHITE refused to yield the floor to the gentleman from New York for that purpose. He then went on to observe that the Democratic members were afraid of committing themselves before their constituents; and asked if the Southern Democrats were in favor of free trade, and the Northern Democrats were not, whether there were not in the Democratic ranks, divisions similar to those with which the Whig party had been taunted. He further alluded to the triumph claimed by Northern Democratic presses, which attributed the passage of the tariff bill to the vote of Mr. Silas Wright of the United States Senate; and to the course pursued by Southern Democratic presses, by which odium was piled upon the Whig party for the passage of that same bill; but when the Democrats from those two divisions of the country met on this floor, they were as gentle as cooing doves. He should then assume that free trade was a cardinal principle of the Democratic creed; while, on the other side, protection of American industry was the opposing party principle; and so far the position of the two parties was understood. But he would ask the free-trade advocates, if their doctrines should prevail, how they would supply the deficiency which would be thereby created? Not from customs. Not from import duties. Not by taxing the commerce of foreign nations. They were told there were two courses—the one taxing commerce, and the other direct taxation. If the principles of free trade should prevail, direct taxation would be inevitable; and he would show to the House what the burdens imposed on each State would be under such a system, from a table which he had prepared on the basis of the last census.

The honorable gentleman read his tabular statement, and went into a series of commentaries on the oppressive nature of such taxation, particularly on his own State, which was made to pay the interest of existing obligations. He commented further on the doctrines of particular gentlemen on that floor, and on the inequalities which were observable in the benefits of their legislation between the Western and the Atlantic States, and concluded with remarks on the motives by which he was himself actuated.

Mr. FILLMORE said he merely rose to see if it would be in order to say something about the bill before the committee. He knew that many gentlemen wished to propose amendments; and he had hoped that the debate would have been carried on upon these amendments. The bill must be passed: and, as nothing had been said about it, he would call attention to the estimates from the department, and the appropriations recommended by the Committee of Ways and Means; and, also, he would call attention to a statement from the Navy Department, showing where reductions might be made, without materially interfering with the service. According to the estimate sent from the department, the sum of $4,020,062 46 was asked for as requisite for the naval service and the marine corps during the first half of the calendar year 1843. Now the committee recommended an appropriation of $3,663,978 21 for the same object; thus effecting a reduction of $356,084 25. For the fiscal year from June, 1843, to June, 1844, the department estimated the amount required for the service at $7,318,021 71. The committee reduced the amount to $6,248,079 25. Reduction on the year, $1,069,942 46. Total reduction by the committee from the estimates of the Navy Department during the half calendar year and the fiscal year, $1,426,026 71.

[Several members: "Give us the heads of reduction."]

Mr. F. said he could not now state the various heads of reduction; one item, however, he would state, and that was $500,000 in the item for the increase, repair, and armament of the navy during the half calendar year. The committee also made reductions by cutting off the appropriations for new works at navy-yards.

Mr. MALLORY rose and inquired what rule was adopted by the committee in scaling these appropriations. He observed, from reading the bill, that a large amount was proposed for the navy-yard at Portsmouth, N. H., and also for Boston; whilst there was very little for the Southern stations—Pensacola and Gosport. He wished to know the reason of this distinction.

Mr. FILLMORE said that the committee acted on the principle of striking out all appropriations for the establishments of new works at navy-yards.

Mr. MALLORY said the reason would not apply in the case of the reduction of the appropriation for Gosport, Va.

Mr. FILLMORE. Why?

Mr. MALLORY said because the appropriations proposed for the Gosport navy-yard did not contemplate new works, but were for old ones.

Mr. FILLMORE remarked that this case, and the remark of the gentleman from Virginia, [Mr. Mallory,] showed how little attention was paid to the concerns of the navy. By reference to the estimates of last session, it would be seen that an appropriation of $36,000 was asked to build a new store-house at the Gosport navy-yard. The committee struck out the item, on the ground that it contemplated a new work. The House acquiesced in their decision, and struck the item from the bill. Notwithstanding this decision, the Navy Department took $15,000, (which had been appropriated towards other objects,) and applied it to the commencement of this new work, for which additional appropriations were now wanted.

Mr. MALLORY said that the explanation of the gentleman did not reach the objection he had raised: it went around and about the objection, without reaching it. Mr. M. was understood to say that the appropriation asked for contemplated the completion of a quay dock, instead of the putting up of new works.

Mr. FILLMORE inquired whether the gentleman had looked into the estimates of last year sent from the department?

Mr. MALLORY said he had not.

Mr. FILLMORE said that these estimates assumed such a Protean shape, that it was often impossible to trace them, and find out for what object the appropriations were wished; but, whenever the committee did ascertain it, their object was always to cut off those which were for the commencement of new works.

As the present state of the treasury had been brought to the notice of the House, he felt it his duty to say something in relation to it. He would call attention to the estimates sent from the Navy Department, in order that the House might see on what data the Committee of Ways and Means had acted. The department had put down the sums required for the several squadrons in the Mediterranean, the Pacific, the Brazilian station, the East Indies, the coast of Africa, and the home squadron; and in another table, it had specified, after carrying out the amount required for all, the sum required for each vessel of a distinct class. Thus, the House might, if it saw fit, diminish the force of the navy as it pleased, by specifying any particular vessel which should not be put in commission. He merely stated this fact, in order that the House might pursue its own pleasure. He was not, however, instructed by the Committee of Ways and Means to make any motion having for its object a reduction.

Mr. MERIWETHER rose to ask a question.

Mr. FILLMORE yielded; and expressed a willingness to answer.

Mr. MERIWETHER wished to know whether the bill did not propose an increase of $600,000 above the amount last year expended in paying the navy?

Mr. FILLMORE. Very likely.

Mr. MERIWETHER said he made it $598,000. There was, also, according to his estimate, a surplus fund now on hand, amounting to $490,000, applicable to this object.

Mr. FILLMORE observed that the estimates of last year were cut down. He was also understood to say that the amount proposed to be appropriated by the item could not be reduced, without taking from the officers of the navy what they were entitled to by law.

He would say that a most strange proposition had been this morning submitted by the gentleman from South Carolina, [Mr. Holmes,] to lay all the appropriation bills on the table. It was, indeed, a grave charge which that gentleman brought against the Whig party, when he said that they were, last session, disposed to withhold the appropriations for carrying on the Government. It was with surprise that he to-day heard, for the first time, at this late hour of the session, when only enough time was left to act upon the appropriation and upon other necessary bills, a proposition to lay all appropriation bills on the table, and not appropriate a dollar until the ways and means should have been provided. It did seem to him extraordinary that this objection should come from that side of the House to which the gentleman belonged, at this late day.

He would now say a word or two upon the means of carrying on the Government. The only communication which the Committee of Ways and Means had received from the Treasury Department, and the only basis of information on which they had to act, was the financial report of the Secretary, laid before the House in December last. Without enumerating the details of that report, and the estimates of the Secretary, he would merely state that the result arrived at by that officer was,

that, on the 1st July, 1844, there would be a balance in the treasury, over and above the demands upon it, of $1,635,871 01.

Mr. SMITH of Virginia rose, and inquired whether the gentleman from New York, as chairman of the Committee of Ways and Means, had come to the same conclusion.

Mr. FILLMORE said he could arrive at no other from the same data.

Mr. WISE said the answer given to his colleague [Mr. SMITH] did not satisfy him. Did the gentleman from New York mean to say that, from the data furnished by the Secretary of the Treasury, he could come to no other conclusion? He would ask the gentleman whether he had not looked to other data than that furnished him by the Treasury Department? Was not the gentleman's own opinion different? Had not the gentleman endeavored to form an opinion upon other data?

Mr. FILLMORE said he would take pleasure in answering any questions that might tend to enlighten the members on this subject.

Mr. WISE said he put his questions in all good faith.

Mr. FILLMORE remarked that the Committee of Ways and Means, with the many labors imposed upon them, were necessarily compelled to rely upon the information which they might receive from the Treasury Department in relation to the receipts and expenditures of this Government. The committee supposed that, inasmuch as the Secretary communicated his estimate of the receipts and expenditures on the 18th of December, if any circumstance had since occurred to induce him to believe that he had made a mistake in his estimates, he would have corrected them before this. As no communication had been received from him, either by the committee or by the House, from that day to this, it was to be presumed that his estimates were correct. So far from the committee having received any information that the report of the Secretary was not to be relied on—after waiting for a long time, and after hearing it announced from day to day, in that hall, that the estimates of the department could not be relied on, he, by direction of the committee, addressed a letter to the Secretary on the 31st of January, asking for information. He would read that letter to the House; but, before he did so, he would remark that no answer had been received from the Secretary.

He then read a copy of the letter he had addressed to the Secretary, from which the reporter gathered that he requested the Secretary to state—1st, the amount of treasury notes issued, and when due; 2d, the amount of treasury notes issued, on which the interest is payable semi-annually; 3d, the amount of the loan taken, distinguishing between that taken last session, and that taken recently; 4th, the amount of the loan and treasury notes authorized, but not issued; 5th, the estimated revenue for the calendar year 1843; and 6th, the estimated expenditure during the same period, under each general head. These inquiries were sent by him to the Secretary on the 31st of January. He had since received no response.

Mr. WISE. With all due deference——

Mr. FILLMORE. In addition to this, he would state that, on the same day, he addressed a letter to the Secretary, asking for his opinions upon the proposed modification of the tariff, and stating that the committee were waiting to see what he had to recommend.

Mr. WISE remarked that it was the practice for the House to take the data furnished by the Secretary of the Treasury, and also the data furnished by the Committee of Ways and Means, in passing its appropriation bills. Both were responsible, and both bound to inquire into the financial affairs of the Government. The gentleman from New York said that it was the duty of the Secretary of the Treasury to furnish data on which to act in making appropriations. He asked, was it not the duty of the committee also to make inquiries? He wished to know whether—as doubts had been expressed in relation to the correctness of the Secretary's estimates—the Committee of Ways and Means had, for themselves, made inquiry into the matter, and what opinion they had formed? He had a right to know their views.

Mr. FILLMORE said he knew not what would be the amount of imports the present year. He could not undertake to make an estimate. But, he would say, that he was not before aware that it was the duty of the Committee of Ways and Means to correspond with the collectors of our ports, in order to ascertain what would be the amount of duties on imports. The only source on which they had to rely was the department, which they held responsible for furnishing correct information.

Mr. WISE said he was not yet satisfied. He wished to know the gentleman's opinion upon the data before him.

Mr. FILLMORE said he had already given that.

Mr. WISE had not heard it.

Mr. FILLMORE said that if the data of the Secretary were correct, his result was true—if otherwise, not. After a few remarks expressing his regret that the deficiency in the revenue occurred when there was so little time left to remedy it, he concluded by expressing the hope that the amendment of the gentleman from Georgia [Mr. MERIWETHER] would be withdrawn, and offered, if the gentleman thought proper to persist in it, when a more appropriate bill came up. He referred to the retrenchment bill of the gentleman from Tennessee, [Mr. ARNOLD,] which had been made the special order for Tuesday next.

Mr. STANLY read an amendment—which, he said, he intended to offer at the proper time—reducing the number of ships employed on foreign stations, effecting a reduction of about $100,000. Mr. S. then briefly opposed the amendment of the gentleman from Georgia, and defended and eulogized the officers of the navy.

Mr. SMITH of Virginia said that this amendment would have no effect; for the officers would receive their pay, whether they went to sea or not.

Mr. CHARLES BROWN observed that, at this late period of the day, he would not say all that he should have said yesterday and the day before, had he then obtained the floor. He now wished to say something in relation to this navy bill, and also to say a few words to the gentleman from Indiana, [Mr. WHITE.] Some gentlemen contended that this bill was not the appropriate one in which to begin retrenchment; that it ought to be done in a general bill, embracing all the departments of the Government. Now, he thought they had better make the reduction here; and if it should be superseded in another bill, there certainly would not be a double reduction. He thought that the reduction of the pay of some of the officers was too great; while there were others that ought to be reduced; for in the bill regulating the pay of the navy, passed in 1835, that House raised the salaries of some of the officers up higher than was recommended by the Secretary of the Navy. The gentleman from Virginia had referred to the neglect of appropriations for some of the navy-yards; but he could show that there was great partiality and injustice in some of them. The appropriation for Portsmouth, New Hampshire, for instance, $40,000 was for permanent improvements, in order to enlarge that yard, and place it on the same footing with others. The appropriation for the yard at Boston was for the same purpose; while the committee had stricken out of the appropriation for the Philadelphia navy-yard, what the department had recommended as indispensable—giving only $4,000 to that yard, instead of the $28,000 which was recommended. This, too, was done, while they gave $40,000 to the little yard at Portsmouth, and $40,000 to the yard at New York; though it was not yet decided whether the improvements were necessary or not. When the proper time came, he should offer an amendment increasing the appropriation for the Philadelphia navy-yard, though he should not be allowed to advocate and explain it.

He would now say a few words to the gentleman from Indiana, [Mr. WHITE,] who voted for taking this bill out of the committee at two o'clock, and yet consumed one hour to-day without saying one word in relation to it. That was a sample of the whole Whig party. They talked a great deal of retrenchment and reform, while their whole action tended to extravagance. They voted for every appropriation, while they declared to the people that their object was economy; and they might tell them, too, how they prevented these Locofocos from consuming the time of the House. If it was not for the hour rule which they had adopted, and the resolution for taking bills out of the Committee of the Whole, debates might go on, and something like retrenchment and reform might grow out of them; but these gentlemen thought they had economized enough when they saved time by suppressing debate. After all, what good had resulted from it? There never was a session in which there was so much useless debate, and so much unnecessary consumption of the time of the House—and all by the different members of the Whig party wrangling with each other. Weeks after weeks had passed in debate, without hearing a Democrat's voice, while the Whigs were denouncing each other and denouncing everybody.

Mr. KING here made some observation, which was not heard by the reporter.

Mr. C. BROWN. Did you not vote for the gag rule?

Mr. KING. No, I did not.

Mr. C. BROWN. Did you not vote for the rule allowing a resolution to be offered to take a bill out of committee at a few hours' warning?

Mr. KING admitted that he did.

Mr. C. BROWN then said that, if the gentleman would put a loaded gun in the hands of a madman, he must not complain of the consequences. Well, the Whig party had accomplished all their objects; and what had they or the country gained by it? They carried their land distribution measure, and the money was sent to the States; but had the people been benefitted by it? They had passed their bankrupt bill; had the people approved of it? They had passed their high tariff; had the people approved it, or had it replenished the treasury? [Here some gentleman asked Mr. B. if he did not vote for it.] The gentleman asked if he voted for it. Yes, he did; and would to God he could have voted for their bank bill, in order that the people might see how delusive were the promises of relief and prosperity it held out to them.

He had voted for the tariff bill as an honest politician, though he did not believe that it would do any good. He wanted it to go before the people, and show them, by its practical results, that all the promises of prosperity held out in its behalf were utterly false. The Whigs had been holding meetings in his district, promising good times, constant employment to laborers and mechanics, and good wages, if they could only get a tariff bill passed. Well, the bill was passed; and what was the consequence? Why, instead of constant employment and good wages, wages were reduced, and numbers were discharged. Such was the result of Whig promises. They had their distribution act, their bankrupt law, and their high tariff; for all of which great promises were made: and now that the country had repudiated them, they were abandoning these measures themselves. Much had been said about the currency; and he would ask if there was not enough for the greatest advocate of a paper currency in the exchequer bill before the House? Would the Whig party go before the people, and say that they wanted more currency than this bill would give them? Or would they go before the people, and say that the paper of a national bank would be a better currency than the paper of the exchequer founded on the revenues of the Government and the public lands? The Whig party had everything they wanted; and, with all their objects accomplished, what had been the verdict of the people? Where, in this vast republic, had they been able to keep their ground?

[Some one answered Mr. B: "In Georgia."]

He had heard it said, when, at the last election for members to the next Congress in Georgia, the entire Whig delegation was defeated, that their defeat was caused by General Apathy. Now that they had been able to get one crumb of comfort by the election of one member for the tail of the session, they hailed it as a great triumph and a glorious victory. But might not that result have been caused by *General Apathy* also? He would ask any gentleman from Georgia to rise in his place, and say that

the result of that election was caused by a single measure of this session. Was this gentleman [Mr. CRAWFORD] elected to make a national bank? Was he elected to perpetuate the high tariff? He had not seen the gentleman's votes yet; but he would vote differently from the Whigs of his section of the country if he voted for any of these measures. Now for retrenchment; for nothing was more potent at the last elections than that subject. There was not a district in this Union in which the Whig candidates did not go before the people upon the extravagant expenditures of the last Administration. Everywhere they imputed to that Administration extravagant waste of the public money, and high salaries. Now, let them put their hands on a single retrenchment they had effected. Why, so notorious was their opposition to retrenchment, that the member from Tennessee, one of their party, [Mr. ARNOLD,] admitted that he principally relied on the Democrats to carry his bill through, (No. 548.)

Yesterday, it was true, they punished one solitary man by cutting off half his salary; and last session, the only man they reduced was the man who carries wood and brings water. They did not reduce the pay of the pages, as was alleged. If they knew of any extravagance in the Government, it was their duty, as honest men, to put an end to it when they got into power. But they had not done so. Let them but show a general movement at retrenchment and reform, and he would answer for Democrats enough to enable them to carry it through. Where would they begin retrenchment, he asked them, if this bill was not the place for it? The bill of the gentleman from Tennessee, [Mr. ARNOLD's No 548,] they said was not the place for it; and now, within three weeks of the close of the session, it was too late to introduce another bill. The gentleman from Indiana said that they went for reform; but he should like to know what their reform was.

Mr. PROFFIT. To get such men as you out of Congress.

Mr. C. BROWN in continuation. Yes, it was; but gentlemen, in striving to get us out, got themselves out of Congress; they dug a pit for us, which they fell into themselves.

There were but few Whig members in the House who would not be repudiated by their constituents. They had been, and were being, reformed out themselves; and this was, in his opinion, the best reform that could be made. Their days were numbered; and, in a short month, all that would be left of them and their reign, would be a blotted page on the records of these halls, and a debt of some thirty or forty millions of dollars, that they had, by their wasteful extravagance, imposed upon the people they had deceived and betrayed.

It had been said that it was necessary to give high pay in the navy, in order to get good officers; but all this was idle talk. We had as good, if not better officers, with one half the pay as we have now. It was the officers who received only half the pay of those of the present day, who gave the navy its high character; and it was on the deeds of those officers that those of the present day now relied to sustain them. He would say nothing in regard to the state of the treasury, further than that in these times of public distress, those in the service of the public should bear a portion of that distress. This doctrine was carried out in his State, by taxing all the public officers; and in Alabama, as he had lately seen, in curtailing the salaries of all the officers of the State 20 per cent. One of the post-captains of the navy told him that he saved more of his pay when he was a lieutenant, receiving only $700 per year, than he now did. [Some gentleman was heard to say that the officer must then have been a bachelor.] No, he was not a bachelor. He would not do such discredit to the ladies of the country, as to consider them a bill of expense. The Scriptures told them woman was made a helpmate for man; and such he had always considered a good wife. At least such a help he should consider a wife, if he ever was so fortunate as to get one, and not a subject of expense, that would require the bounty of his country to enable him to support. They slandered the ladies of the Union, who thus brought them into its halls of legislation as burdens upon its officers or its treasury. They deserved and held a higher position, and would scorn to be thus made an argument to extract money from the public coffers; and, most of all, when those coffers were empty.

The hour fixed to terminate debate having arrived, the committee proceeded to act upon the amendments.

Tellers were demanded on the amendment offered by Mr. MERIWETHER, which was in the following words:

Add to the first section this proviso:
Provided, That, until otherwise directed by law, no part of the present, or any future appropriations for the pay of commissioned, warrant, and petty officers, including the engineer corps, shall be paid to the same, except upon a reduction of the present pay at and after the rate of twenty per cent. per annum.

Mr. C. BROWN and Mr. T. J. CAMPBELL were the tellers appointed; and they reported 74 in the affirmative, and 82 in the negative.

Mr. McKEON then submitted his amendment to the first item, which, on Saturday last, he offered as an amendment to the amendment of the gentleman from Georgia, providing that no part of this appropriation shall be applied to the pay of officers, or to the equipping of vessels, to be employed on the coast of Africa, under the late treaty with England.

After a discussion on the appropriateness of this amendment as an amendment to the first item, in which Mr. GRANGER, Mr. WISE, Mr. SMITH of Virginia, and the CHAIRMAN took part, it was decided to be in order.

Tellers were then called for, and ordered.

Mr. ADAMS inquired whether the gentleman from New York [Mr. McKEON] meant to make an appropriation which would be necessary to carry out a treaty, for the support of a squadron on the African coast, by an addition to this bill. [Cries of "Order"—"No debate."]

Mr. McKEON inquired if it would be in order to reply to the question of the gentleman from Massachusetts.

The CHAIRMAN replied in the negative.

Mr. BARTON and Mr. HOUSTON were then appointed tellers; and they reported 23 in the affirmative. The negative was not counted, and the amendment was deemed lost.

Mr. STANLY moved to amend by striking out $2,993,161 as the appropriation for the pay of the officers and men, and inserting $2,715,805.

Tellers were called for, and Messrs. BOARDMAN and WELLER were appointed; and they reported 73 in the affirmative, and 93 in the negative. The amendment was, therefore, agreed to.

Mr. AYCRIGG moved to amend a subsequent item, by striking out "engineer corps," and inserting "engineer men;" which was agreed to.

Mr. STANLY submitted an amendment to the item making appropriation for the provisions of the navy, transportation, cooperage, &c., which was understood to be a reduction of the appropriation for Provisions; but its precise purport was not heard. The amendment was agreed to.

Mr. MALLORY offered an amendment to an item of the bill, for the purpose of providing that the duties of the head of the Bureau of Clothing and Provisions should be discharged by a captain in the navy.

Mr. KING moved to amend the amendment, by striking out the word "captain," and inserting "purser."

Tellers were called for, and Messrs. GORDON and J. C. EDWARDS were appointed; and they reported 79 in the affirmative, and 81 in the negative. The amendment to the amendment was not, therefore, agreed to. The amendment was then adopted as submitted by Mr. MALLORY.

Mr. MERIWETHER moved to strike out the appropriation for clothing, &c., $380,000. Rejected.

The clause making an appropriation for medicine, medical attendance, care of the sick, &c., having been read,

Mr. FILLMORE offered a verbal amendment, uniting the appropriation for the several objects intoone item—$57,250 for the half calendar year, and $46,840 for the fiscal year.

Mr. FESSENDEN rose and offered an amendment to this amendment, to be inserted by way of proviso. It provided that no person shall hold the place of chief of the Bureau of Medicine and Surgery, unless he shall have been at least five years in the sea service.

The question was taken upon this proviso, and it was adopted without a division. Before the fact, however, was announced to the committee by the Chair,

Mr. ADAMS rose to a question of order. He contended that the amendment abridged the power of appointment lodged in the President by the Constitution, by requiring the President to select only from a certain class of men in the service.

Mr. J. R. INGERSOLL said the amendment involved a change of the organic laws, and would essentially alter the qualifications required of officers.

Mr. ADAMS said it would have the effect of dismissing the present chief of the Bureau of Medicine and Surgery.

[Several members: "Yes; that's what we want."]

The CHAIR then decided that the amendment was not in order.

Mr. FESSENDEN took an appeal.

Mr. WISE wished to know if the Chair had not, a short time since, entertained a proposition to the effect that none but a post-captain should occupy the place of chief of the Bureau of Clothing? Why, then, object to receiving this proposition?

The CHAIRMAN said he should have no objection to having his decision reversed.

Mr. BOTTS and several gentlemen rose to debate the question of order; but were ruled out of order.

The decision of the Chair was then reversed, and the amendment of Mr. FESSENDEN carried without a division. Mr. FILLMORE's amendment, as amended, was agreed to.

Mr. ADAMS offered an amendment appropriating $5,000 to the relief of recaptured Africans on the coast of Africa: agreed to.

Mr. LEVY moved to reduce the appropriation for the equipment, &c. of the navy, by taking therefrom $50,000: rejected without a count.

Mr. FILLMORE moved to increase the appropriation for the navy-yard at Brooklyn, for the half calendar year, from $14,000 to $16,000; and for the fiscal year, from $22,900 to $25,400; so as to provide for the guard-house: agreed to—ayes 73, noes 52

Mr. CHARLES BROWN moved to increase the appropriation for the navy-yard at Philadelphia, for the half calendar year, from $1,950 to $8,000; and for the fiscal year, from $2,000 to $20,000: rejected without a division.

Mr. FILLMORE moved to increase the appropriation for the navy-yard at Gosport, Va. so as to provide for the guard-house. Instead of $4,000, as proposed for the half calendar year, he moved to insert $5,200.

Mr. MALLORY moved to amend this amendment, by striking out $5,200 and inserting $24,000. (A voice: "That's modest.") The proposition was rejected.

Mr. FILLMORE's amendment was then adopted; as also a similar one offered by him for increasing the appropriation for the fiscal year from $8,500 to $9,310.

Mr. FILLMORE next moved to increase the appropriation for the Pensacola navy-yard, so as to provide for the guard-house there, by inserting $3,000 in lieu of $2,000 for the half calendar year.

Mr. LEVY moved to amend the amendment, by striking out $3,000, and inserting $28,000: rejected.

Mr. FILLMORE's amendment was then adopted, together with a similar one, increasing the appropriation for the fiscal year from $3,000, to $4,047, after a fruitless effort on the part of Mr. LEVY to increase the last named item to $63,000.

Mr. LEVY moved to insert $50,000 for a floating dock at Pensacola: rejected without a count.

Mr. FILLMORE moved to insert an item of $1,000 for printing and publishing the code of rules and regulations for the government of the navy, prepared by the Secretary, under the order of

Congress, so soon as the same shall have been ratified by both Houses: agreed to.

Mr. GAVE JOHNSON moved an amendment to strike out the word "increase" in the thirty-seventh line; so that the appropriation should not be made for the increase of the navy: rejected.

Mr. BURNELL offered an amendment providing that naval apprentices, upon being recommended by their teachers and commanders as fit for the appointment, may be appointed midshipmen: rejected.

On motion by Mr. FILLMORE, the committee then rose and reported the bill, as amended, to the House.

Mr. KING rose, and was about addressing the House; but after some conversation between him and Messrs. WISE and MERIWETHER, he agreed to forego his speech for this occasion, and to move the previous question.

The previous question being seconded, and the main question ordered,

Mr. JACOB THOMPSON expressed a wish to have the amendments printed; and, for that purpose, moved an adjournment: rejected.

The question was then taken on concurring in the amendments made in Committee of the Whole, and carried.

Mr. MERIWETHER moved to recommit the bill to the Committee of the Whole, with instructions to report it with an amendment reducing the salaries of all the officers of the navy twenty per cent.

Mr. WISE moved the previous question.

Mr. BURNELL said it was not in order for a gentleman to rise and move the previous question after a gentleman had submitted a resolution, and before it had been received by the Chair.

Mr. WISE explained.

Mr. MERIWETHER said it was his intention to have debated the question of recommitment. He was occupying the floor, when the gentleman from Virginia stepped in between him and the Chair, before his proposition had even been read; and he denied the competency of the gentleman from Virginia to pursue such a course.

Mr. WISE, Mr. MERIWETHER, and the SPEAKER explained.

The previous question was then seconded—88 voting in the affirmative, and 63 in the negative.

The main question was then ordered to be put, and the bill was passed. To prevent debate hereafter, Mr. FILLMORE moved a reconsideration, on which he demanded the previous question. The previous question was sustained, and the motion to reconsider was negatived.

The House then adjourned.

IN SENATE.

THURSDAY, February 9, 1843.

The PRESIDENT *pro tem.* laid before the Senate a communication from the Treasury Department, transmitting copies of communications from the collectors of customs, in relation to the policy of establishing the warehouse system; which,

On motion by HUNTINGTON, was referred to the Committee on Commerce.

Mr. McDUFFIE presented additional documents from Milledge Galphin, relative to the claims of the heirs of George Galphin; which was referred to the Committee on Indian Affairs.

Mr. EVANS, from the Committee on Finance, reported back, without amendment, the bill making appropriations for the payment of pensions for the half calendar year, commencing on the 1st January, 1843, and ending on the 30th June, 1843; and for the fiscal year, commencing on the 1st July, 1843, and ending on the 30th June, 1844.

Mr. E. also, reported back, from the same committee, with an amendment, (which was ordered to be printed,) the joint resolution authorizing the Secretary of the Treasury to settle, on certain terms, the liabilities of the sureties of Gordon D. Boyd, late receiver of public moneys at Columbus, Mississippi.

Mr. BARROW, from the Committee on Commerce, reported a bill to provide for the improvement of the navigation of the Mississippi river and tributary streams; which was read, and ordered to a second reading, and the report accompanying the same to be printed.

Mr. SMITH of Indiana, from the Committee on Public Lands, reported back, with several amendments, House bill entitled "An act for the relief of Garret Vleit."

Mr. S., also, from the same committee, reported back, with an amendment, Senate bill for the relief of Richard DeWitt and Ira J. Price.

Mr. S., also, from the same committee, reported a bill for the relief of Jacob Wagoner; which was read, and ordered to a second reading.

On motion of Mr. SMITH of Indiana, the Committee on Public Lands was discharged from the further consideration of the petition of David Irvin, and others, praying to be confirmed in their purchases of certain lands; and the petitioners had leave to withdraw their petition.

Mr. WOODBRIDGE said a letter had been received from the collector of New York, in relation to a box of books furnished by the French Chamber of Peers to the Senate of the United States; he therefore moved the following resolution:

Resolved, That the communication of E. Curtis, esq., collector at New York, concerning a case of books and public documents forwarded to the Senate of the United States by the House of Peers of the kingdom of France, be referred to the Joint Committee on the Library; and that the said committee be authorized to deposite the said books and public documents, when they shall receive them, in the Library of Congress.

Mr. HUNTINGTON, from the Committee on Commerce, made reports (which were ordered to be printed) adverse to the passage of the following bills from the House, and with a recommendation that they be rejected, viz:

An act for the relief of the owners, master, and crew of the schooner Codhook, of Blue Hill, Maine.

An act for the relief of Levi Eldridge and others.

An act for the relief of the owners and crew of the Three Brothers.

An act for the relief of John Patten, jr., owner of the fishing schooner Credit, and the master and crew of said vessel.

An act for the relief of William Ellery, owner of the fishing schooners Savo and Ida, both of Gloucester, Massachusetts, and others.

An act for the relief of John H. Russell and others, as owners, master, and crew of the fishing-schooner Lucy Ann.

An act for the relief of Mary Broadstreet, Amos Tappan, and others.

An act for the relief of Barnabas Baker, jr., and others, owners of the fishing-schooner Union, of Dennis, Massachusetts.

An act for the relief of Joshua Knowles, jr., and others, owners of the fishing-schooner Garnet.

Mr. HUNTINGTON, from the Committee on Commerce, made an adverse report (which was ordered to be printed) on the petition of Isaac Hull and Thomas Curtis, praying for the payment of a sum of money withheld from them under the act providing for the discharge of seamen.

Mr. H., from the same committee, reported back, without amendment, and recommended its passage, House bill for the relief of Knott Martin 3d, and Arnold Martin, owners of the fishing schooner Only Son.

Mr. H. also reported back, from the same committee, with an amendment, (which was ordered to be printed,) the Senate bill authorizing the appointment of an assistant collector at Bangor, in the collection district of Belfast, Maine.

Mr. H., from the same committee, to which had been referred the resolution of inquiry into the expediency of allowing the export of foreign merchandise by land, as well as by sea, in original packages, with the benefit of drawback, reported that the committee had instructed him to recommend that they be discharged from the further consideration of the subject, on the ground that a majority of the committee were of opinion that there ought to be no legislation of that character; that there was none called for before the adjournment of the present Congress. The report was ordered to be printed, and to lie on the table for the present.

Mr. H., from the same committee, to which had been referred the resolution of the 27th December last, directing that committee to inquire into the state of our tonnage, freights, and commerce, and several memorials relating thereto, and to report whether they were prosperous under our existing regulations with foreign powers, and whether the regulations by other Governments are equal and in conformity to the spirit of our treaties with such powers, and what measures were necessary and proper to produce greater reciprocity, reported a resolution, recommending that the committee be discharged from the subject; and that the same be referred to the Secretary of State, who is directed thereby to make the inquiries touching the matter, and to report to the Senate at the next session of Congress.

The report was ordered to lie on the table, and be printed.

Mr. GRAHAM, from the Committee on Claims, reported back, without amendment, and with a recommendation that they be indefinitely postponed—

House bill for the relief of the legal representatives of Frances Pellicer; and

House bill entitled "An act for the relief of Teackle Savage, administrator of Bolitha Laws.

Also, from the same committee, reported back, without amendment, and with a recommendation that it do pass, House bill for the relief of the legal representatives of Lieutenant William S. Eveleth.

Also, from the Committee on Finance, reported back, with an amendment, and with a recommendation that it do pass, the bill for the relief of Wm. Selden, Treasurer of the United States.

Mr. HENDERSON, from the Committee on Private Land Claims, reported back, without amendment, and with a recommendation that they do pass, House bills of the following titles, viz:

An act to set aside certain reservations of lands on account of live oak, in the southeastern district of Louisiana; and

An act for the relief of the heirs of Philander Smith and James Young.

The joint resolution from the House, directing certain papers relating to titles to land in Louisiana to be returned to the General Land Office.

On motion of Mr. HENDERSON, the Committee on Private Land Claims was discharged from the further consideration of the petition of Wm. Wynn, praying to be confirmed in his title to certain lands.

On motion by Mr. WILLIAMS, the Committee on Naval Affairs was discharged from the further consideration of the petition of McKean Buchanan, a purser in the navy, praying to be indemnified for losses sustained by him, in consequence of a violation of the usages of the navy by his commanding officer.

On motion by Mr. WILLIAMS, the Committee on Naval Affairs was discharged from the further consideration of the petition of Thomas L. Ragsdale; and leave was granted to the petitioner to withdraw his petition.

Mr. BENTON, from the Committee on Indian Affairs, reported back, without amendment, the House bill for the relief of George C. Johnson.

Mr. BENTON, from the Committee on Military Affairs, reported a bill for the relief of John Moore; which was read, and ordered to a second reading.

On motion by Mr. BAGBY, the papers of Jamison and Williamson were ordered to be taken from the files of the Senate, and referred to the Committee on the Post Office and Post Roads.

Mr. KING presented joint resolutions adopted by the Legislature of Alabama, setting forth that, owing to the peculiar condition of the banks, the individuals entitled to pre-emption rights on the public lands find it utterly impossible to procure specie to make a purchase of those lands without great sacrifice, &c., and recommending the passage of a law by Congress to permit the registers and receivers of that State to receive from the actual settler on the public lands, in payment of their homes and cultivation, entered by them under any of the pre-emption laws, the notes of the Bank of the State of Alabama and its branches to an amount equal to the two per cent. fund relinquished to that State by Congress, remaining

ed while pending before them, passed "An act supplementary to an act to incorporate the subscribers to the Mississippi Union Bank;" wherein, under the magic title of "supplement," they endeavored to do indirectly what the conscience of every member checked him in doing directly. They made changes in the charter, by way of supplement, which, but a few days before, they had declared, under oath, would vitiate the whole instrument. This procedure was in violation of all parliamentary rule, known in this or any other enlightened country; and it can be considered in no other light than a legislative fraud, because it violated not only the constitution, according to their own showing, but also one of their express rules of order, which prohibited the repeal of any law the same session at which it was passed. On the 15th of February, 1838, this act took the form and shape of law. The very first section changed altogether the attitude of the State to the bank. In the original act, the State, being amply iddemnified, agrees to stand as the security of the stockholders; in this supplemental act she becomes primarily liable for $5,000,000. In the original act, no individual but a citizen of the State can subscribe and take stock; in this act, the State becomes a subscriber for stock, and, by express repeal, gives up her ten per cent. of the profits, her five directors, and her accommodation loan of $200,000, and becomes a partner in the banking adventure. All this is done under the talismanic word "supplement," without submitting it in any way to the people! Now, it must be apparent to the commonest understanding, that it was not in the power of the Legislature to make the State a subscriber for stock in that bank—to render her liable for the sum of $5,000,000, or any other amount—to change her attitude in any respect towards the stockholders in the bank—to enlarge or diminish her interest in the bank, as it stood at the passage of the original charter, without submitting it to the action of the people. This right had been expressly reserved to the people in their fundamental law; and, until they had been consulted in the manner prescribed, all action by their supposed agents was null and void; and the whole world were bound to take notice of it. These propositions are so self-evident, no man of candor and discrimination will dispute them. The only question remaining is, Does the present supposed liability arise under and by virtue of the supplement?

It is apparent that it does so arise—1st, from the very terms of the mortgages for stock which were drawn up by the officers of the bank, and which have been recorded in almost every county of the State; in which it is set forth that the intent of the mortgage is to secure the payment of only $10,500,000; leaving $5,000,000 (the sum already sold) to be paid by the State, by virtue of the supplemental act. 2d. It is apparent from these facts, that, at the time of the issuance of the five millions of bonds now held abroad, there were no subscribers for stock; that the books of subscription had not been kept open six months, as required by the original charter; that no bonds for stock, and no mortgages to secure them, had been taken; that no directors had been appointed by the Executive to examine and pass upon the validity of the mortgages; and that not a dollar had been paid in on a single share of stock: therefore, they must have been issued in pursuance of the supplemental act; or else there is more baseness in this whole transaction than ever characterized any other act of public functionaries. 3d. It is apparent, from the very terms of the power of attorney from the managers of the bank to the commissioners who went abroad to sell these bonds. This power of attorney, after reciting that the act to incorporate the subscribers to the Mississippi Union Bank had been passed by one Legislature, and, in conformity to the constitution, had been published, and referred to the next succeeding Legislature, which had passed and confirmed the said original act; and that the same was approved by the Governor, on the 5th day of February, 1838,—continues: "And whereas the said Legislature last above mentioned passed an act entitled An act supplemental to an act to incorporate the subscribers of the Mississippi Union Bank, which was approved by the Governor, February 5th, 1838; and whereas the Governor of the State of Mississippi has, pursuant to the provisions of the said supplemental act, subscribed, in behalf of the said State, fifty thousand shares of the capital stock of said bank, and has executed twenty-five hundred bonds of the said State of Mississippi, for the sum of two thousand dollars each," &c. If truth can produce conviction, surely this question is now placed beyond cavil. 4th. It is self-evident, that the purchaser of the bonds had not only constructive, but actual notice, that the faith of the State could not be pledged under the constitution by an act of the Legislature, without a confirmation by the people; that the supplemental act had not been confirmed by the people; and that the bonds he purchased were issued "pursuant to the provisions of the said supplementary act!"—because this power of attorney to the commissioners is made part and parcel of his contract with them, and it contains a full statement of these facts.

Mr. GWIN contended that the extract read by the Clerk from his colleague's letter was the basis upon which the canvass in Mississippi, in the election of 1841, was founded. The question was not, "Shall the bonds be paid?" but, "Shall we assume them as the bonds of the State, and not provide for their payment by taxes? or shall we assert the unconstitutionality under which they were issued, and refuse to lay the tax, because it was not the debt of the State?" He stated the fact, that not a dollar of the money for which the bonds were sold had been received by the State; that the bonds were sold by agents of the bank, appointed by authority of the unconstitutional supplement—the money received by the bank, and used by it. Not a dollar ever went into the State treasury, or was under the control of a State officer; and the archives of the State show no evidence of the existence of any such obligation as due from the State. He further observed, that the State authorities had offered no obstruction to the bondholders, if they wished to seize the assets of the bank. In fact, they had publicly expressed a desire that this course should be adopted.

Mr. G. said he differed with the statement of Governor McNutt as it regarded the worthlessness of these assets. He thought, if they were properly managed (as he had no doubt they would be, by the present board of assignees) that there would be a large surplus, after paying the circulation, to be applied to the liquidation of those bonds. In addition to these assets, there were also the mortgages of the stockholders for ten millions and a half of real estate—some of it the best in the State, and equal in productiveness to any on the face of the globe—which the first legal men in the State believed would be held liable at law for the payment of these bonds. He was no lawyer himself, and would not trust his own opinion; but the one he now stated, had the sanction of some of the ablest members of the bar in this country. No obstruction had been thrown in the way of the bondholders, who wished to proceed to foreclose these mortgages, and seize the assets proper of the bank, which, in the aggregate, exceeded fifteen millions of dollars; and which, if the property mortgaged was held liable, would more than pay the whole of the bonds, principal and interest. Thus those bonds, so much talked of, were really more likely to be paid than the bonds of those States which had paraded their resolutions against repudiation before the country.

Mr. G. said that he had alluded yesterday to the course the gentleman from Massachusetts [Mr. ADAMS] was reported to have pursued, during the negotiations at Ghent, on the subject of the navigation of the Mississippi river by British vessels. He did not believe that gehtleman was now sincere in the apprehensions he had expressed. Blue lights had been held out to our enemies during the last war, to designate the most exposed points of our territory.

The gentleman from Massachusetts may be pointed out as the finger-board, directing Great Britain to what he deems our weakest point of defence. He has declared that, in the event of war, or insurrection in the slave States, our slaves would all become free. The great object of his life seems now to be, to bring about this result; for the accomplishment of which, the whole South will be drenched in blood. What more effectual assistance can he obtain in accomplishing his object than the power of Great Britain concentrated, on his suggestion, at the South, and sending her war steamers into the midst of the slave States of the Union? In this emergency, if the States call on the General Government for assistance—if the enemy shall excite insurrection among our slaves, according to the doctrines of the gentleman—they are all to become free; and his great object will thus be accomplished. Whether or not it was the intention of the gentleman from Massachusetts to bring about this result, his course on this subject is more likely to produce that effect than any other that could be suggested. The alternative of war, if the State debts are not assumed, comes from a Representative on this floor, who once held the exalted station of President of the United States; and will, at once, be taken up and acted on by Great Britain. It has been contended that the citizens of other countries cannot understand the "metaphysical distinctions," as the gentleman calls them, between the Federal and State Constitutions. They will no longer need authority on this side of the water on this subject, after the remarks delivered by that gentleman yesterday.

The gentleman entertains much horror at the doctrine of State repudiation of debts which they had never contracted; yet he was the advocate of, and voted for, the bankrupt law, which established the most wholesale system of repudiation of honest and undisputed debts ever known in this or any other country. According to the gentleman's theory, it is disgraceful for a State, in defence of her constitution, to refuse to assume a debt contracted in her name; yet it is proper and highly meritorious for citizens of that State—many or all—to repudiate their honest debts, contracted in accordance with the constitution and laws; in contracting which, they acknowledge they have received full value. He (Mr. G.) would give an instance in point, to show the practical operation of the gentleman's theory of honorable repudiation of acknowledged private debts, and dishonorable repudiation of unacknowledged State debts.

A number of commercial houses in Liverpool, and other parts of Europe, during the glorious era of paper money from 1835 to 1840, created agencies in Mississippi and Louisiana, for the purpose of advancing upon the crops of the planters, to insure shipments to their houses. The competition in this line of business, as in most others, was carried to such an extent, that the agents of the houses, to secure the custom of the planters, advanced much more than the real value of the cotton. The result was, that these planters became indebted to the merchants in Europe—in many instances, to large amounts. Baring and Brothers, for instance, became the holders of the unpaid balances received in money by the planters, over and above the price for which their cotton sold. Baring and Brothers send over these claims for collection; the planters, having become insolvent, go into bankruptcy, surrendering assets to the amount of one cent, and thus pay their debts to their creditors. This is all honorable and praiseworthy, according to the theory of the gentleman from Massachusetts. But these same Barings hold some of the bonds issued for the Union Bank of Mississippi, which the people of the State, or a large majority of them, say were issued in violation of the constitution and laws, for which they have never received a red cent; and, yet, because they do not step forward and assume this unauthorized debt, for which they have got nothing, the gentleman says the country is disgraced and dishonored.

Mr. G. said he could adduce even a stronger case than the foregoing, which was one of actual occurrence. This celebrated Union Bank itself became a great cotton-broker. It advanced millions of dollars for cotton, at the rate of $60 per bale of 400 pounds, (equal to 15 cents a pound,) and shipped this cotton to the Barings, who advanced the bank upon it in money about $30 or $35 per bale. The cotton was sold for less than this advance, by considerably upwards of one hundred thousand dollars, as he (Mr. G.) had been informed, and believed. The bank broke, and has gone into bankruptcy, and assigned its assets; yet there is no complaint against all this, and, according to the gentleman's notion of bankruptcy, it is all honest and honorable. But the same house of the Barings receives in hypothecation, from the Bank of the United States, upon which they loan said bank money, certain bonds, purporting to be bonds of the State of Mississippi, unacknowledged by the State, and for which she received nothing, no more than she did of the cotton-advances to the Union Bank; yet, because a majority of her citizens declare these facts, and refuse to impoverish themselves by taxation to pay those bonds, they are pronounced by the gentleman from Massachusetts as dishonest, and that they have disgraced their country.

A large amount of exchequer bonds was forged not long since in Great Britain, and passed into the hands of innocent holders before the forgery was detected. That Government has repudiated them,—yet we hear no cry of disgrace or dishonor against that nation for thus acting. The State of Mississippi contends that, as these bonds were issued in violation of her constitution and laws, they are no more operative than if they had been forged; yet she is branded with dishonor and disgrace for not assuming the payment of them, because they are in the hands of innocent holders. Great Britain has repudiated a part of her national debt, (which she does not contend was not paid to her,) by taxing the income of those who hold her stocks. One individual, whose annual income from interest on Government stock was $100,000, now, since the passage of that law, gets but $80,000 clear from the same debt; yet no censure is cast by our moralists here upon that nation, for thus repudiating an acknowledged debt; while Mississippi is to be branded with infamy because she refuses to tax her people to pay an unacknowledged debt, and for which she has received nothing. Wagon-loads of continental money issued during the revolutionary war, and by the issuance of which the States were enabled to achieve their independence—countless

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obligations of the several States, issued in various shapes at the same time, and for value received, have been repudiated; yet no brand of national dishonor seems to have attached to us from this cause,—yet Mississippi, in refusing to acknowledge an unauthorized debt, for which she received nothing, has disgraced the nation!

Mr. G. said he could cite cases throughout the whole civilized world, of national debts for which value had been received, being repudiated, without such nations being branded with dishonor; yet this nation is pronounced dishonored, because the State of Mississippi refuses to acknowledge a debt never legally or constitutionally contracted by her, and from which her people received no benefit. Sir, said Mr. G., this pretended horror of Mississippi repudiation is as hypocritical as it is insulting. The whole band of stockbrokers, fundmongers, and paper-money robbers, in this country and Europe, and their agents here, are bellowing about Mississippi repudiation, to draw public attention from their own infamous systems of swindling. Sir, said Mr. G., we have been taunted by these men, who live upon the labor of others, through the machinery of the banking, credit, and paper-money systems, until even the Robespierre of the Harrison Administration—who was as fond of cutting off heads officially, as that monster was in reality—has attempted to cast ridicule upon his (Mr. G.'s) colleague for wishing to cut down the public expenditures to the receipts into the treasury.

The gentleman from New York reminded his (Mr. G.'s) colleague [Mr. THOMPSON] that it was not at all necessary to retrench; for, if we got in debt, the new doctrine of repudiation would very soon relieve us. The gentleman from New York [Mr. GRANGER] intended to be severe upon his (Mr. G.'s) colleague; but, like the blind rattlesnake in August, he sank his fangs into his own politically corrupt body. The only practical repudiation known in this country during this century, of acknowledged, honest, and *bona fide* debts, had no more zealous advocate than that gentleman. None of us have forgotten the theatrical valedictory pronounced by him when this House was about passing an act to repeal the great repudiating bankrupt law, yet he has the audacity to get up, in the face of this House, and sneer at repudiation! It would be as apropos to hear a prostitute lecture about virtue and morality. He said that this course of attack upon his State would not be submitted to; and, if gentlemen travelled out of the usual course of debate to make such attacks, they must expect to be answered in a spirit becoming the Representatives of a people who feared not the scoffs of the corrupt, or the frowns of power, in asserting what they believed to be their great constitutional rights.

The gentleman from Massachusetts had taken the ground that the State debts must be assumed, or there would be war with Great Britain; and he pointed us to the fate of China, as a warning to us to beware of a contest with that powerful nation. He (Mr. G.) did not court war with Great Britain, or any other nation; but the fear of such war should never operate upon him so far as to induce him to violate the Constitution of his country, in assuming debts which that instrument gave no authority to assume or pay. When the question of war or assumption was presented to him, he was for war, as were his constituents. The mean, truckling spirit to the power of Great Britain, that is manifesting itself in this country, would meet with no response from the section of the Union from which he came. Interested more deeply than any State in the Union, as Mississippi is, in the export trade of the country, yet her citizens would be the first to resist encroachment upon the fundamental law of the land, whether that resistance led to war or not. The spirit of crouching servility was not the proper one to exhibit to that nation. He, (Mr. G.,) in the language of the gentleman from Virginia, [Mr. WISE,] would prefer slapping John Bull in the face, than to quail before his power, if he wished to have permanent peace with him.

It was a somewhat singular coincidence, that the gentleman from Massachusetts justified the attack of Great Britain upon China, put her in the right, and and China in the wrong; and intimates that if we do not assume the State debts, and a war should be the consequence, we would be in the wrong, and England right—the cause of war in the two cases being similar. The gentleman appears to be always on the side of the British in his arguments, if he is not so in feeling. The gentleman made a great many suppositions of what would happen on account of the refusal of Mississippi to assume the payment of these bonds. I will meet that portion of his argument, by supposing that subjects of Great Britain should complain to their Government that they had been defrauded out of large sums due them by citizens of the United States, in consequence of the passage of an *ex post facto* law by this Government, which authorized their debtors in this country to repudiate the debts contracted in good faith, and for value received, before the passage of this law. The Government of Great Britain, through its minister here, applies to our Government for indemnity to its citizens for losses thus sustained. Our President and Secretary of State pay no attention to the application. Great Britain then resorts to that potent argument—the Paixhan gun—and sends a fleet of war steamers to Boston, to demand the payment of the English debts repudiated in that city under the bankrupt law. What is then to be done? Why, according to the arguments of the gentleman from Massachusetts—avoid war by all means; apply to the General Government to assume these debts, and get clear of the danger of the Paixhan guns. He (Mr. G.) had less dread of these Paixhan guns than appeared to operate on the gentleman from Massachusetts, and could by no such argument give up his opposition to the assumption of State debts. He would not now go into that question, but was prepared, at the proper time, if necessary, to lay his views before the country. He had addressed the House at this time solely to defend the State he had the honor in part to represent, against the charges made against her for the ground she had taken in relation to these bonds.

Mr. JOHNSON of Maryland obtained the floor, and yielded it for an explanation to—

Mr. GRANGER, who observed that he had not sought the floor for the purpose of replying to the very refined and polished remarks of the gentleman from Mississippi, [Mr. GWIN,] so far as related to himself personally; but he had listened to the remarks of the gentleman, and to the paper just read at the table, and he had a word to say about Mississippi morality as that gentleman taught it. Why, what was the case, as the gentleman made it? It was, that the State of Mississippi incorporated a bank with fifteen millions of dollars capital; and then went on to enact, by a Legislature composed of a majority of the political friends of that gentleman, and who now held the same moral doctrines declared by this same Governor McNutt, that the Governor should subscribe, in the name of the State, for one-third of the stock. The stock was subscribed for, and the bonds to pay for it were signed, and put in the market, and sold at par value. The money was received for them, and constituted part of the capital of the bank. He would call on the gentleman to say whether there was another stockholder to this bank.

Mr. GWIN said that there was; and that bonds to the amount of ten millions were given for the balance of the stock, and recorded in every county in the State.

Mr. GRANGER said that these bonds had been repudiated.

Mr. GWIN denied that they had been, and said that they were well secured, and could be collected.

Mr. GRANGER contended that every dollar of the capital of this bank consisted of the money derived from the sale of these State bonds, which was all paid into the bank; and when it became inconvenient to pay them, the gentleman found out that it was unconstitutional. He came not here to speak with disrespect of any man who had been elevated to the chief magistracy of a State; but he must say that, after these bonds were signed—after the funds were received for them—it was only necessary to turn to that letter of Governor McNutt to come to the conclusion that it was only when pay-day came, that he started back in holy horror from the debt. He would go further. If he mistook not, there was a large amount of bonds out, constituting the capital of the Planters' Bank of Mississippi. These bonds, the nature of which must be known to the gentleman from Mississippi and his colleague, had not yet been repudiated. He asked the gentleman to state, in his place, his opinion whether these bonds should or should not be paid.

Mr. GWIN, in reply to the question of the gentleman, would say that all of the candidates of the Democratic party in Mississippi, during the contest in 1841, had declared themselves against repudiating these bonds. After the exhaustion of the assets of the Planters' and Railroad Banks, that were properly applicable to the payment of these bonds, they declared their willingness to meet their opponents in providing means to pay any balance of these bonds that should remain unpaid; but the party opposed to the Democrats in the State had, in the last election, refused to pledge themselves to lay a tax to pay these bonds. The Legislature of the State, at several sessions, had attempted to put the Planters' and Railroad Banks in liquidation, to apply the assets to the payment of these bonds; but had been met with obstacles, on account of the supposed chartered rights of the banks; which had caused the failure of the application of these assets to this purpose. The Senate of Mississippi, at the time, composed of a majority of Democrats, had declared, unanimously, that these bonds were the bonds of the State—the present Governor of the State being a member of the Senate at the time.

Mr. GRANGER inquired if he was to understand the gentleman from Mississippi to be in favor of repudiating the bonds of the Planters' Bank of Mississippi?

Mr. GWIN denied that he was, or ever had been, in favor of repudiating those bonds.

Mr. GRANGER said he did not mistake the signs of the times; it might not be unimportant to know and remember what the opinions of the gentleman were on that subject.

Mr. WISE, (in a firm tone, to the friends around him.) What does he mean, by its being important to know that?

Mr. GRANGER hoped the House and the country would remember that declaration of opinion. The gentleman had said that he was in favor of paying the bonds of the Planters' Bank of Mississippi; and he (Mr. G.) hoped they should see no repudiation of those bonds. He hoped, too, that gentleman's honorable colleague [Mr. THOMPSON] would be of the same way of thinking.

Now about the Union Bank bonds. He there declared, in his place, what the gentleman from Mississippi himself would not, and could not, contradict. The law granting the power, and directing the subscription for the stock of the Union Bank of Mississippi, was passed by a Legislature, a majority of whom were all your hard-money and hard-currency men—your men who read to the rest of the nation such elegant lessons on bank profligacy and bank corruption. Now, was there a prettier specimen of it than in the Union Bank, which went into operation on the money raised by the sale of those bonds? He had no sympathy with the speculators, who stood in the markets to run down the credit of the States, that they might buy their bonds below par; but, in this case, every dollar of the $5,000,000 raised by the sale of these bonds

went into that bank, and it was the only money raised for the operations of the Union Bank—a bank whose stock was subscribed for by a hard-money Governor, under a law passed by a hard-money Legislature.

Mr. GWIN said, as the gentleman appeared to understand the political complexion of that Legislature very well, he would ask him if the Whig Senator at the other end of the Capitol, from that State, was not elected by that Legislature?

Mr. GRANGER said he knew it was so; for, after the passage of that law by a Legislature which had a hard-money majority, there was such a storm raised that many of the members resigned, and a Whig majority was left.

He then went on to allude to some epithets which he said had been used towards him by the gentleman from Mississippi, and said he should notice arguments, and not epithets. He then asked the gentleman from Mississippi if he was prepared to rise in this hall, and say that the Union Bank of that State ever issued a dollar upon any funds but those she raised by the sale of these five millions of bonds? And whether he was in favor of laying a tax to raise a single dollar for the repayment of them? He (Mr. G.) had nothing more to say on this subject, than to declare that he stood there ready to verify every assertion he had made.

But one word on the subject of State debts, and the remarks which the gentleman from Massachusetts [Mr. ADAMS] made yesterday. He [Mr. GRANGER] did not agree with that gentleman in many of the positions which he assumed; and on one he agreed most fully with the gentleman from Mississippi [Mr. GWIN.] And when foreign stockholders came here, and said they knew not abroad that there was any difference between the stock of the different States of this Union, and that they had been deceived in advancing their money, believing that the faith of the General Government was pledged for its repayment, he would, with the gentleman from Mississippi, turn to them and say, Why was it, then, that you bought Illinois bonds at 40 cents, and other State bonds for 30 cents—some even for 15 cents—New York 6's for 80 and 90 cents, and Massachusetts at par? For he did not come there to glorify his own State, but to state the facts as they stood. Yes, when a foreign bondholder came to buy State bonds, and said he considered that they were all guarantied by the faith of the United States Government, he [Mr. GRANGER] would tell him that his own actions proved that he knew to the contrary.

Another word on this subject. It was a pity—a grievous pity—whatever some gentlemen might think of it, as connected with this whole subject, that the land bill of 1832, or 1833, or whatever the year was, did not become a law.

If that land bill had become a law of the land, and the distribution had taken place amongst the States, they might not have been driven to repudiation. And if the surplus funds of 1835 and 1836 had been divided out among the States in the proportion in which they were entitled to it, they would never have seen what they had seen. And he there told the gentlemen who heard him, that there was not a State of the Union—unless it was not already determined to repudiate—that would not call upon them in some form or other—either that of the gentleman from Maryland, [Mr. W. C. JOHNSON,] or some other—to make the common property of the nation be for the common benefit of the States.

He regretted to hear the gentleman from Massachusetts [Mr. ADAMS] say that British steamers could go to Mississippi and conquer that State. He differed from him entirely on that subject, although he had never seen in that gentleman anything that looked like favoring the British. He had watched that gentleman's course towards Great Britain closely, through his whole life; and though he thought the gentleman from Massachusetts would do justice to all nations, he had often seen that the revolutionary blood which was in his veins, and the veins of his sire, rose up; and on any question of doubt between us and Great Britain, that gentleman was made what had been called a pretty "good hater." The gentleman from Massachusetts was the last man against whom a charge should be brought of favoring the British, though he (Mr. GRANGER) did not agree with him that the steamers of Great Britain could go up the Mississippi. The valley of the Mississippi alone was competent to protect her. He was, however, a little surprised the other day, and more surprised now, that some indignation had not been expressed in relation to some remarks of another gentleman on this floor. The gentleman from Mississippi charged almost treason to his country on the gentleman from Massachusetts, for intimating that British steamers could conquer the single State of Mississippi; and yet an eloquent gentleman from South Carolina, on the navy appropriation bill the other day, told them that British steamers could go up the Mississippi, and lay waste, not only one, but every State bordering on that river; and they then heard no charge from the gentleman from Mississippi, nor had they now heard any charge against the gentleman from South Carolina—no, not a word. After a few other observations, he resumed his seat.

The SPEAKER then announced that the morning hour had expired.

Mr. ADAMS obtained permission to correct an error into which the gentleman from New York had fallen. He denied that he had said British steamers could go up the Mississippi, and conquer that State; but he had supposed a case, and inquired what this Government would do under such circumstances.

Mr. GWIN said the gentleman from New York had accused him (Mr. G.) with applying epithets to him. He (Mr. G.) had applied but one epithet to the gentleman. It was, that he was the Robespierre of the Harrison administration, and was as fond of cutting off heads officially, as that monster had been in reality. He wished to call the attention of the House to the fact, that the gentleman from New York had, at the last session of Congress, declared in his place—and with a self-satisfied air that cannot be forgotten—that he had decapitated 1,700 postmasters.

Mr. GRANGER said he did not object to that at all. It was fair and legitimate.

Mr. GWIN asked to what, then, did the gentleman allude? It was the only epithet he had used in connexion with the gentleman's name; and, as the gentleman had remarked, he thought it perfectly legitimate. The observations addressed to the House a few days ago, by that gentleman, in reply to his (Mr. G.'s) colleague, who had contended for bringing down the expenditures of the Government to the national receipts, were intended to reflect upon the State of Mississippi for the position she had taken in relation to the Union Bank bonds. He (Mr. G.) thought that the gentleman's doctrine of private repudiation, by *ex post facto* laws, was more odious than what was charged upon Mississippi, if the charge were true; and he used the expression that, like the rattlesnake, he had sunk his fangs into his own politically-corrupt body, instead of wounding his colleague. Did the gentleman from New York object to this expression, in this connexion?

Mr. G. said that he would not trespass on the courtesy of the gentleman from Maryland, who had yielded him the floor, so long as to go into an argument to disprove all the positions taken by the gentleman from New York in regard to the Union Bank bonds—not one of which was tenable—which held the State liable for these bonds. He was prepared to show to the satisfaction of every impartial man, here or elsewhere, that there was neither legal nor constitutional liability on the State to pay these bonds; and he was willing to abide the decision of the country as to whether a moral obligation rested, where there was none constitutionally or legally. He would remark, that the Legislature that chartered this bank had been characterized as a hard-money Legislature by the gentleman from New York; but he omitted to state that nearly every Whig in it voted for the bank and supplement—that the Whig party in the Legislature of that State went almost *en masse* for all the bank charters that had been passed; and that party had the management of all the banks after they went into operation, and had led them to bankruptcy; as the same party had the United States, in its short rule since the 4th of March, 1841.

The subject then went over, Mr. W. C. JOHNSON having the floor for the morning hour on Monday.

WEST FLORIDA.

Mr. LEVY called for the special order of the day, being a bill for the relief of inhabitants of West Florida; which was taken up, and Mr. LEVY entered into some explanatory statements respecting the position which the question had assumed.

Mr. ADAMS also explained.

Mr. LEVY then addressed the House at length in reply to the remarks of the gentleman from Massachusetts, [Mr. ADAMS,] and in favor of the justice of the claim.

Mr. ADAMS addressed the House in reply to Mr. LEVY, and concluded with moving to lay the bill on the table.

Mr. LEVY said he was very desirous to say a few words in reply to the gentleman from Massachusetts, and for that purpose entreated him to withdraw his motion.

Mr. ADAMS did not do so, but called for the yeas and nays; which were ordered, and the motion to lay on the table was negatived—yeas 72, nays 77.

So the House refused to lay the bill on the table.

The question recurring upon the motion to recommit the bill,

Mr. S. J. ANDREWS moved the previous question; which was seconded, and the main question ordered to be now put. The effect of this motion was to bring the House to a direct vote upon the passage of the bill.

On taking the question, the result was the rejection of the bill by a vote of ayes 36, to noes 113.

Mr. KENNEDY of Maryland obtained the floor; but,

Mr. LEVY said he rose to a privileged question. He moved a reconsideration of the vote by which the bill had been rejected.

The SPEAKER ruled the motion out of order, as coming from a Delegate, who had no vote, and therefore could not have voted with the majority, which circumstance alone entitled a gentleman to move a reconsideration.

Mr. WELLER said that, in order to enable the Delegate to get in his remarks, he would himself move a reconsideration of the vote just taken.

Mr. LEVY then took the floor, and, after some interruption, caused by questions of order and motions to adjourn, addressed the House in continuation of the remarks made by him to-day, and the conclusion of which was prevented by the expiration of his hour.

Mr. LEVY concluded by moving the previous question.

Mr. FILLMORE moved to lay the motion on the table, and it was carried.

Mr. J. L. WILLIAMS offered the following resolution, which was considered and adopted:

Resolved, That the Committee on Indian Affairs inquire and report to this House what amount of expenditure has been improperly charged to the appropriation of July, 1836, and what amount of expenditure has been improperly charged to the appropriation of 1838—which appropriations were for carrying into effect the Cherokee treaty of 1835-'6; and that said committee have power to send for persons and papers.

Several resolutions of inquiry were then presented and adopted, and

The House adjourned.

IN SENATE.

MONDAY, February 13, 1843.

Mr. BARROW presented a memorial numerously signed by practical engineers, and 2,000 citizens of Cincinnati, Ohio, complaining of the operations of the steamboat law of 1838, and pointing out its defects as regards the mode of inspecting and testing steamboat boilers. Mr. B. said the memorial was drawn up with great ability, and pointed out the defects of that law in a clear and satisfactory manner. He said the subject was then before the other House; and the motion he would submit in relation to the memorial there would have been different if he did not know that the subject was before the other branch of Congress. He then moved that

the memorial be referred to the Committee on Commerce, and be printed. Agreed to.

Mr. GRAHAM presented joint resolutions adopted by the Legislature of North Carolina, declaratory of the right of that body to instruct the Senators from that State in the Congress of the United States; denying the right of Congress to tax or to give protection to any particular interest; declaring that the tariff law passed at the last session of Congress was unjust, unequal, oppressively burdensome on all other branches of industry, for the purpose of giving protection to the manufacturing interest, and, as such, was unconstitutional, and dangerous to public liberty; and recommending that it be modified and brought down to a revenue standard; and resolutions disapproving of the bankrupt law; in favor of refunding to General Jackson the fine imposed on him at New Orleans in 1815; and affirming that the veto power, in the hands of the Executive, was a conservative and necessary power, and should not be destroyed; and instructing the Senators, and requesting the Representatives from that State, to urge the adoption of the principles of those resolutions. The resolutions were read, and ordered to be printed.

Mr. G. also presented a petition from Samuel Mabron, late a captain in the United States army, praying for a pension: referred to the Committee on Pensions.

Mr. EVANS presented a memorial from certain citizens of Maine, asking that the fishing and lumber interests may be protected by the laying of a higher rate of duties than was imposed by the existing tariff: referred to the Committee on Manufactures.

Mr. STURGEON presented joint resolutions adopted by the Legislature of Pennsylvania, instructing the Senators, and requesting the Representatives from that State, to use their influence to procure the passage of a law to refund to General Jackson the fine imposed on him by Judge Hall of New Orleans, in 1815. Mr. S. expressed much gratification at the action of the Legislature of his State upon this subject. The resolutions were read, and ordered to be printed.

Mr. CHOATE presented a memorial from the Boston Marine Society, praying the adoption of measures for preventing further injury to the harbor of Boston from the washings of the islands in the mouth of that harbor: referred to the Committee on Commerce.

Mr. C. also presented a memorial from A. B. Quimby, on the subject of his invention for the prevention of explosion of steam-boilers, and praying that the experiments authorized to test the inventions for that object may be made at Washington, instead of New York: referred to the Committee on Naval Affairs.

Mr. BUCHANAN presented a memorial from a number of merchants of Philadelphia engaged in the importation of goods from Germany, praying that, whilst Congress is fixing the currency value of the British pound sterling, they will at the same time establish by law the current value of German coin on the same principles: referred to the Committee on Finance.

Mr. B. also presented a memorial from Western Pennsylvania, representing (and there was no doubt of the fact) that Pennsylvania was much embarrassed by her exertions in the cause of internal improvements; and, for the purpose of relieving her, recommending an issue of stock by the United States, based on the credit of the public lands, and secured by the faith of the United States.

Also, a memorial from Pennsylvania generally, and one from citizens residing in Chester county in that State, recommending the issue of $200,000,000 of stock by the United States, for the relief of the States; which were referred to the Committee on Finance.

Also, presented a memorial from citizens of the city and county of Philadelphia, asking that Mr. Kendall may be restored to his personal liberty, and that he may be also remunerated for the loss of time and expenses incurred in defending himself against the suit which terminated in a verdict for damages, in his individual capacity, for a faithful discharge of his official duties as Postmaster General: referred to the Committee on Claims.

Mr. ALLEN presented a memorial from a number of citizens residing on the line of the Cumberland road, in Ohio, remonstrating against the proposed change in the route of that road: referred to the Committee on Roads and Canals.

Also, presented a petition from Eliza Rose, widow of Jacob Rose, a soldier of the Revolution, for a pension: referred to the Committee on Revolutionary Pensions.

Mr. CALHOUN presented a petition from William Williams, captain in the revolutionary army of the United States, for commutation: referred to the Committee on Revolutionary Pensions.

Mr. TAPPAN presented a memorial from Montpelier, Jefferson county, Ohio, praying for the repeal of the bankrupt law; which was laid on the table.

Mr. YOUNG presented a petition from 283 citizens of Lake county, Illinois, and Racine county, Wisconsin Territory, praying the establishment of a mail route from Libertyville, in Lake county, Illinois, by way of F. F. Munson's and D. C. Burgess's, to Burlington, in Racine county, Wisconsin Territory; which, together with the accompanying diagram, and the letter of W. F. Shepard, E. J. Simmons, and F. F. Munson, was referred to the Committee on the Post Office and Post Roads.

Mr. WRIGHT presented a petition numerously signed by inhabitants of the town of Salem, in Wayne county, New York, asking Congress to interfere in the case of Mr. Kendall, and to restore him to personal liberty: referred to the Committee on Claims.

Mr. KERR presented a memorial from citizens of Prince George's county, Maryland, praying Congress to purchase and make free one of the bridges across the eastern branch of the Potomac: referred to the Committee on the District of Columbia.

Mr. KERR presented some additional evidence in support of the claim of Charles Dawkins.

Mr. MOREHEAD presented a memorial from sachems and counsellors of the Stockbridge tribe of Indians, residing in Wisconsin, praying for indemnity for a large sum of money which was expended in endeavoring to protect their rights before the Government of the United States: referred to the Judiciary Committee, and ordered to be printed.

Mr. McROBERTS presented a petition from William Maxwell of Illinois, asking Congress to pass a law directing a tract of land adjoining his farm, belonging to the United States, to be sold—no survey of it having been yet made: referred to the Committee on Public Lands.

On motion by Mr. HUNTINGTON, leave was granted to withdraw from the files of the Senate the petition and papers of Charles Larabee for a pension.

The PRESIDENT *pro tem.* laid before the Senate a communication from the War Department, transmitting, in compliance with a resolution of the Senate of the 9th instant, copies of General Jackson's letter to that department, dated Nashville in 1815, and copies of papers transmitted by General Jackson, signed by certain general officers, justifying the declaration of martial law at New Orleans: laid on the table.

Mr. BENTON submitted the following resolution, which lies one day on the table, under the rule:

Resolved, That the President of the United States be requested to communicate to the Senate a copy of the commission, or letter of instruction, which may have been given to Daniel Webster, esq., Secretary of State, to treat with Lord Ashburton, late special minister from Great Britain to the United States.

Mr. GRAHAM, from the Committee on Claims, reported back, without amendment, and with a recommendation that they do pass, House bills of the following titles:

An act for the relief of George A. Winslow;

An act for the relief of Charles Waldron; and

An act for the relief of John R. Chandler.

Mr. DAYTON, from the Committee on Public Buildings, reported back, without amendment, and with a recommendation that it do pass, the bill for the relief of John Skirving.

Mr. KERR, from the Committee on the District of Columbia, reported, without amendment, the bill from the House entitled "An act to provide, in certain cases, for the sale of the real estate of infants within the District of Columbia."

Mr. WILLIAMS, from the Committee on Naval Affairs, reported adversely to the passage of House bill 672.

Mr. WOODBURY, from the Committee on Claims, reported back, without amendment, and adversely to its passage, House bill entitled "An act for the relief of W. Barry, widow and administratrix of Thomas Barry." The report was ordered to be printed.

Mr. ARCHER, from the Committee on Foreign Relations, reported back, without amendment, the bill from the House for the relief of John Randolph Clay, late secretary of legation of the United States to the court of Vienna.

On motion by Mr. MERRICK, the previous orders of the day were postponed, and the Senate took up, as in committee of the whole, the joint resolution directing the transfer of the stock held by the United States in the Chesapeake and Ohio Canal, to the cities of Alexandria, Georgetown, and Washington, on certain conditions.

Mr. MERRICK moved several verbal amendments, which were agreed to.

The resolution was then reported to the Senate; and, the amendments having been concurred in,

Mr. KING remarked that he had not had time to examine the amendments which had been made to the resolution. He desired, therefore, an opportunity to do so.

Mr. MERRICK said that opportunity would be afforded after the resolution was ordered to be engrossed, if the Senator should find anything objectionable in it.

The resolution was then reported to the Senate, and ordered to be engrossed for a third reading.

Mr. DAYTON introduced a bill authorizing the settlement of the accounts of William N. ———, (name not heard;) which was read twice, and referred to the Committee on Finance.

BANKRUPT LAW.

Mr. YOUNG rose and gave notice that he would, on to-morrow, ask the Senate to postpone all the previous orders of the day, for the purpose of taking up the bankrupt law. He did this, agreeably to the resolutions of the Legislature of his State in favor of the repeal of that law. Senators would all agree that the session was rapidly passing away; and if action was not had speedily on the subject, the law could not be repealed at all.

Mr. BERRIEN thought the Senate could hardly proceed to the consideration of a bill of such magnitude upon so short a notice. It was his purpose to ask the Senate to fix upon some day sufficiently distant to enable gentlemen to come prepared to entertain the subject calmly, considerately, and understandingly.

Mr. YOUNG observed that great solicitude was felt by many of the States, and by the community at large, that the subject should be acted upon this session. He hoped the Senator from Georgia would now call upon the Senate to fix a day, or name it himself.

Mr. BERRIEN said that, in the course of the present day, or to-morrow, he would call upon the Senate to fix a day.

Mr. YOUNG said he was content with the Senator's declaration to that effect.

Mr. BUCHANAN remarked that he had intended this morning to speak privately to the chairman of the Judiciary Committee, [Mr. BERRIEN,] with a view of pointing out to him the impatience felt throughout the country on the subject. There was not a day that he did not receive letters of pressing inquiry—all anxious to have the matter settled before it is too late to expect the action of Congress this session. Could not the Senator now name the day—Thursday, Friday, or Saturday—or even Monday? Let a day be fixed, and let the bill be disposed of. For his part, he did not see why it might not be to-morrow, for he was certain every one had made up his mind already.

Mr. BERRIEN would prefer the matter to be left as agreed upon between himself and the Senator from Illinois.

RETRENCHMENT, ECONOMY, AND GOVERNMENT RESOURCES.

The resolutions introduced on Tuesday last by Mr. McDuffie, on the propriety of adopting measures to revive commerce, replenish the impoverished exchequer, and to arrest the accumulation of public debt, by reducing the tariff of the last session to a revenue standard, and by practising a rigid system of retrenchment, economy, and accountability, came up for consideration.

Mr. McDUFFIE addressed the Senate for about two hours, tracing the condition of the country to its true foundation, and pointing out the necessity of retracing those steps by which the Government had been led astray, through unwise and improvident legislation. Mr. McD.'s speech (of which a full report is in preparation) was distinguished for its eloquence and comprehensive range of policy. He took a bold and uncompromising stand upon the three main propositions of his resolutions: that the present distress of the country was due to the system which had overflowed the treasury at the expense of commerce, and had superinduced a state of things which necessarily led to an inflated currency, enormous expansions of the currency, extended credits, wild speculations, disastrous disappointment, and, in time, consequent bank contractions, revulsions, prostration, and ruin. Either in perfect ignorance of, or wilfully blind to, the true sources of the evils which exist, a tariff bill had been passed last session, the sure effects of which have been the decaying and crippled state of commerce, which rendered it utterly incapable of longer sustaining the Government.

With an impoverished and exhausted treasury, and a national debt rapidly accumulating, the Government had adopted the suicidal policy of putting shackles on that commerce which had been its sole support for the fifty years of its existence, had carried the country triumphantly through two exhausting wars, had subsequently paid off an enormous national debt, and then been forced to swell the public coffers to repletion. It was absurd to hope for any relief for the present condition of the country from attempts to regulate the currency and exchanges. These were things which would best regulate themselves, by being left to work out their own cure. Gentlemen, to relieve the country, must retrace their steps, and remove from commerce the shackles they had so unwisely and improvidently imposed upon it; they must revise their tariff law, and bring down duties to a revenue standard; they must abandon their narrow-sighted policy of protecting special interests, at the expense of other interests of incalculably more importance; and they must economize and retrench the expenditures of the Government.

On each of these points Mr. McD. expatiated with great eloquence and ability; sustaining his views by arguments no less cogent and statesmanlike than original.

On the suggestion by Mr. EVANS, the resolutions were passed over informally till to-morrow.

On motion by Mr. MILLER, the previous orders of the day were postponed, and the Senate took up, as in committee of the whole, the bill entitled "An act authorizing the President of the United States to issue to the heirs of John Campbell a patent for the remainder of a private land claim at Prairie du Chien, in the Territory of Wisconsin."

There being no amendment proposed, the bill was reported to the Senate, and ordered to be engrossed for a third reading.

Mr. KERR, from the Judiciary Committee, reported back, without amendment, and with a recommendation that it do pass, the bill entitled "An act for the relief of Gorham A. Worth, one of the sureties of Samuel Edmunds, deceased."

On motion by Mr. HUNTINGTON, the previous orders of the day were postponed, and the Senate took up for consideration as in committee of the whole, House bill entitled "An act to authorize the enrolment or register of the brig Nueva Granada." There being no amendment proposed, the bill was reported to the Senate, and, according to order, read the third time, and passed.

On motion by Mr. MERRICK, Franklin Whitney had leave to withdraw his petition and papers from the files of the Senate.

On motion by Mr. ARCHER, leave was granted to withdraw from the files of the Senate the petition and papers of William Evans.

On motion by Mr. GRAHAM, the previous orders were postponed, and the Senate took up, as in committee of the whole, the bill from the House for the relief of W. W. Street; which was considered, reported to the Senate, read the third time, and passed.

The joint resolution for the distribution of certain copies of the Census returns, and Compendium of the Sixth Census, was taken up as in committee of the whole; and, after a few remarks by Messrs. HENDERSON and KING in opposition to its passage, and by Mr. TAPPAN in its favor, it was reported to the Senate, and ordered to be engrossed for a third reading.

On motion by Mr. BARROW, the previous orders were postponed, and the Senate took up, as in committee of the whole, the Senate bill to grant a tract of land to Villeneuve LeBlanc, in consideration of the benefit derived to the public lands from his services to damming up the mouth of False river.

Mr. BARROW and Mr. HENDERSON defended the bill, on the ground of services rendered to the United States. They stated that the exertions of this individual had reclaimed to the United States nearly 500,000 acres of land; and that, notwithstanding his exertions were to benefit his own property, by damming this river, and that he had no legal claims against the United States, yet they thought it but just that he should be remunerated with 1,000 acres of the land reclaimed, for his trouble and great expense in making the dam which had reclaimed it.

Messrs. CALHOUN and KING opposed the passage of the bill, on the ground that there was no legal claim; that the individual had performed the work for his own private benefit, without the authority of the United States—without regard to the benefit or injury to its property; and the principle involved was a new and dangerous one.

The bill was reported to the Senate, and rejected, on yeas and nays—yeas 11, nays 19.

On motion by Mr. CRITTENDEN,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, February 13, 1843.

Mr. FORNANCE presented the petition of Geo. Richards, William Vangezer, and 19 others, citizens of Pottstown, Montgomery county, Pennsylvania, asking for the distribution of $200,000,000 national stock.

Also, the petition of J. C. Slemmer, J. R. Weeks, and 35 others, citizens of Pottstown, Montgomery county, Pennsylvania, praying Congress to restore to Amos Kendall his personal liberty, and remunerate him for the loss sustained by several suits recently brought against him.

Mr. CHARLES A. FLOYD presented a petition that Greenport, in the county of Suffolk, New York, be made a port of entry.

Mr. DODGE of Wisconsin presented the petition of James B. Estis, of Iowa county, Territory of Wisconsin, asking Congress for remuneration for property destroyed and services rendered the United States during the war with the Sac Indians, in the year 1832.

Mr. BURKE presented the petitions of Susanna Vinton, Polly Chase, Elizabeth Hall, Submit Roberts, Isabel Bugbee, Mary Wood, Marcy Bemis, and Lydia Sanders, praying to be placed on the roll of revolutionary pensioners: referred to the Committee on Revolutionary Pensions.

Mr. HASTINGS presented the memorial of 103 farmers of Columbiana county, Ohio, asking Congress to equalize the tariff, and in just reference to their staples of wool and hides.

Also, the memorial of 63 farmers of Carroll county, Ohio, on the same subject.

Also, the memorial of 35 farmers of Columbiana county, Ohio, on the same subject.

Mr. CHARLES J. INGERSOLL presented the resolutions of the Legislature of the State of Pennsylvania, in favor of refunding to General Jackson the fine imposed on him by Judge Hall in 1815; which were laid on the table, and ordered to be printed.

Mr. MOORE rose and said he was about to move a resolution, which he hoped would meet with the concurrence of his brother Whigs of the House. It was, that the House resolve itself into Committee of the Whole, for the purpose of proceeding with the resolution on the subject of General Jackson's fine.

Mr. READ rose to a question of order. By the 23d rule, this was one of the days assigned for the reception of resolutions from the several States, without debate; and he called upon the Speaker to enforce that rule. He had business of importance belonging to his State, which he had for a long time been waiting in vain to present.

Mr. CUSHING asked if this was not the day assigned for the consideration of the bill on the subject of commercial treaties, introduced by the gentleman from Maryland, [Mr. KENNEDY.]

The SPEAKER informed the gentleman from Pennsylvania that he was right in the construction he had given to the rule; but the bill reported by the gentleman from Maryland had been made the special order for to-day, and could not be set aside but by general consent.

Mr. READ appealed from the decision of the Chair. He made this appeal for the purpose of being heard once in the course of the session. He had not, since he had been here, been able to get the floor for five minutes.

The SPEAKER said that the appeal was not debatable, and put the question to the House; which was decided by sustaining the decision.

Mr. HOPKINS hoped that, by general consent, the House would, before proceeding to the regular order, take up and refer the bills from the Senate; which being agreed to, the following were severally read twice, and referred to appropriate committees:

The bill for the relief of the heirs of William Fisher.

The bill to prevent the employment of private expresses on the mail routes, and for the prevention of frauds on the Post Office; and

The bill in relation to the two per cent. fund of the State of Mississippi.

DOMESTIC HEMP.

The joint resolution of the House, with the amendments of the Senate thereto, to establish agencies for the purchase of American water-rotted hemp, was taken up; the question being on the amendments of the Senate.

The amendments being read, Mr. SMITH of Virginia moved to lay the resolution and amendments on the table; which motion was decided in the negative—yeas 69, nays 136.

Mr. L. W. ANDREWS moved the previous question, and it was sustained by the House; and the amendments of the Senate were concurred in.

COMET AND ENCOMIUM.

The House then took up the bill for the relief of William Selden, Treasurer of the United States, on the question of concurring in the amendment of the Senate. This bill was originally entitled "A bill for the relief of claimants to indemnities received from the British Government for the loss of slaves from on board the Comet and Encomium at Nassau, Bahamas."

Mr. STANLY moved the previous question, which was sustained; a motion to lay the bill on the table was negatived, and the Senate's amendment was concurred in.

Mr. GIDDINGS moved a reconsideration of the vote by which the amendment was concurred in, for the purpose of offering some observations thereon. He then proceeded with some remarks in opposition to the bill.

Mr. GIDDINGS'S hour having expired—

Mr. CUSHING observed that the gentleman from Ohio, in the course of his remarks on this bill, had made allusion to himself, among others, when speaking of the resolution in consequence of which the vote casting censure on him was passed; and he had not only travelled out of the issue involved in it, but, throughout the whole of his remarks, had indulged in that exaggeration of language which was to be anticipated from a person whose mind was governed by this one idea, and was, therefore, incapable of entering into the ele-

ments of the question before the House. What was that question? A bill had passed this House for the purpose of paying to certain citizens of the United States a sum of money, lying in the treasury, to which they were justly entitled. That bill having been amended in the Senate, came back to the House in the ordinary course of business; and having, in like manner, been referred to the Committee of Ways and Means, it was reported back, as amended, to the House. Exception was then raised to the bill by the gentleman from Ohio, who took the ground, that whoever voted for it would be guilty of a violation of the Constitution, and of servility in submitting to the dictation of the South. He denied the correctness of the ground thus assumed by the gentleman from Ohio. If they went behind the bill, what was the state of the case presented to them? Certain citizens of the United States complained that injury had been done them by a foreign Government. What happened next? The Executive, under that complaint, proceeded to do what had been done in all cases where our citizens had complained of wrongs done them by a foreign Government, and ordered the minister of the United States at the court of St. James to lay the complaint before that court, and to demand redress. Upon receiving a statement of the case from our minister, the British Government admitted that our citizens had been injured, and that they were entitled to redress; and, therefore, without the formality of a treaty, but upon the admission of the manifest wrong that was done, they paid the amount of indemnity into our treasury. These were the incontestable facts of the case. The British Government having thus paid the indemnity into the treasury of the United States, this bill proposed to divide it among the claimants. Now what did the gentleman from Ohio [Mr. GIDDINGS] propose? That we shall throw this money back to the British Government? Did the gentleman propose that this Government should be guilty of a breach of trust, and embezzle the money thus placed in its hands? He assumed that, if the United States completed the faithful execution of the trust thus reposed in them, by paying this money over to the complainants, and for which the Government is responsible in honor, that it would be a fraud. Now he, (Mr. C.,) on the contrary, contended that it would amount to a fraud or embezzlement, if the Government refused to pay it over. But the gentleman from Ohio said that the original assertion of the claim for indemnity was in violation of the Constitution; that the Executive had no right to make this claim on the British Government, and therefore the bill ought not to pass. He denied the consequence. If the British Government paid this money into the treasury of the United States, without having the power to enforce the demand, still it was its duty to pay it over to those entitled to it.

The objections of the gentleman from Ohio to this bill were two; and consisted, first, in the assertion of that gentleman that there could be no property of person in person by the laws of nature; that those persons in the liberation of whom the injury was committed, were not slaves, but freemen; and that, therefore, money should not be paid for them. Now, upon the question of property, the gentleman was arguing not what was law—not what was municipal law, or the laws of nations; but what should, in his abstract notions, be law. They had, however, nothing to do with the gentleman's abstract theories, but were dealing with fixed and established laws, and their duties under them. Here was the case of certain slaves set free by the provincial authorities of the island of New Providence; for which the Government of the United States, in behalf of its citizens, demanded indemnity. What did the British Government say to that demand? That Government was at the time an abolition Government, ruled by an abolition ministry, with an abolition Parliament, which had recently enacted a law for the abolition of slavery in the British colonies. It would, therefore, naturally have been expected that the answer would have been in accordance with the views of the gentleman from Ohio. The answer did not come from an anti-abolition Government; it did not come from one of our Southern States, where slavery is recognised as a part of their institutions; but it came from an abolition Government with an abolition ministry, and at the highest possible period of abolition excitement. What was that answer? It was, so far as the Comet and Encomium were concerned, that the authorities of Nassau had committed a violation, not only of municipal law, but of the laws of nations; and that they would treat the claimants to indemnity in the same way that they treated the owners of slaves in the island of New Providence when they abolished slavery in it, viz: if the bond between master and slave was to be abolished, the consideration was to be paid by the Government. Upon this principle, the money was paid over by the British Government to ours. There was a perfect answer to the argument of the gentleman from Ohio. While they made this answer in relation to the slaves that were liberated from the Encomium and Comet, they came to a different decision in regard to those slaves who were on board the Enterprise. In the latter case, they decided that, as the act of Parliament emancipating the slaves in the British islands was passed prior to the liberation of the slaves in the vessel last named, they would not pay for them.

He then proceeded to notice the tendency of the arguments of the gentleman from Ohio, at some length; and to protest and remonstrate against them, as incompatible with the union of these States; and concluded by stating that he should vote against he reconsideration.

Mr. ARNOLD said this was not a proper time to enter on this discussion; and he therefore moved to lay the question of reconsideration on the table.

Mr. STANLY entreated the gentleman from Tennessee to withdraw it, to permit him to make a few observations; which being assented to, he entered into some explanation.

Mr. WELLER also made an explanatory statement, mainly in reply to an observation which had been made by his colleague, [Mr. GIDDINGS,] to the effect, that he was cut off from a defence of himself, when the resolutions of censure were passed at the last session, by the previous question being moved by his colleague, (himself.) Now, he (Mr. WELLER) appealed to the recollection of the House, whether he did not offer to withdraw the motion for the previous question, if his colleague would say that he wished to be heard in his defence.

After a few words from Messrs. WISE, ADAMS, GIDDINGS, ARNOLD, and BRIGGS,

The motion to reconsider was laid upon the table, by a vote of yeas 140, to nays 38, as follows:

YEAS—Messrs. Allen, L. W. Andrews, Arnold, Arrington, Atherton, Aycrigg, Babcock, Barnard, Barton, Besson, Bidlack, Black, Blair, Boardman, Botts, Bowne, Boyd, Brewster, Aaron V. Brown, Milton Brown, Charles Brown, Jeremiah Brown, Burke, William O. Butler, Green W. Caldwell, Patrick C. Caldwell, John Campbell, William B. Campbell, Thomas J. Campbell, Cary, Casey, Childs, John C. Clark, Clifford, Clinton, Coles, Cranston, Crawford, Cushing, Daniel, Richard D. Davis, Dawson, Dean, Deberry, Doan, Doig, Eastman, John Edwards, John C. Edwards, Ferris, Fillmore, John G. Floyd, Charles A. Floyd, Fornance, A. Lawrence Foster, Gamble, Gentry, Gerry, William O. Goode, Gorden, Graham, Green, Gustine, Harris, Hastings, Haye, Hopkins, Houck, Houston, Hunt, Charles J. Ingersoll, William W. Irwin, Jack, Cave Johnson, John W. Jones, Isaac D. Jones, Keim, John P. Kennedy, Littlefield, Lowell, Abraham McClellan, Robert McClellan, McKay, McKeon, Mallory, Marchand, Alfred Marshall, Samson Mason, Mathiot, Mathews, Medill, Meriwether, Miller, Mitchell, Moore, Morris, Newhard, Oliver, Osborne, Parmenter, Partridge, Payne, Pendleton, Plumer, Pope, Powell, Proffit, Rayner, Rencher, Reynolds, Riggs, Rodney, Rogers, Sanford, Saunders, Sewell, Shepperd, William Smith, Snyder, Sprigg, Stanly, Steenrod, John T. Stuart, Sweney, Taliaferro, Richard W. Thompson, Jacob Thompson, Toland, Tomlinson, Triplett, Turney, Underwood, Warren, Washington, Weller, Westbrook, Edward D. White, Joseph L. Williams, Wise, Wood, and John Young—140.

NAYS—Messrs. Adams, S. J. Andrews, Baker, Birdseye, Briggs, Brockway, Bronson, Burnell, Calhoun, Chittenden, Staley N. Clarke, Cowen, Cravens, Fessenden, Giddings, Granger, Hall, Halsted, Henry, Hudson, Linn, McKennan, Mattocks, Morgan, Ramsey, Benjamin Randall, Ridgway, William Russell, James M. Russell, Slade, Truman Smith, Stokely, Van Rensselaer, Thomas W. Williams, Winthrop, and Augustus Young—38.

PERSONAL PRIVILEGE.

Mr. GIDDINGS said he rose to a privileged question. He proceeded to state his grievances to the House; but the first part of his remarks were imperfectly heard, owing to the gathering of members in that part of the hall. He was understood to say, that as he was standing in the aisle this morning, Mr. DAWSON of Louisiana came by him and pushed him aside. Thereupon, he turned round to Mr. DAWSON, and asked him if he meant to insult him; to which Mr. D. replied, "Yes, sir." Now, he wished to raise the question, whether a member was free to insult another for remarks made in the House, in the exercise of his privileges as a member and a freeman. He had no fears of his person, but the House might protect its own dignity; and he laid the fact before it, for such action as it might see fit to make.

The SPEAKER observed that he had witnessed no such occurrence as that related by the gentleman from Ohio, [Mr. GIDDINGS,] or he should have preserved the order of the House.

Mr. GIDDINGS said he did not intend to cast any reflection on the Speaker.

Mr. JACOB THOMPSON rose and said he wished the House and the country to take notice that this matter was brought up here by the member from Ohio, [Mr. GIDDINGS,] *in the absence of* Gen. DAWSON.

Several members: Let the matter drop.

Mr. CALHOUN rose and called for the reading of that part of the manual, or rules appointed for the government of the House, which related to the personal privileges of members. He wished gentlemen to understand their rights on that floor.

Mr. TURNEY rose to a question of order.

Mr. WISE said he would remark, in perfect good temper, that he had no doubt the gentleman from Louisiana [Mr. DAWSON] was passing up the aisle, when he found the gentleman from Ohio [Mr. GIDDINGS] in his way. The aisles, as gentlemen knew, were very narrow; and nothing was more common than for members to gently push each other aside, in order to pass along. But for the fact that the gentleman from Ohio turned round to the gentleman from Louisiana, and peremptorily asked him whether he meant to insult him, he (Mr. W.) had no doubt that nothing would have happened. He had no feeling whatever against the gentleman from Ohio, and he did not believe that there was a more gentlemanly man in the House than the gentleman from Louisiana. Nobody would have heard of the occurrence between the two gentlemen, had not the gentleman from Ohio brought it to the notice of the House. He suggested to the gentleman from Massachusetts [Mr. CALHOUN] not to insist on his call for the reading of the manual, and that the matter be permitted to pass by in good feeling.

Mr. GIDDINGS said he had no desire to occupy the time of the House. He disclaimed any personal feeling or anxiety about the matter.

Mr. CALHOUN insisted on the reading of the manual on the subject of the privilege of members.

Mr. MOORE rose to make a statement of what had occurred, according to his observation. His colleague, when the occurrence related by the gentleman from Ohio happened, was in the best possible humor, and, he was sure, intended no insult in pushing the gentleman from Ohio aside, in order to pass along the narrow aisle.

Mr. MALLORY also stated to the House his recollection of what occurred. The gentleman from Louisiana [Mr. DAWSON] was coming down the aisle. He (Mr. M.) saw the gentleman from Louisiana touch the gentleman from Ohio, [Mr. GIDDINGS,] but not so as to move him. He was satisfied that the gentleman from Louisiana was going along about his business in a good humor, and would not have made a rude reply to the gentleman from Ohio, had not that gentleman extorted it from him by his question.

Mr. WISE said the gentleman from Louisiana gave the gentleman from Ohio the gentlest push imaginable.

Mr. ADAMS. I take it, Mr. Speaker, that it was not an attempt to cut his throat from ear to ear.

Mr. GIDDINGS said he had no personal wishes in this matter. He would not have said what he did, had not the gentleman from Louisiana answered that he intended to insult him.

Mr. WISE. But the gentleman from Louisiana did not say so until the gentleman from Ohio extorted the declaration from him.

Here the matter dropped.

ment of the Surgeon General, while he was to have the Surgeon General and the army under his control. It was making a new bureau, at the head of which Mr. Espy was to be placed. And thus, by a side movement, or indirect beginning, that which could not be attempted openly, was effected. The foundation was laid for this new bureau; and now the structure was about to be raised. It was not to stop at this $2,000. After the thing is made fast, there will be a regular establishment. He would read the report of the Surgeon General.

[Here Mr. B. read the report, stating that Mr. Espy had done no service for his department, either as clerk or otherwise, since his appointment; and that there was no occasion in the department for his services.]

Mr. B. contended that the Surgeon General was fully competent to have the necessary observations made and collected, and that the service would be effectually done if this appropriation was never made. It was not necessary to create a new bureau for the purpose of holding a scientific correspondence with all the world. If already, within less than a year, it had grown up (as gentleman averred) to 1,500 correspondents, it would very shortly require several clerks to do nothing else but frank letters. There was no knowing where the expense was to end.

Mr. EVANS objected to any postponement of the bill on the supposition that the report of the Surgeon General was necessary. The Committee on Finance was aware of it; the Senator from Missouri had it before him. All that could be known from delay was already known.

Mr. BENTON contended that it was improper to make this amendment, every way it could be considered. The House of Representatives had left out the appropriation, having a full knowledge not only of the Surgeon General's report, but of the recommendation of the Secretary of War, whose letter to the Committee of Ways and Means is dated so far back as 13th January.

Mr. BUCHANAN observed that, in what he had to say upon this subject, he certainly did not mean to make any insinuation against the Surgeon General. He had the pleasure of an acquaintance with that gentleman; and he believed a more worthy and respectable man did not exist. Mr. Espy, like all others who had made discoveries of any importance, had been assailed by ridicule; and probably the zeal which enabled men to make important discoveries, always carried them beyond the bounds of prudence. This had been Mr. Espy's fate in the beginning; but his mind was now matured. And he (Mr. B.) believed with the Senator from Mississippi, that in his particular branch of science, he was exceeded by no man living: such was the opinion entertained of him by the most enlightened foreigners.

The great objection seemed to be, that, by the adoption of this amendment, a new bureau would be created. But would this be the case? What facts had they before them to warrant such an inference? Directly the reverse seemed to be the case. Mr. Espy was to be attached to the office of the Surgeon General. He was to act under his authority and direction; and to receive, as compensation, $2,000 per annum. Would that be the establishment of a new bureau, any more than the appointment of an additional clerk in any department of the Government? He could not see by what possibility a new bureau was to grow out of it.

But what was the object of the proposition? He desired to bring it distinctly before the Senate. In August, 1832, an appropriation was made (of which he had no knowledge at the time) for procuring meteorological observations, under the direction of the Surgeon General, who appointed Mr. Espy to the performance of that duty; and, after he had been most advantageously engaged upon it for a great length of time, it was now proposed to cut him down by legislation. Did it not seem very invidious to aim at that gentleman, and him alone? Had he done anything to merit such treatment? If it were deemed proper to make these observations at all, at the different military posts, there ought to be some gentleman of scientific acquirements to generalize them; for the mere naked observations would be of little avail.

The Senator from Missouri [Mr. LINN] had just put into his hands a book, which showed the estimation in which Mr. Espy was held by the most scientific body in the world—he meant the French Institution of Natural Science.

Mr. BUCHANAN, having read a passage from the work referred to, remarked, that the case could be summed up in few words. Congress had already, by a law, made an appropriation for the purpose of employing such an agent as Mr. Espy; and he had been employed, not as the head of a bureau, but as a subordinate in the office of the Surgeon General, where he had rendered eminent service to the cause of science; and the question was now, whether they would, by refusing to adopt this proposition, drive that gentleman from the pursuit in which he had been engaged so much to the advantage of the military and the naval service, and to the enlightenment of all mankind. For his own part, he could not conscientiously do that, by legislation, which would operate as a sort of personal attack upon this gentleman, whom he believed to be better qualified than any other man for this important service.

The debate was continued by Messrs. WALKER, CALHOUN, BENTON, TAPPAN, and EVANS; and then the question was taken on the amendment, and decided in the affirmative—yeas 28, nays 13.

The other amendments were also adopted.

Mr. MILLER, chairman of the Committee on the District of Columbia, called the attention of the Senate to the proviso regulating the appointment of cadets for West Point Academy, in which it was, in future, to be by apportionment to congressional districts, giving each member of the House a right of nomination. It was limited to the number of Representatives and Delegates. He moved an amendment, allowing one nomination for the District of Columbia.

This was agreed to.

Mr. KING pointed out a difficulty that might arise from the reduction to the number of members by the new apportionment, [266] Heretofore, although the Secretary of War had the power of making the nominations, a practice had grown up of allowing each member of Congress in turn to make a recommendation from his district. But there were some appointments made by the Secretary himself, without reference to locality; which enabled him to appoint the sons of military officers—a privilege so proper and necessary, that it ought not to be withdrawn.

After some discussion on this point, it was suggested that an addition of ten cadets for that purpose might be made; and the bill was so amended, as that the number of cadets will be one for each congressional district, and ten on general appointment by the Secretary of War.

Mr. CONRAD moved an amendment to appropriate $10,000 for removing obstructions from the mouth of the Red river. He pointed out the necessity of immediate action on this subject; as, if something were not speedily done, the channel of that river would be changed into the Achafalaya, and the course of the river thrown into the Gulf of Mexico.

Mr. EVANS hoped this amendment would not be allowed on this bill. There was a bill before the Senate on the subject of improving the navigation of the Mississippi river and its tributaries, to which it could more properly be attached.

The amendment was negatived.

The bill was then reported back to the Senate; and the amendments being concurred in, it was ordered to be read a third time; and subsequently it was read a third time, and passed.

On motion of Mr. WHITE, the Senate then went into executive session; and after some time spent therein, adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 10, 1843.

Mr. BERSON presented the proceedings of a meeting of citizens of Fayette county, Pennsylvania, held at the court-house in Uniontown, on the 4th February inst.; and also, the memorial of Andrew Stewart, George Mason, Daniel Black, esq'rs, and two hundred and thirty-seven others, in which they respectfully request the Congress of the United States to authorize the issue of two millions of 3 per cent. stock to be divided among the States, for the payment of which the public lands and their proceeds to be specifically pledged: referred to the special committee on that subject.

Mr. J. C. EDWARDS presented a memorial of the Legislature of Missouri, in reference to the Territory of Oregon: referred to the Committee on Foreign Affairs.

Mr. READ of Pennsylvania presented a remonstrance, signed by sundry citizens of Bradford county, Pennsylvania, against the repeal of the bankrupt law: laid on the table.

Mr. MEDILL presented the petition of Wm. Wheatley, clerk of the penitentiary in the district of Columbia, praying the allowance of compensation for certain services rendered to the institution.

Mr. JOSEPH H. WILLIAMS moved a reconsideration of the vote by which the joint resolution of yesterday, in relation to the Cherokee treaty, was referred to the Committee of the Whole; and, without taking the question, the motion was entered, and passed over by general consent.

Mr. LINN moved a reconsideration of the vote by which the proposition of the Committee of Claims to employ a clerk was negatived; and desired the motion to be entered.

Mr. CAVE JOHNSON insisted upon taking the question of reconsideration now.

Mr. LINN withdrew his motion.

GEN. JACKSON'S FINE.

The SPEAKER announced the next business in order to be the resolution for refunding the fine imposed on General Jackson, at New Orleans, by Judge Hall, in 1815.

Mr. DAWSON, who was entitled to the floor, commenced addressing the House on this subject; but had spoken but a few words, when

Mr. EVERETT rose and objected, that the subject on which the gentleman was addressing the House was not in order.

The SPEAKER said that reports of committees were in order; but believing that all the committees had reported, he had allowed the gentleman from Louisiana [Mr. DAWSON] to commence his remarks on the next business in order.

Mr. FILLMORE insisted that the strict order of business be observed.

Mr. SMITH of Virginia asked if it was not too late to interrupt the gentleman from Louisiana, after he had commenced his remarks, and been recognised by the Chair.

The SPEAKER said the gentleman from Louisiana had been permitted to proceed by courtesy, on the supposition that there were no reports of committees to make. As the regular order of business was insisted on, the Chair must observe it.

Mr. EVERETT rose to a privileged question, and moved a reconsideration of the vote referring the bill for the occupation and settlement of Oregon, reported by the Select Committee to the Committee of the Whole House. As the bill on the same subject, which came from the Senate, was referred to the Committee on Foreign Relations, he thought this bill should be referred to the same committee. It was, therefore, that he now moved that the vote on the reference to the Committee of the Whole be reconsidered. Mr. E. concluded by moving the previous question, under the operation of which the motion for reconsideration was carried—ayes 88, noes 50.

On motion by Mr. EVERETT, and under the operation of the previous question, the bill was referred to the Committee on Foreign Relations.

Mr. FILLMORE then called for reports of committees.

Mr. WELLER moved to suspend the business of the morning hour, in order to allow Mr. DAWSON to proceed with his remarks on the resolution to refund General Jackson's fine; but, on putting the question, the motion was rejected.

On motion by Mr. FILLMORE from the Committee of Ways and Means, the report of the Secretary of the Treasury in relation to the twelve million loan, together with the accompanying documents, was ordered to be printed.

TREASURY NOTES.

Mr. FILLMORE, from the same committee, reported a bill authorizing the re-issue of treasury notes, and for other purposes; which was twice read, and referred to the Committee of the Whole on the state of the Union.

ASSUMPTION OF STATE DEBTS.

Mr. JOSEPH R. INGERSOLL, by direction of the Committee of Ways and Means, called up the motion to print 10,000 extra copies of the majority and minority reports of that committee, on the subject of an issue of two hundred millions of Government stocks to be given to the States.

Mr. ADAMS hoped that the printing of these reports would not be ordered. He did not think that it was properly made, for the reason that a short time before, a number of memorials, together with a resolution of the gentleman from Maryland, [Mr. WM. COST JOHNSON,] on the same subject, was referred to a Select Committee; the Committee of Ways and Means, therefore, in reporting as they did, without waiting for the action of the Select Committee, acted with unnecessary haste and precipitation, and they seemed to him to have run a race of popularity for the purpose of throwing odium on that proposition. He meant to impeach the motives of no member of the House—far less of the Committee of Ways and Means; but, in a parliamentary point of view, it was neither respectful to the House, nor to the gentleman from Maryland, for the committee to make their report with so much precipitation.

Mr. PICKENS would respectfully ask the gentleman from Massachusetts if the memorials on this subject (or, at least, a number of them) had not been presented by him, and referred on his motion to the Committee of Ways and Means.

Mr. ADAMS was unable to answer the question of the gentleman; and he would tell him, or rather tell the House, the reason why. He had, it was true, received a number of these memorials, and for that reason he had felt himself called on to take part in this discussion, which otherwise he would not have done. The gentleman from South Carolina was perfectly aware of a rule of the House, which denied him the privilege of offering petitions as he received them; that, instead of the ancient rule, by which particular days were assigned for the reception of petitions, they now had the gag-rule—the 21st rule—that odious and detestable rule by which the people of the United States were deprived of the right of having their petitions presented in open day, and compelled to have them referred secretly, and subject to a decision at the Clerk's table whether they shall be received or not. That was the reason why he did not know whether the memorials presented by him had been referred to the Committee of Ways and Means or not. He was compelled here, by the rules, not to offer to the House memorials that had been sent to him, but to present them at the Clerk's table, and to leave it to the discretion of the Speaker to decide whether they shall be received or not, and to say to what committee they shall be referred. He mentioned this, to show that the gentleman from South Carolina need not make so much of the fact, that memorials presented by him on this subject had been referred to the Committee of Ways and Means.

He believed that an unusual motive had operated with the Committee of Ways and Means in making their report in such a hurry, and that, in making these reports, the majority and minority (for there were two of them) had run a race of popularity to cry down and make odious before the people of the United States the project of the gentleman from Maryland, to which—let gentlemen of both sides, Whig or Locofoco, do what they will—they must, in time, come. Let them now say what they please, "to that complexion they must come at last." What was it but, in substance, a proposition that the General Government of this country shall come to the aid of the States of the Union, who, for laudable purposes, and for objects of general utility to the country, have involved themselves in debt from which they cannot relieve themselves, and therefore come to the Government of this nation, to assist them in discharging those duties which belonged to honor and morality, viz: to pay their debts?

It was far from him to impute any improper motives to the Committee of Ways and Means; but he said, when he heard these reports read—of the majority and minority—that they had not considered, by any means, the extent and importance of the proposition of the gentleman from Maryland. Though the Speaker had done him the honor to place him on the select committee raised on that subject, he did not mean to be understood as committing himself to support it. He did not mean to make himself responsible for it. But he did, in behalf of the honor of the nation, demand of its Representatives that the proposition shall be fully, fairly, and impartially considered; and not set aside in this way by a side blow from the Committee of Ways and Means. He had said that, however lightly either party in this House, Whig or Locofoco, Northern or Southern, might treat this proposition, they would have to come to a very serious consideration of its objects and its purposes before they could decide against it. It was a marvellous thing to him—a surprising thing—that the Whigs of that House, and the Whig party, should feel such extreme anxiety not to have the imputation fixed on them that they favored the project of the gentleman from Maryland. They might think, because the Locofocos were now in such a flow of victory, that they might be subject to the charge of treason, and to be tried under the second section, if they were suspected of favoring this project for relieving the States who were involved in debt. It seemed to him, so fearful was the committee of having such an imputation fixed on them, that they ran a race in making their report. The Whigs who made it, seemed to think that their salvation depended upon their protesting that they never, never would consent to give any aid to the States involved in the burden of debt. Some of the States, it seemed, had refused to acknowledge their debts at all; and they had had declarations from one of them—the State of Mississippi—that the people of that State would sooner endure war than pay their debts.

Mr. JACOB THOMPSON wished to correct the gentleman. The State of Mississippi never had refused, and never would refuse, to pay her debts.

Mr. ADAMS said he would refer the gentleman to the letter of Governor McNutt, in which that declaration was made.

Mr. JACOB THOMPSON said he wished distinctly to declare that the State of Mississippi had never refused to pay her debts; but that she had refused to acknowledge as a debt, a claim made on her by unauthorized persons.

Mr. ADAMS said, there was the letter from Gov. McNutt: the gentleman might send for it.

Mr. THOMPSON said that the gentleman might send for it himself. And he would add, that the letter of the Governor, which the gentleman spoke of, was a private, and not an official letter. The State of Mississippi only acted by her Legislature, with the approval of the Governor, and not by the Governor alone.

Mr. PICKENS rose to a question of order. This was a question of printing; and if this extensive field of debate was to be opened, there was no knowing where it would end.

The SPEAKER stated to the gentleman from South Carolina that the question of printing opened the whole merits of the case.

Mr. ADAMS continued. He would have the letter of Governor McNutt here, and he hoped the gentleman from Mississippi would read it for his own character's sake, for Governor McNutt said that the two Representatives from Mississippi concurred with him in saying that they would rather go to war than pay the debt. He wished to know if the gentleman concurred with the Governor.

Mr. JACOB THOMPSON said he would inform the gentleman that he did concur with the Governor, in preferring to go to war to paying a claim that his State had never acknowledged to be a debt. Neither he nor his State had ever refused to pay a debt that was due by the State. Let the gentleman produce the letter itself.

Mr. ADAMS said, there was the letter he referred to; and in it the Governor expressly said that his State would rather go to war than pay a debt. He did not intend to enter into the question whether the State of Mississippi had been defrauded by its own agents or officers. He did not intend to enter into that question at all. He now desired the Clerk to read the letter of Governor McNutt, as the gentleman was so exceedingly anxious to have it produced.

The letter of Governor McNutt was then read. It was a private letter, written to a gentleman in Richmond, and published in one of the Richmond papers.

Mr. ADAMS resumed, and said, on that the House could determine. He did not intend to enter into the metaphysical question whether the State of Mississippi was or was not bound to pay its bonds. By his letter, Governor McNutt presupposed that war would come from abroad, in consequence of the refusal of the State of Mississippi to pay them; and he preferred to go to war, rather than pay those bonds. Now he (Mr. A.) would inquire of this House if the foresight of the Governor of Mississippi should prove true—if the Governments of those subjects, who have suffered in their property by their trust and confidence in the punctuality of the State of Mississippi, should come here and demand that this Government should settle those demands—what would Mr. President Tyler and his Secretary answer? He (Mr. A.) thought they would have applications of that sort, and he would presume that the President would not answer them; but not answering a demand between sovereign States, was not getting rid of that demand. This Government would have—and this House would have, they might take his word for it—applications that would require answering at some time or other, to that effect. Now he would suppose the case that the Government of Holland, or the Government of Great Britain—whose subjects were suffering under the scruples of the Government of the State of Mississippi, whether that State was or was not bound to pay those debts,—he would suppose that those subjects called upon their Governments, saying that the people of those States had received their money—that they had promised repayment, and that they had refused to pay, and then those subjects called upon their Government to interfere; those Governments would say, This is one of the States of your Union, and you are bound to pay their debts. Suppose, then, the President and the Secretary of State did not choose to answer; and suppose one or both of those Governments should declare war against the State or Mississippi, and should send their steamers up to Natchez, if they could get there: would the refusal of the State of Mississippi to pay her bonds prevent this Government being called upon to assist her? They are invaded—martial law is declared—and he thought they would hear something about the obligation of this Union to stand by its members in case of war and invasion and the declaration of martial law. Governor McNutt foresaw this state of things, but he did not care to avoid it. Now, if they would not pay their debts, the Paixhan guns of those foreign Governments might go there, perhaps; and on the question whether the State of Mississippi was strictly bound to meet her obligations, there would be another mode of reasoning applied. And, in that case, what would this Government do? Would they abandon one of the States of this Union to the hands of the enemy? Or would they feel compelled to pay the bonds, for which such State had been willing to go to war? Twenty one millions of dollars had just been exacted from China, in addition to a sum before exacted, as the payment of a debt of not a dissimilar character. Suppose, then, the State of Mississippi required not only to pay the amount of her bonds, but twenty-one millions of dollars to defray the expenses of those Paixhan guns, which should reduce her to the necessity of subscribing to anything—what would this Government do? Was it prepared to stand by, and say "It is nothing to us? This is a question between the State of Mississippi and foreign Governments; and it is nothing to us. We cannot interfere; we must be neutral between these

of this Congress—at the very last hour of the third session of Congress, to proclaim to this country that he had no opinion on the ways and means!

Mr. FILLMORE begged permission to explain.

Mr. WISE said he should like to have an explanation.

Mr. FILLMORE explained that he meant he had formed no opinion independent of executive communications.

Mr. WISE asked the gentleman if he believed the communication of the Secretary of the Treasury was correct.

Mr. FILLMORE replied that he had no means of showing its incorrectness, and he had no reason to believe that the Secretary was a dishonest man.

Mr. WISE inquired if the gentleman from New York believed in the data of the Secretary?

Mr. BOTTS rose to a question of order. The gentleman from Virginia had no right to poll the members of the Committee of Ways and Means in this way.

Mr. FILLMORE rose to explain.

Mr. WISE begged the reporters to take note of the gentleman's explanation. And what was it? It was this: "I have no opinion independent of the information of the Secretary of the Treasury." What is your opinion about the information of the Secretary of the Treasury? "I have no means of showing that it is incorrect." Well, now, what was the gentleman's opinion at last? Nothing at all. The gentleman from New York said, the other day, that if the data of the Secretary were correct, why then his calculations were correct.

He (Mr. W.) asked if the Secretary's data were correct; and the reply was, "I have no means of knowing whether they are correct or incorrect." And this came from the chairman of the Committee of Ways and Means, who confessed that, independent of the Secretary of the Treasury, he had got no opinion at all. Did they believe that he had got no opinion? The gentleman did not say he had got no opinion; but though he had got no specific opinion, he (Mr. W.) believed he had a general conclusion as to the correction of those data. Now, he asked for the motive for the concealment of those opinions. He asked why there was not a report from that committee?

Mr. FILLMORE asked the gentleman from Virginia if he believed the report made by the Secretary of the Treasury, as he was nearer the Executive than he (Mr. F.) could be; or whether the gentleman from Virginia had any means of knowing that it was false.

Mr. WISE. This is not a question of falsehood. [Laughter.] He begged gentlemen to wait for an answer before they laughed. He told the gentleman from New York that he differed wholly from the Secretary of the Treasury. Had they got their answer? [Laughter.] Now, would the gentleman answer him a question? Did the gentleman from New York believe in the correctness of the Secretary's report? [Cries of "That's fair."] Now, let gentlemen laugh. He (Mr. W.) differed from the Secretary of the Treasury, and he believed his data would be found to be a sandy foundation, and that the superstructure based upon it must fall necessarily.

The gentleman pursued these remarks in this strain some time, and expressed his dread of an extra session, and his desire to avoid its necessity.

Mr. FILLMORE replied, and Mr. WISE rejoined.

Mr. FILLMORE said he was glad to hear this declaration from the gentleman. If that gentleman, standing upon this floor, and speaking the sentiments of this Administration, declared that an extra session ought not to be called, and that there were no reasons for it, he (Mr. F.) was truly glad to hear it. As to whether the Committee of Ways and Means had discharged their duty or not, he had but little to say. The present was the short session; and, during its continuance, the Committee of Ways and Means had to perform the duty of examining a double set of appropriation bills—for the half calendar year, and for the fiscal year. They had also before them a proposition to bring back into the treasury money which was said to have been hitherto squandered; also, the recommendation of the Secretary of the Treasury that means should be provided for carrying the department through the year to the 1st of January next; and also the exchequer project, which had occupied much of their time. These were the duties which they had to perform during this short session. Whether the committee had been diligent or not, it was for the House to say. With what ability the duties had been performed, it certainly did not become him to say. But if it was a fact (as conceded by the President in the message just read) that it was the duty of the Executive to inform the House as to the state of the finances of the country, he put it to the gentleman to point out a single fact which indicated that the Committee of Ways and Means had abandoned all measures to carry the Government through the year. The committee took up the report of the Secretary of the Treasury, in which that officer stated that there would be enough means to carry on the Government through the half calendar year, and through the fiscal year to June, 1844, and then leave a million and a half in the treasury. When doubt began to be expressed as to the accuracy of the Secretary's calculations, the committee, unconnected as they were by any near relations to the Administration, caused inquiries to be made of the Secretary, with a view of affording him an opportunity to revise his estimates. Therefore it was that he addressed a letter to the Secretary, calling on him for the amount which he estimated would be received and paid out during the year.

He would say to the House, that it was in the power of the Executive, if he saw fit, to exhaust the treasury, for the purpose of calling an extra session of Congress. Such a thing might be done; if it was done, the Executive would be responsible for the extra session.

It was known that large appropriations would be made by this Congress, to lie over until next year. Now, it was only necessary for the President, in the exercise of his power to control the expenditures of these appropriations, to exhaust the treasury, by paying them over before they were absolutely needed; and thus create the very necessity (an extra session) which the gentleman deplored. If there should be no more expended during the year than what was appropriated by Congress for that period, he should say that, in his opinion, the ways and means of the treasury would be sufficient. He only asked that the Government might be administered as it had been in years past. In such an event, he did believe that the means of the treasury would prove sufficient. He believed he had said all that was necessary on this head.

As to the instructions to the Committee of Ways and Means, moved by the gentleman from Virginia, [Mr. WISE,] all he had to say was; that he deemed them unnecessary. They implied a censure upon the committee; and he knew not what duty they had omitted which called for censure upon them. The committee had never neglected to consider carefully anything that was recommended by the Executive.

Mr. WISE then rose and withdrew his motion to reconsider the printing of the message; after which,

The House adjourned.

IN SENATE.

TUESDAY, February 14, 1843.

The PRESIDENT [*pro tem.*] laid before the Senate a communication from the Treasury Department, transmitting, in further compliance with a resolution of the Senate of the 28th of December last, the following statement, showing the amount of accruing duties during the 3d and 4th quarters of the past year, and the value of the imports and exports for the last quarter, as follows:

Accruing duties during the 3d quarter		$3,305,806 31
Accruing duties during the 4th quarter		2,579,399 28
		5,884,895 59
Value of imports and exports during the 4th quarter of 1842—		
Imports free of duty	$6,450,601	
" paying duty	7,197,493	
		$13,648,094
Exports of foreign goods—		
Free of duty	1,023,569	
Paying duty	1,219,532	
	2,243,101	
Exports of domestic produce	25,229,818	
		27,472,919

Mr. EVANS presented a memorial from citizens of the State of Maine, praying for the repeal of the bankrupt law; which was ordered to lie on the table.

Also, presented a memorial from Lubec, Maine, praying such legislation on the part of Congress as will produce greater reciprocity in our commercial regulations with foreign powers: ordered to lie on the table.

On motion by Mr. WOODBURY, leave was granted to Molly Luther, Mary Chase, Daniel Peck, and George Johnson, to withdraw their petitions and papers from the files of the Senate.

Mr. LINN presented a memorial from Ruth Milligan, praying that the sum of $230 continental notes, paid to her husband, since deceased, for his services during the revolutionary war, may be made good to her or her children, by such general and equitable law as may be finally passed on the subject. Mr. L. remarked that, if any committee should be hereafter raised to take into consideration the subject of paying the debts of the States, he would move the reference of this petition to that committee. It struck him, however, that there would be more propriety in paying off the old revolutionary debt, before the idea of assuming the debts of the States was entertained. For the present, he moved that the petition be laid on the table. Agreed to.

Mr. MERRICK, from the Committee on the Post Office and Post Roads, to which had been referred the amendments of the House to the Senate bill for the relief of William Du Buys, postmaster at New Orleans, reported the bill back, with a recommendation that the Senate concur in the amendments.

The question was put, and the Senate concurred.

Mr. CHOATE, from the Committee on Naval Affairs, reported a bill for the relief of the heirs of Robert Fulton; which was read, and ordered to a second reading.

Mr. WILLIAMS presented joint resolutions, adopted by the Legislature of the State of Maine, instructing the Senators and requesting the Representatives from that State to vote for the abolishment of the Military Academy at West Point, in the State of New York, and for the adoption of such a plan of military instructions as will be impartial in its operations, and consistent with the spirit and genius of our liberal institutions; which was read, and ordered to be printed.

Mr. BATES, from the Committee on Pensions, made a report, (which was ordered to be printed,) adverse to the passage of the House bill for the relief of Major Thomas Harrison.

On motion by Mr. BATES, leave was granted to Thomas Flanagan to withdraw his petition and papers from the files of the Senate.

Mr. HUNTINGTON, from the Committee on Commerce, to which was referred the resolution of the Senate, instructing that committee to inquire into the expediency of abolishing the system of revenue cutters, and to employ a part of the navy of the United States in that service, made a report, (which was ordered to be printed,) accompanied by a resolution, declaring that it was inexpedient to adopt the recommendations of the resolution.

Mr. H., from the same committee, to which had been referred House bill entitled "An act to reduce the number and compensation of the officers and others employed in the port of New York," reported it back, with an amendment to strike out the preamble.

Mr. WOODBURY submitted the following resolution, which was agreed to:

Resolved, That the Secretary of the Treasury be directed to inform the Senate of the net amount of revenue received from the customs in the month of January, 1843, according to the current returns made to the Treasury Department.

Mr. LINN presented a petition from Markham Tristoe, late postmaster at Warren, Benton county, Missouri, praying that the amount of a judgment obtained against him in the circuit court of the United States from the Missouri district may be refunded to him: referred to the Committee on the Post Office and Post Roads.

Also, presented a petition from Abraham Wilcox, representing that he is the father of twenty-two children, praying aid of the Government to

raise a company to go to the Oregon Territory, and for grants of land, &c.; which was read, and laid on the table.

The resolution of the Committee on Commerce, to discharge that committee from the further consideration of the resolution of the Senate of the 27th of December last, directing it to inquire into the state of our tonnage, freights, and commerce, and to report whether they were prosperous under our existing regulations with foreign powers, &c., and to refer the same to the Secretary of State, and directing him to make the inquiries touching the matter, and to report thereon at the next session of Congress, was taken up; and, after a few remarks by Messrs. HUNTINGTON and WOODBURY, was adopted.

The following resolution introduced by Mr. BENTON on yesterday, was taken up for consideration; and, after a few remarks by Mr. ARCHER, not in opposition to its adoption, but expressing the belief that the call was unlike any ever made, it was agreed to, viz:

Resolved, That the President of the United States be requested to communicate to the Senate a copy of the commission, or letter of instruction, which may have been given to Daniel Webster, Esq., Secretary of State, to treat with Lord Ashburton, late special minister from Great Britain to the United States.

The engrossed joint resolution directing the transfer of the stock held by the United States in the Chesapeake and Ohio Canal Company, to the State of Maryland, and to the cities of Washington, Georgetown, and Alexandria, on certain conditions, came up for a third reading.

Mr. KING remarked that one of the conditions in the bill on which the stock was surrendered, was, that the Chesapeake and Ohio Canal shall be completed to Cumberland. He inquired of the Senator from Maryland [Mr. MERRICK] whether he considered that the terms of the bill were such as authorized the Government to reclaim the stock in case the terms of the bill were not complied with.

Mr. MERRICK replied that, if the conditions were not complied with, the whole of the stock would revert to the Government.

The resolution was then read the third time, and passed.

The joint resolution for the distribution of certain copies of the Census Returns and Compendium of the Sixth Census, was read the third time and passed.

The bill relating to the appointment of Assistant Postmasters General, vesting the power to appoint them in the President, by and with the advice and consent of the Senate, was read a third time, and passed.

BANKRUPT LAW.

Mr. BERRIEN said that he had given notice to the Senate on yesterday, that he would on to-day move to fix a day for the consideration of the bill to repeal the bankrupt law. He was disposed to give notice that he would on Monday next ask the Senate to take that bill up for consideration. He said that it was desirable that the information obtained from the Secretary of State, as to the operations of the law, and the report of the committee on the subject, should be as widely disseminated as possible before they were called upon to act finally upon the bill; and it was desirable to give further time to Senators to consider the report of the Judiciary Committee, and the amendments recommended by it. He supposed that all that was desired by delay could be accomplished by Monday next.

Mr. YOUNG preferred that the bill should be then taken up, and made the special order for Monday next; but, on being informed that such course would place the bill behind other special orders, he acquiesced in the suggestion of Mr. BERRIEN.

RETRENCHMENT, ECONOMY, AND GOVERNMENT RESOURCES.

The resolutions introduced on Tuesday last by Mr. McDUFFIE, on the propriety of adopting measures to revive commerce, replenish the impoverished exchequer, and to arrest the accumulation of public debt, by reducing the tariff of the last session to a revenue standard, and by practising a rigid system of retrenchment, economy, and accountability, came up for consideration.

Mr. EVANS (in reply to Mr. McDUFFIE's remarks of yesterday) addressed the Senate for upwards of two hours and a half, discussing at large the various topics involved in the resolutions of the Senator from South Carolina, and the additional resolutions which he had himself submitted.

At the outset, he remarked, it was with very great reluctance that he rose to occupy any portion of the time of the Senate at this late period of the session, when there were so many important and pressing matters demanding its attention, in the discussion of these resolutions—resolutions which he feared were to end in discussion alone. Nevertheless, as they were deemed of very great importance, (as they certainly were,) and had been discussed with ability by the Senator from South Carolina, [Mr. McDUFFIE,] who always evidenced an ability in whatever he undertook to discuss, he felt it to be his duty as briefly as possible to submit such remarks as the hasty consideration of the subject would enable him to make. The resolutions of the honorable Senator were chiefly directed to the condition of the treasury—to the finances and commerce of the country; and a very large portion of the speech with which the Senator had favored the Senate was directed to the condition of the business of the country, which he (Mr. E.) admitted were inseparably connected. He agreed with the Senator fully and thoroughly, that the commerce of the country was crippled to a very great extent, and that business was deeply embarrassed. He would not differ from the honorable Senator as to the terms of the resolution, which proposed a system of economy and retrenchment, and of limiting the expenses of Government to the income which may be derived by the treasury from all sources. He would agree with the Senator, that the commerce of the country was greatly embarrassed and crippled; but he differed from him radically as to the causes which had occasioned it, and as to the efficacy of the measures which he proposed to revive it.

Mr. E. then proceeded to a minute investigation of the measures which he conceived had led to the derangements of the currency, to which he mainly attributed the distresses of the country. He vindicated the course which he and the friends with whom he had acted took in defence of the State banks, after they had been stimulated by the Government and broken down, and when the Administration turned round on them, and endeavored to destroy them.

Having disposed of this branch of the subject, he adverted to the position assumed in the Senator's resolutions—that the tariff law was the cause of the condition of the country, and that a revision of that law would resuscitate commerce. He contended that the commerce of the country was twofold—foreign and domestic; and that the one was dependent on the other; so that, if domestic commerce languished and fell into decay, so must foreign commerce. It was, therefore, more reasonable to trace the crippled state of foreign commerce to causes which had operated on domestic commerce, than to what the Senator contends was for the protection and benefit of the home manufacturing interests identified with domestic commerce. In tracing out their causes, he (Mr. E.) had satisfied himself that they had their origin in the want of a sound currency of uniform value in every part of the Union. This, he contended, was the great source of the evils under which the country labored.

In speaking of the condition of the treasury, and its resources, he assumed that the dutiable imports of the year 1843 would be forty-two millions—yielding a revenue from customs of thirteen or fourteen millions of dollars. He estimated that the actual expenditures of the Government, independent of the interest on debt, would not exceed twenty-two millions of dollars for the year and a half ending 30th June, 1844. He combated the idea that the debt could, by any possibility, reach to what had been assumed by some—thirty or forty millions before the end of the year. It did not at present exceed twenty-five millions; and could not be increased one dollar without a law of Congress to that effect; of which there was no possible chance now, at this late period of the session. The reductions and retrenchments effected by Congress in the appropriation bills rendered it certain that the Government could get along very well, and without the slightest embarrassment, by being allowed to re-issue treasury notes already authorized. Those bearing interest were already at a premium, and would naturally stay out without any effort; and it would be only necessary to allow the treasury notes falling due this year to bear interest, to keep them out too, and prevent them from embarrassing the treasury.

Mr. E. attributed to the passage of the tariff law of last session the revival of the credit of the Government, and the high appreciation of the Government stocks in the money market.

Speaking of his resolutions, to the effect that it is the duty of the several States to make provision for meeting their engagements, and sustaining their credit, he contended that the General Government had a right to make that declaration, without incurring the censure of the States, inasmuch as the depreciation of their credit reacted on the credit of the United States; and besides, as a creditor of some of those States, at least to the amount of six or seven millions, the United States was entitled to the rights of a creditor, in regard to expressing its opinions.

He also maintained that the General Government, being the Government of the same people who owned the States themselves, was bound to render those States, in their necessity, whatever assistance it was in its power to afford. How that was to be done, was a matter of consideration, and could not, at this late period of the session, become a proper subject of discussion.

Mr. E. concluded by proposing the following amendment to the resolution of Mr. McDUFFIE: for which see proceedings of the 15th Feb.

Mr. DAYTON moved to strike out the last three resolutions of the amendment, with a view to insert the following:

Resolved, That the distrust and obloquy cast upon the *Federal* Government by reason of the failure of certain States to make prompt payment of their debts, is an unjust and unfounded imputation upon its credit and good faith; that, while this Government deplores the misguided policy of those States which have embarrassed themselves, it disclaims all liability, legally or morally, for such delinquency; while, in vindication of its own unblemished faith and honor, it appeals with confidence to its past history.

Mr. D. then remarked that he had no disposition to embark in the general discussion which had arisen on these resolutions; but, having submitted this amendment to one of the resolutions, he would feel gratified if the Senate would afford him a few moments in which to express his views on the subject of his amendment. It was very desirable to him that the matter should be postponed till to-morrow, pledging himself to occupy the Senate but a few minutes at that time.

Mr. RIVES remarked that he wished to submit a paper which he had prepared, expressing his own views on the subject-matter brought into the discussion on these resolutions. It was not then in order to submit this paper as an amendment to the resolutions pending; but, with the leave of the Senate, he would present it with the view—if the amendment proposed by the Senator from New Jersey [Mr. DAYTON] was rejected—of submitting it as a substitute for the last three resolutions of the Senator from Maine, [Mr. EVANS] The paper was read.

Mr. CALHOUN hoped that both of the amendments proposed, and the paper submitted by the honorable Senator from Virginia, would be received and printed. They were received, and ordered to be printed.

Mr. MERRICK remarked that he was exceedingly sorry to find that, when there were just about two weeks of the session left, a general discussion was likely to be opened up on a proposition out of which no practical good could grow. If the discussion was permitted to progress, the whole session would be consumed in unprofitable debate. He therefore rose for the simple purpose of giving notice to the Senate that on to-morrow, as soon after the remarks of the Senator from New Jersey [Mr. DAYTON] as he could get the floor, he would move to lay the whole of the propositions on the table; and he trusted that all those Senators who were anxious to proceed with the practical business of the session would be in their places, and sustain, by their votes, the proposition he intended to make.

Mr. ALLEN did not believe that the discussion which was suggested on the introduction of the resolutions of the honorable Senator from South Carolina [Mr. McDUFFIE] was unprofitable or unwise; and if he had even supposed that such was the case with reference to those resolutions, he should have changed his opinion after the introduction of the several propositions now laid before that body. The proposition submitted as an amendment to the resolutions of the Senator from South Carolina, intended to present to the Senate the question of the assumption of the debts of the States, having come before them on the responsibility of a Senator, it would be unbecoming in the Senate, in the present emergency, not to meet the question fully, fairly, and openly. He then said he rose for the purpose of expressing the hope that, under no circumstances, would the Senate agree to the motion which the Senator from Maryland [Mr. MERRICK] intimated his intention to submit. The language of the resolutions of the Senator from Virginia admonished them of the consequences which would be fairly deduced if the Senate adopted this side way of disposing of the question; that delusive hopes would be entertained that this Government would endorse the faltering credit of the States, by directly or indirectly assuming their debts. Such (said he) would be the effect of the failure on the part of the Senate to express its opinion on the subject. The negative act of a failure to express an opinion against the assumption, would be construed as giving a shadow of countenance to the scheme. He appealed to the Senate to meet the question fairly, and to make the vote of laying the resolutions on the table a test question.

Mr. BUCHANAN was very much impressed with the same considerations expressed by the Senator from Maryland, [Mr. MERRICK,] that a protracted discussion on these resolutions and amendments would obstruct the pressing and necessary business of Congress yet to be acted upon this session. There were but fifteen days of the session yet unexpired, during which a very large number of public and private bills must be acted upon. No compensating benefit could be expected from the discussion of mere abstract questions leading to no action; for experience had shown that resolutions of this kind were, from time to time, offered and discussed at former sessions, for weeks upon weeks, without leading to any practical results. He instanced several occasions, within a few years back, in which much time had been devoted to abstract discussions. At the same time, as the question of the assumption of the State debts, or of assisting the States to get out of their indebtedness, had been mooted, he concurred in the opinion that it was now necessary to have some unequivocal expression of the sentiments of the Senate on that point, and would be glad if it could be brought up either in the form proposed by the Senator from Virginia, [Mr. RIVES,] or in some other form; for he desired an opportunity to give expression to his sentiments. But he feared so much discussion would take place, and so many subjects of controversy would be opened up before the amendment of the Senator from Virginia could come up, that an opportunity would not be afforded of taking the vote of the Senate directly on the question; and he could, therefore, wish it had been brought forward by the Senator as a distinct proposition, on which a vote could be taken directly. He (Mr. B.) would, however, call upon the chairman of the Finance Committee to make a report on the memorials and petitions which had been referred to that committee in such numbers during the session, and hoped he would be prepared, in a day or two, to make that report.

Mr. EVANS said that no petitions were before the committee on the subject of the assumption of the State debts.

Mr. BUCHANAN said there were great numbers of petitions and memorials referred to the committee on the subject of issuing Government scrip, based on the public lands, to the amount of $200,000,000, for the relief of the States, which was the same thing.

Mr. EVANS replied that petitions in relation to a currency of two hundred millions of dollars of that kind had been referred to the committee; but they had nothing to say about the assumption of the State debts.

Mr. BUCHANAN referred the Senator to the very last petition he (Mr. B.) had presented, and which had been referred to the committee.

Mr. ARCHER concurred with the Senator from Ohio, that, the question having come before the Senate—no matter in what shape, or how—it would not now do to give it the go-by; and that there ought to be a direct vote upon it. He also concurred with the Senator from Maryland, in the necessity of applying the remaining time of the session to the real, practical business of legislation. He hoped, therefore, the suggestion he would throw out would meet the unanimous concurrence of every Senator. It was, that, after the Senator from New Jersey (who is entitled to the floor, and to whom it is in courtesy due) shall have expressed his views to-morrow, the vote on the amendments, in their order, and then on the resolutions, will be suffered to be taken without further debate.

Mr. DAYTON, seeing that the sense of the Senate was in favor of a speedy termination of a discussion which, if it proceeded, would obstruct the public business, would most cheerfully waive any intention he had of accompanying his amendment with a few remarks.

Mr. ARCHER was sorry the Senator waived his right to the floor; for he was assured, even if any indulgence were implied in the opportunity, it was fully due, and would be gladly accorded to a Senator who had so seldom availed himself of his privilege to address the Senate. He (Mr. A) would suggest that, as soon as the amendment of the Senator from New Jersey shall have been disposed of, the direct vote on the question, which it seemed now so necessary to meet openly and frankly, could be taken on the amendment proposed by his honorable colleague, [Mr. RIVES;] and that being disposed of, on any other amendments to be offered, and finally on the resolutions themselves, without any debate.

Mr. RIVES said he very cheerfully waived any right of accompanying his resolutions with any remarks, in accordance with the suggestion of his colleague.

Mr. WALKER thought, as the Senator from New Jersey had waived his right to speak, and the Senator from Virginia had done the same, there could be no difficulty in the way of proceeding at once to the vote, and the whole matter might be disposed of in half an hour.

Mr. CALHOUN objected, that there was not, at that late hour, a full attendance of Senators; and it was extremely desirable every Senator should have an opportunity of recording his vote upon such a momentous subject. He would, therefore, suggest the propriety of agreeing, by general consent, to take the vote at one o'clock to-morrow, and let it be understood that a full attendance will be expected at that hour.

Mr. SIMMONS did not understand the additional resolution on the subject of State credit, which was offered by the Senator from Maine, had any bearing whatever on the question of the assumption of the State debts. He thought it would be very difficult to take silent votes on such incongruous resolutions and amendments; for if all were adopted, they would make a string of contradictions.

Mr. MERRICK should persist in his notice, that if the discussion was to proceed, he should move to morrow to lay the whole subject on the table. He would do this, not to evade any question, but simply to get forward with the public business. At such a late period of the session, it was insufferable that every possible question of agitation which distracted the country should be got up to the total annihilation of all the practical legislative duties of Congress.

Mr. CRITTENDEN moved an adjournment; but gave way to

Mr. LINN, who submitted a resolution which he had intended to offer in the morning hour. After which,

Mr. McDUFFIE observed that, yielding to the very forcible reasons urged by the Senator from Maryland, much as he desired to answer some of the remarks of the Senator from Maine, he would waive all right of reply, on the understanding that the question on the amendments and resolutions would be taken to-morrow, at 1 o'clock, without debate.

On motion of Mr. LINN,

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 14, 1843.

Mr. LITTLEFIELD of Maine presented a petition signed by certain widows of officers and soldiers of the revolutionary war, to wit: Jane Record, Abigail Record, Miriam Hull, Margaret Tobin, Hannah Lombard, Betsey Penfilly, Sarah French, Sylva Conant, Lucy Bailey, Mary Stevens, Margaret Cushman, Mary Needham, Rachel Field, Anna Gold, Sarah Perkins, Mary Hubbard, Sarah Sturtevant, Elizabeth Fletcher, Mary Holmes, Mary Fuller, Jennet Washburn, Polly Soule, Naomi Briggs, Mehitable Perkins, Anna Tucker, and Sarah Gardner, residing in Buckfield and vicinity, Oxford county, Maine, praying for an extension of the pension law of July 7, 1838; which was referred to the Committee of the Whole on the State of the Union—a bill for that purpose being now before that committee.

Mr. BOWNE presented the petition of Frederick Juliand and 29 other citizens of Greene, Chenango county, New York, praying that Congress will promptly act upon and adopt the exchequer, or plan of finance, as recommended by the President.

Mr. McKEON presented the petition of inhabitants of the city of New York, praying for a reduction of the expenses of the National Government, the abolition of the franking privilege, and a reduction of the rates of postage.

Mr. J. T. MASON laid on the table additional papers in relation to the claim of Jona. Shafer of Washington county, Maryland: referred to the Committee on Revolutionary Claims.

Mr. JACK presented the petition of 117 citizens of Clearfield county, in Pennsylvania, praying the establishment of a mail route along the Snow Shoe turnpike, in said county: referred to the Committee on Post Offices and Post Roads.

EXCHEQUER.

Mr. BARNARD rose and inquired if there was a special order for to-morrow.

The SPEAKER replied in the affirmative.

Mr. BARNARD then said that, without moving any special order, he should ask the House to go into committee on Thursday, with a view to take up the exchequer bill of the gentleman from Massachusetts, [Mr. CUSHING,] and the substitute for that bill submitted by himself. He wished that subject to have preference over all other business.

Mr. ARNOLD obtained the floor, and was about to call up the special order, (bill No. 548;) when

Mr. WM. COST JOHNSON wished to know whether the special order overrode all other business, the morning hour included.

The SPEAKER said it did.

At the request of several gentlemen, Mr. ARNOLD yielded the floor, with a view to the reception of reports from committees.

Mr. J. T. MASON presented a petition from the State of Maryland, numerously signed, asking for the relief of Amos Kendall from the fine imposed on him by the circuit court of the District of Columbia.

Mr. MALLORY, from the select committee on the coast survey, made a report.

Mr. ARNOLD presented a petition from the city of New York, numerously signed, praying a reduction of postages, and the passage of bill No. 548. [Laughter.]

Mr. GIDDINGS, from the Committee on Claims, made an adverse report upon the claim of John J. Bulow.

Mr. RANDALL of Maine, from the Committee on Commerce, reported a bill for the relief of the owners and crew of the schooner Blooming Youth; a bill for the relief of the owners and crew of the schooner Dove, of Lippican; and a bill for the relief of the owners and crew of the schooner Flo-

villa: read twice, and referred to the Committee of the Whole House.

Mr. R. also reported several Senate bills, without amendment.

Mr. HOWARD, from the Committee on the Public Lands, reported a joint resolution in relation to bounty land patents: read a third time, and passed.

Mr. H. also made an adverse report upon the petition of Cadwallader Wallace.

Mr. JACOB THOMPSON, from the Committee on Public Lands, reported a bill to confirm the sale of public lands in certain cases. Read twice, and referred to the Committee of the Whole on the state of the Union.

Mr. T. also reported Senate bills "to perfect the titles to lands south of the Arkansas river, held under New Madrid locations, and pre-emption rights under the act of 1814," and "An act in relation to the two per cent. fund of the State of Mississippi." Referred to the Committee of the Whole on the state of the Union.

Mr. CHAPMAN, from the Committee on Public Lands, reported a bill to regulate the mode of paying over to the State of Alabama the two per cent. fund relinquished to said State by the act commonly known as the distribution act of 1841.

After a short debate, in which Messrs. BRIGGS, CHAPMAN, GWIN, STANLY, and JACOB THOMPSON participated, the bill was referred to the Committee of the Whole on the state of the Union.

THE WAREHOUSING SYSTEM.

Mr. J. P. KENNEDY said he was instructed by the Committee on Commerce to state that it was their desire that the warehousing bill should be taken up, and a day set apart for its consideration. As there appeared to be some doubt whether the House would consider the bill this session or not, he moved to make it the special order for this day week, for the purpose of testing the sense of the House as to their disposition to act upon it. He made the motion, and desired the vote on it to be considered as a test.

Mr. CAVE JOHNSON inquired if the motion was in order.

The SPEAKER said it was not.

Mr. J. P. KENNEDY said he would take an early opportunity of making the motion he had intimated.

THE DISTRICT BANKS.

Mr. UNDERWOOD, from the Committee for the District of Columbia, said he was instructed to report a resolution to discharge the Committee of the Whole from the further consideration of the bill for the recharter of the District banks. He wished the vote on the resolution to be made a test vote.

The resolution was read as follows:

Resolved, That the Committee of the Whole House be discharged from the further consideration of the bill to extend the charters of the banks of the District of Columbia, being House bill No. 676.

Mr. CAVE JOHNSON moved that the resolution be laid on the table, and asked the yeas and nays on the motion.

They were taken, and resulted—yeas 87, nays 108, as follows:

YEAS—Messrs. Arrington, Beeson, Bidlack, Birdseye, Blair, Bordes, Bowne, Brewster, A. V. Brown, C. Brown, Burke, William O. Butler, Green W. Caldwell, Patrick C. Caldwell, John Campbell, Cary, Casey, Chapman, Clifford, Clinton, Coles, Daniel, Richard D. Davis, Dawson, Dean, Doan, Eastman, John Edwards, John G. Floyd, Charles A. Floyd, Fornance, Gerry, Gilmer, William O. Goode, Gordon, Gustine, Gwin, Harris, Hastings, Hays, Hopkins, Houck, Houston, Hubard, Hunter, Charles J. Ingersoll, Jack, Cave Johnson, John W. Jones, Keim, Andrew Kennedy, Linn, Littlefield, Lowell, Abraham McClellan, McKay, Mallory, Marchand, Alfred Marshall, John Thomson Mason, Mathews, Miller, Mitchell, Newhard, Partridge, Pickens, Plumer, Reed, Reding, Reynolds, Riggs, Rogers, Roosevelt, Sanford, Saunders, Shields, William Smith, Snyder, Steenrod, Stratton, Sweney, Jacob Thompson, Van Buren, Weller, Westbrook, Joseph L. Williams, Wood, and John Young—87.

NAYS—Messrs. Adams, Landaff W. Andrews, Sherlock J. Andrews, Arnold, Aycrigg, Babcock, Baker, Barnard, Barton, Briggs, Brockway, Bronson, M. Brown, Jeremiah Brown, Burnell, William Butler, Calhoun, Thomas J. Campbell, Caruthers, Childs, Chittenden, John C. Clark, James Cooper, Cowen, Cranston, Cravens, Crawford, Garrett Davis, Deberry, Everett, Fessenden, Fillmore, A. Lawrence Foster, Gates, Gentry, Giddings, Granger, Green, Hall, Halsted, Henry, Howard, Hudson, Hunt, Joseph R. Ingersoll, James Irvin, James, William Cost Johnson, Isaac D. Jones, John P. Kennedy, King, Lane, McKennan, Samson Mason, Mathiot, Mattocks, Maxwell, Maynard, Meriwether, Moore, Morgan, Morris, Morrow, Osborne, Owsley, Pearce, Pendleton, Pope, Powell, Ramsey, Benjamin Randall, Randolph, Rayner, Rencher, Ridgway, Rigg, Rodney, William Russell, James M. Russell, Saltonstall, Shepperd, Slade, Truman Smith, Sprigg, Stanly, Stokely, Stratton, Alexander H. H. Stuart, John T. Stuart, Summers, Taliaferro, Richard W. Thompson, Tillinghast, Toland, Triplett, Trotti, Trumbull, Underwood, Van Rensselaer, Warren, Washington, Edward D. White, Joseph L. White, Thomas W. Williams, Winthrop, Wise, Yorke, and Augustus Young—108.

So the resolution was not laid on the table.

Mr. WELLER demanded the yeas and nays on the adoption of the resolution. He said to extend the charter of six banks in this District for ten years, without *one moment's consideration or debate*, was an outrage upon all propriety in legislation.

The resolution was then adopted—yeas 114, nays 98, as follows:

YEAS—Messrs. Adams, Allen, Landaff W. Andrews, Sherlock J. Andrews, Arnold, Aycrigg, Babcock, Baker, Barnard, Barton, Boardman, Briggs, Brockway, Bronson, Milton Brown, Jeremiah Brown, William Butler, Calhoun, Thomas J. Campbell, Caruthers, Childs, Chittenden, John C. Clark, Cowen, Cranston, Cravens, Crawford, Cushing, Garrett Davis, Deberry, Everett, Fessenden, Fillmore, A. Lawrence Foster, Gamble, Gates, Gentry, Giddings, Patrick G. Goode, Graham, Granger, Green, Halsted, Henry, Holmes, Howard, Hudson, Hunt, Joseph R. Ingersoll, James Irvin, James, William Cost Johnson, Isaac D. Jones, John P. Kennedy, King, Lane, McKennan, Samson Mason, Mathiot, Mattocks, Maxwell, Maynard, Meriwether, Moore, Morgan, Morris, Morrow, Osborne, Owsley, Pearce, Pendleton, Pope, Powell, Ramsey, Benjamin Randall, Randolph, Rayner, Rencher, Ridgway, Rigg, Rodney, William Russell, James M. Russell, Saltonstall, Shepperd, Slade, Truman Smith, Sprigg, Stanly, Stokely, Stratton, Alexander H. H. Stuart, John T. Stuart, Summers, Taliaferro, Richard W. Thompson, Tillinghast, Toland, Tomlinson, Triplett, Trumbull, Underwood, Van Rensselaer, Wallace, Warren, Washington, Edward D. White, Joseph L. White, Thomas W. Williams, Winthrop, Wise, Yorke, and Augustus Young—114.

NAYS—Messrs. Arrington, Atherton, Beeson, Bidlack, Birdseye, Blair, Bowne, Brewster, Aaron V. Brown, Chas. Brown, Burke, William O. Butler, Green W. Caldwell, Patrick C. Caldwell, John Campbell, William B. Campbell, Cary, Casey, Chapman, Clifford, Clinton, Coles, Richard D. Davis, Dawson, Dean, Doan, Eastman, John C. Edwards, Egbert, Ferris, John G. Floyd, Charles A. Floyd, Fornance, Gerry, Gilmer, William O. Goode, Gordon, Gustine, Gwin, Harris, Hastings, Hays, Hopkins, Houck, Houston, Hubard, Hunter, Charles J. Ingersoll, William W. Irwin, Jack, Cave Johnson, John W. Jones, Keim, Andrew Kennedy, Linn, Littlefield, Lowell, Abraham McClellan, Robert McClellan, McKay, McKeon, Mallory, Marchand, Alfred Marshall, John Thomson Mason, Mathews, Medill, Miller, Mitchell, Newhard, Parmenter, Partridge, Payne, Pickens, Plumer, Read, Reding, Reynolds, Rogers, Roosevelt, Sanford, Saunders, Sewell, Shields, Steenrod, Sweney, Jacob Thompson, Trotti, Turney, Van Buren, Ward, Watterson, Weller, Westbrook, Joseph L. Williams, and John Young—98.

Mr. J. CAMPBELL rose, to move that the bill 649 be made the special order of the day for Thursday next.

The SPEAKER said it was not in order to make that motion, unless by general consent.

Mr. J. CAMPBELL hoped general consent would be given; for the bill was a very important one. [It was understood to be the bill to suspend the operation of the districting section of the apportionment bill, under the late census.]

Mr. BARNARD appealed to the gentleman from South Carolina to allow committees to be called for reports, before he introduced his motion.

The SPEAKER said the calling of committees for reports was the business in order; and he continued the call, beginning with the Committee on the Judiciary.

Mr. BARNARD, from the Committee on the Judiciary, reported a joint resolution relating to certain public property purchased for the United States in the city of Detroit. It was read twice, and ordered to be printed.

JESSE HOYT.

Mr. BARNARD said he was directed by the Committee on the Judiciary to report a resolution for the printing of the memorial of Jesse Hoyt, which was presented to the House a few days ago.

Mr. BOARDMAN requested permission to make a personal explanation on that subject, as he had been abused by that man [Jesse Hoyt] in the newspapers. He then went on, by general consent, to make some statements of the reasons he had for offering a resolution in this House on this subject at the last session, as Jesse Hoyt had attributed to him unworthy motives. He read extracts from the reports of the commissioners who were sent to investigate the affairs of the New York custom-house; from which he found that Jesse Hoyt—a man who was guilty of robbing the public treasury—had, in his character of collector, charged $201,508 in addition to his other fees allowed by the Government; and he had wished to know if the Government was in the habit of allowing such charges. He said he could not have had any personal object in abusing Jesse Hoyt, for he did not even know the man, though he believed he was introduced to him some years ago, when Jesse Hoyt bore the character of an honest man; but that was a long time ago. This explanation which he now made was, perhaps, unnecessary; and for occupying the time of the House with it, perhaps he ought to apologise; for the abuse of a rogue like Jesse Hoyt—who was cast off even by the subterranean Locofoco Democracy of New York, attached as they were to plunder—could affect no honest man.

Mr. BARNARD said the letter to which the gentleman from Connecticut referred—which had been published in the public papers—was one which no decent man could countenance; but the memorial (the printing of which he now moved) was respectful in its character.

Mr. ARNOLD interrupted the gentleman from New York, [Mr. BARNARD,] who was proceeding with his remarks, and said the debate was useless. He inquired if the morning hour had not expired, and expressed his anxiety that the House would not consume its time with useless discussions, when the day ought to be devoted to the special order—which was his bill No. 548.

The SPEAKER informed the gentleman from Tennessee that committees were called for reports by general consent.

After some few observations from several gentlemen, the question of printing was negatived.

Mr. TRUMBULL, from the Judiciary Committee, reported a Senate bill without amendment. It was an act altering the time of holding the circuit courts of the district of Connecticut; and as it was unobjectionable, it was read a third time and passed.

Mr. ARNOLD then moved that the House resolve itself into Committee of the Whole.

Mr. CAVE JOHNSON desired the gentleman to withdraw the motion, to enable him (Mr. CAVE JOHNSON) to make a report from the Select Committee on Retrenchment.

Mr. EVERETT rose to a privileged question, amidst great confusion; and some explanation ensued between him and the Speaker, which was not audible at the reporter's desk.

MISSISSIPPI STATE BONDS.

Mr. GWIN rose, and desired permission to make a few remarks, which were of an explanatory character.

Mr. ARNOLD said there were at least twenty gentlemen who desired the floor; and he could not yield.

He, however, afterwards consented, on an explanation of Mr. GWIN's object.

Mr. GWIN asked the indulgence of the House a moment to enable him to reply to some statements made by the gentleman from New York [Mr. GRANGER] on Saturday last, as reported in the Intelligencer of yesterday morning. He would remark that, from the noise around him during the time the gentleman was addressing the House, he had not heard the gentleman make the statements as they are reported, or he would have corrected them at the time. The gentleman is reported to have said:

"Mr. GRANGER came not here to speak with disrespect of any man who had been elevated to the chief magistracy of one of the States of this confederacy; but let gentlemen, after the execution of these bonds—after the sale, delivery, and receipt of the $5,000,000—turn to the message of Governor McNutt, and what did they find? That he had yielded his individual opinions to the voice of the people of Mississippi! The bonds had been issued; there was no pretence that the $5,000,000 had not been received; but when the pay-day came, the morality of Mississippi pocketed the $5,000,000, and started back with holy horror at the idea of paying what they had received!"

Sir, (said Mr. GWIN,) this statement is a tissue of misrepresentations of fact—no doubt unintentional. The expression attributed to Governor McNutt was made in reference to signing the bank charter, and not to the sale of the bonds. As to the statement that there was no pretence that the five millions of dollars had not been received, the gentleman is entirely mistaken. It is not the fact—not a word of it; for the main ground taken by the party in that State who are opposed to as-

suming the payment of these bonds, is, that the money was never received by the State, but by the bank; for whose acts and debts the State is not liable, as the act under which it was organized is unconstitutional and of no effect, so far as the liability of the State is concerned. As to having pocketed the five millions, and starting back with horror when pay-day came, there is more poetry than truth in it. The State has always been willing to appropriate every dollar of the assets of the bank to the payment of the bonds, except that portion which has been paid to the bank by repudiation under the bankrupt law, and thus passed out of the control of the bank. He presumed the gentleman entertained no holy horror at thus destroying the means of the bank to pay these bonds, to the amount of one or two millions of dollars.

The gentleman stated further, that the bonds were sold above par. This is not the fact. They were sold under par, if gold and silver was to be the standard, and on a credit; in both respects violating the unconstitutional supplement under which they were issued. The bank sold her checks upon this fund at a premium, it is true, in exchange for her irredeemable depreciated paper. She first dishonored her paper, and then shaved the holders in selling her checks; and this is called selling her bonds above par.

He would detain the House no longer at present; yet he would, before the session closed, pay his respects to the gentleman from New York, [Mr. GRANGER,] as a teacher of morals to the State of Mississippi, as it may be instructive to the people of that State to know who the honor-and-dignity party there had selected as their champion here.

Mr. GRANGER said, before he proceeded to comment on the remarks of the gentleman from Mississippi, he would make a remark on another subject. He then quoted from the published reports of the debate between himself and the gentleman from Mississippi on a previous day.

Mr. G. then went on to say that he wished his disclaimer to be broad. He considered the matter as past. Unless his disclaimer had been made in good faith, it would not have been made at all. His remarks were made after full advisement; and, had his intention been to insult the gentleman from Mississippi, no disclaimer whatever would have been offered.

Mr. GWIN wished to know whether he was to understand the gentleman as having said or implied anything derogatory to him.

Mr. GRANGER said he did not mean to attack the character of the gentleman from Mississippi. He wished the House and the nation to pass upon what had occurred between them.

Mr. GWIN said he wished to know distinctly, inasmuch as the gentleman had alluded to the subject, whether he attributed to him any conduct unbecoming a member of the House of Representatives and a gentleman.

Mr. GRANGER said, no; he did not intend to assail, in any manner, the conduct or motives of the gentleman from Mississippi. He further stated that he felt it due to himself to say that the word "brag," at the conclusion of his printed speech, was not used by him.

Mr. THOMPSON of Mississippi (Mr. GRANGER yielding the floors) said he wished to call the attention of the gentleman from New York to other portions of his reported remarks. That gentleman stated that, in making the motion he did a few days since, his (Mr. T.'s) objects were two-fold: one was to get up a political excitement; the other was to bring into disrepute the credit of the United States. Now (Mr. T. said) he was incapable of acting in his representative capacity with any such objects or motives. His whole course in this House was a refutation of the charges; and to make such allegations was doing him a manifest injustice.

Mr. GRANGER said he did suppose that the gentleman wished to get up a political discussion upon this subject, and he also supposed that the gentleman wished, by getting up such a discussion, to throw upon the majority in Congress the responsibility of having brought the credit of the Government of the United States into disrepute.

Mr. THOMPSON rose and said that, in thus supposing, he supposed what was false.

Mr. GRANGER. What did you say?

Mr. THOMPSON said that, in supposing him to act with the imputed objects, he [Mr. GRANGER] supposed what was false.

Mr. GRANGER resumed, and proceeded to vindicate himself from the charge that he had unjustly declared that, after receiving $5,000,000 upon bonds sold, the State of Mississippi had repudiated those very bonds. He had stated no more than what he could prove. He had stated that, under the laws of Mississippi, the Governor of that State was authorized to sign a large amount of the bonds of the Union Bank, and to subscribe to $5,000,000 of the stock of that institution. The Governor did sign the bonds, and did subscribe to the stock of the bank. The bonds—to the amount of $5,000,000—were sold, and the money paid, and became the capital of the bank. The bonds were sold for $5,080,000; being a premium of $80,000.

Mr. GWIN rose to make a correction. The bank issued post notes, which were irredeemable, and under par. It sold its checks on the Bank of the United States for irredeemable paper, which never was at par with gold and silver. The bonds were sold under par, and payment received in irredeemable paper, contrary to law, and in violation both of the charter of the bank, and of the supplemental charter, which was passed subsequently.

Mr. GRANGER resumed, and disclaimed the idea of intending to speak disrespectfully of the Governor of any State in the Union. He then went into an examination of the condition and history of the Union Bank of Mississippi—contending that the supplemental charter, now so universally condemned, was passed by 14 Whigs and 36 Democrats. Its charter was signed by the Governor; and subsequently he signed $5,000,000 of bonds, in accordance with that charter. The bonds were sold, and the money received into the Union Bank. How did the authorities of Mississippi then treat this institution? They recognised it as a bank, and declared that the dividends on the $5,000,000 should go towards internal improvement and education. Subsequently, the State borrowed $75,000 of the bank, and then $25,000 more. It caused certain lots in Jackson city to be sold, and received in payment promissory notes, which it caused to be discounted as mercantile paper at this same Union Bank. Mr. G. read from the message of Gov. McNutt in 1841, in which the Governor treated of the finances of the State, and the transactions with the Union Bank. It would be perceived, by reading the message, that the Governor declared that he had yielded to the public will in what he had done.

Mr. GWIN said that the Governor did not allude to the sale of the bonds, when he said he had yielded to the public will, contrary to his own opinions; but referred to his having signed the charter of the bank.

Mr. GRANGER resumed, and reiterated the positions which he had previously assumed. He contended that the Governor had signed the bonds, and complained that he had to bear the odium of acts which he did not sanction. He read a letter, written in May, in which it was stated that the gentleman from Mississippi [Mr. GWIN]—who was to be the bearer—would explain the causes of the non-payment of the bonds, &c.

Mr. GWIN said that the letter referred to by the gentleman was written by Judge Turner, of the Supreme Court of Mississippi. He (Mr. G.) had never heard of it until it appeared in print. The judge wrote to him, after the publication, asking if he (Mr. G.) recollected having carried the letter, and also whether he remembered having a conversation with him (Judge T.) upon the subject; to which he replied, that he recollected neither the one nor the other.

Mr. GRANGER said the letter to which he referred was written to show that the Union Bank never received but $5,000,000 on the bonds.

Mr. GWIN said the letter was written after the bonds were issued.

Mr. GRANGER said it was true; but the Governor signed the bonds.

Mr. GWIN. Nobody doubts that.

Mr. GRANGER resumed, and, after some further remarks, concluded by saying that, had the State of Mississippi, yielding to the force of hard times, asked the world for time to pay her obligations, instead of repudiating them, her action would not have had the disastrous effect on the credit of the country which was now experienced.

Here Mr. ARNOLD rose and claimed the floor.

Mr. GWIN wished five minutes to explain.

Mr. ARNOLD declined yielding.

RETRENCHMENT.

Mr. ARNOLD moved that the Committee of the Whole on the state of the Union be discharged from the further consideration of bill No. 548, in order that it might be acted on in the House at once.

Mr. FILLMORE suggested that the adoption of this motion would preclude all opportunity for amendment. He proposed to the gentleman to withdraw his motion and submit a resolution, that the Committee of the Whole shall proceed at 3 o'clock this day to vote upon all amendments offered, or that may be offered, to the bill.

Mr. ARNOLD accepted of the proposition.

The resolution for taking the bill out of committee at 3 o'clock to-day was then agreed to—ayes 92, noes 78.

On motion of Mr. ARNOLD the House resolved itself into a Committee of the Whole on the state of the Union, [Mr. BARNES in the chair.]

House bill No. 548, "A bill to reduce the compensation to the members of the Senate, members of the House of Representatives, and to the delegates of the Territories, and repealing all the laws on the subject," was taken up, and read through, together with the amendments made thereto by the Select Committee, to whom it had been referred at the last session of Congress.

The bill having been read,

Mr. GWIN offered the following as a substitute for the bill; which was read for information:

A BILL to retrench the expenditures of the Government of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the 30th day of June next, the pay and emoluments of all offices existing on the 4th day of March, (inclusive,) 1825, under the Government of the United States, whether civil, military, or naval, which have been increased since that period, shall be reduced to the rate at which they then were: *Provided*, That, in every case where the pay and emoluments of any office have been reduced since the 4th day of March, 1825, this act shall not be so construed as to change such reduction.

SEC. 2. *And be it further enacted*, That, from and after the 30th day of June next, the pay and emoluments of every office under the Government of the United States, whether civil, military, or naval, created since the 4th of March, 1825, shall be reduced at the rate of twenty per centum.

SEC. 3. *And be it further enacted*, That no officer under the Government of the United States shall be allowed any extra compensation whatever.

SEC. 4. *And be it further enacted*, That, whenever the session of Congress shall be protracted beyond five months, the per diem pay of the members thereof, thereafter, shall be at the rate of four dollars.

SEC. 5. *And be it further enacted*, That all laws and parts of laws inconsistent with this act be, and the same are hereby, repealed.

Mr. HUNT also offered the following as a substitute for the bill, which was read for information:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, instead of the daily compensation now allowed by law, there shall be paid, annually, to the Senators, Representatives, and Delegates from Territories, of every future Congress of the United States, the following sums, respectively, that is to say: To the President of the Senate pro tempore, when there is no Vice President, and to the Speaker of the House of Representatives, three thousand dollars each; to each Senator, (other than the President pro tempore, as aforesaid,) member of the House of Representatives, (other than the Speaker,) and Delegate, the sum of fifteen hundred dollars.

SEC. 2. *And be it further enacted*, That, in addition to the pay provided for in the first section of this act, each Senator, at every session of Congress, and every meeting of the Senate in the recess of Congress, after the 3d day of March, 1843, shall be allowed and paid four dollars for every twenty miles of estimated distance, by the most usual road, from his place of residence to the seat of Congress, at the commencement and end of every such session and meeting; and each Representative and Delegate of every future Congress shall be allowed and paid four dollars for every twenty miles of estimated distance, by the most usual road, from his place of residence to the seat of Congress, at the commencement and end of every such session; and the aforesaid allowances shall be certified and paid, in the same manner as the daily compensation and travel fees to members of Congress have heretofore been.

SEC. 3. *And be it further enacted*, That all acts and parts of acts, on the subject of compensation to members of the Senate and of the House of Representatives, and Delegates of Ter-

ritories, be, and the same are hereby, repealed, from and after the 3d day of March, 1843.

Mr. T. W. WILLIAMS asked leave to offer an amendment.

Mr. CUSHING observed that there would be time enough to offer amendments after the debate had closed. All these amendments were consuming the short time allowed for debate, and he must object to any more of them.

The CHAIR then stated that the bill having been referred to a select committee, and reported back, with amendments, by that committee, the regular order of proceeding would be, first to pass on the amendments of the committee, and such amendments as might be offered to them; and then to consider such amendments as might be offered by members of the House.

The amendments of the committee were then read; and the question was put on the first amendment proposed, substituting the 5th day of December next for the 1st day of November, [the time the bill is to go into operation,] and decided in the affirmative.

Mr. MOORE offered several amendments, which were not heard; but the Chair decided them to be out of order.

Mr. CUSHING moved to strike out the first section of the bill; but the Chair decided the amendment not to be in order.

After a conversation on points of order by Messrs. CUSHING, MOORE, ARNOLD, BARNARD, and the CHAIR, during which there was a good deal of noise and confusion, and no practical result,

Mr. CUSHING moved that the committee rise; which motion was rejected—ayes 70, noes 73.

Mr. CUSHING then moved that the committee rise and report the bill.

Mr. ARNOLD claimed the floor, and said he would not yield it for any such motion. The gentleman might go on and discuss the pending amendment if he pleased.

Mr. CUSHING inquired of the Chair whether in this amendment he might discuss the question of the compensation of members of Congress generally.

The CHAIR said it would not be in order to do so.

Mr. CUSHING. Then I understand there is no way of discussing the merits of this bill.

The question was then put on the next amendment, which was to insert the word "mileage" in the 90th line, so as to make the sentence read "No Senator shall be allowed for mileage a sum exceeding six dollars per day"—but no quorum voting

The CHAIR made a count of the House, and ascertained that a quorum was present.

Mr. HOLMES then offered an amendment to the amendment, providing that no member of Congress shall receive a greater sum for mileage than his reasonable travelling expenses from the place of his residence to the seat of Government, together with $8 per day for every day's travel.

The CHAIRMAN inquired where the amendment of the gentleman from South Carolina was intended to come in.

Mr. HOLMES replied. Anywhere you may think proper.

Mr. ARNOLD said if the amendment did not apply, he should object.

Mr. HOLMES suggested that it should come in after the word "mileage."

Great confusion ensued, in the course of which many gentlemen were on the floor speaking at the same time. Ultimately the committee agreed to rise, and the committee rose accordingly at half past 1 o'clock, and reported progress.

Mr. CUSHING then rose to a privileged question.

The SPEAKER inquired if it was of a personal nature.

Mr. CUSHING replied that the Chair would judge when he had made his motion; but he should have the opportunity to appeal, if the Chair should decide against him. He then moved a reconsideration of the vote by which it was agreed to fix on three o'clock to terminate debate in committee of the whole; and on that he moved the previous question, and called for the yeas and nays.

The SPEAKER put the question on the motion for the previous question; and there was a second, and the main question was ordered to be put.

Mr. CUSHING withdrew the call for the yeas and nays, but it was renewed in another quarter, and they were ordered. The yeas and nays were then taken, and the motion to reconsider was negatived—yeas 82, nays 110, as follows:

YEAS—Messrs. Adams, Arrington, Atherton, Bidlack, Black, Botts, Bowne, Brewster, Charles Brown, Burke, William Butler, William O. Butler, Green W. Caldwell, Patrick C. Caldwell, Cary, Clifford, Clinton, Coles, Colquitt, Mark A. Cooper, Edward Cross, Cushing, Daniel, Richard D. Davis, Doan, Doig, Eastman, Ferris, John G. Floyd, Gerry, Gilmer, Wm. O. Goode, Gordon, Gustine, Gwin, Harris, Hastings, Holmes, Hopkins, Howard, Hubard, Hunt, Charles J. Ingersoll, William W. Irwin, John W. Jones, Kelm, Littlefield, Lowell, Robert McClellan, McKeon, Mallory, Marchand, Alfred Marshall, John Thomson Mason, Mathews, Medill, Miller, Newhard, Oliver, Osborne, Pickens, Plumer, Read, Rogers, Roosevelt, Saltonstall, Sanford, Shields, Slade, William Smith, Sweney, Tallaferro, Jacob Thompson, Tillinghast, Trotti, Van Buren, Ward, Westbrook, Joseph L. White, Winthrop, Wise, and Wood—82.

NAYS—Messrs. Landaff W. Andrews, Arnold, Babcock, Baker, Barnard, Barton, Beeson, Boardman, Briggs, Aaron V. Brown, Milton Brown, Jeremiah Brown, Calhoun, John Campbell, Wm. B. Campbell, Thomas J. Campbell, Caruthers, Casey, Chapman, John C. Clark, Cowen, Cranston, Cravens, Crawford, Garrett Davis, Dean, Deberry, John Edwards, John C. Edwards, Egbert, Everett, Fillmore, Fornance, Gamble, Gates, Gentry, Patrick G. Goode, Graham, Granger, Green, Hall, Halsted, Hays, Henry, Houck, Houston, Hudson, J. R. Ingersoll, James, Cave Johnson, Isaac D. Jones, John P. Kennedy, King, Lewis, Linn, Abraham McClellan, McKay, McKennan, Thomas F. Marshall, Mattocks, Maxwell, Maynard, Meriwether, Mitchell, Moore, Morgan, Morris, Morrow, Owsley, Parmenter, Partridge, Pendleton, Pope, Powell, Ramsey, Benjamin Randall, Randolph, Rayner, Rencher, Reynolds, Ridgway, Rodney, William Russell, James M. Russell, Saunders, Sewell, Shepperd, Truman Smith, Sprigg, Stanly, Steenrod, Alexander H. H. Stuart, John T. Stuart, Summers, Toland, Triplett, Trumbull, Turney, Underwood, Van Rensselaer, Warren, Washington, Weller, Edward D. White, Thomas W. Williams, Joseph L. Williams, Yorke, Augustus Young, and John Young—110.

Mr. MALLORY moved a call of the House.

Mr. ARNOLD was understood to deprecate that motion as unnecessary, and as a dodging of the question.

Mr. MALLORY said he never dodged anything; he always sailed under an open flag.

Mr. ARNOLD. Then meet the question now.

Mr. MALLORY. I will meet it now, and elsewhere, too.

The SPEAKER called the gentleman to order.

Mr. MALLORY called for tellers on his call for the yeas and nays; and Messrs. WELLER and BOARDMAN were appointed; and they reported a majority in favor of the yeas and nays; which being taken, resulted thus—yeas 65, nays 130.

Mr. ARNOLD moved that the House resolve itself into a Committee of the Whole: agreed to.

The SPEAKER called Mr. GILMER to the chair.

Mr. GILMER asked to be excused. He could not undertake to keep order in the present state of the committee. Besides, he wished to offer some amendments himself.

Mr. UNDERWOOD was then called to the chair, and the committee immediately resumed the consideration of bill No. 548.

Mr. ARNOLD claimed the floor.

Mr. HOLMES rose to a question of order, claiming the floor upon an amendment which he offered when the committee was last in session.

After some debate, in which Messrs. BRIGGS, HOLMES, BOWNE, ARNOLD, and the CHAIRMAN participated, it was decided that Mr. HOLMES might proceed.

The amendment offered by Mr. H. provided that no member of Congress shall receive for mileage a sum greater than his actual expenses in travelling to and from the seat of Government, and $3 per diem during the time occupied in so travelling.

The CHAIRMAN said that, although the amendment would make the section read very awkwardly, he ruled it admissible, as germane to the subject.

Mr. HOLMES said he did not care much whether the bill was to be passed in a symmetrical form or not. He went for the reform of the gentleman from Tennessee, [Mr. ARNOLD;] and the only fault which he had to find with it was, that it did not reach the *ultima thule*. He was perfectly convinced that the present was the time to cut down the expenditures of this Government. If the opportunity was now lost to make a deep incision, Congress would never have it in their power again. The expenses of Congress were now so large, that he wondered the people continued to submit to them. He would not speak of their per diem, but to the exorbitant mileage. Whether the pay were fixed at eight or at six dollars a day, it would always give Western members an adequate sum. But this reduction would put others residing nearer the seat of Government in an awkward predicament. The main feature of a republican government was equality. Now, he should not feel himself upon an equality with many members, did he come here with as low a compensation as $6 a day. He argued that members residing near were liable to expenses, in exercising the rites of hospitality to their constituents, who frequently visited Washington, which members at a distance did not have to incur.

He also objected to the mileage now allowed, because it practised a deception upon the people, who supposed that members received only enough to pay their expenses, and give them a decent support. According to the bill now before the committee, they were yet to receive $6 for every 20 miles travelled. Now, the railroad cars would carry them 282 miles a day; which number, divided by 20, and multiplied by 6, would give the amount received for one day's travel in the cars—$84. He was for cutting down the mileage of the members.

As for cutting down the salaries of the cabinet ministers residing in Washington, he thought it unjust. Their present salary of $6,000, as many gentlemen on that floor knew, was wholly inadequate. He did not think they should be sheared of the little ability they now possessed to contribute to the hospitalities of the metropolis, and render our Government, through themselves, respectable in the eyes of foreign ministers. The gentleman who introduced the bill was estopped by the Constitution from making it applicable to the President and the judges. Was it not equally improper to cut down the salaries of the cabinet ministers, who bore a near relation to the President, and who had to remain here, not a few months, but all the year, and live independent of their business at home? They could not, like members of Congress, return to their farms, their merchandise, or their professions; but were compelled to remain all the year in an expensive town; therefore it was that he thought it would be extremely unjust to cut down their present salaries 20 per cent.

He begged the gentleman from Tennessee to assent to his amendment and his suggestions, since he would thereby, in case of the passage of the bill, achieve a great triumph. The bill would cut off about $2,000,000 from the expenses of the Government. If the gentleman did not assent to his amendment for reducing the mileage—coming, as he did, from a remote section of the Union, and therefore entitled to draw a heavy mileage—he would subject himself to the imputation of inconsistency. He declared here, in his place, that all the country demanded a retrenchment. What he protested against was, the cutting off a few of the outer branches of the tree. Unless it received an effectual pruning, it would not be in proportion to the roots which supported it, and which were now weak and decayed. Gentlemen must either consent to bring down the tariff to a revenue standard, or else reduce the expenditures of the Government to the measure of its revenue.

Now he observed, with great satisfaction, that the House received, yesterday, a communication from the President of the United States, and had it instantly referred to the Committee of Ways and Means. He was to judge, from that, that there were reformers on both sides of the House, willing to take the suggestions of the President, and to look into the present state of the country, and see whether its institutions can be preserved. He rejoiced that the Committee of Ways and Means had shaken off from themselves that indolence of responsibility which had hitherto kept them inactive, and were now about to take this matter in hand, and investigate it thoroughly. He hoped they would soon recommend some practical meas-

ure, and not suffer this Congress to adjourn without bringing in a tariff sufficient to meet the expenditures of the Government; and that they would bring down those expenditures to a revenue tariff. He hoped that they would, disregarding particular or sectional interests—the interests of the hemp grower or the cotton manufacturer—provide for the economical expenditures of the Government, by laying the burdens of taxation equally on all. It was but six months ago that it was predicted by the gentleman from Boston [Mr. WINTHROP] that the present tariff would produce a revenue of twenty-six millions; and the result had proved that the sacrifice then made of the interests of the many for the benefit of a few, had greatly aggravated the financial embarrassments of the Government.

Mr. CUSHING observed that he should speak to the limited question embraced in the proposition of the gentleman from South Carolina, [Mr. HOLMES.] He did not believe that any portion of the people of the United States called for a reduction of the compensation of members of Congress, either in regard to their per diem or mileage; and he begged leave to call the attention of the committee to the remarkable fact, that they were at the very close of the session, with the prospect that but a small minority of the present members of the House would ever come back again. They were, therefore, legislating for their successors, and not for themselves; and reducing not their own compensation, but that of those who were to come after them. He utterly rejected the idea that, in consideration of any existing straits in the treasury, they should refuse adequate compensation to members of Congress, seeing that that treasury belonged to a rich, powerful, and growing people, both able and willing to pay their servants a fair and just compensation for their services. He denied that the compensation at present paid was too much. The Government of the United States was administered upon the assumption that its officers should be paid for their services, and not suffered, as in other Governments, to serve without pay, and derive their compensation from perquisites, or other indirect means. If members of Congress were not paid for their services, that hall would be filled, as was the case with the British House of Commons, with an opulent aristocracy, and those who were dependent on them. And if, again, they were to receive an inadequate compensation, the result would be the same, by compelling those who were poor to retire, and leave the way open to their richer competitors. It was a mistake, then, to suppose that the reduction of the pay of members of Congress was a Democratic measure. On the contrary, nothing could be more opposed to the principles of Democracy; for it would throw that House and its legislation into the hands of an aristocracy.

Mr. BERSON said the few minutes remaining would afford him time to define his main position on the bill. It was this: The expenditures of the Government must be brought within its means. That was a fixed fact—quite as redoubtable as any fixed fact which had of late been brought to their notice. His dislike to a reduction of the pay of good public servants (and such they certainly were in the mass) was great; but his dislike to the running up any higher on the people our heavy public debt and taxes was still greater. We are in great distress, public and private. By some kind of hocus pocus, we have been brought to this condition without the intervention of war, famine, or pestilence. Yes, we have been brought to the age of "iron money and black broth," as it was foretold we should be; but not by the Democratic hard-money policy, as a Coon prophet, in 1840, falsely asserted. The journals of this Congress would show what party it was who, in the name of paper money and high wages, go for no money and almost no wages; who, on the question of resumption of payment by the banks of this District, decided, substantially, that resumption here should depend on resumption nowhere. The record shows that an act of Congress had made the resumption of the District banks to depend on the resumption of the banks of Baltimore and Richmond. The Baltimore banks resumed in their own good time, but not in good time for the banks of this District. No, indeed; they must be tinkered so as to make resumption here dependent on resumption at Richmond; which was in principle, he repeated, to make resumption here depend on resumption nowhere. This was but one step in that learned policy, which, by expanding the currency in the ratio of ten nominal dollars to one real dollar, and then contracting it as much, had robbed the people of hundreds of millions of property, and the Government of its revenue, and brought back, with a vengeance, the age of iron-money and black broth. Hear the time expired.

The time having arrived for terminating debate, the committee proceeded to act on the amendments to the first section, which was in these words:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, at every session of Congress, and every meeting of the Senate in the recess of Congress, after the [fifth day of December next] *first day of November next*, each Senator shall be entitled to receive six dollars for every day he shall attend the Senate, and shall also be allowed six dollars for every twenty miles of estimated distance by the most usual road from his place of residence to the seat of Congress, at the commencement and end of every such session and meeting; and in case any member of the Senate shall be detained by sickness on his journey to or from such session or meeting, or after his arrival, or shall be unable to attend the Senate, he shall be entitled to the same daily allowance. And the President of the Senate pro tempore, when the Vice-President shall be absent, or when his office shall be vacant, shall, during the period of his service, receive an addition to his compensation as a member of the Senate, six dollars for every day he shall attend the Senate: *Provided, always*, That no Senator shall be allowed *for mileage* a sum exceeding the rate of six dollars per day from the end of one such session or meeting to the time of taking his seat in another, *except he shall have actually travelled the entire distance for which such mileage is allowed: And provided, also*, That it shall be the duty of such Senator, when he applies to the President of the Senate for a check, or to have his account certified, to state the number of days he has actually attended, and also the number of days he has been absent, and whether said absence was owing to sickness or otherwise; and unless such member shall certify that he was absent by reason of sickness *of himself or family, or by leave of the House*, it shall be the duty of the President to give him a check or certificate only for the time he actually attended.

[NOTE.—Parts to be stricken out as recommended by the Select Committee to which this bill was referred, are printed within brackets, and insertions in *italics*.]

The first question was on the amendment of the gentleman from South Carolina, [Mr. HOLMES,] which is given above; on which tellers were ordered; and Messrs. CAVE JOHNSON and TILLINGHAST were appointed; and they reported 98 in the affirmative, and 64 in the negative.

The amendment to the amendment was, therefore, agreed to; and the amendment as amended was agreed to.

Mr. MERIWETHER hoped the chairman would call the House to order; for there was so much confusion, that he could not hear what the committee was doing. He hoped gentlemen would be called upon to take their seats.

An amendment was moved—but by whom could not be learned—to allow no Senator more than $300 for mileage for any one session.

The amendment was agreed to; 102 voting in the affirmative, and 68 in the negative.

Mr. WISE said that he had an amendment, which he wished to come in as an additional proviso.

Mr. ARNOLD. Mr. Chairman, we cannot hear a solitary word. [Roars of laughter.] They are laughing here like hyenas. [Renewed laughter.]

Mr. WISE repeated that he had an amendment to come in, by way of proviso: Provided that, besides his pay, no Senator shall be allowed—

Mr. ARNOLD. Mr. Chairman, this question is not debatable. [Great laughter and confusion.] I object, Mr. Chairman, to this debate. [Renewed laughter.]

Mr. WISE. I am not debating it. I am dictating my amendment to the Clerk.

Provided, further, That, besides his pay, no Senator shall be allowed [cries of "roast beef"] any rations [cries of "whether was it beef or not"] in kind, other than beef—[hisses.]

Mr. ARNOLD. Oh, let him go on.

Mr. WISE in continuation—not roasted, [laughter,] and not to exceed a cost of $2. [Loud and long continued roars of laughter.]

Mr. ARNOLD. Mr. Chairman, I have an amendment to the amendment; it is as follows: Except "the guard," who are to receive foreign missions after the 4th March next. [Roars of laughter.]

Mr. WISE. Mr. Chairman, I rise to a question of order. [Laughter.] I move a further amendment to except the Senate, where there is no member of the guard. [Laughter.]

The CHAIRMAN decided all these amendments to be out of order.

Mr. ARNOLD. Mr. Chairman, order must be restored, for we cannot hear a word. [Laughter.] Gentlemen are designing—I charge, sir, that they are designedly making a noise. [Renewed laughter, cries of "order," and the loud hum of voices.] I hope, sir, the Chair will preserve order, or we must stop. [Laughter in all parts of the House.]

The CHAIRMAN then announced the question to be on the amendment recommended by the committee, as follows: "*Provided, always*, That no Senator shall be allowed for *mileage* a sum exceeding the rate of six dollars per day, from the end of one such session or meeting to the time of his taking his seat in another, *except he shall have actually travelled the entire distance for which such mileage is allowed*."

Mr. ARNOLD hoped that amendment would be adopted, for it was a very good one.

The amendment was agreed to.

The CHAIRMAN then stated that the question was on the amendment recommended by the committee to the proviso, which requires each Senator, when he applies to the President of the Senate for a check, or to have his account certified, to state the number of days he has actually attended; and also the number of days he has been absent, and whether said absence was owing to sickness, or otherwise; and unless such member shall certify that he was absent by reason of sickness *of himself or family, or by leave of the House*, it shall be the duty of the President to give him a check or certificate only for the time he actually attended.

[The amendment was the words printed in *italic*.]

Mr. MOORE rose to move an amendment; but, in the confused state of the House, his object was not distinctly heard. It was understood, however, to be a motion to strike out that entire proviso.

Mr. BRIGGS was heard addressing the Chair, above the noise which prevailed, but not a word was distinguishable at the reporter's desk.

Mr. EVERETT was understood to move to strike out the words "*of himself or family, or by leave of the House.*"

Here was a loud cry of "read the section as it now stands amended."

The Clerk read it accordingly; and the strange admixture of anomalous and contradictory matter of which it was composed, elicited roars of laughter; especially that part which required a Senator to certify that, when absent, his absence was by reason of sickness of himself or family, or by leave of the House; thus making his payment for days on which he might be absent, in some cases, dependent on his ability to show that he was absent from the *Senate* by leave of the *House of Representatives*.

The CHAIRMAN put the question on striking out the words, "of himself or family, or by leave of the House," and he decided that he believed the motion to be lost.

A division was called for.

Mr. ROOSEVELT suggested an amendment, to strike out the word "House," and insert "Senate." [Loud cries of "No, no."]

The amendment was negatived; and the amendment proposed by the committee was agreed to.

Mr. HASTINGS was understood to move to strike out all the section, and insert a substitute which he had prepared; and which provided that, from the commencement of the present session of Congress, and henceforth, each Senator should receive $6 per diem, and $4 for every twenty miles travelling, to be by the usual route; and that, on taking the oath at the commencement of the session, they should be sworn to restrain the franking privilege to letters on such Senators' own business, or the extension of liberty by the circulation of documents, &c.; and providing further, that the soldiers of the army and the sailors of the navy

shall have $1 a month added to their present pay —[Cries of "Agreed"]—and that all laws or parts of laws conflicting with this act should be thereby repealed.

Mr. WISE asked for tellers on that amendment.

Mr. ARNOLD. Does the Chair decide that that is in order?

The CHAIRMAN said the latter part certainly, was not in order.

Mr. WISE. Oh! that's the best part of it.

Mr. ARNOLD said he understood it was not in order to move to strike out all after the enacting clause, until the bill had been gone through.

Mr. WISE said this amendment only proposed to insert a substitute for a section, and not for the entire bill.

Great confusion ensued, in the course of which it was understood that Mr. MOORE moved to strike out "six dollars as the per diem of Senators, and insert $7," to make it correspond with other portions of the bill.

The amendment was lost.

Mr. MOORE was then understood to move to strike out the last proviso. The motion was negatives.

Mr. WISE moved to strike out the word "six" wherever it occurred in that section, and insert "four," thereby proposing to reduce the per diem to $4.

Tellers were called for, and ordered on this amendment, and Messrs. COLES and REYNOLDS were appointed; and they reported 56 in the affirmative, and 82 in the negative. The motion was therefore negatived.

Mr. WELLER moved to strike out the word "six," and insert "five," in the clause of the bill, so as to make the pay of members of Congress *five* dollars a day.

Pending this motion,

Mr. PENDLETON moved that the committee rise: carried—ayes 88, noes 63.

The committee then rose and reported progress.

Mr. T. W. WILLIAMS offered a substitute for bill No. 548; which was ordered to be printed.

After ineffectual efforts on the part of various members to get in resolutions and reports,

On motion of Mr. READ,

The House adjourned.

IN SENATE.

WEDNESDAY, February 15, 1843.

The PRESIDENT *pro tem.* laid before the Senate a communication from the Post Office Department, transmitting, in compliance with a resolution of the Senate of the 7th ult., statements showing in detail the price at present received by the railroad companies for the transportation of the United States mail, the amount paid them, the extent of service, and the price formerly paid for the same service by the old mode of conveyance; which, on motion by Mr. MERRICK, was ordered to lie on the table and be printed.

Also, laid before the Senate a communication from the Governor of Iowa, transmitting joint resolutions adopted by the Council and House of Representatives of that Territory, in favor of an appropriation by Congress for the purpose of holding treaties for the purchase of the lands of the Pottawotamie and other tribes of Indians; which, on motion by Mr. LINN, were ordered to lie on the table.

Also, presented the credentials of WILLIAM H. HAYWOOD, Jr. who has been elected by the Legislature of North Carolina a Senator from that State for six years from the 4th of March next; which were read, and ordered to be placed on file.

Mr. TAPPAN presented the proceedings of a public meeting of citizens of the county of Washington, Pennsylvania, in favor of the establishment of a mail-route from the town of Washington, Pennsylvania, to Steubenville, Ohio: referred to the Committee on the Post Office and Post Roads.

Mr. SIMMONS presented a petition from James Wilson, porter to watch the public grounds at the Capitol, (commonly called "posey watcher,") representing that he is employed seventeen hours per day, and praying Congress to allow him additional compensation: referred to the Committee on the Public Buildings and Grounds.

Mr. CONRAD presented a memorial from Reuben Drake and R. G. Quarles, proposing to Congress to enter into a contract with the Government to reclaim public lands now useless to the Government, for the consideration of a portion of the lands which may be reclaimed: referred to the Committee on the Public Lands.

Mr. BENTON presented a memorial, signed by 48 captains of steamboats navigating the Ohio and Mississippi rivers, representing that the toll now exacted for going through the canal at Louisville, on the Ohio river, is ruinous to trade, and such as the commerce and business on the river could not pay; and representing that there are evils in the construction of the canal which unfit it for the business which is now done on that river; and, for the purpose of ridding the commerce of the ruinous exactions imposed on it for passing through this canal, and affording adequate facilities to the increasing commerce, they pray that a canal may be constructed by the Government, on the Indiana side of the river, of sufficient capacity for the passage of larger boats than those which now ascend the river.

Mr. B. proposed to refer the memorial to the Committee on Roads and Canals.

Mr. WALKER remarked, that the canal spoken of in the memorial was not now adapted to the commerce of the Ohio river, and to the boats which run on the Western rivers; that it was of such capacity as to prevent the construction of a class of boats which were of large dimensions, and of greater speed, and such as were called for by the increasing commerce. If boats of a large class attempted to pass, they were subjected to serious injury by the rocks which were permitted to project from the sides. A boat of which he was some time since on board, in attempting to pass through, was seriously injured. If the locks were considerably enlarged, and the canal cut square down to the bottom, it might be made of sufficient magnitude for all the boats which run there. There, however, seemed no disposition on the part of the company to do this, and to prevent the collection of these onereus tolls. If those difficulties were continued, he would go in for a sufficient grant of the public land in Indiana to that State, on the condition that she will construct a canal adequate for the accommodation of the commerce on those rivers.

Mr. SMITH of Indiana said he was much gratified to hear of the introduction of the petition by the Senator from Missouri. There was no subject, in connexion with the commerce on the Western waters, of more interest than that of the removal of the obstructions in the falls of the Ohio river. He then made some remarks on the great interest which the stockholders of that canal received on their investment, which was about 18 per cent. Commerce, he said, was obstructed to a very great extent; the large class of boats were excluded entirely from the upper river, owing to the unevenness of this canal. It was almost impossible for a single canal to answer the purposes of the increasing ascending and descending commerce on that river; therefore a canal on the other side of the river was demanded. He could not hope that anything would be done at the present session of Congress, in regard to the subject; but he did hope that the Western Senators and Western members would urge this matter until the navigation of the Ohio should be relieved from this obstruction, and commerce from the onerous burden which was imposed upon it by the exactions of the canal company. He believed that when the matter was examined by the committee, it would be found that it was practicable to construct to a canal on the Indiana side of the Ohio, to remove the obstructions to the commerce there.

Mr. TAPPAN did not agree with the other Senators as to their opinions of the best mode of removing the obstacles complained of. It was his opinion that a canal ought not to be made. The obstruction in that river, at the falls, was a ridge of soft limestone running across the navigation of the river. The current would be as smooth above as below, if the Government of the United States would (as it ought to do) improve the navigation at this point, by removing a considerable portion of the ridge, which would do away with the necessity of a canal on the Indiana side. When the matter came up, he would urge an improvement of the navigation at that point.

The memorial was referred to the Committee on Roads and Canals.

Mr. LINN presented a memorial from the Legislature of Missouri, on the subject of improvement of the great swamps in the southeast portion of Missouri, and the northeast portion of Arkansas; which was read, and referred to the Committee on the Public Lands.

Also, presented a memorial of a committee appointed by citizens of St. Louis, asking Congress to adopt measures for the occupation and settlement of the Territory of Oregon; which was ordered to lie on the table.

Also, presented a petition of citizens of Franklin county, Missouri, praying for the establishment of a mail route from Port William to Little Piney, in Pulaski county, Missouri: referred to the Committee on the Post Office and Post Roads.

Mr. HUNTINGTON presented a petition from Elizabeth Raymond, the widow of John Raymond, an officer of the army of the Revolution, for a pension: referred to the Committee on Pensions.

Mr. BATES, from the Committee on Pensions, to which were referred the petition of Samuel Thomas for a pension, and the petition of Sarah Williamson for a pension under the act of July 7, 1838, moved that the committee be discharged from their further consideration, and that they be referred to the War Department, which was competent to grant the prayers of the petitioners: agreed to.

Mr. B. also, from the same committee, reported back, without amendment, and with a recommendation that they be indefinitely postponed, the bills from the House for the relief of Prudence Crouch, and for the relief of David Munn. The reports accompanying were ordered to be printed.

Mr. WRIGHT, from the Committee on Claims, made an adverse report (which was ordered to be printed) on the petition of William Morrow, praying to be indemnified for losses sustained by him in consequence of the violation of his contract for the performance of certain work at the Washington arsenal.

Mr. W. also, from the same committee, made an adverse report (which was ordered to be printed) on the petition of Charles Debault Delassus, for remuneration for money forcibly taken from him for the public service at the capture of Baton Rouge.

Mr. TAPPAN, from the Committee on Private Land Claims, reported back, without amendment, and with a recommendation that it do pass, the bill for the relief of the heirs of Madame De Lusser and her legal representatives.

On motion by Mr. T., the previous orders were postponed, and the bill was taken up and considered as in committee of the whole; and, there being no motion to amend, it was reported to the Senate, and ordered to be engrossed for a third reading.

Mr. WILLIAMS, from the Committee on Naval Affairs, reported back, without amendment, and with a recommendation that it be indefinitely postponed, the bill from the House for the relief of James Mount; and,

On motion by Mr. W., the previous orders of the day were postponed, and the above bill was taken up as in committee of the whole, and indefinitely postponed.

Mr. WILCOX, from the Committee on Military Affairs, reported back, without amendment, and with a recommendation that it do pass, the bill from the House for the payment of certain companies of Michigan militia.

On motion by Mr. PORTER, the previous orders of the day were postponed, and the above bill was taken up, as in committee of the whole, and, after a few remarks by Mr. KING, who contended that if the militia were entitled to pay, they could receive it under existing laws; and by Mr. PORTER, showing the reason why they could not receive pay without a special law; the bill was re-

ported to the Senate, and ordered to a third reading; and accordingly was subsequently read the third time, and passed.

Mr. LINN, from the Committee on Private Land Claims, reported back, without amendment, and with a recommendation that it do pass, House bill for the relief of Joseph ——— of Missouri—[name not heard.]

Mr. LINN made a proposition, directing the Secretary of the Senate to place all the private bills on a separate calendar, with a view to expedite action upon them; but, after a few remarks by Mr. KING, showing that, instead of expediting action, it would retard the business of the Senate, the motion was withdrawn.

Mr. GRAHAM submitted the following resolution; which was agreed to, viz:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate, as early as practicable, what has been done by that department under the act of last session of Congress, entitled "An act making an appropriation for the erection of a marine hospital at or near Ocracoke, in North Carolina," approved August 29, 1842; especially whether a site for said hospital has been purchased or contracted for, and whether any reappropriation of money is necessary to complete it.

The resolution submitted by Mr. LINN on yesterday, fixing 11 o'clock, a. m., for the daily hour of meeting of the Senate hereafter, was taken up and rejected—ayes 18, noes 19.

Mr. BENTON, from the Committee on Military Affairs, to which had been referred the petition of a number of citizens of Missouri, praying that the settlers on the old military reserve, near Fort Leavenworth, may be allowed the right of preemption to the same, made a report, accompanied by a resolution, (which was agreed to by the Senate,) directing a copy of the report to be transmitted to the Secretary of War.

Mr. TALLMADGE presented the credentials of SILAS WRIGHT, JR., who has been elected by the Legislature of New York a Senator from that State for six years, from and after the 4th day of March next; which were read, and ordered to be placed on the files of the Senate.

On motion of Mr. BERRIEN, the previous orders of the day were postponed; and the Senate took up, as in committee of the whole, the bill from the House for the relief of Charles J. Jenkins and William Williams, assignees of Joseph McKinne.

Mr. BERRIEN explained the bill; and, after a few remarks by Mr. EVANS in opposition to its passage, and indicating a wish to make an amendment, it was postponed till to-morrow.

RETRENCHMENT, ECONOMY, AND GOVERNMENT RESOURCES.

On motion of Mr. MILLER, the unfinished business of yesterday was taken up; being the consideration of the following resolutions introduced by Mr. MCDUFFIE, on Tuesday, the 7th instant, viz:

Resolved, That it is the solemn and urgent duty of the present Congress to adopt, without delay, efficient measures to revive the crippled and decaying commerce, replenish the impoverished exchequer, and arrest the alarming accumulation of the public debt of the United States.

Resolved, That a modification of the existing tariff on foreign imports, such as will render it strictly and in good faith a mere revenue measure, is indispensable to the accomplishment of those objects; and that the recent measures of the British Parliament, partially adopting the principles of free trade, the public indications of a disposition on the part of the present ministry to extend those principles still further, and the probability of the speedy organization of an extensive system of smuggling on the long line of our frontier, furnish pressing motives to Congress for acting on the subject during its present session.

Resolved, That a rigid system of retrenchment, economy, and accountability, such as will bring the annual expenditures within the annual income of the Government, is not less indispensable; and that, while this is rendered necessary by the deplorable state of the public finances, it is rendered just, and not injurious to the public service, by the great reduction of the currency, and consequent appreciation of the value of money.

To which Mr. EVANS had moved to append the following additional resolutions:

Resolved, That, among the causes which have contributed most efficiently to the depression of the foreign and domestic commerce of the country, and to the consequent impoverishment of the national treasury, and which have thus rendered a resort to loans inevitable, is the want of a currency of uniform value in all parts of the United States, commanding the confidence of the people; and no measure designed to revive commerce, replenish the treasury, and avert the further accumulation of public debt, will be complete or adequate to the accomplishment of these objects, which fail to supply their wants.

Resolved, That another of the prominent causes of the present prostrated condition of the business of the country, and of the public finances, and which has largely impaired American character and credit, which has exposed republican institutions to reproach and obloquy, is the failure of so many States of the Union to provide for the regular payment of the interest on their public debts; and especially the favor and countenance which have been given, to some extent, in some portions of the country, to the alarming and destructive doctrine, that these debts are not binding upon the people of the States which have created them, but may be annulled and repudiated at their discretion.

Resolved, That, while this Congress does not intend to adopt any measures for the payment by the United States of the debts of the individual States, it nevertheless deems it proper, in view of the disastrous consequences to the national character and credit, and to the institutions of republican government, of the failure of the States to fulfil their obligations, and of the principle which has been asserted—that these obligations are not binding on them,—to declare, that the debts of the States, created by the legislative authority thereof, respectively, are obligatory and binding upon said States, and cannot be by them annulled or repudiated; and that it is the solemn and urgent duty of the people of said States to resort to the most efficient means in their power for the preservation of their faith, and the fulfilment of their obligations.

Resolved, That it is the duty of Congress, by every constitutional and proper means in its power—by the adoption of measures to restore and preserve a currency of uniform value throughout the United States; by the collection and disbursement of the public revenue, and the regulation and administration of the public finances, in such way as shall be least burdensome to the people, and most conducive to the revival of trade and commerce; as shall secure the wages of labor from fluctuation; as shall give security and steadiness to the industry of the country,—to render every practicable aid and encouragement to the people of the several States in their efforts to meet their engagements, and to discharge the obligations into which they have entered.

Which Mr. DAYTON had moved to amend, by striking out the third of Mr. EVANS's resolutions, and inserting the following in its stead:

Resolved, That the distrust and obloquy cast upon the *Federal* Government by reason of the failure of certain States to make prompt payment of their debts, is an unjust and unfounded imputation upon its credit and good faith; that, while this Government deplores the misguided policy of those States which have embarrassed themselves, it disclaims all liability, legally or morally, for such delinquency; while, in vindication of its own unblemished faith and honor, it appeals with confidence to its past history.

Mr. DAYTON being entitled to the floor on the pending question, in relation to the adoption of his proposed amendment, addressed the Senate for upwards of an hour.

He stated that the offer which he made yesterday, to waive his claim to the floor, having failed to accomplish the object of their proceeding to the vote; and the question now pending being on his amendment, he felt it due to himself to submit a few brief remarks, in explanation of the reasons which induced him to think that amendment important and necessary. No Senator could deprecate more than he would a useless loss of the public time, at this late period of the session, in a mere discussion of abstract theories. But, if gentlemen on the other side chose to introduce resolutions of that character, tending to no practical result, the responsibility of wasting the public time could not be laid at the doors of his friends or himself, should they feel themselves placed in such a position as to demand either enlargement, modification, or discussion. The resolutions offered by the Senator from South Carolina reach to, and propose, no measure of public relief for the distress which they depict.

He (Mr. D.) had listened with great pleasure to the able speech which was delivered in support of those resolutions, in the hope that it would conclude with some definite and practical proposition for the relief of the country; more particularly as the Senator appealed, in the course of his remarks, to all parties to unite in effecting the object he had in view. But in this he was disappointed; for nothing was urged but the resolutions themselves; and they, and all that was said in their support, ended with a mere promulgation of abstract political principles. He could not discover, from them and the Senator's remarks, more than three main principles: in relation to the currency, to be let alone to work out its own salvation; to finance, to be improved by pulling down the tariff law; and to commerce, by reciprocating the action of Great Britain in favor of an approach to free trade.

On each of these points Mr. D. expatiated considerably at length, and then adverted to the resolutions submitted by the Senator from Maine, as an addition to the resolutions of the Senator from South Carolina. These additional resolutions he considered equally obnoxious to the charge of reaching to no practical result. Fully as he accorded with the general principles which they avowed, he considered them, as well as the original resolutions, unnecessary; because no definite action would grow out of them for the good of the country. As, however, they were before the Senate, he did not wish to let them pass to a vote without such modification as he thought essential; and, as he had strong objection to the wording of the third resolution of the amendment, he had proposed a substitute for that resolution, which he read.

In explaining his object in thus vindicating the credit and character of the United States, he stated his regret that hitherto every officer in the Government, from the highest to the lowest, had taken a course calculated to show to the world that they felt the character and credit of the country to be depressed, instead of boldly repelling the unfounded assertions of others that they were so. He insisted on it, that the credit and good faith of the United States never had been impaired; that they had been preserved without a blot or blemish since the foundation of the Government; and that, in this respect, we stood proudly pre-eminent above the nations of Europe, who now calumniated us in the foreign money markets.

In proof of all this, he entered into a long and minute history of the iniquities practised by Great Britain, in laying the foundation of her national debt, and enlarging it from time to time, till it had reached the enormous sum of upwards of thirty-five hundred millions of dollars—in comparison with which, our national debt shrank into a mere nothing, or at least a sum so small as to be scarcely capable of paying half a year's interest. He enumerated the debts due by France, Holland, Naples, Russia, &c., to show how deeply they were all involved; and contrasted their condition with that of this country—possessing unexampled resources, and an inheritance stretching from sea to sea, through a wide extent of country unequalled for fertility and natural advantages. Having evidenced all these things, as a vindication of the unimpaired good faith and credit of the United States, he commented with severity upon those portions of the President's message which he considered could have no better tendency than to give countenance to the calumnies uttered in foreign money markets against our credit. He particularly alluded to the unnecessary and imprudent exposure of the fact that an accredited agent, sent to Europe to negotiate the loan, had been sent back repulsed.

Speaking of the assumption of the State debts, he deprecated any proposition of that nature as unwise and impolitic, without giving any opinion as to the power of the Government in that particular. The question of the power of the Government to interfere he had not sufficiently examined into, to enable him to form an opinion; but he had fully made up his mind as to the imprudence of any such measure.

Mr. D. concluded by urging the adoption of his substitute for the third resolution of the amendment proposed by the Senator from Maine.

Mr. MERRICK next obtained the floor, and insisted on his motion (of which he had given notice yesterday) to lay the whole subject on the table. He again urged the impropriety of wasting the short time which yet remained of the session, so necessary to be applied to the legislative business remaining unfinished, upon mere abstract questions. He pointed out that, in his opinion, gentlemen were mistaken who supposed that his motion would carry with it the resolutions of the Senator from Virginia. That Senator had only given notice of his intention to offer them: they were not before the Senate, and could not be, as long as an amendment to an amendment of an original proposition was pending. No fitter time could, therefore, be chosen for pressing his motion than at present.

Mr. WALKER called for the yeas and nays; which were ordered.

Mr. RIVES inquired of the Chair whether, if the amendment of the Senator from New Jersey were either adopted or rejected, would he not have a right to move his amendment as a substitute for the resolutions of the Senator from Maine?

The CHAIR explained that a motion to strike out a larger portion of the resolutions, containing the amendment of the Senator from New Jersey, with a view of inserting others in their place, would be in order.

Mr. RIVES contended that his resolutions were

CONGRESSIONAL GLOBE.

PUBLISHED BY BLAIR AND RIVES, AT ONE DOLLAR PER SESSION, IN ADVANCE.

27TH CONG.....3D SESS. WEDNESDAY, FEBRUARY 22, 1843. VOLUME 12....No. 19

Continued from No 18.

in that case before the Senate, and would be affected by the motion to lay on the table.

Mr. MERRICK said they would not be involved in the motion a whit more than any other amendments which gentlemen might intend to offer.

Mr. CRITTENDEN asked if it was in order for gentlemen to catechise the Chair as to the course to be pursued with regard to something intended to be done?

The question was then called for on Mr. MERRICK's motion to lay the whole on the table; and it was decided in the affirmative—yeas 24, nays 23, as follows:

YEAS—Messrs. Barrow, Bates, Bayard, Berrien, Choate, Conrad, Crafts, Crittenden, Dayton, Evans, Graham, Henderson, Huntington, Merrick, Miller, Morehead, Phelps, Porter, Simmons, Smith of Indiana, Sprague, Tallmadge, White, and Woodbridge—24.

NAYS—Messrs. Allen, Archer, Bagby, Benton, Buchanan, Calhoun, Fulton, King, Linn, McDuffie, McRoberts, Mangum, Rives, Sevier, Smith of Connecticut, Sturgeon, Tappan, Walker, Wilcox, Williams, Woodbury, Wright, and Young—23.

Mr. RIVES then submitted his resolutions (which will be found in the proceedings of February 16) as a substantive proposition. They lie over one day, under the rule.

Mr. LINN submitted a resolution, that the daily hour of meeting after Saturday next shall be at 11 o'clock, a. m., for the remainder of the session, instead of 12.

The resolution lies over till to-morrow.

On motion by Mr. WHITE, the Senate went into executive session; and, after some time spent therein, adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 15, 1843.

Mr. LOWELL presented the petition of Solomon Thayer and 62 other citizens of Lubec, Maine, praying Congress for such an alteration of our commercial relations with foreign Governments as shall give to the navigation of the United States terms of just reciprocity; which was referred to the Committee of the Whole on the state of the Union.

Also, the petition of M. G. Buck and 76 other citizens of Bucksport, Maine, praying Congress to impose an additional duty on sawed lumber, firewood, fish, &c., from the British provinces; which was referred to the Committee of Ways and Means.

Mr. WARD presented a petition of 400 merchants and workingmen of New York and Brooklyn, in favor of Gilbert's floating dry-dock: referred to the Committee of the Whole on the state of the Union.

Mr. OLIVER presented the petition of Nathan Beard, asking to be paid for $5,606 of continental currency, received for services rendered during the revolutionary war in 1777 and 1778—the said continental currency being of no value.

Mr. REYNOLDS presented the memorial and resolutions of the General Assembly of the State of Illinois, stating the following facts: That certain citizens of Macon county and the vicinity, reside in the interior of the State, and are located 80 miles from the navigation of the Illinois river, and 130 from that of the Wabash. These citizens reside on and near the cross railroad route, extending from the Illinois river, at Naples, by Springfield, the seat of Government of the State, to the eastern border of the State, to meet the Indiana canal and railroad at Covington, which communicates to Lake Erie, through Indiana and Ohio. The memorial states further, that the abovenamed communication in Indiana and Ohio is completed for 235 miles, and will be finished in Indiana during this year from Lafayette to Covington, which is in the direction of the cross railroad route in Illinois. This communication completed, a direct inland channel for the commerce of the most fertile region of country in the Union would be established from the navigable waters of the Mississippi to Lake Erie, and by Buffalo to the cities of New York and Boston. This communication would shorten the distance from the Mississippi to Lake Erie several thousand miles less than the route by Chicago, Mackinack, and Detroit.

The memorial further shows that the country adjacent to this northern cross railroad is the most fertile in Illinois, and the farmers already raise a great surplus of products in it; but the location is so far from the means of transporting this surplus to market, that the crops are rotting on the hands of the farmers. It is also stated, that some considerable portion of the public lands are yet unsold on this route. It is also stated that this improvement is national, extending from the Mississippi to Boston; and that similar public works in the States of Indiana and Ohio have received donations in land from the General Government, to aid the States in such improvements. The memorial goes further, and says, that the price of the public lands will be enhanced in value more than double by the construction of this road in Illinois; and, in consideration of these facts, the resolutions of the Legislature pray that every alternate section of the public land along the route in Illinois, be granted to the State, to aid in the completion of this public improvement. The reserved land will be enhanced more in value by the donation, than the whole is at present. The memorial and resolutions were referred to the Committee on the Public Lands in the House of Representatives; and they are so just and reasonable, that no doubt a favorable action will be had on them, if the lateness of the session does not prevent it, as there is not much more than two weeks of the session yet unexpired.

On motion of Mr. PENDLETON, a memorial some time since presented by him, in relation to steamboat explosions, was ordered to be printed.

CLERKS EMPLOYED BY THE GOVERNMENT.

Mr. G. DAVIS rose, and submitted the following resolution:

Resolved, That the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, and the Postmaster General, report to this House the number, classes, and compensation of persons employed in their several departments, respectively, on the 1st day of January, 1839, and on the 1st day of January, 1843; distinguishing, by bureaus, where they exist in the department.

Mr. FILLMORE said it appeared to him that a useless expense would be incurred by the adoption of that resolution; and it was especially unnecessary, as all the information which it would call for was already published in public documents.

Mr. G. DAVIS said if it was in the public documents, it would take so much less time to collect it in the shape which he proposed.

Mr. FILLMORE said, in the present state of the national treasury, they should save all the expense they possibly could.

Mr. BOWNE asked if that debate was in order.

The SPEAKER was understood to reply in the negative.

Mr. BOWNE then objected to it, and to the reception of the resolution.

Mr. G. DAVIS moved a suspension of the rules, for the reception of his resolution.

The motion to suspend was agreed to, and the resolution was adopted.

THE TARIFF.

Mr. READ said for two months he had been appealing to the House to place on the journal a resolution which he had offered on a very important subject. It was a subject of the deepest importance, and one on which the House ought to have acted at the commencement of the session—he alluded to a modification of the tariff. He admitted that he did not now, at this late period of the session, expect that the House would act on that subject; but he desired that his proposition should go on the journal. [Objections were made in various parts of the hall.] He continued: if it were objected to, he would object to everything out of order to the end of the session. [Laughter.] For two months he had been offering this resolution, but without effect.

Mr. STANLY objected to the continuation of the gentleman's argument.

Mr. READ said he was not arguing the question

Mr. STANLY insisted that the gentleman was arguing it.

[Cries of "Read the resolution."]

The Clerk read it accordingly, as follows:

Whereas the act of Congress entitled "An act to provide revenue from imports, and to change and modify existing laws imposing duties on imports, and for other purposes," passed 30th August, 1842, having been passed in the hurry and confusion of the last day of a session, and therefore greatly defective, not only in its details, but in some of its principles; imposing prohibitory duties on a great variety of articles, thereby so far defeating itself, both in regard to revenue and protection—the latter, by administering a powerful stimulant to the smuggling trade; therefore,

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of reporting a bill, supplementary to the said act of the 30th August last, based upon the following principles, viz:

1. To provide an adequate revenue for the economical administration of the Government, and no more—say from twenty to twenty-three millions.

2. Articles classed as "necessaries of life," and entering into general consumption, of a description *not grown or produced in the United States*, to be admitted free of duty.

3. Articles imported, coming in competition with those grown or produced in the United States, to be taxed so as to give ample protection to our farmers, planters, manufacturers, and mechanics.

4. The measure of such protection to be, in all cases, so much duty as will make the cost of the foreign article *in our markets* equal to the cost of production in the United States, and no more: thus bringing the foreign and American manufacturer into our markets on a footing of perfect equality, increasing the supply in proportion to the demand, and thereby reducing the price to the consumer.

5. If it should be found necessary to impose higher duties *for revenue* than are required by the said measure of protection, in such case *luxuries* to pay a higher duty than *necessaries*.

6. No drawback to be allowed on foreign sugars refined in the United States, nor on spirits distilled from foreign molasses.

7. No drawback to be allowed in any case, except on goods imported and specially entered for exportation, and actually exported within ninety days from the time of importation.

8. All duties to be paid in cash at the time of importation.

9. All duties to be levied on the true value of the goods in the principal ports of the United States; the valuation to be made, in the first instance, by the collector of the port; and, if the importer shall appeal, the value to be finally ascertained by a board of commissioners, to be appointed for that purpose.

Mr. BRONSON interrupted the reading of the resolutions, and objected to their reception.

Mr. READ moved a suspension of the rules, an on this he called for the yeas and nays.

The House did not order the yeas and nays.

Mr. READ made some remarks on the course he was desirous to pursue; but his observations were not heard at the reporter's desk.

The motion to suspend the rules was then negatived.

RETRENCHMENT.

On the motion of Mr. CAVE JOHNSON, the Select Committee on Retrenchment, appointed on the 3d day of February last, was authorized to send for persons and papers, and to examine witnesses on oath.

THE WAREHOUSING SYSTEM.

Mr. J. P. KENNEDY submitted a resolution to make bill No. 730 (being a bill making provision for the warehousing of imported goods) the special order for Tuesday, the 21st instant.

Mr. HOPKINS objected, and said he hoped they would have no more special orders during this session.

Mr. J. P. KENNEDY moved a suspension of the rules; but it was not agreed to.

BILL No. 548.

Mr. FILLMORE inquired what the order of the day was.

The SPEAKER replied, House bill No. 548. [Laughter.]

Mr. FILLMORE moved that the House resolve itself into Committee of the Whole on the state of the Union. The motion was agreed to, and Mr. UNDERWOOD took the chair.

Mr. ARNOLD moved that the committee pro-

of this Congress—at the very last hour of the third session of Congress, to proclaim to this country that he had no opinion on the ways and means!

Mr. FILLMORE begged permission to explain.

Mr. WISE said he should like to have an explanation.

Mr. FILLMORE explained that he meant he had formed no opinion independent of executive communications.

Mr. WISE asked the gentleman if he believed the communication of the Secretary of the Treasury was correct.

Mr. FILLMORE replied that he had no means of showing its incorrectness, and he had no reason to believe that the Secretary was a dishonest man.

Mr. WISE inquired if the gentleman from New York believed in the data of the Secretary?

Mr. BOTTS rose to a question of order. The gentleman from Virginia had no right to poll the members of the Committee of Ways and Means in this way.

Mr. FILLMORE rose to explain.

Mr. WISE begged the reporters to take note of the gentleman's explanation. And what was it? It was this: "I have no opinion independent of the information of the Secretary of the Treasury." What is your opinion about the information of the Secretary of the Treasury? "I have no means of showing that it is incorrect." Well, now, what was the gentleman's opinion at last? Nothing at all. The gentleman from New York said, the other day, that if the data of the Secretary were correct, why then his calculations were correct.

He (Mr. W.) asked if the Secretary's data were correct; and the reply was, "I have no means of knowing whether they are correct or incorrect." And this came from the chairman of the Committee of Ways and Means, who confessed that, independent of the Secretary of the Treasury, he had got no opinion at all. Did they believe that he had got no opinion? The gentleman did not say he had got no opinion; but though he had got no specific opinion, he (Mr. W.) believed he had a general conclusion as to the correction of those data. Now, he asked for the motive for the concealment of those opinions. He asked why there was not a report from that committee?

Mr. FILLMORE asked the gentleman from Virginia if he believed the report made by the Secretary of the Treasury, as he was nearer the Executive than he (Mr. F.) could be; or whether the gentleman from Virginia had any means of knowing that it was false.

Mr. WISE. This is not a question of falsehood. [Laughter.] He begged gentlemen to wait for an answer before they laughed. He told the gentleman from New York that he differed wholly from the Secretary of the Treasury. Had they got their answer? [Laughter.] Now, would the gentleman answer him a question? Did the gentleman from New York believe in the correctness of the Secretary's report? [Cries of "That's fair."] Now, let gentlemen laugh. He (Mr. W.) differed from the Secretary of the Treasury, and he believed his data would be found to be a sandy foundation, and that the superstructure based upon it must fall necessarily.

The gentleman pursued these remarks in this strain some time, and expressed his dread of an extra session, and his desire to avoid its necessity.

Mr. FILLMORE replied, and Mr. WISE rejoined.

Mr. FILLMORE said he was glad to hear this declaration from the gentleman. If that gentleman, standing upon this floor, and speaking the sentiments of this Administration, declared that an extra session ought not to be called, and that there were no reasons for it, he (Mr. F.) was truly glad to hear it. As to whether the Committee of Ways and Means had discharged their duty or not, he had but little to say. The present was the short session; and, during its continuance, the Committee of Ways and Means had to perform the duty of examining a double set of appropriation bills—for the half calendar year, and for the fiscal year. They had also before them a proposition to bring back into the treasury money which was said to have been hitherto squandered; also, the recommendation of the Secretary of the Treasury that means should be provided for carrying the department through the year to the 1st of January next; and also the exchequer project, which had occupied much of their time. These were the duties which they had to perform during this short session. Whether the committee had been diligent or not, it was for the House to say. With what ability the duties had been performed, it certainly did not become him to say. But if it was a fact (as conceded by the President in the message just read) that it was the duty of the Executive to inform the House as to the state of the finances of the country, he put it to the gentleman to point out a single fact which indicated that the Committee of Ways and Means had abandoned all measures to carry the Government through the year. The committee took up the report of the Secretary of the Treasury, in which that officer stated that there would be enough means to carry on the Government through the half calendar year, and through the fiscal year to June, 1844, and then leave a million and a half in the treasury. When doubt began to be expressed as to the accuracy of the Secretary's calculations, the committee, unconnected as they were by any near relations to the Administration, caused inquiries to be made of the Secretary, with a view of affording him an opportunity to revise his estimates. Therefore it was that he addressed a letter to the Secretary, calling on him for the amount which he estimated would be received and paid out during the year.

He would say to the House, that it was in the power of the Executive, if he saw fit, to exhaust the treasury, for the purpose of calling an extra session of Congress. Such a thing might be done; if it was done, the Executive would be responsible for the extra session.

It was known that large appropriations would be made by this Congress, to lie over until next year. Now, it was only necessary for the President, in the exercise of his power to control the expenditures of these appropriations, to exhaust the treasury, by paying them over before they were absolutely needed; and thus create the very necessity (an extra session) which the gentleman deplored. If there should be no more expended during the year than what was appropriated by Congress for that period, he should say that, in his opinion, the ways and means of the treasury would be sufficient. He only asked that the Government might be administered as it had been in years past. In such an event, he did believe that the means of the treasury would prove sufficient. He believed he had said all that was necessary on this head.

As to the instructions to the Committee of Ways and Means, moved by the gentleman from Virginia, [Mr. WISE,] all he had to say was, that he deemed them unnecessary. They implied a censure upon the committee; and he knew not what duty they had omitted which called for censure upon them. The committee had never neglected to consider carefully anything that was recommended by the Executive.

Mr. WISE then rose and withdrew his motion to reconsider the printing of the message; after which,

The House adjourned.

IN SENATE.

TUESDAY, February 14, 1843.

The PRESIDENT [*pro tem.* laid before the Senate a communication from the Treasury Department, transmitting, in further compliance with a resolution of the Senate of the 28th of December last, the following statement, showing the amount of accruing duties during the 3d and 4th quarters of the past year, and the value of the imports and exports for the last quarter, as follows:

Accruing duties during the 3d quarter		$3,305,506 31
Accruing duties during the 4th quarter		2,579,389 28
		5,884,895 59
Value of imports and exports during the 4th quarter of 1842—		
Imports free of duty	$6,460,601	
" paying duty	7,197,493	
		$13,648,094
Exports of foreign goods—		
Free of duty	1,023,569	
Paying duty	1,219,532	
	2,243,101	
Exports of domestic produce	25,229,818	
		27,472,919

Mr. EVANS presented a memorial from citizens of the State of Maine, praying for the repeal of the bankrupt law; which was ordered to lie on the table.

Also, presented a memorial from Lubec, Maine, praying such legislation on the part of Congress as will produce greater reciprocity in our commercial regulations with foreign powers: ordered to lie on the table.

On motion by Mr. WOODBURY, leave was granted to Molly Luther, Mary Chase, Daniel Peck, and George Johnson, to withdraw their petitions and papers from the files of the Senate.

Mr. LINN presented a memorial from Ruth Milligan, praying that the sum of $220 continental notes, paid to her husband, since deceased, for his services during the revolutionary war, may be made good to her or her children, by such general and equitable law as may be finally passed on the subject. Mr. L. remarked that, if any committee should be hereafter raised to take into consideration the subject of paying the debts of the States, he would move the reference of this petition to that committee. It struck him, however, that there would be more propriety in paying off the old revolutionary debt, before the idea of assuming the debts of the States was entertained. For the present, he moved that the petition be laid on the table. Agreed to.

Mr. MERRICK, from the Committee on the Post Office and Post Roads, to which had been referred the amendments of the House to the Senate bill for the relief of William Du Buys, postmaster at New Orleans, reported the bill back, with a recommendation that the Senate concur in the amendments.

The question was put, and the Senate concurred.

Mr. CHOATE, from the Committee on Naval Affairs, reported a bill for the relief of the heirs of Robert Fulton; which was read, and ordered to a second reading.

Mr. WILLIAMS presented joint resolutions, adopted by the Legislature of the State of Maine, instructing the Senators and requesting the Representatives from that State to vote for the abolishment of the Military Academy at West Point, in the State of New York, and for the adoption of such a plan of military instructions as will be impartial in its operations, and consistent with the spirit and genius of our liberal institutions; which was read, and ordered to be printed.

Mr. BATES, from the Committee on Pensions, made a report, (which was ordered to be printed,) adverse to the passage of the House bill for the relief of Major Thomas Harrison.

On motion by Mr. BATES, leave was granted to Thomas Flanagan to withdraw his petition and papers from the files of the Senate.

Mr. HUNTINGTON, from the Committee on Commerce, to which was referred the resolution of the Senate, instructing that committee to inquire into the expediency of abolishing the system of revenue cutters, and to employ a part of the navy of the United States in that service, made a report, (which was ordered to be printed,) accompanied by a resolution, declaring that it was inexpedient to adopt the recommendations of the resolution.

Mr. H., from the same committee, to which had been referred House bill entitled "An act to reduce the number and compensation of the officers and others employed in the port of New York," reported it back, with an amendment to strike out the preamble.

Mr. WOODBURY submitted the following resolution, which was agreed to:

Resolved, That the Secretary of the Treasury be directed to inform the Senate of the net amount of revenue received from the customs in the month of January, 1843, according to the current returns made to the Treasury Department.

Mr. LINN presented a petition from Markham Tristoe, late postmaster at Warren, Benton county, Missouri, praying that the amount of a judgment obtained against him in the circuit court of the United States from the Missouri district may be refunded to him: referred to the Committee on the Post Office and Post Roads.

Also, presented a petition from Abraham Wilcox, representing that he is the father of twenty-two children, praying aid of the Government to

raise a company to go to the Oregon Territory, and for grants of land, &c.; which was read, and laid on the table.

The resolution of the Committee on Commerce, to discharge that committee from the further consideration of the resolution of the Senate of the 27th of December last, directing it to inquire into the state of our tonnage, freights, and commerce, and to report whether they were prosperous under our existing regulations with foreign powers, &c., and to refer the same to the Secretary of State, and directing him to make the inquiries touching the matter, and to report thereon at the next session of Congress, was taken up; and, after a few remarks by Messrs. HUNTINGTON and WOODBURY, was adopted.

The following resolution introduced by Mr. BENTON on yesterday, was taken up for consideration; and, after a few remarks by Mr. ARCHER, not in opposition to its adoption, but expressing the belief that the call was unlike any ever made, it was agreed to, viz:

Resolved, That the President of the United States be requested to communicate to the Senate a copy of the commission, or letter of instruction, which may have been given to Daniel Webster, Esq., Secretary of State, to treat with Lord Ashburton, late special minister from Great Britain to the United States.

The engrossed joint resolution directing the transfer of the stock held by the United States in the Chesapeake and Ohio Canal Company, to the State of Maryland, and to the cities of Washington, Georgetown, and Alexandria, on certain conditions, came up for a third reading.

Mr. KING remarked that one of the conditions in the bill on which the stock was surrendered, was, that the Chesapeake and Ohio Canal shall be completed to Cumberland. He inquired of the Senator from Maryland [Mr. MERRICK] whether he considered that the terms of the bill were such as authorized the Government to reclaim the stock in case the terms of the bill were not complied with.

Mr. MERRICK replied that, if the conditions were not complied with, the whole of the stock would revert to the Government.

The resolution was then read the third time, and passed.

The joint resolution for the distribution of certain copies of the Census Returns and Compendium of the Sixth Census, was read the third time and passed.

The bill relating to the appointment of Assistant Postmasters General, vesting the power to appoint them in the President, by and with the advice and consent of the Senate, was read a third time, and passed.

BANKRUPT LAW.

Mr. BERRIEN said that he had given notice to the Senate on yesterday, that he would on to-day move to fix a day for the consideration of the bill to repeal the bankrupt law. He was disposed to give notice that he would on Monday next ask the Senate to take that bill up for consideration. He said that it was desirable that the information obtained from the Secretary of State, as to the operations of the law, and the report of the committee on the subject, should be as widely disseminated as possible before they were called upon to act finally upon the bill; and it was desirable to give further time to Senators to consider the report of the Judiciary Committee, and the amendments recommended by it. He supposed that all that was desired by delay could be accomplished by Monday next.

Mr. YOUNG preferred that the bill should be then taken up, and made the special order for Monday next; but, on being informed that such course would place the bill behind other special orders, he acquiesced in the suggestion of Mr. BERRIEN.

RETRENCHMENT, ECONOMY, AND GOVERNMENT RESOURCES.

The resolutions introduced on Tuesday last by Mr. McDUFFIE, on the propriety of adopting measures to revive commerce, replenish the impoverished exchequer, and to arrest the accumulation of public debt, by reducing the tariff of the last session to a revenue standard, and by practising a rigid system of retrenchment, economy, and accountability, came up for consideration.

Mr. EVANS (in reply to Mr. McDUFFIE's remarks of yesterday) addressed the Senate for upwards of two hours and a half, discussing at large the various topics involved in the resolutions of the Senator from South Carolina, and the additional resolutions which he had himself submitted.

At the outset, he remarked, it was with very great reluctance that he rose to occupy any portion of the time of the Senate at this late period of the session, when there were so many important and pressing matters demanding its attention, in the discussion of these resolutions—resolutions which he feared were to end in discussion alone. Nevertheless, as they were deemed of very great importance, (as they certainly were,) and had been discussed with ability by the Senator from South Carolina, [Mr. McDUFFIE,] who always evidenced an ability in whatever he undertook to discuss, he felt it to be his duty as briefly as possible to submit such remarks as the hasty consideration of the subject would enable him to make. The resolutions of the honorable Senator were chiefly directed to the condition of the treasury—to the finances and commerce of the country; and a very large portion of the speech with which the Senator had favored the Senate was directed to the condition of the business of the country, which he (Mr. E.) admitted were inseparably connected. He agreed with the Senator fully and thoroughly, that the commerce of the country was crippled to a very great extent, and that business was deeply embarrassed. He would not differ from the honorable Senator as to the terms of the resolution, which proposed a system of economy and retrenchment, and of limiting the expenses of Government to the income which may be derived by the treasury from all sources. He would agree with the Senator, that the commerce of the country was greatly embarrassed and crippled; but he differed from him radically as to the causes which had occasioned it, and as to the efficacy of the measures which he proposed to revive it.

Mr. E. then proceeded to a minute investigation of the measures which he conceived had led to the derangements of the currency, to which he mainly attributed the distresses of the country. He vindicated the course which he and the friends with whom he had acted took in defence of the State banks, after they had been stimulated by the Government and broken down, and when the Administration turned round on them, and endeavored to destroy them.

Having disposed of this branch of the subject, he adverted to the position assumed in the Senator's resolutions—that the tariff law was the cause of the condition of the country, and that a revision of that law would resuscitate commerce. He contended that the commerce of the country was two-fold—foreign and domestic; and that the one was dependent on the other; so that, if domestic commerce languished and fell into decay, so must foreign commerce. It was, therefore, more reasonable to trace the crippled state of foreign commerce to causes which had operated on domestic commerce, than to what the Senator contends was for the protection and benefit of the home manufacturing interests identified with domestic commerce. In tracing out their causes, he (Mr. E.) had satisfied himself that they had their origin in the want of a sound currency of uniform value in every part of the Union. This, he contended, was the great source of the evils under which the country labored.

In speaking of the condition of the treasury, and its resources, he assumed that the dutiable imports of the year 1843 would be forty-two millions—yielding a revenue from customs of thirteen or fourteen millions of dollars. He estimated that the actual expenditures of the Government, independent of the interest on debt, would not exceed twenty-two millions of dollars for the year and a half ending 30th June, 1844. He combated the idea that the debt could, by any possibility, reach to what had been assumed by some—thirty or forty millions before the end of the year. It did not at present exceed twenty-five millions; and could not be increased one dollar without a law of Congress to that effect; of which there was no possible chance now, at this late period of the session. The reductions and retrenchments effected by Congress in the appropriation bills rendered it certain that the Government could get along very well, and without the slightest embarrassment, by being allowed to re-issue treasury notes already authorized. Those bearing interest were already at a premium, and would naturally stay out without any effort; and it would be only necessary to allow the treasury notes falling due this year to bear interest, to keep them out too, and prevent them from embarrassing the treasury.

Mr. E. attributed to the passage of the tariff law of last session the revival of the credit of the Government, and the high appreciation of the Government stocks in the money market.

Speaking of his resolutions, to the effect that it is the duty of the several States to make provision for meeting their engagements, and sustaining their credit, he contended that the General Government had a right to make that declaration, without incurring the censure of the States, inasmuch as the depreciation of their credit reacted on the credit of the United States; and besides, as a creditor of some of those States, at least to the amount of six or seven millions, the United States was entitled to the rights of a creditor, in regard to expressing its opinions.

He also maintained that the General Government, being the Government of the same people who owned the States themselves, was bound to render those States, in their necessity, whatever assistance it was in its power to afford. How that was to be done, was a matter of consideration, and could not, at this late period of the session, become a proper subject of discussion.

Mr. E. concluded by proposing the following amendment to the resolution of Mr. McDUFFIE: for which see proceedings of the 15th Feb.

Mr. DAYTON moved to strike out the last three resolutions of the amendment, with a view to insert the following:

Resolved, That the distrust and obloquy cast upon the *Federal* Government by reason of the failure of certain States to make prompt payment of their debts, is an unjust and unfounded imputation upon its credit and good faith; that, while this Government deplores the misguided policy of those States which have embarrassed themselves, it disclaims all liability, legally or morally, for such delinquency; while, in vindication of its own unblemished faith and honor, it appeals with confidence to its past history.

Mr. D. then remarked that he had no disposition to embark in the general discussion which had arisen on these resolutions; but, having submitted this amendment to one of the resolutions, he would feel gratified if the Senate would afford him a few moments in which to express his views on the subject of his amendment. It was very desirable to him that the matter should be postponed till to-morrow, pledging himself to occupy the Senate but a few minutes at that time.

Mr. RIVES remarked that he wished to submit a paper which he had prepared, expressing his own views on the subject-matter brought into the discussion on these resolutions. It was not then in order to submit this paper as an amendment to the resolutions pending; but, with the leave of the Senate, he would present it with the view—if the amendment proposed by the Senator from New Jersey [Mr. DAYTON] was rejected—of submitting it as a substitute for the last three resolutions of the Senator from Maine, [Mr. EVANS] The paper was read.

Mr. CALHOUN hoped that both of the amendments proposed, and the paper submitted by the honorable Senator from Virginia, would be received and printed. They were received, and ordered to be printed.

Mr. MERRICK remarked that he was exceedingly sorry to find that, when there were just about two weeks of the session left, a general discussion was likely to be opened up on a proposition out of which no practical good could grow. If the discussion was permitted to progress, the whole session would be consumed in unprofitable debate. He therefore rose for the simple purpose of giving notice to the Senate that on to-morrow, as soon after the remarks of the Senator from New Jersey [Mr. DAYTON] as he could get the floor, he would move to lay the whole of the propositions on the table; and he trusted that all those Senators who were anxious to proceed with the practical business of the session would be in their places, and sustain, by their votes, the proposition he intended to make.

Mr. ALLEN did not believe that the discussion which was suggested on the introduction of the resolutions of the honorable Senator from South Carolina [Mr. McDUFFIE] was unprofitable or unwise; and if he had even supposed that such was the case with reference to those resolutions, he should have changed his opinion after the introduction of the several propositions now laid before that body. The proposition submitted as an amendment to the resolutions of the Senator from South Carolina, intended to present to the Senate the question of the assumption of the debts of the States, having come before them on the responsibility of a Senator, it would be unbecoming in the Senate, in the present emergency, not to meet the question fully, fairly, and openly. He then said he rose for the purpose of expressing the hope that, under no circumstances, would the Senate agree to the motion which the Senator from Maryland [Mr. MERRICK] intimated his intention to submit. The language of the resolutions of the Senator from Virginia admonished them of the consequences which would be fairly deduced if the Senate adopted this side way of disposing of the question; that delusive hopes would be entertained that this Government would endorse the faltering credit of the States, by directly or indirectly assuming their debts. Such (said he) would be the effect of the failure on the part of the Senate to express its opinion on the subject. The negative act of a failure to express an opinion against the assumption, would be construed as giving a shadow of countenance to the scheme. He appealed to the Senate to meet the question fairly, and to make the vote of laying the resolutions on the table a test question.

Mr. BUCHANAN was very much impressed with the same considerations expressed by the Senator from Maryland, [Mr. MERRICK,] that a protracted discussion on these resolutions and amendments would obstruct the pressing and necessary business of Congress yet to be acted upon this session. There were but fifteen days of the session yet unexpired, during which a very large number of public and private bills must be acted upon. No compensating benefit could be expected from the discussion of mere abstract questions leading to no action; for experience had shown that resolutions of this kind were, from time to time, offered and discussed at former sessions, for weeks upon weeks, without leading to any practical results. He instanced several occasions, within a few years back, in which much time had been devoted to abstract discussions. At the same time, as the question of the assumption of the State debts, or of assisting the States to get out of their indebtedness, had been mooted, he concurred in the opinion that it was now necessary to have some unequivocal expression of the sentiments of the Senate on that point, and would be glad if it could be brought up either in the form proposed by the Senator from Virginia, [Mr. RIVES,] or in some other form; for he desired an opportunity to give expression to his sentiments. But he feared so much discussion would take place, and so many subjects of controversy would be opened up before the amendment of the Senator from Virginia could come up, that an opportunity would not be afforded of taking the vote of the Senate directly on the question; and he could, therefore, wish it had been brought forward by the Senator as a distinct proposition, on which a vote could be taken directly. He (Mr. B.) would, however, call upon the chairman of the Finance Committee to make a report on the memorials and petitions which had been referred to that committee in such numbers during the session, and hoped he would be prepared, in a day or two, to make that report.

Mr. EVANS said that no petitions were before the committee on the subject of the assumption of the State debts.

Mr. BUCHANAN said there were great numbers of petitions and memorials referred to the committee on the subject of issuing Government scrip, based on the public lands, to the amount of $200,000,000, for the relief of the States, which was the same thing.

Mr. EVANS replied that petitions in relation to a currency of two hundred millions of dollars of that kind had been referred to the committee; but they had nothing to say about the assumption of the State debts.

Mr. BUCHANAN referred the Senator to the very last petition he (Mr. B.) had presented, and which had been referred to the committee.

Mr. ARCHER concurred with the Senator from Ohio, that, the question having come before the Senate—no matter in what shape, or how—it would not now do to give it the go-by; and that there ought to be a direct vote upon it. He also concurred with the Senator from Maryland, in the necessity of applying the remaining time of the session to the real, practical business of legislation. He hoped, therefore, the suggestion he would throw out would meet the unanimous concurrence of every Senator. It was, that, after the Senator from New Jersey (who is entitled to the floor, and to whom it is in courtesy due) shall have expressed his views to-morrow, the vote on the amendments, in their order, and then on the resolutions, will be suffered to be taken without further debate.

Mr. DAYTON, seeing that the sense of the Senate was in favor of a speedy termination of a discussion which, if it proceeded, would obstruct the public business, would most cheerfully waive any intention he had of accompanying his amendment with a few remarks.

Mr. ARCHER was sorry the Senator waived his right to the floor; for he was assured, even if any indulgence were implied in the opportunity, it was fully due, and would be gladly accorded to a Senator who had so seldom availed himself of his privilege to address the Senate. He (Mr. A.) would suggest that, as soon as the amendment of the Senator from New Jersey shall have been disposed of, the direct vote on the question, which it seemed now so necessary to meet openly and frankly, could be taken on the amendment proposed by his honorable colleague, [Mr. RIVES;] and that being disposed of, on any other amendments to be offered, and finally on the resolutions themselves, without any debate.

Mr. RIVES said he very cheerfully waived any right of accompanying his resolutions with any remarks, in accordance with the suggestion of his colleague.

Mr. WALKER thought, as the Senator from New Jersey had waived his right to speak, and the Senator from Virginia had done the same, there could be no difficulty in the way of proceeding at once to the vote, and the whole matter might be disposed of in half an hour.

Mr. CALHOUN objected, that there was not, at that late hour, a full attendance of Senators; and it was extremely desirable every Senator should have an opportunity of recording his vote upon such a momentous subject. He would, therefore, suggest the propriety of agreeing, by general consent, to take the vote at one o'clock to-morrow, and let it be understood that a full attendance will be expected at that hour.

Mr. SIMMONS did not understand the additional resolution on the subject of State credit, which was offered by the Senator from Maine, had any bearing whatever on the question of the assumption of the State debts. He thought it would be very difficult to take silent votes on such incongruous resolutions and amendments; for if all were adopted, they would make a string of contradictions.

Mr. MERRICK should persist in his notice, that if the discussion was to proceed, he should move to-morrow to lay the whole subject on the table. He would do this, not to evade any question, but simply to get forward with the public business. At such a late period of the session, it was insufferable that every possible question of agitation which distracted the country should be got up to the total annihilation of all the practical legislative duties of Congress.

Mr. CRITTENDEN moved an adjournment; but gave way to

Mr. LINN, who submitted a resolution which he had intended to offer in the morning hour. After which,

Mr. McDUFFIE observed that, yielding to the very forcible reasons urged by the Senator from Maryland, much as he desired to answer some of the remarks of the Senator from Maine, he would waive all right of reply, on the understanding that the question on the amendments and resolutions would be taken to-morrow, at 1 o'clock, without debate.

On motion of Mr. LINN,

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 14, 1843.

Mr. LITTLEFIELD of Maine presented a petition signed by certain widows of officers and soldiers of the revolutionary war, to wit: Jane Record, Abigail Record, Miriam Hull, Margaret Tobin, Hannah Lombard, Betsey Penfilly, Sarah French, Sylva Conant, Lucy Bailey, Mary Stevens, Margaret Cushman, Mary Needham, Rachel Field, Anna Gold, Sarah Perkins, Mary Hubbard, Sarah Sturtevant, Elizabeth Fletcher, Mary Holmes, Mary Fuller, Jennet Washburn, Polly Soule, Naomi Briggs, Mehitable Perkins, Anna Tucker, and Sarah Gardner, residing in Buckfield and vicinity, Oxford county, Maine, praying for an extension of the pension law of July 7, 1838; which was referred to the Committee of the Whole on the State of the Union—a bill for that purpose being now before that committee.

Mr. BOWNE presented the petition of Frederick Juliand and 29 other citizens of Greene, Chenango county, New-York, praying that Congress will promptly act upon and adopt the exchequer, or plan of finance, as recommended by the President.

Mr. McKEON presented the petition of inhabitants of the city of New York, praying for a reduction of the expenses of the National Government, the abolition of the franking privilege, and a reduction of the rates of postage.

Mr. J. T. MASON laid on the table additional papers in relation to the claim of Jona. Shafer of Washington county, Maryland: referred to the Committee on Revolutionary Claims.

Mr. JACK presented the petition of 117 citizens of Clearfield county, in Pennsylvania, praying the establishment of a mail route along the Snow Shoe turnpike, in said county: referred to the Committee on Post Offices and Post Roads.

EXCHEQUER.

Mr. BARNARD rose and inquired if there was a special order for to-morrow.

The SPEAKER replied in the affirmative.

Mr. BARNARD then said that, without moving any special order, he should ask the House to go into committee on Thursday, with a view to take up the exchequer bill of the gentleman from Massachusetts, [Mr. CUSHING,] and the substitute for that bill submitted by himself. He wished that subject to have preference over all other business.

Mr. ARNOLD obtained the floor, and was about to call up the special order, (bill No. 548,) when

Mr. WM. COST JOHNSON wished to know whether the special order overrode all other business, the morning hour included.

The SPEAKER said it did.

At the request of several gentlemen, Mr. ARNOLD yielded the floor, with a view to the reception of reports from committees.

Mr. J. T. MASON presented a petition from the State of Maryland, numerously signed, asking for the relief of Amos Kendall from the fine imposed on him by the circuit court of the District of Columbia.

Mr. MALLORY, from the select committee on the coast survey, made a report.

Mr. ARNOLD presented a petition from the city of New York, numerously signed, praying a reduction of postages, and the passage of bill No. 548. [Laughter.]

Mr. GIDDINGS, from the Committee on Claims, made an adverse report upon the claim of John J. Bulow.

Mr. RANDALL of Maine, from the Committee on Commerce, reported a bill for the relief of the owners and crew of the schooner Blooming Youth; a bill for the relief of the owners and crew of the schooner Dove, of Lippican; and a bill for the relief of the owners and crew of the schooner Flo-

rilla: read twice, and referred to the Committee of the Whole House.

Mr. R. also reported several Senate bills, without amendment.

Mr. HOWARD, from the Committee on the Public Lands, reported a joint resolution in relation to bounty land patents: read a third time, and passed.

Mr. H. also made an adverse report upon the petition of Cadwallader Wallace.

Mr. JACOB THOMPSON, from the Committee on Public Lands, reported a bill to confirm the sale of public lands in certain cases. Read twice, and referred to the Committee of the Whole on the state of the Union.

Mr. T. also reported Senate bills "to perfect the titles to lands south of the Arkansas river, held under New Madrid locations, and pre-emption rights under the act of 1814," and "An act in relation to the two per cent. fund of the State of Mississippi." Referred to the Committee of the Whole on the state of the Union.

Mr. CHAPMAN, from the Committee on Public Lands, reported a bill to regulate the mode of paying over to the State of Alabama the two per cent. fund relinquished to said State by the act commonly known as the distribution act of 1841.

After a short debate, in which Messrs. BRIGGS, CHAPMAN, GWIN, STANLY, and JACOB THOMPSON participated, the bill was referred to the Committee of the Whole on the state of the Union.

THE WAREHOUSING SYSTEM.

Mr. J. P. KENNEDY said he was instructed by the Committee on Commerce to state that it was their desire that the warehousing bill should be taken up, and a day set apart for its consideration. As there appeared to be some doubt whether the House would consider the bill this session or not, he moved to make it the special order for this day week, for the purpose of testing the sense of the House as to their disposition to act upon it. He made the motion, and desired the vote on it to be considered as a test.

Mr. CAVE JOHNSON inquired if the motion was in order.

The SPEAKER said it was not.

Mr. J. P. KENNEDY said he would take an early opportunity of making the motion he had intimated.

THE DISTRICT BANKS.

Mr. UNDERWOOD, from the Committee for the District of Columbia, said he was instructed to report a resolution to discharge the Committee of the Whole from the further consideration of the bill for the recharter of the District banks. He wished the vote on the resolution to be made a test vote.

The resolution was read as follows:

Resolved, That the Committee of the Whole House be discharged from the further consideration of the bill to extend the charters of the banks of the District of Columbia, being House bill No. 676.

Mr. CAVE JOHNSON moved that the resolution be laid on the table, and asked the yeas and nays on the motion.

They were taken, and resulted—yeas 87, nays 108, as follows:

YEAS—Messrs. Arrington, Beeson, Bidlack, Birdseye, Blair, Borden, Bowne, Brewster, A. V. Brown, C. Brown, Burke, William O. Butler, Green W. Caldwell, Patrick C. Caldwell, John Campbell, Cary, Casey, Chapman, Clifford, Clinton, Coles, Daniel, Richard D. Davis, Dawson, Dean, Doan, Eastman, John Edwards, John G. Floyd, Charles A. Floyd, Fornance, Gerry, Gilmer, William O. Goode, Gordon, Gustine, Gwin, Harris, Hastings, Hays, Hopkins, Houck, Houston, Hubard, Hunter, Charles J. Ingersoll, Jack, Cave Johnson, John W. Jones, Keim, Andrew Kennedy, Linn, Littlefield, Lowell, Abraham McClellan, McKay, Mallory, Marchand, Alfred Marshall, John Thomson Mason, Mathews, Miller, Mitchell, Newhard, Partridge, Pickens, Plumer, Reed, Reding, Reynolds, Riggs, Rogers, Roosevelt, Sanford, Saunders, Shields, William Smith, Snyder, Steenrod, Stratton, Sweney, Jacob Thompson, Van Buren, Weller, Westbrook, Joseph L. Williams, Wood, and John Young—87.

NAYS—Messrs. Adams, Landaff W. Andrews, Sherlock J. Andrews, Arnold, Aycrigg, Babcock, Baker, Barnard, Barton, Briggs, Brockway, Bronson, M. Brown, Jeremiah Brown, Burnell, William Butler, Calhoun, Thomas J. Campbell, Caruthers, Childs, Chittenden, John C. Clark, James Cooper, Cowen, Cranston, Cravens, Crawford, Garrett Davis, Deberry, Everett, Fessenden, Fillmore, A. Lawrence Foster, Gates, Gentry, Giddings, Granger, Green, Hall, Halsted, Henry, Howard, Hudson, Hunt, Joseph R. Ingersoll, James Irvin, James, Isaac D. Jones, John P. Kennedy, King, Lane, McKennan, Mathiot, Mattocks, Maxwell, Meriwether, Moore, Morris, Morrow, Osborne, Owsley, Pearce, Pendleton, Pope, Powell, Ramsey, Benjamin Randall, Alexander Randall, Rayner, Rencher, Ridgway, Rodney, James M. Russell, Saltonstall, Shepperd, Slade, Truman Smith, Sprigg, Stanly, Stokely, Alexander H. H. Stuart, John T. Stuart, Summers, Taliaferro, Richard W. Thompson, Tilliughast, Toland, Triplett, Trotti, Trumbull, Underwood, Van Rensselaer, Warren, Washington, Edward D. White, Joseph L. White, Thomas W. Williams, Christopher H. Williams, Winthrop, Wise, Yorke, and Augustus Young—108.

So the resolution was not laid on the table.

Mr. WELLER demanded the yeas and nays on the adoption of the resolution. He said to extend the charter of six banks in this District for ten years, without *one moment's consideration or debate*, was an outrage upon all propriety in legislation.

The resolution was then adopted—yeas 114, nays 98, as follows:

YEAS—Messrs. Adams, Allen, Landaff W. Andrews, Sherlock J. Andrews, Arnold, Aycrigg, Babcock, Baker, Barnard, Barton, Boardman, Briggs, Brockway, Bronson, Milton Brown, Jeremiah Brown, William Butler, Calhoun, Thomas J. Campbell, Caruthers, Childs, Chittenden, John C. Clark, Cowen, Cranston, Cravens, Crawford, Cushing, Garrett Davis, Deberry, Everett, Fessenden, Fillmore, A. Lawrence Foster, Gamble, Gates, Gentry, Giddings, Patrick G. Goode, Graham, Granger, Green, Halsted, Henry, Holmes, Howard, Hudson, Hunt, Joseph R. Ingersoll, James Irvin, James, William Cost Johnson, Isaac D. Jones, John P. Kennedy, King, Lane, McKennan, Samson Mason, Mathiot, Mattocks, Maxwell, Maynard, Meriwether, Moore, Morgan, Morris, Morrow, Osborne, Owsley, Pearce, Pendleton, Pope, Powell, Ramsey, Benjamin Randall, Randolph, Rayner, Rencher, Ridgway, Rigga, Rodney, William Russell, James M. Russell, Saltonstall, Shepperd, Slade, Truman Smith, Sprigg, Stanly, Stokely, Stratton, Alexander H. H. Stuart, John T. Stuart, Summers, Taliaferro, Richard W. Thompson, Tillinghast, Toland, Tomlinson, Triplett, Trumbull, Underwood, Van Rensselaer, Wallace, Warren, Washington, Edward D. White, Joseph L. White, Thomas W. Williams, Winthrop, Wise, Yorke, and Augustus Young—114.

NAYS—Messrs. Arrington, Atherton, Beeson, Bidlack, Birdseye, Blair, Bowne, Brewster, Aaron V. Brown, Chas. Brown, Burke, William O. Butler, Green W. Caldwell, Patrick C. Caldwell, John Campbell, William B. Campbell, Cary, Casey, Chapman, Clifford, Clinton, Coles, Richard D. Davis, Dawson, Dean, Doan, Eastman, John C. Edwards, Egbert, Ferris, John G. Floyd, Charles A. Floyd, Fornance, Gerry, Gilmer, William O. Goode, Gordon, Gustine, Gwin, Harris, Hastings, Hays, Hopkins, Houck, Houston, Hubard, Hunter, Charles J. Ingersoll, William W. Irwin, Jack, Cave Johnson, John W. Jones, Keim, Andrew Kennedy, Linn, Littlefield, Lowell, Abraham McClellan, Robert McClellan, McKay, McKeon, Mallory, Marchand, Alfred Marshall, John Thomson Mason, Mathews, Medill, Miller, Mitchell, Newhard, Parmenter, Partridge, Payne, Pickens, Plumer, Read, Reding, Reynolds, Rogers, Roosevelt, Sanford, Saunders, Sewell, Shields, Steenrod, Sweney, Jacob Thompson, Trotti, Turney, Van Buren, Ward, Watterson, Weller, Westbrook, Joseph L. Williams, and John Young—98.

Mr. J. CAMPBELL rose, to move that the bill 649 be made the special order of the day for Thursday next.

The SPEAKER said it was not in order to make that motion, unless by general consent.

Mr. J. CAMPBELL hoped general consent would be given; for the bill was a very important one. [It was understood to be the bill to suspend the operation of the districting section of the apportionment bill, under the late census.]

Mr. BARNARD appealed to the gentleman from South Carolina to allow committees to be called for reports, before he introduced his motion.

The SPEAKER said the calling of committees for reports was the business in order; and he continued the call, beginning with the Committee on the Judiciary.

Mr. BARNARD, from the Committee on the Judiciary, reported a joint resolution relating to certain public property purchased for the United States in the city of Detroit. It was read twice, and ordered to be printed.

JESSE HOYT.

Mr. BARNARD said he was directed by the Committee on the Judiciary to report a resolution for the printing of the memorial of Jesse Hoyt, which was presented to the House a few days ago.

Mr. BOARDMAN requested permission to make a personal explanation on that subject, as he had been abused by that man [Jesse Hoyt] in the newspapers. He then went on, by general consent, to make some statements of the reasons he had for offering a resolution in this House on this subject at the last session, as Jesse Hoyt had attributed to him unworthy motives. He read extracts from the reports of the commissioners who were sent to investigate the affairs of the New York custom-house; from which he found that Jesse Hoyt—a man who was guilty of robbing the public treasury—had, in his character of collector, charged $201,508 in addition to his other fees allowed by the Government; and he had wished to know if the Government was in the habit of allowing such charges. He said he could not have had any personal object in abusing Jesse Hoyt, for he did not even know the man, though he believed he was introduced to him some years ago, when Jesse Hoyt bore the character of an honest man; but that was a long time ago. This explanation which he now made was, perhaps, unnecessary; and for occupying the time of the House with it, perhaps he ought to apologise; for the abuse of a rogue like Jesse Hoyt—who was cast off even by the subterranean Locofoco Democracy of New York, attached as they were to plunder—could affect no honest man.

Mr. BARNARD said the letter to which the gentleman from Connecticut referred—which had been published in the public papers—was one which no decent man could countenance; but the memorial (the printing of which he now moved) was respectful in its character.

Mr. ARNOLD interrupted the gentleman from New York, [Mr. BARNARD,] who was proceeding with his remarks, and said the debate was useless. He inquired if the morning hour had not expired, and expressed his anxiety that the House would not consume its time with useless discussions, when the day ought to be devoted to the special order—which was his bill No. 548.

The SPEAKER informed the gentleman from Tennessee that committees were called for reports by general consent.

After some few observations from several gentlemen, the question of printing was negatived.

Mr. TRUMBULL, from the Judiciary Committee, reported a Senate bill without amendment. It was an act altering the time of holding the circuit courts of the district of Connecticut; and as it was unobjectionable, it was read a third time and passed.

Mr. ARNOLD then moved that the House resolve itself into Committee of the Whole.

Mr. CAVE JOHNSON desired the gentleman to withdraw the motion, to enable him (Mr. CAVE JOHNSON) to make a report from the Select Committee on Retrenchment.

Mr. EVERETT rose to a privileged question, amidst great confusion; and some explanation ensued between him and the Speaker, which was not audible at the reporter's desk.

MISSISSIPPI STATE BONDS.

Mr. GWIN rose, and desired permission to make a few remarks, which were of an explanatory character.

Mr. ARNOLD said there were at least twenty gentlemen who desired the floor; and he could not yield.

He, however, afterwards consented, on an explanation of Mr. GWIN's object.

Mr. GWIN asked the indulgence of the House a moment to enable him to reply to some statements made by the gentleman from New York [Mr. GRANGER] on Saturday last, as reported in the Intelligencer of yesterday morning. He would remark that, from the noise around him during the time the gentleman was addressing the House, he had not heard the gentleman make the statements as they are reported, or he would have corrected them at the time. The gentleman is reported to have said:

"Mr. GRANGER came not here to speak with disrespect of any man who had been elevated to the chief magistracy of one of the States of this confederacy; but let gentlemen, after the execution of these bonds—after the sale, delivery, and receipt of the $5,000,000—turn to the message of Governor McNutt, and what did they find? That he had yielded his individual opinions to the voice of the people of Mississippi! The bonds had been issued; there was no pretence that the $5,000,000 had not been received; but when the pay-day came, the morality of Mississippi pocketed the $5,000,000, and started back with holy horror at the idea of paying what they had received!"

Sir, (said Mr. GWIN,) this statement is a tissue of misrepresentations of fact—no doubt unintentional. The expression attributed to Governor McNutt was made in reference to signing the bank charter, and not to the sale of the bonds. As to the statement that there was no pretence that the five millions of dollars had not been received, the gentleman is entirely mistaken. It is not the fact—not a word of it; for the main ground taken by the party in that State who are opposed to as-

suming the payment of these bonds, is, that the money was never received by the State, but by the bank; for whose acts and debts the State is not liable, as the act under which it was organized is unconstitutional and of no effect, so far as the liability of the State is concerned. As to having pocketed the five millions, and starting back with horror when pay-day came, there is more poetry than truth in it. The State has always been willing to appropriate every dollar of the assets of the bank to the payment of the bonds, except that portion which has been paid to the bank by repudiation under the bankrupt law, and thus passed out of the control of the bank. He presumed the gentleman entertained no holy horror at thus destroying the means of the bank to pay these bonds, to the amount of one or two millions of dollars.

The gentleman stated further, that the bonds were sold above par. This is not the fact. They were sold under par, if gold and silver was to be the standard, and on a credit; in both respects violating the unconstitutional supplement under which they were issued. The bank sold her checks upon this fund at a premium, it is true, in exchange for her irredeemable depreciated paper. She first dishonored her paper, and then shaved the holders in selling her checks; and this is called selling her bonds above par.

He would detain the House no longer at present; yet he would, before the session closed, pay his respects to the gentleman from New York, [Mr. GRANGER,] as a teacher of morals to the State of Mississippi, as it may be instructive to the people of that State to know who the honor-and-dignity party there had selected as their champion here.

Mr. GRANGER said, before he proceeded to comment on the remarks of the gentleman from Mississippi, he would make a remark on another subject. He then quoted from the published reports of the debate between himself and the gentleman from Mississippi on a previous day.

Mr. G. then went on to say that he wished his disclaimer to be broad. He considered the matter as past. Unless his disclaimer had been made in good faith, it would not have been made at all. His remarks were made after full advisement; and, had his intention been to insult the gentleman from Mississippi, no disclaimer whatever would have been offered.

Mr. GWIN wished to know whether he was to understand the gentleman as having said or implied anything derogatory to him.

Mr. GRANGER said he did not mean to attack the character of the gentleman from Mississippi. He wished the House and the nation to pass upon what had occurred between them.

Mr. GWIN said he wished to know distinctly, inasmuch as the gentleman had alluded to the subject, whether he attributed to him any conduct unbecoming a member of the House of Representatives and a gentleman.

Mr. GRANGER said, no; he did not intend to assail, in any manner, the conduct or motives of the gentleman from Mississippi. He further stated that he felt it due to himself to say that the word "brag," at the conclusion of his printed speech, was not used by him.

Mr. THOMPSON of Mississippi (Mr. GRANGER yielding the floors) said he wished to call the attention of the gentleman from New York to other portions of his reported remarks. That gentleman stated that, in making the motion he did a few days since, his (Mr. T.'s) objects were two-fold: one was to get up a political excitement; the other was to bring into disrepute the credit of the United States. Now (Mr. T. said) he was incapable of acting in his representative capacity with any such objects or motives. His whole course in this House was a refutation of the charges; and to make such allegations was doing him a manifest injustice.

Mr. GRANGER said he did suppose that the gentleman wished to get up a political discussion upon this subject, and he also supposed that the gentleman wished, by getting up such a discussion, to throw upon the majority in Congress the responsibility of having brought the credit of the Government of the United States into disrepute.

Mr. THOMPSON rose and said that, in thus supposing, he supposed what was false.

Mr. GRANGER. What did you say?

Mr. THOMPSON said that, in supposing him to act with the imputed objects, he [Mr. GRANGER] supposed what was false.

Mr. GRANGER resumed, and proceeded to vindicate himself from the charge that he had unjustly declared that, after receiving $5,000,000 upon bonds sold, the State of Mississippi had repudiated those very bonds. He had stated no more than what he could prove. He had stated that, under the laws of Mississippi, the Governor of that State was authorized to sign a large amount of the bonds of the Union Bank, and to subscribe to $5,000,000 of the stock of that institution. The Governor did sign the bonds, and did subscribe to the stock of the bank. The bonds—to the amount of $5,000,000—were sold, and the money paid, and became the capital of the bank. The bonds were sold for $5,080,000; being a premium of $80,000.

Mr. GWIN rose to make a correction. The bank issued post notes, which were irredeemable, and under par. It sold its checks on the Bank of the United States for irredeemable paper, which never was at par with gold and silver. The bonds were sold under par, and payment received in irredeemable paper, contrary to law, and in violation both of the charter of the bank, and of the supplemental charter, which was passed subsequently.

Mr. GRANGER resumed, and disclaimed the idea of intending to speak disrespectfully of the Governor of any State in the Union. He then went into an examination of the condition and history of the Union Bank of Mississippi—contending that the supplemental charter, now so universally condemned, was passed by 14 Whigs and 36 Democrats. Its charter was signed by the Governor; and subsequently he signed $5,000,000 of bonds, in accordance with that charter. The bonds were sold, and the money received into the Union Bank. How did the authorities of Mississippi then treat this institution? They recognised it as a bank, and declared that the dividends on the $5,000,000 should go towards internal improvement and education. Subsequently, the State borrowed $75,000 of the bank, and then $25,000 more. It caused certain lots in Jackson city to be sold, and received in payment promissory notes, which it caused to be discounted as mercantile paper at this same Union Bank. Mr. G. read from the message of Gov. McNutt in 1841, in which the Governor treated of the finances of the State, and the transactions with the Union Bank. It would be perceived, by reading the message, that the Governor declared that he had yielded to the public will in what he had done.

Mr. GWIN said that the Governor did not allude to the sale of the bonds, when he said he had yielded to the public will, contrary to his own opinions; but referred to his having signed the charter of the bank.

Mr. GRANGER resumed, and reiterated the positions which he had previously assumed. He contended that the Governor had signed the bonds, and complained that he had to bear the odium of acts which he did not sanction. He read a letter, written in May, in which it was stated that the gentleman from Mississippi [Mr. GWIN]—who was to be the bearer—would explain the causes of the non-payment of the bonds, &c.

Mr. GWIN said that the letter referred to by the gentleman was written by Judge Turner, of the Supreme Court of Mississippi. He (Mr. G.) had never heard of it until it appeared in print. The judge wrote to him, after the publication, asking if he (Mr. G.) recollected having carried the letter, and also whether he remembered having a conversation with him (Judge T.) upon the subject; to which he replied, that he recollected neither the one nor the other.

Mr. GRANGER said the letter to which he referred was written to show that the Union Bank never received but $5,000,000 on the bonds.

Mr. GWIN said the letter was written after the bonds were issued.

Mr. GRANGER said it was true; but the Governor signed the bonds.

Mr. GWIN. Nobody doubts that.

Mr. GRANGER resumed, and, after some further remarks, concluded by saying that, had the State of Mississippi, yielding to the force of hard times, asked the world for time to pay her obligations, instead of repudiating them, her action would not have had the disastrous effect on the credit of the country which was now experienced.

Here Mr. ARNOLD rose and claimed the floor.

Mr. GWIN wished five minutes to explain.

Mr. ARNOLD declined yielding.

RETRENCHMENT.

Mr. ARNOLD moved that the Committee of the Whole on the state of the Union be discharged from the further consideration of bill No. 548, in order that it might be acted on in the House at once.

Mr. FILLMORE suggested that the adoption of this motion would preclude all opportunity for amendment. He proposed to the gentleman to withdraw his motion and submit a resolution, that the Committee of the Whole shall proceed at 3 o'clock this day to vote upon all amendments offered, or that may be offered, to the bill.

Mr. ARNOLD accepted of the proposition.

The resolution for taking the bill out of committee at 3 o'clock to-day was then agreed to—ayes 92, noes 78.

On motion of Mr. ARNOLD the House resolved itself into a Committee of the Whole on the state of the Union, [Mr. BARNES in the chair.]

House bill No. 548, "A bill to reduce the compensation to the members of the Senate, members of the House of Representatives, and to the delegates of the Territories, and repealing all the laws on the subject," was taken up, and read through, together with the amendments made thereto by the Select Committee, to whom it had been referred at the last session of Congress.

The bill having been read,

Mr. GWIN offered the following as a substitute for the bill; which was read for information:

A BILL to retrench the expenditures of the Government of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the 30th day of June next, the pay and emoluments of all offices existing on the 4th day of March, (inclusive,) 1825, under the Government of the United States, whether civil, military, or naval, which have been increased since that period, shall be reduced to the rate at which they then were: *Provided*, That, in every case where the pay and emoluments of any office have been reduced since the 4th day of March, 1825, this act shall not be so construed as to change such reduction.

SEC. 2. *And be it further enacted*, That, from and after the 30th day of June next, the pay and emoluments of every office under the Government of the United States, whether civil, military, or naval, created since the 4th of March, 1825, shall be reduced at the rate of twenty per centum.

SEC. 3. *And be it further enacted*, That no officer under the Government of the United States shall be allowed any extra compensation whatever.

SEC. 4. *And be it further enacted*, That, whenever the session of Congress shall be protracted beyond five months, the per diem pay of the members thereof, thereafter, shall be at the rate of four dollars.

SEC. 5. *And be it further enacted*, That all laws and parts of laws inconsistent with this act be, and the same are hereby, repealed.

Mr. HUNT also offered the following as a substitute for the bill, which was read for information:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, instead of the daily compensation now allowed by law, there shall be paid, annually, to the Senators, Representatives, and Delegates from Territories, of every future Congress of the United States, the following sums, respectively, that is to say: To the President of the Senate pro tempore, when there is no Vice President, and to the Speaker of the House of Representatives, three thousand dollars each; to each Senator, (other than the President pro tempore, as aforesaid,) member of the House of Representatives, (other than the Speaker,) and Delegate, the sum of fifteen hundred dollars.

SEC. 2. *And be it further enacted*, That, in addition to the pay provided for in the first section of this act, each Senator, at every session of Congress, and every meeting of the Senate in the recess of Congress, after the 3d day of March, 1843, shall be allowed and paid four dollars for every twenty miles of estimated distance, by the most usual road, from his place of residence to the seat of Congress, at the commencement and end of every such session and meeting; and each Representative and Delegate of every future Congress shall be allowed and paid four dollars for every twenty miles of estimated distance, by the most usual road, from his place of residence to the seat of Congress, at the commencement and end of every such session; and the aforesaid allowances shall be certified and paid, in the same manner as the daily compensation and travel fees to members of Congress have heretofore been.

SEC. 3. *And be it further enacted*, That all acts and parts of acts, on the subject of compensation to members of the Senate and of the House of Representatives; and Delegates of Ter-

ritories, be, and the same are hereby, repealed, from and after the 3d day of March, 1843.

Mr. T. W. WILLIAMS asked leave to offer an amendment.

Mr. CUSHING observed that there would be time enough to offer amendments after the debate had closed. All these amendments were consuming the short time allowed for debate, and he must object to any more of them.

The CHAIR then stated that the bill having been referred to a select committee, and reported back, with amendments, by that committee, the regular order of proceeding would be, first to pass on the amendments of the committee, and such amendments as might be offered to them; and then to consider such amendments as might be offered by members of the House.

The amendments of the committee were then read; and the question was put on the first amendment proposed, substituting the 5th day of December next for the 1st day of November, [the time the bill is to go into operation,] and decided in the affirmative.

Mr. MOORE offered several amendments, which were not heard; but the Chair decided them to be out of order.

Mr. CUSHING moved to strike out the first section of the bill; but the Chair decided the amendment not to be in order.

After a conversation on points of order by Messrs. CUSHING, MOORE, ARNOLD, BARNARD, and the CHAIR, during which there was a good deal of noise and confusion, and no practical result,

Mr. CUSHING moved that the committee rise; which motion was rejected—ayes 70, noes 73.

Mr. CUSHING then moved that the committee rise and report the bill.

Mr. ARNOLD claimed the floor, and said he would not yield it for any such motion. The gentleman might go on and discuss the pending amendment if he pleased.

Mr. CUSHING inquired of the Chair whether in this amendment he might discuss the question of the compensation of members of Congress generally.

The CHAIR said it would not be in order to do so.

Mr. CUSHING. Then I understand there is no way of discussing the merits of this bill.

The question was then put on the next amendment, which was to insert the word "mileage" in the 20th line, so as to make the sentence read "No Senator shall be allowed for mileage a sum exceeding six dollars per day"—but no quorum voting

The CHAIR made a count of the House, and ascertained that a quorum was present.

Mr. HOLMES then offered an amendment to the amendment, providing that no member of Congress shall receive a greater sum for mileage than his reasonable travelling expenses from the place of his residence to the seat of Government, together with $8 per day for every day's travel.

The CHAIRMAN inquired where the amendment of the gentleman from South Carolina was intended to come in.

Mr. HOLMES replied. Anywhere you may think proper.

Mr. ARNOLD said if the amendment did not apply, he should object.

Mr. HOLMES suggested that it should come in after the word "mileage."

Great confusion ensued, in the course of which many gentlemen were on the floor speaking at the same time. Ultimately the committee agreed to rise, and the committee rose accordingly at half past 1 o'clock, and reported progress.

Mr. CUSHING then rose to a privileged question.

The SPEAKER inquired if it was of a personal nature.

Mr. CUSHING replied that the Chair would judge when he had made his motion; but he should have the opportunity to appeal, if the Chair should decide against him. He then moved a reconsideration of the vote by which it was agreed to fix on three o'clock to terminate debate in committee of the whole; and on that he moved the previous question, and called for the yeas and nays.

The SPEAKER put the question on the motion for the previous question; and there was a second, and the main question was ordered to be put.

Mr. CUSHING withdrew the call for the yeas and nays, but it was renewed in another quarter, and they were ordered. The yeas and nays were then taken, and the motion to reconsider was negatived—yeas 82, nays 110, as follows:

YEAS—Messrs. Adams, Arrington, Atherton, Bidlack, Black, Botts, Bowne, Brewster, Charles Brown, Burke, William Butler, William O. Butler, Green W. Caldwell, Patrick C. Caldwell, Cary, Clifford, Clinton, Coles, Colquitt, Mark A. Cooper, Edward Cross, Cushing, Daniel, Richard D. Davis, Doan, Doig, Eastman, Ferris, John G. Floyd, Gerry, Gilmer, Wm. O. Goode, Gordon, Gustine, Gwin, Harris, Hastings, Holmes, Hopkins, Howard, Hubard, Hunt, Charles J. Ingersoll, William W. Irwin, John W. Jones, Kelm, Littlefield, Lowell, Robert McClellan, McKeon, Mallory, Marchand, Alfred Marshall, John Thomson Mason, Mathews, Medill, Miller, Newhard, Oliver, Osborne, Pickens, Plumer, Read, Rogers, Roosevelt, Sakonstall, Sanford, Shields, Slade, William Smith, Sweney, Tallaferro, Jacob Thompson, Tillinghast, Trotti, Van Buren, Ward, Westbrook, Joseph L. White, Winthrop, Wise, and Wood—82.

NAYS—Messrs. Landaff W. Andrews, Arnold, Babcock, Baker, Barnard, Barton, Beeson, Boardman, Briggs, Aaron V. Brown, Milton Brown, Jeremiah Brown, Calhoun, John Campbell, Wm. B. Campbell, Thomas J. Campbell, Caruthers, Casey, Chapman, John C. Clark, Cowen, Cranston, Cravens, Crawford, Garrett Davis, Dean, Deberry, John Edwards, John C. Edwards, Egbert, Everett, Fillmore, Fornance, Gamble, Gates, Gentry, Patrick G. Goode, Graham, Granger, Green, Hall, Halsted, Hays, Henry, Houck, Houston, Hudson, J. R. Ingersoll, James, Cave Johnson, Isaac D. Jones, John P. Kennedy, King, Lewis, Linn, Abraham McClellan, McKay, McKennan, Thomas F. Marshall, Mattocks, Maxwell, Maynard, Meriwether, Mitchell, Moore, Morgan, Morris, Morrow, Owsley, Parmenter, Partridge, Pendleton, Pope, Powell, Ramsey, Benjamin Randall, Randolph, Rayner, Rencher, Reynolds, Ridgway, Rodney, William Russell, James M. Russell, Saunders, Sewell, Shepperd, Truman Smith, Sprigg, Stanly, Steenrod, Alexander H. H. Stuart, John T. Stuart, Summers, Toland, Triplett, Trumbull, Turney, Underwood, Van Rensselaer, Warren, Washington, Weller, Edward D. White, Thomas W. Williams, Joseph L. Williams, Yorke, Augustus Young, and John Young—110.

Mr. MALLORY moved a call of the House.

Mr. ARNOLD was understood to deprecate that motion as unnecessary, and as a dodging of the question.

Mr. MALLORY said he never dodged anything; he always sailed under an open flag.

Mr. ARNOLD. Then meet the question now.

Mr. MALLORY. I will meet it now, and elsewhere, too.

The SPEAKER called the gentleman to order.

Mr. MALLORY called for tellers on his call for the yeas and nays; and Messrs. WELLER and BOARDMAN were appointed; and they reported a majority in favor of the yeas and nays; which being taken, resulted thus—yeas 65, nays 130.

Mr. ARNOLD moved that the House resolve itself into a Committee of the Whole: agreed to.

The SPEAKER called Mr. GILMER to the chair.

Mr. GILMER asked to be excused. He could not undertake to keep order in the present state of the committee. Besides, he wished to offer some amendments himself.

Mr. UNDERWOOD was then called to the chair, and the committee immediately resumed the consideration of bill No. 548.

Mr. ARNOLD claimed the floor.

Mr. HOLMES rose to a question of order, claiming the floor upon an amendment which he offered when the committee was last in session.

After some debate, in which Messrs. BRIGGS, HOLMES, BOWNE, ARNOLD, and the CHAIRMAN participated, it was decided that Mr. HOLMES might proceed.

The amendment offered by Mr. H. provided that no member of Congress shall receive for mileage a sum greater than his actual expenses in travelling to and from the seat of Government, and $3 per diem during the time occupied in so travelling.

The CHAIRMAN said that, although the amendment would make the section read very awkwardly, he ruled it admissible, as germane to the subject.

Mr. HOLMES said he did not care much whether the bill was to be passed in a symmetrical form or not. He went for the reform of the gentleman from Tennessee, [Mr. ARNOLD;] and the only fault which he had to find with it was, that it did not reach the *ultima thule*. He was perfectly convinced that the present was the time to cut down the expenditures of this Government. If the opportunity was now lost to make a deep incision, Congress would never have it in their power again. The expenses of Congress were now so large, that he wondered the people continued to submit to them. He would not speak of their per diem, but to the exorbitant mileage. Whether the pay were fixed at eight or at six dollars a day, it would always give Western members an adequate sum. But this reduction would put others residing nearer the seat of Government in an awkward predicament. The main feature of a republican government was equality. Now, he should not feel himself upon an equality with many members, did he come here with as low a compensation as $6 a day. He argued that members residing near were liable to expenses, in exercising the rites of hospitality to their constituents, who frequently visited Washington, which members at a distance did not have to incur.

He also objected to the mileage now allowed, because it practised a deception upon the people, who supposed that members received only enough to pay their expenses, and give them a decent support. According to the bill now before the committee, they were yet to receive $6 for every 20 miles travelled. Now, the railroad cars would carry them 282 miles a day; which number, divided by 20, and multiplied by 6, would give the amount received for one day's travel in the cars—$84. He was for cutting down the mileage of the members.

As for cutting down the salaries of the cabinet ministers residing in Washington, he thought it unjust. Their present salary of $6,000, as many gentlemen on that floor knew, was wholly inadequate. He did not think they should be sheared of the little ability they now possessed to contribute to the hospitalities of the metropolis, and render our Government, through themselves, respectable in the eyes of foreign ministers. The gentleman who introduced the bill was estopped by the Constitution from making it applicable to the President and the judges. Was it not equally improper to cut down the salaries of the cabinet ministers, who bore a near relation to the President, and who had to remain here, not a few months, but all the year, and live independent of their business at home? They could not, like members of Congress, return to their farms, their merchandise, or their professions; but were compelled to remain all the year in an expensive town; therefore it was that he thought it would be extremely unjust to cut down their present salaries 20 per cent.

He begged the gentleman from Tennessee to assent to his amendment and his suggestions, since he would thereby, in case of the passage of the bill, achieve a great triumph. The bill would cut off about $2,000,000 from the expenses of the Government. If the gentleman did not assent to his amendment for reducing the mileage—coming, as he did, from a remote section of the Union, and therefore entitled to draw a heavy mileage—he would subject himself to the imputation of inconsistency. He declared here, in his place, that all the country demanded a retrenchment. What he protested against was, the cutting off a few of the outer branches of the tree. Unless it received an effectual pruning, it would not be in proportion to the roots which supported it, and which were now weak and decayed. Gentlemen must either consent to bring down the tariff to a revenue standard, or else reduce the expenditures of the Government to the measure of its revenue.

Now he observed, with great satisfaction, that the House received, yesterday, a communication from the President of the United States, and had it instantly referred to the Committee of Ways and Means. He was to judge, from that, that there were reformers on both sides of the House, willing to take the suggestions of the President, and to look into the present state of the country, and see whether its institutions can be preserved. He rejoiced that the Committee of Ways and Means had shaken off from themselves that indolence of responsibility which had hitherto kept them inactive, and were now about to take this matter in hand, and investigate it thoroughly. He hoped they would soon recommend some practical meas-

ure, and not suffer this Congress to adjourn without bringing in a tariff sufficient to meet the expenditures of the Government; and that they would bring down those expenditures to a revenue tariff. He hoped that they would, disregarding particular or sectional interests—the interests of the hemp grower or the cotton manufacturer—provide for the economical expenditures of the Government, by laying the burdens of taxation equally on all. It was but six months ago that it was predicted by the gentleman from Boston [Mr. WINTHROP] that the present tariff would produce a revenue of twenty-six millions; and the result had proved that the sacrifice then made of the interests of the many for the benefit of a few, had greatly aggravated the financial embarrassments of the Government.

Mr. CUSHING observed that he should speak to the limited question embraced in the proposition of the gentleman from South Carolina, [Mr. HOLMES.] He did not believe that any portion of the people of the United States called for a reduction of the compensation of members of Congress, either in regard to their per diem or mileage; and he begged leave to call the attention of the committee to the remarkable fact, that they were at the very close of the session, with the prospect that but a small minority of the present members of the House would ever come back again. They were, therefore, legislating for their successors, and not for themselves; and reducing not their own compensation, but that of those who were to come after them. He utterly rejected the idea that, in consideration of any existing straits in the treasury, they should refuse adequate compensation to members of Congress, seeing that that treasury belonged to a rich, powerful, and growing people, both able and willing to pay their servants a fair and just compensation for their services. He denied that the compensation at present paid was too much. The Government of the United States was administered upon the assumption that its officers should be paid for their services, and not suffered, as in other Governments, to serve without pay, and derive their compensation from perquisites, or other indirect means. If members of Congress were not paid for their services, that hall would be filled, as was the case with the British House of Commons, with an opulent aristocracy, and those who were dependent on them. And if, again, they were to receive an inadequate compensation, the result would be the same, by compelling those who were poor to retire, and leave the way open to their richer competitors. It was a mistake, then, to suppose that the reduction of the pay of members of Congress was a Democratic measure. On the contrary, nothing could be more opposed to the principles of Democracy; for it would throw that House and its legislation into the hands of an aristocracy.

Mr. BEESON said the few minutes remaining would afford him time to define his main position on the bill. It was this: The expenditures of the Government must be brought within its means. That was a fixed fact—quite as redoubtable as any fixed fact which had of late been brought to their notice. His dislike to a reduction of the pay of good public servants (and such they certainly were in the mass) was great; but his dislike to the running up any higher on the people our heavy public debt and taxes was still greater. We are in great distress, public and private. By some kind of hocus-pocus, we have been brought to this condition without the intervention of war, famine, or pestilence. Yes, we have been brought to the age of "iron money and black broth," as it was foretold we should be; but not by the Democratic hard-money policy, as a Coon prophet, in 1840, falsely asserted. The journals of this Congress would show what party it was who, in the name of paper money and high wages, go for no money and almost no wages; who, on the question of resumption of payment by the banks of this District, decided, substantially, that resumption here should depend on resumption nowhere. The record shows that an act of Congress had made the resumption of the District banks to depend on the resumption of the banks of Baltimore and Richmond. The Baltimore banks resumed in their own good time, but not in good time for the banks of this District. No, indeed; they must be tinkered so as to make resumption here dependent on resumption at Richmond; which was in principle, he repeated, to make resumption here depend on resumption nowhere. This was but one step in that learned policy, which, by expanding the currency in the ratio of ten nominal dollars to one real dollar, and then contracting it as much, had robbed the people of hundreds of millions of property, and the Government of its revenue, and brought back, with a vengeance, the age of iron-money and black broth. Hear the time expired.

The time having arrived for terminating debate, the committee proceeded to act on the amendments to the first section, which was in these words:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, at every session of Congress, and every meeting of the Senate in the recess of Congress, after the [fifth day of December next] *first day of November next*, each Senator shall be entitled to receive six dollars for every day he shall attend the Senate, and shall also be allowed six dollars for every twenty miles of estimated distance by the most usual road from his place of residence to the seat of Congress, at the commencement and end of every such session and meeting; and in case any member of the Senate shall be detained by sickness on his journey to or from such session or meeting, or after his arrival, or shall be unable to attend the Senate, he shall be entitled to the same daily allowance. And the President of the Senate pro tempore, when the Vice-President shall be absent, or when his office shall be vacant, shall, during the period of his service, receive an addition to his compensation as a member of the Senate, six dollars for every day he shall attend the Senate: *Provided, always*, That no Senator shall be allowed *for mileage* a sum exceeding the rate of six dollars per day from the end of one such session or meeting to the time of taking his seat in another, *except he shall have actually travelled the entire distance for which such mileage is allowed: And provided, also*, That it shall be the duty of such Senator, when he applies to the President of the Senate for a check, or to have his account certified, to state the number of days he has actually attended, and also the number of days he has been absent, and whether said absence was owing to sickness or otherwise; and unless such member shall certify that he was absent by reason of sickness *of himself or family, or by leave of the House*, it shall be the duty of the President to give him a check or certificate only for the time he actually attended.

[NOTE.—Parts to be stricken out as recommended by the Select Committee to which this bill was referred, are printed within brackets, and insertions in *italics*.]

The first question was on the amendment of the gentleman from South Carolina, [Mr. HOLMES,] which is given above; on which tellers were ordered; and Messrs. CAVE JOHNSON and TILLINGHAST were appointed; and they reported 98 in the affirmative, and 64 in the negative.

The amendment to the amendment was, therefore, agreed to; and the amendment as amended was agreed to.

Mr. MERIWETHER hoped the chairman would call the House to order; for there was so much confusion, that he could not hear what the committee was doing. He hoped gentlemen would be called upon to take their seats.

An amendment was moved—but by whom could not be learned—to allow no Senator more than $300 for mileage for any one session.

The amendment was agreed to; 102 voting in the affirmative, and 68 in the negative.

Mr. WISE said that he had an amendment, which he wished to come in as an additional proviso.

Mr. ARNOLD. Mr. Chairman, we cannot hear a solitary word. [Roars of laughter.] They are laughing here like hyenas. [Renewed laughter.]

Mr. WISE repeated that he had an amendment to come in, by way of proviso: Provided that, besides his pay, no Senator shall be allowed—

Mr. ARNOLD. Mr. Chairman, this question is not debatable. [Great laughter and confusion.] I object, Mr. Chairman, to this debate. [Renewed laughter.]

Mr. WISE. I am not debating it. I am dictating my amendment to the Clerk.

Provided, further, That, besides his pay, no Senator shall be allowed [cries of "roast beef"] any rations [cries of "whether was it beef or not"] in kind, other than beef—[hisses.]

Mr. ARNOLD. Oh, let him go on.

Mr. WISE in continuation—not roasted, [laughter,] and not to exceed a cost of $2. [Loud and long continued roars of laughter.]

Mr. ARNOLD. Mr. Chairman, I have an amendment to the amendment; it is as follows: Except "the guard," who are to receive foreign missions after the 4th March next. [Roars of laughter.]

Mr. WISE. Mr. Chairman, I rise to a question of order. [Laughter.] I move a further amendment to except the Senate, where there is no member of the guard. [Laughter.]

The CHAIRMAN decided all these amendments to be out of order.

Mr. ARNOLD. Mr. Chairman, order must be restored, for we cannot hear a word. [Laughter.] Gentlemen are designing—I charge, sir, that they are designedly making a noise. [Renewed laughter, cries of "order," and the loud hum of voices.] I hope, sir, the Chair will preserve order, or we must stop. [Laughter in all parts of the House.]

The CHAIRMAN then announced the question to be on the amendment recommended by the committee, as follows: "*Provided, always*, That no Senator shall be allowed for *mileage* a sum exceeding the rate of six dollars per day, from the end of one such session or meeting to the time of his taking his seat in another, *except he shall have actually travelled the entire distance for which such mileage is allowed.*"

Mr. ARNOLD hoped that amendment would be adopted, for it was a very good one.

The amendment was agreed to.

The CHAIRMAN then stated that the question was on the amendment recommended by the committee to the proviso, which requires each Senator, when he applies to the President of the Senate for a check, or to have his account certified, to state the number of days he has actually attended; and also the number of days he has been absent, and whether said absence was owing to sickness, or otherwise; and unless such member shall certify that he was absent by reason of sickness *of himself or family, or by leave of the House*, it shall be the duty of the President to give him a check or certificate only for the time he actually attended.

[The amendment was the words printed in *italic*.]

Mr. MOORE rose to move an amendment; but, in the confused state of the House, his object was not distinctly heard. It was understood, however, to be a motion to strike out that entire proviso.

Mr. BRIGGS was heard addressing the Chair, above the noise which prevailed, but not a word was distinguishable at the reporter's desk.

Mr. EVERETT was understood to move to strike out the words "*of himself or family, or by leave of the House.*"

Here was a loud cry of "read the section as it now stands amended."

The Clerk read it accordingly; and the strange admixture of anomalous and contradictory matter of which it was composed, elicited roars of laughter; especially that part which required a Senator to certify that, when absent, his absence was by reason of sickness of himself or family, or by leave of the House; thus making his payment for days on which he might be absent, in some cases, dependent on his ability to show that he was absent from the *Senate* by leave of the *House of Representatives*.

The CHAIRMAN put the question on striking out the words, "of himself or family, or by leave of the House," and he decided that he believed the motion to be lost.

A division was called for.

Mr. ROOSEVELT suggested an amendment, to strike out the word "House," and insert "Senate." [Loud cries of "No, no."]

The amendment was negatived; and the amendment proposed by the committee was agreed to.

Mr. HASTINGS was understood to move to strike out all the section, and insert a substitute which he had prepared; and which provided that, from the commencement of the present session of Congress, and henceforth, each Senator should receive $6 per diem, and $4 for every twenty miles travelling, to be by the usual route; and that, on taking the oath at the commencement of the session, they should be sworn to restrain the franking privilege to letters on such Senators' own business, or the extension of liberty by the circulation of documents, &c.; and providing further, that the soldiers of the army and the sailors of the navy

shall have $1 a month added to their present pay —[Cries of "Agreed"]—and that all laws or parts of laws conflicting with this act should be thereby repealed.

Mr. WISE asked for tellers on that amendment.

Mr. ARNOLD. Does the Chair decide that that is in order?

The CHAIRMAN said the latter, part certainly, was not in order.

Mr. WISE. Oh! that's the best part of it.

Mr. ARNOLD said he understood it was not in order to move to strike out all after the enacting clause, until the bill had been gone through.

Mr. WISE said this amendment only proposed to insert a substitute for a section, and not for the entire bill.

Great confusion ensued, in the course of which it was understood that Mr. MOORE moved to strike out "six dollars as the per diem of Senators, and insert $7," to make it correspond with other portions of the bill.

The amendment was lost.

Mr. MOORE was then understood to move to strike out the last proviso. The motion was negatives.

Mr. WISE moved to strike out the word "six" wherever it occurred in that section, and insert "four," thereby proposing to reduce the per diem to $4.

Tellers were called for, and ordered on this amendment, and Messrs. COLES and REYNOLDS were appointed; and they reported 56 in the affirmative, and 82 in the negative. The motion was therefore negatived.

Mr. WELLER moved to strike out the word "six," and insert "five," in the clause of the bill, so as to make the pay of members of Congress *five* dollars a day.

Pending this motion,

Mr. PENDLETON moved that the committee rise: carried—ayes 88, noes 63.

The committee then rose and reported progress.

Mr. T. W. WILLIAMS offered a substitute for bill No. 548; which was ordered to be printed.

After ineffectual efforts on the part of various members to get in resolutions and reports,

On motion of Mr. READ,

The House adjourned.

IN SENATE.

WEDNESDAY, February 15, 1843.

The PRESIDENT *pro tem.* laid before the Senate a communication from the Post Office Department, transmitting, in compliance with a resolution of the Senate of the 7th ult., statements showing in detail the price at present received by the railroad companies for the transportation of the United States mail, the amount paid them, the extent of service, and the price formerly paid for the same service by the old mode of conveyance; which, on motion by Mr. MERRICK, was ordered to lie on the table and be printed.

Also, laid before the Senate a communication from the Governor of Iowa, transmitting joint resolutions adopted by the Council and House of Representatives of that Territory, in favor of an appropriation by Congress for the purpose of holding treaties for the purchase of the lands of the Pottawotamie and other tribes of Indians; which, on motion by Mr. LINN, were ordered to lie on the table.

Also, presented the credentials of WILLIAM H. HAYWOOD, Jr. who has been elected by the Legislature of North Carolina a Senator from that State for six years from the 4th of March next; which were read, and ordered to be placed on file.

Mr. TAPPAN presented the proceedings of a public meeting of citizens of the county of Washington, Pennsylvania, in favor of the establishment of a mail-route from the town of Washington, Pennsylvania, to Steubenville, Ohio: referred to the Committee on the Post Office and Post Roads.

Mr. SIMMONS presented a petition from James Wilson, porter to watch the public grounds at the Capitol, (commonly called "posey watcher,") representing that he is employed seventeen hours per day, and praying Congress to allow him additional compensation: referred to the Committee on the Public Buildings and Grounds.

Mr. CONRAD presented a memorial from Reuben Drake and R. G. Quarles, proposing to Congress to enter into a contract with the Government to reclaim public lands now useless to the Government, for the consideration of a portion of the lands which may be reclaimed: referred to the Committee on the Public Lands.

Mr. BENTON presented a memorial, signed by 48 captains of steamboats navigating the Ohio and Mississippi rivers, representing that the toll now exacted for going through the canal at Louisville, on the Ohio river, is ruinous to trade, and such as the commerce and business on the river could not pay; and representing that there are evils in the construction of the canal which unfit it for the business which is now done on that river; and, for the purpose of ridding the commerce of the ruinous exactions imposed on it for passing through this canal, and affording adequate facilities to the increasing commerce, they pray that a canal may be constructed by the Government, on the Indiana side of the river, of sufficient capacity for the passage of larger boats than those which now ascend the river.

Mr. B. proposed to refer the memorial to the Committee on Roads and Canals.

Mr. WALKER remarked, that the canal spoken of in the memorial was not now adapted to the commerce of the Ohio river, and to the boats which run on the Western rivers; that it was of such capacity as to prevent the construction of a class of boats which were of large dimensions, and of greater speed, and such as were called for by the increasing commerce. If boats of a large class attempted to pass, they were subjected to serious injury by the rocks which were permitted to project from the sides. A boat of which he was some time since on board, in attempting to pass through, was seriously injured. If the locks were considerably enlarged, and the canal cut square down to the bottom, it might be made of sufficient magnitude for all the boats which run there. There, however, seemed no disposition on the part of the company to do this, and to prevent the collection of these onereus tolls. If those difficulties were continued, he would go in for a sufficient grant of the public land in Indiana to that State, on the condition that she will construct a canal adequate for the accommodation of the commerce on those rivers.

Mr. SMITH of Indiana said he was much gratified to hear of the introduction of the petition by the Senator from Missouri. There was no subject, in connexion with the commerce on the Western waters, of more interest than that of the removal of the obstructions in the falls of the Ohio river. He then made some remarks on the great interest which the stockholders of that canal received on their investment, which was about 18 per cent. Commerce, he said, was obstructed to a very great extent; the large class of boats were excluded entirely from the upper river, owing to the unevenness of this canal. It was almost impossible for a single canal to answer the purposes of the increasing ascending and descending commerce on that river; therefore a canal on the other side of the river was demanded. He could not hope that anything would be done at the present session of Congress, in regard to the subject; but he did hope that the Western Senators and Western members would urge this matter until the navigation of the Ohio should be relieved from this obstruction, and commerce from the onerous burden which was imposed upon it by the exactions of the canal company. He believed that when the matter was examined by the committee, it would be found that it was practicable to construct to a canal on the Indiana side of the Ohio, to remove the obstructions to the commerce there.

Mr. TAPPAN did not agree with the other Senators as to their opinions of the best mode of removing the obstacles complained of. It was his opinion that a canal ought not to be made. The obstruction in that river, at the falls, was a ridge of soft limestone running across the navigation of the river. The current would be as smooth above as below, if the Government of the United States would (as it ought to do) improve the navigation at this point, by removing a considerable portion of the ridge, which would do away with the necessity of a canal on the Indiana side. When the matter came up, he would urge an improvement of the navigation at that point.

The memorial was referred to the Committee on Roads and Canals.

Mr. LINN presented a memorial from the Legislature of Missouri, on the subject of improvement of the great swamps in the southeast portion of Missouri, and the northeast portion of Arkansas; which was read, and referred to the Committee on the Public Lands.

Also, presented a memorial of a committee appointed by citizens of St. Louis, asking Congress to adopt measures for the occupation and settlement of the Territory of Oregon; which was ordered to lie on the table.

Also, presented a petition of citizens of Franklin county, Missouri, praying for the establishment of a mail route from Port William to Little Piney, in Pulaski county, Missouri: referred to the Committee on the Post Office and Post Roads.

Mr. HUNTINGTON presented a petition from Elizabeth Raymond, the widow of John Raymond, an officer of the army of the Revolution, for a pension: referred to the Committee on Pensions.

Mr. BATES, from the Committee on Pensions, to which were referred the petition of Samuel Thomas for a pension, and the petition of Sarah Williamson for a pension under the act of July 7, 1838, moved that the committee be discharged from their further consideration, and that they be referred to the War Department, which was competent to grant the prayers of the petitioners: agreed to.

Mr. B. also, from the same committee, reported back, without amendment, and with a recommendation that they be indefinitely postponed, the bills from the House for the relief of Prudence Crouch, and for the relief of David Munn. The reports accompanying were ordered to be printed.

Mr. WRIGHT, from the Committee on Claims, made an adverse report (which was ordered to be printed) on the petition of William Morrow, praying to be indemnified for losses sustained by him in consequence of the violation of his contract for the performance of certain work at the Washington arsenal.

Mr. W. also, from the same committee, made an adverse report (which was ordered to be printed) on the petition of Charles Dehault Delassus, for remuneration for money forcibly taken from him for the public service at the capture of Baton Rouge.

Mr. TAPPAN, from the Committee on Private Land Claims, reported back, without amendment, and with a recommendation that it do pass, the bill for the relief of the heirs of Madame De Lusser and her legal representatives.

On motion by Mr. T., the previous orders were postponed, and the bill was taken up and considered as in committee of the whole; and, there being no motion to amend, it was reported to the Senate, and ordered to be engrossed for a third reading.

Mr. WILLIAMS, from the Committee on Naval Affairs, reported back, without amendment, and with a recommendation that it be indefinitely postponed, the bill from the House for the relief of James Mount; and,

On motion by Mr. W., the previous orders of the day were postponed, and the above bill was taken up as in committee of the whole, and indefinitely postponed.

Mr. WILCOX, from the Committee on Military Affairs, reported back, without amendment, and with a recommendation that it do pass, the bill from the House for the payment of certain companies of Michigan militia.

On motion by Mr. PORTER, the previous orders of the day were postponed, and the above bill was taken up, as in committee of the whole; and, after a few remarks by Mr. KING, who contended that if the militia were entitled to pay, they could receive it under existing laws; and by Mr. PORTER, showing the reason why they could not receive pay without a special law; the bill was re-

ported to the Senate, and ordered to a third reading; and accordingly was subsequently read the third time, and passed.

Mr. LINN, from the Committee on Private Land Claims, reported back, without amendment, and with a recommendation that it do pass, House bill for the relief of Joseph ——— of Missouri—[name not heard.]

Mr. LINN made a proposition, directing the Secretary of the Senate to place all the private bills on a separate calendar, with a view to expedite action upon them; but, after a few remarks by Mr. KING, showing that, instead of expediting action, it would retard the business of the Senate, the motion was withdrawn.

Mr. GRAHAM submitted the following resolution; which was agreed to, viz:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate, as early as practicable, what has been done by that department under the act of last session of Congress, entitled "An act making an appropriation for the erection of a marine hospital at or near Ocracoke, in North Carolina," approved August 29, 1842; especially whether a site for said hospital has been purchased or contracted for, and whether any reappropriation of money is necessary to complete it.

The resolution submitted by Mr. LINN on yesterday, fixing 11 o'clock, a. m., for the daily hour of meeting of the Senate hereafter, was taken up and rejected—ayes 18, noes 19.

Mr. BENTON, from the Committee on Military Affairs, to which had been referred the petition of a number of citizens of Missouri, praying that the settlers on the old military reserve, near Fort Leavenworth, may be allowed the right of preemption to the same, made a report, accompanied by a resolution, (which was agreed to by the Senate,) directing a copy of the report to be transmitted to the Secretary of War.

Mr. TALLMADGE presented the credentials of SILAS WRIGHT, JR., who has been elected by the Legislature of New York a Senator from that State for six years, from and after the 4th day of March next; which were read, and ordered to be placed on the files of the Senate.

On motion of Mr. BERRIEN, the previous orders of the day were postponed; and the Senate took up, as in committee of the whole, the bill from the House for the relief of Charles J. Jenkins and William Williams, assignees of Joseph McKinne.

Mr. BERRIEN explained the bill; and, after a few remarks by Mr. EVANS in opposition to its passage, and indicating a wish to make an amendment, it was postponed till to-morrow.

RETRENCHMENT, ECONOMY, AND GOVERNMENT RESOURCES.

On motion of Mr. MILLER, the unfinished business of yesterday was taken up; being the consideration of the following resolutions introduced by Mr. McDUFFIE, on Tuesday, the 7th instant, viz:

Resolved, That it is the solemn and urgent duty of the present Congress to adopt, without delay, efficient measures to revive the crippled and decaying commerce, replenish the impoverished exchequer, and arrest the alarming accumulation of the public debt of the United States.

Resolved, That a modification of the existing tariff on foreign imports, such as will render it strictly and in good faith a mere revenue measure, is indispensable to the accomplishment of those objects; and that the recent measures of the British Parliament, partially adopting the principles of free trade, the public indications of a disposition on the part of the present ministry to extend those principles still further, and the probability of the speedy organization of an extensive system of smuggling on the long line of our frontier, furnish pressing motives to Congress for acting on the subject during its present session.

Resolved, That a rigid system of retrenchment, economy, and accountability, such as will bring the annual expenditures within the annual income of the Government, is not less indispensable; and that, while this is rendered necessary by the deplorable state of the public finances, it is rendered just, and not injurious to the public service, by the great reduction of the currency, and consequent appreciation of the value of money.

To which Mr. EVANS had moved to append the following additional resolutions:

Resolved, That, among the causes which have contributed most efficiently to the depression of the foreign and domestic commerce of the country, and to the consequent impoverishment of the national treasury, and which have thus rendered a resort to loans inevitable, is the want of a currency of uniform value in all parts of the United States, commanding the confidence of the people; and no measure designed to revive commerce, replenish the treasury, and avert the further accumulation of public debt, will be complete or adequate to the accomplishment of these objects, which fail to supply their wants.

Resolved, That another of the prominent causes of the present prostrated condition of the business of the country, and of the public finances, and which has largely impaired American character and credit, which has exposed republican institutions to reproach and obloquy, is the failure of so many States of the Union to provide for the regular payment of the interest on their public debts; and especially the favor and countenance which have been given, to some extent, in some portions of the country, to the alarming and destructive doctrine, that these debts are not binding upon the people of the States which have created them, but may be annulled and repudiated at their discretion.

Resolved, That, while this Congress does not intend to adopt any measures for the payment by the United States of the debts of the individual States, it nevertheless deems it proper, in view of the disastrous consequences to the national character and credit, and to the institutions of republican government, of the failure of the States to fulfil their obligations, and of the principle which has been asserted—that these obligations are not binding on them,—to declare, that the debts of the States, created by the legislative authority thereof, respectively, are obligatory and binding upon said States, and cannot be by them annulled or repudiated; and that it is the solemn and urgent duty of the people of said States to resort to the most efficient means in their power for the preservation of their faith, and the fulfilment of their obligations.

Resolved, That it is the duty of Congress, by every constitutional and proper means in its power—by the adoption of measures to restore and preserve a currency of uniform value throughout the United States; by the collection and disbursement of the public revenue, and the regulation and administration of the public finances, in such way as shall be least burdensome to the people, and most conducive to the revival of trade and commerce; as shall secure the wages of labor from fluctuation; as shall give security and steadiness to the industry of the country,—to render every practicable aid and encouragement to the people of the several States in their efforts to meet their engagements, and to discharge the obligations into which they have entered.

Which Mr. DAYTON had moved to amend, by striking out the third of Mr. EVANS's resolutions, and inserting the following in its stead:

Resolved, That the distrust and obloquy cast upon the *Federal* Government by reason of the failure of certain States to make prompt payment of their debts, is an unjust and unfounded imputation upon its credit and good faith; that, while this Government deplores the misguided policy of those States which have embarrassed themselves, it disclaims all liability, legally or morally, for such delinquency; while, in vindication of its own unblemished faith and honor, it appeals with confidence to its past history.

Mr. DAYTON being entitled to the floor on the pending question, in relation to the adoption of his proposed amendment, addressed the Senate for upwards of an hour.

He stated that the offer which he made yesterday, to waive his claim to the floor, having failed to accomplish the object of their proceeding to the vote; and the question now pending being on his amendment, he felt it due to himself to submit a few brief remarks, in explanation of the reasons which induced him to think that amendment important and necessary. No Senator could deprecate more than he would a useless loss of the public time, at this late period of the session, in a mere discussion of abstract theories. But, if gentlemen on the other side chose to introduce resolutions of that character, tending to no practical result, the responsibility of wasting the public time could not be laid at the doors of his friends or himself, should they feel themselves placed in such a position as to demand either enlargement, modification, or discussion. The resolutions offered by the Senator from South Carolina reach to, and propose, no measure of public relief for the distress which they depict.

He (Mr. D.) had listened with great pleasure to the able speech which was delivered in support of those resolutions, in the hope that it would conclude with some definite and practical proposition for the relief of the country; more particularly as the Senator appealed, in the course of his remarks, to all parties to unite in effecting the object he had in view. But in this he was disappointed; for nothing was urged but the resolutions themselves; and they, and all that was said in their support, ended with a mere promulgation of abstract political principles. He could not discover, from them and the Senator's remarks, more than three main principles: in relation to the currency, to be let alone to work out its own salvation; to finance, to be improved by pulling down the tariff law; and to commerce, by reciprocating the action of Great Britain in favor of an approach to free trade.

On each of these points Mr. D. expatiated considerably at length, and then adverted to the resolutions submitted by the Senator from Maine, as an addition to the resolutions of the Senator from South Carolina. These additional resolutions he considered equally obnoxious to the charge of reaching to no practical result. Fully as he accorded with the general principles which they avowed, he considered them, as well as the original resolutions, unnecessary; because no definite action would grow out of them for the good of the country. As, however, they were before the Senate, he did not wish to let them pass to a vote without such modification as he thought essential; and, as he had strong objection to the wording of the third resolution of the amendment, he had proposed a substitute for that resolution, which he read.

In explaining his object in thus vindicating the credit and character of the United States, he stated his regret that hitherto every officer in the Government, from the highest to the lowest, had taken a course calculated to show to the world that they felt the character and credit of the country to be depressed, instead of boldly repelling the unfounded assertions of others that they were so. He insisted on it, that the credit and good faith of the United States never had been impaired; that they had been preserved without a blot or blemish since the foundation of the Government; and that, in this respect, we stood proudly pre-eminent above the nations of Europe, who now calumniated us in the foreign money markets.

In proof of all this, he entered into a long and minute history of the iniquities practised by Great Britain, in laying the foundation of her national debt, and enlarging it from time to time, till it had reached the enormous sum of upwards of thirty-five hundred millions of dollars—in comparison with which, our national debt shrank into a mere nothing, or at least a sum so small as to be scarcely capable of paying half a year's interest. He enumerated the debts due by France, Holland, Naples, Russia, &c., to show how deeply they were all involved; and contrasted their condition with that of this country—possessing unexampled resources, and an inheritance stretching from sea to sea, through a wide extent of country unequalled for fertility and natural advantages. Having evidenced all these things, as a vindication of the unimpaired good faith and credit of the United States, he commented with severity upon those portions of the President's message which he considered could have no better tendency than to give countenance to the calumnies uttered in foreign money markets against our credit. He particularly alluded to the unnecessary and imprudent exposure of the fact that an accredited agent, sent to Europe to negotiate the loan, had been sent back repulsed.

Speaking of the assumption of the State debts, he deprecated any proposition of that nature as unwise and impolitic, without giving any opinion as to the power of the Government in that particular. The question of the power of the Government to interfere he had not sufficiently examined into, to enable him to form an opinion; but he had fully made up his mind as to the imprudence of any such measure.

Mr. D. concluded by urging the adoption of his substitute for the third resolution of the amendment proposed by the Senator from Maine.

Mr. MERRICK next obtained the floor, and insisted on his motion (of which he had given notice yesterday) to lay the whole subject on the table. He again urged the impropriety of wasting the short time which yet remained of the session, so necessary to be applied to the legislative business remaining unfinished, upon mere abstract questions. He pointed out that, in his opinion, gentlemen were mistaken who supposed that his motion would carry with it the resolutions of the Senator from Virginia. That Senator had only given notice of his intention to offer them: they were not before the Senate, and could not be, as long as an amendment to an amendment of an original proposition was pending. No fitter time could, therefore, be chosen for pressing his motion than at present.

Mr. WALKER called for the yeas and nays; which were ordered.

Mr. RIVES inquired of the Chair whether, if the amendment of the Senator from New Jersey were either adopted or rejected, would he not have a right to move his amendment as a substitute for the resolutions of the Senator from Maine?

The CHAIR explained that a motion to strike out a larger portion of the resolutions, containing the amendment of the Senator from New Jersey, with a view of inserting others in their place, would be in order.

Mr. RIVES contended that his resolutions were

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27TH CONG.....3D SESS. WEDNESDAY, FEBRUARY 22, 1843. VOLUME 12....No. 19

Continued from No 18.

in that case before the Senate, and would be affected by the motion to lay on the table.

Mr. MERRICK said they would not be involved in the motion a whit more than any other amendments which gentlemen might intend to offer.

Mr. CRITTENDEN asked if it was in order for gentlemen to catechise the Chair as to the course to be pursued with regard to something intended to be done?

The question was then called for on Mr. MERRICK's motion to lay the whole on the table; and it was decided in the affirmative—yeas 24, nays 23, as follows:

YEAS—Messrs. Barrow, Bates, Bayard, Berrien, Choate, Conrad, Crafts, Crittenden, Dayton, Evans, Graham, Henderson, Huntington, Merrick, Miller, Morehead, Phelps, Porter, Simmons, Smith of Indiana, Sprague, Tallmadge, White, and Woodbridge—24.

NAYS—Messrs. Allen, Archer, Bagby, Benton, Buchanan, Calhoun, Fulton, King, Linn, McDuffie, McRoberts, Mangum, Rives, Sevier, Smith of Connecticut, Sturgeon, Tappan, Walker, Wilcox, Williams, Woodbury, Wright, and Young—23.

Mr. RIVES then submitted his resolutions (which will be found in the proceedings of February 18) as a substantive proposition. They lie over one day, under the rule.

Mr. LINN submitted a resolution, that the daily hour of meeting after Saturday next shall be at 11 o'clock, a. m., for the remainder of the session, instead of 12.

The resolution lies over till to-morrow.

On motion by Mr. WHITE, the Senate went into executive session; and, after some time spent therein, adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 15, 1843.

Mr. LOWELL presented the petition of Solomon Thayer and 62 other citizens of Lubec, Maine, praying Congress for such an alteration of our commercial relations with foreign Governments as shall give to the navigation of the United States terms of just reciprocity; which was referred to the Committee of the Whole on the state of the Union.

Also, the petition of M. G. Buck and 76 other citizens of Bucksport, Maine, praying Congress to impose an additional duty on sawed lumber, firewood, fish, &c., from the British provinces; which was referred to the Committee of Ways and Means.

Mr. WARD presented a petition of 400 merchants and workingmen of New York and Brooklyn, in favor of Gilbert's floating dry-dock: referred to the Committee of the Whole on the state of the Union.

Mr. OLIVER presented the petition of Nathan Beard, asking to be paid for $5,606 of continental currency, received for services rendered during the revolutionary war in 1777 and 1778—the said continental currency being of no value.

Mr. REYNOLDS presented the memorial and resolutions of the General Assembly of the State of Illinois, stating the following facts: That certain citizens of Macon county and the vicinity, reside in the interior of the State, and are located 80 miles from the navigation of the Illinois river, and 130 from that of the Wabash. These citizens reside on and near the cross railroad route, extending from the Illinois river, at Naples, by Springfield, the seat of Government of the State, to the eastern border of the State, to meet the Indiana canal and railroad at Covington, which communicates to Lake Erie, through Indiana and Ohio. The memorial states further, that the abovenamed communication in Indiana and Ohio is completed for 235 miles, and will be finished in Indiana during this year from Lafayette to Covington, which is in the direction of the cross railroad route in Illinois. This communication completed, a direct inland channel for the commerce of the most fertile region of country in the Union would be established from the navigable waters of the Mississippi to Lake Erie, and by Buffalo to the cities of New York and Boston. This communication would shorten the distance from the Mississippi to Lake Erie several thousand miles less than the route by Chicago, Mackinack, and Detroit.

The memorial further shows that the country adjacent to this northern cross railroad is the most fertile in Illinois, and the farmers already raise a great surplus of products in it; but the location is so far from the means of transporting this surplus to market, that the crops are rotting on the hands of the farmers. It is also stated, that some considerable portion of the public lands are yet unsold on this route. It is also stated that this improvement is national, extending from the Mississippi to Boston; and that similar public works in the States of Indiana and Ohio have received donations in land from the General Government, to aid the States in such improvements. The memorial goes further, and says, that the price of the public lands will be enhanced in value more than double by the construction of this road in Illinois; and, in consideration of these facts, the resolutions of the Legislature pray that every alternate section of the public land along the route in Illinois, be granted to the State, to aid in the completion of this public improvement. The reserved land will be enhanced more in value by the donation, than the whole is at present. The memorial and resolutions were referred to the Committee on the Public Lands in the House of Representatives; and they are so just and reasonable, that no doubt a favorable action will be had on them, if the lateness of the session does not prevent it, as there is not much more than two weeks of the session yet unexpired.

On motion of Mr. PENDLETON, a memorial some time since presented by him, in relation to steamboat explosions, was ordered to be printed.

CLERKS EMPLOYED BY THE GOVERNMENT.

Mr. G. DAVIS rose, and submitted the following resolution:

Resolved; That the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, and the Postmaster General, report to this House the number, classes, and compensation of persons employed in their several departments, respectively, on the 1st day of January, 1839, and on the 1st day of January, 1843; distinguishing, by bureaus, where they exist in the department.

Mr. FILLMORE said it appeared to him that a useless expense would be incurred by the adoption of that resolution; and it was especially unnecessary, as all the information which it would call for was already published in public documents.

Mr. G. DAVIS said if it was in the public documents, it would take so much less time to collect it in the shape which he proposed.

Mr. FILLMORE said, in the present state of the national treasury, they should save all the expense they possibly could.

Mr. BOWNE asked if that debate was in order.

The SPEAKER was understood to reply in the negative.

Mr. BOWNE then objected to it, and to the reception of the resolution.

Mr. G. DAVIS moved a suspension of the rules, for the reception of his resolution.

The motion to suspend was agreed to, and the resolution was adopted.

THE TARIFF.

Mr. READ said for two months he had been appealing to the House to place on the journal a resolution which he had offered on a very important subject. It was a subject of the deepest importance, and one on which the House ought to have acted at the commencement of the session—he alluded to a modification of the tariff. He admitted that he did not now, at this late period of the session, expect that the House would act on that subject; but he desired that his proposition should go on the journal. [Objections were made in various parts of the hall.] He continued: if it were objected to, he would object to everything out of order to the end of the session. [Laughter.] For two months he had been offering his resolution, but without effect.

Mr. STANLY objected to the continuation of the gentleman's argument.

Mr. READ said he was not arguing the question

Mr. STANLY insisted that the gentleman was arguing it.

[Cries of "Read the resolution."]

The Clerk read it accordingly, as follows:

Whereas the act of Congress entitled "An act to provide revenue from imports, and to change and modify existing laws imposing duties on imports, and for other purposes," passed 30th August, 1842, having been passed in the hurry and confusion of the last day of a session, and therefore greatly defective, not only in its details, but in some of its principles; imposing prohibitory duties on a great variety of articles, thereby so far defeating itself, both in regard to revenue and protection—the latter, by administering a powerful stimulant to the smuggling trade; therefore,

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of reporting a bill, supplementary to the said act of the 30th August last, based upon the following principles, viz:

1. To provide an adequate revenue for the economical administration of the Government, and no more—say from twenty to twenty-three millions.

2. Articles classed as "necessaries of life," and entering into general consumption, of a description *not grown or produced in the United States*, to be admitted free of duty.

3. Articles imported, coming in competition with those grown or produced in the United States, to be taxed so as to give ample protection to our farmers, planters, manufacturers, and mechanics.

4. The measure of such protection to be, in all cases, so much duty as will make the cost of the foreign article *in our markets* equal to the cost of production in the United States, and no more: thus bringing the foreign and American manufacturer into our markets on a footing of perfect equality, increasing the supply in proportion to the demand, and thereby reducing the price to the consumer.

5. If it should be found necessary to impose higher duties *for revenue* than are required by the said measure of protection, in such case *luxuries* to pay a higher duty than *necessaries*.

6. No drawback to be allowed on foreign sugars refined in the United States, nor on spirits distilled from foreign molasses.

7. No drawback to be allowed in any case, except on goods imported and specially entered for exportation, and actually exported within ninety days from the time of importation.

8. All duties to be paid in cash at the time of importation.

9. All duties to be levied on the true value of the goods in the principal ports of the United States; the valuation to be made, in the first instance, by the collector of the port; and, if the importer shall appeal, the value to be finally ascertained by a board of commissioners, to be appointed for that purpose.

Mr. BRONSON interrupted the reading of the resolutions, and objected to their reception.

Mr. READ moved a suspension of the rules, an on this he called for the yeas and nays.

The House did not order the yeas and nays.

Mr. READ made some remarks on the course he was desirous to pursue; but his observations were not heard at the reporter's desk.

The motion to suspend the rules was then negatived.

RETRENCHMENT.

On the motion of Mr. CAVE JOHNSON, the Select Committee on Retrenchment, appointed on the 3d day of February last, was authorized to send for persons and papers, and to examine witnesses on oath.

THE WAREHOUSING SYSTEM.

Mr. J. P. KENNEDY submitted a resolution to make bill No. 730 (being a bill making provision for the warehousing of imported goods) the special order for Tuesday, the 21st instant.

Mr. HOPKINS objected, and said he hoped they would have no more special orders during this session.

Mr. J. P. KENNEDY moved a suspension of the rules; but it was not agreed to.

BILL No. 548.

Mr. FILLMORE inquired what the order of the day was.

The SPEAKER replied, House bill No. 548. [Laughter.]

Mr. FILLMORE moved that the House resolve itself into Committee of the Whole on the state of the Union. The motion was agreed to, and Mr. UNDERWOOD took the chair.

Mr. ARNOLD moved that the committee pro-

ceed with the consideration of the bill on which the committee was yesterday engaged.

The motion was agreed to; and the amendment of the gentleman from Ohio [Mr. WELLER] offered yesterday, to reduce the per diem of Senators from $6 to $5, was negatived.

The following amendment of another gentleman from Ohio [Mr. HASTINGS] was offered yesterday:

Strike out all after the word "assembled" in the second line, and insert:

That from and after the commencement of the present session, on the 5th day of December last, and henceforward, each member of the House of Representatives and Senate of the United States shall receive, during the sessions of Congress, six dollars a day, and four dollars for every twenty miles travel by the usual routes to and from the seat of Government. And that each member of future Congresses, on taking the oath to support the Constitution of the United States, do, at the same time, pledge his honor, in presence of the House or Senate, (to whichever he may belong,) that he will strictly confine the franking privilege in his own person to the exercise of his official duties, but may extend it in the broadest liberty to giving every information through public documents, and all other matter in his capacity of Representative, to his constituents and the country.

And be it further enacted, That, from and after the passage of this bill, the private soldiers of the army of the United States, and the sailors and marines of the navy of the United States, shall have one dollar a month added to their present pay.

And be it further enacted, That all laws or parts of laws conflicting with this act be, and the same are hereby, repealed.

This amendment was also negatived.

Mr. T. W. WILLIAMS offered a substitute for all that portion of the bill relating to the pay and mileage of members of Congress, providing for a reduction of mileage, and a computation of distance according to the Post Office books.

The amendment was rejected—ayes 31, noes not counted.

The second section was then read. It relates to the pay and mileage of the members of the House of Representatives.

Mr. MALLORY offered the same amendment which was adopted on yesterday in relation to the mileage of Senators, providing that no member shall receive a greater aggregate of mileage than $300 at each session of Congress.

Mr. ARNOLD rose to a point of order. He contended that, inasmuch as the amendment of the gentleman from South Carolina, [Mr. HOLMES,] cutting off mileage altogether, had been adopted, this proposition would make the section incongruous, and was, therefore, inadmissible.

The CHAIR remarked that it was true that the proposition would make the bill inconsistent in its provisions; but it was not for the Chair to judge in such a matter. It remained with the committee to put the bill in any form they thought proper.

Tellers (Messrs. POPE and A. V. BROWN) were appointed, and reported ayes 58, noes 65.

So the amendment of Mr. MALLORY was rejected.

[The effect of this vote is to limit the mileage of Senators to $300 a session, whilst that of members of the House remains unrestricted.]

The amendment of the select committee, reducing the mileage to $6 for every 20 miles travel, was adopted. Also, the next amendment, prohibiting any member from receiving pay when absent from the House, unless such absence be certified to be occasioned "by sickness of himself or family, or by leave of the House."

Mr. McKENNAN offered the following amendment, to be inserted in lieu of the 2d section. He said that, if it should be adopted, the first section might be similarly amended or stricken out:

Strike out the second section, and insert after the enacting clause of the bill:

That, in lieu of the daily pay and mileage now allowed, by law, to the Senators and members of the House of Representatives, each Senator, Representative, and Delegate, shall hereafter be entitled to receive eight dollars per day for every day he shall be in attendance, and six [altered afterwards to *four*] dollars for every 20 miles' travel, by the most usual route from his residence to and from the seat of Government, in all cases where the session of Congress shall continue no longer than three [subsequently changed to *five*] months. If the session shall be extended any time longer, and not exceeding two months, each Senator, Representative, and Delegate, shall receive six dollars per day for the additional time; and if the session shall be protracted longer than five [subsequently altered to *seven*] months, each Senator and member of the House shall receive four dollars per day for the remainder of the session. If any Senator or member of the House shall be detained by sickness on his journey to or from the meeting of Congress, or, after his arrival at the seat of Government, shall be prevented, by sickness, from attendance in the Senate or House, he shall be entitled to the same daily allowance. The President *pro tem.* of the Senate, when the Vice President shall be absent, or when the office of Vice President shall be vacant, shall receive double the daily pay to which he is entitled as a Senator for every day he shall attend the Senate; and the Speaker of the House of Representatives shall receive double the daily pay to which he is entitled as a Representative for every day he shall attend the House: *Provided*, That it shall be the duty of each Senator and Representative, and Delegate, before his account is settled and certified, to state the number of days he has been actually in attendance in the Senate or the House; and also the number of days he has been absent; and whether said absence has been owing to sickness or otherwise; and, unless such absence shall have been caused by sickness of himself or family, or by leave of the Senate or House, his daily pay for the time when he was thus absent without cause shall be deducted from his account.

Mr. FILLMORE suggested a modification. He thought that the end of five months should be fixed as the period for the commencement of the reduction of the per diem.

Mr. McKENNAN accepted the modification. The amendment was, by his direction, so altered as to make the first reduction of pay at the end of five months, and the second reduction at the end of seven months.

Mr. COWEN offered an amendment to this amendment, regulating the manner of computing mileage, but subsequently withdrew it.

Mr. GILMER offered an amendment, the effect of which would be to fix the pay of members at $4 per day after the first five months of any session. The amendment was lost—ayes 64, noes 66.

Mr. SLADE offered an amendment, to make the per diem of members of Congress eight dollars for the first five months of the session, and after that five dollars. Rejected—ayes 30, noes not counted.

Mr. J. C. CLARK offered an amendment to the amendment, to insert in the 8th line of the 2d section, the words "unless he shall have travelled the entire distance for which such mileage is claimed," so as to make the clause read: *Provided*, That no Senator, Representative, or Delegate, shall be allowed for mileage a sum exceeding six dollars per day from the end of one session to the time of his taking his seat at the next session, unless he shall have travelled the entire distance for which such mileage is claimed."

This amendment was adopted.

The question on the amendment of Mr. McKENNAN, as amended, was then put, and the vote resulted in ayes 88, noes 30.

No quorum voting, another count was taken, resulting in ayes 94, noes 30.

So the amendment as amended was agreed to.

Mr. McKENNAN then moved to strike out the first and second sections, in order to make the bill correspond with the amendment.

Mr. G. DAVIS moved to strike out the word "four," and insert "six," in the second section; but the Chair decided that it was not in order.

Mr. J. C. CLARK moved to amend the amendment of the committee, in the 7th line of the sixth section, by inserting after the words "one thousand," the words "two hundred and fifty;" so as to confine the reduction to salaries above $1,250. Rejected—ayes 50, noes not counted.

Mr. J. C. CLARK offered an amendment to the same section, in the 34th line, confining the reduction of the pay and emoluments of officers of the army and navy to those whose pay and emoluments exceed $2,000: rejected.

Mr. PENDLETON offered an amendment, confining the reduction of the pay of officers of the army and navy to those whose pay and emoluments exceed $1,500: rejected.

Mr. FILLMORE moved to amend the proviso of the fifth section, by striking out the following words:

"That no salaried civil officer of the Government shall receive any other pay for his services than what is allowed by said salary."

The amendment was agreed to.

Mr. MOORE moved to amend the fifth section, so as to make the 20 per cent. reduction apply to salaries of $2,000.

The amendment was rejected.

Mr. CHAS. BROWN submitted an amendment to change the scale of reduction, but in what precise way was not heard.

The amendment was not agreed to.

Other not very material amendments were submitted by Messrs. A. H. H. STUART, J. P. KENNEDY, FILLMORE, J. R. INGERSOLL, WM. O. BUTLER, CHAS. BROWN, and others.

Mr. McKEON offered an amendment, striking out the clause by which the diplomatic corps serving abroad were excepted from the operation of the reduction: rejected.

Verbal amendments were offered by Messrs. ARNOLD and FILLMORE, and adopted.

Mr. MERIWETHER moved to insert a proviso, preventing all officers who shall be "waiting orders," or "on leave," from being excepted from the operation of the reduction: rejected.

Mr. McKENNAN moved that the words "two hundred dollars" be inserted after the words "one thousand," in the clause limiting the operation of reduction, so as to cause no reduction to take place unless upon salaries of $1,200 and upwards, instead of $1,000, as at present provided for: rejected.

Mr. CHAS. BROWN offered an amendment, the effect of which would be to reduce the pay of midshipmen in the navy and cadets at the Military Academy 20 per cent. By the bill, as it now stands, their pay will not be affected. The amendment was rejected.

Mr. McKENNAN offered an amendment, (which was subsequently withdrawn,) providing that officers whose salaries exceed $6,000 shall be reduced 30 per cent.

Mr. S. MASON gave notice that he should move, when the committee rose, to non-concur in the amendment by which the mileage was reduced to $4 for every twenty miles. He wished the mileage fixed at $6 for every twenty miles.

Mr. GWIN inquired if it was in order to offer a substitute for the whole bill.

The CHAIR. Not now.

Mr. GILMER offered an amendment, the effect of which is to abolish the offices of recorder and solicitor of the General Land Office, and to provide that the duties now performed by those officers shall be performed by the Commissioner of the General Land Office, and such of his clerks as he may assign.

Mr. FILLMORE suggested that a bill had already been passed, which assigned other duties (those now performed by the President's private secretary) to the recorder of the Land Office.

Mr. GILMER said there was no probability that such a bill would pass the Senate.

The amendment was then adopted—ayes 78, noes 55.

Mr. MALLORY offered an amendment, providing that no portion of the bill shall have the effect of reducing the salary of any officer of a higher rank and of a longer standing, below that of his junior of lower rank and of a more recent date: rejected.

Mr. MERIWETHER again attempted, in vain, to have adopted a provision excepting officers on leave, and waiting orders, from the exemption from the reduction which is made to apply to all whose pay is above $1,000.

Mr. J. C. CLARK offered an amendment, providing that all officers whose salaries are between $1,000 and $2,000, shall be reduced ten per cent.; and all above $2,000, twenty per cent.: rejected.

The question then recurred on the 5th section of the bill as amended, and the same was adopted.

Mr. M. A. COOPER offered the following amendment to the bill, to be inserted as an additional section:

"*Be it further enacted*, That the army and navy be reduced: the army by companies, according to date, the oldest first, shall be discharged, till it be reduced to four regiments. The officers, field and staff, shall be discharged according to grade, by date of commissions, the oldest first, till there shall be left the number requisite to the organization and command of the four regiments. The navy shall be reduced by disbanding seamen and officers, according to date of service and priority of commissions, till there shall remain in the service only six vessels of war, with the requisite number of men and officers to man the same; and it shall be the duty of the Secretary of the Navy to take the necessary steps to put the vessels so discharged in the best preservation possible, and at the least expense."

Mr. READ called for a division of the question on the amendment.

The first part, relating to the army, was rejected.

The second part, relating to the navy, was also rejected.

Mr. GILMER moved to strike out the words "militating against," and insert "conflicting with," in the repealing clause of the bill; so as to make it read "all acts and parts of acts conflicting with this act are hereby repealed." Agreed to.

Mr. CLIFFORD offered an amendment, the effect of which, if adopted, would have been to abolish the Military Academy at West Point after the 1st of September next. Rejected.

Mr. McKENNAN moved to strike out the first section of the bill, so as to make it correspond with the amendments that had been adopted: agreed to without a division.

Mr. SMITH of Virginia inquired whether the bill, as it stood, applied to the officers of the House and the public grounds, as it was doubted by some whether they were included in the designation of "officers of the Government."

["Certainly; certainly;" answered by several.]

Mr. GWIN then offered his substitute, as follows:

A BILL to retrench the expenditures of the Government of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the 30th day of June next, the pay and emoluments of all offices existing on the 4th day of March, (inclusive,) 1825, under the Government of the United States, whether civil, military, or naval, which have been increased since that period, shall be reduced to the rate at which they then were: *Provided*, That, in every case where the pay and emoluments of any office have been reduced since the 4th day of March, 1825, this act shall not be so construed as to change such reduction.

SEC. 2. *And be it further enacted*, That, from and after the 30th day of June next, the pay and emoluments of every office under the Government of the United States, whether civil, military, or naval, created since the 4th of March, 1825, shall be reduced at the rate of twenty per centum.

SEC. 3. *And be it further enacted*, That no officer under the Government of the United States shall be allowed any extra compensation whatever.

SEC. 4. *And be it further enacted*, That, whenever the session of Congress shall be protracted beyond five months, the per diem pay of the members thereof, thereafter, shall be at the rate of four dollars.

SEC. 5. *And be it further enacted*, That all laws and parts of laws inconsistent with this act be, and the same are hereby, repealed.

Mr. CAVE JOHNSON moved to amend the amendment of Mr. GWIN, by striking out all after the enacting clause, and inserting the following:

That from and after the 30th of June next, there shall be reduced twenty per centum from the amount of pay or compensation allowed to officers of the navy, or other persons employed in the naval service, whose compensation was fixed or increased by virtue of the act of the 3d of March, 1835, entitled "An act to regulate the pay of the navy of the United States," or since that time.

That there shall be reduced, from and after the 30th of June next, 20 per centum from the pay or compensation of officers of the army, or other persons employed in the military service, whose pay or compensation was fixed or increased by virtue of an act entitled "An act to increase the military establishment of the United States, and for other purposes," approved 5th July, 1838; or whose pay has been increased since the 1st of January, 1835. And that it shall not in future be lawful to allow double rations to any officer or person in the military service of the United States, nor shall it be lawful in future to allow commutation pay in lieu of fuel and quarters.

That all persons in the civil employment of the Government, whose compensation exceeds twelve hundred dollars, and whose compensation has been fixed or increased since the 1st of January, 1835, shall be reduced 20 per centum from and after the 30th of June next.

That it shall not hereafter be lawful to allow to any officer or person in the employment of the Government, any extra or additional compensation for or on account of any service rendered the United States, of whatever kind or nature it may be.

The question being taken on Mr. CAVE JOHNSON's amendment, it was rejected.

Mr. MEDILL moved to amend the amendment of Mr. GWIN, by striking out all after the enacting clause, and inserting the following:

That, from and after the 4th day of March, A. D. 1843, the per diem allowance, salary, or other compensation of Senators, Representatives, and Delegates in Congress, and of all officers, or other persons elected or appointed by, or in any way serving in either branch thereof, shall be, and the same is hereby, reduced one fourth, or twenty-five per centum on the amount now authorized and received; and the mileage of Senators, Representatives, and Delegates, shall be reduced one-fourth for the first five hundred miles, one-half for the second five hundred miles, and three-fourths for any distance that they may be required to travel over one thousand miles.

SEC. 2 *And be it further enacted*, That, from and after the said 4th day of March, A. D. 1843, the salary, pay, fees, emoluments, perquisites, or other compensation, by whatever name the same may be called or known, of all officers and other persons in the service or employment of the Federal Government, other than those embraced in the first section of this act, whether in the civil, military, naval, judiciary, or other department thereof, (excepting those who are required to reside abroad in the diplomatic service of the country, and such as are protected by the Constitution,) shall be, and the same are hereby, altered and reduced from that now prescribed and fixed by law, as follows; that is to say: Where the salary, pay, fees, emoluments, perquisites, or other compensation of any one individual now amount to or exceed three thousand dollars per annum, the same shall be reduced thirty per centum on the present amount; where the salary, pay, fees, emoluments, perquisites, or other compensation of any one individual now amount to fifteen hundred dollars, and are less than three thousand dollars per annum, the same shall be reduced twenty per centum on the present amount; and where the salary, pay, fees, emoluments, perquisites, or other compensation of any one individual now amount to seven hundred dollars, and are less than fifteen hundred dollars per annum, the same shall be reduced ten per centum on the present amount: *Provided*, That the compensation of no person now receiving less than seven hundred dollars per annum shall be affected by this act.

SEC. 3. *And be it further enacted*, That no extra allowance or compensation of any kind, not expressly granted and authorized by law, shall be paid to any officer of, or other person in the service or employment of the Federal Government, and any of the departments thereof, in any form, or under any pretence whatever.

SEC. 4. *And be it further enacted*, That all laws, and parts of laws, inconsistent with this act, be, and the same are hereby, repealed.

The question was then taken on Mr. MEDILL's amendment; and it was rejected.

Mr. HUNT then offered his substitute, which was copied into yesterday's proceedings as an amendment to the amendment of Mr. GWIN; but, on taking the question, it was negatived.

Mr. WILLIAMS, of Connecticut then offered, as an amendment to the amendment of Mr. GWIN, a proviso, that the mileage of members of Congress shall be estimated by the shortest mail route, or according to the Post Office book of distances, from the places of their residence to the seat of Government; but the amendment was rejected.

The question was then taken on Mr. GWIN's amendment; and it was also rejected.

Mr. ARNOLD moved that the committee rise, and report the bill.

Mr. BOTTS moved to strike out the enacting clause.

Mr. ARNOLD insisted upon his motion, and that the gentleman from Virginia had not the floor to make his motion.

Mr. BOTTS said that he would not insist on his motion; but would move to amend the motion of the gentleman from Tennessee, so as to read that the committee rise, and report the bill to the House, with a recommendation that it do not pass.

Mr. WILLIAMS of Connecticut then renewed his amendment as to the mode of computing the mileage of members of Congress, as an original amendment. It was read as follows:

"And that the mileage, in all cases, shall be estimated or computed by the shortest mail route, according to the Post Office book of distances, from the seat of Government to the post office nearest the residence of each Senator, Representative, or Delegate; and that the same rule, in computing all distances, shall apply to all other persons to whom travel is, or may be, allowed."

Mr. W. B. CAMPBELL moved to amend the amendment, so as to make the same mode of computing mileage apply to all persons receiving mileage from the Government.

Mr. WILLIAMS of Connecticut accepted the amendment as a modification of that offered by him; and the amendment was adopted.

Mr. ARNOLD asked how the Chair had got rid of his motion that the committee rise?

The CHAIR said that it had been superseded by amendments subsequently offered.

Mr. McKAY proposed to amend, by striking out that part which related to the compensation of members, and inserting a substitute which he had prepared, which was understood, in effect, to be a section to repeal all laws on the subject of compensation, leaving the next Congress to fix the sum for themselves.

The amendment was not adopted.

Mr. BOTTS then moved to amend the motion of the gentleman from Tennessee, [Mr. ARNOLD,] that the committee rise and report the bill to the House, by the addition of instructions that the bill be rejected.

Tellers were then called for, and Mr. M. A. COOPER and Mr. HOUSTON were appointed; and they reported 38 in the affirmative; the negative was not taken.

The amendment was not adopted.

Mr. BOTTS said he was desirous to see how many members expected to come back to the next Congress.

Mr. MATHIOT inquired if the 38 gentlemen expected to come back?

Mr. BOTTS was understood to say that he supposed they did.

The committee then rose and reported the bill to the House.

Mr. FILLMORE moved to amend an amendment of the committee, by changing the compensation for mileage from $4 to $6; and to the amendment the previous question, so that the public might get to other business.

Mr. BARNARD asked if that was in order.

The SPEAKER (amidst much confusion) It was understood to say it was.

Mr. SMITH of Virginia asked if it was not in order to move to print the bill, with all the amendments.

The SPEAKER said it could only be done by general consent.

Mr. CUSHING moved that the bill be laid on the table, and on that he called for the yeas and nays.

Mr. SMITH again inquired if there was no way by which they could get the bill and all its amendments printed, so that the House might know what it was. [Cries of "No, no."]

The SPEAKER replied, that it could only be done by general consent.

Mr. SMITH of Virginia urged the necessity of printing the bill and its amendments, that they might act understandingly.

The SPEAKER said, if the motion to lay the bill on the table should be rejected, the bill might be postponed and printed by a vote of the House.

The yeas and nays were then ordered and taken on the motion to lay the bill on the table, and it was rejected—yeas 42, nays 167, as follows:

YEAS—Messrs. Landaff W. Andrews, Barnard, Barton, Black, Botts, Bowne, Bronson, William Butler, John Campbell, Clinton, Mark A. Cooper, Cranston, Cross, Cushing, Fessenden, Howard, Hunt, W. W. Irwin, John P. Kennedy, Lane, Lowell, Robert McClellan, Thomas F. Marshall, Oliver, Pearce, Pickens, Alexander Randall, Randolph, Saltonstall, Alexander H. H. Stuart, Taliaferro, R. W. Thompson, Tillinghast, Toland, Van Buren, Ward, Edward D. White, Joseph L. White, Winthrop, Wise, Wood, and John Young—42.

NAYS—Messrs. Adams, Allen, S. J. Andrews, Arnold, Arrington, Atherton, Babcock, Baker, Beeson, Bidlack, Birdseye, Blair, Boardman, Brewster, Briggs, Brockway, Aaron V. Brown, Milton Brown, Charles Brown, Jeremiah Brown, Burke, Wm. O. Butler, Green W. Caldwell, Calhoun, William B. Campbell, Thomas J. Campbell, Caruthers, Casey, Chapman, Childs, Chittenden, J. C. Clark, Staley N. Clarke, Clifford, Coles, Cowen, Cravens, Crawford, Daniel, Garrett Davis, Richard D. Davis, Dean, Deberry, Doig, Eastman, John C. Edwards, Egbert, Everett, Ferris, Fillmore, John G. Floyd, Charles A. Floyd, Fornance, A. L. Foster, Gamble, Gates, Geary, Gerry, Gilmer, Goggin, P. G. Goode, William O. Goode, Gordon, Graham, Granger, Green, Gwin, Hall, Halsted, Harris, Hastings, Hays, Henry, Holmes, Hopkins, Houck, Houston, Hubard, Hudson, Hunter, Charles J. Ingersoll, Joseph R. Ingersoll, James Irvin, Jack, Cave Johnson, John W. Jones, Isaac D. Jones, Keim, Andrew Kennedy, King, Lewis, Linn, Littlefield, Abraham McClellan, McKay, McKennan, McKeon, Mallory, Marchand, Alfred Marshall, Samson Mason, John Thomson Mason, Mathiot, Mathews, Mattocks, Maxwell, Maynard, Medill, Meriwether, Mitchell, Moore, Morgan, Morris, Morrow, Newhard, Osborne, Owsley, Parmenter, Partridge, Pendleton, Plumer, Pope, Powell, Ramsey, Benjamin Randall, Rayner, Reding, Rencher, Reynolds, Ridgway, Rodney, Rogers, Roosevelt, William Russell, James M. Russell, Sanford, Saunders, Sewell, Shepperd, Shields, Slade, Truman Smith, Snyder, Sprigg, Steenrod, Stokely, Stratton, John T. Stuart, Summers, Sweney, Jacob Thompson, Triplett, Trotti, Trumbull, Turney, Underwood, Van Rensselaer, Wallace, Warren, Washington, Weller, Westbrook, Thomas W. Williams, Christopher H. Williams, Joseph L. Williams, Yorke, and Augustus Young—167.

The question then recurred on seconding the demand for the previous question, and there was a second. The main question was ordered to be put, and the question was then taken on the amendment of Mr. FILLMORE, by yeas and nays, as follows:

YEAS—Messrs. Arnold, Aycrigg, Black, Bowne, Aaron V. Brown, Milton Brown, Wm. Butler, William O. Butler, William B. Campbell, Caruthers, Casey, Chapman, Childs, Colquitt, Cravens, Crawford, Cross, Cushing, Garrett Davis, Doig, Everett, Fillmore, Gamble, Gentry, Houston, Howard, Charles J. Ingersoll, Joseph R. Ingersoll, Cave Johnson, Andrew Kennedy, Lewis, Lowell, Abraham McClellan, Samson Mason, Maxwell, Meriwether, Moore, Morrow, Owsley, Payne, Randolph, Rencher, Reynolds, Ridgway, James M. Russell, Sprigg, John T. Stuart, Summers, Tillinghast, Triplett, Turney, Underwood, Wallace, Warren, Washington, Watterson, Christopher H. Williams, Augustus Young, and John Young—59.

NAYS—Messrs. Adams, Allen, Landaff W. Andrews, Sherlock J. Andrews, Arrington, Atherton, Babcock, Baker, Barton, Beeson, Bidlack, Birdseye, Blair, Boardman, Botts, Boyd, Briggs, Brockway, Bronson, C. Brown, J. Brown, Burke, G. W. Caldwell, Patrick C. Caldwell, Calhoun, Thomas J. Campbell, Chittenden, John C. Clark, Clifford, Clinton, Coles, James Cooper, Mark A. Cooper, Cowen, Cranston, Daniel, Richard D. Davis, Dean, Deberry, Eastman, Egbert, Ferris, Fessenden, John G. Floyd, Charles A. Floyd, Fornance, A. L. Foster, Gerry, Giddings, Gilmer, Goggin, P. G. Goode, William O. Goode, Gordon, Graham, Granger, Green, Hall, Halsted, Harris, Hastings, Hays, Henry, Holmes, Hopkins, Houck, Hubard, Hudson, William W. Irwin, Jack, John W. Jones, Isaac D. Jones, Keim, John P. Kennedy, King, Lane, Linn, Littlefield, Robert McClellan, McKay, McKennan, McKeon, Mallory, Marchand, Alfred Marshall, Thomas F. Marshall, John Thomson Mason, Mathiot, Matthews, Mattocks, Maynard, Medill, Mitchell, Morgan, Morris, Newhard, Oliver, Osborne, Parmenter, Partridge, Pearce, Pendleton, Plumer, Pope, Powell, Ramsey, Benjamin Randall, Alexander Randall, Rayner,

ceed with it, Rodney, Rogers, Roosevelt, William Russell, James M. Russell, Saltonstall, Saunders, Sewell, Shepperd, Truman Smith, Wm. Smith, Snyder, Stanly, Steenrod, Stratton, Alexander H. H. Stuart, Sumter, Talcott, Richard W. Thompson, Toland, Trotti, Trumbull, Tyler, Van Rensselaer, Ward, Weller, Westbrook, Jo. L. White, Joseph L. Williams, Winthrop, Wise, and Yorke—145.

So the House refused to adopt the amendment.

The amendments of the Committee of the Whole were then read through, (being the whole bill.)

Mr. McKENNAN suggested a verbal amendment. He moved to strike out the surplus words, "by the usual route," in the clause relating to mileage; since that clause now provided that the mileage should be computed according to the post routes.

Objection was made, and the motion was not entertained.

Mr. TURNEY inquired what would be the effect of rejecting the amendments of the Committee of the Whole.

The SPEAKER said it would throw the House back upon the original bill before it was sent to the Committee of the Whole.

The amendments were then concurred in, without a division; and the bill, under the operation of the previous question, was ordered to its engrossment.

Mr. BRIGGS moved a reconsideration of the vote ordering the bill to its engrossment. This motion, under the operation of the previous question, was rejected.

The SPEAKER. When shall the bill have its third reading?

Many members. "Now."

Mr. SMITH of Virginia objected to the third reading of the bill at this time, and moved that it be printed, in order to enable members to see what they were voting on.

Mr. FILLMORE expressed a strong desire to have the bill now disposed of.

Objection being still made, on the ground that the bill was not actually engrossed—

Mr. FILLMORE suggested that 12 o'clock to-morrow be appointed for its third reading, and that it be printed in the mean time.

Mr. BRIGGS moved a suspension of the rules, in order to have the bill put on its third reading at this time.

Mr. SMITH of Virginia asked for the yeas and nays on the motion to suspend; but the House, by a vote of 24 yeas to 133 nays, (not one-fifth,) refused to order them.

Tellers were appointed, (Messrs. LINN and W. W. IRWIN,) who reported ayes 128, noes 54.

So the rules were suspended, with a view to put the bill on its third reading at this time.

Mr. JOHN CAMPBELL rose to a question of order. The House had suspended the rules so as to allow the question to be put, whether the bill should now be read the third time; but did not decide that the bill should be read the third time.

The SPEAKER said the rule was suspended for the purpose of reading the bill the third time this day; that rule declaring that no bill shall be read the third time on the same day that its engrossment is ordered.

The bill was then read the third time; and, under the operation of the previous question, was passed—yeas 166, nays 48, as follows:

YEAS—Messrs. Allen, Sherlock J. Andrews, Arnold, Arrington, Atherton, Babcock, Baker, Beeson, Bidlack, Blair, Boardman, Brewster, Briggs, Brockway, Bronson, Aaron V. Brown, Milton Brown, Charles Brown, Jeremiah Brown, Burke, William O. Butler, Green W. Caldwell, Patrick C. Caldwell, Calhoun, William B. Campbell, Thomas J. Campbell, Caruthers, Cary, Casey, Chapman, Childs, Chittenden, John C. Clark, Clifford, Coles, Mark A. Cooper, Cowen, Cravens, Crawford, Daniel, Garrett Davis, Richard D. Davis, Dawson, Dean, Deberry, Doig, Eastman, John C. Edwards, Egbert, Fillmore, John G. Floyd, Charles A. Floyd, Fornance, A. Lawrence Foster, Gamble, Gates, Gentry, Gerry, Giddings, Gilmer, Goggin, P. G. Goode, Wm. O. Goode, Gordon, Graham, Granger, Green, Gwin, Hall, Harris, Hastings, Hays, Henry, Hopkins, Houck, Houston, Hubard, Hudson, Hunter, James Irvin, Jack, Cave Johnson, John W. Jones, Isaac D. Jones, Keim, Andrew Kennedy, King, Lewis, Linn, Littlefield, Abraham McClellan, Robert McClellan, McKay, McKennan, McKeon, Mallory, Marchand, Alfred Marshall, Samson Mason, John Thomson Mason, Mathiot, Mathews, Mattocks, Maynard, Medill, Meriwether, Mitchell, Moore, Morgan, Morris, Morrow, Newhard, Oliver, Osborne, Owsley, Parmenter, Partridge, Payne, Pendleton, Plumer, Pope, Powell, Ramsey, Benjamin Randall, Rayner, Read, Reding, Rencher, Reynolds, Ridgway, Rodney, Rogers, Roosevelt, William Russell, James M. Russell, Sanford, Saunders, Sewell, Shepperd, Shields, Slade, Snyder, Sprigg, Stanly, Steenrod, Stokely, Stratton, John T. Stuart, Summers, Sumter, Sweney, Jacob Thompson, Triplett, Trotti, Trumbull, Turney, Underwood, Van Buren, Van Rensselaer, Wallace, Warren, Washington, Weller, Westbrook, Thomas W. Williams, Joseph L. Williams, Yorke, and Augustus Young—166.

NAYS—Messrs. Adams, Landaff W. Andrews, Ayerigg, Barnard, Barton, Birdseye, Black, Botts, Bowne, William Butler, John Campbell, Clinton, Colquitt, Cranston, Cross, Everett, Ferris, Fessenden, Halsted, Howard, Hunt, Charles J. Ingersoll, Joseph R. Ingersoll, William W. Irwin, John P. Kennedy, Lane, Lowell, Thomas F. Marshall, Maxwell, Miller, Pearce, Pickens, Alexander Randall, Randolph, Saltonstall, Alexander H. H. Stuart, Tatiaferro, Richard W. Thompson, Tillinghast, Toland, Ward, Watterson, Edward D. White, Joseph L. White, Winthrop, Wise, Wood, and John Young—48.

Mr. MOORE moved the reconsideration of the vote just taken on the passage of the bill, and moved the previous question on that motion.

The previous question having been seconded by the House, the main question on the reconsideration was put, and decided in the negative without a division.

Mr. FILLMORE moved to amend the title of the bill, by inserting after the word "territories," the words "and other officers," which was agreed to.

Mr. McKENNAN moved to amend the title as amended, by substituting for it the words "A bill to establish a uniform rule for computing the mileage and per diem compensation of members of Congress, and other officers of the Government:" rejected without a count. The title as amended was then agreed to.

Mr. W. W. IRWIN moved the reconsideration of the vote adopting the title of the bill; and called for the previous question, which was seconded; and, under its operation, the motion was negatived.

The House then adjourned.

IN SENATE.

THURSDAY, February 16, 1843.

The PRESIDENT *pro tem.* laid before the Senate a communication from the Treasury Department, and one from the Navy Department, showing the number, names, and compensation of the clerks employed in those departments, and bureaux connected therewith, during the year 1842; which were ordered to lie on the table, and be printed.

Also, a communication from the Treasury Department, transmitting additional information, under a resolution of the last session, in connexion with the New York commission for the investigation of the affairs of the custom-house: referred to the Committee on Printing, to examine into the necessity for printing it.

Mr. STURGEON presented a memorial from the Board of Trade of the city of Pittsburg, recommending an appropriation for the erection of a marine hospital at or near that city. Mr. S. remarked that the session was so far gone, that he presumed, if the memorial was even referred to the appropriate committee, there was no probability that they would examine into the subject before the close of the session. He therefore moved to lay it on the table: agreed to.

Mr. S. also presented the proceedings of a meeting held in Washington county, Pennsylvania, in favor of the establishment of a mail route from the town of Washington, in Pennsylvania, to Steubenville, Ohio: referred to the Committee on the Post Office and Post Roads.

Mr. WOODBRIDGE presented a memorial from the Mayor and City Council of the city of Monroe, Michigan, in favor of an appropriation for completing the works for the improvement of the harbor at the mouth of the river Raisin; which was referred to the Committee on Commerce.

Also, presented the preamble and joint resolutions of the Legislature of Michigan, recommending appropriations for the improvement of harbors, and protection of commerce on the lakes: referred to the Committee on Commerce.

On motion by Mr. WOODBRIDGE, it was ordered that the preamble and resolutions of the Legislature of Indiana, presented at the last session of Congress, in favor of an appropriation for the completion of the works in the harbor of St. Joseph, Michigan, be taken from the files, and referred to the Committee on Commerce.

Mr. EVANS, from the Committee on Finance, reported back, with an amendment, the bill making appropriation for the naval service for the half-calendar year beginning on the 1st of January, 1843, and ending on the 30th of June, 1843; and for the fiscal year beginning on the 1st of July, 1843, and ending on the 30th of June, 1844.

Mr. E. gave notice that he would, on to-morrow, ask the Senate to proceed to the consideration of the above bill.

Mr. WRIGHT, from the Committee on Claims, to which had been referred numerous memorials and resolutions of the State Legislatures on the subject of Congress passing a law to restore Mr. Kendall to his personal liberty, reported a bill to amend the laws relating to imprisonment for debt in the District of Columbia; which was read, and ordered to a second reading.

Mr. WOODBRIDGE, from the Joint Committee on the Library, to which the subject had been referred by resolution of the Senate, reported a bill to provide for the publication of the debates and proceedings of Congress, in connected series, and to authorize one or more contracts for the purpose; which was read, and ordered to a second reading.

Mr. PHELPS, from the Committee on Revolutionary Claims, reported back, without amendment, and with a recommendation that it do pass, the bill from the House for the relief of the heirs or legal representatives of Nathaniel Pryor, deceased.

Also, made an adverse report on the petition of the heirs of Joseph King, a paymaster in the revolutionary war, praying for the settlement of his accounts and an allowance of bounty land; which was read, and ordered to be printed.

Mr. PHELPS, from the Committee on Pensions, reported back, without amendment, and with a recommendation that it do pass, the bill from the House entitled "An act to allow a pension to Nancy Williams, widow of David Williams, who was one of the captors of Major Andre."

Mr. SMITH of Indiana, from the Committee on the Public Lands, reported back, with an amendment, the joint resolution from the House relating to patents for bounty land.

Mr. S. also, from the same committee, made an adverse report (which was ordered to be printed) on the petition of Lewis Lambert, praying allowance of interest on certain moneys paid by him for public lands, the sales of which were cancelled, and the moneys refunded.

On motion by Mr. S., the Committee on Public Lands was discharged from the further consideration of the memorial of the General Assembly of Indiana, praying allowance of bounty land to the rangers and militia in the service of the United States during the last war; and it was referred to the Committee on Military Affairs.

Mr. S. also, from the same committee, reported back, with an amendment, House bill entitled "An act for the relief of George Mayfield," approved July 27, 1842; then,

On motion by Mr. S., the above bill was taken up, as in committee of the whole; and its provisions having been explained by him, and the amendment agreed to, the bill was reported back to the Senate, read the third time, and finally passed.

Mr. S., from the same committee, reported a bill explanatory of an act in relation to lands sold in the Greensburg (late St. Helena) land district, approved August 29, 1842; which was read, and ordered to a second reading.

On motion by Mr. CONRAD, the previous orders of the day were postponed, and the above bill was taken up, as in committee of the whole; and, there being no amendment offered, it was reported to the Senate, and ordered to be engrossed for a third reading.

Mr. WILLIAMS was understood to inquire of the chairman whether the object of the bill was to take back the lands, and to give the purchasers their money; if so, he wanted some explanation of its provisions.

Mr. SMITH replied that the bill involved the same principles as were involved in the bill for the relief of Clark Woodroof, which had passed. This bill was explanatory of the act of last session, which authorized a return of the purchase money;

and was rendered necessary, in consequence of the construction of the department, that they had the right to withhold the patents for land purchased in this district, until a new survey of the country could be had.

The CHAIR informed the Senator from Indiana that any discussion was now out of order, as the bill had been ordered to be engrossed.

Mr. McROBERTS, on leave, introduced a bill establishing a collection district at Chicago, Illinois; which was read, and ordered to a second reading.

Mr. GRAHAM, from the Committee on Claims, reported back, without amendment, and with a recommendation that it do pass, the bill for the relief of Captain J. Throckmorton.

On motion by Mr. GRAHAM, the Committee on Claims was discharged from the further consideration of the memorial of Juan Quarre, praying compensation for property destroyed by the British in 1814, at Cat Island.

Mr. WILLIAMS presented a petition from William K. Weston, praying that a bond deposited by him in the War Department, for the performance of a contract with that department, may be returned; which was referred to the Judiciary Committee.

The resolution of Mr. LINN, fixing 11 o'clock, a. m., as the daily hour for the meeting of the Senate, from and after Saturday next, was taken up and adopted.

ASSUMPTION OF STATE DEBTS.

The resolutions submitted by Mr. RIVES yesterday came up for consideration.

Mr. RIVES stated the circumstances under which these resolutions came up as a substantive proposition, distinct from the resolutions of the Senator from South Carolina, and the additional resolutions offered by the Senator from Maine, to which they were intended to be offered as an amendment so soon as the amendment of the Senator from New Jersey should have been disposed of one way or other, had not these other propositions been laid on the table by the vote given yesterday. But the question of the debts of the States, and the interference of the General Government on that subject, having been once brought before the Senate by the Senator from Maine, he (Mr. RIVES) considered it his duty to present these resolutions for the purpose of obtaining a direct and unequivocal vote of the Senate. It was of the greatest importance to set at rest the idea which had got abroad, that this Government can have any constitutional power to saddle itself, in addition to its own debts, with a debt of two hundred millions of dollars, incurred by a portion of the States of the Union in their individual capacities, and for their own local purposes, and in the prosecution of their own local policy. The very suggestion of such an idea appeared to him so monstrous, and tending so obviously to a course of policy subversive of every principle upon which this Union had its existence, that he considered Congress was bound in duty to itself, and to the country, to put upon it promptly and at once the seal of its condemnation.

It would not do for gentlemen to deny that any question of assuming the debts of the States had been mooted to Congress. If it was not done directly, and in a substantive form, the way was paved for the proposition, and in a manner so plain and obvious, that no one could be left an instant in doubt as to the end to be attained. The proposition was, at the present moment, before the other branch of Congress, in a direct form, to grant to the State Governments scrip, based on the public lands, for the avowed purpose of relieving them from their indebtedness. The Senator from Maine, in his resolutions offered as amendatory of the resolutions of the Senator from South Carolina, had in this chamber, but a day or two since, promulgated the doctrine that it is the duty of Congress, by every constitutional and proper means in its power, by the adoption of measures to restore and preserve a currency of uniform value throughout the United States, by the collection and disbursement of the public revenue, and the regulation of the administration of the public finances, and in such way as shall be least burdensome to the people, &c., to render every practicable aid and encouragement to the people of the several States in their efforts to meet their engagements, and to discharge the obligations into which they have entered. What did all this mean, if it did not mean that it was the duty of the General Government to assist the indebted States in the payment of their debts? Mr. R. here entered at large into the history of the origin of this suggestion, and alluded to the recent action of the Legislatures of two of the indebted States renouncing this idea. He argued that now was the time to extinguish all delusive hopes of aid from the General Government. Let Congress convince the States, by a decisive and unanimous vote, that nothing of the kind will be entertained, and they will at once apply themselves to their own resources for liquidating their indebtedness. It was not his intention to enter at large into a discussion of the various topics bearing upon this subject. He had merely risen to explain his motives in offering these resolutions as a distinct measure, and would conclude by recommending that the vote be taken on them, and such amendments as might be offered, with a desire to avoid discussion as much as possible, and to express the sense of the Senate at the same time, promptly and unequivocally, without further interruption to the business of the session.

Mr. ALLEN begged the Senator from Virginia would accept an amendment which he would send to the Chair, to come in after the word "States" in the eighth line of the second resolution.

The amendment was read.

Mr. MERRICK did not see why the Senator from Virginia, after having stated his views, should expect other gentlemen would refrain from making such explanations as might be necessary in relation to their votes. He would not himself, for one, yield the right of the Senate to be catechised by a simple yes or no upon each of the Senator's propositions. All knew his anxiety to lay aside unprofitable discussion on mere abstractions leading to no practical result, that the legitimate business of legislation might be disposed of within the few days yet remaining of the session. But if the gentlemen on the other side were determined to introduce and re-introduce their abstractions, and to force gentlemen, who preferred going on with the regular business, to enter into discussion, the responsibility must rest on them—not on him (Mr. M.) and his friends. He had no vote or avowal on the subject now brought up to shrink from. He could not conceive why there was such an overweening anxiety at this time of general embarrassment—why there was such a constant effort—such relentless zeal—on the part of the General Government to join in the out-door and foreign denunciations of the indebted States; States which had incurred their responsibilities for the public good; which had not invoked the interference of the General Government; and into whose domestic arrangements the General Government had had no invitation to obtrude itself. Mr. M. proceeded at considerable length, and with much excitement, to deprecate the hue-and-cry raised against the indebted States. While he disclaimed and denounced as impolitic and unwise the assumption of the State debts by the General Government, he claimed for his own State, as he would for each of the States, its right to its distributive share of the public domain, which, having subserved the purposes for which it was intrusted to the General Government, he contended should now be restored to the States; that they, in their turn, might be relieved from their embarrassments when they most needed them. He concluded by offering an amendment, to come in its proper order, after the pending question on the motion to amend should be disposed of: [For this amendment, see proceedings of February 18.]

The amendment having been read by Mr. MERRICK himself, was, at the request of Mr. CALHOUN, again read by the Secretary of the Senate.

Mr. WOODBURY said he did not rise to debate these resolutions, but to express an earnest wish that a direct vote would be taken by the Senate on both the material propositions. An evasion, or go by, by postponement, or laying them on the table, was derogatory to the deep importance of the questions involved. This course need not lead to any protracted discussion or delay of the public business. The first question, relating to the assumption of State debts, had been fully argued in this body on a former occasion. His mind had been long made up upon it. The State he partly represented had no doubts in respect to it. It was his belief that such an assumption was as fatal a measure in its effects, as a measure formally to dissolve the Union. It destroyed all the limitations between the powers and duties of the Federal Government, and those of the separate States. It was consolidation, and of the rankest and worst character, because it was indirect and insidious.

But he would not now be tempted into the argument upon the subject. It was proper, however, to repel suggestions which had recently been thrown before the public, that such an assumption had before been made by the General Government. This was a wretched misconception. It was not such an assumption at the close of the revolutionary war, or since the late war, of debts incurred by the States in the prosecution of those glorious struggles which achieved and maintained our independence. By that assumption, we then paid only our own debts—only what the States had paid or expended for us in the prosecution of those wars. We paid—or assumed, if you please—only debts incurred in prosecuting the wars of the Confederation and Union, in objects belonging to the central and General Government. But all these debts, the assumption of which was now the subject of discussion, have been incurred for State objects; for local purposes; and many even for banking and other purposes most injudicious and ruinous; and none of them either by the request of Congress, or under its legislation, or under any responsibility to its authority.

The other question was connected with the distribution of the public lands—either directly, or by an issue of stock founded on them.

The objections to the principles involved in such a course—whether in reference to the Constitution or expediency—had been fully discussed, in recent sessions, in both Houses of Congress. He would not go into any of them; and he thought the Senate need not be delayed much, if any, in their discussion.

But, in the present condition of the finances, to talk of giving away two or three millions, which the treasury estimates from the public lands; or to talk of imposing six millions more on the treasury, for three per cent. interest on two hundred millions of stock, seemed to him to be perfect insanity.

The Secretary of the Treasury and the chairman of the Committee on Finance both think that, with all the receipts from the lands, and the use of near seven millions more of borrowed money, we may be barely able to make the ends of this calendar year meet.

Do any gentlemen, under these circumstances, propose to borrow six millions more?—or to levy direct taxes for that sum, in order to issue this famous two hundred millions of stock?

Talk about this stock—for what, sir? To injure State credit, and not strengthen it. This talk discredits the character and means of the States, which, if let alone, are perfectly competent in time to redeem their own obligations. We thus intimate that they are unable; while, if we step in, we also become spendthrift, bankrupt, and all are discredited together. No, sir. Our conduct is not, as the Senator supposes, that of a harsh or hard-hearted parent. On the contrary, the States are our parents—we, their children: they created us, and not we them; and, as children, we should abide by the Constitution, and orders and powers they have prescribed for us.

Let us, then, speak openly, decidedly, manfully, on questions so momentous; and set the public mind, at home and abroad, at rest on this subject. It is due to the occasion, and to the expectations of the world; and can be accomplished with little or no loss of time.

Mr. MILLER submitted the following amendment for consideration, that, when in order, it might be appended to the resolutions:

That, while we disclaim all obligation on the part of the General Government to assume the debts of the several States, the justice, wisdom, and policy of making distribution of the

proceeds of the public lands among the several States, according to the federal population, is hereby admitted and affirmed.

Mr. MERRICK remarked that it would not be in order.

Mr. MILLER merely read it as a notification that he would move it when in order, as an amendment.

Mr. CONRAD moved a postponement of the subject to Tuesday next.

Mr. WALKER, on this motion, moved an amendment, that the postponement be till to-morrow instead of Tuesday.

The CHAIR explained that the vote would first be on the postponement for the longer time.

Mr. WALKER conceived his motion, as an amendment to the motion of the Senator from Louisiana would have precedence.

The CHAIR decided not.

Mr. KING said the Chair was right. But he would submit to the consideration of Senators, that, inasmuch as the repeal of the bankrupt act was a question to be discussed on Monday, and there could be no doubt it would not be got through in one, or, indeed, two days, whether a postponement of these resolutions to Tuesday would not virtually be the same as giving the question the go-by, the same as if laid on the table. The subject involved questions on which every Senator had made up his mind; for he could safely assert that no one question of general policy had ever received a more thorough discussion than that of the distribution of the proceeds of the public lands to the States; and there was nothing in the new idea of an assumption of the State debts, or the power of Congress in the matter, that could not be fully considered in one night; so that gentlemen could come to-morrow as well prepared to vote, as they could on any day next week. If put over till Tuesday, either the resolutions or bill for the repeal of the bankrupt act will have to be laid on the table; whereas both subjects may be disposed of by proceeding with the resolutions to-morrow, and voting on them before Monday; leaving that day free to proceed with the subject of the bankrupt law.

Mr. WRIGHT said he was compelled to say a word in consequence of the remarks of the Senator from Alabama, [Mr. KING,] touching the suggestions which he (Mr. W.) made as to the day proper to which to postpose the resolutions under discussion. When Monday was moved by the Senator from Louisiana, [Mr. CONRAD,] he (Mr. W.) suggested that Tuesday would be a better day. His strongest objection to postponing the subject till Monday, was, because the bankrupt bill had been postponed to, and made the order for, that day; on which day he hoped that bill would be taken up, and proceeded in till final action. He was the more willing for that course, because the resolutions now before the Senate, being more properly morning business, could be proceeded in during the morning hour of each day. Monday being the day proposed by the Senator from Louisiana to which to postpone, he (Mr. W.) was compelled to reject one or the other of the subjects as the business for that day; and it was in that alternative he suggested to the Senator from Louisiana Tuesday. Extremely anxious as he was to have a direct vote and expression of opinion by the Senate on these resolutions, which involved so many serious considerations, yet he believed it was more important to the country that the act for the repeal of the bankrupt law should be passed, than to have an expression of opinion on these resolutions. It was his desire that both questions should be voted upon and disposed of; and, with that view, he would first vote to postpone the resolutions till to-morrow; and, if not then, to the next day; and, if the matter was to be postponed till the next week, he should feel it his duty to vote for Tuesday as the day for their final disposition, that they might not interfere with the bankrupt act. If they were postponed till Tuesday, Senators would come there with the understanding that they were to be finally disposed of on that day. He had no doubt that it could be accomplished.

Mr. CALHOUN remarked that he was not among those who believed that these resolutions are mere abstractions. He held them in a very different light. The subject involved was one of the greatest magnitude ever presented to the consideration of the Senate of the United States. It was fraught with consequences, that no man who anticipated the worst, anticipated half as bad as the reality will be. As the question was presented, in his opinion they were under the highest obligations to themselves, to the public credit, to the States, to the country, and to the world, to have a free and direct expression of the opinion of the Senate on the subject of these resolutions. Considering this, as he did, he held the repeal of the bankrupt law—as obligatory as he felt that to be on the Senate, both on account of its unconstitutionality and inexpediency—as nothing compared to an expression of an opinion on these resolutions—absolutely nothing. If it depended upon his vote to decide between the two, he would not hesitate the hundredth part of a moment. He would consider the time well consumed, if they devoted every moment of the remaining time of the session to the discussing of that subject, except what was necessary to be devoted to the consideration of the appropriation bills; and even these should not stand in its way. But he did not deem it necessary to occupy so much time upon it; for there was scarcely a single aspect of the question which was not fully understood by the country. The only one which had not been fully discussed, and public attention strongly called to, was the proposition alluded to by the Senator from Maryland, of issuing $200,000,000 of stock, founded on the public domain, or its proceeds. He rejoiced that that Senator had not expressed himself favorable to the scheme, because it showed, even on his part, a flinching.

Mr. MERRICK interrupted, and said he flinched from nothing which duty required of him.

Mr. CALHOUN said he had not intended to irritate the honorable Senator by making use of the word; what he intended was, that he had shown rather a hesitation about expressing himself in favor of the proposed scheme. He was glad that the honorable Senator had done so. He supposed he countenanced an opinion rather against it.

Mr. MERRICK said he had made no specific proposition. What he said was, that his State claimed, as she had always claimed, her share of the public lands; but he was not prepared to say in what mode they should be distributed, but to leave it to the wisdom of Congress to determine.

Mr. CALHOUN said he would pass that by. That was the only aspect in which the question was not thoroughly discussed; but it was an aspec which required full and ample discussion—such discussion as, from the nature of the question, it ought to receive. That was the only practical form in which it could be presented to the country; and if there were any in the Senate who concurred in that proposition—which, he must say, was one pregnant with the greatest disasters, involving, as it did, the sovereignty of the States, the purity of the Constitution, the permanency of the Federal Union, and the happiness of the people,—he must say that, if there was any Senator in favor of the scheme, he hoped he would move a specific proposition; if not, that some one would present it in a negative form, that a direct vote might be taken upon it. The two parties (those in favor of assumption, and those opposed to it) stood in very different positions. The postponement of action would be on the side of those in favor of assumption; for it would be considered as a decision against us. He claimed, as a matter of fairness, (which, he was sure, gentlemen would accord,) to give those who were opposed to assumption in any form an express vote upon it, that the country might truly understand what were the impressions of that body upon a subject full of such momentous consequences. They were now standing in the midst of extraordinary times; the consequences of which would run far beyond the days of the youngest amongst them. Decide the question one way or the other. All that he wished was, that an early day should be appointed for taking the vote upon the subject; for the longer it was put off, the more improbable it would be that they would get an expression of opinion. And as the subject was not unfamiliar to Senators, he hoped they would go on with it to-morrow: that would afford ample time to investigate and mature their judgments. With this view, he concurred that the Senator from Mississippi [Mr. WALKER] had the right to make the motion that it be postponed till to-morrow.

Mr. CONRAD said he still retained his original opinion, that the subject ought to be postponed to Tuesday. The experience of the Senator from Alabama always, in his opinion, was entitled to respect; and no doubt he was correct in stating that questions involved in these resolutions had been heretofore fully discussed, and gentlemen had made up their minds on most of them. But it must be admitted, that the power and policy of assuming the debts of the States had not—at least, since he and others had had a seat in that body—been discussed. And it was not proper to be called upon to vote on such questions, without time being given to examine into the subject, and to come to a just conclusion. This is a novel question—one that has arisen in the public mind within the last eighteen months. He concurred with the Senator from South Carolina, [Mr. CALHOUN,] in viewing it as a most important and momentous question; and the more he viewed it in that light, the more impressed he was with the conviction that time should be given for its deliberate consideration. Mr. C. proceeded at considerable length to show why it was necessary to make the postponement till Tuesday.

Mr. HENDERSON called to the attention of the Senate a fact, (which it seemed to him had been overlooked,) that the first time the question of the assumption of the debts of the States was publicly mooted, was in the Senate in the session of 1839 and 1840, when a lengthy and elaborate discussion arose on resolutions, which he read from the journal. These resolutions he considered as full and declaratory on the part of Congress as any that could be now adopted. They were on the journal, without a dissenting vote on their passage; and, not being rescinded, should stand as the opinion of Congress till they were. Nothing new could be effected by a restoration of the same declaration. He gave a sketch, from his recollection, of the proceedings on their adoption. Until then, the idea of the assumption of the State debts had not even been broached in the newspapers. But they had not the effect of extinguishing the idea. It was one which had since spread widely through the country. If, then, the declaration of Congress failed to have the effect anticipated, what effect could be expected from its restoration? He entirely agreed with the Senator from Pennsylvania, who had stated his experience, that mere abstract resolutions never effect anything. Yet, if these resolutions, useless as they would be, and impeding as they did, by their discussion, the business of the session, were pressed to a vote, he should vote as he did on the occasion to which he had alluded; for his opinions had undergone no change as to the want of power in this Government to assume the debts of the States.

Mr. WALKER said his colleague was greatly mistaken in supposing that this question of assumption originated in this Senate, or in this country. No, sir, it is of foreign birth; it is of British origin. It crossed the Atlantic in 1839, in the form of an authentic circular, from British bankers, calling for that "more comprehensive guaranty" of the assumption of the debts of the States by this Government. The assumption was a British, and not an American proposition; and, as such, it was encountered by the resolutions of the Senate in 1839. But this British proposition is now re-echoed on this continent—it has been solemnly introduced by a distinguished member of the other House at this session—it appears, in part, in the resolutions now before us of the Senator from Maine, [Mr. EVANS,] and of the Senator from Maryland, [Mr. MERRICK.] The proposition we must now meet, is that proposed in the other House—to distribute two hundred millions of a stock debt of this Government among the States, to enable them to pay their debts. This stock is to bear an annual interest of 3 per cent., and professes to be based, in whole or

in part, upon the public lands. This Government is now in debt twenty-eight millions; and this is to add two hundred millions to that debt. We have now a national debt of twenty-eight millions; we will have this year a further deficit of at least six millions, even including the sales of the public lands; and now, when we cannot meet the existing debt and existing expenditures, we are asked to add six millions per annum to that debt. How is this to be paid? The public lands yield but a million of net revenue; and yet we are asked to derive from them a net revenue of six millions of dollars—that is, we must increase six-fold the revenue to be derived from the public lands. The lands are now sold at $1 25 per acre; and we are now asked, if this stock is, in fact, to be based on the public lands, to increase the price six-fold; or, in other words, to sell them at $7 50 per acre. If, then, the basing of this stock upon the public lands be not a mere delusion, you must raise their price from $1 25 to $7 50 per acre; or, in other words, that the old States are to pay their debts by increasing six-fold the burdens of the people of the West and of the new States. The West—the oppressed and neglected West—the West, where scarcely one dollar of the public moneys is expended—is to be burdened with the payment of the debts of those States which monopolize all, or nearly all, the expenditures of this Government, by augmenting six-fold the price of the public lands. This is the result, if this stock is, in fact, based upon the public lands. But is it so based? If, with hundreds of millions of acres of the public lands *now subject to entry*, you sell but eight hundred thousand acres per annum, at $1 25 per acre; how much of these same lands would you sell at $7 50 per acre? Why, not enough to pay the expenses of the land system; and, in place of deriving six millions per annum, you would not receive one dollar of net revenue. How, then, without looking at the great question of the payment of the *principal*, are you to pay the six millions of annual *interest*? Is it by direct taxation by this Government? How would this alleviate the burden, unless you made the tax unequal and unjust, by taxing *all* the States to pay the debts of but a part of the States? And if not derived from the public lands, or direct taxation, what is the only remaining resource? Why, to derive an additional revenue of six millions per annum, to meet the interest alone, by increasing the tariff; and, ultimately, many millions more to discharge the principal. Can you do it when you have an existing debt of twenty-eight millions, and cannot pay the interest of that debt, much less the principal, and your annual expenditures from the lands and tariff combined? This, then, is a proposition to bankrupt this Government. But, if you could grind out of the people an additional revenue of six millions per annum, by increasing the tariff, would it be constitutional, just, or proper? What! tax the people of all the States, and the commerce and exports of all, to pay the debts of some of the States! The proposition is one of spoliation and plunder. But this proposition of assumption professes to be based on a horror of repudiation by the States. And is not this proposition an open and wholesale repudiation of all their debts by the States that are indebted? If the indebted States, refusing to pay their own debts, force other States, through the instrumentality of this Government, to pay those debts for them, it is repudiation; it is neglecting to pay themselves, and forcing others to pay for them; it is repudiation combined with spoliation and plunder, by a forcible seizure of the property of others, to discharge obligations they never contracted, and for which they are not liable. But, independent of this, the proposed assumption commences by repudiating one-half the debt. The debts of the States bear an interest of five, six, and seven per cent. per annum; and for this it is proposed to substitute an interest of three per cent. per annum. What is this but repudiating at once *one-half* the debt? And yet this double repudiation, by forcing some States to pay the debts of others, and expunging at once one-half the interest, is advocated by those who profess to base their action upon a horror of repudiation. But let me assure the Senator from Maryland that his object can never be accomplished; and it is an *ignis fatuus* and a delusion—a dream that can never be realized. Will the new States ever consent that the domain within their limits shall be mortgaged to British bankers, to pay the debts of other States? Sir, if this is done, what will be the rights of the new States, in regard to the public lands within their limits? It is an incident of sovereignty appertaining to every sovereign State, to tax all property, and especially all real estate, within its limits. It matters not who may be the owner—whether this Government or an individual. Thus it is that the State of Pennsylvania, for instance, taxes the very lands held for public purposes, and owned by the General Government, within the limits of that State; and the tax is collected and paid. What, then, on the same principle, prevents the new States from taxing the public lands within their limits? Nothing but their compact, on their admission into the Union, not to tax these lands—a compact which admits the right of taxation, and obtains its relinquishment on certain conditions. What are those conditions? Clearly that the proceeds of the sales of these lands shall continue to be applied—as they always had been—to carry on the operations of this Government. This, in the very nature of things, is the fundamental condition precedent on the part of this Government—the very consideration of the compact not to tax these lands; and it is a settled principle of all law, applying to all compacts, of individuals or sovereignties, that when one party violates such a condition of the compact on his part, the other party is absolved, and the compact annulled. If, then, you proceed with this assumption based upon the sales of these lands, the new States will have a perfect right, in law and morals, to tax all the public lands within their limits—and they will do it. Besides, the assumption, in the form proposed, is, in fact, a transfer of these lands to these British bankers; they would be the real owners, and we but the trustees; and to tax these lands, would be to tax their lands, and not yours. If, then, you will persist in this scheme, so unequal and unjust, and so clearly unconstitutional, and can, with British aid, pass such a law, Mr. WALKER said he deemed it his duty to declare, in advance, his determination never to relax his exertions until the supremacy of the Constitution should be restored, by the total repeal of the obnoxious statute.

Mr. BAGBY addressed the Senate for some time, but was not distinctly heard in the gallery. He was understood as having complimented the Senator from Mississippi [Mr. HENDERSON] for his vote among the twenty-nine who passed the resolutions, which he had read from the journal, in 1839–40. He did not, however, consider that a unanimous vote of the Senate; for, although there was only a record of the affirmative vote, it was very well known that many of the gentlemen on the opposite side then, as now, shrunk from committing themselves at all; and, with the exception of some two or three of their party (who, like the Senator from Mississippi, had the hardihood to record their names with the twenty-nine,) it was left to the Democracy to enter their protest, in the face of the world, against the monstrous supposition that the question even could be entertained, without laying the foundation for the dissolution of the Union. He combated as unfounded the assertion that this was a question not entertained by the opposite party until lately; and referred to his own inaugural message, as Governor of Alabama in 1837, in which he denounced the incipient proposition in such terms as had attracted the notice of a distinguished editor, who, in commenting on it, contrasted that message with the messages delivered to the Legislatures of thirteen other States, every one of which had passed over the subject.

He referred to the letter of a celebrated British banker to General Harrison, when President of the United States, and asked,—would any British banker have dared to make such a proposition to General Jackson or Mr. Van Buren? But that letter was addressed to a party in power, which the writer considered pledged to the views he urged; and it was followed up by more definite propositions to the new Secretary of State. British stock-jobbers and money-changers then undertook to teach the Government of the United States the law of political and national morality. Yet, instead of the rebuke and repulse their temerity deserved, their letters were kindly received, and they were courteously answered that they needed no reply. Could not the very same policy which then pervaded the Cabinet, be detected as now prevailing here in relation to these resolutions? It is the very same policy: to keep this question in suspension—as near the surface as possible—till it takes hold of the public mind. If no doubt exists as to the power of Government in this matter, why not come out at once and avow it? Why conceal any opinion entertained on the subject? Those who denied the power, said so fearlessly; and not only denounced the proposition on constitutional grounds, but as, in its policy, utterly subversive of the principles of the Union.

Mr. B. next proceeded to examine the tendency of the resolution of the Senator from Maine, touching the indebtedness of the States, and the language in which that Senator had expressed himself, that no proposition in relation to their condition was to be brought forward in *this* Congress. He commented, at considerable length, on the ultimate issue of the course pursued on the other side, and contended that any evasion of the direct vote now demanded would be appreciated as it deserved by the world.

Mr. ALLEN said he had moved this amendment because he believed that the resolutions proposed by the Senator from Virginia, having reference to the policy of the assumption of State debts by the General Government, by means of the issue of Government stock predicated upon the public lands, were not sufficiently specific; because they did not contain a sufficiently explicit negative to the proposed scheme. And he would here take occasion to say, that he regarded the question involved in these resolutions as something more than a mere abstract question, the decision of which would be of no import—as something more than the vague abstractions of human reasoning, which could produce no effect upon human affairs.

Sir, (said Mr. A.,) these resolutions, if voted on, will test the opinion of Senators, acting under the highest human responsibility, upon a question of the deepest moment to the whole United States; and by that expression of opinion they will be bound in future, or else they will subject themselves to censure by departing from it in their future action regarding this project of issuing two hundred millions of Government stock. If it were merely a question as to wasting that much of the public money, it would be one of less importance than it now is. But it is a quection involving the power of taxation—that power which is considered the supreme power under every form of government, and upon which all other powers are predicated. The question here involved is, whether you will stretch the powerful arm of this Government over the several States, and permit it to engulf in its voracious maw all the taxing power, both national and State; in other words, it is a question of expunging the State constitutions and Governments through the agency of taxation. It is the assumption of a power on the part of this Government which was never contemplated by those who participated in the formation of the Federal Constitution. An abstraction, indeed! Why, you might say, with equal propriety, that the declaration of American independence was a mere abstraction; inasmuch as that declaration did not accomplish the result which it contemplated, but imposed the necessity of resorting to arms in order to accomplish it. Was that a mere abstraction? No, sir, it was ranked with the highest of political acts; yet it was as much an abstraction as the resolutions before you. It was the Senator from Maine who introduced this all-exciting topic and at a moment when Congress is almost at its last gasp—when it is just about to expire. It was that gentleman who has thrown this firebrand amongst us—for a firebrand, I fear, it will be to the whole country. He spoke with some degree of censure of the resolutions of the gentleman from Missouri. Why, nobody dreamed two years ago of the assumption of State debts by the General Government; but now we find it is openly proclaimed in one branch of

the Government, and advocated in the Legislatures of several of the States. It was intimated upon this floor, in the discussion this morning, as being a question on which the Senate would soon have to act efficiently and affirmatively. The idea seems to have travelled with locomotive rapidity. As to the origin of the idea, no Senator has declared that it is entirely of British origin. Perhaps it may not be altogether of British origin; perhaps it may have originated by the conjunction of the schemes of men of both nations. The idea of the insecurity of American stocks was first started by British capitalists. And an American citizen, robed with senatorial purple, was consulted by them as an attorney, to solve the question. They not only entertained some doubts as to the security of those stocks, but they were looking out earnestly for other security, in order to render it safe in the hands of the holders. This was anterior to the last presidential election. And when the idea was thrown out, it was met by the Democratic party in the Senate by a negative vote upon the resolution of the Senator from Kentucky, denying the doctrine of assumption. From that time, the Democratic party stood committed against assumption, and against British influence in favor of assumption. And from that moment we witnessed the most diabolical attempts to overthrow the Democratic power in this country. We found the country thenceforward agitated by an unseen, a subterranean element, for which no one could account. As soon as the die was cast, and that party was rendered for the ensuing four years powerless as to the affairs of the Government, it was then that the assumption of State debts began to be openly proposed by those through whose agency the English bankers and capitalists hoped to obtain the accomplishment of that object, to them so desirable. Then it was that the counsellor of those bankers, clothed in the ermine of a Senator, first brought forward the proposition of assumption. And let me tell gentleman on the other side, that I, for one, fully expect to find the same hidden elements, the same secret agency, entering into the approaching contest for the government of this country. I fully believe that English capitalists, who have more than one hundred millions of property depending, as they suppose, upon the ascendency of one of the political parties in this country over the other; that they, merchants as they are, and therefore vigilant when money is at stake, will not permit the same Democratic party, with the resolutions which they passed two years ago still standing upon the record, to come into power; for, in such a case, the assumption of State debts would be rendered entirely hopeless. And I now predict, contrary to the general opinion which prevails upon this subject, that the influence which is to be rewarded by the assumption of State debts will be at work upon the public mind, and that it will create the most severe and terrible struggle at the next presidential election, that ever endangered the harmony of the people of this country. The election will not pass off as did the last. And though gentlemen on the other side do not, I am sure, desire such a state of things, it will not be in the power of all the politicians of the whole country to avoid or resist this secret, all-pervading influence, which two hundred millions of perilled capital can exercise in a country such as ours.

Sir, I have expressed my opinions two or three times already upon this question of the assumption of State debts. I have spoken as one of the representatives of a State in debt; and I have not spoken in a whisper, nor have I spoken in jest. I have spoken earnestly and openly, both here and upon the rostrum, amid the assemblages of the sovereign people. My sentiments are known. They are not new; nor have I been disposed to save myself, by shrinking from responsibility, as I had every inducement to do, did I entertain a fear of being rebuked by the voice of the people of an indebted State. No, sir. I have fearlessly expressed my views; and if I have expressed them strongly, it is because my convictions are strong. And I am one, at least, who utters nothing but what he believes to be true; and who utters what he so believes, regardless of all consequences that may result to himself, individually.

Yes, these resolutions will do much—they will show to the country what are the sentiments of her public men. If the gentleman from Maine, with his standing in this body and before the country, as one of the leading lights of the Whig party, would declare it to be his opinion that the Government possesses no power to pay the debts of the States; and that, if we did possess the power, it would be highly impolitic to do so;—if he would thus cut off the hopes of the British capitalists, he would accomplish two important objects. Should his example be followed by the able men of his party, he will have accomplished the great object of turning the attention of the States to the means of their own relief; and he will have accomplished another important object, namely: warning the country against the exercise of British influence upon American politics in the struggle of 1844. Without this, that influence is as natural and certain as the succession of one day to another.

And I desire to proclaim it now, that, if the Government do not take a decided and unequivocal stand upon this question, and say to these scrip holders, You have nothing to hope for from either party, be the result of the election what it may;—if, instead of saying this, you continue to stand in an ambiguous position, this moneyed influence will be brought to bear—will unquestionably be brought to bear upon this country, and to contaminate the freedom of our elections. Does any man believe that the Democracy of this country—the pulsations of whose patriotic hearts are felt to the extremities of the Union—does any one suppose they will allow such a law to remain unrepealed? No, sir; we give you warning in advance. I do not believe that it will be in the power of the Senate to do an act which will tend more to establish the honor and credit of this country, and to ward off the insidious influences of foreign capitalists, than by the passage of these resolutions. Believing this, I shall continue to press upon the Senate the propriety of taking a specific vote.

The question then came up on Mr. CONRAD'S motion to postpone the further consideration of the subject to Tuesday next.

Mr. WALKER renewed his call for the yeas and nays; which were ordered.

The vote was then taken by yeas and nays, and resulted in the negative—yeas 19, nays 22, as follows:

YEAS—Messrs. Archer, Barrow, Bates, Bayard, Berrien, Choate, Conrad, Crafts, Crittenden, Evans, Graham, Huntington, Mangum, Merrick, Miller, Morehead, Smith of Indiana, Sprague, and Tallmadge—19.

NAYS—Messrs. Allen, Bagby, Benton, Buchanan, Calhoun, Fulton, Henderson, King, Linn, McDuffie, McRoberts, Phelps, Rives, Smith of Connecticut, Sturgeon, Tappan, Walker, Wilcox, Williams, Woodbury, Wright, and Young—22.

The question next came up on the motion to postpone till to-morrow; which was carried in the affirmative, without a count.

The PRESIDENT *pro tem.* laid before the Senate a communication from the Treasury Department, reporting, in compliance with a resolution of the Senate of the 14th inst., a statement showing that the receipts from customs for the month of January was $913,700: ordered to lie on the table, and be printed.

Also, laid before the Senate a communication from the Treasury Department, transmitting a report from the Commissioner of the General Land Office, on the subject of the surveys, &c. of the public lands in Louisiana; which, on motion by Mr. EVANS, was referred to the Committee on the Public Lands.

The bill explanatory of the act in relation to the lands sold in the Greensburg (late St. Helena) land district, was read the third time, and passed.

Several bills from the House were read, and referred to appropriate committees; among them House bill 548, for the reduction of the pay to members of Congress, and civil, military, and naval officers. On the question of reference of the retrenching bill, some doubt seeming to arise as to the appropriate committee,

Mr. WRIGHT suggested that the Committee on Retrenchment would be the proper committee.

Mr. BARROW moved its reference to the Committee on Finance.

Mr. WOODBURY moved an amendment, to refer it to the Committee on Retrenchment.

The question was first taken on Mr. BARROW'S motion; and there appeared to be for it, 15; against it, 12. But a fresh count being demanded, the motion was negatived—ayes 17, noes 18.

So the bill was referred to the Committee on Retrenchment—ayes 24, noes not counted.

The bill to indemnify Maj. Gen. Andrew Jackson for damages sustained in the discharge of his official duty, came up in order as in committee of the whole, on the amendment of the Committee on the Judiciary.

The bill for the relief of the heirs of Madam De Lasser was read a third time and passed.

Mr. LINN called for the yeas and nays on the amendment; which were ordered.

Mr. BERRIEN remarked that it was too late an hour to commence the consideration of the bill. The Senate was thin, and he suggested the propriety of its postponement till to-morrow.

Mr. LINN was desirous to press action on the bill at once. It had been the unfinished business from day to day for some time, and he could not consent to give it the go-by any longer, or give other business the precedence over it. He thought he could occupy the remainder of the day in giving many reasons why the substitute for the bill, reported by the Committee on the Judiciary, should not be adopted.

Several suggestions were made as to the disposition of the bill for this day, to which Mr. L. refused to yield; but at last he yielded the floor to Mr. MOREHEAD, on whose motion

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 16, 1843.

The journal having been read,

Mr. READ moved to amend it by inserting his resolution on the subject of the tariff, which was copied in one part of the proceedings of yesterday; but, on taking the question, the motion was rejected.

On motion of Mr. JOS. R. INGERSOLL, a verbal amendment was made to the journal.

Mr. LOWELL presented the petition of Sullivan Green and 80 other shipmasters and merchants of Deer Isle, Maine, praying Congress for an appropriation to improve the navigation of Deer Isle thoroughfare; which was referred to the Committee on Commerce.

Mr. HENRY DODGE presented a petition, signed by 110 persons in the town of Racine, Territory of Wisconsin, asking Congress to pass a law granting to the school commissioners of the town of Racine the power of giving durable leases on the lands of the school section belonging to said town.

The SPEAKER then stated to the gentleman from Maryland [Mr. J. P. KENNEDY] that his bill on the subject of reciprocity treaties was the regular order of business, and would be called up then, unless he consented to waive it for an hour, to permit the reception of reports of committees.

Mr. KENNEDY assenting, and by general consent, the standing committees were called on for reports; and the following were made:

LETTERS TO TEXAS.

Mr. BRIGGS, from the Committee on the Post Office and Post Roads, reported a bill to authorize the Postmaster General to require the postage on letters directed to Texas to be paid in advance.

Mr. BRIGGS said that this bill was reported in consequence of a proposition from the Government of Texas for an arrangement on the subject.

Mr. ADAMS objected to the second reading of the bill; and the question on printing was put, and carried.

POST OFFICE DEPARTMENT.

Mr. BRIGGS, from the same committee, reported, with amendments, the bill from the Senate to prevent the employment of private expresses upon the mail routes, and for the prevention of frauds upon the revenues of the Post Office Department.

Mr. JOSEPH L. WILLIAMS, from the Committee on the Post Office and Post Roads, reported a bill for the relief of James H. Jenkins.

Mr. W. also presented a memorial of the members of the bar of East Tennessee, praying Con

gress to change the time of holding the United States court at Knoxville from the first Mondays in May and November to the third Mondays of April and October; which was referred to the Committee on the Judiciary.

Mr. ANDREW KENNEDY, from the Committee on the Post Office and Post Roads, reported a bill for the relief of Saltmarsh and Overton; which was twice read, and referred to the Committee of the Whole on the state of the Union.

MILITARY DISTRICTS.

Mr. PENDLETON, from the Committee on Military Affairs, reported a bill to divide the United States into two military districts; which was read twice, and referred to the Committee of the Whole on the state of the Union.

On motion by Mr. PENDLETON, the same committee was discharged from the further consideration of the resolution directing them to inquire into the expediency of abolishing the office of Major General of the army of the United States.

ST. AUGUSTINE.

Mr. STANLY, from the same committee, reported a bill to authorize the Secretary of War to purchase a lot of ground in the town of St. Augustine, Florida; which was read twice, and referred.

Mr. CALHOUN, from the Committee on Naval Affairs, reported a bill for the relief of Joseph Wolfenden; which was twice read, and referred to the Committee of the Whole.

On motion by Mr. STANLY, the Committee of the Whole was discharged from the further consideration of the bill; and it was read the third time, and passed.

OREGON TERRITORY.

Mr. ADAMS, from the Committee on Foreign Relations, to which had been referred the bill from the Senate for the adoption of measures for the occupation and settlement of the Oregon Territory, and for extending the laws of the United States over the same, together with the House bill on the same subject, reported them without amendment, with the recommendation that they do not pass.

Mr. TALIAFERRO, from the Committee on Revolutionary Pensions, reported the following bills; which were read twice, and committed:

A bill allowing a pension to Ebenezer Dewey.

A bill for the relief of John Rose.

A bill allowing a pension to Frederick Hopkins.

He also made several adverse reports on petitions for an extension of the pension laws.

Mr. MORRIS, from the Committee on Invalid Pensions, reported a bill for the relief of John P. Schuyler; which was read twice, and committed.

Mr. DOAN, from the Committee on Invalid Pensions, made an adverse report upon the petition of Richard B. Brumfield.

Mr. J. C. EDWARDS, from a select committee, reported a bill to provide for the purchase of water-rotted hemp for the use of the United States navy; which was read twice, and committed.

He also submitted a joint resolution, authorizing the Secretary of War to cause a survey to be made of certain portions of Grand and Spring rivers; which was read twice, and committed.

Mr. GORDON, from the Committee on Invalid Pensions, made an adverse report upon the petition of Horace B. Abby.

Mr. WINTHROP, from the Committee on Commerce, reported the following three several bills, which were read twice and committed:

A bill authorizing the establishment of certain buoys, and spindles, and fog bells, for the safety of navigation.

A bill authorizing the erection of certain light-houses for the fiscal year ending June 30, 1844, and for other purposes.

A bill authorizing the survey and examination of sites for light-houses and light-boats.

Mr. AYCRIGG, from the Committee on Invalid Pensions, made adverse reports upon the petitions of John Bull, jr., Simon Kenton, John Dixon, Christopher Lambert, John Owen, Empson Hamilton, and Sarah Pratt.

Mr. THOMAS W. WILLIAMS, from the Committee on Commerce, made an adverse report upon the memorial of Charles H. Russell and Charles Potter.

Mr. MOORE, from the Committee on Private Land Claims, made a report upon the petition of J. Eper Cowan, accompanied by a bill for the relief of the legal representatives of Antoine Vasques and others; which was read twice and committed.

Mr. J. P. KENNEDY, from the Committee on Commerce, moved that the bill to establish a warehousing system be made the special order for to-morrow, with the understanding that it be disposed of during the day.

Mr. PICKENS said he hoped no such agreement would be made by the House.

Mr. J. P. KENNEDY expressed his intention to move a suspension of the rules; but, after a few words of conversation between him and the Speaker, the subject dropped.

Mr. A. RANDALL moved that the Committee on Commerce be discharged from the consideration of the petitions from inhabitants of the State of Maine relative to the effects of foreign treaties, and that the same be committed to the Committee of the Whole House on the state of the Union. The motion was agreed to.

On the motion of Mr. BURKE, it was ordered that Jesse Roberts have leave to withdraw his petition and accompanying papers from the files of the House.

On the motion of Mr. STOKELY, it was resolved that the Committee on the Militia be instructed to inquire and report what amendments are necessary and proper to the laws of the United States, to insure the preservation of the public arms of the United States distributed to the militia of the several States; and to report by bill or otherwise.

Mr. RENCHER, from the Committee on Indian Affairs, to which was referred the bill from the Senate entitled "An act for the relief of Benjamin Murphy," reported the same, with an amendment; and it was committed to the Committee of the Whole House.

On the motion of Mr. ROOSEVELT, it was

Resolved, That the Secretary of the Treasury inform this House at what time an answer may be expected to the resolution adopted on the 6th day of August last, calling upon him to furnish this House with copies of the quarterly accounts of the collectors, naval officers, and surveyor of the port of New York, required by the act of March 3, 1841, of moneys received by them respectively for forfeitures, rents, compromises, &c.

Mr. W. SMITH submitted the following resolution:

Resolved, That, in all future publications of the Army and Navy Register of the United States, there shall be affixed, opposite the name of each person published therein, in separate columns, the annual pay of such officer or person, the amount paid him for rations, servants, and forage, and the gross amount paid or allowed him in all respects for and on his account, and for and during the year preceding such publication.

The resolution was adopted.

U. S. SQUADRONS ON FOREIGN SERVICE.

Mr. BURNELL submitted the following resolution:

Resolved, That the Secretary of the Navy be, and he hereby is, directed to report to this House, at the next session of Congress, a statement of the several vessels composing the squadrons of the United States for the last six years, together with the names of the commanders of such squadrons, and the name of the officer commanding each vessel of every squadron. Also, the foreign ports which each vessel has entered during the time of her remaining on her station, or while proceeding to it, and the time which she remained in each of said ports; and where the public service has been a cause of unusual detention, that he state the same; and, also, whether, in his opinion, any such vessels have remained unnecessarily long in foreign ports; whether the attention of the commander of any squadron has, in all such cases, been called thereto; what such cases have been; and what proceedings have been instituted in relation to them; and that hereafter the Secretary of the Navy report to this House annually, at the commencement of each session of Congress, a statement, as above, applicable to the current year.

Mr. WISE objected to the reception of the resolution.

Mr. BURNELL said, if he could have the opportunity to explain, he thought the House would adopt the resolution. It called upon the Secretary of the Navy to report, at the next session of Congress, on a subject upon which the country had been held in almost total ignorance.

Mr. WISE called the gentleman to order—the resolution not being debatable, as it had been objected to.

Mr. BURNELL continued to explain. He said he was calling for information a year hence.

Mr. WISE called the gentleman to order.

Mr. BURNELL said he was only following the example of the gentleman from Virginia himself.

Mr. WISE demanded when he had set him the example?

The two gentlemen sat down, making mutual explanations, and the subject went over.

Mr. BURNELL, however, rose again in a short time, and moved a suspension of the rules for the reception of that resolution.

The question was taken, and the motion negatived.

THE SOMERS CASE.

Mr. SNYDER submitted the following resolution:

Resolved, That the Committee on the Judiciary inquire whether Samuel R. Betts, district judge of the United States for the southern district of New York, refused to entertain a complaint of murder, alleged to have been committed on the high seas, upon the ground that he had other business of a civil nature to occupy his time; and to report to this House the proper proceedings to be taken on the occasion.

Mr. SNYDER sent up to the Clerk's table the following communication of Judge Betts, to be read to the House:

"Application is renewed before me this evening, on the affidavit of Margaret E. Cromwell, for a warrant to arrest Commander Mackenzie and Lieutenant Gansevoort, for illegal homicide, committed by them on board the United States brig-of-war Somers, on the high seas, on the 1st day of December last, in putting to death Philip Spencer, Samuel Cromwell, and Elisha Small.

"Without scanning the allegations upon which process is demanded on this second application, or at all entering into the inquiry as to the forum properly having cognizance of the charges; and supposing that no question was involved as to the competency of the civil courts to take jurisdiction of the matter, or of the fitness of their so doing, I do not feel that the complaint is one that I ought to entertain and investigate under existing circumstances.

"By the act of September 24, 1789, section 33, Congress authorized a justice or judge of the courts of the United States, or any judge or justice of the peace of the State, to cause any person accused of an offence against the laws of the United States to be arrested, committed, or bailed, as the case might require.

"The act of Congress of 23d August, 1841, extended the like authority to commissioners appointed by the circuit court.

"There are a large number of officers resident in this city and Kings county, who have equal authority to institute and entertain these proceedings with the judges of the United States courts.

"The judicial business of the district courts of this district, including the administration of the bankrupt act, is, by various acts of Congress, assigned to the district judges exclusively. It is notorious that these ministerial duties absorb the entire time of the district judge of this district, and that he has not been able, since the 1st of February last, to devote any portion of his time out of court to cases of criminal complaints, every one of which has necessarily been first brought before and passed upon by some other of the above authorized officers. Nor has he been able to sit with the circuit judge in court during that period, except in a few cases requiring indispensably the presence of both judges.

"It is most manifest, from the details given in the affidavit of Mrs. Cromwell, that if the civil magistrate takes cognizance of this complaint, he must necessarily go into a particular examination of all the facts and circumstances attendant upon the homicide, to ascertain whether it be a case for commitment; and if so, whether bail can be allowed, and under what terms.

"The affidavit states that the naval court of inquiry has been employed from day to day in examining witnesses in relation to this matter, from the 30th day of December last to this day: and, although some greater despatch might probably be attained before a civil magistrate, in the mere examination of witnesses; yet, as the prosecutrix has employed private counsel, and prays to be heard by them; and as, doubtless, in case of any proceeding, counsel will be allowed the accused,—the

disposition of questions of evidence, and other points incident to like examinations, may reasonably be expected to consume an amount of time equivalent to what can be saved by the greater expedition of a single magistrate in taking proofs.

"This would accordingly compel me to suspend the business now pressing upon the court for a period of two or three weeks, and devote that length of time to the hearing of these charges.

"It was, no doubt, a motive of weight with Congress, in conferring power on so many officers to take preliminary examinations on criminal charges, to leave the judges of the United States courts free to devote themselves to other duties exclusively allotted to them.

"Under these circumstances, I return the papers submitted me to the prosecutrix.

(Signed) "SAM'L R. BETTS."

"NEW YORK,
Thursday evening, Jan. 19, 1843."

Mr. SNYDER desired also to have read the letter of Mr. Benjamin F. Butler; but objection was made. He moved a suspension of the rules.

The motion to suspend the rules was rejected—ayes 30, noes not counted.

The following is the letter referred to:

TRIAL OF COMMANDER MACKENZIE.

FOURTH DAY—FEBRUARY 4.

Before the court-martial resumed its proceedings this morning, Benjamin F. Butler, esq., had a lengthy conversation with the judge advocate, and afterwards seated himself at one of the side-tables, prepared to take notes of the proceedings

All the members of the court were present at 11 o'clock, with the exception of Captain Smith, who is seriously indisposed.

The judge advocate informed the court that he had received a communication from a distinguished member of the New York bar; and, as it contained nothing improper, he would lay it before the court.

The court was then cleared for upwards of an hour. After our readmission, the judge advocate read the following document:

"The undersigned beg to state that they have been employed by the relatives of acting midshipman Philip Spencer, (one of the persons for the murder of whom Commander Mackenzie is on trial,) to attend this trial, and take part therein as counsel, if permitted by the court. The undersigned, therefore, most respectfully request that they may be permitted, as such counsel, to be present; to examine and cross-examine the witnesses produced, by propounding such questions as may be approved by the court; and to offer, from time to time, such suggestions in relation to the proceedings, and to present such comments on the testimony when concluded, (subject to the like approbation of the court,) as they may deem necessary.

"The undersigned respectfully offer their opinion, that the court possesses full power to do so; and that the nature of the investigation to be had, and the interest naturally and justly felt therein by those for whom they appear, render it proper that the same should be granted by the court.

"BENJAMIN F. BUTLER,
"CHARLES O'CONNOR.

"NEW YORK, February 4, 1843."

The Judge Advocate: I am ordered to read the following decision:

"The court is of opinion that the above communication be placed on the record, and decide that the application contained in it be not granted."

The President: The court stands adjourned till Monday at 11 o'clock.

The court accordingly adjourned.

MINT AT DAHLONEGA.

Mr. M. A. COOPER asked the favor of the House to take up and pass the bill which he had introduced, entitled "A bill explanatory of the act establishing a branch mint at Dahlonega, Georgia, and regulating and defining the duties of assayer and coiner of said mint."

Mr. J. R. INGERSOLL stated that the director of the Philadelphia mint wrote to him some time since, expressing great solicitude about this bill, and desiring to know its provisions. He (Mr. I.) enclosed the director a copy of the bill, but had not yet heard from him on the subject. He suggested that it would be better to wait for further information before the passage of the bill was urged.

Mr. M. A. COOPER said no one would have any objection to this bill. Its object was merely to define the duties of assayer and coiner, which are now assigned by the director of the mint.

The bill was then read a third time, and passed.

OCRACOKE MARINE HOSPITAL.

On motion of Mr. WASHINGTON, the bill in relation to the marine hospital at Ocracoke, N. C., (reappropriating $10,000 to that institution,) was taken up.

No objection having been made, the bill was ordered to be engrossed, and then read a third time and passed.

ELECTIONS TO THE NEXT CONGRESS.

Mr. J. CAMPBELL said he would make another attempt to have his bill (No. 649) taken up—to suspend the operation, for two years, of the second section of the act of 1842, apportioning the representatives to Congress among the several States. [The effect of this bill will be to repeal the clause by which the States are directed to elect members from single districts in every State.]

Mr. FILLMORE objected to having any special day set apart for any bill like this, when so many appropriation bills remained undisposed of. If, however, this bill was to be taken up, he wished another bill, (651,) "regulating the manner of taking testimony in contested elections," to be acted on at the same time.

Mr. J. CAMPBELL moved to discharge the Committee of the Whole from the further consideration of the bill which he had referred to.

Mr. FILLMORE moved to discharge the committee from the second named bill above mentioned.

The motions were severally put and carried.

PRECEDENCE OF BUSINESS.

Mr. J. P. KENNEDY having obtained the floor—

Mr. PICKENS rose to a question of order. He wished to know whether the subject (reciprocity treaties) assigned as a special order for yesterday, was entitled to come up and have precedence to-day.

The SPEAKER said it would; having been called up by the gentleman from Maryland, [Mr. KENNEDY] just before the adjournment.

Mr. WISE said it was called up, but no action taken on it by the House.

Mr. PICKENS, regarding this as an important point, wished to have it decided. When so many important bills remained undecided—the army bill, the civil and diplomatic bill, the exchequer bill—he wished to see if it was the will of the House to put them aside, for measures of a partial interest. It often happened that days were set apart for the transaction of Territorial and District business, which was not taken up; yet no one claimed that it should go over from day to day, and have precedence.

The SPEAKER said, that to assign a day to Territorial or District business generally, was different from assigning a day to the consideration of a particular bill. Should the House specify the the bills which were to be acted on, whenever it assigned a day for Territorial or District business, such bills would, of course, have precedence from day to day, until disposed of; but such was not the practice of the House.

Mr. PICKENS said he did not understand the gentleman from Maryland [Mr. KENNEDY] as calling up his joint resolution.

The SPEAKER said the gentleman from Maryland did call it up, as the journal showed.

The vote was then taken upon the appeal of the gentleman from South Carolina [Mr. PICKENS] from the decision of the Speaker, and the judgment was sustained.

On motion of Mr. W. O. BUTLER, the Committee of the Whole were discharged from the consideration of the bill to amend the act respecting the organization of the army, and for other purposes.

RECIPROCITY TREATIES.

On motion of Mr. KENNEDY of Maryland, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. TILLINGHAST in the chair,) and took up the following joint resolution:

JOINT RESOLUTION concerning the termination of certain commercial treaties.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, requested, whenever he shall deem it compatible with the public interest, to make known to the Governments of Denmark, Sweden, the Hanseatic republics, Prussia, Austria, and Russia, in conformity with the stipulations of the existing commercial treaties between said Governments and the United States, the desire and intention of this Government to terminate such commercial treaties now in force between said Governments and the United States as have contracted to allow the parties thereto to import on equal terms, as regards duties on merchandise and tonnage, each into the ports of the other, goods, wares, and merchandise other than those of the growth, produce, or manufacture of the nation in whose vessels the same are borne.

SEC. 2. *And be it further resolved*, That, in all future negotiations which may be opened with the aforesaid Governments, or with any other, it is the policy of the United States to confine the privilege of reciprocal importation, on equal terms as to goods and shipping, to goods, wares, and merchandise the product of the countries from whence, and in whose ships, they are imported, or the product of such contiguous countries thereto as usually carry on their foreign commerce through the ports of the same.

Mr. KENNEDY addressed the committee at length, explaining the object of the resolution, and reviewing our commercial treaties generally.

Mr. McKEON next addressed the committee on the subject of the bill; but he expressed his apprehension that there was scarcely time to effect much good legislation thereon at the present session. He then went at length into the broad question.

Mr. CUSHING followed in advocacy of the resolution.

Mr. TRIPLETT next took part in the discussion, and submitted an addition as an amendment, to protect the commerce of the United States, as the gentleman from Maryland, [Mr. J. P. KENNEDY,] by his resolution, which was then under consideration, only proposed to protect the navigating interests; and he proceeded to explain and advocate his amendment. He admitted that he considered it too late to effect much at this advanced period of the session; and that he had mainly risen, therefore, to call attention to the subject; and he hoped his amendment would be printed, that it might be considered preparatory to future legislation.

Mr. FILLMORE asked the committee to report these resolutions to the House, that they might be brought under its control and disposed of to-day.

Mr. BREWSTER appealed to his colleague to to allow him to make some remarks in committee; and he appealed to him more particularly on the ground that he did not often trouble the House, and would not now, were it not that he considered this a subject of particular importance.

Mr. FILLMORE said he had simply risen to make an appeal to the House; and with that he considered he had discharged his duty. He begged to remind gentlemen that most of the appropriation bills remained to be acted upon—and appropriation bills of a most important character, including one reported from the Committee on Foreign Affairs, in relation to the boundary treaty, and other bills of great interest to the country; amongst which there was the bill in relation to the warehousing system, while there were but 13 working days of the session remaining. It was indispensable, therefore, that this subject should be disposed of to-day.

Mr. BREWSTER said it was very seldom that he troubled the House; but he must ask the privilege of doing so now. He then proceeded to discuss the general principles involved in the resolutions, illustrating his positions by numerous references, and treating the subject in an elaborate and argumentative manner.

After Mr. BREWSTER had concluded his remarks,

Mr. FILLMORE moved that the committee rise, in order that he might make a motion to discharge it from the further consideration of the subject. It was apparent to all, that this resolution could not be passed, or sufficiently discussed, at this late period of the session; and that it delayed the action of the House on objects of indispensable necessity. Mr. F., however, withdrew his motion at the request of

Mr. WILLIAMS of Connecticut, who, after a few remarks, renewed the motion, and the committee rose and reported progress.

Mr. KENNEDY moved to discharge the Committee of the Whole from the further consideration of the resolution; which was agreed to.

Mr. UNDERWOOD offered a resolution directing the Secretary of the Treasury to make a report to Congress, at the next session, on the subject of the inspection laws of the State of Louisiana.

After the reading and reference of several communications from the Executive Departments, the following bills were twice read and referred:

The bill relating to the appointment of Assistant Postmasters General.

The joint resolution for the distribution of the Compendium of the Sixth Census; and

The joint resolution for the transfer of the stock

held by the United States in the Chesapeake and Ohio Canal Company to the State of Maryland, and the cities of Washington, Georgetown, and Alexandria, on certain conditions.

The House then adjourned.

IN SENATE.

FRIDAY, February 17, 1843.

Mr. CUTHBERT, Senator from Georgia, appeared in his seat to-day.

Mr. WRIGHT presented the proceedings of a meeting of the Chamber of Commerce of New York, in reference to the bill which came to this body from the House of Representatives, proposing a reduction of the number of officers and others employed in the custom-house of New York city. Mr. W. remarked that this meeting of the Chamber of Commerce was held on the 14th instant. They unanimously adopted a report at that meeting, a copy of which he now presented. It embodied, in an extended form, the views of the merchants of that city as to the wants of commerce and business there, according to their experience. He was exceedingly desirous that the statements in this report should be read by Senators before the bill should be acted upon; and, with that view, he proposed to make the motion that it be printed; and he hoped the Senate would indulge him by giving their unanimous consent for that purpose, to do away with the necessity for the reference of the motion to the Committee on Printing; and, as another inducement for that course, he remarked that the Committee on Commerce, who had unanimously reported favorably to the passage of the bill, (at a meeting of the committee at which he was not present,) had since instructed their chairman to move the recommitment of the bill to that committee.

The memorial was then ordered to be printed, and referred to the Committee on Commerce.

Mr. W. also presented a statement of the business of the port of New York by a comparison of the years 1826, 1827, and 1828, with the years 1839, 1840, and 1841. The statement (said Mr. W.) contained information valuable to the Senate, while acting on this bill. He therefore moved that it be printed, and referred to the Committee on Commerce.

Mr. HUNTINGTON said he had been directed by the Committee on Commerce to ask the Senate to recommit the bill to reduce the number and compensation of the officers and others employed in the port of New York; and, with that view, on his motion, the above bill was taken up and recommitted.

Mr. H., from the same committee, reported back, without amendment, and with a recommendation that it do pass, the bill to continue in force an act therein mentioned, relating to the port of Baltimore.

On motion by Mr. HUNTINGTON, the previous orders of the day were postponed, and the above bill was taken up as in committee of the whole; and no amendment being proposed, it was reported to the Senate, and ordered to be engrossed for a third reading.

Mr. H. also reported back from the same committee, without amendment, and with a recommendation that it do pass, House bill entitled "An act to reduce the salary of the surveyor of the port of Camden, New Jersey."

Mr. ARCHER presented a memorial from Buckner Thruston, representative of Charles Wynn Thruston, deceased, an officer in the revolutionary army, praying to be allowed commutation pay: referred to the Committee on Revolutionary Claims.

Mr. BAYARD presented a memorial from sundry citizens of Delaware, urging upon Congress the passage of a law authorizing the issue of $200,000,000 of stock, based on the public domain, to be divided among the States and Territories in a representative ratio, for their relief; which was referred to the Committee on Finance.

Several adverse reports of standing committees on private claims were taken up, and concurred in.

Mr. SEVIER, from the Committee on Pensions, reported back, without amendment, and with a recommendation that they do pass, House bills for the relief of Lyman N. Cook, and for the relief of Solomon Emerson.

Mr. S. also, from the same committee, reported back, with an amendment, the bill for the relief of Jeremiah Kimball.

Mr. S. also, from the same committee, reported back, without amendment, and with a recommendation that they be indefinitely postponed, the following bills from the House, viz:

The bill for the relief of Jane McGuire, widow of Major Thomas McGuire;

The bill for the relief of Mary Elder; and

The bill for the relief of Patrick Masterton.

Mr. PHELPS, from the Committee on Pensions, reported back, without amendment, (accompanied by special reports, which were ordered to be printed) the following bills from the House, viz:

The bill for the relief of Elizabeth Harris.

The bill for the relief of Leah Tenure; and

The bill for the relief of Henry Freeman.

Mr. PHELPS, from the Committee on Pensions, reported a bill for the relief of Ashael Brainard; which was read, and ordered to a second reading, accompanied by a special report, which was ordered to be printed.

On motion by Mr. PHELPS, the Committee on Pensions was discharged from the memorial of the widow of Richard Zantzinger; and it was referred to the Committee on Military Affairs.

Mr. PHELPS, from the Committee on Pensions, reported back, without amendment, and with a recommendation that it do pass, the bill for the relief of Elizabeth Gresham, widow of George Gresham.

Mr. P., from the same committee, reported back, without amendment, and with a recommendation that they be indefinitely postponed, house bill for the relief of George Hommell, and the bill granting a pension to Joseph Watson.

Mr. BAGBY, from the Committee on Pensions, reported back, without amendment, and with a recommendation that it do pass, the bill for the relief of Elizabeth Powers.

Mr. DAYTON, from the Committee on Public Buildings and Grounds, reported back, with an amendment, the bill to fix the compensation of the Commissioner of Public Buildings.

Several bills from the House were read twice, and referred to appropriate committees.

On motion by Mr. BARROW, the previous orders of the day were postponed, and the Senate took up, as in committee of the whole, the bill from the House for the relief of Thomas King of Tennessee.

The bill was opposed by Mr. KING, on the ground that, if the individual was entitled to an invalid pension, he could, on application at the department, procure it under the general law.

Mr. SEVIER explained why it was he could not receive a pension under the general law, of which he contended that, in justice, he was entitled.

There being no amendment proposed to the bill, it was reported to the Senate, ordered to a third reading, was read a third time and passed—ayes 15, noes 12.

On motion by Mr. BARROW, the previous orders were postponed, and the Senate took up and considered, as in committee of the whole, the bill for the relief of Nancy Hambright, widow of Captain John Hambright, deceased; and there being no amendment offered, it was reported to the Senate, read the third time, and passed.

On motion by Mr. PHELPS, the bill to allow a pension to Esther Augur, (which the Committee on Pensions thought there was no necessity for the passage of, believing the pension could be obtained by application at the department,) was taken up and laid on the table; and leave was granted to the petitioner to withdraw from the files of the Senate her petition and papers, with the view of presenting them at the department.

Mr. MILLER moved to postpone the previous orders, with a view of taking up the bill to incorporate the Georgetown College, in the District of Columbia.

Messrs. YOUNG and PHELPS opposed the taking of bills out of their proper place on the calender, and giving them precedence over private claims which had been so long pending.

Mr. MILLER pointed out the necessity of forwarding action on this bill, so as to secure the action of the other House on it.

The question was put; and the Senate refused to take the bill up.

On motion by Mr. MERRICK, the bill for the relief of Samuel D. Rose and others was taken up as in committee of the whole; and there being no proposition to amend, it was reported to the Senate, read the third time, according to order, and passed.

THE QUESTION OF ASSUMPTION.

Mr. RIVES called up his resolutions (inserted in yesterday's paper) on the subject of the assumption of State debts, and declaring the opinion of the Senate that Congress can never assume those debts, in any form, without a violation of the Constitution, and committing a gross act of inexpediency.

Mr. HUNTINGTON inquired whether those resolutions took precedence of the business on the calendar after the morning hour?

The CHAIR was understood to say that they did not.

Mr. RIVES remarked, that, in the discussion of yesterday, it was understood that the resolutions postponed till to day would be the business in order for this day. That was the understanding on yesterday.

Mr. KING was understood to say that, from the action of the Senate on yesterday, those resolutions were not to be considered the business of the morning hour, but the business of the day, from the hour of one o'clock.

Mr. RIVES, inasmuch as the Chair had made a decision against the understanding of yesterday, moved to postpone all the previous orders, for the purpose of proceeding to the consideration of those resolutions.

The Senate was then divided on the motion to take up the resolutions; and the Chair, on making a count, said the motion was not carried.

Mr. RIVES called for a division.

The Senate was again divided on a count; and the Chair announced that there were 20 in the affirmative, and ——

Mr. ALLEN here called for the yeas and nays.

Messrs. CRITTENDEN and HUNTINGTON simultaneously interposed, and asked the Chair if it was in order to make a call for the yeas and nays after the Chair had decided that the motion was lost.

The CHAIR said he had not so decided; he had not announced the vote, and it was in order to demand the yeas and nays.

The yeas and nays were then ordered, and, being taken, were—yeas 22, nays 22, as follows:

YEAS—Messrs. Allen, Archer, Bagby, Benton, Buchanan, Calhoun, Cuthbert, Fulton, King, Linn, McRoberts, Rives, Sevier, Smith of Connecticut, Sturgeon, Tappan, Walker, Wilcox, Williams, Woodbury, Wright, and Young—22.

NAYS—Messrs. Barrow, Bates, Bayard, Berrien, Clayton, Conrad, Crafts, Crittenden, Dayton, Evans, Graham, Henderson, Huntington, Mangum, Merrick, Miller, Morehead, Phelps, Smith of Indiana, Sprague, Tallmadge, and Woodbridge—22.

So the motion to proceed to the consideration of these resolutions was decided in the negative.

FINE ON GENERAL JACKSON.

The bill to indemnify Maj. Gen. Andrew Jackson for damages sustained in the discharge of his official duty, came up in order as in committee of the whole, on the amendment of the Committee on the Judiciary.

Mr. LINN said, the very best argument he could offer against the introduction of the proposed amendment, and in favor of the original bill, would be found in the report made by the committee of the House of Representatives to which this subject had been referred. It was recommended, in that report, that the money should be granted to General Jackson in consideration of his distinguished military services, and the gratitude due to him for his successful defence of New Orleans.

If it was to be put upon the ground of a reward for his military services, it was evidently inadequate. No one could question the patriotism, the valor, and the distinguished nature of the military services of Major General Andrew Jackson, as displayed throughout the whole course of

the late war, and particularly at the closing scenes of that war. If, therefore, the act of restoration of the sum of $1,000 was to be taken to be in consideration of the distinguished military services of General Jackson in the defence of the country, it would be perceived at once that no friend of the General could vote for the bill, nor could General Jackson himself accept the money upon any such grounds.

The bill introduced by him (Mr. L.) at the last session, as well as at this, was plain and simple, requiring the proper accounting officer of the Treasury Department to ascertain the amount awarded against General Jackson at New Orleans, for an official act done by him, and to repay that amount, with interest accruing upon it; and in the remarks which he had made at the time of the introduction of the bill, he had placed the matter on the same ground upon which other cases of a similar nature had been placed, where penalties had been awarded by the civil courts against officers for acts committed in the discharge of their official duties. He had adduced various parallel cases, one of which occurred as late as the year 1823, when a military officer (Colonel Purdy) was induced to arrest persons suspected of disaffection, even in time of peace, without any such strong necessity to justify the act as existed in the case of General Jackson, and was amerced in damages. The matter was referred to Congress; and the committee to which it was referred, without hesitation, reported in favor of refunding the money; although the incarceration of the individuals (which was the offence complained of) was committed during a time of peace, and without the strong and urgent necessity under which General Jackson acted; and it was determined, by the committee and by Congress, that the money ought to be refunded, because they believed the officer had acted in the faithful discharge of his duty, and that it was his zeal in the service of his country which lay at the bottom of the act; that it proceeded from patriotism, and from that alone. He believed there was no case in which the Congress of the United States, being convinced that the act proceeded from patriotic motives, and was done in good faith, and under a sense of duty, had refused to restore a sum of money which had been taken from an officer in the shape of damages.

This bill was strikingly analogous to the one in favor of Matthew Lyon, which had passed this body. In that case, a fine which had been imposed upon him by a district judge of the United States, was, after the lapse of forty years, restored to his heirs, upon the ground that he acted with good intentions; and the question whether the judge who imposed the fine acted right or wrong, was not agitated. The money was refunded, because the Senate of the United States thought it had been taken from him improperly; but there was not, as in this case, (where the judge acted in his own case, and acted as both judge and jury,) a word said about injury to the character of the judge by refunding the money.

Why should the case of General Jackson be made an exception? Why should he not have the same justice rendered to him, as had been rendered to all other officers in the service of this Government? They would recollect the cases of General Brown and General Wilkinson, when the decisions of the courts rested upon the violation of the State laws, as well as the laws of the United States. These cases were analogous to the present. He referred also to a case which occurred during the late war, where six individuals had been arrested upon suspicion of treachery, and suit was afterwards brought against the officer who ordered the arrest, and he was amerced in the sum of $9,000. And the Congress of the United States, after a deliberate examination of all the circumstances of the case, required the money to be refunded.

But it seemed that General Jackson's case was to be made an exception to that rule which had been so universally acted upon in all other cases; that it was to be made an exception upon political grounds; or perhaps gentlemen might indulge in an act of revenge upon the aged and the absent—like the absent statue of Brutus from the ancient noble group; and he would say, that the absence of action in this case, would render the case more remarkable.

He had hoped that the vote would have been taken upon the bill without discussion, as had been done in the case of Matthew Lyon. It seemed to be otherwise ordained, however; and he would proceed to make a few remarks upon the subject. In all such cases as the one they were now considering, the law was necessarily silent. Necessity had no law. The question was, whether this was a case of that description; and upon this point there seemed to be no difference of opinion in the minds of those who were not biassed by strong party feelings. They all agreed that his conduct was justified by stern necessity; that he acted, at all events, upon motives of the purest patriotism. The President of the United States, as well as Congress, at that time, was aware of every step taken by General Jackson. The President had it in charge to see the laws of the country faithfully executed. Did the conduct of General Jackson, on that occasion, meet with any rebuke from President Madison? If his conduct had been an outrage or a violation of the laws, why did not the authorities take the necessary steps to arrest his course? No, sir, there was scarcely a dissenting voice throughout this broad land, from the opinion that he had acted correctly; and the only question that could come up now, was, whether he carried his measures beyond the point which necessity absolutely required. In no point of view in which you can examine the subject, could his conduct be regarded in a more exalted light than that which exhibited him continuing his vigilance until there was not even the appearance of danger remaining. But this was a point about which gentlemen would differ. In one of his official reports, made in January, 1815, Gen. Jackson told the Administration that, notwithstanding the enemy had disappeared from the coast, yet he would continue the same measures for the security of the country which he had heretofore had in operation. There had not been quoted by gentlemen who had entered into this contest, either in Congress, or through the newspapers, anything to controvert the truth of the declaration, wherein General Jackson announced to the world that he would continue, until every shadow of danger had disappeared, to use the most vigilant measures for the protection of the country. Was not this determination right? Was it not prudent? Was it not commendable?

The rumor of peace, which arrived through the British fleet, was near disorganizing his army. This was the reason, and the sole reason, why General Jackson thought it necessary to relax no effort, no exertion, for the safety of the place. But to revert to the position that necessity has no law, (Mr. L. said,) he would point out to Senators the instance where, under the old articles of Confederation, the States violated the Constitution by raising an army in time of peace. It was justified alone on the ground of necessity. And for fear that his mere assertion would not be sufficient, (Mr. L. said,) he would, with permission of the Senate, read from the 25th number of the Federalist. [He here read the passage referred to.] The charter of the Bank of the United States had, on various occasions, been justified exclusively on the ground of necessity. It was inferred that the power to create such a charter, if it did not exist in the Constitution, at all events ought to exist; and it was, therefore, argued to be lawful, on the ground of necessity. The invasion of our territory, the burning of the Caroline, and the murder of Durfee, were defended, on the ground of the necessity of the case on the part of Great Britain. Well, sir, (continued Mr. L.,) the present President of the United States, in refusing to sign the bills for a United States bank, which Congress presented to him, was condemned by many persons for not yielding up his constitutional scruples; and with the permission of the Senate, I will read a few remarks in this connexion, from a speech delivered in this chamber, on that occasion, by a very distinguished Senator from Kentucky, long celebrated for his unsurpassed eloquence. [Mr. L. here read extracts from the speech of Mr. Clay, to which he referred.]

Sir, you must well recollect the thrilling effect produced by the Senator I have quoted when he said, in his own emphatic manner, "I am not brave enough to throw myself down in the way of the prosperity of my country." All recollect, sir, that that Senator clearly intimated that if the President had constitutional objections to signing the bank bill, he should have permitted the bill to become a law, notwithstanding those objections. Mr. L. referred to many other instances in point, showing that the party which now opposed this bill on constitutional grounds, had uniformly waived such scruples when other officers in the public service were to be relieved from the consequences of assuming arbitrary power over civil rights, in the conscientious discharge of their official duty.

Why, he asked, was General Jackson to be made a solitary exception to this general rule? Why was he alone less worthy of a fair, just, and impartial consideration, than others whose services were less momentous to the country? Why was this bill alone to be denominated "a bill for the *relief* of Major General Andrew Jackson?" Who asked for "relief" for General Jackson? Not himself—not one of his friends. It was an indemnity for damages which he sustained in the performance of a military duty, which saved the country from an invading enemy. The original bill, as he (Mr. L.) had introduced it last year, and this session, studiously kept clear of any reference to Judge Hall. It might have been passed without a word of debate. It was not by its friends that any allusion or unnecessary introduction of Judge Hall's conduct had been brought up. They had been forced into the question of its propriety; but they were, and still are, satisfied to have the bill in a form so simple as to make no mention whatever of the Judge. All they want is to do an act of even-handed justice towards General Jackson such as had always been extended to other officers in the public service, under similar circumstances.

Mr. MILLER addressed the Senate for about an hour in opposition to the bill, whether amended or not. He contended that there was no necessity for it, growing out of the case itself intrinsically, because, on the ground taken by the friends of the original bill, no proof had been produced, or could be produced, that the fine was either illegally or unconstitutionally imposed; and, on the ground taken by the amendment, it would be entirely an inadequate remuneration for Gen. Jackson's military services at New Orleans.

Mr. M. then proceeded to state the circumstances under which the fine had been imposed, with a view of showing that it was for a contempt of court, in resisting the authority of the writ of *habeas corpus*, and suspending the civil functions of the law, by an unconstitutional and arbitrary exercise of military power. He contended that General Jackson himself claimed the restoration of this fine, on the bold and open grounds that the judgment of the court was iniquitous and unlawful. He referred to his letter of the 1st of August, 1842, addressed to Jacob Gibson, in proof of this; and contended that, if the friends of General Jackson could not now show that the course taken by Judge Hall was iniquitous and unlawful, the claim must fall to the ground. That they could also do this, was the position he assumed; and in support of the assumption, he referred to the history of the constitution, of martial law, (which he considered undefinable, unless by negation,) and to the history of the writ of *habeas corpus*, from the act defining its powers in the reign of Charles II. down to the present day.

He maintained that it was not either justice or generosity; for, as to the one, the law had been the offended party; and as to the other, the sum was too insignificant, that stirred up this question after a repose of eight-and-twenty years. It was, he contended, a mere movement at a critical time, to make political capital out of the sympathies of a grateful people, for a meritorious military officer whose glory was even yet thought capable of lighting his successor to the Presidency once more to the seat from which he had descended. This he thought could account for the excitement got up at State Legislatures, inducing them to instruct their Senators and Representatives in Congress to advocate this bill. It could account for the petitions poured into Congress day after day on the subject, and for the

noise made about it abroad among the people. He denied that it was any stain on General Jackson's fair fame, that the record of this fine should be preserved. On the contrary, he contended that it was one of the brightest ornaments in the page of his history, that he had bowed to the supremacy of the law and the Constitution, and paid this fine in atonement for the wound he had inflicted on both.

If it had been either a pecuniary grievance, or a blot upon the escutcheon of his name, why did his friends, while so long in power—why did the Congresses fresh in the recollection of the transaction—why did the Van Buren administration, keen to catch at anything to do justice to, or gratify, the military chieftain who appointed the succession—neglect the duty which now has sprung up so suddenly, and appears so urgent? Why let this act of duty sleep for a quarter of a century? It was because they had no conviction that it was necessary, either in support of General Jackson's character, or of their own continuation in power. But now there was a necessity to catch at everything calculated to have a bearing on the presidential election of 1844. It was for this that it was now proposed to take back the hero of New Orleans to the scene of his military glory, with all Congress at his heels, and sanction, by an official act of national legislation, an outrage on the Constitution and the laws of the country—and that, too, over the grave of Dominic Hall, who had faithfully discharged his duties, and left the only monument the country had to appeal to of an independent judge braving an arbitrary power such as he had to contend with. He should vote against the bill in any form.

Mr. McROBERTS said he was somewhat surprised that this question should be considered in any way connected with politics; and that the State Legislatures were pouring in instructions, with a view to control the votes of Senators in relation to this subject, for political purposes.

They had been asked, Why the necessity for acting upon it now? What new motive had prompted the measure? He would tell the Senate. It was because it must be acted upon at an early period, if it was to be done in the lifetime of the distinguished man who was the subject of it. It was for the purpose of letting him see and read upon the statute-book of this country that the fine had been restored to him, that its passage was asked for now.

But why was it that so much excitement had sprung up in the country within the last six months upon this subject? Why was it the Legislatures of the States had interfered? It was because of your refusal at the last session of Congress to render this act of justice; to restore the fine which had been unjustly imposed, and which this nation, he would venture to assert, would, at no distant day, restore. And he would say further, that, if Senators would but do that which it was obligatory upon them to do, the act would be passed this very day. He rejoiced to find that they had now a new view of the subject. They had not only an avowal that the act of General Jackson was an outrage, but they had the avowal from the gentleman on the other side, that the money should never be returned, either with or without the declaration that it was considered an outrage by the Senate; for he was always glad to see a man come out boldly and declare his opinions: and the gentleman from New Jersey had done so on this occasion. He declared himself against the restoration of the fine on any terms; and that he was against it because of his great reverence for the Constitution, and his anxiety that it should be preserved unimpaired. This might be very good reasoning to satisfy the honorable gentleman; but what were they to infer from all this? That General Jackson was to be regarded as being adverse to the preservation of the Constitution? Had he no patriotism? Had he no love for the institutions of his country? What other man living had shown himself so staunch a friend to both? Had he not periled everything in defence of those institutions and of that country? No other patriot living had ever performed such signal acts of patriotism, and exhibited himself so true a friend to the Constitution under which we live.

They were told that, if they restored this money, it would amount to a damning reflection upon the character of Judge Hall. How, he would ask, could the character of the Judge be involved in the decision of the Senate upon this question? He had called General Jackson before him, and imposed the fine: the fine was paid; and, by its payment, the offence was atoned for. Was it not? The mandate of the court had been obeyed. Where, then, was there cause of complaint? No; it was not this. The reputation of Judge Hall was not implicated; there was some other reason by which gentlemen were actuated. As for the alleged contempt of court, he would say a few words upon that point. What was meant by a contempt of court? It would be recollected that a judge of a district court had been impeached before this body some years ago, for acting in his own case, (and, by-the-way, though he was not cashiered, he narrowly escaped—there being more than twenty votes in favor of his condemnation,) and the subject having been in this way brought to the attention of the Senate, a law was passed declaring what the law should be in reference to contempt; and the principles of the common law upon that subject were embodied in the act. What was considered a contempt of court? It was some act done in the presence of the court—some act which reflected directly upon the court as a court. Was it pretended that such was the case here? Judge Hall himself admitted that no court was held from the time martial law was declared until the army was disbanded. It could have been, therefore, no contempt of court; and if it were held that Judge Hall could punish for a mere contempt of his person, he must be permitted to say it was a new doctrine. No such case had ever occurred. He would challenge any man to produce an adjudicated case of the kind. General Jackson might, he would admit, have been prosecuted in a civil action; but he could not be punished for a contempt of court.

Mr. McR. then referred to the record of the court, to show that no contempt of court had ever been alleged by Judge Hall himself. He was at a loss to know how it could be contended that a military commandant was not the absolute master of his camp. True, there was nothing expressed in the Constitution or the laws in regard to this matter. But the very power to declare war, it seemed to him, carried with it necessarily the power of the General to command his own camp; and the General must be himself the judge as to the limits of his camp.

Suppose Judge Hall had gone into the camp, and commenced arresting his soldiers: why, a proposition involving consequences like these would make the matter too ridiculous for argument. Mr. McR. then alluded to the case of Matthew Lyon, who had done some act for which he was fined $1,000, and imprisoned for six months; and Congress afterwards restored the money to his heirs, without any allegation or reflection on the character of the judge who imposed the fine. Nor was that the only parallel case; there were the cases of Hampton, Purdy, Wilkinson, and Brown; in all of which the juries had given heavy damages. And the money had been restored, without any reflection upon the character of the judges or the juries. These men acted as much in violation of law as General Jackson did; and some of them acted far more severely, for they put the men whom they arrested in irons; whereas General Jackson had merely ordered the Judge out of his encampment—and very properly; and for this he was fined $1,000; and, in point of principle, there could be no difference whether the money was paid into the treasury of the United States, or whether it went into the pocket of the prosecutor. And was it possible that, while the Government had, in all other cases, restored the money unconditionally, when they came to the case of Andrew Jackson he could obtain the restoration of his money only by taking an insult? Thank God, (said Mr. McR.) he will not accept it upon such terms.

One word more. Judge Hall was present when martial law was declared; and what did he do upon that occasion? He exclaimed, "Now the country will be saved; without this, it would be lost." He approved the act—nay, even counselled it. He desired that the bill should pass the Senate, and the money be restored unconditionally; but, unless it could be passed as offered, and without amendment, he would be compelled again to vote against it, because he would not consent to convey an insult to the venerated hero, which the amendment contemplated. And he would venture to predict that, if it were refused at this session, it would not be at the Ides of March in another session that it would be passed, but at the earliest moment of the assembling of Congress.

Mr. LINN, after a short explanation between him and the Senator from New Jersey [Mr. MILLER] as to his allusion to "political objects" in bringing forward this bill, (which Mr. L. utterly repelled,) referred to the following extract from Mr. Jefferson's letter to John B. Colvin, esq., as a justification of the principles on which General Jackson acted at New Orleans; it was in relation to General Wilkinson's case:

Extract of a letter from Mr. Jefferson to John B. Colvin, Esquire.

"To proceed to the conspiracy of Burr, and particularly to General Wilkinson's situation in New Orleans. In judging this case, we are bound to consider the state of the information, correct and incorrect, which he then possessed. He expected Burr and his band from above, a British fleet from below, and he knew there was a formidable conspiracy within the city. Under these circumstances, was he justifiable, 1st. In seizing notorious conspirators. On this there can be but two opinions: one, of the guilty and their accomplices; the other, that of all honest men. 2d. Sending them to the seat of government, when the written law gave them a right to trial in the Territory? The danger of their rescue; of continuing the machinations; the tardiness and weakness of the law; apathy of the judges; active patronage of the whole tribe of lawyers; unknown dispositions of the juries; an hourly expectation of the enemy; salvation of the city, and of the Union itself, which would have been convulsed to its centre, had that conspiracy succeeded—all these constituted a law of necessity and self-preservation, and rendered the *salus populi* supreme over the written law. The officer who is called to act on this superior ground, does indeed risk himself on the justice of the controlling powers of the Constitution, and his station makes it his duty to incur that risk. But those controlling powers, and his fellow-citizens generally, are bound to judge according to the circumstances under which he acted. They are not to transfer the information of this place, or moment, to the time and place of this action; but to put themselves into his situation. We know here that there never was danger of a British fleet from below, and that Burr's band was crushed before it reached the Mississippi. But General Wilkinson's information was very different, and he could act on no other.

"From these examples and principles you may see what I think on the question proposed. They do not go to the case of persons charged with petty duties, where consequences are trifling, and time allowed for a legal course, nor to authorize them to take such cases out of the written law. In these the example of overleaping the law is of greater evil than a strict adherence to its imperfect provisions. It is incumbent on those only who accept of great charges, to risk themselves on great occasions, when the safety of the nation or some of its very high interests are at stake. An officer is bound to obey orders; yet he would be a bad one who should do it in cases for which they were not intended, and which involved the most important consequences. The line of discrimination between cases may be difficult, but the good officer is bound to draw it at his own peril, and throw himself on the justice of his country and the rectitude of his motives."

Having thus shown that the law of necessity justified the declaration of martial law, he would now ask the Senator from New Jersey, if he had been placed in the same circumstances in which General Jackson was placed, would he have acted as General Jackson did?

Mr. MILLER said that, without a perfect knowledge of every circumstance, he could not—

Mr. LINN did not want a conditional answer. He merely required a definite reply, one way or other; for particular circumstances did not alter the actual fact of declaring martial law.

Mr. MILLER said he would not have acted as General Jackson did.

Mr. LINN said that was a definite answer. It could only be accounted for by the lawyer-like way in which professional gentlemen view questions of mere abstract principles. It amounted to this: that the Senator from New Jersey, with his civilian notions, sooner than yield them would suffer a foreign enemy to overrun the country, and destroy the very Constitution itself, than suspend that Constitution for a moment, that the enemy might be expelled, and both country and constitution be preserved.

He did not, in saying this, impute anything personally disrespectful to the Senator from New Jersey; he only meant to illustrate that this was not

a subject which could be adjudged by mere technical rules of law. It should be taken on the broad principles of patriotism and national honor. The Senator says that if he had been in General Jackson's place, he would not have declared martial law. But if, in consequence of that resolution, New Orleans became the prey of a foreign enemy with a formidable force, fresh with the flush of victory from another continent, how would he stand justified before his conscience and his country? What excuse would it be for him that the dread of the Constitution rendered his hands powerless, and prostrated those energies which had been conferred on him for the protection of his country?

Mr. L. then reviewed the conduct of Judge Hall in flying from the city, instead of remaining to fulfil his duties at the most critical period of the invasion, and returning to it only when in his power to do mischief. He further reviewed the circumstances which justified General Jackson, and concluded by invoking Senators to suffer the bill to pass in its original form, as they must know that in no other shape could it be accepted by either General Jackson's friends orhimself.

Mr. BAGBY remarked, it would be recollected that, when this question was up last session, he had refrained from entering into the discussion. He had two reasons for thus acting; one was, because he was satisfied then, as now, that there were gentlemen in that body more competent to do justice to the question than he was; and the other, that the position he then occupied was different from his present position. He had made it a rule in life never, in any case, or on any occasion, or under any circumstances, to avail himself of the popularity of others—no matter how dearly earned or deserved that popularity—to advance his own interests. This time he occupied a different position in regard to this question—the circumstances in which he was then placed no longer exist. He could now express his heartfelt and lively satisfaction that an opportunity was afforded him of supporting this measure of justice without a possibility of having his motives misunderstood, or misconstrued into consideration of popularity. According to a deep and solemn sense of duty, he thought the bill ought to pass—and pass in the simple form in which it was presented to the Senate by the Senator from Missouri [Mr. LINN.] Whatever might be the course of other gentlemen on this question, as a matter of party or policy, no such considerations would enter into his motives, or govern the vote he should give. If his voice could be heard, he would ask gentlemen on the other side [Whig side] not to make this a party question. The time was almost at that point when the character and services of that great man would not be looked upon as party property; but when they would be looked upon and esteemed as the property of the whole people and whole country. He appealed to the Senators on the other side to discard the idea of party management and party tactics, in disposing of a question of this character; and to act as if they were called upon to render justice—simple and exact justice—to a distinguished benefactor of his country; to look upon it as became every American Senator, and every American citizen with a patriot heart in his breast. He could tell Senators on the other side, that, whatever might be the fate of that measure then, there was a time hastening when there would be an answer to the principles involved in that bill—the time when the people would be standing round the grave of the hero, mourning his departure—the time when the differences on this question, unfortunately engendered by differences of political opinion and party rancor, will be entirely erased, and when his acts will be judged with impartiality. He did not consider, that the passage of this bill would add anything to the fame of General Jackson;—no, nothing; for, in the language of another great man, (Jefferson,) he has long since "filled the measure of his country's glory." Its passage was not urged for the purpose of adding another wreath to adorn the brow of the patriot and hero; but that justice should be done him. Party should not pollute his motives in voting for this bill; for if the justice asked was for the veriest Whig that ever adorned or injured the country, he would view this case as he now viewed it—he would pursue the same course as he was about to pursue on the present occasion. He could not find it in his heart to withhold from this aged, venerable, and revered man, whether Whig or Democrat, any act of his which would be at all instrumental in smoothing the declining path of him whose sun soon must set.

He again called upon the Whigs to discard those narrow and unworthy views of this question. He again repeated, that General Jackson did not stand in need of this measure to add to his fame, for the measure of his fame was full to overflowing.

Mr. B. after making many beautiful allusions to the character and services of Gen. Jackson, asked Senators on the other side to discard party considerations in voting on this question, or to come up and say whether they would leave to rankle and fester in the heart of this aged and venerable hero, to disturb his last moments, the memory of the injustice done him.

Mr. B. having concluded,

Mr. SMITH of Connecticut obtained the floor, and wished to speak before the question was taken; but yielded the floor to

Mr. MOREHEAD, on whose motion

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 17, 1843.

Mr. HASTINGS presented the memorial of 91 farmers of Columbiana county, Ohio, asking Congress to equalize the tariff, and in just reference to their staples of wool and hides.

Also, the memorial of 69 farmers, of the same county and State, upon the same subject.

Also, the memorial of 32 farmers, of the same county and State, upon the same subject.

Also, the memorial of 61 farmers, of the same county and State, upon the same subject.

Also, the memorial of 60 farmers, of the same county and State, upon the same subject.

Also, the memorial of 37 farmers, of the same county and State, upon the same subject.

Mr. KEIM presented the petition of George R. McFarlane and thirty-seven others, of Hollidaysburg, Pennsylvania, praying Congress to relieve Amos Kendall, late Postmaster General: referred.

Mr. WARD presented the petition of Gilbert Lyon and others, praying Congress to adopt measures for removing obstructions from Byrum river.

Mr. GRAHAM asked leave to offer a resolution of inquiry. It was read and adopted, as follows:

Resolved, That the Committee on Indian Affairs inquire into the expediency of appropriating a sum of money sufficient to pay the Cherokee Indians in North Carolina for spoliations committed on their property by Government agents, and others, between the 23d day of May, 1838, (the time fixed for removal by the treaty of 1835,) and the time when the said Indians actually removed west of the Mississippi river.

Mr. LITTLEFIELD of Maine presented resolutions of the Legislature of that State, in relation to the military academy at West Point, against any further appropriation for the support of that institution; and, also, in relation to an alteration in the laws regulating the Post Office Department; which, on his motion, were laid on the table and ordered to be printed.

Mr. BARNARD rose, and inquired whether it would be in order to go into Committee of the Whole on the state of the Union.

The SPEAKER replied that it would.

Mr. BARNARD expressed his intention to move that the House go into committee after the morning hour.

Mr. FILLMORE asked leave to report the civil and diplomatic appropriation bill, with a view to have it printed.

Objection was made by Mr. L. W. ANDREWS.

THE STATE DEBTS.

Mr. W. COST JOHNSON claimed the floor upon the motion of the gentleman from Pennsylvania [Mr. J. R. INGERSOLL] to print 10,000 extra copies of the majority and minority reports from the Committee of Ways and Means on the proposition to issue $200,000,000 Government stock to the States.

Various points of order were raised, all questioning the right of this subject to take precedence of all others during the morning hour, and discussed by Messrs. FILLMORE, SMITH of Virginia, BRIGGS, WELLER, and J. R. INGERSOLL.

The SPEAKER overruled all objections, and gave the floor to the gentleman from Maryland.

Mr. WM. COST JOHNSON then addressed the House up to the conclusion of his hour, in commenting on the report of the committee, and advocating his project for the issue of two hundred millions of Government stock.

Mr. FILLMORE called for the orders of the day.

Several gentlemen endeavored to get the floor on the subject which had been discussed by the gentleman from Maryland; but the Speaker decided that the morning hour had expired.

THE ARMY APPROPRIATION BILL.

Mr. FILLMORE submitted a resolution to terminate debate at half-past 2 o'clock in Committee of the Whole, on the amendments of the Senate to the army appropriation bill; and on this he moved the previous question.

Mr. WISE inquired if there was any special order for to-day.

The SPEAKER'S reply was not heard.

Mr. WISE said he would move to go into Committee of the Whole on the state of the Union—

The SPEAKER interrupted him, and reminded the gentleman from Virginia that the previous question was pending.

Some conversation ensued, in which Mr. UNDERWOOD, the SPEAKER, Mr. GIDDINGS, and others took part; the previous question was then seconded, and the resolution was adopted.

Mr. FILLMORE moved that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. J. YOUNG hoped the gentleman from New York would allow the question to be taken on a private bill (whose title was not stated) which was on the Speaker's table, and on which the previous question had been moved.

Mr. FILLMORE could not consent, now that the time was limited on the army appropriation bill.

Mr. WISE said he should renew his motion to take up the exchequer bill.

Mr. FILLMORE begged the gentleman from Virginia to allow the army bill to be first disposed of, as only two hours remained for its discussion.

After some other conversation, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. A. H. H. STUART in the chair,) and took up the army appropriation bill.

The pending question was on the amendment of the Senate, appropriating $50,000 for the improvement of the Mississippi, Arkansas, Missouri, and Ohio rivers, during the half calendar year ending June 30th, 1843, and $100,000 for the improvement of the said rivers during the fiscal year ending June 30th, 1844.

After an ineffectual attempt by Mr. WISE to have the bill set aside, for the purpose of taking up the exchequer,

Mr. WELLER addressed the House at considerable length in favor of the appropriation.

Mr. R. W. THOMPSON moved the following amendment to the amendment of the Senate:

For continuing the improvements of the harbor of Chicago, Illinois, for the said half calendar year, twenty thousand dollars; and for the said fiscal year, sixty thousand dollars.

For continuing the improvements of the harbor of Cleveland, Ohio, for the said half calendar year, twenty thousand dollars; and for the said fiscal year, forty thousand dollars.

For completing the improvements of the harbor of Erie, Pennsylvania, for the said half calendar year, ten thousand dollars; and for the said fiscal year, twenty thousand dollars.

For continuing the improvements of the harbor of Buffalo, New York, for the said fiscal year, twenty thousand dollars.

For continuing the improvements of the harbor at the mouth of Genesee river, for the said half calendar year, twenty thousand dollars; and for the said fiscal year, twenty-seven thousand two hundred and forty-five dollars and forty-two cents.

For continuing the improvements at Oswego, New York, for the said fiscal year, twenty-seven thousand one hundred and seventy-six dollars and sixty-seven cents.

For completing the breakwater at Burlington, Vermont, for the said half calendar year, twenty thousand dollars; and for the said fiscal year, thirty thousand dollars.

For continuing the improvement of the navigation of the Hudson river, above and below Albany, in the State of New York, one hundred thousand dollars, to be expended according

to the plan and estimate recommended by the Secretary of War.

For continuing the breakwater at Plattsburg, New York, for the said half calendar year, fifteen thousand dollars; and for the said fiscal year, twenty-five thousand dollars.

For repairs of pier, and preservation of harbor of New Castle, Delaware, for the said half calendar year, ten thousand dollars; and for the said fiscal year, twenty thousand dollars.

For continuation of the Delaware breakwater, for the said half calendar year, fifty thousand dollars; and for the said fiscal year, fifty thousand dollars.

For completing the improvements of Cape Fear river, below Wilmington, for the said half calendar year, ten thousand dollars; and for the said fiscal year, thirty thousand dollars.

For improving the navigation of Savannah river, Georgia, for the said half calendar year, fourteen thousand dollars; and for the said fiscal year, twenty-eight thousand dollars.

For removal of the obstructions at the mouth of Suwannee river, Florida, for the said half calendar year, ten thousand dollars; and for the said fiscal year, twenty thousand dollars.

For removal of the obstructions to the channel of Mobile harbor and bay, for the said half calendar year, twelve thousand five hundred dollars; and for the said fiscal year, twenty-five thousand dollars.

For preservation, repairs, and gradual completion of the harbors on the lakes, other than those enumerated, for the said fiscal year, sixty thousand dollars.

CUMBERLAND ROAD.

For continuing the Cumberland road in Ohio, for the said half calendar year, fifty thousand dollars; and for the said fiscal year, fifty thousand dollars.

For continuing the Cumberland road in Indiana, for the said half calendar year, seventy-five thousand dollars; and for the said fiscal year, seventy-five thousand dollars.

For continuing the Cumberland road in Illinois for the said half calendar year, seventy-five thousand dollars; and for the said fiscal year, seventy-five thousand dollars.

For arrearages due for expenses incurred in making a survey and estimate for the location of the Cumberland road from Vandalia, Illinois, to Jefferson City, Missouri, as required by resolution of the Senate of January thirty, one thousand eight hundred and thirty-nine, for the said fiscal year, one thousand three hundred and fifty-nine dollars and eighty-one cents.

Mr. MALLORY raised a question of order; and contended that the amendment (which is a transcript of the "harbor bill") could not be entertained in connexion with this bill.

Mr. SPRIGG requested the gentleman from Indiana [Mr. THOMPSON] to withdraw the amendment.

The CHAIR decided the amendment to be in order.

Mr. RICHARD W. THOMPSON then addressed the committee up to the expiration of his hour, in favor of the amendment.

Mr. SPRIGG took the floor at 2 o'clock, and addressed the committee for half an hour against the amendment of the gentleman from Indiana, [Mr. THOMPSON,] and against large appropriations generally; but in favor of the adoption of some measures for the improvement of the Western waters.

Mr. RICHARD W. THOMPSON then modified his amendment, by adding a proviso that $25,000 of the appropriation for the States of Ohio, Indiana, and Illinois, be applied to the construction of a bridge across the Ohio river, at Wheeling.

Mr. BROCKWAY then moved to amend the amendment of Mr. R. W. THOMPSON, by substituting for it the harbor bill reported by the Committee on Commerce.

Mr. R. W. THOMPSON contended that the amendment of Mr. BROCKWAY was not in order. The amendment of the Senate could be amended, but no two amendments could be offered at the same time.

The CHAIR decided that the amendment of the Senate was in the nature of an original proposition; and, therefore, a motion to amend it could be amended.

The question was then taken on Mr. BROCKWAY's amendment, and it was rejected—ayes 45, noes 97.

Mr. HOWARD offered an amendment to the amendment, making appropriations for the improvement of the river Raisin, Lake St. Clair, and other rivers in Michigan: rejected.

Mr. BOTTS offered an amendment to the amendment, appropriating $50,000 for improving the navigation of the James river, below Richmond: rejected.

Mr. TILLINGHAST offered an amendment to the amendment, appropriating $10,000 for the improvement of the navigation of Providence river: rejected.

Mr. SALTONSTALL offered an amendment to the amendment appropriating, $10,000 for the breakwater at Sandy Bay, Massachusetts: rejected.

Mr. MALLORY offered an amendment to the amendment, appropriating $30,000 for the completion of the locks at the northern termination of the Dismal Swamp Canal: rejected.

Mr. W. W. IRWIN offered an amendment to the amendment, appropriating $80,000 for the marine hospitals on the Western waters: rejected.

Mr. GOODE of Ohio offered an amendment to the amendment, appropriating $70,000 for removing the bar and other obstructions in the Maumee river: rejected.

Mr. FESSENDEN offered an amendment to the amendment, appropriating $30,000 for the continuation of the breakwater at Portland, Maine: rejected.

Mr. WILLIAMS of Connecticut offered an amendment to the amendment, appropriating $30,000 for the improvement of the Thames river: rejected.

Mr. TOLAND offered an amendment to the amendment, appropriating $10,000 for the repair of the piers at Reedy Island, on the Delaware: rejected.

Mr. CROSS offered the following amendment to the amendment:

For completing the military road from Memphis, in the State of Tennessee, westwardly, passing through the State of Arkansas, to the frontier of said State. [Amount not stated.]

This was also rejected.

Mr. BLAIR offered an amendment to the amendment, appropriating $5,000 for the improvement of the harbor of Whitehall, New York: rejected.

Mr. YORKE offered an amendment to the amendment appropriating $5,000 for the improvement of ——— river: rejected.

Mr. CALHOUN offered an amendment to the amendment, appropriating $5,000 for the improvement of the entrance into the harbor of Beverly, Massachusetts: rejected.

The question was then taken on Mr. R. W. THOMPSON's amendment to the amendment of the Senate, and it was rejected—ayes 61, noes, 96.

The question then recurred on the question of concurrence with the amendment of the Senate; on which tellers were demanded, and Messrs. MILLER and MORRIS were appointed; and they reported 93 in the affirmative, and 98 in the negative.

So the amendment was not concurred in.

The committee concurred in the amendment, inserting the words "the District of Columbia" after the word "Territories," in the section which required that cadets should be residents of the districts, Territories, or District of Columbia, from which they professed to be appointed.

The committee did not concur in the amendment which gave power to appoint ten cadets "at large;" the vote in the affirmative, as taken by Messrs. W. O. BUTLER and CAVE JOHNSON, tellers, being but 40.

The committee then rose, and reported the bill to the House.

Mr. R. W. THOMPSON in the House renewed the motion to amend, which he had submitted in the Committee of the Whole; and on that he moved the previous question, and called for the yeas and nays.

Mr. W. O. BUTLER moved that the House adjourn.

The motion was negatived.

Mr. CAVE JOHNSON raised a question of order in relation to the relevancy of the amendment of the gentleman from Indiana, [Mr. R. W. THOMPSON]

The SPEAKER overruled the point of order.

After a few words from Messrs. MOORE, FILLMORE, WARREN, and others,

Mr. PICKENS renewed the motion to adjourn; which was negatived.

The question was then taken on seconding the previous question, which was agreed to; and the main question was ordered to be put.

Mr. CAVE JOHNSON called for the yeas and nays on the amendment of the gentleman from Indiana, [Mr. R. W. THOMPSON,] and they were ordered; but, as a division was called for, they were taken on the first branch of the amendment, making appropriations for various harbors and internal improvements. This division comprehends all of the amendment, as above printed, except that which makes an appropriation for continuing the Cumberland road.

The House refused to adopt it—yeas 74, nays 132, as follows:

YEAS—Messrs. Adams, Landaff W. Andrews, Sherlock J. Andrews, Babcock, Baker, Barnard, Birdseye, Blair, Boardman, Brewster, Briggs, Jeremiah Brown, Casey, Childs, Chittenden, John C. Clark, Staley N. Clarke, James Cooper, Cowen, Garrett Davis, Dean, John Edwards, Everett, Ferris, Fillmore, A. Lawrence Foster, Gates, Patrick G. Goode, Granger, Henry, Howard, Hudson, Hunt, James Irvin, William W. Irwin, James, Andrew Kennedy, Lane, McKennan, Samson Mason, Mathiot, Mattocks, Maynard, Morgan, Morris, Morrow, Oliver, Pearce, Pendleton, Plumer, Randolph, Ridgway, Riggs, Saltonstall, Slade, Stokely, Stratton, J. T. Stuart, Sweney, Richard W. Thompson, Tillinghast, Toland, Tomlinson, Triplett, Van Buren, Van Rensselaer, Wallace, Edward D. White, Thomas W. Williams, Winthrop, Yorke, and John Young—74.

NAYS—Messrs. Allen, Arnold, Arrington, Barton, Beeson, Bidlack, Black, Botts, Bowne, Boyd, Brockway, Bronson, Aaron V. Brown, Burke, William Butler, William O. Butler, Green W. Caldwell, Patrick C. Caldwell, Calhoun, John Campbell, William B. Campbell, Thos. J. Campbell, Caruthers, Chapman, Clifford, Coles, Colquitt, Mark A. Cooper, Cranston, Cravens, Cross, Cushing, Daniel, Richard D. Davis, Dawson, Deberry, Doig, Eastman, John C. Edwards, Fessenden, John G. Floyd, Charles A. Floyd, Fornance, Thomas F. Foster, Gamble, Gentry, Gerry, Gilmer, Goggin, William O. Goode, Gordon, Graham, Green, Gwin, Hall, Halsted, Hastings, Hays, Hopkins, Houston, Hubard, Hunter, Charles J. Ingersoll, Jack, Cave Johnson, John W. Jones, John P. Kennedy, King, Lewis, Linn, Littlefield, Lowell, Robert McClellan, McKay, McKeon, Mallory, Marchand, Alfred Marshall, Thomas F. Marshall, John Thomson Mason, Maxwell, Medill, Meriwether, Miller, Mitchell, Moore, Newhard, Osborne, Owsley, Payne, Pickens, Pope, Powell, Ramsey, Alex. Randall, Rayner, Reding, Rencher, Reynolds, Rogers, Roosevelt, William Russell, J. M. Russell, Sanford, Saunders, Sewell, Shepperd, Shields, William Smith, Snyder, Sprigg, Steenrod, A. H. H. Stuart, Summers, Sumter, Taliaferro, John B. Thompson, Jacob Thompson, Trotti, Trumbull, Turney, Underwood, Ward, Warren, Washington, Watterson, Weller, Westbrook, Joseph L. White, Joseph L. Williams, Wise, and Wood—132.

The question recurred upon the second division of the amendment, which related to the continuation of the Cumberland road in the States of Ohio, Indiana, and Illinois—Mr. THOMPSON having so modified it as to exclude any appropriation for a bridge at Wheeling, Virginia.

The yeas and nays were demanded, and taken, and this portion of the amendment rejected by a vote of—yeas 65, nays 127, as follows:

YEAS—Messrs. Adams, Landaff W. Andrews, Sherlock J. Andrews, Baker, Barnard, Beeson, Blair, Boardman, Brockway, Bronson, Jeremiah Brown, Burnell, Calhoun, Casey, Childs, John C. Clark, Staley N. Clarke, James Cooper, Cowen, Cravens, Cross, Garrett Davis, Dean, John Edwards, Fessenden, Fillmore, Patrick G. Goode, Granger, Hastings, Henry, Hudson, James Irvin, James, John P. Kennedy, Andrew Kennedy, Lane, McKennan, Samson Mason, Mathiot, Medill, Morgan, Morris, Morrow, Newhard, Pendleton, Alex. Randall, Rayner, Reynolds, Ridgway, William Russell, Saltonstall, Steenrod, Stokely, John T. Stuart, Richard W. Thompson, Tillinghast, Toland, Tomlinson, Triplett, Trumbull, Van Rensselaer, Wallace, Weller, Joseph L. White, Thomas W. Williams, Winthrop, and John Young—65.

NAYS—Messrs. Allen, Arnold, Arrington, Babcock, Barton, Bidlack, Birdseye, Black, Bowne, Boyd, Brewster, Aaron V. Brown, Milton Brown, Charles Brown, Burke, William Butler, William O. Butler, Green W. Caldwell, Patrick C. Caldwell, John Campbell, William B. Campbell, Thomas J. Campbell, Caruthers, Chapman, Chittenden, Clifford, Coles, Colquitt, Mark A. Cooper, Cranston, Daniel, Richard D. Davis, Dawson, Deberry, Doig, Eastman, John C. Edwards, Egbert, Everett, John G. Floyd, Charles A. Floyd, Fornance, A. Lawrence Foster, Thomas F. Foster, Gamble, Gates, Gentry, Gerry, Gilmer, Goggin, William O. Goode, Gordon, Graham, Green, Gwin, Hall, Halsted, Hays, Hopkins, Houck, Houston, Howard, Hubard, Hunter, Charles J. Ingersoll, Jack, Cave Johnson, John W. Jones, King, Lewis, Linn, Littlefield, Robert McClellan, McKay, McKeon, Mallory, Marchand, Alfred Marshall, John Thomson Mason, Mattocks, Maxwell, Maynard, Meriwether, Mitchell, Moore, Osborne, Owsley, Parmenter, Partridge, Payne, Pickens, Plumer, Pope, Powell, Ramsey, Randolph, Reding, Rencher, Riggs, Rogers, James M. Russell, Sanford, Saunders, Shepperd, Shields, Slade, William Smith, Snyder, Sprigg, Stratton, Alexander H. H. Stuart, Summers, Sumter, Taliaferro, John B. Thompson, Jacob Thompson, Trotti, Turney, Underwood, Ward, Warren, Washington, Watterson, Westbrook, Joseph L. Williams, Wise, Wood, and Yorke—127.

The second amendment of the Senate, appropriating $9,000 for certain barracks, was concurred in; also the amendment directing the survey of a ship channel from Albemarle sound to the Atlantic ocean.

The next amendment, appropriating $2,000 for carrying on meteorological observations at the military posts, under the superintendence of the Surgeon General, came up on the question of concurring with the Committee of the Whole in their recommendation that it be rejected. [This is for Professor Espy's scheme.]

The yeas and nays were asked for, but refused.

Tellers were ordered [Messrs CAVE JOHNSON and L. W. ANDREWS,] who reported, (after much confusion, and a second count,) ayes 91, noes 103.

So the House rejected the recommendation of the Committee of the Whole; and, therefore, the amendment of the Senate is agreed to.

The next question that came up was on concurring in the report of the committee rejecting the amendment of the Senate, which went to authorize the appointment of 10 cadets at large, and one from the District of Columbia, in addition to one from each congressional district, as provided for in the original bill.

On taking the question on this amendment, the report of the committee was concurred in, and consequently the amendment of the Senate was negatived.

The next question was on the amendment of the Senate appropriating $100,000 for the improvement of the Ohio, Missouri, Mississippi, and Arkansas rivers; and the question was put in the form of concurring in the amendment of the Senate, and decided in the affirmative—yeas 105, nays 89, as follows:

YEAS—Messrs. Adams, Landaff W. Andrews, Baker, Barton, Beeson, Boardman, Borden, Bowne, Boyd, Briggs, Bronson, Milton Brown, Jeremiah Brown, William O. Butler, Calhoun, William B. Campbell, Thomas J. Campbell, Caruthers, Casey, Childs, Staley N. Clarke, James Cooper, Cowen, Cravens, Cross, Cushing, Garrett Davis, Dawson, Dean, John Edwards, John C. Edwards, Egbert, Ferris, Fessenden, Fillmore, Fornance, A. Lawrence Foster, Gentry, Gerry, Patrick G. Goode, Granger, Green, Hastings, Hays, Henry, Hudson, Charles J. Ingersoll, James Irvin, William W. Irwin, Jack, James, Isaac D. Jones, John P. Kennedy, Andrew Kennedy, Lane, McKennan, Marchand, Thomas F. Marshall, Mathiot, Medill, Miller, Mitchell, Moore, Morrow, Newhard, Osborne, Owsley, Parmenter, Pearce, Pendleton, Plumer, Pope, Benjamin Randall, Alexander Randall, Reynolds, Ridgway, William Russell, James M. Russell, Saltonstall, Slade, Sprigg, Stanly, Steenrod, Stokely, Alexander H. H. Stuart, John T. Stuart, Summers, John B. Thompson, Richard W. Thompson, Jacob Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Van Rensselaer, Wallace, Washington, Weller, Westbrook, Edward D. White, Joseph L. White, Thomas W. Williams, and Winthrop—105.

NAYS—Messrs. Sherlock J. Andrews, Arnold, Arrington, Aycrigg, Babcock, Bidlack, Birdseye, Black, Blair, Brewster, Charles Brown, Burke, William Butler, Green W. Caldwell, Patrick C. Caldwell, John Campbell, Chapman, Chittenden, John C. Clark, Clifford, Coles, Colquitt, Mark A. Cooper, Cranston, Daniel, Richard D. Davis, Deberry, Doig, Eastman, Everett, John G. Floyd, Charles A. Floyd, Thomas F. Foster, Gamble, Gates, Gilmer, Goggin, William O. Goode, Gordon, Graham, Hall, Halsted, Hopkins, Houston, Howard, Hubard, Hunter, Hunt, Cave Johnson, John W. Jones, Lewis, Linn, Littlefield, Robert McClellan, McKay, Mallory, Alfred Marshall, Samson Mason, Mattocks, Maxwell, Maynard, Meriwether, Morgan, Oliver, Pattridge, Payne, Pickens, Powell, Ramsey, Randolph, Reding, Riggs, Rogers, Saunders, Shepperd, Snyder, Stratton, Sumter, Taliaferro, Tomlinson, Trout, Turney, Warren, Joseph L. Williams, Wise, Wood, Yorke, and John Young—89.

GENERAL APPROPRIATION BILL.

Mr. FILLMORE, from the Committee of Ways and Means, here reported, on leave, the civil and diplomatic appropriation bill for the half calendar year ending the 30th June, 1843, and the fiscal year beginning on the 1st July, 1843, and ending on the 30th June, 1844; which was referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

The House then adjourned.

IN SENATE.

SATURDAY, February 18, 1843.

The PRESIDENT *pro tem.* laid before the Senate a communication from the Treasury Department, transmitting copies of accounts rendered by the agents for disbursements to Indians; which,

On motion by Mr. EVANS, was ordered to lie on the table, and be printed.

Also, laid before the Senate a communication from the Treasury Department, in compliance with a resolution of the Senate, calling upon that department for information of what was done by it with the appropriation for the erection of a marine hospital at or near Ocracoke inlet, transmitting correspondence upon the subject; which was,

On motion of Mr. EVANS, referred to the Committee on Commerce.

Mr. STURGEON presented a memorial and proceedings of a meeeting of citizens of Uniontown, Pennsylvania, in favor of the issue of $200,000,000 of stock by the Federal Government, based on the public lands, to be distributed to the States in a representative ratio, for their relief; which was referred to the Committee on Finance.

Also, presented a memorial from citizens of Erie county, Pennsylvania, urging upon Congress the propriety of passing a law to restore Mr. Kendall to his personal liberty; which was referred to the Committee on Claims.

Mr. BAGBY presented joint resolutions, adopted by the Legislature of Alabama, in favor of a reduction of the price of the public lands in that State, which have been frequently in the market, and could not be sold at the present Government price: ordered to lie on the table and be printed.

Mr. McROBERTS presented a memorial from Wm. H. Briggs and others, of Macoupin county, Illinois, maintaining that all international difficulties can be settled by a reference to some friendly power, and asking the Senate to exercise its constitutional power, and insert an article in all future treaties by which, in a last resort, such difficulties may be decided by an umpire mutually agreed upon by the parties: ordered to lie on the table.

Mr. EVANS, from the Committee on Finance, reported back, without amendment, and with a recommendation that they do pass, House bills for the relief of George P. Pollen and Robert Colegate, and for the relief of S. Morris Waln.

Mr. E., from the same committee, reported a bill for the relief of Benjamin Adams & Co., and others; which was read, and ordered to a second reading.

Mr. E., from the same committee, reported back, without amendment, House bill for the relief of Thomas Weaver and Jacob Heyberger, sureties of the Norristown and Valley Railroad Company.

Mr. E., from the same committee, to which had been referred a memorial from importers of German goods in the city of Philadelphia, praying the regulation by Congress of the value of German coin, reported a bill to fix the value of certain foreign moneys of account, in computations at the custom-house; which was read, and ordered to a second reading.

Mr. McROBERTS, from the Committee on the Post Office and Post Roads, to which had been referred the joint resolution of the Senate authorizing the Postmaster General to contract with Messrs. E. B. & S. Ward for carrying the mail from Chicago to St. Joseph, made a report, accompanied by a resolution, in favor of the rejection of the joint resolution.

Also, reported back from the same committee, with a recommendation that it do pass, the bill for the relief of John W. Skidmore. The reports, in both these cases, were ordered to be printed.

Mr. WILLIAMS, from the Committee on Naval Affairs, reported a bill granting a pension to William McPherson; which was read, and ordered to a second reading.

On motion by Mr. WILLIAMS, the previous orders of the day were postponed, and the above bill was taken up as in committee of the whole; and there being no motion to amend, it was reported to the Senate, and ordered to be engrossed for a third reading.

DEAF, DUMB, BLIND, AND INSANE.

Mr. SMITH of Indiana rose to ask leave to introduce a bill granting land to the several States for the education of the deaf, dumb, and blind, and for the relief of insane persons.

Mr. S. said, a word of explanation from him, under the circumstances, might be proper. The bill was precisely similar to the one he had introduced at the last session. At that time he had made a few remarks, and had presented some statistics on the subject. At that time he knew that it was expected that he would bring up for consideration the subject at this session. Such was then his intention; but he had not been able to do so at an earlier period, and he confessed that he had little or no prospect of seeing a final vote taken on the proposition at this session. Still, he desired to keep the matter in the eye of the Senate and the country until action could be had. He wished to say, before retiring from the Senate, that the subject was near his heart; and he believed it to be one of the measures that would finally enlist in its favor the philanthropy and best wishes of the Senate and the country. He would not detain the Senate; he rose merely to exclude, by a single remark, the conclusion that he had in any degree abandoned the measure, or despaired of its success.

The bill was received, read a first and second time, and referred to the Committee on the Public Lands.

Several bills from the House were read twice, and referred to appropriate committees.

The bill for the relief of Thomas King, of Tennessee, was read the third time, and passed.

Mr. WALKER submitted the following resolution; which was read and adopted, viz:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate the total amount of the two per cent. of the net proceeds of the sales of the public lands in the State of Ohio, together with the entire cost of the Cumberland road from Cumberland to the Pennsylvania line; and also from Cumberland to the Ohio river.

Mr. YOUNG of Illinois presented the petition of Rose Howe (late Rose Bailly) of Illinois, praying the relinquishment of the reversionary interest of the United States to two sections of land, reserved to the daughters of Mo-nee, by her last husband, Joseph Bailly, by the treaty with the Pottawatomies of the Prairie and Kankakee Bands, made at Camp Tippecanoe on the 20th of October, 1832; which, on his motion, was referred to the Committee on Public Lands.

Mr. BAYARD, from the Committee on Naval Affairs, reported back, without amendment, and with a recommendation that it do pass, the bill from the House for the relief of John Wolfenden.

THE QUESTION OF ASSUMPTION.

The CHAIR announced that the resolutions moved by the Senator from Virginia [Mr. RIVES,] concerning the assumption of the debts of the States, and the pending amendments, were in order.

Mr. BARROW moved to lay the resolutions on the table.

Mr. WALKER demanded the yeas and nays on the motion; which were ordered.

Mr. RIVES hoped the Senator would consider the vote on the motion a test question on the resolutions.

Mr. WALKER remarked that he would not take it as any test of the opinion of the Senate; for if the resolutions were now laid upon the table, he should, on every morning during the session, move to take them up; and if he should fail in that effort to get a vote on the resolutions, he would himself introduce resolutions upon the subject, to test the sense of the Senate.

Mr. BARROW said, in voting, he should not consider it a test vote. He deemed this remark called for, in consequence of the remarks of the Senator from Virginia [Mr. RIVES] and the Senator from Mississippi [Mr. WALKER]

The question was then put on the motion to lay on the table, and decided in the negative—yeas 20, nays 22, as follows:

YEAS—Messrs. Barrow, Bates, Bayard, Berrien, Clayton, Crafts, Crittenden, Dayton, Evans, Graham, Huntington, Merrick, Miller, Morehead, Phelps, Smith of Indiana, Sprague, Tallmadge, White, and Woodbridge—20.

NAYS—Messrs. Allen, Archer, Bagby, Benton, Buchanan, Calhoun, Cuthbert, Fulton, King, Linn, McDuffie, McRoberts, Rives, Smith of Connecticut, Sturgeon, Tappan, Walker, Wilcox, Williams, Woodbury, Wright, and Young—22.

The CHAIR then announced that the resolutions of the Senator from Virginia [Mr. RIVES] were before the Senate, as follows:

Resolved, That another of the prominent causes which tend to prolong and increase the financial embarrassments of the country, and to retard the ultimate restoration of public and private credit, is the uncertainty and suspense thrown over the policy of this Government, in regard to the debts of the States, by the agitation of projects for the virtual assumption of those debts by the authorities of the Union; that while this uncertainty is permitted to exist, its mischievous effect is to foster delusive hopes of relief from a quarter whence it can never legitimately proceed, and to divert the attention of the indebted States from that timely and energetic application of their own resources to the fulfilment of their engagements, which they would otherwise make, and which is the sole natural and proper reliance for the liquidation of their respective liabilities; and it is, therefore, urgently demanded by the interests of the parties immediately concerned, as well as by those of the country at large, that Congress should now explicitly and unequivocally declare the views it entertains of the appropriate and constitutional sphere of its powers and duties in relation to this subject.

Resolved, That, in the fundamental division and allotment of political power established by the Constitution between the Government of the Union and those of the several States, there is no power or authority given to the former to provide for the payment of the debts incurred by the latter, in virtue of their undoubted competence, and within their separate and exclusive jurisdiction; that any attempt by the General Government thus to assume, and impose upon the people of the Union, the debts of individual States, would be not merely a gross

CONGRESSIONAL GLOBE.

PUBLISHED BY BLAIR AND RIVES, AT ONE DOLLAR PER SESSION, IN ADVANCE.

27TH CONG.....3D SESS. SATURDAY, FEBRUARY 25, 1843. VOLUME 12....No. 20

Continued from No. 19.

perversion of the trusts confided to it, but an utter annihilation of that wholesome and necessary relation between power and responsibility, which is the vital principle of all representative government; that such an arbitrary and unauthorized transfer of burdens, from those who created, and should alone be responsible for them, to others who are alien alike to their origin and their benefits, involves so flagrant a violation of the principles of justice, that it could not but most seriously impair the harmony, and ultimately jeopard the union of the States; and that any expectation, therefore, that this Government will at any time, now or hereafter, assume or provide for the payment of the debts of the individual States, directly or indirectly, is wholly unwarranted and illusory.

Resolved, That a just sentiment of respect for the character of sovereign States, incurring pecuniary obligations by a deliberate act of the public will, and a solemn pledge of the public faith through their constitutional and appointed organs, forbids the apprehension that any of the States of this Union will fail to call forth their utmost resources for the final redemption of their engagements; preferring every sacrifice to dishonor, and proud to illustrate that jealous spirit of independence which belongs to free republican States, by a stern and strenuous reliance on their own faculties for deliverance from their present temporary embarrassment.

Which Mr. ALLEN had proposed to amend, by inserting after the word "States," in the 9th line of the second resolution, the following words:

By the appropriation or pledge of any part of its revenue or other income; or by the issue, transfer, or pledge of any stock or other securities; or by the pledge of any part of the public domain; or by the pledge, appropriation, or diversion, or deposite of any part of the proceeds arising from the sales of the public domain, to such States, or to the holders of the obligations of such States, or by any other means, direct or indirect.

For the whole of which Mr. MERRICK offered the following as a substitute:

Resolved, That governments are rightfully instituted solely for the happiness of the governed; and, consequently, that government is derelict in its duty, which shall refuse or neglect the full exertion of its legitimate powers for the relief of its citizens, whenever evils destructive of their happiness exist, which such legitimate exertion of the powers of government are competent to remove or alleviate.

Resolved, That evils of the most grave and distressing character do now affect a very large portion of the people of these United States, which it is fully within the competency of this Government greatly to alleviate, if not entirely to remove; and from which there is no relief to be expected, unless from the timely interposition of Government, till after long and protracted suffering.

Resolved, That the most prominent among these evils, are the great disorders of the currency; the unexampled appreciation of money, as compared with the products of industry, and all kinds of property; the consequent destruction of credit, and paralysis of trade and commerce; the large indebtedness of many of the States of the Union; and the pressure of direct taxation upon their people.

Resolved, That a fair and equal distribution among all the States of that vast amount of their common property, the public lands, held by this Union, is called for by the present necessities of many of the States, would be eminently beneficial to all, and would greatly promote the happiness and welfare of the whole people.

Resolved, therefore, That it is the duty of the Government of the United States, without further delay, to exercise its unquestionably constitutional power over this subject, and to make such provisions for a distribution of the public lands, or a portion of the value thereof, among all the States, as will best tend to the relief of both States and the people from the distresses and embarrassments under which they are suffering.

Mr. BARROW remarked that he had, in every instance when a vote was taken to lay this question on the table, voted in the affirmative. He had thus voted, not because of a desire to avoid, individually, the responsibility of voting on the question; or to save, so far as his vote would save, the party to which he was attached from the responsibility of a direct vote. He proposed from the first, and he now proposed, that, if such was the sense of the Senate, a vote should be taken to declare his opinion on the resolutions and various amendments before the Senate. He wished the matter arrested; because, in the first place, he knew well, and older Senators knew better than he did, that it was utterly impossible to get a vote of the Senate on these resolutions—covering so much ground, and involving so many high considerations and so important a principle—without a full and free discussion. As familiar as the question involved might be to older members of that body, yet it was not quite so familiar to younger members, among whom he numbered himself. Senators knew that there were only twelve days left before the time fixed by the Constitution for the adjournment will have arrived. They all knew that their calendar was loaded with business of a public and private character; that the public interests, and the private interests of many of our citizens, required definite action before the adjournment. But he would not dwell upon the reasons which had prompted him to give the votes he had given; yet he wished the country to understand that this question of the utmost magnitude had been pressed upon the consideration of the Senate, and a vote and decision upon it could not be rationally and reasonably expected without discussion. And the inevitable consequence of discussion must result in the postponement of all action, on the part of that body, on all other matters, whatsoever their importance. But if he had no such potent and powerful reasons for giving his vote on laying the subject on the table, he had another one, which, to his mind, was conclusive. These resolutions do not, or could not, give legislative sanction to anything or any principle; and however willing Senators were to express their opinions on abstract principles, it would lead to no definitive result; and however earnestly Senators may now entertain those opinions, and however positively they may declare that they will abide and stand by those opinions, yet he would suggest that it was very possible that some of the Senators (especially Democratic Senators, who profess to hold to the doctrine of instruction, and obey the will and wishes of the people) would have to change their opinions in relation to the principles of the resolutions. He asked the Senator from Pennsylvania, [Mr. BUCHANAN]—who has, to his credit and honor, professing the principle (which Mr. BARROW did not subscribe to) that Senators were bound to obey the will and instructions of the Legislatures of their States,—he asked that Senator—who, on one occasion, cast a vote in opposition to the convictions of his own mind, in obedience to the will of his constituency—whether, if he voted against those resolutions, a case might not arise where he would feel it to be his imperious duty to give a vote adverse to the principles of those resolutions. If he should receive instructions from his Legislature to vote in a particular manner upon the question of assuming the State debts, whether, as a Democratic Senator, he would not feel it to be his duty to vote for the issuing of scrip by the Federal Government, for the relief of the States? And other Senators on that side (Whig side) may have occasion to change their opinions. He presented that view of the question, to show how unwise it was for Senators to pledge themselves to the support of any particular abstract proposition. But he would dwell no longer on that branch of the subject. He had no inclination to consume one moment of the time of the Senate in the discussion of the resolutions. He had too much respect for that body, and for himself, to enter into a discussion of the great principles involved in the resolutions and amendments, without proper investigation; but, being called upon to vote, it devolved on him, unprepared as he was, to say a few words in relation to the principles involved in the resolutions. A false issue was presented to the American people, through the press; and by a few remarks which had been made in the Senate since the introduction of the resolutions, a false issue was also presented as to the action which had been proposed in the other House. The question discussed there, and through the public journals, was, whether there should be an issue by the Federal Government of stock based upon the public lands, for the relief of the States; and not, as was represented by the remarks of the Senator from Virginia, [Mr. RIVES,] as a proposition for the Federal Government to assume the debts of the States. Now, he would not stop to discuss at large the abstract proposition of the power of the Federal Government to assume the debts of the States, without reference to the nature of those debts and the condition of the country, when the question shall be presented. He asserted that, if the action of this Government was sufficient to settle any constitutional question, the power of this Government even to assume the debts of the States has been, by the action of this Government, settled affirmatively. Whether the decision was correct or not—whether the action of Congress was a usurpation of power—was a question he would not then undertake to discuss; but he would call the Senate to the case and the occasion.

In 1790, during the administration of General Washington, Congress did assume the debts of the States—amounting to more than $31,000,000; and $4,000,000 of that amount was paid to the State which the honorable Senator [Mr. RIVES] who introduced these resolutions in part represents. He (Mr. B.) knew that Senators on the other side would say, in reply to this, that that was an assumption of debts contracted by the States during our revolutionary war, in a struggle which was the common cause of all. This did not affect at all the question of the constitutional power of the Government. And this case, as well as that, was to be settled on grounds of expediency alone; and it was the expediency of the measure then, and nothing else, that settled the question. South Carolina was indebted $3,500,000, and the Government assumed the debt, to that extent, for her. Whether the exigencies of these States were such now as to make it expedient to interfere in any manner, was a question of expediency, and not of constitutional power, as he viewed; and as he thought the Senate would view it, when he presented it in connexion with another subject. He did not wish to be understood as expressing an opinion that the Government had the power to assume, when the majority of Congress pleased, whether the debts were contracted for any and every purpose. He would only refer to one other instance of the assumption of debts—not of the States, but of individuals—on the part of the Government. The Government assumed the debt of individuals to the amount of £600,000, when the great leader of the State-rights party was at the head of the Government. In the treaty of 1802, between Lord Hawkesbury and Mr. King, the United States Government agreed to pay £600,000. For what purpose, and when? To British merchants, for debts due to them by American merchants; not for debts in aiding in struggles for independence, but debts due by American citizens to English citizens when the war broke out. It was a subject of correspondence between these two Governments for a long time, when this Government finally obligated itself to pay the debts of those individuals. But, to pass by that, and come to the grounds in this matter. He held, in reference to this question, which was presented to the American people—the power and duty of the Federal Government to assume, in some form or shape, and to assume them speedily, to relieve the States, the heavy debts which were weighing them down—that it was the duty of the Government to interfere in some way. The public domain belonged to the States of this Confederacy. This was the platform on which he stood. The question was not whether this Government had the power to assume the debts of the States, but whether they ought to be assumed. He thought it was the duty of Congress, in this time of pressing need, to come forward and relieve the States, by appropriating to their use the proceeds of the public lands; and if it became necessary to anticipate those proceeds by the issue of stock, he could see no good reason why it should not be done; but he was inclined to think this would not be necessary.

Mr. RIVES would merely say, that, whether other gentlemen might feel themselves called on to express their views or not, he did not himself intend to consume a single moment of the time of the Senate in the discussion of the subject. He had offered the resolutions with no purpose of interfering with the important business which was already before the Senate. He thought the propositions contained in the resolutions were so plain, that gentlemen would have no difficulty in voting upon them at once. If, however, gentlemen on the other side were disposed to debate the question, he did not wish to be held responsible for the

consumption of time. The Senator from Ohio, the other day, had made an appeal to him to accept the proposition which he had submitted as an amendment of his resolutions. This he could not do, in the manner and form in which it was offered; but he had prepared a modification of that amendment, so as to make it applicable to the issue of the two hundred millions of Government stock. He had no objection so to modify his resolutions as to make them applicable to the mode of assumption. If this met the views of the gentleman from Ohio, he would adopt the modification.

Mr. ALLEN said his object in presenting the amendment, was to embrace the proposition of the issue of Government stock, called the two hundred million scheme, and all other schemes which authorized the issue of scrip predicated upon the proceeds of the public domain. He had not drawn up that amendment with anything like ostentation; and, as the phraseology employed by the Senator from Virginia embraced very nearly the true object which he had in view, he was perfectly content that the gentleman's modification should be substituted for the amendment which he had proposed.

The modification proposed by Mr. RIVES was then accepted as a substitute for Mr. ALLEN's amendment.

Mr. GRAHAM apprehended the question should first be taken on the amendment proposed by the Senator from New Jersey.

Mr. MERRICK was of opinion that, now, the next question in order would be on his amendment.

Mr. BUCHANAN apologised for not addressing the Senate on this occasion. It was evident that this discussion interfered with the bill of the Senator from Missouri [Mr. LINN] for refunding the fine imposed on General Jackson by Judge Hall, and also would be likely to interfere with the bill of the Senator from Georgia on the subject of the bankrupt law. As soon as these subjects should be disposed of, he would feel himself pledged to bring forward the question involved in these resolutions, in a few direct petitions which he would present; and, on that occasion, he would claim the indulgence of the Senate to grant him one-half hour for the expression of his sentiments.

The question then coming up on Mr. MERRICK's amendment,

Mr. BERRIEN observed, that this being a proposition to strike out one or more of the original resolutions, could not, as he conceived, take precedence of a proposition to perfect the original proposition by amendment. Before a motion to strike out is in order, it is competent to entertain a motion to amend. The modification of the second resolution not having been put to the vote, but being accepted by the framer of the original proposition, did not affect the right to amend. He would therefore submit an amendment, to be decided before the motion to strike out could be entertained. As he understood, the object of the Senator from Virginia was to obtain a direct vote on the question of the constitutional power and expediency of entertaining any proposition for the assumption of the debts of the States by the General Government. If confined to that object solely, he could see no objection to the expression of opinion required; but these resolutions go beyond that object, and bear an inference which may create an objection with several Senators to vote on them. They leave the inference that the Senate denies the constitutional power of the Government over the question of the distribution of the proceeds of the public lands, or the public domain itself. His desire, in the amendment he should submit, was to exclude any inference beyond the naked question on which the Senator from Virginia proposed to obtain the vote. The Senator would see, that if the proceeds of the sales of the public lands were distributed among the States, they could apply the amount to the payment of their debts, or any other purpose; yet this would not be the assumption at which the Senator's resolutions are aimed. His amendment to the second resolution was a proviso that nothing therein contained shall be deemed to affirm or deny the power of the General Government to distribute to the States the proceeds of the public lands, or to surrender the public lands to the several States to which they belong.

Mr. BAYARD understood the state of the case to be, now, that these resolutions of the Senator from Virginia, having come up as a substantive proposition, and a modification of one of them having been accepted, the next amendment in succession was on the proposition of the Senator from Maryland, [Mr. MERRICK,] to strike out, and substitute certain resolutions offered by him. The amendment of the Senator from Maryland then stood as an amendment to the original proposition; and it was, therefore, competent to any one to go a stage farther, and move to amend the amendment. He would, therefore, move to amend the amendment, by striking out the second resolution, and inserting the substitute he should send to the Chair.

The CHAIR explained that the motion of the Senator from Georgia to perfect the resolution, would be in order before either motions to strike out.

Mr. BAYARD believed the Chair was right. His amendment could therefore lie over till the proposition of the Senator from Georgia was disposed of.

Mr. CRITTENDEN thought it was now perfectly manifest that, if this discussion was to proceed, and amendments on amendments were to be considered, it would be utterly impracticable to advance any further this session with the ordinary business of legislation. The proper despatch of the real business yet to be accomplished, and the due deliberation of the vast and momentous questions which must necessarily be called up in this discussion, were incompatible. It was but a few days ago, when there was a full session, (or one very nearly full,) that this whole subject in another form had been deliberately laid on the table. These resolutions of the Senator from Virginia escaped the fate of the resolutions of the Senator from South Carolina, with the various amendments pending to them, by the mere accidental circumstance of being out of reach, though substantially before the Senate. They were merely outside of the rules by which, technically, they could be considered as pending amendments; but now they come up with all the vitality of the original resolutions of the Senator from South Carolina; and as many, if not more, amendments are to be discussed, one after another, till every remaining hour of the session is to be consumed upon them. Virtually, they should be considered as having gone on the table with the original resolutions to which they were intended to be appended; and the gentleman might just as well make a motion to take up the resolutions of the Senator from South Carolina again, as to proceed with these resolutions. Now, he would ask, had not the rights of legislating in this way some assignable limits? Is the ordinary business of Congress to give way to this reiteration of abstract discussions, leading to nothing, and not even having any professed object of direct action in view? Are the gentlemen who stand pledged to certain views, or who have brooded over this subject till they think they are enlightened enough to come to a decision, the only persons whose wishes are to be consulted? The Senator from Virginia, who introduced these resolutions, had doubtless investigated the subject thoroughly; and, being satisfied himself, now called on every one else to vote without discussion—not even deigning to bestow upon the Senate the information in his power to bestow. He seems, on the contrary, to imagine that they are such invaluable propositions, that, once they are proposed, it is the duty of the Senate to vote upon them in silence and in reverence. And what subjects do they involve? Subjects of the gravest and most momentous character—touching the very foundations of the whole fabric of our Government and institutions. These were not questions to be hastily and hurriedly voted upon, and without discussion. Yet it was obvious no time remained of this session for discussing any one branch of these subjects.

These resolutions are put forward as of vital and pressing necessity, to arrest the doctrines spreading abroad in relation to the assumption of the debts of the States. What effect of that kind can they possibly have? Will they arrest public opinion? Is the Senate of the United States constituted for the manufacture of public opinion? Is it to be the Propaganda of public sentiment? If gentlemen expected this, they would be disappointed. They could neither make nor crush public opinion. Their resolutions, even if they were passed, would amount to nothing. They would have no legislative effect, and could not manufacture the public opinion expected from them. The more they are discussed, the more discussion they will create among the people; so that, instead of crushing the sentiments they are intended to extinguish, they will excite their development and extension. He, for one, had no opinion to conceal, or shrink from avowing in the face of the world. If gentlemen wanted an expression of his sentiments on this subject, they should have it, vote or no vote. He told them now that, in his opinion, this Government was under no obligation whatever, moral or legal, to assume the debts of the States, incurred for their own individual purposes. It was his opinion that the faith of the General Government was not committed in the slightest degree by the obligations of the States to their creditors. He trusted the day was far distant when any state of things could exist in which it would be expedient even for the General Government to entertain the subject, in any shape or form, of interfering for the adjustment of State obligations. But much and decidedly as he was opposed to such interference, he was not prepared to say that, in the long hereafter which may be viewed in perspective, a case may not possibly arise in which the embarrassments of one or more States may be such that, if not relieved, they may endanger the General Government itself and the whole Union. And viewing that possibility—and he only looked upon it, as at present informed, as a bare possibility—he was not prepared to pledge himself, by any obligatory vote, against such line of conduct as the best policy and best interests of the country might demand at his hands.

After reviewing the whole subject in a great variety of lights, Mr. C. concluded by remarking that he could not vote for the amendment of the Senator from Georgia, nor did he see how any friend to the great principle of distribution could vote for it. The question of the distribution of the proceeds of the sales of the public lands to the several States was one which he and his friends had maintained with all the zeal and energy of which they were capable; they had never doubted the constitutional power to make that distribution. They considered it a question placed beyond the possibility of doubt. But the amendment of the Senator from Georgia at once sanctions a doubt upon that point in the outset, by stating that this resolution is to be understood as neither affirming nor denying the power of the General Government as to the distribution or surrender to the States of the public lands. He could not vote for it, and he trusted the friends of distribution would not.

Mr. BAGBY explained; and, in the course of his explanation, he denied that he had attempted to manufacture public opinion by anything which he had said; and he asserted that he was as little of a political propagandist as the Senator from Kentucky himself. Since he had had the honor of a seat in the Senate, he had never played the part, nor attempted to play the part, of a political propagandist. He had never introduced into this body what the gentleman was pleased to denominate abstract propositions; and, if he adhered to his present impressions, in all human probability he never should. Indeed, he had gone further; for he had not only not introduced abstract propositions there, but he had not even entered into their discussion until he was driven to it by the remarks of other Senators on this floor. Great, and vital, and important as these and kindred propositions were, he had not entered into this discussion to manufacture public opinion; for he was not vain enough to believe that he could manufacture public opinion, even for those who generally think with him; much less, for others who differed from him. But, little as he expected anything which he said to have any effect on the Senator from Kentucky, [Mr. CRITTENDEN,] he must say he was a little astonished at the small importance that Senator seemed now to attach

to the introduction and discussion of propositions like this; for, though he did not recollect any occasion on which the Senator had troubled the Senate with resolutions of this character, he did recollect a notable instance when, whatever the effect might be before the country, or in other quarters, he did not expect the effect would have been entirely lost on the Senator from Kentucky himself. What was the course of that gentleman's illustrious predecessor?—and when he said illustrious, he meant what he said. At the last session, that individual (Mr. Clay) introduced eleven abstract propositions; and they occupied the time of this body for five calendar months; and not only so, but when he (Mr. Clay) retired from this body, in his valedictory address, he bequeathed those resolutions as a legacy to the Senate.

Mr. CRITTENDEN made some remark, which was not distinctly heard; but he was understood to say that he did not vote for those resolutions.

Mr. BAGBY continued. Perhaps he was mistaken; but he could not be mistaken in this: that when such doctors disagreed, as some Senators to whom he had alluded, on subjects like this, it might be exceedingly difficult for him to decide correctly. The course of the last session was to consume five months—even that time was not deemed too much then—on abstract propositions. But now, a short time—even one short day—was considered as an unreasonable appropriation of time on a subject like this. And what gave rise to the discussion of this question on a former day? Why, they had been told, day after day, session after session, and from sources without number, that the credit of a number of these States had become bad; and without some interference of the General Government—if not to pay the debts of those States, at least to assist them—the taint of the credit of the States would extend to the Federal credit. Now, he did not wish to say—it would not be becoming his position there, and his position forbade it—that he should renew the proposition of the Senator from Virginia; but he asked what those propositions were? How much did those resolutions contain that was right, and how much was contained in them that was wrong? If gentlemen could show him anything in them that was wrong, he would pledge himself to go against them. But they merely contained great and fundamental principles. What were they? Some of them were, that this Government had no constitutional power to provide for the payment of State debts; and that if that power existed, it would be a dangerous power, and its exercise would be inexpedient in the extreme. That, he believed, was their substance; and he asked the Senate if these propositions did not connect themselves intimately, deeply—nay, vitally with the condition of the country, and the position of the public credit? And if such was the condition of the credit of the country, what, he asked, was it the duty of Senators to do? The Senator from Kentucky [Mr. CRITTENDEN] told them that he was prepared to record his vote on an enactment, but he would not act on abstract propositions. Now, he asked that honorable Senator where was the difference between expressing an opinion on a resolution involving great and important principles, and expressing an opinion on a law involving the same great and important principles? It might be said these resolutions came not within the sphere of their action. Well, if on the resolutions which he advocated, and which he believed contained the true theory of the Constitution on that subject, and on the vote on the adoption or the rejection of which he did believe the perpetuity of our institutions depended—if, he said, on questions like this, gentlemen come up and toe the mark, there must be some reason for it. And what was the reason? He spoke from the evidence before him; he took into view all the discussions on this subject; and he must be permitted to say, with all possible respect for honorable Senators, that there was a disposition manifested, beyond all doubt, not to express an opinion on these resolutions—not because it was improper to do so, but because gentlemen considered it impolitic to do so. Why? Look at the amendment notified by the gentleman from Delaware; and what was that? It came within one inch of the mark. The gentleman proposed, in the resolution which affirmed that the General Government had no constitutional power to interfere and pay the debts of the States, to substitute the word "obligation" for "power;" and he talked about legal "obligations" and moral "obligations," and on that point they had had many homilies read to them. Now, with all possible respect for the gentleman who introduced that amendment, he must be permitted to say that it looked more like political propagandism than anything else.

He then proceeded to notice the remarks of the Senator from Louisiana, [M. BARROW,] who had misunderstood his observations on a previous day. That honorable Senator had said that those who were opposed to the assumption of State debts were so on the ground that they were held by British bankers and British brokers; and he further said that there was no difference between their obligation to American citizens, and British bankers and brokers. Why, he (Mr. BAGBY) said so too; but that was not the point. He (Mr. BAGBY) said they were under no obligation at all. He would ask the Senator from Louisiana, then, the question—whether there was a doubt operating on the public mind, both at home and abroad, in regard to the power of this Government to assume and pay the State debts? And he asked if, according to testimony before them, it was not operating injuriously on the public credit? He asked further, if it was too much to ask Senators to remove the doubt which was operating so injuriously—not to manufacture opinion, but to remove erroneous impression. Look at the correspondence of those British brokers and British bankers with the President of the United States and his Secretary of State; and what was the language, and what was the tenor, of the whole of them? American stocks must inevitably go down, unless one thing was done; and what was that? Why, it was said an assurance must be extended to the foreign holders of State stocks, or the national credit would partake of that blight which had cut off all hope in reference to State liabilities. That was a question which, in his (Mr. BAGBY's) opinion, called on them for a decisive and direct opinion respecting State debts; and not for the purpose of manufacturing public opinion. He (Mr. B.) should manufacture opinion for no one; he was there to express his own. He wished to manufacture opinion for no one: he wished to fabricate political capital for no one; but he wished to remove impressions that their treasury was bankrupt, and their credit dishonored; and he believed, as he had a soul to be saved, that if the American Secretary had done what he ought to have done—if he had said to these bankers and brokers that this Government had no power over this subject, this Government would never have stood in the position in which it was represented to stand at this hour. After a few other observations, the honorable gentleman took his seat.

Mr. CONRAD observed that it was not his intention to have taken any further part in this discussion; and he would not now have risen, had not the Senator from Alabama made allusion to his remarks, made the other day. Not that he considered there was anything discourteous in the Senator's allusions, but to set himself and the Senator right upon some points on which he might be misunderstood. It was true he had said—but not to the extent supposed by the Senator—that he saw nothing in the resolutions of the Senator from Virginia, with some few exceptions as to phraseology, to which he would not, on general principles assent. This, it would be recollected, was said under a protest that he had not either heard these subjects discussed in the Senate, or had time to examine into them himself; and therefore was not prepared to expressany decided opinion—not having, in fact, had an opportunity of making up his mind on the constitutional principles. But he was now prepared to say, that, having examined into the subject since these resolutions were last up, he had satisfied himself that he could not subscribe to the resolutions of the Senator from Virginia, without radical modifications, which would essentially change their character. The first resolution, which he considered merely prefatory, asserts a proposition as a fact, which he (Mr. CONRAD) denied to be a fact—that "another of the prominent causes which tend to prolong and increase the financial embarrassments of the country, and to retard the ultimate restoration of public and private credit, is the uncertainty and suspense thrown over the policy of this Government, in regard to the debts of the States, by the agitation of projects for the virtual assumption of those debts by the authorities of the Union."

Now, this was what he denied to be the fact. He knew it was not among the causes of the embarrassments of any of the States with which he was acquainted; for in such States there was no agitation whatever on the subject. Indeed, he doubted if it was a subject of agitation in any of the States at all—except, perhaps, Maryland, and one or two more. Mr. C. in like manner discussed the bearings of the several resolutions, and showed, from the context of the whole, why he could not subscribe to them. He then replied to such observations as the Senator from Alabama had made in reference to his (Mr. C.'s) former remarks.

Mr. CRITTENDEN next replied to the remarks of the Senator from Alabama, reiterating his former declarations as to his sentiments on the subject of the assumption of the debts of the States.

Mr. McDUFFIE said, in order that the opinions of every Senator might be distinctly obtained upon the propositions contained in the resolutions, he would propose an amendment, which he thought would naturally supersede that of the gentleman from Georgia; as by it was presented the separate and distinct questions of the constitutionality and the expediency of the assumption of State debts by the General Government.

Mr. CONRAD observed that this was the tenth or twelfth amendment that had been offered.

Mr. McDUFFIE. But this comes to the point.

Mr. CONRAD. It is about as far from the point, I apprehend, as any of the others. He moved to postpone the subject to the 1st day of December next.

Mr. WALKER said he did not know why they should not be permitted to have the vote as well upon the resolutions as they stood, as though each question was presented separately and distinctly. If the resolutions were considered of no consequence in themselves—if they were a mere *brutum fulmen*, and would have no influence upon popular opinion—upon the action of the States in relation to this matter—why had gentlemen consumed so much time? Why were they desirous of avoiding a vote, the consequences of which would amount to nothing? Why were they endeavoring to avoid a vote, by motions to lay the resolutions on the table, and by a motion for postponement? Why avoid a direct vote, denying or affirming the question of the constitutionality or expediency, as long as it would produce no effect? Produce no effect, sir! The Senate was one of the parties appealed to, to assume the debts of the States. They could not be assumed without the co-operation of the Senate; and would it, then, have no effect, that one of the parties should declare, in advance, their belief that this Government had no constitutional power to assume those debts? Who ever thought that the Legislatures of the several States possessed the power to instruct Congress to violate the Constitution? If they pass the resolution proclaiming that the Government possessed no constitutional power to do so, instruction would fall impotent. How had this question been brought there? Were the Democratic members of that body to be charged with consuming the time of the Senate upon this subject? Certainly not. The resolutions were brought forward by the friends of assumption—by numerous petitions from the people in various States, calling upon the Government to assume the debts of the States by the issue of stock. It had been brought to their attention by the friends—not by the opponents—of assumption; and the Senate had been asked for an expression of its opinion upon the subject. Was not this parliamentary? What had been the course adopted heretofore upon such subjects as this, where petitions had been presented, and the action of Congress upon it re-

quested? Was it not usually—nay, almost universally—the practice of that body to make a respectful reply? He wished an expression of the judgment of the Senate to be made in this case, that there might be no misconception in the public mind in reference to the subject. And he would say to the Senate, that, by refusing such expression, they would assuredly occasion repudiation on the part of the Legislatures of the States. He hoped that a direct vote would be taken, believing it, as he did, of far greater importance than any other subject which could possibly engage the attention of Congress.

Mr. CALHOUN said he believed there was no member of that body who had a greater regard for the public faith, either of the States individually or united, in this Government; there was no man more anxious that they should fulfil with fidelity the engagements they had made, than he was; and yet he was as strongly—or, perhaps, more strongly—opposed to this measure than any member of that body. And if he had no other reason (for he would not go into the constitutional argument) but a regard for the interests of the stockholders themselves, he would raise his voice against it. He believed it would be doing them infinite injustice. If, by any possibility, this plan should be adopted, it could not stand; it would overwhelm the revenue of the country. Instead of being a charge upon the public lands alone, it would become a charge upon the customs, which, every one must be aware, were insufficient to sustain the ordinary expenses of the Government. To add a burden of six millions more was preposterous. It involved the alternative—which he trusted no one would desire—of internal taxation, or of repudiation on the part of the General Government.

He was decidedly of opinion that a response ought to be given to the numerous petitions which had been presented to them, and to the resolutions offered by the Senator from Maine. They ought to put upon record a vote declaring that it would be contrary to every consideration of expediency to adopt such a measure, in order to let the public creditors understand the true state of the question.

Mr. ARCHER said he was, as decidedly as any gentleman within that body could be, adverse to the proposition of assuming, on the part of this Government, the debts of the States, in whatever form that proposition might be presented. He had been desirous that an expression of the opinion of that body should be had upon the question; but it was now perfectly evident that every endeavor to obtain that expression must fail of success, from the policy which he perceived gentlemen were determined to pursue, in order to prevent a direct vote upon the proposition. He did not rise for the purpose of going into the discussion of the question; for it was a question, it seemed to him, altogether too large to admit of being properly and fully discussed during this session, even if the whole remaining time should be devoted to it.

When this subject was first brought before Congress, he (Mr. A.) confessed he was among the number of those who strongly reprehended (though he was then in the retirement of private life) even the introduction of the question into the Congress of the United States. It did not, at that time, even enter into his conception that it would ever be matter (as he now found it was likely to become) of grave deliberation whether it would be politic or just, on the part of this Government, to assume the debts of the States.

He was desirous of having a distinct vote upon the question now, though he was as adverse as the Senator from Kentucky had declared himself to be to the adoption of such a measure; for the matter was growing far beyond the bounds of an abstraction, though it might, perhaps, be considered a demi-abstraction still. He feared that a very alarming change in public sentiment, in reference to this subject, was about taking place; and, perhaps, by the time that Congress should again convene, if it were undetermined now, they would have it forced upon them the more urgently by reason of the delay. He was very apprehensive that all resistance to it, even now, would prove vain; but he desired to include himself among those who, on the very threshold of this matter, had waged an undying hostility towards this absurd and unwarrantable scheme.

Gentlemen talked of limitations upon the powers of this Government, and at the same moment were proposing legislative action by which the assumption of debts to the amount of $200,000,000 was contemplated; and those debts, too, never having been subject to the action of this Government When such a proposition as this could find a resting place in this, the highest national court of judicature, it was enough to awaken them to resistance; it was not a time for idle delay. They were invoked, by the highest considerations of public policy, to offer at once a determined resistance to this atrocious measure—for so he regarded it. But he had risen simply for the purpose of saying that, inasmuch as it would be altogether in vain, he thought, to attempt to get through this labyrinth of resolution piled upon resolution, he felt constrained to give way. He would be obliged to forego the attainment of the object which he greatly desired, namely: to obtain an expression of the opinion of the Senate upon this question, or else consent to consume the whole of the remaining time of the session. He would be constrained to vote, therefore—anxious as he was to give a vote directly upon the question, as well as to express his opinions upon it—for the postponement.

Mr. CUTHBERT observed that he always regarded what was said by the Senator from Kentucky as being entitled to much weight. But when that gentleman declared that he hoped it would be impossible that they should be called upon at any time to give an expression of the opinion of that body upon a question which would produce such an effect upon the country as this question must necessarily produce, he confessed he was not a little disappointed. On this side of the Chamber (the Democratic) they understood each other, and the country understood them. Their opinions in reference to this question were well known; but it belonged to the gentlemen on the other side to solve the doubts which were resting upon the public mind in regard to what the action of Congress would be in reference to it.

Was the Senator from Kentucky (versed, as he must be, in the Constitution and the laws of this country) not prepared to decide that this Government cannot assume the debts contracted by the States—that this Government cannot lay taxes to be applied to the purposes of the States? Surely he was prepared for this declaration; if not, what was the inference? That the party of which that gentleman was the powerful champion, was unwilling to lay its principles before the country. Was he willing to incur a suspicion of this nature? Did the gentleman hold that we had no right to hold consultation with the people upon subjects of this nature? Senators on this side thought differently. They were ever ready to enter into consultation; to reason; to argue; to remonstrate; to discuss, and endeavor to impress those opinions which they believed to be just.

Mr. CRITTENDEN responded to the Senator from Georgia, [Mr. CUTHBERT,] by again reiterating his sentiments on the subject of assumption, as stated in his first remarks.

The question then coming up on Mr. CONRAD'S motion to postpone the subject to the first Monday in December next,

Mr. EVANS called for the yeas and nays; which were ordered.

Mr. ARCHER asked were the resolutions offered by the gentleman from South Carolina [Mr. McDUFFIE] now included?

The CHAIR replied in the negative.

The motion to postpone was then decided in the affirmative—yeas 25, nays 22, as follows:

YEAS—Messrs. Archer, Barrow, Bates, Bayard, Berrien, Choate, Clayton, Conrad, Crafts, Crittenden, Dayton, Evans, Graham, Henderson, Huntington, Mangum, Merrick, Miller, Morehead, Phelps, Smith of Indiana, Sprague, Tallmadge, White, and Woodbridge—25.

NAYS—Messrs. Allen, Bagby, Benton, Buchanan, Calhoun, Cuthbert, Fulton, King, Lian, McDuffie, McRoberts, Rives, Sevier, Smith of Connecticut, Sturgeon, Tappan, Walker, Wilcox, Williams, Woodbury, Wright, and Young—22.

Mr. McDUFFIE now submitted his resolutions, as a substantive proposition, as follows:

Resolved, That the Government of the United States has no constitutional power to assume the debts contracted by the States for their own proper purposes, by the issue of stock, whatever fund may be pledged for the payment of the interest or principal.

Resolved, That it is inexpedient for this Government thus to assume the aforesaid debts.

He hoped they would be considered now, and allowed to go at once to the vote.

Mr. EVANS and others objected.

The resolutions, therefore, lie over one day, under the rule.

On motion of Mr. WHITE, the Senate then went into executive session; and, after some time spent therein, adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, February 18, 1843.

Mr. BARTON presented the petition of numerous citizens of Frederick county, Virginia, praying for relief to the country, by the issue of stock based upon the proceeds of the sales of the public lands.

Mr. W. W. IRWIN presented the memorial of William Bell and 642 other citizens of Western Pennsylvania, (who consider the public domain as the property of the individual States,) praying Congress to pass an act for the issue of Government stock, on the basis of the public domain.

THE OPERATION OF THE TARIFF ON FOREIGN TREATIES.

Mr. McKEON offered the following resolution; and it was adopted:

Resolved, That the President of the United States be requested to communicate to this House (if not incompatible with the public interest) any correspondence between the representatives of foreign Governments and the Government of the United States in relation to the operation of the present tariff laws on treaties existing with those foreign Governments.

THE BUSINESS OF THE HOUSE.

Mr. FILLMORE said it had been his intention to move, this morning, that the House resolve itself into Committee of the Whole on the state of the Union; but he had been appealed to on all sides of the House to permit some bills on the Speaker's table to be this day disposed of; and he would, therefore, waive the motion which he had intended to make, so that the bills alluded to could be taken up and disposed of, and that then the committees could be called for reports; but, on Monday morning, he should move that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. COWEN suggested that, after the disposal of the business alluded to, the House should take up a bill on the table for the relief of Amos Kendall; and he gave notice that he should move that the House go into Committee of the Whole on that bill.

Mr. J. THOMPSON rose, and called for the orders of the day.

Mr. A. H. H. STUART obtained permission to bring before the House the state of the Committee on Naval Affairs; which, being without a quorum, in consequence of the sickness of several of its members, it was unable to transact any business. He, therefore, moved that other gentlemen be appointed, to give the committee a working quorum, in the place of those who were unable to attend. The motion was agreed to.

Mr. MOORE presented resolutions of the Legislature of the State of Louisiana, directing the Senators from that State, and requesting its Representatives, to endeavor to get the Government to assist that State in removing obstructions in Red river; and another like resolution, directing and requesting their Senators and Representatives to use their exertions to have the second regiment of dragoons, now in the service of the United States, to be equipped, mounted, and occupied as at present, at Fort Jesup.

Mr. W. B. CAMPBELL presented additional documents, relating to the case of John McIntosh of Florida.

Mr. TURNEY presented like papers in the same case.

Mr. J. P. KENNEDY, from the Committee on Commerce, submitted a bill, as an amendment to a bill transmitted by the Secretary of the Treasury at the last session of Congress, in relation to custom-house organization.

THE REMOVAL OF JONATHAN ROBERTS.

The SPEAKER presented to the House an Executive communication from the Treasury Department, in answer to a resolution of the House of Representatives of the 13th February last, respecting the removal of Jonathan Roberts, collector of Philadelphia, which was as follows:

TREASURY DEPARTMENT,
February 16, 1843.

SIR: I have the honor to state, in reply to the resolution of the House of Representatives, adopted on the 13th instant, that no charges have been preferred to this department against Jonathan Roberts, late collector of the port of Philadelphia, relative to his discharge of the duties of said office; that no order, instruction, or request, addressed to the said Jonathan Roberts, to remove or appoint any subordinate officers of the customs at the port of Philadelphia, is contained on the records of this department. The only letter on that subject, within my knowledge, being a private note written by me, endorsing one from the President; copies of neither of which were retained.

I herewith inclose, agreeably to the call contained in the resolution, a copy of the order, or letter, dismissing Mr. Roberts from the office of collector of said port, (marked A,) and a copy of a letter from the First Comptroller, (marked B,) which constitute all letters and papers in possession of the department, relating to the subject embraced in said resolution.

I am, sir, very respectfully,
Your obedient servant,
W. FORWARD,
Secretary of the Treasury.

To the Hon. JOHN WHITE, Speaker, &c.

A.

TREASURY DEPARTMENT,
September 10, 1842.

SIR: I am directed by the President to inform you that he has appointed Thomas S. Smith to be collector of the customs for the district of Philadelphia, in your place.

I am, very respectfully,
Your obedient servant,
W. FORWARD,
Secretary of the Treasury.

JONATHAN ROBERTS, Esq.,
Late Collector of the Customs, Philadelphia.

B.

TREASURY DEPARTMENT,
Comptroller's Office, September 10, 1842.

SIR: Thomas S. Smith having been appointed collector of Philadelphia, you will deliver to him, on application, all the public property in your possession, together with the forms, books of entry, and instructions relating to the duties of the office, with which you have been furnished by this department; for all which you will take duplicate receipts, (specifying every article,) and forward one of them to this office.

Very respectfully,
Your obedient servant,
J. W. McCULLOCH,
Comptroller.

JONATHAN ROBERTS, Esq.,
Late Collector of Philadelphia.

Mr. TOLAND moved the reference of these papers to a select committee, with power to send for persons and papers; and on this he moved the previous question.

The previous question was seconded, the main question was ordered to be put, and a motion to lay the motion to refer on the table was negatived.

Mr. WISE called for a division of the motion; and the question was first taken on the motion to refer, which was carried by a majority of 74 to 61.

Mr. WISE called for the yeas and nays on the next branch of the motion; and, being ordered, they resulted thus—yeas 77, nays 65. The whole motion was, therefore, agreed to.

REMOVALS FROM OFFICE.

The SPEAKER laid before the House the following communication, which was read:

TREASURY DEPARTMENT,
February 16, 1843.

SIR: I have the honor to state, in answer to the resolution of the House of Representatives adopted on the 13th instant, requiring copies of all or any charges that may be on file in my office against Calvin Blythe, as collector of the port of Philadelphia, and the names of those who petitioned for his removal, that no such charges or petitions are contained in the records of this department.

There are recommendations for the office of collector; but as they contain neither charges against Mr. Blythe, nor ask for his removal, they are not deemed to be within the call of the resolution.

I am, sir, very respectfully, your obedient servant,
W. FORWARD,
Secretary of the Treasury.

Hon. JOHN WHITE,
Speaker of the House of Representatives.

Mr. WISE observed, that as the response of the Secretary of the Treasury in relation to the removal of Jonathan Roberts, the successor of Mr. Blythe, had been referred to a select committee, with power to send for persons and papers, he should move the same reference in relation to the response respecting the removal of Mr. Blythe, but for the reason that he conceived that the House had in no capacity whatever, under the Constitution of the United States, the power to call the Executive to account for the removal of a public officer.

Mr. BARNARD called the gentleman to order, and demanded what was the question before the House.

Mr. WISE said that he should move to print the communication from the Treasury Department, and on that motion he intended to speak. We have (said he) an authority in the report of the Committee of Ways and Means on the exchequer bill; and, in that report, the extraordinary doctrine was laid down, that the entire Congress of the United States could not limit the executive power of removal.

Mr. BARNARD again called Mr. W. to order, on the ground of irrelevancy.

Mr. WISE said he had a right to show why he did not move to refer this communication to a select committee, and for pursuing a different course from that taken in the case of Jonathan Roberts. His remarks were, therefore, unquestionably pertinent to the motion before the House. The two cases were directly parallel. Blythe was in office as collector of Philadelphia, and was removed from it at the time that Roberts was appointed, without any imputation on his conduct, except that he differed in politics from the party in power. He was removed at the time when, notwithstanding the party that had just got into power had denounced the party that had gone out, for political proscription, there were 20,000 hungry wolves in this city, of the glorious Whig party, seeking whom they might devour. At that time, Calvin Blythe was turned out of office, without any charge whatever being made against him, and Roberts was put in his place. He did not intend to go into the case of Roberts, as it was not the subject of investigation; but he would remark, that the only blame he attached to the President in relation to this matter, was, for not removing him sooner than he did. Whether the case of Blythe was to be referred to a select committee, with power to send for persons or papers, or not, would depend on the motion of some other gentleman. He could not make that motion, for the reason he had before given; but would leave it to the gentleman from Pennsylvania, [Mr. C. BROWN.]

He could not call on the President of the United States for his reasons for removing men from office, when, according to the report of the Committee of Ways and Means, they could not even delegate that power to the Senate, which co-operated in the appointing power. This Committee of Ways and Means had voted for the reference of the case of Roberts to a select committee, with power to send for persons and papers; which was, in effect, to make the President accountable to them for this removal, when, according to their report, he was not accountable even to the Senate. If there was one principle held by the Whigs more sacred than another, prior to the last elections, it was that the President of the United States should not have the power of removal without the concurrence of the Senate. No one before had ever held the monstrous doctrine that the House of Representatives should have the concurrent power of removal, and the power to send for persons and papers, to control the President of the United States in the exercise of this power. The doctrine he had always maintained was, that the Senate, having a voice in appointments to office, should also have a voice in removals from office; but that the House, having no voice in the appointments, should have none in the removals. He gave gentlemen warning that if they would go into the question of the removal of Jonathan Roberts, he should go into the case of the removals of 1,700 postmasters by the gentleman from New York, [Mr. GRANGER,] when he was Postmaster General. He had ever been opposed to the blind and indiscriminate removal of political opponents from office. He believed that one of the evils that was gnawing into the vitals of our institutions was the want of permanence in appointments to office; and if parties were to be permitted to put in their friends, and put out their enemies, every four years, the Government must go to wreck for the want of competent persons to carry it on.

Mr. EVERETT here called Mr. WISE to order for irrelevancy; and, after a short discussion on the point of order,

The SPEAKER decided that the gentleman from Virginia was in order.

Mr. EVERETT appealed, and called for the previous question; which was seconded by the House; and, under its operation, the appeal was overruled.

Mr. WISE then concluded his remarks by saying, that if gentlemen would go into this matter, they must also take up the reign of the "one month," as well as any succeeding period since the political death of Mr. Van Buren. The very time when they were protesting to the people of this nation that they were against proscription, the Whig party made the greatest number of removals—thus showing to the world that they were hypocrites and knaves.

Mr. CHARLES BROWN rose and moved that the communication be referred to the select committee, with instructions to inquire whether Jonathan Roberts took any part in the removal of Calvin Blythe, and what that part was. He made this motion, for the purpose of enabling him to say a few words to the House.

Mr. TOLAND said he had no objection to any inquiries being instituted.

Mr. JACOB THOMPSON wished to know whether the morning hour was now going on.

The SPEAKER said it was.

Mr. C. BROWN said the communication was such as every one expected to see. There were no charges against Calvin Blythe. Indeed, none could have been made against a man who preserved such an unblemished reputation, after a life of forty-five years, twenty of which had been spent in the service of his State, and on the battle-fields of his country. In the post of Secretary of State, judge of one of the State courts, and a public officer in various situations, he always bore and sustained a character of unimpeachable integrity. Appointed collector of the port of Philadelphia but a short time before the close of the late Administration, he had not been in office more than one year before he was removed, without a taint, or a suspicion, or a charge of any sort. Such was the history, in a few words, of Calvin Blythe. How different that of his successor! Jonathan Roberts was put in office to serve the basest purposes—to be the instrument of carrying out the political and personal schemes of bad men. It is upon the record given to the world by Mr. Roberts himself, that he took the office upon the conditions that he should turn out faithful officers, and put in their places the profligate and corrupt. No sooner was he installed in office, than every inspector and watchman in the custom-house was removed, without a man at sunrise the next day to tell the tale that he was still in office. In the letter of the President announcing the appointment, he tells Mr. Roberts that he is expected to appoint such men as Bela Badger and J. Washington Tyson should name to him;—nay, worse than that—such men as they had *promised office* to before they were appointed, and, no doubt, as the price of personal services to them in aiding them to get office from the President, or for corrupt services for pipe-laying for the Whig party to achieve its victory of 1840. And who were Bela Badger and J. Washington Tyson, that they should dictate to the Treasury Department, or the collector of Philadelphia, who should be the officers of its customs? The gentleman from Philadelphia [Mr. TOLAND] would not deny that Mr. Roberts had carried out to the letter the instructions of the President, and had appointed to office the friends and associates of Badger and Tyson. And such appointments! Of all the vile and the worthless in Philadelphia, some of them were the very worst. Instead of the custom-house, they were more fit for the penitentiary—loafers, pipe-layers, and pardoned convicts were among them. Whig meetings were held to denounce and repudiate them. Whig newspapers utterly condemned them. The whole city felt a shock at the desecration of one of its public institutions by the vile character of those placed in

it by Mr. Roberts. Such were the facts of the case. Was it any wonder, then, that the President of the United States, as soon as he found out the character of Bela Badger, and those he had been the means of putting in office, should request Mr. Roberts to turn them out again? It was his duty to request them to be removed. And why could not Mr. Roberts have removed them? Had he not put them in at the request of the President? He had suffered dictation in the first instance—why not in the second? The reason was obvious. A change had come over the spirit of his dream. When he took the office, he was a friend of Mr. Tyler; when he was requested to make the removals, he was a friend to the chief of another division of the party. The officers to be removed were the open and avowed friends to that chieftain; and Mr. Roberts was willing they should continue in office, to abuse and vilify Mr. Tyler, to promote the election of Mr. Clay. These very crimes were qualifications in his eyes that fitted them for that service.

Those were the immediate causes of the removal. It was on record. Mr. Roberts had published his own guilt to the world, and it needed no committee of this House to give it a broader circulation.

There might have been other causes operating in the President's mind when he was removed. It might have been that Mr. Tyler did not know him so well when he appointed him; he might have heard afterwards that Mr. Roberts had been a decided opponent of General Harrison during the war; he might have seen on the records of the Senate, what he had not noticed before he appointed him—that Mr. Roberts had been one of those who had attempted to tarnish the fame of General Harrison, by refusing in the Senate of the United States to honor him. He might also have subsequently seen that Mr. Roberts was the author of the foulest slander ever propagated in this country, having attempted to tarnish the reputation of the wife of a hero and statesman—that which no honorable man would ever attempt to bring into politics. Mr. Tyler might not have known all this; and when he had become informed of it, Mr. B. appealed to this House and the country if he was not right in removing him; and Mr. B. only wished that he had placed his removal on higher grounds—on the grounds which he had last stated; but one and all of them were sufficient, and there was not a man in Pennsylvania, whose feeling was not callous, whose heart had not been deeply dyed in political partisanship, that had not rejoiced at the removal.

Mr. B., in conclusion, withdrew his motion, saying that his purpose was answered by the communication just received from the department, and that he did not wish to couple the name of Calvin Blythe any longer with that of Jonathan Roberts.

Mr. BARNARD now obtained the floor, and moved that the House go into Committee of the Whole on the subject of the exchequer.

The motion was voted down.

Mr. TOLAND then addressed the House in reply to the gentleman from Virginia, [Mr. WISE,] and the gentleman from Pennsylvania, [Mr. CHARLES BROWN.] He said it was not his custom to take part in debates of this kind; and he would not do so on the present occasion, but that he felt it due to his constituents to say something. He read from the *exposé* of Mr. Roberts, referred to by his colleague, and contended that Mr. Roberts never consented to become the tool of any man.

Mr. C. BROWN rose, and read a part of the *exposé*, containing a letter from the President to Mr. Roberts, in which the President stated that

"Mr. Badger and Mr. Tyson have been the warmest contestants. They may have made promises in anticipation of success to particular persons, whom you may quiet by carrying them out. I merely make you suggestions as from one friend to another, to be adopted by you as your judgment may dictate. I have one wish, I confess; and it is that Governor Shultz should have the place of principal—an office, the duties of which are light, and the income of some moment to him."

This, Mr. B. said, it was known was all carried out, except that Governor Shultz's son was appointed instead of Governor Shultz.

Mr. Roberts himself says, in his own *exposé*, that his "*appointments throughout were governed by the* EXPRESSED *wishes of the President.*"

Mr. TOLAND resumed, and contended that the fact stated by his colleague came from the letter of the President, and not from Mr. Roberts. He rose not to attack the President, but to vindicate Mr. Roberts, who was removed because he would not become the tool of any man. He did not rise to speak against Calvin Blythe. He believed Mr. Blythe was a man of high character, and he had never asked for his removal. But the gentleman from Virginia [Mr. WISE] had attacked his resolution as if he had intended, in offering it, to interfere with the functions of the President. So far from having any such design, he had studiously avoided affording even a shadow for such a charge. He had not called on the President, but merely for documents on file in the Treasury Department. Were the departments to be sealed to members desiring information?

Mr. WISE said that a mere call for papers on file would give a partial view only of the question. A call on the President would give the entire view of it. He objected to giving the committee power to send for persons and papers, because it looked like an attempt to hold the President responsible to the House for his appointments.

Mr. TOLAND continued, and was understood to say that the charges against the President, in the matter of the removal of Mr. Roberts, were of a very grave character, and should be investigated.

Mr. WISE said he was glad to see what was the gentleman's object. It was impeachment.

Mr. TOLAND did not desire to have words put in his mouth which he did not say. He wished inquiries to be instituted, not knowing where those inquiries would lead him. If they led to an impeachment, he (Mr. T.) would not shrink from it. Were he a friend of the President, so far from resisting inquiry, he would encourage and demand it.

Mr. STANLY next obtained the floor, and observed that he thought it was too late in the session to occupy the time of the House in discussing the villany of Captain Tyler. The Captain had not been able to get but one Democrat to support him; and now there remained no one on that floor to defend him, except the guard; two of whom, he understood, at least, were to receive fat offices after the 4th of March. If the subject came up at another time, he might say something upon it; but, at present, the game was too contemptible for him to waste his ammunition upon it. He therefore moved the previous question.

The previous question was sustained, and the House proceeded to vote on the motion to print; which was decided in the affirmative.

EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House a communication from the Treasury Department, transmitting the names of the clerks and other persons employed in that department during the past year: laid on the table, and ordered to be printed.

Also, a communication from the Second Auditor, transmitting a copy of the accounts rendered by disbursing officers of the Government: referred to the Committee on Public Expenditures.

Also, a communication from the Navy Department, stating that, in accordance with the resolution of August 20th, 1842, a contract had been entered into for the use of Babbit's anti-attrition metal, and asking that an appropriation be made to fulfil the consideration: referred to the Committee on Naval Affairs.

Also, a communication from the Post Office Department, transmitting a list of the clerks employed in that department during the past year: laid on the table, and ordered to be printed.

The following bills from the Senate were severally read twice, and referred:

The bill explanatory of the act entitled "An act in relation to lands sold at the Greensburg or St. Helena district, Louisiana," approved 2d August 1842; and

The bill for the relief of the heirs of Madame de Lusser, and their legal representatives.

The bill from the House for the relief of George Mayfield, with the amendments of the Senate thereto, was taken up, and the amendments concurred in.

Mr. EVERETT called up the motion for reconsideration of the vote on laying on the table the resolution reported by the Committee of Claims, allowing them to employ a clerk; and, under the operation of the previous question, the reconsideration was agreed to.

The question was then taken on laying the resolution on the table, and decided in the negative; after which,

The resolution was adopted—yeas 99, nays 72.

Mr. EVERETT then moved the reconsideration of the vote just taken, and called for the previous question; which was seconded by the House, and under its operation, the reconsideration was refused.

Mr. SAUNDERS, from the Committee on the Judiciary, reported a bill for the relief of Joseph William Wilcox; which was referred to the Committee of the Whole, and ordered to be printed.

On motion by Mr. TILLINGHAST, the joint resolution providing for the distribution of the printed returns of the Compendium of the Sixth Census, was taken up; and the amendments being agreed to, it was passed.

EXCHEQUER.

Mr. BARNARD moved that the House resolve itself into Committee of the Whole, for the purpose of considering the exchequer bill; and after some remarks in opposition to the motion by Messrs. UNDERWOOD and McKENNAN, the motion was rejected.

Mr. BRIGGS asked if private bills were not first in order; and, if so, the bill for the relief of Philip Renault was the first on the calendar.

The SPEAKER said that the first business would be the motion to print the reports of the Committee of Ways and Means on the subject of issuing $200,000,000 of Government stock, on which the gentleman from Mississippi [Mr. JACOB THOMPSON] had the floor.

Mr. JACOB THOMPSON said that several gentlemen having solicited him to waive his right to the floor for to day, in order that the House might proceed at once to the consideration of private and Territorial bills that were on their passage, he would do so, with the understanding that he might again have the floor on Tuesday. This being agreed to, by general consent,

The bill for the relief of Philip Renault was taken up and read a third time; and, on the question of its passage,

Mr. BIRDSEYE called for the yeas and nays; which being ordered, resulted in yeas 70, nays 98. So the bill was rejected.

Mr. UNDERWOOD proposed to the House to proceed with the Territorial bills, and the bills relating to the District of Columbia. These had all been discussed, with the exception of the District bank bills, which he proposed to give the go-by, in order to avoid discussion on them.

Mr. ADAMS insisted on taking up first the bill for the relief of the heirs of Robert Fulton; which was the next in order.

After a short discussion as to priority of business, in which Messrs. ADAMS, UNDERWOOD, and McCLELLAN, took part—

The bill for the relief of the heirs of Robert Fulton was taken up.

Mr. W. W. IRWIN called for the previous question on its passage.

Mr. BURKE moved to lay it on the table. The report made by the gentleman from Virginia [Mr. HUBARD] was very argumentative and conclusive, and showed that the claim was utterly without any foundation.

After seconding the previous question, and ordering the main question,

The yeas and nays were taken, resulting in yeas 89, nays 59.

So the bill was passed.

Mr. R. McCLELLAN moved the reconsideration of the vote just taken, and called for the previous question; under the operation of which the motion was negatived.

SURETIES OF SAMUEL SWARTWOUT.

The bill to authorize the Secretary of the Treasury to make a compromise with the sureties on the official bond of Samuel Swartwout, late collector of the port of New York, came up on its third reading.

Mr. J. C. CLARK moved the previous question; which was sustained by the House.

Mr. GRAHAM moved that the bill be laid on the table: rejected—ayes 59, noes 75.

Mr. STANLY asked for the yeas and nays on the passage of the bill; which were ordered.

The bill was rejected—yeas 72, nays 75.

SAM WELLER.

Mr. TOMLINSON appealed to the House to take up the bill for the relief of Sam Weller.

After objections made in several quarters, but subsequently withdrawn, the House agreed to take up the bill.

It was then read a third time, and passed.

Attempts were then made by Mr. COWEN to take up the private calendar; by Mr. McKENNAN, to take up Territorial business; and by Mr. UNDERWOOD, to take up District business.

After some debate, a motion by Mr. McKENNAN, that the Territorial and District of Columbia bills on the Speaker's table be taken up, with a view to their passage, prevailed.

THE TERRITORIES AND THE DISTRICT.

A bill making an appropriation for the improvement of the public buildings in Florida, was read a third time, and passed.

A bill to provide for the erection of a marine hospital at Key West, Florida, came up with an amendment from the Committee of the Whole. The amendment declares that the sum of $10,000 shall be applied to the erection and *finishing* of the hospital.

It was agreed to, and the bill read a third time, and passed.

The bill making appropriations for the repair and improvement of certain roads and other highways in the Territory of Florida, was, after being ordered to be engrossed, read the third time; and, on the question "Shall the bill pass?" it was decided in the negative.

So the bill was rejected.

The bill for the protection of the commerce of the western shores of Lake Michigan was taken up.

Mr. HALSTED moved to amend it, by striking out all the appropriations, except for the harbor of Milwaukie and for the light-house.

Mr. H. DODGE earnestly appealed to the House not to strike out the appropriations for Racine and Lockport, which he said were in the bill of the last session. He hoped they would now be retained.

The question being taken on the amendment, it was rejected; and, the bill having been ordered to be engrossed, was read the third time, and passed—yeas 84, nays 55.

The bill to authorize the election of officers in the Territory of Wisconsin, was also read the third time, and passed.

The bill making appropriations for certain roads, and for the survey of a canal route in the Territory of Iowa, was taken up; and, after some remarks from Mr. SPRIGG in opposition to the bill, and from Mr. A. C. DODGE in its favor,

Under the operation of the previous question, the amendment pending was concurred in, and the bill was ordered to be engrossed for a third reading.

On the question of the passage of the bill,

Mr. SPRIGG called for the yeas and nays, which were ordered; and then,

On motion of Mr. ARNOLD,

The House adjourned.

IN SENATE.

MONDAY, February 20, 1843.

The PRESIDENT *pro tem.* laid before the Senate a communication from the War Department, reporting, in compliance with the 5th section of the act of 3d March, 1809, a statement from the Second Auditor of the Treasury, showing the expenditures made in the year 1842 out of the appropriations made for the contingent expenses for the military establishment; which, on motion of Mr. EVANS, was ordered to lie on the table.

Mr. EVANS presented a memorial from citizens of the State of Maine, praying protection, by a specific duty, on imported lumber; which was referred to the Committee on Manufactures.

Mr. STURGEON presented a joint resolution adopted by the Legislature of Pennsylvania, instructing their Senators and requesting their Representatives to urge the passage of a law revising the act of 1838, granting a pension for five years to the widows of officers and soldiers of the revolutionary war; which was ordered to be printed, and referred to the Committee on Pensions.

Mr. BATES presented a petition from the Western Railroad Company, praying an extension of the time for laying down railroad iron which may be imported free of duty before the 2d of March; which was read, and referred to the Committee on Finance.

Mr. CHOATE presented a petition from Hall Jackson Kelly, asking the United States to grant him the privilege to purchase a tract of land in the Oregon Territory, for the purpose of colonization, on reasonable terms; which was referred to the Committee on Private Land Claims.

Mr. BUCHANAN presented a memorial from merchants and traders of the city of Philadelphia, asking Congress to modify the provisions of the tariff, so as to allow a drawback on exports of domestic spirits, equal to the duty on the foreign produce from which it is distilled; which was referred to the Committee on Finance.

Mr. YOUNG presented the petition of Gilbert Buckingham, and 225 others, citizens of Henry and Whiteside counties, in the State of Illinois, praying for the establishment of a tri-weekly mail-route from Peoria, by way of Mount Hawley, in Peoria county, Wyoming and Toulon, in Stark county, Wethersfield and Genesee, in Henry county, Sharon, and Crandall's ferry, to Albany, in Whiteside county, so as to intersect the Galena and Rock Island mail-route at Albany, and the Dixon and Rock Island mail-route at Crandall's ferry; which, on his motion, was referred to the Committee on the Post Office and Post Roads.

Mr. SMITH of Indiana, from the Committee on the Public Lands, reported back, with an amendment, House bill entitled "An act in relation to the exemplification of land patents and other evidences of title under the act entitled An act to re-organize the General Land Office:" the amendment was ordered to be printed.

Mr. PHELPS, from the Committee on Pensions, reported back, without amendment, the bill for the relief of Anne Jones

Mr. P. remarked, in relation to the bill, that the applicant claims a pension, by reason of the services of her husband during the revolutionary war. She was not a widow when the act under which she claimed a pension was passed, which disentitled her to a pension by the previous action of Pension Department; but the department had, in relation to the act of August last, given such construction of the pension laws as to extend the rights of pension to those who had become widows since the passage of the law. The resolution of the committee was, therefore, that no action of Congress was necessary in the case. He made that remark, with a view that the bill be now acted upon, by indefinitely postponing it, for the purpose of submitting the matter to the department.

On motion of Mr. PHELPS, the previous orders of the day were postponed, and the bill was taken up, as in committee of the whole, and indefinitely postponed.

Mr. PHELPS, for the same reason and purpose, made a similar motion in relation to the House bills for the relief of Catherine Wilson and Maria M. Brooks; and, on his motion, the previous orders of the day were postponed, and those bills were considered, and laid on the table.

Mr. WALKER submitted the following resolution, and asked for its consideration then:

Resolved, That the Secretary of War be directed to communicate to the Senate, at the next session of Congress, a plan and estimates for the improvement of the navigation of the Ohio, by the construction of an enlarged steamboat canal on the Indiana side of the falls, near Louisville; also, to report what effect would be produced on the navigation of that river above the falls, by the removal of the ledge of rocks at that point; also, what would be the expense of enlarging the present canal, so as to admit the largest class of boats; and what arrangements, if any, can be made for rendering the said canal toll free, or subject to such toll only as may be necessary to keep the same in repair.

Mr. EVANS objected to the consideration of the resolution then, on the ground that he did not see that any funds were at the disposal of the department for that purpose.

Mr. WALKER was understood to say that no appropriation of money was necessary. The resolution was, however, laid on the table till to-morrow.

Mr. CRITTENDEN, from the Committee on Military Affairs, to which had been referred House bill entitled "An act to provide for the payment of Iowa militia called into service in December, 1839, to prevent the invasion of that Territory by the State of Missouri," reported that the committee did not find sufficient grounds to sanction the claim, and had instructed him to ask that it be discharged from the further consideration of the subject; and,

After a few remarks by Mr. LINN, the question of discharging the committee was postponed.

On motion by Mr. PHELPS, the previous orders of the day were postponed, and the Senate bill for the relief of Asahel Brainard was taken up as in committee of the whole; and, there being no amendment proposed, it was reported to the Senate, and ordered to be engrossed; which having been done, it was subsequently read the third time and passed.

On motion by Mr. WALKER, the previous orders of the day were postponed, and the Senate proceeded to consider, as in committee of the whole, the bill for the relief of John Hutchins. Mr. WALKER having explained the bill, and there being no amendment proposed, it was reported to the Senate, and ordered to be engrossed for a third reading. It was subsequently read the third time and passed.

Mr. CRITTENDEN submitted a motion to postpone the previous orders of the day, for the purpose of taking up the bill for the relief of Mrs. Thompson, widow of the late Col. Thompson; but, after a few remarks from Messrs. ALLEN and WOODBURY, suggesting that if this bill was taken up, it would interfere with the resolutions of the Senator from South Carolina, [Mr. McDUFFIE,] which were in order during the morning hour, he withdrew the motion.

The CHAIR then announced that the following resolutions submitted by the Senator from South Carolina [Mr. McDUFFIE] were in order, viz:

Resolved, That the Government of the United States has no constitutional power to assume the debts contracted by the States for their own proper purposes, by the issue of stock, whatever fund may be pledged for the payment of the interest or principal.

Resolved, That it is inexpedient for this Government thus to assume the aforesaid debts.

Mr. McDUFFIE said it was not his intention, when he submitted these resolutions, to utter a single sentence to enforce favorable action upon them; but, as he had a very few ideas to express on the subject, and the Senate being very thin, he would avail himself of a few moments of its time to express his views on the spirit of those resolutions. Had the Congress of the United States the power to execute the object to which the resolutions relate? That was the first and most important question; and, in regard to that question, he confessed he was surprised at the remarks which fell from the Senator from Kentucky, [Mr. CRITTENDEN,] on the other side of the Senate, on Saturday, when the practical interrogatory was as to the constitutional power of Congress to execute this measure. That Senator, after having disclaimed that there was any obligation on this Government to discharge the debts of the States, went on to say that there was no provision in the Constitution which prohibited an exercise, by Congress, of power over the matter, in some form or other. He (Mr. McD.) confessed that he was surprised to hear that remark, particularly as coming from the honorable Senator from Kentucky, who, he was sure, was brought up at the time when those admirable constitutional doctrines emanated from the State of Kentucky in 1800. He (Mr. McD.) was sure that the Congress of the United States was prohibited from exercising the power; and were they to be called upon to assume the exercise of that power, because it was not prohibited by the Constitution?

Mr. CRITTENDEN interrupted the Senator from South Carolina, and explained his former remarks to which he (Mr. McD.) had alluded. What

he then meant was—as the whole tenor of his remarks would show—that he was unwilling to express an opinion at that time, as to the power of Congress to interfere in this matter. He did not intend to say that Congress could exercise any power, except such powers as were expressly granted, or which were implied as necessary to carry express grants of power into effect.

Mr. McDUFFIE resumed. He was glad to hear the explanation of the Senator. He entirely concurred with him in that view—as he presumed every Senator would—that they had all the powers expressly granted, and which were implied as necessary to carry out those in such grants.

He would now proceed to demonstrate (as he believed it would not be difficult to do) that there was not only no such power granted by the Constitution to the Congress of the United States, but that the exercise of such a power was as positively prohibited as human language could convey a prohibition. What was it that was proposed to be done? He besought gentlemen to realize a practical view of the matter. The stock which it was proposed to issue, it was true, was to be sustained in part by the income derived from the public lands. But he wished to remove from the minds of Senators all illusion upon this point. The whole resources of the Government would be necessarily charged with the enormous burden contemplated by the scheme of the issue of Government stock. What were the powers to be exercised? The whole money power of the Government—the power of borrowing, and the power of appropriating; the whole money power—a power involving all the other powers of the Government. This was the power to be brought into exercise. And he asked if there was not, in reference to the exercise of this power, a limitation as express as human language could make it? It was declared in the Constitution that Congress should have the power of raising money—for what purpose? To provide "for the common defence and general welfare" of the Union. The only purpose for which Congress could raise and appropriate money in any form, was to provide for the common defence and general welfare of the United States. Now, if the payment of State debts—the interference with, or assumption of State authority—could be considered as embraced within the terms "common defence and general welfare," he confessed that to him language had lost its power, and they might as well throw aside the Constitution at once. It seemed to him particularly clear that the powers which would be involved in the operation of this scheme were positively and expressly prohibited by the terms of the Constitution. Language could not make it plainer; and he would not, therefore, consume any more of the time of the Senate upon the question of constitutional power.

They were thus arrested at the very threshold; and all those who, with him, entertained the opinion which he had just expressed—that the exercise of such a power as this would be plainly unconstitutional—must maintain the ground that any attempt to impose upon the Government of the United States the exercise of such a power must be, now and hereafter, destitute of any effect. They could not pledge the faith of this Government for any such purpose.

But suppose that, by a strained construction, they could assume to themselves such a power as this: when they came to consider its practical result, it would seem so totally to reverse all the principles of the Government, and so far to derange the operations, the control, and the responsibility of the whole system, as to render it evidently unconstitutional, even independently of the express prohibition.

It was proposed to throw upon this Government the responsibility of collecting taxes for the States, and to relieve the State Governments from all responsibility in the matter. He begged Senators to consider this proposition; and, with that view, he would repeat, that it was proposed that this Government should perform the part of tax-gatherer for the several States—giving the State Governments the control over the fund, without any responsibility as to its collection. And, if they looked at the manner in which the debts of the States had been contracted, and at the means by which they had been carried on, under the most extraordinary delusion, in the prosecution of their works of internal improvement, he thought they would be admonished—and that, in strong language—of the impropriety of the proposed scheme of assumption. During the last few years, about two hundred millions of dollars of foreign capital had been brought into the country. Was there anything that could so totally derange all the monetary affairs of the Government as the introduction of this enormous amount of foreign capital? It was like a shower of gold poured out upon the States; the natural operation of which was to enhance the price of everything. And it might not be inappropriate to say here, that the importation of this immense amount of foreign capital had contributed as much as the extraordinary expansion of bank circulation, or any other cause whatever, to occasion those distresses under which the country was now laboring. During the period to which he had referred, a perfect delirium had been produced. Men acted precisely as if they had been under the influence of some stimulating draught. All responsibility in the disposal of the public money was destroyed. And it would be seen, by looking at the manner in which the public works of internal improvement were carried on, that all the agents connected with those works acted precisely as if they imagined the funds devoted to that purpose had rained down from heaven. There was universal excitement—universal delirium; and the consequence was, the works cost three, four, or five times as much as they could now be constructed for. What did this go to show? It showed that those to whom the appropriation of the money was confided, felt no sort of responsibility. And he would venture to assert, that, at this very moment, there was no prudent man in the United States, who had capital, who would take, as a gift, nine-tenths of the internal improvements made by foreign capital, if he were to be bound by the terms of the gift to keep up those works. They would not pay the expense. And he must be permitted to say that the practice of borrowing money by the State Governments (the most unfortunate of all schemes ever adopted by any Government) had been their utter and absolute ruin. And now, after the people had awakened from their delirium, looked about them, and surveyed the ruin which had been produced, was it desired that a new stimulus should be administered—that they should be encouraged to engage again in the same course of extravagance? Was it proper again to administer the same dose, and to produce again the same disasters? It was perfectly clear that the practical operation of the scheme would be to destroy the responsibility of those to whom would belong the appropriation of the public money. The State Governments were to expend the money, whilst they were to be freed from the responsibility of imposing taxes. Was it not plain that, if they were required to impose taxes upon the people, in order to raise the money, the people would hold a salutary check over them? There was no other way to hold them in check, but by making them directly responsible. But the effect of this system would be to destroy all responsibility.

Upon the question of expediency, he would ask what favor was it they were about to confer upon the States of this Union? The worthy Senator from Maryland had been pleased to speak of the paternal character of this Government, and the obligations incident to that character. The paternal character of the Government! This was not the first time, by many hundreds, that he had heard this language used. Whenever the Government were about to do any wrong—whenever they were about to violate the rights of any portion of the people—they always assumed this paternal character. It was a remark of Junius, (which was capable of specific application here,) that "whenever he saw a Scotchman smile, he involuntarily put his hand upon his pocket." When he (Mr. McD.) heard the paternal character of this Government spoken of, he was disposed to regard the proposition by which such a declaration was accompanied, with more than ordinary suspicion. He asked what was the practical character of the proposition? Did gentlemen mean to inculcate upon the people of the United States that this Government was endowed (as a sort of godlike power) with wealth?—a sort of inherent wealth, which it did not derive from the people—that this *paternal* Government was about to relieve the States by giving them money? Were they, like children, to be deluded with such an absurd picture as this? Give money to the people!

Why, all that this Government possessed, they derived from the people. They had not a single dollar that was not drawn from the pockets of the people; and yet this Government proposed to relieve the people by giving them money! Were the people of these United States supposed to worship this Government, as the Persians worship the sun? God forbid! Let them meet the question plainly and fairly. Every dollar that was given to the States, must first be taken from the people of the States; and for every dollar that they received in one form, they must pay at least a dollar and twenty-five cents in another form. This was the inevitable consequence—and it could not be avoided. He asked Senators if they were willing to give this money to the States, to be squandered by them, and thereby place themselves under the necessity of calling upon the people for supplies? The idea, therefore, of relieving the States by granting them money, was drawing a distinction between the Governments of the States and the people of those States; which was totally destitute of all practical foundation. To be sure, the idea of many, he knew, was, that the money to be appropriated to the States was to be collected in an indirect form—by a system of indirect taxation—relieving them from the burden of direct taxation; but the distinction was totally destitute of foundation. Did gentlemen suppose that, with a bankrupt treasury—while this Government was living, from day to day, upon the miserable shift of borrowing money, and after our commerce had been cut down so that it would not even sustain the ordinary expenses of the Government—it could, nevertheless, sustain the enormous expense of granting $200,000,000 to the States? In less than a single year, if this system were adopted, they would have to resort to direct taxation.

But there was another view of the subject which claimed their attention. The measure was proposed for the purpose of relieving the States of this Union; but, in order to do this, it would be necessary to do something more. Suppose stock to the amount of $200,000,000 be issued. What would be the portion to which the State of Pennsylvania would be entitled? It would not be sufficient to pay anything like one half the amount of the debt of that State. How would it be with Missouri? Missouri, he believed, owed no debt at all. She would be entitled, nevertheless, to her distributive share of $3,000,000, and South Carolina to $4,000,000. With a bankrupt treasury, and a heavy debt hanging over us, without the means of paying that debt, it was proposed to throw upon the world stock to the amount of $200,000,000, bearing an interest of but three per cent. What would the stock be worth? The State of Missouri had no debt at all. What would it be worth in the truly economical and exemplary State of North Carolina? What would Government stock, at three per cent., be worth in the markets of the world? You could not adopt a more effectual mode to degrade this Government, already bankrupt, than by issuing stock to the extent of $200,000,000—double the whole amount of the debt contracted during the last war with Great Britain! Why, it would be extravagant to suppose that, when the Government of the United States could not sell its six per cent. stock at par, although its credit was then much better than it now is,—it would be extravagant to suppose that this three per cent. stock would sell for more than fifty dollars in the hundred. It would not be worth more. So that, in order to accommodate the indebted States, all those not indebted would be forced to receive at par Government stock, not worth fifty dollars in the hundred; and yet they would have to pay their full proportion of the taxation consequent upon the issue of this stock. He believed it would be a common calamity to all the States. He had no idea—particularly

after the recent expression of opinion on the part of the Senate—that foreigners would take this stock upon any condition whatever. The debts of the States, he solemnly believed, would, eventually, be strictly redeemed. An idea, no doubt, prevailed throughout the country that these debts were never to be paid—that the interest only was to be provided for; but it was a mistaken idea. These bonds—for which some of the States would not receive more than fifty dollars in the hundred—would have to be redeemed by our immediate posterity. Upon them would fall the whole burden of paying the $200,000,000, independently of the current expense of $6,000,000 per annum, by way of interest. Was there any sound policy in this? that our immediate descendants should be thus burdened with an enormous and overwhelming amount of taxation—transcending, as he said before, nearly two to one, the debt incurred by this Government during the late war with Great Britain? Nothing, in his opinion, could be more unwise, if they had even an unquestionable right to exercise the power. Nothing could be more unjust to many parts of the Union. Nothing could be more monstrously unjust to the unindebted States.

But, as he believed the Senate was now full, and prepared to vote, he had no disposition to press the argument further. He, however, felt it to be his solemn duty, before he sat down, to make a declaration, by which he was prepared to stand or fall; and he hoped that every Senator who entertained, with him, a desire that the creditors of the States—the holders of State stocks in Europe—might not be deceived, would be prepared to make a similar declaration. It was his solemn opinion that this Government had no power to issue stock for any such purpose as that indicated in the resolution. He solemnly believed that the paper which contained a promise to pay $200,000,000, on the faith of this Government, on behalf of the States, would not be worth the paper on which the resolution was written—constitutionally. He should not hold himself any more bound by it than he would to pay a forged note. And, if the stock should ever be issued—if there should ever be, accidentally, a party in power, in this country, by whom such stock would be issued,—he pledged himself to make war against it to the last extremity, whether in Congress or out of it. And, whether it might be called nullification, or repudiation, or by whatsoever name of odium his opponents might choose to designate his conduct, he would persevere in his resistance to what he conceived to be an unconstitutional exercise of power. And, in every form in which his vote could have effect or influence, he would resist the enforcement of any and all such claims upon the Government of the United States. He made this declaration to the world—holding, as he did, the faith of the Government *constitutionally* pledged to be sacred and inviolable; and if, in the face of this declaration, State stockholders in Europe should imagine that their debts would be better secured by obtaining the pledge of the faith of the General Government, they were at liberty to make the experiment.

Mr. WALKER wished to submit an amendment, for the purpose of embodying and placing on record upon the journal of the Senate the opinions which he had expressed on this subject when the former resolutions were under discussion. He not only wished them to be preserved in a more desirable form, but that the vote of Senators on them should be recorded—that it may be perfectly understood by all who now countenance, or shall hereafter countenance, the destructive and pernicious doctrine that such a monstrous proposition as that of the assumption of the debts of the States by the General Government could be permitted to stand unrepealed, should a temporary majority succeed in enacting it. He wished, not only to announce in time to the holders of State stocks, and all interested in them, those opinions on behalf of the Democracy; but to place them on record, together with the votes pledged to that repeal, that if such holders of stocks are deluded into any belief that this Government can have any power to assume their debts, and become responsible for them, they may be undeceived; and if they will not be undeceived, they may not have the opportunity of saying that they did not act with their eyes open to the consequences. He here pledged himself—and he was sure all of his friends who would vote for these resolutions would willingly pledge themselves—that whenever a temporary majority shall dare to violate the Constitution by enacting such a destructive law, he and his friends would untiringly and unceasingly wage war against such obnoxious law, until they should succeed in expunging it from the statute-book. He submitted his amendment.

[It was the same as, at a subsequent stage of the proceedings, became a substantive proposition, independent of Mr. McDUFFIE's resolutions, as stated in their proper place.]

Mr. McDUFFIE accepted the amendment as a modification of his resolutions.

On the resolutions, as modified, the yeas and nays were demanded.

Mr. MERRICK expressed his surprise at the tenacity with which the Senators on the other side held on to their purpose of extorting a vote on a subject not at all before the Senate. There was no proposition entertained by any one to assume the debts of the States.

Mr. WALKER asked if there were not numerous petitions and memorials on the subject submitted from time to time during the session.

Mr. MERRICK believed there were not any.

Mr. WALKER would beg leave to ask the chairman of the Committee on Finance if a large number of memorials on the subject had not been referred to that committee, and if these memorials were not now awaiting his report?

Mr. EVANS replied that he was not aware of one calling for the assumption of the debts of the States. There were many memorials before the committee asking for some improvement of the currency, and for an issue of Government stock to form a currency; but he did not know of any that called for the assumption of the State debts.

Mr. WALKER said they certainly called for the issue of Government stock to relieve the States from their indebtedness.

Mr. MERRICK continued: If the committee had made its report, there might be some apology for introducing the subject in a discussion of that report. But there was no proposition to justify the course now taken, after the Senate—by its solemn and deliberate determination, manifested on two occasions last week—decided that it would not entertain the subject this session; that it would not suffer the question to consume, in discussion, the time necessary to be devoted to the completion of the practical business of legislation.

Mr. M. then proceeded to state his sentiments in relation to the subject which the vote was demanded upon. He did not understand that any of the States required the General Government to assume their debts. He understood them as merely asking for a restoration of the trust which they had given to the Government for a specific purpose, long since accomplished. They now ask for the restoration of their property, that they may make use of it in whatever way they think best for the purpose of extricating them from their difficulties. Mr. M., at great length, proceeded to argue the whole question of the distribution of the proceeds of the public lands and restoration of the public domain to the use of the States, as the only form of assumption which, he conceived, was entertained by those who opposed these resolutions. He contended that the proceeds of the public lands, if the lands were properly in market, would bring five or six millions of dollars annually; which would enable the States to pay the interest of their debts.

Mr. WALKER interposed to say that the President of the United States had made every possible effort to bring such lands as were ready into market this very year; yet they would not yield one million of dollars.

Mr. MERRICK contended that, on the contrary, by the operation of the pre-emption laws, the lands were kept out of market.

Mr. LINN asked if there had not always been pre-emption laws, and was not the proportion of pre-emption rights as large formerly as now?

Mr. MERRICK still contended that the operation of these laws was to keep the lands out of market, and that they differed from old pre-emption rights, when lands were sold on a credit. Now, he maintained, where specie is required for lands, those holding under pre-emption rights have as legal a claim as if they had their patents, provided they paid their dollar and a quarter per acre when the lands came into market; but they managed, by petitions and applications to the Executive, to keep the lands out of market, whereby they obtained an unlimited credit. These pre-emptioners are, in most instances, voters; and he contended that it was a most dangerous influence, which might (he would not say that it did) be of most pernicious consequences.

After a very elaborate expression of his views on the various topics involved in the discussion, he concluded by offering the following amendments:

Resolved, That most wisely did the fathers of the Republic in establishing the Constitution of the United States, so frame that sacred instrument that it should be plain, easily understood, and intelligible to all upon whom it was to operate as a rule of action; and that it is not competent for any department of the Government established by it to enlarge or contract its true meaning, of which the citizens are, and of necessity must be, in the last resort, the exclusive judges.

Resolved, That it is no part of the assigned duty of the Senate of the United States to expound the Constitution to the people; and every such attempt is a departure from its appropriate sphere of action, and argues a distrust in the capacity of the people for self-government, unwarranted alike by our past history and the present enlightened state of the public mind.

Resolved, That whilst it is no part of the duty of the Senate of the United States to expound the Constitution for the people, it is its most solemn duty to exercise the power intrusted to it by that instrument, in the true spirit, and according to the nature of the trust, for the promotion of the happiness and welfare of the people.

Resolved, therefore, That the happiness of the people now requiring it, and full power over the subject being given to Congress, provision should be made, without further delay, for the fair and equal distribution, among all the States, of the proceeds of the public lands, in such manner as will best tend to remove or alleviate the evils of direct taxation under which the people of some of the States are now suffering, and which threaten soon inevitably to be visited upon other States.

Mr. ALLEN begged leave to ask the Senator from Maryland one question: it was, whether the sort of distribution of the proceeds of the public lands which he meant, did not involve the proposition to issue the stock of the General Government for those proceeds?

Mr. MERRICK said his proposition was to distribute to the States the proceeds of the public lands. He did not want gentlemen to make any other issue for him.

Mr. ALLEN asked if the Senator's proposition comprehended the issue of Government stock.

Mr. MERRICK said, no; he had nothing to do with the issue of stock.

Mr. McDUFFIE asked the Senator from Maryland to suspend his motion to amend, till he (Mr. McD.) made a correction as to the modification he had accepted.

Mr. MERRICK suspended his motion to amend.

Mr. McDUFFIE then withdrew his acceptance of the modification offered by the Senator from Mississippi [Mr. WALKER.]

Mr. WALKER withdrew his resolutions as an amendment.

Mr. MERRICK's motion to strike out and amend being then renewed,

Mr. ALLEN next addressed the Senate. He commenced by observing that nothing was more obvious than that there was a disposition to make the Federal Government responsible for the debts of the States. The word *assumption* was a definite mode of expression. It was a clear mode of avowing the object; and, therefore, the suspicion of the thing was to be avoided, by avoiding the term. The public lands—the measure of distributing their proceeds—was held up as a blind, behind which the principle of assumption was concealed. The income of the public lands was spread before the people as a fund which could be used to relieve them from difficulty; when it was taxation alone—the use of the taxing power of the Federal Government—which could be resorted to, in order to afford relief. The first step in the system of relief, he maintained, was oppression. The grievance under which the country now labored, was taxation to excess upon the people, in order to meet the outstanding debts now due by the States. In order to relieve the people, a system was proposed, the first act of which is to increase the very burdens of taxation under which the people now groan!

Let us (said Mr. A.) analyze this thing which bows down the heads, and hangs so heavily and so grievously upon the hearts of the people. What is it? Debt—debt. What are the items composing that debt? These are six in number, and I shall name them in their order:

First. The indebtedness of individuals to individuals.

Second. The indebtedness of private corporations.

Third. The indebtedness of chartered cities and towns.

Fourth. The indebtedness of counties.

Fifth. The indebtedness of the States.

Sixth. The indebtedness of the Federal Government itself.

These, sir, are the six elements which enter into and make up the sum of indebtedness under which the people now suffer. Congress has taken the matter in its own hands, as regards the first class of debts, by means of the bankrupt law. Not daring to put its hands into the pockets of the people, and absolutely take away their money, it passed the bankrupt law, which, by one great stroke, repudiated the great body of the first description of debts—those between man and man. It is now proposed that Congress shall take charge of the remaining five items. The same reason which is urged in favor of assuming the State debts, is still better for the assumption of city and county debts. These city and county debts were all contracted under express authority given by express acts of the States—all of them authorized by special acts of the State Legislatures. They were nearly all contracted for public benefit—to build public edifices, construct roads, and pave the streets of towns. How would assumption work? The State debts would be assumed first, and the States would then become free from debt. But what would become of the county debts? Would the assumption of State debts relieve them?

He knew how it was in Ohio, and he presumed it was so in other States: nearly every town and county had its debt. Let us see how the system would work. Would an assumption of State debts relieve the cities? Certainly not. What, then, would be the next proposition? The counties would be applied to, to assume the debts of the cities. What would the people of a county say, if application was made to their commissioners to assume the debts of the city within the borders of the county? He would put it to the people of his own county of Ross, in the State of Ohio, to say whether they would be willing to assume the debt of the city of Chillicothe? That county, like many others, was in debt. He spoke of his own State, in illustrating the positions he had maintained, because he was more familiar with its localities, and the facts connected with them. He would ask the people of that great State what they would think if they were called on to pay the debts of the counties?

But to proceed with his argument. What would be the first proposition after the assumption of the State debts? The position of the States would be that of freedom from debt, whilst the cities and counties still remained involved. The States would, of course, be called on to assume the city and county debts. And why? Because, the States having assumed these debts, it would be easy to roll them all off on the yielding back of the General Government. The sponging and repudiation of debts would become common, and obligations between man and man no longer be held sacred. The other five items of debt to which he referred would be concentrated in one vast pile, and packed on the treasury of the Union.

But, he continued, what would the people gain by these operations? Their situation would be the same as that of two Yankees who shut themselves up in a room to trade coats: after trading all day with each other, they both contended that they had made $25 apiece. What would the people gain? Simply a change of the form of taxation. They would merely be giving the General Government the power to put its hands into their pockets. Would the scheme diminish their debts? What was the Federal Government?—anything else than the mere breath of the States and the people which created it? What, he repeated, was this Government, but the visible existence of the people in the States? Now, at this very moment, it is begging alms at the doors of the people, and crying aloud, "Feed me, or I'll die!" What next? This same Federal Government, the moment afterwards, tells the people of the States, "I will relieve you of your debts." How? By going to their corn cribs, and taking a part of their crops and their labors, to pay their debts with it!

The Senator from Maryland [Mr. MERRICK] had alluded to what he said on a former occasion in relation to the ownership of the State stocks. What he had maintained was, that debt was burdensome to a country, according as its interest had to be paid at home or transmitted abroad. The foreign debts of the States fell little short of $200,000,000; and, including the corporation debts, the whole foreign debt of this country amounted to 220 or $230,000,000. The heavy pressure in this country was caused by the fact that the interest on this immense debt had to be sent abroad—paid as a tribute to foreign nations, without anything in return; and, therefore, equivalent to a destruction of so much property, and a subtraction of so much from the resources of the country. The State stocks were now valued at an average rate of about 50 cents in the dollar. Should the General Government, therefore, assume the State debts, and thereby advance their stock to par, the British capitalists would clear $100,000,000 by the operation. It was in reference to this that he alluded to the fact that the stock was held by British bankers, and its assumption would result in their benefit. He invoked Senators not to hold out to those bankers the delusion that this Government would ever assume and become responsible for the debts of the States. He did so for the reason that he did not wish to see $200,000,000 brought in to tamper with our elections. Not that he supposed gentlemen here, in the Senate, desired any such thing; but because he knew that, in case any inducement was held out to avarice, and especially to English avarice, we should be prompting the holders of the State stocks to meddle with our elections—thus setting an example which would be dangerous, and which would bring about the same result here, as it ever had done in past republics. Other free States had been broken down by the in-coming of foreign influence; and he wanted no Macedonian Philip to pollute our soil. There was not an instance of a past republic—except Rome, which fell by its own weight, when its centre became too weak—that had not been destroyed by one of the parties existing within it, calling on foreigners to aid them. He defied any man to point out another instance of a republic which was not overthrown by the introduction of foreign influence. He thought it was the duty of Senators to stand up and resist the idea that we were ever to become responsible to foreign capitalists for the debts of the States. If there should be any hope left for these foreigners to lean upon, he doubted not but that they would interfere, where such a profit was to be made. What would be the expenditure of $25,000,000 to them, in influencing our elections, if they could thereby make $100,000,000. The British made war upon the oldest Government in existence about the destruction of a ship-load of opium. Did any one suppose they would stand back when $200,000,000 were at stake? All the negotiations of England were nothing more than counting-house speculations. As had been remarked, her traffic was in empires. Money was the life of her system; for she could not do without it. The introduction of English money would be followed by the introduction of English power. That power she would always introduce wherever her intrigue or her powder could accomplish it.

He might go on and show that the English Government had a direct interest in exciting this question of assumption. He could show the connexion of that question with other questions which had been settled, and some which ought to have been settled, between this country and England. But he knew that it was late in the session, and he only threw out these suggestions in relation to the extent of the city and county debts, in order that, in considering the proposition of assumption, the people might look upon the darkness of the chasm which was before them.

Mr. WALKER said he desired to put the country right upon one question, and that was—who brought this matter to the consideration of the Senate? Mr. W. then read one of the petitions presented to the Senate, requesting Congress to issue a federal stock of two hundred millions of dollars, and distribute it among the States, to bear an interest of three per cent.; the petitioners stating that the indebted States could exchange this three per cent. for their own stocks, bearing six per cent. interest. No one, then, (said Mr. W.,) could now deny that the question of assumption was before us, brought here by petitioners requesting that assumption, and to which we were bound to make a response in the affirmative or negative; and to refuse to do so, is to shrink from the responsibility of the great occasion, and encourage, by our silence, the advocates of assumption to persevere until their objects were accomplished. Under these circumstances, (Mr. W. said,) it was our duty to announce our opinions upon these petitions; and if we had no power to make the assumption, we were bound to make the declaration, and dispel all delusive hopes on this subject.

Mr. W. said he thought it our duty to go farther, and announce to the British and other holders of these bonds, that Congress had no power to assume their payment; that any such law—this being a Government of powers limited by the Constitution—would be a palpable violation of that instrument, and, therefore, utterly null and void; and that it would be the solemn duty of every friend of the Constitution to restore its supremacy by the total repeal of the obnoxious statute. Let us act fairly, announce these opinions in advance; and inform these foreign bondholders that assumption would be a blow most fatal to their interests; that no such power exists under the Constitution, and Congress can interpolate no such authority.

And, sir, what would be the effect, if this Government could and would assume this debt?—a debt of two hundred millions, an annual interest of six millions, and at least four millions more as a sinking fund, if we ever intend to pay the principal. A burden of ten millions per annum was to be imposed on this Government, that already has a debt of twenty-eight millions, now threatening a rapid augmentation. This, then, is a proposition to bankrupt, and, by bankrupting, to destroy this Government; it is a proposition to despoil it of the means of defence—to deprive it of the sinews of war—by taking away its revenues as a pledge to foreign stockholders. How can we defend the country if, with a heavy debt now, and a revenue already inadequate, we are to apply six or ten millions per annum in payment of State debts? It is a proposition to abandon the Constitution, and subvert the Government; it is a proposition to dismantle our forts, to spike our cannon, to disband our army, and to sink our navy, to recall our fleets, and strike down that flag which they now bear in triumph upon every sea. Yes, sir; this is a proposition to overthrow the Constitution, and strike down from its ramparts the flag of the Union; and, whilst that flag was still floating in our view, let us announce to assumptionists at home and abroad, that this flag shall be defended to the last extremity; and that, if the friends of assumption should strike down that flag, we will never abandon the contest until it shall be recaptured, and placed again in triumph upon the ramparts of the Constitution.

Mr. TALLMADGE moved to lay the whole subject on the table.

Mr. WALKER demanded the yeas and nays on that motion, which were ordered.

Mr. BERRIEN said he was about to rise to make the same motion, with the view to enable him to submit the motion which he gave notice on Friday last of his intention to submit this day—to proceed to the consideration of the bankrupt bill.

Mr. WOODBURY suggested whether it would not be agreeable to the Senator from Georgia to postpone his purpose till to-morrow.

Mr. BERRIEN desired to say that either course would be perfectly acceptable to him. All that he desired was to submit the motion of which he had given notice.

Mr. ARCHER suggested the propriety of postponing the consideration of the bankrupt bill till

to-morrow, with a view of disposing of the question now before the Senate.

Mr. HUNTINGTON hoped the Senator from New York would persist in his motion. Upon the course of proceeding on this subject, they had a practical commentary on the suggestion the other day to permit this question to be taken without debate. They had already consumed the best part of three days in this discussion. He then avowed his astonishment at the remarks of the Senator from South Carolina, [Mr. McDUFFIE]—expressing the opinion that there was no legal obligation, on the part of this Government, to carry out an act of Congress plighting its faith to any object, passed by a temporary majority, which a succeeding Congress, in its opinion, might think unconstitutional.

Mr. TALLMADGE said he would not make any remarks in reply to the suggestion thrown out as to a postponement, because he submitted the motion to lay on the table, for the purpose of concluding the debate, and putting an end to the whole question for the session.

The question was then taken on the motion to lay on the table, and decided in the affirmative—yeas 24, nays 23, as follows:

YEAS—Messrs. Barrow, Bates, Bayard, Berrien, Choate, Clayton, Conrad, Crafts, Crittenden, Dayton, Evans, Graham, Henderson, Huntington, Mangum, Merrick, Miller, Morehead, Phelps, Smith of Indiana, Sprague, Tallmadge, White, and Woodbridge—24.

NAYS—Messrs. Allen, Archer, Bagby, Benton, Buchanan, Calhoun, Cuthbert, Fulton, King, Linn, McDuffie, McRoberts, Rives, Sevier, Smith of Connecticut, Sturgeon, Tappan, Walker, Wilcox, Williams, Woodbury, Wright, and Young—23.

Mr. WALKER then submitted the following resolutions, with the view that they be printed, and laid on the table till to-morrow, viz:

Resolved, That the assumption of the debts of the States, contracted by them separately, and for local purposes, would be a palpable violation of the Constitution of the United States, a consolidation of all power in the Federal Government, and a final and total overthrow of the safety of the States.

Resolved, That Congress having no power to assume such debts, any act attempting such assumption would be utterly null and void; that it would not be obligatory upon the States, nor could the people of the States be lawfully required by Congress to pay the debt so assumed; nor could any taxes imposed by them for such purposes be collected; and it would be the duty of a succeeding Congress to restore the supremacy of the Constitution, by the entire repeal of the act of assumption.

Mr. CRITTENDEN was understood to make a question of order whether the resolutions could be then received.

The CHAIR remarked that it was in order to receive them, but they would have to lay on the table till to-morrow.

Mr. TALLMADGE inquired whether it was then competent to submit a resolution to lay the resolutions on the table at that time.

The CHAIR replied that the resolutions were already on the table till to-morrow.

Mr. LINN then called for the unfinished business of Saturday; being the bill to indemnify Major General Andrew Jackson the fine imposed on him for conduct in the discharge of his official duty.

THE ARMY BILL.

Mr. EVANS, before proceeding to that business, hoped the Senate would take up the army bill, which had been returned, with an amendment, disagreeing to the amendment of the Senate, allowing the Secretary of War to appoint ten cadets from the country at large, one of them to be from the District of Columbia.

Mr. LINN said he would withdraw his motion for that purpose, and no other.

Mr. BERRIEN desired merely to say that, to redeem his pledge to the Senate in relation to the bankrupt bill, he would resist the motion of the Senator from Missouri; because it was the general understanding that the bill to repeal the law would be taken up to-day.

The motion to take up the army bill was then agreed to.

Mr. EVANS remarked that the amendment to which the House had disagreed, relative to the appointment of 10 cadets of the country at large, had, after a short discussion, met with the unanimous concurrence of the Senate. The probability was, that the matter could be arranged by a committee of conference; he therefore hoped that the Senate would insist on its amendment, with the view of having a committee of conference.

Mr. SEVIER said, if he understood the matter, that now there was more than a full number of cadets there.

Mr. EVANS remarked that the corps was not full; and he believed that there were no more there than this bill would admit of.

Mr. GRAHAM said he would much prefer that the Senate should recede. It was a very small matter for which to jeopard the bill. He made the motion to recede from the amendment of the Senate. The question was first put on the motion to insist, and negatived—yeas 19, nays 20. The motion to recede was then agreed to.

The joint resolution of the Senate for the distribution of certain copies of the census returns, and the Compendium of the Sixth Census, which had been returned from the House with an amendment, was taken up; and

Mr. TAPPAN moved that the Senate concur in the amendment.

Mr. WOODBRIDGE explained that the amendment of the House had been made in consequence of some information received from the State Department since the passage of the resolution by the Senate.

Mr. KING remarked that this resolution authorized the distribution of those books to all such as received congressional documents. Members of Congress were entitled to receive congressional documents. He inquired whether, that being the case, members of Congress were not, by the terms of the resolution, entitled to receive copies of the work. They were now burdened with more copies than were necessary.

Mr. MOREHEAD replied that such was not the intention of the resolution, nor did he think the language of the resolution justified such an interpretation.

The amendment of the House was then concurred in.

The bill granting a pension to William McPherson was read the third time and passed.

Several bills of the House were then read twice, and referred to appropriate committees.

Mr. GRAHAM said, since the recession of the Senate from the amendment relative to the ten cadets to be appointed from the country at large, he had been impressed with the belief that it was a matter of more importance than he first conceived it to be. He, therefore, moved to reconsider the vote by which the Senate receded.

Mr. ARCHER then made some remarks. He said that the bill reduced the whole number of cadets to the reduced number of the congressional districts in the United States under the new apportionment. In the propriety of that, he concurred entirely. The number had been reduced from 260 to 226. He did not think that the ten which the power was proposed to be given to the Secretary of War to appoint from the country generally, was too great a number to enable that officer occasionally to appoint the meritorious orphan sons of military and naval heroes.

Mr. SEVIER did not think it was worth while to reconsider the vote, as the provision would last but one year.

Mr. EVANS replied that the Senator was mistaken; the provision would last until it was repealed. It would take a new law to repeal it.

The question was then put on the motion to reconsider, and carried in the affirmative; and

The question recurring on the motion that the Senate do insist on its amendment, it was put and carried in the affirmative—ayes 23, noes not counted.

On motion by Mr. EVANS, a committee of conference on the bill was appointed by the Chair.

Mr. LINN moved to proceed to the consideration of the unfinished business; being the bill for indemnifying General Jackson.

Mr. BERRIEN conceived this day had been set apart for entertaining his motion to proceed with the consideration of the bill concerning the bankrupt law.

Mr. LINN thought two hours would suffice to dispose of the bill to indemnify General Jackson. He thought it would be best to finish one business first.

Mr. BERRIEN wished to make good his promise of calling for the consideration of the bankrupt question. He therefore did so; and hoped the Senate would consent to take up that subject. He therefore made his promised motion to that effect.

Mr. LINN called for the yeas and nays; which were ordered.

The question was then taken on Mr. BERRIEN's motion to postpone all previous orders, and take up the bill for the repeal of the bankrupt act, with the amendments reported by the Committee on the Judiciary; and resulted in the negative—yeas 20, nays 22, as follows:

YEAS—Messrs. Archer, Barrow, Bayard, Berrien, Clayton, Crafts, Crittenden, Dayton, Graham, Huntington, Merrick, Miller, Morehead, Phelps, Smith of Indiana, Sprague, White, Wilcox, Williams, and Young—20.

NAYS—Messrs. Allen, Bagby, Bates, Benton, Calhoun, Choate, Conrad, Cuthbert, Evans, Fulton, Henderson, King, Linn, Rives, Sevier, Smith of Connecticut, Sturgeon, Tallmadge, Tappan, Walker, Woodbridge, and Woodbury—22.

GENERAL JACKSON'S FINE.

Mr. LINN's motion to proceed with the unfinished business then brought up his bill to indemnify Major General Andrew Jackson for damage sustained in the discharge of his official duty.

It was placed under consideration as in committee of the whole; the question pending being on the amendment proposed by the Committee on the Judiciary, to strike out the original bill and insert:

That, in consideration of the distinguished military services of Major General Andrew Jackson in the defence of the city of New Orleans, and of the desire expressed by sundry citizens and Legislatures of this Union, in divers petitions and legislative resolutions submitted to the Congress of the United States, the fine of one thousand dollars imposed upon Major General Andrew Jackson by the honorable Dominic A. Hall, be, and the same is hereby, restored; and that the Secretary of the Treasury be directed to pay to Major General Andrew Jackson the said sum of one thousand dollars, with interest at six per cent. thereon, from the day of its payment by him, out of any moneys in the treasury not otherwise appropriated.

The Judiciary Committee also proposed to change the title of the bill to that of "A bill for the relief of Major General Andrew Jackson."

Mr. SMITH of Connecticut, being entitled to the floor, proceeded at considerable length, and with great force of argument, to show that General Jackson's necessity for declaring martial law at New Orleans was an imperative duty, which formed a law in itself, the obligation of which had a priority in the natural rights of self-defence, paramount to all written laws and constitutions. He argued that this natural law of self-defence belonged to a community as well as to an individual; and that General Jackson, the admitted military commander for the defence of the country, was the organ of the community, bound to carry out the self-defence of the country according to the same natural rights which belonged to an individual.

The invasion of a foreign nation, and the presence of foreign troops, constituted the antagonist principle of aggression, which made it his duty to resort to every weapon of self-defence in his power. It was the territory, property, and liberties of the people, the creators of the Constitution and the laws, which were at stake and in peril; and his duty to preserve and defend them was necessarily due to the first cause, from which only they emanated. In preserving the territory, property, and liberty of the community, he best preserved the Constitution and laws, although for the moment necessarily compelled to suspend their operations. That he had done his duty nobly and well, was evinced by the universal approbation of a grateful people. To restore him, then, this fine, so unjustly imposed, was but a simple act of justice. These positions Mr. S. maintained with great ability, and concluded by exhorting the Senate to pass the original bill, without appending to it any qualification.

Mr. DAYTON moved an adjournment.

Mr. LINN hoped not. He merely wished to advance the bill this evening. Senators who wished to speak would have full opportunity on the third reading. If, however, the Senator pressed his motion to adjourn, he should call for the yeas and nays.

The yeas and nays were ordered, and taken; and the Senate refused to adjourn—yeas 17, nays 26.

The question then came up on the amendment of the Committee on the Judiciary.

Mr. BERRIEN explained the reasons which had induced the committee to propose the amendments they had recommended. Their principal object

was to admit of a unanimous vote, by such a modification of phraseology as would carefully avoid expressing or imputing any reflection upon either the General or the Judge. He contended that the inferences drawn by the friends of General Jackson, from the wording of these amendments, were not justified by their meaning. That, in the first place, the true meaning of the proposed change in the title, "for the relief of Major General Andrew Jackson," was to relieve him, not by a gratuity, but from the effects of a judgment of the court pronounced against him; which judgment he and his friends view as a grievance. And, in the substitute for the bill offered, the motives stated for restoring the money were three—not as a remuneration for his military services, but in consideration of three things—his services, the popular wish, and the express desire of several of the State Legislatures. These were honorable motives, and should be viewed as such. Having made his explanations at large, he left the matter in the hands of the Senate.

Mr. LINN replied, and showed that, in framing the title of the original bill, he had merely followed the precedents which be found in the titles of other bills for the relief of officers under similar circumstances. He referred to, and quoted, the petition of Lieutenant Wells, and the report of the Committee of the House on his case; also, to the case of Lieut Stopton. He then adverted to the condition of things at New Orleans, where the occurrence took place, which led to this collision between General Jackson and Judge Hall; and asked which was responsible for the safety and preservation of the country. The Judge had fled his post of duty at the critical moment when it called for his presence and support against a foreign enemy, and did not return to it till the critical moment when his interference was calculated to do most mischief. The moment was too critical for the responsibility to be thrown off by the commanding general, while an enemy was yet at hand, threatening conquest, plunder, and devastation. But he (Mr. L.) did not mean to prolong the discussion; he merely wished the bill to be advanced to a third reading this evening, and hoped the amendments of the Judiciary Committee would be rejected.

Mr. ARCHER thought, as the Senator had expressed a desire to avoid any expression of opinion against the Judge, he could have no objection to the amendments.

Mr. LINN had very serious objections to them. As to the title, neither General Jackson nor his friends demanded any "relief" for him. What they wanted was the same measure of justice extended to other officers. And as to the amendment to the body of the bill, he could not consent to the repayment being placed on the grounds of General Jankson's services in any shape or form.

Mr. ARCHER explained why he did not regard the matter in the same light with the Senator.

Mr. HENDERSON preferred the original bill to the amendment. A very slight modification of one or two expressions would satisfy him with the original bill, and induce him to give it his support. One was, to modify the title so as to make it a bill to "reimburse" Major General Andrew Jackson, &c.; and another modification in one or two words in the body of the bill.

Mr. DAYTON expressed his desire to say a few words on the subject; and to afford an opportunity for that purpose, moved an adjournment.

The yeas and nays were called for and ordered, and the Senate refused to adjourn—yeas 19, nays 25.

The yeas and nays on the committee's amendments were then called for, and ordered.

Mr. CONRAD addressed the Senate with the view of explaining, first, that his opinions had undergone no change since last summer; on the contrary, they had been strengthened by subsequent investigation into the facts and circumstances. Another point of explanation was in reference to General Jackson's letter to the Editor of the Globe, in which he (Mr. C.) had been placed in the position of misrepresenting a fact, that Louallier had been tried by court-martial for a libel. He had since cleared up these points, by calling for a copy of the record of the court-martial, in which it appeared that one of the charges before the court-martial against Louallier was that of writing and publishing a libel to incite sedition and mutiny. He did not make this statement as a charge against General Jackson, but to show that, at his age, he could not rely on his memory. There had, in his opinion, been no inconsiderable advantage gained by the discussion of this subject. The authentic records both of the proceedings of the court and of the court-martial had been placed in the archives of Congress, and would remain to do justice to all parties concerned in them.

Mr. BUCHANAN had very few words to say. It was with great reluctance he had twice voted against an adjournment, while the Senator from New Jersey [Mr. DAYTON] desired to address the Senate upon this question. He should not have done so, but for his perfect knowledge, that no matter how the question might be decided to-night, that gentleman would have precisely the same opportunity to-morrow; and everything he had to say would be as relevant then as to-day. His desire was, after having spent so much time upon this bill—looking at the list of orders, and considering that there were but ten days yet to elapse, to allow the bill to advance one stage, at least, before they adjourned. Suppose the amendment of the Judiciary Committee be adopted: the friends of the bill would then oppose its passage? Suppose it were negatived: the question would come up on the third reading of the bill, and gentlemen would then have an opportunity of addressing the Senate? He had no disposition to curtail debate; far from it. He voted as he did, only because he knew it would not deprive the gentleman from New Jersey of any privilege. He had not taken up much time in debating this session; and he felt himself constrained to say that every moment ought now to be devoted to finish the business upon the calendar. He hoped, therefore, the vote would now be taken.

Mr. DAYTON said his desire was to address the Senate on the subject of the amendments; but if the vote could be taken now, he would waive his claim to the floor.

Mr. GRAHAM said he was always willing to vote for the indemnity in such form as would leave untouched the question of fact whether it was a matter of duty with General Jackson to declare martial law. He, therefore, in accordance with that wish, proposed to amend the original text of the bill. He proposed to adopt it, with a slight modification. He would not do anything to impeach the character of General Jackson, and, at the same time, nothing that would cast an imputation on Judge Hall for his conduct on the occasion alluded to. He proposed (to avoid censure or imputation to either party) to strike from the original bill the words "for official acts in that capacity," and to insert the words "an alleged contempt of court;" so as to make it a bill to indemnify the fine of $1,000, for an alleged contempt of court. He proposed also, at the proper time, to amend the title so as to make it read, "A bill to indemnify Major General Andrew Jackson;" which, it appeared to him, must be acceptable to all sides of the Senate. He then submitted the amendment to strike out the words "official acts in that capacity" from the original bill, and insert the words "an alleged contempt of court." If the amendment prevailed, he would vote against striking out, as proposed by the Judiciary Committee.

Mr. ARCHER inquired whether he understood the Chair to give the decision that the first question did not arise on the amendments proposed by the Judiciary Committee?

The CHAIR replied that it was competent to make the original bill, proposed to be stricken out, as perfect as possible before the question was taken on the motion to strike out.

Mr. CONRAD was under the impression that when a report was made from a committee, proposing to amend a bill, the usage of the Senate had been to first take the question on the amendments of the committee.

The CHAIR said the Senator was mistaken as to the usages of the body, and explained how it was competent to amend the original bill; but if there was any doubt on the subject, he would like to have the opinion of the Senate.

Mr. ARCHER said he would like to have the opinion of the older members of that body as to the usages of the Senate.

Mr. KING said there was no necessity for taking the sense of the Senate upon the matter. If the report of the committee was in favor of striking out the whole bill, and to insert, it was competent for the Senate to amend and perfect both the part proposed to be stricken out, and that which was proposed to be inserted. Such was not only the usage of the Senate, but such was the parliamentary law upon the subject.

The question was then taken on the amendment of Mr. GRAHAM, and agreed to.

Mr. GRAHAM then said that when the question came up on the title, he would move to amend it by inserting the words he had indicated for the words of the original title—that was, to insert the words "A bill to indemnify Major General Andrew Jackson."

The question then recurred on the amendment of the committee—being the substitute (as inserted above) for the original bill; which question was taken by yeas and nays, and decided in the negative—yeas 16, nays 27, as follows:

YEAS—Messrs. Archer, Barrow, Bates, Berrien, Clayton, Conrad, Crafts, Crittenden, Dayton, Evans, Huntington, Merrick, Miller, Morehead, Phelps, and Smith of Indiana—16.

NAYS—Messrs. Allen, Bagby, Bayard, Benton, Buchanan, Calhoun, Choate, Cuthbert, Fulton, Graham, Henderson, King, Linn, McDuffie, McRoberts, Mangum, Rives, Sevier, Smith of Connecticut, Sturgeon, Tappan, Walker, Wilcox, Williams, Woodbury, Wright, and Young—27.

Mr. ARCHER moved to strike out the original bill, and to substitute in its stead the bill which was voted down in the Senate at the last session, as follows: "That there be remitted and refunded to General Andrew Jackson, out of any money in the treasury not otherwise appropriated, the amount of a fine and costs imposed upon him by the district court of the United States for the district of Louisiana, for an alleged contempt of court, with interest at the rate of six per centum per annum; provided always that this act shall not be construed as an expression of the opinion of Congress upon any judicial proceeding or legal question growing out of the declaration of martial law by General Jackson during the defence of New Orleans."

Mr. LINN demanded the yeas and nays on the amendment proposed; which were ordered.

Mr. BAYARD said he would vote now against the amendment, as he intended to vote against a bill in any form for the restoration of the fine.

The question was then taken, and decided in the negative—yeas 17, nays 26, as follows:

YEAS—Messrs. Archer, Barrow, Bates, Berrien, Choate, Clayton, Conrad, Crafts, Crittenden, Dayton, Evans, Huntington, Merrick, Miller, Morehead, Phelps, and Smith of Indiana—17.

NAYS—Messrs. Allen, Bagby, Bayard, Benton, Buchanan, Calhoun, Cuthbert, Fulton, Graham, Henderson, King, Linn, McDuffie, McRoberts, Mangum, Rives, Sevier, Smith of Connecticut, Sturgeon, Tappan, Walker, Wilcox, Williams, Woodbury, Wright, and Young—26.

The bill was then reported back to the Senate, and the amendments of the committee of the whole were concurred in; and the question now being, Shall the bill be engrossed for a third reading?

Mr. LINN demanded the yeas and nays; which were ordered.

Mr. BAYARD now wished to set himself right as to the vote he should give. Last session, when he proposed the substitute which was adopted for the original bill, he did so from a conciliatory and kind motive. He wished the fine to be restored, but he also wished, in doing it, to avoid any imputation on the Judge; and, to effect this, he had so shaped his amendment as to leave that point untouched. Some time after, a letter was published from General Jackson, in which this kind and conciliatory motive was spoken of in anything but a reciprocal spirit.

He (Mr. B.) could not, therefore, vote for a renewal of that attempt, because it would be still viewed in the same light by General Jackson; and he had no wish to press anything not acceptable to him. But, as he could not have the bill modified so as to be approved by his judgment, he certainly could not vote for it in a shape in which he conceived it did not fully and justly present the case.

He was therefore constrained to vote in the negative on all the propositions.

Mr. ARCHER suggested to the Senator from Missouri [Mr. LINN] to withdraw the call for the yeas and nays, and let the vote on the subject of the bill be taken without. He thought it would answer the purpose of that Senator as well to have the yeas and nays taken on the passage of the bill.

Mr. LINN yielded to the suggestion; and the bill was ordered to be engrossed for a third reading in the following form:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proper accounting officers of the Treasury Department be, and they are hereby, directed to ascertain the amount of the penalty or damages awarded by the district judge of the United States at New Orleans, in the year eighteen hundred and fifteen, against Major General Andrew Jackson, then commander-in-chief of that district, for an alleged contempt of court, and paid by him at that time; and that the sum so paid, with interest at six per cent. per annum, be paid to Major General Andrew Jackson, out of any moneys in the treasury not otherwise appropriated.

On motion by Mr. BERRIEN,
The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, February 20, 1843.

Mr. DODGE of Iowa presented a joint resolution of the Legislative Assembly of Iowa Territory, praying for the establishment of a mail route from Keokuck to the town of Farmington, in Van Buren county; and one from Keokuck, via Winchester, in Van Buren county, to Fairfield, in Jefferson county.

Also, to have the mail carried by water in steamboats) from the city of St. Louis to Keokuck during the navigable seasons of the year.

Also, two petitions praying for the establishment of a mail route from Fairfield, via Glasgow, to Mount Pleasant.

Also, a joint resolution from the Legislative Assembly of Iowa, praying for an appropriation to defray the expenses of holding treaties with the Pottawatomies, Ottawas, and other Indians, for the extinguishment of their title to lands in Iowa Territory.

Mr. HUBARD offered the petition of Mary Crafton for a pension under the act of July 7, 1838. Also, the petition of Mary Gafford for a pension under the same act; both of which, under the late rule of the House of Representatives, were appropriately referred.

Mr. GUSTINE submitted the following resolution; which was considered and adopted:

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of placing James Hots on the pension roll, and that the accompanying papers be referred to said committee.

Mr. GUSTINE presented the following resolutions of the Legislature of the State of Pennsylvania:

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania, That our Senators and Representatives in Congress be requested to use their exertions to revive, at their present session, the law passed by Congress in eighteen hundred and thirty-eight, granting a pension, for five years, to the widows of officers and soldiers of the revolutionary war.

Resolved, That the Governor be requested to forward to each House of Congress a copy of the above resolution as soon as convenient after the passage thereof.

Mr. GUSTINE said: Mr. Speaker, if there is one legislative proposition more than another that would induce me to break the silence which I have hitherto observed within this hall, it would be to ask the members of this House to accede to the measure proposed by the resolution sent to your desk. It is a measure, Mr. Speaker, which the feelings of honor, philanthropy, patriotism, humanity, and all the better feelings that inherit the human breast, call upon us, as the guardians of the nation's honor, to adopt.

While we are daily appropriating millions to propagate and foster the arts and sciences, to increase the wealth, add to the powers, and extend the fame of the mightest Republic on earth, shall we withhold and refuse to appropriate a few thousand dollars to give a mere sustenance to the aged and feeble widows of those great men who erected the mighty fabric of our independence—whose labor compassed the liberties we this day enjoy—whose blood purchased the privileges we are this moment exercising? It cannot be, that the descendants of such men can remain indifferent to the tears and tremulous tones of the enfeebled widows of these worthies of the Revolution. This will, unquestionably, be the last opportunity ever presented to many of us to participate in thus bringing relief to objects the worthiest that the world ever presented to the consideration of a legislative body. Let us not separate without adopting measures necessary to carry out the object of the resolution offered.

Mr. MATHIOT suggested that the Committee on Revolutionary Pensions had reported a bill on the same subject; and he should be glad if the House would assign some particular day for its consideration.

[Cries of "Move to take up the bill now," from several.]

Mr. M. then moved that the Committee of the Whole be discharged from the further consideration of the bill granting pensions to certain widows of revolutionary soldiers; and the motion having been agreed to, the bill was read in the House. The question being on its engrossment,

Mr. MERIWETHER objected to taking the question now.

Mr. MATHIOT moved the suspension of the rules, which was carried; and then—under the operation of the previous question—the bill, after being ordered to be engrossed, was read the third time, and passed.

GENERAL JACKSON'S FINE.

Mr. GWIN moved that the House resolve itself into Committee of the Whole; and gave notice that, if the motion prevailed, he would then move to take up the bill to refund the fine imposed on General Jackson. Mr. G. also called for the yeas and nays on his motion.

Mr. ADAMS inquired of the Speaker if this was not the regular day for the presentation of petitions? He had one that he wished to offer.

The SPEAKER said that this was petition day; but the motion of the gentleman from Mississippi was in the nature of a suspension of the rules; and, if it prevailed, would override the regular orders.

The question was then taken on Mr. GWIN's motion, and decided in the affirmative—yeas 114, nays 71.

Mr. J. IRVIN, from the Committee on Enrolled Bills, reported a bill which was signed by the Speaker.

Mr. ADAMS then rose and asked the consent of the House, before going into Committee of the Whole, to allow him to present a petition from 51,863 citizens of the Commonwealth of Massachusetts.

Mr. C. J. INGERSOLL. I object.

Several other gentlemen objected also.

Mr. ALLEN rose and inquired if it did not require a vote of two-thirds to go into Committee of the Whole, such a motion being in the nature of one for the suspension of the rules. [Loud cries of "Oh, that's been long settled."]

The SPEAKER replied that a suspension of the rules for any other purpose required a vote of two-thirds; but a motion to go into Committee of the Whole was an exception to that rule, as settled by the practice of the House.

Mr. ADAMS asked if it would be in order to move a suspension of the rules; his object being understood to be to get an opportunity to present the petition to which he had before alluded.

The SPEAKER replied that such a motion was not in order, inasmuch as the rules stood suspended by a vote of the House.

Mr. ADAMS. Well, I hope I shall have an opportunity to present the petition in the course of the day—(loud cries of "Order, order," from Mr. WISE and others)—for I do not wish the petition to remain here as a monument (—"of infamy," some gentleman remarked.)

The petition to which the honorable gentleman referred, was placed on his desk, on a large wooden framework, and presented the appearance of a gigantic reel, or a juvenile water-wheel; and it bore the following inscription: "Great petition to Congress."

The following is a copy:

"To the Senate and House of Representatives of the United States of America:

The undersigned citizens of the State of Massachusetts, earnestly desiring to free the Commonwealth and themselves from all connexion with domestic slavery, and to secure the citizens of the State from the danger of enslavement, respectfully pray your honorable body to pass such laws, and to propose such amendments to the Constitution of the United States as may forever separate the people of Massachusetts from all connexion with slavery."

As objections were made from all parts of the House, the petition was not presented.

The House then resolved itself into Committee of the Whole on the state of the Union, (Mr. PICKENS in the chair.)

Mr. FILLMORE said he was instructed by the Committee of Ways and Means to ask the House to take up "a bill to bring into the treasury certain moneys received by public officers, before it can be disbursed, and for other purposes."

Mr. BARNARD asked if it would be in order to move to amend the motion to go into Committee of the Whole, so as to move that the committee take up another bill.

Mr. WISE also inquired if it was in order to move to take up another bill? (Cries of "No, no, no.") He thought it was in order to make such a motion, though the question would be first put on the motion first made.

The committee took up the bill designated by Mr. FILLMORE.

Mr. GWIN inquired if it was in order to move to lay aside that bill, for the purpose of taking up another.

The CHAIRMAN was understood to decide in the negative.

The Clerk then read the bill through all its sections.

Mr. FILLMORE rose, when the bill had been read through, and explained its object. In the first place, the bill proposed to enact that all moneys collected should be brought into the treasury, before being paid out again to defray the expense of collection, so as to allow annual appropriations to be made by Congress for those expenses; thereby bringing those expenses annually before Congress. Another object was to compel the officers to give security for the moneys that come into their hands. And a further object was to impose penalties on such officers as receive and do not pay these moneys over to the Secretary of the Treasury. He would only observe, further, that this bill had been prepared on consultation with the department, and so as to create no difficulty in the keeping of the accounts; and it was reported with the unanimous consent of the committee. If, therefore, this explanation was satisfactory, and there were no amendments offered, he would move that the bill be laid aside, and that the committee take up the bill to authorize the re-issue of treasury notes.

Mr. GWIN moved that the committee take up the bill for the relief of General Jackson.

Some conversation followed between Mr. WM. COST JOHNSON and Mr. FILLMORE, and the Clerk then read the bill for the relief of General Andrew Jackson.

Mr. J. P. KENNEDY asked the committee to take up, and dispose of, a bill (which would lead to no debate) to test the practicability of an electro-magnetic telegraph in the United States. [Cries of "No, no."]

The CHAIRMAN then put the question on Mr. GWIN's motion; and Messrs. GWIN and LINN were appointed tellers, who reported ayes 77, noes 91.

So the committee refused to take up the bill to refund General Jackson's fine.

Mr. FILLMORE moved that the committee take up the bill for the re-issue of treasury notes now outstanding.

Mr. ADAMS expressed a desire to have the committee take up the bills for the establishment of commercial intercourse with China, and with the Sandwich Islands.

Mr. FILLMORE said he could not yield his motion, anxious as he was that the bills referred to by the gentleman [Mr. ADAMS] should be passed.

TREASURY NOTES AND LOANS.

The motion to take up the bill authorizing a re-issue of treasury notes was carried, and the bill taken up and read.

Mr. BARNARD rose to offer an amendment to the bill—in substance, the same as that which he had offered as a substitute for the exchequer bill introduced by the gentleman from Massachusetts, (Mr. CUSHING.)

Mr. FILLMORE rose to a question of order.

The CHAIR decided the amendment to be in order, as it was not an original bill, but only an amendment to another bill.

Mr. FILLMORE said he had supposed it was an original bill. He would, however, submit that it was not in order, upon another ground. He submitted it to the Chair whether the subject of the amendment was sufficiently analogous to that of the bill now before the committee.

The CHAIR said that the bill was a proposition to re-issue treasury notes. The amendment of the gentleman [Mr. BARNARD] purported to be a proposition to authorize the Secretary of the Treasury to borrow $15,000,000 from the State banks. It was, in fact, only another form of borrowing money, and therefore in order.

Mr. FILLMORE then rose and appealed to his colleague [Mr. BARNARD] to withdraw his amendment, and allow the bill to pass without delay, as it was indispensable to the wants of the treasury. Let the appropriation bills be passed, and then it would be time enough to offer the amendment.

Mr. BARNARD said there was only one condition on which he could consent to withdraw his amendment—and that was, an assurance from the committee and the House that he should have an opportunity to submit and discuss his proposition one day this week. Unless he pressed it now, he would have no opportunity of doing so at all prior to the adjournment.

Mr. B. called for the reading of his amendment; and it was read through.

Mr. CUSHING expressed a desire that the gentleman from New York [Mr. BARNARD] would permit him to put in an amendment to his amendment, so that the committee might have the whole subject before them.

Mr. BARNARD declined yielding to the request, and observed that the gentleman from Massachusetts had better offer his proposition after he (Mr. B.) had concluded his remarks.

Mr. BARNARD then went on to say that upon reflection, he did not think there could be a more fitting opportunity for him to discharge what he conceived to be a great duty to the country, by presenting his proposition to the House; nor did he think that there could be a more fitting occasion than the present for the House to consider the subject. Here was a proposition, brought in by the Committee of Ways and Means, for the relief of the treasury by the mode to which this Government had been in the habit of resorting, for six years past, year after year, and session after session. It was a mere temporary expedient to enable the Government to get along from day to day, and to maintain its credit without repudiation. He held the treasury-note policy and system to be no financial system whatever. It was an expedient, and not a system; it was a mere temporary resort, and not the adoption of a great financial measure, such as ought to be adopted for the relief of the treasury. Under present circumstances, however, he made no opposition to the treasury-note bill. The object of that bill, as he understood it, as introduced by the Committee of Ways and Means, was merely to postpone the day of payment upon treasury notes already issued and now in the hands of bona-fide holders, beyond the period of time when the Government promised to pay them. That was one object of the bill. Another object was to induce the holders of these notes to keep them in their pockets as investments, by the promise to pay interest on them.

The Government issued its promissory notes for the payment of its current expenses, just as an individual might do under similar circumstances, for the sake of getting along in a Jeremy Diddler sort of way from day to day; and after the notes had become due, proposed to raise the wind by asking the public creditors to forbear to press their claims for payment. This was the financial policy of the treasury-note bill before the House; and he repeated, that he would not oppose it, but he must say that it was a most wretched and ill-judged system. He had never voted for a treasury-note bill, either under the last administration or the present; and he should not vote for one until he was better satisfied than he now was that it was a proper mode of raising money, and better satisfied than he ever had been of the immediate pressing necessity of the measure. His doctrine was, that, in a time of profound peace, with a plenty of money in the money market, whenever it was necessary for this Government to borrow money, it was better to borrow it by way of a loan, than by the issue of treasury notes. But still he was willing, in deference to the opinions of his friends, that, as this policy had been pursued for six years, it should be pursued a little longer. At the same time, however, he would propose, as an amendment to it, a measure which, if adopted by the House, would supersede all necessity for carrying on the operations of the treasury by the means of treasury notes. The Government would then have no need to apply to the holders of these notes to postpone their demands for payment, and would have no need to offer them interest to induce them to keep them in their pockets. He would have preferred that his proposition should have come in, as he originally contemplated, in the form of a substitute to the exchequer bill reported by the select committee of that House; for, after all, the great object he had in view was the adoption, not the creation (for that they all knew to be out of the question) and nationalizing of a currency. After the great political revolution which took place in 1840, there was no one subject to which the people looked with so much solicitude as that of the currency, and which they so anxiously expected from the party they had placed in power. The majority in Congress promptly answered this universal demand, and attempted to give to the country a sound, safe, stable, and uniform national currency, in the form of a good old-fashioned bank of the United States. They failed; and failed without any fault of their own. They failed in consequence of the "fixed constitutional fact" at the other end of the avenue, of which they had heard so much. The plan that the majority then proposed, and which failed in the manner stated, was the one which he should always consider the best that could be adopted for the country. They all knew, however, that that plan could not be adopted under present circumstances. Another plan had been proposed—that of the exchequer; and the House had considered it at this session, and decided against it by almost a unanimous vote; and he might be allowed to say that that was a vote pronouncing condemnation as well against the plan of the select committee, as that of the Secretary of the Treasury. The exchequer scheme of the gentleman from Massachusetts differed, in some unimportant particulars, from the one of the Secretary of the Treasury; but, in his opinion, the former was not relieved from the objections which weighed so heavily against the latter. Mr. B. then went on to compare the two projects, stating his objections to both.

We have had (said Mr. B.) the exchequer presented to us, and have discarded it by an almost unanimous vote; and the condemnation of the plan of the Executive was equivalent to a condemnation of the plan of the select committee; and he believed that, at the present moment, it would find no greater favor in the House. A bank of the United States could not be had; and, in the mean time, what were they to do? Were they to sit still and fold their arms, and do nothing? Was there nothing else to be done? Was there no plan which could be devised, after rejecting both the bank of the United States and the exchequer, of supplying the country with a safe, sound, and stable circulating medium, through the operations of the Government? He contended that there was; and the plan was one to which no Whig of the country, consistently with his principles, could object.

The State banks had hitherto been resorted to, under General Jackson's administration, with a promise on his part, and on the part of those who stood around him, that a national currency of uniform value should be supplied. That plan failed, as everybody foresaw it must fail. In the form in which it was proposed that the State banks should supply a national currency, the plan failed, because there was no attempt to nationalize such a currency. It was all a currency of local banks, and could not circulate beyond their immediate neighborhoods; and, for that reason, the plan failed. But he contended that, through the agency of this Government, the currency of the State banks might be nationalized, and made a safe, sound, uniform currency—and that, too, without a particle of risk to the Government or to the people. If this, then, could be done, was it not their duty to do it? The effect to be produced in the present condition of the treasury was an important element in the plan he proposed to adopt. The Government must borrow money; it was already in debt, and had now an amount of treasury notes outstanding, of from eleven and a half to twelve millions of dollars, which were already due, or soon to become due. If they did not mean to borrow more money for the current service of the Government, it was indispensable that these treasury notes should be kept out. The estimates and plans of the Secretary of the Treasury, and of the Committee of Ways and Means, all went on the ground that the outstanding treasury notes were not to be paid at the treasury when due. If they were to be paid when due, then it was necessary that they should borrow money to pay them. With the aid of five and a half millions, (or about the sum borrowed upon loan at the last session of Congress,) and by keeping back the treasury notes now outstanding, the treasury would be able to get on during the year. But so sure as these notes came in for redemption, unless authority to re-issue them be given by this bill, there must be a great deficit. At all events, there stood the fact, that they had eleven and a half to twelve millions of these notes outstanding; which was discreditable to the nation, and he desired to remedy it.

He deemed it a measure of high import, as it furnished a currency for the country. He was of opinion that, even if this treasury note bill should be passed, it was quite possible that the treasury might find itself in difficulties before the end of the year; and he would take away from this Administration the very possibility of an excuse for an extra session of Congress; and he believed his amendment would accomplish that purpose.

He then detailed the plan which he proposed. It was simple, he said, and could be comprehended at a glance: there was no mystery about it. It was intended to authorize the Secretary of the Treasury to borrow from the State banks a sum of money not exceeding $15,000,000—eleven and a half millions of which would be required for the redemption of treasury notes; a large portion of which, he observed in passing, was now in the hands of those very State banks. So far, then, it was a mere change of the form of indebtedness, and a substitution of one form of credit for another. The sum so borrowed, however, was not to exceed the wants and exigencies of the Government, and to be borrowed from specie-paying banks; but in no instance more than one-fourth of their capital; and in this way the banks of every part of the United States would be brought into use in furnishing the loan. For the amount so borrowed, this Government would then stamp the notes of the lending banks to the amount borrowed from them and such notes should be received in payment of public dues; and in case such banks should suspend specie payments, either for these notes, or their notes generally, the Government should be absolved from all obligation to pay to such banks the interest on their loans, which in no case was to exceed 6 per cent. though he thought it might be obtained at 5 per cent.

He dwelt on the security which this bill would provide, on the aid which it would furnish to the treasury, and on the facilities it would extend to commerce, by this provision of a concurrent circulating medium; and enforced it on the attention of the House in some general remarks.

Mr. CUSHING moved, as an amendment to the amendment, the bill reported some time since by the select committee appointed on that subject, entitled "A bill amendatory of the several acts establishing the Treasury Department," in which he had made several changes, striking out one entire

section, and materially altering others; and thus making it, in fact, a different bill.

Some conversation ensued on a point of order, in which Messrs. CUSHING, FILLMORE, WISE, and others, took part.

The CHAIR decided that the amendment was in order, and that the gentleman from Massachusetts [Mr. CUSHING] was entitled to the floor.

Mr. CUSHING observed that there were then two propositions before the committee, presented fairly for their consideration: the one on the plan of currency and deposites, proposed by the select committee of the House; and the other, the antagonist plan, coming from the other side of the House, proposed by the gentleman from New York, [Mr. BARNARD;] and he was, therefore, thankful that the gentleman had obtained the floor before him, and, by this means, made his plan the first question in order. He was also gratified that the gentleman from New York had discussed the question as between these two plans, and, by his admissions, placed his (Mr. C.'s) bill in a totally different attitude from that in which it stood when it was last before the House; for the gentleman emphatically assumed that it was the duty of the majority to legislate on the subject of the currency, which was the very reverse of what was assumed by the Committee of Ways and Means when they made their report on the exchequer bill. The gentleman commenced by an emphatic declaration that it was the duty of the Whig party, in accordance with their avowed principles, and with their professions before the people, to pass some act for the establishment of a uniform and national currency. The gentleman also admitted that a bank of the United States was out of the question; and he thanked the gentleman for that admission. He agreed with the gentleman that there were alternatives for a United States bank; and that it would be wrong for the House to neglect their duty in adopting one of these alternatives, because they could not, by their own fiat, make a bank. They entered, then, into this discussion under new auspices; and it was not the question whether the House should remain negative and derelict to its duty, but it was the question which of the two plans before it was the best?

He was happy to join issue with the gentleman from New York on this question. In the first place, what was the gentleman's plan? Had the committee examined it? The gentleman assumed that it was the duty of Congress to provide a national currency; and he proposed—what? He proposed that the United States—not having, it would seem, any credit of its own to issue paper money—should borrow fifteen millions of the paper of the State banks, and endorse it, to make it a national currency. [Here Mr. BARNARD explained.] He had stated it briefly as the borrowing of bank paper, and it was so in effect. What did the second section propose? It was true, the first section said that the Government should borrow fifteen millions of specie-paying banks; but what was the thing to be borrowed? Was it gold and silver? Certainly not; for the banks could not make the loan, unless the Government took their paper promises. But what did the second section say? Why, that the Secretary of the Treasury was to cause the notes of these banks, to an amount equal to that borrowed, to be stamped with the guaranty, that they should be taken in payment of all the dues of the Government, so that the practical effect would be, that the United States will have received in its coffers fifteen millions of paper of the State banks, which it stamps with its signet, to give it currency in the United States. Now he objected to this, in principle. The United States could make a better currency of its own; and, in the second place, there would be saddled on the Government fifteen millions of bank paper, which would be put in its custom-houses in payment of public dues; and if the banks stopped payment, what would be the remedy? It would be the same as it was in a previous instance. The Government might sue the banks, if it pleased; but it would have fifteen millions of broken bank paper on hand, which nobody would take. But, again. Why take this bank paper at all? If he considered it as a matter of personal interest to his constituents alone, he would go for it, inasmuch as, under this plan, the paper of the banks of Boston and New York would constitute the principal currency of the country.

But who was to select the banks? who was to decide which of the banks should be taken to make a currency for the country? The Secretary was to take good bank paper; but how was he to tell what paper was good? But why do this thing? What would be gained by it? It would add nothing to the sum total of the currency of the country; and it would only give a currency in certain portions of the United States to the paper of certain banks. [Mr. BARNARD here explained.] Mr. C. continued: that the plan proposed that the officers of the Government should pick among the banks, and select such as they thought proper. The gentleman from New York assumed that, by the cabalistic operation of stamping the paper of these banks, the prosperity of the country would be restored, and relief would be given to the treasury. He should have been glad if the gentleman had gone into some arguments to show how this could be brought about. For his part, he could see no necessary connexion between the prosperity of the country and the giving currency to the paper of certain favored banks. He could readily see that the banks themselves might be benefited by the operation; and, indeed, he could only see in it a device by which fifteen millions of bad bank paper might be put into circulation. The gentleman argued, in favor of his plan, that it might be set aside, and another plan substituted for it, by whichever of the two parties came into power;—that if the Whigs came into power, they might substitute for it a national bank; and if the Democrats came into power, they might substitute for it the sub-treasury. This was the only advantage he saw in the plan at all; but would not the same argument apply in favor of the exchequer plan? It would be equally easy for any party that might get into power to substitute for the exchequer their favorite plan, and then they would not have fifteen millions of bad paper on hand. Again: there were other means by which the United States might supply their necessities. If they did not choose to borrow money in the form of a loan—if they must have paper money, he preferred that they should borrow it on their own treasury notes, rather than borrow the promises to pay of banks. He desired to see an end of the fallacious idea that the Government could not get along without being propped up under each shoulder by the State banks. Heretofore, it had been supposed that the United States, which collected fifteen millions or more, annually, from the people, could not proceed on through the instrumentality of that much of real capital, without availing itself of the credit of the banks. Now, he desired to see that state of things reversed; and that the specie should be in the hands of the Government, while the banks should be left to subsist on credit. If there was to be a dead capital on which there was to be a currency, he desired to see that in the hands of the people, through their Representatives. It was for these reasons that he had advocated the exchequer bill. He denied that the decision of the House against the exchequer plan of the Secretary of the Treasury was a decision against the exchequer plan of the select committee, as contended by the gentleman from New York. It was impossible for him to say upon what principles and what conclusions the House voted; but he must say that, upon a careful analysis of that vote, it would be found that the objections which applied to the plan of the Secretary of the Treasury did not apply to the one of the select committee. Mr. C. here went into a comparison of the two plans, explaining the difference between them.

He objected to the form of currency which the gentleman from New York [Mr. BARNARD] would thus provide, and for reasons (he said) which he gave in a speech four years ago, which had been quoted by the chairman of the Committee of Ways and Means, to prove his inconsistency. He next noticed the bill affirmatively. The first objection raised was one of power. It was alleged that it placed power in the hands of the Executive; and he proceeded to notice it in relation to Government patronage, and administrative power. He said this was a question affecting the Government. The Administration would remain, though the Government might be unable to go on; and it was the duty of Congress to provide for the support of the Government; and he affirmed that this bill would give no more administrative power than the sub-treasury, and much less than a United States bank. There remained, then, nothing but the details of the measure. There must be somewhere a depository for the public money; there must be some legislation on this subject; and this scheme presented the least objectionable mode. The committee were not, however, wedded to its precise phraseology; and if amendments upon be suggested, they would not object to consideration.

He then alluded to the prospect of the separate parties in the next presidential election, on the several measures of a United States bank, a sub-treasury, and an exchequer. He said the gentleman to whom one party looked [he was understood to allude to Mr. Clay] as the great advocate and representative of their principles, did not speak of a United States bank, but only of a national currency under the regulation of the nation. Well, the exchequer would give them a national currency under the control of the nation; and no electoral college of any State of this Union would find its interest in going into the contest on a United States bank measure as a *sine qua non*.

Mr. BOTTS moved that the committee rise, with a view to the adoption of a resolution to stop the debate, and take the bill out of the power of the committee. He said it must be evident that the committee were discussing a proposition which could not be carried, and which was wholly different from the bill to which it was proposed to be attached.

The CHAIR suggested to the gentlemen to include in his motion a motion to report the bill laid aside this morning; to which the gentleman [Mr. BOTTS] assented.

Tellers (Messrs. MEDILL and J. COOPER) were appointed to take the vote on the motion to rise, who reported ayes 75, noes 50.

The committee rose, and reported the first bill (770,) and also their progress on the second (that for the re-issue of treasury notes.)

TERMINATION OF THE DEBATE.

Mr. FILLMORE then obtained the floor, and offered a resolution, to the effect that all debate on the bill for the re-issue of treasury notes shall terminate at 3 o'clock this day, when the committee shall vote on all amendments pending, and that may be offered. He also moved the previous question on his resolution.

[It was now half-past 2 o'clock.]

Mr. S. MASON expressed a strong desire to speak, as he had not made a speech this session.

Mr. FILLMORE declined to modify or withdraw his resolution.

Mr. WISE made an inquiry on a point of order, which was answered by the Speaker.

Mr. GILMER rose to ask the gentleman from New York to modify his resolution, and make the daily hour of meeting 10 o'clock.

Mr. FILLMORE could not accept of the modification. He thought it would be impracticable for the House to meet at such an early hour.

Mr. GILMER gave notice that he should take the first opportunity of offering the resolution (for meeting at 10 o'clock) which he had intimated.

The previous question was sustained, and the main question ordered to be now put.

Mr. ATHERTON asked for the yeas and nays on the adoption of the resolution; and they were ordered.

It was now twenty minutes to 3 o'clock, and Mr. FILLMORE rose and asked leave to modify his resolution, so as to fix the time for taking the bill out of committee at half-past 3, instead of 3 o'clock.

The SPEAKER said the resolution could not be modified, as the previous question was ordered.

The roll was called, and resulted—yeas 83, nays 80.

So the House adopted the resolution.

Mr. WISE then moved an amendment: rejected—ayes 29, noes not counted.

On motion of Mr. FILLMORE, the House again went into committee, (Mr. PICKENS in the chair,) and took up the bill for the re-issue of treasury notes, which was under discussion when the committee last rose.

Mr. WISE obtained the floor, and said he believed he had three minutes left. [A voice—"One and a half."]

Mr. T. F. FOSTER appealed to the gentleman to leave him half a minute. [Laughter.]

Mr. WISE said he should, in the few minutes left him, discuss the exchequer, as far as he could. [A member: "Only a quarter of an inch."] In reply to the remarks of those gentlemen who had a wish to have the Government separate its fiscal operations, from local banks, he would observe, that, so far from the exchequer having a tendency to encourage the State banks in their over-issues, it would be a regulator and (some might call it) a scourge of the local banks. It allowed the notes of the local banks to be received where they were payable, in specie, on demand; but it did not permit a dollar to be paid out in notes. A settlement was to be held weekly, if not oftener, with the banks, which were to be called upon to pay their notes, dollar for dollar, in specie. It was well known what a scourge the United States Bank was to the local banks. Yet that bank paid out their notes, although it enforced constant settlement.

He would conclude the last word he was allowed to say by protesting that, after all the promises made by the head of the dominant party in that hall that an opportunity should be afforded to discuss the exchequer, he had been deprived of it [here the Chairman's hammer fell three times] by that hammer. [Laughter.]

The question was then taken on Mr. CUSHING's amendment, resulting in—ayes 99, noes 89.

No quorum voting, another count was then taken, which resulted in ayes 37, noes 98.

So the amendment was rejected.

The question was then taken on Mr. BARNARD's amendment, and it was also decided in the negative—ayes 34, noes 105.

On motion by Mr. FILLMORE, the committee rose and reported the bill to the House without amendment; and

Mr. ANDREWS of Kentucky having moved the previous question on the engrossment of the bill, it was seconded, and the main question ordered; and then the bill was ordered to be engrossed for a third reading.

The bill having been read the third time,

Mr. ANDREWS of Kentucky called for the previous question on its passage.

Mr. C. J. INGERSOLL called for the yeas and nays, which were ordered; and the bill, under the operation of the previous question, was passed—yeas 111, nays 51, as follows:

YEAS—Messrs. Adams, Allen, Sherlock J. Andrews, Arnold, Aycrigg, Baker, Barton, Besson, Bidlack, Birdseye, Blair, Boardman, Borden, Bowne, Briggs, Brockway, Bronson, Jeremiah Brown, John Campbell, Cary, Casey, Chapman, John C. Clark, Staley N. Clarke, Coles, Cowen, Cranston, Cross, Cushing, Richard D. Davis, Dawson, Deberry, Doig, John Edwards, Everett, Ferris, Fessenden, Fillmore, John G. Floyd, Charles A. Floyd, Gamble, Gentry, Gilmer, Gordon, Granger, Hall, Halsted, Hastings, Hays, Houck, Howard, Hubard, Hudson, Hunter, Hunt, J. R. Ingersoll, James Irvin, Jack, Isaac D. Jones, John P. Kennedy, Linn, Robert McClellan, McKennan, Mallory, Marchand, Samson Mason, Mattocks, Maxwell, Moore, Morgan, Morrow, Oliver, Osborne, Partridge, Pearce, Pendleton, Plumer, Pope, Powell, Benjamin Randall, Randolph, Ridgway, William Russell, James M. Russell, Saltonstall, Saunders, Shepperd, Slade, Steenrod, Stokely, Stratton, Taliaferro, Tillinghast, Toland, Triplett, Turney, Underwood, Van Buren, Washington, Watterson, Weller, Westbrook, Edward D. White, Thomas W. Williams, Joseph L. Williams, Winthrop, Wise, Wood, Yorke, Augustus Young, and John Young—111.

NAYS—Messrs. Landaff W. Andrews, Arrington, Atherton, Babcock, Botts, Milton Brown, Charles Brown, Burke, Patrick C. Caldwell, Calhoun, Wm. B. Campbell, Thomas J. Campbell, Clifford, James Cooper, Cravens, Daniel, Garrett Davis, Egbert, Thomas. F. Foster, Goggin, Graham, Green, Hopkins, Houston, Charles J. Ingersoll, Keim, Andrew Kennedy, Littlefield, McKay, McKeon, Alfred Marshall, Mathiot, Medill, Meriwether, Miller, Mitchell, Payne, Pickens, Ramsey, Rayner, Reding, Reynolds, Rogers, Snyder, Sprigg, John T. Stuart, John B. Thompson, Tomlinson, Van Rensselaer, Joseph L. White, and Christopher H. Williams—51.

So the bill was passed.

Mr. YORKE moved a reconsideration of the vote by which the bill was passed.

Mr. TURNEY moved to lay that motion on the table, which was rejected; and the motion of the gentleman from New Jersey went over until to-morrow.

Mr. FILLMORE then asked the House to take up the bill to bring into the treasury the moneys received by public officers before it should be disbursed, and for other purposes.

The bill was accordingly taken up, ordered to be engrossed, and read a third time, and passed.

Mr. ADAMS again rose for the purpose of obtaining permission to present the petitions which had been intrusted to him for that purpose. He moved a suspension of the rules to enable him to do so.

Mr. HOLMES said he really hoped the request would be granted, (cries of "No, no,") for it was time they should know what it was. [Great confusion.]

Mr. WELLER moved that the House adjourn.

Mr. SLADE called for the yeas and nays, and they were ordered, amidst cries of "What will you gain by that?"

The yeas and nays having been taken, they resulted as follows—yeas 86, nays 75.

The House then adjourned, at 4 o'clock.

IN SENATE.

TUESDAY, February 21, 1843.

The PRESIDENT *pro tem.* laid before the Senate a communication from the President of the United States, transmitting a report from the State Department, in compliance with a resolution of the Senate of the 14th instant, requesting the President of the United States to communicate to the Senate a copy of any commission or letter of instruction to Daniel Webster, esq., Secretary of State, to treat with Lord Ashburton, &c.; which was read, and ordered to lie on the table.

Mr. GRAHAM presented to the Senate resolutions of the Legislative Council of Florida, relating to the claim of Judge Duval on the Government of the United States; which was ordered to lie on the table.

The PRESIDENT *pro tem.* laid before the Senate a communication from the State Department, transmitting, in compliance with a resolution of the Senate, additional information of the operations of the bankrupt law; which was ordered to lie on the table.

Mr. CRITTENDEN, from the Committee on Military Affairs, reported back, without amendment, and with a recommendation that it do pass, the bill from the House providing for the settlement of the claims for supplies furnished the Florida militia.

Mr. WHITE presented joint resolutions adopted by the Legislature of Indiana, in favor of the passage of a law, by Congress, allowing the rights of pre-emption to those settlers on the land granted to the State of Indiana to complete the Wabash and Erie canal, to other lands, in lieu of those of which they have been deprived by such grant; also, joint resolutions in favor of permanent arrangements with railroad companies for transporting the mail, in favor of restricting the franking privilege, and in favor of reducing the rates of letter postage to the federal coin. Also, a resolution in relation to the establishment of marine hospitals on the Mississippi and its tributaries, and the great Northern lakes, for the benefit of sick and disabled seamen. These resolutions were referred to appropriate committees; the latter one to the Committee on Commerce.

Also, presented joint resolutions of the Legislature of the State of Indiana, in reference to the burdens placed on commerce by the towns on the Western rivers, by wharfage, rates, &c., and particularly by the municipal authorities of the city of New Orleans, by their regulations imposing duties on produce landed there, and asking Congress to assert its power to regulate commerce by removing these obstructions. Read, ordered to be printed, and referred to the Committee on Commerce.

On motion by Mr. STURGEON, the memorial which he presented a few days ago, asking an appropriation for establishing a marine hospital at or near the city of Pittsburg, was taken from the table, and referred to the Committee on Commerce.

Mr. EVANS, from the Committee on Finance, to which was referred the memorial of Phineas Bennett and Nahum Andrews, praying the passage of a law to permit them to bring in, free of duty, goods which may be saved by them from wrecks, reported a bill to permit the entry of merchandise received from shipwrecks, in certain cases, free of duty; which was read, and ordered to a second reading.

On motion by Mr. WHITE, on the recommendation of the Committee on Indian Affairs, the report of the Secretary of the Treasury, showing the manner of the disbursement of funds for the benefit of the Indians, was ordered to be printed.

Mr. MILLER, from the Committee on the Post Office and Post Roads, made an adverse report on the petition of Markham Tristoe, late postmaster at Warsaw, Missouri, praying the refunding the amount of a certain judgment obtained against him by the United States; which was ordered to be printed.

Mr. SMITH of Indiana, from the Committee on Public Lands, reported back, with sundry amendments, the bill from the House entitled "An act to authorize the investigation of alleged frauds under the pre-emption laws, and for other purposes;" the amendments were ordered to be printed.

Mr. S., from the same committee, reported back, without amendment, Senate bill entitled "A bill explanatory of the act supplemental to the act granting pre-emption rights to settlers on the public lands," approved June 22, 1838.

Mr. CHOATE, from the Committee on Naval Affairs, reported back, without amendment, and with a recommendation that it do pass, the bill for the relief of the heirs of Robert Fulton.

Mr. PHELPS, from the Committee on Indian Affairs, to which had been referred the petition of Campbell Scott, praying for pay under a certain treaty; and the petition of the administrator of William H. Hunter, praying for the allowance of certain charges in the adjustment of his accounts; made adverse reports to the prayers of the petitions, which were ordered to be printed.

Mr. PHELPS, from the Committee on Pensions, to which had been referred House bill for the relief of Maria Fowler, reported the same back without amendment, and with a recommendation that it be indefinitely postponed; its passage being unnecessary, because power existed in the department to grant the relief prayed for. The bill was then taken up as in committee of the whole, and indefinitely postponed.

Mr. P., from the same committee, made an adverse report on the petition of Aaron Payne for arrears of pension; which was ordered to be printed.

Mr. PHELPS, from the Committee on Revolutionary Claims, made an adverse report on the petition of Benjamin Harrison; which was ordered to be printed.

Also, from the same committee, reported back, without amendment, House bill for the relief of Henry Hoffman, with an adverse report; which was ordered to be printed.

On motion by Mr. PHELPS, the Committee on Revolutionary Claims was discharged from the further consideration of the claim of Isaac Hopkins, (there being no evidence to sustain the claim,) for property pressed into the public service last war.

Mr. WILLIAMS, from the Committee on Naval Affairs, reported back, with an amendment, the Senate bill for the relief of Charles E. Sherman.

Mr. YOUNG submitted the following resolutions; which were read and adopted, viz:

Resolved, That the Secretary of War be instructed to communicate to the Senate, the copy of any contract or contracts entered into by Robert Fulton with the Government of the United States, in the year 1814 or 1815, for the furnishing or fitting out of one or more steamboats for the use of the Government; the amount of money advanced to him in virtue of the said contract or contracts, and how far the same have been fulfilled or complied with on the part of the said Fulton; also, a statement of the accounts of the said Fulton, as the same appear on the books of the department.

Resolved, That the Secretary of the Treasury be instructed to include in his report, to be made at the present session of Congress, in pursuance of the resolution of the Senate adopted on the 30th July, 1842, either under their appropriate heads or by way of appendix, the quantity of the public lands to which the Indian title has been extinguished since that time, the several amounts agreed to be paid therefor, and the time and manner in which such payments are to be made, respectively.

CONGRESSIONAL GLOBE.

PUBLISHED BY BLAIR AND RIVES, AT ONE DOLLAR PER SESSION, IN ADVANCE.

27TH CONG.....3D SESS. TUESDAY, FEBRUARY 28, 1843. VOLUME 12....No. 21.

Continued from No 20.

On motion by Mr. BENTON, it was

Resolved, That the Secretary of the Senate be directed to include the permanent appropriations in the list of current appropriations made each session, now directed to be published by law.

Mr. KING presented the credentials of ARTHUR P. BAGBY, who has been elected by the Legislature of Alabama a Senator of the United States from that State for six years, from and after the 3d day of March next; which were read, and ordered to be placed on the files of the Senate.

On motion by Mr. McDUFFIE, the previous orders of the day were postponed, and the bill for the relief of Charles J. Jenkins and Wm. W. Mann, assignee of John McKinne, was taken up.

The bill was understood by the reporter to involve a claim growing out of a contract of McKinne with the United States to collect for the Government some $32,000, the consideration for which service to be one-fourth of the amount collected. It seems that the contractor collected the amount by a note payable to the Government; the payment of which was conditionally guarantied. But, before the note arrived at maturity, the drawer of the same was relieved, by act of Congress, from the payment of the amount due the United States, and covered by the note.

This bill was debated at some length. Messrs. EVANS, KING, WOODBURY, and BUCHANAN opposed the bill, on the ground (as was understood) that the contractor agreed to involve his claim to one fourth of the amount collected, in the act of cancelling the debt by the Government. They were willing to pay the actual expense incurred by the contractor in his efforts to secure the debt; but they were unwilling to pay him the quarter of the debt, for the reason above; and for the further reason, that the debt was not actually collected as contracted—the Government never having received the money.

Messrs. BERRIEN, McDUFFIE, and DAYTON defended the bill. They maintained that the contractor never agreed to involve his interest in the claim, in the act of cancellation by the United States; and that though the Government did not actually receive the money, the money was collected. The reason that the Government did not receive it, was, that they had cancelled the debt. They maintained that the Government could not, by its own power, on any principle of common justice, absolve itself from the obligation of its own contract.

There being no amendment proposed to the bill, it was reported to the Senate; and the question being, Shall the bill be ordered to be engrossed for a third reading?

Mr. BUCHANAN demanded the yeas and nays, which were ordered; and the question being put, it was decided in the negative—yeas 15, nays 28. So the bill was rejected.

Mr. EVANS now moved to proceed to the consideration of the navy appropriation bill.

Mr. WALKER suggested the bankrupt bill.

Mr. LINN suggested the propriety of proceeding to the consideration of the bill which was ordered to be engrossed on yesterday, to indemnify Major Gen. Andrew Jackson.

Mr. HUNTINGTON inquired what would be the order of business now.

The CHAIR replied that the call for resolutions was the next thing in order.

Mr. LINN made some further remarks in favor of taking up the bill alluded to by him; which, he conceived, was the first in order.

Mr. BAYARD pressed on the attention of the Senate the several bills touching the naval service, which had been made the special order for Saturday last, but were superseded by other bills. He hoped the chairman of the Committee on Finance [Mr. EVANS] would consent to let these bills be taken up, before proceeding to the navy appropriation bill.

Mr. EVANS could not yield to the suggestion. He had refrained for several days from pressing this, although he felt the necessity of having action upon it.

Mr. TAPPAN also suggested the propriety of taking up the Senate bills in the order in which they stood on the calendar, in preference to considering the bills from the House, which could be soon disposed of.

The question was, however, taken on the motion of Mr. EVANS, and decided in the negative—yeas 23, nays 23.

The resolution submitted by Mr. WALKER yesterday, as follows, was taken up for consideration, viz:

Resolved, That the Secretary of War be directed to communicate to the Senate, at the next session of Congress, a plan and estimates for the improvement of the navigation of the Ohio, by the construction of an enlarged steamboat canal on the Indiana side of the falls, near Louisville; also, to report what effect would be produced on the navigation of that river above the falls, by the removal of the ledge of rocks at that point; also, what would be the expense of enlarging the present canal, so as to admit the largest class of boats; and what arrangements, if any, can be made for rendering the said canal toll free, or subject to such toll only as may be necessary to keep the same in repair.

Messrs. TAPPAN, WALKER, MOREHEAD, EVANS, SEVIER, and SMITH of Connecticut, discussed the above resolution at some length. The points involved in the discussion were as to the best mode of improving the Ohio river at the falls, and the necessity of making some improvement to afford facilities to commerce, and to relieve it from the onerous tax imposed on it by the tolls collected by the Louisville and Portland Canal Company.

The debate was, however, terminated on the presentation of the following, by Mr. TAPPAN, as a substitute; which was accepted by the mover of the resolution:

Resolved, That the Secretary of War be directed to ascertain and report to the next Congress what is the best mode of improving the navigation of the Ohio river at the falls near Louisville, and the probable expense of such improvement.

The resolution was then adopted as amended.

GENERAL JACKSON'S FINE.

Mr. LINN's bill to indemnify Major General Andrew Jackson for damage sustained in the discharge of his official duty, came up as an engrossed bill, and was read a third time.

The question then being, "Shall the bill pass?"

Mr. DAYTON addressed the Senate for about half an hour in opposition. There were principles involved in the bill which he considered of such consequence as to induce him to call the attention of the Senate to them before they voted for its passage. It had been urged by the friends of the bill that there was no other principle involved in it than that which had been acted on repeatedly in regard to other officers of the Government. He had looked into this matter, and found that such was not the fact. In the first place, with respect to the title, he found that the bills passed by Congress to restore fines to other officers, inflicted on them for violations of law in the performance of their duties, were all entitled acts for the relief of those individuals. In the next place, there was nothing in the bodies of those acts in the slightest degree tending to cast imputation, directly or indirectly, on the tribunals which had inflicted those fines. In these two respects, he argued at some length, that this bill differed altogether from the principle of the bills claimed as analogous cases.

After Mr. D. had delivered his views in support of this position,

Mr. BERRIEN rose, and referred to the opinions expressed by the Judiciary Committee in support of the amendments which it had recommended. As that report contained his views on the subject, he should now merely state that those amendments having been rejected by the Senate, he could not vote for the bill. So far from the amendment of the Senator from North Carolina, adopted yesterday, making the original bill more acceptable to him, it had the opposite effect; for he now considered it more exceptionable than ever. It was a decision of *Congress* that *the* fine was inflicted for an *alleged* contempt of court—leaving that doubtful about which no doubt whatever before existed.

Mr. CONRAD, in reference to his remarks of yesterday, said he would now merely repeat what he then said—that, so far from having changed the opinions which he expressed last session, when the subject was before the Senate, he had, upon more careful examination and mature consideration, been more and more confirmed in the correctness of the views he had taken on that occasion.

Mr. C., in the course of his remarks, said he was perfectly tired and disgusted with the eternal subserviency and sycophancy displayed by the worshippers of this political idol. He alluded to the manner in which this subject had been agitated through the country, and in the Legislatures of the States.

Mr. LINN said the Senator from Louisiana had used an expression which required some explanation. He had introduced this bill with the motives which he had always expressed to the Senate.

Mr. CONRAD was not aware that he had said anything from which the Senator from Missouri could possibly infer that he intended to impute to him other motives than those which he had avowed.

Mr. LINN said the expression to which he alluded was this: "Was this eternal sycophancy to General Jackson never to cease?" Did the Senator mean to apply the epithet "sycophancy" to his (Mr. L.'s) conduct, or that of any other gentleman who had advocated the bill? If the Senator meant to impute to him a sycophantic disposition, in making an offering to General Jackson, it was a very offensive ——

Mr. CONRAD said he was really very sorry that the gentleman should have conceived that he intended, by any portion of his remarks, to cast a reflection upon any gentleman, and particularly upon that honorable Senator; for if there was a man in that body to whom he was bound to impute entire sincerity and singleness of heart, it was that gentleman. He was aware that with that gentleman it was a matter of personal feeling of regard; and he was not at all surprised that that gentleman should view the question in a different aspect from that in which he viewed it. And he assured him the remark he had made was not intended to reflect upon him, or upon any member of that body.

The question was then taken by yeas and nays; and the bill was passed—yeas 28, nays 20, as follows:

YEAS—Messrs. Allen, Bagby, Benton, Buchanan, Calhoun, Cuthbert, Fulton, Graham, Henderson, King, Linn, McDuffie, McRoberts, Mangum, Rives, Sevier, Smith of Connecticut, Smith of Indiana, Sprague, Sturgeon, Tallmadge, Tappan, Walker, Wilcox, Williams, Woodbury, Wright, and Young —28.

NAYS—Messrs. Archer, Barrow, Bates, Bayard, Berrien, Choate, Clayton, Conrad, Crafts, Crittenden, Dayton, Evans, Huntington, Kerr, Merrick, Miller, Morehead, Phelps, White, and Woodbridge—20.

Mr. GRAHAM now moved to change the title to that of "A bill for the indemnity of Major General Andrew Jackson."

This motion was concurred in without a division.

Mr. YOUNG now moved to postpone all previous orders, and proceed to the consideration of the bankrupt bill.

Mr. EVANS hoped the motion would not prevail. It was most important that the navy appropriation bill should be passed without delay. It would not take more than an hour to dispose of it.

Mr. KING was under an impression that the bankrupt bill was the special order, entitled to preference.

Mr. BERRIEN explained that he had only given notice that he would, on Monday, (yesterday,) move to proceed to the consideration of that subject. It had not been made the special order.

Mr. KING remarked that, at all events, there was more propriety in proceeding with that ques-

tion now, than with an appropriation bill, which might stand over several days, if necessary, without being affected by the delay; whereas every hour's delay to the subject of the bankrupt law rendered it more doubtful whether there would be time in both Houses to consider all the proposed amendments of the Committee on the Judiciary.

Mr. CALHOUN hoped the bill would be taken up, and acted upon forthwith; for if there was any one bill in which the community was interested more than another, it was this. There ought, if possible, to be a decision at this session; it had been already too long delayed.

Mr. BERRIEN hoped he would not be misunderstood as evincing any indisposition to proceed with the bankrupt bill. He was ready, at any time it was agreeable to the Senate, to state the views of the Judiciary Committee. He thought, however, there would be less interruption if an hour or two were given to the navy appropriation bill, so as to leave the Senate free to continue with the bankrupt question till disposed of.

Mr. MERRICK was as anxious as any gentleman in the Senate to dispose of the bankrupt bill as speedily as possible; but it appeared to him that some courtesy was due to the chairman of the Finance Committee, who had stated that the navy appropriation bill would not occupy more time than an hour.

Mr. WALKER observed that both Houses of the Legislature of his State had, in 1840, requested their Representatives, and instructed their Senators in Congress, to vote for a bankrupt law; in compliance with which he had voted for the law of last session. By a subsequent action of the Legislature, the instructions had been reversed, requiring the delegation of the State in Congress to vote for the repeal of the law of last session, or a modification protecting the rights of creditors, and including in the operation of the law banking incorporations. He now gave notice that, when the subject should be taken up, as soon as the amendments of the Judiciary Committee should be disposed of, if the repeal bill was not adopted, he should move to make the amendments called for by his Legislature.

Mr. SEVIER asked if the motion pending was debatable.

The CHAIR was understood to say that a motion to postpone was debatable.

Mr. SEVIER said he owed it to the Senator from Maine, much as he desired the bankrupt bill to be taken up, to vote for his motion.

Mr. YOUNG proposed a compromise—to take up the bankrupt bill, and pass it over informally till to-morrow.

Mr. BUCHANAN said he, for one, was opposed to any compromise on the subject.

Mr. EVANS said he was constrained to insist on proceeding with the navy appropriation bill.

The question was then taken by yeas and nays on Mr. YOUNG's motion, and decided in the negative—yeas 23, nays 24.

Mr. EVANS then moved to postpone the previous orders, and take up the navy appropriation bill; which was concurred in.

THE NAVY APPROPRIATION BILL

Was accordingly taken up as in committee of the whole, and the amendments recommended by the Committee on Finance were read.

The first amendment, being merely verbal, was adopted.

The second amendment was to strike out from the appropriation of $300,000 for clothing for the navy, the *proviso*, "that the duties of the Chief of the Bureau of Provisions and Clothing be hereafter discharged by a captain of the navy, who shall receive the same compensation that is allowed to the chief of the bureau of dock yards."

Mr. EVANS explained that, in the opinion of the committee, the captains of the navy were not the sort of persons required to perform the duties of Chief of the Bureau of Provisions and Clothing. It was a person rather of mercantile habits, acquainted with business and accounts.

Mr. WOODBURY concurred; and said, if it needs must be an appointment to be made from the officers of the navy, it should be rather from the pursers than the captains.

The amendment was adopted.

The third amendment was in the appropriation for surgeons' necessaries and appliances for the sick and hurt of the naval service, including the marine corps, to strike out the proviso: "That hereafter no person shall hold the place of Chief of the Bureau of Medicine and Surgery who shall not have had five years of sea service."

Mr. MERRICK hoped this amendment would not prevail.

Mr. EVANS explained that the committee had had the subject under consideration for a long time, and, from the mass of evidence before it, felt perfectly satisfied that the proviso was inexpedient, and that its effect would be to deprive the public service of the most valuable officer now at the head of the bureau, who had done more, since his appointment, to correct abuses and check expenditures than had ever been done in the same length of time.

Mr. MERRICK thought the principle a good one, of requiring the head of the bureau to have had five years' experience at sea. On this ground he opposed the amendment at great length.

Mr. BUCHANAN said ever since he had been a member of that body, in all situations, and under all circumstances, he had been opposed to legislating men out of office, and particularly in cases where the men were entirely competent to discharge the duties of their offices. However much the Senator from Maryland [Mr. MERRICK] might disavow any such intention in this case, he (Mr. B.) would undertake to say that, from the circumstances of the case, if this proviso should not be stricken out, the inference throughout the country would be irresistible. What was the nature of the case? A constituent of his, (Mr. B.'s) a physician of very high character in his profession, a man of most extensive learning, without the slightest solicitation on his part, was brought here and placed at the head of the medical bureau. He never sought the office; the holding of it, in fact, was an injury to his private interests; and his determination was not to continue to hold it a single day beyond the time when he should be enabled to complete the reforms which he had commenced. It was, as he said, at an inconvenience to himself, and from patriotic motives alone, that that gentleman continued to fill that office. And now it appeared it had been suddenly discovered that this gentleman had not been at sea for five years, and consequently, according to the opinion of the Senator from Maryland, was not acquainted with all the diseases, epidemic and endemic, to which seamen were liable. This was the argument of the honorable Senator. But the gentleman it appeared had been at sea for upwards of three years, and had left that service only because the Government desired his services in another department.

He would forbear to go into the merits of the question; he had no doubt the distinguished officer who had made charges against this gentleman believed every word he had stated; but, from his position, he could not possibly be acquainted with the facts. The gentleman in question had devoted himself to the remedying of abuses in the medical department; and, in these days of reform, if he was to be legislated out of office, it could only be because he had exposed those abuses.

Mr. CALHOUN said he knew nothing about the parties, even by reputation; but he was decidedly averse to the system of displacing individuals from office by legislation. It was a system which was very likely to give rise to injustice; and if there were no other consideration, this would be sufficient to induce him to vote against such a proviso as that. He knew nothing of the gentleman who was the subject of this proviso; but he could easily imagine that, if he was indeed a reformer of abuses, as had been represented, he would have many enemies. There was no branch of the service which was more liable to abuses than the medical department. Upon this subject he spoke with the light of experience, for the expenses of that department, when he went into the War Department, he found to be as high as $100,000. And yet it was getting along with great difficulty. The expenses were five times greater than they ought to be; and when they came afterwards to be reduced to $25,000, it was found that they could still be supplied with all the comforts belonging to the medical department.

He would not consent to give his vote in such a way as to favor the system of displacing individuals from office by legislation.

Mr. CUTHBERT concurred with the Senator from South Carolina that this sort of legislation would operate unjustly, capriciously, and injuriously, and ought not, therefore, to be countenanced.

The debate on this subject was continued by Messrs. BAYARD, MERRICK, STURGEON, CALHOUN, WOODBURY, EVANS, and CUTHBERT.

The amendment was then adopted—yeas 27, nays 7.

The fourth amendment was to strike out from the sources of general expenses to be paid, the words "for taxes and assessments on public property;" which was adopted.

The amendments of the committee having been gone through,

Mr. EVANS moved an amendment limiting the payment of arrearages due in the medical department to $50,000; which was adopted.

He next moved to insert an appropriation of $6,000 for carrying into effect the joint resolution of Congress, authorizing the establishment of two agencies for the purchase of water-rotted hemp in Kentucky and Missouri.

This subject was debated by Messrs. WOODBURY, EVANS, CRITTENDEN, KING, MOREHEAD, WALKER, BAYARD, and CALHOUN.

Finally the proposed appropriation was limited to $4,000; and the amendment, modified to that sum, was adopted.

Mr. EVANS next moved a verbal amendment, as to machinery necessary for the navy-yards; which was adopted.

Mr. WILLIAMS, from the Committee on Naval Affairs, moved an amendment authorizing the application of the $100,000 appropriated in the navy appropriation bill of last session for the construction of a floating or dry dock; on which considerable debate arose.

Mr. HENDERSON moved as an amendment to the amendment, an appropriation of $100,000 for the construction of a dock at the navy-yard of Pensacola.

Pending the question on these amendments,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 21, 1843.

Mr. PAYNE asked leave to report a Senate bill.

Mr. BRIGGS objected.

Mr. JACOB THOMPSON called for the orders of the day.

PENSIONS.

Mr. WELLER asked leave to offer the following resolution:

Resolved, That the Committee of the Whole on the state of the Union be discharged from the further consideration of bill No. 295, being "An act to extend the pension laws to the soldiers engaged in the Indian wars of the West, down to the treaty made at Greenville, in 1795."

Objection was made by Mr. MERIWETHER.

Mr. WELLER moved to suspend the rules; but the motion, requiring two thirds, was not carried.

Mr. ADAMS wished to present a petition, (Abolition,) and appealed to the gentleman from Mississippi [Mr. JACOB THOMPSON] to yield the floor.

Mr. THOMPSON said he had refused many gentlemen, and could not now yield the floor without our incurring the danger of losing his right to it.

THE STATE DEBTS.

The House resumed the consideration of the motion made by the gentleman from Pennsylvania, [Mr. J. R. INGERSOLL,] to print 10,000 extra copies of the reports of the majority and minority of the Committee of Ways and Means against the proposition to issue $200,000,000 Government stock to be distributed to the States.

Mr. THOMPSON of Mississippi occupied the morning hour on this subject, and principally in defence of the course pursued by his own State.

NEW BANK PROJET.

Mr. POPE gave notice that to-morrow he should ask leave to introduce a bill to be entitled An act to aid National and State credit, and to reform and regulate currency and facilitate exchanges, through the agency of a bank, based upon the proceeds of the public lands.

LOUISIANA LAND BILL.

Mr. J. C. CLARK moved a reconsideration of the vote of the House, by which it laid on the table his resolution, a few days since, to discharge the Committee of the Whole from the Louisiana land claim bill; and on this he moved the previous question.

Mr. C. JOHNSON appealed to the gentleman not to move the previous question; and as the gentleman from New York refused to withdraw it, he called for the yeas and nays; which were ordered, and resulted thus—yeas 104, nays 80.

So the House reconsidered, and then negatived the motion to lie on the table.

The question then recurred on the adoption of the resolution.

Mr. EVERETT raised a question of order, and contended that the bill involved a charge upon the treasury.

After some debate, in which Messrs. W. COST JOHNSON, C. JOHNSON, BRIGGS, MOORE, and the SPEAKER participated, it was decided that the bill did involve a charge upon the treasury, and, under the rules of the House, required a vote of two-thirds to discharge the Committee of the Whole from its consideration.

Here the subject dropped.

MEETING AT TEN O'CLOCK.

Mr. GILMER asked leave to offer the following resolution:

Resolved, That from and after to-day, the daily hour of the meeting of the House shall be 10 o'clock.

Mr. MALLORY objected to the reception of the resolution.

Mr. GILMER moved a suspension of the rules, in order to get in the resolution.

The motion was voted down without a division.

On motion of Mr. FILLMORE, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. WINTHROP in the chair.)

Mr. F. expressed a desire to have the navy pension bill taken up; but yielded the floor for the present.

ELECTRO AND ANIMAL MAGNETISM.

On motion of Mr. KENNEDY of Maryland, the committee took up the bill to authorize a series of experiments to be made, in order to test the merits of Morse's electro-magnetic telegraph. The bill appropriates $30,000, to be expended under the direction of the Postmaster General.

On motion of Mr. K., the words "Postmaster General" were stricken out, and "Secretary of the Treasury" inserted.

Mr. CAVE JOHNSON wished to have a word to say upon this bill. As the present Congress had done much to encourage science, he did not wish to see the science of Mesmerism neglected and overlooked. He therefore proposed that one-half of the appropriation be given to Mr. Fisk, to enable him to carry on experiments, as well as Professor Morse.

Mr. HOUSTON thought that Millerism should also be included in the benefits of the appropriation.

Mr. STANLY said he should have no objection to the appropriation for Mesmeric experiments, provided the gentleman from Tennessee [Mr. CAVE JOHNSON] was the subject. [A laugh.]

Mr. CAVE JOHNSON said he should have no objection, provided the gentleman from North Carolina [Mr. STANLY] was the operator. [Great laughter.]

Several gentlemen called for the reading of the amendment; and it was read by the Clerk, as follows:

Provided, That one half of the said sum shall be appropriated for trying Mesmeric experiments, under the direction of the Secretary of the Treasury.

Mr. S. MASON rose to a question of order. He maintained that the amendment was not *bona fide*, and that such amendments were calculated to injure the character of the House. He appealed to the Chair to rule the amendment out of order.

The CHAIRMAN said it was not for him to judge of the motives of members in offering amendments; and he could not, therefore, undertake to pronounce the amendment not *bona fide*. Objections might be raised to it on the ground that it was not sufficiently analogous in character to the bill under consideration; but, in the opinion of the Chair, it would require a scientific analysis to determine how far the magnetism of Mesmerism was analogous to that to be employed in telegraphs. [Laughter.] He therefore ruled the amendment in order.

On taking the vote, the amendment was rejected—ayes 22, noes not counted.

The bill was then laid aside to be reported.

INTERCOURSE WITH CHINA.

Mr. ADAMS moved that the committee take up bill 720, for the establishment of future commercial intercourse with China.

The motion was agreed to—ayes 83, noes 53—and the bill taken up, and read, as follows:

A BILL providing the means of future intercourse between the United States and the Government of China.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of forty thousand dollars be, and the same is hereby, appropriated and placed at the disposal of the President of the United States, to enable him to establish the future commercial relations between the United States and the Chinese empire on terms of national equal reciprocity; the said sum to be accounted for by the President, under the restrictions and in the manner prescribed by the act of first of July, one thousand seven hundred and ninety, entitled "An act providing the means of intercourse between the United States and foreign nations."

Mr. ADAMS moved to amend the bill, by striking out the words "under the restrictions and."

Mr. MERIWETHER opposed the amendment. If he understood its effect, it would be to leave the mission without any restriction. The bill, as it came from the Committee on Foreign Affairs, placed this mission on the same footing as other missions. The Secretary of State, however, wished the whole sum placed at his own disposal and control—wished it left to him to pay as much as he pleased. He (Mr. M.) did not consider this mission to China as a matter of so much importance as had been claimed for it. He thought it would be difficult to persuade the people of that country to change their polity, give up their aversion to foreigners, and enter into commercial intercourse with other nations. He wished, at any rate, to have this mission placed on the same footing as other missions. He knew not how the whole of this sum of $40,000 was to be expended, although he was a member of the Committee on Foreign Affairs. Our ministers generally received $9,000 a year salary, and $9,000 outfit. Now, if the amendment of the gentleman from Massachusetts [Mr. ADAMS] should be adopted, it would be in the power of the President to pay the minister who might be sent to China $20,000 outfit, and $20,000 more salary. The minister would be subject to no expense, would go out in a national vessel, and would not be compelled to land until it suited his pleasure. Why make a difference in the case of China? Was that mission of greater importance than the French? Look at Turkey—a semi-barbarous country—where our minister received $6,000 a year. He thought if $6,000 was enough for the services of Commodore Porter at Constantinople, that sum would be sufficient for any minister that might be sent out to China. When the amendment now before the committee should have been disposed of, he should move to place the mission to China upon the same footing with that to Turkey.

Mr. J. C. CLARK next obtained the floor, and addressed the committee, during his hour, upon the state of the Whig party and its relations to the present Administration, which he condemned generally.

Mr. BIDLACK rose, and inquired of the Chairman what the question before the committee was; for it was impossible to ascertain from the speech of the gentleman from New York. He made this inquiry for the purpose of reminding the majority that the gentleman was debating the same question which his colleague [Mr. BARNARD] had, the other day, considered out of order. He (Mr. BIDLACK) had no doubt what the decision would be; but his object was gained, by showing how "circumstances altered cases," and how what was out of order when it was unpleasant to certain gentlemen, was perfectly in order when it pleased them, and made in their favor. This kind of remark would call for reply; and, at this late day in the session, no good could grow out of it.

Mr. J. C. CLARK said he hoped the Chairman would tell the gentleman from Pennsylvania; for he never could find it out, unless he was informed.

The CHAIRMAN replied that, in Committee of the Whole, the custom had been to allow great latitude in debate; and he therefore decided that, according to the custom of the House, the remarks of the gentleman from New York were in order.

Mr. J. C. CLARK then resumed, and continued at great length; interrupted occasionally by gentlemen for explanation, and by a message from the Senate, transmitting a bill for the relief of Major General Andrew Jackson.

He took within the range of his remarks many prominent politicians, on whose course he was animadverting when the Chairman announced that his hour had expired. He said, however, that he had much more to say, which he should add to his remarks when he wrote out his speech.

Mr. GORDON addressed the Chair. He commenced by remarking that he did not rise as the apologist and defender of this Administration; for he had nothing to do with bringing it into power in 1840. His colleague [Mr. J. C. CLARK] said he was sorry that it was invested with power. He (Mr. G.) did not doubt, even in 1840, that his colleague, in case of the success of the exertions then made, would be sorry. And why? Because he foresaw that the Whig party would fall to pieces by its own want of any cohesive principle, and that longing after office and the spoils which could not be satiated. The gentleman [Mr. J. C. CLARK] had well described the party to which he belonged; and, unless he had been familiar with the materials of which it was composed, could not have used the figures he did. What were they? The cheese-parings, the candle-ends, the rag-tag-and-bob-tail of all the factions and parties that had ever existed. Such was the assemblage at Harrisburg; and so sensible were they themselves of it, that they did not even dare to talk to each other about any common principle. They therefore suspended the consideration of all such subjects, put the gag in the mouth of their own candidate, and surrounded him with a committee to speak for him, lest any one of the candle-ends should be disturbed! They held no one principle in common with each other. Indeed, the convention at Harrisburg was a fit representation of the party to which the gentleman belonged, and under whose banners he fought in the contest of 1840. His colleague once belonged to the Democratic party, long prior to 1837; but the evil spirit, called ambition, whispered in his ear, and he performed what is termed a somerset.

[Here the CHAIR called to order.]

He was not impugning the motives of his colleague by any means. No; he was only stating facts, [laughter,] and he believed that, according to the decision of the Chair, money bills in Committee of the Whole opened the door for all sorts of debate. [Laughter.] His colleague left the Democratic party. There was no doubt of that. It was for his colleague to explain the motives he had in so doing, when he became the candidate of an irregular party.

Mr. J. C. CLARK wished to ask a question.

Mr. GORDON declined yielding the floor. He wished it to be understood that, when he was addressing the Chair, he desired to occupy the floor exclusively. His colleague was elected to Congress, in the first instance, by the Democratic party.

Mr. CLARK inquired whether he did not go in a minority of ten hundred, and work up?

Mr. GORDON said, so much the worse; for it showed that the gentleman broke down the party whose cause he espoused. The party had great trouble and tribulation on his account—all owing to the great confidence which was reposed in him, and which enabled him to deceive so many faithful followers. These honest Democrats followed him for a short time; but they soon quit him, and

returned to their first love, whither every other Democrat would, if God should only spare his life to take a "sober second thought."—[Laughter.] His colleague got back to the Democratic party. He entered it under the Jackson banner, which he was among the first to unfurl. Yes, his colleague triumphed with that hero and statesman—his constituents having pardoned him of former transgressions, in consideration of his years, and of the natural proneness of youth to indiscretion! He served with the Democratic party in Congress until 1837, when, after he came to Washington, he joined the Conservative clique; and, from that day forward, battled against the Democratic party. Not joining the Federalists immediately, he stopped at the Conservative half-way house, and there refreshed himself, until that resting-place was razed to the ground, when he went smack over to the embraces of the Federal party. There he now is! There he (Mr. G.) trusted he would ever remain! There he must remain, if he depended upon the Democracy of old Chenango to rescue him! He (Mr. G.) did not impeach his colleague's motives; he only stated facts, which his colleague might explain if he thought proper. In his speech to-day, he had sneered at the Democratic party, by calling one of their Governors the hero of clam-bakes, and by denouncing the party with whom he once acted as Locofocos and disorganizers. It had been well remarked, that the devil could preach a good sermon. Now he (Mr. G.) thought his colleague was not a fit person to read a lecture to this Administration on the subject of apostacy, and to deal out denunciations right and left upon it, and upon the Democratic party! Such lectures came with bad grace from such an author!

Now, what was the principal ground of the gentleman's complaint, and the source of all his grief in mourning over his fallen party? Was it that he mourned the sacrifice of any principle which bound his party together? Not at all: the gentleman did not once allude to the principles of his party. It was the loss of the spoils—the loss of power and patronage and place that the gentleman lamented; and that was the loss of all for which his party were contending. The gentleman talked about the love of office, and the treachery of men in high places; but he said nothing about the principles of his party, nor did he utter one regret for the failure of their measures. He (Mr. G.) was about to retire from public life; but he felt now as great an interest in the success of his party, and the triumph of their principles, as he would feel if he were to continue in Congress. He was not surprised at the gentleman's silence with regard to the principles of his party; for, from what he could observe, there was now no more of principle to govern that party than there was in 1840. What had they seen as the fruits of all the labors of that party, now existing nowhere, as the gentleman was forced to admit? The quarrel between the gentleman and the administration he considered but as a family quarrel. They were now disunited, but would be soon united again, as they had the same objects to pursue. They both wanted to establish a paper currency for this great nation. What was it that disunited them? Some of them went for an exchequer, some for a bank of the United States, and some of them were for bolstering up the paper of the State banks by the aid of the credit of the Federal Government. They all sought to renovate that same system of paper currency, under the evils of which the country was now suffering. Now, he took it, that it would be in order to glance at some of the schemes of this party, and, among the rest, the two hundred million scheme of the gentleman from Maryland. What was that scheme? It was, that the Government should issue two hundred millions of bonds, at an interest of 3 per cent., based upon the pretended sale of the Government lands; in other words, two hundred millions of Government paper to be put afloat, without any adequate security for its redemption. What was the proposition of another gentleman of the same side of the House? Why, that the Government should carry on the business of private banking on private account, and, at the same time, give currency to depreciated bank paper. But he would return back to this two hundred million scheme; for he feared that all this longing after paper money was to end in it.

The CHAIR here called the gentleman from New York to order for irrelevancy.

Mr. SMITH of Virginia hoped the gentleman might be permitted to proceed without interruption, as the other gentleman from New York had been permitted to speak on the same subject.

The CHAIR made some observations not distinctly heard.

Mr. GORDON said that he would proceed in order. He took the ground, that this party was not to be intrusted with money, because of the extravagant and impolitic projects they were forcing on the House. He wished to know, before he intrusted this Administration and this party with money—(for he took it that this bill had emanated from the majority)—before he intrusted them with money, he wished to inquire into their system and policy of government which, he presumed, would be as much in order as to debate the Faneuil Hall speech of Mr. Webster. He wished to know if it was not as much in order to allude to the finances of this Government, as to what the gentleman had been pleased to term the treachery of his political friends. He wished to know whether the position taken by a majority of that party, that it was competent for the Government to issue this $200,000,000 of bonds to be given to the States; and he wished also to inquire, what relief it would be to the people. As the prospect of relief from this quarter was too remote, he was willing to pass it over, and inquire what relief this exchequer was likely to afford.

The CHAIR here interrupted Mr. G., and said that the topics he was discussing were irrelevant to the question before the House, and therefore out of order.

Mr. R. D. DAVIS said he understood his colleague as alluding to these subjects incidentally, as illustrative of his argument.

Mr. WELLER said that the gentleman from New York [Mr. J. C. CLARK] had been allowed to allude to these subjects, and the Chair decided that he was in order. The gentleman now on the floor, therefore, had a right to discuss the same subjects in reply.

The CHAIR made some reply not heard; when Mr. WELLER appealed from his decision.

Mr. GORDON hoped the gentleman from Ohio would withdraw the appeal, as the decision of it would take largely from the time allotted him. [Mr. WELLER accordingly withdrew the appeal.] He would be able to bring himself out, in order. The gentleman gave a glowing description of the temple of the Whig party, with columns, and colonnades, and its lofty dome; and complained that the man behind the throne, at the other end of the avenue, had exercised his great strength in tearing down that mighty edifice. Why, it would not take a Samson to tear down a log cabin; for even the boys of this very city had made it their pastime to pull down those very few models of Whig architecture that were found here. What were the columns and colonnades of this mighty edifice, constructed and adorned, according to the glowing description of the gentleman? Why, he believed the sign out of doors, whether the latch-string was pulled in or not, was a cider-barrel and a coon-skin; while the edifice itself was built of rough logs, with the chinks between them stopped up with mud. It was a temple of night revelry and debauch, where its votaries drank hard cider, and got themselves fuddled. But if this mighty man at the end of the avenue, aided by the boys of the city, tore down such a temple, he did more good than harm by the act, and should be applauded for it. It was, to be sure, a small business for such a mighty man to be engaged in; though it must be admitted that he did a better deed when he tore down the building, than when he assisted in raising it. He believed that it was at Faneuil Hall, and in the celebrated speech made there, that this two hundred million project was first broached. Now, he should like to know whether that project originated in this country or in England; and whether it originated before, or after, the visit of this mighty man to that country; or before, or after, he got the thousand pounds for his opinion on the subject of State credit.

If this project of the British fundholders was to succeed, the Republic would be crushed. Adopt this scheme, and the Government would be destroyed, for two reasons: First, there would be a consolidation of all the power of the States in the Federal Government. Congress would have taken upon itself to discharge all the obligations created by the profligacy of the States, without the power to restrain their extravagance. This would be consolidation in its fullest sense, and would break up our present form of government; for the States would, in time, come to their senses, and would shake off the odious burden imposed on them, by repudiation or nullification. He took it upon himself to declare, that if his State (New York) was to be saddled with the debts of the other States, he would sooner go for repudiation or nullification. He would sooner repudiate than entail on his people debts created by the profligacy or extravagance of others. The best way to preserve the credit of the States, would be to preserve inviolate the faith of the Federal Government. He should like to know how the people were to be benefited by the assumption of the State debts.

Whether war with England would be a blessing or a curse he would not undertake to say. He did not know but it would be a blessing; for it might arouse a spirit of patriotism, and enkindle the best feelings of the hearts of the money-making people, who were not unwilling to ask even a desecration of the Constitution itself, if thereby they could make money. But even if a war with England would be a blessing, the people of this country would do no improper act to promote it; if, however, England should espouse the cause of the Rothschilds and the foreign bankers—of the Nicholas Biddles and the brokers—and with them should make common cause, and wage war on our country and our Constitution, Heaven knew he should wish the trial to come at once, that the strength of our Constitution and the bravery of our people might be tested. He had said the people of this country owed an everlasting debt of gratitude to the gentleman from Massachusetts [Mr. ADAMS] for putting the matter on the basis on which he had placed it; but what was the tendency of his argument? Why, that this Government must necessarily assume the State debts, for it was shown that a State might go on *ad libitum*, contracting what debts she pleased, giving her bonds to foreigners for the amount, and then this Government must be dragged into the payment of her obligations; for a single State had in this way the power to involve this Union in a war with a foreign power, notwithstanding the power to declare war was, by the Constitution, placed, not with the Government of a State, but with the Federal Government. He would not discuss the validity of Mississippi bonds, for that subject had been sufficiently discussed on this floor. He cared not whether they were valid or not, so far as the argument there was concerned; but the idea that a State might contract what debts she pleased, and that this Government must pay them, or assume her indebtedness, was putting this country in the power and at the mercy of a single State. Why, he would prefer consolidation to such a state of things—he would prefer that the State lines should be blotted out—that the whole people of this Union, if they were to be compelled to assume the responsibility of repayment, should at least have a voice in the contracting of these debts. He asked the House what control the State of New York, which he in part represented, had either here or at home, in her State Legislature, or by her press, or her public meetings—or, indeed, in any form—over the contracting of the debts of the States of Indiana, of Mississippi, or of Pennsylvania. Those States contracted their debts without consultation with New York; she was not permitted to say a word on the subject; and yet the modern doctrine which they heard there was, that the pockets of the people of that State were to be reached for the repayment and liquidation of those debts. Now, he would appeal to the chairman of this committee [Mr. WINTHROP] as a patriot, as a statesman, and as a high-minded man from Massachusetts, who had studied the fathers of the Constitution, whether this wild scheme was ever dreamed of by those revered framers of the charter of our liberties; and whether,

in the whole range of their deliberations, there was the least perceptible leaning to such an enormous power which now found advocates in the venerable gentleman from Massachusetts, [Mr. ADAMS,] and the gentleman from Maryland, [Mr. W. C. JOHNSON,] and some others.

But perhaps he had said as much on the Faneuil Hall speech and its tendencies, as the occasion would justify; and he would turn for a moment to the exchequer, which was but another emanation of the same brain—the brain of one who had said that, if he understood anything, it was the subject of finance; and that the bill of the gentleman from Massachusetts was not worth the parchment on which it was written, compared with the mighty scheme of consolidation which he had prepared. And what did the scheme of the gentleman from Massachusetts, [Mr. CUSHING,] propose? Why, in the first place, that private individuals might deposite $10,000,000 in the treasury of such exchequer of the United States, thereby withdrawing $10,000,000 of specie, gold and silver, from the currency of the country, and receiving, in return, ten millions of certificates, which would become its circulation. But further, it provided that the Government creditors—the holders of its bonds and obligations or treasury notes—might receive certificates for the amount of the debts due to them by the United States, to a like amount of $10,000,000; thus making the issue of certificates equal to $20,000,000 if this latter provision be observed, being but a modification of the former one; a receiving of the debt due to the public creditor, and a returning of it to the treasury, and receiving, as in the case of a private depositor, certificates for the sum deposited. Thus, then, they had $20,000,000 of specie drawn from the circulation of the country, and paper certificates substituted. And yet even this was not all; for the mints had an unlimited power to receive foreign coin, and to issue certificates for the coin so received. But further still; the exchequer board was to be authorized to sell bills of exchange, also to an unlimited amount, at a premium of not exceeding 2 per cent. And for what purpose, he would ask, was all this to be done? It was certainly not to add to the circulation of the country; for every dollar of the great amounts he had enumerated was taken from the circulating medium, for which the paper certificates were to be substituted. They were thus to take the gold and silver from circulation, and supply the place of it with paper, that this Government might become the depository of the funds of individuals to the amount of millions, for which this Government would become responsible.

Here the honorable gentleman's hour expired, and he was suddenly brought to a full stop.

Mr. J. C. CLARK obtained permission to make some explanations of a personal nature, which he deemed called for by the remarks of his colleague, [Mr. GORDON.]

Mr. EVERETT then moved that the committee rise, and the motion was agreed to; and the committee rose accordingly.

The SPEAKER having taken the chair,

Mr. FILLMORE desired permission to say that they had yet five appropriation bills which must be passed, as they were indispensable to allow the Government to go on, viz: the navy pension bill; the Indian treaty bill: the fortification bill; the harbor and river bill; and the civil and diplomatic bill for the fiscal year. These must, necessarily, all be acted upon; and they had but nine days of the session left. He felt, therefore, bound to press forward such bills as were before the House; and, at the request of the gentleman from Massachusetts, [Mr. ADAMS,] who had the bill under consideration in charge, he now submitted a resolution to terminate debate in Committee of the Whole upon it, after it should have been further discussed half an hour; and on this resolution he moved the previous question.

The previous question was sustained by the House; and the resolution was adopted.

The bill which the committee had amended—whose purpose was to test the electro-magnetic telegraph—was taken up for disposal; but, at the request of Mr. WINTHROP, was passed over to a future day.

The House then again resolved itself into Committee of the Whole, and resumed the consideration of the bill, which occupied its deliberations when the committee last rose, (Mr. WINTHROP in the chair.)

Mr. EVERETT was understood to advocate the postponement of legislation on this subject, until it could be ascertained what the policy of China would be with respect to the diplomatic agents of foreign powers.

Mr. ADAMS said he did not think it necessary to waste the time of the House in arguing the propriety of a mission to China. The message of the President was sufficient on that point.

He then replied to the objections urged against the bill, on the ground that it placed too much confidence in the President, and that the appropriation was to be made without restriction. The motion which he had submitted, to strike out the restrictions of law, which were applicable to other diplomatic appropriations, was made after a consultation with the Secretary of State, who thought that to impose restrictions might embarrass the progress of the negotiations.

Mr. HOLMES said he was one of those on the Committee of Foreign Relations who had voted to introduce this bill. In the present state of the commerce of the world, he regarded the proposed mission to China as more important than were all our other missions together. The trade of South America and Europe was fixed on an established basis. But, by the opening of intercourse with China, three hundred and twenty millions of people (hitherto shut out from the rest of the world) would be brought within the circle of commercial republics—for it was commerce that republicanized and civilized men. When England was advancing in this matter, and preparing to take to herself the exclusive benefits of the new state of things in China—was it, he asked, wise for us to stand still until that nation should have arranged the treaties between herself and China, so as to exclude the United States from all advantages whatever? He referred to the efforts now making in France to induce the French Government to move in this matter, and to secure a commercial alliance ere England should have grasped the whole fruit to herself. Should this Congress refuse to make any exertion to obtain the benefit of this intercourse with China, merely for the sake of $40,000, and the fear of trusting to Executive discretion? He referred to the case of the Imaum of Muscat, where we were compelled to act differently from our usual course. It was not our policy to receive presents from foreign Governments; yet, in that case, Congress got around the Constitution, because it would not have answered to send the Imaum his presents back, and said to him that it was contrary to our Constitution. Instead of distributing his rich perfumes—the odor of which was unequalled in sweetness—the five vases were sent to the Patent Office, and there deposited.

The benefits of a commercial intercourse with China could not be too highly appreciated. No man now had it in his power to estimate how much of our surplus productions might be sold in that almost boundless country, and how much of our tobacco might be there chewed, in place of opium. Let not gentlemen continue to talk about $40,000 and Executive discretion. He believed the present Executive was as discreet as Presidents generally. He believed that Mr. Webster, in his Faneuil Hall speech, did more good for his country than did any other speech he had ever made. Mr. Webster, in that speech, showed the Whig party that he did not mean to have his mighty mind confined to the narrow views and principles on which they acted.

Mr. McKEON said there was nothing so very peculiar in the case of China, that Congress should depart from the usual restrictions of law, which applied to diplomatic appropriations generally. He thought it would be better to take the matter quietly, and go about it in a quiet business manner. Should the bill pass as reported by the committee, it would authorize a minister at a salary of $9,000 and $9,000 outfit. Pass it according to the amendment of the gentleman from Massachusetts, [Mr. ADAMS,] and $40,000 would thereby be placed at the disposal of the Executive—more than he (Mr. McK.) was willing to see placed in the hands of any President. He should be as liberal as any man in fixing the salaries of the minister and secretary. But the appropriation was only a beginning. The largest ship in this country (the Pennsylvania) would no doubt be selected to carry out whomsoever should be selected, as minister in order to give as much *eclat* as possible to our country. Then other vessels would have to be sent to accompany this ship, and to sail where her size would not allow her to go. These, and other paraphernalia, would have to be provided for the minister; and this $40,000 would be but a beginning of the expense. He concluded by expressing the hope that the motion to strike out the restrictions contained in the bill, and thereby place the whole appropriation at the disposal of the President, would not prevail.

Mr. BRONSON expressed it as his conviction that we should possess further information before such a measure as that of sending a minister plenipotentiary to China was adopted. He should prefer having a commercial agent for the present.

The question was taken upon concurring in the amendment of the gentleman from Massachusetts, [Mr. ADAMS,] above stated, and decided in the affirmative—ayes 80, noes 55.

Mr. BRONSON moved to strike out all after the enacting clause, and insert a section appropriating $10,000 for a commercial agent to proceed to China, and obtain information in relation to that country which might be useful to the United States.

Mr. HOLMES said he would as soon have a Chinese juggler.

The amendment was rejected—ayes 57, noes 75.

Mr. MERIWETHER offered an amendment, the effect of which was to place the mission to China on the same footing as that to Turkey, and to limit the salary of the minister to $6,000 per annum. The amendment was rejected.

On motion by Mr. FILLMORE, the committee rose and reported the bill to the House; after which,

Mr. ADAMS having called for the previous question, it was seconded, and the main question ordered.

Mr. ARNOLD then moved that the House adjourn: rejected, without a division.

The question was taken on the engrossment of the bill, under the operation of the previous question, and decided in the affirmative without a division.

Mr. ADAMS called for the previous question on the passage of the bill; which was seconded by the House, and the main question ordered; and the main question being taken on the passage of the bill, it was decided in the affirmative—yeas 96, nays 59.

Mr. ADAMS moved a reconsideration of the vote just taken; which motion, under the operation of the previous question, was rejected.

Mr. C. H. WILLIAMS appealed to the House to go into Committee of the Whole, to consider a bill [title not heard] of some interest to the people of his State.

Mr. MERIWETHER moved that the House adjourn; which motion was carried, and

The House adjourned.

IN SENATE.

WEDNESDAY, February 22, 1843.

The PRESIDENT *pro tem.* presented to the Senate a petition from Ellen Dix, widow of a deceased surgeon, praying a pension; which was referred to the Committee on Naval Affairs.

Mr. CRITTENDEN presented a memorial from certain persons engaged in the manufacture of fur hats at Louisville, praying that foreign hatters' furs may be admitted free of duty: referred to the Committee on Manufactures.

Mr. EVANS, from the Committee on Finance, made a report (which was ordered to be printed) adverse to the passage of House bill for the relief of Rebecca Guest.

On motion of Mr. EVANS, the same committee was discharged from the further consideration of the petition of the Western Railroad Company of Massachusetts, praying remission of duties on certain railroad iron—the committee conceiving that

the object of the petition was provided for in the general bill reported upon the subject.

On motion by Mr. EVANS, the same committee was discharged from the further consideration of the memorial from citizens of Pennsylvania, praying an increase of drawback on domestic spirits manufactured from foreign molasses.

Also, reported back from the same committee, without amendment, the joint resolution from the House for the continuing of an additional clerk in the Second Auditor's Office.

Mr. ARCHER, from the Committee on Foreign Affairs, reported back, without amendment, and with a recommendation that it be rejected, the bill from the House for the relief of Seth Sweetser.

Mr. WOODBRIDGE remarked, that a few days ago a joint resolution was reported from the Committee on the Library, for the publication of the debates and proceedings of Congress. The same committee had, since the resolution was reported, considered it proper, necessary, and expedient that the resolution should be accompanied by a report, explaining the grounds on which the matter rested, and showing the propriety of the publication. The committee were anxious that the resolution should receive the definitive action of Congress at this session; but should it not, unfortunately, be reached, owing to the accumulation of other business, the grounds upon which the committee acted would be known hereafter. He then made the report; which was ordered to be printed.

Mr. WALKER, from the Committee on the Judiciary, to which was referred the bill from the House to refund to Charles Holt a fine imposed on him under the sedition law, reported the same back, without amendment, and with a recommendation that it be passed.

Mr. PHELPS, from the Committee on Pensions, to which had been referred House bill for the relief of Samuel Edgcombe, reported the same back, without amendment, accompanied by a special report recommending its indefinite postponement; which was ordered to be printed.

Mr. PHELPS, from the Committee on Revolutionary Claims, to which had been referred House bill for the relief of the legal representatives of William T. Smith, reported the same back, without amendment, and with a recommendation that it do not pass.

Mr. P., also from the same committee, to which was referred the bill from the House for the relief of the legal representatives of Joseph W. Newcombe, reported the same back, without amendment, and with a recommendation that it do not pass.

Mr. BENTON presented a petition from citizens of Manchester, St. Louis county, Missouri, praying the rights of pre-emption to certain town lots in that place; which was referred to the Committee on Public Lands.

Also, presented a petition from a number of citizens of Cape Girardeau, on the Mississippi river, praying that that place may be made a port of entry; which was referred to the Committee on Commerce.

ASSUMPTION OF STATE DEBTS.

The resolutions introduced by Mr. WALKER on Monday last, were taken up and read, as follows:

Resolved, That the assumption of the debts of the States, contracted by them separately, and for local purposes, would be a palpable violation of the Constitution of the United States, a consolidation of all power in the Federal Government, and a final and total overthrow of the safety of the States.

Resolved, That Congress having no power to assume such debts, any act attempting such assumption would be utterly null and void; that it would not be obligatory upon the States, nor could the people of the States be lawfully required by Congress to pay the debt so assumed; nor could any taxes imposed by them for such purposes be collected; and it would be the duty of a succeeding Congress to restore the supremacy of the Constitution, by the entire repeal of the act of assumption.

Mr. WALKER remarked that he did not intend to address the Senate on the subject of the resolutions. He would not consume a moment of its time; but if it met the views of Senators on both sides to permit a direct vote to be taken on them, he would content himself by simply asking for the yeas and nays on their adoption.

The yeas and nays were ordered.

Mr. WALKER reiterated the suggestion, that if the Senate would consent to take a direct vote on the resolutions, he would waive all right to discuss them; but if it was the intention of any Senator, so soon as he (Mr. W.) might take his seat, to rise, with a view to evade a direct vote, and get clear of them by a side vote, or move to lay the resolutions on the table, he would persist in his right to go on and discuss them then.

Mr. MOREHEAD rose for the purpose of suggesting to the Senator from Mississippi, [Mr. WALKER,] that the Senate was then very thin—too much so to undertake to decide a great constitutional question. It was certainly desirable to have a full vote. He rose, then, not with any view of discussing the principles of the resolutions, but for the purpose of suggesting to the Senator, for the reasons urged above, to permit the resolutions to lie on the table till to-morrow, at which time they could be taken up. In the mean time, they could be printed. He (Mr. M.) felt some solicitude to deliver his views on the resolutions, in very brief terms. He was not then prepared to do so. He hoped, therefore, the Senator would let the resolutions lie on the table till to-morrow.

Mr. BAYARD said he designed to move an amendment to the resolution, which the Senator from Mississippi would probably accept as a modification of his. He proposed to strike out all after the word "resolved," with the view to insert the following:

That the Congress of the United States has no constitutional power to assume debts contracted by any one or more of the States, unless for some end or purpose involving the common defence and general welfare of the United States.

Resolved, That it is inexpedient to assume the debts of the States, which have been contracted for mere State purposes.

Mr. WALKER said he could not consent to accept these resolutions as a substitute for his. They declare only that it is inexpedient to assume those debts; while the object of his resolution was to assert the great principle that Congress had no power to repeal the Constitution; and that, if it undertook by law to assume the debts of the States, such act of assumption, so far as it had any effect at all, would be to attempt to repeal the Constitution; and, as such, would be useless and void, and could never be carried into effect. That was the great principle which he wished to assert by his resolutions, in order to put an end to the hope which might be entertained in this country, that Congress would ever, or could ever, assume those debts. And to put an end to the insolent overtures which have been made, and the efforts which were now being made, by the British stockholders, to procure a guaranty of those debts by the Federal Government, he wished to announce to them, that, if they accomplished any temporary success at one session of Congress, it would be of no effect. As to this question of general welfare, as set forth in the substitute, it was a question about which the Democratic and Federal party had been contending ever since the organization of the Government. Under the general-welfare clause of the Constitution, the Federal party had always sought a justification for whatever outrageous measure they wished to foist upon the country. They will continue to do it.

Mr. BAYARD, after having stated his understanding of the difference between the old Federal and Democratic parties about the clause of the Constitution alluded to, said the words used, in the substitute he proposed, were the very words of the Constitution; and, unless the Senator from Mississippi intended to be more constitutional than the Constitution, he could have no objection to the wording of the resolution. This was simply a resolution declaring that Congress had no right to assume the debts of the States, except it be on the grounds on which the debts of the Revolution were assumed—debts which were contracted by the States for the purposes of national defence.

Mr. WALKER said he would agree that the resolutions should be passed over informally, if Senators would agree that they should come up to-morrow, at one o'clock.

The CHAIR remarked that, if they were passed over informally, they would come up during the morning hour, and could not come up at one o'clock.

Mr. WALKER continued. He deemed these resolutions of the utmost importance; for he believed, if a large vote was had in favor of them, it would terminate the controversy about the assumption of those debts; a controversy upon a subject which was fraught with more direful consequences to the Government, than any subject ever acted upon by Congress. He believed, if the resolutions met the sanction of the Senate, the conflict waged by the foreign bond-holders to force an assumption would be abandoned. Therefore, he would say to Senators on the other side, (the Whig side,) that if they would consent to let a vote be taken on the resolutions to-morrow, he would agree to let them be passed by informally.

Mr. BARROW was understood to say that these resolutions could not be adopted without discussion; for the doctrines of nullification embraced in them would have to be discussed.

Mr. WALKER would be glad if the Senator from Louisiana [Mr. BARROW] would show whether the doctrines of these resolutions had any resemblance to the doctrines of nullification, as asserted by South Carolina. He (Mr. W.) asserted that it was within the power of Congress to repeal, at any time, an act which it believed to be unconstitutional; but he believed that the doctrine of nullification, as asserted in South Carolina, was, that a single State could annul a law of Congress. He wished that Senator to point out whether such a doctrine was asserted in these resolutions. No; no such power was asserted: but they merely asserted, in effect, that a subsequent Congress had the power to repeal an unconstitutional act of a preceding Congress. They assert, secondly, that an act to assume the State debts would be null and void, and could not be carried into effect; and, thirdly, that, if such an act were passed, it would be the sacred duty of Congress to restore the Constitution by its repeal. These were the principles, and the only principles, in the resolutions. He again asserted, that, if the Senate would agree to take a vote on them to-morrow, at 12 o'clock, he would consent to a postponement.

Mr. ARCHER made some remarks, with a view to show, that if it had not been for the interference of the Senator from Mississippi [Mr. WALKER] the other day, by moving these identical resolutions, as an amendment to the resolutions introduced by the Senator from South Carolina, [Mr. McDUFFIE,] an expression of the opinion of the Senate could have been had on this subject. Senators belonging to the Whig side were willing to vote on the question as presented in the resolutions of the Senator from South Carolina; and, to accomplish that end, he had suggested to the Senator from South Carolina to withdraw his acceptance of the modification for his resolutions, proposed by the Senator from Mississippi.

Mr. WALKER replied that his resolutions could not have embarrassed the Senators on the other side, because the Senator from South Carolina did withdraw his acceptance, and he (Mr. W.) actually withdrew his resolutions.

Some further remarks touching the subject of the withdrawal by Mr. WALKER of his resolutions took place between Messrs. ARCHER, WALKER, MERRICK, and the CHAIR; which was terminated by a general acquiescence that the resolutions alluded to formed no bar to a direct vote on the resolutions of the Senator from South Carolina on this subject.

Mr. WALKER said, as it was now admitted that his resolutions, as introduced the other day, did not obstruct the wishes of the Whig party to give a direct vote on the resolutions of the Senator from South Carolina—they not being before the Senate when the vote was taken—he must be permitted to say that it was the vote of the Senator from Virginia [Mr. ARCHER] himself that obstructed the wishes of the Whig party; because, after his (Mr. W.'s) resolutions were withdrawn, and the question was put on the postponement of the resolutions of the Senator from South Carolina, [Mr. McDUFFIE,] it was by the casting vote of the honorable Senator from Virginia [Mr. ARCHER] that these resolutions were postponed till December next. The journals would show that it was by the vote of that honorable Senator that an expression of opinion of the Senate on these resolutions was prevented; for, if he had voted against the postponement, a direct vote could have been had.

Mr. ARCHER made some reply not distinctly understood, with a view to maintain that the Senators on the Whig side were willing, as he had been, to express their opinion on the subject in the form in which it was presented by the Senator from South Carolina, [Mr. McDUFFIE.]

Mr. TALLMADGE said he did not think they had any more time to spend on these resolutions at this late period of the session; he, therefore, with a view to end the whole matter, moved to lay the resolutions on the table.

Mr. WALKER remarked that, inasmuch as it was asserted by the Senator from New York that he made the motion with the view to put an end to the matter, he (Mr. W.) had a right to consider it a test vote, and therefore asked for the yeas and nays; which were ordered.

The question, then, being put on the motion to lay on the table, it was decided in the affirmative—yeas 25, nays 18, as follows:

YEAS—Messrs. Archer, Barrow, Bates, Bayard, Berrien, Choate, Clayton, Conrad, Crafts, Crittenden, Dayton, Evans, Graham, Henderson, Huntington, Kerr, Mangum, Merrick, Miller, Morehead, Phelps, Smith of Indiana, Sprague, Tallmadge, and Woodbridge—25.

NAYS—Messrs. Allen, Bagby, Benton, Buchanan, Calhoun, Cuthbert, Fulton, King, Linn, McRoberts, Smith of Connecticut, Sturgeon, Tappan, Walker, Williams, Woodbury, Wright, and Young—18.

The following resolution, introduced by Mr. BENTON on yesterday, was taken up for consideration, viz:

Resolved, That the Secretary of the Senate be directed to include the permanent appropriations in the list of current appropriations made each session, now directed to be published by law.

Messrs. BENTON and WOODBURY made a few remarks, showing that, as the Secretary of the Senate was now authorized to make out his report for publication, it was almost impossible for the public, or even Senators, without much investigation, to know what was the actual amount of appropriations annually made.

Mr. EVANS maintained that the Secretary of the Senate could not comply with the terms of the resolution. He was required by it to include in his report of current appropriations all permanent appropriations. He could not do it, because many appropriations were made, not specific in their character, but dependent entirely upon the action of the heads of departments. The only thing that the Secretary of the Senate could do, would be to append to his report the conjectural estimates of the Secretary of the Treasury in the cases alluded to. Mr. E., therefore, moved to strike out all after the word "resolved," and substitute the following:

That the Secretary of the Senate be directed to append to the publication of current appropriations now required by law, the amount of standing appropriations reported by the Secretary of the Treasury to Congress at the commencement of each session.

Mr. BENTON accepted the substitute, and it was then adopted.

Mr. YOUNG made a motion for the postponement of the business of the morning hour, for the purpose of proceeding to the consideration of the bill to repeal the bankrupt law.

Messrs. EVANS and GRAHAM assured the Senator from Illinois that they did not wish to retard or postpone action on that bill; but suggested to him the propriety of gentlemen first disposing of the unfinished business of yesterday—being the naval appropriation bill; after which, the bankrupt bill could be taken up without opposition.

Mr. YOUNG withdrew his motion, with the understanding that the bankrupt bill would come up so soon as the naval bill was disposed of.

Mr. EVANS then moved that the Senate proceed to the consideration of the naval appropriation bill.

Mr. BATES said that there had been barely an impression made on the calendar of private claims. He suggested that the morning hour should not be wasted in idle debate, but that they should devote the remainder of the morning hour to the private calendar.

The question was then taken on the motion to resume the consideration of the naval appropriation bill, and decided in the affirmative.

NAVY APPROPRIATION BILL.

The unfinished business was then proceeded with—being the further consideration of the navy appropriation bill, as in committee of the whole; the question pending being on the amendment proposed by Mr. EVANS to the amendment submitted by Mr. WILLIAMS, in relation to the sum of $100,000 authorized by the navy appropriation bill of last session, to be expended on the dry-dock at Brooklyn, New York; in which a discretionary power was given to the Secretary of the Navy to apply that sum, or part of it, to the construction of a floating dry-dock.

The amendment of Mr. WILLIAMS was, in substance, to authorize, by reappropriation, the Secretary of the Navy to expend the $100,000 alluded to, with outstanding balances of former appropriations, on the construction of a floating dry-dock at New York, in conformity with the plan approved of by the commissioners appointed by him to investigate the subject last fall; to which Mr. EVANS moved an amendment, that the expenditure should be upon such plan as, upon a re-examination of the subject, may be approved by the Secretary of the Navy, provided that such floating dry-dock—of sufficient capacity to raise a ship of the line, if one of that size be deemed expedient by the Secretary—shall be contracted to be built by persons of sufficient responsibility, for a sum not exceeding $200,000; and one of a sufficient capacity to raise a frigate of the first class—if one of that size be deemed sufficient for the service of the navy—shall be contracted to be built for the service, not exceeding the sum of $125,000; and whenever it may be contracted for and agreed upon, the sum agreed to be paid therefor shall not be paid until the dock is satisfactorily tested by the Secretary of the Navy.

Mr. WILLIAMS explained, at some length, the reasons which had induced him to believe that the plan approved of by the commissioners should be adhered to.

Mr. EVANS contended that there was a great diversity of opinion with regard to the preference that should be given either to that plan, or the plan of the sectional floating dock. His own mind was made up, from the mass of evidence before him, that the weight of testimony was in favor of the latter. It was, therefore, with a view of enabling the Secretary of the Navy to reconsider the whole subject, and to take into view the contingency that it might be desirable to contract for one capable of raising a ship of the line, that he had shaped his amendment, and specified the limitation of cost.

Mr. WILLIAMS maintained that the commissioners were competent judges, and had given the subject a thorough examination. The result of their mature deliberation was the recommendation they had made. He therefore gave it the preference.

Mr. BAYARD observed that, not only on that point, but as to the necessity of a floating dock at all, there was a difference of opinion among the members of the Committee on Naval Affairs.

Mr. HENDERSON explained that his intention (as expressed yesterday) was, in case any appropriation should be made for the dry-dock at Brooklyn, to ask for a similar appropriation for Pensacola. Now, if, according to the amendment of the Senator from Maine, [Mr. EVANS,] a quarter of a million of dollars were to be expended on a floating dry-dock at New York for ships-of-war of the largest class—which, being few, might be accommodated more advantageously in the stone-wall docks already constructed—he asked, would it not be better to make two floating dry-docks, each capable of raising a frigate—one of which might be placed at New York, and the other at Pensacola—each costing only $100,000?

Mr. PHELPS preferred leaving the subject just as it was left by the appropriation bill of the last session—at the discretion of the Secretary of the Navy to apply the money then authorized either to the dry-dock at Brooklyn, or a floating dock, as most needed by the service.

Mr. BAYARD said this subject had been constantly and urgently pressed upon members of Congress. They had been importuned without mercy by those who were interested in the matter. For himself, he had been importuned almost to death. The subject had been pressed upon him, upon Congress, and upon the country, in every variety of shape. The press had teemed with it, and had been probably paid for its exertions.

At the last session of Congress, $100,000 had been appropriated for the erection of a permanent dry dock at Brooklyn; and a clause was inserted, that if the Secretary of the Navy, after making the necessary examination, should decide such a dock to be preferable in every point of view, he might apply the money to the construction of a floating dock. The Secretary appointed a board of commissioners, consisting of three competent gentlemen, to make the necessary examination. This commission did not report in favor of a floating dock, except as auxiliary to a permanent stone dock. It reported that a floating dock could not supersede a permanent dock; and, under certain circumstances, no floating dock would be necessary at all. He read from the report of the commissioners the opinion, that a permanent dry-dock at Brooklyn would be sufficient for the repairs of all ships coming into New York harbor. Only in cases of sudden emergency would a floating dock be necessary. But at Pensacola, it was thought, a floating dock, sufficient to raise a sloop-of-war, might be both convenient and necessary. It would enable our vessels in the Gulf to remain there to protect our commerce, longer than they now do; as they have to leave very often for the dry-docks at Charleston and Gosport, to undergo the slightest repairs.

The report of these commissioners had been seized upon by the friends of a floating dock, as conclusive that such alone was the proper one to be erected. But the report itself arrived at no such conclusion. A floating dock for repairs, as was the case with the Vincennes, might be found very convenient; but it could not, and would not, answer for rebuilding. This was the conclusion of the commissioners, endorsed by the Secretary of the Navy. All the Secretary asked for was an appropriation to erect a floating dock to be stationed at Pensacola, and to institute further inquiry and examination as to the relative merits of the dry and the floating docks in question.

He thought the Government, under the existing state of its finances, ought to employ the floating docks already erected for the benefit of commerce, and pay them as the owners of merchant ship do—by the ton. The Vincennes, one of our Government ships of twenty guns, had been repaired in one of these docks, and others might be; why, then, go to the expense of erecting a floating dock at Brooklyn at this time? He read several passages from the report of the Secretary of the Navy, to show that he asked only for an appropriation, at present, to erect the proposed floating dock at Pensacola, and to make further inquiry as to the merits of the two systems, now agitated, of constructing these docks.

The debate on this point was continued by Messrs. GRAHAM, CALHOUN, BAYARD, MILLER, CHOATE, WOODBURY, CONRAD, EVANS, HENDERSON, and CUTHBERT; and the yeas and nays being demanded by Mr. EVANS on his amendment, they were ordered; and it was rejected—yeas 10, nays 26.

Mr. GRAHAM now submitted the following amendment to the amendment of the Senator from Maine, [Mr. WILLIAMS:]

To substitute for it: "That the Secretary of the Navy be directed not to apply or expend any part of the appropriation of $100,000 mentioned in the ninth clause of an act of Congress, approved on the 4th day of August, 1842, 'making appropriations for the naval service;' nor the unexpended balances of former appropriations mentioned in said act, for the construction of a floating dock at Brooklyn, or in the harbor of New York; and this shall not be understood as reviving or conferring any authority thereby to proceed with the construction of a dry dock in said harbor, the making of which was provisionally suspended by the said ninth clause of the said act; but the said sum of $100,000 appropriated, as above mentioned, shall be applicable to the construction of a floating dock at Pensacola, of the capacity for the repair of frigates of the smaller class, and upon such plan as the Secretary of the Navy shall approve."

A long discussion ensued on this amendment, in the course of which it was maintained by Messrs. WALKER, CALHOUN, ALLEN, and WOODBURY, that if an experiment was to be tried either between two plans of a floating dock, or between a floating dock and a stone-wall dock, with a view of testing whether the floating dock would supersede

the necessity for a stone-wall dock, the experiment ought to be tried at New York. Mr. BAYARD contending that no experiment was to be made, as the capability of a floating dock for repairs had been already satisfactorily tested, and its incapacity for building ships decided.

Mr. GRAHAM's amendment was sustained by himself and Mr. CONRAD.

The question was then taken on this amendment to the amendment, and decided in the affirmative—yeas 22, nays 17.

The amendment as amended was adopted.

The bill was then reported back to the Senate, and the several amendments made in committee of the whole, with the exception of that relating to $50,000 to the medical bureau for paying off arrearages, and the last amendment, [Mr. GRAHAM's,] were concurred in.

In relation to the appropriation of $50,000 proposed by the amendment made in committee of the whole for paying off arrearages ascertained by the medical bureau—

Mr. WILLIAMS explained the estimates of the bureau itself, with a view of showing that there would be enough without this $50,000 to pay the arrearages.

Mr. EVANS differed from his colleague on this point, and contended that the arrearages, amounting to $82,753 77, would swallow up the whole appropriation for medicines, &c.

After a good deal of discussion between the two Senators, it appeared that some changes made in the House, by which a few vessels would be thrown out of commission, would necessarily lessen the estimates about $10,000; which Mr. E. undertook to strike off the appropriations after the adoption of the committee's amendment.

The amendment was then concurred in.

Mr. GRAHAM's amendment, adopted in committee, next came up, and was read.

Mr. TALLMADGE offered the following amendment to the amendment, as a substute:

"And the Secretary of the Navy is hereby directed to apply $100,000 of the appropriation mentioned in the 9th clause of an act of Congress, approved on the 4th day of August, 1842, entitled 'An act making appropriations for the naval service of 1842,' and the balances of former appropriations mentioned in said act, to the construction of a floating dry-dock at Brooklyn, New York, upon the plan preferred by the commissioners appointed for that purpose; and if the said dock prove satisfactory to the Secretary of the Navy, then the Secretary is hereby authorized to construct a similar dock at Pensacola, of a proper size for frigates of the smallest class, at a sum not to exceed $100,000; and the same is hereby appropriated for that purpose."

Mr. BAYARD contended that this was a proposition to force upon the Secretary of the Navy an appropriation of $100,000 more than he himself calls for, or says is necessary, contrary to his express remonstrance; for he says he does not want a floating dock at New York at all. He says it would be wholly unnecessary.

Mr. WOODBURY asked if the Secretary of the Navy had not called for a dry-dock at Brooklyn.

Mr. BAYARD said, in a former report he had; but that would cost a million of dollars; and, in the present state of the treasury, the Secretary did not ask to prosecute it. He says the docks already in use are ample enough for a much larger navy than ours, and will be sufficient, in time of peace, for years to come.

Mr. WALKER called for the yeas and nays; which were ordered.

The subject was further debated by Messrs. ALLEN, BAYARD, WILLIAMS, WOODBURY, and CALHOUN; and the amendment (Mr. TALLMADGE's) was rejected—yeas 17, nays 22, as follows:

YEAS—Messrs. Allen, Bagby, Calhoun, Choate, Crafts, Cuthbert, Fulton, Kerr, Smith of Indiana, Tallmadge, Tappan, Walker, Wilcox, Williams, Woodbury, Wright, and Young—17.

NAYS—Messrs. Archer, Barrow, Bates, Bayard, Benton, Berrien, Buchanan, Clayton, Conrad, Crittenden, Dayton, Evans, Graham, Henderson, Huntington, Linn, McRoberts, Mangum, Merrick, Miller, Morehead, and Phelps—22.

The question then recurred on the amendment of the committee of the whole, (Mr. GRAHAM's,) and it was concurred in.

Mr. BENTON moved to strike out the appropriation "for the support of Africans recaptured on the coast of Africa or elsewhere, and returned to Africa by the armed vessels of the United States, $5,000."

Mr. B. made some observations not distinctly heard in the gallery; but they were understood to relate to the African squadron.

Mr. EVANS assured the Senator that this appropriation had nothing to do with the African squadron. It was an appropriation annually made for the specific purpose which it states. Whatever the Senator had to say about the African squadron, would more appropriately apply to another bill from the House, which would be under the consideration of the Senate in a few days. It was a bill for carrying out the provisions of the treaty.

What followed was so imperfectly heard in the gallery, that it is rather by inference than otherwise it was understood that Mr. BENTON, with a view of addressing the Senate on the subject of appropriations for the treaty, wished to have an adjournment; and Mr. EVANS urged that the Senator might allow this bill to proceed, and reserve his purpose for the House bill, yet to come up; on which he said he could move an amendment, to the effect that no money appropriated by this appropriation bill should be applied to defraying the expenses of the African squadron. This would bring up the whole question. It was also understood that Mr. BENTON asked the chairman of the Committee on Foreign Relations if any information had been received by this Government that the British ministry did not construe the treaty in the same light it was viewed by the Executive, as to the old British claim of the right of search.

Mr. ARCHER was understood to say he was unadvised on that subject, but would endeavor to be able to answer the Senator in the morning.

The adjournment not being pressed, the question was taken on Mr. BENTON's motion to strike out the $5,000 appropriation for returning captured Africans to the coast of Africa, and decided in the negative.

The amendments were then ordered to be engrossed, and the bill to be read a third time.

Mr. BUCHANAN gave notice that to-morrow he would ask leave to introduce a bill in relation to holding a court in the western district of Pennsylvania.

Messrs. WALKER and CRITTENDEN asked and obtained leave to withdraw the papers of certain claimants.

Mr. BERRIEN moved to take up the bankrupt bill, with a view of passing it over informally, that it might be the first thing in order after the morning hour to-morrow.

The House bill to repeal the bankrupt act, and the amendments proposed by the Judiciary Committee, were accordingly taken up, and, on motion, passed over informally.

Mr. BAYARD called the attention of the Senator from Missouri [Mr. BENTON] to the resolution which he (Mr. BAYARD) had introduced early in the session, and to which the Senator had offered an amendment—he meant the resolution to rescind the expunging resolution. His object was to fix some time for taking the vote on the amendment and resolution. At this late period of the session, when there was so much business to be done, he had no intention of making a speech, or raising a discussion on the subject; and would be perfectly willing to let both go to the vote at once. But if the Senator had a speech to make on his amendment, and would fix a day for taking the vote, he might do so.

Mr. BENTON said the Senator could recommend his own time.

Mr. BAYARD proposed Friday next, during the morning hour.

Mr. BUCHANAN thought, in consideration of the pressing business yet to be accomplished, Friday week would be better. There were but eight days of the session left to get through the most important business. The question could not be taken on these resolutions without discussion.

After a few remarks from Messrs. BAYARD, ARCHER, and BUCHANAN, the subject was dropped; and

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, February 22, 1843.

Mr. LOWELL presented the petition of Andrew Ring and 67 other citizens of Lubec, Maine, praying Congress for an additional duty on sawed lumber, spars, piles, wood, bark, &c. from the British provinces; which was referred to the Committee of Ways and Means.

Mr. WASHINGTON, from the Committee on Revolutionary Claims, made an adverse report in the case of the heirs of Captain John Winston; which, on his motion, was laid on the table, and ordered to be printed.

Mr. McKENNAN asked the House to take up a bill for the relief of Asahel Brainard, a man who was literally shot to pieces in the last war. The bill was read a third time and passed.

Mr. PAYNE reported, from the Committee on Private Land Claims, Senate bill No. 109, being an act for the relief of the heirs of William Fisher; which was referred to the Committee of the Whole on the state of the Union.

Mr. DANIEL presented a petition in relation to French spoliations prior to 1800: referred to the Committee of the Whole on the state of the Union.

Mr. ADAMS asked leave to present a variety of petitions in his possession, which he had been prevented from presenting on Monday, the usual petition day, by the House going into Committee of the Whole.

Mr. MALLORY objected.

Mr. ADAMS moved a suspension of the rules, in order to enable him to present his petitions.

Mr. MALLORY asked for the yeas and nays on the motion, and they were ordered.

Mr. STANLY suggested to the gentleman from Massachusetts, [Mr. ADAMS,] that, as the House was thin, he had better let his motion lie over until the expiration of the morning hour.

The SPEAKER concurred in the propriety of the suggestion.

Mr. ADAMS said he would agree to let the committees be called, provided the vote should immediately afterwards be taken.

The SPEAKER then called on the committees for reports.

Mr. S. J. ANDREWS, from the Committee on Commerce, asked to be discharged from the further consideration of various petitions: agreed to.

Mr. BRIGGS, from the Committee on the Post Office and Post Roads, reported Senate bill 113, relating to the appointment of the Assistant Postmasters General of the United States; which was referred to the Committee of the Whole on the state of the Union.

Mr. BRIGGS also reported a resolution from the same committee, to the effect that Monday next shall be set apart for the consideration of all such business as shall have been reported from the Committee on the Post Office and Post Roads, and remains not acted on.

Mr. L. W. ANDREWS inquired whether the resolution included the bill from the Senate to prohibit private expresses? If it did, he should move to lay the resolution on the table, as he was opposed to that bill in every shape.

Mr. BRIGGS replied that it included all bills reported from the committee.

The resolution (requiring two-thirds) was rejected.

Mr. CHAPMAN, by direction of the Committee on Public Lands, moved to discharge the Committee of the Whole from the further consideration of the bill in relation to the two per cent. fund of Alabama under the distribution law.

The motion was rejected.

Mr. G. DAVIS, from the Committee on the Judiciary, reported a bill to authorize a survey of the north line of the reservation for the half-breeds of the Sac and Fox Indians, under the treaty of the 20 h August, 1824.

The bill was ordered to be engrossed, and then read a third time, and passed.

Mr. TRUMBULL, from the same committee, made an adverse report.

Messrs. MAYNARD and HALL, from the Committee on Revolutionary Pensions, made sundry adverse reports.

Mr. LINN, from the Committee on Public Expenditures, reported a resolution, calling on the several officers and heads of departments for information as to whether the 17th section of the act of last session, requiring a report of the contingent expenses of the departments, printing, &c., had been complied with.

The resolution was adopted.

Mr. T. W. WILLIAMS, from the Committee on Commerce, reported a bill to fix the salary of the surveyor of the port of Havre de Grace, Md.; a bill in aid of the Nantucket Marine Canal Company; and a bill to authorize the construction of a wharf at the custom-house at New London: read twice, and referred to the Committee of the Whole House.

Mr. PENDLETON, from the Committee on Military Affairs, reported a resolution requesting the Secretary of War to inform the House whether the pay of Major General Gaines had been reduced to that of a brigadier general; when such reduction took place; by whose order; and the reasons therefor.

The resolution was adopted.

Mr. STOKELY, from the same committee, reported a joint resolution requesting the President to cause a sword (to cost $1,000) to be made, and presented to Gen. Clinch, for his services and good conduct at the battle of Withlacoochie, in Florida: read twice, and referred to the Committee of the Whole on the state of the Union.

Mr. ADAMS, from the Committee on Foreign Affairs, reported a resolution to the effect that all debate upon the bill for the relief of claimants under French spoliations prior to 1800, shall cease in Committee of the Whole on to-morrow at two o'clock.

Mr. CAVE JOHNSON inquired whether the subject had ever been taken up in committee.

The SPEAKER said it had last session.

Mr. SAUNDERS moved to lay the resolution on the table. This motion was adopted—ayes 89, noes 80.

Mr. FILLMORE moved the House go into Committee of the Whole on the state of the Union. This motion was adopted—ayes 84, noes 50.

Before the House went into committee, Mr. ADAMS rose, and asked that the vote might be taken on his motion to suspend the rules, in order to enable him to present his petitions.

Objection was made in various quarters; the effect of which was to induce Mr. STANLY to move a reconsideration of the vote by which the House had determined to go into Committee of the Whole. The reconsideration was carried, and Mr. FILLMORE withdrew his motion to go into committee.

Mr. C. J. INGERSOLL rose and asked leave to offer a resolution of inquiry (in relation to the construction put by the British Government upon the treaty of Washington.)

Objection was made; and, after much confusion, the Speaker resumed the call of committees for reports.

Mr. L. W. ANDREWS reported a bill for the relief of John Everard; which was read three times and passed.

Messrs. S. N. CLARKE, AYCRIGG, and A. YOUNG, from the Committee on Revolutionary Pensions, made adverse reports.

Mr. YORKE endeavored to get in a resolution for meeting at 10 o'clock hereafter. Objections were made in all quarters of the hall.

Mr. TILLINGHAST, from the Committee on the Library, reported a joint resolution in relation to the statue of Washington; which was referred to the Committee of the Whole on the state of the Union.

Various members endeavored to obtain action upon business relating to their constituents; but the House refused to depart from the rules.

Mr. ADAMS asked the House to take the question now on his motion to suspend the rules, to allow him to present petitions.

Mr. WISE inquired whether the petition on the desk of the gentleman from Massachusetts [Mr. ADAMS] was one of the petitions which he wished to present.

[The gentleman from Virginia pointed to the mammoth petition on frame-work, which we described some few days since.]

The SPEAKER was understood to reply that that was one of the petitions which the gentleman from Massachusetts wished to present.

Mr. WISE asked whether it was signed by a runaway slave from Virginia. [Cries of "Order."]

The SPEAKER said the motion was to suspend for the presentation of petitions generally.

Mr. A. V. BROWN inquired if the yeas and nays were ordered?

The SPEAKER replied that they were.

Mr. L. W. ANDREWS inquired if, the motion to suspend were sustained, whether it would suspend objections to petitions of a particular description, also.

The SPEAKER said it would not.

The yeas and nays were then taken, and resulted thus: Yeas 80, nays 103.

So the rules were not suspended.

BRITISH CONSTRUCTION OF THE TREATY OF WASHINGTON.

Mr. C. J. INGERSOLL again offered his resolution; which was in these terms:

Resolved, That the President be requested to communicate to this House (if not, in his opinion, improper) whatever correspondence or communication may have been received from the British Government respecting the President's construction of the late British treaty concluded at Washington, as it concerns an alleged right to visit American vessels.

Mr. WISE objected to the reception of the resolution.

Mr. C. J. INGERSOLL moved a suspension of the rules for the reception of his resolution; and on this he called for the yeas and nays, which were ordered; but, before the vote was taken, he wished an extract to be read by the Clerk from a speech delivered by Sir Robert Peel in the British Parliament on this subject, which was of infinitely more importance than any other that could be brought before the House.

The extract was in the following terms:

I rejoice that the honorable gentleman has given me an opportunity of making some observations on the late message of the President of the United States. The sincere and earnest desire I have always entertained for the maintenance of a good understanding between this country and the United States, and the spirit in which I have always spoken of America, makes it a doubly painful duty to me to have to refer to that message; which, I am sorry to say, does not give a correct account of the negotiations relative to the right of visit.

Perhaps I may do right to confirm what the honorable gentleman has said, that there is nothing more distinct than the right of visit is from the right of search. Search is a belligerent right, and not to be exercised in time of peace, except when it has been conceded by treaty. The right of search extends not only to the vessel, but to the cargo also. The right of visit is quite distinct from this, though the two are often confounded. The right of search, with respect to American vessels, we entirely and utterly disclaim. Nay, more: if we knew that an American vessel was furnished with all the materials requisite for the slave-trade—if we knew that the decks were prepared to receive hundreds of human beings within a space in which life is almost impossible, still we should be bound to let that American vessel pass on. But the right we claim is, to know whether a vessel pretending to be American, and hoisting the American flag, be *bona fide* American.

There must be some great misunderstanding upon the subject: but, considering the importance of maintaining this right—a right not peculiar to England; considering that we are contending for a right which is the only security against fraud, against the grossest abuses by parties interested in this iniquitous traffic; considering that we are now the advocates of a principle necessary for the interests and security of all maritime nations,—it is my duty to state, in the face of the House of Commons, that the claim to the right of visitation contended for in the despatch of Lord Aberdeen has not been relinquished; that, on this subject, there was made no concession whatever; and that to the principles laid down in the despatch of Lord Aberdeen we adhere at this moment. [Cheers from both sides of the House.]

With respect to the treaty which we have entered into with the United States: in signing that treaty, we consider that we have abandoned no right of visitation. We do not understand from the United States that they entered into that treaty with any engagement from us to abandon the right of visitation, which, if not necessarily connected with the question of the slave trade, we thought that it was a step in advance when the United States professed a readiness to despatch a naval force to the coast of Africa for the purpose of suppressing the slave-trade. We did not accept the detachment of that naval force as an equivalent for any right which we claimed; yet, still we thought that, for a great country like the United States to take that step with us on the coast of Africa, although the power of visitation is limited under the treaty in such case—although we claim no right to visit slavers, *bona fide* American, and the right is to be exercised by vessels of the United States—we thought it, I say, a step in advance towards the ultimate suppression of the slave-trade to accede to the proposition of the United States.

But in acceding to that, we have not abandoned our claims in the slightest degree; nor did it ever make any part of our intention, during the controversy, to abandon the right to which we lay claim in the despatch I have mentioned. [Hear, hear, hear.] We have not contented ourselves, sir, with leaving this fact to become known by a declaration in this House; but since the appearance of the President's message, we have taken an opportunity of intimating to the United States the construction we place on the treaty. [Cheers.] I trust, sir, that I have said enough to satisfy the House on this point. I trust, also, that although compelled to avow a material difference of opinion between the two Governments upon this material question, I have stated this difference of opinion with the respect which I wish to maintain towards the high authorities of the United States. [Hear, hear.]

Objections were still made; and the Clerk began to call the roll on the question of suspension of the rules, on which the yeas and nays had been ordered—great anxiety being manifested through the House in relation to the matter.

Mr. WISE rose when the Clerk had called a few names, and said, if it was the desire of the House to adopt the resolution, he would withdraw his objection.

The call was, therefore, suspended, and the resolution was adopted.

GENERAL APPROPRIATION BILLS.

Mr. FILLMORE moved that the House resolve itself into Committee of the Whole, for the purpose of taking up the general appropriation bills.

The motion was agreed to, and Mr. GILMER took the chair.

Mr. FILLMORE moved that the committee take up the bill making appropriations for navy pensions.

Mr. CUSHING moved that the committee take up the bill carrying into effect the treaty of Washington.

The motion of the gentleman from New York was agreed to; and, after the bill had been read through, and no amendment proposed, it was laid aside, to be reported.

Mr. FILLMORE then moved that the committee take up the bill making appropriations to fulfil Indian treaties; and, as his motion was agreed to, he said he was instructed by the Committee of Ways and Means to move to strike out an item for the payment of a demand for articles furnished on the order of Mr. Doty, the commissioner to negotiate a treaty with certain Indian tribes.

Mr. JAMES COOPER, from the Committee on Indian Affairs, by direction of that committee, opposed the motion to strike out, and explained the circumstances under which the articles were furnished.

Mr. FILLMORE replied.

After some remarks from Messrs. COOPER of Pennsylvania, REYNOLDS, and JOHN C. EDWARDS, in opposition to the amendment, and from Messrs. FILLMORE and ISAAC D. JONES in its favor, the question was taken on the amendment, and it was rejected.

On motion by Mr. FILLMORE, an amendment was adopted, appropriating four hundred and odd dollars for the removal of 250 of the New York Indians west of the Mississippi.

On motion by Mr. FILLMORE, a further amendment was adopted, appropriating $15,000 for the payment and subsistence of certain Choctaw Indians while attending, as witnesses, the investigations, by a committee of the House, of claims arising under the Choctaw treaty. Also, a modification of the bill, so as to include an appropriation of $402, paid for the ransom of two white boys from the Camanches.

Mr. GOGGIN offered an amendment, appropriating $12,000 to satisfy certain contracts entered into in 1836, by General Jesup, with certain Creek chiefs; which, after some remarks from Mr. G., was agreed to.

Mr. J. COOPER offered an amendment, appropriating $67,400 for the removal and subsistence of the Choctaw Indians west of the Mississippi, in pursuance of the treaty of 1830; also, an amendment, appropriating $51,000 for carrying into effect the Chippewa treaty of October 4, 1842; both of which were agreed to.

Several other amendments were made; and the bill was then laid aside, to be reported to the House.

Mr. FILLMORE then moved that the fortification bill be taken up; and the motion was agreed to.

Mr. REYNOLDS moved that the appropriation

be reduced one-half; and he proceeded to advocate his motion for retrenchment.

Mr. R. addressed the House for some time on his motion; but

The CAHIR arrested his remarks, saying that the motion was not in order; and, therefore, there was no question before the committee.

After some further remarks from Mr. REYNOLDS, the bill was laid aside, to be reported.

On motion by Mr. C. H. WILLIAMS, the bill authorizing the examination and survey of the harbor of Memphis, Tennessee, was considered; and no amendment being offered thereto, it was laid aside, to be reported.

On motion by Mr. FILLMORE, the committee next took up the bill making appropriations for the improvement of certain harbors and rivers, and for continuing the Cumberland road, and for other purposes; and the bill having been read,

Mr. GRAHAM moved to strike out the first section of the bill. Unless this Government had made up its mind to contract a debt as large as that of Great Britain, Mr. G. said it seemed to him that it was time to stop these enormous appropriations for such objects as were contained in the bill. Here they were without credit, without the ability to carry on the Government, except by borrowing and with little ability to borrow; and yet they were called on to go all round the United States, giving a bonus to every section, and to pass a bill which would involve the Government in debt for many years to come—and that, too, at a time when they could not pay the current expenses for one year. It appeared to him that, if gentlemen would reflect, they would see the impropriety of such a course of extravagance. They could not tell whether the tariff would produce ten, fifteen, or twenty millions, and some thought that it would not yield ten millions.

It would seem to him, therefore, that to make such appropriations at a time like this, would be a species of improvidence that no man could justify. As his object was to defeat the bill, he had made the motion to strike out the first section.

The CHAIR said that the motion of the gentleman was in order; but it would not reach the object he had in view, inasmuch as, before putting that question, (the bill having but that one section,) it would be in order for gentlemen to offer amendments to make it more perfect.

Mr. ADAMS suggested that the proper motion for the gentleman to make would be, that the committee rise, and report the bill, with a recommendation that it be rejected.

Mr. GRAHAM accordingly withdrew his motion, and moved that the committee rise, and report the bill to the House, with a recommendation that it be rejected.

Mr. FILLMORE objected, that the motion was not in order; but

The CHAIR overruled the objection.

Mr. BARNARD then addressed the committee at length in favor of the bill.

Mr. FILLMORE addressed the committee in favor of the bill, and concluded by moving that the committee rise.

The committee then rose, and reported the bills to the House on which the committee had acted, and the progress on the harbors and rivers bill.

The navy pension bill was then ordered to be engrossed, and was read a third time, and passed.

The bill making appropriations to fulfil treaties with Indian tribes was next taken up; and, after some discussion, in which Messrs. CAVE JOHNSON, J. C. EDWARDS, and others took part, it was ordered to be engrossed; and was read a third time, and passed.

The fortification appropriation bill, the bill authorizing the examination and survey of the harbor of Memphis, Tennessee, and the other bills acted upon in committee, were disposed of in like manner.

On the motion of Mr. FILLMORE, the amendments of the House to the army bill were insisted upon, and a committee of conference appointed to meet a like committee of the Senate.

Several bills from the Senate were read twice, and committed. They were:

A bill for the relief of John Hutchinson.

A bill to indemnify Major General Andrew Jackson.

A bill granting a pension to Wm. McPherson.

A variety of executive communications were then presented to the House; amongst which was a reply to resolutions of this House in relation to the capture of Monterey by Captain Jones, who has been recalled for that act. Also, copies of the correspondence which has taken place between the consul of the United States at Tangier and the Government of Morocco.

On the motion of Mr. HUNT, 2,500 copies of the individual report of Mr. AYCRIGG, a member of the committee on the coast survey, were ordered to be printed.

Mr. CHAPMAN reported a bill from the Committee on Public Lands, the title of which was not heard.

Mr. J. C. CAMPBELL appealed to the House to take up bill No. 649—being his bill to suspend the districting section of the apportionment bill; but, on a motion to that effect,

The House adjourned.

IN SENATE.

THURSDAY, February 23, 1843.

The PRESIDENT *pro tem.* laid before the Senate a communication from the State Department, transmitting further returns in relation to the operations of the bankrupt law, in compliance with the resolution of the Senate of December, 1842; which was, on motion by Mr. HUNTINGTON, laid on the table.

Also, presented a communication from the State Department, transmitting statements showing the number and description of passengers who have arrived from foreign countries in each collection district of the United States in each quarter, during the year, according to the returns made to that department by the collectors; which was ordered to lie on the table.

Mr. STURGEON presented two memorials from the Philadelphia Anti-Slavery Society;—one asking for such amendment of the Constitution and laws of the United States as will put an end to slavery in the District of Columbia; and the other against the admission of Texas and Florida, as States, into the Union.

The question of the reception of these memorials was on motion by Mr. GRAHAM, laid on the table.

Mr. SMITH of Indiana, from the Committee on Public Lands, to which was referred the joint resolutions of the Legislature of Alabama, asking for the passage of a law authorizing the bills of the Bank of the State of Alabama to be received in payment (equal to the amount of the 2 per cent. fund belonging to that State, not yet paid over to her) for the public lands sold in that State, reported a bill relating to the mode of payment of the two per cent. relinquished to the State of Alabama; which was read, and ordered to a second reading.

Mr. SMITH also, from the same committee, reported back, without amendment, Senate bill making donations of land in several States for the education of the deaf and dumb, and blind, and for the relief of insane persons.

Mr. GRAHAM, from the Committee on Claims, reported back, without amendment, and with a recommendation that they do pass, the bill from the House for the relief of Robert T. Spence;

The bill for the relief of Samuel Weller; and

The bill for the relief of John Hodgkin.

Mr. G. also, from the same committee, reported back, without amendment, and with a recommendation that it be rejected, the bill for the relief of the legal representatives of Lieut. T. W. Smith.

On motion by Mr. HUNTINGTON, the Committee on Commerce was discharged from the further consideration of the memorial of the Board of Trade of the city of Pittsburg, praying an appropriation for the erection of a marine hospital at or near that place; on the ground that the committee was opposed to the prayer of the memorial.

Mr. HUNTINGTON, from the Committee on Commerce, reported back, without amendment, and with a recommendation that it be indefinitely postponed, the bill from the House, entitled An act for the erection of a marine hospital at Key West, in the Territory of Florida.

Also reported back, from the same committee, without amendment, and with a recommendation that it be indefinitely postponed, the bill from the House for the relief of Robert P. Norris.

Also reported back, from the same committee, with an amendment, House bill entitled An act to amend an act making an appropriation for the erection of a marine hospital at or near Ocracoke, North Carolina.

On motion by Mr. HUNTINGTON, the previous orders were postponed, and the above bill was taken up, as in committee of the whole.

Mr. H. explained the nature of the amendment. It was then adopted, and the bill was reported to the Senate; and, according to order, was read the third time, and passed.

Mr. H., from the Committee on Commerce, reported a bill making an appropriation for continuing improvements in the navigation of the river Thames, in the State of Connecticut; which was read, and ordered to a second reading.

Mr. H., from the same committee, to which had been recommitted the House bill entitled An act to reduce the number and compensation of the officers and other persons employed in the port of New York, reported the same back, with an amendment, striking out the whole bill, and substituting another for it, providing that the whole amount of compensation, in the collection of the revenue at that place, shall be reduced so as not to exceed $388,500.

Mr. H., from the same committee, to which was referred, some time since, so much of the annual report of the Secretary of the Treasury, and the memorials of the Chambers of Commerce and Boards of Trade of the several States in favor of the adoption of the warehousing system, made a report, accompanied by a resolution asserting that it is inexpedient, at the present session of Congress, to establish the warehousing system; and recommending that the committee be discharged from the further consideration of the subject.

Mr. H. said the report and resolution were the act of a majority of the committee; and the other members of the committee who were friendly to the system, and who differed from them as to the expediency of its adoption, would present their views in a separate report. He wished merely to remark that the main object of the committee was to examine, somewhat at large, what was called the incidental liberal warehousing system, to which the committee does not agree. They believed that it was inexpedient, at this session, to legislate upon the subject. He would not, then, say that, at some other time, a system might not be proper. A majority of the committee, in considering it in a financial point of view, concurred in the opinion that such a system would take from the revenue, during the calendar year, from three to four and a half millions of dollars. The estimate of the net revenue from the port of New York alone, was about eight millions. The effect of the system, then, would be to reduce it to five or six millions. The committee, therefore, in the present condition of the finances, could not recommend the system prayed for in the memorials.

Mr. KING said, being on the Committee of Commerce, to which the subject of the warehousing system had been referred for examination, and, entertaining views different from those of a majority of the committee, the Senator from New York [Mr. WRIGHT] and himself believing that a properly regulated warehousing system would be greatly advantageous to the commercial and shipping interests of the country, had prepared their views in the form of a minority report, to go out to the country with the report of the majority. They conceived it due to the country and to themselves that they should take this course, as it was a subject of great importance. It was proper that they should do so, that the attention of those who were particularly interested should be directed to it. In regard to the financial point involved in this system, he would only say, that when this subject was proposed to be referred to the Committee on Commerce, he had opposed the motion, believing that it involved a

very important financial question; but the Senate took a different view of it, and referred it to the Committee on Commerce, as a commercial question. The members of the committee took it up only in a commercial point of view, and had presented their views for the country. He hoped that the report of the minority would be received, and ordered to be printed.

Mr. HUNTINGTON remarked that the Senator from Alabama had stated the general importance of the subject of the warehousing system; and it was not necessary for him, therefore, to dwell upon it. It was a subject which had come up there from the boards of trade, and those interested in it particularly, and was new. It was important, therefore, that the attention of the public generally should be called to it. The importance of the subject to the mercantile and navigating interests had been examined in both the reports, and commended to the attention of the country. He hoped, therefore, both reports would be printed. When he (Mr. H.) had spoken of the financial effect of such a system, he spoke of it as one of the reasons for the postponement, and not the only one which they had. He moved, therefore, that the reports be laid on the table, and be printed; and at any time thereafter they could be taken up, if desired, by any Senator.

Mr. WOODBURY observed that he differed entirely from the views expressed by the chairman of the Committee on Commerce. He thought that the *present*, rather than any future time, was the most imperative for efficient action concerning a liberal warehousing system. He referred to one connected with re-exportation by land, as well as by sea, to foreign countries. The report which had heretofore been made against the latter, he did not then discuss; because the matter might be examined and provided for when the subject of warehousing and exporting merchandise generally came under consideration. Now was the most desirable moment to legislate, for two reasons: 1st. The commercial interests being much depressed, would, by this system, obtain relief from paying cash duties, and laying long out of their money, on goods not consumed in the country. Until the warehousing system is established, the merchants are now unnecessarily subjected to this inconvenience and loss; and thus we tax commerce and navigation, rather than consumption, until the laws are changed.

In the next place, by introducing this system, imports will at once increase, and additional employment, so very desirable, be at once given to our depressed navigation. Would we neglect longer, or refuse to permit this encouragement to so important an interest, and an encouragement needed so urgently?

It had been intimated by the chairman, that the finances might suffer much by such a course the present year. Mr. W. could not concur in this opinion.

Whatever had been said on this subject by the collector of New York, or the present head of the Treasury Department, it was manifest that few goods, now in the country, would go into warehouses. Our merchants, under existing laws, are shrewd enough not to import many more goods than are wanted for early consumption. They are unwilling to lie out of the cost, duties, and interest, any considerable time.

The additional imports, under such a system, would not be brought into the country without it, till needed for immediate use. How, then, would the revenue suffer?

But, on the other hand, a liberal warehousing system might be guarded well against frauds; would relieve the commercial and navigating interests in both the particulars before named, and make our seaports depots for the West Indies and South America, and encourage the sale here for these regions of many more even of our manufactures to make up assorted cargoes desirable there. Extended, likewise, to liberal re-exports by land; our whole interior commerce, our canals, railroads, lake, and river navigation would all be greatly advanced.

Mr. HUNTINGTON said, that, as to the remark of the Senator from New Hampshire that it would not affect the revenue, he would only say that he still entertained the opinion he before expressed, (which was the opinion of seven-eighths of all the officers of the customs who had been addressed upon the subject,) that it would seriously affect the revenue. The reason of its so doing was, because there was now a year's supply of goods in the country more than the people wanted. As to its effect on the navigating interest, all he wished to say, was, that there were two sides to that question. It did not follow that, if Congress adopted the warehousing system, it would give more employment to the navigating interest, so long as there was not proper reciprocity in trade. If it would have any effect at all to give more employment to the shipping interests, it would give employment to foreign shipping, under our present commercial regulations. With regard to allowing a drawback on goods re-exported, as well by sea as by land, he said that that subject had already been disposed of.

Mr. WOODBURY said that his only object was to request the gentlemen on the committee friendly to the warehousing system, to call up this report; and, by some amendment, or some new measure, obtain, if possible, an early and favorable decision, before Congress adjourns. It was the delay that he deprecated. He did not feel justified in going into the merits of the subject farther at the present moment. But he must add, that the idea from the chairman, that a year's extra supply of goods had been brought into the country, was very strange—passing strange—when the whole imports of all kinds for the last two quarters were less than thirty millions of dollars; hardly half the ordinary amount during the ten years past.

The reports were then ordered to lie on the table, and be printed.

Mr. ALLEN submitted the following resolution, which was adopted:

Resolved, That the President be requested to cause to be laid before the Senate, at the commencement of the next session of Congress, a complete catalogue of all books, (records and public documents excepted,) atlases, maps, and files of public journals and newspapers belonging to the Government, in the State, Treasury, War, Navy, and Post Office Departments, or in the bureaus or offices of such departments, and in the office of the Attorney General; the whole to be properly arranged and designated under their appropriate heads, by titles, subjects, dates, and languages, after the manner of the catalogue of the library of Congress; and the catalogues from each of the departments to be made out separately, and each giving the particular bureau or office in which such books, atlases, maps, and files are kept.

Mr. BERRIEN, from the Committee on the Judiciary, to which had been referred House bill amendatory of the act establishing the branch mint at Dahlonega, Georgia, and defining the duties of the assayer and coiner, reported the same back, with an amendment, applying the provisions of the bill to the branch mint at Charlotte, North Carolina.

On motion of Mr. BERRIEN, the previous orders were postponed, and the above bill was taken up, as in committee of the whole; and, after some explanation by Mr. B., the amendment of the committee was agreed to, and the bill was reported to the Senate, and finally passed.

Mr. HUNTINGTON made an ineffectual effort to have taken up, and considered, the bill reducing the salary of the collector of the port of Camden, New Jersey.

Mr. BUCHANAN, on leave, introduced a bill to provide for holding a court at Williamsport, in the western district of Pennsylvania; which was twice read, and referred to the Judiciary Committee.

Mr. BERRIEN, from the Committee on the Judiciary, at a subsequent part of this day's proceedings, reported the above bill back; without amendment; and

On motion by Mr. BUCHANAN, the previous orders of the day were postponed for the purpose, and the bill was taken up, as in committee of the whole, considered, reported to the Senate, and finally passed.

RIGHT OF SEARCH—THE CONSTRUCTION OF THE ASHBURTON TREATY.

Mr. ARCHER rose and said it would be in the recollection of the Senate, that the Senator from Missouri gave notice last evening of an inquiry which he desired to make to-day, founded upon the recent speech of Sir Robert Peel, in reference to the construction put upon the late treaty. Despatches had since been received from our minister in London, a portion of which related to this topic. He read that portion of the despatch, that the Senator from Missouri might be the better enabled to frame his inquiry.

Mr. A. read as follows:

Extract of a despatch from Mr. Everett to Mr. Webster, dated London, February 3, 1843.

"Parliament was opened by commission yesterday. The Queen's speech, and the very interesting debates upon the addresses in the two Houses, will be found in the papers of to-day, which accompany this despatch. I attended the debate in the House of Commons. You can judge of the surprise with which I listened to the remarks of Sir Robert Peel on the alleged fact that Lord Aberdeen's letter to me of the 20th of December, 1841, remained to this day "unacknowledged and unanswered." It was acknowledged by me in a note dated two days afterwards, (23d December, 1841,) which, however unimportant, was transmitted to Mr. Fox by Lord Aberdeen, and afterwards communicated to Parliament, and printed.

"In this note of acknowledgment, I informed Lord Aberdeen that I should avail myself of an early opportunity of making some remarks on the very important topics treated in this letter. I pursued this course of an immediate acknowledgment of the receipt of Lord Aberdeen's note, with notice of a purpose of replying, in due season, to its contents; because, being just arrived at my post, I had not received the instructions which you had informed me I might soon expect on this topic, and which, as Lord Aberdeen's note modified the ground and disclaimed the language of his predecessor, it was my duty to await. Such instructions I should no doubt, in due time, have received; but, on the 27th of December, Lord Aberdeen informed me that the special mission had been determined on; that Lord Ashburton would go to America, with full power to settle every point in discussion, including what was called the right of search, which he deemed the most difficult; and expressed the opinion that it would be hardly worth while for us to continue the correspondence on matters in dispute between the two countries; and though he was willing to consider and reply to any statement I might think proper to make on any subject pending the negotiation that might take place at Washington, he supposed no benefit would result from a simultaneous discussion here.

"Such were Lord Aberdeen's observations, as reported by me in my despatch of December 31.

"The negotiation took place; and a mode of dealing with and settling the question was happily agreed upon, which made it unnecessary to resume the discussion, so long continued, upon the subject. In fact, from the moment the special mission was announced, I considered the discussion as at an end; and as little likely to be resumed, in reference to search and visitation, as the boundary or the "Caroline."

He merely desired to say to the Senator from Missouri, that he was now prepared to go into any explanation which the Senator might desire, of the views of this Government in relation to this matter. The honorable Senator, however, would understand, that he was not pressing him for the motion; the Senator would, of course, choose his own time for making it.

Mr. BENTON said he was quite prepared with his inquiry. It was already "cut and dried."

Mr. ARCHER. I know that is the habit of the honorable Senator.

The bill making appropriation for the naval service for the half calendar year of 1843, and the fiscal year of 1844, having been engrossed, was read the third time and passed; and the question now being on the adoption of the title to the bill,

Mr. BENTON rose and moved to recommit the bill, with instructions to strike out so much of the appropriations as related to the African squadron.

The CHAIR remarked that the bill was now passed, and the question was merely on the title; and it would, therefore, be necessary to reconsider the vote on the passage of the bill before the motion to recommit could be considered.

The motion was then made to reconsider, and carried in the affirmative; when

Mr. BENTON remarked that the point of inquiry was, whether the Government of the United States had received any intimation of a different construction having been put upon the treaty by Great Britain in relation to the right of visit, from that given to it by this Government? As to whether the despatch of Lord Aberdeen had been replied to or not, although it might be a point of some moment between the parties concerned, it was not, however, the point to which he directed his inquiry. There did not appear to be, in the despatch of the American minister from London, (from which Mr. B. here read an extract,) a single word upon the subject of the construction given to the treaty by the British Government in reference to the right of visitation and search. This was the point of inquiry which he desired to make.

Mr. ARCHER observed that, as the honorable Senator had signified his intention to make an in-

quiry, without anticipating the nature of that inquiry, and, inasmuch as a despatch had been since received, he (Mr. A.) deemed it but fair and proper that the attention of the Senator should be called to that despatch, that he might be the better able to shape his inquiry.

Mr. BENTON said, perhaps the gentleman would go a step farther, and tell him at what time the Government of the United States would favor them with an answer to the inquiry. If the gentleman would do this, he would confer an additional obligation.

Mr. ARCHER requested the honorable Senator distinctly to repeat his inquiry.

Mr. BENTON said he would read from an English newspaper published at Liverpool, an extract, purporting to be a speech of Sir Robert Peel, in which it was declared that there was no relinquishment, in his opinion, of the right of visitation of American ships upon the coast of Africa; that the late treaty conceded nothing upon this point; and that Great Britain would adhere to the principle which she had assumed in reference to that subject.

Mr. ARCHER said the honorable Senator from Missouri would recollect that it had not been assumed by the Executive of the United States, in the message communicating the treaty to the Senate at the last session of Congress, that Great Britain had renounced her right of visitation. As to the right of search, that had been renounced, according to the distinct declaration of Lord Aberdeen.

[Mr. A. read from the President's message.]

He asked the particular attention of the Senator to the passage. And he asked the honorable Senator how he could affect to suppose that it was ever contemplated, on the part of the executive Government of the United States, that there had been any renouncement of the right of visitation on the part of the British Government? How was that gentleman, with the message of the President before him, authorized to suppose that there had ever been any such expression on the part of this Government, or of renunciation on the part of the British? Not only was this never contemplated, or asserted upon the formation of the treaty, but it was expressly stated, in more than one part of the message, that the keeping of a squadron upon the coast of Africa was, of itself, to put an end to the occasion for the right of visitation. It was not possible to obtain from either party a direct and explicit renunciation of this right; and it was not considered advisable, in such case, that the Government of the United States, (which, as well as the British negotiator, had earnestly at heart to adjust, as far as practicable, all the points in dispute,) because they could not come to an arrangement which would be absolutely satisfactory upon this point, should, as the Senator seemed to imply by his remarks, not attempt to do anything. A renunciation of the right of visit not having been obtained, it was thought advisable to obtain what was considered the next best thing. And, accordingly, an arrangement was made which tended to remove the necessity for the exercise of that right. We had as many as 80 guns dispersed in small vessels upon the coast of Africa; and he put it to the Senator from Missouri to say whether there was a probability that there would be any occasion for the exercise of that right. Although Great Britain might be unwilling to abandon the right; although we could not extinguish the claim of Great Britain to the right of visitation, the exercise of which was so obnoxious to us—it was highly improbable that any occasion would arise between the two Governments for the exercise of the right of visit, or for any collision upon that subject.

It was, he thought, a question for the consideration, not of this Government only, but of the people of the United States, how far we should draw the line of distinction between the right of visitation, and the right of search, which the British Government had disclaimed; how far the line of distinction should be drawn, under the principles of international law. He supposed the Senator from Missouri would agree with him that, whilst we claimed exemption for all vessels sailing under our flag, it was not unreasonable on the part of the British Government to require that we should give some sort of security against the abuse of that flag. We had not, as many gentlemen supposed, followed in the footsteps of Great Britain in reference to this matter; but we had gone *pari passu* with her. It was to the signal honor of this Government that it had been the first to put the brand of piracy upon the slave-trade, and had been the means of causing the Government of that country to put the brand of piracy upon it. Suppose one of our own vessels, deputed to carry out our own policy, had seen at a port in Cuba, or elsewhere, a vessel destined for the slave traffic—suppose our cruiser meets this vessel at sea, and she runs up the flag of some other nation: would the honorable Senator contend that we had no right to make some inquiry as to the real state of the case? Was it not reasonable, therefore, that we should afford some means of ascertaining whether a vessel, purporting to be American, was so in reality? It was true that the American flag ought to protect every spot over which it was raised; but he would tell the honorable Senator it should be really the American flag, and not a counterfeit.

He could inform the Senator that complaints had been brought to the State Department of the interference of our cruisers with vessels suspected of being engaged in the slave trade, the papers of which vessels actually showed that they had been so engaged; and, if he was rightly informed, more than one investigation was now on foot in reference to such vessels.

He made these observations merely to show that, whilst it is true that no renunciation had been made on the part of the British Government in regard to the right of visitation, yet inasmuch as the conflicting claims of the two Governments were of such a nature as from necessity to render them extremely difficult of adjustment, it was a high merit on the part of the Government of the United States, that, finding itself unable to come to any satisfactory adjustment with the British negotiator, they had done the next best thing to put an end to all pretensions on the part of the British for resorting again to the exercise of that right. He thought that, in doing this, the Government had acted wisely, and that it deserved the commendation of the country.

Mr. BENTON observed, that the extract read from his place by the chairmain of the Committee on Foreign Affairs, [Mr. ARCHER,] only referred to a subordinate point of Sir Robert Peel's letter—that of the neglect to answer Lord Ashburton's despatch of December, 1841. The extract read, only referred to that point; while his inquiry was wholly directed to the question of difference or no difference on the essential point of the meaning of the treaty. Sir Robert Peel declares that difference, and professes himself doubly pained to say that the President's message is not correct. He says the right of visitation is not given up—that England will not concede it: the President, in his message of last December, informs the two Houses that search, visit, and visitation, are all obviated by the treaty; and congratulates the country upon it. This is the point of difference between the two Governments; and it is vital! It is a question of treaty or no treaty! For, if the parties misunderstand it on this great point, there is an end of concord, and dissension must immediately rise.

The Senator from Virginia read from the President's message of August last. Sir Robert Peel was remarking upon the message of December last; and that message shows the difference which the British minister announces. The President, in that message, states the mischief, to wit: that our vessels had been subjected to visitation (as the British called it) in the African seas; that this visitation was only search in different words, and in a new form; and then refers to the treaty as putting an end to all pretence for this practice, call it what you may, in time to come. The evil of this visitation is, then, according to the President, now terminated. According to Sir Robert Peel, it is not terminated. And here is the difference—and a serious one.

Mr. B. would not go into the question of right or wrong, or extend the basis of the discussion, by opening questions of maritime rights. He would confine himself to the question he had made—that of a difference in the meaning of the treaty. If there is a difference, it is necessary to understand it, and to settle it. It must be settled; and the sooner the better. The declaration of the British minister declares a difference; and that is a point on which each Government judges for itself. They have no common superior to judge between them. The declaration of a difference makes a difference; and it is immaterial, so far as consequences are concerned, which is right, or which is wrong. In all national, as in all individual disputes, one party must be in the wrong; but that does not prevent a fight or a war. The party in the wrong may fight; and from the formal manner in which the British minister has stated this difference, it is very clear that he intends that our vessels shall be searched in the African seas hereafter, just as heretofore. What then? Shall our Government go on blindfold with the treaty, until the case occurs—until an American vessel is searched by a British cruiser, and then negotiate, or fight? Shall the Government do this—and it is the fate of weakness to wait for events, instead of guiding them—or shall it stop, and clear up the difference at once? He (Mr. B.) was in favor of stopping all action under this clause of the treaty, until the two Governments agreed as to its meaning.

Mr. B. said here was an exemplification of the mischiefs of negotiating treaties without protocols. There is not a word in the correspondence between Mr. Webster and Lord Ashburton as to the origin, progress, or formation of the articles for the squadron. The British minister's name does not appear in connexion with the subject, until it appears in the treaty; and no light can be thrown upon the meaning of the treaty, from a reference to their propositions pending the negotiations. All is blank there; and the two Governments are left to maintain their respective constructions in the best way they can.

Mr. B. said we now had a practical commentary upon the improvidence of entangling ourselves with foreign alliances. Washington warned us against it: for fifty years we have kept clear of such alliances: in August last, we entered into one of these alliances; and now, in February, we have a difference as to the meaning of an article in this alliance—a difference which cannot go to a practical result, without involving the honor or the peace of the country.

Mr. B. said there was nobody to celebrate the gigantic intellect of General Jackson; yet, in the answer which he directed Mr. Forsyth to give to Sir Charles Vaughan, in October, 1834, in relation to this very point of a convention with England for the suppression of the slave-trade, there was wisdom, which, compared to the wisdom which offered this convention, was as the pyramid of Cheops is to a grain of mustard. President Jackson, at that time, positively refused to enter into any convention on the subject. He directed him to say to Sir Charles Vaughan, that the Government of the United States was "*definitely formed not to become a party to any convention on the subject of the slave-trade.*" This was the answer of General Jackson. It is the American answer; and it put an end to these propositions for a convention until the present Administration came into power.

Mr. B. said he did not go into the question of identity between search and visitation. The President treated them as identical; Sir R. Peel as different. He (Mr. B.) did not entertain the question. It was clear there was a difference as to the execution of the treaty; and whether the ship was to be stopped on the high seas for the purpose of being searched, as for the purpose of being visited, a preliminary objection arose, and that was, the arrest of the ship itself! The arrest of the ship on the high seas, like the arrest of an individual on the high road, was itself an act incompatible with freedom; and in the case of English naval officers, (to use the language of the London Times,) if there was any doubt in the case, they took the trick. This was the language of the Times, in February last, in relation to impressment; and it will apply in all cases where they have a right to arrest an American vessel: they will take the trick, if they have doubts; and doubts can easily be

raised, where he that raises them is the authority to solve them, and has an interest in solving them all in their own favor. Stopping a vessel on the high seas, Mr. B. understood to be firing ahead of her, and over her, and then through her, if she does not stop. This was a rude process, even if for an innocent purpose; and he was against subjecting American vessels to be so stopped by British cruisers.

Mr. B. concluded his remarks by reading the passages from Sir R. Peel's speech and the President's message, which showed the difference between the two Governments in relation to the meaning of the treaty; and which must lead to collision between the two countries, if not prevented by an immediate understanding.

Mr. ARCHER remarked that he had cause to congratulate himself and the Senate that it would not be necessary to reply to all the discursive observations of the Senator from Missouri; for the time of the Senate would not be much delayed by the few words he should find sufficient to prove that there was no such difference of opinion between Sir Robert Peel and the President of the United States as the Senator supposes; and if this should be demonstrable, the Senator's arguments must of course fall to the ground. The extracts he should now read from the President's messages, and from the speech of Sir Robert Peel, would justify him in asserting that there was no contrariety of opinion between them on the subject of the treaty. Sir Robert Peel asserted nothing new on the part of the British Government; and what he did assert had been fully admitted by the President of the United States. He (Mr. A.) had told the Senator that it was because no answer could be obtained from the British Government during the progress of the negotiations upon that particular point, and because the British negotiator was not instructed to yield all we desired; that this Government thought it expedient to do what was considered the best thing—and that was to render it improbable that those collisions which had grown out of the exercise of the right of visitation should again occur.

It was not because the two Governments differed; it was because they agreed that it was considered expedient, on the part of this Government, to take the course it did. The views of this Government and of the Government of Great Britain not only agreed in themselves, but they agreed also with the views of the Senator from Missouri himself, if he would sincerely acknowledge them; but he greatly feared that the honorable Senator would renounce his own views rather than agree with the Executive. The Senator had said that the President had intimated, in both his messages, that he regarded the right of search and the right of visitation equivalent to one another; and that it was because the President so regarded them, that he had been induced to procure the adoption of the treaty. Why, he would have procured the renunciation of the right of visitation also, if it had been in his power to do so; but, as that could not be obtained, an effort had been made to prevent the practical operation of that right, and, consequently, to prevent all collision that might possibly grow out of its exercise.

He desired the particular attention of the Senate to the tenor and effect of the argument of the Senator from Missouri. After this Government had vainly endeavored to induce the British Government to renounce the right of visitation, the Senator would have us do nothing, because we could not obtain that concession. Although this could not be obtained in the manner desired, yet they had done what would amount to almost the same thing. They had done what would take away all motive on the part of the British Government to carry into practical operation this right, and they would thus have all the beneficial fruits of a direct renunciation.

The Senator from Missouri had spoken of the wisdom of Jackson. This theme was a favorite one with the honorable Senator. He would ask, Would Jackson, or would any man have exhibited more wisdom, in the negotiation of such a treaty, than this Government had done? But, admitting the view taken by the Senator from Missouri to be well founded, what would it amount to, even in that aspect? What was it he now asked the Senate to do? To break their plighted faith, (for he could not pretend to deny that the faith of the Government had been plighted to observe the stipulations of the treaty,) because, according to his notion, we had not such provisions as were expedient. Sir, (said Mr. A.,) was this the doctrine which the honorable Senator meant to avow on that floor? Did he mean to urge this doctrine in relation to this or any other provision of the treaty, all of which, it appeared, were obnoxious to the honorable Senator? For the doctrine of the honorable Senator, in relation to him who filled the chief place in the Department of State, seemed to be that "nothing good could come out of Nazareth." He would put it to him, if he took such exceptions to all of the provisions of the treaty, was the faith of this Government to be renounced, to be trampled upon, to be disregarded, unless every provision of the treaty should be suitable to the views of one of the parties to the treaty? This was the true interpretation of the honorable Senator's doctrine; though he was sure he would not be willing directly to avow and to vindicate such doctrine. But suppose the treaty to be as bad as the honorable Senator represented it: would he refuse the appropriation necessary to carry it into effect? With the same propriety, he might refuse the appropriation for carrying the recaptured Africans to their homes—which was made necessary by the provisions of a former treaty—should those former stipulations be cancelled, in consequence of the Senator's objections to the recent treaty. Let the Senate judge, from the arguments employed by the honorable Senator, how far that disposition was manifested.

He thought there could be no hesitation, (the gentleman having expectorated the wrath which filled his bosom,) but that he would now let the appropriations go on, and not violate the faith of the Government. The Senator relied very much, in the course of his observations, upon the alleged discrepancies between the two messages of the President—the one of August 11 of last year, and the other at the beginning of the present session. He (Mr. ARCHER) asserted that the purport of the two was identically the same. The President, in both of them, took the ground that he was now stating—not that the right of visitation had been renounced, but that we had procured certain arrangements in substitution of the exercise of that right. Mr. A. then read from the message accompanying the treaty, what followed that which the honorable Senator read:

"In my message at the commencement of the present session of Congress, I endeavored to state the principles which this Government supports respecting the right of search and the immunity of flags. Desirous of maintaining those principles fully, at the same time that existing obligations should be fulfilled, I have thought it most consistent with the honor and dignity of the country that it should execute its own laws, and perform its own obligations, by its own means and its own power. The examination or visitation of the merchant vessels of one nation, by the cruisers of another, for any purposes except those known and acknowledged by the law of nations, under whatever restraints or regulations it may take place, may lead to dangerous results. It is far better by other means to supersede any supposed necessity, or any motive, for such examination or visit. Interference with a merchant vessel by an armed cruiser is always a delicate proceeding, apt to touch the point of national honor, as well as to affect the interests of individuals. It has been thought, therefore, expedient—not only in accordance with the stipulations of the treaty of Ghent, but, at the same time, as removing all pretext, on the part of others, for violating the immunities of the American flag upon the seas, as they exist and are defined by the law of nations—to enter into the articles now submitted to the Senate."

He reaffirmed that the grounds taken in the two messages were the same identically, to wit: not that the right of visitation had been abandoned, but that an equivalent had been obtained.

Mr. BENTON desired to read a single sentence, to show the difference between the two messages.

Mr. ARCHER observed that, if there was a difference, it was not upon this point. It was because the right of visitation had not been renounced, that provision was made for the African squadron.

Mr. BENTON said the real question was the disagreement between this Government and that of Great Britain as to the true interpretation of the treaty. To show that there was a difference, he would first read the language of the President of the United States, and then that of Sir Robert Peel. The President of the United States, in his annual message to Congress at the beginning of this session, says (and it is to that message Sir Robert Peel alludes:)

"In the enforcement of the laws and treaty stipulations of Great Britain, a practice had threatened to grow up, on the part of its cruisers, of subjecting to visitation ships sailing under the American flag; which, while it seriously involved our maritime rights, would subject to vexation a branch of our trade which was daily increasing, and which required the fostering care of the Government. And although Lord Aberdeen, in his correspondence with the American envoys, at London, expressly disclaimed all right to detain an American ship on the high seas, even if found with a cargo of slaves on board, and restricted the British pretension to a mere claim to visit and inquire; yet it could not well be discerned by the Executive of the United States how such visit and inquiry could be made without detention on the voyage, and consequent interruption to the trade. It was regarded as the right of search, presented only in a new form, and expressed in different words."

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"From this it will be seen that the ground assumed in the message has been fully maintained, at the same time that the stipulations of the treaty of Ghent are to be carried out in good faith by the two countries; and that all pretence is removed for interference with our commerce, for any purpose whatever, by a foreign Government."

He should now turn to what Sir Robert Peel said in his late speech in Parliament:

"I rejoice that the honorable gentleman has given me an opportunity of making some observations on the late message of the President of the United States. The sincere and earnest desire I have always entertained for the maintenance of a good understanding between this country and the United States, and the spirit in which I have always spoken of America, makes it a doubly painful duty to me to have to refer to that message; which, I am sorry to say, does not give a correct account of the negotiations relative to the right of visit."

He then goes on to state the difference between the right of search and the right of visitation, and then says:

"I trust, sir, that I have said enough to satisfy the House on this point. I trust, also, that although compelled to avow a material difference of opinion between the two Governments upon this material question, I have stated this difference of opinion with the respect which I wish to maintain towards the high authorities of the United States."

There is another part in which he declares expressly that the right of visitation, claimed in Lord Aberdeen's despatch, has not been relinquished, and will not be relinquished. Now, here is palpable evidence that there is a difference of opinion as to the construction of the treaty, between Sir Robt. Peel and the Executive of the United States. That was the point at issue.

Mr. ARCHER observed, that all the speech said, was, that the British Government had not renounced the right of visitation contended for in Lord Aberdeen's despatch; and the President of the United States says it was because the British Government would not renounce the right of visitation, that the arrangement became necessary for placing a squadron in the African seas to carry out our own laws, and supersede the necessity for the exercise of the right of visitation adhered to by the British Government. There is no difference of opinion in Sir Robert Peel's views and those of the President of the United States, as to the adherence of the British Government to the right of visitation.

Mr. BENTON had read from Sir Robert Peel's speech the passages in which he insisted on his interpretation of the treaty. He should now read a passage from the President's message of December last, in which are stated his views in relation to the synonymes—right of search and right of visitation. He says:

"In close conformity with these views, the eighth article of the treaty was framed, which provides that 'each nation shall keep afloat, in the African seas, a force of not less than eighty guns, to act separately, and apart, under instructions from their respective Governments, and for the enforcement of their respective laws and obligations.' From this, it will be seen that the ground assumed in the message has been fully maintained * * * * and that all pretence is removed for interference with our commerce, for any purpose whatever, by any foreign Government."

Now, what he (Mr. B.) insisted on, was this: That there was a radical difference of opinion between the two Governments as to the construction of the treaty; and that in the most vital point; and that we should have this difference cleared up before we go any further.

Mr. ALLEN said it was very well known, that, at the time the treaty was presented for ratification, it was supposed by many that its phraseology would give rise to a difference of construction; and by some it was supposed that it was so arranged as to admit of a difference of construction, with the express view of creating future difficulties,

Nevertheless, the treaty was displayed before the Senate and the country as the olive branch of peace—as a sort of love-pledge between the two countries, by which they would be enabled hereafter to live upon terms of unbroken amity; and the circumstance that it was an olive branch of peace, and that, by its ratification, the peace of the country would be guarantied hereafter;—it was for that reason that so much credit was claimed for those who negotiated it. At the meeting of the present Congress, following up, and appropriating to himself the glory of having accomplished this great work of national deliverance from impending war, the President of the United States set forth, in his annual message, the objects which the treaty had accomplished, and the means which had been employed to accomplish them. The message was laid before Congress and the country, as well as before the British prime minister; and upon the opening of the British Parliament, that minister had congratulated himself upon the occurrence of the first opportunity to state in his place, and with all the responsibility belonging to his station, that he was compelled to say that the Government of the United States, speaking through the executive message, had totally mistaken the object of the British Government in negotiating the treaty. From this, it might very naturally be supposed that it would produce an apprehension here that the Administration had been tricked, and that we had failed by this treaty to accomplish the deliverance of the country from impending war; and now they were told, notwithstanding the express and positive announcement of the views of the British Government in relation to it, as expressed by their prime minister, that the President had misunderstood the thing, and that he had put an erroneous construction upon the treaty. Notwithstanding that they were told by an honorable Senator that the prime minister was totally mistaken; though the words of the President's message impressed him (for he must be supposed to have weighed them critically) with the belief that this country thought it had gained something by the African squadron, yet such was not the case; this Government had obtained no advantage—had secured no postponement of a war. No, sir; in order to keep that before the people as an olive branch, in the face of this adverse declaration of the British Government, this Government came down and declared that she was mistaken—that they agree entirely with the British construction of the treaty. What was that construction? Lord Aberdeen has asserted, in a labored communication, first, that there was a difference between the right of search and the right of visitation; and he had likewise asserted, that the British Government would not modify their pretensions to the right of visitation; and Sir Robert Peel had stated, in the House of Commons, that that assertion of Lord Aberdeen remained unanswered. But our minister in England communicated to this Government that its receipt was acknowledged; but no proposition had been laid down, because Lord Aberdeen informed him that a special minister had been sent to this country, charged with the adjustment of all existing difficulties. In consequence of that information, all correspondence was arrested between the American minister in London and the British Government. What was the question between the two Governments at the time? It was not as to the right of visitation, (although that was the question which Mr. Everett informed them Lord Ashburton had especially in charge.) If Lord Ashburton came here to settle that question, and went away without doing so, he would ask, what had been gained by the negotiation? What was the consideration which induced this Government to engage to keep a squadron of eighty guns on the coast of Africa? If this question had not been settled, the negotiations were nothing more than mere child's play.

If Great Britain did not surrender her right to search our vessels, why did we agree to spend half million a year for the purpose of searching our own? The President of the United States had, in his message, put the proper construction upon the treaty; and it was not for Senators now, when a different construction had been put upon it by Great Britain, in order to keep up the idea of making it an olive branch of peace, to say that the President was mistaken in the construction which he put upon it. There was one part of the speech of Sir Robert Peel, which disclosed the whole views of the British Government; that part was worth all the rest, although it was a part which had not been read to the Senate. The delivery of that speech had been predicated upon the necessity of resisting the slave-trade. That was the foundation of the claim of the right of search, or visitation, as it was called in England. That right had been held forth, by those who maintained the anti-slave-trade doctrines. What did Sir Robert Peel say in his speech, as to the nature of the right of visitation? In order to show that the article in the treaty did not suspend the right of visitation, and to shew that the freedom of the sea was as much at the control of England as before the treaty was formed, he made the declaration putting that right on a broader, higher ground, disconnecting it from the idea of the slave-trade. They did not abandon the right of visitation, which Sir Robert Peel now said was not necessarily connected with the question of the slave-trade, but that it extends to the whole world of commerce—extends to vessels in the Pacific ocean, as well as in the harbor of New York, and everywhere else. And it was necessary for Sir Robert Peel to take this ground, in order to justify his construction of the treaty. Suppose, then, you send your eighty guns and your one or two thousand men to Africa—suppose you execute this article of the treaty: the Senator from Virginia [Mr. ARCHER] says the practical effect is obtained. Was it? Allowing his construction to be right, the practical effect would only extend to the coast of Africa; whereas Sir Robert Peel expressly disconnected the right of search from that question. Now, while this was positively asserted, either Sir Robert Peel must be stultified, and incapable of comprehending the true construction put upon the treaty in the President's message, or the President's construction was erroneous; and inasmuch as Sir Robert Peel had acknowledged the basis upon which the right of search was predicated, so as to include the African squadron, it was perfectly manifest that that article of the treaty was a complete nullity. It would be absurd, therefore, to attempt carrying it out by making appropriarions.

As far as he himself was concerned, he did not intend to vote for a dollar of appropriation in furtherance of the treaty—not even to pay the $300,000 dollars to the States. He would not do it, because he considered the treaty worse than a war. But he would not go into the character of the treaty now. Other gentlemen viewed it in a different light—gentlemen of more experience, and who had better means of judging, perhaps. This, however, was his view; and he should continue to act upon it. He desired to know what it was that we had received as compensation for sending out those 80 guns, if there was not to be at least a suspension of the right to visit our vessels. The President manifestly considered that there was to be a suspension of that right, when he penned his message to Congress; and he asked, if it was true that we had gained so much in reference to the right of visitation upon the coast of Africa, what had they gained upon the general principle? The British still assert that they have a right to visit any vessel for any purpose whatever. They were about to pay half a million of dollars under what they supposed to be, some time ago, a compact by which peace had been purchased; and before Congress had had an opportunity to execute its part of the contract, by appropriating the money, it was discovered to have been no guaranty of peace at all. The proper time to meet this question was the present; and he was prepared, if any one would introduce a bill for that purpose, to instruct the President to take possession of every foot of the disputed territory. If the construction put upon the treaty by Sir Robert Peel was right, there were still more pregnant consequences to grow out of it; because it showed a disposition on the part of the British Government to promote a quarrel, by holding up our Government to the world as putting one construction upon the treaty, whilst they held another and a different one.

If the President was right, then there was no difference of opinion, though the attempt to make out a difference, on the part of Sir Robert Peel, showed a desire of presenting the question in a worse aspect than if there was, in reality, a difference. Sir Robert Peel did not say he presumed there was room for some misunderstanding—that there was difference of opinion; but he had come out and placed this Government in the attitude of having endeavored to give a misconstruction to the treaty. Would any statesman in Europe believe that the President of the United States did not know what he meant in his message? How would they stand before the world? They must either, in homely phrase, knock under, in order to impress the treaty with the character of peace-offering; or they must recede from the construction put upon it by the President, and adopt that of the British minister, although the express words of its provisions showed that the President was right, and that he was wrong. Why was not Mr. Fox instructed to ascertain from the American Government what construction had been put upon the treaty, to see if a reconcilement of opposite constructions might not be effected? He considered the course pursued as a declaration on the part of England that the treaty was to be utterly disregarded; and the course we should take was, to disregard it also, and to open the negotiations afresh. We had a treaty with France, by which she had free admission for her silks and wines. The benefit of that treaty she had enjoyed for some time; and when we wanted to claim the benefit of it on our part, the French Chambers flinched. What did we do? General Jackson adopted measures to compel them to stand up to their bargain, and that instanter. Did he not call upon Congress to authorize reprisals upon her commerce? And now, when you pass an appropriation and send out a squadron, and after you have put the British in possession of the half of one of your States, they will inform you that there is some other cause of quarrel subsisting, more serious than the slave-trade itself. The treaty was, in his judgment, improperly undertaken in the first place. The very fact of the British Government sending out a special messenger, without giving us previous intimation, was a suspicious circumstance. Great Britain was not in the habit of going abroad to make peace. When she sends out a negotiator, it is as a merchant, to traffic to the best advantage. She has a direct interest in maintaining the greatest maritime power; and all the minor powers have a direct interest in resisting the extension of her power. Mr. A. concluded by saying that we had gained nothing by the treaty.

Mr. EVANS stated that, in rising, it was not his purpose to prolong the discussion, but to entreat the Senate to put an end to a debate which, to say the least of it, was premature, and wholly out of place. If the Senator from Missouri, and those who concur with him in hostile feelings to the treaty, would but have patience, a bill from the other house would, in a day or two, come before the Senate, on which they could bring up the subject, and discuss it to their heart's content—he meant the bill making provision for carrying out the treaty. How much time to-day had been wasted in unprofitable discussion, leading to no practical result? Enough, he would venture to say, to pass forty bills, now awaiting the action of Congress. The Senator from Missouri has moved to recommit the bill, with instructions to strike out all appropriations for the African squadron. Now, what use would it be for the committee to take into consideration what was not into the bill at all?

There was not a word in it about the African squadron. And, although he would not pretend to say that some part of the money appropriated in the bill was not to be applied to the expenses of the squadron to be kept on the coast of Africa for the protection of our commerce and shipping there, and in furtherance of the provisions of the treaty; yet he would say, that it would make no difference as to the amount of the appropriations, whether any portion of the navy was to be kept on that station or not. The Secretary of the Navy expressly says that the keeping of the eighty guns on

the coast of Africa, according to the stipulation of the treaty, will incur no additional expense, as it requires no addition to the navy, and involves only a slight alteration in the arrangements of the fleets and class of vessels. Suppose it was decided that no squadron should be kept on the coast of Africa, and the bill were recommitted: still, no appropriation could be stricken out; for the whole of the navy must be provided for. Did not the Senator from Missouri, then, see that he would not attain his object by recommitting the bill? But he could obtain his object, (if it was as he presumed it to be, to give himself and those who, with him, were hostile to the treaty, an opportunity of expressing their views and obtaining another vote on the subject,) if he would reserve his hostility till the House bill making appropriations for carrying out the provisions of the treaty should come up; when, by a motion to strike out the sixth section, he could bring up the whole question. He could move to insert a provision that no portion of the money appropriated by the navy appropriation bill should be applied to the expenses of any squadron employed on the coast of Africa in pursuance of the late treaty with Great Britain.

He would ask, how much of the valuable time of this short session had been already thrown away in useless discussion of that treaty, long after that discussion could, by any possibility, effect any practical purpose? If the Senator from Missouri still thought he had not exhausted the subject, he could, when the bankrupt bill was disposed of, devote another day to it; and, all important business being first disposed of, he might proceed with his discussion to his heart's content.

Mr. CUTHBERT did not consider the information furnished by the despatch from our minister at London, nor the speech of Sir Robert Peel, sufficient to warrant immediate action on the subject. In the various reports of that speech, there were evident obscurities, leaving it uncertain if the remarks of Sir Robert Peel did not exclusively relate to the general right of visitation, and not to the visitation on the coast of Africa in reference to the slave-trade.

The 8th article of the treaty relates to the right of visitation on the coast of Africa, and the slave-trade; and so far, it is unquestionably a suspension of the British right of search. He (Mr. C.) pointed out an inconsistency with which Sir Robert Peel would stand chargeable if he did not make this reservation; and, therefore, he thought there was too much obscurity in the language of his speech, as reported, to warrant any action of the Senate upon the subject, till better informed.

Mr. CALHOUN said he did not rise to enter into the discussion, but merely to say that he thought the information was really too imperfect upon which to base any action. This discussion was entirely lost. If a paper which he had received from a friend in London contained a correct report of the speech, he conceived that there was not the slightest difference between the opinion of Sir Robert Peel and that of our Government as to the right of visitation. Sir Robert Peel had spoken of the right of visitation in its more enlarged sense; whilst the stipulation of the treaty had reference only to vessels engaged in the slave-trade on the coast of Africa. The question was, whether the right of visitation was waived or abandoned, so far as the examination of vessels on the coast of Africa was concerned, in the treaty stipulations. He certainly understood Sir Robert Peel to admit, by the reading of the speech, as reported in the paper alluded to, (the European Times,) that the right was abandoned so far as that point was concerned. And, to give greater weight to this position, it now turned out that the proposition came from us. He knew that there were other portions of the speech which would induce a different opinion; but he believed that, upon eclairsissement, it would be found that, while the President, in his message, had reference to visitation on the coast of Africa, Sir Robert Peel meant visitation generally.

Mr. ARCHER here interrupting, made some remarks in confirmation of the view taken by the Senator from South Carolina.

Mr. CALHOUN proceeding, said that it was impossible for any man to read the treaty, and say that the right of visitation was not superseded by the provisions of that treaty. It was superseded; and he had so treated it in his speech on the treaty; and no man could read that treaty without being thus satisfied that each party was to take supervision of its own vessels. When they looked at the object of the negotiation on this point, no doubt could be entertained. What was the immediate object? Was it not this—to enter into stipulations with Great Britain, such as she had made with all European powers? He believed they had the supervision, not only of their own vessels, but of all European vessels. What was the result of this state of things? The result was, that our flag was used by all persons engaged in the slave-trade. Great Britain then threw herself on the five European powers. She wished to make it a question, not of municipal regulation, but of international law. All the great Christian powers agreed to accept it but this country alone.

Mr. C. spoke at some length, with a view to show that all Europe had given the construction to the treaty which had been given to it by Sir Robert Peel, (as he understood his remarks,)—that, by its provisions, the right of visitation was superseded on the coast of Africa.

[The indistinct manner in which Mr. C.'s remarks were heard in the reporters' gallery induces the reporter to defer them for future publication.]

Mr. BAGBY submitted an amendment to the instructions moved by the Senator from Missouri; it was to strike out the appropriation of $5,000 for the expenses of captured Africans returned to the coast of Africa.

Mr. CALHOUN entreated his friend (the Senator from Alabama, Mr. BAGBY) not to embarrass the question by the introduction of this new issue.

Mr. BAGBY said he would, with great pleasure, yield to the request of his honorable friend from South Carolina, if he could reconcile it to himself to depart from the rigid line of duty by which he had been induced to offer the amendment. He believed it was imperative, because it was the last chance he could have of moving to strike out that appropriation, which, small as it was, involved a principle of great magnitude.

Mr. CUTHBERT did not see why the Senator from South Carolina should object to blending the two issues which related to the same subject. He should vote for the motion of the Senator from Alabama with great pleasure.

Mr. KING begged leave to ask his honorable colleague what was to be done with the Africans recaptured by the vessels of the United States in the execution of existing laws? Were they to be thrown into the sea, upon being recaptured? or were they be brought to this country? Either must be done, if they were not to be taken back to the coast of Africa. Now, he knew his colleague would not have them thrown into the sea; and, even if admissible to bring them to this country, they could not be brought here without expense. The best course, under the circumstances, had been pursued for years; and that was, to take them to the coast of Africa; but that incurred some expense, and this annual appropriation was made to defray that expense. With respect to the main subject of discussion, he felt bound to say that he thought the information before the Senate was not sufficient to justify the course proposed by his honorable friend from Missouri. He (Mr. K) did not differ from the views taken by the President of the United States—that the arrangement made in the treaty, with regard to keeping a squadron of eighty guns on the coast of Africa, was an adjustment of the difficulty growing out of the British claim of the right of visitation, which that arrangement superseded; and that there could be no other object understood by the negotiators, is manifest from the fact of Lord Ashburton being sent here to adjust the principal difficulty, which could not be adjusted otherwise, in consequence of the British Government insisting on the right of visitation. What was the object of bringing the subject to the view of this Government at all, if it was not to induce some arrangement which would admit of a suspension of the claim of the British Government to the right of visitation on board our vessels on the coast of Africa? Lord Aberdeen had refused any concession. It was not the right of search that was claimed. That had been unequivocally given up. It was the right of visitation; and that was what gave rise to the principal difficulty, so hard to adjust between that Government and this. We had declared that we could not, and would not, concede the right of visitation on any terms. The misconduct of British officers, under pretence of ascertaining the validity of the American flag on board our merchant vessels, had been the subject of constant complaint. It had become intolerable, and we could no longer suffer it. Here, then, was a direct point of collision; and that was what bought Lord Ashburton to this country with a view of adjusting the difficulty. There was no longer a question as to the right of search; for that had been given up long ago. The thing to be settled was the claim of the right of visitation, for the mere purpose of ascertaining the validity of the American flag when hoisted by any ship on the African coast. Even the inviolability of the American flag, if a ship properly entitled to carry it had slaves on board, was admitted. The British Government declared that in such case they had no right to interfere. But such would be a case of violation of our own laws; and we are under obligations to those laws to prevent their violation. It was, therefore, proposed by this Government to adopt a course which would supersede the necessity of British visitation to ships bearing our flag on that coast, by keeping 80 guns afloat there to enforce our own laws on our own vessels, and to execute the right of search ourselves in relation to vessels hoisting our flag. The 8th article of the treaty proves that the arrangement was thus accepted by Lord Ashburton, as superseding the necessity for the British right of visitation; for it points out the very mode in which vessels shall be visited.

He did not pretend to say that a newspaper report of Sir Robert Peel's speech could be taken as a correct version of the speech itself. There were evidently obscurities in the version read by the Senator from South Carolina. He (Mr. K.) had seen the version in the London Times, and he could not help saying that it was more likely to be correct; but, in that version, it appeared to him that Sir Robert Peel took still stronger ground than that assumed in the other. It bore the impression that he maintained, not only the British right of visitation in the general sense, but in a sense which would extend it to the coast of Africa. If it should turn out that such was his meaning, it would be a subject of infinite surprise to him; for he would consider it a palpable violation of the treaty. We had agreed to do what, as an independent nation, we were bound to do—to carry into execution our own laws; and, therefore, there remained no longer a pretence for England to persevere in her claim of a right of visitation. Had he not considered this point clearly settled, he never would have voted against striking out that article in the treaty. He firmly relied on its being a suspension of the British claim, and that it was so stipulated by Lord Ashburton. He was satisfied of this, because he so understood it from Lord Ashburton himself. There was a bare possibility that the new state of circumstances in England, and in the intoxication resulting from recent successes, Sir Robert Peele, in his speech, had given way to the national excitement, and expressed himself in a manner not justified by the original understanding of the treaty.

Mr. CALHOUN observed, that if Great Britain should, in the face of the facts, interpret the treaty in the manner supposed, and should act upon that interpretation, we would, in contesting that point with her, have the advantage on our side not only of being right, and having the sympathies of the world with us, but we should have all the benefit of an appeal to the law of nations.

Mr. CRITTENDEN said it seemed to him not a little strange, that gentlemen who seem to be most sensitive on the subject of British aggression on the coast of Africa, and everywhere else, should be the first to move a curtailment of appropriations for the navy—the only force we have at all capable of keeping in check that very propensity

to aggression. If he (Mr. C.) had indulged in all the belligerent apprehensions which seemed to trouble the gentlemen opposite; if he had thought as they did, that Great Britain meditated all sorts of encroachments on this country; if he had made up his mind as they had done, that she was bent upon ravaging our merchant vessels on the coast of Africa,—the last thing in the world he would have thought of doing, would be to vote down the naval appropriations. These would have been ample considerations rather to induce him to vote for increased appropriations. The gentlemen fear British aggressions on our merchant vessels on the coast of Africa, yet will not vote a dollar for the protection of our vessels. What a strange inconsistency this is between the sentiments they express, and the measures they propose! The squadron at the coast of Africa is to effect these good purposes; first, to protect our merchant vessels in that region; next, to fulfil our just obligations under a solemn treaty, which we are bound to carry out in good faith.

Mr. C. proceeded to point out the solemn obligations of the treaty, and the necessity of disregarding the insufficient evidence of a disposition on the part of the British ministry to violate it. He contended that a mere speech in Parliament, like a speech in the Senate, was altogether a different thing from a belligerent act. Sir Robert Peel might be allowed, if he felt so disposed, to make a flourish of words before a British House of Commons, which he would be very far from carrying into effect in the face of our squadron on the coast of Africa.

Mr. BENTON said the discussion had taken a turn which he did not expect—that of a question as to the correctness of the report of Sir Robert Peel's speech. True, there were the usual variations in the details of the reports, but they agreed in the main point; and all America and all Europe must see that we had received a slap in the face—that the President's message was flatly contradicted—and principles avowed from which collisions must arise. The difference of opinion amounted to treaty or no treaty on this point! The difference between the two Governments nullified this part of the treaty; and he thought it the part of common prudence to stop now, and remove the difference, before collisions resulted. The treaty was ratified in this chamber, upon the President's view of it. Senators voted upon that view, as they now declare, and as we know; and now, if there shall be any attempt on the part of the Administration to equivocate, and to reconcile the President's message to Sir Robert Peel's speech, by making the message yield to the speech, it will be a fraud upon the Senators who voted for the ratification.

Senators who voted for the treaty say if the British act upon the declarations of their minister, they will go to war; and this is the state to which the peace treaty has brough us! The seeds of war are in it! for they may rest assured that the minister spoke advisedly; and all reports of his speech show that it was cheered as often as he declared his determination to adhere to the right of visit.

Mr. BAGBY considered that the true understanding of the treaty, when ratified by the Senate, was the only correct interpretation of it; and that any attempt to force upon us a different construction, would be so dishonorable that words could not convey his ideas of its enormity. Mr. B. commented with great ability on the position in which the British Government had been placed by this speech of Sir Robert Peel; and maintained that both the motion of the Senator from Missouri and his amendment were perfectly justified by the declaration of the British premier.

Mr. TAPPAN called for the reading of the part proposed to be stricken out by the Senator from Missouri.

Mr. EVANS replied that there was no such part in the bill, and the Clerk need not be running the bill over for the purpose.

Mr. TAPPAN then called for the reading of the instructions, and they were read.

The question being on the amendment proposed by Mr. BAGBY, to the instruction moved by the Senator from Missouri, it was put, and decided on yeas and nays—yeas 5, nays 26, as follows:

YEAS—Messrs. Allen, Bagby, Benton, McRoberts, and Smith of Connecticut—5.

NAYS—Messrs. Archer, Barrow, Bates, Bayard, Berrien, Buchanan, Calhoun, Cheate, Conrad, Crafts, Crittenden, Dayton, Evans, Fulton, Henderson, Huntington, Kerr, King, Linn, McDuffie, Mangum, Merrick, Miller, Morehead, Phelps, Porter, Rives, Sevier, Smith of Indiana, Sprague, Tallmadge, White, Wilcox, Williams, Woodbridge, and Woodbury—36.

The question recurring on the motion and instructions of Mr. BENTON,

Mr. ARCHER called for the yeas and nays; which were ordered.

Mr. WOODBURY stated that he would have taken no part in this discussion, if the yeas and nays had not been ordered. It was well known that he assented to the treaty as a whole, but opposed the part now drawn into controversy; and his present vote might be misunderstood, if he made no explanation. But he would detain gentlemen only a moment.

It had been apprehended by some that the English prime minister did not intend, by his speech, to take any step in contravention of the treaty, as understood by us and by the President. Though that minister is reported to have expressed a material difference in his views from the message of the American Executive; yet it may have been only a theoretical or abstract difference. The extract of the recent letter from our ambassador at the court of St. James—just received and read by the chairman of the Committee on Foreign Relations—would, on re-examination, be found to fortify this inference. The extract was before him; and while it appears that Mr. Everett was present in the House of Commons during Sir Robert Peel's speech, not a syllable is said concerning the remarks of the latter, looking to any practical conflict in views between him and the President.

It is to be presumed that we have all of the letter relating to this subject; and, if nothing has been withheld, Mr. Everett heard nothing from Sir Robert Peel which surprised or alarmed him on this point; though he was surprised that the minister supposed no answer had ever been given to Lord Aberdeen's letter of December, 1841.

The silence of our minister on this point furnishes a strong presumption that Sir Robert Peel's remarks on it were different from the newspaper report, or were a mere political flourish on an abstract right to inquire and visit on the ocean, not renounced, nor intended to be renounced.

If it went farther, and looked to any practical differences concerning the treaty, it was the duty of the minister to have said so; and of the Executive here to have laid the fact before us.

But this provision in the treaty, though, in Mr. W.'s view, a humiliating one, and opposed by him on its ratification, ought to be enforced by us till violated on the other side. Mr. W. thought, in August last, when the treaty was under consideration, and still thought, that it was derogatory for us to engage to England, or any other power, that we would do what it was our duty to do without such an engagement. He thought it placed England in the attitude of a guardian over us. He wanted for our country no protector abroad. He would willingly submit to no national surveillance or tutorship. Such a provision, if not intended for one, opens the door to one; and, without any spirit of prophecy, it was easy to foresee that the manner of enforcing such a stipulation in a treaty was likely to lead to constant complaint, if not collision.

Whenever it might please England to insist that our cruisers did not exercise sufficient activity or vigilance, she would exercise her abstract right of visitation; she would make it practical, and push it into a right of search, as heretofore. But let her push it while this treaty remained in force; or let her ever push it beyond mere inquiry and visitation, and then a case would actually have occurred for belligerent measures on our side. Till then, however, Mr. W. was willing, since the treaty had been ratified, to vote all reasonable appropriations to enforce it. It was not that he liked any doubtful part of it very much, or this provision at all; but because this provision took away all pretence for outrages on our trade and merchant vessels, under color of mere inquiry or visitation.

How this mere inquiry and visitation for certain purposes had been abused, he possessed some means of knowing, in this very class of cases, formerly. Our difficulties had arisen, not from the fair exercise of such a right only by British cruisers, but from the abuse of it—from pushing it to a right of search; from entering our vessels, overhauling their papers, insulting their officers, detaining them on their voyage, and causing actual losses to those engaged in lawful and honorable commerce.

This abuse was what we had protested against. This was what Americans never would tamely submit to. This was, in effect, carrying on the old-fashioned right of search, under the name or cover only of a visit—a right of search now disclaimed by the English minister except in time of war. So Lord Aberdeen had abandoned any right to detain our vessels; but still they had been detained, and they had been searched, and both by violence; and this we had denounced, and would resist. But the mere right of inquiry, or even of visitation, Mr. W., for one, had never questioned, under proper circumstances, on the ocean, by any nation. Ships of war were often a species of police force on the great and common highway of all nations.

When war existed, the parties engaged had a right to inquire and see that none travelled under false colors, so as to escape their enemy. But even then, we had always denied the right to carry this inquiry to a search of the cargo in a neutral vessel—for our motto had been, "*Free ships make free goods;*" much less had we recognized the right to search the muster-rolls of the vessel, and her decks, to impress any supposed foreigners. When peace existed, if pirates were common in any seas, the right of inquiry and visitation, in case of much doubt, existed there, in order to detect disguises and frauds, and prevent escapes. So in case of smuggling on the coast of any country: if it became frequent, the right of inquiry prevailed there, and was exercised by us as well as well as other nations. So in case of the slave-trade on the coast of Africa—the worst species of crime, if not technical piracy.

But these rights, growing out of special and local exigences, did not justify officious, vexatious, and constant visits to vessels, everywhere, and on all occasions, by a dominant power, and detaining those vessels uselessly or maltreating their officers and crews. The favorable view of this part of the treaty of 1842, as to our keeping a larger naval force on the coast of Africa, was, that it took away all occasion from other powers, either to claim or exercise any right to overhaul, in any way, our ships. It thus should prevent the danger of abuses of any kind, with their inevitable collisions, ending in war.

If it did not, and in fact England should still attempt, with force, to visit our vessels there, or to push visitation into search, none would resist it quicker or longer than he. These, in brief, were the views he entertained on the topic; and on that account, he should, till some actual wrong occurred on the other side, vote for an appropriation like this, and not for a recommitment.

The question was then taken on Mr. BARROW's proposition, and decided in the negative—yeas 4, nays 36, as follows:

YEAS—Messrs. Allen, Benton, Linn, and Smith of Connecticut—4.

NAYS—Messrs. Archer, Barrow, Bates, Bayard, Berrien, Calhoun, Cheate, Clayton, Conrad, Crafts, Crittenden, Cuthbert, Dayton, Evans, Fulton, Henderson, Huntington, Kerr, King, McDuffie, Mangum, Merrick, Miller, Morehead, Phelps, Porter, Rives, Sevier, Smith of Indiana, Sprague, Tallmadge, Tappan, White, Wilcox, Woodbridge, and Woodbury—36.

Mr. BAGBY made an ineffectual effort to procure action on the bill permitting the notes of the State Bank of Alabama to be received from pre-emptioners, in payment for lands sold in that State, on certain conditions.

Several bills from the House were then taken from the President's table, and referred to appropriate standing committees.

Mr. SEVIER here made an ineffectual effort to have the joint resolution from the House, authorizing a survey of the harbor of Memphis, Tennessee, with the view of establishing a naval depot and armory there, taken up and disposed of.

On motion by Mr. BUCHANAN, the bill for the relief of the West Feliciana Railroad, and the Grand Gulf Railroad and Banking Company, was taken up for consideration.

CONGRESSIONAL GLOBE.

PUBLISHED BY BLAIR AND RIVES, AT ONE DOLLAR PER SESSION, IN ADVANCE.

27TH CONG.....3D SESS. WEDNESDAY, MARCH 1, 1843. VOLUME 12....No. 22

Continued from No. 21.

Mr. BUCHANAN remarked that this bill was laid on the table at his instance, with a view to enable him to get some information from the department. He had procured that information. He found that the department had yielded, by its decision on the remission of those duties on railroad iron, the grounds which formed one point of his objection to the passage of the bill; and if it was so amended as to strike out the second section, the bill would not at all interfere with the principles he had entertained, concerning the remission of duties on railroad iron.

On motion by Mr. HENDERSON, the second section of the bill was stricken out; and there being no further amendment proposed, the bill was reported to the Senate, and finally passed. So much of the title as related to the Grand Gulf Railroad and Banking Company was stricken out.

On motion by Mr. MERRICK, the Senate then proceeded to the consideration of executive business; and after some time spent therein, adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, February 23, 1843.

Mr. R. McCLELLAN presented the several petitions of Maria Evrit, of Hudson, N. Y., and Polly Thomas, of Claverack, N. Y., praying an extension of the widows pension act.

Mr. BOYD presented the papers of Mrs. Charity Clark, asking to be allowed a pension: referred to the Committee on Revolutionary Pensions.

On motion by Mr. KEIM, the Committee of the Whole was discharged from the further consideration of the bill for the relief of John P. Schuyler; and the same having been ordered to be engrossed, was read the third time, and passed.

Mr. BRIGGS asked leave to submit the following resolution:

Whereas all laws passed by the Governor and Legislative Council of Florida are in full force, until disapproved by Congress: therefore

Resolved, That the Committee on the Judiciary be instructed, forthwith, to report the following bill:

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That an act passed by the Governor and Legislative Council of the Territory of Florida, approved by the said Governor on the 5th day of March, 1842, entitled "An act to prevent the future migration of free negroes or mulattoes to this Territory, and for other purposes," be, and the same is hereby, disapproved, and shall henceforth be of no force.

Mr. JACOB THOMPSON rose to a privileged question. He wished to make an explanation personal to himself, and hoped the House would extend the usual courtesy to him.

The SPEAKER requested the gentleman from Mississippi to suspend his explanation till the decision of the House on the question pending.

Mr. MERIWETHER objected to the reception of the resolution.

Mr. BRIGGS moved a suspension of the rules.

Mr. FILLMORE believed that the subject had been referred to the Committee on the Judiciary; and he wished to know whether they had reported on it.

The SPEAKER said that they had not. This resolution was to direct them to report forthwith.

The yeas and nays were ordered on the suspension of the rules.

Mr. JOHN CAMPBELL, to avoid the consumption of time, moved to lay the resolution on the table.

Mr. MERIWETHER said that the resolution was not yet received.

Mr. PICKENS appealed to the House to allow the gentleman from Mississippi [Mr. THOMPSON] to take the floor. He wished to speak of a matter personal to himself and his State; and in such cases permission was always given as a matter of courtesy.

Mr. THOMPSON of Mississippi rose and said he desired to take possession of the floor but for a minute, on a matter personal to himself. On the day before yesterday, while he was proceeding with his remarks on the resolution of Mr. INGERSOLL, he was interrupted by the gentleman from North Carolina, [Mr. RAYNER.] The remarks made by that gentleman were imperfectly heard by him; but he had been informed by others who heard him, that his remarks were susceptible of an interpretation which reflected disparagingly and injuriously upon the State of Mississippi, as well as upon himself. No report of what passed has appeared in the papers. On yesterday the gentleman was not in his seat; and as he now saw him in his seat, he took the first occasion to call his attention to this matter, and inquire what was his intention in those remarks.

Mr. RAYNER said the reason why he was not in his seat yesterday, was, that he was detained at his room by indisposition. The gentleman from Mississippi said he did not hear his (Mr. R.'s) remarks; and he (Mr. R.) knew not what it was that the gentleman alluded to. It seemed some busy-body had persuaded him that he (Mr. R.) had said something which might be construed as personally offensive to him [Mr. T.] and that was also calculated to reflect upon the State of Mississippi. As to the State of Mississippi, Mr. R. said he had said nothing about her; and he did not, therefore, feel called on to express any opinion now, as to the course of that State. If the gentleman from Mississippi asked this explanation in good faith, (as he, Mr. R., was bound to suppose he did,) he (Mr. R.) had no hesitation in saying that he meant nothing personally offensive to Mr. T. The gentleman [Mr. T.] had given him (Mr. R.) no cause of offence; and of course, he (Mr. R.) could not intend to be personally offensive to Mr. T. He owed it to himself to say, that he did not wish to be considered as having gone out of his way to offend any one, without cause.

Mr. PICKENS said, as he had called the attention of the House to the explanation of the gentleman from Mississippi, it might be supposed that the gentleman from North Carolina had alluded to him as the informer of the gentleman from Mississippi, [Mr. THOMPSON.] On the contrary, he had not said a word to him as to this matter.

Mr. THOMPSON here interposed, and said he had held no conversation with the gentleman from South Carolina on this subject.

Mr. RAYNER replied, that he made no allusion whatever to the gentleman from South Carolina.

The question recurring on Mr. JOHN CAMPBELL'S motion to lay Mr. BRIGGS'S resolution on the table, Mr. C. withdrew it.

The question was then taken on the motion of Mr. BRIGGS to suspend the rules; and it was decided in the negative—yeas 66, nays 104, as follows:

YEAS—Messrs. Adams, Allen, Sherlock J. Andrews, Baker, Barnard, Birdseye, Blair, Boardman, Borden, Brewster, Briggs, Brockway, Bronson, Jeremiah Brown, Childs, Chittenden, Staley N. Clarke, Cowen, Cranston, Cravens, Richard D. Davis, John Edwards, Everett, Fillmore, Gates, Patrick G. Goode, Hall, Halstead, Henry, Hudson, Hunt, Joseph R. Ingersoll, James Irvin, James, Andrew Kennedy, Linn, McKennan, Marchand, Mathiot, Mattocks, Maxwell, Maynard, Morris, Osborne, Ramsey, Benjamin Randall, Randolph, Read, Ridgway, William Russell, James M. Russell, Saltonstall, Sanford, Slade, Stokely, Stratton, Tillinghast, Toland, Tomlinson, Trumbull, Wallace, Joseph L. White, Thomas W. Williams, Winthrop, Yorke, and Augustus Young—66.

NAYS—Messrs. Landaff W. Andrews, Arnold, Arrington, Atherton, Barton, Bidlack, Botts, Bowne, Boyd, Aaron V. Brown, Burke, William Butler, William O. Butler, Patrick C. Caldwell, John Campbell, William B. Campbell, Thomas J. Campbell, Caruthers, Cary, Casey, Clinton, Coles, Cross, Cushing, Daniel, Garrett Davis, Dawson, Dean, Deberry, John C. Edwards, Charles A. Floyd, Fornance, Gamble, Gentry, Gerry, Gilmer, Goggin, William O. Goode, Gordon, Green, Gwin, Harris, Hays, Hopkins, Houck, Houston, Hubard, Hunter, Charles J. Ingersoll, William Cost Johnson, Cave Johnson, John W. Jones, Keim, King, Lewis, Littlefield, Lowell, Abraham McClellan, Robert McClellan, McKay, McKeon, Alfred Marshall, Meriwether, Miller, Mitchell, Moore, Owsley, Partridge, Payne, Pickens, Pope, Powell, Alexander Randall, Rayner, Reding, Rencher, Reynolds, Rhett, Riggs, Saunders, Sewell, Shaw, Shepperd, Snyder, Steenrod, Alexander H. H. Stuart, John T. Stuart, Summers, Sweney, John B. Thompson, Richard W. Thompson, Jacob Thompson, Triplett, Trotti, Underwood, Van Buren, Van Rensselaer, Watterson, Weller, Westbrook, Edward D. White, Christopher H. Williams, Joseph L. Williams, and Wise—104.

Mr. WM. C. JOHNSON submitted the following resolution:

Resolved, That the President of the United States communicate to this House all the correspondence between the ministers of the United States and the British Government, and the correspondence and instructions of this Government with said ministers in relation to what has generally been called the "Creole" and "McLeod" cases, not heretofore communicated to this House, if not incompatible with the public service.

Mr. CUSHING and Mr. ADAMS simultaneously rose, and addressed the Chair.

Mr. W. C. JOHNSON said he had not yielded the floor. He had another resolution, which he wished to submit.

[Cries of "The other resolution is not adopted."]

Mr. UNDERWOOD called for the regular order of business.

Mr. FILLMORE said, if debate was likely to arise, he should object to the reception of the resolution.

Mr. UNDERWOOD objected peremptorily, and called for the regular order of business.

Mr. W. C. JOHNSON withdrew his resolution, on a suggestion being made from the Speaker; but he said he would ask the courtesy of the House to allow him to make a report from a select committee.

Mr. UNDERWOOD called for the presentation of reports generally.

Mr. FILLMORE also appealed to the gentleman from Maryland to allow that order of business (the calling for reports) to be adhered to, and the gentleman would then have an opportunity to present his report without obstructing any other business.

The SPEAKER then called committees for reports; and many were presented.

THE FINANCES.

Mr. FILLMORE, from the Committee of Ways and Means, made a report; which was laid on the table, and ordered to be printed. It was a report on a message of the President of the United States of the 13th of February instant, with a letter of the Secretary of the Treasury accompanying the same, on the subject of the finances.

He then offered the following resolution; which was adopted:

Resolved, That the Secretary of the Treasury be directed to report to this House—

First. The amounts of outstanding appropriations on the 4th day of March, 1841, and on the 4th day of March, 1843.

Second. The amount of available means in the treasury on each of those days, to meet such appropriation.

Third. The amount of means need to defray the expenses of the Government, over and above the ordinary revenues of the Government from customs and the public lands, for the four years preceding the 4th day of March, 1841, and for the two years succeeding that time, and what such means were.

Fourth. The amount of appropriations which have been made since the 4th day of March, 1841, for arrearages or liabilities existing prior to that time.

Fifth. The amount of appropriations for each year from the 4th of March, 1829, to the 4th of March, 1843, exclusive of the public debt and trust funds.

Sixth. The amount of the public debt on the 4th day of March, 1841, and on the 4th day of March, 1843.

Mr. PICKENS, from the Committee of Ways and Means, reported Senate bill for the relief of the Planters' Bank of Mississippi, and the Agricultural Bank of Mississippi, with a recommendation that the bill be not adopted.

He also communicated to the House copies of a correspondence in relation to the bill; which was ordered to be printed.

Mr. COWEN made several adverse reports from the Committee of Claims; which were laid on the table, and ordered to be printed.

Mr. WINTHROP, from the Committee on Commerce, reported a bill amendatory of an act for the relief of sick and disabled seamen; which, on his motion, was allowed to go through all its stages, and to be passed.

Mr. J. P. KENNEDY said he was directed by the Committee on Commerce to ascertain if there was a disposition in the House to take up the warehouse bill during the present session; and,

with that view, he should move that that bill be made the special order for Tuesday next.

Mr. CAVE JOHNSON and Mr. FILLMORE both rose to make some remark.

The SPEAKER apprised the gentleman from Maryland that his motion now would require a vote of two-thirds, as its effect would be to supersede the regular order of business.

Mr. J. P. KENNEDY, under these circumstances, withdrew his motion.

Mr. CHAPMAN, from the Committee on the Public Lands, moved to discharge the Committee of the Whole on the state of the Union from the further consideration of House bill No. 788, providing for the payment of the two per cent. fund due by the United States to the State of Alabama.

Mr. FILLMORE wished all the committees to be called, before the gentleman made his motion.

The SPEAKER informed the gentleman from Alabama that his motion would require a vote of two-thirds.

Mr. CHAPMNN said that he had made this motion several times within a few days past, but without success. He felt assured that, if gentlemen could be made to understand the provisions of the bill, they would not oppose it; and, therefore, he would give a very brief explanation, although as much opposed as any member on the floor to consuming the time of the House in useless debate. Mr. C. said that, by the compact between the State of Alabama and the United States, two per cent. on the proceeds of the sales of the public lands within that State was to be expended by the United States in making roads leading to the State. By the act passed at the late extra session of Congress, commonly called the distribution law, this two per cent. fund was relinquished to the State, and the Treasurer of the United States required to pay it over—one half the 1st of May last, and the other the 1st of May next. At the late session of the Legislature of Alabama, resolutions passed, accompanying a memorial to Congress, asking the passage of an act, authorizing the receivers and registers at the several land offices within the State to receive from the actual settlers on the public lands, in payment of their pre-emptions, (not to exceed one quarter section to any one,) the notes of the Bank of the State of Alabama and branches, to an amount not exceeding the sum due to the State by the act referred to for the two per cent. fund—the State obliging herself to receive the said notes in payment of the said fund. The bill provides simply for carrying this into operation.

Mr. C. said he presumed it was known to most of the members on the floor, that the Bank of the State of Alabama, and branches, belonged exclusively to the State, whose faith was pledged for the redemption of the notes. The Legislature of that State has, at its late session, adopted a restrictive policy in relation to her banks, with a view of reducing the circulation as fast as possible. In that spirit, the resolutions referred to were passed.

Mr. C. said that this bill was local in its operations—exclusively confined to the State he in part represented; and to his immediate constituents he considered it of the utmost importance. The country acquired lately from the Cherokees is densely populated by industrious, enterprising citizens, who are entitled to enter their lands under the pre-emption laws; but in the present deranged state of the currency—especially in Alabama—added to the pressue of the times, and the low prices of produce and property of every kind, there were a great many who could not, without the aid this bill would afford, purchase their homes. By passing the bill, not only will relief be afforded to the honest and worthy occupants and cultivators of the soil, but more land will be sold, and an easier mode provided for paying over to the State what is due by this Government; the tendency of which will be to reduce much of the bank circulation, and appreciate what remains.

Mr. C. said that, as the sales of the lands in the Cherokee country are to take place in April and May next, the House would excuse him for the zeal he manifested in pressing for immediate action on this bill. He felt confident that, with the short explanation he had given, the committee would be discharged from the bill, and that it would be passed. The committee was accordingly discharged by the House.

The bill was taken up, read a third time, and passed.

CHESAPEAKE AND OHIO CANAL.

Mr. UNDERWOOD, from the Committee for the District of Columbia, reported the joint resolution authorizing a transfer of the stock held by the United States in the Chesapeake and Ohio canal to the State of Maryland, and the corporations of Washington, Georgetown, and Alexandria, on certain conditions.

Mr. U. offered an amendment, which he moved be printed, and, together with the resolution, referred to the Committee of the Whole on the state of the Union.

Mr. J. T. MASON hoped that the resolution would not be referred to the Committee of the Whole, where it might not be taken up, but would be suffered to lie on the Speaker's table for the early action of the House.

Mr. HOPKINS objected to such a course, and contended that the resolution must go to the Committee of the Whole, inasmuch as it made an appropriation—an absolute gratuity of a million and a half.

Mr. UNDERWOOD explained his amendment, which was to extend the provisions of the resolution to the stock held by the United States and the Louisville and Portland canal.

The resolution was then referred to the Committee of the Whole on the state of the Union.

Mr. MAXWELL, from the Committee on the Judiciary, reported Senate bill to alter the places of holding the district court of the United States, for the district of New Jersey, with an amendment: ordered to lie on the Speaker's table.

Mr. M. also made an adverse report.

Mr. MOORE, by direction of the Committee on Private Land Claims, moved that the House take up the bill for the relief of the legal representatives of Antoine Cruzat and others.

The motion was agreed to; and the bill was read a third time, and passed.

Mr. BAKER, from the Committee on Invalid Pensions, reported Senate bill No. 135, granting a pension to Wm. McPherson: referred to the Committee of the Whole House.

Mr. STRATTON, from the Committee on Revolutionary Pensions, made an adverse report.

BRITISH CONSTRUCTION OF THE TREATY.

When the Committee on Foreign Affairs was called on for reports—

Mr. CUSHING rose and asked permission to correct a grave error contained in the late speech of Sir Robert Peel. (Cries of "No, no;" and several voices, "Hear him.")

The SPEAKER inquired if objection was made.

Many members objected.

Mr. CUSHING said he merely wished to state a fact; and if leave was not given, he should move for it.

Objections were still made in various parts of the hall.

Mr. BRIGGS moved that leave be given.

Mr. CUSHING said he should not occupy five minutes. The fact which he wished to state came from Mr. Everett.

Mr. PICKENS said if the statement came from Mr. Everett, it was what he wanted to hear.

Mr. CUSHING moved that the rules be suspended for the purpose of hearing his statement.

Mr. L. W. ANDREWS asked for the yeas and nays on the motion to suspend; but they were not ordered.

Mr. W. C. JOHNSON said, as he understood the vote, it was to allow the gentleman [Mr. CUSHING] to make a statement, without giving rise to a debate.

Mr. KING said he could see no good that would come of the statement.

Several gentlemen called for a statement of the question.

The SPEAKER stated it to be a motion to suspend the rules, for the purpose of allowing the gentleman from Massachusetts [Mr. CUSHING] to make a statement in relation to Sir Robert Peel's speech on the right of search.

Many members: ["No, no."]

The SPEAKER. The gentleman from Massachusetts will reduce his proposition to writing.

Mr. CUSHING said he merely desired to make a statement, derived from a letter received from Mr. Everett, an extract from which he would read.

Mr. GRANGER. If it is a letter from Mr. Everett, let it be sent to the House from the President, officially.

The House then proceeded to vote upon the motion to suspend the rules, for the purpose of hearing Mr. CUSHING's statement. The result of the vote was—yeas 99, nays 55.

So (two-thirds not voting in the affirmative) the rules were not suspended.

Mr. CUSHING intended to read to the House the extract from the speech of Sir Robert Peel of the 2d of February, 1843, and that from a letter of Mr. Everett, minister of the United States in London, which follow, viz:

Extract from Sir Robert Peel's speech.

"Therefore, sir, it will be my duty, in the face of the public, expressing deep regret that there should appear to be any difference of opinion on this topic, explicitly to declare that we have not waived one of the principles contended for by my noble friend (the Earl of Aberdeen) in his despatch of December, 1841; and it is further my duty to declare that that despatch has remained to the present hour unanswered by the Government of the United States. I know, I think, too well what is the ability and what the keenness of a Secretary of State in the United States, to believe that, if doctrines so important as those advanced in the despatch could be questioned, it would have been permitted to remain fourteen months unanswered and unacknowledged, had it been thought wise to contest those principles."

Extract from a despatch from Mr. Everett to Mr. Webster, dated February 3d, 1843.

* * * "I attended the debate in the House of Commons. You can judge of the surprise with which I listened to the remarks of Sir Robert Peel on the alleged fact, that Lord Aberdeen's letter to me of the 20th of December, 1841, remained to this day 'unacknowledged and unanswered.' It was acknowledged by me in a note dated two days afterwards, (23d December, 1841,) which, however unimportant, was transmitted to Mr. Fox by Lord Aberdeen, and afterwards communicated to Parliament, and printed. In this note of acknowledgment, I informed Lord Aberdeen that I should avail myself of an early opportunity of making some remarks on the very important topics treated in the letter. I pursued this course of an immediate acknowledgment of the receipt of Lord Aberdeen's note, with notice of a purpose of replying, in due season, to its contents; because, being just arrived at my post, I had not received the instructions which you had informed me I might soon expect on this topic; and which, as Lord Aberdeen's note modified the ground, and disclaimed the language of his predecessor, it was my duty to await. Such instructions I should, no doubt, in due time, have received; but, on the 27th of December, Lord Aberdeen informed me that the special mission had been determined on; that Lord Ashburton would go to America with full powers to settle every point in discussion, including what was called the right of earch, which he deemed the most difficult; and expressed the opinion that it would be hardly worth while for us to continue the correspondence on matters in dispute between the two countries; and remarked, though he was willing to consider and reply to any statement I might think proper to make on any subject, that, pending the negotiation that might take place at Washington, he supposed no benefit would result from a simultaneous discussion here.

"Such were Lord Aberdeen's observations, as reported by me in my despatch of December 31st. The negotiations took place, and a mode of dealing with and settling the question was happily agreed upon, which made it unnecessary to resume the discussions so long carried on upon the subject. In fact, from the moment the special mission was announced, I considered the discussion at an end; and as little to be resumed in reference to search and visitation, as the boundary or the 'Caroline.'"

STEAMBOATS.

Mr. UNDERWOOD, from the Select Committee on Steamboat Navigation, moved, in obedience to a vote of that committee, that the Committee of the Whole be discharged from the further consideration of the bill to modify the act entitled An act to provide for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam, approved July 7th, 1838.

The motion was agreed to, and the bill was read.

Mr. FILLMORE moved that the third section, which exempts steamboats propelled by Ericsson's propellers from the law requiring steamboats to be provided with fire-buckets and engines, be stricken out.

Mr. UNDERWOOD opposed the motion, and said the section had been inserted at the instance of numerous petitioners.

Mr. FILLMORE was opposed to the exemption of any kind of steamboat machinery from the operation of a law to which others were subject.

The question was taken; and the motion to strike out the section was carried—ayes 96, noes 45.

The bill was then ordered to be engrossed, and read a third time.

The question being on the passage of the bill,

MR. BREWSTER moved a reconsideration of the vote by which the clause exempting boats propelled, in part, by Ericcson's propellers from the penalties imposed for not being provided with fire-engines and additional row-boats, &c., was stricken out. He wished to explain to the House why he thought that clause should be retained. In the summer of 1842, several enterprising citizens of his village constructed a number of vessels, to be impelled partly by sails, and partly by Ericcson's propellers, for the trade of the lakes—and particularly for the purpose of going through the Welland canal. Steamboats constructed in the ordinary way not being able to go through that canal, these gentlemen, together with a number of other citizens, petitioned Congress that the vessels of the above description, thus intended for the lake trade, should be exempted from the penalties of the act of 1838, requiring steamboats to be provided with additional boats and fire-engines, on the ground that they were intended solely for freight-boats, and not for passengers. In the year 1838, when this law was first enacted, purporting to be a law to secure the safety of passengers in steamboats, he (Mr. B.) was presiding over an insurance company; and the question arose whether this law was so calculated to effect the object in view, as to authorize them to diminish the rates of insurance; and, after a full debate, this question was decided in the negative. The question was then agitated, whether the rate of insurance should be raised, and this question was also decided in the negative. The prevalent opinion of the board, however, was, that the law, so far from diminishing the hazard of human life, increased it. As, however, the opposite opinion prevailed here, he would not object to the law, though he thought he could show that it did not accomplish the objects it had in view. He approved of the motive which induced its passage, as it appealed to the best feelings of the human heart; but while they were influenced by their feelings, they should also have some regard to reason. The bill required that the steamboats should be licensed; and who were to give the licenses? Why, the inspectors, who were to be examined as to their qualifications to give them. But who were to examine the examiners? In his opinion, just so far as the responsibility was removed for those immediately in the charge of the steamboats, so far would human life be endangered. In conclusion, Mr. B. appealed to the House to permit those gentlemen engaged in the carrying trade—whose vessels were intended solely for freight, and not for passengers, and which in fact contained no accommodations for passengers whatever—to carry on their commerce without being subjected to the burdensome penalties of the law of 1838. Just in proportion as legislation increased the burdens on the carriers of produce, would it impose burdens on the producers.

Mr. FILLMORE said that, in his motion to strike out the section, he had no reference to the commerce of Oswego, where his friend resided, nor to the insurance offices; but he did not like to see one class of steamboats exempted from the restrictions which were imposed on the others. It was well known that all the steamboats navigating the lakes were propelled, in part, by sails, as well as those which were filled with Ericcson's propellers; and that numbers of the emigrants took passage in these freight boats, because they could travel in them at a less expense. It was to protect the lives of this numerous class, that he thought the restriction should be imposed on the freight boats as well as the passage boats. If the gentleman would consent to an amendment exempting boats filled with Ericcson's propellers, coupled with a condition that they should be prohibited from carrying passengers, he would agree to it.

The question was then taken on the motion for reconsideration, and rejected; and,

Under the operation of the previous question, the bill was passed.

NATIONAL FOUNDRY.

Mr. WM. COST JOHNSON, from the Select Committee on the subject of a National Foundry, reported a bill to establish a foundry for the fabrication of cannon for the use of the army and navy of the United States; which was read twice, and referred to the Committee of the Whole on the state of the Union.

Mr. J. then, by instructions of the committee, offered a resolution that the House should go into Committee of the Whole on the above bill on Friday next, and report the same to the House in half an hour.

Mr. FILLMORE objected to any more special orders.

Mr. JOHNSON made a few remarks, urging the House to adopt the resolution; after which,

The question was taken on the resolution, and it was rejected—ayes 62, noes 66.

Mr. SUMMERS, from the Committee on Contingent Expenses, made a report; which was ordered to be printed.

ELECTRO-MAGNETIC TELEGRAGH.

On motion by Mr. J. P. KENNEDY, the bill making appropriations to test the value of Morse's electro-magnetic telegraph was taken up, and, under the operation of the previous question, passed—ayes 89, noes 83.

On the motion of Mr. W. W. IRWIN, a resolution was adopted, directing the Secretary of the Treasury to communicate to this House the report of Colonel W. Robinson, the commissioner sent to Europe to negotiate a loan for this Government.

DIPLOMATIC CORRESPONDENCE.

Mr. W. C. JOHNSON again submitted his resolution, (which is published in an earlier part of this day's proceedings,) calling upon the President of the United States for certain correspondence with the British Government.

Mr. McKEON rose and submitted his intention to submit the following as an amendment thereto:

Resolved, That the President of the United States be requested to communicate to this House, (if not in his opinion incompatible with the public interests,) a copy of the despatch from Lord Aberdeen to the Government of the United States, bearing date December, 1841, in relation to the right of visit of American vessels.

Objection was made, and the resolution was not received.

THE TWO HUNDRED MILLION STOCK.

The question on printing extra numbers of the majority and minority reports of the Committee of Ways and Means on Mr. W. C. JOHNSON's project for the issue of $200,000,000 Government stock, now came up in order.

Mr. POPE (who was entitled to the floor from the previous day) now resumed the debate. He was understood to glance at his own course on this question at several preceding sessions, and to avow his desire to do all he could for the relief of the country; but he considered the proposition of the gentleman from Maryland entirely impracticable. He thought it was due to the people to declare that it could not be adopted. If doubt was thrown upon the subject—if any hope was left to the States for relief from this source, it would induce the States to relax their exertions, and give up all effort to pay their debts. Such schemes as that of issuing $200,000,000 Government stock might do very well for young men like the gentleman, [Mr. JOHNSON;] but he was too old to think of anything so visionary. He had no fear of nullification; nor of a war with England in case of a non-payment of the State debts. He alluded to the present state of the treasury, and the large demands upon it. It was, he thought, discreditable that additional taxes were not imposed, in order to make our revenue equal to our expenditures. It was mere delusion to suppose that the present state of things—the neglect to impose additional duties on articles now free—could long continue. He regretted that there was a disposition manifested by the gentleman from Virginia [Mr. WISE] and the chairman of the Committee of Ways and Means, to shift the responsibility away from each other. How could the United States Government aid the States, when its own condition was so far from being sound? He expressed a strong desire to do all that could be done for the relief of the States; but it was useless to hold out any delusion of relief at this time.

He entered into a discussion of the treaty-making power of the Government, and arrived at the conclusion that the consent of the House would be necessary to the fulfilment of any treaty which had to be carried out by money. He alluded to the disposition now manifested by various powers in Europe to treat with the United States on terms of reciprocity of trade; and expressed his opinion strongly and forcibly in favor of the proposition to send a commercial agent to Europe to treat for the removal of the restrictions which now hamper our commerce and navigation. After some further remarks in favor of his own *projet* for a bank to be based on the public lands, he concluded.

BRANCH MINTS.

The bill amendatory of the act entitled "An act establishing the branch mints of the United States," was taken up, with the amendments of the Senate thereto; and the amendments were concurred in.

MARINE HOSPITALS.

The amendments of the Senate to the bill making appropriations for a marine hospital at Ocracoke, North Carolina, were also concurred in.

Mr. CAMPBELL of South Carolina moved that the House take up the bill to suspend the operations of the districting law.

Mr. ADAMS objected.

Mr. CAMPBELL of South Carolina moved a suspension of the rules; which motion was rejected.

Mr. C. H. WILLIAMS moved that the House go into Committee of the Whole for the purpose of considering the bill reported by the Committee on Military Affairs, to divide the military districts of the United States; but the motion was rejected without a division.

Mr. FILLMORE submitted a resolution that all debate in Committee of the Whole, on the harbor bill, should cease at four o'clock to day, when the committee should proceed to vote on the pending amendments; and called for the previous question on the resolution.

Mr. CAVE JOHNSON hoped that the gentleman would allow a little more time for debate.

Mr. FILLMORE said that the House might dispose of the resolution as it thought proper. He would, however, withdraw the call for the previous question, in order that any gentleman might offer an amendment to extend the time.

Mr. CAVE JOHNSON then moved to amend the resolution by substituting 3 o'clock to-morrow, for the time fixed in the resolution; but the motion was rejected.

Mr. MERIWETHER moved to lay the resolution on the table: rejected.

The question was then taken on the adoption of the resolution, and it was decided in the affirmative—ayes 85, noes 77.

GENERAL APPROPRIATION BILLS.

On the motion of Mr. FILLMORE, the House resolved itself into Committee of the Whole, (Mr. GILMER in the chair,) and resumed the consideration of the harbors and rivers appropriation bill, from yesterday—being one of the batch of general appropriation bills reported by the Committee of Ways and Means.

Mr. RANDOLPH was entitled to the floor; but he gave way to

Mr. R. W. THOMPSON, who gave notice of an amendment which he intended to offer when he got the opportunity—the purport of which was understood to be, to set apart $300,000 of this appropriation to be expended in the States of Ohio, Indiana, and Illinois.

Mr. RANDOLPH then proceeded, and directed himself particularly to certain statistical statements and financial documents, to prove to the House that, if this bill were passed, the treasury would be in a condition to meet the expenditure which it proposed to make.

Mr. J. L. WHITE next addressed the committee, and chiefly in reply to the remarks made by the gentleman from New York [Mr. BARNARD] on yesterday.

The debate was further continued by Messrs. BARNARD and GIDDINGS.

The hour having expired for the termination of debate, the committee proceeded to vote on the amendments proposed.

Mr. TILLINGHAST submitted an amendment to appropriate a sum for the survey of a harbor in Block island; which was negatived.

Mr. STEENROD offered the following amendment; which was agreed to:

Provided, That, of the sum appropriated for the Cumberland road, $25,000 of the same shall be appropriated for continuing the Cumberland road in Virginia, and the purchase of materials for the construction of a bridge over the Ohio river, at Wheeling, Virginia.

Mr. REYNOLDS offered an amendment, providing that an appropriation should be made of $2 000 for the survey of the route for the national road from Vandalia, by Greenville, to Alton, in the State of Illinois; said survey to be made under the direction of the Secretary of War, who will report the amount of money necessary to construct the said road from Vandalia to Alton.

The amendment was negatived.

A great variety of amendments were offered by gentlemen for the appropriation of sums to improve rivers and harbors near the respective districts which they represent; the whole of which were negatived. The movers were Messrs. HOWARD, ANDREWS of Ohio, RANDALL of Maine, BOTTS, (to improve James river, $30,000,) REYNOLDS, J. P. KENNEDY, WILLIAMS of Connecticut, SALTONSTALL, J. CAMPBELL, BOARDMAN, FESSENDEN, W. B. CAMPBELL, J. L. WILLIAMS, AYCRIGG, TALIAFERRO, ($50,000 for the improvement of Rappahannock river up to Port Royal, and $10,000 for the removal of obstructions in Occoquan river,) WINTHROP, R. W. THOMPSON, TILLINGHAST, MALLORY, (for the improvement of the Dismal Swamp,) LEVY, J. R. INGERSOLL, RAYNER, PLUMER, (for the improvement of the Alleghany river from Pittsburg, Pennsylvania, to Olean, New York, $50,000,) J. C. EDWARDS, (for further improving the harbor of St. Louis, in the State of Missouri, $25,000,) HUNT, FILLMORE, and others.

Mr. HOLMES offered an amendment appropriating $5,000,000 for opening a communication between the Atlantic and Pacific oceans, by way of the isthmus of Darien.

Mr. TILLINGHAST offered, as an amendment to the amendment, $100,000 for Hell-gate, in New York.

This amendment was rejected—ayes 66, noes 69.

Mr. J. P. KENNEDY moved, as an amendment to the amendment, a clause appropriating $50,000 for enclosing the harbor of Charleston, South Carolina: agreed to.

The question then recurred on the amendment as amended, and it was rejected.

Mr. YORKE offered an amendment appropriating $5,000 for Delaware river: rejected.

Mr. WISE moved that the committee rise: rejected—66 to [illegible].

Mr. WELLER moved to reduce the appropriation for the Hudson river from $153,000 to $50,000: rejected.

On motion of Mr. FILLMORE, the appropriation for the Mississippi, Missouri, Ohio, and Arkansas rivers, was stricken out.

Mr. CHITTENDEN offered an amendment making an appropriation for Black river, New York, and for Sackett's Harbor: rejected.

Mr. GRAHAM moved that the committee rise, and report the bill, with a recommendation that it be rejected.

After some confusion and discussion on points of order, the motion was carried—ayes 97, noes 75.

The committee then rose, and reported the bill, with the recommendation that it be not passed.

Mr. CAVE JOHNSON moved that it be laid on the table.

Mr. FILLMORE asked for the yeas and nays; which were ordered, and resulted—yeas 107, nays 87, as follows:

YEAS—Messrs. Arnold, Arrington, Atherton, Aycrigg, Barton, Bidlack, Boardman, Botts, Boyd, A. V. Brown, Milton Brown, Burke, William Butler, William O. Butler, Patrick C. Caldwell, John Campbell, William B. Campbell, Thomas J. Campbell, Caruthers, Cary, Chapman, Colquitt, Crawford, Daniel, Richard D. Davis, Deberry, John C. Edwards, Egbert, John G. Floyd, Charles A. Floyd, Fornance, Thomas F. Foster, Gamble, Gentry, Gerry, Gilmer, Goggin, William O. Goode, Gordon, Graham, Green, Gustine, Gwin, Hall, Halsted, Harris, Hays, Holmes, Hopkins, Houston, Hubard, Jack, Cave Johnson, John W. Jones, Isaac D. Jones, Keim, Lewis, Littlefield, Abraham McClellan, Robert McClellan, McKay, Mallory, Marchand, Alfred Marshall, Maxwell, Meriwether, Miller, Mitchell, Moore, Newhard, Osborne, Owsley, Parmenter, Payne, Pickens, Pope, Powell, Ramsey, Alexander Randall, Rayner, Reding, Rencher, Rhett, Rogers, Roosevelt, Saunders, Shaw, Shepperd, Shields, Wm. Smith, Snyder, Sprigg, Alexander H. H. Stuart, Summers, Taliaferro, Jacob Thompson, Trotti, Trumbull, Turney, Underwood, Van Buren, Washington, Watterson, Westbrook, Christopher H. Williams, Joseph L. Williams, Wise, and Wood—107.

NAYS—Messrs. Adams, Landaff W. Andrews, Sherlock J. Andrews, Baker, Barnard, Birdseye, Blair, Borden, Brewster, Briggs, Bronson, Charles Brown, Jeremiah Brown, Calhoun, Casey, Childs, Chittenden, John C. Clark, Staley N. Clarke, James Cooper, Cowen, Cranston, Cravens, Cross, Cushing, Garrett Davis, Dean, John Edwards, Everett, Ferris, Fessenden, Fillmore, Gates, Giddings, Patrick G. Goode, Granger, Henry, Howard, Hudson, Hunt, Charles J. Ingersoll, James Irvin, William W. Irwin, James, John P. Kennedy, Lane, Linn, McKennan, Samson Mason, Mathiot, Mathews, Mattocks, Maynard, Medill, Morris, Morrow, Oliver, Plumer, Benj. Randall, Randolph, Reynolds, Ridgway, Rigge, William Russell, James M. Russell, Saltonstall, Steenrod, Stokely, Stratton, John T. Stuart, Sweney, Richard W. Thompson, Tillinghast, Toland, Tomlinson, Triplett, Van Rensselaer, Wallace, Ward, Weller, Joseph L. White, Thomas W. Williams, Winthrop, Yorke, Augustus Young, and John Young—87.

So the bill was laid on the table.

Mr. CAVE JOHNSON moved a reconsideration of the vote just taken; and called for the previous question.

Mr. ARNOLD moved that the House adjourn; which motion was carried, and

The House adjourned.

Mr. JACOB THOMPSON presented a petition of George W. Campbell, Samuel K. McIlhenny, and 112 other citizens of Mississippi, praying the establishment of a stage mail line between Louisville, Mississippi, via Macon, in that State, to Clinton, Alabama.

Mr. STOKELY presented the petition of Amasa Bailey, H. B Willman, and 200 other citizens of the State of Ohio, praying Congress to pass a law authorizing an issue of $200,000,000 of stock, based on the proceeds of the public lands, bearing an interest of 4 per cent. per annum: referred to the select committee on that subject.

Also, the petition of D. L. Collier, M. Roberts, and 82 other citizens of the counties of Columbiana and Jefferson, in Ohio, praying the establishment of a mail route within the said counties: referred to the Committee on the Post Office and Post Roads.

IN SENATE.

FRIDAY, February 24, 1843.

Mr. McROBERTS presented joint resolutions adopted by the Legislature of Illinois, setting forth the great loss sustained by the people of that State, and adjacent States, in consequence of the obstructions in the navigation of the Mississippi and its tributaries; and asking Congress, most earnestly, to adopt some system of appropriations for the improvement, effectually, of all the great rivers in the West.

The resolutions were read, and ordered to be printed.

Mr. YOUNG presented several memorials adopted by the Legislature of Illinois—one urging a reduction of postage on letters and newspapers; the second urging that the tariff law may be so modified as to admit salt free of duty; the third recommending the adoption of measures for the purpose of establishing the boundary line northwest of the Rocky Mountains, in the Oregon Territory; the fourth recommending a reduction of the price of such public lands as have been a long time in the market, and urging a modification of the law, passed many years ago, regulating the sales of the public lands, so as to remove the restriction to the entry of more than one quarter section.

Messrs. YOUNG and McROBERTS made some remarks, explaining the existing land laws, the onerous operation of the restriction alluded to, and urging the propriety of its removal.

The memorials were then ordered to be printed.

Mr. YOUNG presented three memorials from the counties of Kendall and Lasalle, Illinois, praying for the establishment of a mail route from Napierville to Ottawa, in that State; which was referred to the Committee on the Post Office and Post Roads.

Mr. TALLMADGE presented a memorial from citizens of the Territory of Wisconsin, praying that a law may be passed limiting the term of service of the representatives in their legislative council to one year; which was referred to the Judiciary Committee.

Also presented a petition from citizens of Albany, N. Y., against the annexation of Texas to the United States; which was ordered to lie on the table.

Also presented a memorial from citizens of Orleans county, N. Y., proposing to Congress a plan for a fiscal exchequer, as a means of regulating the currency; which was laid on the table, and ordered to be printed.

Mr. WILLIAMS presented a petition from citizens of Maine, praying an increase of the duties on imported fish and lumber; which was laid on the table.

Mr. TAPPAN presented a memorial from citizens of the counties of Jefferson and Brooke, Va., and the county of Washington, Pa., praying the establishment of a mail route from Steubenville, Ohio, to Washington borough, Pa.; which was referred to the Committee on the Post Office and Post Roads.

Mr. EVANS, from the Committee on Finance, reported back, without amendment, the following bills from the House, viz:

The bill making appropriations for certain fortifications of the United States for the half calendar year, beginning on the 1st day of January, and ending on the 30th June, 1843; and for the fiscal year, beginning on the 1st July, 1843, and ending on the 30th June, 1844;

The bill making appropriations for the payment of naval pensions due on the 1st July, 1843, and the 1st January, 1844; and

The bill making appropriations for the fulfilment of treaty stipulations with various Indian tribes, and for the current and contingent expenses of the Indian department, for the half calendar year, beginning on the 1st of January, and ending on the 30th June, 1843; and for the fiscal year, beginning on the 1st July, 1843, and ending on the 30th June, 1844.

On motion by Mr. ALLEN, the Committee on Pensions was discharged from the further consideration of the bills from the House for the relief of Asa ———, and granting an increase of pension to Isaac Plummer.

Mr. ALLEN, from the Committee on Pensions, reported back, without amendment, and with a recommendation that it do not pass, the bill for the relief of John Carey.

Mr. SMITH, from the Committee on Public Lands, reported back, with an amendment, House bill to regulate the mode of paying over to the State of Alabama the two per cent. fund relinquished to that State, by permitting the notes of the Bank of Alabama to be received from actual settlers, in payment for lands sold in that State. Mr. S. said that the bill had been amended to correspond with the Senate bill which had been reported from the Committee on Public Lands.

On motion by Mr. KING, the bill was taken up as in committee of the whole, considered, and the amendments being adopted, it was reported to the Senate, and ordered to be engrossed for a third reading, and finally passed.

Mr. GRAHAM, from the Committee on Naval Affairs, reported back, without amendment, and with a recommendation that they do not pass, House bill for the relief of Frances M. Lewis, widow of W. Lewis; and the bill for the relief of Mary Neale.

Mr. BAYARD, from the Commitee on Naval Affairs, reported back, without amendment, the bill from the House authorizing an examination and survey of the harbor of Memphis, Tennessee.

Mr. BAYARD, also, made an adverse report on the petition of Ellen Dix, the widow of a deceased naval officer, praying for the renewal of a pension.

Mr. BERRIEN, from the Committee on the Judiciary, reported back, without amendment, and

with a recommendation that it do pass, the bill from the House entitled "An act to authorize the election or appointment of certain officers in the Territory of Wisconsin."

Mr. BATES, from the Committee on Pensions, reported back, without amendment, and with a recommendation that they be indefinitely postponed, House bills for the relief of Nancy Byrd, the widow of Baylor Byrd, a revolutionary soldier; and for the relief of Abraham Vanhorn.

Mr. BAGBY, from the Committee on Pensions, reported back, without amendment, and with a recommendation that it do pass, the bill for the relief of Hannah Jenkins, the widow of J. Jenkins, deceased.

On motion by Mr. HENDERSON, the Committee on Private Land Claims was discharged from the further consideration of the bill from the House for the relief of John McGinnis, a soldier of the late war.

Mr. HENDERSON, from the Committee on Private Land Claims, reported back, with an amendment; House bill entitled "An act for the relief of the legal representatives of John Peters, deceased."

Mr. SEVIER, from the Committee on Pensions, reported back, without amendment, and adverse to its passage, House bill for the relief of George Roush.

Mr. EVANS submitted the following resolution; which lies over till to-morrow:

Resolved, That on and after Monday next, the hour of meeting shall be 10 o'clock; and that the Senate take a recess on each day from 3 to 5 o'clock.

EXPUNGING RESOLUTIONS.

Mr. BAYARD made an ineffectual effort to have taken up for consideration the resolutions which he introduced in the early part of the session, to rescind the expunging resolutions. He made this effort, in accordance with instructions from the Legislature of the State of Delaware.

Mr. BATES, under instructions from the Committee on Pensions, moved the Senate to proceed to the consideration of the bills from that committee, and to postpone the previous orders of the day for that purpose.

The motion was disagreed to.

Several adverse reports from standing committees on private claims were taken up, and concurred in.

Mr. BAYARD presented a memorial from Thomas Harris, and other surgeons in the navy, praying Congress not to reduce their pay; which was referred to the Committee on Retrenchment.

Mr. BENTON submitted the following resolution, which lies one day on the table, under the rule, viz:

Resolved, That the President of the United States be requested, if compatible with his sense of the public interest, to communicate to the Senate a copy of the despatch received from Mr. Everett, dated the 3d of February instant; also, a copy of the despatch of Lord Aberdeen of December, 1841, to the American Secretary of State; and a copy of the answer, if any, which was given by the American Secretary to that despatch.

The Senate then proceeded to consider the bills on the calendar, when the following bills from the House were taken up as in committee of the whole, considered, reported to the Senate, and passed, viz:

The act for the relief of Joseph Hover and Abelard Guthrie;

[This bill was amended on the recommendation of the Committee on Public Lands.]

The act for the relief of William G. Saunders;

The act for the relief of John Wharry;

The act for the relief of Benjamin J. Totten;

The act granting to James Lowe $1,000 and a section of land;

The act for the relief of William Allen;

[This bill was amended on the recommendation of the Committee on Naval Affairs.]

The bill from the House, entitled "An act for the relief of Mary Williams, widow of Jacob Williams, deceased," was taken up as in committee of the whole, on an amendment recommended by the Committee on Pensions. The amendment having been agreed to, the bill was reported to the Senate, the amendment ordered to be engrossed, and the bill to be read a third time. [This bill was subsequently passed.]

The Senate bill to continue in force the act for the final adjustment of private land claims in the State of Missouri, approved the 9th July, 1832, and the act supplemental thereto, approved the 2d March, 1833, was taken up as in committee of the whole, considered, reported to the Senate, and ordered to be engrossed for a third reading.

The bill from the House for the relief of Mary Crawford, was taken up as in committee of the whole, on an adverse report from the Committee on Naval Affairs.

Mr. WILLIAMS, a member of the Committee on Naval Affairs, who had presented the adverse report, stated that he had fallen into an error, and asked permission to withdraw the report from the Senate.

Permission was granted.

Mr. BUCHANAN then explained the peculiar merits of the case. Mr. Crawford, the late husband of the widow for whose benefit the bill was, lost his life in an attempt to save a sailor from drowning.

No amendment being proposed to the bill, it was reported to the Senate, read the third time, and passed.

The following bills from the House were taken up as in committee of the whole, on adverse reports of committees: and being considered, were indefinitely postponed, viz:

The bill for the relief of Richard Marsh;

The bill granting a pension to Robert Poindexter, of Kentucky;

The bill granting a pension to John Peak;

The bill for the relief of Carter B. Chandler; and

The bill for the relief of W. Haley.

Senate bill for the relief of Andre Spear, widow of John Spear, late an invalid pensioner, was taken up as in committee of the whole, on an adverse report of the Committee on Pensions, and indefinitely postponed.

The bill for the relief of Alice Usher was taken up as in committee of the whole.

This bill proposed to give a pension to the widow of a soldier who deserted from the service during the Revolution. Those belonging to the Pension Committee, who had examined the case, maintained that, notwithstanding it appeared by the muster-rolls that the soldier deserted, yet they were satisfied, from the mass of parol testimony before the committee, that the muster-roll was incorrect; or that if the individual did desert, yet he must have again resumed service.

Those who opposed the bill maintained that it having appeared by the muster-roll that the individual deserted, and there being no record of his having returned to service, they were bound to take it as conclusive evidence that he did not return to service; and they were unwilling to discredit a muster-roll by parol testimony—testimony, too, which, considering the imperfection of human memory, could not be relied upon after the lapse of so many years. The bill was defended by Messrs. PHELPS, BATES, and HUNTINGTON; and opposed by Messrs. KING, BAGBY, CALHOUN, SMITH of Connecticut, and WOODBURY; when

Mr. KING moved that the bill be indefinitely postponed; and, on that motion demanded the yeas and nays, which were ordered; and the question being put, the bill was indefinitely postponed—yeas 20, nays 19.

THE BANKRUPT ACT.

The Senate bill for the repeal of this act having been reported upon adversely by the Committee on the Judiciary, was indefinitely postponed.

The House bill for the repeal of the bankrupt law, with the amendments proposed by the Committee on the Judiciary, was then taken up for consideration as in committee of the whole; and the amendments were read.

Mr. BERRIEN, after a few prefatory remarks in relation to the vacillation which would be chargeable on the legislation of the national councils, should the bankrupt act be now repealed, alluded to the instructions of the States, and regretted that, in consequence of them, he had to appeal to Senators whose ears were rendered deaf to all argument; but, at the same time, he declared that, although he, too, had been forbidden by the Legislature of his State to utter a word against repeal, his duty as an American Senator forbade him to obey such instructions.

He assumed that there was in the Senate a decided majority in favor of a commercial bankrupt law. When, therefore, he presented these amendments, the object of which was simply to convert the act already on the statute-book into a mere commercial bankrupt law; and when he was met with the objection that there was not time to investigate their merits at so late a period of the session, he would reply, that if there was not time, it was owing to the unprofitable discussions which had originated on the objecting side of the Senate; and if the argument of want of time was good in regard to the amendments, it was equally good as to the full investigation of the existing necessity for repealing the law. If there was not time to remodel it, there was not to repeal it. The natural deduction, then, was, that the law should be let alone, at least till next session. But the amendments proposed by the Committee on the Judiciary were not obnoxious to the objection of want of time. The modification of the existing law had been the subject of anxious deliberation with the Judiciary Committee during the whole of the present session; and all the lights of judicial inquiry and experience had been consulted. The result of this consideration had been the amendments now proposed. All the evils that had been complained of had been done away with, by the great mass of insolvency having been swept away within the last twelve months; and, from this time forth, the law will have to act prospectively. Now, then, was the accepted time to establish a permanent commercial system of bankruptcy, suitable to the wants and advantages of a great commercial nation.

He then proceeded to explain the objects and expected operations of the various amendments.

The first proposition is, that so much of the existing law as relates to voluntary bankruptcy shall be repealed, and to substitute the provisions of the bankrupt law of the 6th of William IV. Any insolvent may go before the district court and file the declaration of his insolvency, which authorizes any creditor to sue out a commission of bankruptcy; after which, the proceedings are to be the same as in cases of involuntary bankruptcy. This section is subject to various conditions, all explained in the amendment itself.

The next three amendments were definitions of the persons who may be made bankrupts, and the acts which constitute acts of bankruptcy.

The fifth amendment relates to conveyances and assignments of a debtor's property, which are made acts of bankruptcy.

The remaining amendments relate to the choice of assignees by a majority in value of creditors; the certificate of discharge by the same majority; undivided responsibility in partnerships; regulations of the proceedings in court; and proof of debts.

He contended that the deliberate consideration of these modifications was within the time which might yet be devoted to the subject, before the expiration of this session. He next read extracts from the answers received by the Secretary of State, to inquiries made of the judiciary throughout the States, as to the operation of the law. He concluded that the States, classed as they were, into agricultural States and commercial States, were guided by their classification in the opinions they had expressed on the subject of repeal. The commercial states, chiefly interested in the benefits to be derived from a bankrupt law, desired the continuance of the law, properly modified; while the agricultural States, feeling that the benefits of a bankrupt law would be felt most by the commercial States, and that, in the main, such a law was not essential to themselves, were in favor of its repeal. This view of the agricultural States, he contended, was not founded in correct principles; for the interests of the commercial States were also the interests of the agricultural States. He denied that the frauds and evils predicted had resulted from the operation of the bankrupt law. The number of voluntary applications for the benefit of the law had been but 32,899; 341 cases at

the instance of creditors; 50 applications not acted upon; 34 in which discharges were refused; the whole number acted upon being 12,024. But the beneficial operation of the law had been felt chiefly in the compromises enforced by it upon contesting debtors and creditors. Gentlemen who anticipated that 500,000 bankrupts would instantly rush for the benefit of the law—and the least calculation was 100,000—should now see that when so small a number as 32,000 applications, in reality, had been made, the indirect benefits of the law must have been most conclusive in its favor. He also dwelt upon the evidence of the returns; that out of 12,000 cases acted upon, only thirty had been refused their discharge on the ground of fraud. Mr. B. then summed up his reasons why the law should not be repealed. He also stated his reasons for the continuation of the law, properly modified.

In conclusion, he contended that the repeal of the law would act most injuriously on the credit of the country abroad.

Mr. WALKER wished to offer an amendment; which was read, as follows:

And be it further enacted, That, when any private incorporated banking company shall fail, upon presentment to said bank of any of its notes, checks, or bills, to pay and redeem the same in specie, said failure shall be regarded as an act of bankruptcy; and the holder of said note, check, or bill, so neglected to be paid as aforesaid, may, upon affidavit of the facts, sworn to by said individual and at least two disinterested witnesses, proceed against said company as bankrupts, as in other cases specified in this act: and the same proceedings shall be had as in other cases; except that no certificate of discharge shall be deemed necessary or proper to be given to any stockholder of said company, except in cases where such stockholders may be personally responsible for the debts of such company; and, in such case, said stockholders shall be discharged, upon the same terms and restrictions as in the other cases of final discharge authorized by this act.

Mr. WALKER observed that he did not wish at all to obstruct the action of the Senate. But he felt bound to make the motion, in conformity with instructions from the Legislature of his own State. He had originally voted for the bankrupt bill, in obedience to instructions; and since the period of its passage, the Legislature of his State had instructed him to do two things: in the first place, to endeavor to make the bill more protective of the rights of creditors; and, secondly, to include banking incorporations within the compulsory provisions of the bill. The amendments proposed by the Judiciary Committee would accomplish his first object; and it was the purpose of the amendment which he had just laid upon the table to effect the second.

Mr. BERRIEN said the ordinary course was to dispose of the amendments proposed by the committee first. If the committee's amendments are adopted, the Senator, having voted for them, can move his amendment; if rejected in committee, the Senator can then vote against the committee's amendments, on the ground that his amendment had been rejected.

Mr. KING said there appeared to him no difficulty in the case. When an amendment was offered, whether reported by a committee, or presented by an individual, it was subject to be amended. He thought it strictly in order to take the question upon the amendment of the Senator from Mississippi to the amendments of the Judiciary Committee.

Mr. BERRIEN was proceeding to reply, when

The CHAIR considered this a distinct proposition, not analogous to the amendments or report of the committee; and that it was, therefore, proper first to dispose of the committee's amendments.

Mr. KING contended that the question being on the committee's amendments, it certainly was competent first to amend them and make them perfect.

The CHAIR still considered it was not competent to introduce a new substantive proposition.

Mr. WALKER desired it to be understood that he had no wish to obstruct the action of the Senate upon this subject; but his position was very peculiar, for, unless the amendment he had offered be adopted, as well as those reported by the committee, he would be compelled to vote for the repeal of the bankrupt bill unconditionally.

Mr. CHOATE hoped the amendment of the Senator would be printed. As he understood it, the object was to reach banks not paying specie, as well as insolvent banks. He wished to have time to consider the amendment, and therefore wished it to be printed.

The CHAIR said that when the first amendment came up, the first of the Senator's amendments might be offered as an amendment to the amendment.

Mr. BERRIEN observed that such a course of proceeding would necessarily involve inconsistencies.

After some general discussion on the point of order,

The CHAIR put the question to the Senate whether the consideration should be given to the amendments of the committee, or those proposed by the Senator from Mississippi.

Mr. KING explained his views of the propriety of sustaining the right of amending an amendment.

Mr. EVANS ask in what particular form the Senator proposed to move his amendments. If he chose to move it as an amendment to that section describing the persons who may be bankrupts, it would be perfectly in order; but certainly not as regards the first section.

Mr. WALKER, to obviate all difficulty, would move it as an amendment to the 4th section.

Mr. BERRIEN explained.

Mr. WALKER would greatly prefer if the Senate would allow the vote to be taken on his amendment; because, if he had to vote on the first three sections, it would be on propositions adverse to the repeal of the law.

Mr. ARCHER said he did not see how it would commit the Senator to vote for the first three sections, on the supposition that his amendments would prevail; because he could reserve his vote, should his amendments fail, when the bill was reported back to the Senate.

It was proposed that the Senate adjourn, or go into executive session—the amendments of the Senator from Mississippi being ordered to be printed.

The discussion was continued on the priority of amendments by Messrs. CONRAD, BUCHANAN, and WALKER; when

Mr. EVANS hoped the bill would pass over informally.

Mr. CRITTENDEN hoped not; but

Mr. TALLMADGE suggested that the Senate was not full, and that it would be better to fix an hour to-morrow for proceeding with the subject.

The CHAIR observed, that there was an objection to passing it over informally. It might be laid on the table, or postponed, but not passed over informally; objection being made.

Mr. TALLMADGE moved to postpone the bill till to-morrow.

This was decided in the negative—yeas 16, nays 17.

Mr. BUCHANAN called for a division of the question on the amendments.

Mr. BENTON suggested the propriety of taking the whole as one amendment; and, to give time for consideration, he moved to postpone the subject till to-morrow at 12 o'clock.

Mr. EVANS took the ground that the whole of the amendments could be considered only as one amendment; and it was unquestionably in order, for the amendment of the Senator from Mississippi was first in order as an amendment to that amendment.

The CHAIR then decided that the motion of the Senator from Mississippi was in order.

Mr. BERRIEN objected; and, wishing for time to consider the amendment, moved to postpone the subject till to-morrow at 12 o'clock.

The question of postponement was carried—ayes 20, noes 16

Mr. EVANS submitted the report of the Committee of Conference on the disagreeing votes in relation to so much of the army bill as authorized the appointment of ten cadets from the country at large. The report of the committee was, that the House recede from its disagreement to the Senate's amendment.

The report was concurred in.

The PRESIDENT *pro tem.* laid before the Senate a communication from the Treasury Department, stating that the annual statement on commerce and navigation could not be completed in time to transmit to Congress before the adjournment, and recommending that power be given to the Secretary of the Senate to receive it, and have it printed during the recess.

Mr. HUNTINGTON moved an order giving the Secretary of the Senate authority to receive, and to have printed, 2,000 copies of the statement above, in addition to the usual quantity.

Messrs. KING and ARCHER objected to the printing of so many, as useless.

Messrs. EVANS and HUNTINGTON maintained that it was a document of great importance to the commercial community, and hoped 2,000 copies additional would be printed.

Mr. BENTON suggested a modification of the number to 520; which suggestion the mover of the motion refused to yield to.

Mr. WALKER then suggested 1,500 copies. This was received; and the order, thus modified, was agreed to.

The PRESIDENT *pro tem.* laid before the Senate a communication from the Treasury Department, covering statements showing the official emoluments and expenses of the officers of the customs; which was ordered to be printed.

Also, laid before the Senate a communication from the War Department, in compliance with a resolution of the Senate of the 21st instant, a copy of the contract entered into by Robert Fulton for the construction of certain steamers; which, on motion of Mr. YOUNG, was ordered to be printed.

Also, laid before the Senate a message from the President of the United States, transmitting, in compliance with a resolution of the Senate of the 20th instant, a report from the State Department, of the correspondence relating to the quintuple treaty; which was, on motion by Mr. BENTON, ordered to be printed.

On motion by Mr. ALLEN, the Senate then adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 24, 1843.

Mr. McCLELLAN of New York presented the petition of Hannah Parkman and others, of the city of Hudson, New York, praying an extension of the widows' pension act of July, 1838.

MILITARY DISTRICTS.

Mr. C. H. WILLIAMS asked the favor of the House to discharge the Committee of the Whole on the state of the Union from the further consideration of the bill to divide the United States into two military divisions.

Mr. GOGGIN opposed the motion; and alleged, as a reason for its not being adopted, that the chairman of the Committee on Military Affairs was absent.

Mr. C. H. WILLIAMS said the bill was a bantling of his own, and therefore he thought he ought to be permitted to nurse it, without waiting for the members of the Military Committee to return from New Jersey, Philadelphia, and all about the Union.

The question was taken on the motion to discharge the Committee of the Whole from the further consideration of the bill, and resulted—yeas 63, nays 28. No quorum.

The following bills from the Senate were read the first and second time, and referred:

An act providing for holding a circuit court at Williamsport, in the western district of Pennsylvania: referred to the Committee on the Judiciary, after an ineffectual effort, on the part of Mr. BINLACK, to have it taken up and passed.

An act for the relief of the West Feliciana Railroad Company: referred to the Committee of Ways and Means.

The navy appropriation bill, returned from the Senate with amendments, was taken up; and, after the amendment had been read, was referred, on motion of Mr. FILLMORE, to the Committee on Naval Affairs.

The SPEAKER laid before the House a communication from the Secretary of the Navy, in relation to the arrivals of American vessels in foreign ports: laid on the table, and ordered to be printed.

Also, a communication from the Treasury De-

partment, showing the number and compensation of the clerks employed in that department.

Also, a report from the Post Office Department, made in compliance with the provisions of the act of 2d July, 1836, showing the operations of that department for the past year; both of which were laid on the table and ordered to be printed.

The SPEAKER communicated certain resolves of the Territorial Legislature of Wisconsin; which were laid on the table and ordered to be printed.

MILITARY DISTRICTS.

Mr. C. H. WILLIAMS renewed his motion to discharge the Committee of the Whole from the bill to divide the United States into two military districts; which motion was decided in the affirmative—ayes 88, noes not counted.

Mr. W. then moved to take up the bill for consideration.

Mr. GRANGER objected.

Mr. C. H. WILLIAMS moved a suspension of the rules; which motion was lost.

Mr. JOHN CAMPBELL moved to take up the bill (No. 649) to suspend the operation of the second section of the act for the apportionment of Representatives among the several States, so far as the same may affect the election of members of the 28th Congress.

Mr. FILLMORE said he would not object, provided the gentleman would move also to take up the bill regulating the taking of testimony in cases of contested elections.

Mr. JOHN CAMPBELL said that he had no objection to take up that bill when the other was disposed of.

Mr. TURNEY objecting,

Mr. JOHN CAMPBELL moved to suspend the rules so far as they regarded the above two bills; which motion was carried—ayes 117, noes 30.

The bill suspending the operations of the second section of the apportionment bill was then taken up and read.

Mr. JOHN CAMPBELL said that the object of this bill was simply to suspend the operations of the second section of the act for the apportionment of Representatives among the several States, so far as it affected the election of members of the next Congress. From present circumstances, there was every reason to believe that the preceding clauses of the apportionment law would go quietly into operation, notwithstanding the loud clamor that was raised at it in various parts of the country at the time of its passage. In every case but one, the people had given unequivocal evidence that it met their approval; and that single exception was the State of New Hampshire, which he had no doubt would, in time, be induced to support it. But the condition of things in New Hampshire was not the only obstacle to carrying the law into operation. In the State of Georgia, the elections came on previous to the time of the meeting of their Legislature; and though the Legislature on its meeting proceeded almost immediately to divide the State into congressional districts for the twenty-ninth Congress, yet the elections for the twenty-eighth Congress having already taken place, they had no power under the constitution to set them aside, and order new elections. The same state of things had happened in Missouri; but he was informed that a majority of the people of that State were in favor of the district system, and they would eventually adopt it.

Mr. J. C. EDWARDS said that the gentleman was mistaken—a majority of the Legislature believed that the act of Congress was unconstitutional.

Mr. CAMPBELL said that he would waive that point for the present; it was not necessary for his argument. Nearly a similar state of things existed in Mississippi as in Georgia and Missouri. Under these circumstances, it appeared to him, that not only sound policy, but justice required the passage of this law, or one of a similar character. If they refused to do it, they must exclude from Congress the representatives of three States, which have had no opportunity to comply with the provisions of the apportionment act. Persons who had been elected in these States would present themselves, claiming their seats here; and a collision would probably take place, such as had never been witnessed in this country. It was true the Governor of Georgia had vetoed the bill passed by the Legislature of his State for laying it off into congressional districts; but this did not weaken the claim of the people of that State to be represented here in the next Congress. It only showed that the Governor had such a contempt for the opinion of his constituents, that he would not permit them to judge for themselves, whether the law was for their interest or not. At the next meeting of the Legislature, the State will have a Chief Magistrate willing to carry the views of the people into effect.

It might seem out of place for him, at this time, to enter into any argument in favor of the apportionment law; but he could not refrain from noticing a few of the considerations which, it appeared to him, ought to recommend it to favorable notice. One of its most important advantages was the securing equality and uniformity in elections. It could not fail to be perceived that the greatest inequality had hitherto existed. Thus, a State which elected by general ticket, with one-seventh of the population of the great State of New York, outvoted that great State three times to one. If gentlemen would make the calculation, they would find that every citizen of New Jersey exercised twenty times the political power of a citizen of New York. He might go on with the illustration, and show that New Hampshire outvoted Pennsylvania, with three times her population. Gentlemen who would observe the signs of the times, would be convinced that this was an evil that was growing, and that would soon force every one of the States to adopt the general-ticket system.

He then pointed out the tendency of the general-ticket system to produce sectional divisions, dangerous even to the existence of the Union itself. The reason why the people of this country were the most obedient to law of any people on the face of the earth, was simply because they believed that they lived under a Government of their own creation, and in which, therefore, they could place confidence. But the *modus operandi* of the general-ticket system—the nomination of a ticket at some central point for which the people must vote, though the candidates were entirely unknown to them, or they need not vote at all—placed the possessors of the franchise at the mercy of a central oligarchy; and thus distrust and dissatisfaction were occasioned. There were many other considerations, equal in importance to those he had mentioned—yea, even much greater—which must recommend the scheme he advocated to the American people. But as the subject was fully discussed at the last session of Congress, and as all those questions had been long before the people, he should allude to a few only. The first to which he would allude was its importance in restoring the Democratic principle of Government, which was now entirely destroyed. The next was, its importance in preserving the influence of the small States from the vortex into which the adoption of the general-ticket system would ingulf them—a crisis to which they were fast hastening. Further its importance as a restoration of the voice of representatives, who were now entirely silenced by the general-ticket system. In addition to these, he enumerated other important points, and then appealed to the House to pursue a system of conciliation and compromise, which was found at the foundation of our Government.

He pursued his remarks at some length, and entreated the House to avoid the scenes which must be witnessed at the commencement of the next Congress, if some such measure were not agreed upon. He then replied to some legal objections which had been raised, and by eminent authority showed that this was not such an *ex post facto* law as the Constitution forbade. He quoted largely from Dallas's reports, the opinions of Mr. Justice Chase, and Chief Justice Marshall, and likewise from the report of the Committee of Elections, in which this question was fully discussed.

He concluded his remarks by expressing the hope that the bill would be allowed to pass, and thereby avoid much confusion which would ensue at the next meeting of Congress, and which would, he thought, inevitably result; from the fact that, however disposed the House might be to repeal the present law directing the States to district their territory, such a measure could not pass the Senate.

Mr. FILLMORE obtained the floor, and moved the previous question.

Mr. TURNEY moved that the bill be laid on the table.

Mr. JOHN CAMPBELL asked for the yeas and nays; which were ordered.

The question was taken on laying the bill on the table, and resulted—yeas 71, nays 115, as follows:

YEAS—Messrs. Adams, Allen, Babcock, Barnard, Birdseye, Blair, Boardman, Botts, Briggs, Bronson, Jeremiah Brown, Burnell, Caruthers, John C. Clark, Staley N. Clarke, James Cooper, Cravens, Crawford, Dean, Deberry, John Edwards, Fessenden, Fillmore, Fornance, Goggin, P. G. Goode, Gordon, Granger, Green, Hays, Henry, Hopkins, Hubard, Hunt, James Irvin, James, Cave Johnson, John P. Kennedy, Andrew Kennedy, King, Linn, McKay, McKennan, Alfred Marshall, Mathiot, Mattocks, Meriwether, Morris, Morrow, Owsley, Partridge, Pope, Ramsey, Benjamin Randall, Alexander Randall, Rayner, Ridgway, Riggs, James M. Russell, Sanford, Shepperd, Snyder, Stratton, Summers, Turney, Underwood, Joseph L. Chris. H. Williams, White, Winthrop, Yorke, and John Young—71.

NAYS—Messrs. L. W. Andrews, Arnold, Arrington, Atherton, Baker, Barton, Beeson, Bidlack, Borden, Bowne, Brewster, Aaron V. Brown, Milton Brown, Burke, William Butler, Wm. O. Butler, P. C. Caldwell, J. Campbell, W. B. Campbell, T. J. Campbell, Casey, Chapman, Chittenden, Clinton, Coles, M. A. Cooper, Cowen, Cranston, Cross, Daniel, G. Davis, R. D. Davis, Dawson, Doan, Doig, John C. Edwards, Egbert, Everett, Ferris, John G. Floyd, Gamble, Gentry, Gerry, Gilmer, Graham, Gustine, Gwin, Halsted, Harris, Holmes, Houck, Houston, Hudson, Charles J. Ingersoll, Joseph R. Ingersoll, William W. Irwin, Jack, John W. Jones, Isaac D. Jones, Lane, Lewis, Littlefield, Lowell, Abraham McClellan, Robert McClellan, McKeon, Mallory, Marchand, Mathews, Maynard, Mitchell, Moore, Morgan, Newhard, Oliver, Osborne, Parmenter, Payne, Pickens, Plumer, Powell, Read, Reding, Rencher, Reynolds, Roosevelt, William Russell, Saunders, Shaw, Shields, Steenrod, Stokely, Alexander H. H. Stuart, John T. Stuart, Sumter, Taliaferro, John B. Thompson, Jacob Thompson, Tillinghast, Toland, Tomlinson, Trotti, Van Buren, Van Rensselaer, Ward, Washington, Watterson, Weller, Westbrook, Edward D. White, Thos. W. Williams, Joseph L. Williams, Wise, Wood, and Augustus Young—115.

The question recurring on the motion for the previous question,

Mr. MARK A. COOPER rose, and respectfully requested the gentleman from New York [Mr. FILLMORE] to withdraw the previous question for a few moments. Mr. C. said his friend from South Carolina [Mr. CAMPBELL] had assumed to take the Governor of Georgia to task here, for an official act performed. He (Mr. C.) would be happy to have an opportunity to put his friend from South Carolina right in this assumption, and to enable him to entertain some just views of State rights.

Mr. FILLMORE refused to withdraw the previous question; the call for which was sustained, and the main question ordered to be now put.

The bill was then ordered to its engrossment; and, having been read a third time,

Mr. FILLMORE called the previous question on the passage; which was sustained.

The yeas and nays were taken, and resulted—yeas 90, nays 91, as follows:

YEAS—Messrs. Arnold, Arrington, Atherton, Barton, Beeson, Bidlack, Borden, Bowne, Brewster, Aaron V. Brown, Burke, William Butler, William O. Butler, John Campbell, William B. Campbell, Thomas J. Campbell, Casey, Chapman, Clinton, Coles, Mark A. Cooper, Cowen, Cranston, Cross, Cushing, Daniel, Richard D. Davis, Dawson, Doan, Doig, John C. Edwards, Egbert, Everett, Ferris, Gamble, Gentry, Gerry, Gilmer, Gustine, Gwin, Halsted, Harris, Hastings, Holmes, Houck, Houston, Hubard, Charles J. Ingersoll, Jack, Isaac D. Jones, Lane, Lewis, Littlefield, Lowell, Abraham McClellan, Robert McClellan, Mallory, Marchand, Mitchell, Newhard, Parmenter, Partridge, Payne, Plumer, Pope, Reed, Reding, Rencher, Reynolds, Rhett, Riggs, Sanford, Saunders, Shaw, Shields, Snyder, Stokely, Alexander H. H. Stuart, Sumter, Taliaferro, Jacob Thompson, Tillinghast, Trotti, Van Buren, Van Rensselaer, Wallace, Watterson, Westbrook, Edward D. White, Thomas W. Williams, and Wood—90.

NAYS—Messrs. Adams, Allen, Sherlock J. Andrews, Aycrigg, Babcock, Baker, Barnard, Birdseye, Blair, Boardman, Botts, Briggs, Brockway, Bronson, Jeremiah Brown, Burnell, Caruthers, Chittenden, John C. Clark, Staley N. Clarke, James Cooper, Cravens, Crawford, Garrett Davis, Deberry, John Edwards, Fessenden, Fillmore, Giddings, Patrick G. Goode, Gordon, Graham, Granger, Green, Henry, Hopkins, Hudson, Hunt, Joseph R. Ingersoll, James Irvin, William W. Irwin, James, Cave Johnson, John P. Kennedy, Andrew Kennedy, King, Linn, McKay, McKennan, Alfred Marshall, Mathiot, Mattocks, Maxwell, Maynard, Meriwether, Moore, Morgan, Morris, Morrow, Osborne, Owsley, Powell, Ramsey, Benjamin Randall, Alexander Randall, Randolph, Rayner, Ridgway, William Russell, James M. Russell, Saltonstall, Shepperd, Steenrod, Stratton, John T. Stuart, Summers, Toland, Tomlinson, Triplett, Turney, Underwood, Washington, Weller, Joseph L. White, Christopher H. Williams, Joseph L. Williams, Winthrop, Wise, Yorke, Augustus Young, and John Young—91.

So the bill was rejected.

Mr. HOLMES then observed that he was one of those who believed that righteousness exalteth a nation. He would, therefore, move that the House resolve itself into Committee of the Whole, to take up the French spoliation bill, and do justice.

Mr. MALLORY moved a reconsideration of the vote just taken, on rejecting the bill to suspend the operations of the apportionment act, and moved the previous question on the motion. Mr. M. however, withdrew the motion at the request of Mr. WISE, who promised to renew it, after making an explanation.

Mr. WISE said that he voted for the bill fixing the ratio of representation, because he believed that it was necessary, and ought to pass, and he did so, though he believed that the second section was a nullity, and would be set aside by the next Congress. Now this bill proposed to repeal the section of a law, which he believed to be a nullity; and for him to vote for it, would be to declare that he believed that section to be operative. With this explanation, he would renew the motion for the previous question.

The previous question was then seconded, and the main question ordered; when

Mr. JOHN CAMPBELL called for the yeas and nays on the main question; which were ordered, and resulted in yeas 93, nays 100, as follows:

YEAS—Messrs. Arnold, Arrington, Atherton, Barton, Beeson, Bidlack, Borden, Bowne, Brewster, Briggs, Aaron V. Brown, Charles Brown, Burke, William Butler, Wm. O. Butler, Patrick C. Caldwell, John Campbell, William B. Campbell, Casey, Clinton, Coles, Mark A. Cooper, Cowen, Cranston, Cross, Cushing, Daniel, Richard D. Davis, Dawson, Doan, Doig, Ferris, John G. Floyd, Charles A. Floyd, Gamble, Gerry, Gilmer, Goggin, Gustine, Halsted, Harris, Hastings, Holmes, Houck, Houston, Hubard, Hunter, Charles J. Ingersoll, Jack, John W. Jones, Keim, Littlefield, Lowell, Robert McClellan, Mallory, Thomas F. Marshall, Mitchell, Moore, Newhard, Parmenter, Payne, Pickens, Plumer, Reding, Rencher, Reynolds, Rhett, Riggs, Roosevelt, Sanford, Saunders, Shaw, Shields, William Smith, Snyder, Stokely, Alexander H. H. Stuart, Sumter, Taliaferro, Jacob Thompson, Tillinghast, Trotti, Van Buren, Van Rensselaer, Wallace, Ward, Watterson, Westbrook, Edward D. White, Thomas W. Williams, Christopher H. Williams, and Wood—93.

NAYS—Messrs. Adams, Allen, Landaff W. Andrews, S. Andrews, Aycrigg, Babcock, Baker, Barnard, Birdseye, Blair, Boardman, Botts, Brockway, Bronson, Milton Brown, Jeremiah Brown, Burnell, Calhoun, Caruthers, Childs, Chittenden, John C. Clark, Staley N. Clarke, James Cooper, Cravens, Crawford, Garrett Davis, Deberry, John Edwards, John C. Edwards, Everett, Fessenden, Fillmore, Thomas F. Foster, Giddings, William O. Goode, Gordon, Graham, Granger, Green, Hall, Hays, Henry, Hopkins, Howard, Hudson, Hunt, Joseph R. Ingersoll, James Irvin, William W. Irwin, James, Isaac D. Jones, John P. Kennedy, Andrew Kennedy, King, Linn, Abraham McClellan, McKay, McKennan, Alfred Marshall, Mathiot, Mattocks, Maxwell, Maynard, Meriwether, Morgan, Morris, Morrow, Osborne, Owsley, Pope, Powell, Ramsey, Benjamin Randall, Alexander Randall, Randolph, Rayner, Ridgway, William Russell, James M. Russell, Saltonstall, Shepperd, Steenrod, Stratton, John T. Stuart, Summers, John B. Thompson, Toland, Tomlinson, Triplett, Turney, Underwood, Washington, Weller, Joseph L. White, Joseph L. Williams, Winthrop, Wise, Augustus Young, and John Young—100.

So the motion for reconsideration was rejected.

Mr. GWIN said that he was temporarily out of the hall, on business, when his name was called. He was anxious to vote for a reconsideration of the vote rejecting the bill.

The SPEAKER said, if there was no objection, the gentleman could vote.

Mr. BRONSON objected.

CONTESTED ELECTION BILL.

The SPEAKER announced the bill to regulate the taking of testimony in cases of contested elections, and for other purposes, to be now in order.

Mr. SAUNDERS moved to lay the bill on the table.

The yeas and nays were called for, and ordered; and, being taken, resulted—yeas 86, nays 110, as follows:

YEAS—Messrs. Arrington, Atherton, Beeson, Bowne, Brewster, Aaron V. Brown, Charles Brown, Burke, William Butler, William O. Butler, Patrick C. Caldwell, Cary, Clinton, Coles, Mark A. Cooper, Cross, Cushing, Daniel, Richard D. Davis, Dawson, Doan, Doig, John C. Edwards, John G. Floyd, Gerry, Goggin, William O. Goode, Gordon, Gustine, Gwin, Harris, Hastings, Hays, Holmes, Hopkins, Houck, Houston, Hubard, Hunter, Charles J. Ingersoll, William W. Irwin, Cave Johnson, John W. Jones, Keim, Andrew Kennedy, Lewis, Littlefield, Lowell, Abraham McClellan, Robert McClellan, McKay, Mallory, Marchand, Mathews, Medill, Miller, Newhard, Oliver, Payne, Pickens, Plumer, Pope, Read, Reding, Reynolds, Rhett, Riggs, Roosevelt, Sanford, Saunders, Shaw, Shields, Snyder, Steenrod, Sumter, Jacob Thompson, Trotti, Turney, Van Buren, Ward, Watterson, Weller, Westbrook, Wise, and Wood—86.

NAYS—Messrs. Adams, Allen, Landaff W. Andrews, Sherlock J. Andrews, Arnold, Aycrigg, Babcock, Baker, Barnard, Barton, Birdseye, Blair, Boardman, Borden, Botts, Briggs, Brockway, Bronson, Milton Brown, Jeremiah Brown, Burnell, Calhoun, William B. Campbell, Thomas J. Campbell, Caruthers, Casey, Childs, Chittenden, John C. Clark, Staley N. Clarke, James Cooper, Cowen, Cranston, Cravens, Crawford, Garrett Davis, Deberry, John Edwards, Everett, Fessenden, Fillmore, Thos. F. Foster, Gamble, Gentry, Giddings, Patrick G. Goode, Graham, Granger, Hall, Halsted, Henry, Howard, Hudson, Hunt, Joseph R. Ingersoll, James Irvin, James, Isaac D. Jones, John P. Kennedy, King, Linn, McKennan, Mathiot, Mattocks, Maxwell, Maynard, Meriwether, Morgan, Morrow, Osborne, Owsley, Powell, Ramsey, Benjamin Randall, Alexander Randall, Randolph, Rayner, Ridgway, William Russell, James M. Russell, Saltonstall, Shepperd, Slade, Stokely, Stratton, Alex. H. H. Stuart, John T. Stuart, Summers, Taliaferro, John B. Thompson, Tillinghast, Toland, Tomlinson, Triplett, Trumbull, Underwood, Van Rensselaer, Wallace, Washington, Edward D. White, Joseph L. White, Thomas W. Williams, Joseph L. Williams, Winthrop, Yorke, Augustus Young, and John Young—110.

So the motion to lay on the table was not carried.

Mr. HALSTED moved to amend the bill so as to make it precisely like the bill passed at the last session, and the amendment was agreed to.

The bill was then ordered to be engrossed under the operation of the previous question, and it was read a third time; and the question recurred on its passage, on which Mr. FILLMORE moved the previous question.

Mr. WELLER called for the yeas and nays on the passage of the bill, which he said had been hurried through in such profound silence, that they scarcely knew what it was. [Loud cries of "Oh, it's the bill which Captain Tyler pocketed at the close of the last session;" and counter cries of "Well, as there are not ten days of the session remaining, he may pocket it again."]

The yeas and nays being taken, resulted—yeas 105, nays 82, as follows:

YEAS—Messrs. Adams, Allen, Landaff W. Andrews, Sherlock J. Andrews, Arnold, Aycrigg, Babcock, Baker, Barnard, Birdseye, Blair, Boardman, Borden, Botts, Briggs, Brockway, Bronson, Milton Brown, Jeremiah Brown, Burnell, Calhoun, William B. Campbell, Thomas J. Campbell, Caruthers, Casey, Childs, Chittenden, John C. Clark, Staley N. Clarke, James Cooper, Cowen, Cranston, Cravens, Crawford, Garrett Davis, Deberry, John Edwards, Everett, Fessenden, Fillmore, Gates, Gentry, Graham, Granger, Green, Halsted, Henry, Howard, Hudson, Hunt, Joseph R. Ingersoll, James Irvin, James, John P. Kennedy, King, Linn, McKennan, Samson Mason, Mathiot, Mattocks, Maxwell, Maynard, Meriwether, Mitchell, Moore, Morgan, Morrow, Osborne, Owsley, Powell, Ramsey, Benjamin Randall, Alexander Randall, Randolph, Rayner, Ridgway, William Russell, James M. Russell, Saltonstall, Shepperd, Slade, Stokely, Stratton, Alexander H. H. Stuart, John T. Stuart, Summers, Taliaferro, John B. Thompson, Tillinghast, Toland, Tomlinson, Trumbull, Underwood, Van Rensselaer, Wallace, Washington, Edward D. White, Joseph L. White, Thomas W. Williams, Christopher Williams, Joseph L. Williams, Winthrop, Yorke, Augustus Young, and John Young—105.

NAYS—Messrs. Arrington, Atherton, Beeson, Bidlack, Bowne, Brewster, Aaron V. Brown, Charles Brown, Burke, William O. Butler, Patrick C. Caldwell, John Campbell, Cary, Clinton, Coles, Mark A. Cooper, Cushing, Daniel, Richard D. Davis, Dawson, Dean, Egbert, Ferris, John G. Floyd, Thomas F. Foster, Gamble, Gerry, Goggin, William O. Goode, Gordon, Gustine, Hastings, Holmes, Hopkins, Houston, Hubard, Hunter, Charles J. Ingersoll, William W. Irwin, Cave Johnson, John W. Jones, Keim, Lewis, Littlefield, Lowell, Abraham McClellan, Robert McClellan, McKay, McKeon, Mallory, Marchand, Alfred Marshall, Mathews, Medill, Miller, Newhard, Oliver, Partridge, Payne, Plumer, Pope, Reynolds, Rhett, Riggs, Roosevelt, Sanford, Saunders, Shaw, William Smith, Snyder, Steenrod, Sumter, Sweney, Jacob Thompson, Trotti, Turney, Ward, Watterson, Weller, Westbrook, Wise, and Wood—82.

So the bill was passed.

Mr. FILLMORE then rose and moved that the House resolve itself into a Committee of the Whole on the state of the Union.

After much confusion, and a variety of questions of order, the motion to go into committee was put, and carried; and Mr. FESSENDEN took the chair.

Mr. GWIN moved to take up Senate bill to refund the fine imposed on General Jackson at New Orleans.

Mr. FILLMORE proposed to take up the civil and diplomatic appropriation bill.

Mr. GWIN hoped the chairman of the Committee of Ways and Means would permit the committee to consider this bill, in order that a vote might be taken upon it in the House. He did not desire to discuss it. He wanted action, and he hoped action would be had on the bill.

Mr. FILLMORE would not object if it did not lead to discussion; otherwise he must, as it was his duty to press the appropriation bills.

Mr. ADAMS said he wished to discuss the bill for the relief of Gen. Jackson.

Mr. FILLMORE rose to a point of order. Do not the appropriation bills have precedence of all others for consideration in Committee of the Whole.

The CHAIR decided that they had.

Mr. GWIN inquired whether a vote would not be taken upon his motion to take up first the bill to refund the fine imposed on General Jackson.

The CHAIR decided not.

Mr. CUSHING named the bill to execute the treaty of Washington.

Mr. WINTHROP named the light-house bill.

Mr. J. C. EDWARDS named the bill allowing certain drawbacks.

Mr. MEDILL named the Senate bill for the occupation of Oregon.

The CHAIR read the 75th rule of the House; according to which, general appropriation bills are to have preference over other bills, unless a majority of the committee should otherwise order.

The question was taken on the motion to proceed to the consideration of the civil and diplomatic appropriation bill, and it was carried—ayes 85, noes 52.

CIVIL AND DIPLOMATIC APPROPRIATION BILL.

The bill making appropriations for the civil and diplomatic service of the United States for the fiscal year, beginning June 30, 1843, to the 30th of June, 1844, was taken up and read.

Mr. G. DAVIS offered the following amendment as an additional clause to the appropriation for books, maps, &c., for the State Department:

For the payment of all claims which T. Allen has against the United States for printing 20 000 copies of the Compendium or Abridgement of the Sixth Census by counties and principal towns; together with the tables of apportionment, as prepared at the State Department for the use of Congress, the sum of $15,849 64; and for the payment of all claims which Blair & Rives have against the United States for printing 10,000 copies of the same document, $8,924 82.

Mr. G. DAVIS called for the reading of the report of the select committee on the subject of the printing of the Compendium of the Sixth Census, and it was read.

The amendment was agreed to *nem. con.*

When the clause making an appropriation for the surveyor general of Iowa was read—

Mr. DODGE of Iowa offered an amendment, providing that the said surveyor general shall reside within the district for which he is surveyor general, and discharge the duties of the said office.

Mr. D. stated that he offered the amendment which he had just sent to the Chair, under a solemn sense of duty to his constituents, and to the public service. He had no personal ill feeling towards the present incumbent to gratify. But, sir, (said Mr. D.) the absence of the present incumbent, General James Wilson, from his post, has been so frequent, and so long protracted, as to call aloud for remedy or redress. It has been not only the subject of animadversion in the public press of the Territory and of the country; but, sir, it has been brought to my attention, as Delegate, in numerous letters, from gentlemen of the highest respectability, residing in the town of Dubuque—where the office is by law located—and in that vicinity. One of these letters (said Mr. D.) I will send to the Chair, that an extract, which I have marked, may be read, for the information of the House. The extract is as follows:

DUBUQUE, IOWA TERRITORY,
December 13, A.D. 1842.

DEAR SIR: I venture to trouble you on a subject that has become one of general complaint. I refer to the law of Congress, establishing the surveyor general's office for Wisconsin and Iowa. There is no provision in that act, requiring the surveyor general to reside at the place where he is to keep his office; the consequence is, that the present incumbent, James Wilson, esq., resides with his family, about two thousand miles hence; and the consequence of that is, that out of the twenty months he has enjoyed the emoluments of that office, he has not been here six months, all counted. If this is not an outrage, then I know not what is. When Mr. Ellis and General Jones had the office, they were obliged to have their residence at this place. I have not the least doubt but that Congress intended that, by locating the office here, it also intended the incumbent should be located in the same place; but the ingenuity of some folks is a caution. Here is one specimen: by locating the office here, means that the office-holder may reside two thousand miles off. I think you would have no difficulty in getting an amendment to that law, so as to requir, the incumbent to reside here *with his family*, if he has any as well as keep his office here. You must be very careful in framing the amendment, or Yankee cunning will get the bitter of it. I am a Yankee myself, but I do abominate [illegible]

tongued silver-headed office seekers, and broken down politicians, playing such games with Western good nature.

Mr. FILLMORE inquired who was the writer of the letter.

Mr. DODGE replied that he did not wish to give the name of his correspondent, his permission to do so not having been given in the letter; but he would tell the gentleman from New York, that he (Mr. D.) endorsed the statements contained in that letter. So far as they related to the surveyor general, and for what he said and done in reference to this matter, he was ready and willing, at any time, to hold himself personally or in any other way accountable to General Wilson, or any of his friends, here or elsewhere.

Mr. D. said he would also read to the House an editorial article which appeared in the "Miner's Express," of the 24th of November last, (a newspaper published in the town of Dubuque,) strongly condemnatory of the conduct of this public functionary, every word of which he believed was strictly true.

Mr. D. commenced to read; when

Mr. FILLMORE objected. He contended that it was not in order to introduce newspaper articles of this character. He knew but little of this surveyor general, or of the manner in which he had discharged the duties of his office; but he would say, that he thought he should no more be required to keep his family in the Territory, than should a member of Congress be required to bring his family to Washington with him.

Mr. DODGE said that the gentleman was arguing under a misapprehension. His amendment did not require the surveyor general to *keep* his family with him, but simply to reside in the district.

Mr. D. said that he was unwilling to take up the time of the House in the discussion of this subject; but if there was to be opposition to his amendment, he wished to show, by reference to the date of the annual report of this surveyor general, that it was not received until late in January, owing to his absence; when it should have been here, ready to be submitted to Congress at the commencement of the session.

[Here there was a general cry over the House, "Agreed! that's right. We will adopt your amendment."]

The question was then taken; and the amendment was agreed to.

Mr. MERIWETHER moved to strike out the item "for compensation of the secretary to sign patents for public lands, $1,500."

Mr. MEDILL and Mr. WELLER opposed the motion to strike out.

Mr. BRONSON advocated the motion, and the transfer of the duties of that office to some existing clerk in the departments, rather than leaving them to be discharged by a secretary of executive appointment (at present Mr. Robert Tyler.)

Mr. TILLINGHAST, Mr. W. B. CAMPBELL, Mr. FILLMORE, Mr. WARD, Mr. EVERETT, Mr. HUNT, Mr. PROFFIT, and Mr. WISE, continued a conversation in relation to the propriety of making the change now proposed for some time

Mr. MERIWETHER addressed the committee in favor of his motion, and in reply to the remarks of those gentlemen who had opposed it.

Mr. G. DAVIS and Mr. ARNOLD followed in advocacy of the motion to strike out the appropriation.

Mr. ADAMS addressed the committee for some time, giving his testimony against bill 548, and also against the motion to strike out the appropriation for the President's secretary.

Mr. WELLER moved that the committee rise; which motion was rejected—ayes 61, noes 71.

After some remarks from Messrs. BRONSON, and COOPER of Georgia, the question was taken on the amendment; and it was rejected—ayes 41, noes 87?

On motion by Mr. WELLER, the committee then rose; and

The House adjourned.

IN SENATE.

SATURDAY, February 25, 1843.

On motion by Mr. EVANS, the reading of the journal was dispensed with.

Mr. WRIGHT, from the Committee on Commerce, reported back, without amendment, and with a recommendation that it do pass, the bill from the House, making an appropriation to test the practicability of establishing a system of electro-magnetic telegraphs for the United States.

Mr. HUNTINGTON, from the Committee on Commerce, reported back, without amendment, House bill entitled "An act amendatory of the act for the relief of sick and disabled seamen;" and

On motion by Mr. HUNTINGTON, the above bill was taken up as in committee of the whole, considered, and, there being no amendment, it was reported to the Senate; and, according to order, read the third time, and passed.

Mr. H., also, from the Committee on Commerce, reported back, without amendment, House bill entitled "An act for the better security of the lives of passengers on board of vessels propelled in whole or in part by steam," approved July 7th, 1838.

Mr. PHELPS, from the Committee on Revolutionary Claims, made adverse reports (which were ordered to be printed) on the petition of the legal representatives of Chas. M. Thruston, an officer of the Revolution, praying commutation pay; and the petition of the heirs of William Williams, a captain in the army of the Revolution, praying for commutation pay; and the petition of the heirs of Brighton Payne, an officer of the Revolution, praying for the allowance of half pay.

Also, from the same committee, made an adverse report (which was ordered to be printed) on the bill from the House for the relief of Sylvia Underwood.

On motion by Mr. BAGBY,

Resolved, That the President be requested to communicate to the Senate, at the commencement of the next session of Congress, a statement showing the annual amount of the appropriations for the support of the recaptured Africans, from the commencement of such appropriations to the present time; also, the annual number of recaptured Africans who have had the benefit of such appropriations; also, the number of such recaptured Africans now in the Liberia colony; also, the manner and form, and by what agents, and at what expense, the money so appropriated has been applied to its object, and how accounted for; also, a copy of the accounts showing the expenditure of such money for the year 1842, if rendered for that year; and if not, then for the last year for which such accounts may have been rendered; and whether there is reason to believe any other than recaptured Africans receive any benefit from said appropriations.

Several adverse reports of standing committees, on private claims, were taken up, and concurred in.

The following resolution, introduced by Mr. BENTON on yesterday, was taken up and agreed to, viz:

Resolved, That the President of the United States be requested, if compatible with his sense of the public interest, to communicate to the Senate a copy of the despatch received from Mr. Everett, dated the 3d of February instant; also, a copy of the despatch of Lord Aberdeen of December, 1841, to the American Secretary of State; and a copy of the answer, if any, which was given by the American Secretary to that despatch.

The resolution submitted by Mr. EVANS on yesterday, providing that on and after Monday next the hour of meeting shall be 10 o'clock, and that the Senate take a recess on each day from 3 to 5 o'clock, was taken up for consideration.

Mr. BAYARD was opposed to the second branch of the resolution, providing for a recess; and called for a division of the question.

The question on the first branch of the resolution was adopted on yeas and nays—yeas 29, nays 2.

The question being on the second branch of the resolution, providing for a recess—

Mr. TAPPAN moved to strike out "5," and insert "4".

This proposition was agreed to.

The question recurring on the second branch of the resolution, Messrs. BAYARD and ARCHER opposed it, and Messrs. EVANS and BATES advocated its adoption. Then, the question being put, the second branch was rejected, on a count—ayes 13, noes 14.

On motion by Mr. CRITTENDEN, the Committee on Military Affairs was discharged from the further consideration of the resolutions of the Legislature of the State of Arkansas, on the subject of the military defences for the protection of the Arkansas frontier; the resolutions of the Legislature of Indiana, in favor of the passage of a law granting bounty land to the militia and rangers who served in the last war; the bill making provision for the payment of some of the Missouri militia; and of the petition of Alvin C. Goell, praying encouragement for an invention for the manufacture of fire-rockets.

Mr. LINN presented a petition from Martin Fenwick, praying confirmation of his title to a tract of land in Missouri; which was referred to the Committee on Private Land Claims.

Also, presented joint resolutions of the Legislature of Missouri, in relation to the fine imposed on General Jackson by Judge Hall at New Orleans, asserting that that fine was unjustly imposed; and recommending the passage of a law for its unconditional repayment, which were ordered to lie on the table, and be printed.

On motion by Mr. EVANS, the previous orders of the day were postponed, and the Senate proceeded to the consideration, as in committee of the whole, of the bill for regulating the currency of foreign gold and silver coins in the United States.

Mr. EVANS moved to amend the bill, by striking out the fourth section, which, he hoped, would remove the objection heretofore urged against the bill by the honorable Senator from Missouri [Mr. BENTON.]

Mr. BENTON was understood to acquiesce in the passage of the bill, if it was amended as proposed; believing that it might be safely passed in that form.

The amendment was then agreed to; and there being no further amendment proposed, the bill was reported to the Senate, and was read the third time, and passed.

On motion of Mr. EVANS, the bill to compute at the custom-house, according to the Federal currency, the value of German and other foreign coins, was then taken up as in committee of the whole. The bill was amended, on the motion of Mr. EVANS. It was then reported to the Senate, and, according to order, read the third time, and passed.

On motion by Mr. TAPPAN, the Senate then proceeded to consider bills on the general orders.

The bill to authorize the making of permanent contracts for the transportation of the United States mail upon railroads, came up in order, as in committee of the whole; but, without being considered, was, on the motion of Mr. EVANS, laid on the table. Subsequently,

Mr. MERRICK moved that the Senate proceed to the consideration of the above bill. It was his desire to have an expression of the opinion of the Senate upon it. The Senate, however, without a division, refused to consider it.

The following bills from the House were then considered as in committee of the whole, reported to the Senate, and finally passed, viz:

An act for the relief of John Core.

An act for the relief of Thomas D. Gilson.

An act for the relief of John E. Hunt and others.

An act for the relief of Robert G. Ford.

An act for the relief of Wm. Fabre.

The bill from the House for the relief of George Randall, John C. Haskell, and Elisha H. Homes, was taken up as in committee of the whole, on amendments recommended by the Committee on Claims. The amendments having been agreed to, the bill was reported to the Senate, and ordered to be engrossed for a third reading.

On motion by Mr. WOODBRIDGE, the previous orders of the day were postponed, and the Senate took up, as in committee of the whole, the bill reported from the Committee on the Library, proposing to contract for publishing the continuation of the old congressional debates, and for the publication of the future congressional debates.

Mr. W. explained the great importance, for the purpose of preserving a correct history of Congress, of having the printing of the old debates completed, which had been heretofore subscribed for; and especially for encouraging the reprinting and printing of the future debates.

Messrs. TAPPAN and BERRIEN made some remarks as to the proper manner of entering into the contract.

Mr. WRIGHT opposed the passage of the bill, and moved to lay it on the table.

This motion was tested by yeas and nays, and decided in the negative—yeas 18, nays 23.

Mr. SEVIER expressed a wish, if Congress was again to give encouragement to the publishing and printing of those debates, that full reports of both sides of the question would be published, and not be tinctured by party bias, as heretofore.

On motion by Mr. BAYARD, (for the purpose of proceeding to the consideration of the bankrupt bill,) the above bill was postponed till Monday.

Engrossed bill to continue in force the act for the final adjustment of private land claims in Missouri, approved the 9th of July, 1832, and the act supplemental thereto, approved the 2d March, 1833, was read the third time, and passed.

THE BANKRUPT ACT.

The unfinished business of yesterday was then resumed; being the further consideration, as in committee of the whole, of the House bill for the repeal of the bankrupt act, and the amendments proposed by the Judiciary Committee; the pending question being on Mr. WALKER's amendment, as follows:

"*And be it further enacted*, That, when any private incorporated banking company shall fail, upon presentment to said bank of any of its notes, checks, or bills, to pay and redeem the same in specie, said failure shall be regarded as an act of bankruptcy; and the holder of said note, check, or bill, so neglected to be paid as aforesaid, may, upon affidavit of the facts, sworn to by said individual and at least two disinterested witnesses, proceed against said company as bankrupts, as in other cases specified in this act: and the same proceedings shall be had as in other cases; except that no certificate of discharge shall be deemed necessary or proper to be given to any stockholder of said company, except in cases where such stockholders may be personally responsible for the debts of such company; and, in such case, said stockholders shall be discharged, upon the same terms and restrictions as in the other cases of final discharge authorized by this act."

Mr. CRITTENDEN thought it was useless to expend much time on this subject at so late a period of the session; and he therefore hoped the vote would be allowed to be taken on each amendment without debate.

Mr. TAPPAN inquired if it was in order to offer an amendment to the amendment of the Senator from Mississippi.

The CHAIR said it was not in order to move an amendment to an amendment of an amendment.

Mr. SMITH of Connecticut stated his objection not only to the existing act, but to any amendment retaining the retrospective provision of the law; because he considered any such provision an *ex post facto* law, which the Constitution inhibits.

Mr. CHOATE opposed the amendment of the Senator from Mississippi, on the ground that it would narrow down the question to one of naked repeal. Viewing it in this light, he proceeded, at considerable length, to add to the reasons urged yesterday by the Senator from Georgia, [Mr. BERRIEN,] his convictions that the law, as proposed to be amended by the Judiciary Committee, should be made a permanent commercial bankrupt system. He considered the good the law had already done, a pledge of the greater amount of good yet to be expected from its operation, now that the unavoidable evils accompanying its first effects had been exhausted. He said to his friends that, whatever others might do, it was not for them to repeal the work of their own hands; it was their place to wait, and let their impatient successors execute the work of demolition. If the existing law was to have no other effect than that of a great insolvent law, operating solely on retrospective cases, he admitted it would be an unconstitutional law. And if it was now repealed, before it had time to operate prospectively, it would be obnoxious to the imputation of having been nothing, in fact, but an unconstitutional law. On this ground, therefore, it was obvious that a repeal now would be an endorsement by Congress of the allegations of the enemies of the party in power, that the law was unconstitutional. He denounced the instability of legislation with which Congress would be chargeable, by the fact of not permitting a law, struggled for through forty years of solicitation, to remain a single year upon the statute-book. He maintained that, if there was a public opinion against the existing law, there was certainly none against the substitute now proposed by the Judiciary Committee; on the contrary, he insisted the modifications of that committee fully met not only the demands of the States which have expressed any sentiments on the subject, but the general wish of the community. He then commented upon the several provisions of the substitute proposed by the Judiciary Committee, justifying them as just policy, and perfectly in accordance with a constitutional power of establishing a permanent commercial system of bankruptcy.

He hoped the Senator from Mississippi would modify his amendment, so that when a State bank suspends specie payments, a commission shall issue; and then, if it shall be found to be insolvent, it shall be made amenable to the operations of the bankrupt law. If the Senator so modified his amendment, he (Mr. CHOATE) would vote for it. But whether the amendment was adopted or not, he prayed the Senator from Mississippi to unite with the friends of the substitute proposed by the Judiciary Committee.

Mr. SMITH of Connecticut declared he had heard nothing from the Senator which could induce him to change his opinion. He still denied that the Constitution delegated to Congress any power to pass retrospective laws, or to make laws which shall take away the property of one citizen, to vest it in another. He contended that the powers inferred from the Constitution, by those who had passed the present law, were two-fold—technical and popular; both of which they had turned entirely to the advantage of the debtor, and to the disadvantage of the creditor. So that even in the popular sense, it could not be constitutional.

Mr. HUNTINGTON explained the situation in which he was placed by the instructions of his State. He pointed out the course he had hitherto uniformly pursued in relation to the subject of a uniform system of bankruptcy. During that long period he pursued that course, because he was firmly persuaded a large majority of his constituents were in favor of a bankrupt law. But he now was equally well persuaded that the great mass of his constituents had entirely changed their opinions, and were in favor of a direct repeal of the law. In voting, therefore, in conformity with the wishes of his constituents, he did so because he felt satisfied of this change of opinion; not that he subscribed to the doctrine that, as a Senator, he was bound to obey the authoritative dictation of his Legislature. He felt satisfied that, in the resolutions of his Legislature, there was a full expression of the public sentiment of the State; and what he therefore admitted was, that he was bound to obey—not the instructions of the Legislature, but the public sentiment, of which the resolution of his State Legislature was, satisfactorily to his mind, the exponent. He also believed this change of public opinion was general throughout the country; and therefore he felt perfectly justifiable in discharging a duty which the wishes of his State had imposed upon him. Under these circumstances, he felt bound to vote for the repeal of the act.

Mr. WALKER proposed to modify his amendment by striking out from the second line the word "private," and also the word "checks," and substituting the word "drafts." He would be disposed to make some further modifications, were it not that he feared he would lose more votes on this side for his amendment, than he would gain on the other.

He would occupy but a very few moments in presenting the arguments which he desired to offer to the Senate in favor of the proposition for including banking corporations under the operation of the bankrupt law. They were now (if the amendments reported by the committee should prevail) about to make a commercial bankrupt law. Were not incorporated banks connected with the commerce of the country? Were not incorporated bankers (within the technical language of the law) traders? Why should they not, then, be included within the operation of the law, as well as any other traders or bankers? If the object of the bill was to give facilities to trade, and to enable the creditor to arrest the banker or the trader in his downward course—to stop him at the first point of bankruptcy—to seize upon his effects, and distribute them equally for the benefit of all his creditors,—why not apply the law to incorporated companies as well as to unincorporated? He had heard nothing that even amounted to a plausible reason against the expediency of such a provision. But they had been told that it was unconstitutional. He would ask, did not the Constitution confer upon Congress powers as broad, full, and comprehensive upon the subject of bankruptcy, (a term, by the way, derived from banks and bankers, and originally intended to apply to them,) as upon any other. If such were not the case, how was it that a State was enabled to exempt individuals by granting them charters of incorporation?

If individual bankers were within the meaning of the Constitution, by what authority was it that a State could interpose, and expunge that clause of the Constitution, by exempting them from its operation? If a State could exempt an individual banker, through the operation of a charter, why could it not extend a similar exemption to all cases, and, in fact, set aside every clause of the Constitution? The truth was, that the power to lay duties upon imports was not more explicitly conferred upon Congress, than the power to pass a general bankrupt law. If a State could interpose, through the medium of an act of incorporation, and render powerless a clause of the Constitution as far as regards the one, it could unquestionably do so as to the other. By the same rule which would exclude incorporated banking companies, incorporated companies of importing merchants would be excluded. And so, as regarded every other provision of the Constitution, the power of imposing direct internal taxes; for a State would only have to incorporate a certain number of individuals, and by the mere act of incorporation to exempt them from the taxing power of Congress. He was as much opposed as any one to extending the interpretation of the Constitution; but, when it did unquestionably delegate a power, he denied that it was within the power of any State, by an act of incorporation, or by any other mode, to exempt their citizens from its operation.

A single word as to its expediency. Was there any part of the country which professed to be in favor of insolvent banks, or of an inconvertible paper currency? Upon this point, at least, he believed there was no difference of opinion between the Democratic and the Whig parties. The latter professed to be in favor of specie-paying banks. And would they not be willing to separate the specie-paying from the non-specie-paying banks—the solvent from the insolvent? Would they not arrest the operation of a bank which refused to discharge the very functions for which it was created, by furnishing a convertible paper currency, and commenced deluging the country with a depreciated paper currency? If the Whig party, then, desire to terminate the disasters which had swept over the country, they would be willing to make this a law applicable to everybody, and operating with uniformity throughout every State of the Union. He desired to say much more upon this subject; but he was admonished to forbear, from the fact that only five legislative days remained of this session.

Mr. ALLEN considered the law condemned by the undivided voice of the country. The House of Representatives, in conformity to the will of the people, had passed a bill for the repeal of the act. The Judiciary Committee, in reporting back that bill, had thought proper to propose a substitute, when there were yet but five days of the session left for legislative action. An amendment had been offered by the Senator from Mississippi, for which he should vote; but even if it was appended to the amendment of the Judiciary Committee, he should vote against the amendment as amended; because he considered the only thing which could be done, with propriety, at so late a period of the session, was to pass the repeal bill of the House. The question was, then, repeal or no repeal. As for tinkering it up into a bankrupt system, within five days of the end of the session, it was all idle. Therefore, he would vote against the amendments of the committee, if for no other reason, because any amendment of the bill

of the House would have the effect to continue that odious law on the statute book.

Mr. CONRAD asked if it was competent to offer an amendment to the amendment now pending.

The CHAIR intimated that it was not.

The yeas and nays, having been called for on Mr. WALKER's amendment, were ordered.

Mr. KING asked that the amendment, as modified, might be read.

It was accordingly read.

Mr. KING then said that he was favorable to the amendment reaching to private incorporations; but, as now modified, a collision with the States owning banks, or having stock in them, would be inevitable. He hoped, therefore, the Senator would restore the word "private;" or he or his colleague should be obliged to move that amendment.

Mr. WALKER, to remove the objection, agreed to modify his amendment, by adding, after the word "company," the words "of which a State is not proprietor."

Mr. CONRAD suggested that a further modification was necessary—"excepting cases in which a State shall be interested, or for the obligations of which a State shall be responsible."

Mr. WALKER objected to any further modification.

The yeas and nays were then taken on Mr. WALKER's amendment; and it was decided in the negative—yeas 18, nays 24, as follows:

YEAS—Messrs. Allen, Bagby, Bates, Benton, Buchanan, Choate, Crafts, Evans, King, Linn, McRoberts, Sturgeon, Tallmadge, Tappan, Walker, Williams, Woodbury, and Wright—18.

NAYS—Messrs. Archer, Barrow, Calhoun, Clayton, Conrad, Crittenden, Cuthbert, Dayton, Fulton, Graham, Henderson, Huntington, Kerr, McDuffie, Mangum, Merrick, Miller, Phelps, Rives, Sevier, Smith of Indiana, Sprague, White, and Wilcox—24.

When Mr. CUTHBERT'S name was called, he said he would vote "no"—simply declaring his determination not to vote for any bankrupt law whatever.

The question now being on the amendments of the Judiciary Committee,

Mr. CONRAD moved to strike out the words "common law," as there were some States which had no common-law system.

This proposition was adopted.

Mr. BENTON submitted an amendment, giving the district court of the District of Columbia the jurisdiction of bankrupt cases in the District. He would content himself with saying that he should vote against the Judiciary Committee's amendment, because no proper system can be arranged this session. The law now on the statute-book was unconstitutional; and, therefore, he would not sanction its being kept alive in any shape or form. It was nothing under God Almighty's heaven but a pure and simple compilation of insolvent debtors' acts from the reign of George the First to the present day, for the abolition of debts without the consent or authority of creditors. And no one act ever yet invented, in itself amounted to such a wholesale repudiation of debts as this law. He would pay no more attention to a discharge under any such act, than he would to a bit of waste paper. Mr. B. further stated his objections, not only to the existing law, but to the immature attempt to remodel it; contending that, being unconstitutional, the first thing proper to do was to repeal it.

Mr. BERRIEN asked if the Senator did not now depart from the grounds which he (Mr. BERRIEN) and the Senator [Mr. BENTON] insisted upon in 1824?

Mr. BENTON said he did, because he was then wrong. He had seen abundant reasons for changing the opinions he entertained at that period.

Mr. BERRIEN remarked that his opinions had undergone no change.

Mr. TALLMADGE had been in hopes that the amendments proposed by the Judiciary Committee would be sufficient to remove the objections of the Senator from Missouri. He was now sorry to find that the removal of the objections to a bankrupt law on the other side, though met in the spirit of concession by the committee, should now prove unavailing in mitigation of the hostility waged against the bankrupt law. In spite of every concession, it now appeared that nothing short of a total repeal would satisfy the other side. Mr. T., at some length, argued that no commercial country could do without a permanent system of bankruptcy. He argued the original sovereign power of the individual States to enact bankrupt laws; and that, on the adoption of the Constitution, that power was delegated to the General Government. The Government, he contended, had now the power as fully as it was ever owned by the separate States, or by Great Britain, with this only condition—that it shall be a system uniform in its operation throughout the States. He also maintained that Congress had the right, under the Constitution, to obliterate the obligation of contracts; and that a proposition was actually made in the convention, on the adoption of the Constitution, to restrain the Federal Government from exercising the power to pass a retroactive law, and to violate the obligations of existing contracts; but that that proposition was voted down, there being but one vote in favor of the proposition. The retroaction of the present bankrupt law was fully discussed before it was passed; but the law has had all its operation on past contracts, and can now apply only to prospective cases. He undertook to say that public opinion (and particularly in his own State) was now more strongly in its favor than it had ever been before the passage of the law. What would render it more mortifying to him than anything else was, that it should be repealed by the very Congress which enacted it. He would sooner cut off his right hand, than set his name to this repeal.

Mr. WOODBURY observed that he did not propose to enter, at this late hour, into a debate on the inexpediency or unconstitutionality of the present bankrupt law. But some reference having been made to the votes of Senators in 1828 on a former bill, he would therefore take this occasion to say that he then voted as he should now vote in substance, because he then, as now, believed, and then argued, that a law like this was not in conformity with the Constitution, or with sound public policy. The Senator from New York, [Mr. TALLMADGE,] who has just taken his seat, contends that the States, after the Revolution, possessed all the power on this subject which England possessed before. Granted. But that Senator seems to overlook that, though the States possessed and then conferred on the General Government the power they possessed over bankruptcy, they did not confer any over mere insolvencies. Before the Revolution, bankruptcies in England were matters as distinct from mere insolvencies, as arson was from larceny, or murder from piracy.

The objects operated on by bankrupt laws were merchants and bankers; those by mere insolvencies were farmers, and other classes not commercial.

The character of the remedies in case of bankruptcy was compulsory, and to be used by creditors; while, in that of insolvencies, it was voluntary, and to be used by debtors.

Hence, though the States, when they became sovereign and independent, could legislate for both, and separately or together; yet they confided to Congress merely the authority to legislate for bankruptcies, as these alone were connected with that business of commerce, the chief care over which had been intrusted to the General Government.

Mr. W. would keep his promise, and not enter into the discussion of the constitutional question, further than to add—that if England had, since 1789, given by law a broader meaning to the word *bankrupt*, or had since mixed up other classes than the mercantile in its operations, that circumstance did not change the meaning of the word *bankruptcy*, as then used in our Constitution. Nor did it impose on our people and States the duty to alter the Constitution, so as to enlarge the meaning of that word. Nor did it justify us in holding its meaning to be changed with us, without a change being made first in the Constitution itself, by the proper authorities.

To consume no further time, he would conclude, by merely reading to the Senate the resolution of instruction by the State of New Hampshire to himself and his colleague on this topic, and the reasons assigned for it. They were in Document No. 63, on our files at this session:

"*Resolved*, That the bankrupt bill, in the form in which the late act passed, was, in our opinion, both unconstitutional and inexpedient, and ought therefore to be annulled:

"Because such a bankrupt system as is authorized in the Constitution is one made for the benefit of creditors, and penal on defaulting debtors—no other having then been known or used: because most of the provisions of this bill are designed for the benefit of debtors, and are an insolvent system for their relief, rather than to aid creditors: because the act is penal against merchants, while it is voluntary only as it regards all other persons; and such legislation, however merciful and liberal in itself, can never come within the power above named as conferred on the General Government, but belongs and is reserved to the States, respectively: because, friendly as we are to honest debtors and honest creditors, we cannot countenance the General Government in exercising control over them, which has never been granted to it: and because we believe that the States not only possess all power over cases of mere insolvency, but can exercise it wiser, so as to suit better the wants and condition of the population of each State, respectively: because, to allow the General Government, as in this bankrupt bill, to interfere with cases not included in any bankrupt system known when the Constitution was adopted, tending to bring the trial of all contracts, and the jurisdiction of all debtors in the Union connected with insolvency, into the whirlpool of the Federal courts, is an alarming encroachment on State rights; because such an act, coupled with a like usurping power used, at the last session, to transfer from the States the trial of all burnings and murders like those of McLeod, to the same Federal courts, and to dictate to the State sovereignties, or order them to make single districts, under peril of disfranchisement, tends most rapidly to prostrate all State independence, as well as to build up a frightful, monopolising, overshadowing despotism at the centre, which neither our *fathers* contemplated nor we should tolerate: because this bill disregards the sanctity of all existing contracts and the vested rights of creditors, and, at one sweep, both strips the States of authority always heretofore exercised in insolvent cases, even under the old bankrupt law of 1801, and robs the whole class of creditors, female as well as male, orphans and minors as well as adults, of rights and privileges deemed till now inviolate, and secured by all the sacredness of private contracts and the strongest force of State legislation: and because the remnants of property owned by bankrupts are, by the provisions of this bill, mostly squandered in expenses, through the great distances, fees, and costs in the Federal courts, paying little or nothing in most cases to creditors' while scarcely any debtors are relieved, who, if honest, could not, without the act, compromise with those they owe; and, if dishonest, do not merit so easy and sudden an escape from their solemn obligations.

Mr. BENTON asked if these were from the Granite State.

Mr. WOODBURY replied yes.

Mr. BENTON. They are true granite.

The question was then taken on the Judiciary Committee's amendments as amended, and resulted in the negative—yeas 16, nays 30, as follows:

YEAS—Messrs. Barrow, Bates, Berrien, Choate, Clayton, Crafts, Dayton, Evans, Henderson, Kerr, Miller, Phelps, Porter, Tallmadge, White, and Woodbridge—16.

NAYS—Messrs. Allen, Archer, Bagby, Benton, Buchanan, Calhoun, Crittenden, Cuthbert, Fulton, Graham, Huntington, King, Linn, McDuffie, McRoberts, Mangum, Morchead, Rives, Sevier, Smith of Connecticut, Smith of Indiana, Sprague, Sturgeon, Tappan, Walker, Wilcox, Williams, Woodbury, Wright, and Young—30.

The question then coming up on the repeal bill of the House—

Mr. BENTON moved to strike out the proviso, which is in the following words:

Provided, That this act shall not affect any case or proceeding in bankruptcy commenced before the passage of this act, or any pains, penalties, or forfeitures incurred under the said act; but every such proceeding may be continued to its final consummation, in like manner as if this act had not been passed.

Mr. BERRIEN would not question the decision of the Senate on the Judiciary Committee's amendment; but he did hope the proviso in the House bill would not be stricken out. To all the class of cases protected by this proviso, its excision would be the most manifest injustice.

Mr. BENTON proposed the same proviso as a substitute, which he had offered upon a former occasion upon the Senate's bill, making the pending cases subject to constitutional restrictions, and requiring the consent of a majority in value and number of the creditors necessary for the discharge of the bankrupts. On moving this amendment, he urged the same arguments in its favor which he had used on the former occasion alluded to.

Mr. BUCHANAN said he had not intended to trouble the Senate with a single word on the bankrupt bill, at this late period of the session; but as he had determined to vote against the amendment proposed by the Senator from Missouri, [Mr. BENTON,] and would differ from some of his most valued political friends on this question, he felt it to be a duty which he owed both to them and himself to make a very few observations on the subject. Should the amendment prevail, and the proviso

be stricken from the bill, it would deprive all those bankrupts of the benefit of the law whose cases were now pending, and who had not yet obtained their certificates of discharge.

He should be extremely sorry if his constitutional opinions would deprive him of the power of voting in favor of this proviso. In what condition would both the bankrupts whose cases were now pending, and their creditors, be left, in case it should not be retained?

The first class of desperate insolvents or bankrupts, who stood ready and eager to take the benfit of the law immediately after its passage, had already passed through the mill, and had been discharged from their debts. There were many individuals who had been crushed to the earth, and whose circumstances had been rendered desperate, by the discharge of their debtors and the consequent loss of debts honestly due to them, under this unjust and impolitic law. It was such individuals who would chiefly suffer, should the amendment be adopted. They had struggled with misfortune as long as they could; and had finally, at the last hour, applied for the benefits of the bankrupt law. The proceedings in their cases were now in different stages of their progress; and he should consider it unequal, unfeeling, and unjust to deprive the courts of the power of bringing them to a conclusion. It would be an extreme case, indeed, which could justify Congress in declaring, after an individual had put himself to the trouble and the expense of instituting any proceedings under the faith of their own laws, that he should be arrested midway; and that, too, when he could not by possibility be restored to his former condition.

But again: There was one State of the Union (he referred to the State of Missouri) where the district judge had decided the bankrupt law to be unconstitutional, and had refused to discharge any of the applicants for the benefit of its provisions. Strike out this proviso; and then, whilst debtors in all the other States had been discharged under the provisions of the law, no debtor in Missouri had ever enjoyed, or could enjoy, its benefits.

Again: He asked what would become of the property of bankrupts now in the hands of their assignees, or under the custody of the law. This would present a scene of confusion worse confounded. Strike out the proviso, and no distribution of it could take place among their creditors; because the law under whose provisions it would have been made, had ceased to exist. This would lead to great injustice and endless litigation.

In view of these circumstances, if he even entertained serious doubts of the constitutionality of the bankrupt law, he would suffer these doubts to operate in favor of retaining the proviso, and would leave it to the Supreme Court to decide the constitutional question in the last resort. Nothing but a clear conviction that the law was a violation of the Constitution, could induce him to sanction all these evils.

Mr. B. said he was the only Senator of his party who had made a speech against the final passage of the present bankrupt law; and if he were disposed to glorify himself for the gift of propheey, he might refer to that speech, and it would be found that in every particular, with but one exception, his predictions had been verified. Much, however, as he was opposed to the passage of the law, he did not believe it to be unconstitutional. This would appear from a few sentences of that speech, delivered on the 24th July, 1841, which he would read to the Senate.

"Mr. B. said, as he had referred to the speech which he had made in the House of Representatives on this subject, nearly twenty years ago, he felt bound to acknowledge that, upon one point, he had fallen into a then prevailing error. Of this he had been fully convinced by the debate in the Senate at the last session. In 1822, it was his opinion that the constitutional power of Congress was confined to traders, or that class of persons which were embraced by the bankrupt laws of England, at the time of the adoption of the Federal Constitution. This, he now believed, was too narrow a construction. The Constitution declared that 'Congress shall have power to establish uniform laws on the subject of bankruptcies throughout the United States.' The subject of bankruptcies was thus placed generally under our control; and wherever bankruptcy existed—no matter what might have been the pursuits of the bankrupt, whether he had been a trader or not—our power extended over him. It also, in his opinion, embraced artificial as well as natural persons. Was it not absurd to say that an individual manufacturer on one side of the street, at Lowell, might be subjected to the compulsory operation of a bankrupt law, whilst two or three individual manufacturers on the other side of the same street, who had obtained a charter of incorporation from the Legislature of Massachusetts, could thus withdraw themselves, in their corporate capacity, from the power conferred upon Congress over bankruptcies?"

So that he had recanted, and that in good time, what he believed to have been his error when he first entered the House of Representatives. He and his friend from Missouri [Mr. BENTON] were, in this respect, placed in a similar predicament. They had both changed their old opinions; and he regretted that they were still on opposite sides.

He considered that it would be a very narrow construction indeed, to confine our power over the subject of bankruptcies, which had been conferred in the broadest and most general terms, to the passage of just such a bankrupt law as existed in England at the date of the Federal Constitution. All the lights of experience, and all the improvements in the science of legislation, must then be disregarded; and while the world was in a state of constant progression, we must make a dead stand at the point where we found the English bankrupt law half a century ago. Surely the framers of the Constitution never intended any such absurdity. For his own part, he firmly believed that no bankrupt law, based upon the English model, could ever exist for any length of time in this country. It would always destroy itself, after a brief experience. Such a law was not applicable to a country of the vast extent of our own, where the Federal judicial tribunals were at such remote distances from each other, and when it was acknowledged that Congress did not possess the power of conferring jurisdiction in cases of bankruptcy on the State courts. If they were ever to have a permanent and beneficial bankrupt system, they must look to other models than the English. Fortunately, under the decision of the Supreme Court, each State now possesses the unquestionable power of passing bankrupt laws which will relieve its own citizens from the obligation of debts contracted with other citizens of the same State subsequent to the passage of such laws. Nay, more: a discharge under a State bankrupt law is valid even against the citizens of other States, or foreigners, who may accept a dividend of the debtor's effects; and this will always be accepted in cases where any considerable dividend exists. Several of the States now have such bankrupt laws. But enough, and more than enough, of this.

The present law was said to be unconstitutional, because it was an insolvent, and not a bankrupt law; and that it applied not only to traders, but to all other persons. But it would be extremely difficult to draw any line of distinction between insolvency and bankruptcy. Both signified the inability of a debtor to pay his debts. This was the meaning of both terms, in the abstract. There was this difference between a bankrupt law and an insolvent law—that, whilst the latter discharged the person of the debtor only, the former discharged both the debtor and the debt. Bankruptcy was a general term: and even in England, although nominally none but traders were entitled to the benefit of the bankrupt laws; yet, in reality, these laws had been extended, long before the adoption of the Federal Constitution, to many, very many persons, who could not, with any propriety, be denominated traders. Different acts of Parliament, and the most liberal judicial construction of the term "*traders*," had extended their provisions to almost every class of the community. He might cite numerous instances to prove this assertion, if time would permit, and if they were not familiar to every Senator. The policy of England had always been to extend still further and further the operation of their bankrupt laws to new classes of individuals. Whilst, therefore, he would be utterly opposed to the passage of any such bankrupt law for this country, he could not regard such a law as a violation of the Constitution, merely because its benefits or its injuries were not confined to persons who might technically and appropriately be called traders. The power conferred upon Congress by the Constitution was not limited to any class of persons, but extended to the whole subject of bankruptcies; and wherever bankruptcy existed—whether among merchants, or farmers, or tradesmen—Congress might subject them to the operation of a bankrupt law.

But it had also been contended that this law was unconstitutional, because it embraced cases of voluntary bankruptcy. Now, it was perfectly well known to every person acquainted with the history and operation of the English bankrupt law, that voluntary bankruptcy had existed in that country in fact, though not in form, for more than a century before the act of 6th George IV; and this act did no more than to recognise a practice which had long prevailed. Insolvent debtors in England, before the passage of this act, were in the constant practice of concerting with some one of their creditors to commit an act of bankruptcy, who was thereupon to sue out a commission of bankruptcy. It was very true that, if this concert were established, the commission would be avoided. But, in the nature of things, it was almost impossible to prove the fact; and, at last, the statute of George IV expressly legalized such a proceeding. A debtor might now make a declaration of his insolvency in the prescribed form, and this was an act of bankruptcy; and it was expressly enacted "that the bankrupt, and any creditor, or other person, concerting such declaration, shall not invalidate the commission." Here, then, was voluntary bankruptcy, to the same extent which it now existed under our present law. The difference between them was in form, not in fact. In both cases, the bankruptcy was equally voluntary; and in both, the debtor chose his own time to make his application. He could not, then, say that our law was unconstitutional, because it recognised voluntary bankruptcy.

Neither could he agree with the Senator from Missouri, that the law was unconstitutional because it did not provide that, in order to procure his discharge, the bankrupt must obtain the consent of a majority of his creditors in number and value. He agreed entirely with him, that it would be unwise and inexpedient to pass a bankrupt law without such a provision; but that it would be unconstitutional, was altogether a different question. A bankrupt law was a law to discharge an insolvent debtor from his debts, on the condition that he fairly and honestly surrendered all his property for the benefit of his creditors. The mode and the manner of this discharge must necessarily be left to the discretion of Congress. These must necessarily vary, according to the varying opinions of the Legislature. In England, formerly, four-fifths in number and value of the creditors must have consented. It was now reduced to three-fifths; and the prevailing opinion, even there, now seemed to be, that it would promote the interest, both of the debtor and the creditor, not to require the assent of any portion of the creditors to the debtor's discharge. Under our old bankrupt law of 1800, two-thirds in number and value of the creditors were required to consent. The Senator from Missouri would now be satisfied with a majority. This was a mere incidental question, in passing any bankrupt law, which did not enter into its essence. And he could not say that such a law would not be a bankrupt law under the Constitution; although it might not require the consent of any portion of the bankrupt's creditors to obtain the debtor's discharge.

Whilst every feeling of his heart was in favor of relieving those unfortunate debtors whose property had already been removed from their own control, and placed in the hands of assignees, and who had incurred the trouble and expense of commencing proceedings, he was truly rejoiced that no constitutional barrier interposed to prevent him from performing an act of humanity and justice.

He would suggest another consideration: he, in common with his political friends, was anxious that this law should be repealed before the close of the present session; that it should no longer be a blot upon our statute-book; that it should no longer produce the injustice, iniquity, and fraud which had startled the minds of a vast majority of the American people, and caused them to demand its repeal. If the proviso from the present bill were stricken out, and it were sent back to the House thus amended, the probability was, that it would be lost altogether, and that the law would neither be

amended nor repealed. Was it not wiser, then, for Senators to make the trifling concession of suffering those who had already applied for its benefits to obtain their discharge, than to leave the law in full force for another year?

Mr. BAGBY, believing the existing law unconstitutional, should vote against any continuance of the law whatever.

Mr. BERRIEN asked if the Senator from Missouri confined his motion in the first instance simply to striking out the proviso; or did it include the proposition to substitute his provisoes.

Mr. BENTON said his object was to offer his amendments as a substitute; but he was indifferent how the vote was taken.

Mr. CRITTENDEN hoped the naked question would be taken on striking out the proviso.

Mr. BERRIEN explained the predicament which would result from striking out the proviso.

Mr. SMITH of Connecticut remarked that, believing the law to be unconstitutional, he should vote against its continuance in any form.

The question was then taken on Mr. BENTON'S amendment, and decided in the negative: so the motion to strike out the proviso did not prevail.

Mr. TALLMADGE proposed an amendment to the bill, as an additional section, granting $1 on each case pending, as remuneration to the judges who will have to sit upon the cases now pending, and which will be continued till final discharge under this bill. This he considered but just.

The amendment was, however, rejected.

Mr. BERRIEN submitted an amendment, allowing the greater part in value of creditors to choose assignees in pending cases. Mr. B. said he was called upon to submit this amendment, in accordance with a desire of the mercantile interest of Baltimore. He considered such an amendment but just and proper to the immense interest involved.

The amendment, as suggested, was read; and the question coming up—

Mr. BUCHANAN said he would cheerfully vote for the proposition, if the Senator from Georgia would bring it up as a separate bill; but he could not vote to append it to this bill, because he believed it would have the effect to prevent the repeal of the law. It would have to go to the other House if amended, and could not be reached.

Mr. BERRIEN persisted in the amendment, believing that, if adopted, it could not have the effect apprehended by the Senator from Pennsylvania.

Mr. CONRAD said he had received a communication, making an appeal to him of the same character. He, therefore, wished to record his vote in its favor, and demanded the yeas and nays.

Mr. ALLEN said he would with cheerfulness vote for the amendment; but, believing that the effect would be, if adopted, to continue the present law in operation, he would vote against it. If adopted, the bill would have to return to the other House.

The yeas and nays were then ordered on the amendment, and resulted in the negative—yeas 14, nays 35.

Mr. CONRAD offered another amendment, to strike out the words "be and is hereby," and insert after the words "forty-one," the words "shall, from and after the 4th day of April next, be repealed." He did not propose this amendment with a view of retarding the inevitable fate of the bill, nor in hopes that it would succeed. His object was to fulfil his duty in complying with the desire of his constituents. As this amendment was considered of great importance to his section of country, he should feel obliged to place his name on record in its favor. He was deprived, by an arrangement he had made with an absent Senator, (by pairing off with Mr. SIMMONS,) of voting against the repeal of the law. He hoped, however, the additional thirty days required by his constituents would be considered not an unreasonable request. Mr. C. then proceeded to point out the justice of this extension of the proviso, and dwelt with considerable energy on the instability of legislation which the repeal of the law by the same Congress which had enacted it must necessarily involve. On this amendment he called for the yeas and nays, which were ordered.

The question being then taken on Mr. CONRAD'S amendment by yeas and nays, resulted in the negative—yeas 13, nays 32.

The bill was then reported back to the Senate.

Mr. TALLMADGE renewed his amendment to allow $1 on each case pending, to the clerks of the courts; and on this he called for the yeas and nays; which were ordered.

The amendment was again rejected—yeas 14, nays 34.

Mr. TALLMADGE now moved to postpone the bill to the 1st Monday in December next; and, on this motion, he called for the yeas and nays; which were ordered.

This motion was negatived—yeas 14, nays 34.

The bill was then read a third time; and,

On the question "Shall this bill pass?"

Mr. BUCHANAN called for the yeas and nays which were ordered.

The bill was then passed in the form in which it came from the House, without any amendment; yeas 32, nays 13, as follows:

YEAS—Messrs. Allen, Archer, Bagby, Bayard, Buchanan, Calhoun, Crafts, Crittenden, Cuthbert, Dayton, Fulton, Graham, Huntington, King, Linn, McDuffie, McRoberts, Mangum, Merrick, Morehead, Phelps, Rives, Sevier, Sprague, Sturgeon, Tappan, Walker, Wilcox, Williams, Woodbury, Wright, and Young—32.

NAYS—Messrs. Barrow, Bates, Berrien, Choate, Clayton, Evans, Kerr, Miller, Porter, Smith of Indiana, Tallmadge, White, and Woodbridge—13.

A communication was read from the Treasury Department—laid on the table, and ordered to be printed.

RETRENCHMENT.

Mr. MOREHEAD, from the Committee on Retrenchment, to which was referred the bill from the House, (No. 548,) reported the same back, with numerous amendments—one relieving all officers of the Government, who receive $1,200, and below, from the operations of the bill; and reducing all above that sum 12½ per cent.; another striking out so much of it as reduced the pay and mileage of members of Congress, and substituting a provision reducing their mileage and pay 12½ per cent.

The bill was accompanied by a special report; which was ordered to be printed.

The Senate then adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, February 25, 1843.

Mr. A. MARSHALL presented the petition of V. S. ROSE, and thirty-eight others, citizens of Islesboro', Maine, asking an increase of duties on lumber and wood.

Mr. PLUMER presented petitions, numerously signed by citizens of Pennsylvania, for the passage of a law prohibiting the transportation of the United States mail and opening of post offices on the Sabbath.

CHEROKEES.

Mr. J. L. WILLIAMS moved the reconsideration of a vote by which, some few days ago, the House committed to a Committee of the Whole a joint resolution, authorizing the Secretary of the Treasury to pay such sums of money as had been awarded by the commissioners to claimants under the 17th article of the Cherokee treaty.

After a few remarks from Mr. FILLMORE, Mr. CAVE JOHNSON, Mr. GWIN, and others, the motion of reconsideration was agreed to, under the operation of the previous question.

Mr. J. L. WILLIAMS then submitted a substitute for the resolution, appended to which was a proviso, limiting the sum to be paid to $200,000.

After the disposal of various motions to lay on the table, &c., the amendment was adopted—the sum of $200,000 having been first reduced to $100,000, on the suggestion of Mr. FILLMORE. The resolution was then ordered to be engrossed; and the question recurred on the passage, which, under the operation of the previous question, was agreed to by a majority of 80 to 79.

Mr. J. L. WILLIAMS moved a reconsideration of the vote on the passage of the resolution; on which he moved the previous question.

Mr. GWIN rose, and inquired whether it was in order for him to give his views upon the resolution.

The SPEAKER said it was not.

Mr. C. H. WILLIAMS moved that the motion for reconsideration be laid on the table.

After some conversation, and no little noise,

Mr. J. L. WILLIAMS withdrew the motion to reconsider.

Mr. RIGGS renewed it.

Mr. TURNEY renewed the motion to lay the motion for reconsideration on the table.

Mr. GWIN demanded the yeas and nays; which were ordered: and the motion to lay on the table was rejected—yeas 86, nays 107.

The question recurring on the motion for reconsideration,

Mr. GWIN called for the yeas and nays; which, having been ordered, resulted in—yeas 95, nays 86.

So the motion of reconsideration was carried.

Mr. WATTERSON submitted an amendment, which was agreed to, but the purport of which could not be obtained.

The question again recurred on the passage of the resolution.

Mr. CAVE JOHNSON said that he was desirous of saying a word or two upon this subject, though he regretted to interfere, on account of those interested in the claims. A very large fund had been placed in the treasury for the use of the Cherokees, to be expended by the Government for their benefit. He was fearful that a very large portion of this fund had been already misapplied, and that the Government would be called upon to repay it. He understood the whole amount of money so misapplied exceeded half a million of dollars. There was a balance in the treasury amounting to about $300,000. Under the treaty with the Cherokees, a board of commissioners was now sitting in this city, for the purpose of adjudicating claims under some of the articles of the treaty. The object of this resolution was to direct the issuance of certificates by the board of commissioners upon the awards made by the board, and their payment at the treasury, without a review by the accounting officers.

To the adoption of this course there was, to his mind, very great objections—objections insurmountable. The fund was a trust fund, and, if misapplied by us, we should of course have to repay. We have directed its application by former appropriations. Suppose the adjudications should exceed the amount of money in the treasury, then the claimants must be paid *pro rata;* then the payment to those now having their claims settled to the full amount would be erroneous, and we should have to repay any sum so misapplied.

Besides, the duty of executing the treaty has now been devolved on the Executive Department. We have done our duty; we have made the appropriation; the board of commissioners is now sitting; and it is the province of the Executive to pay all those claims within the provisions of the treaty. Why should the House undertake to prescribe the kind of evidence which the President should require, in paying out this fund? In all other cases, after the adjudications by the board, they are submitted to the President; re-examined by the accounting officers; and, if within the provisions of the treaty, are paid. We had, the other day, a case of this kind. Under the Florida treaty, the courts of the Floridas had been directed to adjudicate claims. They did adjudicate; and when their adjudications were examined at the treasury, Mr. Crawford refused payment of a very large sum, because they were not within the provisions of the treaty; and the other day we were called on to pay the adjudications. The House refused, by a very large majority—only twenty or thirty voting for it.

If the present board should decide favorably upon claims not within the provisions of the treaty, and over which the board had no jurisdiction, that would be such a misapplication of the funds as would subject us to its repayment. He contended that it was the duty of the President, before payment was made, to see that the adjudications were within the provisions of the treaty.

But again: Suppose there was any fraud or cor-

ruption in the commissioners, (and he made the supposition without the slightest disrespect to the present board of commissioners,) and the commissioners should issue a million of certificates:—were they to be paid at the treasury, without any examination by the accounting officers of the treasury, or other officers of the Government? This course was unusual—so far as he knew; unprecedented. He could not feel himself justified in thus opening the doors of the treasury to certificates issued by any board of commissioners. He regretted very much the condition of the claimants, and wished that they had, or could, get their money; but he could not consent to set aside all the safeguards of the treasury, as regulated by law. All the guards provided for the protection of the treasury often proved insufficient; and this House ought not to interfere, or set them aside, without great deliberation; and, he hoped, would not do so in the present case.

The debate was further continued by Mr. JAS. COOPER and Mr. GWIN.

Mr. JOS. L. WILLIAMS then obtained the floor, and went into an explanation and defence of the objects of the resolution, and replied to the various objections urged against its passage. He concluded by moving the previous question.

Various gentlemen desired to explain; but the motion for the previous question was carried.

Mr. EVERETT moved that the resolution be laid upon the table.

The yeas and nays were ordered on this motion; and, being taken, resulted—yeas 87, nays 94, as follows:

YEAS—Messrs. Arrington, Atherton, Babcock, Baker, Barnard, Beeson, Birdseye, Bowne, Boyd, Brewster, Charles Brown, Burke, Burnell, William Butler, Calhoun, Casey, Staley N. Clarke, Clinton, Coles, Cowen, Cravens, Daniel, Garrett Davis, Richard D. Davis, Deberry, Doan, Doig, Egbert, Everett, Fessenden, Fillmore, John G. Floyd, Charles A. Floyd, Gilmer, William O. Goode, Gordon, Gwin, Hall, Halsted, Hays, Houck, Houston, Hubard, Hunter, Hunt, Cave Johnson, John W. Jones, Isaac D. Jones, Linn, Littlefield, Lowell, McKay, McKeon, Mallory, Alfred Marshall, Samson Mason, Mathews, Mattocks, Maxwell, Maynard, Medill, Mitchell, Morrow, Osborne, Payne, Proffit, Ramsey, Benjamin Randall, Alex. Randall, Randolph, Reding, Rencher, Riggs, Sewell, Shaw, Shields, William Smith, Snyder, Stanly, Steenrod, Stratton, John T. Stuart, Summers, Sumter, Triplett, Winthrop, Wise, and Yorke—87.

NAYS—Messrs. Allen, Landaff W. Andrews, Sherlock J. Andrews, Arnold, Barton, Bidlack, Blair, Botts, Briggs, Bronson, A. V. Brown, Milton Brown, Jeremiah Brown, P. C. Caldwell, John Campbell, William B. Campbell, Thomas J. Campbell, Caruthers, Childs, Chittenden, James Cooper, Mark A. Cooper, Crawford, Cross, Cushing, Dawson, Dean, John C. Edwards, Ferris, Fornance, Gamble, Gates, Gentry, Gerry, Giddings, Graham, Green, Gustine, Harris, Hastings, Henry, Hopkins, Howard, Charles J. Ingersoll, Joseph R. Ingersoll, Irvin, James, John P. Kennedy, Lewis, Abraham McClellan, Robert McClellan, McKennan, Marchand, Mathiot, Meriwether, Miller, Moore, Morris, Newhard, Oliver, Parmenter, Partridge, Pendleton, Plumer, Pope, Powell, Reynolds, Ridgway, Roosevelt, William Russell, James M. Russell, Sanford, Slade, Stokely, Taliaferro, Tillinghast, Tomlinson, Trumbull, Turney, Underwood, Van Buren, Van Rensselaer, Wallace, Ward, Washington, Watterson, Weller, Westbrook, E. D. White, Thomas W. Williams, Christopher H. Williams, Joseph L. Williams, Wood, A. Young, and John Young—94.

So the House refused to lay the resolution upon the table.

The question recurring on the passage of the resolution,

Mr. C. H. WILLIAMS called for the previous question; which was seconded, and the main question ordered.

Mr. GWIN having called for the yeas and nays on the main question, they were accordingly ordered; and, being taken, resulted in yeas 88, nays 84.

So the resolution was adopted.

Mr. JOHN CAMPBELL rose to a correction of the journal. His motion embraced three propositions: First, to correct the count taken on the final passage of the bill to suspend the operations of the second section of the apportionment bill, which was reported by the Clerk to be yeas 90, nays 91, instead of yeas 91, nays 91—which was the true count. The Clerk, Mr. C. said, was satisfied now that his report of the vote on the final passage of that bill was incorrect. His second proposition was, to add the vote of Mr. ANDREWS of Kentucky, who voted in the affirmative, and whose vote was not recorded. The third proposition was, to allow Mr. MOORE, who voted in the negative under a misapprehension, to correct his vote. Mr. ANDREWS having voted against the reconsideration, he went to him and asked him how it was he had given such a vote, when he had previously expressed his intention to vote for the bill. Mr. ANDREWS then informed him that he had voted for the bill on every question that was taken until the last; and he had then voted against the reconsideration, in consequence of the remarks of the gentleman from Virginia, [Mr. WISE.]

Mr. ANDREWS of Kentucky said that, in relation to his vote, he had no distinct recollection on the subject. He had referred to gentlemen around him for their recollections on the subject, and they had informed him that he did not vote on the passage of the bill; that he rose and addressed the Speaker, in order to have his name called; but, not being answered, he had sat down, remarking that he did not care much about it. Under these circumstances, he was unwilling to ask to have his name recorded. He voted against the reconsideration, on the ground that several gentlemen—and, among the rest, the gentleman from Virginia—had taunted them with having passed a law that was a nullity.

Mr. JOHN CAMPBELL said that, in justice to himself, he wished to ask the gentleman one question. When he went to him to ask him why he voted against the reconsideration, when he had promised to vote for the bill, did he not state that he had voted for it on every question that occurred previous to that vote? He asked this question, in order to put himself right.

Mr. ANDREWS of Kentucky said he would, with pleasure, put the gentleman right. When the gentleman came to him, he did state to him that he had been with him on every question till the vote on the reconsideration.

The SPEAKER said that the Clerk would correct the count of the vote that was taken, making it 91 to 91. The bill, therefore, was rejected. In relation to the vote of Mr ANDREWS of Kentucky, the Speaker could not direct it to be recorded, unless the gentleman himself desired it.

LAND TAXES.

Mr. REYNOLDS called up his motion to reconsider the vote laying on the table the bill to authorize the Legislature of Illinois to tax the lands sold by the United States within the limits of that State. Mr. R. requested to have the law on the subject read.

The SPEAKER said that it could not be done but by general consent; and the question was not debatable.

Mr. BRIGGS asked if it was in order to move to go into Committee of the Whole.

The SPEAKER said that it was not.

Mr. CASEY moved to lay the motion for reconsideration on the table; which motion was carried.

Mr. C. H. WILLIAMS hoped the House would, by general consent, take up the bill to divide the United States into two military districts. Objections were made. He moved a suspension of the rules for that purpose.

Mr. J. THOMPSON hoped the motion would be waived, to allow reports to be made from committees.

Mr. C. H. WILLIAMS did not withdraw his motion, but asked the previous question upon it.

The motion to suspend was negatived.

Mr. WISE asked permission to report the navy appropriation bill, with the Senate's amendments thereto; which were ordered to be printed.

Mr. J. THOMPSON again appealed to the House to allow reports to be received from committees, as the opportunities to make them would be very few before the termination of the session.

Mr. UNDERWOOD made an appeal in favor of the business of the District of Columbia.

Mr. BRIGGS moved that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. MALLORY obtained permission to present some papers, which were understood to relate to the exploring expedition.

The House then agreed to the motion of the gentleman from Massachusetts [Mr. BRIGGS] to go into Committee of the Whole; and Mr. FESSENDEN took the chair.

THE CIVIL AND DIPLOMATIC APPROPRIATION BILL.

The committee resumed the consideration of the bill making appropriations for the civil and diplomatic expenses of the Government for the fiscal year ending the 30th day of June, 1844; and proceeded through all the items, without objection, until the Clerk arrived at those under the head of "Judiciary."

Mr. C. J. INGERSOLL moved to reduce the item appropriating $473,000 for defraying the expenses of the supreme, circuit, and district courts of the United States, &c., &c., by a deduction of $100,000.

He advocated his amendment, to curb the extravagance which had sprung up in that branch of the public expenditures; and observed that, since he was in Congress, some years ago, the expenses under this head had risen from $40,000 to upwards of $400,000 per annum. He pointed out various modes by which retrenchment might be effected—particularly the opening of the courts on certain days, and on those days transacting the business of the courts; instead of opening them every day in the year, and closing them again, without the discharge of any duties. The latter course would effect the saving of a large amount now paid to officers, jurors, witnesses, &c., for attendance on those days when the courts were opened *pro forma* only.

He alluded to the rejection of this item at the last session of Congress, and its introduction afterwards in a bill appropriating a sum for the Wyandot Indians—by which means it passed, in the confusion attendant on the close of a session, without the knowledge of many members on that floor, who would have opposed the appropriation if they had been aware that it was reintroduced in that unusual shape. He was himself one of those who were unconscious of the passage of that item of appropriation; and his first information of that fact was derived from the newspaper reports of their proceedings, on the following day.

He concluded by expressing a hope that the committee would reduce this item of appropriation, as they did at the last session.

Messrs. FILLMORE, ADAMS, TILLINGHAST, and BARNARD, having made some observations on the amendment—

Mr. McCLELLAN of New York said the committee would recollect that, in the month of March last, the chairman of the Committee of Ways and Means, by a series of resolutions, called upon the Secretary of the Treasury to make an examination into the expenses of the judiciary, which had of late grown up to an enormous amount. That examination was made by the Solicitor of the Treasury, under the direction of the Secretary of the Treasury; and his report was sent here on the 23d December last, and referred to the Committee on the Judiciary for examination, and to report to the House in reference to those expenses. The chairman of the Judiciary Committee, however, had taken no action on that subject. The report of the Secretary of the Treasury recommended a fee-bill for the officers of the district and circuit courts of the United States; and yet this House had had no bill, nor even a report, from the Judiciary Committee, on that subject. Now, if there was any branch of this Government in which corruption existed, it was in the judiciary, so far as the officers of the courts were concerned. It would be recollected that, in the month of March, a year ago, he introduced a resolution calling for returns of fees, particularly in relation to the southern district of New York; but that resolution remained unanswered to this day, and not a particle of information had come in, in response to it. It was true that a report on one branch of this subject had been made to this House; but he was told that a portion of that report had been abstracted either from the office of the Clerk of this House, or from the office of Messrs. Gales & Seaton, their printers; it was that part of the report which contained the answer of the Secretary of the Treasury in relation to the fees of the officers of the different courts of the United States, and the amount of their receipts and emoluments. That document was ordered to be printed early in February, but it had not been

printed to this day. Now, such were his views on this subject, that if any gentleman would move to reduce the item $200,000, he would vote for it, until they could have some action on the subject, by which they should be enabled to act intelligibly. He saw no reason why clerks should receive $5,000, $10,000, or $15,000, for mechanical services, when the judges received only $6,500.

Mr. BARNARD explained.

Messrs. TILLINGHAST and SALTONSTALL addressed the committee in extenuation of the charges made against the officers charged with the judicial expenditures.

Mr. GORDON spoke in favor of the reduction. He contended that, unless the appropriation was reduced $100,000, as proposed, there would not be any alteration in the exorbitant prices now charged in the fee-bills. True, the Solicitor of the Treasury had reported a plan for reducing the expenditures of the courts generally; but it must be manifest that there was not time to take it up, and act on it this session; and therefore to refuse to reduce, would be equivalent to giving the go-by to the subject.

The question was then taken on Mr. INGERSOLL's amendment, and it was agreed to.

Mr. MALLORY said he was instructed by the Committee on the Coast Survey to offer the following amendment:

And be it further enacted, That the sum of one hundred thousand dollars be appropriated, out of any money in the treasury not otherwise appropriated, for continuing the survey of the coast of the United States: *Provided*, That this, and all other appropriations hereafter to be made for this work, shall, until otherwise provided by law, be expended in accordance with a plan of reorganizing the mode of executing the survey, to be submitted to the President of the United States by a board of officers which shall be organized by him, to consist of the present superintendent, his two principal assistants, and the two naval officers now in charge of the hydrographical parties, and four from among the principal officers of the corps of topographical engineers; none of whom shall receive any additional compensation whatever for this service, and who shall sit as soon as organized. And the President of the United States shall adopt and carry into effect the plan of said board, as agreed upon by a majority of its members; and the plan of said board shall cause to be employed as many officers of the army and navy of the United States as will be compatible with the successful prosecution of the work; the officers of the navy to be employed on the hydrographical parts, and the officers of the army on the topographical parts of the work. And no officer of the army or navy shall hereafter receive any extra pay, out of this or any future appropriations, for surveys.

Mr. MALLORY said it would be perceived by the House that this amendment proposed a total reorganization of the work; and if it should be carried out in the spirit of that amendment, it would correct many of the abuses which some of them believed to exist, and would effect a saving of some $20,000 or $30,000, by dispensing with the services of numerous civil officers, believed not to be necessary, and substituting for them officers of the topographical corps and officers of the navy. The committee had left the plan of the survey to be decided on by a board of officers, and submitted to the President for his approval, as they had not been able to agree among themselves on any detailed plan. He had, to be sure, his own views as to how the work should be carried on; but as they did not meet the concurrence of a majority of the committee, he could not bring them before the House in the form of a report. As he had spoken at large on the subject, some days since, he felt no disposition to trespass on the time of the committee, but would leave the amendment in their hands, trusting that it would be adopted.

Mr. C. BROWN offered an amendment to the amendment, striking out $100,000, and inserting $40,000; together with a proviso, that the superintendence of the coast survey shall be transferred to the Navy Department, and that the surveys shall be carried on by officers of the navy and of the corps of topographical engineers.

Mr. BROWN said that, in offering this amendment as a substitute for that of the gentleman from Virginia, [Mr. MALLORY,] he must in a few words express his opposition to the latter. That amendment did not look to the practical reform which the House expected when this subject was last under discussion. He believed, that there was a decided disposition manifested in the House to get clear of the present head of the survey; yet the amendment of the gentleman brought him forward as the most prominent member of it. He thought the House decided, when the subject was up before, that the survey should be carried on by the officers of the General Government; and he wished it to be carried on in that way now. He did not wish to pay some hundred thousand dollars as extra pay for officers taken from private life, when there were so many in the navy and army perfectly competent to perform this service. This work had cost nearly a million of dollars by the employment of Mr. Hassler and his civil assistants alone, without taking into consideration the pay of the officers of the navy and army who were engaged in it. He believed that Mr. Hassler had retarded the work for years, and, from his knowledge of the man, he could safely say that he was physically and mentally incapable of carrying it on properly—incapable both by temper and by age. He was like a hen with chickens around her, who would suffer no one to meddle with them. He had seen enough of that department to be convinced that things were carried on in the most ridiculous manner in it. For instance, Mr. Hassler had a work shop here in Washington to repair his instruments; and when he was asked what he would do if any of his instruments got out of order while he was in New York or New Jersey surveying, answered that he would send them on to Washington. If any gentleman would read the letter addressed by the superintendent to Mr. Aycrigg, he would hardly (Mr. B. thought) pronounce him a sane man.

The following extract would show the whole character of the mind and temper of the man:

"I have only to regret: that you, in the situation of a member of the *select* committee of investigation upon the coast survey, (though your application is not made in that capacity, or with that authorization,) have suffered yourself to be misled by such reports, which may oblige me to make your and this letter public, which I think you might have a considerable interest to keep between us, by *fairly* and *decidedly* turn friendly to the work, as you stated at first, but which you have so much attacked, and to let me alone; who certainly have done nothing that could in any way in the world be taken ill in me, neither in the work, nor against you, unless you should think: that I have no right of self-defence, which belongs, by natural right to all, even the dumb creation, and I therefore shall not give up, having so plenty means for it on hand. Within *two days*, I hope to get your decision upon *this point*, because I am not sure of the use you mean to make of the information, which I herewith give to you, in the fullest candor, I am decidedly obliged to act, and so to act, that neither this country nor Europe can remain in doubt upon the subject of your questions; you cannot but see, that the subject you attack, (namely, the accuracy of the base line,) belongs to the scientific world, which is not limited by the boundary of the United States, even as settled by the last treaty; that mathematics furnishes means to ascertain truth, which even politics cannot, (for even the decision of large assemblies *by plurality of votes*, has been calculated by mathematicians—see "Condouet" Probabilite' des decisions par la pluralite des voix.)

Besides, please to observe, that every stroke you may think to do at the coast survey, by raising doubts upon its accuracy, and levilling it, may be also a stroke at some vessel, bearing, perhaps, a friend or relation of yours, whose groans will cry vengeance upon you, for having prevented, or discredited, the execution of an accurate survey of the coast, upon which you may be long in search of his corpse.

With best wishes, your obedient servant,

F. R. HASSLER.

The Government would find it more useful to employ Mr. Hassler in calculating, mathematically, the votes of Congress, than to conduct the survey. His friends say he knows more of mathematics than any man living; and he, in the above extract, hints that he can so calculate "the decision of large assemblies." This would be of great advantage, as it was now found very difficult to get the votes of members. If Mr. Hassler could calculate these, the members could go home when they please. Let him, then, be appointed calculator general of Congress; but he begged of them to take him away from the coast survey, if they wished it ever to be made of use to the country. But this was wandering from the subject.

Mr. B. said he had prepared some notes of the history of the work, but he would only refer to them now. The law of February 10, 1807, created the coast survey, put it in the hands of the President, and authorized him to use army and navy officers, navy vessels, astronomers, and other persons.

In August, 1816, Mr. Hassler was appointed superintendent. His agreement was to "make the principal triangulation and consequent calculations himself; to instruct the engineer and naval officers employed under him; and he wanted two officers of engineers, topographical or others, and some cadets of said corps, in number according to circumstances."

April 14, 1818, that part of the law of 1807 was repealed, which authorized the employment of other persons than those belonging to the army and navy. Up to this time, over $55,000 were expended in beginning the work and buying instruments, for which purpose Mr. Hassler was in England from August, 1811, to 1815.

June 10, 1832, the law of 1807 was revived, and Mr. Hassler was again appointed superintendent. The work has been going on ever since. The coast has been triangulated from Point Judith to Cape Henlopen, (say about 300 miles;) but only a part of the off-shore soundings have been taken. There are about 3,000 miles of seaboard to the United States. $790,000 have been expended already.

It is stated, in Captain Swift's pamphlet, that the survey of the coast was under the Treasury Department, because Mr. Hassler was already engaged under that department, making weights and measures. These are all made now.

When the coast survey was begun, the topographical corps existed but in name. In 1838, it was organized and enlarged, and is now an able and useful corps.

Last year, Congress established a hydrographical bureau in the Navy Department. There are numbers of naval officers capable of doing hydrographical duties under this bureau.

The coast survey is the most important topographical and hydrographical work in the country. We have a topographical and a hydrographical bureau, yet neither of them has any connexion with this great national work.

Mr. Hassler has just published from the opinion of the Marquis of La Place, (Chamber of Peers, session of 1816-'17,) upon the French survey, this valuable suggestion, viz: "Perhaps even the great number of geographical engineers which our present state of peace allows to employ in this work, to which it is painful to see them strangers, would render its execution more prompt, and less expensive."

The Florida war is now over; many works of internal improvement are suspended; there must be topographical officers enough for the coast survey.

The Russian Government has employed an able American engineer to perform an important scientific work; but that wise Government requires that all the assistants shall come from its corps of engineers, which is composed of army and navy officers.

If the coast survey is to be a useful public work, let the officers conduct it under their bureaus. The officers would then take a pride in this duty, and do it well, and do it cheap. The supervision of the bureaus would occasion *system*, fidelity, and entire responsibility.

More than $30,000 are now paid annually to citizens, for salaries, out of the coast survey appropriation. This could be saved, by employing officers. Make exclusive use of them, and half the present annual appropriation would suffice.

Can the Treasury Department manage the survey understandingly? The Secretary of the Treasury has already enough to do in the line of his duty; and, as far as the survey is concerned, a clerk in the Treasury Department is the secretary.

Can a citizen superintendent, of closet and scientific habits; or can a clerk in the Treasury Department, manage, with efficiency and economy, so many land and water parties, officers, men, vessels, and boats?

The Navy Department pays out of the navy appropriation the officers and men now lent to the Treasury for the survey. The Secretary of the Navy appears to have no control over the expenditures of this part of the naval appropriation. He does not even select the officers detailed for this duty, though he knows his own material best, and those who are most suitable. This navy duty has become treasury patronage, with commands, extra pay, &c.

The Treasury Department has charge of the vessels; they are bought by the coast survey appropriation; the off-shore soundings are only in part taken. There are not vessels enough, and of the right sort, to take these soundings and in the right way. Steamers are wanted. The survey appropriation cannot bear the expense; but if the Na-

vy Department had charge of the hydrography, it could put suitable vessels on the coast squadron, and employ them on the coast survey, agreeably to the law of 1807.

Last year the vessels did no soundings until about the 1st of June, although the spring opened early. The treasury had not the means to equip the vessels until the appropriation bill passed Congress. But if the navy had charge of vessels, the few naval stores they wanted might have been furnished from the navy stores, or given from second-hand articles not on charge at the yards. Had good arrangements been made, the Delaware bay might readily have been finished last fall, and the chart of it got out at once.

Now, the topographical corps makes surveys for defences; the navy officers make charts along the coast; and the coast survey goes over the same place a third time. If the officers did this work, the army might get the military information, and the navy the hydrographical knowledge, which the interest of the country requires that each of these branches of the public defence should have; and this, at the expense of but one survey; for, at places where defences might be required, the survey could be done with the utmost minuteness.

The officers of the army and navy need not clash. The topographical corps (aided by junior navy officers willing to serve under that bureau—and the recent Florida war and the present coast survey system, show that navy officers are willing to serve, for the public good, under other departments than their own) would do the topography and furnish the shore line. The hydrographical officers would receive the shore line, take the soundings, and make the chart. The same principle is now at work, and works well. The navy officers now get the shore line from the citizens in the shore parties.

The President could direct the War and Navy Secretaries to make such rules, through the bureaus, as would obviate every difficulty.

Employing officers would secure for the public, system, economy, and despatch. The information obtained would be got by the right persons and kept in the right hands. Government would have complete command of the persons employed; and should the work ever be suspended, might, at pleasure, set them to work again on the same duty.

Under any aspect of the matter, Mr. B. said he could not see the propriety of continuing Mr. Hassler; or, indeed, of employing any civilians in the work. Mr. Hassler's assistants, he understood, were men of high character and qualifications, and might, if free from his paralyzing influence, carry on the work with more expedition; but, believing as he did, that their services could be dispensed with, he could not authorize their retention. The survey he wished to be prosecuted without delay; and all he wanted was, to have it under the most efficient management. If it was found that the officers of the navy and army were not competent, it could be remedied hereafter; but it was due to them to give them a fair trial, before they were condemned. Certainly they ought not to be disgraced and condemned in advance. It was an insult to them to suppose that Mr. Hassler was the only man in the country capable of superintending this work; and that they could not carry on the survey of our coast by triangulation. They had been for some time, and were now, surveying the lakes; and he believed their surveys would be equally correct with Mr. Hassler's. We had a bureau of hydrography of the navy, and a corps of topographical engineers, which were expressly created to perform this kind of service; while there was the military academy at West Point, which qualified the officers to perform it. The people would hardly believe that these officers (educated at the expense of the Government) were not capable of performing the services for which they were educated; and, if they thought so, they would be for abolishing that institution. They would say that these officers should be dismissed, and others appointed in their places, who were qualified.

There was no officer of the Government, except the President of the United States, who received so much from the treasury as Mr. Hassler. Mr. B. here read from the printed report of the evidence taken before the committee the following extract:

"Q. What sum is allowed to Mr. Hassler, annually, for expenses, exclusive of compensation?

A. Salary $3,000, and expenses $3,000.

Q. For what expenses is this $3,000 designed? Is it for personal expenses?

A. I suppose it is the expenses of living.

Q. Is he paid for other expenses when he goes into the field?

A. He is furnished with an instrument carriage and horses for the instruments and himself, and a baggage wagon besides, for instruments, at the public expense.

Q. Is it the same carriage which he is accustomed to use in Washington?

A. Yes.

Q. Are horses and men paid at the public expense for the carriage and wagon through the year?

A. Yes; four horses, one permanent driver, and one other man, who also assists about the office."

Besides all this, Mr. Hassler had recently moved into the coast-survey building, and thereby lived *rent free*. A majority of the committee would agree with him, that this officer was pressing like an incubus on the survey. He never could acknowledge that there was no other man in the country capable of carrying on this work. This might have been the case when he was first appointed, thirty years ago; but since that time they had a number of officers educated at the military academy, while many others in the civil walks of life had qualified themselves for scientific employments. He was sure that the officers of the army and navy were competent to perform this work. There was but little now for the topographical engineers to do; and he had no doubt that many of them, as well as officers of the navy, would be glad to be employed on the coast survey. Indeed, several officers of the navy had told him that they would like such employment, rather than be idle, as they then were.

From the rate the coast survey had thus far proceeded, it would take more than a hundred years to complete it. Certainly this was too slow. He hoped, therefore, a change would be made. In the language of the report of Mr. Aycrigg: "We should then have the survey conducted on a system of practical utility, and moving *right* end foremost."

Mr. EVERETT made some remarks in too low a tone to be heard by the reporter, but he was understood as opposing the amendment.

The committee then rose, and reported progress.

Mr. CAVE JOHNSON offered a resolution for adoption.

Mr. WISE objected to its reception.

The resolution was as follows:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so modifying the 21st article of the rules and regulations for the government of the navy, prescribed by the act of 23d April, 1800, as to provide that the authority given by that article to a court martial to punish the crime of murder, when committed by any officer, seaman, or marine belonging to any public vessel of the United States, without the territorial jurisdiction of the same, shall not be exercised when the person charged with having committed such murder shall have arrived within the territorial jurisdiction of the United States, and can be arrested and held to answer by the civil courts; and that, in all such cases, the jurisdiction of the circuit court of the United States, for the circuit into which the person charged with such crime shall first be brought, or in which he shall be apprehended, shall have exclusive jurisdiction and cognisance of the offence.

Mr. PROFFIT offered a resolution in relation to the disregard of a resolution passed by the House, some twelve months ago, calling upon the Secretary of the Treasury for returns of officers who retain possession of public moneys, including forfeitures and penalties; but, as objection was made, it was not received. It was as follows:

Whereas the House of Representatives did, on the 29th June, 1842, adopt the following resolutions:

"*Resolved*, That the Secretary of the Treasury be directed to inform this House whether any collectors, or other officers of the customs, have retained and still hold any moneys received by them, from fines, penalties, and forfeitures, accruing since the 3d March, 1841; and if any such officer does retain moneys, the Secretary of the Treasury is hereby directed to furnish to this House the names of such officers, and the amount so retained.

"*Resolved*, That the Secretary of the Treasury be directed to inform this House whether any opinion of the Attorney General has been given on the subject of the right of retention, by officers of the customs, of moneys now accruing under the head of 'fines, penalties, and forfeitures;' and if any such opinion has been given, the Secretary of the Treasury is hereby directed to furnish this House with a copy of the same.

"*Resolved*, That the Secretary of the Treasury be directed to inform this House whether he has ordered any officer of the customs, retaining moneys accruing since the 3d March, 1841, under the head of 'fines, penalties, and forfeitures,' to pay said moneys into the treasury of the United States; and whether any officer of the customs has refused or neglected to pay over said moneys; if so, the Secretary of the Treasury is directed to furnish the names of such officers neglecting or refusing to obey his order."

And whereas nearly eight months have now elapsed, and no answer to these resolutions has been transmitted to this House; herefore,

Resolved, That the Secretary of the Treasury be directed to inform this House why it is that these resolutions have not been answered.

Also, whether any correspondence has taken place between the Secretary of the Treasury and the First Comptroller, or any other officer, on the subject of answering these resolutions; and, if any correspondence has taken taken place, the Secretary of the Treasury is directed to transmit to this House a copy of the same.

Also, that the Secretary of the Treasury inform this House what are the causes of the great delay in answering resolutions of this House; and whether any reorganization of the Treasury Department is necessary, to insure a more efficient attention to the orders of Congress.

Mr. PROFFIT said that, if resolutions of the House—especially of the importance of these which had been passed nearly eight months—could thus remain neglected, it should not be his (Mr. Proffit's) fault. If Government officers can hold over public moneys, and thus silently be suffered to become defaulters, he (Mr. Proffit) would not be responsible for so gross neglect of public duty. Let those who refuse to call for information, or neglect to enforce the orders of this House, calling for information, bear the odium of any defalcation which may take place.

On the motion of Mr. EVERETT, 10,000 extra copies of the report of the Committee of Ways and Means, on the state of the finances, were ordered to be printed.

Mr. J. P. KENNEDY submitted a resolution directing the printing of the usual number of extra copies (10,000) of the annual commercial statement, so soon as it should be received from the Treasury Department.

Mr. FILLMORE moved to amend the resolution, by adding a like number of copies of the report of the Secretary of the Treasury, in answer to the resolution of the House adopted on the 23d instant.

Mr. J. L. WILLIAMS moved, as an amendment to the amendment of the gentleman from New York, [Mr. Fillmore,] that 5,000 extra copies of the report of the select committee on retrenchment [Mr. Gilmer's] be printed.

The question was taken on the last motion, and the Speaker decided it to be lost.

Mr. J. L. WILLIAMS called for a count; but withdrew his call, at the request of many members, who apprehended that a count would show that no quorum was present.

The amendment of the gentleman from New York [Mr. Fillmore] was agreed to; and, after an ineffectual effort on the part of Mr. A. V. BROWN to have the resolution laid on the table, it was, as amended, adopted.

The SPEAKER laid before the House a number of executive communications; which were all laid on the table, or referred, and ordered to be printed.

A communication from the Treasury Department, in answer to a resolution of the 23d February, transmitting a statement of the outstanding appropriations on the 3d of March, 1841, and the available means of the treasury at the same period; also, the outstanding appropriations and available means estimated for the 3d March, 1843.

A communication from the Treasury Department, transmitting the report of J. W. P. Lewis, engineer, on the condition of the light-houses in the United States.

A communication from the Treasury Department, showing the official emoluments of the various officers of the customs during the past year.

A communication from the Treasury Department, supplementary to the report upon steamboat navigation in the Mississippi river, and on the Northern lakes.

A communication from the War Department, transmitting a statement of the contingent expenditures of that department.

A communication from the Post Office Department, exhibiting the number of persons employed in that department.

A communication from the War Department, in answer to the resolution of the House asking for the reasons for the reduction of General Gaines's pay. The communication states that the pay was reduced in consequence of the act of last session

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27TH CONG.....3D SESS. MONDAY, MARCH 6, 1843. VOLUME 12....NO. 23.

Continued from No. 22.

reducing the army, by which General Gaines, who is major general by brevet, has the command of only four regiments, and is, therefore, according to the regulations of the army, only entitled to the pay of brigadier general.

Mr. TOLAND asked leave to offer a resolution, (not read; and the purport, therefore, not known.)

Mr. WISE objected to the introduction of the resolution.

Mr. TOLAND persisting in his effort to get the resolution in,

Mr. WELLER moved an adjournment.

Tellers were called for on the motion, (Messrs. TOLAND and WELLER,) who reported ayes 54, noes 63.

So the House refused to adjourn—no quorum voting.

The SPEAKER suggested that the report of the Conference Committee on the army bill be now taken up and acted on.

Objection was made.

Mr. TOLAND renewed the effort to get in his resolution.

Mr. WISE again objected.

Mr. L. W. ANDREWS moved a call of the House.

Mr. JACOB THOMPSON moved that the House adjourn; on which motion tellers (Messrs. ANDREWS and A. V. BROWN) were appointed. They reported ayes 58, noes 55.

So the House adjourned.

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HOUSE OF REPRESENTATIVES,
February 25, 1843.

To the Editor of the Globe:

In the Globe of yesterday, on the bill to suspend the operation of the second section of the act requiring the States to be divided into congressional districts, the remarks of Mr. CAMPBELL of South Carolina, and an explanation of mine on the same subject, are so reported as to make an erroneous impression. The following is the part of the report to which I allude:

"Mr. CAMPBELL said that in the State of Georgia, the elections came on previous to the time of the meeting of their Legislature; and though the Legislature on its meeting proceeded almost immediately to divide the State into congressional districts for the twenty-ninth Congress, yet the elections for the twenty-eighth Congress having already taken place, they had no power under the constitution to set them aside, and order new elections. The same state of things had happened in Missouri; but he was informed that a majority of the people of that State were in favor of the district system, and they would eventually adopt it.

"Mr. J. C. EDWARDS said that the gentleman was mistaken—a majority of the Legislature believed that the act of Congress was unconstitutional."

This language conveys the idea that I said "the gentleman was mistaken" in his information "that a majority of the people of that State (Missouri) were in favor of the district system, and they would eventually adopt it." It was not my intention to convey this idea. I said nothing in reference to the opinions of a majority of the people on this subject. The remark made by the gentleman from South Carolina, in allusion to the opinions of the people, and as to what they might eventually do on the subject of districting the State, did not catch my attention. I explained in reference to the action and opinion of the Legislature only; and what I said was this:

"The gentleman is mistaken as to the action of our Legislature. I have been recently informed that the Legislature of Missouri have refused to district that State. I believe a majority of the Legislature deem the act of Congress requiring them to district the State unconstitutional." I might have added, that a refusal to district the State was proof of this opinion; and that, even if they believed Congress had the power to district, yet they denied the power of Congress to compel the State Legislature to district for them.

I said nothing as to the opinion of the people of my State. I said nothing as to their future action on this subject. I knew nothing.

Very respectfully,
J. C. EDWARDS.

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To the Editor of the Globe:

SIR: In the report of congressional proceedings of Thursday, February 23, contained in the Globe of Friday evening, February 24, it is said "Mr. TILLINGHAST offered, as an amendment to the amendment, $100,000 for Hell-gate, in New York."

This is an error. The amendment referred to was offered by Mr. ROOSEVELT of New York—not by me. I voted against it. The two amendments offered by me (with notice that, if they failed here, I should renew them on another occasion) were—one for the survey on Block Island, and one for removing obstructions in Providence river.

Very respectfully, yours,
J. L. TILLINGHAST.

February 25, 1843.

IN SENATE.

MONDAY, February 27, 1843.

Mr. EVANS, from the Committee on Finance, made a report (which was ordered to be printed) adverse to the passage of the bill for the relief of Samuel Hoffman.

Mr. WRIGHT presented a memorial from the counties of St. Lawrence and Franklin, New York, praying for the establishment of a post route. He remarked that he did not expect that any action could be had upon it this session; but, with a view that the papers might be preserved, he presented them, and moved that they be referred to the Committee on the Post Office and Post Roads. Agreed to.

On motion by Mr. EVANS, the previous orders were postponed, and the bill to permit the entry of merchandise in certain cases free of duty, was taken up, read the second time, and considered as in committee of the whole.

Mr. EVANS explained the propriety of the passage of this bill. He said that some persons had lately invented a valuable machine for the purpose of raising wrecks. Two vessels had already been raised by it in the river Delaware, by which a great improvement had been effected in the navigation of that river; those vessels having heretofore formed a kind of bar or obstruction there. The raising of those vessels was a very expensive and hazardous undertaking. In the two cases alluded to, some crockery, &c., had been saved from the wrecks alluded to. This bill proposed that those goods, and all goods saved in like manner, should be admitted free of duty, as an encouragement to the inventors to progress in such useful labors.

Mr. WOODBURY made some remarks in favor of the bill.

Mr. KING was fearful that the revenues were not sufficiently guarded by it.

Mr. EVANS replied, that its provisions were properly guarded. Those goods were to be admitted free, under such regulations as may be prescribed by the Secretary of the Treasury.

There being no amendment proposed to the bill, it was reported to the Senate, and ordered to be engrossed for a third reading.

House bills for the relief of Nancy Tompkins and of Conrad House were taken up as in committee of the whole, on adverse reports of the Committees on Claims and Naval Affairs, and indefinitely postponed.

Mr. TAPPAN presented a petition from citizens of Jefferson county, Ohio, asking Congress to interfere in the case of Mr. Kendall, and restore him to personal liberty.

Mr. TAPPAN remarked that a bill had been carefully prepared and reported by the Committee on Claims upon this very subject; and, unless it was taken up and acted upon at once, it could not be passed this session. Its provisions would not at all affect the demand of Stockton & Stokes, but merely suspended the imprisonment until one year after the Supreme Court shall have rendered final judgment. He, therefore, moved that the previous orders of the day be postponed, and that the bill be taken up.

The question being put, it was carried in the affirmative; and the bill was taken up, read the second time, and considered as in committee of the whole.

Mr. WRIGHT said the bill was merely a bill to amend the act relating to imprisonment for debt in the District of Columbia. The Committee on Claims, which reported the bill, were decidedly of the opinion that Congress should not interfere, by its legislation, with the judgment which had been rendered against Mr. Kendall, at this time—the case having been carried up to the Supreme Court on an appeal. The committee, in examining the case, found (which was new to all of them) by the laws which related to the imprisonment for debt in this District, at this time, that when a debtor was in charge on execution by any person, he may take the bounds for twelve months, and then, if he does not pay the debt, he is placed at once in close confinement. All that the bill proposed to do in the matter was to modify the insolvent law, so that the debtor could not be placed in close confinement pending an appeal, nor until one year after the Supreme Court shall have rendered a final judgment.

Mr. GRAHAM said, if the bill was passed, it would make the insolvent laws the same as they have been in North Carolina ever since the Revolution.

There being no amendment proposed, the bill was reported to the Senate, and ordered to be engrossed for a third reading.

On motion by Mr. GRAHAM, the previous orders were postponed, and the bill from the House for the relief of James S. Calhoun was taken up, as in committee of the whole, on an amendment from the Committee on Claims. The amendment having been agreed to, the bill was reported to the Senate, and ordered to be engrossed for a third reading.

Mr. BATES, from the Committee on Pensions, reported back, with sundry amendments, the bill from the House granting pensions to certain widows of revolutionary soldiers. The amendments were ordered to be printed.

Mr. TAPPAN, from the Committee on Pensions, made adverse reports on the petition of the widow of Joshua Raymond, a soldier of the Revolution, and the petition of Joseph Thompson and John Gould, for pensions; also, on the petitions of Mary Spence and Philip King, and the resolutions of the Legislature of Vermont in favor of the revival of the law granting a pension to the widows of revolutionary officers and soldiers who were married prior to 1794.

Mr. HENDERSON, from the Committee on Private Land Claims, reported back, without amendment, and with a recommendation that it do pass, the bill for the relief of Antoine Vasques and others."

Also, reported back, and adversely to its passage, House bill entitled "An act to confirm to Elizabeth Burris, her heirs and assigns, their title to a tract of land."

Mr. SEVIER, from the Committee on Pensions, made an adverse report on the petition of John Bosworth for a pension; which was ordered to be printed.

Mr. S., also, reported back from the same committee, without amendment, the bill for the relief of Daniel Penhallow.

On the suggestion of Mr. KING, the Senate proceeded to consider the several bills on the cal-

endar; when the following were taken up as in committee of the whole, considered, reported to the Senate, and ordered to be engrossed for a third reading, viz:

The bill for the relief of Richard Patton.

The bill to revive the act entitled "An act to enable claimants to land within the limits of Missouri and the Territory of Arkansas, to institute proceedings to try the validity of their claims," approved the 26th of May, 1824; and the act amending the same, and extending the provisions of said acts to claimants to land within the States of Louisiana and Mississippi.

[Mr. SEVIER made some remarks in favor of the above bill.]

The bill for the relief of Charles M. Keller.

The bill to repeal certain parts of the act entitled "An act respecting the organization of the army, and for other purposes," approved the 23d of August, 1842.

The bill for the relief of Joseph Bryan, Harrison Young, and Benjamin Young.

[This bill was amended, on the suggestion of Mr. BAGBY, so as to read for the heirs of Harrison Young.]

The bill declaring Robbinston, in the State of Maine, to be a port of delivery.

The bill to extend the Patent Office to Ninth street, came up as in committee of the whole.

Mr. KING was opposed to the erection of any new public buildings now.

Messrs. TAPPAN and KERR made some remarks on the necessity of continuing the construction of this building, to supply the wants of the Patent department.

Mr. KERR made several propositions to amend, which were agreed to.

The bill was then reported to the Senate, and ordered to be engrossed, as amended, for a third reading.

The bill of the Senate authorizing a survey and examination of the harbor of Memphis, Tennessee, came up for consideration; but was, on the motion of Mr. BAYARD, laid on the table,—a bill from the House for the same purpose being on the calendar.

Mr. WOODBRIDGE, from the Committee on Commerce, reported back, with an amendment, and with recommendation that it do pass, the bill for the protection of commerce on the Northwestern lakes.

The bill to apply certain alternate sections of the public domain towards the completion of works of internal improvement in the State of Michigan, and for other purposes, was taken up as in committee of the whole, on amendments of the Committee on Public Lands, proposing to strike out the 3d and 4th sections giving 500,000 acres to pay off the debts for the railroads and canals, and completing the same.

The bill was then read.

Mr. KING inquired the length of the road and canal along which the sections of land were to be granted.

Mr. WOODBRIDGE said the canal was 200 miles in length, and the railroad 160 miles.

Mr. KING objected that heretofore no grants had been made to States for similar purposes extending beyond two miles on each side of the roads or canals belonging to the State; but this bill proposed to give ten miles wide, for 360 miles in length, to the State of Michigan. This would be a precedent for other States to make the like demands.

Mr. WOODBRIDGE referred to the report of the Committee on the Public Lands as a justification for the bill. The same principle of granting alternate sections of land along the public works of Ohio, Illinois, and Indiana, was that upon which this bill was framed. He contended that the United States never lost a cent by these grants, because the price of the reserved alternate sections was always doubled by the improvements made by the States.

The bill was then reported to the Senate, and the amendments of the committee of the whole were concurred in.

Mr. McROBERTS asked how much land was granted to the State of Michigan by this bill?

Mr. WOODBRIDGE replied, one-half of each five alternate sections of land along the works.

Mr. McROBERTS referred to the grants hitherto made to Ohio; and, taking it for granted that the quantity donated by this bill would be found considerably beyond the amount given to Ohio, there was no other way of doing justice to all the new States but to adopt some settled principle. The donation now asked for Michigan would be a partial one, if granted. He was in favor of giving Michigan as much land as Ohio, but not more. Michigan, by this bill, would get a million of acres of land, while Arkansas gets none at all.

Mr. SMITH of Indiana maintained that the grant thus made to Michigan would be no loss whatever to the United States, as the General Government would receive just as much money for the alternate sections reserved, as for the whole if no improvements were made.

Mr. WALKER did not object to the grant of lands to the State of Michigan; but was utterly opposed to any such principle as that of granting lands, as the 3d and 4th sections had proposed, to the payment of the debts of the States. Since these two sections had been stricken out, he would now vote for the bill.

Mr. HUNTINGTON considered this bill an act of justice due to the State of Michigan, as well as the United States. He, therefore, hoped it would receive the sanction of the Senate.

Mr. GRAHAM asked whether the land granted was ten miles wide.

Mr. KING explained that the grant was five miles wide on each side of the works and alternate sections.

Mr. WRIGHT asked whether the bill referred to lands belonging to the United States only.

Mr. SMITH of Indiana explained, that where the land had been previously sold, other lands would be selected.

Mr. WRIGHT observed, that where alternate sections are already sold, the consideration of the increased price cannot be realized by the Government. He hoped, therefore, the grant would extend only to unsold lands.

Mr. ALLEN suggested that the amendment should be made to avoid that predicament; because it would otherwise be a grant to carry on these public works at the expense of the public treasury.

Mr. BERRIEN agreed that there was a difficulty, and suggested the propriety of passing over the bill informally, with a view of giving time for the friends of the bill to remove the objections.

The bill was accordingly passed over informally.

Mr. WALKER, from the Committee on the Judiciary, reported a bill for the relief of John Grant; which was read, and ordered to a second reading.

PUBLICATION OF THE DEBATES IN CONGRESS.

The Senate bill, No. 128, entitled "A bill for the publication of the debates and proceedings of Congress, in a continued series, and to authorize one or more contracts for that purpose," being called up, on the motion of Mr. BAYARD, at whose instance it had been laid on the table on Saturday—

Mr. WRIGHT objected, that, as the bill would necessarily induce debate, it would have the effect of obstructing all other bills on the calendar entitled to immediate action.

Mr. KING suggested the propriety of letting it lie over, if it was intended to pass any of the bills on the calendar, as serious objections entertained against this measure would necessarily lead to a protracted discussion.

Mr. BAYARD remarked, that the bill having been laid on the table on Saturday, upon his motion, he thought it incumbent on him to make the motion now to take it up.

Mr. KING moved to lay the bill on the table.

Mr. SEVIER requested the Senator would suspend his motion for a moment.

Mr. KING having assented,

Mr. SEVIER made a short explanation in reference to an impression he had, regarding the party character of the Register of Debates, published by Gales & Seaton; which he had been since assured by those gentlemen was a misconception on his part.

Mr. BENTON, as an instance that the Register of Debates contained but a one-sided report of congressional proceedings, referred to the lengthy discussions on the subject of the Bank of the United States, in which all the speeches in favor of the bank are given in full, and those in opposition cut short, or suppressed. He particularly pointed out one speech he had made himself, on which he had bestowed great labor and research, and which it took him two full hours to deliver, that Messrs. Gales & Seaton, in their publication of the proceedings in Congress, paid for by the Government as an impartial view of the debates, cut off to half a finger's length; and by which he (Mr. B.) was represented as if he had only spoken two minutes, instead of two hours, and then broken down; for the conclusion of the paragraph is, that he (Mr. B) "gave way." [Much laughter.]

Mr. WALKER also opposed any proceedings on this bill, necessarily involving the complete obstruction of bills on the calendar, upon which so many public and private interests were dependent. He thought it would be much better for the Senator from Delaware to consent to lay this bill on the table; and if this proposition were changed to a motion to take up his resolution for the employment of a corps of reporters, he would feel disposed to give him his support.

Mr. BAYARD, in substance, remarked that the resolution alluded to by the Senator from Mississippi would not reach to the object contemplated by this bill, which is retrospective, and proposes the collection and publication of the debates in Congress from the year 1789 to the end of this session; whereas the resolution with regard to employing a corps of reporters, is prospective, and looks to the correct and faithful publications of the proceedings in Congress hereafter.

With regard to the prospective measure contemplated by the resolution to which the Senator had alluded, all he had to say was, that, whenever it should be deemed expedient to take it up, he would be in favor of any efficient practical mode of attaining the object in view. That some such arrangement for insuring a full, fair, and impartial record of proceedings was indispensably necessary, must be manifest to every one who witnessed the debates in the Senate on all political subjects involving the opinions of the two great parties into which the country was divided. It was very well known that, in general, very full reports of the proceedings in the Senate were published in the Globe daily; and, upon ordinary subjects, not partaking of a political complexion, very fair and impartial reports they were. But the moment any subject of a party character was to be reported, there was an obvious deviation from this line of impartiality. Then, from some cause or other—it may be, not from any disposition of the reporters actually to do injustice, but as a necessary result of having to prepare their matter for a paper taking a very decided part in politics,—they seem to be, to say the least of it, careless how they represent the opinions of the party opposed to their friends, and take especial care to devote all their attention to the side which expresses sentiments most analogous to those of the readers of their paper. As an instance, he would refer to the late debate on General Jackson's fine, in which his own remarks were represented as the most washy-washy affair imaginable. He did not complain of this; for it was an inevitable consequence of leaving the matter without any control, entirely dependent upon the private enterprise of party papers. Nor should it be understood that he questioned the ability of the Globe reporters to make proper reports; for he had already admitted that, upon general subjects, the reports were exceedingly good. He would even do them the justice to say that, in the running proceedings, not having any bearing on party predilections, the reports were admirable.

Mr. BUCHANAN renewed the motion of the Senator from Alabama [Mr. KING] to lay the bill upon the table, and on this motion he called for the yeas and nays; which were ordered.

The question was then taken on the motion to

lay the bill on the table, and resulted in the negative—yeas 19, nays 25, as follows:

YEAS—Messrs. Allen, Bagby, Benton, Buchanan, Calhoun, Cuthbert, Fulton, King, McRoberts, Sevier, Smith of Connecticut, Sturgeon, Tappan, Walker, Wilcox, Williams, Woodbury, Wright, and Young—19.

NAYS—Messrs. Archer, Barrow, Bates, Bayard, Berrien, Choate, Clayton, Crittenden, Dayton, Evans, Graham, Henderson, Huntington, Kerr, Mangum, Merrick, Miller, Morehead, Phelps, Porter, Smith of Indiana, Sprague, Tallmadge, White, and Woodbridge—25.

Mr. ALLEN said it was obviously impossible to pass this bill, without such an opposition as must lead to a most protracted debate. He put it to the Senators on the other side, whether they could stand justified before the country for obstructing the public business by this attempt to force through such a bill, subjecting the exhausted treasury of the Government to an expenditure of half a million of dollars, for no other necessary purpose but the reward of their partisan press? Could they plead any public necessity for this measure? What necessity could they plead, but the real one—that of sustaining the political organ of their party? What did the people care for this publication? What did they want with it? If members of Congress had occasion to refer to old debates, they could do so at any time in the library of Congress. They had the same materials there, that were to compose this publication. They had the Register of Debates from 1824 to 1837, and the Congressional Globe and Appendix from 1837 to this date. And he would here say that the Congressional Globe and Appendix, already published, and continuous in course of publication, contained the most extensive, accurate, and impartial reports ever before published, and a greater amount of matter than had ever been offered to the public at so small a charge. This was a publication open to every member of Congress to correct, and publish in the most authentic form, both his remarks in running debate, and speeches at large. The Appendix was devoted to speeches written out by members themselves; so that, if the reporters unintentionally make mistakes, these inaccuracies stand corrected in the Appendix. And as to information of the proceedings of Congress to be given to the people, did not this very publication effect more than Congress itself could effect? for it has already a most extensive circulation, and reaches to every part of the Union. What more could be effected by a contract of Government to publish it over again? There was obviously no necessity for incurring the expense of republishing the Congressional Globe and Appendix. So much for that part of the bill. Now, with regard to the other proposition—that of reprinting the old debates from 1789 to 1824, and purchasing 1,000 copies of the Register of Debates from 1824 to 1837—he would ask, how much money all this was to cost? He would venture to say that the expense could not fall short of half a million of dollars. It was easy to judge by experience. Mr. A. then referred, somewhat in detail, to the expenditures by Congress from time to time on similar publications—such as the Documentary History of the Revolution, the Register of Debates, &c. He assured the Senators on the other side it was not possible for them to pass this bill, without such an opposition as must necessarily involve a protracted discussion, which would obstruct all other business. He therefore hoped they would yield to a motion he should make—which was, to postpone the bill indefinitely; and on this motion he called for the yeas and nays, which were ordered.

Mr. McROBERTS reminded Senators that there were but five days of the session to complete the vast amount of business yet awaiting the action of the Senate. It must be quite obvious that, to accomplish all this necessary and important business, the whole of that time would be required, even without debate; and it was equally obvious that, if this bill was persisted in, it would be opposed and discussed to an indefinite extent, rendering it impossible to devote any attention to the general calendar. He therefore hoped they would allow the motion of postponement to prevail.

Mr. WOODBURY said there was one point of view which ought to satisfy gentlemen that this was no time to press such a bill as this. It was, that this proposition would have to be carried out on borrowed money. Now, he would ask, was there not an obvious impropriety, setting aside all considerations as to the inexpediency or imperfection of the plan proposed, to borrow money at six per cent. interest, for any such purpose as this?

Mr. WRIGHT adverted to the principle of distributing books to members of Congress at the public expense, which he had hoped the Senate had long since repudiated. This bill, he considered nothing more nor less than a proposition to resume that practice. Congress was to pay as much for 1,000 sets of these publications, as would enable the publishers to lay aside another thousand sets for future operations on Congress. The thousand sets first purchased by Congress were to lumber the rooms of the library till they became a nuisance, and then Congress was to be called upon to distribute them to its own members. When that thousand sets become thus exhausted, succeeding Congresses will think themselves unfairly dealt with, if they too are not to get sets of the same books. They will be told by the publishers that they have only to pass a resolution to purchase the reserved copies in their hands, and that is sure to be done. Thus the surplus copies of the publishers are sure to be ordered. What had it cost Congress, during the past two or three years, for books thus distributed? Not less, he believed, than between sixty and seventy thousand dollars.

He asked who was to be the author of the compilation of the Debates in Congress, from the year 1789, and who was to measure the extent of the work? Who could tell what matter is either published or suppressed in the compilation?

The stereotyped resolution in Congress is, that all such books as have hitherto been distributed to members of Congress, shall be procured for members who have not received any; and if any new books are ordered, they are to be included. Thus the whole mass is kept moving, increasing in expenses as it progresses.

As to the published Register of Debates by Gales and Seaton: he read from the debates of 1832 a paragraph sneering at the remarks of Mr. Hill in the Senate; and also another in relation to Mr. Benton in the same year, wherein it was stated in conclusion that the Senator then "gave way."

Mr. BENTON. Broke down, I suppose. [Laughter.]

Mr. WRIGHT continued. He referred again to allusions made to a speech of Mr. Hill on the subject of the Bank of the United States, which occupied between two and three hours; but is dismissed with a sneer at his practice of reading from copious notes prepared for his speeches. Mr. W. also referred to a speech made by himself in the House of Representatives on the tariff, in 1828, which had cost him a vast deal of labor and research, and which, in fact, embodied the only arguments of importance urged on his side of the question; yet he had been unable to find the slightest reference to that speech in Gales & Seaton's Register of Debates, although he had furnished the publishers with a corrected copy of it, in printed form, to be placed in its proper place.

If it should be the opinion of Congress that the debates from 1789 should be published, a revision ought to be made, and important questions of constitutional law should be selected in preference to unimportant subjects.

He produced the Congressional Globe and Appendix for the twenty-fourth Congress, which he took as an average of the size of the series, and computed that the proceedings of each Congress would make six volumes; so that the republication of the Congressional Globe and Appendix would make sixty volumes. In allusion to Gales & Seaton's Register of Debates proposed to be republished or purchased, and the number of volumes necessary to give the debates from 1789 to 1824, he calculated that the whole could not, even at a moderate estimate, be computed at less than 100 volumes; so that 1,000 sets would comprise 100,000 volumes; which, at the price proposed, ($5 per volume,) would amount to $500,000.

Alluding to the remarks of the Senator from Delaware, in reference to reports of proceedings—when the matter published amounted to ten or twelve columns daily, there were necessarily many inaccuracies, inevitable from the fact of the reporters not hearing distinctly what is said, or failing to catch the ideas intended to be conveyed; which showed that a republication of such reports, authenticated by the sanction of Congress, would present anything but a correct and faithful register of what was said and done. It was obvious, then, that it would be improper to become responsible for such republications.

But, independently of all considerations of detail, he would ask, was it, at this late period of the session, proper to persist in pressing forward a bill which must consume the time that ought to be devoted to the business of the session yet to be disposed of?

Mr. CALHOUN hoped the motion to postpone would prevail. He was utterly amazed to find, from the calculation of the Senator from New York, that this was a proposition to give half a million of dollars to one company of printers, and he supposed not less than a quarter of a million to another—making $750,000, in all, chargeable on the treasury.

He would ask the chairman of the Committee on Retrenchment what would be the aggregate amount deducted from the salaries of officers and persons in the public service, should the amendment to the reform bill of the House be adopted.

Mr. MOREHEAD replied, that the reduction of 12½ per cent. would effect a saving of something like $460,000. The House retrenchments would probably make the amount $150,000 more.

Mr. CALHOUN, on this information, continued his remarks—the purport of which was, to show the mockery of professing a zeal for retrenchment, in clippings from the salaries of public servants to the extent of four or five hundred thousand dollars, while this bill proposed to squander $750,000 among four printers.

Mr. ALLEN said that, when he first saw this bill, he felt considerable surprise at finding in it the proposition to include the publication of the Congressional Globe and Appendix in the vast job contemplated. This surprise led him to make some inquiry on the subject, and he was pleased to find—as, indeed, from what he knew of the editor of the Globe, he confidently anticipated—that he had nothing whatever to do with the proposition, nor had he any idea of its being in the bill, till brought to his notice by this debate. He (Mr. A.) had further learned from the editor of the Globe, that, so far from approving this proposition, he would not only repudiate any participation in such a proceeding, but utterly denounce the whole thing in the editorial columns of his paper.

What, then, he (Mr. A.) would ask, could have been the object of putting the Congressional Globe and Appendix in the bill at all, in conjunction with the Register of Debates and contract with Gales & Seaton for publishing the proceedings of Congress from 1789 to 1824, but to enlist both sides of this chamber in favor of a measure which was to result in the benefit of the organs of both parties? He was far from imputing such motives to any Senator, much less to the estimable and honorable individuals composing the Library Committee; for he felt well assured they originated outside this Capitol. But he would ask those who built upon such foundations, did they imagine that Democratic Senators could be brought to vote in silence upon this bill, because it contained a proposition to confer upon their party organ a profitable contract? If they did, they were grossly ignorant of the great principles which actuated the Democracy, of which they were the delegated exponents. Mr. ALLEN here denounced, with much energy, the proposition to include Blair & Rives in this monstrous job. He also dwelt upon the principles which should actuate all legislation, with a view of showing that, there being no necessity for these contracts, but that arising out of the cupidity of individual publishers. It was a gross outrage on the powers intrusted to Congress to legislate for any such purpose.

Mr. CALHOUN expressed his extreme gratification at the Senator's intimation that the editor of the Globe had so promptly denounced the introduction of his name into this bill. He hoped, therefore, in justice to that talented editor, that

when in order, an amendment would be made to strike from the bill the names of Messrs. Blair & Rives.

The question was then taken on Mr. ALLEN's motion to postpone the bill indefinitely, and resulted in the negative—yeas 21, nays 22, as follows:

YEAS—Messrs. Allen, Bagby, Benton, Buchanan, Calhoun, Clayton, Cuthbert, Fulton, King, McDuffie, McRoberts, Sevier, Smith of Connecticut, Sturgeon, Tappan, Walker, Wilcox, Williams, Woodbury, Wright, and Young—21.

NAYS—Messrs. Archer, Barrow, Bates, Bayard, Berrien, Choate, Crittenden, Dayton, Evans, Graham, Henderson, Huntington, Kerr, Mangum, Merrick, Miller, Morehead, Porter, Smith of Indiana, Sprague, Tallmadge, and Woodbridge—22.

Mr. BUCHANAN would have been very glad, if, before this bill had been pressed upon the Senate, some report had been prepared, affording some information as to what this measure was to cost. He would tell the Senator from South Carolina what all this meant. It meant to give the two party papers of this city a good fat job, out of which they could clear $100,000 each; and also to give members of Congress $500 apiece, in the shape of books. That was the foundation upon which the whole thing was to rest.

The question at last resolved itself into this: Were Senators prepared, within five days of the close of the present Congress, to vote $100,000 to each of their party editors, $500 apiece to themselves, and to burden the treasury with a further debt of half a million of dollars? Mr. B. proceeded to comment at large upon the nature of the proposition, the details of the bill, and the consequences of not having yielded to the motion to postpone.

Mr. McROBERTS moved to recommit the bill, with instructions to submit a report, showing what number of volumes of the Register of Debates are already published, and for what years; and what number of volumes will be required to complete the work, together with the probable expense.

Mr. WOODBRIDGE said this amendment would fall short of the object proposed by the Senator from Illinois. The committee had no means of estimating the number of volumes which the work would require, and, consequently, the exact expense. The committee had done all that was in its power to do, by stipulating that, wherever possible, the work should be confined to one volume for each session, and each volume should contain 700 pages. He also stated the impression of the committee as to the necessity of the measure.

Mr. McROBERTS pointed out that portion of the first section of the bill in which the committee could make the amendment he desired. He was quite satisfied, that if the bill were recommitted, the Committee on the Library could obtain full information for the report required, by making the inquiry of Blair & Rives.

Mr. McDUFFIE was quite sure that no Senator could be more willing than he was to approve of a proposition to collect and publish all valuable debates in Congress, from the foundation of the Government, in a proper form, properly selected, and brought forward at a proper time. If a judicious selection of such debates were properly made, it would, he conceded, be most valuable. But he was opposed to the indiscriminate republication of everything reported; for that would involve the accumulation of such a quantity of trash, that he doubted if he would pay the cost of transporting one hundred volumes of it to his residence.

Mr. ARCHER remarked, that the gentlemen on the other side had misapprehended the course pursued by the gentlemen on his side. This was the last day of the session, but one, on which Senate bills could be sent to the other House. They had, therefore, abstained from debate, not because they could not justify the bill, but because they were unwilling either to spend time themselves, or to induce others to spend it. Gales & Seaton had been selected as contractors, because they alone possessed the necessary materials for compiling the work required. And as to expense, he considered the fears of the gentleman had greatly exaggerated all probability. If he could have been brought to view the matter in the light in which they viewed it, he would hesitate; but he had no such apprehensions. Nor would the cost, even at a reduced amount, become a charge on the treasury all at once. The publication would naturally extend through a number of years; and the probability was, that there would be little or no expenditure this year.

The question was then taken on Mr. McROBERT's amendment, and decided in the negative—yeas 22, nays 23, as follows:

YEAS—Messrs. Allen, Bagby, Benton, Buchanan, Calhoun, Clayton, Cuthbert, Fulton, King, McDuffie, McRoberts, Rives, Sevier, Smith of Connecticut, Sturgeon, Tappan, Walker, Wilcox, Williams, Woodbury, Wright, and Young—22.

NAYS—Messrs. Archer, Barrow, Bates, Bayard, Berrien, Choate, Conrad, Dayton, Evans, Graham, Henderson, Huntington, Kerr, Mangum, Merrick, Miller, Morehead, Porter, Smith of Indiana, Sprague, Tallmadge, White, and Woodbridge—23.

Mr. HENDERSON suggested that a satisfactory limitation to the expense might be effected by striking out that portion of the bill providing for the purchase of the debates from 1824 to 1837, of which copies are already extant; and limiting the number of volumes to be published from 1789 to 1824, to twelve volumes; and those from 1837 to the end of this session, to seven volumes.

Mr. KING was quite certain that Senators on both sides were unprepared to give this measure that deliberation which it required. If brought forward at a proper time, some plan might be matured by which a competent person could be employed, in whom both parties would have confidence, to prepare a proper digest, which would be intrinsically more valuable than the work now proposed to be published—at a cost of three or four hundred thousand dollars, at the very least.

Mr. HENDERSON, with a view of carrying out his suggestion, pointed out those parts of the bill which might be so altered as to insure his object of bringing the expense below $100,000.

Mr. WRIGHT made an explanation, correcting some misconceptions he had of the provisions of the bill when he spoke before. He had since examined it more attentively, and he found it even more exceptionable than he had supposed. He found that the publication required of Gales & Seaton, from 1789 to 1824, was to be "such as in the series already published;" that is, their Register of Debates, the *impartiality* of which he and the Senator from Missouri [Mr. BENTON] had already pointed out. *Such* faithful and impartial collections of debates he did not want to see paid for and authenticated by the General Government again.

Mr. WOODBRIDGE explained the views of the Committee on the Library, which had satisfied them that no other persons were possessed of the same valuable and necessary materials for the work, and that none could accomplish it so well.

The question next in order was an amendment moved by Mr. TAPPAN, to strike out Gales & Seaton and Blair & Rives, leaving the matter open to competition, by advertisement and proposals, on which the yeas and nays were called for, and ordered.

Mr. TAPPAN said his object in submitting the amendment was, to free the bill from all appearances or tendencies of a partisan character. If Gales & Seaton had the only materials for the publication, they could of course make the most advantageous proposals. But he felt satisfied there was as good a collection of materials in the Library of Congress, as any Gales & Seaton could possibly possess.

Mr. WOODBURY asked how many volumes already purchased and published were on hand.

Mr. WOODBRIDGE said, in part, Congress had been supplied; and with regard to those on hand, this bill did not apply.

Mr. WOODBURY said there was the more reason for recommitting the bill. It was a proposition to publish and *purchase*. Why *purchase*, if there are volumes on hand? He would tell the Senator from Virginia [Mr. ARCHER] that there are seven volumes by Blair & Rives, and thirteen by Gales & Seaton, on the hands of the publishers—which, at $5, are to cost $100,000; and that will be a charge directly on the treasury. One important effect of advertising for proposals to contract for the publication, would be, that, instead of having to pay $5 per volume, the Government would not pay more than $2 50.

Mr. BUCHANAN remarked, that, according to the computation of the Senator from New York, there would be $150,000 to be paid to Gales & Seaton, and $50,000 to Blair & Rives, on the 4th of March, for those portions of the publications required by this bill, which those gentlemen have on hand ready for delivery. For, if each of these proprietors have 1,000 copies of the printed works on hand, they can be delivered on that day, and both together get checks on the treasury amounting to $200,000.

Mr. ALLEN said he found, on examination, that the debates during the first session in which he had been in Congress formed four volumes of the standard size required by the bill; therefore, he took it for granted that he might assume, as a fair average for the whole term from 1789 to the present time, two volumes per session—not taking account of extra sessions; so that, the period being 54 years, 108 volumes would be required; which, at $5 each, would make, for 1,000 copies, $540,000.

This, then, was the new burden to be put upon an exhausted treasury; and for what? To enrich a couple of editors of partisan newspapers—the most monstrous proposition ever heard of under any Government. And this proposition comes from those who prate so much about retrenchment! But he saw, when the matter was placed in its true light, an evident shrinking—the gentlemen were not prepared to stand up to it. And he could tell them that, if their bitterest enemy were anxious to stimulate them to rush headlong upon their own destruction, a more effectual mode of doing it could not be effected than to urge them to pass this bill. But he and his friends had a higher duty to perform than that of letting the opposite party ruin itself; they had to do their duty to the country, and save it from the infliction of such a monstrous outrage.

Mr. WALKER, from the beginning, saw that the editor of the Globe had nothing to do with the introduction of his name into this bill. His denunciation of such use of his name was no more than he anticipated. The Globe never had been a participator in these book jobs. But he would be glad to know how much had been paid to Gales & Seaton on such jobs. He would venture to say that not less than from one to two hundred thousand dollars of the public money had been thus disposed of, for the promotion of party purposes.

He hoped that, by this time, the friends of this bill had seen enough to convince themselves that it could not be passed. After so many hours of vainly attempting it, it was surely time for them to abandon their purpose.

Mr. WOODBURY adverted to the fact that the statutes of New Hampshire were published in the best style—each volume containing 600 pages—at $1 75 per volume. Gentlemen did not seem to be aware of the magnitude of the undertaking. They were about contracting for 100,000 volumes—equal to the largest of the public libraries.

The question was then taken on Mr. TAPPAN's amendment, to leave the publication open to competition, and resulted in the negative—yeas 20, nays 22, as follows:

YEAS—Messrs. Allen, Bagby, Benton, Buchanan, Calhoun, Cuthbert, Fulton, King, McDuffie, McRoberts, Rives, Sevier, Smith of Connecticut, Sturgeon, Tappan, Walker, Williams, Woodbury, Wright, and Young—20.

NAYS—Messrs. Archer, Barrow, Bates, Bayard, Berrien, Choate, Dayton, Evans, Graham, Henderson, Huntington, Kerr, Mangum, Merrick, Miller, Morehead, Porter, Smith of Indiana, Sprague, Tallmadge, White, and Woodbridge—22.

Mr. HENDERSON then moved the several amendments he had proposed, by which the number of volumes from 1789 to 1824 would be limited to twelve; and the debates already published in the Register of Debates, from 1824 to 1837, would be left out; the number of volumes from 1837 to 1844 being limited to seven.

These amendments, and all alterations of the bill requisite in consequence of them, were adopted, without any division on the question.

By one of these amendments, the Congressional Globe and Appendix, and the names of Blair & Rives, were stricken out of the bill.

Mr. KING moved to strike out the words, "and purchase;" which was agreed to.

Mr. McROBERTS moved to strike out "1,000 copies," and insert "300 copies;" and on this mo-

sion he called for the yeas and nays; which were ordered.

Mr. TAPPAN suggested that 100 would be more than were wanted for the use of the General Government.

Mr. McROBERTS accepted the suggestion, and made his motion to strike out 1,000, and insert 100.

The question was then taken, and decided in the negative—yeas 19, nays 21, as follows:

YEAS—Messrs. Allen, Bagby, Benton, Buchanan, Calhoun, Cuthbert, Fulton, King, McDuffie, McRoberts, Rives, Sevier, Smith of Connecticut, Sturgeon, Tappan, Walker, Williams, Woodbury, and Wright—19.

NAYS—Messrs. Archer, Barrow, Bates, Berrien, Choate, Conrad, Crittenden, Dayton, Evans, Graham, Henderson, Huntington, Kerr, Mangum, Merrick, Miller, Porter, Smith of Indiana, Tallmadge, White, and Woodbridge—21.

Mr. WRIGHT moved to amend the third section, by striking out the words "to be distributed in such manner as Congress shall hereafter direct;" on which he called for the yeas and nays; which were ordered.

The question on this amendment was taken, and resulted in the negative—yeas 19, nays 21, as follows:

YEAS—Messrs. Allen, Bagby, Benton, Buchanan, Calhoun, Cuthbert, Fulton, King, McDuffie, McRoberts, Rives, Sevier, Smith of Connecticut, Sturgeon, Tappan, Walker, Williams, Woodbury, and Wright—19.

NAYS—Messrs. Archer, Barrow, Bates, Berrien, Choate, Conrad, Crittenden, Dayton, Evans, Graham, Henderson, Kerr, Mangum, Merrick, Miller, Porter, Smith of Indiana, Tallmadge, White, and Woodbridge—21.

Mr. TAPPAN moved a proviso, that the distribution of such copies shall not be made by this nor any future Congress; on which the yeas and nays were called for, and ordered.

The question was then taken on this amendment, and decided in the affirmative—yeas 26, nays 11, as follows:

YEAS—Messrs. Allen, Archer, Bagby, Benton, Buchanan, Calhoun, Conrad, Crittenden, Cuthbert, Fulton, Graham, Henderson, King, McDuffie, McRoberts, Mangum, Rives, Sevier, Smith of Connecticut, Smith of Indiana, Sturgeon, Tappan, Walker, Williams, Woodbury, and Wright—26.

NAYS—Messrs. Bates, Berrien, Choate, Dayton, Evans, Kerr, Merrick, Miller, Tallmadge, White, and Woodbridge—11.

Mr. McROBERTS moved that the Senate do now adjourn. On this question he called for the yeas and nays; which were ordered.

The Senate refused to adjourn—ayes 14, noes 21.

Mr. ALLEN moved to insert a proviso, that, "before any contract or agreement made under the provisions of this bill, and entered into, shall be binding, such contract shall be reported to both Houses of Congress; and, unless approved of by them, shall not be valid." On this question he called for the yeas and nays; which were ordered.

The question was then taken on this amendment, and decided in the negative—yeas 19, nays 22, as follows:

YEAS—Messrs. Allen, Bagby, Benton, Buchanan, Calhoun, Cuthbert, Fulton, King, McDuffie, McRoberts, Rives, Sevier, Smith of Connecticut, Sturgeon, Tappan, Walker, Williams, Woodbury, and Wright—19.

NAYS—Messrs. Archer, Barrow, Bates, Bayard, Berrien, Choate, Conrad, Crittenden, Dayton, Evans, Graham, Henderson, Huntington, Kerr, Mangum, Merrick, Miller, Porter, Smith of Indiana, Tallmadge, White, and Woodbridge—22.

Some verbal amendments were made at the suggestion of Messrs. KING and HENDERSON, rendered necessary in consequence of the names of Blair & Rives having been stricken out.

Mr. WRIGHT moved to strike out the words "such as are contained in that portion of the series already published."

The amendment was adopted.

Mr. WRIGHT next moved to strike out the 4th section, which was that making the appropriation for carrying out the proposition.

On this motion he called for the yeas and nays, which were ordered, and resulted—yeas 19, nays 23, as follows:

YEAS—Messrs. Allen, Bagby, Benton, Buchanan, Calhoun, Cuthbert, Fulton, King, McDuffie, McRoberts, Rives, Sevier, Smith of Connecticut, Sturgeon, Tappan, Walker, Williams, Woodbury, and Wright—19.

NAYS—Messrs. Archer, Barrow, Bates, Bayard, Berrien, Choate, Clayton, Conrad, Crittenden, Dayton Evans, Graham, Henderson, Huntington, Kerr, Mangum, Merrick, Miller, Porter, Smith of Indiana, Tallmadge, White, and Woodbridge—23.

Mr. TAPPAN moved to strike out the words "Gales & Seaton," and insert "some suitable person willing to contract," &c. He asked the gentlemen opposite what confidence they would have in the impartiality of Blair & Rives, in selecting materials for such a publication? And if they would not be willing to intrust them, how could they ask the Democratic party to have confidence in the impartiality of Gales & Seaton.

Mr. WOODBRIDGE said, possibly the objection might have some weight, if the proposition was for Gales & Seaton to write speeches and debates for publication; but the contract was to be simply for republishing speeches and debates already published.

Mr. BUCHANAN had no disposition to cast any imputation on Gales & Seaton's integrity; nor did he imagine the Senator from Ohio had. By an arbitrary rule, just adopted at the instance of the Senator from Mississippi, [Mr. HENDERSON,] the debates from 1789 to 1824 were to be compressed into 12 volumes; and the power to select, compress, and cut down these debates, was to be given to Gales & Seaton. Now, if he (Mr. B.) was in the present majority, he would not—at least he thought he could not—persuade his friends to choose Blair & Rives for executing such a task. Such a man as Jared Sparks would be a proper person to make the compendium; for, notwithstanding all that had been said, he considered Jared Sparks an honest man. [The French map being mentioned.] Ay, notwithstanding the French map.

Mr. BENTON. That map killed him, sir.

Mr. CRITTENDEN pointed out a few reasons which induced him and his friends to prefer Gales & Seaton to any one that could be selected. They alone possessed the materials for the compilation.

Mr. BENTON remarked that he could find, in the Library of Congress, abundance of materials for the compilation; and, he would venture to say, far better than Gales & Seaton could possibly have.

Mr. CRITTENDEN had no doubt the Senator so believed; but he was equally certain he was mistaken. Mr. C. then passed a warm eulogium on Mr. Gales, and concluded by declaring he did not know a man so well qualified for the task in every particular.

Mr. BUCHANAN disclaimed any imputation inconsistent with the highest respect for Gales & Seaton. What he said, and intended to say, was, that no party editors should have the compilation; for, unless a person, so associated with party, were an angel, he could not divest himself of some prejudice likely to operate unconsciously. Without knowing it, he would necessarily find himself giving preference to the speeches of his own party, or overestimating their value, and underestimating those of the opposite party.

Mr. CRITTENDEN (if he understood the Senator) supposed he would hardly intrust this publication to any but an angel. Now, if the Senator can get an angel to turn editor, he was ready to give him the preference over Gales & Seaton; but, as the work must in reality be done by mortal man, and not by angels, he would sooner take Gales & Seaton than others, when all must have some political feeling in a country like this, and no one else had equal abilities and materials for performing the task.

Mr. BUCHANAN knew the Senator had a great deal of the milk of human kindness in his composition, but he did not suppose it would carry him so far as to say that Nicholas Biddle would be an impartial person to choose for selecting materials for the history of the United States Bank. And as to angels, he could hardly persuade himself that the Senator would prefer them to Gales & Seaton as editors of this work.

Mr. BENTON now produced and referred to numerous large volumes of newspapers from the Library of Congress, containing a continuous series of debates from 1789 to the late war; from which he showed that debates were reported in full, and in the handsomest style.

Mr. SEVIER asked the Senator to give way for a motion to adjourn.

Mr. BENTON said there was no occasion. He was quite fresh and vigorous, and had just waked up from the sofa, where he had recruited himself for this night's work. He meant first to prove that others could perform this task quite as well, if not better, than Gales & Seaton. The mechanics were bringing him in the folios as quick as they could, and had yet a cartload in reserve.

Mr. SEVIER moved an adjournment; and on this question called for the yeas and nays; which were ordered; and

The Senate refused to adjourn—yeas 19, nays 21.

Mr. BENTON then proceeded to turn over the debates in the folios of newspapers before him, commenting on them as he proceeded. While doing so, some laughter occurred; upon which he said this bill was not a subject for joking, it was too abominable for that—it was damnable. He could tell gentlemen it would and should be fought against, if every day and night, without intermission, till the 4th of March, was to be spent in the contest. It should go abroad in every direction, and to the most remote recesses of the Union, that the public business had been entirely superseded at the close of the last session of this expiring Congress, to enable gentlemen from whose hands the power they had so much abused was departing, to pension their partisan press. Mr. B. spoke with great energy and effect for more than half an hour, pointing out all the iniquities of this proposition.

The question was then taken on Mr. TAPPAN's amendment to strike out "Gales & Seaton" and insert a "suitable person," &c.; and decided in the negative—yeas 16, nays 19, as follows:

YEAS—Messrs. Allen, Bagby, Benton, Buchanan, Calhoun, Fulton, King, McRoberts, Sevier, Smith, of Connecticut, Tappan, Wilcox, Williams, Woodbury, Wright, and Young—16.

NAYS—Messrs. Archer, Barrow, Berrien, Clayton, Crittenden, Dayton, Evans, Graham, Henderson, Huntington, Kerr, Mangum, Miller, Morehead, Porter, Smith of Indiana, Sprague, Tallmadge, and Woodbridge—19.

Mr. ALLEN observed that the Senate having been eight hours in session, it was now time to adjourn. He, therefore, moved an adjournment, and called for the yeas and nays; which were ordered.

The Senate again refused to adjourn—yeas 16, nays 20, as follows:

YEAS—Messrs. Allen, Bagby, Benton, Buchanan, Calhoun, Fulton, King, McRoberts, Sevier, Smith, of Connecticut, Tappan, Wilcox, Williams, Woodbury, Wright, and Young—16.

NAYS—Messrs. Archer, Barrow, Bates, Berrien, Clayton, Crittenden, Dayton, Evans, Graham, Henderson, Huntington, Kerr, Mangum, Miller, Morehead, Porter, Smith of Indiana, Sprague, Tallmadge, and Woodbridge—20.

Mr. WOODBURY moved to strike out the words "$5 per volume," and insert "$3 per volume."

On this motion the yeas and nays were called for, and ordered; and resulted—yeas 16, nays 20, as follows:

YEAS—Messrs. Allen, Bagby, Benton, Buchanan, Calhoun, Fulton, King, McRoberts, Sevier, Smith of Connecticut, Tappan, Wilcox, Williams, Woodbury, Wright, and Young—16.

NAYS—Messrs. Archer, Barrow, Bates, Berrien, Clayton, Crittenden, Dayton, Evans, Graham, Henderson, Huntington, Kerr, Mangum, Miller, Morehead, Porter, Smith of Indiana, Sprague, Tallmadge, and Woodbridge—20.

Mr. WOODBURY next moved to amend the 4th section, by making the appropriation only extend to the present year, leaving each succeeding year to be appropriated for in the ordinary appropriation bills.

On this amendment the yeas and nays were called for, and ordered; and resulted—yeas 16, nays 20, as follows:

YEAS—Messrs. Allen, Bagby, Benton, Buchanan, Conrad, Fulton, King, McRoberts, Sevier, Smith of Connecticut, Tappan, Wilcox, Williams, Woodbury, Wright, and Young—16.

NAYS—Messrs. Archer, Barrow, Bates, Berrien, Clayton, Crittenden, Dayton, Evans, Graham, Henderson, Huntington, Kerr, Mangum, Miller, Morehead, Porter, Smith of Indiana, Sprague, Tallmadge, and Woodbridge—20.

Mr. BENTON said there was one part of the bill which admitted of amendment as long as a figure of it held together—he meant the proposition of paying for 1,000 copies. He had a great many amendments to offer on that point; and to give himself latitude enough, he would begin with a rise of 50 copies over the rejected number moved as a substitute by the Senator from Illinois; and so going on, 50 at a time, till he could get some of his amendments to stick. He did not doubt that the stars now beaming in on the windows, would give way to the rising sun before they were all got through. He would begin with 150 He therefore moved to strike out 1,000, and insert 150; and on this motion required the yeas and nays. It would be a good day's work to save the country half a million of dollars in one day; and it made him quite fresh and vigorous to think of it. He felt that he

could hold out a couple of days and nights, without sleeping or eating, to effect so much good. His friends had been now nine hours battling the monster, and he would try his hand for nine hours more. The Senator from Kentucky had made a very accurate calculation the other day, that 40 or 50 bills might have been passed in the two hours which had been devoted to Sir Robert Peel's construction of the treaty; and, by the same rule, the nine hours lost in persevering with this bill, might have enabled the Senate to pass 300 bills awaiting the action of Congress. All this was to fasten on the treasury this great printing job for a partisan press.

The question was then taken on the motion to substitute 150 for 1,000, and decided in the negative—yeas 17, nays 20, as follows:

YEAS—Messrs. Allen, Bagby, Benton, Buchanan, Calhoun, Fulton, King, McRoberts, Sevier, Smith of Connecticut, Tappan, Walker, Wilcox, Williams, Woodbury, Wright, and Young—17.

NAYS—Messrs. Archer, Barrow, Bates, Berrien, Clayton, Crittenden, Dayton, Evans, Graham, Henderson, Huntington, Kerr, Mangum, Miller, Morehead, Porter, Smith of Indiana, Sprague, Tallmadge, and Woodbridge—20.

Mr WALKER moved to lay the the bill upon the table; and, on this motion, called for the yeas and nays; which were ordered.

The question was then taken on his motion, and decided in the negative—yeas 16, nays 21, as follows:

YEAS—Messrs. Allen, Bagby, Benton, Buchanan, Fulton, King, McRoberts, Sevier, Smith of Connecticut, Tappan, Walker, Wilcox, Williams, Woodbury, Wright, and Young—16.

NAQS—Messrs. Archer, Barrow, Bates, Berrien, Clayton, Conrad, Crittenden, Dayton, Evans, Graham, Henderson, Huntington, Kerr, Mangum, Miller, Morehead, Porter, Smith of Indiana, Sprague, Tallmadge, and Woodbridge—21.

Mr. BENTON next moved to strike out 1,000, and insert 900; and on this he called for the yeas and nays; which were ordered.

The question was then taken on the amendment, and resulted in the negative—yeas 16, nays 18, as follows:

YEAS—Messrs. Allen, Bagby, Benton, Buchanan, Fulton, King, McRoberts, Sevier, Smith of Connecticut, Tappan, Walker, Wilcox, Williams, Woodbury, Wright, and Young—16.

NAYS—Messrs. Barrow, Bates, Berrien, Clayton, Conrad, Crittenden, Dayton, Evans, Graham, Huntington, Kerr, Mangum, Morehead, Porter, Smith of Indiana, Sprague, Tallmadge, and Woodbridge—18.

Mr. BERRIEN moved to strike out 1,000, and insert 950.

Mr. KING could see no reason why either 1,000 or 950 copies should be specified. It was perfectly clear that the object was to subscribe for that number of copies not wanted, merely to put that much money in the pockets of the contractors. He had been present at the conclusion of many sessions, but had never seen anything so exceptionable as this. The books were not wanted—certainly not to the extent of even 950. The Senator is very adroit, but he cannot escape. [Mr. BENTON: he can't escape.] He had been desirous of divesting the bill of itspartisan character, but the proposition was rejected. He believed the people would cry out shame, as a Senator from New Jersey, the other day, on another subject, applied to the Senators on this side.

Mr. SMITH of Connecticut observed, that had the people of this country not been exceedingly credulous, the Whig party would not have had the opportunity this day to draw from the treasury half a million of dollars, to be given to their political friends; but what he rose for was, to adjure the Senate to turn their attention to the private bills for the relief of destitute and deserving claimants.

Mr. BENTON had listened with pleasure to the appeal of the Senator from Alabama, upon gentlemen on the other side to give the data upon which they claimed 1,000 or 950.

In the Arabian Nights Entertainments there were 1,001 stories; but no reason was rendered for that particular number, neither could gentlemen give a reason. He professed to be a reasonable man, and he wanted the reason in this case. As the proposition now stood, there was not the semblance of a reason why the number should be 950. The British Parliament introduced a sliding scale of duties—perhaps the Senator from Georgia would consent to a sliding vote upon this question.

Mr. BERRIEN stated that his object was to counteract a purpose that was avowed for delay. The Senator from Missouri had given notice that he would begin with 150; and, that failing, would rise progressively 50 at a time; and, therefore, he (Mr. B.) proposed a motion to substitute 950. He proceeded to argue that it was the opposite side which was obstructing the public business.

Mr. ALLEN complimented the Senator from Georgia upon the fair, frank, and manly manner in which he had placed the issue of responsibility. The question then was, How came this bill up? It was by the vote of a majority in this body—out of its order on the calendar—and by a motion to lay aside all previous orders to give it a preference. The Senate was asked to swallow this bill with all its enormities. But it should be resisted by motion after motion till twelve o'clock at night on the 3d of March. And one motion he would make would be to lay it on the table, with a view of taking up the retrenchment bill; and then, if gentlemen voted down that motion, let both parties go before the country with those two bills in their hands. And all the real necessity of this bill was to give a party printer an enormous job. The Senator said a good deal about the rights of the majority. All this was every good; but the majority had no right to disfranchise the minority.

Mr. WALKER called the attention of the Senate to the calendar of 13th February, to show that this bill was not reported to the Senate on that day. He asked, when was it reported to the Senate?

The CHAIR answered, on the 16th of February.

Mr. WALKER, in continuation, said the number of the bill was 128; and he found only five other bills of later numbers. How, then, did it happen that this bill should be taken up in preference to any previous bills on the calendar? Was it for a public necessity, or a private necessity? Was the emergency that of the country, or that of an individual? It was one of a grossly partisan character.

This was a question on which he was ready to go before the country, and vindicate the stand the Democracy had made. If this bill had been reached in its regular order, there might have been some little pretext for maintaining its place. Would any Senator deny that there were many bills on the calendar of vastly more interest than this bill to provide for a partisan printer?

Mr. WOODBURY asked, when had this subject been introduced, and how?

The CHAIR said, by resolution, on the 15th of February.

Mr. WOODBURY then asked what public interest required that all other business should be sacrificed for this bill.

Mr. SMITH of Connecticut pointed to the impropriety of the course now pursued by the friends of this bill, as the strongest proof that it was they who should bear the responsibility of the obstruction which this discussion had occasioned. He moved to postpone the bill, with a view of taking up the pension bill for the relief of the widows of the soldiers of the Revolution.

The motion was negatived.

The question then recurred on Mr. BERRIEN's motion to substitute 950 for 1,000.

Mr. BAGBY characterized the course pursued by the majority on this bill as the most extraordinary that he had ever witnessed on this floor. In all measures, two questions were to be considered: first, whether a proposition was necessary; and, next, whether there were means to carry it out. Here was a case wholly destitute of those requisites.

This bill ought to be called a bill for the relief of certain partisan editors; and, in justification of that title, gentlemen had refused to insert an amendment that this work should be confided to a "suitable person."

Mr. SMITH of Connecticut moved to postpone the bill till Wednesday, in order to take up the bill for the relief of the widows of revolutionary soldiers.

Mr. MOREHEAD asked whether the National Intelligencer was not the organ of the administrations of Mr. Jefferson, Mr. Madison, and Mr. Monroe?

Mr. BAGBY said he believed that, as long as the editors could make money out of the administrations alluded to, they were; but, the moment they found they could make more by the opposite party, they went over to it, and have so continued ever since.

Mr. MOREHEAD said he understood they were the organs—and the confidential organs—of the administration during the war; and that they stood by Mr. Madison on the bank question.

Mr. BAGBY asked this question: If the Senate was prepared to confide the history of Jefferson, Madison, Monroe, and Washington, to persons who had shown themselves opposed to the principles of these great men? Would it be proper to confide the parliamentary and constitutional history of the country to the opponents of the principles of Jefferson, Madison, Monroe, and Washington? He would not go to a prejudiced jury, nor to a prejudiced author, for an impartial verdict or a history. He wanted the truth, the whole truth, and nothing but the truth. He did not ask for a Democratic author to compile such a work, and God forbid he should ask for a Whig author.

Mr. WRIGHT rose to say a few words in reference to a collateral issue made by the Senator from Georgia. It was, as to who and what party should bear the responsibility of delaying the public business. Gentlemen had talked of the rights of the majority; and he had also a few words to say in favor of the rights of the minority. That minority has a constituency at home, whose interests it is their duty to take care of. Now, by the vigorous resistance made by the minority to-day, the constituency of all had been saved $900,000. That was not a bad day's work. It was worth contending for. It is pressed as the most important bill on the calendar. Was not the minority entitled to form its own opinion on that point? There are but five bills on the calendar later than this. The present bill is 128. Of the other five, two have been passed. A third is a private bill; and the last is a proposition to give lands to the States for the deaf, dumb, and blind. And now, because a bill, which is narrowed down to a profitable job to partisan printers, is opposed, the minority is to be chargeable with obstructing the public business, by resisting it! This was an issue upon which he was perfectly ready and willing to go before the country.

Mr. HENDERSON said, if he could have foreseen what the minority now considered their duty and their right, he should have had no part in bringing forward this bill. It has become simply a question whether the majority can pass a bill. Are they to yield up their judgment, and become as if they were the minority? Could he have foreseen this delay of the public business on the calendar, he would much sooner have foregone the bill; but, when it now assumes the position, whether the majority is to surrender up its rights, he could not entertain the idea of making any sacrifice.

Mr. BAGBY moved an adjournment; on which motion he called for the yeas and nays; which were ordered.

The Senate refused to adjourn—yeas 16, nays 18, as follows:

YEAS—Messrs. Allen, Bagby, Benton, Buchanan, Calhoun, Fulton, King, McRoberts, Sevier, Smith of Connecticut, Walker, Wilcox, Williams, Woodbury, Wright, and Young—16.

NAYS—Messrs. Barrow, Bates, Berrien, Dayton, Evans, Graham, Henderson, Huntington, Kerr, Mangum, Miller, Morehead, Porter, Simmons, Smith of Indiana, Tallmadge, and Woodbridge—18.

The pending question was to postpone this bill till Wednesday, for the purpose of taking up the bill for extending the five year pension law for the widows of the revolutionary soldiers.

Mr. BUCHANAN stated that, upon every principle of duty and feeling, he felt bound to vote for this postponement, that the bill for the relief of the widows of the revolutionary soldiers might be taken up.

The question was then taken on the motion to postpone till Wednesday, and decided in the negative—yeas 16, nays 17, as follows:

YEAS—Messrs. Allen, Bagby, Benton, Buchanan, Calhoun, Fulton, King, McRoberts, Sevier, Smith of Connecticut, Walker, Wilcox, Williams, Woodbury, Wright, and Young—16.

NAYS—Messrs. Barrow, Bates, Berrien, Crittenden, Dayton,

Evans, Graham, Henderson, Kerr, Mangum, Miller, Morehead, Porter, Simmons, Smith of Indiana, Tallmadge, and Woodbridge—17.

Mr. SEVIER said he had hitherto abstained from taking part in the debate; and it was not his purpose now to consume much time, but merely to mark, as it was his habit to do, everything which occurred in the nature of a party movement. About this time two years ago, the Senate was engaged, according to its usual practice, in electing a printer; and the minority on that occasion being the party which now forms the majority, did not think it unbecoming to contend until a very late hour, and then, finding that their opposition was likely to be unsuccessful, to leave the Senate without a quorum. And he could mention some other instances where an example had been set by gentlemen opposite, (then in a minority,) which, if followed now, would enable the minority to contend successfully. He perceived, however, that his friends opposite had changed their views, and were now of the belief that it was the duty of the minority not only to stand their ground, but to submit to the will of the majority without resistance.

Yes, you cut and ran, but we have not followed your illustrious example; and, besides, we might, by following your example in another instance, save ourselves the trouble of offering resistance now. A contract was made, and bonds entered into with a public printer; and yet you did not scruple to break that contract, and give the printing to another; and now, when, according to the course of human events, you find your power almost at an end—when you find yourselves on your death-bed—when you are about breathing your last—already enveloped in your shrouds—I will not say, as was said by the former distinguished Senator from Kentucky, in reference to his political opponents—that you are about to enter the cart with ropes about your necks—you are disposed to bequeath a sort of legacy to these same printers, for whose benefit you broke the contract with Blair & Rives; and I confess they richly deserve such a bequest at your hands, for they have managed your cause with ability; they have given you power and responsibility for a time; they have made you what you are; and you would be an ungrateful set of fellows if you refused to reward them. I am surprised that you gave up the $200,000, and agreed to make the donation only $60,000. I would have gone to the whole extent, and not abated a dollar. Now, notwithstanding the notable examples you have set us, we do not intend to run away; we will sit in our places until the hand of the clock points to the hour of twelve; and we shall be sufficiently rewarded for holding out a few hours longer, if we shall succeed in preventing this job by (which you would be the better enabled to carry on the war against us) from being effected.

Mr. CRITTENDEN entertained a sincere regard for the Senator who had just sat down, and, knowing it was contrary to his usual habit, he felt at a loss to know why he had indulged in that course of personal asperity, calculated to effect nothing but angry feelings. What argument was there in such taunts as, "you are on the last gasp"—"going to your death"—and the Senator could hardly forbear saying, "like criminals in carts with ropes about your necks."

Mr. SEVIER interposed to state that what he had said was, that he would not apply to the Whigs the epithets of Mr. Clay to the Democratic party when going out of power, that they were like criminals going to their deaths with ropes about their necks.

Mr. CRITTENDEN asked, was it magnanimous to make even this allusion to a great man, now in private life, who had once been the grace and ornament of this hall.

Mr. SEVIER disclaimed any unparliamentary use of that Senator's language.

Mr. CRITTENDEN did not really know upon what grounds gentlemen assumed the despotic taunts which they were so liberal in throwing out against the party now in power. He rather thought they would find their anticipations groundless.

As to the course pursued by his friends when in the minority, he would ask, Was it not better to quit the hall, than to try to defeat the will of the majority by mere brute force?

Since it had come to a mere question of physical endurance, and the gentlemen opposite had fully proved their capacity for defeating the rights of the majority, he would, to put an end to such a contest, move to go into executive session.

Mr. TALLMADGE hoped not: his motto was—"Never say die."

The yeas and nays were then called for and ordered on the motion to go into executive session; and it was decided in the affirmative—yeas 18, nays 15, as follows:

YEAS—Messrs. Allen, Bagby, Benton, Buchanan, Calhoun, Crittenden, Fulton, Graham, King, McRoberts, Sevier, Smith of Connecticut, Walker, Wilcox, Williams, Woodbury, Wright, and Young—18.

NAYS—Messrs. Barrow, Bates, Berrien, Dayton, Evans, Henderson, Huntington, Kerr, Mangum, Miller, Porter, Simmons, Smith of Indiana, Tallmadge, and Woodbridge—15.

So the Senate proceeded to the consideration of executive business; and, having spent a short time therein, at 10 o'clock, p. m., adjourned—having been 12 hours in session, without intermission.

HOUSE OF REPRESENTATIVES.

MONDAY, February 27, 1843.

Mr. A. MARSHALL presented the petition of Albert Reed, and seventy seven others, citizens of Lincolnville, Maine, praying for an increase of duties on lumber and fish.

Mr. LOWELL presented the petition of John Balch, jun., and forty-nine other citizens of Prescott, Maine, praying Congress for an additional duty on sawed lumber, spars, piles, wood, bark, &c., from the British Provinces; which was referred to the Committee on Commerce.

Mr. HASTINGS presented the memorial of 37 farmers of Carroll county, Ohio, asking Congress to equalize the tariff, and in just reference to their staples of wool and hides.

Also, the memorial of 18 farmers of Columbiana county, Ohio, on the same subject.

Mr. H. DODGE presented the petition of Samuel Lane, of Milwaukie county, Territory of Wisconsin, asking Congress to refund to him a certain amount of money overpaid by him in the purchase of a tract of land in the Milwaukie land district.

Also, a petition from the town of Racine, Racine county, Territory of Wisconsin, asking Congress that a tri-weekly mail may be established from Racine to East Troy, in the county of Walworth, by the way of the town of Rochester.

Mr. BOYD presented the memorial of Dr. John B. Hubbard, and 43 other citizens of Mills's Point, Kentucky, in favor of relieving A. Kendall from all liability on account of a judgment obtained by Stockton and Stokes against said Kendall, for certain acts of his as Postmaster General: referred to the Committee of the Whole.

Mr. TILLINGHAST asked leave to present a resolution from the Committee on the Library, authorizing the purchase of so many sets of the laws of the United States, not exceeding eighty, as may be necessary to replace those which have been lost, provided that the same can be purchased at a cost not exceeding five dollars a volume.

Objected to, and not received.

Mr. BRIGGS called up his motion, made some days since, to print 2,500 extra copies of the report of the Committee on the Post Office Department, and called for the previous question on the motion.

Mr. CAVE JOHNSON desired, before the House voted, to see the papers which it was proposed to print.

The SPEAKER said they were not in the House, having been sent to the printer, on the order to print the ordinary number of copies.

Mr. CAVE JOHNSON asked if he was not entitled to have the papers read, about which he was called to vote.

The SPEAKER said they could not be read, because they had gone to the printers.

The previous question having been seconded, and the main question ordered,

Mr. CAVE JOHNSON moved to lay the whole subject on the table; which motion was decided in the negative—yeas 72, nays 85.

The motion to print was then agreed to.

Some conversation then ensued between Messrs. HOPKINS, A. V. BROWN, and the SPEAKER, on the vote by which the bill of Mr. J. CAMPBELL, to suspend the districting section of the apportionment bill, was lost a few days ago, and to which Mr. CAMPBELL called the attention of the House on Saturday. It was not understood to lead to any action of the House.

On motion of Mr. GENTRY, the following bill was taken up, read a third time, and passed:

An act to perfect the titles to lands south of the Arkansas river, held under New Madrid locations, and pre-emption rights, under the act of 1814.

Mr. WISE presented a communication from Lieutenant Hunter, of the United States navy, in relation to his submerged propellers; which was ordered to be printed.

On motion of Mr. TRUMBULL, a resolution was agreed to, authorizing the Clerk of the House to continue the employment of Simon Brown, a messenger in his department, during the recess; his services being necessary, there being many thousand volumes of books to be despatched to the members of the present Congress.

Mr. TOLAND submitted a resolution to authorize the Select Committee on the case of Mr. Jonathan Roberts, the recently removed collector of Philadelphia, to sit during the sessions of the House.

Mr. W. W. IRWIN objected.

Mr. TOLAND moved a suspension of the rules; but the motion was not agreed to, (83 voting in the affirmative, and 65 in the negative,) the majority being less than two-thirds.

The House having resolved to terminate the debate on the civil and diplomatic appropriation bill at 3 o'clock to-day—

Mr. FILLMORE moved that the House resolve itself into a Committee of the Whole on the state of the Union.

Mr. YORKE wished to offer a resolution of inquiry.

Objection was made.

Mr. ADAMS also desired to offer a resolution.

Objection was made.

Mr. HOUSTON wished to make a report from a standing committee.

Objection was made.

The question was taken on going into committee, and decided in the affirmative—ayes 102, noes not counted.

Before the Speaker left the chair,

Mr. ADAMS rose, and asked leave, by general consent, to offer a resolution providing that, whenever a vacancy shall occur on the bench of the Supreme Court, the vacancy shall be supplied by the appointment of a citizen from one of the non-slaveholding States; and all succeeding vacancies that may happen shall be supplied in like manner, until four-fifths of the judges shall be citizens of the non-slaveholding States; and concluding with a resolution directing the Committee on the Judiciary to bring in a bill forthwith to carry the above provisions into effect.

Mr. BOYD and others objected to the reception of the resolution.

Mr. ADAMS asked for the yeas and nays on its adoption.

The SPEAKER said they could only be taken by general consent.

CIVIL AND DIPLOMATIC BILL.

The House then resolved itself into a Committee of the Whole on the state of the Union, (Mr. FESSENDEN in the chair,) and took up the bill making appropriations for the civil and diplomatic service of the Government for the fiscal year ending June 30th, 1844.

The pending question was upon the amendment offered by the gentleman from Pennsylvania [Mr. C. BROWN] to the proposed amendment of the Select Committee, to the item for the "survey of the United States, including compensation of superintendent and assistants, one hundred thousand dollars;" which amendment provides that hereafter the superintendence of the coast survey shall be placed in the hands of the Navy Department, and conducted by navy officers; and that the appropriation shall be $40,000, instead of $100,000.

Mr. EVERETT gave his views at length upon the subject.

Mr. RANDOLPH defended his colleague [Mr. AYCRIGG] for the course he had pursued in relation to the coast survey. Living, as they did, on the Atlantic coast, and witnessing, annually, wrecks strewed on their shores, and poor weather-beaten mariners crawling to land, and begging their way through the country, with bare heads and exposed feet, they were extremely anxious that the coast survey should be hurried on, that mariners might have the guidance of charts, and, by their aid, be enabled to avoid those points on which their vessels, with their cargoes and their hopes, were wrecked together. He next examined the mode of operation of Mr. Hassler, the superintendent of the coast survey, and the progress he had made, to show the necessity of resorting to a change, both of persons to execute the work, and of the system by which it was to be accomplished.

Mr. UNDERWOOD expressed a desire to offer some remarks on an amendment he intended to submit hereafter, and which he would be prevented from offering by the arrival of the hour of three o'clock.

The CHAIR decided that it would not be in order.

Mr. WISE expressed the hope that the committee would come to a vote upon the amendments. He hoped that which had been offered by his colleague, [Mr. MALLORY,] and which, after the fullest conference, had received the approval of four out of five of the select committee on the coast survey, would be adopted.

Mr. RANDOLPH offered an amendment, which the Chair decided to be out of order.

Mr. C. JOHNSON said it struck him that these coast surveys ought to be dismissed entirely. Some gentlemen seemed to think Mr. Hassler was the only man in the country capable of carrying on the coast survey.

Mr. J. R. INGERSOLL wished to know who said so.

Mr. AYCRIGG remarked that many members had said so. He heard Mr. Hassler say so himself.

Mr. J. R. INGERSOLL said that what he and other gentlemen who had defended Mr. Hassler contended, was, that by his attainments and experience he was the most capable and proper person in the country to carry on the survey. They did not, however, contend that Mr. Hassler was the only man who was capable of conducting it.

Mr. MALLORY remarked that the work was now unfinished; and to take it altogether out of the hands of those who had conducted it thus far, would be doing an injury. He thought that the work should be taken out of their hands, but not suddenly and abruptly, without securing to the Government the benefit of their experience.

Mr. CAVE JOHNSON contended that, as the Select Committee proposed to organize the board of officers of the coast survey, Mr. Hassler and his assistants would constitute a majority, and, therefore, have control over the whole work.

Mr. MALLORY said he would explain that also. It was known that he entertained no very great respect for Mr. Hassler; yet it was due to him, as late superintendent of the survey, that he should be placed in a situation where he could explain his conduct and illustrate his views.

Mr. CAVE JOHNSON said it was not necessary to give him a majority on the board in order to do that.

Mr. MALLORY said he would not have a majority. Two of Mr. Hassler's assistants differed from him materially. Mr. H., then, did not have a majority, but it was a fair board.

Mr. C. JOHNSON said the board ought to be constituted of army and navy officers—the best qualified being selected—and not by men whose interest it would be to carry on the survey in the most expensive way.

Mr. C. BROWN remarked that his amendment would bring about the object which the gentleman desired.

Mr. CALHOUN next obtained the floor, and read from a report of the Committee on Naval Affairs, made some years since, to show that the survey could not be advantageously carried on by navy officers.

The question was then taken on the amendment of the gentleman from Pennsylvania, [Mr. C. BROWN,] reducing the appropriation from $100,000 to $45,000, and the amendment was negatived.

Mr. RANDOLPH offered an amendment appropriating $10,000 to reduce the field notes already taken to paper, in lieu of the $100,000 for carrying on the survey in future.

Mr. MALLORY opposed the amendment, and contended that it would confer on the superintendent more power than he now possessed. It would not effect the reform which it was intended to bring about, and the $10,000 would do nobody any good but Mr. Hassler.

The amendment was rejected.

The question recurred upon the amendment of the select committee, offered by the gentleman from Virginia, [Mr. MALLORY,] and published in the proceedings of Saturday.

It was agreed to without a division.

The clause appropriating $13,381 69 for the support of the pententiary in the District of Columbia having been read—

Mr. BOARDMAN offered an amendment, reducing the appropriation to $5,000. He knew of nothing peculiar in that institution to render so large an appropriation for its support necessary. The penitentiary in his State, as well as the penitentiaries in several other States, paid their own expenses; and the institution here, by proper management, might be made to do the same thing. He thought the adoption of the amendment would compel those who had the power to do so, to reorganize the institution.

Mr. FILLMORE said that he had been informed that contracts had been made for the services of the convicts, which had not yet expired; and this was the reason why the expenses could not yet be reduced. Though he believed it right to punish men for crimes, yet he could not go so far as to shut them up and starve them, which would be the case at this penitentiary if the amendment were adopted. If anything could be done to reorganize the institution, he would readily agree to it. He did not pretend to know much about this institution; but he had reason to believe that it had been improperly managed.

Mr. BOARDMAN answered that there was money enough to last till next July, so that the prisoners could not starve before the meeting of the next Congress. He believed that the reduction of the appropriation would compel the inspectors to appoint proper officers who would reform the institution.

Mr. MALLORY said that one of the reasons for the great cost of the penitentiary was the shortness of the time for which so many of the prisoners were sentenced. Many of them were sentenced for only twelve months, and were released before they could learn a trade, so as to be profitable to the Government.

Mr. UNDERWOOD said that the reason why so much money was annually paid out to keep these prisoners from starving, was the improper management of the institution. Most of the hands were employed in making shoes; and, instead of the superintendent's purchasing materials, and having the work done on the account of the institution, and sold at a profit, the hands were hired out to a man named Hoover, who was making a very profitable speculation of it. He had been furnished with a comparative statement, showing the prices paid by the master workmen of this city to their journeymen, and the prices paid by Hoover to the penitentiary for similar work; from which it appeared that the penitentiary received from 200 to 300 per cent. less than the prices paid by master workmen to their journeymen in this city. Now it was by keeping these hands working for comparatively nothing, for favorites, that the Government sunk annually some $15,000 on this institution. He believed that the reduction of the appropriation would compel the inspectors to put their work up to the prices of other manufacturers here, and by this means effect the reform that was so much needed. He did not, however, believe that the appropriation should be reduced so low as $5,000. A reduction to $10,000 would, in his opinion, be low enough.

Mr. SMITH of Virginia said that, if the practices complained of existed, it was not the fault of the superintendent. He had only to execute the duties of his office according to law. He knew that that officer had complained of the system, and said that, if he had the right to purchase materials, and have the work done and sold on account of the penitentiary, he could double his money. One of the reasons of the great cost of the penitentiary was that referred to by his colleague. The convicts could not learn a trade, so as to be profitable to the institution, in so short a time as twelve months. The evil complained of could not be corrected by reducing the amount of the appropriation. It was only by a change of the existing system of disposing of the work of the convicts, that a reform could be effected; and, from some inquiries he had made, he had ascertained that this had lately been done.

The question was then put on the amendment; and it was agreed to.

CANAL ACROSS THE ISTHMUS OF DARIEN.

Mr. UNDERWOOD offered an amendment, appropriating $5,000 for the employment of an agent to inquire into the progress and character of the work now going on to connect the Atlantic and Pacific Oceans by a canal across the Isthmus of Darien, and to ascertain upon what terms the same may be used by the citizens of the United States.

Mr. FILLMORE raised the point of order, that the amendment could not be received, inasmuch as it contemplated an appropriation for an object not recognised by law.

This question was discussed by Messrs. ADAMS, UNDERWOOD, FILLMORE, CUSHING, and C. J. INGERSOLL; and,

The CHAIR having decided the amendment to be out of order,

Mr. CUSHING appealed; when

The committee, on taking the question, overruled the decision of the Chair.

After a few words from Mr. FILLMORE and Mr. CUSHING,

Mr. UNDERWOOD made some remarks on the importance of this undertaking to the commerce of this country, but particularly to the valley of the Mississippi.

Mr. C. J. INGERSOLL also advocated the securing to the commerce of this country the advantages that were to be derived from facilities of transit across the Isthmus.

Mr. CUSHING proposed so to amend the amendment, as to embrace a railroad as well as, or in lieu of, a canal, in the contemplated means of crossing the Isthmus.

Mr. KING advocated the appointment of an agent to convey the American mail across the Isthmus—the Governments of England and of France now having agents for that purpose.

Mr. UNDERWOOD agreed to modify his amendment by the introduction of the word "communication," instead of "canal" or "railroad," or any other descriptive term, so that the objects of all gentlemen might be embraced; and the amendment was agreed to.

Mr. J. P. KENNEDY submitted an amendment, to appropriate $4,000 to repave the public store of the city of Baltimore; which, after a few words from Mr. MERIWETHER and Mr. KENNEDY, was adopted.

Mr. SHIELDS submitted an amendment appropriating $5,000 for the repairing of the circuit and district court room of the United States at (as was understood) Mobile, where the honorable gentleman said the courts were held in a portion of the custom-house, which was set apart for that purpose.

Mr. KING moved to insert $50,000 for a custom-house at Savannah: rejected.

Mr. TILLINGHAST moved to insert $500 for a survey of Block island, according to a resolution of the House: rejected.

Mr. CAVE JOHNSON moved to strike out the appropriation of $100,000 for the custom-house at Boston; and called for tellers.

The question was taken, and resulted—ayes 54, noes 58: no quorum.

A second count by tellers was had, and resulted—ayes 76, noes 66.

So the motion to strike out was agreed to.

Mr. WINTHROP moved to insert $50,000 for paying the contractors, under contracts made by the Government of the United States, for completing the Boston custom-house.

Mr. KING moved to amend the amendment, by adding $25,000 for the custom-house at Savannah.

The CHAIR ruled this amendment out of order.

The amendment of the gentleman from Massachusetts [Mr. WINTHROP] was rejected.

Mr. MALLORY moved to insert $50,000 for the Boston custom-house.

Mr. PROFFIT moved to amend the amendment, by adding "for paying contracts made without authority of law:" rejected—ayes 36, noes not counted.

The question was taken on the amendment of the gentleman from Virginia, [Mr. MALLORY,] and resulted—ayes 71, noes 47. No quorum.

On again taking the question, the amendment was adopted—ayes 86, noes 40.

Mr. HOLMES moved to strike out $5,000 as the sum appropriated towards the repair of the Charleston custom-house and post office, and insert in lieu thereof, "seven thousand and ten dollars:" rejected.

Mr. McKAY offered an amendment, making an appropriation for the rebuilding of the custom-house at Wilmington, N. C., which was burnt by the great fire of 1840.

Mr. FILLMORE said the amendment, being for the creation of a new work, was not in order; and the Chair so decided.

Mr. TILLINGHAST offered an amendment appropriating $450 to make a survey of Block Island.

Mr. MERIWETHER moved to add thereto $35,000 for a custom-house at Savannah.

The CHAIR ruled both of these amendments out of order.

Mr. FILLMORE moved that the appropriation for making out registers of vessels, lists of crews, &c., be reduced from $10,000 to $4,000: agreed to.

A motion was made by some member (who was not seen) to strike out the appropriation of $150 for lighting Pennsylvania avenue: rejected without a division.

CITY WATCH.

On motion of Mr. FILLMORE, an amendment was adopted appropriating $300 for contingencies, fuel, lights, &c., for the city watch.

BOOKS.

The clause appropriating $47,162, for payment for books ordered by the resolution of the House of the 8th August, being read—

Mr. CAVE JOHNSON objected to the appropriation, on the ground that it was for an object not recognised by law.

The CHAIR decided that it was in order.

Mr. CAVE JOHNSON moved to strike it out; which motion was rejected.

Mr. C. J. INGERSOLL offered an amendment appropriating $5,000 for a commercial agent to Europe: rejected.

DOCUMENTARY HISTORY.

Mr. CAVE JOHNSON moved to strike out the clause appropriating $27,650 for the Documentary History of the United States: rejected.

Mr. MERIWETHER then offered an amendment to the section, providing that the work shall not be extended beyond the third volume: rejected.

COAST OF AFRICA.

Mr. JOHN P. KENNEDY offered an amendment appropriating $5,000 for the payment of a commercial agent, to reside at Liberia, or on the coast of Africa: rejected.

On motion by Mr. FILLMORE, an amendment was adopted appropriating $4800 for an index to the documents connected with the offices of the First Comptroller and First Auditor of the Treasury.

Mr. FILLMORE offered an amendment appropriating $10,000 for the payment of the agents employed to negotiate the late loans; which amendment was agreed to.

Mr. OSBORNE offered an amendment appropriating $10,000 for rebuilding the beacon at Black Rock, Connecticut.

Mr. O. asked leave to explain the objects of his amendment; but was called to order by several, and not allowed to proceed.

Mr. OSBORNE next asked to have a communication from the Treasury Department on the subject read.

Objected to by several.

The CHAIR directed the Clerk to read the communication; and, the Clerk having read a part of it—

Mr. PAYNE interrupted him, and asked the Chair if that paper could be read, after its being objected to.

The CHAIR said that he did not hear the objections.

Mr. PAYNE said that objections were made by several gentlemen on his side of the House. [A voice on the extreme right: "And by several on this side, also."] Mr. P. wished to know if objections were listened to from one section of the Union, and not the other.

The CHAIR. Not by the present incumbent of the chair.

Mr. PAYNE. Well, sir, how does it happen that objections have been received in a case similar to the present, while the objections now made were not received?

The CHAIR said that he permitted the paper to be read, observing that it would be read if no objections were made; and that he did not hear any objections.

Mr. PAYNE. Well; it seems, sir, that you did not wish to hear them.

Mr. GILMER said that the fact of the Chair's not hearing the objections was no reason why the reading should be allowed to go on. As soon as he was informed that objections were made, it was his duty to arrest the reading.

The CHAIR decided differently, and directed the Clerk to proceed with the reading of the paper; which was accordingly done.

Mr. TURNEY wanted to know the difference between this amendment of the gentleman from Connecticut, and the one of the gentleman from North Carolina [Mr. McKAY.] Both were to rebuild works that were destroyed. The one offered by the gentleman from North Carolina was decided to be out of order, while the one of the gentleman from Connecticut was decided to be in order.

The CHAIR said that the gentleman from Tennessee was not in order.

Mr. KING said that the very paper just read showed that the amendment was out of order; for it proposed to build a new work.

The CHAIR said that the gentleman from Georgia was not in order.

The amendment was adopted.

Mr. PROFFIT offered an amendment to provide that the surveys of light-houses shall be under the direction of the Secretary of the Treasury.

The amendment was negatived.

Mr. POWELL offered an amendment appropriating $5,000 for the completion of the Potomac bridge; which was agreed to.

Some other amendments were proposed and negatived.

Mr. J. R. INGERSOLL offered an amendment to appropriate $500 for a consul at Beyrout; which was agreed to.

Mr. BOTTS submitted an amendment, to be inserted immediately after the items under the head of "foreign intercourse," providing that no part of any appropriation thereby made should be applied to the payment of the salary or outfit of any minister, chargé des affaires, or other foreign representative, who may be appointed to any post now vacant, or in which a vacancy shall exist during the present session of Congress, unless the appointments to fill such vacancy shall be made by and with the advice and consent of the Senate.

The amendment was agreed to—76 voting in the affirmative, and 67 in the negative.

Mr. BOARDMAN offered an amendment to the items making appropriations for the Post Office Department, providing that no special or travelling agent of the Post Office shall receive more than $1,000 per annum, in addition to $2 a day for his travelling expenses. The amendment was agreed to.

Some other unimportant amendments were then made.

Mr. TILLINGHAST, by instruction of the Library Committee, offered an amendment, appropriating $20,000 for publishing an account of the discoveries of the exploring expedition, under the supervision of the Joint Committee on the Library.

This amendment was agreed to—ayes 91, noes not counted.

Mr. L. W. ANDREWS moved that the committee rise, (half past 4 o'clock:) rejected—ayes 67, noes 69.

Mr. C J. INGERSOLL offered an amendment, authorizing a quarter's extra pay to the clerks, officers, pages, &c., of the House.

The CHAIR ruled the amendment out of order.

The several amendments offered to the bill by the Committee on Public Buildings (with one exception) were adopted.

The amendment of the Committee on Public Buildings appropriating $30,000 for the erection of a new building to accommodate the War and Navy Departments, was ruled out of order.

Mr. BOARDMAN offered an amendment, appropriating $200 to two fire companies, near the Capitol and the President's House: rejected.

Mr. KING proposed an amendment, inserting $105,000 for carrying the mail across the isthmus of Darien: rejected.

Mr. BRONSON offered a proviso, limiting the expenses of the courts of the United States, (particulars could not be gathered:) agreed to.

Mr. GILMER moved to reduce the appropriation for the Commissioner and other officers of the General Land Office, and their clerks, from $98,500 to $95,000; the effect of which will be to cut off the salaries of the Recorder and Solicitor of the General Land Office: agreed to—ayes 91, noes not counted.

At five minutes to 5, Mr. WELLER moved that the committee rise, and report the bill. The motion was agreed to, and the committee rose.

Amidst a general struggle, Mr. AYCRIGG obtained the floor, and offered an amendment to the bill (understood to be in relation to the coast survey.) He also called the previous question.

Mr. HUNTER rose and asked leave to offer a resolution of inquiry.

Leave having been given,

Mr. HUNTER offered a resolution requesting the Secretary of the Treasury to cause an examination to be made into the justice of the claim of Robert C. Jennings, Jas. Roddy, and others; and make a report to the next session of Congress.

The resolution was agreed to.

The following message was received from the President of the U. States, in reply to a resolution of the House of the 22d instant, communicating a report from the Secretary of State on the subject of the claim set up by the British Government to visit American vessels, together with the correspondence between Lord Aberdeen and Mr. Everett on the subject:

WASHINGTON, February 27, 1843.

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 22d instant, requesting me to communicate to the House "whatever correspondence or communication may have been received from the British Government respecting the President's construction of the late British treaty concluded at Washington, as it concerns an alleged right to visit American vessels," I herewith transmit a report made to me by the Secretary of State.

I have also thought proper to communicate copies of Lord Aberdeen's letter of 20th December, 1841, to Mr. Everett; Mr. Everett's letter of the 23d December, in reply thereto; and extracts from several letters of Mr. Everett to the Secretary of State.

I cannot forego the expression of my regret at the apparent purport of a part of Lord Aberdeen's

despatch to Mr. Fox. I had cherished the hope that all possibility of misunderstanding as to the true construction of the 8th article of the treaty lately concluded between Great Britain and the United States, was precluded by the plain and well-weighed language in which it is expressed. The desire of both Governments is to put an end, as speedily as possible, to the slave-trade; and that desire, I need scarcely add, is as strongly and as sincerely felt by the United States as it can be by Great Britain. Yet it must not be forgotten that the trade, though now universally reprobated, was, up to a late period, prosecuted by all who chose to engage in it; and there were unfortunately but very few Christian powers whose subjects were not permitted, and even encouraged, to share in the profits of what was regarded as a perfectly legitimate commerce. It originated at a period long before the United States had become independent; and was carried on within our borders, in opposition to the most earnest remonstrances and expostulations of some of the colonies in which it was most actively prosecuted. Those engaged in it were as little liable to inquiry or interruption as any others. Its character, thus fixed by common consent and general practice, could only be changed by the positive assent of each and every nation, expressed either in the form of municipal law or conventional arrangement. The United States led the way in efforts to suppress it. They claimed no right to dictate to others, but they resolved, without waiting for the co-operation of other powers, to prohibit it to their own citizens, and to visit its perpetration by them with condign punishment. I may safely affirm that it never occurred to this Government that any new maritime right accrued to it from the position it had thus assumed in regard to the slave-trade. If, before our laws for its suppression, the flag of every nation might traverse the ocean unquestioned by our cruisers, this freedom was not, in our opinion, in the least abridged by our municipal legislation.

Any other doctrine, it is plain, would subject to an arbitrary and ever-varying system of maritime police, adopted at will by the great naval power for the time being, the trade of the world in any places or in any articles which such power might see fit to prohibit to its own subjects or citizens. A principle of this kind could scarcely be acknowledged, without subjecting commerce to the risk of constant and harassing vexations.

The attempt to justify such a pretension from the right to visit and detain ships upon reasonable suspicion of piracy, would deservedly be exposed to universal condemnation; since it would be an attempt to convert an established rule of maritime law, incorporated as a principle into the international code by the consent of all nations, into a rule and principle adopted by a single nation, and enforced only by its assumed authority. To seize and detain a ship upon suspicion of piracy, with probable cause and in good faith, affords no just ground either for complaint on the part of the nation whose flag she bears, or claim of indemnity on the part of the owner. The universal law sanctions, and the common good requires, the existence of such a rule. The right, under such circumstances, not only to visit and detain, but to search a ship, is a perfect right, and involves neither responsibility nor indemnity. But, with this single exception, no nation has, in time of peace, any authority to detain the ships of another upon the high seas, on any pretext whatever, beyond the limits of the territorial jurisdiction. And such, I am happy to find, is substantially the doctrine of Great Britain herself, in her most recent official declarations, and even in those now communicated to the House. These declarations may well lead us to doubt whether the apparent difference between the two Governments is not rather one of definition than of principle. Not only is the right of *search*, properly so called, disclaimed by Great Britain; but even that of mere visit and inquiry is asserted with qualifications inconsistent with the idea of a perfect right.

In the despatch of Lord Aberdeen to Mr. Everett, of the 20th of December, 1841, as also in that just received by the British minister in this country, made to Mr. Fox, his lordship declares that if, in spite of all the precaution which shall be used to prevent such occurrences, an American ship, by reason of any visit or detention by a British cruiser, "should suffer loss and injury, it would be followed by prompt and ample remuneration;" and in order to make more manifest her intentions in this respect, Lord Aberdeen, in the despatch of the 20th of December, makes known to Mr. Everett the nature of the instructions given to the British cruisers. These are such as, if faithfully observed, would enable the British Government to approximate the standard of a fair indemnity. That Government has, in several cases, fulfilled her promises in this particular, by making adequate reparation for damage done to our commerce. It seems obvious to remark, that a right which is only to be exercised under such restrictions and precautions, and risk, in case of any assignable damage, to be followed by the consequences of a trespass, can scarcely be considered anything more than a privilege asked for, and either conceded or withheld on the usual principles of international comity.

The principles laid down in Lord Aberdeen's despatches, and the assurances of indemnity therein held out, although the utmost reliance was placed on the good faith of the British Government, were not regarded by the Executive as a sufficient security against the abuses which Lord Aberdeen admitted might arise in even the most cautious and moderate exercise of their new maritime police; and, therefore, in my message at the opening of the last session, I set forth the views entertained by the Executive on this subject, and substantially affirmed both our inclination and ability to enforce our own laws, protect our flag from abuse, and acquit ourselves of all our duties and obligations on the high seas. In view of these assertions, the treaty of Washington was negotiated; and upon consultation with the British negotiator as to the quantum of force necessary to be employed, in order to attain these objects, the result to which the most deliberate estimate led was embodied in the 8th article of the treaty.

Such were my views at the time of negotiating that treaty, and such, in my opinion, is its plain and fair interpretation. I regarded the 8th article as removing all possible pretext, on the ground of mere necessity, to visit and detain our ships upon the African coast, because of any alleged abuse of our flag by slave-traders of other nations. We had taken upon ourselves the burden of preventing any such abuse, by stipulating to furnish an armed force regarded by both the high contracting parties as sufficient to accomplish that object.

Denying, as we did and do, all color of right to exercise any such general police over the flags of independent nations, we did not demand of Great Britain any formal renunciation of her pretension; still less had we the idea of yielding anything ourselves in that respect. We chose to make a practical settlement of the question. This we owed to what we had already done upon this subject. The honor of the country called for it; the honor of its flag demanded that it should not be used by others, to cover an iniquitous traffic. This Government, I am very sure, has both the inclination and the ability to do this; and, if need be, it will not content itself with a fleet of eighty guns; but, sooner than any foreign Government shall exercise the province of executing its laws and fulfilling its obligations—the highest of which is to protect its flag alike from abuse or insult—it would, I doubt not, put in requisition for that purpose its whole naval power. The purpose of this Government is faithfully to fulfil the treaty on its part; and it will not permit itself to doubt that Great Britain will comply with it on hers. In this way, peace will best be preserved, and the most amicable relations maintained between the two countries.

JOHN TYLER.

The Clerk had read but a small portion of the message, when the reading was arrested; and,

On motion of Mr. BOTTS,

The House adjourned.

IN SENATE.

TUESDAY, February 28, 1843.

The PRESIDENT *pro tem.* laid before the Senate a communication from the Treasury Department, transmitting statements of contracts, of payments made for miscellaneous claims, and of expenditures from the marine hospital fund; which was ordered to lie on the table.

Mr. WHITE, from the Committee on Indian Affairs, reported back, without amendment, and with a recommendation that it do pass, the bill from the House entitled "An act to repeal so much of an act making an appropriation for the temporary support of certain destitute Kickapoo Indians, as relates to the payment of clerks charged with their business as trustees."

Mr. SEVIER, from the Committee on Indian Affairs, made an adverse report (which was ordered to be printed) on the petition of Samuel Bingham.

On motion of Mr. S., the same committee was discharged from the further consideration of the petition of Benjamin Crawford, praying indemnity for losses sustained in consequence of having his trading establishment broken up by officers of the United States.

Mr. EVANS, from the Committee on Finance, reported back, without amendment, the bill from the House authorizing the Secretary of the Treasury to refund to David Watkinson & Co. a part of the duties imposed on a certain quantity of tin and iron imported by them into the port of New York.

Also, reported back, with an amendment (which was ordered to be printed) the bill from the House for the re-issue of treasury notes, and for other purposes.

Mr. E. also, from the same committee, to which was referred the bill from the House to prohibit any extra allowances to officers of the Government, reported the same back, with the opinion of the committee that the passage of the bill was unnecessary, extra allowances being now prohibited.

Mr. CRITTENDEN presented a memorial from Lexington, Kentucky, setting forth, that, in consequence of obstructions in the navigation of the Western rivers, great loss of life and property was sustained, and asking Congress to make some provision for the removal of such obstructions. The petition was ordered to lie on the table.

The following engrossed bills were read the third time, and passed, viz:

The bill for the relief of Richard Patten.

The bill to revive the act entitled "An act to enable claimants to land within the limits of Missouri and the Territory of Arkansas to institute proceedings to try the validity of their claims," approved the 26th of May, 1824; and the act amending the same, and extending the provisions of said acts to claimants to land within the States of Louisiana and Mississippi.

The bill for the relief of Charles M. Keller.

The bill to repeal certain parts of the act entitled "An act respecting the organization of the army, and for other purposes," approved the 23d of August, 1842.

The bill for the relief of Joseph Bryan, Harrison Young, and Benjamin Young.

The bill declaring Robbinston, in the State of Maine, to be a port of delivery.

The bill to extend the Patent Office to Ninth street.

The bill to permit the entry of merchandise recovered from shipwrecks, in certain cases, free from duty.

The bill to apply certain alternate sections of the public domain towards the completion of works of internal improvement in the State of Michigan, and for other purposes, was ordered to be engrossed, after being amended in several particulars, on the suggestion of Mr. SMITH of Indiana. This bill was subsequently passed.

The bill to amend the laws relating to imprisonment for debt in the District of Columbia, was read the third time, and passed.

The bill for the relief of Duncan L. Clinch was considered as in committee of the whole; and, there being no amendment proposed, it was reported to the Senate, and ordered to be engrossed for a third reading. This bill was subsequently passed.

The bill to settle the title to Pea Patch island, was taken up as in committee of the whole.

Mr. CLAYTON said the bill was imperfect in several particulars; and he moved an amendment, giving power to the commission created by it to compel the attendance of, and to administer oaths to, witnesses; and limiting the reception of evidence by the commission to such as was admissible by the rules of law, &c.

The amendment was agreed to.

Mr. MILLER was understood to inquire whether the parties had consented to the terms of the bill.

Mr. CLAYTON replied in the affirmative.

Mr. WOODBURY remarked, that he would move to strike out that portion of the bill making appropriation to satisfy the award, unless it would interfere with the arrangement between the parties. It would be in time to make the appropriation when the award was fixed.

Mr. CLAYTON replied, that that provision of the bill was a part of the arrangement; and, unless it was retained, it would defeat the compromise.

Mr. MILLER moved an amendment, the purport of which was not heard; which was opposed by Messrs. CLAYTON and BAYARD, and finally disagreed to.

Mr. WOODBURY said he could not vote for the bill to pay an award which was not to be ascertained by an officer of the Government, who was responsible to the Government. The award should also be ascertained before the appropriation was made.

Mr. KING did not perceive that there could be any objection to making the conditional appropriation in the bill. The bill, he believed, was well guarded.

There being no further amendment proposed, the bill was reported to the Senate, and ordered to be engrossed for a third reading. It was subsequently read the third time, and passed.

On motion by Mr. SEVIER, the Committee on Pensions was discharged from the further consideration of the petition of Joshua Reynolds, an officer of the Revolution, praying the revival of the pension act of July, 1838.

On motion by Mr. BATES, the Committee on Pensions was discharged from the further consideration of the petition of the widow of Joshua Conkey, praying for a pension; and from the petition of Azel Spalding, for compensation for his services as pension agent.

Mr. HENDERSON, from the Committee on Private Land Claims, reported back, without amendment and with a recommendation that they do pass, the following bills from the House, viz:

The bill for the relief of Hugh Riddle, of the State of New York.

The bill to revive an act entitled "An act for the relief of John Darlin."

The bill for the relief of Mary McGee and Susan Pierce, heirs at law of George Neilson.

Mr. WOODBRIDGE, from the Committee on Commerce, to which memorials and resolutions of State Legislatures upon the subject had been referred, reported a bill for the protection of commerce and the construction of harbors on the lakes; which was read, and ordered to a second reading.

Mr. BERRIEN, from the Committee on the Judiciary, reported back, without amendment, the bill from the House relating to the taking of testimony in cases of contested elections, and for other purposes.

Mr. KERR, from the Committee on Patents and the Patent Office, reported back, without amendment, and with a recommendation that it do pass, House bill for the relief of Samuel K. Jennings.

Mr. DAYTON, from the Committee on the Public Buildings and Grounds, reported back, without amendment, House bill for the relief of John Skirving.

Mr. TAPPAN, from the Committee on the Library, reported back, without amendment, and with a recommendation that it do not pass, the bill for the preservation of the collection of natural curiosities furnished by the exploring squadron, and from other sources.

Mr. ARCHER, from the Committee on Foreign Relations, reported back, without amendment, and with a recommendation that it do pass, the House bill to provide the means of future intercourse between the United States and the Government of China.

On motion by Mr. MERRICK, the Senate took up, as in committee of the whole, the bill for the reduction of the rates of postage.

Mr. MERRICK explained that this bill, as it now stood, was founded on the idea that the bill to suppress the transportation of mailable matter by private expresses, and the bill to make permanent contracts with railroad companies for transporting the mail, would become laws at this session. Though one of the bills—that for the suppression of private expresses—had passed the Senate; yet, he had no hope that either could be got through the other House this session. If those bills had become laws, a great reduction could have been made in the rates of postage. The department could have encountered the great reduction proposed in this bill, if such had been the case; but, failing to accomplish their passage, the head of the department could not give his consent to the reduction proposed by this bill.

Mr. M. then proposed to amend the bill so as to provide that for all distances under 5 miles, there shall be a charge of 5 cents postage on letters; for all distances over 30 miles, and not exceeding 100 miles, 10 cents postage; for all over 100, and not exceeding 220 miles, 15 cents; for all over 220, and not exceeding 400 miles, 20 cents; and for all distances exceeding 400 miles, 25 cents postage. This, he said, was in accordance with the recommendation of the Postmaster General.

Mr. SIMMONS suggested that considerably more revenue would be obtained by the department, if the rate of postage for carrying letters for thirty and forty miles was fixed at 10 cents, instead of 15 cents.

Mr. MERRICK said he could not, at this late day of the session, undertake to accept, or consent to the adoption, of any proposition in lieu of the responsible recommendations of the head of the department. It was too late in the session to undertake to prepare a system of measures different from that proposed in the amendment he had submitted. Considerable improvement would be effected by the passage of the bill, by conforming the rates of postage to the Federal coin. If the amendment suggested by the Senator was adopted, it would effect too great a reduction. He hoped it would not pass.

Mr. WRIGHT remarked that the bill, instead of proposing reduction in the rates of postage for distances now chargeable with 12½ cents postage, actually increased it from 12½ to 15 cents. He asked the chairman of the Post Office Committee whether he would have any objection to fixing the distance at 150 instead of 100 miles as chargeable with 10 cents postage.

Mr. MERRICK said it was impossible to do otherwise than as was proposed by his amendment. It was true there was an increase on the letters heretofore chargeable with 12½ cents postage—the postage on such letters was increased to 15 cents; but those now chargeable with 18¾ cents would be hereafter subject to 15 cents postage only. There was a diminution of the postage in the aggregate, though there was an increase in this particular.

Mr. WRIGHT, after a few remarks, moved to strike out 100, and insert 150; the effect of which would be, if adopted, to make all letters carried that distance chargeable with 10 cents postage only.

After a few remarks by Messrs. MERRICK, KING, and WRIGHT, the question was taken on the amendment proposed by the latter Senator, and disagreed to.

The question was then taken on the amendment proposed by the chairman of the Post Office Committee, [Mr. MERRICK,] and it was agreed to.

Mr. MERRICK moved another amendment, (which was agreed to,) striking out three, and inserting one cent for drop letters.

There being no further amendment proposed to the bill, it was reported to the Senate, and ordered to be engrossed for a third reading. This bill was subsequently read the third time and passed.

On motion by Mr. EVANS, the Senate then proceeded to consider, as in committee of the whole, the bill making appropriations for the fulfilment of treaty stipulations with the Indian tribes, and for the support of the Indian department for the half calendar year of 1843, and the fiscal year ending June 30, 1844.

Mr. EVANS moved to amend the bill, by reducing the appropriation for the fulfilment of the treaties with various tribes, for the fiscal year, from $757,675 to $749,065; which sum, he said, was amply sufficient.

The amendment was agreed to.

Mr. EVANS moved another amendment, which was understood to authorize the transfer of moneys, heretofore appropriated, from one head of appropriation to another. Mr. E. explained that this was rendered necessary to enable the department to settle the accounts of the disbursing officers. Those officers stood charged on the books of the department as defaulters, because they had, in the prosecution of the war in Florida, been compelled to take money appropriated to one specific object, and apply it to another object. They were not, in fact, indebted to the Government one cent; but if they should die, they would stand charged on the books of the department as defaulters. This amendment was, therefore, intended merely to give authority to the Secretary to transfer money from one head of appropriation to another, to enable the accounts of the officers to be closed up and balanced on the books.

Mr. WOODBURY remarked, that the only objection he had to this course was, that it was countenancing the application, by the disbursing officers, of more money to any object than was intended by Congress to be applied to such object. It was, in effect, giving the power of appropriation to the disbursing officers.

The amendment was agreed to; and the bill was reported to the Senate.

Mr. TAPPAN inquired whether there was any appropriation in the bill to satisfy the treaty stipulations with the Wyandot Indians.

Mr. EVANS replied, that there was no such appropriation in the bill, nor had any application been made for such an appropriation. It appeared, by the treaty with those Indians, that it was agreed that they should be paid, for their improvements on the land purchased from them, such an amount, on a fair valuation, as those improvements were worth. It was estimated at the department that the amount to satisfy the value of this property would not exceed $20,000. Appraisers were appointed to ascertain the value of the improvements; and, on an examination of some papers from the department, it appeared that the persons appointed to make the appraisements had returned appraisals to the amount of $125,000, instead of $20,000, as contemplated. The Commissioner of Indian Affairs had expressed his surprise at the valuation affixed to some of the property. Under the circumstances, he (Mr. E.) did not think it would be proper, without further investigation of the matter, to make any appropriation for the purpose.

Mr. TAPPAN remarked, that the Government had stipulated to pay whatever, on appraisement, the property was ascertained to be worth. He presumed the appraisers were some particular friends of the present Administration. If improper persons had been appointed as appraisers, and the appraisement was exorbitant, it was no fault of the other party to the agreement; and, whatever the amount of the valuation was, they were entitled to it by the stipulations of the treaty. It was no reason for withholding the appropriation from the Indians, because those appointed to protect the rights of the Government had returned an exorbitant valuation. All that was left the Government to do now, was, to make the appropriation. He therefore moved to amend the bill, by inserting the sum of $125,937 24, the amount of the appraisement.

Mr. WHITE of Indiana made some remarks, showing the exorbitant character of the valuation attached to some of the huts and fruit-trees by the appraisers.

Mr. EVANS remarked, that the land acquired

from those Indians, he believed, amounted to only about 20,000 acres; and he considered the amount of the valuation five times as great as it should have been.

Mr. ALLEN expressed himself in favor of the amendment.

Mr. TAPPAN demanded the yeas and nays on the amendment, which were ordered; and the question being put on agreeing to it, it was decided in the negative—yeas 12, nays 18.

The bill was then reported to the Senate; and the amendments of the committee being concurred in, it was ordered to be engrossed for a third reading. Subsequently, the bill was read the third time, and passed.

On motion by Mr. EVANS, the Senate took up, as in committee of the whole, the bill making appropriation for certain fortifications for the half calendar year of 1843, and for the fiscal year ending on the 30th June, 1844.

Mr. EVANS said no amendment had been proposed to this bill; that it did not appropriate the estimates of the department by one half.

Mr. SEVIER, after a few remarks in favor of an appropriation to repair and rebuild Fort Gibson, which he said had been estimated for, moved $25,000 for that purpose.

Mr. EVANS opposed this amendment; and

Mr. CRITTENDEN suggested that the appropriation was not called for, as the Secretary had stated that, in his opinion, the means of defence on that frontier were ample, and that there was not the least danger of any difficulty there.

Mr. SEVIER replied, showing the importance of the appropriations. The Legislature of his State, believing it of much importance, had instructed his colleague and himself to make an effort to procure an appropriation to strengthen the defences on the Arkansas frontier. He asked, if no danger was apprehended on that frontier, why was it that a whole regiment of troops had been placed there, without adequate barracks to protect them?

The question was then taken on the amendment proposed by the Senator from Arkansas, and rejected—ayes 15, noes 16.

Mr. SEVIER then proposed an amendment, appropriating $15,000 for repairing and rebuilding Fort Gibson.

The question was put on this amendment, and it was adopted.

The bill was then reported to the Senate. The amendments of the committee of the whole were concurred in, and the bill was ordered to be engrossed for a third reading. It was subsequently read the third time, and passed.

The bill for the relief of James S. Calhoun was read the third time, and passed.

Mr. BATES moved to postpone the previous orders, for the purpose of taking up the bill reviving the act of July, 1838, granting pensions to widows of revolutionary officers and soldiers.

The question was put on the motion, and it was disagreed to.

The bill of the Senate to limit the use and to correct the abuse of the franking privilege, was taken up as in committee of the whole.

Mr. MERRICK explained the provisions of the bill; when

Mr. MOREHEAD moved to lay the bill on the table.

Mr. MERRICK demanded the yeas and nays, which were ordered; and, being taken, were—yeas 25, nays 10.

So the bill was laid upon the table.

The bill relating to the application of the two per cent. fund of Mississippi having been returned from the House, with an amendment, was, on motion by Mr. WALKER, taken up; and the amendment was concurred in.

The bill for the relief of Mary W. Thompson, the widow of the late Lieut. Col. Thompson, of the army of the United States, was taken up as in committee of the whole; and, having been amended on the motion of Mr. EVANS, was reported to the Senate, and ordered to be engrossed for a third reading. It was, subsequently, read the third time, and passed.

On motion by Mr. EVANS, the bill making appropriations for the naval pensions for the half calendar year ending 30th June, 1843, and the fiscal year ending on 30th June, 1844, was taken up as in committee of the whole.

Mr. WILLIAMS moved to strike from the bill the clause appropriating some $16,000 for the payment of pensions to the widows and orphans under the act of the 3d of March, 1837. Mr. W. said this law was repealed in August, 1841, and he could not conceive by what right the Commissioner of Pensions still admitted cases under it. Congress had repealed the law; and if its act was thus disregarded, the only thing that it could do to make its act of repeal effectual, would be to withhold any appropriation for such pensions.

Mr. EVANS explained that the Committee of Ways and Means in the other House had called upon the Commissioner of Pensions to assign reasons why this appropriation was called for under an act which had been repealed by Congress. He informed the committee, that though the act of 1837 had been repealed, still rights which had been acquired under it prior to its repeal, could not be affected by such repeal. The department had so construed the matter, as to allow pensions to the time of the repeal to such persons as were entitled under the act of 1837. He said it merely involved a question of construction of law; and it was with Congress to determine whether the construction given by the Commissioner was the correct one.

Mr. WILLIAMS made some further remarks in opposition to the appropriation, which were not distinctly heard.

The question was then put on the amendment, and carried in the affirmative—ayes 16, noes not counted.

The bill was then reported to the Senate, and ordered to be engrossed for a third reading. The bill was subsequently read the third time, and passed.

The bill for the relief of Nancy Poleresky was taken up as in committee of the whole, and, after a few words by Messrs. EVANS, KING, BATES, and McDUFFIE, as to whether there was not a new principle involved in its provisions, and there being no proposition to amend the bill, it was reported to the Senate, and ordered to be engrossed for a third reading. The bill was subsequently read the third time, and passed.

Senate bill 55, for the relief of James Taylor, was taken up as in committee of the whole, on an adverse report of the Committee on Claims, and indefinitely postponed.

The following bills were then taken up as in committee of the whole, considered, reported to the Senate, and ordered to be engrossed for a third reading; and were subsequently read the third time, and passed:

The bill for the relief of Daniel G. Skinner, of Alabama;

The bill for the relief of John R. Williams.

DISTRICT BANKS.

The bill to extend the charters of the District banks came up next in order, as in committee of the whole.

Mr. ALLEN moved that it be indefinitely postponed, and on that motion demanded the yeas and nays; which were ordered.

Mr. MILLER said it was a matter of considerable interest to the District that the charters of these banks should be renewed.

Mr. ALLEN said this bill for many years in succession had given rise to considerable discussion, and he hoped it would not now be allowed to interfere with the business of the Senate.

Mr. MILLER observed that the charters would expire in July, 1844, and it was essential that they should know whether they were to have an extension of them. They would not be able to accommodate the public, if left in a state of uncertainty; and if they were admitted by gentlemen to be of any utility to the public at all, he hoped the bill would be at once acted upon.

Mr. TAPPAN said there were some provisions in the bill which they had not time to examine.

Mr. ALLEN contended that there was no necessity for rechartering these banks. He believed there were no petitions on the subject, and he did not believe it was desired by the public; if so, the bill could be passed at the next session.

Mr. ARCHER observed, that if the charters were certain to be renewed at the next session, he thought there could be no objection to renew them now. It would be a very advantageous thing for the community that they should have timely notice.

The question of indefinite postponement was decided in the negative—yeas 17, nays 26.

The bill was then taken up as in committee of the whole; when

Mr. KING moved to lay the bill on the table for the present, in order to proceed with other business. Upon this question the yeas and nays were ordered, and resulted—yeas 18, nays 28.

Mr. ALLEN then moved to amend the bill by adding the following proviso:

Provided, That the stockholders of each of said banks shall, from and after the taking effect of this act, be liable in their individual character and private property for all the issues made and other obligations contracted by said banks, respectively, in the same manner, and to the same extent in all respects, as are partners of unchartered copartnerships and firms for the obligations contracted by such copartnerships and firms.

Mr. A. proceeded to observe that the question of chartering banks was not a new one, and public opinion was almost unanimous upon the principle of making bank stockholders liable, severally, for the debts and liabilities of their banks. There had been sufficient opportunity during the early part of this session to bring forward this bill; but it had not been done, and it appeared evident to him that it was not intended that there should be any investigation into the affairs of these banks.

It was, he said, perfectly in accordance with one of the principles of bank tactics, to apply for a recharter at a time so near the end of the session as to make it impossible to enter into any investigation or debate upon the subject; and he put it to Senators, whether they were ready to say to the people, You shall trust these bank directors, although they refuse to be responsible. They refuse to have charters, unless they have with their charters the privilege of indiscriminate and illimitable plunder. The question had been frequently before the people, and he had never seen an assemblage of the sovereign people—the only power in this country which was incorruptible and undefiled—he had never seen such an assemblage in which (whatever their opinions upon other matters) there were not at least a hundred to one in favor of the proposition of individual liability. He desired the yeas and nays upon his motion.

Mr. MILLER hoped that this question was not to be again agitated. There had been no complaint made in reference to them; and he believed no reasonable objection could be urged against granting them an extension of their charters. He denied that the bill had been purposely kept back.

Mr. ALLEN asked why this bill should be pressed upon them now, when another long session was to intervene before the expiration of their charters. The welfare of the banks—the advantage, the interests of the banks,—these were the considerations which were to urge them forward; while popular opinion, rolling into this Capitol from every quarter, like a cataract, condemnatory of the principle of irresponsible banks, was to be totally disregarded. But he was told there were petitions in favor of rechartering these banks. Yes, petitions which had never been allowed to be read; petitions, of what nature no one knew. He would not go into the question of the general utility of banking. It was a momentous question—a question fraught with serious consequences to this country. He desired that it should come up at a time when a thorough and full discussion might be had upon it; and he could not consent to pass an act of this description, at a time when the public mind was so deeply drawn to an investigation of the great question of banking, until a thorough investigation of that subject could be had. The American mind would not submit much longer to be trifled with. There was a power in the people which they did not delegate; and that power would yet be manifested. They were disposed to suffer while evils were sufferable; but they had likewise a stern and resolute will to redeem themselves from bondage and oppression in every form.

Mr. CONRAD desired to know whether, upon the question of making individual stockholders re-

sponsible, it was in order to discuss the question of popular rights?

Mr. ALLEN contended that he was only following the practice which prevailed in that body.

Mr. MILLER regretted that the gentleman from Ohio had diverted his censures from the banks, and directed them against him. He intended that it should be shown to the public by whose instrumentality it was that the bill had been delayed. The gentleman had accused him of having brooded over this bill for a very long time; and yet the gentleman himself declared he was not prepared to act on the subject, but required a long session in which to discuss it. The gentleman had denounced all banks; did the people think with him? he would ask. No; the people stood by their contracts, and fulfilled them; it was the gentleman alone who was desirous of destroying them.

Mr. ALLEN said the Senator had set out with the assumption that it was his intention to cast a censure upon him for the performance of his duty. In this he was mistaken; but he must be permitted to speak, with the severity it deserved, of an attempt to obtain, for a period of ten years, a charter for these banks, without even the privilege of asking for the reasons upon which such an application was founded. He trusted Senators would join with him in giving a wholesome rebuke to those who were desirous of fastening upon the people of this District these banks, with all their imperfections on their heads, by their opposition to the passage of this bill.

Mr. WRIGHT appealed to the Senate, in consideration of the period of the session and the condition of the business, to permit this bill to be laid aside for the present, that the more pressing business might be proceeded with.

Mr. MILLER refused to accede to any postponement.

Mr. SIMMONS urged that the question should be taken upon the bill, without further debate.

Mr. BENTON observed that it had been the invariable custom to bring forward bills of this nature at so late a period of the session as to render it impossible to consider them maturely.

Mr. BARROW said, the course pursued by Senators on the other side, in relation to this bill, as well as to that which had been under consideration yesterday, convinced him that it was the duty of Senators on this [the Whig] side to let them know, once for all, that the business of the Senate would be proceeded with in the regular mode; and the responsibility of arresting the action of the Senate, if they persisted in doing so, would rest where it properly belonged.

Mr. WALKER. What, sir, has it come to this: that when a bill for chartering half a dozen banks at a time—and not merely for a single year, but for ten years—is under consideration, no amendment is to be offered, and no discussion permitted? I know the actual power, and the claim to power, on the part of the banks, is great indeed; but I certainly never expected to hear that, upon asking a charter from the representatives of the States and the people, when fair and proper amendments were offered, all discussion was to be suppressed, and the vote to be taken in silence. And I will say to the Senator from Louisiana, and others upon that side, that, if they have not been enlightened by the experience of the last five years—by the light which has been shed upon the subject of banking since the special session of 1841—they certainly stand alone among the mass of the people of the country. Within the last two or three years, we have had an experience upon this subject equal to the experience of centuries. Like the light which has been travelling from the more distant of the fixed stars, ever since the creation of the world, we are beginning to receive light upon this important subject.

One single word as regards the amendment. What is it? To render the stockholders individually responsible for the money they issue. They ask the privilege of making money, not by coining, but by stamping a money value upon paper. They ask the privilege of exercising this attribute of sovereignty, by making money out of that which has no intrinsic value, and for the redemption of which they are not responsible. What is the responsibility of these banks? A pretended amount of stock. But who knows how much stock is there in reality?—how much has been abstracted by losses, by peculation, and bank frauds? There may not be a dollar there. I do hope that an amendment of this kind, the justice of which is so plain and palpable, will be adopted.

The question upon the amendment was then taken, as follows:

YEAS—Messrs. Allen, Benton, Buchanan, Calhoun, Cuthbert, Henderson, King, McDuffie, McRoberts, Sturgeon, Tappan, Walker, Wilcox, Woodbury, Wright, and Young—16.

NAYS—Messrs. Archer, Barrow, Bayard, Berrien, Choate, Clayton, Conrad, Crafts, Crittenden, Dayton, Evans, Graham, Huntington, Kerr, Mangum, Miller, Morehead, Porter, Rives, Simmons, Smith of Indiana, Sprague, Tallmadge, White, and Woodbridge—25.

So the amendment was rejected.

Mr. BUCHANAN said he had an amendment to offer, and he desired the yeas and nays upon it. He thought the great evil of the banking system was, that, although all the States had determined that a suspension of specie payments should be a forfeiture of the charter, yet there was no efficient machinery provided by law to carry that forfeiture into effect. His object was to make it the duty of the law officer of the Government to proceed against such bank, without waiting for a formal complaint or information. He desired a vote upon this amendment by yeas and nays; for he believed the unanimity of the Senate, upon this point, would produce a great deal of good.

Mr. BUCHANAN'S amendment was read as follows:

That, if any of the said banks shall hereafter suspend specie payments, or refuse to pay on demand any of their notes, deposites, or other obligations, in specie, it shall be the duty of the district attorney for the District of Columbia, *ex officio*, to file a bill before the proper court, whose duty it shall be, upon legal proof of the fact, to decree the forfeiture of the charter of said defaulting bank, and place it in a state of liquidation, and wind up its affairs according to the rules and practice of a court of chancery; first paying out of the assets of each of the said banks, respectively, all the holders of their notes in preference to all other demands against them, and to apportion the remaining assets *pro rata* among all the other creditors.'

Upon this amendment the yeas and nays were taken, as follows:

YEAS—Messrs. Allen, Archer, Bagby, Barrow, Bayard, Benton, Berrien, Buchanan, Cheate, Clayton, Conrad, Crafts, Crittenden, Cuthbert, Dayton, Evans, Graham, Henderson, Huntington, Kerr, King, McDuffie, McRoberts, Mangum, Miller, Porter, Smith of Indiana, Sturgeon, Tappan, Walker, White, Williams, Woodbury, Wright, and Young—36.

NAY—Mr. Morehead—1.

Mr. BENTON then rose and said, as the bill had just been amended so as to prevent the banks from issuing their own suspended paper, yet, as that amendment did not prevent them from issuing the suspended paper of other banks, he would move an amendment which would embrace the latter.

Mr. BENTON'S amendment was read, as follows:

SEC. 3. *And be it further enacted*, That neither of the banks shall circulate or receive, pay out, or in any way use, any paper currency which is not equivalent to gold and silver coin; and all contracts and transactions founded on such suspended or depreciated notes or bills of suspended banks, and every violation of this section, shall be a violation of the charter of the bank, and a forfeiture thereof.

Mr. CRITTENDEN proposed a modification of the amendment, so as to make it read as follows:

SEC. 3. *And be it further enacted*, That neither of the banks shall circulate the notes or bills of suspended banks; and every violation of this section shall be a violation of the charter of the bank, and a forfeiture thereof.

Upon this question the yeas and nays were—

YEAS—Messrs. Archer, Barrow, Bates, Bayard, Conrad, Crafts, Crittenden, Dayton, Evans, Graham, Kerr, Mangum, Miller, Morehead, Porter, Simmons, Smith of Indiana, Sprague, Tallmadge, and Woodbridge—20.

NAYS—Messrs. Allen, Bagby, Benton, Buchanan, Cuthbert, McRoberts, Sturgeon, Tappan, Walker, Woodbury, and Wright—11.

The amendment as amended was concurred in; and upon the question of the engrossment of the bill, and ordering it for a third reading,

Mr. WRIGHT rose and called upon the chairman of the committee by whom the bill had been reported, to state how far the directors of these banks had complied with the provision of their former charters, which required that all loans to any president, cashier, or director, or any officer of the bank, to a greater amount than $10,000, should be regularly reduced at the rate of 25 per cent. annually.

Mr. MILLER replied that he knew nothing about it.

Mr. WRIGHT. Then all I have to say is, if we are called on to recharter these banks for a period of ten years, while the chairman of the committee who brought the bill before the Senate, and pressed its immediate passage, to the exclusion of all other business, and who has taken the whole session to investigate the matter, does not know whether a provision so important as this has been complied with, it is time for the Senate to hesitate; for I consider this one of the most material provisions for the purpose of reducing these institutions to a state of soundness.

Mr. BENTON then moved the following:

And be it further enacted, That the act for continuing the charters of said banks shall be null and void in every case in which any one of said banks shall not have complied with the terms, conditions, and provisions of the acts by which they have been heretofore continued.

Upon this amendment, the yeas and nays were taken, as follows:

YEAS—Messrs. Allen, Bagby, Benton, Cuthbert, King, Sturgeon, Tappan, Walker, Woodbury, Wright, and Young—11.

NAYS—Messrs. Archer, Barrow, Bates, Berrien, Crafts, Crittenden, Dayton, Evans, Graham, Huntington, Kerr, Mangum, Miller, Morehead, Porter, Simmons, Smith of Indiana, Sprague, Tallmadge, and Woodbridge—20.

So the amendment was rejected.

Upon the question of the engrossment of the bill, the yeas and nays were as follows:

YEAS—Messrs. Archer, Barrow, Bates, Bayard, Berrien, Crafts, Crittenden, Dayton, Evans, Graham, Huntington, Kerr, Mangum, Miller, Morehead, Porter. Sevier, Simmons, Smith of Indiana, Sprague, Tallmadge, and Woodbridge—22.

NAYS—Messrs. Allen, Bagby, Benton, Cuthbert, McRoberts, Sturgeon, Tappan, Walker, Woodbury, Wright, and Young—11.

The bill was accordingly ordered to be engrossed, and read a third time.

The bill for the relief of James S. Calhoun, having been returned from the House with an amendment to the amendment of the Senate, was taken up for consideration—the question being on concurring with the amendment of the House.

Mr. KING inquired what was the effect of the amendment.

Mr. GRAHAM said the effect of the amendment of the House was to restore the bill to what it was when it came from the House.

Mr. KING was entirely opposed to it; and he moved that the Senate insist on its amendment, and ask for a committee of conference.

Messrs. WRIGHT and WOODBURY were opposed to having any appropriating clause in the bill. They maintained that there was great impropriety in trusting any officer to make an award for consequential damages, as was proposed by this amendment of the House. It was right that Congress should see the award first, before appropriating money for it.

Some further debate was had on the bill, between Messrs. BERRIEN, KING, WRIGHT, and GRAHAM, on the impropriety of making a specific appropriation in this bill, when the Committee on Claims were unanimously opposed to it.

The Senate finally disagreed to the amendment of the House, and insisted on its own amendment; and,

On motion by Mr. BERRIEN, a committee of conference of three, on the part of the Senate, was authorized to be appointed by the Chair, to take into consideration the disagreeing votes of the two Houses.

The bill to amend the insolvent acts of the District of Columbia, having been returned from the House with an amendment, exempting females from the operation of the imprisonment portion of the insolvent law, was taken up, and the amendment was concurred in by the Senate.

Several House bills were read twice, and appropriately referred.

Mr. TAPPAN made some remarks on the propriety of first disposing of Senate bills to which no objection would arise. His suggestion, however, was not yielded to.

On motion by Mr. BERRIEN, the Committee on the Judiciary was discharged from the further consideration of House bill directing the running of the northern line of the reserve of the half-breed Sac and Fox tribe of Indians, by the treaty of the 4th of August, 1824.

Mr. B. also made a report from the Committee on the Judiciary, touching the title of the First Municipality of New Orleans to a lot of land in that city: ordered to be printed.

Senate bill granting a pension to David Welch, and the bill for the relief of Robert P. Lewis, were taken up as in committee of the whole, considered, reported to the Senate, and ordered to be engrossed for a third reading.

CUMBERLAND ROAD BILL.

The bill making appropriations to continue the Cumberland road was called, in its order on the calendar, at five o'clock in the evening.

Mr. SMITH of Indiana said he had not charge of the bill; but he was very anxious that the bill should be passed. This was the first time it had been called, and it was impossible to get it taken up out of its order. He exceedingly regretted that the period was so late. This was the last day at which bills of the Senate could be sent to the House; and it was suggested that the House had adjourned. He said that the rules might be suspended to-morrow, to send the bill to the House, if it could be passed. He assured Senators that the appropriations for the road would be pressed until the work was completed.

Several Senators suggested that, at this late period, it would be useless to proceed with the bill, as it would lead to debate, and defeat the whole calendar; and could not be acted upon in the House, if it were passed.

The bill, on motion, was then laid on the table.

House bill, making appropriations to carry into effect the Ashburton treaty, was read twice, and referred to the Committee on Foreign Relations.

On motion by Mr. BAYARD, the Senate then proceeded to the consideration of the special orders.

Senate bill, providing for the publication of the debates and proceedings of Congress, (about which there was so much discussion on yesterday,) being the first on the list of the special orders, was, on the motion of Mr. WOODBRIDGE, passed over informally. He presumed the Senate had no disposition to continue the discussion upon it. It might, therefore, be considered as having been consigned to the tomb of the Capulets.

The bill to refund to Massachusetts the balance due her for disbursements during the late war with Great Britain, came up, as in committee of the whole, on an adverse report of the Committee on Military Affairs.

Mr. CRITTENDEN moved to amend the bill, by reducing the amount of appropriation in it from $272,716 to $227,176 48.

Mr. C. then explained the propriety of the amendment; and trusted, after its adoption, no objection would be made to the bill. The bill merely allowed to Massachusetts, on the same principle that allowances had been made to other States for like services.

Mr. BENTON said no allowance had been made to other States on the principle involved in this bill.

Mr. TAPPAN made some remarks against the bill; in the course of which, he alluded to the refusal of Massachusetts, during the war, when our soil was invaded, to permit her militia to muster into the service of the United States. He maintained that (with the exception of the claims for compensating the heirs of the traitor Hull for the surrender of our soil and our army) there never was a more iniquitous claim before Congress. It was as absurd and wicked as the Hull claim.

Mr. CRITTENDEN made an appeal to gentlemen not to recur to them, but to permit the little aberrations from the straight line of duty of the old Bay State to be buried in oblivion. He admitted that she acted improperly; [but her course was attributable rather to the heat of party than to a want of patriotism. He maintained that other States had been paid upon the very principles of this bill, for the services of their militia; and instanced the State of Connecticut.

Mr. WRIGHT made some remarks against the bill. He recurred to the scenes which agitated the country at the time Massachusetts refused to permit her militia to be mustered into the service of the United States; after a review of which, he said he could not vote that State a dollar.

Mr. BATES defended his State from the aspersions which had been cast upon it. He contended that Massachusetts was entitled to the balance provided for in the bill, unless the law-makers intended to become the law-breakers. He contended that Connecticut and Rhode Island had been paid for disbursements made during the war, on the very principle which was involved in this bill; and, unless it was intended to make Massachusetts an exception, she should be allowed the balance due her forthwith.

Mr. ALLEN spoke at some length against the bill, urging that, if it was passed, it would be justifying and rewarding a revolt against the Union by a part of the Union—a revolt, too, in favor of a foreign enemy; for all who, in times of such peril, refused to fight for their country, took sides with the enemies of their country. Such was, in effect, the course of Massachusetts during the war. He hoped the bill would not pass.

Mr. WOODBURY appealed to the Senators on the opposite side not to press this bill, to the exclusion of so many important bills on the calendar. If they persisted in such course, he had an amendment to propose to it, to pay the claims of New Hampshire.

Some conversational debate took place here, between Messrs. EVANS, WOODBURY, CRITTENDEN, and BATES, as to the claims of New Hampshire, and as to the understanding, in the early part of the night, that, if this bill gave rise to debate, it would be laid over. The matter was terminated, however, by the bill being reported to the Senate. The amendment of the committee of the whole was concurred in, and the bill was ordered to be engrossed for a third reading.

On motion by Mr. ARCHER, the Senate, at half past 8 o'clock, proceeded to the consideration of executive business; and, after some time spent therein, adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, February 28, 1843.

Mr. H. DODGE presented a petition from the inhabitants of the town of Rochester and vicinity, Racine county, Territory of Wisconsin, asking Congress to establish a tri-weekly mail from the town of Racine, passing Rochester, to the town of East Troy, in Walworth county.

Also, presented the petition of the inhabitants of East Troy, Walworth county, Territory of Wisconsin, asking Congress to establish a tri-weekly mail from the town of Racine, by the town of Rochester, to the town of East Troy, to intersect the Milwaukie and Janesville route.

Mr. PAYNE presented the petition of sundry citizens of Alabama, asking the establishment of a mail route from Linden, Alabama, to Almuche, in Marion county Mississippi: referred to the Committee on the Post Office and Post Roads.

Mr. LITTLEFIELD of Maine offered the following resolution; which was adopted:

Resolved, That, during the remainder of the present session, the House will meet at 10 o'clock, a. m.

The following bills from the Senate were severally read twice, and referred:

The bill regulating the currency of foreign gold and silver coins in the United States.

The bill to continue in force the act for the final adjustment of private land claims in Missouri, approved 9th July, 1832; and the act supplemental thereto, approved 2d March, 1833.

The bill fixing the value of certain foreign money in accounts and computation at the custom-houses.

The bill to revive the act entitled "An act to enable claimants to land within the limits of Missouri, and the Territory of Arkansas, to institute proceedings to try the validity of their claims," approved 26th May, 1824; and an act amending the same, and extending the provisions of said act to claimants to land within the States of Louisiana and Mississippi: referred to the Committee on Private Land Claims.

The bill to apply certain alternate sections of the public domain towards the completion of works of internal improvement in the State of Michigan, and for other purposes: referred to the Committee on Public Lands.

The bill amending the laws regulating imprisonment for debt in the District of Columbia: referred to the District Committee.

The bill to extend the Patent Office to 9th street: referred to the Committee on the Public Buildings.

The bill for the relief of Joseph Bryan, H. Young, and Benjamin Young: referred to the Committee on Indian Affairs.

The bill for the relief of Richard Patten: referred to the Committee on Naval Affairs.

The bill to repeal certain parts of an act entitled "An act respecting the organization of the army, and for other purposes," passed 23d August, 1842: referred to the Committee on Military Affairs.

The bill declaring Robbinston, in the State of Maine, to be a port of delivery: referred to the Committee on Commerce.

The bill to permit the entry of merchandise recovered from shipwreck, in certain cases, free of duty: referred to the Committee of Ways and Means.

The bill for the relief of Charles M. Keller: referred to the Committee on Patents.

The bill from the Senate entitled "An act to amend an act entitled 'An act to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union, upon the conditions therein expressed,' approved June 15th, 1836"—

Having been read a second time, Mr. HOWARD moved that it be referred to the Committee on Public Lands.

Mr. DODGE of Wisconsin resisted the motion. He moved that the reference be to the Committee on Territories. Mr. D. stated that, although the title of the bill did not imply, and the House might not know, it was, nevertheless, a bill relating to the disputed boundary between the Territory of Wisconsin and the State of Michigan; and, as such, there was no propriety in its going to the Committee on the Public Lands. It should most unquestionably go either to the Committee on the Judiciary, or that of Territories. He (Mr. D.) preferred the latter.

The question was then taken on Mr. HOWARD's motion, and it was rejected.

It then recurred on the motion of Mr. DODGE, and the bill was referred to the Committee on the Territories.

The House bill for the relief of James S. Calhoun, returned from the Senate with an amendment, was read, and, together with the Senate's amendment, referred to the Committee of Claims.

Mr. BARTON, from the Committee of Claims, reported a resolution directing the Secretary of War to report to the House, at the next session of Congress, certain information in regard to the services of such of the Florida militia as have not been paid for the same: adopted.

Mr. BURKE presented certain resolutions of the Legislature of New Hampshire; which were laid on the table, and ordered to be printed.

Mr. COWEN, from the Committee of Claims, presented a resolution referring the claim of Joseph Nock to the Secretary of the Treasury, to consider and report thereon.

COMMERCIAL AGENT IN AFRICA.

Mr. JOHN P. KENNEDY, from the Committee on Commerce, to whom had been referred, at the last session, the memorial of the general convention of the friends of African colonization, made a report, accompanied by a joint resolution, providing for the appointment of a commercial agent to reside on the coast of Africa.

The resolution having been read and referred,

Mr. KENNEDY moved the printing of the report, and the engraving of the accompanying map.

Mr. ADAMS wished to inquire of the chairman of the Committee on Commerce whether the committee had been informed that any question had been made or settled by the Government whether these colonies, so called, were colonies of the United States.

Mr. JOHN P. KENNEDY replied that the proposition submitted in this report presented an inquiry into this question—what were the relations of these colonies to the Government of the United States? The committee had expressed no opinion on the subject, but proposed to refer it to the Secretary of State, to report to the House what the re-

lations of these colonies were, and what they ought to be, to the United States.

Mr. ADAMS expressed a wish to have an extra number of copies of the report printed; and he was happy to hear that the question was to be discussed in the Congress of the United States.

Mr. CAVE JOHNSON objected to the printing of the map, on the ground of the abuses that had heretofore existed in this description of work; but, on being assured by Mr. KENNEDY that the cost would not be over one hundred dollars, withdrew his objection, with the understanding that the motion should be so modified as to direct the engraving, provided it could be done for that sum.

Mr. KENNEDY having accordingly modified his motion,

Mr. BUTLER of South Carolina moved to lay it on the table; which motion was rejected.

The question on printing was then taken and carried.

Mr. KENNEDY then gave notice of his intention to move the printing of three thousand extra copies.

Mr. RAYNER, from the Committee on Commerce, reported a bill for the relief of Ferguson & Read; which was twice read, and referred.

Mr. WILLIAMS of Connecticut, from the same committee, reported a bill to establish a port of delivery at the city of Lafayette, Louisiana; which was read three times, and passed.

ARMY BILL.

Mr. ALLEN, from the Committee of Conference, appointed on the disagreeing votes of the two Houses on the amendments of the Senate to the army bill, reported that the joint committee had agreed to recommend to the House to recede from its disagreement to the amendments of the Senate, and that said amendments be adopted.

GUN CARRIAGES.

Mr. B. RANDALL submitted a resolution, that the Secretary of the Navy report to the House, at the next session, a statement showing the improvement in gun-carriages made by Lieutenant J. G. Van Brunt: adopted.

MARINE HOSPITALS.

Mr. SHERLOCK J. ANDREWS, from the Committee on Commerce, reported a bill making an appropriation for the construction of marine hospitals on the Western waters: read twice, and referred.

LAW AGENT IN FLORIDA.

Mr. CHAPMAN, from the Committee on Public Lands, reported a bill providing for the appointment of a law agent in Florida: which was read twice, and referred.

On motion by Mr. BRONSON,

The Committee of the Whole was discharged from the further consideration of the bill from the Senate, in relation to the two per cent. fund of the State of Mississippi; and the same having been taken up in the House, was ordered to be engrossed, and then read the third time and passed.

Mr. JACOB THOMPSON, from the Committee on Public Lands, to whom had been referred the bill from the Senate in relation to donations of lands to certain persons in Arkansas, and the Senate bill for the relief of John Hutchins, reported them severally without amendment.

Mr. HOWARD, from the same committee, to which had been referred the bill from the Senate supplementary to the act entitled "An act to settle titles to lands in Arkansas," reported the same without amendment.

Mr. MORROW, from the Committee on Public Lands, moved to discharge the Committee of the Whole from the further consideration of the bill to provide for the sale of certain lands in the States of Ohio and Michigan, ceded by the Wyandot Indians; and the same being taken up in the House, was ordered to be engrossed, and then read the third time and passed.

Mr. BRIGGS, from the Committee on the Post Office and Post Roads, reported a joint resolution to authorize the Postmaster General to settle and allow certain accounts of J. and P. Voorhees.

It was read three times, and passed.

Mr. BARNARD, from the Committee on the Judiciary, to which was referred the petition of the western judicial district of Virginia, and the petition of the members of the bar in said district, praying an increase of salary of their district judge, reported that the committee had agreed to recommend an increase of $200, and instructed him to move the same as an amendment to the bill now pending before the House, to regulate and fix the salaries of district judges, when said bill should be before the House for its action.

He also moved that the committee be discharged from the further consideration of various papers; which was agreed to.

Mr. SAUNDERS, from the same committee, reported Senate bill for the relief of certain inhabitants of Florida, with a substitute for the entire bill.

On the motion of Mr. ADAMS, the bill was laid on the table.

Mr. C. J. INGERSOLL, from the same committee, reported, without amendment, a Senate bill, the title of which was not heard.

Mr. M. BROWN, from the same committee, reported a bill to change the times of holding the circuit and district courts for the district of East Tennessee; which was read three times, and passed.

Mr. CROSS, from the Committee on Private Land Claims, reported a bill for the relief of the legal representatives of John Baker, deceased; which was read twice, and committed.

Mr. DEBERRY, from the Committee on Agriculture, made several unfavorable reports; amongst others, one on the memorial of M. R. Bartlett.

Mr. MOORE, from the Committee on Private Land Claims, reported a Senate bill; and, on his motion, the committee was discharged from the further consideration of various papers.

Mr. J. R. INGERSOLL, from the Committee of Ways and Means, reported Senate bill for the relief of the West Feliciana Railroad Company; which, on his motion, was laid on the table.

On motion of Mr. M. BROWN, the Committee on the Judiciary was discharged from the further consideration of the memorial of the Legislature of the Territory of Iowa, for an increase of the jurisdiction of justices of the peace in actions of debt, to a sum not exceeding $100.

Mr. PENDLETON, from the Military Committee, asked the House to take up the bill to divide the United States into two military districts.

Mr. J. COOPER objected to its being taken up out of order.

Mr. C. H. WILLIAMS hoped the House would discharge the Committee of the Whole from that bill; it involved no principle, being simply an act of justice; and he promised, if the House would take it up, that he would move the previous question.

Some conversation ensued, and ultimately Mr. C. H. WILLIAMS moved a suspension of the rules; but, on a division taken by tellers, the vote was 88 in the affirmative, and 47 in the negative—the motion was therefore lost; the majority being less than two-thirds.

Mr. BURNELL, from the Committee on Naval Affairs, reported a bill for the relief of Lewis C. Sartori; which was read twice, and committed to the Committee of the Whole. He also moved that the same committee be discharged from the case of Purser Wm. Speiden; which was agreed to.

Mr. ADAMS, from the Committee on Foreign Affairs, by direction of the committee, asked to be discharged from the further consideration of certain resolutions of the Legislature of Alabama, in favor of the annexation of Texas to this Union.

He also, as an individual member of the committee, desired to offer a resolution on that subject.

Mr. WISE objected to the reception of the resolution, and it was not received.

Mr. TALIAFERRO, from the Committee on Revolutionary Pensions, reported a bill for the relief of Mary Ann Linton; which was read twice, and committed.

He also obtained the discharge of the committee from a large mass of papers.

Mr. McKENNAN, from the Committee on Roads and Canals, reported a bill to authorize the Secretary of War to direct experiments to be made to test the practicability and utility of J. W. Kirk's Mississippi boat-fender, and making an appropriation of $1,000 for that purpose.

It was read twice, and Mr. McKENNAN moved that it be put upon its passage, instead of being committed.

Mr. W. SMITH objected.

Mr. McKENNAN moved a suspension of the rules.

Mr. SMITH of Virginia strenuously objected to the motion, and said, if the course pursued by many gentlemen was persisted in, we should have expenditures for experiments of every humbug that could be thought of.

Mr. ADAMS moved to lay the motion to suspend the rules on the table, and asked for the yeas and nays; which were ordered, on a count by tellers.

Mr. McKENNAN then said he did not desire to consume the time of the House, and would, therefore, withdraw his motion to suspend the rules, and move that the matter be referred to the Committee of the Whole on the state of the Union. The motion was agreed to.

Mr. SLEENROD, from the Committee on Roads and Canals, reported a bill for the completion of the Cumberland road east of the State of Ohio; which was read twice, and referred to the Committee of the Whole on the state of the Union.

Mr. BOARDMAN, from the Committee on Public Buildings, reported a bill to provide for the erection of two buildings for the accommodation of the War and Navy Departments: read twice, and referred to the Committee of the Whole.

Mr. YORKE offered a resolution, which was adopted, calling upon the Secretary of the Navy to report to Congress the number of persons who were attached to the Florida squadron, according to the plan of Lieut. McLaughlin, from 9th October, 1841, to 9th October, 1842.

THE ARMY BILL.

Mr. ALLEN moved that the report of the Conference Committee on the army bill be taken up, and passed upon.

The motion was agreed to, and the report of the committee read.

Mr. CAVE JOHNSON inquired what was the effect of the conference.

Mr. ALLEN replied that the House committee had receded from the disagreement of the House to the Senate amendment, adding ten cadets to be taken at large.

Mr. CAVE JOHNSON hoped that the House would not agree with the committee in their recommendation to recede. He was for bringing down this academy.

Mr. ALLEN explained the reasons which had induced the Committee of Conference to agree to add ten cadets to be taken at large. They viewed it as a matter of common justice to those army and navy officers whose sons would be excluded by the fact that they did not happen to reside permanently in any one congressional district.

Mr. STANLY hoped that the report would be agreed to, and the power given to the President to appoint the ten additional cadets.

Mr. ADAMS urged, as a reason for adopting the report of the conference committee, that, in case of its rejection, the whole army bill might be lost.

Mr. EVERETT advocated, and Mr. CALHOUN opposed, the report of the conference committee.

Mr. FILLMORE moved the previous question; which was sustained; and the conference report agreed to by the House—ayes 88, noes 52.

Mr. L. W. ANDREWS, from the Committee on Revolutionary Pensions, made an adverse report.

Mr. TILLINGHAST, from the Committee on the Library, reported a resolution authorizing the Clerk of the House to purchase for the Library of Congress so many sets of the Laws of the United States as might be necessary to complete the sets now in the Library.

Mr. CAVE JOHNSON said that this resolution involved a large and useless appropriation, and therefore he moved that it be referred to the Committee of the Whole.

The SPEAKER decided that it would not be necessary for the resolution to go to the Committee of the Whole.

Mr. CAVE JOHNSON moved that the resolution be laid on the table.

This motion was agreed to—ayes 77, noes not counted.

IMPRISONMENT FOR DEBT.

Mr. UNDERWOOD, from the Committee for the District of Columbia, reported, without amendment, the bill from the Senate amending the laws regulating imprisonment for debt in the District of Columbia.

The bill was taken up and read.

Mr. HOLMES offered an amendment, providing that no female shall be imprisoned on mesne or final process.

Mr. CAVE JOHNSON suggested to the gentleman from South Carolina that this amendment involved the necessity of sending the bill back to the Senate, and it might be thus lost. He thought the gentleman had better reserve his amendment for the House bill to abolish imprisonment for debt.

Mr. HOPKINS had no idea that the bill named by the gentleman from Tennessee could be reached at this period of the session. He thought the gentleman from South Carolina had better persist in his amendment, and on it he would move the previous question.

The amendment was then, under the operation of the previous question, agreed to.

Mr. CAVE JOHNSON suggested to the gentleman from Kentucky [Mr. UNDERWOOD] to call up his bill to abolish imprisonment for debt in the District of Columbia.

Mr. UNDERWOOD accordingly moved to take up that bill.

Mr. FILLMORE appealed to the gentleman to let the general appropriation bill, on which the previous question had been moved, be passed, and sent to the Senate.

Mr. UNDERWOOD renewed his motion to take up the bill to abolish imprisonment for debt in the District of Columbia; but

Mr. FILLMORE insisting on giving the preference to the general appropriation bill, that bill, being the first business in order, was taken up; and the previous question being seconded, and the main question ordered,

The first question was stated by the Chair to be the amendment made by the gentleman from New Jersey, [Mr. AYCRIGG.]

[The amendment, in substance, provides that the further prosecution of the coast survey shall be discontinued; and that $10,000 be appropriated to enable Mr. Hassler and his assistants to reduce to paper the notes now on hand, which were taken in the field during the last summer; and that a report should be made to Congress at the next session, containing a plan for carrying on the work in future.]

Mr. WISE objected that the amendment was not in order; but,

The SPEAKER overruling the objection,

Mr. AYCRIGG called for the yeas and nays, which were ordered; and, on taking the question, resulted in yeas 75, nays 107; thus rejecting the amendment.

The Clerk then read all the amendments which had been made in Committee of the Whole; which were concurred in, with some exceptions, which were reserved for the action of the House.

The first amendment to which exception was made, was the item appropriating $3,000 for a commissioner to the Sandwich Islands.

Mr. RAYNER made the objection, and called for the yeas and nays thereon; but they were not ordered. He then called for tellers, and they were ordered, and Messrs. READ and JAMES were appointed. The amendment was concurred in—86 voting in the affirmative, and 38 in the negative.

The next amendment to which objection was made, was that making an appropriation for an agent to make inquiries respecting the communication between the Atlantic and the Pacific oceans by the Isthmus of Darien.

Mr. FILLMORE called for tellers, and Messrs. LINN and MEDILL were appointed, and reported 25 in the affirmative, and 100 in the negative; so the amendment was not concurred in.

The next amendment to which objection had been made, was the proviso introduced by Mr. BOTTS, to prevent the payment of any sum appropriated by items under the head of "foreign intercourse," for salaries or outfits of any minister, chargé des affaires, or other foreign representatives, appointed to any post now vacant, or that may become vacant during the present session of Congress, unless such appointment shall be made by and with the advice and consent of the Senate.

Mr. W. SMITH called for tellers.

Mr. McCLELLAN of New York called for the yeas and nays, and they were ordered.

The amendment was rejected—yeas 60, nays 101, as follows:

YEAS—Messrs. Landaff W. Andrews, Arnold, Babcock, Birdseye, Blair, Boardman, Bronson, Milton Brown, William B. Campbell, Thomas J. Campbell, Caruthers, Casey, Chittenden, James Cooper, Cowen, Cranston, Cravens, Crawford, G. Davis, John Edwards, Fessenden, Fillmore, Gamble, P. G. Goode, Graham, Howard, Hudson, J. R. Ingersoll, James, John P. Kennedy, King, Linn, McKennan, Samson Mason, Mattocks, Maxwell, Maynard, Meriwether, Mitchell, Moore, Morgan, Osborne, Owsley, Pearce, Pendleton, Powell, Rayner, Ridgway, Slade, Stanly, Stratton, John T. Stuart, Summers, Toland, Underwood, Van Rensselaer, Wallace, Washington, Joseph L. Williams, and John Young—60.

NAYS—Messrs. Adams, Allen, Sherlock J. Andrews, Arrington, Barton, Beeson, Bidlack, Borden, Bowne, Brewster, Aaron V. Brown, C. Brown, Burke, Burnell, Wm. Butler, Patrick C. Caldwell, Calhoun, Cary, Chapman, Coles, Mark A. Cooper, Cross, Cushing, Daniel, Richard D. Davis, Dean, Deberry, Doig, John C. Edwards, Ferris, John G. Floyd, Chas. A. Floyd, Fornance, Gates, Gerry, Giddings, Gilmer, William O. Goode, Gordon, Granger, Gwin, Hall, Harris, Henry, Holmes, Hopkins, Houck, Houston, Hubard, Hunter, Charles J. Ingersoll, William W. Irwin, Cave Johnson, John W. Jones, Isaac D. Jones, Littlefield, Lowell, Abraham McClellan, Robert McClellan, McKay, McKeon, Mallory, Marchand, Alfred Marshall, John Thomson Mason, Medill, Morrow, Newhard, Parmenter, Pickens, Plumer, Pope, Proffit, Read, Reading, Rencher, Reynolds, Riggs, Rodney, Wm. Russell, James M. Russell, Saltonstall, Sanford, Saunders, Sewell, Shaw, Shepperd, Shields, Wm. Smith, Snyder, Steenrod, Stokely, Sumter, Jacob Thompson, Tomlinson, Trotti, Turney, Van Buren, Ward, Westbrook, Winthrop, Wise, and Wood—101.

The several amendments adopted in Committee of the Whole on the recommendation of the Committee on Public Buildings, were then adopted.

All of the amendments having been passed upon, the bill was ordered to its engrossment.

It was then read a third time, and passed.

Mr. C. H. WILLIAMS called up his motion to discharge the Committee of the Whole from the further consideration of the bill to divide the United States into two military districts. It was put, and agreed to, (as the reporter understood, amid the general noise in the hall.

Several gentlemen gave notice of their intention to submit motions to take up particular bills in Committee of the Whole.

EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House a number of executive communications, viz:

A message from the President of the United States, transmitting certain correspondence between the Department of State and the Spanish minister to this Government: referred to the Committee on Foreign Affairs, and ordered to be printed.

A communication from the Navy Department, transmitting statistics in relation to the expenditures of that department for stationery and job printing: laid on the table, and ordered to be printed.

A communication from the Treasury Department, stating the number and compensation of officers of the customs: laid on the table, and ordered to be printed.

A communication from the Treasury Department, in answer to the resolution of the 6th of August, calling for a statement of the accounts of navy officers: laid on the table, and ordered to be printed.

A communication from the Treasury Department, in answer to the call for information in relation to the pay, &c., of the commissioners of the loan: laid on the table, and ordered to be printed.

A communication from the Treasury Department, transmitting, in accordance with acts of Congress, a list and statement of unsettled accounts in that department: laid on the table, and ordered to be printed.

AMOS KENDALL.

The SPEAKER asked leave to submit the resolutions of the State of Maine, in favor of a release of Amos Kendall, late Postmaster General of the United States, from the judgment given against him by the court of the District of Columbia.

The resolutions were laid on the table, and ordered to be printed.

PRE-EMPTION RIGHTS.

Mr. CHAPMAN asked the favor of the House to take up and pass the bill "explanatory of an act granting pre-emption rights to certain settlers on the public lands."

The bill was read through; and having been ordered to its engrossment, was read a third time, and passed.

On motion by Mr. CUSHING, the House resolved itself into Committee of the Whole, (Mr. SUMMERS of Virginia in the chair.)

Mr. CUSHING then moved to take up the bill to carry into effect the treaty of Washington.

Mr. BRIGGS moved to take up the Post Office bill.

Mr. KENNEDY of Maryland moved to take up the warehousing bill.

Mr. WINTHROP moved to take up the light-house bill.

The question was first taken on Mr. CUSHING's motion, and it was carried.

TREATY OF WASHINGTON.

So the committee agreed to take up the bill providing for carrying into effect the treaty of Washington; and, the bill having been read,

Mr. McKEON said he was aware that this was about the last chance that the House had to send bills to the Senate, and that the time of the House ought not to be unnecessarily taken up. His intention, therefore, was to express to the committee, in the most concise manner, his objections to the treaty, and his reasons for voting against carrying it into effect.

His first objection to the treaty made during the last summer, was, that while it was contemplated throughout the whole country that it should be the settlement of all the important questions of dispute between the two countries, yet that treaty left open and unsettled the most important of them. If gentlemen would refer to the State papers laid on the table yesterday, and which had not yet met the public eye, they would find that Mr. Everett was informed by the British minister that Lord Ashburton would go to the United States prepared to settle all the questions of dispute between us and Great Britain. He would not enumerate all the unsettled questions, but it was well known that several yet remained open. Unfortunately, that treaty left open an important question, which one of its articles (the 8th) was supposed to settle; and it would be remembered that this (one of the most serious objections to that treaty) had become realized by the construction the British Government has put on it. He referred to the claim of the right of visitation set up by Great Britain, and which had always been opposed in the United States.

If gentlemen would refer to the last despatch of the President of the United States, they would find that this question remains as it did years ago; and from the want of information to Congress on the subject, one would suppose that no correspondence in relation to it had taken place. It seemed that this 8th article of the treaty had been inserted without a particle of explanation; and this became the more remarkable, as this question had, since 1815, been seriously agitated, not only in the United States, but in Europe. The British archives were crowded with documents from the different powers of Europe, endeavoring to effect arrangements with Great Britain on the subject. The House might be surprised at his now raising objections to this treaty, considering that it had become the law of the land. But on this he started no new doctrine; he only made the same objections as were made by the republicans of that day to Jay's treaty. Like that celebrated treaty, this one had been condemned by the voice of the whole country. And here he must be permitted to express the hope that this treaty would not be called the treaty of Washington. He hoped the name of Washington, who had so emphatically warned his countrymen against entangling alliances with foreign powers, would not be associated with this treaty; but that

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Continued from No 23.

it should be either called the Ashburton treaty, or called after the American negotiator, who had proved himself, on this occasion, as well as during the last war, a British advocate.

Since the last war, the British Government had been assiduously endeavoring to extend their naval power, and to acquire the right to superintend the police of the seas. The first pretext they seized on to extend this power, was that of the suppression of the slave-trade. Here Mr. M. adverted to the negotiations of the British Government at the congress of Vienna—the quintuple treaty—and the treaty with France on the subject; and read various passages from the correspondence between the French and British Governments, as well as the correspondence of our Secretaries of State, (Mr. Van Buren and Mr. Forsyth,) commenting on them as he proceeded.

He further quoted the language of Sir Robert Peel, in the British Parliament, to show the extent of British assumption on this subject; and next, the opinion of Lord Stowell on the law of nations, as applicable thereto. He likewise quoted from the writings of Governor Cass, while minister of the United States to France, to show the American view of the question; and concluded with some remarks strongly in opposition to the insulting claim set up by Great Britain, and in exposure of her tyrannical proceedings in China, Affghanistan, and other portions of the world; while she was avowedly the champion of humanity, and when undertaking to be the high sheriff of the seas, and to visit and search American ships.

Mr. CUSHING rose to present, very briefly, his views of the controversy which had sprung up between the Governments of Great Britain and the United States, respecting the construction of the 8th article of the treaty of Washington; and he thanked Heaven that, as a member of the Congress of the United States, he could rise to sustain and defend the construction of that treaty as given by the Chief Magistrate of this Union, in opposition to that of the Prime Minister of an adversary foreign nation, and in maintenance of the honor and interests of the United States. He then proceeded to divest the question of extraneous interpretations, and applied to it the law of nations, as laid down by Lord Stowell; and went on to assert that this assumed right of search was first asserted in a despatch of the Duke of Wellington, addressed to the Prince Talleyrand.

On the despatch of Lord Aberdeen, in October, 1841; on his despatch of the 20th December, 1841; on his recent despatch, laid before the House on yesterday; and on the speech of Sir Robert Peel, which he took to be a prepared exposition of the views of the British Government—he assumed that all pretext for any right of search was removed, with the exception of what was conceded by the treaty. He would remark, (and called the attention of the committee to the fact,) that the negotiations and the legislation of England with regard to the right of search went hand in hand. There were two remarkable facts, to which he would call the attention of the country, in the progress of the parallel system of negotiation and legislation pursued by England. The first was the act of Parliament in 1839, giving to British cruisers unlimited authority to detain and search all vessels suspected in any manner of being engaged in the slave-trade. Alongside of this act of Parliament he placed the quintuple treaty, a copy of which he had made, and should embody in his speech when it should be written out at length. Both the act of Parliament and the quintuple treaty contained the same provisions, *totidem verbis*.

Now, he would call the attention of the country to the fact, that, let Sir Robert Peel contend for any construction he pleased of the treaty of Washington, a step was thereby made on the part of the United States, in advance of all other powers, on the subject of the reciprocal right of search. The United States, instead of agreeing to a reciprocal right of search, had substituted for it concerted cruising. He contended that the point which was gained by the United States in the treaty of Washington had had the effect of rolling back English negotiations in Europe. Had not the treaty of Washington been adopted—had the United States conceded the idea of a reciprocal right of search, the practical effect would have been, that the reciprocal right of search would have become interpolated in the law of nations. The United States prevented that consummation. What, he asked, remained? In the message of the President, one view of the treaty was assumed, and in the speech of Sir Robert Peel another. Sir Robert Peel conceded all that was asked in regard to the belligerent right of search, and also as regards the conventional or reciprocal right of search; but said there was a right to *visit*, distinct from the right of search, which he declared would be assumed and exercised.

Now, the question he proposed to inquire into was this: Was there such a thing as the right to visit, distinct from the right of search? In all the books on international law—books written generally upon the continent of Europe—the right was always expressed in these terms, "*droit de visite*." This was the only expression on the subject. Now, there was a right of visiting ships, exercised under the sanatory laws of our country; also, a right to visit, exercised under our revenue laws. But these were municipal rights of visit—not the right to visit upon the unappropriated parts of the ocean, covering a large space of the globe.

Sir R. Peel assumed that a cruiser had the right to visit vessels on the high seas, to see if the flag it puts out is the right flag. Now, suppose, according to this doctrine, a British cruiser should meet a vessel bearing the flag of the United States. The commander goes on board and challenges the flag. The master exhibits the ship's register and other papers, showing the nationality of his vessel. If the flag may be assumed to be not authentic, why may not the papers? May not the authenticity of the papers be called in question with as much propriety as the authenticity of the flag? If the boarding officer may go behind the flag, why not also behind the papers, to the ship's crew and cargo? Where, then, he asked, was the distinction between the right to visit and the belligerent right of search? He could find none. Either the assumed right of visitation was a nullity, or it was the right of search under another name. He, therefore, denied the construction put upon the treaty by Sir R. Peel, and affirmed that of the President of the United States.

On comparing the letters of Lord Aberdeen and the message of the President, what would be found? Did Lord Aberdeen claim the right of visitation in either of those letters? Lord Aberdeen disavowed the right to visit an American vessel. What, then, did he claim the right to do? This, it must be remembered, was a question of universal maritime right. Once admit the right to visit our vessels, and it would subject us to burdens ten-fold greater than the reciprocal right of search. The right to visit and inquire, would be made to cover every object for the attainment of which the American flag could be unfurled. Lord Aberdeen claimed the right of a British cruiser, when he saw a vessel which he had reason to believe was a British vessel, and which he would, therefore, have the right to seize, to enter upon and detain it. But how? Not as an American vessel. He could not touch her as an American. He would enter her as a Portuguese, a French, a Spanish, a pirate, or some other vessel, which he would be authorized to seize. If it proves to be an American vessel which he has entered, then he has committed an aggression, and owes reparation for it. Was this a right of search, or of visitation? No; it was a responsibility—a perilous responsibility.

These were views on which he was prepared to live or die, in peace or in war. He would concede to no Government the right to visit or search our ships; and if an admiralty order should be issued in England for that purpose, it would be an aggression, and he should be for coming to an understanding on the subject.

He was of the opinion that we had cause to regret that we had entered into any sentimental legislation. The only delicate point in this matter was, a question in the law of nations which might arise upon the piracy act of Congress. It was a false step, he considered, on our part, to enact the piracy law with regard to the slave-trade; and here, whilst he forbore, on account of the delicacy of the subject, from further alluding to it, he must do justice to the ability of his colleague, [Mr. ADAMS,] whose good advice, had it been followed, would have enabled us to avoid the difficulties under which we now labored.

After a few further remarks, he concluded by moving that the committee rise, with a view to the adoption of a resolution to take the bill out of committee.

The motion was agreed to; and the committee rose.

Mr. YORKE then offered a resolution, that all debate in Committee of the Whole on the above bill should cease in half an hour, and that the committee should then proceed to vote on the amendments pending, and such amendments as might be offered; after which, to report the bill to the House. Mr. Y. having called for the previous question on the above resolution,

Mr. ANDREWS of Kentucky moved to lay it on the table: rejected—ayes 35, noes not counted.

Under the operation of the previous question, the resolution was then adopted.

The House then again went into Committee of the Whole, (Mr. SUMMERS in the chair,) and resumed the consideration of the same bill.

Mr. ADAMS got the floor, and observed that he merely rose to say that, in the short time allowed for debate on this question, he would forego the few remarks he intended to make on the subject, and would yield to other gentlemen who desired to participate in the discussion.

Mr. EVERETT next obtained the floor, and said that he did not intend to take up the whole half hour allotted to the discussion of this bill. He had but few remarks to make before offering an amendment, which he proposed to submit to the House, and should condense them as much as possible. He first wished to say that he thought the treaty an extremely good one, for the very simple reason—that it settled difficulties, in themselves of no minor consequence. Secondly, to say that he should vote for the appropriation to pay Maine and Massachusetts the sums awarded them, but with the hope that his native State of Massachusetts would not receive a dollar of it. He hoped she would not take it—not because it was not within the treaty-making power, but because if these two States were willing to rest under the imputation of having sold their country, he could hereafter make no manner of complaint of the "thirty pieces of silver." He was not one of those who believed that the country belonged to Maine; and, therefore, he refrained from voting on the resolution of the House affirming that proposition, and that the rights of Maine to the country would be maintained at all hazards. He believed, under all the circumstances, that we got a pretty good bargain in making this treaty. He came now to the right of visitation, about which so much had been said; and this, he took it, was not a British, but an American question. When presented as a British question, every man in the House rose in opposition to it; but when presented as an American question—as the claim of the United States against the whole world—he hoped it would meet with a more favorable reception. With this brief preface, he begged leave to offer his amendment, exhibiting

his views of all that could be said on the subject. Mr. E. then submitted the following:

And be it further enacted, That it shall be the duty of the commander of each of said vessels of said naval force to visit all vessels found on the coast of Africa, or within one hundred leagues thereof, which he shall have reason to suspect to be American, and to be engaged in the slave-trade, for the sole purpose of ascertaining whether such vessel be American; and if found not to be American, such commander shall give to the captain of the vessel so visited a certificate stating the name of his vessel, the name and rank of the commander, the date of the visit, and the time of detention of the vessel visited—a memorandum of which visit, with the reason therefor shall be placed on his log-book; and report the same to the Secretary of the Navy.

Mr. E. continued, that this bill proposed to send a fleet of 80 guns to the coast of Africa, for the purpose of suppressing the slave-trade. Now, he contended that the duties required of the commander of this squadron, by the amendment he had just offered, was absolutely necessary to enable them to render the least beneficial service. For what purpose were these vessels to be sent there? Not to interfere with the vessels of other nations, but with American vessels. You have, said Mr. E., by your laws, declared the slave-trade piracy; and your vessels, therefore, are to act against pirates, and to ascertain whether the vessels they find on that coast are pirates or not. Your object is to suppress this class of piracy; and how can you do it, unless you have the right of visit? If you deny that right, you must take the ground that the flag protects the ship: and if you find Turkish colors on a ship that has the name of the "Sarah Ann, of New York," on her stern, you have no right to visit her. But take the other ground; and if the commander of one of your vessels finds the name of the Sarah Ann, of New York—or of Baltimore, if you please—on a pirate, no flag will protect her.

Everybody knew that at this day the flag was no evidence of the character of the vessel. Vessels engaged in the slave-trade would know very well where the American cruisers and British cruisers were; and when they came in sight of the former, would hoist some other flag, and hoist the American flag when they came in sight of the latter. It would be perfectly idle and a waste of money to send our squadron to the coast of Africa, unless they were directed to visit all vessels under the American flag, and assert the right of visit as an American right. It was said that the right of search was found in the law of nations as a belligerent right; and that, not being in a state of war, this right did not exist. What were the laws of nations? Had they derived their force from the contentions of nations, or had they derived it from the general consent of nations in amity? But, granting it to be a belligerent right only: the United States had declared war against piracy, and could exercise this right while they were carrying on that war. How did vessels of war act in cases of piracy? Had they not the right to board vessels suspected to be piratical? and was not the United States at war with those who were pirates? But again: Was the House aware of the fact, that this right had been uniformly exercised by our ships of war? Our squadrons on the coast of Africa, engaged in suppressing the slave-trade, had always exercised this right; and so had our cruisers in the West Indies while searching for pirates. He would maintain the right to visit these vessels at all hazards, otherwise our own seas would be covered with pirates. If we refused this right, what would be thought of us in Europe? All Europe was engaged in the suppression of the slave-trade; and could we say to the British that they should not board our vessels for the purpose of ascertaining, not whether they were American, but whether they were British? All distinction was lost in the assertion that there was any analogy between the right of visitation and the right of search. The right of visit was not only essential to the protection and preservation of a lawful commerce, as well as the suppression of the slave-trade, but we could not stand before the world without conceding it.

Mr. ALLEN rose to reply to some observations made by the gentleman from Vermont, which he deemed a reflection on the States of Massachusetts and Maine; and, after speaking a few minutes, the Chairman announced that the time limited for the debate on this bill had expired.

Mr. CUSHING then moved to fill up the blank in the bill with the sum of $217,728.

Mr. BRIGGS moved a modification, so as to specify the proportion of that sum to be paid to each of the States of Massachusetts and Maine.

Mr. CUSHING accepted the modification.

Mr. MERIWETHER moved to strike out the section providing for the maintenance of the squadron on the African coast.

The motion was negatived.

Mr. CAVE JOHNSON moved to strike out the section appropriating $300,000 to Maine and Massachusetts.

The motion was lost.

Mr. EVERETT's amendment being in order—

Mr. A. V. BROWN asked for tellers, and Messrs. TILLINGHAST and ROOSEVELT were appointed. The amendment was negatived: 22 voting in the affirmative, and 105 in the negative.

The committee then rose and reported the bill to the House; and the amendment of the committee was concurred in. The bill was then ordered to be engrossed; and, on the question of its passage,

Mr. L. W. ANDREWS called for the yeas and nays; which being ordered, resulted—yeas 137, nays 40, as follows:

YEAS—Messrs. Adams, Allen, Sherlock J. Andrews, Arnold, Arrington, Aycrigg, Baker, Barnard, Bidlack, Birdseye, Blair, Boardman, Borden, Botts, Bowne, Briggs, Bronson, William Butler, William O. Butler, Patrick C. Caldwell, Calhoun, John Campbell, William B. Campbell, Thomas J. Campbell, Caruthers, Cary, Chapman, Childs, Chittenden, Clinton, Coles, Mark A. Cooper, Cowen, Cranston, Crawford, Cross, Cushing, Daniel, Garrett Davis, Richard D. Davis, Deberry, Doig, Everett, Fessenden, Fillmore, John G. Floyd, Fornance, Thomas F. Foster, Gamble, Gates, Gentry, Giddings, Patrick G. Goode, William O. Goode, Gordon, Graham, Granger, Hall, Harris, Henry, Holmes, Houck, Howard, Hubard, Hudson, Hunter, Joseph R. Ingersoll, James Irvin, William W. Irwin, John P. Kennedy, Lewis, Linn, Littlefield, Robert McClellan, McKennan, Mallory, Alfred Marshall, Thomas F. Marshall, Mathiot, Matlocks, Maxwell, Maynard, Mitchell, Moore, Morgan, Morrow, Oliver, Osborne, Owsley, Parmenter, Pearce, Pendleton, Pickens, Powell, Proffit, Ramsey, Benjamin Randall, Randolph, Rencher, Ridgway, Riggs, Rodney, Roosevelt, William Russell, J. M. Russell, Saltonstall, Saunders, Sewell, Shepperd, Slade, Stanly, Stokely, Stratton, A. H. H. Stuart, John T. Stuart, Summers, Sumter, Taliaferro, Richard W. Thompson, Tillinghast, Toland, Triplett, Trotti, Trumbull, Underwood, Van Buren, Ward, Watterson, Westbrook, Edward D. White, Joseph L. White, Thomas W. Williams, Christopher H. Williams, Joseph L. Williams, Winthrop, Wise, and Yorke—137.

NAYS—Messrs. Landaff W. Andrews, Atherton, Beeson, Boyd, Aaron V. Brown, Charles Brown, Burke, Casey, Cravens, Dean, John C. Edwards, Charles A. Floyd, Gerry, Gilmer, Hopkins, Houston, Charles J. Ingersoll, Jack, Cave Johnson, Kelm, Andrew Kennedy, Abraham McClellan, McKay, McKeon, Marchand, Mathews, Medill, Meriwether, Miller, Newhard, Payne, Rayner, Reding, Reynolds, Shaw, Shields, Steenrod, Jacob Thompson, and Turney—40.

The bill was therefore passed.

Mr. ALLEN of Maine moved a reconsideration of the vote by which the bill was passed, and the previous question on the motion.

The previous question was sustained, and the reconsideration put, and lost.

Mr. L. W. ANDREWS moved the House adjourn.

Mr. BRIGGS inquired whether this was not the last day bills could be sent to the Senate.

The SPEAKER replied that it was, unless the House should suspend its rules.

Mr. McKENNAN asked for the yeas and nays on the motion to adjourn; but they were not ordered.

Tellers (Messrs. BRIGGS and WELLER) were ordered on the motion, who reported—ayes 95, noes not counted.

So the House, at a quarter past 5 o'clock, adjourned.

IN SENATE.

WEDNESDAY, March 1, 1843.

Mr. YOUNG, from the Committee on Roads and Canals, reported back to the Senate the bill No. 47, heretofore referred to that committee, granting an additional quantity of land to the State of Illinois, to aid in the completion of the Illinois and Michigan Canal, with a recommendation by the committee in favor of its passage.

The bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in addition to the lands heretofore granted to the State of Illinois, for the purpose of assisting in the construction of the Illinois and Michigan Canal, there is hereby granted to the said State the further quantity of four hundred and seventy-eight thousand five hundred and seventy-eight acres, to aid in the completion of the said work. The said lands to be selected by an agent or agents to be appointed by the Governor of the said State, in sections, half sections, quarter sections, and half quarter sections, from any of the unreserved lands belonging to the United States within the limits of the said State: *Provided*, That such selection shall be made under the direction of the Secretary of the Treasury of the United States, and shall not extend to any lands to which the right of pre-emption may attach under the existing laws of Congress.

Mr. BATES, from the Committee on Pensions, made reports (which were ordered to be printed) adverse to the passage of the following House bills, viz.:

The bill for the relief of John Everly;

The bill for the relief of Elizabeth Dawkins; and

The bill for the relief of John P. Schuyler.

Mr. SMITH of Indiana, from the Committee on Public Lands, reported back, without amendment, and with a recommendation that it do pass, the bill from the House providing for the sale of certain lands in the States of Ohio and Michigan, ceded by the Wyandot tribe of Indians, and for other purposes.

Mr. S., from the same committee, to which was referred the bill from the House entitled "An act explanatory of an act supplemental to an act entitled 'An act granting pre-emption rights to settlers on the public lands,' approved June 22, 1838," reported the same back without amendment. Mr. S., said there were other bills on the file containing precisely the same matter. The committee, therefore, had not thought it necessary to recommend the passage of this bill. He hoped the other bills alluded to would be taken up and passed.

The resolution which was submitted on yesterday by Mr. WALKER, calling upon the Secretary of the Treasury to communicate to the Senate, at the next session of Congress, the whole operations of the landed system, was taken up and agreed to.

Mr. SEVIER, from the Committee on Pensions, reported back, without amendment, and with a recommendation that it do pass, the bill from the House for the relief of Ruth Mathiot.

Mr. WOODBURY, from the Committee on Claims, reported back, without amendment, the bill from the House for the relief of the legal representatives of Robert A. Kelly.

On motion by Mr. BUCHANAN, the Senate proceeded to consider the House bills on the calendar; when

House bill entitled "An act for the relief of Lloyd J. Bryan," was taken up, as in committee of the whole, on an adverse report of the Committee on Naval Affairs; and it was indefinitely postponed.

The following House bills were then considered as in committee of the whole, and finally passed, viz:

An act for the relief of Robert Ramsay.

An act to amend an act entitled "An act to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union upon the conditions therein expressed."

An act for the relief of John Javins.

An act for the relief of John Hicks.

House bill entitled "An act for the relief of the legal representatives of Major General Baron De Kalb, deceased," was taken up, as in committee of the whole.

Mr. BENTON made some remarks against its passage.

Mr. PHELPS stated that the bill had been rejected by the Senate at the last session; but it was again passed by the House this session, and was referred to the Committee on Revolutionary Claims. That committee did not know what other course to take, than to report the bill back to the Senate, and submit it to its decision. He (Mr. P.) was individually opposed to the claim. He moved that it be indefinitely postponed.

The question was put on this motion, and it was carried in the affirmative.

House bill entitled "An act for the relief of the heirs, or the assignees of the heirs, of Isaac Todd and James McGill," was taken up as in committee of the whole, on an amendment from the Committee on the Public Lands.

Mr. TAPPAN moved that the bill be laid on the table; but withdrew the motion at the suggestion of

Mr. SMITH of Indiana, who made some remarks on the principle involved in it. He maintained that it would be to the interest of all parties to pass the bill as proposed to be amended.

Messrs. KING and TAPPAN made some remarks in opposition, and Messrs. PORTER, HENDERSON, and BATES in favor of the bill; when

Mr. TAPPAN renewed his motion to lay the bill on the table, and on that demanded the yeas and nays; which were ordered.

The question was then taken and decided in the negative—yeas 13, nays 24.

The bill was still further debated by Messrs. YOUNG, BENTON, HENDERSON, TAPPAN, KING, McROBERTS, and McDUFFIE in opposition to, and by Messrs. SMITH of Indiana, WOODBRIDGE, and LINN, in favor of, its passage.

The amendment was then agreed to, and the bill was reported to the Senate; and the question now being, "Shall the bill be engrossed for a third reading?"

Mr. McROBERTS demanded the yeas and nays; which were ordered.

The question was then put, and decided in the affirmative, yeas 21, nays 13.

Mr. BERRIEN, from the Committee on the Judiciary, reported back, without amendment, and with a recommendation that it do pass, the bill from the House to change the time of holding the circuit and district courts for the eastern district of Tennessee.

On motion of Mr. B., the above bill was taken up as in committee of the whole, for consideration; when

Mr. TAPPAN moved to amend the bill by adding an additional section, repealing the act approved 9th June, 1842, amendatory of the act of 10th March, 1838, changing the time of holding the circuit and district courts for the district of Ohio.

Mr. BERRIEN said this proposition was before the Judiciary Committee, and that committee was unable as yet to concur in the repeal of that law. He trusted, however, that this bill would not be encumbered with a debatable question, which the Senator from Ohio desired.

Mr. TAPPAN remarked that the bill for this purpose had not been referred to the Judiciary Committee, and that he felt it to be his duty, under instruction from the Legislature of his State, to press the repeal of the law alluded to.

Mr. BERRIEN said the resolutions to which the Senator from Ohio had alluded, in favor of the repeal of that law, were referred to the Judiciary Committee; and the committee were not enabled to concur on the propriety of its repeal. He hoped the amendment would not be pressed.

Mr. ALLEN made some remarks in favor of the amendment. The necessity which caused the change of the place for holding the courts in Ohio, did not now exist; for the bankrupt law, which superinduced that necessity, had been repealed. The Legislature of his State had instructed their Senators to vote for the repeal of the law. He hoped it would be repealed. He demanded the yeas and nays on the amendment, which were ordered; and the question being put on its adoption, it was decided in the negative—yeas 16, nays 21.

The bill was then reported to the Senate, read the third time according to order, and passed.

Mr. EVANS, from the Committee on Finance, reported back, with an amendment, the bill from the House making appropriation for the completion of the public buildings in Florida.

Mr. CRITTENDEN, from the Committee on the Judiciary, reported a bill for the relief of the widow of Captain Zantzinger; which was read, and ordered to a second reading.

Mr. EVANS moved that the Senate take a recess, from 3 to 5 o'clock.

Messrs. BENTON and WOODBURY opposed it.

The question being put on the motion, it was decided in the negative—ayes 18, noes 24.

The bill for the relief of Robert P. Lewis, and the bill granting a pension to David Welch, were read the third time, and passed.

DISTRICT BANKS.

The bill to extend the charters of the District banks for ten years from July, 1844, came up for a third reading.

Mr. TAPPAN demanded the yeas and nays; which were ordered.

Mr. ALLEN moved to lay the bill on the table, on the ground that, if passed to day, it could not go to the House, under the rule.

Mr. WRIGHT hoped Senators would not waste time upon the bill, as it could not go to the House, without a suspension of the joint rules, unless by the unanimous consent of the Senate. That being the case, he could assure Senators on the other side that any resolution to suspend the joint rule in which this bill was included, would be objected to.

Mr. ALLEN now submitted a question of order, whether the bill could be read the third time to-day.

The CHAIR said it could be read the third time and passed to-day; but could not be sent to the other House, unless by a suspension of the joint rule prohibiting the transmission, within three days of the end of the session, of original bills from one House to the other.

Mr. ALLEN, such being the decision of the Chair, withdrew his question of order, and moved to lay the bill on the table, and on that motion demanded the yeas and nays; which were ordered.

The question was then taken on that motion, and decided in the negative—yeas 16, nays 27, as follows:

YEAS—Messrs. Allen, Bagby, Benton, Buchanan, Calhoun, Linn, McRoberts, Smith of Connecticut, Sturgeon, Tappan, Walker, Wilcox, Williams, Woodbury, Wright, and Young—16.

NAYS—Messrs. Archer, Barrow, Bates, Bayard, Berrien, Choate, Clayton, Conrad, Crafts, Crittenden, Dayton, Evans, Graham, Henderson, Huntington, Kerr, Miller, Morehead, Phelps, Porter, Rives, Simmons, Smith of Indiana, Sprague Tallmadge, White, and Woodbridge—27.

Mr. BENTON adverted to the improper course pursued, in bringing forward bills of this character during the last days of the session. The bill (Senators were aware) could not go to the other House. It was, therefore, a useless waste of time to pass bills to no purpose.

The question now being, Shall the bill pass?

Mr. BENTON demanded the yeas and nays, which were ordered; and the question being put, it was decided in the affirmative—yeas 26, nays 17, as follows:

YEAS—Messrs. Barrow, Bates, Bayard, Berrien, Choate, Clayton, Conrad, Crafts, Crittenden, Dayton, Graham, Henderson, Huntington, Kerr, Mangum, Miller, Morehead, Phelps, Porter, Rives, Sevier, Simmons, Smith of Indiana, Sprague, Tallmadge, and Woodbridge—26.

NAYS—Messrs. Allen, Bagby, Benton, Buchanan, Calhoun, King, Linn, McDuffie, McRoberts, Smith of Connecticut, Sturgeon, Tappan, Walker, Williams, Woodbury, Wright, and Young—17.

House bill entitled "An act for the relief of Susan Brum," was taken up as in committee of the whole, on an adverse report of the Committee on Naval Affairs, and indefinitely postponed.

The bill entitled "An act to refund to Massachusetts the balance due her for disbursements during the late war with Great Britain," came up on its third reading. It was read the third time.

Mr. WRIGHT demanded the yeas and nays on the question, Shall the bill pass? which were ordered.

Mr. WALKER made some remarks against the passage of the bill.

The question was then put, and the bill was passed by the following vote—yeas 27, nays 19, viz:

YEAS—Messrs. Barrow, Bates, Bayard, Berrien, Choate, Clayton, Conrad, Crafts, Crittenden, Dayton, Evans, Graham, Henderson, Huntington, Kerr, Mangum, Miller, Morehead, Phelps, Porter, Simmons, Smith of Indiana, Sprague, Tallmadge, White, Williams, and Woodbridge—27.

NAYS—Messrs. Allen, Bagby, Benton, Buchanan, Calhoun, Fulton, King, Linn, McDuffie, McRoberts, Sevier, Smith of Connecticut, Sturgeon, Tappan, Walker, Wilcox, Woodbury, Wright, and Young—19.

Mr. EVANS moved to suspend the joint rules, so as to permit the above bill, the District bank bill, and two private bills of the Senate, to be sent to the other House.

Mr. ALLEN objected to the motion.

The CHAIR decided that, objection having been made, the motion could not be entertained to day.

Mr. EVANS hoped that it would be suspended, to permit the two private bills to be sent to the House.

Objection was made.

The House bill entitled "An act for the relief of Asahel Lee, Harvey Lee, and Lemuel Lee," was taken up as in committee of the whole, on amendments of the Committee on Claims.

Mr. PHELPS opposed the adoption of the amendment, and showed that the bill should pass as it came from the House.

The question was put on the amendment, and it was rejected.

The bill was then reported to the Senate, read the third time according to order, and passed.

The following bills from the House were then taken up as in committee of the whole, considered, reported to the Senate, and finally passed, viz:

An act for the relief of John Drysdale.

An act for the relief of Johnson Patrick.

An act for the relief of James Sweetman.

An act for the relief of Thomas King.

An act for the relief of John F. Wiley.

An act for the relief of Joseph Nimblett.

An act for the relief of Horace Wetherell.

An act granting a pension to Israel Thomas.

House bill entitled "An act for the relief of the widow of Captain William Royall, deceased," was taken up as in committee of the whole, on an adverse report of the Committee on Pensions.

After a few remarks from Messrs. BATES, CRITTENDEN, YOUNG, BUCHANAN, WOODBURY, and PHELPS, the question on concurring in the report of the committee was put, and decided in the negative—ayes 13, noes 14. The bill was then reported to the Senate, and ordered to a third reading. And the question being, Shall the bill pass?

Mr. WILLIAMS demanded the yeas and nays, which were ordered; and, being taken, resulted in the negative—yeas 13, nays 16.

So the bill was rejected.

Mr. ALLEN, from the Committee on Pensions, reported back, without amendment, and with a recommendation that it do pass, the House bill for the relief of Josiah Westlake.

Also, reported back, from the same committee, without amendment, and with a recommendation that they do pass, the bill for the relief of Nancy Wilson, and the bill for the relief of Robert Leytor's children.

Mr. WOODBRIDGE submitted the following; which, after a few remarks in its favor, was adopted, viz:

Resolved, That of the charts and maps emanating from the Topographical Bureau, reported to Congress during this session, or which may be hereafter reported, and ordered to be engraved, there shall be struck off fifty additional copies for the use of the Topographical Bureau.

Mr. ARCHER, from the Committee on Foreign Relations, reported back, without amendment, the bill from the House to provide for carrying into effect the treaty between the United States and Great Britain, concluded at Washington, on the 9th of August, 1842.

On motion by Mr. KING, leave was granted to withdraw the papers of William Walker from the files.

The Senate bill for the relief of certain officers of the late surveying and exploring expedition, was taken up, as in committee of the whole.

Mr. BAYARD explained the propriety of this bill, and hoped the remaining special orders would also be proceeded with.

Mr. BUCHANAN objected, on the ground that the Senate bills could not be sent to the House, without a suspension of the rules. He moved to postpone the special orders, with a view of proceeding with the general orders.

Mr. BAYARD made some further explanation in favor of the special orders.

Mr. CALHOUN urged the propriety of proceeding with the general orders.

The question was taken on postponing the special orders, and taking up the general orders, and decided in the affirmative—ayes 24, noes not counted.

The general orders then being announced, House bill No. 596, being an act for the relief of Joseph W. Reckless, came up for consideration.

Mr. HUNTINGTON said this bill would lead

to discussion. He, therefore, moved to lay it on the table.

The bill was accordingly laid on the table.

The following House bills were taken up as in committee of the whole, considered, reported to the Senate, and finally passed, viz:

The bill for the relief of Richard Coke, jr., Robert Anderson, and George Southall.

The bill for the relief of Charles B. Hall of Cincinnati.

The bill for the relief of Samuel Lord.

The bill supplemental to the act of 24th May, 1828, to continue a copyright to John Rowlett.

The bill for the relief of James B. Sullivan, of the county of Rapides, in the State of Louisiana, (amended.)

The bill for the relief of Samuel M. Asbury, (with amendments.)

The bill to transfer to the trustees of Centre College, in Kentucky, the lands heretofore granted to the Kentucky Asylum for teaching the Deaf and Dumb.

The bill for the relief of Edward Bartlett, late consul of the United States at Lima, in Peru.

The bill for the relief of the legal representatives of Daniel Brent, deceased, late consul of the United States at Paris, (with amendment.)

The bill for the relief of Allen Rogers, (amended.)

The bill for the relief of Benjamin Truslow.

The bill to continue in force the act for the payment of horses and other property lost in the military service of the United States, (with amendments.)

The bill for the relief of Richard Rush.

The bill for the relief of Charles Gordon, owner of the schooner Two Sons, and the legal representatives of the crew of said vessel.

The bill for the relief of Peters, Moore, & Co., (with amendment.)

The bill for the relief of Andrew Fisher.

The bill for the relief of Jonathan Britton.

The bill for the relief of William Gale.

The bill for the relief of S. & M. Richie.

The bill for the relief of Knott Martin and Arnold Martin, owners of the fishing-schooner Only Son, and others.

The bill for the relief of the legal representatives of Lieut. W. S. Eveleth.

The bill for the relief of the heirs of Philander Smith and James Young.

The bill to set aside certain reservations of lands, on account of live oak, in the southeastern district of Louisiana.

The joint resolution directing certain papers, relating to titles to lands in Louisiana, to be returned to the General Land Office.

The bill for the relief of Garret Vliet, (as amended.)

The bill for the relief of James Gray.

The bill for the relief of Joseph R. Chandler.

The bill for the relief of Charles Waldron.

The bill for the relief of George A. Winslow.

The bill for the relief of John Skirving.

The bill to provide in certain cases for the sale of real estate of infants in the District of Columbia.

The bill for the relief of John Randolph Clay.

The bill for the relief of Gorham A. Worth, one of the sureties of Samuel Edmonds, deceased.

The bill to allow a pension to Nancy Williams, the widow of David Williams, who was one of the captors of Major Andre.

Joint resolution relating to patents for bounty lands, (with an amendment.)

The bill to reduce the salary of the surveyor of the port of Camden, New Jersey.

[Mr. MILLER moved to amend this bill, so as to limit the reduction of the salary to $500, instead of $250; but it was disagreed to.]

The bill for the relief of Solomon Emmerson.

The bill for the relief of Jeremiah Kimball, (with amendments.)

The bill for the relief of Elizabeth Gresham, the widow of George Gresham.

The bill for the relief of Elizabeth Towers.

The bill to fix the compensation of the Commissioner of Public Buildings was passed with an amendment.

The bill for the relief of John Wolfenden.

The following bills from the House were taken up as in committee of the whole, and laid on the table, viz:

The bill for the relief of Alexander H. Everett.

The bill for the relief of John A. Smith.

The bill for the relief of George E. Johnson.

This bill was laid on the table, after much discussion.

The following bills from the House were then taken up as in committee of the whole, and indefinitely postponed, viz:

The bill for the relief of Gideon A. Perry.

The bill for the relief of Samuel B. Tuck.

The bill for the relief of Benjamin Evans.

The bill for the relief of Samuel Neely.

The bill for the relief of John Farnham.

The bill for the relief of the heirs and legal representatives of William Lomax.

The bill for the relief of Mrs. Anne W. Angus.

The bill for the relief of Thomas H. Brown.

The bill for the relief of D. and J. Wilkinson.

The bill for the relief of the owners, master, and crew of the schooner Codhook, of Blue Hill, Maine.

The bill for the relief of Levi Eldredge and others.

The bill for the relief of the owners of the schooner Three Brothers.

The bill for the relief of John Patten, jr., owner of the fishing-schooner Credit, and the master and crew of said vessel.

The bill for the relief of Abner Lowell and others, owners of the fishing schooner William.

The bill for the relief of William Ellery, owner of the fishing-schooners Sevo and Ida, both of Gloucester, Massachusetts, and others.

The bill for the relief of John H. Russell, and others, as owners, master, and crew of the fishing-schooner Lucy Ann.

The bill for the relief of Mary Broadstreet, Amos Tappan, and others.

The bill for the relief of Barnabas Baker, jr., and others, owners of the fishing-schooner Union, of Dennis, Massachusetts.

The bill for the relief of Joshua Knowles, jr., and others, owners and crew of the fishing-schooner Garnet.

The bill for the relief of Teackle Savage, administrator of Bolitha Laws.

The bill for the relief of the legal representatives of Francis Pellicer.

The bill for the relief of William Patterson.

The bill for the relief of Elizabeth Whiteman.

The bill for the relief of Sampson Brown.

The bill for the relief of Mary Barry, widow and administratrix of Thomas Barry.

The bill for the relief of Prudence Couch.

The bill granting a pension to David Munn.

The bill for the relief of Mary Elder.

The bill for the relief of Jane Maguire, widow of Major Thomas Maguire, deceased.

The bill for the relief of Patrick Masterton.

The bill for the relief of Leah Tenure.

The bill for the relief of Henry Freeman.

The bill for the relief of Elizabeth Harris.

The bill for the relief of Joseph Watson.

The bill for the relief of George Hommill.

The bill for the relief of George P. Pollen and Robert Colgate.

The bill for the relief of S. Morris Waln.

The bill from the House for the relief of Major Thomas Harrison was taken up as in committee of the whole; and after a long discussion, in which Messrs. DAYTON, WALKER, CALHOUN, BATES, BENTON, SEVIER, SIMMONS, and ALLEN, participated,

The bill was indefinitely postponed—yeas 18, nays 15.

Mr. BERRIEN, from the Committee of Conference on the disagreeing votes of the two Houses on the bill for the relief of James S. Calhoun, reported the result of that conference, in the form of a substitute for the amendments disagreed to; which substitute was adopted by the Senate, allowing nothing for consequential damages, but $15,900 in full satisfaction for all claim against the Government.

Mr. ARCHER desired to proceed to the consideration of the bill making appropriation to satisfy the stipulations of the Ashburton treaty.

Mr. BENTON said that bill could be disposed of to-morrow. He therefore moved an adjournment; which motion was disagreed to on yeas and nays—yeas 7, nays 21.

The bill for the relief of Thomas Weaver and Jacob Heyberger, sureties of the Norristown and Valley Railroad Company, was taken up as in committee of the whole.

Mr. PORTER moved to amend the bill by adding, as an additional section thereto, the Senate bill to remit duties on railroad iron, on certain conditions.

Mr. WRIGHT moved that the bill be passed over informally; for he had no doubt that the amendment proposed would lead to debate.

Mr. WALKER hoped that the bill would not be passed over. He thought that the Senate would readily see the impropriety of amending a private bill, which was just in itself, by a general bill involving a great principle, and which would require a great deal of discussion before it could be disposed of.

Mr. PORTER made some remarks in justification of his course, and on the propriety of passing this bill, which merely gave further time to the railroad companies to import railroad iron free of duty. He thought it was germane to the bill before the Senate. He hoped the Senate would take a vote upon it, and indulge him with the yeas and nays on the amendment.

Mr. CONRAD said that the bill was analogous to the bill which was proposed to be amended; and, if it was passed, would tend to cheapen the transportation of the mail on railroads.

Mr. WALKER said it was vain and nugatory to send such a bill to the House, when it was known that that body had rejected the bill to remit duties in favor of the Petersburg Railroad Company.

Messrs. WRIGHT and ARCHER suggested that the bill should be passed over informally. This suggestion was acquiesced in by the Senate.

The bill in relation to the exemplification of the records of land patents, and other evidences of title, and amendatory of the act entitled "An act to reorganize the General Land Office," was taken up as in committee of the whole, on an amendment of the Committee on Public Lands, proposing (as it was understood by the reporter) to transfer the duties now performed by the secretary to the President, in signing patents, to the Recorder to the Land Office. This amendment led to discussion, in which Messrs. McROBERTS and WALKER participated in opposition to the amendment, and Mr. SMITH of Indiana in favor of it. The bill was, however, passed over informally till to-morrow.

Mr. WALKER submitted the following resolution; which lies one day on the table, under the rule, viz:

Resolved, That the President of the United States cause to be investigated by the judges of the superior courts of Florida, in their respective districts, all losses of property suffered by the inhabitants of said Territory, in consequence of the Seminole hostilities since the commencement thereof, in the year 1836; and that the testimony and opinions of said judges in such case be reported to this body when completed: *Provided*, That any expenses attending the investigation be provided for, and paid by, the said Territory of Florida.

Mr. HUNTINGTON gave notice that he should, on to-morrow, move the Senate, at the hour of two o'clock, to proceed to the consideration of executive business.

Mr. MOREHEAD, on leave, introduced a joint resolution to authorize the translation of a pamphlet in the Navy Department, on the culture and preparation of hemp; which was read twice.

Mr. M. remarked that this pamphlet (which was in the Russian language) was upon a subject of great interest to the people of Kentucky; and asked that the resolution might now be passed.

Mr. WRIGHT did not object to such course, but thought that, Congress having provided agents to go to Kentucky and inspect and purchase hemp, it was as little as the great hemp-growing interest could do to pay the small sum which would be required to pay for translating this pamphlet.

Mr. WILLIAMS objected to its consideration; when,

On motion by Mr. SIMMONS,

The Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 1, 1843.

The House met this morning at 10 o'clock.

Mr. WESTBROOK presented the petition of citizens of Mauch Chunk, Pennsylvania, for the issuing of $200,000,000 of stock, to be distributed among the States and Territories, and District of Columbia.

AMOS KENDALL.

Mr. LITTLEFIELD presented to the House the following resolutions of the Legislature of Maine:

Resolved, That while it is the duty of a free Government to protect the people from injustice and oppression, it is also bound to sustain and defend its officers and agents in an honest, firm, and rigid discharge of their duties and trusts. That while an infringement of the laws should be visited with merited punishment, reparation of injuries incurred in the conscientious and impartial performance of their official functions should be prompt and complete.

Resolved, That, in the execution of his duties as Postmaster General of the United States, the honorable Amos Kendall evinced not only talents of the highest order, but unswerving and unpurchasable integrity; exalted and disinterested patriotism, never-tiring industry and zeal for the public weal; and unexampled watchfulness of peculators and swindlers, which have never been surpassed in the history of the Government, and entitle him to the gratitude of the nation.

Resolved, That in resisting what he deemed to be an unjust and exorbitant claim upon the Post Office Department, for which he is now incarcerated within the jail limits of the city of Washington, Mr. Kendall acted with a single eye to the public good, and with a deep sense of an imperative duty as a public servant.

Resolved, That the rank injustice of suffering a public servant, thus meritorious, to be placed in durance—not for any delinquency or misconduct, but on account of his fidelity to the Government—is a stain upon the national honor, which, as far as it can be done by Congress, should be speedily erased.

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to exert all fair and honorable means to have the judgment on which the Hon. Amos Kendall is now imprisoned, for withholding his official sanction to the claim of Stockton & Stokes on the Post Office Department, cancelled by the Treasurer of the United States; and also to have the said Kendall allowed and paid, from the public treasury, the costs and expenses incurred by him in defending the suit of the said Stockton & Stokes against him, together with such further sum for damages, by reason of said suit and imprisonment, as may be a full remuneration therefor.

Resolved, That a copy of these resolutions be transmitted, by the Governor, to each of the Senators and Representatives in Congress from this State, and to the President of the Senate and Speaker of the House of Representatives of the United States.

IN THE HOUSE OF REPRESENTATIVES, February 20, 1843.

Read, and passed.

DAVID DUNN, *Speaker*.

IN SENATE, February 21, 1843.

Read, and passed.

EDWARD KAVANAGH, *President*.

February 21, 1843. Approved:

JOHN FAIRFIELD.

Mr. DAVIS of New York also presented resolutions of the Legislature of New York, instructing the Senators and requesting the Representatives from that State in the Congress of the United States, to use their exertions to procure, if possible, at the present session of Congress, the passage of a law entirely relieving Amos Kendall from all and every personal responsibility and damage in consequence of a certain judgment against him in favor of Stockton & Stokes, for certain of his official acts while Postmaster General of the United States. The resolution was laid on the table.

On the motion of Mr. BARNARD, the following resolution was adopted:

Resolved, That the Secretary of War be requested to cause a plan and estimates to be prepared at the topographical bureau, or otherwise within his department, and laid before Congress at the next session, for a room or apartment in the Capitol, or to be added thereto, for the better accommodation of the officers of the House of Representatives.

Mr. BARNARD also presented a communication from the authorities of the city of Albany, in relation to the condition of the navigation of the Hudson river.

Mr. T. W. WILLIAMS, from a committee, reported Senate bill declaring Robbinston, in the State of Maine, a port of delivery.

Mr. BIRDSEYE, from the Committee on Private Land Claims, made an adverse report upon the petition of Ellen Duval, in behalf of her late husband, E. W. Duval; which was laid on the table.

Mr. CHILDS, from the Committee on Commerce, reported a bill for the relief of John H. Hodges, of Baltimore; which was read twice, and committed.

SENATE BILLS.

The following bills from the Senate were read twice, and referred:

An act for the relief of Duncan L. Clinch.

An act declaring Robbinston, in the State of Maine, to be a port of entry.

An act to settle the title to the Pea Patch island, in the river Delaware.

An act for the relief of Mary W. Thompson, widow of the late Lieutenant Colonel Thompson, of the army of the United States.

An act for the relief of Nancy Polereesky.

An act for the relief of Daniel G. Skinner, of Alabama.

An act for the relief of John R. Williams.

Mr. HOWARD, from the Committee on the Public Lands, to which was referred the bill from the Senate, entitled "An act to apply certain alternate sections of the public domain toward the completion of works of internal improvement in the State of Michigan, and for other purposes," reported the same without amendment.

INDIAN APPROPRIATION BILL.

The House took up the bill entitled "An act making appropriations for fulfilling treaty stipulations with the various Indian tribes, for the half-calendar year beginning the 1st day of January, and ending the 30th day of June, 1843; and for the fiscal year, beginning the 1st day of July, 1843, and ending the 30th day of June, 1844;" which had come from the Senate with certain amendments. The amendments were concurred in.

EXECUTIVE COMMUNICATIONS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting, in compliance with a resolution of the House of the 28th day of June, 1842, a report respecting fines, penalties, and forfeitures received and retained by collectors and other officers of the revenue.

Also, a report from the Secretary of State, which, with the documents accompanying it, furnish the information requested by the resolution of the 18th February, which called for any correspondence between the representatives of foreign governments and the United States in relation to the operation of the present tariff laws or treaties existing with foreign governments.

CLERKS.

The SPEAKER laid before the House a memorial from Noah Fletcher, a clerk of eighteen years standing in the office of the Clerk of the House, who has discharged the duties of engrossing and enrolling clerk, praying for an inquiry, by a select committee, into his services, that he may receive payment for the present session of Congress, &c.

Mr. McKENNAN moved that he be paid for his services for the present session; and that he be continued in the employment of the House.

After a few words from Mr. HOPKINS, Mr. UNDERWOOD, and others,

Mr. W. SMITH moved to lay the whole subject on the table.

Mr. SMITH of Virginia asked for the yeas and nays on the motion to lay on the table. They were not ordered.

Mr. SAUNDERS called for tellers on the yeas and nays. They were not ordered.

Tellers (Messrs. SMITH and McKENNAN) were ordered on the motion to lay on the table; who reported—ayes 34; noes 88.

So the House refused to lay the resolution on the table.

Mr. MERIWETHER rose, and inquired whether it would be in order to move to dismiss Matthew St. Clair Clarke, as Clerk of the House.

The SPEAKER said, no.

Mr. BABCOCK called for a division of the question on the resolution.

The question was taken on the first part—by which authority is given to pay Mr. Fletcher for his services as clerk this session. It was agreed to.

Mr. HOPKINS called for the yeas and nays upon the second division of the resolution—by which authority is given to continue the said clerk (Fletcher) in office. They were ordered.

On taking the vote, the result was—yeas 64, nays 67.

So the House determined that Mr. Noah Fletcher shall not be continued in office.

Mr. SUMMERS rose and moved to reconsider the vote just taken, and took the occasion to make a statement in reference to the action of the Clerk of the House on the resolutions to reduce the force of his office. In the course of his remarks, he read extracts from the depositions of one of the clerks, (Mr. Fletcher,) and one of the messengers, (Mr. Brown,) showing that they had never been turned out of office.

Mr. BRIGGS made a stemement, in explanation, in behalf of the Clerk; after which,

Mr. SUMMERS withdrew his motion.

Mr. KEIM offered a resolution that Mr. Kingman, one of the superseded clerks, should be placed on the same footing with Mr. Fletcher, by being paid for his services during the session; which resolution was agreed to.

On motion by Mr. FILLMORE, the bill making appropriation for fortifications, as amended by the Senate, was taken up, and the amendments concurred in.

Mr. KING of Georgia moved to take up the message of the Senate asking a committee of conference on the disagreeing votes of the two Houses to the amendment to the bill for the relief of James S. Calhoun; which motion was agreed to, and a committee of conference was appointed on the part of the House.

On motion by Mr. WISE, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. McCLELLAN, of New York, in the chair.)

NAVAL APPROPRIATION BILL.

Mr. WISE moved that the committee take up the bill making appropriations for the naval service for the half calendar and the fiscal year, terminating on the 30th of June, 1844, which had come from the Senate, with some amendments.

Mr. TILLINGHAST moved that the committee take up the two joint resolutions introduced from the Library Committee; the one in relation to the statue of Washington by Greenough, and the other in relation to Gordon's Digest.

The motion of the gentleman from Virginia was agreed to.

The first amendment of the Senate was one by which they struck out the provision of the House, that the head of the Bureau of Provisions and Clothing should hereafter be a captain in the navy.

Mr. MALLORY defended the provision of the House which the Senate had stricken out; and contended that, to pay a civilian while so many captains were unemployed, was a waste of expenditure which ought to be retrenched.

Mr. BURNELL also addressed the House on the amendment.

Mr. C. BROWN also defended the provision of the House, and contended that captains in the navy were better adapted for the office in question than a clerk in one of the departments at Washington. Captains in the navy would have more sympathy with the sailors, and take better care that they were not wronged.

Mr. KING was desirous of offering an amendment by which he proposed to substitute a purser for a captain as the head of this bureau.

The CHAIRMAN decided that the amendment was not now in order.

Mr. WISE addressed the committee in defence of the present head of this bureau; and read a letter from the Secretary of the Navy addressed to Mr. Evans of the Senate on that subject.

Some conversation took place upon points of order; after which,

Mr. REYNOLDS rose, and addressed the committee in opposition to the amendment of the Senate. He contended that a captain was a proper officer to be placed at the head of the Bureau of Blothing, instead of a civilian, as Mr. Goldsborough. He urged that, by employing an officer of the navy, (and there were many "waiting orders,") there would be a saving of $3,000 per annum to the Government. Though a small sum, he thought that everything should be saved which it was in the power of Congress to prevent being expended, without absolute injury to the service.

Mr. McKENNAN hoped that gentlemen

would confine themselves strictly to the question before the committee. He then went into a defence of the propriety of continuing the office of head of the Bureau of Provisions and Clothing in the hands of a civilian. The duties of the office should be filled by a mercantile, and not a military man.

Mr. CAVE JOHNSON urged the expediency and economy of placing the office in the hands of an officer of the navy. He replied to the gentleman who had eulogized Mr. Goldsborough, and said that all the abuses in the department grew up under the administration of the Navy Board, of which Mr. Goldsborough was the secretary. He preferred to have a purser at the head of the Bureau of Clothing; but, rather than have a civilian, at additional expense to the Government, he was willing to take a post-captain.

Mr. EVERETT thought that the House had acted unwisely in adopting the proviso, and that they ought now to adopt the amendment of the Senate. He thought a greater saving would be effected by retaining in this office a man of business and an accountant, rather than a naval captain, than the whole pay of that officer.

Mr. GWIN wished to inquire of the chairman of the Committee on Naval Affairs, [Mr. WISE,] whether Mr. Goldsborough contracted for the fuel used by the steam-ships that have been laid up, owing to the enormous expenses incurred in keeping them afloat.

Mr. WISE said he did not know. He supposed not.

Mr. GWIN was anxious to ascertain this fact, and who was responsible for these contracts; for he believed that outrageous abuses had been committed in supplying this fuel. He had offered a resolution, six or seven weeks ago, calling upon the Secretary of the Navy for information in regard to these contracts and purchases. That resolution remains unanswered to this day. He thought the Secretary would be more appropriately employed in giving the House important information thus called for, instead of reading us lectures on our legislative action. He must say that the letter just read by the gentleman from Virginia, [Mr. WISE,] in which the Secretary characterizes our action as absurd, was impertinent—to say the least of it.

Mr. WISE said that the gentleman was entirely mistaken in his construction of the Secretary's remarks. He would read what he had said, and let the House decide whether the gentleman had done the Secretary justice.

Mr. GWIN said that the committee must perceive, from the extract of the letter read by the gentleman from Virginia, that he had done the Secretary no injustice. He says it is absurd to suppose that a captain in the navy can perform the service now required of Mr. Goldsborough by virtue of his office. This House passed a proviso to this bill, requiring this service to be performed by a captain of the navy; and hence our action is characterized by the Secretary as absurd. He was not disposed to silently receive lectures from any department of the Government for our action, for which we are responsible to the country. He believed this proviso was proper and legitimate, and he hoped the House would adhere to it. These duties, he believed, were now performed by subordinate officers of the navy—samples only of the article to be bought being submitted to the head of the bureau, who had no knowledge, except through these officers, whether the article proposed to be sold corresponded with the sample.

He hoped that, before this House adjourned, an answer would be received to his resolution, sent to the Secretary six weeks ago. He believed that there has been a most wasteful expenditure of the public money in purchasing fuel for these steamships, and he hoped the Secretary would not withhold the information asked for.

Mr. WISE. Where were these purchases made?

Mr. GWIN. At Pensacola; where, he understood, fifteen dollars a ton had been paid for a large amount of coal not worth five dollars per ton. The gentleman from Georgia [Mr. KING] had stated to this House that this coal was useless as to the purpose for which it was purchased. He was in favor of putting the most rigid restrictions upon the expenditures of this department, which had swelled to such an enormous amount.

Mr. MALLORY said he would appeal to the House to maintain its own rights against the Secretary of the Navy, or anybody else that would say that its action had been absurd. He moved the proviso which the Senate's amendment proposed to strike out; and, if time was allowed him, he could demonstrate that the notions of the Secretary, and not his, were absurd. What did the Secretary of the Navy know about Mr. Goldsborough? He recollected what occurred in the committee, and the proposition of the department to make an extravagant appropriation for this bureau, and the committee's cutting it down to $17,000. There was no place in the bill, as reported by the committee, for Mr. Goldsborough; and he never dreamed, when he voted for it, that this gentleman would have been placed at the head of one of the bureaux. The gentleman from Pennsylvania [Mr. McKENNAN] had talked about the mercantile knowledge of Mr. Goldsborough, and his knowledge of the various and complicated accounts of the Navy Department. Now, this gentleman came to the committee with a bundle of papers to show that the Navy Department had no accounts at all. Why all this confusion in the accounts of the department, about which they had heard so much, grew up during the administration of this Mr. Goldsborough. What did they now see? Why, the officers of the navy, at the different stations, purchasing provisions and clothing, and receiving their orders from this man, lolling at his ease in one of the highest departments of the Government here at Washington. All the orders to officers of the navy should emanate from one of superior grade; and the adherence to this principle was one of the best modes of keeping up discipline. He had no idea, as one of the Naval Committee, that this gentleman would ever have been placed at the head of a bureau. He thought a captain should be placed at the head of it; and, if that could not be done, a purser would do as well.

Mr. HOLMES regretted that, upon a question which concerned one of the most important branches of our national defence, appeals similar to that of his friend from Mississippi and his friend from Virginia, [Messrs. GWIN and MALLORY,] should be made to their passions, when they should take counsel of their reason. He called upon the House not to be influenced by appeals such as these. The Secretary of the Navy was a logician, and had, in his letter, merely intended what was called a *reductio ad absurdum*, without putting it in logical form; but, at the same time, intending no offence to the House.

Mr. McKENNAN expressed the opinion that the debate was continued long enough; and he rose to make a motion that the committee rise, in order that he might submit a resolution fixing a time on which the debate should terminate. Mr. McK., however, withdrew his motion at the request of

Mr. KING of Georgia, at whose instance the third section of the original bill was read, in order to bear out the statement he had made.

Mr. FILLMORE did not object to the motion for the committee to rise; but he wished some part of the discussion to be allotted to the subject of the dry-docks at Brooklyn and Pensacola, rather than that the whole time should be taken up in discussing these two appointments; for, after all, these abuses could not be remedied by legislation, but must be left to the discretion of the departments.

Mr. McKENNAN renewed his motion that the committee rise.

Mr. C. J. INGERSOLL endeavored to obtain the floor; but the Chair decided that the motion of the gentleman from Pennsylvania was first in order.

The question was then taken on McKENNAN's motion, and it was negatived—ayes 54, noes 74.

Mr. C. J. INGERSOLL then offered an amendment to the amendment, as follows: "*Provided*, That no part of this appropriation shall be applied to the support of a squadron to be kept on the coast of Africa." Mr. I said that this amendment was offered for the purpose—which he trusted would not be denied by the House—of enabling a respectable and considerable minority in that House to express their views on the subject of that part of the late treaty to which it referred.

Mr. FILLMORE raised the point of order, that the amendment had no relevance to the proviso it proposed to amend.

The CHAIR decided the amendment to be out of order.

Mr. C. J. INGERSOLL said that he had not been in the habit of trespassing on the time of the House, and he therefore hoped that some opportunity would be allowed him of explaining his views in relation to the important bill that was passed yesterday. A large minority had been compelled to vote on that—certainly one of the most important questions of the session, without the opportunity to say one word except the solitary No. It was not his intention to take up the time of the House by entering at length into the subject; but he wished merely, in vindication of himself, and those who thought with him, to explain the reasons why he could not approve of the late treaty.

Mr. WISE raised the point of order, that the remarks of the gentleman were not relevant to the subject before the committee.

The CHAIR decided that the remarks of the gentleman were not in order.

Mr. C. J. INGERSOLL asked if he was to understand the Chair that, on a naval appropriation bill, and in Committee of the Whole, it was not in order for him to discuss any portion of the bill.

The CHAIR said that it would be in order to discuss any part of the bill, but not to discuss the treaty. There were other amendments, to which it would be in order for the gentleman to attach his amendment.

Mr. STANLY offered an amendment, providing that all provisions and clothing of every kind for the navy should hereafter be furnished by contract to the lowest bidder, after advertisements for sealed proposals in the public papers, &c.; but, at the suggestion of several gentlemen, withdrew the amendment, with the intention of offering it at another stage of the bill.

Mr. WISE stated his point of order against the admissibility of the amendment of the gentleman from North Carolina, [Mr. STANLY;] and, after a few words from Messrs. WISE, STANLY, FESSENDEN, and others,

Mr. STANLY withdrew his amendment.

Tellers were then called for, on the question of concurring in the amendment of the Senate; and Messrs. MALLORY and ATHERTON were appointed; and they reported 52 in the affirmative, and 83 in the negative.

The third, fourth, and fifth amendments of the Senate were then concurred in.

The sixth amendment of the Senate struck out the proviso of the House, by which it was required that the head of the Bureau of Surgery and Medicine should have seen a certain number of years sea service.

Mr. WISE addressed the committee on this amendment, objecting to "legislating men out of office;" and contending that sea service was not the best school to fit a man to discharge the duties of the head of this bureau.

Mr. T. J. YORKE, as the chairman of the Select Committee on the Expenditures of the Navy Department, made some observations (as was understood) in behalf of Dr. Barton, the present head of the Bureau of Surgery and Medicine, of whose worth he had had an opportunity to form an opinion while in discharge of his duty as a member of the select committee; but he spoke in so low a tone of voice, that his observations were not distinctly heard.

Mr. A. H. H. STUART rose and stated that it was due to Dr. Barton that he should explain the result of the investigation which he had made into the expenditures of Dr. Barton's bureau. He went there, having no acquaintance with him, and with a previous prejudice against him, which was not removed by the Doctor's eccentric manners. He now believed that he was a good officer, and had introduced a good system. He referred to the abuses which existed in the surgical department of the navy, and instanced the Florida squadron, com-

posed of five or six small vessels, and six hundred men; which, during eight months, cost $2,076 for liquors alone for the sick. For filling an ice-house with one hundred tons of ice, $1,000 was paid; $500 for the freight of the ice, and $125 for the chaff which was put around it, to keep it from melting. In some cases, $4 a gallon was paid for milk; $12 a dozen for fowls. For sheep for the sick, $1,200 was paid. Not a dollar appeared as credited to the hospital fund, although such large expenditures were made for hospital stores. Dr. Barton's system removed abuses. His liquor circular, which had offended the navy officers, was merely a premonitory circular posted on the liquor cases, telling the officers to use the liquors with moderation. Dr. Barton required the surgeons to give receipts for all stores carried to sea, and account for them in the proper manner.

He eulogised Dr. Barton at some length, and concluded by expressing the hope that he would be retained as an honor and an ornament to the naval service, and as a man whose very independence of character had made him enemies.

Mr. FESSENDEN opposed the amendment of the Senate, and sent to the Clerk's table, to be read, a portion of Dr. Barton's report, for the purpose of proving that his style was unintelligible, and without meaning. He said he had no feeling against Dr. Barton, nor any care about him—not even being acquainted with him by sight.

After some further remarks from Mr. FESSENDEN—

Mr. MORGAN addressed the committee in support of the amendment of the Senate, and in defence of Dr. Barton, whom he characterized as one of the most faithful and intelligent officers in the service of the Government. The Doctor, he said, had introduced a system and order in his bureau, which would in future prevent the frauds and abuses in the medical department which had been so loudly complained of; and he highly commended the gentleman for the facilities he had afforded to the committee in ferreting out and exposing those abuses. He held in his hand a bill of the particulars of the medicines furnished to the little Florida squadron under the command of Lieut. J. T. McLaughlin, which consumed, in eight months, one half of the large appropriation for the medical service of the navy for the year—say nearly $16,000. Among these, were to be found six bottles of champagne, $5; (Champagne for the sick!) port wine, 28 galls. and 4 bottles, $338; 15 galls. and 160 bottles of madeira, $256; claret, 7 boxes 7 galls., $575; 12 galls. of gin and 14 jugs, $55; whiskey, $32; Newark cider, $66; brown stout, $248; porter, $530; ale, $228; bitters, $1 50—making, in all, over $2,000 for liquor alone, for only eight months. Such were the facilities afforded by Dr. Barton to the committee, that they were able to expose all those abuses. For these reasons, he should vote for the continuance of this officer; and he thought the country indebted to him for the reform he had introduced in his department.

Mr. MALLORY made some remarks in opposition to the amendment, and in censure of Dr. Barton; and read one of his circulars to show the confused and unintelligible manner in which he wrote.

Mr. WISE replied, and produced a letter from Commodore Decatur, in which Dr. Barton's qualifications were spoken of in the highest terms.

Mr. JOS. R. INGERSOLL made a few remarks testifying to the high qualities of Dr. B. as a medical man, and the value of his services.

Mr. FILLMORE moved that the committee rise, for the purpose of offering a resolution fixing on a time for taking the bill out of committee; which motion was agreed to, and the committee rose and reported progress.

Mr. FILLMORE offered a joint resolution, suspending the 16th joint rule, which prohibits the sending bills from one House to the other on the last three days of the session.

Mr. WELLER objected; and asked for the yeas and nays.

Mr. FILLMORE said that it was indispensable that the rule should be suspended, in order to pass several bills.

Mr. WELLER said, that whenever the particular case occurred, in which it became necessary to suspend the rule, it could be done for that case.

Mr. FILLMORE said that the rule requiring a vote of two-thirds did not apply to the 16th joint rule.

The CHAIR said that was true; but the resolution itself, to suspend the rule, could not be received without a suspension of the rules.

Mr. FILLMORE then moved a suspension of the rules.

Mr. PICKENS hoped the gentleman from New York would specify the bills he wished to suspend the rules for. The object of the joint rule was to prevent hasty and imperfect legislation; and if they suspended the rule indefinitely, it would produce the very evil the 16th joint rule was intended to prevent.

The SPEAKER said that, by a reference to the precedents on this subject, he found that a majority only was necessary to suspend this joint rule.

Mr. WELLER inquired if the resolution itself was in order, without a suspension of the rules of the House.

The SPEAKER replied that it was not, if any gentleman objected.

Mr. WELLER said that he objected when the resolution was first offered.

Mr. C. BROWN called upon the gentleman from New York to say for the transmission of what bills he wished the rule suspended.

Mr. FILLMORE said it was impossible to say what bills the House might pass during the day.

The SPEAKER then explained to the gentleman from New York, that, as the reception of the resolution was objected to, it would require a majority of two-thirds to get it before the House.

Mr. FILLMORE moved a suspension, nevertheless, for this day only.

Mr. WELLER called for the yeas and nays, and they were ordered; and, being taken, resulted—yeas 89, nays 70.

So the rules were not suspended.

Mr. FILLMORE moved a resolution to terminate debate on this bill in Committee of the Whole at fifteen minutes past 3 o'clock.

[Cries of "Oh, say 3 o'clock." It was now ten minutes to 3 o'clock.]

The resolution, as originally proposed, was agreed to; and the House again resolved itself into Committee of the Whole, (Mr. R. McCLELLAN in the chair.)

Mr. GORDON resumed the debate in Committee of the Whole, by observing that, some days ago, he made a short speech on this bill, and in advocacy of general reforms in the navy; and he took occasion to charge abuses in relation to the stores of ships; but, on that occasion, the gentleman from Virginia denied that there were any such abuses.

Mr. WISE denied that he had done so.

Mr. GORDON congratulated the gentleman on a change of sentiment on that subject.

Mr. WISE denied that he had changed his ground.

Mr. GORDON continued, and commented on the convenient manner in which some gentlemen one day denied that any abuses existed; and on another day, when it was necessary to sustain a particular officer in the navy, took different ground.

There was one position assumed by the gentleman from Virginia [Mr. WISE] which he could not approve of. It was that where he contended that sea-service was not a good school for a surgeon in the navy. It was, in his opinion, a school—a practical school—where a knowledge of diseases and of climates could best be acquired. Diseases, as all knew, differed as climates differed; and there should, in his opinion, be a man at the head of the Medical Bureau acquainted with endemical diseases. No man who filled the station of head of the Bureau of Surgery could possibly be any the worse off for having been at sea. He was glad to see that the gentleman from Virginia was disposed to abandon the ground assumed on a former occasion, and now came forward, for the purpose of saving an officer, to testify to the existence of abuses in the department.

Mr. WISE remarked that he would say to the gentleman from New York, that he was mistaken if he supposed he had changed his ground. Did he understand the gentleman to say that he had changed his ground in order to save a particular man?

Mr. GORDON said he did not make such a charge against the gentleman. What he had intended to express was, that the gentleman, although he had heretofore always defended the schemes of the Secretary of the Navy, yet, on the present occasion, when the merits of Dr. Barton were under discussion, he departed from his usual position, and admitted that there were abuses in the Navy Department.

Mr. WISE said he had, on a former occasion, when the gentleman charged that the officers of the navy had provided for their dinners out of the public stores, declared that the charge was without proof, and defied the gentleman to the proof. If the gentleman had then said that there were abuses in the application of the hospital fund, he should have expressed his concurrence in the sentiment.

Mr. GORDON said he did charge that the officers gave dinners and entertainment to foreign princes and grandees out of the public stores. He now repeated that charge. He wished to know what became of all the wine which was put on board of our ships, unless it was used by the officers at their entertainments? Would the gentleman undertake to say that wine out of the public stores was not used at these entertainments?

He should be willing to go against the proviso, and to save Barton, if he were satisfied that Dr. Barton were a man of sound common sense. He had evidence that Dr. B. had introduced many useful reforms, and was, in some respects, a good officer. He did not always judge by a man's style; but Dr. B. was certainly very queer. There was more of fancy and moonshine than of common sense in his communications. He had no doubt that the Doctor would make a very good poet; and should he turn his attention to literature, instead of hard practical service, would acquire some fame. After a few more remarks, he concluded.

Mr. FILLMORE made a few remarks on the subject of docks, and explained the objects of the amendment proposed in relation to the contemplated dry docks at Brooklyn and at Pensacola. He expressed the opinion that we had not yet experience enough to justify the erection of a floating dry-dock on any plan.

The time being out, the committee proceeded to vote.

The question was first taken on concurring with the Senate in their rejection of the proviso excluding any person from the post of head of the Bureau of Medicine who had not seen five years sea-service; ("Barton or no Barton,") and resulted—yeas 90, nays 35.

So the committee agreed to retain Dr. Barton in office.

DRY-DOCKS.

The question next recurred on the amendments of the Committee on Naval Affairs to the amendments of the Senate in relation to dry-docks.

The Senate proposed to insert a clause declaring that—

The Secretary of the Navy is hereby directed not to apply or expend any part of the appropriation of one hundred thousand dollars, mentioned in the ninth clause of an act of Congress approved on the fourth day of August, one thousand eight hundred and forty-two, entitled "An act making appropriations for the naval service for the year one thousand eight hundred and forty-two," nor the unexpended balances of former appropriations mentioned in said act, for the construction of a floating dock at Brooklyn, or in the harbor of New York; and this shall not be understood as reviving or conferring any authority to proceed with the construction of a dry-dock in said harbor, the making of which was provisionally suspended by the said ninth clause of said act; but the said sum of one hundred thousand dollars, appropriated as above mentioned, shall be applied to the construction of a floating dock at Pensacola, of capacity for the repair of frigates of the smaller class, and upon such plan as the Secretary of the Navy shall approve.

The Committee on Naval Affairs recommended a non-concurrence in this amendment; and that all of the same after the word "directed" be stricken out, and the following inserted in lieu thereof:

To apply the appropriation mentioned in the ninth clause of an act of Congress, approved on the fourth day of August, one thousand eight hundred and forty-two, entitled "An act making appropriations for the naval service for the year one thousand eight hundred and forty-two," and the unexpended balances of former appropriations mentioned in said act, to the construction

of a floating dock at Brooklyn, New York, upon the plan preferred by the commissioners appointed for that purpose; and that the sum of one hundred thousand dollars be, and is hereby, appropriated for the construction of a floating-dock at Pensacola, of capacity for the repair of frigates of the smaller class, upon such plan as the Secretary of the Navy shall approve.

Messrs. J. L. WHITE and McKEON offered amendments to the Senate's amendment; which were severally rejected, and copies of which could not be obtained.

Mr. ROOSEVELT offered an amendment, the effect of which was to insert $100,000 for a floating-dock at Pensacola, and to leave the appropriations for the dry-dock at Brooklyn on the same footing upon which they were placed by the act of last session.

The question was then taken on Mr. ROOSEVELT's amendment, and it was rejected.

The question was then taken on concurring in the amendment reported by the Committee on Naval Affairs, and decided in the negative.

The question then recurred on concurring in the amendment of the Senate, and it was decided in the affirmative—ayes 75, noes 68.

The question coming up on the amendment of the Senate, appropriating $5,000 for defraying the expenses of an agent authorized by the joint resolution of January, 1843—

Mr. STANLY offered an amendment to it, providing that the provisions, clothing, &c., of the navy shall be furnished upon contract, to the highest bidder, after advertisement for sealed proposals in the public papers.

Mr. PARMENTER offered a verbal amendment, which was accepted as a modification by Mr. STANLY.

The committee then rose, and reported the bill to the House.

Some conversation ensued between Messrs. FILLMORE, TILLINGHAST, WISE, FERRIS, and others, respecting the Brooklyn dry and floating-dock question; which was ultimately terminated by the previous question.

The report of the Committee of the Whole on the first amendment was concurred in.

On the second amendment, in relation to the Bureau of Provisions and Clothing, the question was put in the affirmative form, on a concurrence with the amendment of the Senate; and the vote—taken by Messrs MEDILL and T. J. CAMPBELL, as tellers—was 72 in the affirmative, and 66 in the negative. The effect of this vote is to leave this bureau as at present organized.

The third, fourth, and fifth amendments were concurred in.

The question was then taken on agreeing to the report of the Committee of the Whole, recommending a concurrence in the amendment of the Senate on the subject of the instructions in relation to dry-docks.

The yeas and nays were ordered; and the result was—yeas 85, nays 89.

So the House refused to concur.

The next amendment of the Senate (verbal) was concurred in.

The amendment of the Senate providing for an agent on the subject of water-rotted hemp, was also concurred in.

The bill was then returned to the Senate, and will there await the determination of that body to adhere or recede.

NAVY PENSIONS.

On motion of Mr. FILLMORE, the House took up the bill making appropriations for navy pensions, and concurred in the amendment of the Senate thereto.

The report of the Conference Committee on the disagreement in relation to the bill for the relief of James S. Calhoun, was taken up, and agreed to.

At 5 o'clock, Mr. WELLER moved an adjournment carried.

IN SENATE.

THURSDAY, March 2, 1843.

The reading of the journal having been dispensed with, the following engrossed bills were read the third time, and passed, viz:

House bill for the relief of Garret Vleit; and

House bill entitled "An act for the relief of the heirs, or the assignees of the heirs, of Isaac Todd and James McGill."

The PRESIDENT *pro tem.* laid before the Senate a communication from the Navy Department, giving information that letters had been received from the American minister at the court of St. Petersburg, and from the American consul at Odessa, transmitting documents in the Russian language on the subject of the cultivation and preparation of hemp; which, on motion of Mr. YOUNG, was ordered to lie on the table.

Also, laid before the Senate a communication from the Commissioner of the General Land Office and the Register of the Treasury, transmitting, in compliance with resolutions of the Senate of the 18th instant, a statement of the total amount of the two per cent. fund arising from the net proceeds of the sales of the public lands in the State of Ohio; and a statement of the entire cost of the Cumberland road, &c.; which was ordered to lie on the table.

Mr. WRIGHT presented joint resolutions of the Legislature of New York, on the subject of the imprisonment of Mr. Kendall, under the judgment obtained by Messrs. Stockton & Stokes against him. Mr. W. said that, inasmuch as a bill had already passed on the subject of these resolutions, he would merely move that they be laid on the table: agreed to.

On motion by Mr. WRIGHT, leave was granted to Elisha Ketchum to withdraw his petition and papers from the files.

On motion by Mr. YOUNG, the same privilege was granted to John Dowling.

On motion by Mr. LINN, the same privilege was granted to the heirs and legal representatives of Julian Bugue, and the sureties of Thomas Hempstead.

Mr. PHELPS, from the Committee on Indian Affairs, reported back, without amendment, and with a recommendation that it do pass, the joint resolution from the House, to provide for the payment of awards under a treaty with the Cherokee Indians.

Mr. PHELPS, from the Committee on Claims, reported back, without amendment, and with a recommendation that it do pass, the bill from the House for the relief of Gamaliel E. Smith.

On motion by Mr. EVANS, at a subsequent part of the day, the previous orders were postponed, and the above bill was taken up as in committee of the whole, considered, reported to the Senate, and finally passed.

Mr. PHELPS, from the Committee on Pensions, reported back, without amendment, the bill for the relief of George Naddle.

Mr. CHOATE, from the Committee on Naval Affairs, reported a bill for the relief of Samuel H. Thompson; which was read, and ordered to a second reading.

Several adverse reports of the standing committees, on private claims, were taken up and concurred in by the Senate.

On motion by Mr. HUNTINGTON, the previous orders of the day were postponed, and the House bill entitled "An act to provide for the better security of the lives of passengers on board of vessels propelled, in whole or in part, by steam," approved July 7, 1838, was taken up, as in committee of the whole.

Mr. H. made some remarks on this bill, showing the great importance of it to give better security to the lives of persons travelling on steamboats. It modified the law of 1838, so as to dispense with the use of chains in the management of the tiller.

The amendments proposed by the Committee on Commerce having been agreed to, the bill was reported to the Senate, and finally passed.

On motion by Mr. KING, and by general consent, the vote on the adoption of the amendments of the Committee on Commerce on the above bill, was reconsidered. The amendment of the committee, striking out the 8th section of the bill (which section makes provision for testing steamboat boilers) was then disagreed to, and the bill was then passed as amended.

Mr. YOUNG submitted the following resolution; which was agreed to, viz:

Resolved, That the Secretary of the Senate be directed to receive the report to be made by the Secretary of the Treasury, in compliance with the resolution of the Senate of the 30th of July, 1842, in relation to the public lands, in the recess of the Senate; that the same be printed under his inspection; and that one thousand copies, in addition to the usual number, be printed for the use of the Senate, and distributed as other public documents.

The resolution submitted by Mr. WALKER on yesterday, was taken up for consideration, and read as follows, viz:

Resolved, That the President of the United States cause to be investigated by the judges of the superior courts of Florida, in their respective districts, all losses of property suffered by the inhabitants of said Territory, in consequence of the Seminole hostilities since the commencement thereof, in the year 1835; and that the testimony and opinions of said judges in each case be reported to this body when completed: *Provided*, That any expenses attending the investigation be provided for, and paid by, the said Territory of Florida.

Messrs. GRAHAM and BAYARD made some remarks in opposition to the resolution, on the ground that the President had no power to impose such a duty on the judges; and that it would be a constructive implication that Congress would hereafter render satisfaction for the losses of property there, regardless of the principles which had regulated its past action.

Mr. WALKER differed with those Senators as to the construction which they had placed on the resolution. The power (he said) had been heretofore exercised to instruct judges in such cases; and the resolution did not, in the least degree, imply any obligation on Congress to satisfy claims for the losses of property there, without regard to the circumstances under which it was destroyed.

Mr. BUCHANAN moved to lay the resolution on the table; which motion was agreed to.

Mr. BATES, from the Committee on Pensions, reported back, without amendment, the bill for the relief of Lyman N. Cook; which, on his motion, was taken up and considered as in committee of the whole, reported to the Senate, and finally passed.

Mr. SEVIER submitted the following resolution; which was read, and agreed to, as follows:

Resolved, That the Secretary of War be directed to ascertain, and report at the next session of Congress, the value and extent of the claims of the Western Cherokees upon the United States, growing out of their treaty stipulations.

On motion by Mr. GRAHAM, the Committee on Claims was discharged from the further consideration of the petition of the legal representatives of Patrick Gray and George Mayo.

Mr. MERRICK, from the Committee on the Post Office and Post Roads, reported back, without amendment, the joint resolution from the House authorizing the Postmaster General to settle with J. & P. Voorhees.

The bill for the relief of Boyd Reilly, authorizing the Secretaries of War and Navy to allow him compensation, not exceeding ten thousand dollars, for the use of his vapor-bath in the army and navy, was taken up for consideration, as in committee of the whole.

Mr. GRAHAM could not vote for an appropriation of $10,000 on an alleged invention. He gave notice that he would call for the yeas and nays on the passage of this bill.

Mr. MERRICK said the limitation was $10,000; but the Secretary of War and Secretary of the Navy might award only one or two thousand dollars, if the invention was worth no more.

Mr. YOUNG said the claim had increased every time it had come up, and that had been four or five times. He moved to amend the bill, by striking out $10,000, and inserting $5,000.

Mr. MERRICK opposed the amendment; and insisted that no one could tell the value of the invention till the subject was investigated, as proposed in the bill.

Mr. WILLIAMS urged that $5,000 would be an ample sum for the limitation.

Mr. SEVIER asked if it was the same bill which had passed the Senate so often before.

Mr. MERRICK said it was.

The question was taken on the amendment, and it was adopted.

The bill was then reported to the Senate, and read a third time.

On the question of the passage of the bill, Mr. GRAHAM called for the yeas and nays; which were ordered.

Mr. ALLEN said he would vote for the bill, because the public service had been enjoying the advantages of the invention.

Mr. LINN remarked, that ten years ago this bill

had passed the Senate, after having undergone the scrutiny of a committee of doctors, of which he was one. He bore testimony to the invention being an admirable one, and to its having been found of the greatest service to the army and navy.

The bill was then passed—yeas 20 nays 9.

The bill for the relief of the Stockbridge tribe of Indians, in the Territory of Wisconsin, was taken up, and considered as in committee of the whole, reported to the Senate, and finally passed.

Mr. EVANS, from the Committee on Finance, reported back, with amendments, the bill making appropriation for the civil and diplomatic service for the fiscal year ending June 30, 1844.

Mr. E. gave notice that he would at 2 o'clock ask the Senate to take up the above bill for consideration; and, on his motion, the amendments were ordered to be printed.

Mr. E said two bills had been returned from the House, with amendments. He moved that they be taken up. The motion was agreed to; and

The Senate then took up the bill making appropriation for the payment of naval pensions, which had been returned with a disagreeing vote to the amendment of the Senate striking out the sum of $16,000 for the satisfaction of pensions due under the navy pension law of 1837, which had been repealed in August, 1841.

Then, on motion by Mr. E., the Senate receded from its amendment.

The bill making appropriation for the support of the naval service for the half-calendar year ending in June 30, 1843, and the fiscal year ending in June 30, 1844. having been returned from the House with sundry amendments, and with a disagreeing vote to the amendment of the Senate on the subject of the erection of a floating dock at New York, was taken up for consideration. The amendments of the House were concurred in; and,

On motion by Mr GRAHAM, the Senate insisted on its amendment on the subject of the floating dock.

This bill was subsequently returned to the Senate—the House adhering to its disagreement to the Senate's amendment, and asking for a committee of conference; when,

On motion by Mr. EVANS, the President *pro tem.* was authorized to appoint three conferees on the part of the Senate, to take the disagreeing votes into consideration.

The resolution submitted by Mr. EVANS on yesterday, to suspend the 16th joint rule, for the purpose of permitting the bill to recharter the District banks; and the bill to refund to Massachusetts the balances due for disbursements during the late war with Great Britain; and several private bills, (to be sent to the other House,) was taken up for consideration.

Mr. ALLEN objected to the suspension of the rule, so far as it regarded the bill in to recharter the banks of the District of Columbia; and he, therefore, called for the yeas and nays on the adoption of the resolution.

The yeas and nays were ordered, and the question was taken—yeas 22, nays 15. So the 16th joint rule was suspended.

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On motion of Mr. GRAHAM, was then taken up, as in committee of the whole; and, being considered, was reported to the Senate, and finally passed.

Mr. LINN submitted the following resolution; which lies on the table one day, under the rule, viz:

Resolved, That the President of the United States be requested to communicate to the Senate, at the next session of Congress, such information as he may be able to procure respecting the foreign markets for provisions and breadstuffs, the products of the United States; the manner in which such markets are affected by the tariff and commercial regulations of different countries; the prospects and means of extending such markets; and any improvements that may be required in the preparation of such products for foreign consumption.

The unfinished business of yesterday was resumed—being the further consideration of the bill in relation to the exemplification of the records of land patents, and other evidences of title, and amendatory of the act entitled "An act to reorganize the General Land Office"—as in committee of the whole, on an amendment of the Committee on Public Lands, proposing to transfer the duties now performed by the secretary to the President, in signing patents, to the Recorder of the Land Office.

Mr. SMITH of Indiana wished the first two propositions of the amendment to be adopted—leaving that part in relation to the secretary to the President for the last question.

The first amendment was to strike out the preamble of the bill; which was agreed to.

The next amendment was to strike out the third section, and insert the substitute, repealing the act authorizing the appointment of a secretary to the President.

Mr. WALKER objected to the joint question of striking out the section and repealing a law.

Mr. SMITH of Indiana, to disembarrass the subject, would consent to make two questions of the amendment.

This not being in order, the amendment of the Committee on Public Lands was, by assent, rejected; and then

Mr. SMITH of Indiana moved, simply, to strike out the 3d section.

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Mr. ALLEN opposed the proposition to strike out the third section, and pointed out the peculiar circumstances which called for its adoption.

Mr. SMITH of Indiana stated the views of the Committee on Public Lands, upon which they had come to the conclusion that this section should be stricken out.

Mr. ALLEN replied, showing that the difficulties of title to military lands on one side of the Scioto river prevented the improvement of the country, while, on the opposite side, where the titles are derived from patents of congressional lands, the highest state of cultivation and improvement prevails. This bill, in the form in which it came from the House, would effect the greatest benefits.

The subject was further discussed by Messrs. SMITH and ALLEN; when

Mr. EVANS gave notice, that if the question was to lead to further debate, he should move to lay it on the table.

The question was then taken on striking out the third section, and decided in the affirmative—yeas 27, nays 11.

Mr. SMITH now moved to insert the substitute of the Committee on Public Lands. He proposed that the question should be taken without debate.

The proposition was to dispense with the office of secretary to the President of the United States for signing patents, by transferring the duties to the office of the Recorder of Land Patents.

Mr. KING thought the chairman of the Committee on Public Lands ought to be satisfied with the amendment already made. He conceived it would be far more reasonable to abolish the office of Recorder in the Land Office, than that of secretary to the President. He suggested that the present state of things be left to continue till next session, and then let an examination be made so as to ascertain what office can be best dispensed with. He was opposed to this mode of legislating against an individual.

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Mr. MERRICK opposed this proposition at the present time, and entreated his friend [Mr. SMITH] to withdraw it.

Mr. BENTON was entirely opposed to the proposition. He stated the circumstances under which Congress had come to the determination that the President should have a member of his own household to sign patents. And as to the patents not being all signed during the last year, it should be recollected that other duties were to be performed; for Congress had been nearly two years in session.

Messrs WALKER, BERRIEN, BUCHANAN, and others, declared their opposition to the amendment.

The question was then taken, and the substitute was rejected, without a division.

The bill was reported to the Senate, the amendments made in committee were adopted, and the bill was read a third time and passed.

Mr. BARROW, from the Committee on Commerce, reported back, without amendment, the bill making the city of Lafayette, in Louisiana, a port of delivery.

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GEORGIA RESOLUTIONS.

Mr. CUTHBERT presented certain resolutions passed by the Legislature of Georgia on the 19th of December last; but which, in consequence of his long absence from Congress, (resulting from the bad state of his health,) he had not received when they were first transmitted to him; and which, consequently, it was not in his power to present till now. It would be seen, by the resolutions themselves, that he was instructed by his Legislature to lay them before the Senate of the United States.

The resolutions were then read; being the same heretofore published through the newspapers, condemnatory of the political course of the Hon. J. M. BERRIEN, one of the Senators of the United States from Georgia.

Mr. BERRIEN presented certain counter-resolutions, passed by an opposite portion of the Legislature, and other persons.

These resolutions were also read; being laudatory of Mr. BERRIEN'S political course.

Mr. CUTHBERT spoke, at considerable length, in justification of the general principles of the resolutions he had presented.

Mr. BERRIEN replied at equal length.

The discussion between the two Senators continued for some time, and will be hereafter published.

The motion to print, although not formally made on the presentation of the resolutions, was understood to be the pending question.

On inquiry by the CHAIR as to that understanding.

Mr. CUTHBERT said that such was his purpose; and he requested that it would be considered as if that motion had accompanied the presentation of the resolutions.

On the question of printing,

Mr. LINN called for the yeas and nays; which were ordered.

The vote was then taken, and resulted—yeas 21, nays 24, as follows:

YEAS—Messrs. Allen, Bagby, Benton, Buchanan, Calhoun, Cuthbert, Fulton, Henderson, King, Linn, McDuffie, McRoberts, Sevier, Smith of Connecticut, Sturgeon, Tappan, Walker, Wilcox, Williams, Woodbury, and Wright—21.

NAYS—Messrs. Archer, Barrow, Bates, Bayard, Choate, Clayton, Conrad, Crafts, Dayton, Evans, Graham, Huntington, Kerr, Merrick, Miller, Morehead, Phelps, Porter, Simmons, Smith of Indiana, Sprague, Tallmadge, White, and Woodbridge—24.

So the resolutions were not ordered to be printed.

THE TREATY OF WASHINGTON.

The House bill making provision for carrying out the treaty of Washington, lately made with Great Britain, was then taken up, as in committee of the whole.

Mr. BENTON said this scheme of the African

of a floating dock at Brooklyn, New York, upon the plan preferred by the commissioners appointed for that purpose; and that the sum of one hundred thousand dollars be, and is hereby, appropriated for the construction of a floating dock at Pensacola, of capacity for the repair of frigates of the smaller class, upon such plan as the Secretary of the Navy shall approve.

Messrs. J. L. WHITE and McKEON offered amendments to the Senate's amendment; which were severally rejected, and copies of which could not be obtained.

Mr. ROOSEVELT offered an amendment, the effect of which was to insert $100,000 for a floating-dock at Pensacola, and to leave the appropriations for the dry-dock at Brooklyn on the same footing upon which they were placed by the act of last session.

The question was then taken on Mr. ROOSEVELT's amendment, and it was rejected.

The question was then taken on concurring in the amendment reported by the Committee on Naval Affairs, and decided in the negative.

The question then recurred on concurring in the amendment of the Senate, and it was decided in the affirmative—ayes 75, noes 68.

The question coming up on the amendment of the Senate, appropriating $5,000 for defraying the expenses of an agent authorized by the joint resolution of January, 1843—

Mr. STANLY offered an amendment to it, providing that the provisions, clothing, &c., of the navy shall be furnished upon contract, to the highest bidder, after advertisement for sealed proposals in the public papers.

Mr. PARMENTER offered a verbal amendment, which was accepted as a modification by Mr. STANLY.

The committee then rose, and reported the bill to the House.

Some conversation ensued between Messrs. FILLMORE, TILLINGHAST, WISE, FERRIS, and others, respecting the Brooklyn dry and floating-dock question; which was ultimately terminated by the previous question.

The report of the Committee of the Whole on the first amendment was concurred in.

On the second amendment, in relation to the Bureau of Provisions and Clothing, the question was put in the affirmative form, on a concurrence with the amendment of the Senate; and the vote—taken by Messrs MEDILL and T. J. CAMPBELL, as tellers—was 72 in the affirmative, and 66 in the negative. The effect of this vote is to leave this bureau as at present organized.

The third, fourth, and fifth amendments were concurred in.

The question was then taken on agreeing to the report of the Committee of the Whole, recommending a concurrence in the amendment of the Senate on the subject of the instructions in relation to dry-docks.

The yeas and nays were ordered; and the result was—yeas 85, nays 89.

So the House refused to concur.

The next amendment of the Senate (verbal) was concurred in.

The amendment of the Senate providing for an agent on the subject of water rotted hemp, was also concurred in.

The bill was then returned to the Senate, and will there await the determination of that body to adhere or recede.

NAVY PENSIONS.

On motion of Mr. FILLMORE, the House took up the bill making appropriations for navy pensions, and concurred in the amendment of the Senate thereto.

The report of the Conference Committee on the disagreement in relation to the bill for the relief of James S. Calhoun, was taken up, and agreed to.

At 5 o'clock, Mr. WELLER moved an adjournment carried.

IN SENATE.

THURSDAY, March 2, 1843.

The reading of the journal having been dispensed with, the following engrossed bills were read the third time, and passed, viz:

House bill for the relief of Garret Vleit; and

House bill entitled "An act for the relief of the heirs, or the assignees of the heirs, of Isaac Todd and James McGill."

The PRESIDENT *pro tem.* laid before the Senate a communication from the Navy Department, giving information that letters had been received from the American minister at the court of St. Petersburg, and from the American consul at Odessa, transmitting documents in the Russian language on the subject of the cultivation and preparation of hemp; which, on motion of Mr. YOUNG, was ordered to lie on the table.

Also, laid before the Senate a communication from the Commissioner of the General Land Office and the Register of the Treasury, transmitting, in compliance with resolutions of the Senate of the 18th instant, a statement of the total amount of the two per cent. fund arising from the net proceeds of the sales of the public lands in the State of Ohio; and a statement of the entire cost of the Cumberland road, &c.; which was ordered to lie on the table.

Mr. WRIGHT presented joint resolutions of the Legislature of New York, on the subject of the imprisonment of Mr. Kendall, under the judgment obtained by Messrs. Stockton & Stokes against him. Mr. W. said that, inasmuch as a bill had already passed on the subject of these resolutions, he would merely move that they be laid on the table: agreed to.

On motion by Mr. WRIGHT, leave was granted to Elisha Ketchum to withdraw his petition and papers from the files.

On motion by Mr. YOUNG, the same privilege was granted to John Dowling.

On motion by Mr. LINN, the same privilege was granted to the heirs and legal representatives of Julian Bugue, and the sureties of Thomas Hempstead.

Mr. PHELPS, from the Committee on Indian Affairs, reported back, without amendment, and with a recommendation that it do pass, the joint resolution from the House, to provide for the payment of awards under a treaty with the Cherokee Indians.

Mr. PHELPS, from the Committee on Claims, reported back, without amendment, and with a recommendation that it do pass, the bill from the House for the relief of Gamaliel E. Smith.

On motion by Mr. EVANS, at a subsequent part of the day, the previous orders were postponed, and the above bill was taken up as in committee of the whole, considered, reported to the Senate, and finally passed.

Mr. PHELPS, from the Committee on Pensions, reported back, without amendment, the bill for the relief of George Naddle.

Mr. CHOATE, from the Committee on Naval Affairs, reported a bill for the relief of Samuel H. Thompson; which was read, and ordered to a second reading.

Several adverse reports of the standing committees, on private claims, were taken up and concurred in by the Senate.

On motion by Mr. HUNTINGTON, the previous orders of the day were postponed, and the House bill entitled "An act to provide for the better security of the lives of passengers on board of vessels propelled, in whole or in part, by steam," approved July 7, 1838, was taken up, as in committee of the whole.

Mr. H. made some remarks on this bill, showing the great importance of it to give better security to the lives of persons travelling on steamboats. It modified the law of 1838, so as to dispense with the use of chains in the management of the tiller.

The amendments proposed by the Committee on Commerce having been agreed to, the bill was reported to the Senate, and finally passed.

On motion by Mr. KING, and by general consent, the vote on the adoption of the amendments of the Committee on Commerce on the above bill, was reconsidered. The amendment of the committee, striking out the 8th section of the bill (which section makes provision for testing steamboat boilers) was then disagreed to, and the bill was then passed as amended.

Mr. YOUNG submitted the following resolution; which was agreed to, viz:

Resolved, That the Secretary of the Senate be directed to receive the report to be made by the Secretary of the Treasury, in compliance with the resolution of the Senate of the 30th of July, 1842, in relation to the public lands, in the recess of the Senate; that the same be printed under his inspection; and that one thousand copies, in addition to the usual number, be ordered for the use of the Senate, and distributed as other public documents.

The resolution submitted by Mr. WALKER on yesterday, was taken up for consideration, and read as follows, viz:

Resolved, That the President of the United States cause to be investigated by the judges of the superior courts of Florida, in their respective districts, all losses of property suffered by the inhabitants of said Territory, in consequence of the Seminole hostilities since the commencement thereof, in the year 1835; and that the testimony and opinions of said judges in such case be reported to this body when completed: *Provided*, That any expenses attending the investigation be provided for, and paid by, the said Territory of Florida.

Messrs. GRAHAM and BAYARD made some remarks in opposition to the resolution, on the ground that the President had no power to impose such a duty on the judges; and that it would be a constructive implication that Congress would hereafter render satisfaction for the losses of property there, regardless of the principles which had regulated its past action.

Mr. WALKER differed with those Senators as to the construction which they had placed on the resolution. The power (he said) had been heretofore exercised to instruct judges in such cases; and the resolution did not, in the least degree, imply any obligation on Congress to satisfy claims for the losses of property there, without regard to the circumstances under which it was destroyed.

Mr. BUCHANAN moved to lay the resolution on the table; which motion was agreed to.

Mr. BATES, from the Committee on Pensions, reported back, without amendment, the bill for the relief of Lyman N. Cook; which, on his motion, was taken up and considered as in committee of the whole, reported to the Senate, and finally passed.

Mr. SEVIER submitted the following resolution; which was read, and agreed to, as follows:

Resolved, That the Secretary of War be directed to ascertain, and report at the next session of Congress, the value and extent of the claims of the Western Cherokees upon the United States, growing out of their treaty stipulations.

On motion by Mr. GRAHAM, the Committee on Claims was discharged from the further consideration of the petition of the legal representatives of Patrick Gray and George Mayo.

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Mr. MERRICK opposed the amendment; and insisted that no one could tell the value of the invention till the subject was investigated, as proposed in the bill.

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Mr. MERRICK said it was.

The question was taken on the amendment, and it was adopted.

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GEORGIA RESOLUTIONS.

Mr. CUTHBERT presented certain resolutions passed by the Legislature of Georgia on the 19th of December last; but which, in consequence of his long absence from Congress, (resulting from the bad state of his health,) he had not received when they were first transmitted to him; and which, consequently, it was not in his power to present till now. It would be seen, by the resolutions themselves, that he was instructed by his Legislature to lay them before the Senate of the United States.

The resolutions were then read; being the same heretofore published through the newspapers, condemnatory of the political course of the Hon. J. M. BERRIEN, one of the Senators of the United States from Georgia.

Mr. BERRIEN presented certain counter-resolutions, passed by an opposite portion of the Legislature, and other persons.

These resolutions were also read; being laudatory of Mr. BERRIEN's political course.

Mr. CUTHBERT spoke, at considerable length, in justification of the general principles of the resolutions he had presented.

Mr. BERRIEN replied at equal length.

The discussion between the two Senators continued for some time, and will be hereafter published.

The motion to print, although not formally made on the presentation of the resolutions, was understood to be the pending question.

On inquiry by the CHAIR as to that understanding.

Mr. CUTHBERT said that such was his purpose; and he requested that it would be considered as if that motion had accompanied the presentation of the resolutions.

On the question of printing,

Mr. LINN called for the yeas and nays; which were ordered.

The vote was then taken, and resulted—yeas 21, nays 24, as follows:

YEAS—Messrs. Allen, Bagby, Benton, Buchanan, Calhoun, Cuthbert, Fulton, Henderson, King, Linn, McDuffie, McRoberts, Sevier, Smith of Connecticut, Sturgeon, Tappan, Walker, Wilcox, Williams, Woodbury, and Wright—21.

NAYS—Messrs. Archer, Barrow, Bates, Bayard, Choate, Clayton, Conrad, Crafts, Dayton, Evans, Graham, Huntington, Kerr, Merrick, Miller, Morehead, Phelps, Porter, Simmons, Smith of Indiana, Sprague, Tallmadge, White, and Woodbridge—24.

So the resolutions were not ordered to be printed.

THE TREATY OF WASHINGTON.

The House bill making provision for carrying out the treaty of Washington, lately made with Great Britain, was then taken up, as in committee of the whole.

Mr. BENTON said this scheme of the African

squadron became worse and worse. Every step taken in it is a new blunder. Commenced in violation of the Constitution, as he believed—in violation of the policy of the country—contradicted in its essential meaning by Sir Robert Peel—already pregnant with the seeds of war;—here, in addition to all this, is an indefinite appropriation for its support. Specific appropriations are the policy of our Government—one of the great reforms introduced by Mr. Jefferson. Before Mr. Jefferson's time, appropriations were made in mass for different branches of service; and the administration applied, more or less, to different branches. This was a source of abuse, which the change of parties in 1800 corrected. Specific appropriations were then introduced, and have been adhered to since, until now, when a great departure from it is attempted. The naval appropriation for the year is large: eight millions were asked by the Secretary. I do not know exactly how much has been granted.

Mr. WILLIAMS of Maine said six millions.

Mr. BENTON. Very well. Six millions! and out of this, the Secretary of the Navy is to take what he pleases for the African squadron. To this I object. I want a specific sum named, according to the safe practice and laudable reform introduced by Mr. Jefferson. We have three services for our navy—a home service for a home squadron; an African squadron for suppressing the slave-trade; and the protection of commerce by the navy generally. Here are three different services, and each should have its own appropriation—so much for the home squadron, so much for the African, and so much for the rest of the navy. The present indefinite appropriation violates this rule, and enables the Secretary to confound expenditures, and to hide the real expense of the African squadron. He is to take what he pleases out of six millions; and there is no way to ascertain how much he takes. In fact, he may send the whole navy there, and make this business of negro hunting on the coast of Africa cost us six millions of dollars per annum. It is an extravagant supposition that he will do so; but it will be bad enough if he takes any large part of it; and, with a policy which could originate such a squadron, there is no knowing what extravagance will ensue.

Mr. B. was more and more opposed to this squadron. He considered it unconstitutional. He believed the treaty-making power had no right to dispose of our navy by a treaty with a foreign nation; that the army and the navy were in the hands of Congress—the two Houses of Congress—and could not be taken out of their hands by the treaty-making power. Upon the principles of this treaty, the President and Senate, and any foreign nation, may take the whole navy out of the hands of Congress, and bind it for any number of years to any foreign service; and even for objects moral, and not political.

Mr. B. was against the policy of this squadron. It was a violation of the established policy of the Government. No entangling alliances; no quitting our own, to stand on foreign ground. Such were the words of Washington—such the obvious interest of the country. For fifty years we had refused these alliances. In 1834 President Jackson most formally rejected the very one which is now agreed to. In that year the British minister at Washington (Sir Charles Vaughan) pressed this very convention upon us. President Jackson directed Mr. Forsyth to refuse it, and to declare "*that the determination of the Government was definitively formed, not to enter into any convention on the subject.*" In 1840 Mr. Van Buren instantly rejected the arrangement made on this subject by a British and an American naval officer. Until 1842, under all administrations, the policy of the country was inexorable—to have none of these foreign connexions: in that year this policy was departed from. The very convention was made which President Jackson, in 1834, had pointedly refused; and already we see the evils of such a departure from a wise policy. Besides this indefinite appropriation of money, we have dissension about the treaty itself. The British Government construes it one way: we construe it another; and the President, in his message to the House of Representatives, evidently construes it both ways; and then contemplates a contingency in which he may see it necessary that the Government shall send its whole naval force to Africa! Very much like war, this! And a fine commentary on the peace treaty! Its very authors already speaking of a contingency which may arise under it, and which may send our navy to Africa, to protect our vessels there from British visitation.

Mr. B. said there were other things in the bill to which he should not object. So far as it provided for carrying into effect all that came within the scope of the treaty-making power, he should make no objection, much as he disliked the treaty. But this provision for the squadron he held to be unconstitutional, and a gross and fatal departure from the wise and old-established policy of the country. To this part he objected, and should take all proper occasions to manifest his opposition to it. The session was now expiring; much business was pressing. He could not make a speech; but he could not lose the opportunity of placing himself fully and unequivocally before the country as utterly opposed to this African squadron—a squadron which, besides entangling us in a foreign alliance, involves a vast expenditure of money, and sends the tenth part of our navy to Africa at a time when we are denying appropriate defence to the West—dismounting our dragoons on the frontiers of Missouri and Arkansas, and retrenching 12½ per cent. from the pay of officers whose whole pay is now barely adequate to the support of themselves and families.

Mr. ALLEN submitted an amendment, to come in at the end of the 6th section, to the effect that the sum to be applied to the support of the squadron on the coast of Africa shall not exceed $240,000. Mr. A. said that this amount was the same as the estimates of the department.

Mr. ARCHER said the Senator from Missouri [Mr. BENTON] had acted in perfect good faith with the assurances which he gave on yesterday—that he would consume but a few moments in the discussion of this bill. That was the reason which induced him to abstain from making any reply to the remarks of that Senator, except as to one point—that this bill appropriated an amount in gross, subject to be applied in the discretion of the Executive. He (Mr. A.) contended that there was no violation of the usual practice in this case; the appropriation was necessarily subject to be applied according to the discretion of the Executive. As to striking out the 6th clause of the bill, he had no objection to it whatever; for he considered the provision contained in that clause to be wholly unnecessary. There was no specific provision requisite, in order to give to the Executive the power of making the application of the sum necessary to carry the provisions of the treaty into effect.

Mr. CALHOUN said there was no specific appropriation, because no additional expense was added to the existing expenses of the navy. If no treaty had been made, the same difficulty would exist with regard to the right of visitation. The treaty had not created the difficulty; it had grown out of other subjects; and if a war should hereafter take place, in consequence of the British insisting upon the right of visitation, so far from the treaty being responsible for producing it, we would be, in consequence of the existence of the treaty, in an infinitely better position than before; because we would then have not only the law of nations in our favor, but that which was infinitely stronger, and which could not fail to command the sympathies of the world—the express stipulations of a treaty. He believed the interpretation put upon it by the President was the true interpretation. He would not consume the time of the Senate upon this matter. He did not think there was the slightest necessity for the amendment; and he would, therefore, vote against it.

Mr. ALLEN said he thought it right and proper that the American people should know something about the additional expense which would be entailed upon this Government by the treaty. Under the present bill, the Executive might go on and appropriate ten millions of dollars. It was for this reason he was desirous of fixing upon a specific sum; for, unless some limit were given to the expenditure in this way, it could never be ascertained how much expense the treaty had entailed upon the Government. He asked for the yeas and nays upon the motion.

Mr. EVANS said if the gentleman would refer to the report of the Secretary of the Navy, he would find that no additional expense was to be incurred; a change of destination for a part of the gross amount was all that would be required.

Mr. ALLEN said he believed it was not customary to put the whole number of the vessels composing the American navy into commission at once, during a time of peace.

The allegation of the Senator from Maine, was, that the same number of ships would be employed without the treaty as with it. One of two things must, then, be the case: either that too few ships had heretofore been employed—[Mr. EVANS. That is it]—or else that a greater number than was necessary were to have been commissioned without reference to the treaty.

Mr. CALHOUN said that the object of the Senator from Ohio now turned out to be, to ascertain the additional expense which this country would be subjected to, in consequence of the treaty. He submitted, in all candor, to that Senator, whether there would be any additional expense, as it was requisite, at all events, to have a large force upon the coast of Africa; and whether the whole expense of that force was to be attributable to the existence of the treaty. And he would submit to the Senator a still stronger question. The Senator was aware of the existing state of things in this country; and he was also aware that Great Britain had acquired the right of visitation and supervision partly by our own agency and example. We had, ourselves, induced her to take the course she had. We were the first to condemn the African slave-trade; and yet it was well known that all slavers were in the habit of making fraudulent use of our flag. He submitted, then, whether, upon considerations of honor and duty, we were not bound to send vessels to that coast, to prevent such abuses; and whether the charge incurred for that purpose should be attributed to the treaty.

Mr. ALLEN observed that, if the Senator's argument was good, there was no occasion for us to enter into a treaty at all; and its only effect would be to place ourselves under an obligation to do that which we were bound to do before. But he had yet to learn that there was a necessity for keeping one-tenth of our fleet upon the coast of Africa. He would undertake to say that the expenses incurred by reason of the treaty would more than quadruple the expense which without it, would have been requisite for that branch of the public service. He was opposed to that article of the treaty upon higher grounds. Great Britain possessed the greatest maritime power of any nation upon earth; she had twenty guns to our one; she was, consequently, by this arrangement, disposing of one-tenth of our naval force, and, to that extent, weakening our power. Eighty guns, to us, were something; to her, nothing. This was a very important consideration, independently of the enormous increase of expense.

Mr. ARCHER entreated the Senator from South Carolina not to persist in raising a general debate upon the subject of the treaty; and he appealed—and he thought his appeal would not be in vain—to the Senator from Ohio, whose motion had given rise to this discussion, to forbear protracting the debate at this time. A single word would suffice to dismiss the whole subject. The question whether it was our policy to have a certain number of guns upon the African coast, could not now by possibility arise—and why? Because we were bound by treaty stipulations. Whether expedient or not, we were bound to employ that particular number for the next five years, in the suppression of the slave-trade. He submitted to the honorable Senator from Ohio, whether he desired to be instrumental—no matter whether he deemed the force too great or not—in involving this country in the commission of a breach of public faith? That honorable Senator, and the Senator from Missouri, seemed to regard the sixth clause of this bill as something extraordinary. And he confessed that he himself regarded it as an extraordinary propo-

sition, that a portion of the naval force of the country should receive its destination from Congress. Congress might, with equal propriety, indicate what force should be sent to the Pacific, and what to the Mediterranean. Who ever heard before that this was a part of the duty of Congress? Was Congress to engross everything—to dictate everything? No: this had not been the practice of the Government of the United States. It was a matter which ought to be left to the Executive—and why? The reason was very obvious: because at one part of the year a greater force might be required at a given place, than at another part of the same year.

Mr. CALHOUN said the Senator had admonished him—

[Mr. ARCHER. Not admonish, but request.] —not to go into the debate. There was no necessity for the admonition; for he did not intend even to be driven into a general discussion. He had one word, however, to say to the Senator from Ohio, in justice to himself, and to those who thought with him upon this subject; and it was, that when the Senator proposed to show what expense should be incurred, he ought to be prepared to show what force was necessary. It appeared that the Senator was not prepared; and, therefore, there would be a fallacy, to some extent—and, in his opinion, to a great extent—if the particular amount specified by the Senator should be fixed upon.

Mr. RIVES said the amendment ought not to prevail, because it is utterly inconsistent with the provision that eighty guns should be kept afloat on the coast of Africa. A proviso to the sixth section of the bill, that the expense of the African squadron shall not exceed $240,000, would amount to a prohibition of carrying out the express stipulation of the treaty in that particular. One of the important objections made by the Senator from Missouri, was that, by force of treaty, this Government undertakes to settle how the public armed force shall be employed—a power which the Senator denies to belong to the treaty-making power. But the sixth section of this bill shows that this power is effectually checked by the legislative action necessary to its approval. Mr. R. enlarged upon this view, and proceeded at considerable length to review the circumstances under which this compact with the British Government became the best and only policy which the Government of the United States could adopt. He expressed his firm conviction that the British cruisers, let what will be said in or out of Parliament, will not, pending this treaty, attempt to interfere with American vessels; and that there will be no exercise of the right of visitation on the coast of Africa, heretofore asserted by Great Britain. He, for one, denied—what he was sorry to find the President of the United States had been betrayed into the admission of, in his message—that Great Britain could have any right of visitation; for he maintained that an entry on board an American vessel, even under the circumstances here supposed—whether under the name of visit or search—would be, in the eye of the law of nations, a trespass, involving a legal responsibility for the act in every case; that the measure of that responsibility might be mitigated and extenuated, according to circumstances; but that in no case could a right—far less a "perfect" right—be recognised, on the part of a foreign cruiser, to enter on board an American vessel on the high seas, in time of peace, to ascertain her nationality or character by an examination of her papers, &c., or for any other purpose; that the deck of an American vessel should be held as inviolable as the precincts of the national territory; that a British cruiser, suspecting a vessel sailing under the flag of the United States to be a pirate or slave-trader of some power which had conceded the right of search, might, upon her responsibility, enter on board such vessel, but she would do so at her peril; and, if the vessel turned out to be a *bona fide* American vessel, an act will have been committed, drawing after it all the legal consequences of a trespass, for which indemnity and redress, corresponding to the circumstances of the case, would be due. The position which he sought to establish—and which he thought it of the highest importance to maintain, both in regard to the consistency and integrity of the maritime code, and for the practical security of national independence—is, that there is no right, on the part of a British cruiser, in any case, to enter the deck of an American vessel on the high seas in time of peace; and that whatever circumstances of suspicion, real or imaginary, "felt or feigned," may lead to it, as soon as the vessel thus entered and detained on the highway of nations is discovered to be a *bona fide* American vessel, a legal responsibility for the act as a trespass accrues. If this responsibility be admitted, (as it would seem to be in the later communications of the British Government,) the very admission nullifies the alleged right, and reduces it to a solecism in language. He hoped and believed effectual steps would be taken between this Government and Great Britain to guard against any inference of a conceded right of visitation to be drawn from the incautious admission in the President's message.

The sixth section of this bill was particularly commended to him, as recognising the principle that legislative concurrence was indispensable to the treaty making power, by giving Congress a veto, through the exercise of its right of making appropriations, in withholding the means of carrying out a treaty improperly made.

Mr. EVANS said it was his purpose to move a recess as soon as this question was disposed of. He appealed to Senators on both sides to abstain from debate, in consideration of the arrear of business on the calendar.

Mr. RIVES protested against the lecture of the Senator from Maine. He had heretofore abstained from the expression of his opinions, and did hope that, situated as he had been, he would have been allowed half an hour for presenting his views.

Mr. ARCHER renewed his appeal to the Senate, and particularly to the Senator from Ohio, to let the question be taken on the pending amendment.

Mr. ALLEN modified his amendment, by making the sum $281,000.

The amendment was negatived without a division.

The bill was then reported back to the Senate.

Mr. KING had listened with great pleasure to the remarks of the Senator from Virginia, [Mr. RIVES,] particularly with regard to the denunciation of the British claim to the right of visitation. He wished to know of the chairman of the Committee on Foreign Relations whether that portion of the President's message relating to the right of visitation, as regards suspected piracy, is correctly given in the printed copies of the message; and if so, what was the exact understanding of the principle.

Mr. ARCHER replied that he understood the law of nations to relate to piracy proper—not the piracy of the slave-trade.

Mr. LINN made allusion to a particular instance of supposed piracy in the slave-trade, in which an acknowledged outrage had been committed on an American vessel. And with regard to the harshness of language indulged in by American legislators against Great Britain, he asked did it not arise out of the fact that Great Britain was always the aggressor against the rights of the United States, and therefore the language of resentment was natural. He asked what reparation had been provided for the outrages on American vessels.

The bill was then read a third time, and passed.

Mr. WRIGHT asked the Senate to take up the bill in relation to the steamboat law. He proposed a modification of the Senate's amendment, which would reconcile all difficulties between the two Houses.

The modification was adopted, and the bill was read the third time and passed.

Mr. EVANS moved to take a recess till six o'clock.

Mr. MERRICK objected.

Mr. McDUFFIE asked whether experience had not satisfied him that, after dinner, gentlemen would be more disposed to make long speeches than before it.

Mr. EVANS replied that he never made long speeches at a period of the session calling for action rather than debate.

The question was then taken on the motion of Mr. EVANS, and the Senate took a recess till six o'clock.

EVENING SESSION—6½ o'clock, p. m.

The Senate resumed its session.

The CHAIR informed the Senate that a joint resolution had just been presented from the House, explanatory of the act for the relief of Thomas King. It was the opinion of the Chair that the joint resolution could not be received without a suspension, by the House, of the 16th joint rule, which prohibits the sending from either House to the other any bill or resolution originating within the last three days of the session.

Mr. KING said it would be necessary to return the resolution to the House.

Mr. SEVIER said it was a bill merely to correct an error in the phraseology of a law, which passed this session; and he hoped, by unanimous consent, the Senate would agree to receive it.

Mr. KING replied that the Senate could not receive it by unanimous consent. The rule was imperative. It made no difference what the character of the bill was. Though the bill was unimportant, the principle involved was the same. He moved that the Secretary of the Senate be directed to return the joint resolution to the House, accompanied by a message, expressing the opinion of the Senate that it could not be received unless by a suspension, on the part of the House, of the joint rule. The order was agreed to.

The Senate bill, fixing by computation the value, at the custom-house, of certain German and other foreign coins, having been returned from the House with sundry amendments, was taken up for consideration; and, after a few remarks by Mr. EVANS, those amendments were concurred in.

The joint resolution reducing the rates of postage, having been returned from the House with sundry amendments, was taken up for consideration; when

Mr. MERRICK said, during the recess of the Senate he took that opportunity to examine the amendments of the House; and it was his opinion, upon such an examination, that the Senate could not, with propriety, concur in them. The bill which passed the Senate, fixed the rate to the Federal coin, and graduated it according to distances throughout the Union; but the amendments of the House proposed to strike out these provisions of the Senate bill, and to substitute a provision regulating the postage according to weight; a provision which he believed would be destructive of the revenues of the department. He moved that the Senate disagree to the amendments of the House.

The Senate disagreed, and the bill was returned.

Mr. LINN submitted the following resolution; which lies one day on the table:

Resolved, That the report of Lieutenant Freemont, of the Topographical Engineers, be printed, for the use of the Senate, and the map and drawings engraved; and that —— thousand extra copies be printed; and that the work be done under the revision and correction of the Topographical Bureau, and each extra copy be covered with stout colored paper; and that one hundred copies be delivered to the Topographical Bureau, for distribution.

Mr. WALKER submitted the following resolution, which lies over one day:

Resolved, That there be printed, under the authority of the Topographical Bureau, three hundred copies of the large outline map of Mr. Nicolet's geographical exploration west of the Mississippi river; and fifteen hundred copies of the same map, reduced to a convenient and suitable size, with the topographical details, to accompany the report, or descriptive memoir, of the country which it is intended to illustrate.

Mr. MERRICK expressed a wish that the Senate would proceed to the consideration of executive business; to which the Senate refused to yield.

On motion by Mr. EVANS, the Senate proceeded to consider, as in committee of the whole, the bill from the House to authorize the reissue of treasury notes, and for other purposes.

The question pending being the following amendment proposed by the Committee on Finance, viz:

SEC. 3. *And be it further enacted*, That, in lieu of issuing the treasury notes in the manner authorized by the first section of this act, the President, (if, in his opinion, it shall be for

the interest of the United States so to do,) may cause any of said notes now outstanding to be redeemed and cancelled as they become due, if the Secretary of the Treasury cannot redeem them out of the funds in the treasury, by an issue of stock of the United States for the amount thus redeemed, in the same form, for the same time, and under the same restrictions, limitations, and provisions, as are contained in an act approved April fifteen, eighteen hundred and forty-two, entitled "An act for the extension of the loan of eighteen hundred and forty-one, and for an addition of five millions of dollars thereto, and for allowing interest on treasury notes due," except that no commissions shall be allowed or paid for the negotiation of such business.

Mr. EVANS said that the Senate were aware that there were now outstanding something like eleven and a half millions of treasury notes. Of that amount, near $4,000,000, according to his recollection, were due on presentment at the department; and the holders might at any moment present them and demand payment; and the residue (about $7,000,000) would fall due within the year. In fact, he might say that the whole $11,000 000 were payable this year. There was nothing which prevented the presentation of those notes to the department now, but the resolution of last session authorizing the payment of interest until they were redeemed. It was obvious that, if gentlemen would look at the state of the treasury, they would see that it was utterly impossible to redeem this year any part of the outstanding treasury notes, and, at the same time, to carry on the operations of the treasury. Near $3,500,000 of those notes were not on interest after they become due, but the rest were. Congress did not provide that interest should continue until the redemption of those three and a half millions. The object to be effected by the amendment was to place those treasury notes now falling due on the same foundation as the previous issues—that was, that as long as they were outstanding, they should be entitled to interest. The very moment those notes cease to bear interest, he could assure gentlemen they would be returned upon the treasury. The object, therefore, was to continue those three and a half millions on the same footing that the previous issues were. The Committee on Finance had agreed on the propriety of the amendment pending; so that, if the Secretary could not redeem the notes as they fall due, out of the means at his command, during the present year, he could exercise the discretion whether he would take them up, or fund them under the limitations of the act of 1842—which limitations were all calculated to guard the treasury. The committee had examined this matter with as much deliberation as they could; and they believed that it was expedient and proper, instead of issuing new treasury notes, to leave the discretion to the Secretary either to fund those outstanding, or not, as he might think best under the circumstances. If gentlemen would look at the matter, they could not expect that the treasury would be able to redeem $11,000,000 of notes outstanding, and carry on its operations, out of the means for the year. The true question was, in fact, whether they could get along even without the redemption of any of the notes. It was as much as they could do to meet the ordinary expenditures of the Government from the accruing revenue. Mr. E then went on to show what would be the receipts for the year. The passage of this bill would not increase the public debt.

There was no mode of increasing it, unless Congress authorized it. The Senator on the other side, [Mr. McDuffie,] the other day, without looking at this matter, told the Senate that the public debt was $30,000,000, and was rapidly going up to $40,000,000; and that, before the end of the year, it would be $40,000,000. He (Mr. E.) desired to say that it was utterly impossible that there could be such an increase, unless the Senate and this Congress authorized it. Therefore, he could say that there was an outstanding debt of $25,000,000 only; of which $11,000,000 were treasury notes, and the rest the loans which had been authorized at the last and preceding sessions of Congress. Mr. E. went on still further in an argument, to show that it was utterly out of the power of the Government, either in the year 1843 or 1844, to redeem those $11,000,000 of treasury notes, and also the $5,000,000 loan, which would fall due before 1845. The committee, therefore, proposed now to restore the 3½ millions of treasury notes to the former loan, of which it was, in fact, a part—that amount of treasury notes having been issued in lieu of the loan.

Mr. BENTON made some remarks, which were not distinctly heard, but to which

Mr. EVANS replied, showing what would be the condition of the treasury at the end of the year. He differed, not only with the conjectural estimates of the department, but with the opinion of the Ways and Means Committee of the other House. He believed that the revenue from customs would be $15,000,000; and he would not be surprised if it should go up to $17,000,000, instead of $13,000,000, as supposed. He greatly feared that the revenue would be too large—not for the wants of the treasury, but for the good of the country. His opinion was founded upon the fact, that there was a superabundance of money in the great commercial emporium (New York) seeking investment. He feared that that superabundance would lead to improper speculation, and would cause to be brought into the country more goods than were necessary for proper and ordinary consumption.

Mr. BUCHANAN understood that the whole effect of the bill would be to enable the Secretary of the Treasury to fund so much of the outstanding treasury notes as the necessities of the treasury might require. They must either do that, or create a cause for assembling an extra session, which he believed to be one of the greatest curses that could befall the country. He preferred the alternative of conferring power to fund the treasury notes.

Mr. KING inquired of the Senator from Maine [Mr. Evans] whether, if they funded the notes, there would be any limitation as to the time—whether they would be redeemed at the pleasure of the holder, or the option of the Government.

Mr. EVANS said they would be funded on the same conditions, and on the same time, as was provided for in the loan law.

Mr. WOODBURY next took the floor, and made an elaborate and very able speech (which will be published hereafter) showing the absolute necessity of making some provision to enable the Secretary of the Treasury to meet the demands upon the treasury for the year. He showed that, with all the anticipated means, both from lands and customs, it would be utterly impossible to redeem any of the treasury notes now falling due. The only question with him, then, was, whether they should go on and authorize a reissue of the notes falling due, or leave the discretionary power with the Secretary to fund so much of the notes as was necessary to keep the wheels of the treasury in operation. He was opposed to the re-issue, for two reasons: one was, that it was not so economical as funding the notes; and the other was, that it gave too much countenance to the idea of a Government paper circulation. He could only justify the issue of treasury notes as a means of anticipating the revenue, to meet the pressing demands on the treasury. He much preferred a loan to a resort to treasury notes.

Mr. W. then went on to show that the revenue anticipated for the year, according to the Secretary's own showing, would be totally inadequate to supply the treasury, and to prevent a new accumulation of debt. He believed that the income had been overrated. Mr. W. then went on to show to what extent the debt had accumulated under the Whig administration of the Government. He adverted to the resolutions introduced by the Senator from Kentucky, [Mr. Clay,] before he retired from the Senate, which set forth the declaration, that it was the duty of the Government to provide within the year the means for carrying on the Government for the year; and maintained that the present majority of Congress, instead of complying with that declaration of duty, had widely departed from it; that they had permitted the debt to go on accumulating from year to year, by millions. He saw no mode of providing within the year the means to carry on the Government during the year, except by having a proper revenue tariff, and by resorting to the wise system of legislation (which the present party in power should have resorted to) of bringing down the expenses of Government to the income of the Government.

Mr. CRITTENDEN said the Senator seemed to be exceedingly indignant with something. What was it? The amendment, or the bill?

Mr. WOODBURY observed that, so far from that, he was in favor of the amendment.

Mr. EVANS asked what, then, was the Senator doing but scolding him, (Mr. E.,) or somebody, for introducing an amendment which he is going to vote for? He (Mr. E.) was really ashamed to find himself called upon to explain for the fourth or fifth time, in vain, the extent of the debt, the estimates of the revenue, and the fact that the treasury notes to be met are only re-issues of the very treasury notes which the Senator himself either originated or sanctioned.

The Senator says he agrees with him (Mr. E.) on all the essential points of the bill. Why, then, consume time in debate? The Senator wants to see and examine a mass of figures, and to make calculations; but to what purpose? Now, if it was to prove there would be only seven millions of revenue for the year, he (Mr. E.) would make a prediction the reverse of the Senator's—he would say that the revenue of the year would be $15,000,000; he would go further, he would say $17,000,000. The imports of February are coming up—those of March will be more. If gentlemen want to make the revenue fail, they have only to keep making their predictions, and promising that they will repeal the tariff bill, and every other measure of this Congress, on the first day of next session. If they succeed in persuading importers that they will bring down duties by the 1st of January next, these importers will hold off from ordering importations, and the gentlemen can succeed in breaking down the treasury, and thereby verify their predictions. Let this tariff stand but two years, and it will be proved that the revenue can effectually carry on the Government.

The Government complaint of this moment is, the embarrassment occasioned by cash duties.

Money is exceedingly plenty. The banks in New York have nine millions of specie in their vaults; they cannot lend it out safely at even 5 per cent. It is now going into the commerce of the country. The danger is, that, for the last quarter of this year, the imports will be too large—not for the treasury, but for the interests of the country. He verily believed the whole revenue of the year would exceed $15,000,000. He knew there were counteracting causes; a reduction on the price of the great staple, cotton, for instance. But he expected the price would revive.

Large importations of specie had been coming in during the last year. This cannot continue long; goods must come in instead of specie.

The opinion of the best informed merchants in Boston and New York is, that the imports of the last quarter of the year will be such as to give $15,000,000 of revenue for the year.

The Senator thought he discovered some want of information or concealment in the estimates of the revenue. He referred to reports from the Treasury Department, wherein a difference in the estimates appeared. This arose out of goods being stored, which did not pay duties on the arrival, but did in sixty days. On this account, the estimate, in one of those instances, embraced the receipts of revenue, including half a million from a former quarter; and "accruing revenue" meant the revenue of the quarter on the importations of the quarter.

Mr. WOODBURY would make a short explanation, not intending to make a speech, or to scold the Senator from Maine, as he supposed. As to the Senator's allusion to his administration of the treasury: was it not the fact, that all the treasury notes outstanding when he left the treasury amounted only to $5,500,000?

Mr. EVANS. Did not the Senator recommend and assent to the issue of five and a half millions more?

Mr. WOODBURY replied that he had assented to the issue of five and a half millions of new treasury notes, to take up the old ones.

Mr. EVANS. No, sir; no. Five and a half millions of a new issue, to supply the treasury.

Mr. WOODBURY assured the Senator he was

mistaken. Mr. W. then explained the matter at large.

Mr. BUCHANAN begged that the question would be allowed to be taken. The Senator from South Carolina had said, before the recess, that there was danger of gentlemen being more eloquent after dinner than before it. He (Mr. B.) believed his prediction was about to be verified. His friend from New Hampshire and his friend from Maine had enlightened the Senate with disquisitions on tariff, revenue, treasury notes, and other things, while no question was pending; for all agreed to vote for the amendment. Now, with the heavy calendar yet to be disposed of, and the long list of nominations to be considered in executive session, he asked, was it proper to be disposing of the last few hours of the session in useless disquisitions? He went for action—action—action!

Mr. CALHOUN made some remarks, concurring in the views expressed by the chairman of the Committee on Finance, that the revenues would be, in all probability, largely increased before the end of the year. He grounded his belief on the amount of exports, which, he assumed, would be about one hundred millions, which would be returned in the form of goods dutiable; though it was possible a portion might be returned in the form of State stocks, or be smuggled in; in which latter cases, the revenues would be lessened to the extent of the returns in that form.

The amendment was agreed to; and the bill was reported back to the Senate, where the amendment was concurred in. The bill was then read a third time, and passed.

CIVIL AND DIPLOMATIC APPROPRIATION BILL.

Mr. EVANS moved to take up the House bill No. 804, "making appropriations for the civil and diplomatic expenses of the Government for the fiscal year ending the 30th day of June, 1844."

The bill was then taken up for consideration as in committee of the whole, and the amendments recommended by the Committee on Finance were read.

The first amendment was:

"And the employment of all the persons for which appropriations are hereinbefore made in said department, are hereby legalized and authorized in the same manner as similar employments were legalized in the other Executive departments by the act of August 26, 1842."

After said amendment, to insert:

"To defray the expenses of distributing the remaining numbers of the Census and Statistics, according to a resolution of Congress, $2,500."

The first branch of the amendment was adopted, as was also the second.

The next amendment was to strike out the proviso, page 3, and insert:

"For expenses of printing 20,000 copies of the Compendium of the Sixth Census, heretofore required by law to be printed under the direction of the Secretary of State, a sum not exceeding $13,579 60: *Provided, however*, That, before the said account is paid, it shall be the duty of the Secretary of State, or other proper accounting officer, to ascertain, from one or more disinterested practical printers, what would be considered a fair and just compensation for composition, press work, and paper; and that so much, and no more, be allowed."

Mr. WOODBURY hoped the chairman of the Finance Committee would explain that amendment.

Mr. EVANS remarked that the Census proper was printed by Blair & Rives. By an act of 1841, the Secretary of State was authorized to cause a Compendium of the Census to be printed—that is, a digest; of which 20,000 copies were ordered. The Secretary of State directed Mr. Allen to print this Compendium. He did so. The number of volumes ordered has been received and distributed. The House agreed to pay Mr. Allen—not the amount contracted for, but the amount of expenses—leaving nothing for profit. The House went on the supposition that there was no authority of law by which the Secretary of State could order the printing when the order was made. There was a question as to the printing of 10,000 copies of the Compendium by Blair & Rives; the clerk of the department affirming that there was authority, and the Secretary of State denying it. But the matter at issue now was this: the Committee on Finance viewed the award of the House as barely to cover the expense; and felt satisfied that award was wrong, and that it should have been in favor of the usual rate always allowed for such printing. The printing of the Census proper was (as said before) done by Blair & Rives, under the authority of the former Secretary of State, (Mr. Forsyth;) and the Compendium was printed by Mr. Allen, under the authority of the succeeding Secretary of State, and according to the law of 1841. Congress appropriated upwards of $131,000 to pay for the printing of the Census proper.

The printing of the Compendium was going on at the same time. The House thought there was no law authorizing the order for printing the Compendium; but they did not go back to see whether there had been any more law for ordering the printing of the Census proper. For both, there was the same authority—that of the Secretary of State.

Now, he ventured to say that the actual expense of printing the Compendium—the sum actually out of pocket—was not less than $25,000. Good faith required that the full price of the contract should be paid. Before the law of 1841 was passed, Blair & Rives also commenced printing the Compendium, on the authority of the clerk of the department, who said the Secretary had authorized him to make the order. But this the Secretary denied; and, when the law of 1841 was passed, he notified Blair & Rives not to proceed with the printing. Notwithstanding this notification, they proceeded with, and printed, their 10,000 copies. Now, he was not willing to pay them on the ground of contract; but he would agree, at any moment, to pay them a fair compensation, and take the work off their hands. This they were not willing to accept; and, therefore, they were left out. And another reason he had for letting Blair & Rives lie over, was, that, if the gentlemen opposite were to be in the plenitude of the power they anticipated next year, they could pay Blair & Rives themselves.

Mr. WOODBURY showed that, at the time alluded to by the Senator, the work was considerably in advance by Blair & Rives, on the authority of the clerk of the department, resting upon the assurance of being authorized by the Secretary of State. Now, the committee of the House had investigated the matter thoroughly, and had come to the conclusion that both Blair & Rives and Allen should be paid their full expenses. The bill should either be suffered to stand as it is, or, if one of the printers is advanced in price, so ought the other.

Mr. BERRIEN asked the Senator from New Hampshire if he denied the authority of the Secretary of State as to making the contract; that the contract was entered into; and if it was, that it was fulfilled?

Mr. WOODBURY said he would read a part of the report of the committee in the other House.

Mr. EVANS made a question of order, on reading a document of the other House as authority in the Senate.

Mr. WOODBURY said he meant to read it as part of his speech.

The CHAIR thought it was in order to read such matter as part of a speech.

Mr. EVANS withdrew his question of order.

Mr. WOODBURY read the extract from the report of the Committee in the House. He then demanded the same justice for Messrs. Blair & Rives, which was intended for Mr. Allen.

Mr. HENDERSON made an inquiry, which Mr. EVANS answered.

Mr. HENDERSON then stated his impression of the state of the case.

Mr. EVANS and Mr. HENDERSON discussed the question at issue between them for some time. It was in relation to the reduction of 20 per cent. on the public printing of Congress; and whether it affected this contract or not.

The amendment was then adopted.

The next amendment, being merely verbal, was adopted; as also the succeeding amendment.

The next amendment was to correct several verbal errors. It was adopted.

The last amendment was: "To defray the expenses of taking care of and preserving the botanical and horticultural specimens brought home by the squadron of the exploring expedition, under the direction and control of the Joint Committee on the Library, $1,200.

It was adopted.

The amendments of the Committee on Finance having been all gone through,

Mr. EVANS moved (on the recommendation of the Library Committee) an amendment appropriating $5,000 for removing the statue of Washington from the rotundo in the Capitol, to the east side of the Capitol grounds, with a view of placing it on a pedestal, under shelter, and in a proper position.

Mr. KING adverted to the several propositions at first made for placing the statue in the rotundo, and also his original proposition to place it in the public grounds. He had at first objected to its being placed in the rotundo, having foreseen that it would not answer.

Mr. EVANS remarked that Mr. Greenough was here; and probably a better time never would arrive for making this necessary removal. The sum was small, and he hoped the amendment would be adopted.

Mr. KING asked where it was to be placed.

Mr. EVANS replied, just where the Senator himself had first recommended.

Mr. ALLEN thought a sitting statue never could be placed in any light to show better than where it was. He should vote against the removal.

The amendment was adopted.

Mr. EVANS next proposed an amendment appropriating $25,000 for the improvement of the Hudson river, and advocated its necessity and propriety at some length. He had resisted 100 amendments with which he had been importuned; but this was one so important, that he could not avoid offering it.

Mr. KING said, if the Senator insisted on this amendment, and it should be passed, he would be importuned—and with great justice—by Senators from all quarters of the Union, for local appropriations of similar character. Why should this be put in, to the exclusion of other claims? He would not vote for one cent to be applied to internal improvement until the chairman of the Finance Committee should satisfy him that the Government could be carried on, and have a surplus in the treasury, without a resort to borrow money. Why was not this amendment presented to the Finance Committee, so that it could be investigated?

Mr. EVANS maintained his right as an individual Senator to offer an amendment. He said he had refused 100 amendments pressed upon him as chairman of the Finance Committee; and would resist them, come up when or how they might. This amendment he offered on his own responsibility, not as chairman of the committee.

Mr. KING, acting upon the principle which he wished to see carried out by others, had refrained from asking appropriations for his own State, more necessary for general navigation than this; and he would oppose everything of the kind, till the treasury was in a condition to justify such appropriations.

Mr. TALLMADGE insisted that, in consequence of the act of the General Government on a former occasion, certain improvements of the Hudson river were commenced; but they had been suspended, three years ago. The result was, that a bar was forming, which would destroy the navigation of that river, unless this $25,000 was granted, to remove it. The appropriation was justifiable, on the ground of reparation of an evil created by the General Government.

Mr. BERRIEN felt himself in the same condition as the Senator from Alabama: he had much to ask for in favor of his own State, but refrained, on account of the condition of the treasury. He was therefore obliged to vote against the amendment.

The question was then taken on the amendment, and resulted in the negative—ayes 15, noes 19.

Mr. EVANS next moved an amendment, appropriating $1,350—$1,300 of it for the salary fixed by law for the reporter of the Supreme Court of the United States, and $50 arrear due on last year's salary.

The amendment was adopted.

Mr. HUNTINGTON, by direction of the Com-

mittee on Commerce, moved an amendment, appropriating $1,000 for paying an agent for having the mail carried across the Isthmus of Panama.

The amendment was adopted.

Mr. GRAHAM moved an amendment, to appropriate $15,000 for purchasing a new site, and commencing a building for a custom-house at Wilmington, North Carolina, (in addition to the proceeds of present site,) provided the whole cost shall not exceed $40,000.

The amendment was adopted.

Mr. TALLMADGE moved to increase the compensation of special Post Office agents from $1,000, proposed by the bill, to $1,500; which would be $100 less than their former salaries.

Mr. SEVIER asked how many special agents there were?

Mr. HUNTINGTON was about to make the same inquiry.

Mr. TALLMADGE said the number was, he believed, seven or eight.

Mr. EVANS remarked that there were ten special agents. He explained their duty. The present Postmaster General, on coming into office, found there were a certain number of these agents at $1,600 a year each; and he made a change, raising the number to ten, and reducing the salaries to $1,200 each. Subsequently, finding he could not have suitable persons to do the duty at that rate, he raised the salaries to $1,500.

Mr. MERRICK hoped the amendment would prevail. This was a valuable class of officers, and they should be paid a suitable salary. It was impossible to expect proper persons to take the office at $1,000 salary.

The amendment was adopted.

Mr. BAYARD moved an amendment appropriating $800 to reimburse the Chamber of Commerce of Philadelphia for expenses incurred in keeping up a light at Cape Henlopen.

The amendment was adopted.

Mr. BAYARD also moved an amendment appropriating $30,000 for Babbitt's anti-attrition metal, purchased under contract, by the Secretary of War. He stated that on the 29th of August last, an act of Congress was passed, authorizing the Secretary of War to make this contract. This anti-attrition metal is one of the most valuable inventions of modern times. It saves at least one-half of the oil commonly used by steam-engines. If all the steam-engines employed by the Government be taken into account, it will be found that the saving will be immense. It amounts to at least $1 per day for each engine—making $300 a year, and probably $6,000 on all the engines employed by the Government.

Mr. CHOATE made a short explanation as to the appropriation not having been brought forward sooner.

Mr. HUNTINGTON asked, was it proper thus to ratify a contract by an appropriation? What committee of the Senate had considered and reported on the subject?

Mr. BAYARD read the letter of the Secretary of War in relation to it. The article was now in use for all the steam-engines employed by the United States Government. Its value was fully tested by the new and beautiful vessel, the Union, and that trial was decisive that the invention would be an immense saving in the public service.

Mr. EVANS thought it would be time enough to make the appropriation next session.

Mr. CHOATE made some further explanation, as to the recommendation made last session to give authority to the Secretary of War for adjusting and ratifying the contract.

The subject was further discussed by Messrs. EVANS, CHOATE, &c.

The amendment, however, was rejected—ayes 17, noes 19.

Mr. SEVIER moved an amendment, restoring to the same rate as formerly the pay of the watchmen of the War Department, by striking out the bulk sum of $710, and inserting $1,270.

Mr. EVANS understood the proposition to be, to increase the pay of the watchmen of the War Department to what it was formerly. The subject was fully investigated last session, and the pay of the watchmen of all the departments was equalized. He was averse to this distinction, as well as to any departure from the established rate agreed upon last session. He did not think this the time or mode of effecting the object. He was in favor of better pay for the subordinate officers in the public service; but let it be done in a proper way, and at a proper time.

Mr. SEVIER urged the claims of these watchmen, and decried the paltry economy of cutting down the wages of these poor men.

The amendment was rejected—ayes 15, noes 18.

Mr. DAYTON proposed an amendment recommended by the Committee on Public Buildings, in relation to the furnaces in the Treasury building.

The amendment was adopted.

Mr. KERR proposed an amendment appropriating $6,000 for Johnson's patent iron window-shutters for the basement story of the Treasury building. He read the letter of the Secretary of the Treasury, explaining the advantages and necessity of applying this invention to the Treasury building.

Mr. EVANS asked what was the use of these iron shutters? In regard to fire, the Treasury building is well protected by watchmen; and in regard to thieves, what, in the name of heaven, would they have to find in the treasury under its present condition? If thieves get into it, they will find all their labor lost. It will be time enough to get this fanciful protection when it can be of any use. It is not wanted at all.

Mr. KERR begged Mr. Johnson's own recommendation of the shutters would be read.

The Secretary of the Senate read it in part; when,

Mr. MERRICK begged his colleague would refrain from reading all the authorities with which he was about to fortify this proposition. Nobody doubted that it was a very fine shutter; and if it was indispensable to the safekeeping of the money in the treasury, it would, as a matter of course, be adopted.

Mr. KERR begged his colleague would let the reading go on.

The Secretary of the Senate then proceeded with the reading.

Mr. KERR had but one single word to add. He then proceeded for some time with his remarks in support of the merits of the invention, and concluded by recommending the adoption of his amendment.

Mr. BUCHANAN asked if this bill was to be made an omnibus for all sorts of appropriations? Was it proper, at 10 o'clock on the last night of the session of an expiring Congress, to proceed with such a proposition, in the direct teeth of the report of the Commissioner of Public Buildings, and the sense of the whole Senate?

The amendment was rejected.

Mr. WOODBRIDGE moved an amendment, with a proviso, fixing the price of the printing done for this Congress at the rates of the resolution of the 3d of March, 1819—that is, to restore the 20 per cent. which it had been reduced.

Mr. KING opposed the amendment. Could anybody tell what reason there was for raising the price of printing 20 per cent., when everything else had come down?

Mr. SIMMONS said that, in consequence of the work having been cut down to half what it usually was, and the reduction of 20 per cent. on the price having been made on the supposition that the quantity of printing would be the same, the printers of both Houses had lost money on the printing for this Congress.

Mr. EVANS said the subject had been called to his notice this morning, but he had since forgotten it. He contended that, when the reduction of 20 per cent. was agreed upon, it was on the presumption that the quantity of printing would continue to be the same as usual. But there had been such a falling off in the usual printing of extra numbers of documents, that it was impossible for the printers to do the work at the reduced price, without loss.

He read a statement of the printer of the Senate, to the effect that there would be a dead loss on his contract for doing the work of this Congress.

Mr. ALLEN denounced this mode of springing upon the Senate, by surprise, at ten o'clock on the last night of the session, another printing job. After the signal defeat of the monstrous job attempted two nights ago, he little expected that another job of the same kind would be attempted. He should have the yeas and nays on this job too. Retrenchment, indeed! Gentlemen commenced the Congress with zeal for retrenchment, and now end it with far more earnest zeal for the augmentation of expenditures.

He protested against having this proposition sprung upon the Senate at midnight, after a three months' session, during which it might have been brought forward, and when it could have been properly investigated and discussed. Till this moment, he had never heard any complaint on the part of the public printers. There was another book-job, too, in this bill, which he hoped some gentleman would vote to strike out. He alluded to the appropriation of $47,000 for books distributed to members of Congress, according to a former resolution of the House. Did gentlemen want to job out the treasury? Job, job, job! It was all jobbing—book-jobbing, printing-jobbing—and now, nocturnal jobbing.

Mr. WRIGHT understood that Mr. Allen had virtually no interest in this printing; having sold out the Madisonian establishment. He believed he had undertaken a much better job in Missouri than this printing, even with the 20 per cent. added.

Mr. W. commented at some length upon the retrenchment movement made by gentlemen now in power, at the beginning of this Congress, both in regard to the resolution reducing the price of printing, and the plan of curtailing the printing, by referring all the propositions to print to a Committee on Printing. The proposition now was, to restore a rate, which is to put $6,000 into Mr. Allen's pocket; and if it was confined to him, it would, perhaps, be hardly worth while to say much—aware that his quantity had really been cut down. But it is to apply to the other House, in which there has been no committee on printing, and in which there has been as much extra printing done as usual. There have been extraordinary large numbers of extra documents ordered by the House during this Congress to be printed. He fully believed the printing of this session, at the prices of 1819, would amount to as much as that of any session for the last ten years. He was aware that, so far as the Senate was concerned, the printing had been commendably reduced; but once they went beyond the Senate, the application of the 20 per cent. to a contract entered into at a reduced rate, must result in nothing but a gift of so much money to a party printer.

The subject was further discussed by Messrs. WOODBURY, SIMMONS, CALHOUN, and EVANS.

The question was then taken on the amendment, and resulted in the affirmative—yeas 24, nays 19, as follows:

YEAS—Messrs. Archer, Barrow, Bates, Bayard, Berrien, Choate, Conrad, Crittenden, Dayton, Evans, Kerr, Mangum, Merrick, Miller, Morehead, Phelps, Porter, Rives, Simmons, Smith of Indiana, Sprague, Tallmadge, White, and Woodbridge—24.

NAYS—Messrs. Allen, Bagby, Benton, Buchanan, Calhoun, Fulton, Henderson, King, Linn, McRoberts, Sevier, Smith of Connecticut, Sturgeon, Tappan, Walker, Wilcox, Williams, Woodbury, and Wright—19.

Mr. WOODBURY moved to strike out the item of $47,000 for books authorized to be purchased by a simple resolution of the House at the last session.

Mr. EVANS mentioned that the books had been purchased, received, boxed up, and sent off to members already, by the Clerk of the House, under a resolution of the House of Representatives; and they were to be paid for. It was, therefore, obviously useless to resist the payment now.

Mr. BENTON asked, how they were bought without money?

Mr. EVANS said they were bought, but not paid for; nor could they be paid for till this appropriation was made.

Mr. BENTON asked, at what price the books were bought?

Mr. EVANS said he did not know.

Mr. BENTON asked in what stage the bill now was?

Mr. EVANS said, on its third reading.

The CHAIR observed that the bill had been read twice, and could receive its third reading on to-morrow.

Mr. BENTON. Then, in that case, I cannot stop it by any opposition of mine. If I could do so, this book item should come out, or the bill should be lost.

Mr. TAPPAN made a few observations on the impropriety of the House, by a simple resolution, incurring a debt which Congress should be called upon to make an appropriation to pay; and that, too, for the distribution of property to the members themselves.

Mr. ALLEN found, on reference to the journal of the House, that the House, on the 8th of August, passed a resolution to adjourn on the 22d; that Mr. Morris introduced the resolution for the purchase of these books, and immediately moved the previous question. Under the operation of the previous question, it was passed—yeas 89, nays 71. Thus $50,000 worth of books were ordered to be purchased and distributed to the members of the House, without any money to pay for them. Had the House any right to authorize its Clerk to incur a debt; and, after the debt was incurred, to make an appropriation to pay it? There must be an end put to this business. A case must be made before the country upon this course. The people must be told of it on the stump. They are asleep, while you, now, at midnight, are voting away their money to yourselves or your partisan printers. But they shall be told of it. The yeas and nays must go to them.

The question was then taken on Mr. WOODBURY's amendment to strike out the $47,000 appropriation for books to members of Congress; and it was decided in the negative—yeas 14, nays 23, as follows:

YEAS—Messrs. Allen, Bagby, Benton, Buchanan, Fulton, King, Linn, McRoberts, Sevier, Sturgeon, Tappan, Williams, Woodbury, and Wright—14.

NAYS—Messrs. Archer, Barrow, Bates, Bayard, Berrien, Choate, Conrad, Crittenden, Dayton, Evans, Henderson, Kerr, Mangum, Miller, Morehead, Phelps, Porter, Simmons, Smith of Indiana, Sprague, Tallmadge, White, and Woodbridge—23.

Mr. BAYARD moved an amendment authorizing the settlement of accounts for extra pay to the officers of the exploring expedition.

The amendment was adopted.

Mr. LINN moved an amendment, appropriating $2,000 for extra clerk-hire for the surveyor general of Missouri.

Mr. EVANS said it was quite unnecessary, as there was, on the next page, an appropriation of $31,000 for extra clerk-hire to the surveyors general, and the surveyor general of Missouri would get his just proportion.

Mr. LINN withdrew his amendment.

The bill was then reported back to the Senate; and the question being on concurring in the amendments of the committee of the whole,

Mr. WOODBURY asked that the amendment in relation to paying for the Compendium of the Census should be excepted.

The other amendments were concurred in.

The question being on the amendment of the committee of the whole, striking out the amount awarded by the House to Messrs. Blair & Rives, and increasing the amount to Mr. Allen, for printing the Compendium of the Census Returns,

Mr. WOODBURY moved to insert the names of Blair & Rives, so as to place them on the same footing with Allen, in regard to the work done by them—they having printed the Compendium under the first contract.

Mr. EVANS admitted that the House understood that both printers stood upon the same ground; but the Finance Committee of the Senate did not so understand it. They believed that there was a regular contract with Allen, but none with Blair & Rives. He was willing to take the work off the hands of the latter at a fair valuation, but not as being bound to do so under contract.

Mr. WRIGHT called for the yeas and nays; which were ordered. He wished to make a few remarks on this subject of printing. Blair & Rives were the legal printers of Congress, under a contract solemnly made by the Senate—which contract was subsequently repudiated, and Mr. Allen was inducted in their place.

Mr. EVANS interposed, to say this was not for the printing of the Census—it was for the printing of the Compendium.

Mr. WRIGHT observed that the legal printers of Congress, Blair & Rives, were duly employed by contract to do the work, authorized by the Secretary of State. The Secretary of State had authorized the contract. They were, therefore, entitled to the pay for the printing, and could recover it in any court of law.

Mr. EVANS said that was a question at issue.

Mr. WRIGHT remarked that he knew all about it, and was well satisfied that the Secretary of State did authorize the contract.

Mr. HENDERSON submitted a modification, providing that the price paid to Messrs. Blair & Rives, and to Mr. Allen, should not exceed the price of printing contracted for by this Congress.

Mr. WOODBURY had no objection to this modification.

Mr. WALKER contended that, in any court of law or equity, if the United States permitted itself to be sued, Blair & Rives would recover damages for the whole of the printing.

Mr. EVANS observed that this did not relate to the Census; it was the Compendium—quite a different thing.

Mr. WALKER said it was no more a different thing, than an index was a different thing from the main work to which it belongs. Mr. W. showed how the work was authorized by the department, and carried on, in good faith, by Blair & Rives; and that, on a full and impartial investigation by the committee of the House, it was decided that they should be placed on the same footing.

Mr. WRIGHT called for the yeas and nays; which were ordered.

The question was then taken on Mr. WOODBURY's amendment, and decided in the affirmative—yeas 24, nays 13, as follows:

YEAS—Messrs. Allen, Bagby, Bayard, Benton, Buchanan, Calhoun, Fulton, Henderson, King, Linn, McRoberts, Mangum, Rives, Sevier, Sturgeon, Tallmadge, Tappan, Walker, Wilcox, Williams, Woodbridge, Woodbury, Wright, and Young—24.

NAYS—Messrs. Archer, Berrien, Conrad, Crittenden, Dayton, Evans, Kerr, Miller, Morehead, Phelps, Porter, Smith of Indiana, and White—13.

So the amendment on the amendment was adopted; and the amendment as amended was concurred in.

Mr. BAYARD renewed his amendment, relating to Babbitt's anti-attrition metallic patent, appropriating $20,000 to pay the contract.

It was adopted.

The amendments were then ordered to be engrossed, and the bill to be read a third time.

Mr. EVANS submitted a resolution to suspend the 17th joint rule.

Mr. BENTON objecting—

The resolution was laid over one day.

Mr. EVANS moved to suspend the previous orders, for the purpose of taking up the joint resolution to continue an additional clerk in the Second Auditor's office.

The request was complied with; and the joint resolution was taken up, considered, read three times, and passed.

Mr. BERRIEN moved to proceed to the consideration of House bill 806; which was agreed to.

House bill 806 was, accordingly, taken up as in committee of the whole, considered, reported, read a third time, and passed. The title of the bill was: "A bill for the survey of the Northern line of the reservation of the half-breeds of Sac and Fox tribes of Indians under the treaty of the 4th August, 1804."

Mr. HUNTINGTON moved to proceed to the consideration of executive business.

The motion was concurred in; and, at half-past 11 o'clock, p. m., the Senate went into executive session.

After considerable time spent in secret session, the Senate resumed its legislative session; when

The following bills from the House were taken up, considered as in committee of the whole, reported to the Senate, and passed, viz:

Resolution for continuing an additional clerk in the Second Auditor's office.

The bill for the relief of the legal representatives of Robert T. Spence.

The bill for the relief of John Hodgkin.

The bill for the relief of Samuel Weller.

The bill providing for the settlement of claims for supplies furnished the Florida militia.

The act authorizing an examination and survey of the harbor of Memphis, Tennessee.

The bill to authorize the election and appointment of officers in the Territory of Wisconsin.

The bill for the relief of Hannah Jenkins, widow of James Jenkins, deceased.

The bill for the relief of John McGinnis, a soldier of the late war.

The bill for the relief of the legal representatives of John Peters, deceased.

The bill for the relief of Elizabeth Dawkins.

The bill for the relief of Daniel Penhallow.

The bill to authorize the Secretary of the Treasury to refund to David Watkinson & Co. a part of the duties imposed on a certain quantity of tin and iron imported into the port of New York.

The bill for the relief of Hugh Biddle, of New York.

The bill for the relief of Mary McGee and Susan Pierce, heirs-at-law of George Neilson.

The bill to revive the act for the relief of John Davlin.

The bill for the relief of Samuel K. Jenkins.

The bill for the relief of Robert Leyton's children.

The bill for the relief of Nancy Wilson.

The bill for the relief of Ruth Mathiot.

The bill for the relief of the legal representatives of Robert A. Kelly.

The bill for the relief of George Waddle.

The bill directing the survey of the northern line of the reservation for the half-breeds of the Sac and Fox tribe of Indians, by the treaty of August 4, 1824.

The joint resolution directing the payment of certificates of awards issued by the commissioners under the treaty which the Chickasaw Indians.

The joint resolution in relation to certain property purchased for the United States in the city of Detroit.

The joint resolution to authorize the Postmaster General to settle with J. & V. Voorhees.

The following House bills were taken up as in committee of the whole, considered, and indefinitely postponed:

The bill to provide for the payment of the Iowa militia called into service in December, 1839.

The bill for the relief of the representatives of Henry Hoffman, deceased.

The bill for the relief of Jacob Miller.

The bill for the relief of Rebecca Guest.

The bill for the relief of Seth Sweetser.

The bill for the relief of Samuel Edgecomb.

The bill for the relief of the legal representatives of Lieutenant T. W. Smith.

The bill for the relief of Robert T. Norris.

The bill granting an increase of pension to Isaac Plumer.

The bill for the relief of Asa Davis.

The bill granting a pension to John Carey, a man of color.

The bill for the relief of Nancy Byrd, the widow of Baylar Byrd, a revolutionary soldier.

The bill for the relief of Abraham Van Horn.

The bill for the relief of Sylvia Underwood, mother of Lieutenant Underwood, deceased.

The bill for the relief of Samuel Hoffman.

The bill to confirm Elizabeth Burriss, her heirs or assigns, in a tract of land.

The bill to prevent extra allowances to any officer of the Government; and

The bill granting a pension to Josiah Westlake.

The following House bills were then taken up as in committee of the whole, considered, and finally laid on the table, viz:

The bill for the relief of Jos. W. Newcomb; and

The bill to provide for the erection of a marine hospital at Key West, in the Territory of Florida.

The Senate then, at 2 o'clock a. m. adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, March 2, 1843.

Mr. PAYNE presented a memorial of the Legislature of Alabama, praying a reduction and graduation of the price of the public lands: referred to the Committee on Public Lands.

Mr. REYNOLDS presented the memorials and resolutions from the General Assembly of the State of Illinois, and had them referred to the appropriate committees, to wit:

1. Stating the propriety of settling the Oregon question with Great Britain, and urging the subject on the consideration of the Government of the United States. It is also stated, in the resolution, that it was a grievous omission in the late treaty not to settle the Oregon boundary with the other boundary questions; and that the question should not be delayed any longer.

2. Proposing a reduction on the postage of letters, &c.

This subject is urged on the consideration of Congress, with facts, and great force of argument. It is regarded in the memorial as a duty on Congress to reduce postage generally.

3. Praying an appropriation of money to improve the navigation of the Western waters.

Many facts are referred to, which will satisfy Congress that the improvement of those rivers is indispensable to the commerce of the Western country.

4. Praying the reduction of duties on certain indispensable articles of consumption.

It is stated that it is unequal and unjust to compel one section of the Union to support other sections of the same country by any act of Congress; that the article of salt is indispensable; that one family uses almost as much of this article as another; that the imposition of taxes ought to be in proportion to the amount of property each individual may own. The present act of Congress makes no such discrimination; but imposes as much tax on a poor man for salt, as on a person worth millions. The operation of this act (states the memorial) is so unjust and unequal, that it ought to be forthwith repealed.

5. Praying an amendment in the pre-emption laws, so as to do justice to the actual settler.

GENERAL JACKSON'S FINE.

After the journals had been read, Mr. WHITE of Louisiana obtained the floor, and said that he was induced to seek the attention of the Chair this morning, for a personal explanation. He said he had been attacked, and sorely insulted, in the face of the House—not, indeed, in his individuality; for, as to *that*, if every bone in it were fractured, he would not deem it a thing worthy of the Speaker's notice—but (he said) when he spoke of himself in this connexion, it was only as the impersonation of those he represented; and this, he hoped, was not too bold an allegory. The people of his State, he said, and his immediate constituents more especially, had been vilified and misrepresented in debate here.

It has been stated—and the authority of General Jackson's opinions has been invoked in support of the idea—that a large portion of the people whom I represent were spies and traitors in the last war; that they were hostile to the cause in which the country was engaged; and were ready to join the enemy in opposition to their brethren in arms.

Sir, (said Mr. W.,) those statements have gone abroad uncontradicted. No opportunity has occurred, under the rules and modes of proceeding, to contradict or examine them. In some twenty or thirty hours more, this session is to close; and then these aspersions will pass into your Registers of Debate as the materials of future history.

Mr. W. said he really conceived it to be due to truth, to justice, to an abused portion of the people of the United States, and to the reputation of our common country, that some little chance should be given to the Representative of those thus wronged, to examine the grounds of the obloquies, in order to see how far they may be founded in fact or reason, or to what extent they are fallacious, and susceptible of refutation.

How (he inquired) was this to be accomplished? There was some difficulty in it, he confessed, in the present juncture. The way he would propose was this: The subject-matter on which those objectionable statements had been made—the remission of General Jackson's fine—was before the House in a variety of shapes. Among them was bill No. 12, from the Senate. He would move that, as soon as the House shall go into Committee of the Whole, an hour be devoted to the consideration of that bill, in order to afford him the opportunity of some expression in the premises.

Several gentlemen expressing themselves to the effect that the standing committees had better first be called for reports, after which it might be done—Mr. W. said he had no objection to that. Any course was agreeable to him, which afforded a reasonable prospect of attaining the end.

MERCHANDISE RECOVERED FROM SHIPWRECK.

On motion by Mr. FILLMORE, the Committee of Ways and Means was discharged from the bill to permit the entry of merchandise recovered from shipwreck, in certain cases, free from duty; and the same having been ordered to be engrossed, was read the third time and passed.

FOREIGN COINS.

Mr. FILLMORE, from the Committee of Ways and Means, reported, without amendment, the bill from the Senate regulating the currency of foreign gold and silver coins in the United States; and, the same being considered by the House, was read the third time, and passed.

PEA PATCH ISLAND

Mr. JOS. R. INGERSOLL, from the same committee, reported, with several amendments, the bill from the Senate to settle the title to the Pea Patch Island, in the Delaware.

The amendments having been read,

Mr. J. R. INGERSOLL asked that the bill be put on its passage, by general consent.

Mr. WELLER called for the reading of the bill.

Mr. JOHNSON of Maryland objected to the third reading of the bill at this time, under the apprehension that it would lead to debate.

Mr. J. R. INGERSOLL then moved to refer it to the Committee of the Whole on the state of the Union; which motion was agreed to.

WEIGHTS AND MEASURES OF THE UNITED STATES.

Mr. J. R. INGERSOLL submitted a joint resolution, requesting the President of the United States to present to the British Government a set of the standard weights and measures of the United States, to replace those destroyed in the late fire in London: adopted.

BRITISH TREATY.

Mr. POPE rose and explained that he was unavoidably absent when the final vote was taken on the bill to carry into effect the late treaty with Great Britain, so that his name did not appear among the yeas and nays on that vote. He wished to state that, had he been present, he would have voted for the bill.

PRIVATE BILLS.

Mr. GIDDINGS moved that the Committee of Claims be discharged from the further consideration of the bill for the relief of Daniel Skinner, and the bill for the relief of Richard Patten; which motion was agreed to.

Mr. COWEN then explained and advocated the bill for the relief of Richard Patten, and moved that it be taken up in the House, and put upon its passage; which, being agreed to by general consent, the bill was read the third time, and passed.

FOREIGN COINS.

Mr. JOHN P. KENNEDY, from the Committee on Commerce, reported, with several amendments, the bill from the Senate to fix the value of certain foreign moneys in the accounts and computation of the custom-houses; and the amendments having been read,

Mr. ADAMS made an inquiry, which led to explanatory remarks from Mr. PICKENS and Mr. WINTHROP. The amendments of the committee were then concurred in; and the bill was read a third time, and passed.

Mr. WINTHROP, from the Committee on Commerce, made a report on a communication from the Treasury Department, on the subject of light-houses on the Eastern coast.

COLORED SEAMEN.

Mr. WINTHROP moved that the House take up the resolutions appended to the report some time since made by him in relation to the imprisonment of colored seamen in Southern ports. He said it was too late, at this period of the session, to discuss the subject at any length; yet, while he hoped the House would take a vote on the resolutions, he would not move the previous question.

Mr. CAVE JOHNSON moved to lay the subject on the table.

Mr. WELLER called for the reading of the resolutions.

The Clerk accordingly read the resolutions as follows:

Resolved, That the seizure and imprisonment, in any port of this Union, of free colored seamen, citizens of any of the States, and against whom there is no charge but that of entering said port in the prosecution of their rightful business, is a violation of the privileges of citizenship guaranteed by the 2d section of the 4th article of the Constitution of the United States.

Resolved, That the seizure and imprisonment, in any port of this Union, of free colored seamen, on board of foreign vessels, against whom there is no charge but that of entering said port in the course of their lawful business, is a breach of the comity of nations, is incompatible with the rights of all nations in amity with the United States, and, in relation to nations with whom the United States have formed commercial conventions, is a violation of the 6th article of the Federal Constitution, which declares that treaties are a part of the supreme law of the land.

Resolved, That any State laws, by which certain classes of seamen are prohibited from entering certain ports of this Union, in the prosecution of their rightful business, are in contravention of the paramount and exclusive power of the General Government to regulate commerce.

Resolved, That the police power of the States can justify no enactments or regulations which are in direct, positive, and permanent conflict with express provisions or fundamental principles of the national compact.

Mr. WINTHROP called for the yeas and nays on the motion to lay the resolution on the table, and they were ordered; and being taken, resulted as follows—yeas 86, nays 59.

So the motion prevailed.

Mr. B. RANDALL, from the Committee on Commerce, made various adverse reports.

Mr. HOWARD, from the Committee on the Public Lands, reported Senate bill entitled "An act for the relief of John R. Williams," without amendment; and he asked the House to put it on its passage.

After a few words of explanation, the bill was read a third time, and passed.

DISTRICT BANKS.

Mr. POWELL, from the Committee for the District of Columbia, reported a joint resolution to continue the charter of certain banks in the District of Columbia; and the same having been read,

Mr. PICKENS inquired whether this was an original bill of the House, or a bill from the Senate.

The SPEAKER said that it was an original joint resolution reported from a committee.

Mr. PICKENS observed that a joint resolution was in the nature of a bill, and could not, without a suspension of the 16th joint rule, be sent to the Senate.

The SPEAKER said that the joint resolution was in fact a bill, and, if passed, could not be sent to the Senate without a suspension of the rule.

Mr. POWELL called for the second reading of the resolution.

Mr. WELLER observed that it could not be read the second time but by general consent, and he objected to it.

The SPEAKER said that, when the second reading of a bill was objected to, the question then arose, "Shall it be rejected?"

Mr. SMITH of Virginia raised the point of order, that a bill on the same subject had already been reported, and was now before the Committee of the Whole. This bill was then out of order, under the rule prohibiting the introduction of two bills on the same subject.

Mr. UNDERWOOD wished to correct the gentleman in point of fact. This resolution was different from the bill in Committee of the Whole, for the reason that it contained a provision allow-

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Continued from No. 24.

ing Congress, at any time hereafter, to alter or repeal it.

The SPEAKER overruled the point of order of Mr. SMITH.

Mr. SMITH of Virginia then moved to lay the resolution on the table.

Mr. CAVE JOHNSON called for the yeas and nays; which being ordered, the question was taken, and the motion was rejected—yeas 72, nays 89. So the resolution was not laid on the table.

The question then recurred, "Shall this joint resolution be rejected?" and the yeas and nays having been ordered, the question was taken, under the operation of the previous question, and decided in the negative—yeas 77, nays 92.

YEAS—Messrs. Arrington, Atherton, Beeson, Bidlack, Brewster, Aaron V. Brown, Charles Brown, Burke, William O. Butler, Patrick C. Caldwell, John Campbell, William B. Campbell, Cary, Casey, Chapman, Clinton, Coles, Daniel, Richard D. Davis, Dawson, Doan, John C. Edwards, Egbert, John G. Floyd, Charles A. Floyd, Fornance, Gerry, Gilmer, William O. Goode, Gordon, Gwin, Harris, Hopkins, Houston, Hubard, Hunter, Charles J. Ingersoll, Cave Johnson, John W. Jones, Keim, Andrew Kennedy, Linn, Littlefield, Lowell, Abraham McClellan, Robert McClellan, McKay, Mallory, Marchand, Alfred Marshall, Medill, Miller, Mitchell, Newhard, Parmenter, Payne, Pickens, Plumer, Reed, Reding, Rencher, Reynolds, Riggs, Sanford, Saunders, Sewell, Shaw, Shields, Slade, Snyder, Steenrod, Jacob Thompson, Trotti, Turney, Van Buren, Wallace, Watterson, Weller, Westbrook, and John Young—77.

NAYS—Messrs. Adams, Landaff W. Andrews, Baker, Barnard, Blair, Borden, Botts, Brockway, Bronson, Jeremiah Brown, Burnell, Calhoun, Thomas J. Campbell, Caruthers, Childs, Chittenden, John C. Clark, James Cooper, Cowen, Cranston, Cravens, Crawford, Cushing, Garrett Davis, Deberry, John Edwards, Everett, Fessenden, Fillmore, Thomas F. Foster, Gamble, Gentry, Giddings, Goggin, Patrick G. Goode, Graham, Granger, Green, Halsted, Henry, Howard, Hudson, Joseph R. Ingersoll, James Irvin, James, Wm. Cost Johnson, I. D. Jones, J. P. Kennedy, King, Lane, McKennan, Samson Mason, Mathiot, Mattocks, Maxwell, Maynard, Meriwether, Moore, Morgan, Morris, Morrow, Osborne, Pendleton, Pope, Ramsey, Benj. Randall, Alexander Randall, Randolph, Ridgway, Rodney, William Russell, James M. Russell, Saltonstall, Shepperd, Stanly, Stokely, Stratton, Alexander H. H. Stuart, John T. Stuart, Summers, Taliaferro, John B. Thompson, Richard W. Thompson, Tillinghast, Toland, Triplett, Trumbull, Underwood, Washington, Edward D. White, Joseph L. White, Thomas W. Williams, Christopher H. Williams, Joseph L. Williams, Winthrop, Wise, Yorke, and Augustus Young—92.

So the bill was *not* rejected.

Mr. ATHERTON then offered the following amendment:

And be it further resolved, That all the stockholders, and all who may become stockholders, in said banks, shall be liable in their individual and private capacity, as copartners, for the debts and liabilities of the banks in which they are respectively stockholders, accruing during the time when they are stockholders in said banks.

Mr. A. said this amendment involved important principles; and had it been generally adopted in the legislation of the people of this country with regard to banks, many evils, frauds, and disasters would have been prevented. Nothing was so certain as that the only way to prevent the mismanagement of money, was to make those who were interested liable for the misdeeds of their agents. The principle of an individual liability had generally been adopted in England, where associated wealth was generally allowed greater privileges than in this country; and he could not see why it should not be generally adopted here, where the privileges of the people were so much more numerous and enlarged.

With regard to the banks of the District of Columbia, let it be admitted that it was expedient to recharter them: did it follow that such a step was necessary at this time? It would, he thought, be setting a bad example, to recharter these institutions, without inquiring into their past conduct and their present condition. No report whatever had been submitted showing their liabilities, their capital stock, whether they had always redeemed their bills, and how they had been generally managed. How was this bill brought before the present Congress? Not until the three last days of its session, when there could not be sufficient time allowed to debate its provisions. Why the necessity of rechartering these banks at all the present session, when their charters did not expire until July, 1844? Why not leave it to the next Congress, who would have sufficient time to examine into the matter without haste, and thoroughly find out the condition of those banks? He wished to know if the banks shrunk from investigation. If they did, it was but a poor argument why Congress, as the guardians of public rights, should recharter them, and give into their desires.

Mr. WELLER opposed the resolution; and entered into a detailed statement of the pretences under which the various extensions of the charters of these banks had been made since 1836—the most prominent being that they wanted time to wind up their affairs. He also alleged against them a violation or evasion of the conditions on which their charters were extended, and the purchase, by their officers, of their own depreciated paper and stock—thereby committing flagrant wrongs on widows and orphans, whose limited means were thus invested. And he asked if such conduct was to be justified by this House? and whether this resolution was thus to be passed through the House by a species of legerdemain, by which the rules of the House were evaded? He called the attention of the House to the fact, that the next Congress would be in session on the 4th December next, whereas the charters of these banks would not expire until the succeeding July. If, then, there was good reason to extend these charters, he thought it should be left to the next Congress to judge of that reason and that necessity; and that this Congress should not anticipate the legislation of its successor—especially if it were done from a fear that the next Congress would not extend the charters on the same terms as this Congress was willing to do.

Mr. FILLMORE rose and inquired if the morning hour had not expired?

The SPEAKER replied that it had.

Mr. FILLMORE then called for the orders of the day.

Mr. WELLER said he was desirous to offer a few remarks on the amendment which had been submitted.

The SPEAKER replied that the orders of the day had been called for.

Mr. WELLER then observed that he supposed he should have the floor to-morrow.

The SPEAKER replied that he would, during the morning hour.

TWO HUNDRED MILLION NATIONAL STOCK.

Mr. W. COST JOHNSON asked the gentleman from New York to withdraw his demand for the orders of the day, to allow him to make a report.

Mr. FILLMORE said he would consent to the presentation of any reports which would not lead to any debate.

Mr. W. C. JOHNSON then rose to present a report from the select committee appointed to consider the memorials on the subject of issuing $200,000,000 of national stock; and he was proceeding to make some explanatory statements, when

Mr. PICKENS said he should object, if this subject was to give rise to debate at this late period of the session.

Mr. W. C. JOHNSON then submitted his report, and moved that it be printed. The report concluded with the following resolution:

Resolved, That it is expedient to employ the credit of the Government of the United States for the relief of the States, to the extent prayed for by the memorialists.

Resolved, That —— committee be instructed to prepare and report a bill accordingly.

Mr. J. R. INGERSOLL begged permission to offer a resolution in connexion with the motion of the gentleman from Maryland, to direct the printing of 5,000 extra copies of both the report of the gentleman from Maryland, and the report some time since made on the same subject by the Committee of Ways and Means.

Mr. W. C. JOHNSON hoped the gentleman from Pennsylvania would allow the question first to be taken on the simple proposition to print the usual number.

Mr. ADAMS said he had a resolution which he wished to offer as a substitute for the resolution of the gentleman from Maryland. It was as follows:

Resolved, That the repudiation, by any State of this Union, of any debt to foreigners, contracted by authority of the Legislature of the said State, is a violation of the Constitution of the United States, in the first paragraph of the tenth section of the first article, which provides that no State shall pass any law impairing the obligation of contracts.

Resolved, That if any State of this Union shall, by or in consequence of such repudiation, involve herself in war with any foreign power, the Congress of the United States has no power to involve them, or any other of the States of this Union, or the people thereof, in such war.

Resolved, That in the event of such war, the State involving herself therein, will cease thereby to be a State of this Union, and will have no right or claim to aid in her defence from the United States, or any of them.

Mr. W. C. JOHNSON again appealed to gentlemen to allow the vote to be taken on the question of printing.

Mr. J. R. INGERSOLL pressed his motion to print extra numbers of the two reports designated.

Mr. TURNEY objected.

The SPEAKER said, as objection was made, the motion would have to go over.

Mr. J. R. INGERSOLL moved a suspension of the rules.

Mr. A. V. BROWN called for the yeas and nays, and they were ordered.

The SPEAKER explained to the gentleman from Massachusetts that the gentleman from Maryland did not ask for the consideration of his resolutions at this time, but merely the printing of the report.

The previous question was moved on the question of printing, and it was sustained by the House.

Mr. A. V. BROWN called for the yeas and nays on the motion to print the amendment.

Some irregular conversation ensued, and the reading of Mr. ADAMS's amendment was again called for, and read accordingly.

Mr. JOHN CAMPBELL wished to offer an amendment, but it was ruled out of order.

Mr. ADAMS hoped the House would not be afraid to express its opinions.

Mr. C. BROWN asked if it would be in order to move that all the schemes be rejected.

The SPEAKER said, No; but a motion to lay on the table would be in order.

Mr. JACOB THOMPSON moved to lay the whole subject on the table.

This motion was followed by considerable confusion in all parts of the hall; and various gentlemen rose to questions of order,

Mr. J. THOMPSON inquired what would be the effect of withdrawing the motion to lay on the table.

The SPEAKER said it would bring the House to a vote on the motion to print the substitute of the gentleman from Massachusetts, [Mr. ADAMS.]

Mr. J. THOMPSON then withdrew his motion.

The question was taken on the motion to print the substitute above mentioned, and decided in the negative—yeas 72, nays 108, as follows:

YEAS—Messrs. Adams, Allen, Landaff W. Andrews, S. J. Andrews, Arnold, Aycrigg, Baker, Barnard, Blair, Boardman, Borden, Botts, Briggs, Brockway, Bronson, Jere. Brown, Burnell, Calhoun, Childs, Chittenden, John C. Clark, Staley N. Clarke, James Cooper, Cranston, Cravens, Garrett Davis, Deberry, John Edwards, Everett, Fessenden, Fillmore, Giddings, Goggin, Granger, Henry, Howard, Hudson, Joseph R. Ingersoll, James, Wm. Cost Johnson, John P. Kennedy, Lane, Linn, McKennan, Mathiot, Mattocks, Maxwell, Morgan, Morris, Morrow, Osborne, Pendleton, Pope, Benjamin Randall, Alexander Randall, Randolph, Rodney, William Russell, James M. Russell, Saltonstall, Slade, Stanly, Tillinghast, Toland, Trumbull, Van Rensselaer, Edward D. White, Thomas W Williams, Christopher H. Williams, and Winthrop—72.

NAYS—Messrs. Arrington, Atherton, Barton, Beeson, Bidlack, Birdseye, Bowne, Brewster, Aaron V. Brown, Charles Brown, Burke, William Butler, Wm. O. Butler, Patrick C. Caldwell, John Campbell, William B. Campbell, Thomas J. Campbell, Caruthers, Casey, Clinton, Coles, Mark A. Cooper, Cowen, Cross, Daniel, Richard D. Davis, Dawson, Dean, Doan, Doig, John C. Edwards, Egbert, John G. Floyd, Chas.

A. Floyd, Fornance, Gerry, William O. Goode, Gordon, Graham, Gwin, Harris, Hastings, Hays, Houck, Houston, Hubard, Hunter, Charles J. Ingersoll, Cave Johnson, John W. Jones Isaac D. Jones, Andrew Kennedy, Littlefield, Lowell, Abraham McClellan, Robert McClellan, McKay, McKeon, Mallory, Marchand, Alfred Marshall, John T. Mason, Meriwether, Miller, Mitchell, Moore, Newhard, Owsley, Parmenter, Payne, Pickens, Plumer, Powell, Read, Reding, Rencher, Reynolds, Riggs, Roosevelt, Sanford, Saunders, Sewell, Shaw, William Smith, Snyder, Sprigg, Steenrod, Stokely, Alex. H. H. Stuart, Sumter, Taliaferro, John J. Thompson, Triplett, Trotti, Underwood, Van Buren, Wallace, Ward, Washington, Watterson, Weller and Westbrook—108.

Mr. BRIGGS then moved to lay the whole subject on the table; which motion was agreed to.

JONATHAN ROBERTS.

Mr. TOLAND, from the Select Committee on the case of Jonathan Roberts, late collector of the port of Philadelphia, made a report, accompanied by a resolution that the committee be discharged from the further consideration of the subject.

The report was laid upon the table, and ordered to be printed, and the resolution agreed to.

Mr. GILMER rose and asked leave to withdraw a motion to reconsider the vote by which the House had passed a bill granting a section of land to the town of Fair Play, in the Territory of Wisconsin. The effect of the withdrawal of the motion is to send the bill to the Senate.

Mr. SLADE asked leave to present certain resolutions of the Legislature of Vermont.

Objections being made,

Mr. SLADE moved the suspension of the rules; but the motion was rejected.

Mr. COOPER of Pennsylvania, from the Committee on Indian Affairs, to which had been referred the bill from the Senate for the relief of Joseph Bryan, reported the same without amendment.

SECOND REGIMENT OF DRAGOONS.

Mr. WM. O. BUTLER, from the Committee on Military Affairs, to which had been referred the bill from the Senate to repeal certain parts of the act "for the organization of the army and for other purposes," approved 23d August, 1842, reported the same without amendment.

Mr. WM. O. BUTLER then moved that the bill be put upon its passage, and moved the previous question.

Mr. ADAMS hoped the bill would not pass. It swept away all the reform that was made in this branch of the service at the last session.

The SPEAKER reminded the gentleman from Massachusetts that, the previous question having been called for, debate was not in order.

Mr. BRIGGS suggested that, as the bill contemplated new appropriations, it must be considered in Committee of the Whole.

The SPEAKER said that it would be necessary to refer it to the Committee of the Whole.

Mr. WM. O. BUTLER accordingly moved that the bill be referred to the Committee of the Whole on the State of the Union.

Mr. ADAMS moved to lay it on the table; and, on this question, he called for the yeas and nays, which were ordered; and,

On taking the question, it was decided in the negative—yeas 63, nays 114.

The question was then put on referring the bill to the Committee of the Whole on the state of the Union, and decided in the affirmative, without a division.

Mr. MOORE, from the Committee on Public Lands, asked leave to report the bill from the Senate to authorize the States of Missouri, Louisiana, and Arkansas, to institute proceedings to try the validity of their claims.

Objections being made by several—

Mr. MOORE moved the suspension of the rules; but the motion was negatived.

CODE FOR THE NAVY.

Mr. WISE, from the Committee on Naval Affairs, reported a joint resolution, providing that the code of rules and regulations for the government of the navy of the United States, prepared by the Secretary of the Navy and the Attorney General, under the resolution of the last session, be submitted to Congress at its next session; and that, until then, said code shall be put in operation, and printed, for the use of the navy.

Objected to by several, and not received.

LIVE OAK.

Mr. GRAHAM moved that the House resolve itself into Committee of the Whole, for the purpose of taking up the bill to protect the live-oak timber of the United States in Florida; but the motion was not agreed to.

Mr. CARUTHERS, on leave, introduced a joint resolution to correct a mistake in the bill for the relief of Thomas King, directing the Secretary of War, and not the Commissioner of Pensions, to place his name on the pension roll.

NAVY APPROPRIATION BILL.

The House proceeded to the consideration of the navy appropriation bill, which had come back from the Senate with the action of that body on the amendments thereto.

The Senate had concurred in all the amendments save the one in relation to the Brooklyn dry-dock; and the question came up in the House on receding from its amendment in that respect.

Mr. WISE hoped the House would recede, so that the House and the Senate might concur, and the bill be passed.

Mr. FILLMORE hoped that the House would not recede; and he went on to give his reasons for desiring the House to pursue that course. He concluded by moving the previous question; which was sustained by the House.

Mr. R. McCLELLAN called for the yeas and nays on the question of receding; and, being ordered, they resulted thus: Yeas 78, nays 98.

Mr. WISE then moved the appointment of a committee of conference; which was agreed to.

The House then took up several bills, which had come from the Senate with various amendments—the whole of which were concurred in.

REDUCTION OF POSTAGES.

The bill from the Senate entitled "An act to reduce the rates of postages," was read twice.

Mr. BRIGGS offered the following amendment: Strike out the first section of the bill, and insert, in lieu thereof, the following:

On all letters weighing not more than one-quarter of an ounce, avoirdupois, for any distance not exceeding fifty miles, five cents.

On all letters for any distance over fifty miles, ten cents.

On all letters weighing more than one-quarter, and not over one-half ounce, double the above rates; and the same rates of postage for every additional quarter of an ounce weight on all letters weighing more than half an ounce.

On all drop-letters, five cents.

SEC. 3. *And be it further enacted*, That, from and after the first day of January next, all existing laws granting the privilege of franking, or receiving free of postage, any letters, packets, or papers of any kind, to members of Congress, the Secretary of the Senate, the Clerk of the House of Representatives of the United States, and to any and all other persons, excepting the President, ex-Presidents, and widows of persons who have been Presidents of the United States, and excepting, also, the Postmaster General, the Assistant Postmasters General, and the Auditor of the Treasury for the Post Office Department, be, and the same are hereby, repealed: *Provided, however*, That the privilege of franking and receiving letters, papers, and packets, free of postage, granted to the Postmaster General, the Assistant Postmasters General, and to the Auditor of the Treasury for the Post Office Department, shall extend to such matters only as relate to the business of their offices.

SEC. 4. *And be it further enacted*, That, from and after the first day of January next, the postage on all letters, papers, and packets, that may be lawfully sent by mail, received by or directed to the members of either House of Congress, during the sessions thereof, and the postage on all letters, papers, and packets, that may be lawfully sent by mail, received by the Secretary of the Senate or the Clerk of the House of Representatives of the United States, relating to the business of the office of the said Secretary or Clerk, shall be paid out of the contingent funds of the respective Houses.

Mr. B. addressed the House at length in support of his amendment.

Mr. HOPKINS replied to Mr. BRIGGS, expressing his objections to the amendments of the latter.

Mr. WISE moved the previous question; and it was sustained by the House.

Mr. HOPKINS moved to lay the bill and the amendments on the table.

On this motion tellers were called for and appointed; and they reported 76 in the affirmative.

Mr. BRIGGS called for the yeas and nays; and, as they were ordered, the count by tellers was suspended. The yeas and nays were then taken as follows: yeas 62, nays 91.

Mr. FILLMORE called for the reading of the amendments; and they were read accordingly.

The question was then taken on the first division of the amendment of the gentleman from Massachusetts, [Mr. BRIGGS,] by which letters are to be charged—for 50 miles or under, 5 cents; over 50 miles, 10 cents, &c.

The amendment was agreed to—yeas 88, nays 54.

The question recurred on the second division of the amendment—*i. e.* that which prohibits and limits the franking privilege, except in certain cases.

This portion of the amendment was rejected—yeas 73, nays 83.

The question recurred on the third division of the amendment, which provides for the payment of the postage of members of Congress on letters addressed to them on public business, out of the contingent fund of the House; and, on taking the question, the amendment was rejected without a division.

The question coming up on the passage of the bill—

Mr. RHETT moved to lay it on the table; which motion was rejected—yeas 57, nays 80.

The bill was then passed, under the operation of the previous question.

Mr. WISE then rose and stated that the Senate had taken a recess until 6 o'clock, and he wished to move that the House take a recess also. [It was now half-past 4 o'clock.]

Mr. FILLMORE suggested that the House should dispose of some Executive messages, which were on the table of the Speaker.

Mr. UNDERWOOD hoped the House would go on with the business in order; for they would not be able to do any business after a recess. He objected to everything but the regular order of business.

Mr. WELLER was understood to move that some particular bill be taken up; but it was not agreed to, nor was the title of the bill heard. Great confusion ensued, the prevailing object being to avoid a recess. Ultimately, the House took up some bills which had come with amendments made therein by the Senate, with which the House concurred. They were as follows:

An act for the better protection of the lives of passengers by vessels propelled in whole or in part by steam.

An act reorganizing the General Land Office.

Mr. FILLMORE said he had received a letter from the chairman of the Committee on Finance of the Senate, informing him that the Senate had taken a recess until six o'clock; and that, as several very important appropriation bills were still to be acted upon, it would be necessary to hold a night session. Under these circumstances, he intimated his wish that the House should take a recess. [Loud cries of "No—no recess."]

Mr. UNDERWOOD desired a joint resolution to be first acted upon, which had come from the Senate, for the suspension of the 16th joint rule of the two Houses, to permit certain specified bills to be transmitted from the Senate to the House. On this subject he moved the previous question.

Mr. READ moved to lay the resolution on the table, and on this he called for the yeas and nays; and they were ordered, and resulted as follows: yeas 78, nays 81.

Mr. BOWNE moved that the House adjourn. (5 o'clock.)

Mr. FILLMORE hoped that the House would not adjourn, inasmuch as, by the joint rules of the two Houses, this was the last day on which bills could be sent to the President.

The yeas and nays were ordered on the motion to adjourn. The result was—yeas 64, nays 92.

So the House refused to adjourn.

Mr. WELLER moved that there be a call of the House.

The yeas and nays were taken on this motion, and resulted—yeas 62, nays 85.

So the House refused to order a call.

Mr. ANDREWS of Kentucky moved that the House adjourn.

Mr. J. C. CLARK objected, that the motion was not in order till there had been some business action of the House.

The SPEAKER overruled the point of order, saying that there had been a motion for a call of the House, and the question was taken on it.

Mr. CAVE JOHNSON called for the yeas and

nays on the adjournment; which were ordered, and resulted in yeas 75, nays 79.

So the House refused to adjourn.

The question recurring on the resolution,

Mr. TURNEY moved to lay it on the table.

Mr. FILLMORE submitted that the motion was not in order, as there had already been a similar motion made and rejected, while no business had been done since.

Mr. C. W. WILLIAMS appealed to the friends of the resolution to withdraw from it the obnoxious measures, as it was evident they stopped all the business of the House.

Mr. CAVE JOHNSON said that if it was the intention of gentlemen to pass through, at this late hour, this Massachusetts claim which had been defeated for twenty-five years, without a word of debate or explanation——

[Loud cries of "Order, order," drowning the rest of the sentence.]

The SPEAKER here decided upon Mr. FILLMORE's point of order, overruling it on the ground that the right to make this motion at any time was essential to the business of the House.

Mr. FILLMORE appealed.

Mr. CAVE JOHNSON moved to lay the appeal on the table.

Mr. MASON of Ohio moved that the House resolve itself into Committee of the Whole.

Mr. C. H. WILLIAMS asked if it would be in order to move to lay the resolution on the table. [Loud cries of "There is a question of order."]

Mr. SAMSON MASON asked if it would be in order to move to go into Committee of the Whole.

The SPEAKER was understood to say that it would.

Mr. S. MASON said he wished to move that the House go into Committee of the Whole on the bill concerning the regiment of dragoons.

Mr. FILLMORE requested the gentleman who moved the previous question on the joint resolution from the Senate, to withdraw his motion, so that any bill mentioned in the list appended thereto, if objectionable, might be excepted and stricken out; and that the rest might then be acted upon. [Cries of 'Strike out the bank bill, and the other can pass; or they will all be lost together."]

The SPEAKER suggested that there were three propositions in the resolution; on each of which a distinct vote might be called for.

Mr. CAVE JOHNSON suggested that a distinct vote be taken on each bill mentioned in the list from the Senate.

[Loud cries of "It cannot be done."]

Mr. FILLMORE, (despondingly.) Well, there is no other way, then. I take an appeal from the decision of the Chair.

[Loud cries of "The yeas and nays," and laughter.]

Mr. CAVE JOHNSON moved to lay the appeal on the table.

[Cries of "The yeas and nays," and great confusion.]

Mr. CAVE JOHNSON said, if they were to be compelled to act upon bills of so much importance, both to the House and to the country, without any opportunity for a single word of debate, and without an opportunity to inquire into the goodness or badness of these banks, or the justice or injustice of extending their charters—

Mr. UNDERWOOD rose to a question of order. Receive the bills, (he said,) and then discuss them.

Mr. CAVE JOHNSON. Why, you will not allow discussion.

Mr. UNDERWOOD. You do not know. [Great confusion—the SPEAKER beating with his mallet on his desk, and loudly calling the gentlemen to order.]

The SPEAKER said the only question before the House was, "Shall the decision of the Chair stand as the judgment of the House?" and not the bank bills. It was simply a question of "Is the Chair right or wrong?"

Mr. CAVE JOHNSON asked to be excused from voting on that question. [Loud cries of "Yeas and nays on that," and laughter.]

Mr. C. H. WILLIAMS said he had moved, some time ago, that the House resolve itself into Committee of the Whole. [Cries of—"The yeas and nays on that."]

Mr. BOTTS rose and moved an adjournment.

Mr. L. W. ANDREWS demanded the yeas and nays; but 24 gentlemen rose in favor of the motion. Tellers were demanded on taking the yeas and nays, and they were ordered; and Messrs. CALHOUN and WELLER were appointed. The yeas and nays were ordered and taken.

Mr. BOTTS rose before the decision was announced, and said that he had learned that, if the House adjourned, it was likely that the civil and diplomatic bill would be lost: he should therefore change his vote, No. [A voice was heard to say—"Why, then, you vote against your own motion," and laughter.]

The SPEAKER then announced the vote to be 83 in the affirmative, and 86 in the negative. The motion was, therefore, not carried.

Mr. C. H. WILLIAMS moved that the House go into committee.

Mr. FILLMORE rose and expressed the hope that the matter in hand would be dropped, rather than risk the defeat of the three appropriation bills which were pending before the two Houses. He had just returned from the Senate, where he was informed by the chairman of the Finance Committee that the civil and diplomatic appropriation bill had not been disposed of in that body, and the enrolling of which bill would require ten to twelve hours. He, therefore, urged that it was indispensably necessary to pass that bill to-night.

Mr. ADAMS made an inquiry as to the effect of adjourning, and Mr. FILLMORE replied; but none of the conversation was heard above the surrounding noise.

Mr. GILMER rose to make an inquiry. He wished to know whether it required a suspension of the 16th joint rule in order to act upon the bills which had been sent to the Senate, but amended in that body.

The SPEAKER said, No.

Mr. GILMER. Then the objection of the gentleman from New York [Mr. FILLMORE] falls to the ground.

The SPEAKER then observed to the gentleman from New York that he was informed by the Clerk that the appropriation bills were already enrolled, and it would be only necessary to add to them such amendments as should be adopted by the Senate.

Mr. FILLMORE said he had his information from the chairman of the Finance Committee. He would inquire whether the Speaker did not mean to say *engrossed*.

The SPEAKER said he was informed, upon specific inquiry, that the bills were *enrolled*.

The Senate announced their disagreement to the amendment of the House to the bill for the reduction of postages.

Mr. J. G. FLOYD moved that the House adjourn.

Mr. C. H. WILLIAMS asked for the yeas and nays; which were taken, and resulted—yeas 89, nays 76.

So the House, at seven minutes before 7, adjourned.

IN SENATE,

FRIDAY, March 3, 1843.

The reading of the journal was dispensed with.

Mr. EVANS, from the Committee on Finance, to which was referred the House bill to authorize the settlement of the accounts between the United States and Richard M. Carter, reported the same back, with a recommendation that it be indefinitely postponed; and,

On motion by Mr. EVANS, the previous orders were postponed, and the above bill was taken up as in committee of the whole, and indefinite by postponed.

Mr. EVANS, from the same committee, reported back, with amendments, the bill from the House concerning money received by certain public officers before they can be disbursed, and for other purposes. Mr. E. said, though the committee had recommended amendments, they could not recommend the passage of the bill. On his motion, the bill was then taken up as in committee of the whole, and indefinitely postponed.

Mr. BATES, from the Committee on Pensions, made adverse reports on the petitions of Samuel C. Mabson and Jacob Rose. The reports were concurred in by the Senate.

The House bill making appropriation to test the plan for electro-magnetic telegraphs, was read the third time, and passed.

Mr. STURGEON presented a petition from James P. Allen, and other citizens of the United States, and a petition from a number of citizens of Pennsylvania, praying the issue of Government stock, based on the public domain; which were ordered to be printed.

On motion by Mr. WILLIAMS, the adverse reports of the Committee on Naval Affairs on the petitions of Benjamin Franklin and Charles L. Williamson, were taken up and concurred in.

Mr. BAYARD, from the Committee on Naval Affairs, submitted a communication from William W. Hunter, of the United States navy, in relation to war steamers; which, on his motion, was ordered to be printed.

On motion by Mr. SEVIER, the vote on the adoption of the resolution below was reconsidered, viz.:

Resolved, That the Secretary of War be directed to ascertain, and report at the next session of Congress, the value and extent of the claims of the Western Cherokees upon the United States, growing out of their treaty stipulations.

Mr. S. then moved to amend the resolution, by adding the following, viz:

That is to say, that portion of the Cherokees known and designated as the old settlers west of the Arkansas; which claims are set forth in their memorial of the 16th April, 1842, signed John Rodgers, and others.

The amendment was agreed to; and the resolution, as amended, was then adopted.

The resolution submitted by Mr. EVANS on yesterday, proposing to suspend the 16th joint rule, to permit certain bills to be sent to the other House, was taken up; and, after being amended, on his motion, to suspend the 17th joint rule so far as to allow all bills and resolutions which were passed yesterday, and those which might pass to-day, to be presented to the President for approval, it was adopted.

On motion by Mr. WHITE, the previous orders were postponed, and the Senate proceeded to consider, as in committee of the whole, the bill for the relief of George E. Johnson. After a few remarks by Messrs. WHITE, EVANS, and MOREHEAD, the bill was amended, on the motion of Mr. EVANS. There being no further amendment, it was reported to the Senate, read the third time, and finally passed, as amended.

Mr. WOODBRIDGE, from the Committee on Commerce, to which was referred the bill from the House to repeal an act entitled "An act to extend the collection district of Wiscasset," reported the same back without amendment, and with a recommendation that it be indefinitely postponed.

This bill was then taken up, as in committee of the whole, on the question of indefinite postponement; and, after a few remarks by Messrs. WILLIAMS, KING, EVANS, WOODBRIDGE, and HUNTINGTON, the vote was taken, and decided in the negative. There being no proposition to amend the bill, it was reported to the Senate, and finally passed.

House bill entitled "An act to authorize the investigation of alleged frauds under the pre-emption laws, and for other purposes," was taken up, read the third time, and passed.

A message was received from the House, asking the Senate to suspend the 16th and 17th joint rules, for the purpose of receiving, and permitting to be sent to the President, the following bills, which had been amended by the House, viz:

The bill granting a pension to David Welch; and

The bill for the relief of Thomas King.

On motion by Mr. EVANS, the above message was taken up for consideration; and, on his motion, the proposition of the House to suspend the joint rules was amended, by inserting the bill for the relief of Robert B. Lewis. The proposition, in this form, was concurred in by the Senate.

PENSIONS TO WIDOWS.

Mr. BATES said, as most of the business on the calendar had been disposed of, he would ask the

attention of the Senate to bill No. 655, making appropriations for the widows of the officers and soldiers of the Revolution. He had made several attempts to bring this subject before the Senate, but without effect; and he now made the motion to postpone all the previous orders, with a view to take up that bill.

Mr. KING said he would be glad if the Senator would allow him to dispose of a bill for the relief of a poor soldier of the Revolution, which he was convinced would take up no time, and then the pension bill could be called up immediately afterwards.

Mr. BUCHANAN, (*sotto voce.*) Don't give way; he means to vote against our bill.

Mr. BATES said he could not consent that 5,000 widows of the officers and soldiers of the Revolution should give place for anything or anybody.

Mr. BUCHANAN thought it unreasonable as well as ungallant in his friend from Alabama to desire to make 5,000 widows give way for one poor old soldier. Such was his understanding of the gallantry of by-gone days, that 5,000 soldiers would gladly give way for one of the gentler sex, and particularly those standing in the light which these estimable ladies did, as relicts of the heroes of the Revolution.

Mr. KING said the bill he desired to have acted on, was for one who had done the State some service; while the widows, who seemed to claim so large a share of the gentleman's sympathy, never did any service, nor did their husbands. These old women had married over and over again, and now came to claim pensions from the Government. These were beautiful times, indeed, to make gratuities of half a million of dollars to old women who never rendered any service whatever to the country.

Mr. BUCHANAN. Order.

Mr. KING, (smiling.) How does the Senator make out his point of order?

Mr. BUCHANAN, (playfully.) The point of order I make is, that *the* Senator from Alabama should speak of these ladies *as old*. It was not pleasant to him to hear them thus spoken of; and he was quite sure it must be less so to them. To be serious, however, on this matter, he had been instructed unanimously by his State to support the measure; and, rigid as he was known to be where all matters of appropriation were concerned, he should vote for this bill with as much pleasure as he ever did for anything in his life. He did not mean to go into the discussion of the pension system; all he desired was to have some definite action on the bill. These ladies had before received the bounty of the Government; and why take it from them now, when they were some seven or eight years older than they were, and most of them on the extreme verge of life? To refuse them this little pittance, he held would be unkind, unjust, and ungrateful to the memory of their departed husbands. What was the difficulty on this matter? It had been said that the times were unpropitious; that the amount is large, &c.; yet, they could sit and discuss, at midnight, joint resolutions to give thousands upon thousands to persons who were better paid than any other officers under Government, while this body sought to refuse a small pittance to those meritorious old ladies—the relicts of departed heroes of the Revolution.

Mr. WALKER thought the bill might as well be taken up; for when the Senator from Pennsylvania appeared at the head of his five thousand widows, he was a very formidable opponent, and not easily beaten.

The question was then taken on the motion of Mr. BATES, to postpone all the previous orders, with a view to take up the bill; and decided in the affirmative—yeas 23, nays 10.

So the bill was taken up.

Mr. BATES, chairman of the Committee on Pensions, rose and explained the bill at some length, going into detail, and pointing out the objects of the committee in the amendments they had proposed. The bill, as it came from the House, would make the number as computed from eight to nine thousand, and the amount required would have been somewhere about eight or nine hundred thousand dollars. The amendment of the committee, if adopted, would make the pension to extend to all married prior to 1794, to commence from the 4th of March, 1843. This would place some five or six thousand on the list, and, for the first year, would require between three and four hundred thousand dollars. Very few of these widows were under the age of seventy; and all knew how rapidly the sands of life run at this age. Most of these ladies had been engaged during the war of the Revolution, but their marriages had not been consummated until after the perils of the Revolution had ceased.

Mr. McDUFFIE. The Senator seems to speak knowingly of these matrimonial engagements. He (Mr. McD.) did not very well know what personal knowledge the chairman could have of the matter; but it seemed to him that engagements that lasted eleven years were rather too long.

Mr. McD. moved to amend the bill by striking out "ninety-four," and inserting "eighty-three;" so that no pension under this act should be paid to any widow who was married to the revolutionary soldier or officer after the year 1783.

Mr. BUCHANAN suggested that the amendment, if it prevailed, would operate a defeat of the bill. He thought it better, therefore, to take a direct vote upon its passage.

Mr. McDUFFIE rose to ask upon what principle of policy or justice a claim could be set up by a widow, whose marriage had taken place subsequently to the termination of the war, to a pension, founded upon the services of her husband during the war. The husband, during his life, had received a pension, enuring to her benefit, as well as his own; and he demanded by what right a pension could be claimed on the part of the widow, unless it were shown that she had participated in the struggle, and been subjected to the privations incident to the time.

Mr. BATES said pensions, in these cases, were claimed upon two grounds. First, upon the same ground upon which a widow would be entitled to demand and recover the debt of her deceased husband. The revolutionary soldiers had never been paid for their services; and it was just, therefore, that their widows should receive pensions. Another ground was, the gratitude due to the revolutionary soldiers, who rendered to their country the most important services. Upon considerations both of justice and gratitude, this Government ought to contribute to render the remainder of their lives comfortable.

The amendment of Mr. McDUFFIE was negatived—yeas 15, nays 24, as follows:

YEAS—Messrs. Archer, Benton, Berrien, Calhoun, Clayton, Dayton, Graham, King, McDuffie, McRoberts, Mangum, Walker, Woodbury, Wright, and Young—15.

NAYS—Messrs. Allen, Bagby, Barrow, Bates, Buchanan, Choate, Crafts, Crittenden, Evans, Fulton, Huntington, Kerr, Linn, Phelps, Porter, Simmons, Smith of Connecticut, Smith of Indiana, Sprague, Sturgeon, Tallmadge, White, Wilcox, and Woodbridge—24.

Mr. SMITH of Connecticut sustained the bill, not on the ground of a gratuity, but because the females of that day were all more or less compelled to make sacrifices, and had besides rendered material service.

Mr. McROBERTS asked what they were about to do? Here was an attempt to expend some six or eight hundred thousand dollars for a gratuity to widows of the Revolution. Where was the money to come from? How were they to get it? Was not the treasury bankrupt, and were they not now borrowing money for the ordinary expenses of the Government? He would move to strike out "five," and insert "one" year; and then let the next Congress do as it pleased.

The question was taken on this amendment, and decided in the negative—ayes 16, noes 23.

Mr. MERRICK inquired if any appropriation had been made for carrying into effect the bill?

Mr. BATES said there was no appropriation, of course, until the bill passed; and, if it should pass, he would move to insert $380,000.

Mr. YOUNG thought the present a most unpropitious period for the passage of such a bill. Here they were, at the close of a Congress, seeking to anticipate business which appeared to him to belong of right to the succeeding one. It was not proper that an expiring Congress—indeed, he might almost say, a dead Congress—should attempt to fix a system; when it was known that great changes had been made under the census of 1840, and changes, also, in their own body. He would, therefore, move to lay the whole subject on the table; and on that question he asked the yeas and nays.

The question having been taken, there appeared yeas 17, nays 22.

YEAS—Messrs. Archer, Benton, Berrien, Calhoun, Clayton, Cuthbert, Dayton, Graham, King, McDuffie, McRoberts, Miller, Tappan, Walker, Williams, Wright, and Young—17.

NAYS—Messrs. Allen, Barrow, Bates, Buchanan, Choate, Crafts, Evans, Huntington, Kerr, Linn, Merrick, Phelps, Porter, Simmons, Smith of Connecticut, Smith of Indiana, Sprague, Sturgeon, Tallmadge, White, Wilcox, and Woodbridge—22.

Mr. GRAHAM desired to call the attention of the Senate to this subject, conceiving, as he did, that it involved principles of importance. We had commenced with the soldiers, and that was right; we had extended it to their widows, and of that he did not so much complain. And now here was a proposition to give five years' pensions to all those who married prior to 1794.

Mr. BATES. No, sir; no such thing in the bill.

Mr. GRAHAM was glad to hear that much. In this case, no expectations had been excited. You have already allowed them five years' pensions, and now you are about to grant an additional gratuity of five years more, when it was neither required by justice nor policy; but, above all, now—when they were borrowing—to vote $380,000 for gratuities, seemed to him most strange.

Mr. ALLEN said, as the House had sent the bill to them, it would have required millions of dollars to have met all the cases embraced in it. The subject had been carefully considered by the intelligent and industrious chairman of the Committee on Pensions, who, after mature deliberation, had proposed the amendment which they had heard. Mr. A. gave, as an additional reason for his support of the amendment of the Senate, that the hopes of those ladies had been excited; and as they had been made the recipients of the bounty of the Government, they would feel more keenly the deprivation than those who had never enjoyed it. He should vote for the bill, therefore, not with any desire to extend the pension system, but to relieve those who had been taught to look for it, and which to refuse now would be considered a grievous disappointment; at a time when, above all others, they would be least able to bear it. In his opinion, it would be the height of human cruelty to withhold it.

Mr. KING said the Senator from Ohio seemed to take great credit to himself that he had not taken the House bill, which would have given away millions, but one that only cost some three or four hundred thousand dollars. Where was the difference in principle? For his own part, he did not know but he should prefer the House bill. Where was the necessity of pensioning those who had already once been pensioned? They all knew how this bill came to be passed in the first instance; and that it was from the importunity of one who was herself cut off from all its benefits after it had been passed. On what principle of justice did the bill proceed? Where was the merit of being married prior to 1794, or subsequent? Why had the committee fixed on that particular period?—as though it was a great merit to have married a day sooner or a day later. Was that the great sympathy of gentlemen—to give all their bounty to one class, and to withhold it from another, on the ground that to have extended it would have been too onerous on the treasury? If that be so, would it not be better to give to those who had married since 1794, and had never received it?

What possible excuse could there be for giving a pension to one who marries a day earlier than another? Suppose a gentleman goes home to his constituents, and sees two of these widows living side by side; one of whom is made the recipient of the bounty of the Government, because she fortunately happened to marry a day earlier than her neighbor, who, though marrying a day later, may have been the widow of a brave and gallant officer or soldier. What possible excuse could there be for any such proceeding? To do exact justice, we must pension all. The idea of a Senator voting for such a bill,

because we had excited hopes, seemed to him the most extraordinary argument he ever listened to. He could tell gentlemen that he knew many of these widows who were ladies of fortune; and you give these pensions to the rich, while you exclude others. The law, he was aware, could not discriminate, because it must take time for its element; and he mentioned these things to show that the bill could not rest on any ground of justice or policy.

This whole matter of pensions was wrong in the first instance. It is generally the first step that costs. When the bill was first presented, the cry was that these widows were old and helpless, and they were pensioned for five years; and now they are older, and must be pensioned for a further five years. What merit was there in these women marrying officers and soldiers of the Revolution after the war, that they should be entitled to pensions? Matches with the officers were desirable, and highly creditable to them; and they were very fortunate in obtaining them. Did they suffer any losses from the marriage after the close of the war and as late as 1794? or were they harassed by revolutionary troubles? No, sir. Go to the Pension Office, and you will find that most of these widows who had married these old revolutionary officers, soon after their deaths provided themselves with young husbands.

Mr. ALLEN said the Senator from Alabama had gone into a statement of some of the requisites of a good husband. He had spoken of the revolutionary soldier as being strong, robust, and able-bodied, and that such a husband ought to be considered a sufficient compensation to any woman for enduring privation and hardships incident to a state of war, without granting them a sum of money out of the public treasury. This argument did not serve to satisfy him that a pension was unnecessary. The Senator had stated, also, that some of these widows were wealthy; but that did not alter the case, in his estimation. The law must necessarily be uniform—and a uniform law could not be made to reach the case of every individual. It could not be supposed that a law which was of itself broad and general, could possibly mete out exact justice to every individual. There could not be such a law, so long as there was so great a diversity among the men upon whom the law was to operate.

Mr. WALKER said the only reason he had heard offered in favor of this bill, which had any weight with him, was, that these widows had enjoyed their pensions for five years already; and that their expectations had been raised that they would be continued. He would have been glad if gentlemen by whom this argument was urged, had listened to it in regard to the cases of pensions in the navy. The law, in that case, had been permitted to expire; that law provided that the widows of those who died of casualties or diseases contracted in the service of the country should receive pensions. It was intended to apply to those who were actually the wives of seamen at the time of service. The argument could have no force, now, coming from those who opposed it in that case. Only $64,000 was required in the case he referred to, to pension the widows of those gallant men who met their fate upon the ocean; the widows of such men as Neale and Lewis—men who conferred honor upon their country, and who proved that the power of Great Britain was not invincible: these pensions were refused, while here it was proposed at one swoop to appropriate $380,000 to pension those who married soldiers long after the war had terminated.

Mr. BUCHANAN observed that discussion, at this stage of the bill, must be death to it; and, if he were to follow the example of the Senator from Mississippi, and go into the discussion of the question of the naval pension fund, and the propriety of pensioning the widows of naval officers, by the very consumption of time in the discussion the bill must necessarily be defeated.

His friend from Alabama was very much opposed to the bill, because, forsooth, (to use the language of the Senator from New Hampshire,) all the widows of revolutionary soldiers, who were married at any time previous to 1800, were not included. His expansive benevolence embraced the whole. He had told them that he would not vote for any, unless the whole were included. He (Mr. B) was not disposed, under existing circumstances, to go so far.

In regard to the question now before them, he believed that public sentiment was far in advance of the action of Congress. Many of the State Legislatures had moved in the matter; and he believed ninety-nine in a hundred of the people at large were favorable to the granting of such pensions as now proposed. Every person could point to cases, within his own immediate vicinity, of destitute widows of revolutionary soldiers, who are supported by the liberality of their friends; and who, in case the bill did not pass, must go the poor-house. Although he was opposed to extending the system of granting pensions, yet he thought this a class of cases which should not be neglected. It was admitted that those who were wives during the war ought to receive pensions; but, it was said, those who were married afterwards ought to be excluded. Was this so? Suppose it had been made optional with any one of those gallant men who served in the revolutionary war, whether he should receive a pension during his own life, or whether his widow, after his death, should receive it: what would have been his decision? Every one of them would have said, Relieve the distresses of the wife of my bosom. During my own life, I can afford her protection and support; but when that protection is withdrawn—when I am removed by death, and she is thrown defenceless on the world—then let her be taken under the protection of the Government which I have served. While he was opposed to the system of extending pensions to new cases, he thought there was much force in what was stated by the Senators from Massachusetts and Ohio. These widows had been in the habit of receiving the bounty of the Government, and they had not calculated upon that bounty being withdrawn; and if it should be withdrawn, they would be left infinitely more helpless and dependent than if they had never received a cent. He would ask his friend from Alabama if, for the purpose of manifesting his gratitude towards his friend far advanced in life, he had taken that friend under his immediate protection, and furnished to him or her an annuity for five years, whether he would consider it the part of an honorable man to abandon that friend at an advanced period of life, and deprive him of the bounty which his benevolence had bestowed? He thought to debate the bill would be to kill it.

The bill was reported to the Senate; when

Mr. McROBERTS said he should renew his proposition, which had failed in committee, to strike out "five years," and insert "one year." The next Congress could fully and fairly represent the wishes of the people; and they ought to be heard on the subject. The idea of spending money, when they were now without, and borrowing—and that, too, on the eve of a new Congress coming in—was too monstrous to be thought of.

[Mr. McR. was prevented, by a violent cold, and cough which accompanied it, from proceeding.]

Mr. BENTON said he was extremely sorry to perceive that the Senator from Illinois was unable, in consequence of the state of his health, to do justice to his feelings on this occasion. He sincerely sympathized with the honorable Senator, and would take up his argument just where the honorable Senator had stopped. This expiring Congress, now in the agonies of death, was continuing to incur debts for five years to come. It was like the blunder committed by Congress when they attempted to recharter the Bank of the United States for a period which would run into the representation under a new census and a new apportionment. Congress should do the legitimate business of its term, and nothing beyond. He thought the Senator from Illinois had taken a very forcible ground of objection. He was willing to extend pensions to those who were participants in the alarms, the dangers, and the sufferings of the Revolution, being actually the wives of soldiers or officers at the time; but he never was willing to extend them to a period since the Revolution. Persons might be pensioned under this act, who were not born at the time of the Revolution. There might have been widows, who were married at the age of thirteen, born since the surrender of Cornwallis, and who had had no share whatever in the perils and pains of the war; and yet, under this bill, they would be entitled to the bounty of the Government. In this way, the system might be carried down to the present time. An old revolutionary officer, just going out of the world, might marry a young girl for the purpose of entitling her to receive a pension; and she might live to draw that pension for eighty years. He thought the proposition of the Senator from Illinois was a very just and commendable one; and he would give it his hearty concurrence.

Mr. ALLEN said he thought there was very great force in the remarks made by the Senator from Illinois and the Senator from Missouri upon the propriety of leaving to a future Congress to legislate upon this matter, without depriving these widows in the mean time of their pension. He should vote for the motion, believing, as he did, that, in all the great questions of money and power, the people should be fully and thoroughly represented.

The question was then taken upon the amendment of Mr. McROBERTS, to strike out "five" years, and insert "one" year; and decided in the affirmative—yeas 24, nays 21, as follows:

YEAS—Messrs. Allen, Archer, Bagby, Bayard, Benton, Berrien, Calhoun, Clayton, Conrad, Crittenden, Dayton, Fulton, Graham, Henderson, Linn, McDuffie, McRoberts, Mangum, Miller, Tappan, Walker, Williams, Wright, and Young—24.

NAYS—Messrs. Barrow, Bates, Buchanan, Choate, Crafts, Evans, Huntington, Kerr, Merrick, Morehead, Porter, Rives, Simmons, Smith of Connecticut, Smith of Indiana, Sprague, Sturgeon, Tallmadge, White, Wilcox, and Woodbridge—21.

So the amendment was adopted.

Upon the passage of the bill, the yeas and nays were as follows:

YEAS—Messrs. Allen, Bagby, Barrow, Bates, Buchanan, Choate, Crafts, Evans, Fulton, Huntington, Kerr, Linn, Merrick, Miller, Morehead, Porter, Sevier, Simmons, Smith of Connecticut, Smith of Indiana, Sturgeon, Tallmadge, White, Wilcox, and Woodbridge—26.

NAYS—Messrs. Benton, Berrien, Calhoun, Clayton, Crittenden, Cuthbert, Dayton, Graham, Henderson, King, McDuffie, McRoberts, Mangum, Tappan, Walker, Wright, and Young—17.

The Senate then took a recess until half-past 5 o'clock.

EVENING SESSION.

The PRESIDENT *pro tem.* laid before the body a message from the President of the United States, transmitting a report received from the director of the mint, and showing its operations for the year 1842; which was ordered to be printed.

Also, a communication from the State Department, enclosing information in relation to the commodities imported from foreign countries; which was ordered to be printed.

LIEUTENANT FREMONT'S EXPEDITION TO THE ROCKY MOUNTAINS.

A communication was received from the War Department, in answer to a call heretofore made for the report of Lieutenant Fremont's expedition to the Rocky Mountains.

Mr. LINN moved that it be printed for the use of the Senate; and also that one thousand extra copies be printed.

In support of his motion, Mr. L. said, that in the course of the last summer a very interesting expedition had been undertaken to the Rocky Mountains, ordered by Colonel Abert, chief of the Topographical Bureau, with the sanction of the Secretary at War, and executed by Lieutenant Fremont of the topographical engineers. The object of the expedition was to examine and report upon the rivers and the country between the frontiers of Missouri and the base of the Rocky Mountains; and especially to examine the character, and ascertain the latitude and longitude of the South Pass, the great crossing-place in these mountains on the way to the Oregon. All the objects of the expedition have been accomplished, and in a way to be beneficial to science, and instructive to the general reader, as well as useful to the Government.

Supplied with the best astronomical and barometrical instruments, well qualified to use them, and accompanied by twenty-five *voyageurs*, enlisted for the purpose at St. Louis, and trained to all the

hardships and dangers of the prairies and the mountains, Mr. Fremont left the mouth of the Kansas, on the frontiers of Missouri, on the 10th of June; and, in the almost incredibly short space of four months, returned to the same point, without an accident to a man, and with a vast mass of useful observations, and many hundred specimens in botany and geology.

In executing his instructions, Mr. Fremont proceeded up the Kansas river far enough to ascertain its character, and then crossed over to the Great Platte, and pursued that river to its source in the mountains, where the Sweet Water (a head branch of the Platte) issues from the neighborhood of the South Pass. He reached the Pass on the 8th of August, and describes it as a wide and low depression in the mountains, where the ascent is as easy as that of the hill on which this Capitol stands, and where a plainly-beaten wagon road leads to the Oregon through the valley of Lewis's river, a fork of the Columbia. He went through the Pass, and saw the head-waters of the Colorado, of the Gulf of California; and, leaving the valleys to indulge a laudable curiosity, and to make some useful observations, and attended by four of his men, he climbed the loftiest peak of the Rocky Mountains, until then untrodden by any known human being; and, on the 15th of August, looked down upon ice and snow some thousand feet below, and traced in the distance the valleys of the rivers which, taking their rise in the same elevated ridge, flow in opposite directions to the Pacific ocean and to the Mississippi. From that ultimate point he returned by the valley of the Great Platte, following the stream in its whole course, and solving all questions in relation to its navigability, and the character of the country through which it flows.

Over the whole course of this extended route, barometrical observations were made by Mr. Fremont, to ascertain elevations both of the plains and of the mountains; astronomical observations were taken, to ascertain latitudes and longitudes; the face of the country was marked as arable or steril; the facility for travelling, and the practicability of routes, noted; the grand features of nature described, and some presented in drawings; military positions indicated; and a large contribution to geology and botany was made in the varieties of plants, flowers, shrubs, trees, and grasses, and rocks and earths, which were enumerated. Drawings of some grand and striking points, and a map of the whole route, illustrate the report, and facilitate the understanding of its details. Eight carts, drawn by two mules each, accompanied the expedition; a fact which attests the facility of travelling in this vast region. Herds of buffaloes furnished subsistence to the men; a short, nutritious grass, sustained the horses and mules. Two boys, (one of twelve* years of age, the other of eighteen,†) besides the enlisted men, accompanied the expedition, and took their share of its hardships; which proves that boys, as well as men, are able to traverse the country to the Rocky Mountains.

The result of all his observations, Mr. Fremont had condensed into a brief report—enough to make a document of some ninety or one hundred pages; and, believing that this document would be of general interest to the whole country, and beneficial to science, as well as useful to the Government, I move the printing of the extra number which has been named.

In making this motion, and in bringing this report to the notice of the Senate, I take a great pleasure in noticing the activity and importance of the Topographical Bureau. Under its skillful and vigilant head, [Colonel Abert,] numerous valuable and incessant surveys are made; and a mass of information collected of the highest importance to the country generally, as well as to the military branch of the public service. This report proves conclusively that the country, for several hundred miles from the frontier of Missouri, is exceedingly beautiful and fertile; alternate woodland and prairie, and certain portions well supplied with water. It also proves that the valley of the river Platte has a very rich soil, affording great facilities for emigrants to the west of the Rocky Mountains.

The printing was ordered.

The CHAIR here announced to the Senate that a mistake had been made in engrossing the amendments to the civil and diplomatic appropriation bill. The amendment adopted by the Senate, giving $500 additional to the mail agents of the Post Office Department, had been inadvertently overlooked; and it was engrossed at $1,000, as it came from the House. The bill had been returned to the other House.

Mr. EVANS suggested that the bill could be sent for; and he moved an order directing the Secretary to proceed to the House, and announce by message, the fact of the error, and the wish of the Senate that the bill should be returned. This order was agreed to.

On motion by Mr. WOODBRIDGE, the previous orders were postponed, and the Senate took up for consideration, as in committee of the whole, the bill for the protection of commerce on the western shores of Lake Michigan. The amendments of the Committee on Commerce having been adopted, the bill was reported to the Senate, and finally passed; the title having been amended by striking out the words "western shores."

Mr. HUNTINGTON moved the Senate to proceed to the consideration of executive business, but waived the motion on the suggestion of

Mr. MERRICK, on whose motion the Committee on the Post Office and Post Roads was discharged from the further consideration of all matters now pending before it.

On motion by Mr. KERR, a similar discharge was made with reference to the Committee on Patents and the Patent Office.

On motion by Mr. HUNTINGTON, a similar discharge was made with reference to the Committee on Commerce.

On motion by Mr. BERRIEN, a similar discharge was made with reference to the Judiciary Committee.

On motion by Mr. SMITH of Indiana, a similar discharge was made with reference to the Committee on the Public Lands.

On motion by Mr. BAYARD, a similar discharge was made with reference to the Naval Committee.

On motion by Mr. TALLMADGE, a similar discharge was made with reference to all the remaining committees.

The joint resolution for the relief of Benjamin Ogle Tayloe, was taken up as in committee of the whole; and, having been amended on the suggestion of Mr. KING, was reported to the Senate, and ordered to be engrossed as amended.

TREASURY NOTE BILL.

The bill to authorize the re-issue of treasury notes, and for other purposes, having been returned from the House with a disagreement to the amendment of the Senate authorizing the funding of three and a half millions of the notes outstanding, to run for twenty years, was taken up for consideration.

Mr. EVANS said the amendment authorizing the funding of those notes was one of considerable importance; and he was strongly impressed with the propriety of insisting on it. He believed it was adopted by a unanimous vote of the Senate. He was entirely at a loss to know on what ground it was that the House refused to concur. He was strongly of the opinion that the law, to be effective, should pass in the form in which it was passed by the Senate. If it could not pass in that shape, it was absolutely necessary that it should pass in some form: that was dictated by every consideration of necessity.

Mr. WOODBURY concurred in the propriety of passing the bill in its present form; and, in accordance with that sense of propriety, he moved that the Senate insist on its amendment, and ask for a committee of conference.

The Senate insisted; and,

On motion by Mr. EVANS, the Chair was authorized to appoint a committee on the part of the Senate, to consist of three.

On motion by Mr. SMITH of Indiana, the previous orders were postponed, and the Senate took up for consideration, as in committee of the whole, House bill entitled "An act providing for the sale of certain lands in the States of Ohio and Michigan, ceded by the Wyandot Indians, and for other purposes."

Mr. SMITH of Indiana explained the provisions of the bill; it was to authorize the sale of the lands acquired by treaty from the Wyandot Indians.

Mr. WHITE said that, by the provisions of the treaty by which the land of the Wyandot Indians was ceded, the United States stipulated to pay those Indians for their improvements such sum as, upon appraisement, they were found to be worth; the appraisers to be appointed by the United States. These appraisers had awarded to the Indians $125,957 21. Mr. W. said the Secretary of War had recommended an appropriation to cover the amount of the award. He therefore moved to amend the bill under consideration, with an additional section, appropriating for that purpose the sum of $105,957 21. He remarked that $20,000 had been already appropriated for the purpose. This amount would make up the full award.

Mr. KING was opposed to paying such an enormous sum. They were told, in the discussion on the appropriation to pay for the land, that the amount required to pay for these improvements would not be more than $20,000. The sum paid for the land was enormous. Having approved of the sum stipulated for the land, they were now called upon to appropriate more than $125,000 for the improvements of a handful of Indians, which could not have been anything but huts and a few fruit trees. This sum was most enormous—unless, indeed, those Indians were even more civilized than the whites on the frontiers, and had erected for themselves splendid tenements, and laid out pleasure-grounds, abounding with beautiful shrubbery, and fountains, &c. Who would undertake to say that such was the case? No one. Who were the agents, and by whom were they appointed, who had awarded such an unreasonable amount for the mere huts of a handful of Indians?

Mr. WHITE replied that Moses H. Kirby and John Waters were the agents—one of whom, he knew, was reputed to be a most highminded and honorable man. The other he did not know.

Mr. KING continued his remarks, at some length, against the amendment. He considered the award a fraud. He hoped the amendment would not be agreed to, on the limited information they now possessed. He was as willing and as ready to do justice to the red man as the white; but he could not sanction such an award, believing it to be a fraud on the Government. No man in his senses, who knew anything of the Indian character, their mode of living, and the nature of the improvements, could believe, for a moment, that those improvements were worth anything like the amount proposed to be appropriated.

Mr. TAPPAN remarked that the Secretary of War should not have selected such men as would do injustice to the United States. But the appraisers had been selected according to the stipulations of the treaty; and they had made an award. How could they help themselves? They must fulfil their contract with the Indians. The United States contracted under the treaty to pay such sum for the improvements of those Indians, as appraisers, to be appointed by the Goverment, should award to them. The United States had exercised her rights under the treaty—had appointed appraisers to protect her interests. They have made the award. He (Mr. T.) would rather pay $100,000,000 than consent to a violation of treaty stipulation by this Government with the humblest tribe of Indians. If there had been proper officers appointed, it would have been managed better. If the people did not wish to be saddled with such enormous awards, they must see and know whom they put into power. The Wyandots were the innocent party; they were not instrumental in placing those men in office. He hoped, therefore, the amendment would prevail.

Mr. EVANS said this amendment had been discussed two or three times before; he hoped the Senate would, therefore, take a vote upon it. It was of the utmost importance that the Senate should proceed with other business.

*Randolph Benton, son of Senator Benton.

†Henry Brant, son of Col. Brant, of St. Louis, Mo.

Mr. WHITE said he felt no further interest in this matter, than a desire that the United States should fulfil its treaty obligations.

Mr. McDUFFIE said he did not regard this as an arbitration at all. There was no judgment binding on the United States. It was, in fact, merely an *ex parte* investigation for the information of the mind of the Executive.

Mr. SEVIER endeavored to show that it was an arbitrament binding on the United States.

The question was then taken on the proposed amendment, and it was disagreed to.

Mr. TAPPAN remarked that it was unwise to pass a bill to sell lands which they had not possession of. They could not get possession of the lands, until every provision of the treaty was fulfilled.

The bill was then reported to the Senate, read the third time, and passed.

Mr. BATES, from the Committee on Pensions, reported back, without amendment, and with a recommendation that it do pass, House bill entitled "An act for the relief of Joseph Ellery;" and on his motion, it was taken up, and considered as in committee of the whole, reported to the Senate, and finally passed.

On motion by Mr. SEVIER, the bill for the relief of Thomas King, which had been returned from the House with an amendment, was taken up, and the amendment was concurred in.

The joint resolution from the House, explanatory of the act for the relief of Thomas King, was taken up, as in committee of the whole, considered, reported to the Senate, and finally passed.

On motion by Mr. EVANS, the Senate took up for consideration the message from the House returning the civil and diplomatic appropriation bill, with certain disagreeing votes. The one was a disagreement to the amendment of the Senate restoring the Congress printing, for this Congress alone, to the prices fixed by the joint resolution of 1819—that is, to allow Gales & Seaton, printers to the House, and Thomas Allen, printer to the Senate, twenty per cent. over the prices they contracted to do the printing for.

Mr. EVANS moved that the Senate insist on all its amendments, and ask a committee of conference.

Mr. WRIGHT moved to except the amendment giving twenty per cent. additional for the Congress printing, and demanded the yeas and nays on it. They were ordered.

Mr. ALLEN wished the Senate to bear in mind that at 10 o'clock at night, on the last night of the session, they were called to vote on a proposition to give to Gales & Seaton and Thomas Allen, printers to this Congress, twenty per cent. more than they agreed to give them in the contract for doing the Congress printing. If there was any justice in giving more than the contract called for, why did not the party (the Whig party) which was friendly to the proposition, go a little farther, and give fifteen per cent. to Blair & Rives for executing the printing of the last Congress. Those gentlemen executed the printing for fifteen per cent. below the prices of the resolution of 1819—and fifteen per cent. less than was now proposed to give the present printers. Where was the justice in such proceeding?

The question on insisting on this amendment was then put, and decided in the affirmative—yeas 26, nays 20, as follows:

YEAS—Messrs. Archer, Barrow, Bates, Bayard, Berrien, Choate, Clayton, Conrad, Crittenden, Dayton, Evans, Graham, Henderson, Kerr, Mangum, Merrick, Miller, Morehead, Phelps, Porter, Simmons, Smith of Indiana, Sprague, Tallmadge, White, and Woodbridge—26.

NAYS—Messrs. Allen, Bagby, Benton, Buchanan, Calhoun, Cuthbert, Fulton, King, Linn, McDuffie, McRoberts, Sevier, Smith of Connecticut, Sturgeon, Tappan, Walker, Wilcox, Williams, Woodbury, and Wright—20.

The Senate then insisted on its amendment, giving Thomas Allen and Blair & Rives the full price for the printing of the Compendium to the Sixth Census.

The Senate then receded from its amendment legalizing the appointment of certain clerks in the State Department.

On motion by Mr. EVANS, the Chair was authorized to appoint three conferees on the part of the Senate, to confer with a like number on the part of the House, touching the disagreeing votes on the remainder of the amendments.

On motion by Mr. MERRICK, a committee of conference was appointed by the Chair, to meet a like committee on the part of the House, to consider the disagreeing votes between the two Houses on the bill to reduce the rates of postage to the Federal coin.

THE MISSION TO CHINA.

On motion by Mr. ARCHER, the previous orders were postponed, and the Senate took up for consideration, as in committee of the whole, the bill to provide the means for future intercourse between the United States and the Government of China, which was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of forty thousand dollars be, and the same is hereby, appropriated and placed at the disposal of the President of the United States, to enable him to establish the future commercial relations between the United States and the Chinese empire on terms of national equal reciprocity; the said sum to be accounted for by the President, under the restrictions and in the manner prescribed by the act of 1st of July, 1790, entitled "An act providing the means of intercourse between the United States and foreign nations."

Mr. WRIGHT desired to know why so large a sum as $40,000 was necessary to be appropriated in this case.

Mr. ARCHER said he would answer the inquiry of the gentleman from New York. The question was a very fair and reasonable one, and one which he had anticipated. The bill provided that $40,000 should be appropriated for the purpose of establishing a commercial intercourse with China. It was not intended that the salary of the minister, or agent, together with his outfit, should exceed $18,000, the amount usually appropriated for such purposes. But it would be perceived that there was a considerable variance between this and other cases, by reason of the remoteness of the country to which our agent was to be sent. The object could hardly be accomplished in a single year; indeed, from the singular usages of the people of China, it was not certain in what manner our minister would be received; and a sum, therefore, much larger than the ordinary outfit of a minister would be required. A provision would have to be made for an interpreter; and it was very well known to the Senate that, in our intercourse hitherto with Mahometan countries, it had always been necessary to bestow presents. It could not be known for what length of time the negotiations would be in progress. Supposing them to occupy two years, this appropriation would be insufficient. This, he thought, was a sufficient answer to the inquiry of the gentleman from New York; and he hoped this bill, to which he thought very great importance should be attached, would meet the general approval of the Senate.

Mr. WRIGHT said the explanation was not at all satisfactory to him, as to the necessity for appropriating so large a sum. It seemed to him that the same argument would require that they should appropriate for a minister to England a sum sufficient for the whole time he was to be kept there. The appropriation for an agent in China could be voted every year, in the same manner as appropriations for ministers at all foreign courts.

Mr. BENTON took many objections to this mission, to the bill which provided for it, and to the motives in which it was founded. He considered the mission unnecessary for any public purpose; he held the bill to be fraudulently contrived, to cheat the Senate out of its control over the appointments under it, and to hide the waste of the money it appropriated; and he considered the motives for the mission to be wholly personal and individual, and invented as an indemnification to one person for vacating his place for the benefit of another.

That there was no necessity for a treaty with China, was proved by the fact that our trade with that country had been going well without one for half a century, and was now growing and increasing constantly. It was a trade conducted on the simple and elementary principle of "*here is one*," and "*there is the other*"—all ready-money and hard-money work—no credit-system, no paper-money. For a long time this trade took nothing but silver dollars. At present it is taking some other articles, and especially a goodly quantity of Missouri lead. This has taken place without a treaty, and without an agent at $40,000 expense. All things are going on well between us and the Chinese. Our relations are purely commercial, conducted on the simplest principles of trade, and unconnected with political views. China has no political connexion with us. She is not within the system, or circle, of American policy. She can have no designs upon us, or views in relation to us; and we have no need of a minister to watch and observe her conduct. Politically and commercially, the mission is useless. Religiously, it must be still more so; and even if our form of government admitted of missions to propagate the faith, an unfrocked priest would not be the instrument to do it. The mission is not created for the public service, but for an individual. The gentleman is "*cut and dried*" who is to have it. It is made for a man; and he is waiting to take the place the instant it is created.

The bill was a studied fraud. It provided for sending an agent to China, without fixing his grade or compensation: it placed $40,000 in his hands, and exempted him from accounting for it. It was fraudulent in three points: in the appointment of the agent—in the amount of his salary—and in the accountability for his expenditures. By the Constitution, all ministers are to be appointed by the Senate; but this minister to China is to be called an agent, and sent out by the President without the consent of the Senate; and thus, by imposing a false name upon the minister, defraud the Senate out of their control over the appointment. The enormity of the sum shows that the mission is to be more expensive than any one ever sent from the United States; and that it is to be one of the first grade, or of a higher grade than any known in our country. Nine thousand dollars per annum, and the same for an outfit, is the highest compensation known to our service; yet this $40,000 mission may double that amount, and still the minister be only called an agent, for the purpose of cheating the Senate out of its control over the appointment. The bill is fraudulent in relation to the compensation to be given to this ambassadorial agent. No sum is fixed, but he is to take what he pleases for himself and his suite. He and they are to help themselves; and, from the amount allowed, they may help themselves liberally. In all other cases, salaries and compensations are fixed by law, and graduated by time; here, there is no limit either of money or time. This mission goes by the job—forty thousand dollars for the job—without regard to time or cost. A summer's work, or a year's work, it is all the same thing—it is a job, and is evidently intended to enable a gentleman, who loves to travel in Europe and Asia, to extend his travels to the Celestial Empire at the expense of the United States, and to write a book. The settlement of the accounts is a fraud upon the treasury. In all cases of foreign missions, except where secret services are to be performed, and spies and informers to be dealt with, the accounts are settled at the Treasury Department, by the proper accounting officers; when secret services are to be covered, the fund out of which they are paid is then called the contingent foreign intercourse fund; and are settled at the State Department, upon a simple certificate that the money has been applied according to its intention. It was in this way that the notorious John Henry obtained his $50,000 during the late war; and that various other sums have been paid out to secret agents at different times. To this I do not object. Every Government, in its foreign intercourse, must have recourse to some agents, and have the benefit of some services, which would be defeated if made public; and which must, therefore, be veiled in secrecy, and paid for privately. This must happen in all Governments; but not so in this case of the Chinese mission. Here, secrecy is intended for what our own minister, his secretary, and his whole suite, are to receive. Not only what they may give in bribes to Chinese, but what they take in pay to themselves, is to be a secret. All is secret and irresponsible! And it will not do to assimilate this mission to the oldest Government in the world, to the anomalous and anonymous missions to revolutionary countries,

Such an analogy has been attempted in defence of this mission, and South American examples cited; but the cases are not analogous. Informal agencies, with secret objects, are proper to revolutionary objects; but here is to be a public mission, and an imposing one—the grandest ever sent out from the United States—and the London mission vacated, in order to supply the man that is to fill it. To attempt to assimilate such a mission to a John Henry case, or to a South American agency, is absurd and impudent; and is a fraud upon the system of accountability to which all our missions are subjected.

The expense of the mission is great and unparalleled. It is double the expense of a mission to the first courts of Europe; and, besides that, involves the expense of a new minister to England. The Chinese minister and suite are to have $40,000; the gentleman who goes to London in place of Mr. Everett will have near $20 000. That gentleman is to be the Secretary of State; and thus $60,000 are to be paid to get him to London! to get a gentleman to London, whose name cannot be submitted to the Senate for that appointment. I repeat it: this whole conception of a Chinese mission, now brought forward for the first time in the history of our country, is a contrivance to vacate the London mission, in the recess of the Senate, in order to fill it with a gentleman who might not be able to pass the Senate. This is the object! and $60,000 for such an object, when the treasury is bankrupt, is attempted—when retrenchment is proclaimed—and when 12½ per centum is proposed to be taken from the salaries of all officers, civil, naval, and military!

I repeat it: this mission is not created for the country, but invented for a man; and he is now waiting to take it, and to go and bump his head nineteen times against the ground, in order to purchase the privilege of standing up before his Celestial Majesty.

And this is our work in the last night of this Congress. It is now midnight: and, like the midnight which preceded the departure of the elder Adams from the Government, the whole time is spent in making and filling offices. Providing for favorites, and feeding out of the public crib, is the only work of those whose brief reign is drawing to a close, and who have been already compelled by public sentiment to undo a part of their work. The bankrupt act is repealed by the Congress that made it; the distribution act has shared the same fate; and, if they had another session to sit, the mandamus act against the States, the habeas corpus against the States, this Chinese mission, and all the other acts, would be undone. It would be the true realization of the story of the queen who unravelled at night the web that she wove during the day. As it is, enough has been done and undone to characterize this Congress—to entitle it to the name of Ulysses' wife—not because (like the virtuous Penelope) it resisted seduction—but because, like her, its own hands unravelled its own work.

Mr. ARCHER desired to say a very few words, in order to allay the apprehensions of the Senator from Missouri, who seemed so exceedingly disturbed at the idea that the formation of commercial relations with China could only be purchased at the price of the sacrifice of the dignity of this country in the person of our ambassador. He could assure the honorable Senator that the sacrifices which his patriotic enthusiasm had led him to apprehend were not likely to be realized. It was perfectly true, as the honorable Senator had stated, (for he was seldom mistaken in historical matters,) that hitherto sacrifices of dignity, amounting to ignominy, had been required by that nation; but he had the pleasure of informing the honorable gentleman from Missouri that the treaty stipulations between that country and Great Britain provide for the abolition of those ceremonies.

[Mr. BENTON. Very good! and our minister can creep in behind the British minister, and claim the protection of Queen Victoria's petticoats.]

The honorable Senator himself, he was sure, if he would condescend to accept the mission, would be enabled to render to this country the signal service of opening a trade with three hundred and fifty millions of people, without any such sacrifice of dignity—without so much as a single bump of the head. But, seriously, he would appeal to the whole Senate to say whether it was not desirable to negotiate commercial arrangements with China, especially as she had expressed a desire to extend to this country the benefits of trade upon equal terms with Great Britain. He put it to the good sense of the honorable Senator from Missouri, how he could reconcile it with his ideas of justice to this country, to throw obstacles in the way of effecting an object so desirable? The expense would not be, in any considerable degree, greater than that of establishing intercourse with other nations. There need be no apprehensions on the score of a misapplication of the money. It was not to be in the character of an ordinary mission; it was an extraordinary mission; and in consideration of the distance, and the peculiar character of the Government, it would be necessary that a larger sum should be appropriated for its expenses than was required for ordinary missions. The Senator must see that the mission, in itself, was a matter of great importance; and, if successful, would result in the attainment of great advantages to this country.

Mr. BENTON thought they had enough to do, without meddling with the Celestial Empire.

Mr. BAYARD moved to lay the bill upon the table.

Upon this motion, the yeas and nays were taken as follows:

YEAS—Messrs. Bagby, Bayard, Benton, Conrad, Cuthbert, Fulton, Henderson, Linn, McRoberts, Mangum, Miller, Porter, Sevier, Smith of Connecticut, Sturgeon, Tappan, White, and Wright—18.

NAYS—Messrs. Archer, Barrow, Bates, Berrien, Buchanan, Choate, Clayton, Crafts, Crittenden, Dayton, Evans, Graham, Huntington, Kerr, Morehead, Phelps, Rives, Simmons, Smith of Indiana, Sprague, Tallmadge, Woodbridge, and Woodbury—24.

Mr. BENTON then moved to strike out all after the word "reciprocity"—the effect of which would be to leave the appropriation without any restriction.

Upon this motion, the yeas and nays being taken, resulted as follows:

YEAS—Messrs. Allen, Bagby, Bayard, Benton, Cuthbert, Fulton, Henderson, King, Linn, McRoberts, Mangum, Miller, Porter, Sevier, Smith of Connecticut, Sturgeon, Tappan, White, and Wright—19.

NAYS—Messrs. Archer, Barrow, Bates, Berrien, Buchanan, Choate, Clayton, Conrad, Crafts, Crittenden, Dayton, Evans, Graham, Huntington, Kerr, McDuffie, Morehead, Phelps, Rives, Simmons, Smith of Indiana, Sprague, Tallmadge, and Woodbridge—24.

Mr. WOODBURY said, being himself friendly to the passage of the bill, he wished to see it contain certain limitations;—they could, at all events, do no harm. One which he would propose was, to provide that the compensation to be given to any one person should not exceed $9,000.

Mr. ARCHER said he should have no sort of objection to the introduction of such an amendment, except that it would lead to the necessity of sending the bill back to the House of Representatives; and, if the gentleman would refer to the act by which these appropriations were restricted, he would find that his object was already attained by the bill as it stood.

Mr. WOODBURY said the reason why he thought it better to introduce into this bill the specific provision, was, that the act which was referred to had expired.

Mr. WALKER said there could be no possible difference where reference was made to a particular act, whether that act had expired or not. The provisions of the act referred to would apply, by whatever name the agent might be designated;—whether he might be called commissioner, agent, or ambassador, the provisions of the act would apply as strictly as if they were embodied in the new act.

Mr. ARCHER said this was precisely his view, and he did not, therefore, conceive an amendment to be necessary. If, however, it was thought requisite, he had not the slightest objection that it should be so amended.

The amendment was adopted.

Mr. BENTON said the language of the bill was studiously ambiguous. Whether the person to be employed was to be a commissioner, a charge, or an agent, was not expressed. He now desired to know whether it was to be understood that the person or persons to be appointed, were to be appointed by the President without the consent of the Senate.

Mr. ARCHER said he had to answer to that, that the gentleman himself was just as competent to inform the Senate upon this point as he (Mr. ARCHER) was. He had no information regarding it; but he would put it to the honorable Senator to say of what importance the designation of the person was, provided the salary was restricted so as not to exceed $9,000. Would it be any gratification to the gentleman, if he informed him that he was to be called plenipotentiary?

Mr. BENTON said he deemed himself sufficiently justified by the answer of the honorable Senator in making the inquiry. He did not expect that that Senator was cognisant of the counsels of the framers of that bill. He (Mr. B.) had a curiosity to know who it was that was to be sent upon this mission, and it was his right to inquire. He was not disposed to sit there and see the Senate defrauded of the rights which belonged to it, in passing upon an appointment of the highest grade in the gift of the Government, where $40,000 was to be appropriated, and without any accountability.

Mr. CONRAD said he would make a motion, which would obviate the objection of the honorable Senator. He submitted a motion, to the effect that no agent be appointed without the consent of the Senate.

Upon this motion, the yeas and nays were taken, as follows:

YEAS—Messrs. Allen, Archer, Bagby, Bayard, Benton, Calhoun, Conrad, Crafts, Crittenden, Cuthbert, Dayton, Fulton, Graham, Henderson, King, Linn, McRoberts, Mangum, Merrick, Miller, Phelps, Porter, Rives, Sprague, Sturgeon, Tappan, Walker, White, Williams, Woodbury, and Wright—31.

NAYS—Messrs. Barrow, Bates, Choate, Clayton, Evans, Kerr, Smith of Indiana, Tallmadge, and Woodbridge—9.

The bill was then reported to the Senate; and, being engrossed, was read the third time, and passed.

A message was received from the House, informing the Senate that the House adhered to its disagreement to the amendments of the Senate to the civil and diplomatic appropriation bill, and had agreed to a Committee of Conference.

Mr. EVANS, from the Committee of Conference on the part of the Senate, on the disagreeing vote of the House to the amendment of the Senate to the treasury note bill, authorizing the funding of three and a half millions of treasury notes, reported that the conferees on the part of the two Houses had agreed to recommend to the House to recede from its disagreement to the amendment of the Senate; and to the Senate to agree to an amendment to the amendment, providing that any stock issued in lieu of the treasury notes falling due shall be redeemable in ten years.

The Senate concurred in the report of the committee.

Mr. MERRICK now moved that the Senate proceed to the consideration of executive business.

BILL NO. 548.

Mr. MOREHEAD hoped the Senator from Maryland would permit him to make a motion to proceed to the consideration of the bill from the House (No. 548) which had been reported from the Committee on Retrenchment, with several amendments. This was the last chance that would offer for taking it up.

Mr. MERRICK said he could not yield; 548 could be disposed of after they had finished the executive business.

[This was the last that the reporters heard of bill No. 548.]

The motion of Mr. MERRICK was then agreed to; and the Senate proceeded to consider executive business. After some time spent therein, the Senate resumed legislative business.

The door leading to the reporter's gallery not having been opened for some time after the Senate resumed legislative business, the reporters are unable to state precisely what occurred between the resumption of business and the admission of the reporters to the gallery. When they entered,

Mr. KING was on the floor, denouncing, with much warmth, the proposition to give the printers

of the present Congress 20 per cent. more for executing the public printing than they had contracted for. He looked upon it as a most corrupt proceeding—a robbery committed upon the pockets of the people.

The reporters now understood that it was the report of the Committee of Conference on the disagreeing votes on the civil and diplomatic bill, that was under discussion.

Mr. EVANS said, if it was the object of gentlemen to defeat the bill, they could no doubt effect it by continuing the discussion. For his part, he had no such object, and should therefore not say another word.

Mr. WRIGHT observed, that having taken a considerable part in this debate last night, he was perhaps obnoxious to the inference to be drawn from the Senator's remarks. He should not, however, now occupy the time of the Senate, except merely to ask if he was right in certain facts which he proposed now to state. And the first fact which he supposed to exist was, that the printers for the House of Representatives of the last Congress were paid 15 per cent. below the rates of printing authorized by the resolution of 1819. The next fact was, that the printers of the House of Representatives of the present Congress contracted to do the printing at 5 per cent. below the rates of printing for the last Congress. And the next fact was, that the provision now introduced into this bill proposes to give the present printers 20 per cent. above the price stipulated by their own contract.

If he was right in these simple facts—and he believed he was—there was another question in reference to compensating the printers of Congress for work other than that of contract work for the House. And that question was in relation to both the present printers of the Senate and the late printers, in connexion with the subject of printing the Compendium of the Census.

The same majority who wish to add 20 per cent. to the contract price of printing for the present printers, deny to the late printers either their contract price, or the expenses out of pocket in doing the work of their contract. And this refusal was grounded, as an honorable Senator had admitted and avowed, on the assumption that the late printers to Congress had made themselves so rich by their contract as printers, at prices 15 per cent. below the rates of the resolution of 1819, that they could have no claim on the charity of Congress to do them even the justice of paying them their due. Now, he believed it was very true that those gentlemen had become rich on the fair profits of their contract as printers for Congress. He was even willing to say, with the gentlemen opposite, that they got all they contracted for, and they deserved nothing from the charity of Congress. But if it be so—that the late printers, at rates 15 per cent. below the rates of 1819, made a fortune out of their contract; and that the present printers of the House of Representatives had, previously, for a period at least five times as long, enjoyed the printing contracts at the rates of 1819, and therefore should have made a fortune as much larger than that of the late printers as their time was longer, and their prices were higher;—on what principle of common sense, or reasonable pretence, did they now come forward asking Congress for this charity?

He was told, indeed, that the argument out of doors was, that their contract with the present Congress was a losing contract—that the prices did not afford them a fair compensation for the work they did. Well, if that really was so, the jobs must have been vastly more extensive, which the late printers had to do, if they enabled them in two or three sessions to make ample fortunes with barely 5 per cent. more than the rates contracted for by the present printers. But here again comes another question of fact: were the printing jobs executed by the printers of the late Congress really more extensive, or of greater magnitude, than those executed by the printers of the present Congress? And he met this question at once, by an unqualified assertion that they were not. He had the fact from an intelligent member of the other House—an observant man, on whose judgment the fullest reliance might be placed—that not only the ordinary printing for this Congress was as extensive as that of any Congress for the last twenty years; but that the extra numbers of copies ordered of documents deemed important, were more frequent and greater than the average of the whole twenty years. So much, then, for the justice, equity, and reasonableness of this claim of 20 per cent. additional on the prices of printing contracted for by the printers of the House of Representatives for this Congress.

Now, he was very willing to admit that the printer of the Senate was not to be considered as standing on the same ground. The rules and practice of the two Houses have not been at all in comparison. He was ready to say, in all candor, that not only had the ordinary printing of the Senate been considerably curtailed, but that, in consequence of the reference of matters heretofore considered subjects for printing to a Committee on Printing, the number of extra copies of general documents was not as great as the printer might have expected. But he believed the usual practice was still pursued in regard to ordering the standard extra copies of particular documents—such as the President's message and accompanying documents, &c.; from which the main profits of the printer were derived.

He would not, however, take up the time of the Senate, further than to say, that it certainly was not unreasonable of those who were unable to perceive any just ground for this claim, to ask to record their names against a proposition to bestow a gift upon printers who have had such opportunities of making their fortunes, merely because they were either neglectful of advantages in their own hands, or improvident in reaping the benefits they were afforded.

Mr. WOODBURY inquired of the Chair who were the Committee of Conference?

The CHAIR replied: On the part of the House, Messrs. FILLMORE, BOTTS, and G. DAVIS. On the part of the Senate, Messrs. EVANS, TALLMADGE, and SEVIER.

Mr. WOODBURY then rose and remarked that his purpose was merely to observe that it appeared to him the Senate now proposed to vote away voluntarily, as a gift, thirty or forty thousand dollars out of borrowed money. It could not even be said that a claim had been set up by anybody for this gift. There was no memorial; no petition; no case proved; no evidence to show that the printers had suffered loss by their contract. There was nothing but a vague and general supposition of gentlemen, who knew nothing of the details of the printing business—resting, merely, on the assertions of the individuals who were to be the beneficiaries of the gift. If there had been a petition or a memorial setting up a claim, it could have been referred to a committee; and some investigation might have been made. There might have been a report from the Committee on Claims; and if a bill was presented, it would have had to go through the ordinary stages of legislation, giving a full opportunity for sifting its merits; and there could be no doubt of justice being done to both the claimant and the public. But, instead of that, as presumptive evidence that the proposition could not stand the test of scrutiny, suddenly, on the last night of the session, it is introduced as a rider on an appropriation bill, which it is well known must be passed; and, without time for deliberation, inquiry, or reflection, a large sum is voted away, without being subjected to practical legislation at all. It was, to say the least of it, exceedingly irregular. If the party had suffered any grievance by transactions with Congress, why not take the course required of every other citizen, and apply in due form, at a seasonable period of the session, by petition and memorial. If the claim was sound and good, it would be sure to meet with a fair report from the proper standing committee. But here nothing of the kind was done, evidently because there was neither just ground of complaint nor reasonable claim. Without that testimony of claim required from every other citizen, by a mere rider on a general appropriation bill, a large gift is made to an individual, (for it is not shown that it is anything else than a gift;) and that, too, under circumstances so suspicious and indefensible, that it cannot fail to meet public condemnation. Gentlemen on the opposite side, under all the circumstances, ought, for their own sakes, to recede at once from their amendment. It is a glaring act of abuse of the legislative powers, of injustice to the public, and of inexcusable burden on the treasury. It could not be defended on the ground that riders were quite common on appropriation bills; for never till now did he recollect of any rider being put upon an appropriation bill, unless it was the substance of a matured, specific bill, thoroughly investigated and previously discussed, or recommended by a report of some committee. Nothing of this kind had been done in regard to this proposition. It was a matter of mere gratuity, kept out of sight till the last moment, and then suddenly pressed forward in a manner that defied either investigation, deliberation, or opposition. No possible injustice can be done to the party by letting the matter lie over, to undergo the ordinary course of legislation hereafter.

Mr. WALKER remarked, that there was a great deal of ordinary legislative business yet to be disposed of, for the despatch of which but a few hours of the session yet remained. He did not even allude to the large quantity of executive business to be disposed of, but to the most important bills of the session, awaiting the action of the Senate. It was plain, then, that the vote should be taken without further debate. He should vote with his friends on this occasion now, as he had done from the beginning, in relation to this proposition. But he prayed that the vote should now be taken.

The question was on concurring with the report of the Committee of Conference.

The report was read. It recommends:

1st. That the House recede from its disagreement to the amendment of the Senate, increasing the pay of the printers to the present Congress to the rates allowed by the joint resolution of 1819.

2d. That the Senate recede from its amendment, increasing the pay of T. Allen, and of Blair & Rives, for printing the Compendium of the Sixth Census. But the committee also recommends the adoption of a clause, providing that nothing contained in this bill shall operate as a bar to the claims of Allen and Blair & Rives, hereafter, for the full amount of compensation for executing the printing of the Compendium.

3d. That the House recede from its disagreement to the Senate's amendment, by which the appropriation for the salaries of the Recorder and Solicitor of the General Land Office is retained.

4th. That the House and Senate recede from the several amounts named by them as the salaries of travelling agents of the Post Office Department; and that the sum of $1,250 be fixed as the annual pay of those officers.

A division of the question was demanded.

The CHAIR said he had examined with much anxiety the subject of the division of a question on the report of a Committee of Conference, and had come to the conclusion, on the reasonableless of the case, that it would be exceedingly embarrassing to admit of any such division. He hoped, therefore, it would meet the approval of the Senate that he should decide that the question did not admit of a division.

The call for the division of the question was not urged; and the yeas and nays having been called for, and ordered, the question was taken on concurring with the report of the Committee of Conference, and decided in the affirmative—yeas 27, nays 17, as follows:

YEAS—Messrs. Archer, Barrow, Bates, Bayard, Berrien, Choate, Clayton, Conrad, Crafts, Crittenden, Dayton, Evans, Graham, Henderson, Kerr, Mangum, Merrick, Miller, Morehead, Phelps, Porter, Rives, Simmons, Smith of Indiana, Tallmadge, White, and Woodbridge—27.

NAYS—Messrs. Allen, Bagby, Benton, Buchanan, Calhoun, Cuthbert, Fulton, King, Linn, McRoberts, Sturgeon, Tappan, Walker, Wilcox, Williams, Woodbury, and Wright—17.

On motion by Mr. PORTER, the Senate resumed the consideration, as in committee of the whole, of the bill for the relief of Thomas Weaver and Jacob Heyberger, sureties of the Norristown Railroad Company.

Mr. PORTER withdrew the amendment he proposed, to add, as an additional section to this bill, the bill permitting railroad iron to be imported free of duty.

The bill was then reported to the Senate, and passed.

On motion by Mr. WRIGHT, leave was granted to withdraw from the files the petition and papers of Sarah Barker.

On motion by Mr. ARCHER, leave was granted to withdraw from the files the petition and papers of Richard Harris and Nimrod Farrow.

On motion by Mr. MERRICK, leave was granted to withdraw the papers of William Jones.

On motion by Mr. BUCHANAN, leave was granted to withdraw the papers of Mr. McMurtrie from the files.

On motion, the Senate, about 10 o'clock, proceeded to the consideration of executive business; and whatever of legislative business the Senate transacted after that hour, the reporters had no means of ascertaining, not having had access to the gallery. They remained in and about the vestibule and rotundo till half-past 2 o'clock, a. m., at which hour the doors of the Senate were thrown open; but that body had then closed its labors.

HOUSE OF REPRESENTATIVES.

Friday, March 3.

The reading of the journal of yesterday was in part dispensed with.

Mr. LOWELL presented the petition of Byron W. Darling, and 144 other citizens of Blue Hill, Maine, praying Congress for an additional duty on sawed lumber, spars, piles, wood, bark, &c., from the British provinces; which was referred to the Committee of Ways and Means.

On motions severally made by Messrs. CARUTHERS and BIRDSEYE, the 16th and 17th joint rules were suspended, so as to admit certain private bills to be sent to the Senate and the President.

COTTON RIGGING.

Mr. PICKENS offered the following resolution:

Resolved, That the Secretary of the Navy report to the next Congress all the evidence and facts that can be obtained in relation to the fitness and use of cotton as an article for sails and roping in the navy, and shipping of the country; and, also, that the Secretary of War report to the next Congress on the fitness of the same article for tents, &c.

Mr. CAVE JOHNSON offered as an amendment the following:

Resolved, That the Secretary of the Navy inform this House what has caused the delay in making the annual statement, required by the resolution of the House of August 24, 1842, showing the "amount of expenditure of each vessel for the preceding year, including all expenses in repair thereof, and for the armament and equipment thereof, and all expenses in keeping her afloat, if afloat; or in dock, if lying up; also, the number of days during the year that each ship was actually at sea; and that a similar report of each ship hereafter built or purchased be made, so as to exhibit an annual and aggregate account of the costs and expenses of each ship, and the service rendered by it to the country; and, also, specifying the amount of materials, as well as the amount for labor in the building or repairing each ship;" which said annual statement is to be made the "first week in January in each year, or as early thereafter as practicable."

Mr. WISE objected to the amendment, and it was not received.

The resolution was then adopted.

Mr. LINN, from the Committee on Public Expenditures, made a report. Mr. L. offered a resolution calling for information as to the number of defaulters since March, 1841; but objection was made.

Mr. STANLY wished the House to take up a bill for the relief of Mrs. Mary W. Thompson, widow of the late Colonel Thompson.

Mr. TALIAFERRO made a speech in behalf of Nancy Poleriski.

The bill for her relief was taken up, and passed; and the rules suspended, so as to permit it to be sent to the President.

Mr. STANLY moved to take up the bill above mentioned, (for the relief of Mrs. Thompson.)

The bill was taken up, and passed.

Mr. J. R. INGERSOLL made a report, from the Committee of Ways and Means, embodying a plan for the classification of the officers and clerks of the Government: laid on the table, and ordered to be printed.

PRINTING CHARTS.

Mr. J. R. INGERSOLL offered a resolution, making it the duty of the Clerk to furnish fifty copies of all maps and charts furnished by the Topographical Bureau, to that bureau; and also copies of all scientific documents printed by order of the House.

Mr. I. stated that these officers were in the habit of preparing maps and charts for Congress, which were printed, and they received no copies whatever.

Mr. FILLMORE offered an amendment, authorizing the printing of the charts accompanying the report from the War Department in relation to lake harbors—provided the cost of the same shall not exceed the cost of the paper and press work used.

The amendment was agreed to; and the resolution, as amended, was adopted.

COMMERCIAL AND FINANCIAL STATISTICS.

Mr. SHIELDS offered the following resolution:

Resolved, That the Secretary of State be, and he is hereby, required to procure, through the consular and diplomatic agents of this Government abroad, and such other means as to him may seem most suitable, full and accurate information as to the wholesale and retail prices in foreign markets, during the year commencing on the 1st day of December last, of all commodities upon which duties are levied under existing laws, as well as of such as are imported free of duty—with the rates of insurance, freight, and commissions, usually charged at the places of export upon said commodities, when imported into this country; the modes and terms of sale customary there; the average rates of exchange during each month in said year; and the true par of exchange between this and each foreign country: also, as to the duties of export and import; and, as far as practicable, the various internal taxes levied upon such commodities, either in a crude, partially manufactured, or wholly complete state; together with the rates of wages in the various branches and occupations of labor and of personal service in the business of commerce and trade. And it shall be his duty, also, to procure, from said consuls and diplomatic agents, full and regular files of price-current sheets, for said year, at each of the most important foreign markets; and such other documents and publications as may exhibit truly the information called for in this resolution—which shall be transmitted to this House at the next session of Congress; and from which, together with the reports received from said agents, and such other information as may be obtained, he shall compile, and have printed, for the use of this House, a document, embodying all the information called for, arranged in such manner as to be most convenient for reference and comparison—exercising special care, in all instances, to give said information in Federal currency, weights, and measures.

Mr. BRIGGS offered the following as an amendment:

Resolved, That the Clerk cause to be prepared a general statistical statement of the funding system of the United States and of Great Britain, by Jonathan Elliot, to be accompanied by such tabular facts of other nations, touching the same subject, as may tend to more fully illustrate said statement.

Mr. MERIWETHER wished to know how much less than ten thousand dollars this latter scheme would cost.

No answer was heard

The amendment was agreed to, and the resolution, as amended, adopted.

The SPEAKER submitted a series of executive communications; which were laid on the table, and ordered to be printed.

At the instance of Mr. POPE, the bill for the relief of George Harrison was taken up and passed.

DISTRICT OF COLUMBIA.

Mr. UNDERWOOD called up the bills reported from the Committee for the District of Columbia; and, after some opposition, the following were passed;

The bill to provide for the completion of the lunatic asylum in Washington City.

The bill to provide for the completion of the Potomac bridge.

The bill making an appropriation for the support of the lunatics now in the Baltimore Asylum, until the asylum in this city shall be completed.

The bill incorporating the orphan asylum and female free school in Alexandria.

POST ROUTES.

Mr. W. SMITH moved to take up the bill from the Senate to repeal certain parts of the act of 31st August, 1842, establishing certain post routes; which bill was reported from the Committee on the Post Office and Post Roads, with a recommendation that it be indefinitely postponed.

Mr. FILLMORE objected.

Mr. W. SMITH moved a suspension of the rules; but the motion was not carried.

Mr. S. said he had obtained a decision, and was satisfied.

Mr. GWIN moved that the House go into Committee of the Whole on the state of the Union.

Mr. A. V. BROWN endeavored to persuade the House to take up and pass the bill for the relief of Walker, Caruthers, & Co.

A message was received from the Senate, announcing the suspension by that body of the 17th joint rule, which prohibits bills which pass to-day from being sent to the President.

The resolution of the Senate suspending this rule was agreed to.

Mr. GWIN still insisting on his motion to go into committee, it was put and lost.

RATES OF POSTAGE.

The act to reduce the rates of postage was taken up; the question being on the disagreement of the Senate to the amendments of the House.

Mr. BRIGGS moved that the House insist on its amendments; and

Under the operation of the previous question, the motion was decided in the affirmative.

GENERAL APPROPRIATION BILL.

A message was received from the Senate, by Asbury Dickins, esq., their Secretary, returning the civil and diplomatic appropriation bill, with certain amendments; and,

On motion of Mr. FILLMORE, the same was referred to the Committee of the Whole on the state of the Union.

Mr. FILLMORE submitted a resolution, providing that all debate in Committee of the Whole on the civil and diplomatic appropriation bill shall cease in one hour after the bill shall be taken up in committee; and that the committee shall then proceed to vote on the amendments of the Senate thereto, together with such amendments as may be made to the same. After which, the bill and amendments shall be reported to the House.

This resolution was adopted.

NAVAL APPROPRIATION BILL.

Mr. WISE, from the managers on the part of the Committee of Conference appointed to confer on the disagreeing votes of the two Houses on the amendments to the naval appropriation bill, made the following report:

The managers on the part of the House of Representatives, on the disagreeing vote of the two Houses on the 6th amendment of the Senate to House bill No. 659, report that they have conferred with the managers on the part of the Senate, and recommend to the House of Representatives to adopt, as a substitute for the said amendment of the Senate, the following provision, to wit:

"And the Secretary of the Navy is hereby directed to cause an examination to be made of the expediency, practicability, and probable expense of constructing a dry-dock in the harbor of New York, upon the plan of using, as an elevating power, the water of the Croton aqueduct, and of sufficient capacity to rebuild or repair a 74-gun ship; and to cause an examination of any other plan or plans of a dry-dock or floating dock in said harbor, deemed worthy by the Secretary to be reported upon; and to report the result of such examination, with his opinion thereon, to the next session of Congress. And all further expenditures, under the appropriations heretofore made for the dry-dock in said harbor, shall be suspended until the 1st day of January next. And the sum of one hundred thousand dollars shall be, and the same hereby is, appropriated for the construction of a floating dry-dock at Pensacola, of capacity sufficient for the repair of frigates of the smaller class, and upon such plan as the Secretary of the Navy shall approve."

Mr. WISE having moved the previous question on adopting the report,

Mr. CALHOUN raised the question of order, that the report must be considered in Committee of the Whole, on the ground that it involved new appropriations.

Mr. WISE denied that any new appropriation was involved in the report; and, after a brief conversation between Messrs. WISE and CALHOUN,

The SPEAKER overruled the point of order.

Mr. FILLMORE called for a division of the question, so as to take it, first, on that part of the report relating to the Brooklyn dry-dock; and, second, on the remainder of the report.

Mr. WISE contended that the report was not susceptible of a division; that, although it embraced two propositions, yet, being the result of a committee of conference, in which one of the propositions would not have been accepted without the other, the report itself was a whole, and could not be divided.

The SPEAKER having decided that the report was susceptible of division,

Mr. WISE called for the yeas and nays; which having been ordered, the question was taken, first, (under the operation of the previous question,) on the first branch of the report, relative to the

Brooklyn dry-dock, and decided in the affirmative—yeas 149, nays 20.

The question was then taken on the second branch of the report, and also decided in the affirmative—yeas 100, nays 23.

GENERAL APPROPRIATION BILL.

On motion by Mr. FILLMORE, the House resolved itself into Committee of the Whole, (Mr. McKENNAN of Pennsylvania in the chair,) and took up the amendments of the Senate to the civil and diplomatic appropriation bill.

The amendments having been read—

Mr. FILLMORE said that he would make an explanation of the several amendments, before passing on them in committee.

The first amendment related to the printing of Congress; simply declaring, by law, that resolutions of the two Houses separately shall not control the settlement of the accounts for this object; and the effect of it is to raise the prices of the printing of the House up to what they were under the law of 1819.

The next amendment related to the appropriation made in the House for defraying the expenses of printing what was called the Compendium of the Sixth Census. This House made an appropriation covering the actual outlay of the persons who did the work; and the Senate had increased that appropriation, providing that the accounts shall be settled and paid for at the rates paid by the House for its printing. He confessed it seemed to him to be but reasonable that these persons should be paid as well for their labor, with some reasonable profit, as for their actual outlay.

He proceeded to notice the other amendments of the Senate in succession, with brief explanatory remarks, which were not heard with distinctness at the reporters' desk.

Mr. PICKENS addressed the committee in opposition to the amendment by which the pay of the printers to this House was to be increased, and showed that the reduction in the price of printing which had been agreed upon at the commencement of the session was reasonable and just, as the printing could now be done with greater cheapness than formerly. He hoped, therefore, that the well-considered retrenchment which the House had effected would not thus be defeated by an item in the civil and diplomatic appropriation bill, at this last hour of the session. He also made some observations expressive of his views on other amendments in the bill, particularly advocating a concurrence in those which proposed to remove the statue of Washington to a place in which it would do credit to the artist and to the country, and to pay just extra compensation to the gallant officers of the exploring expedition, by whom valuable public services were rendered to the country.

Mr. G. DAVIS next obtained the floor; but he was stopped by

The CHAIRMAN, who said there were gentlemen standing near the speaker, [Mr. DAVIS,] in the aisle, who *must* take their seats.

[Mr. PROFFIT of Indiana was the gentleman particularly alluded to. He was employed, with Mr. WISE and others, at the desk of Mr. FILLMORE, chairman of the Committee of Ways and Means, (who had the civil and diplomatic bill in charge,) in an examination of the amendments which the committee had to act upon; the manuscript copy in the care of Mr. FILLMORE being the only one to which the members had access.]

Mr. PROFFIT expressed his astonishment at the peremptory and unusual manner in which the Chairman had commanded him to take his seat. He said that was the only place where he could see the amendments made to the bill; and he thought he had a right to examine those amendments upon which he should be called to give his vote.

The CHAIRMAN (peremptorily:) The gentleman from Indiana *must* take his seat.

Mr. PROFFIT stood for a moment, evidently in great astonishment, and then said, firmly: Sir, I will not take my seat.

The CHAIRMAN. The gentleman from Indiana is ordered to take his seat.

A great sensation was instantaneously created, and much confusion ensued. Some half a dozen gentlemen sprang to the floor, and each addressed the Chair; the Chairman peremptorily ordering the gentleman from Indiana to his seat at the same time. Some observations were made on the hypercriticism of the Chairman, who had corrected the gentleman from South Carolina, [Mr. PICKENS,] who, in the hurry of debate, addressed the Chairman as "Mr. Speaker," instead of "Mr. Chairman," and on the unusual strictness of discipline which he was so peremptorily enforcing; and others called upon the committee to rise, that the language of the gentleman from Indiana might be reported to the House. Of the latter, there were Mr. G. DAVIS, Mr. A. H. H. STUART, Mr. BRIGGS, and some others.

Mr. BOTTS protested against the conduct of the Chairman. He asserted positively that the gentleman from Indiana was not out of order; and he begged the Chairman to bear in mind that the House of Representatives was not a school-house. [Cries of "order," and confusion.]

Mr. WISE (who was also at Mr. FILLMORE's desk) rose, and, with great blandness of manner, appealed to the House to let this matter drop. He hoped, on this last day of the session, nothing serious would grow out of such a circumstance. He would be responsible for his friend [Mr. PROFFIT] that he would keep order.

Mr. OLIVER, during these proceedings, had drawn Mr. PROFFIT to his desk, and succeeded in pouring oil on the troubled waters; and the affair was allowed to terminate.

Mr. GARRETT DAVIS then proceeded to discuss the amendment which proposed to pay Messrs. Blair & Rives and Mr. Allen for printing the Compendium of the Sixth Census, going over the well-known detailed statement of that business.

Mr. W. SMITH made some explanatory statements.

Mr. J. C. CLARK then replied to the gentleman from Kentucky, [Mr. G. DAVIS,] and advocated the payment to Mr. Allen of the amount stated in the bill.

Mr. GORDON opposed the item proposing an increase of pay to the printers to this House; and stated that the present printers were instrumental in procuring a reduction of the price of printing to the amount of five per cent. below that at which it had been done by Messrs. Blair & Rives; and that, at that price, they could do the printing at a living profit. They had thus driven other printers from the course of competition; and now, at the close of the session, they were to have the original prices restored, by which at least $25,000 would be put into their pockets. He protested against such a procedure.

After a few remarks from Mr. FILLMORE and Mr. MERIWETHER, the question was taken, by tellers, on the amendment proposing to give additional pay to the printers, and the committee refused to concur; the vote being—ayes 60, noes 66.

The question next recurred on the amendment of the Senate, striking out $15,849 64, as the amount to be paid Thomas Allen for printing 20,000 copies of the Census, and $8,924 82 to be paid to Blair & Rives for printing the same document; and inserting, in lieu thereof, a clause directing a sum not exceeding $43,579 66, to be paid to Thomas Allen, and not exceeding $24,050 to be paid Blair & Rives for printing the same document—with a proviso that neither Thomas Allen nor Blair & Rives shall be paid at a greater rate than that paid for the public printing at the present session of Congress—the charges to be verified by practical printers.

After a verbal amendment by Mr. FILLMORE—

The question was taken upon the amendment of the Senate above stated, and it was lost—ayes 50, noes not counted.

The next amendment of the Senate, legalizing the clerks and officers employed temporarily at present, was rejected.

The next amendment of the Senate, reinstating the appropriation of the salaries of the Recorder and Solicitor of the General Land Office, which had been stricken out by the House, was agreed to—ayes 66, noes 60.

The next amendment, making an appropriation of $40,000 for a custom-house at Wilmington, North Carolina, was taken up.

Mr. BARNARD moved to amend it, by adding thereto a clause making an appropriation of $60,000 for the preservation and repair of works for the improvement of harbors and navigation of rivers heretofore commenced, and for which no appropriation has been made this session.

Mr. W. SMITH contended that the amendment was not in order.

The CHAIR decided it was.

Mr. MERIWETHER moved to amend the amendment by adding $40,000 for a custom-house at Savannah. Rejected.

The amendment of the gentleman from New York [Mr. BARNARD] was also rejected—ayes 54, noes not counted.

Various amendments to the amendment of the Senate were offered and rejected—by Mr. BOARDMAN, $10,000 for a new light-house at New Haven; by Mr. WASHINGTON, $10,000 for a custom-house at Newbern, North Carolina; by Mr. KING, $20,000 for a custom-house at Savannah, Georgia.

The amendment of the Senate above mentioned was then agreed to.

The next amendment, making an appropriation for three months' extra allowance to the officers of the exploring expedition, was concurred in—ayes 84, noes not counted.

The next amendment, appropriating $1,200 for preserving the botanical specimens brought home by the exploring squadron; and $5,000 for removing the statue of Washington, and erecting a temporary covering over it, in the front grounds of the Capitol, under the direction of Mr. Greenough, was concurred in.

Also, the amendment appropriating $1,000 for an agent to superintend the transmission of the mail from Chagres, across the isthmus, to Panama.

Also, the amendment appropriating $1,454 for pulling down the old furnaces, and erecting new ones, underneath the rotundo of the Capitol, according to the proposition of John Skirving.

Mr. CALHOUN made an ineffectual attempt to obtain an appropriation of $4,000 for completing the ventilation of the Capitol.

The next amendment of the Senate, increasing the salaries of the travelling agents of the Post Office Department from $1,000 to $1,500, was nonconcurred in.

The amendments being all through,

Mr. FILLMORE moved that the committee rise, and report the bill.

Mr. PROFFIT inquired whether it would be in order to move an amendment respecting his refusal, on the order of the Chairman, to take his seat.

The CHAIRMAN proceeded to make a statement.

Mr. PROFFIT wished to know whether the amendment he had intimated would be in order.

The CHAIRMAN said not.

Mr. PROFFIT said he designed to appeal to the House in relation to the manner in which he had been treated.

During the sitting of the committee, several messages were received from the Senate and the President; and several bills returned from the Senate with amendments were committed.

The committee then rose, and reported the bill with the amendments.

Mr. L. W. ANDREWS moved the previous question; which was sustained.

The question first came up on concurring in the amendments of the Senate, providing that neither of the two Houses shall, by resolution of its own, fix the prices of the public printing—the effect of it being to raise the prices of the printing of the two Houses 20 per cent., or what they were under the joint resolution of 1819.

The yeas and nays having been ordered, the question was taken on this amendment, and decided in the negative—yeas 59, nays 88, as follows:

YEAS—Messrs. Adams, Landaff W. Andrews, Barnard, Barton, Birdseye, Blair, Boardman, Borden, Botts, Briggs, Brockway, Thos. J. Campbell, Childs, John C. Clark, Jas. Cooper, Cranston, Cravens, Cushing, Everett, Fillmore, Gates, Granger, Hall, Howard, Joseph R. Ingersoll, Wm. W. Irwin, William Cost Johnson, Isaac D. Jones, John P. Kennedy, King, Linn, McKennan, Mathiot, Morgan, Morris, Morrow, Pearce, Pope, Powell, Proffit, Alexander Randall, Slade, Alexander H. H. Stuart, Taliaferro, Richard W. Thompson, Tilling-

hast, Tomlinson, Triplett, Trumbull, Van Rensselaer, Edward D. White, Joseph L. White, Thomas W. Williams, Christopher H. Williams, Joseph L. Williams, Winthrop, Wise, and Augustus Young—59.

NAYS—Messrs. Sherlock J. Andrews Arnold, Arrington, Babcock, Baker, Beeson, Bowne, Boyd, Brewster, Aaron V. Brown, Milton Brown, Charles Brown, Burke, Burnell, Patrick C. Caldwell, Calhoun, William B. Campbell, Caruthers, Casey, Chapman, Clinton, Coles, Cowen, Garrett Davis, Richard D. Davis, Dawson, Dean, Deberry, Doig, John G. Floyd, Charles A. Floyd, Gamble, Gilmer, Gordon, Graham, Harris, Hopkins, Houck, Houston, Hubard, Charles J. Ingersoll, Cave Johnson, John W. Jones, Keim, Lewis, Littlefield, Lowell, Abraham McClellan, Robert McClellan, McKay, John Thomson Mason, Mattocks, Maxwell, Medill, Meriwether, Miller, Mitchell, Moore, Oliver, Osborne, Owsley, Parmenter, Payne, Pickens, Ramsey, Rayner, Read, Reding, Rencher, Reynolds, Riggs, Rodney, Rogers, Roosevelt, William Russell, James M. Russell, Sewell, Shaw, Shields, Wm. Smith, Snyder, Stanly, Steenrod, Stratton, Trotti, Turney, Watterson, and Yorke—88.

So the amendment was not concurred in.

The next question was on concurring in the amendments of the Senate in relation to printing the Compendium of the Sixth Census; and, the proviso adopted in Committee of the Whole having been adopted,

The question was taken on concurring in the amendment as amended, and decided in the negative—ayes 55, noes 94, as follows:

YEAS—Messrs. Adams, Allen, Baker, Barnard, Barton, Birdseye, Blair, Borden, Briggs, Brockway, Jeremiah Brown, Childs, John C. Clark, James Cooper, Cranston, Cushing, John Edwards, Everett, Fillmore, Gates, Gilmer, Howard, Hudson, Joseph R. Ingersoll, William W. Irwin, John P. Kennedy, King, Linn, McKennan, Morrow, Oliver, Osborne, Pearce, Pope, Powell, Ridgway, Saltonstall, Slade, Snyder, Stokely, Alexander H. H. Stuart, Richard W. Thompson, Tillinghast, Toland, Tomlinson, Triplett, Trumbull, Van Rensselaer, Wallace, Edward D. White, Thomas W. Williams, Christopher H. Williams, Joseph L. Williams, Winthrop, and Wise—55.

NAYS—Messrs. Landaff W. Andrews, Arrington, Atherton, Babcock, Beeson, Boardman, Bowne, Boyd, Brewster, Bronson, Aaron V. Brown, Milton Brown, Charles Brown, Burke, Burnell, Patrick C. Caldwell, William B. Campbell, Caruthers, Casey, Chapman, Clinton, Coles, Mark A. Cooper, Cowen, Cravens, Garrett Davis, Richard D. Davis, Deberry, Doig, John G. Floyd, Charles A. Floyd, Graham, Granger, Halsted, Harris, Hays, Hopkins, Houck, Houston, Hubard, Charles J. Ingersoll, Cave Johnson, Isaac D. Jones, Keim, Lewis, Littlefield, Abraham McClellan, McKay, McKeon, John Thomson Mason, Mathiot, Mattocks, Maxwell, Maynard, Medill, Meriwether, Mitchell, Moore, Morgan, Owsley, Parmenter, Partridge, Payne, Pickens, Plumer, Benjamin Randall, Alexander Randall, Rayner, Reding, Rencher, Riggs, Rodney, Rogers, Roosevelt, William Russell, James M. Russell, Sewell, Shaw, Shepperd, Shields, William Smith, Sprigg, Stanly, Steenrod, Stratton, John T. Stuart, Taliaferro, Trotti, Turney, Van Buren, Watterson, Joseph L. White, Yorke, and Augustus Young—94.

Mr. FILLMORE here moved that the House take a recess from 4 to 6 o'clock; which motion, by general consent, was agreed to.

The question was next taken on the amendment of the Senate, legalizing the employment of certain clerks in the State Department; and it was not concurred in.

The question was then taken on the amendment of the Senate, defraying the expenses of distributing the remaining copies of the printed returns of the Sixth Census—2,500. This amendment was concurred in.

The question was taken on concurring in the amendment of the Senate, restoring the appropriation for the salaries of the Solicitor and Recorder of the General Land Office, which had been struck out by the House.

Mr. GILMER called for the yeas and nays; which were ordered: and, on taking the question, it was decided in the negative—yeas 62, nays 79, as follows:

YEAS—Messrs. Adams, Allen, Barnard, Birdseye, Boardman, Bowne, Childs, Clinton, James Cooper, Cowen, Garrett Davis, Dawson, Everett, Fillmore, Gates, Granger, Holmes, Howard, Charles J. Ingersoll, Joseph R. Ingersoll, William Cost Johnson, John P. Kennedy, King, Linn, Lowell, McKennan, Samson Mason, Mattocks, Maxwell, Maynard, Morgan, Morrow, Oliver, Pearce, Plumer, Pope, Randolph, Rayner, Rodney, James M. Russell, Saltonstall, Sanford, Slade, Wm. Smith, Stanly, Stokely, Toland, Tomlinson, Triplett, Trumbull, Van Rensselaer, Watterson, Westbrook, Edward D. White, Joseph L. White, Thomas W. Williams, Christopher H. Williams, Joseph L. Williams, Winthrop, Wise, Yorke, and John Young—62.

NAYS—Messrs. Arrington, Atherton, Babcock, Beeson, Boyd, Brewster, Briggs, Brockway, Aaron V. Brown, Charles Brown, Jeremiah Brown, Burke, Burnell, Patrick C. Caldwell, William B. Campbell, Casey, Chapman, Chittenden, Coles, Mark A. Cooper, Cranston, Richard D. Davis, Deberry, Doig, John C. Edwards, John G. Floyd, Charles A. Floyd, Fornance, Gilmer, Graham, Halsted, Harris, Hastings, Hays, Hopkins, Houck, Houston, Hubard, Hudson, Cave Johnson, John W. Jones, Keim, Lewis, Littlefield, Abraham McClellan, Robert McClellan, McKay, McKeon, John Thomson Mason, Mathiot, Medill, Mitchell, Owsley, Parmenter, Payne, Ramsey, Benjamin Randall, Alexander Randall, Reed, Reding, Rencher, Ridgway, Rogers, Roosevelt, William Russell, Sewell, Shaw, Shields, Snyder, Steenrod, Stratton, Alexander H. H. Stuart, John T. Stuart, Trotti, Turney, and Underwood—79.

The other amendments were all concurred in.

TREASURY NOTE BILL.

Mr. FILLMORE moved that the House take up the treasury note bill, which had come from the Senate with an additional section as an amendment.

The question was agreed to.

Mr. FILLMORE explained the object of the amendment, and moved the previous question upon it, which was sustained by the House.

The amendment was not concurred in.

MILITARY DIVISIONS OF THE UNITED STATES.

On the motion of Mr. C. H. WILLIAMS, the House resolved itself into Committee of the Whole on the state of the Union, (Mr. ATHERTON in the chair,) and took up bill No. 792, being a bill to divide the United States into two military districts.

Mr. STANLY addressed the committee on this bill, in opposition to it.

Mr. C. H. WILLIAMS replied to the gentleman from North Carolina, who, he said, had evidently not examined the bill, and did not understand it.

The debate was continued by Mr. JAMES COOPER, who moved that the committee rise.

The motion was agreed to, and the House took a recess for two hours—it being now 4 o'clock.

EVENING SESSION.

At 6 o'clock the chairman of the Committee of the Whole [Mr. ATHERTON] resumed the chair.

MILITARY DIVISIONS OF THE U. S.

The pending question was a motion that the committee rise.

Mr. C. H. WILLIAMS hoped that the committee would not rise without reporting the bill.

The question was then taken on the motion to rise. The Chair reported ayes 12, noes 34.

Mr. ADAMS demanded that the fact that there was no quorum present be reported to the House.

Mr. C. H. WILLIAMS called for a count.

Tellers reported ayes 8, noes 69.

Mr. ADAMS insisted upon the fact being reported to the House.

After ineffectual attempts on the part of several gentlemen to prevent the committee from rising—Mr. A. insisting on his demand—

The CHAIRMAN decided that the fact that there was no quorum must be reported to the House.

The committee rose, accordingly, and reported the fact.

Mr. ADAMS moved that there be a call of the House, and called for the yeas and nays on the motion; which were ordered, and resulted—yeas 45, nays 79.

So the House refused to order a call.

Mr. C. H. WILLIAMS offered a resolution, directing that all debate in Committee of the Whole on the bill to divide the United States into two military districts shall cease in fifteen minutes after the House shall go into Committee of the Whole. The resolution was agreed to.

The bill authorizing a re-issue of treasury notes was returned from the Senate—that body adhering to its amendment.

On motion of Mr. FILLMORE, the House adhered to its disagreement; and a committee of conference was ordered to be appointed.

The bill from the Senate, to provide for holding a circuit court of the United States at Williamsport, in the western district of Pennsylvania, was read a third time, and passed.

The joint resolution for the relief of Benjamin Ogle Tayloe, returned from the Senate with an amendment, was next taken up.

Mr. G. DAVIS moved that the bill be laid on the table. After much noise, agreed to—ayes 78, noes 47.

The Senate's amendment to the bill for the relief of John Skirving was concurred in.

Also, the Senate's amendment to the bill granting pensions to certain widows and revolutionary soldiers.

Also, the amendment of the Senate to the bill for the protection of commerce on the western shores of Lake Michigan.

Also, the amendments to the bill in relation to pre-emption rights. [Title not heard.]

The bill from the Senate for the relief of Robert B. Lewis was read three times, and passed.

The bill granting a pension to David Welch failed at first, for want of two-thirds to suspend the rules.

Mr. C. H. WILLIAMS called for tellers, which were ordered; and the motion to suspend was carried—ayes 96, noes 34.

The bill was then passed.

LADIES.

On motion of Mr. WELLER, it was unanimously resolved that, for this evening, ladies should be admitted on the floor of the hall.

The SPEAKER, by general consent, laid before the House several Executive communications.

MILITARY DISTRICTS.

On motion of Mr. C. H. WILLIAMS, at 7 o'clock, the House resolved itself into Committee of the Whole on the state of the Union, and resumed the consideration of the military district bill.

After much confusion, and several attempts, ineffectually made, to lay the bill aside, with a view to take up other business, (i. e. the fine bill, &c.) the committee rose and reported it to the House.

Mr. C. H. WILLIAMS moved the previous question.

Mr. WISE moved that the bill be laid on the table.

Mr. YORKE asked the yeas and nays; which were ordered.

Mr. WISE withdrew his motion.

And the question recurred on the demand for the previous question; which was seconded.

And the main question was ordered to be taken, (being on the engrossment.)

Mr. W. SMITH asked the yeas and nays, which were ordered; and, being taken, were—yeas 98, nays 69, as follows:

YEAS—Messrs. Landaff W. Andrews, Arnold, Arrington, Atherton, Babcock, Barton, Beeson, Bidlack, Blair, Boardman, Botts, Bowne, Brewster, Bronson, Aaron V. Brown, Milton Brown, Charles Brown, William Butler, William O. Butler, Green W. Caldwell, John Campbell, Thomas J. Campbell, Caruthers, Cary, Casey, Chapman, John C. Clark, Clinton, Cranston, Cross, Daniel, Richard D. Davis, Dean, Deberry, John C. Edwards, Ferris, Charles A. Floyd, Fornance, Gamble, Gentry, Gilmer, Green, Harris, Hastings, Hays, Hoeston, Charles J. Ingersoll, Cave Johnson, Keim, Lane, Lewis, Littlefield, Lowell, Abraham McClellan, Robert McClellan, McKeon, Mallory, Thomas F. Marshall, John Thomson Mason, Medill, Miller, Morgan, Oliver, Parmenter, Payne, Pickens, Plumer, Pope, Randolph, Rayner, Reding, Reynolds, Riggs, Rodney, Rogers, Shepperd, Sprigg, Steenrod, Stokely, Stratton, John T. Stuart, Summers, Jacob Thompson, Tillinghast, Toland, Triplett, Turney, Underwood, Van Buren, Ward, Washington, Watterson, Weller, Westbrook, Edward D. White, Christopher H. Williams, Joseph L. Williams, and Augustus Young—98.

NAYS—Messrs. Adams, Allen, Sherlock J. Andrews, Baker, Barnard, Birdseye, Briggs, Jeremiah Brown, Calhoun, Childs, Chittenden, Coles, James Cooper, Cowen, Cravens, Crawford, Cushing, Garrett Davis, Everett, Gates, Patrick G. Goode, Graham, Granger, Hall, Halsted, Hopkins, Houck, Howard, Hudson, William Cost Johnson, John P. Kennedy, King, Linn, McKay, McKennan, Samson Mason, Mathiot, Mattocks, Maxwell, Meriwether, Morris, Osborne, Pearce, Powell, Ramsay, Benjamin Randall, Alexander Randall, Rencher, Ridgway, Roosevelt, William Russell, James M. Russell, Saltonstall, Sanford, Sewell, Shaw, Slade, William Smith, Snyder, Stanly, Tomlinson, Trotti, Van Rensselaer, Joseph L. White, Thomas W. Williams, Winthrop, Wise, Yorke, and John Young—69.

So the bill was ordered to be engrossed for a third reading at this time.

And, having been read a third time, the bill was passed.

Mr. P. G. GOODE, from the Committee on Enrolled Bills, made a report.

A message was received from the Senate, stating that that body receded from its third amendment to the general appropriation bill, but insisted on its others.

GENERAL APPROPRIATION BILL.

At the request of Mr. FILLMORE, this bill was taken up. The House, on his motion, persisted in its disagreement to the amendments of the Senate, and a Committee of Conference was ordered to be appointed.

THE SPEAKER'S ADMINISTRATION.

Mr. WELLER of Ohio, on leave given, had presented the following resolution:

Resolved, That the thanks of this House be offered to the Hon. JOHN WHITE, for the able, impartial, and dignified man-

ion in which he has discharged the duties of Speaker during the 27th Congress.

And Mr. CHAS. BROWN, having stated that he supposed the yeas and nays would not be taken on the resolution; but that he, for one, could not vote for it, proceeded (amidst much manifest sensation in the hall) to make some remarks.

He did not intend, he said, to make a speech on the resolution, though he was opposed to its adoption. The vote he was about to give was not his own. He was here the representative of some 68,000 of the people of these United States, and when he was asked to vote that the Speaker of this House had acted, as Speaker, in an impartial manner, he could not assent to it.

Mr. McKEON interposed, and, remarking that it was rather early in the evening to enter upon this subject, appealed to the gentleman to permit this subject to lie over until they could dispose of the business before them.

Mr. BROWN declined to comply with the request, and proceeded. The people he represented here, he said, had interests, and they had a right in some way or other to have them represented in this House. In the formation of the committees of this House at the last session, Mr. B. had been placed on a committee that had no relation to any of those interests of his constituents in the most remote manner. He had refused to serve on that committee, and had given his reasons therefor to the House. That committee had no duties to perform in which his constituents had any interest whatever. In the formation of the committees of this House, again his name did not appear.

[A distant voice: "It ought not to appear."]

Mr. B. put it to gentlemen that his name had as good a right there as the gentleman's name, although he did come from Kentucky. That portion of the people of Philadelphia which he represented had as good a right as the people of Kentucky, or as the people of any other place, to be heard, and to have their interests consulted here; and when they were insulted, or at least neglected, he could not stand here in a craven spirit to vote that the Speaker had discharged his duties in an impartial manner. For the Speaker, in all the private relations of life, Mr. B. had the highest respect; but the vote he was about to give was of some public consequence or of no consequence, and he could not vote for the resolution; and he might say that, in many instances, the Speaker had not conducted himself, as Speaker of the House, in an impartial manner; but he left the House to judge for itself. For one, standing here as a Representative of the people, and feeling that the Speaker had not treated them and their representative in this hall with justice, Mr. B. deemed it his duty to pronounce in this House that the Speaker had not done the duties of Speaker of the House of Representatives.

Mr. B. had heard a voice say that he (Mr. B.) ought not to have been placed there.

[A distant voice: "You did; I repeat it. I say it on my own authority and responsibility."]

Mr. B. continued. When he had entered this hall as a Representative of a portion of the people of these United States, he had come in here as a Representative second to none. He was the Representative of 68,000 people; they had thought proper to send him here—to dignify him as a Representative of the American people; and no man here, no matter how old he might be, or how high out of this House, had any better claims to be heard than he had. They were all equal on this floor; and, for one, he had not been sent here to play second fiddle to any man; nor should he do it. He would vote, so far as the personal relations between himself and the Speaker were concerned, in honor of the Speaker; but he could not say that he had acted, with reference to his public duties, in an impartial manner.

Mr. PICKENS rose to make an appeal to those gentlemen with whom it had been his pride and pleasure to act on all great public questions. He hoped they would make no opposition to the present resolution. Mr. P. well remembered when, on a similar occasion, a similar resolution had been tendered to a Speaker who had presided with distinguished ability over the House, that it was assailed with bitterness—I allude to Mr. Speaker Polk. I thought then it was unkind and undignified, and think so still. It was unworthy of the occasion. And let us not now imitate an example set us by our opponents, which it does not become us to follow. Where they acted wrong, let us do right. Let us, on this occasion, in our closing scenes, act with liberality and generosity.

Mr. Speaker, I came here a member in 1834, soon after I was of an age to be eligible; and I can say, without arrogance, that there has been no great public question that has arisen, from that time to the present, in which I have not taken an active and decided part; and on any measure involving vital principle, I think I can say that I would be amongst the last to yield. It has been my habit, on all such measures, to be firm and decided, and even sometimes ultra. But, while it has been my pride to take the highest and most uncompromising grounds upon questions of principle, yet, in everything involving the mere courtesies of life, and personal liberality, it is the glory of my nature to yield, where generosity demands it.

I look upon the present resolution as involving no principle, but as an act of usual compliment, habitually paid in every civilized assembly to its presiding officer; and I trust my friends will not do anything to mar the appropriate harmony of the occasion. Let us remember that it is the lot of humanity to err, and that it is the glory of a magnanimous nature to forgive and to forget. I have been engaged in the fiercest and most bitter conflicts that have occurred upon most of the discussions of the day; and yet I can lay my hand upon my heart, and, as I am about to retire, declare, in the utmost sincerity, that I have at this moment not a single unkind feeling towards any one with whom it has been my pleasure to be thrown together in all the associations of this House.

Mr. Speaker, this Congress has done enough to engender bitter and hostile feelings amongst members upon this floor; and it has also done enough to sow the seeds of discord, wide and deep, throughout the Confederacy. And now that we are about to close our labors, let us not, in our expiring moments, show that (like the savage) we can harbor vengeance and malignity even in the dying hour. Let us seize upon this occasion (which has always been considered fit and proper) to mingle together in harmony, and exhibit all the nobler attributes of magnanimity and generosity.

Sir, we are about to part, and *many* of us *forever*. In God's name, let us part in peace; and may every unkind recollection of the past be absorbed in one common feeling—*and that, a burning, devoted attachment to our common country, her honor, and her glory.* I am ready to vote with cheerfulness for the resolution.

Mr. WELLER said he had no expectation, in bringing forward this resolution, that it would have provoked a discussion; although, if he had reflected upon the character of some in this House, he might have anticipated that it would meet with opposition from certain quarters.

This was an act of courtesy (continued Mr. W.) which had always been extended to the presiding officer of this House at the close of every Congress. He believed there was not a single instance in the history of this American Congress, where a similar resolution had not been presented and passed upon by a majority of this House. Mr. W. did not undertake to say that the presiding officer of this House had always acted, as presiding officer, in conformity with his (Mr. W.'s) views; or that, in the appointment of the committees of this House, or in the decisions of questions of order, the Speaker had pursued such a course, and given such decisions, as he should have given; but he undertook to say that the Speaker had discharged his duty as faithfully as was possible for a man operated upon by the same feelings and influences that operated upon them all. They were all fallible; the Speaker was a party man, and he (Mr. W.) was a party man—an ultra party man. Mr. W. would oppose the Speaker and the majority of this House upon any of the questions involving those great principles on which he stood before the country, as warmly and ardently as the gentleman from Pennsylvania [Mr. Brown] would; but he was not willing to carry his opposition so far as that it should degenerate into malignity. He was not willing to stand before this House, and exhibit a personal malignity.

Mr. BROWN asked an opportunity to explain.

The SPEAKER *pro tem.* [Mr. Bates] called the House (which was at this moment in great confusion) to order, and requested gentlemen to resume their seats and preserve order. It was impossible to proceed with decorum, unless this was done.

Mr. BROWN (Mr. Weller yielding the floor) said he had expressly stated that he had not an unkind feeling towards the Speaker, and he had said so in truth; and no gentleman on this floor had a right to suppose, or to say, that he had any other than kind feelings. But he voted for his constituents; and he could not, in justice to them, vote that the conduct of the Speaker had been impartial, when he believed the contrary.

Mr. WELLER resumed. He had understood the gentleman from Pennsylvania to say that he had not had that place upon the committees of this House that his merits would entitle him to. The gentleman had certainly assigned that as one of the reasons which would influence his vote.

Mr. W. had no wish to prolong this discussion. He hoped—about to separate as they were, many of them never to meet again—that they would separate with the kindest feelings towards each other. He had submitted this resolution upon his own responsibility—though as violently opposed to the Speaker of this House upon political principles as any man within the sound of his voice—as an act of courtesy, of generosity, of magnanimity, which no Congress had ever refused. He was willing, for his part, to take the responsibility of that act here and before the country. Let gentlemen who desired go against it; he should record his vote upon the journal in favor it.

Mr. BURKE (across) was understood to say he should vote against it.

Mr. WELLER. The gentleman might go against it if he chose. Mr. W. did not pretend to dictate to any man as to his vote.

It was for this House (Mr. W. continued) to decide whether, in this case, they would refuse to extend this act of courtesy to the Speaker of this House, at a period when they were about to separate, never again to meet in this hall; and he hoped and trusted that the spirit of magnanimity and generosity which should characterize every true Democrat would be found to actuate every man with whom he associated here.

Mr. CUSHING obtained the floor; but yielded it, for purposes of explanation, at the request of—

Mr. WISE, who said he had not one word to say—and for many reasons—upon the resolution proposed to the House at this time; and he certainly should not have taken the floor, but for some remarks which had been made by the gentleman from South Carolina, [Mr. Pickens,] in which, although the gentleman had disclaimed intending any personal reproach to him (Mr. W.) or to any other gentlemen, yet (Mr. W. was understood to say) he had seemed to disapprove of the precedent. But the gentleman had undertaken to say that that was a precedent unworthy of example; and had undertaken to say, further, that it had sprung from a spirit of malignity.

Mr. PICKENS said he had stated that he had thought at that time that it was unkind and undignified.

Mr. WISE was understood to say that the opposition to that resolution had not sprung from him. Opposition to such a resolution never could originate with him. But when it had been presented to him at that time, the judgment which many formed was, that either that resolution was a compliment of substance, or of mere form. If it was a compliment of mere form—"yours truly," or "your obedient servant," or "dear sir," to a letter—why, then it was worse than a poor compliment: it was "damning a man with faint praise." But if it was meant to be a serious judgment, (he spoke of the past,) if it was intended to declare as truth the ability, impartiality, and dignity of the Speaker, they were bound to sit in judgment, and to render a verdict; and not a verdict of mere form, but upon their opinions, under their oaths, a verdict upon the conduct, upon the administration of the Speaker, of

truth or of untruth, of justice or of injustice; and it had nothing to do with the question of generosity. He cared not how generous a man might be. Though his generosity might be unbounded, no man had a right to vote what he did not think to be true. No man had a right to render a judgment for mere form, which judgment he did not really entertain. This was the principle which had governed that precedent; and it had been regarded as the only mode either of rewarding a faithful, impartial, dignified Speaker, or of punishing one who possessed not those qualities.

In reply to some remarks of the gentleman from Ohio, [Mr. WELLER,] Mr. WISE had only to say that it would be the meanest malignity for any gentleman to refuse a vote of thanks to a Speaker who, all believed, had tried honestly and conscientiously to discharge his duties—to justify a vote of this kind merely on party grounds. He could not vote either upon one side or the other, although he had always been a party man, like the gentleman from Ohio. He could not vote as a partisan, or act as a partisan, were he Speaker; for that partisan spirit which actuated them in the heat of debate, and in their usual business here, ought entirely to be excluded from the human bosom when an individual took that chair.

Mr. W. remarked, in conclusion, that he had merely risen to vindicate those who, on a former occasion, had voted against a similar resolution, which had been alluded to.

Mr. C. J. INGERSOLL observed that he should not have said one word but for what had fallen from his particular friend and colleague, [Mr. BROWN,] who had first addressed the House. Should he act as a private individual, actuated only by feelings and griefs of a personal nature, he might perhaps as bitterly and as heartily vote against this resolution of thanks as any other member of the House. When he first came here, thirty years ago, he had been placed upon the Committee on the Judiciary, and he confessed he felt not a little repugnance to find himself thrust down by the present Speaker to the tail of that committee. And when he had attempted his maiden speech on the floor of the present Congress, the House would recollect how repeatedly and in how overbearing a manner he had been called to order by the Chair for irrelevancy; so often, indeed, that had he not been rather a cool old gentleman, he should have been quite overcome by it. But Mr. I. entirely agreed with his colleague [Mr. BROWN] that he had here no right to vote as an individual; he acted here as the representative of one hundred thousand men, women, and children, and as a member of the great American family. And as to the charge upon the Speaker of having acted as a party man, did they not all belong to political parties of some description? And did not his colleague know that he was in a minority here? And were they bound to expect from the presiding officer—from any presiding officer—under such circumstances, anything different from what they had received? Mr. I. had been in that hall when one of the most brilliant, powerful, and eloquent men that this or any other country had ever produced presided in that chair; and he had witnessed, at that time, as at all other times had happened, both before and since, the selection of committees made in part on political and party grounds. This was to be looked for; and, unless the Speaker acted on feelings of odious, open, and despicable partiality in distributing the appointments of the House, the members of the House were bound to vote in the belief that he had done no more than to act in conformity to those free Democratic principles in which they all lived, moved, and had their political being as American citizens. Mr. I. was free to confess that, during the first session he had been here, he had for a time felt sore, and felt annoyed by the course of the Chair in regard to him, and considered himself as not without some reason to complain, (though he never complained unless the case was very hard indeed, for it never did any good, or procured a man any respect;) but, during the last two sessions, he thought the course of the Speaker had well entitled him to a vote of thanks like that now proposed, and he should vote it most cheerfully.

He would add that, in his judgment, we owed something, we owed much, to the country; we owed something, we owed much, to our own free institutions; we owed something, too, and very much, to history. He was not at liberty, because he, as an individual, might suppose the composition of the committees of the House to be improper or inexpedient, to refuse, on that account, his vote of thanks to a presiding officer who had, in the general, done his best to preserve impartiality in administering the duties of the Chair; and such he did, in his conscience, believe had been the aim and endeavor of the present Speaker. He had thought, during the last six weeks, that the Speaker had been to blame for many things. For example, Mr. I. had hardly been able to step into the lobby, or even to move into various parts of the House itself, without being interrupted by "lobby members" and other persons. This he presumed to be, at least in part, the fault of the Speaker. But it was a part of their legislation which every gentleman owed to every other gentleman, to say for him, if it could with truth be said, that he had discharged his public duty in an impartial, fair, and dignified manner. And Mr. I. would here say, that he felt entirely free to acknowledge that, had he been placed in that chair, he doubted greatly whether he should have behaved as well, upon the whole, as this Speaker had done. Mr. I. again observed, that he agreed with his colleague [Mr. BROWN] that it was their duty, on occasions like these, to act and vote, not for themselves personally, but for their constituents—for their country—for history, and not for party in any form. Let him ask the gentleman from Virginia, [Mr. WISE,] and all others, what had been the consequence of the withholding, by this House, of a vote of thanks from Mr. Speaker Polk? It had made him Governor of one of the most respectable States of this Union. [A voice: "Not at all—not in the least."] He could tell that gentleman that he was mistaken; it had operated greatly in producing that very result.

Mr. TURNEY here interposed, and remarked that the House had not, in point of fact, withheld its vote of thanks from Mr. Speaker Polk; neither had the attempt to do so had any the least influence on the gubernatorial election in Tennessee.

Mr. INGERSOLL resumed. As to that, he had not the honor of being a citizen of that State, and was not, therefore, as well entitled to speak as the gentleman might be. But he had been about to ask what were the feelings of the people in cases of this kind? Did they sympathize with the personal resentments of members here? Members themselves were, while within these walls, in the very focus of most powerful passions; they hated one and loved another, and were often brim full of wrath and resentment; but the moment they stepped without those doors, they got out of the charmed circle in which they had thus been spell-bound, and found that they were in a very different region. The people were always disposed to be generous and forgiving, and they looked with but little approbation on the cherishing of an opposite spirit by gentlemen leaving these halls. For himself, he must in candor say, that while he had voted against most of those political measures which Mr. Speaker White approved, and would have preferred that they should not succeed, he could not find it in his conscience or in his breast, and as a duty he owed to patriotism and to the country, to withhold his vote of thanks on such an occasion; and though the yeas and nays should be ordered, he must continue to act under this conviction, and record his name in favor of the resolution.

Mr. COOPER of Pennsylvania said that he did not know that the refusal of his colleague, [Mr. C. BROWN,] who had first addressed the House, to vote in favor of the pending resolution, would detract anything from the honor which the Speaker might receive from its adoption. He was, indeed, rather inclined to believe that his colleague's vote in its favor would have been understood as casting some degree of suspicion on the Speaker's integrity; and he suspected very much that that officer would rather rejoice that he was without the vote of a man who would refuse to vote a resolution of common courtesy. Mr. C. said he had not risen with any purpose of entering into a quarrel with his colleague. What people was it that he represented on this floor? The citizens of Philadelphia, or a portion of them. And had his constituency been treated unjustly or slightingly by the Speaker in his appointment of the standing committees of that House? Let gentlemen look at the facts, and then the gentleman would find that his vociferous accusations would not go very far against recorded history. The Committee of Ways and Means had a member from Philadelphia placed upon it; the Committee on Commerce had another member from Philadelphia; the Committee on the Judiciary had another gentleman from Philadelphia, and, at the first session of this Congress, had had two; and yet the gentleman could get up here and avail himself of a moment like this to obtrude his private griefs, and pour out on that House the bitterness of his gall. Mr. C. was informed that his colleague had at one time been appointed a member of the Committee on Commerce, but had never once met the committee.

[Mr. BROWN. At the extra session—it met but once.]

Thus it appeared, not only that three of the most weighty and important committees of the House had each a member from the city of Philadelphia, but his colleague himself was placed by the Speaker on the Committee of Private Land Claims. This, however, it seemed, was, in his estimation, a station quite below his merits; he had been most unjustly and injuriously slighted, and so had his constituents in his person, because the Speaker had not placed him at the head of the Committee of Ways and Means, or of the Committee on Commerce. And now, at the closing moment of the session, he was found moved by private griefs, and what Mr. C. (to use no harsher epithet) would call a vain ambition, to pursue a course which Mr. C. would venture to predict was likely to prove less an injury than a relief to him against whom it was aimed. Mr. C. would appeal to the number of times his colleague had occupied the floor during this Congress. What one member, even on the most important committees of the House, had oftener consumed its time? The gentleman might probably have thrown great light upon its deliberations; or, if he had thrown none at all, (which might be the opinion of some,) Mr. C. at any rate remembered to have read in the history of Rome that the gabbling of a goose once saved the capitol. [Laughter.] His colleague, it appeared, was disposed to complain that he had been placed upon what he esteemed too mean a committee for a person of his distinction—the Committee on Private Land Claims; though at the head of that committee was a gentleman from Louisiana, [Mr. MOORE,] to act with whom would be no dishonor to one of far higher claims than his colleague could pretend to.

Mr. BROWN, who had several times attempted to interpose, here obtained the floor for explanation, and said that the whole of his colleague's remarks were based upon what was not a fact. Mr. B. was not on that committee. Let the gentleman confine himself to matter of fact, and not proceed upon mere fiction.

Mr. COOPER, resuming, said he would very soon explain how the matter of fact stood. His colleague had been placed upon that committee by the Speaker, and his name had stood as a member of it for eight months, during all which time Mr. C. doubted if he had once been present at any meeting of the committee—certainly not half a dozen times. [A voice: "Not once."] And because the business of the committee had accumulated through his inattention, his name had been put off from the roll of its members.

The CHAIR here called to order.

After some desultory remarks on the question of order—

Mr. COOPER resumed, and said that he hoped, when an attack like this, and at such an hour, was made upon the presiding officer of that House, he, (Mr. C.,) who felt his State disgraced by the conduct of his colleague, might be permitted to state what were the facts in reference to that gentleman, as well as his colleague to state his allegations in

regard to the Speaker. Mr. C. repeated the assertion, that this colleague of his, though a member of a committee of much importance, and on whose hands a vast amount of business was thrown, had not attended the committee half a dozen times in nine months, and that therefore——

Here Mr. C. was again called to order; when, after a good deal of confusion, he said that he had no desire to violate the order of the House, or to proceed out of order; nor did he esteem it to be out of order to state what was a fact—that his colleague had been removed from the committee for neglect and inefficiency.

Here the confusion was greatly increased.

Mr. PAYNE called the gentleman from Pennsylvania to order; and the point which he wished to make was this: Was it in order for a member to speak of another as having, by his conduct, disgraced his State?

Mr. C. BROWN hoped the gentleman from Alabama would not press his point of order. His colleague was a disgrace to the House, and nothing he could say could disgrace him below what he was.

Mr. COOPER said that, as he considered the subject not worth the controversy, he would resign the floor, and resume his seat; which he did.

Mr. CUSHING said he took the floor in the hope that a motion he proposed to make, before he resumed his seat, might have the effect of putting an end to this most unseasonable and very painful debate. He was himself ready to vote this resolution; he should do so, viewing it as an act of courtesy due to the Speaker of the House. They were now approaching the end of a most agitated Congress—a Congress involving the greatest amount of intense political passion of any which had existed in the entire history of our Government; and he deeply regretted that in this, the closing hour, when they were about to bid each other adieu—it might be forever—instead of parting as friends, as fellow legislators, as fellow-citizens of the republic, and, he might say, as gentlemen—they were indulging in these, the expiring moments of their political existence, in a bitter and exasperated personal debate.

If there was any man on that floor who had cause to feel that, in the personal and party contests which had marked the history of this body, during both its present and its past session, injustice had been done to him, Mr. C. was that man. He felt it; he knew it; but he was ready to sacrifice all recollection of personal umbrage at the altar of the common good, and of an affectionate desire for the peace and honor of that House. It might be that he was about to leave that floor but to enter on a still more agitated theatre—to go back to the people again upon questions which agitated the country as much as they did that House, if not more. But he desired to leave that hall with feelings of the kindest regard to every member, and, above all, towards him who had occupied that chair. That charity might be extended to himself, he desired first to show charity towards others. He fully realized for himself, and he called upon the House to realize and to consider, under what unspeakable embarrassments, both political and personal, from the division and subdivision of parties, the duties of the Chair had been performed; and, in view of this, if he, or if other gentlemen, should feel that, on this or on that occasion, their pride of place might not have been gratified by the Chair, he appealed to them, he appealed to himself, to cast from them all such recollections, with all unkind feelings which might be called up by them—so that they might, in parting, press hand to hand, with nothing but emotions of mutual regard and good-will.

Under views like these, he should close the few words he had ventured to present, by moving the previous question.

And, by ayes 69, noes 58, the demand was seconded.

And the main question (i. e., on the adoption of the resolution) was ordered to be taken.

Mr. ANDREWS of Kentucky asked the yeas and nays; which were ordered.

Mr. WISE moved to be excused from voting on this occasion; and he did so, in part, that he might obtain the opportunity of occupying a moment in vindicating himself from a charge which had gone the rounds of the country, and which he availed himself of the present opportunity to repel, once and forever. He entertained the most kindly feelings towards the Speaker of that House—a gentleman who had, on all occasions, treated Mr. W. with the utmost urbanity, courtesy, and deference, and with whom he had received and reciprocated the personal courtesies of life; and he now declared here, before God and his country, that the reasons which induced him to ask to be excused from voting on the present resolution, were not reasons of a personal nature. A slander had gone abroad, which represented Mr. W.'s course here to have sprung from a sense of disappointment in not having been able to reach the high station which had been occupied by the Speaker of that House—a station to which there was none under this Government he should prefer. He would not affect to say that he never had desired it: it was a station fit to be the summit of ambition to any man whose bosom was the seat of just and laudable aspirations. But he did here solemnly declare, and with as positive certainty as the infirmity of our nature enabled any man to speak of the motives of his own heart, that in no one act of his public life had he been actuated towards that gentleman by any sense of personal or political disappointment. The contrary, whether whispered secretly by the insidious tongue of slanderous malignity, or openly bruited through the columns of a corrupt and venal press, he here pronounced to be a falsehood. He left this declaration to be remembered—yes, to be remembered; and he was perfectly serious in his request to be excused from voting.

The question being put, the request of Mr. WISE was not complied with.

This question was then taken, and the vote resulted as follows: yeas 141, nays 17.

TREASURY NOTE BILL.

Mr. FILLMORE moved that the House take up the treasury note bill, for the purpose of acting upon an amendment from the Senate, on which a Committee of Conference had made a report.

Mr. MERIWETHER called for the reading of the report.

[Messages were received from the Senate and the President.]

Mr. MERIWETHER rose to make an inquiry. He wished to know whether the report of the Committee of Conference provided that bonds should be issued, in lieu of treasury notes, and redeemable in ten years.

The Clerk read the report of the Conference Committee; but it was not intelligibly heard, above the noise which universally prevailed.

Mr. MERIWETHER moved to lay the report on the table. This motion was rejected.

The previous question was then sustained.

Mr. J. C. INGERSOLL asked for the yeas and nays on concurring with the Conference Committee in their report. They were ordered.

The report of the Committee of Conference was concurred in—yeas 99, nays 73, as follows:

YEAS—Messrs. Adams, Allen, Landaff W. Andrews, Sherlock J. Andrews, Arnold, Aycrigg, Babcock, Baker, Barnard, Barton, Blair, Boardman, Borden, Bowne, Briggs, Bronson, Jeremiah Brown, Calhoun, Thomas J. Campbell, Cary, Childs, Chittenden, John C. Clark, James Cooper, Cowen, Cranston, Cravens, Cushing, Richard D. Davis, Deberry, Everett, Ferris, Fillmore, Thomas F. Foster, Gamble, Gates, Granger, Green, Hall, Halsted, Houck, Howard, Hudson, William W. Irwin, William Cost Johnson, Isaac D. Jones, Keim, John P. Kennedy, King, Linn, Robert McClellan, McKennan, Thomas F. Marshall, Mattocks, Maxwell, Maynard, Morgan, Morris, Morrow, Oliver, Osborne, Pope, Powell, Ramsey, Benjamin Randall, Alex. Randall, Randolph, Ridgway, Riggs, Rodney, William Russell, James M. Russell, Saltonstall, Sanford, Shepperd, Shields, Slade, Sollers, Sprigg, Stanly, Stokely, Stratton, Alex. H. H. Stuart, Summers, Sumter, Taliaferro, Tillinghast, Toland, Tomlinson, Trumbull, Underwood, Van Rensselaer, E. D. White, Thomas W. Williams, Joseph L. Williams, Winthrop, Yorke, and John Young—99.

NAYS—Messrs. Atherton, Beeson, Bidlack, A. V. Brown, Milton Brown, Charles Brown, Burke, P. C. Caldwell, John Campbell, William B. Campbell, Caruthers, Casey, Chapman, Clinton, Coles, Cross, Daniel, Garrett Davis, Dean, Doig, John G. Floyd, Charles A. Floyd, Gilmer, Patrick G. Goode, Graham, Gwin, Harris, Hastings, Hays, Hopkins, Houston, Hubard, Charles J. Ingersoll, Cave Johnson, Andrew Kennedy, Lane, Lewis, Littlefield, Lowell, Abraham McClellan, McKeon, J. T. Mason, Mathiot, Medill, Meriwether, Miller, Moore, Owsley, Parmenter, Payne, Plumer, Rayner, Read, Reding, Rencher, Reynolds, Rogers, Roosevelt, Sewell, Shaw, William Smith, Snyder, Steenrod, John T. Stuart, John B. Thompson, Richard W. Thompson, Triplett, Trotti, Turney, Weller, Westbrook, and Christopher H. Williams—73.

A pile of enrolled bills were signed by the Speaker.

Mr. FILLMORE moved that the House act upon the report of the Conference Committee on

THE CIVIL AND DIPLOMATIC APPROPRIATION BILL.

The report was read. It recommends:

1st. That the House recede from its disagreement to the amendment of the Senate, increasing the pay of the printers to the present Congress to the rates allowed by the joint resolution of 1819.

2d. That the Senate recede from its amendment, increasing the pay of T. Allen, and of Blair & Rives, for printing the Compendium of the Sixth Census. But the committee also recommends the adoption of a clause, providing that nothing contained in this bill shall operate as a bar to the claims of Allen and Blair & Rives, hereafter, for the full amount of compensation for executing the printing of the Compendium.

3d. That the House recede from its disagreement to the Senate's amendment, by which the appropriation for the salaries of the Recorder and Solicitor of the General Land Office is retained.

4th. That the House and Senate recede from the several amounts named by them as the salaries of travelling agents of the Post Office Department; and that the sum of $1,250 be fixed as the annual pay of those officers.

Mr. FILLMORE explained the report, and hoped it would be adopted. He moved the previous question; which was sustained.

Mr. CAVE JOHNSON asked the yeas and nays; which were ordered.

A division of the question was called.

The question was therefore taken on the first recommendation of the Committee of Conference, (the effect of which is to increase the pay of the printers to Congress to the prices of 1819.)

This recommendation of the committee was agreed to—yeas 80, nays 78.

Mr. ANDREWS of Kentucky moved a reconsideration of the vote just taken.

Mr. BOTTS moved to lay the motion for reconsideration on the table; which motion was carried—yeas 93, nays 63.

Mr. C. H. WILLIAMS asked leave to offer a resolution suspending the joint rule in relation to the military district bill.

And Mr. J. R. INGERSOLL made a similar motion as to the joint resolution in relation to weights and measures.

Objection being made, the rules were suspended, and the resolution (under the operation of the previous question) was adopted.

On motion of Mr. CUSHING, certain maps of the Northeastern boundary were ordered to be printed.

Mr. GRAHAM asked the House to take up the bill in relation to the preservation of live-oak timber.

Mr. G. moved that the Committee of the Whole on the state of the Union be discharged from the consideration of said bill; which motion was agreed to.

And the bill was read a third time and passed.

The rule was suspended to enable the bill to be sent to the Senate.

Mr. ANDREWS of Kentucky, remarking that during his service as a member of this House he had not asked a favor in behalf of himself and his constituents, and making an urgent appeal in behalf of the parties concerned, asked leave to offer a resolution providing that the messengers and attendants of the House should be paid the same compensation as those of the Senate.

Mr. SMITH of Virginia objected.

Mr. ANDREWS moved a suspension of the rules.

Mr. MERIWETHER moved to lay the motion on the table.

Mr. CAVE JOHNSON asked the yeas and nays; which were ordered, and being taken, resulted in yeas 70, nays 77.

So the rules were not suspended.

APPROPRIATIONS, ORDINARY AND EXTRAORDINARY.

Mr. BEESON offered the following resolution; on

which, after being read for information, he moved a suspension of the rules: negatived.

Whereas by a resolution adopted on the 23d ult., the House directed the Secretary of the Treasury, among other things, to report the amount of the appropriations for each year, from the 4th of March, 1829, to the 4th of March, 1843, exclusive of public debt and trust funds:

And whereas it is necessary to a fair and full understanding of the financial economy of the several administrations intervening, that a thorough discrimination should be made between expenditures, *ordinary* and *extraordinary*, of that eventful period; and also, between appropriations made of unborrowed and borrowed moneys: therefore,

Resolved, That the Secretary of the Treasury be directed to report to this House a statement showing the amount of the appropriations for each year, from the 4th of March, 1829, to the 4th of March, 1843, discriminating between appropriations *ordinary*—such as those for the support of the civil administration, army and navy, *personel* and *materiel*, on the peace establishment—and *extraordinary*, such as not only public debt and trust funds, but also such as those made on account of the Florida war; purchases of Indian lands; removal of Indians; payment for property taken for public use, and injuries committed during hostilities; donations to objects in the District of Columbia; survey of the coast; claims of States for war debts; taking the census; duties refunded; materials for increase of the navy; durable public buildings, roads, bridges, canals, breakwaters; improvements in rivers and harbors; fortifications, pensions, gratuities; exploring expedition, &c.; distinguishing, also, between appropriations made from unborrowed, and those from borrowed moneys; and that said report be appended to, and published with, the report directed by the House, on the 23d ult., to be made on the subject of public expenditures.

Mr. ATHERTON, from the Committee of Ways and Means, made an unfavorable report on the petition of Amos Wade, praying for remission of duties.

Mr. SMITH of Virginia moved to take up the bill No. 25, for the relief of Mrs. Nourse.

Mr. STEENROD moved to take up the bill No. 32, fixing the compensation of pension agents.

Mr. SMITH moved that the Committee of the Whole be discharged from the further consideration of bill No. 25; and

Mr. STEENROD moved that the Committee of the Whole be discharged from the further consideration of bill No. 32.

All these motions were pronounced out of order.

[During this, time, and, indeed, the whole of the evening session, there was a great deal of noise and confusion; numbers of members trying to obtain the floor, and offering motions which were either out of order, or not heard by the Chair.]

GENERAL JACKSON'S FINE.

Mr. GWIN moved that the House resolve itself into Committee of the Whole, for the purpose of taking up the bill to refund the fine of General Jackson.

Mr. J. P. KENNEDY called for the yeas and nays.

Great confusion ensued; but ultimately the yeas and nays were taken, and they resulted as follows: yeas 77, nays 83.

Mr. CUSHING submitted the usual resolution for the appointment of a committee to wait upon the President, and inform him that, if he had no further communication to make, the two Houses of Congress were ready to adjourn.

Mr. J. R. INGERSOLL wished, first, to call up a motion for the printing of 5,000 extra copies of the reports of the two committees on the two hundred million national stock *projet*.

Mr. TALIAFERRO also moved that the Committee of the Whole be discharged from some bill in relation to the Patent Office; but its precise object was not heard.

After some other irregular proceedings, Mr. CUSHING's resolution was adopted.

Mr. PROFFIT offered a resolution to pay extra compensation to the clerks and messengers of the House; but, as it was objected to, it was withdrawn.

Mr. J. P. KENNEDY was understood to move a modification of Mr. J. R. INGERSOLL's motion, so as to fix 3,000 as the extra number of copies of the reports to be printed.

Mr. BEESON offered an amendment; but, as the previous question had been moved on Mr. J. R. INGERSOLL's motion, it was not in order.

Mr. CAVE JOHNSON moved to lay the motion on the table; and it was carried.

Various motions were made; but they were objected to, and were not acted upon.

Mr. ADAMS offered a resolution which was understood to be declaratory of some general principles in relation to the capture at Monterey.

As objections were made, he moved a suspension of the rules.

Mr. MALLORY called for the yeas and nays; and, being ordered, they resulted as follows—yeas 74, nays 83.

Mr. BEESON moved a suspension of the rules, in order to enable him to get in his resolution. The motion was rejected.

Mr. C. J. INGERSOLL offered a resolution, directing the Clerk to pay the several pages, messengers, &c., of the House, $100 each in addition to their regular compensation.

Mr. SMITH of Virginia objected to the reception of the resolution.

Mr. C. H. WILLIAMS moved a suspension of the rules, in order to get the resolution in.

Mr. SMITH of Virginia asked for the yeas and nays; which were ordered: thereupon, the resolution was withdrawn.

Mr CAVE JOHNSON asked if the hour of 12 had not arrived? and wished to know if a motion to adjourn was not in order.

The CHAIR requested the gentleman to suspend his motion a moment.

Mr. LEVY attempted to have passed a resolution, calling on the Secretary of the Navy for information in relation to the construction of a marine hospital at Key West, in Florida.

The SPEAKER said the hour of 12 had arrived, and no new business could be introduced.

Mr. T. F. MARSHALL rose and said he moved that there be printed, for the use of the House, 20,000 extra copies of the report of the gentleman from Maryland, [Mr. W. C. JOHNSON,] in relation to the $200,000,000 scheme for advancing the credit of the country.

[Many members: "The motion is not in order."]

Mr. MARSHALL said he would withdraw the motion so soon as he had spoken.

After some conversation between the SPEAKER and Mr. MARSHALL, the latter withdrew his motion.

While the House was waiting for action on the part of the Senate, conversation occurred at intervals on various subjects of no interest, on the part of several members, interspersed with sundry pauses. At last,

Mr. PICKENS observed that he had repeatedly known the House to adjourn without hearing from the Senate, which had business apart from its connexion with the House of Representatives. The Senate was now in executive session, and there was no reason why the House should wait for it.

The SPEAKER inquired whether the gentleman proposed to send a separate message to the President from this House?

Mr. PICKENS said he did.

[Here there was another pause.]

Mr PICKENS moved that a committee wait on the President of the United States, and inform him that the House of Representatives, having transacted all the business before it, was ready to adjourn, provided he had no further communication to make to them: carried, and Messrs. PICKENS, WISE, and JOSEPH R. INGERSOLL, were appointed the committee.

After a few moments—

Mr. PICKENS, from the abovementioned committee, returned, and reported that they had performed the duty assigned them, and had received for answer that the President had no further communication to make to this branch of Congress; and he wished them a happy return to their homes, and the enjoyment of the society of their families.

Mr. PICKENS then moved that the House adjourn *sine die;* which being carried.

The SPEAKER addressed the House as follows:

GENTLEMEN: Before I declare, for the last time, your adjournment, allow me to tender to each and every one of you my grateful thanks for the attention and respect I have invariably received as your presiding officer; and especially for the flattering expression of favorable opinion contained in the resolution ordered to be entered on your journal this night. Yet I cannot but feel that I am more indebted to the kindness of this House, than its justice, in the adoption of this resolution.

I trust, however, I shall ever cherish all those emotions of gratitude and affection which so signal an instance of your generosity ought to inspire. Whilst the censure of this body cannot be considered a trivial punishment, its praise can never be esteemed an ordinary compliment. Next to the satisfaction arising from a consciousness of having discharged my duty, is the approbation of those who have been constant witnesses of my official conduct. It was with diffidence and hesitancy, knowing well the high but just responsibility of this station, that I persuaded myself to engage in the discharge of its delicate and arduous duties. Nothing but the hope that I should receive the cordial support of the liberal of all sides in this House could have induced me to undertake so difficult a task.

I take pleasure in stating that my most sanguine expectations of candor and favor have been more than realized. Amidst all the excitement growing out of animated debates upon the great interests of the country, which have so often and so deeply impressed all our minds, and enlisted the warmest feelings of the heart, I have experienced a uniform politeness from every quarter of this House. When, in the trial of opinion upon questions of importance and difficulty, this House has been equally divided, and my vote has been demanded by the rules, I have invariably found, in that half of the members from whose judgment I have differed, a disposition to allow me the same freedom of deliberation and independence of thought which they asserted for themselves.

The position I have occupied since my elevation to this Chair has made it my duty to scan closely the progress of business in this House; and I owe it to truth and justice to declare, without reference to party, that I have witnessed an industry, a patriotism, and independence, a series of information and eloquence, that would have done honor to any deliberative assembly in any age or country.

Well am I convinced, in despite of the recent efforts that have been made, in various quarters, by misrepresentation and traduction, to weaken the public respect and confidence in the immediate Representatives of the people, that the scrutiny of time will prove this House to be the sanctuary of the Constitution—the citadel of civil liberty—the palladium of this republic. It is here—it is here, in this grand inquest of the nation—here, if anywhere, that resistance will be made to the silent arts of corruption, or to the daring encroachments of power: and if the Constitution, the sacred charter of American freedom, be destined to perish by the ruthless hand of the demagogue or the usurper, (which God avert!) here, upon this floor, it will breathe its last agonies—its dying gasp.

In the course of our deliberations, in a moment of commotion and excitement, I am sensible I may, at times, have wounded the feelings of members. I have never arrested the progress of business, to enter into explanations. My position in this chair made it impossible for me to do so, without endangering the order and dignity of this House. Besides, the moment of irritation is not the most propitious time for satisfactory explanations. I have chosen, at the hazard of injustice to my motives, to leave my justification to the calm and sober reflection of members. On my part, I have no wrongs to complain of from any individual upon this floor. If any have been intended or done, they have long since been forgiven and forgotten. I thank my God I have no memory for injuries.

We are now about to part—many, very many of us, never to meet again. Let us separate as social, moral beings should separate—as friends, as brothers. May the honor of this House, and the honor of this nation, be the paramount ambition of us all. No matter what may be our future destiny—whether in private or public life—let all the ends we aim at be our country's, God's, and Truth's.

With cordial wishes for your health and happiness, and fervent prayers for the peace, prosperity, and lasting liberty of our common country, I pronounce this House adjourned without day.

The address was received with loud expressions of gratification.

And the House, *sine die*, adjourned.

THE END.

CONGRESSIONAL GLOBE.

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27TH CONG.....3D SESS. SATURDAY, MARCH 11, 1843. VOLUME 12....No. 26.

REPORT

OF THE CLERK OF THE HOUSE OF REPRESENTATIVES OF THE U. S.,

In compliance with the "Act to authorize the appointment of additional paymasters, and for other purposes," passed July 4, 1836.

OFFICE OF THE HOUSE OF REPS. U. S.,
March 3, 1843.

In obedience to the 6th section of the "Act to authorize the appointment of additional paymasters, and for other purposes," passed July 4, 1836, which requires "the Secretary of the Senate and the Clerk of the House of Representatives, as soon as may be after the close of each session of Congress, to publish a statement of all appropriations made during the session; and also a statement of the new offices created, and the salaries of each, and also a statement of the offices the salaries of which are increased, and the amount of such increase," the Clerk of the House of Representatives submits the accompanying statements.

MW. ST. CLAIR CLARKE,
Clerk Ho. of Reps.

Statement of appropriations made for the half calendar year ending 30th June, 1843, and the fiscal year ending 30th June, 1844, during the 3d session of the 27th Congress of the United States of America, commencing December 5, 1842, and ending March 3, 1843.

H. R. No. 615. *For the civil and diplomatic expenses of Government for the half calendar year ending the thirtieth day of June, eighteen hundred and forty-three.*

For compensation and mileage of Senators and Members of the House of Representatives and delegates from the Territories		$366,888
For compensation of the officers and clerks of the Senate and House of Representatives		20,274
For stationery, fuel, printing, and all other incidental and contingent expenses of the Senate		35,000
For stationery, fuel, printing, and all other incidental and contingent expenses of the House of Representatives		125,000
For compensation of the principal and two assistant librarians and messenger of the Library of Congress		2,250
For contingent expenses of said library		400
For purchase of books for said library		2,600
For purchase of law books for said library		500
For compensation of the President of the United States		12,500
DEPARTMENT OF STATE.		
For compensation of the Secretary of State, and the clerks, messenger, and assistant messenger in this department		13,150
For incidental and contingent expenses of said department, including publishing and distributing the laws		12,650
For compensation of the superintendent and three watchmen of the northeast executive building		672 50
For contingent expenses of said building, viz:		
For labor		600
For fuel and light		700
For miscellaneous items		350
TREASURY DEPARTMENT.		
For compensation of the Secretary of the Treasury, and the clerks, messenger, and assistant messenger in his office		13,925
For compensation of the First Comptroller, and the clerks, messenger, and assistant messenger in his office		11,475
For compensation of the Second Comptroller and the clerks and messenger in his office		7,625
For compensation of the First Auditor and the clerks and messenger in his office		9,950
For compensation of the Second Auditor and the clerks and messenger in his office		10,705 49
For compensation of the Third Auditor and the clerks, messenger, and assistant messenger in his office		19,175
For compensation of the Fourth Auditor and the clerks and messenger in his office		10,075
For compensation of the Fifth Auditor and the clerks and messenger in his office		7,400
For compensation of the Treasurer of the United States and the clerks and messenger in his office		6,875
For compensation of the Register of the Treasury, and the clerks, messenger, and assistant messenger in his office		14,300
For compensation of the Commissioner of the General Land Office, and the recorder, solicitor, draughtsman, assistant draughtsman, clerks, messenger, and packers in his office,		49,250
For compensation of the Solicitor of the Treasury, and the clerks and messenger in his office		6,200
For the incidental and contingent expenses of the Treasury Department, viz:		
In the office of the Secretary of the Treasury:		
For blank-books, binding and stationery		1,750
For newspapers and periodicals		50
For labor		75
For extra clerk-hire		750
For printing, (including the printing of the public accounts,)		1,275
For sealing ship registers		50
For miscellaneous items		350
For translating foreign languages		75
In the office of the First Comptroller:		
For blank books, binding, and stationery		500
For labor		225
For extra clerk-hire		225
For miscellaneous items		150
In the office of the Second Comptroller:		
For blank books, binding, and stationery		350
For labor		100
For extra clerk-hire		200
For miscellaneous items		100
In the office of the First Auditor:		
For blank books, binding, and stationery		250
For labor		100
For extra clerk-hire		100
For miscellaneous items		50
In the office of the Second Auditor:		
For blank books, binding, and stationery		150
For labor		125
For extra clerk-hire		150
For miscellaneous items		50
In the office of the Third Auditor:		
For blank books, binding, and stationery		150
For labor		125
For extra clerk-hire		150
For miscellaneous items		50
In the office of the Fourth Auditor:		
For blank books, binding, and stationery		300
For labor		25
For extra clerk-hire		50
For printing		20
For miscellaneous items		100
In the office of the Fifth Auditor:		
For blank books, binding, and stationery		125
For labor		62 50
For extra clerk-hire		25
For miscellaneous items		62 50
In the Treasurer's office:		
For miscellaneous items		187 50
In the Solicitor's office:		
For blank books, binding, and stationery		250
For labor		50
For extra clerk-hire		200
In the Register's office:		
For blank books, binding, and stationery		500
For labor		175
For printing		250
For miscellaneous items		500
In the General Land Office:		
For blank books, binding, stationery, and parchments		6,000
For labor		250
For printing		2,000
For miscellaneous items		500
For compensation of the superintendent and eight watchmen of the south-east executive building		1,700
For contingent expenses of said building, viz:		
For labor		1,100
For fuel and light		1,350
For miscellaneous items		350
WAR DEPARTMENT.		
For compensation of the Secretary of War, and the clerks, messenger, and assistant messenger in his office		9,675
For compensation of the Commissioner of Indian Affairs, and the clerks, messenger, and assistant messenger in his office		9,700
For compensation of the Commissioner of Pensions, and the clerks and messenger in his office		7,650
For compensation of the clerk and messenger in the office of the Commanding General		750
For compensation of the clerks and messenger in the office of the Adjutant General		3,825
For compensation of the clerks and messenger in the office of the Quartermaster General		4,650
For compensation of the clerks and messenger in the office of the Paymaster General		2,550
For compensation of the clerks and messenger in the office of Clothing and Equipage at Philadelphia		2,100
For compensation of the clerks and messenger in the office of the Commissary General of Subsistence		2,650
For compensation of the clerks and messenger in the office of the Chief Engineer		2,825
For compensation of the clerks and messenger in the office of the Surgeon General		1,325
For compensation of the clerks and messenger in the office of the Colonel of Ordnance		4,325
For compensation of the clerks and messenger in the Bureau of Topographical Engineers		2,450
For compensation of the superintendent and four watchmen of the northwest executive building		855
For contingent expenses of War Department, viz:		
In the office of the Secretary of War:		
For blank books, binding, and stationery		300
For newspapers and periodicals		125
For labor		150
For printing		150
For miscellaneous items		275
For books, maps, and plans		500
For extra clerk-hire		1,500
In the office of the Commissioner of Indian Affairs:		
For blank books, binding, and stationery		300
For labor		25
For miscellaneous items		175

In the office of the Commissioner of Pensions:
For blank books, binding, and stationery - - - - - 250
For printing - - - - - 200
For fuel - - - - - 75
For miscellaneous items - - 225
In the office of the Commanding General:
For miscellaneous items - - 150
In the office of the Quartermaster General:
For blank books, binding, and stationery - - - - - 150
For labor - - - - - 50
For printing - - - - - 50
For miscellaneous items - - 50
In the office of the Chief Engineer:
For blank books, binding, and stationery - - - - - 200
For printing - - - - - 50
For miscellaneous items - - 150
In the office of the Colonel of Ordnance:
For blank books, binding, and stationery - - - - - 200
For printing - - - - - 50
For miscellaneous items - - 150
In the Bureau of Topographical Engineers:
For blank books, binding, and stationery - - - - - 200
For labor - - - - - 50
For miscellaneous items - - 350
For the northwest executive building:
For labor - - - - 200
For fuel and light - - - 1,000
For miscellaneous items - - 800

NAVY DEPARTMENT.

For compensation of the Secretary of the Navy, and the clerks, messenger, and assistant messenger in his office - - - - 9,675
For contingent expenses of said office, including blank books, binding, stationery, extra clerk-hire, printing, labor, miscellaneous items, and newspapers and periodicals - 2,300
For compensation of the chief of Bureau of Navy-yards and Docks, and the draughtsman, clerks, and messenger in his office - - - 4,200
For the contingent expenses of Bureau of Navy-yards and Docks - 250
For compensation of the chief of Bureau of Construction, Equipment, and Repair, and the assistant constructor, clerks, and messenger in his office - - - - 4,550
For contingent expenses of said bureau, including blank books, stationery, printing, labor, and miscellaneous items - - - 250
For compensation of the chief of Bureau of Provisions and Clothing, and the clerks and messenger in his office - - - - 3,650
For contingent expenses of said bureau, including blank books, stationery, binding, and miscellaneous items - - - - 250
For compensation of the chief of Bureau of Ordnance and Hydrography, and the draughtsman, clerks, and messenger in his office - 4,700
For contingent expenses of said bureau - - - - 250
For compensation of the chief of Bureau of Medicine and Surgery, and the clerks and messenger in his office - - - - - 2,600
For contingent expenses of said bureau, including blank books, binding, stationery, and miscellaneous items - - - - 450
For compensation of the superintendent and three watchmen of the southwest executive building - - 668
For contingent expenses of said building, viz:
For labor - - - - 162
For fuel and lights - - - 675
For miscellaneous items - - 575

POST OFFICE DEPARTMENT.

For compensation of the Postmaster General, and the three Assistant Postmasters General, and the clerks, messenger, and three assistant messengers, and two watchmen, of the Post Office Department - - 37,150
For contingent expenses of said department, viz:
For blank books, binding, and stationery - - - - - 500
For newspapers and periodicals - 100
For fuel and oil - - - 1,500
For printing - - - - 200
For labor - - - - 400
For one day-watchman - - 180
For compensation of temporary clerks - - - - 1,750
For compensation of the Auditor for the Post Office Department, and the clerks, messenger, and assistant messenger in his office - - 42,850
For contingent expenses of said office, viz:
For blank books, binding, and stationery - - - - - 1,000
For printing blanks - - - 400
For labor - - - - 500
For miscellaneous items - - 200

SURVEYORS AND THEIR CLERKS.

For compensation of the surveyor general northwest of the Ohio, and the clerks in his office - - 4,150
For compensation of the surveyor general in Illinois and Missouri, and the clerks in his office - - 2,910
For compensation of the surveyor general in Arkansas, and the clerks in his office - - - - 2,150
For compensation of the surveyor general in Louisiana, and the clerks in his office - - - - 2,250
For compensation of the surveyor general in Mississippi, and the clerks in his office - - - 3,500
For compensation of the surveyor general in Alabama, and the clerks in his office - - - - 2,000
For compensation of the surveyor general in Florida, and the clerks in his office - - - - 2,750
For compensation of the surveyor general in Wisconsin and Iowa, and the clerks in his office - - 1,750
For compensation of the secretary to sign patents for public lands - 750
For compensation of the Commissioner of Public Buildings in Washington city, and the three assistants as draw-keepers at the Potomac bridge, including oil, firewood, and repairs, 2,325

UNITED STATES MINT AND BRANCHES.

For compensation of the officers and workmen of the mint at Philadelphia, viz:
For the director - - - 1,750
For the treasurer - - - 1,000
For the chief coiner - - - 1,000
For the assayer - - - 1,000
For the melter and refiner - - 1,000
For the engraver - - - 1,000
For the assistant assayer - - 650
For four clerks - - - 2,200
For wages to workmen - - 12,000
For specimens of bres and coins to be reserved at said mint - - 300
For compensation of the officers and workmen of the branch mint at Charlotte, in North Carolina, viz:
For the superintendent - - 1,000
For the assayer - - - 750
For the coiner - - - 750
For the clerk - - - - 500
For wages to workmen - - 1,750
For compensation of the officers and workmen of the branch mint at Dahlonega, Georgia, viz:
For the superintendent - - 1,000
For the assayer - - - 750
For the coiner - - - 750
For the clerk - - - - 500
For wages to workmen - - 1,440
For incidental and contingent expenses of said branch, including fuel, materials, stationery, taxage, and wastage of gold - - 675
For compensation of the officers and workmen of the branch mint at New Orleans, viz:
For the superintendent - - 1,250
For the treasurer - - - 1,000
For the coiner - - - 1,000
For the assayer - - - 1,000
For the melter and refiner - - 1,000
For two clerks - - - 1,200
For wages to workmen - - 10,000
For incidental and contingent expenses of said branch, including fuel, stationery, materials, and wastage of gold and silver - 8,000

GOVERNMENTS IN THE TERRITORIES OF THE UNITED STATES.

For compensation of the officers of Wisconsin Territory, viz:
For Governor - - - 1,250
For three judges - - - 2,700
For secretary - - - 600
For contingent expenses of said Territory - - - - 175
For compensation and mileage of the members of the Legislative Assembly of said Territory, pay of officers, printing, stationery, fuel, furniture, and all other incidental and miscellaneous objects - - 19,375
For compensation of the officers of Iowa Territory, viz:
For Governor - - - 1,250
For three judges - - - 2,700
For secretary - - - - 600
For contingent expenses of said Territory - - - - 175
For compensation of the officers of Florida Territory, viz:
For Governor - - - 1,250
For five judges - - - 4,750
For secretary - - - - 750
For contingent expenses of said Territory - - - - 175
For compensation and mileage of the members of the Legislative Council of said Territory, pay of officers, stationery, fuel, printing, and all other incidental and miscellaneous objects, including the private secretary of the executive office - 27,125

JUDICIARY.

For compensation of the officers of the Judiciary, viz:
For the Chief Justice of the Supreme Court - - - - 3,500
For eight associate judges of said court - - - - 18,000
For the district judge of Maine - 900
For the district judge of New Hampshire - - - - 500
For the district judge of Massachusetts - - - - 1,250
For the district judge of Vermont - 600
For the district judge of Rhode Island - - - - 750
For the district judge of Connecticut 750
For the district judge of New York, northern district - - - 1,000
For the district judge of New York, southern district, - - - 1,750
For the district judge of New Jersey 750
For the district judge of Pennsylvania, eastern district - - 1,250
For the district judge of Pennsylvania, western district - - 900
For the district judge of Delaware - 750
For the district judge of Maryland - 1,000
For the district judge of Virginia, eastern district - - - 900
For the district judge of Virginia, western district - - - 800
For the district judge of Kentucky - 750
For the district judge of Tennessee 750
For the district judge of Ohio - 500
For the district judge of North Carolina - - - - 1,000
For the district judge of South Carolina - - - - 1,250
For the district judge of Georgia - 1,250
For the district judge of Louisiana - 1,500

For the district judge of Mississippi	1,000
For the district judge of Indiana	500
For the district judge of Illinois	500
For the district judge of Alabama	1,250
For the district judge of Missouri	600
For the district judge of Michigan	750
For the district judge of Arkansas	1,000
For the chief justice of the District of Columbia	1,350
For two associate judges of said District	2,500
For the judge of the criminal court of said District	1,000
For the judge of the orphans' court of Washington county, in said District	500
For the judge of the orphans' court of Alexandria county, in said District	500
For the attorney general of the United States, and the clerk and messenger in his office, and the contingent expense thereof	3,000
For the reporter of the decisions of the Supreme Court	650
For the district attorney of Maine	100
For the district attorney of New Hampshire	100
For the district attorney of Massachusetts	100
For the district attorney of Vermont	100
For the district attorney of Rhode Island	100
For the district attorney of Connecticut	100
For the district attorney of New York, northern district	100
For the district attorney of New Jersey	100
For the district attorney of Pennsylvania, eastern district	100
For the district attorney of Pennsylvania, western district	100
For the district attorney of Delaware	100
For the district attorney of Maryland	100
For the district attorney of Virginia, eastern district	100
For the district attorney of Virginia, western district	100
For the district attorney of Tennessee, eastern district	100
For the district attorney of Tennessee, western district	100
For the district attorney of Tennessee, Jackson district	100
For the district attorney of Kentucky	100
For the district attorney of Ohio	100
For the district attorney of North Carolina	100
For the district attorney of South Carolina	100
For the district attorney of Georgia	100
For the district attorney of Louisiana, eastern district	300
For the district attorney of Louisiana, western district	100
For the district attorney of Mississippi, northern district	100
For the district attorney of Mississippi, southern district	100
For the district attorney of Indiana	100
For the district attorney of Illinois	100
For the district attorney of Alabama, northern district	100
For the district attorney of Alabama, southern district	100
For the district attorney of Missouri	100
For the district attorney of Michigan	100
For the district attorney of Arkansas	100
For the district attorney of Florida, eastern district	100
For the district attorney of Florida, middle district	100
For the district attorney of Florida, western district	100
For the district attorney of Florida, southern district	100
For the district attorney of Florida, Apalachicola district	100
For the district attorney of Wisconsin	125
For the district attorney of Iowa	100
For the marshal of the district of Maine	100
For the marshal of the district of New Hampshire	100
For the marshal of the district of Vermont	100
For the marshal of the district of Rhode Island	100
For the marshal of the district of Connecticut	100
For the marshal of the district of New York, northern district	100
For the marshal of the district of New Jersey	100
For the marshal of the district of Pennsylvania, western district	100
For the marshal of the district of Delaware	100
For the marshal of the district of Virginia, eastern district	100
For the marshal of the district of Virginia, western district	100
For the marshal of the district of North Carolina	200
For the marshal of the district of Kentucky	100
For the marshal of the district of Ohio	100
For the marshal of the district of Tennessee, eastern district	100
For the marshal of the district of Tennessee, western district	100
For the marshal of the district of Tennessee, Jackson district	100
For the marshal of the district of Louisiana, eastern district	100
For the marshal of the district of Louisiana, western district	100
For the marshal of the district of Mississippi, southern district	100
For the marshal of the district of Mississippi, northern district	100
For the marshal of the district of Indiana	100
For the marshal of the district of Illinois	100
For the marshal of the district of Alabama, northern district	100
For the marshal of the district of Alabama, southern district	100
For the marshal of the district of Missouri	100
For the marshal of the district of Michigan	100
For the marshal of the district of Arkansas	100
For the marshal of the district of Florida, eastern district	100
For the marshal of the district of Florida, middle district	100
For the marshal of the district of Florida, western district	100
For the marshal of the district of Florida, southern district	100
For the marshal of the district of Florida, Apalachicola district	100
For the marshal of the district of Wisconsin	100
For the marshal of the district of Iowa	100
For defraying the expenses of the Supreme, Circuit, and District Courts of the United States, including the District of Columbia; also, for jurors and witnesses, in aid of the funds arising from fines, penalties, and forfeitures incurred in the year eighteen hundred and forty-three and preceding years; and likewise for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offences committed against the United States, and for the safekeeping of prisoners, including expenses under the bankrupt law	238,000

MISCELLANEOUS.

Annuities and grants:	
To Josiah H. Webb	25
To Rachael Dohrman	150
To Elizabeth C. Perry	200
For compensation of the two keepers of the public archives in Florida	500
For expenses attending the preparation of the results and account of the exploring expedition, for the publication thereof, ordered by Congress	20,000
For the support and maintenance of the penitentiary of the District of Columbia	6,690 84
To make good a deficiency in the eighteen months ending the thirtieth of June, eighteen hundred and forty-three, and estimated deficiency in the year ending on the thirtieth of June, eighteen hundred and forty-four, in the fund for the relief of sick and disabled seamen, as established by the acts of the third of May, eighteen hundred and three	58,500
For carrying on the work of the new custom-house building at Boston	25,000
For the discharge of such miscellaneous claims not otherwise provided for, as shall be admited in due course of settlement at the Treasury	6,000

LIGHT-HOUSE ESTABLISHMENT.

For supplying the light-houses, containing two thousand six hundred and seventy eight lamps, with oil, tube glasses, wick, buffskins, whiting, and cotton cloth, transportation and keeping apparatus in order	52,595 15
For repairs, refitting, and improvements of light-houses, and buildings connected therewith	38,633 01
For compensation of two hundred and thirty-six keepers of light-houses, eighteen of them being charged with double lights, and one with three	46,969
For compensation of thirty keepers of floating lights	8,000
For seamen's wages, repairs, and supplies of thirty floating lights	31,536 14
For weighing, mooring, cleansing, repairing, and supplying the loss of beacons, buoys, chains, and sinkers	10,456 14
For expenses of examining annually and reporting the condition of the light-houses	4,000
For superintendents' commissions, at two and one-half per cent.	4,804 73

INTERCOURSE WITH FOREIGN NATIONS.

For salaries of the ministers of the United States to Great Britain, France, Russia, Prussia, Austria, Spain, Mexico, and Brazil	36,000
For salaries of the secretaries of legation to the same places	8,000
For salaries of the Chargés des Affaires to Portugal, Denmark, Sweden, Holland, Belgium, Chili, Peru, Venezuela, New Granada, Texas, Naples, and Sardinia	27,000
For salary of the minister resident to Turkey	3,000
For salary of a dragoman to the legation at Turkey	1,250
For the contingent expenses of all the missions abroad	15,000
For the contingent expenses of foreign intercourse	15,000
For the salary of the consul to London	1,000
For the relief and protection of American seamen in foreign countries	25,000
For clerk-hire, office rent, and other expenses of the office of the American consul at London	1,400
For the expenses of intercourse with the Barbary powers	7,500
	$1,870,172 50

H. R. 804. *For the civil and diplomatic expenses of Government for the fiscal year ending the thirtieth day of June, eighteen hundred and forty-four.*

For compensation and mileage of Senators and members of the House of Representatives and Delegates from the Territories	$638,320
For compensation of the officers and clerks of the Senate and House of Representatives	39,557 50
For stationery, fuel, printing, and all other incidental and contingent expenses of the Senate	60,000

For stationery, fuel, printing, and all other incidental and contingent expenses of the House of Representatives - - - - - 175,000
For compensation of the principal and two assistant librarians, and messenger of the Library of Congress 4,500
For contingent expenses of said library 800
For purchase of books for said library 5,000
For purchase of law books for said library - - - - 1,000
For laying floor of principal library room with hydraulic cement - 225
For compensation of the President of the United States - - - 25,000

DEPARTMENT OF STATE.

For the compensation of the Secretary of State, and the clerks, messenger, and assistant messenger in his department - - - 26,300
For contingent expenses of said department, viz:
For publishing, packing, and distributing the laws, and packing and distributing documents, including proof-reading, labor, boxes, and transportation - - - 9,000
For stationery, blank books, and bookbinding - - - - 2,000
For labor and attendance - - 1,500
For furniture and fixtures, repairs, painting, and glazing - - 1,800
For extra clerk-hire and copying - 2,000
For printing, letter-press and copperplate, and advertising - - 1,500
For newspapers - - - 200
For books and maps - - - 1,000
For the payment of all claims which Thomas Allen has against the United States for printing twenty thousand copies of "the Compendium or the Abridgment of the Sixth Census, by counties and principal towns, together with the tables of apportionment, as prepared at the State Department, for the use of Congress" 15,849 64
For the payment of all claims which Blair & Rives have against the United States for printing ten thousand copies of the same document 8,924 82
For miscellaneous items - - 1,000
To defray the expenses of distributing the remaining numbers of the Census and Statistics, according to a resolution of Congress - - 2,500
For compiling, printing, and binding the Biennal Register - - 3,000
For compensation of the superintendent and three watchmen of the northeast executive building - 1,345
For contingent expenses of said building, viz:
For labor - - - - 1,200
For fuel and light - - - 1,400
For miscellaneous items - - 700

TREASURY DEPARTMENT.

For compensation of the Secretary of the Treasury, and the clerks, messenger, and assistant messenger in his office - - - 27,850
For compensation of the First Comptroller, and the clerks, messenger, and assistant messenger, in his office - - - - 22,950
For compensation of the Second Comptroller, and the clerks and messenger in his office - - 15,250
For compensation of the First Auditor, and the clerks and messenger in his office - - - - 19,000
For compensation of the Second Auditor, and the clerks and messenger in his office - - - 20,900
For compensation of the Third Auditor, and the clerks, messenger, and assistant messenger in his office - 38,350
For compensation of the Fourth Auditor, and the clerks and messenger in his office - - - 20,150
For compensation of the Fifth Auditor, and the clerks and messenger in his office - - - - 14,800
For compensation of the Treasurer of the United States, and the clerks and messenger in his office - - 13,750
For compensation of the Register of the Treasury, and the clerks, messenger, and assistant messenger in his office - - - - 28,600
For compensation of the Commissioner of the General Land Office, and the recorder, solicitor, draughtsman, assistant draughtsman, clerks, messengers, and packers in his office - - - - 98,500
For compensation of the Solicitor of the Treasury, and the clerks and messenger in his office - - 12,400
For the incidental and contingent expenses of the Treasury Department, viz:
In the office of the Secretary of the Treasury:
For blank books, binding, and stationery - - - - - 3,500
For newspapers and periodicals - 100
For labor - - - - 150
For extra clerk hire - - 1,500
For printing, (including the printing of the public accounts) - - 2,550
For sealing ship registers - - 100
For miscellaneous items - - 700
For translating foreign languages - 150
In the office of the First Comptroller:
For blank books, binding, and stationery - - - - - 1,000
For payment of arrears for binding and printing, incurred previous to the year eighteen hundred and forty-two - - - - - 700
For paying for the printing of circulars and forms under the late tariff act - - - - - 600
For labor - - - - 450
For extra clerk-hire - - - 250
For miscellaneous items - - 400
In the office of the Second Comptroller:
For blank books, binding, and stationery - - - - 700
For labor - - - - 200
For extra clerk-hire - - - 400
For miscellaneous items - - 200
In the office of the First Auditor:
For blank books, binding, and stationery - - - - 500
For assistant messenger - - 350
For miscellaneous items - - 150
In the office of the Second Auditor:
For blank books, binding, and stationery - - - - 450
For labor - - - - 250
For extra clerk-hire - - - 150
For miscellaneous items, including printing blanks, and one hundred dollars for carpets and other indispensable furniture - - - 250
In the office of the Third Auditor:
For blank books, binding, and stationery - - - - 300
For labor - - - - 250
For extra clerk-hire - - - 300
For miscellaneous items - - 150
In the office of the Fourth Auditor:
For blank books, binding, and stationery - - - - 600
For labor - - - - 50
For extra clerk-hire - - - 100
For printing - - - - 50
For miscellaneous items - - 200
In the office of the Fifth Auditor:
For blank books, binding, and stationery - - - - 325
For labor - - - - 125
For extra clerk-hire - - - 50
For miscellaneous items - - 125
In the Treasurer's office:
For blank books, binding, and stationery - - - - 500
For labor - - - - 375
For printing - - - - 700
For miscellaneous items - - 350
In the Solicitor's office:
For blank books, binding, and stationery - - - - 600
For law books - - - 250
For printing circulars, blank forms for returns of district attorneys, marshals, clerks of courts, and collectors of the customs - - - 300
For labor - - - - 150
For miscellaneous items - - 200
In the Register's office:
For blank books, binding, and stationery - - - - - 1,000
For labor - - - - 350
For printing - - - - 500
For miscellaneous items - - 1,150
For arrears for eighteen hundred and forty-two, for blank books, binding, and stationery - - - 491 15
For arrears for eighteen hundred and forty-two, for printing - - 726 26
In the General Land Office:
For stationery, including blank books and blank forms for the district land offices - - - - 7,500
For fifty thousand pieces of parchment and printing patents - - 7,350
For advertising land sales in newspapers and in handbill form, public notices, and printing circulars - 4,000
For office furniture, and repairs of same - - - - 1,200
For pay of laborers employed in the office - - - - 500
For miscellaneous items - - 780
For compensation to Samuel C. Davidson, for carrying mails of the General Land Office to and from the city post office, from the nineteenth of May to the sixth of September, one thousand eight hundred and forty-two - - - 45 61
For compensation of the superintendent and eight watchmen of the southeast executive building - - 3,400
For contingent expenses of said building, viz:
For labor - - - - 2,200
For fuel and light - - - 3,700
For miscellaneous items - - 1,700
For the purchase of a site and the commencement of the building of a custom-house at Wilmington, North Carolina, in addition to the proceeds of the sale of the present site, if the Secretary of the Treasury shall deem it proper to change the site - - - - - 15,000

WAR DEPARTMENT.

For compensation to the Secretary of War, and the clerks, messenger, and assistant messenger in his office 19,350
For contingent expenses of said office, viz:
For blank books, binding, and stationery - - - - - 600
For newspapers and periodicals - 250
For labor - - - - 300
For printing - - - - 300
For miscellaneous items - - 550
For books, maps, and plans - - 1,000
For extra clerk-hire - - - 3,000
For arrears for newspapers and periodicals prior to twenty-sixth August, one thousand eight hundred and forty-two - - - 250
For compensation of the Commissioner of Indian Affairs, and the clerks, messenger, and assistant messenger in his office - - - - 19,400
For contingent expenses of said office, viz:
For blank books, binding, and stationery - - - - - 600
For labor - - - - 50
For miscellaneous items - - 850
For compensation of the Commissioner of Pensions, and the clerks and messengers in his office, and including five hundred dollars for the half calendar year ending thirtieth June - - - - - 16,000
For contingent expenses of said office, viz:
For blank books, binding, and stationery - - - - - 500
For printing - - - - 400
For fuel - - - - 150
For miscellaneous items - - 450
For compensation of the clerk and

messenger in the office of the Commanding General - - - 1,500
For miscellaneous items for said office - - - - 300
For compensation of the clerks and messenger in the office of the Adjutant General - - - 7,650
For contingent expenses of said office, viz:
For printing Army Register and orders - - - - 400
For blank books, binding, and stationery - - - - 300
For extra clerk-hire - - - - 100
For miscellaneous items, including five hundred and ninety-six dollars and sixteen cents, unexpended balance of former appropriations 600
For compensation of the clerks and messenger in the office of the Quartermaster General - - - 7,300
For contingent expenses of said office, viz:
For blank books, binding, and stationery - - - - - 500
For labor - - - - 200
For printing - - - - 200
For miscellaneous items - - 500
For compensation of the clerks and messenger in the office of the Paymaster General - - - 7,100
For contingent expenses of said office, viz:
For blank books, binding, and stationery - - - - - 200
For fuel - - - - 125
For miscellaneous items - - 400
For compensation of the clerks and messenger in the office of Clothing and Equipage at Philadelphia - 4,200
For compensation of the clerks and messenger in the office of the Commissary General of Subsistence - 5,300
For contingent expenses of said office, viz:
For blank books, binding and stationery - - - - - 200
For extra clerk-hire - - - 200
For printing and advertising - - 800
For labor - - - - 100
For fuel - - - - 100
For miscellaneous items - - 300
For compensation of the clerks and messenger in the office of the Chief Engineer - - - - 5,650
For contingent expenses of said office, viz:
For blank books, binding, and stationery - - - - - 600
For printing - - - - 100
For fuel - - - - 150
For miscellaneous items - - 50
For compensation of the clerks and messenger in the office of the Surgeon General - - - 2,650
For contingent expenses of said office, viz:
For blank books, binding, and stationery - - - - 200
For printing - - - - 50
For fuel - - - - 75
For miscellaneous items - - 150
For compensation of the clerks and messengers in the office of the Colonel of Ordnance - - - 8,650
For contingent expenses of said office, viz:
For blank books, binding, and stationery - - - - - 450
For printing - - - - 80
For fuel - - - - 150
For miscellaneous items - - 150
For compensation of the clerks and messenger in Bureau of Topographical Engineers - - - 4,900
For contingent expenses of said bureau, viz:
For blank books, binding, and stationery - - - - - 400
For labor - - - - 100
For fuel - - - - 250
For miscellaneous items - - 500
For compensation of the superintendent and four watchmen of the north-west executive building - - 1,710
For contingent expenses of said building, viz:
For labor - - - - 400
For fuel and light - - - 2,000
For miscellaneous items - - 1,600

NAVY DEPARTMENT.

For compensation of the Secretary of the Navy, and the clerks, messenger, and assistant messenger in his office - - - - - 19,350
For contingent expenses of said office, viz:
For blank books, binding, and stationery - - - - - 800
For extra clerk-hire - - - 4,000
For printing - - - - 300
For labor - - - - 350
For miscellaneous items - - 350
For newspapers and periodicals - 200
For payment of sundry bills for stationery and newspapers for eighteen hundred and thirty-nine, eighteen hundred and forty, eighteen hundred and forty-one, and eighteen hundred and forty-two - - - - 700
For compensation of the chief of the Bureau of Navy Yards and Docks, and the draughtsman, clerk, and messenger in his office - - 8,400
For contingent expenses of said bureau, viz:
For blank books, binding, and stationery - - - - - 300
For labor - - - - 150
For miscellaneous items - - 50
For compensation of the chief of Bureau of Construction, Equipment, and Repairs, and the assistant constructor, clerks, and messenger in his office - - - - 9,100
For contingent expenses of said bureau, viz:
For blank books and stationery - 200
For miscellaneous items - - 180
For labor - - - - 120
For compensation of the chief of Bureau of Provisions and Clothing, and the clerks and messenger in his office - - - - 7,100
For contingent expenses of said bureau, viz:
For blank books, binding, and stationery - - - - - 400
For miscellaneous items - - 100
For compensation of the chief of Bureau of Ordnance and Hydrography, and the draughtsman, clerk, and messenger in his office - 9,400
For contingent expenses of said bureau, viz:
For blank books and stationery - 260
For miscellaneous items - - 140
For labor - - - - 100
For compensation of the chief of Bureau of Medicine and Surgery, and the clerks and messenger in his office - - - - 5,200
For contingent expenses of said bureau, viz:
For blank books, binding, and stationery - - - - - 400
For miscellaneous items - - 200
For compensation of the superintendent and three watchmen of the southwest executive building - 1,345
For contingent expenses of said building, viz:
For labor - - - - 375
For fuel and lights - - - 1,350
For miscellaneous items - - 1,150
For payment to Isaac Babbitt, of Boston, in execution of a contract made with him by the Secretary of the Navy, for the purchase of Babbitt's "anti-attrition metal," pursuant to the act of Congress of the twenty-ninth of August, eighteen hundred and forty-two - - - - 20,000

POST OFFICE DEPARTMENT.

For compensation of the Postmaster General and the three Assistant Postmasters General, and the clerks, messenger, and three assistant messengers, and two watchmen of the Post Office Department - - 74,300
For contingent expenses of said department, viz:
For blank books, binding, and stationery - 1,800
For newspapers and periodicals - 100
For fuel and oil - - - 2,100
For miscellaneous items - - 800
For printing - - - - 900
For labor - - - - 1,250
For one day watchman - - - 360
For compensation of temporary clerks - 3,000
For blank books, binding, and stationery, furnished between second October, one thousand eight hundred and forty-one, and twentieth August, one thousand eight hundred and forty-two - 643 04
For blank books, binding, and stationery, furnished between the first of April, eighteen hundred and forty, and twenty fourth of May, eighteen hundred and forty-one - - - 1,556
For advertising done in the years eighteen hundred and thirty-nine and eighteen hundred and forty - - - - 102 48
For newspapers subscribed for prior to September, eighteen hundred and forty-one - 150
For compensation of the Auditor of the Post Office Department, and the clerks, messenger, and assistant messenger in his office - - 86,700
For contingent expenses of said office, viz:
For blank books, binding, and stationery - 650
For printing blanks - - - 1,130
For labor - - - - 2,869
For miscellaneous items - - - 650

SURVEYORS AND THEIR CLERKS.

For compensation of the surveyor general northwest of the Ohio, and the clerks in his office - 8,300
For compensation of the surveyor general in Illinois and Missouri, and the clerks in his office - 5,820
For compensation of the surveyor general in Arkansas, and the clerks in his office - - 4,300
For compensation of the surveyor general in Louisiana, and the clerks in his office - - 4,500
For compensation of the surveyor general in Mississippi, and the clerks in his office - - 7,000
For compensation of the surveyor general in Alabama, and the clerks in his office - - 4,000
For compensation of the surveyor general in Florida, and the clerks in his office - - 5,500
For compensation of the surveyor general in Wisconsin and Iowa, and the clerks in his office - 3,100
For extra clerks in the offices of the surveyors general, to be apportioned to them according to the exigencies of the public service, and including the existing undrawn balance of two hundred and ten dollars and seventy seven cents, from thirtieth December, eighteen hundred and forty-two, to the thirtieth June, eighteen hundred and forty-four - - - 21,000
For compensation of the secretary to sign patents for public lands - - - 1,500
For compensation of the Commissioner of Public Buildings in Washington city, and the three assistants, as draw-keepers at the Potomac bridge, including oil, firewood, and repairs - 4,000

UNITED STATES MINT AND BRANCHES.

For compensation of the officers and workmen of the mint at Philadelphia, viz:
For the director - - - 3,500
For the treasurer - - - 2,000
For the chief coiner - - - 2,000
For the assayer - - - 2,000
For the melter and refiner - - 2,000
For the engraver - - - 2,000
For the assistant assayer - - - 1,800
For four clerks - - - - 4,400
For wages to workmen - - - 24,000
For incidental and contingent expenses, including the wastage of gold and silver, fuel, materials, stationery, water, rent, and taxes - 7,973
For specimens of ores and coins to be reserved at said mint - - - 300
For compensation of the officers and workmen of the branch mint at Charlotte, in North Carolina, viz:
For the superintendent - - - 2,000
For the assayer - - - 1,500
For the coiner - - - 1,500
For the clerk - - - - 1,000
For wages to workmen - - - 3,500
For incidental and contingent expenses, including fuel, materials, stationery, taxes, and wastage of gold - - - 1,500
For compensation of the officers and workmen of the branch mint at Dahlonega, in Georgia, viz:
For the superintendent - - - 2,000
For the assayer - - - 1,500
For the coiner - - - 1,500
For the clerk - - - - 1,000
For wages to workmen - - - 2,880
For incidental and contingent expenses of said branch, including fuel, materials, stationery, taxes, and wastage of gold - - 1,350
For compensation of the officers and workmen of the branch mint at New Orleans, viz:
For the superintendent - - - 2,500
For the treasurer - - - 2,000
For the coiner - - - - 2,000
For the assayer - - - 2,000
For the melter and refiner - - 2,000
For two clerks - - - - 2,400
For wages to workmen - - - 28,000
For incidental and contingent expenses of said branch, including fuel, materials, stationery, and wastage of gold and silver - 15,000

GOVERNMENTS IN THE TERRITORIES OF THE UNITED STATES.

For compensation of the officers of Wisconsin Territory, viz:
For governor - - - - 2,500
For three judges - - - 5,400
For secretary - - - - 1,200

For contingent expenses of said Territory . 350
For compensation and mileage of the members of the Legislative Assembly of said Territory, pay of officers, printing, stationery, fuel, furniture, postage, and all other incidental and miscellaneous objects . . . 17,275
For compensation of the officers of Iowa Territory, viz:
For governor 2,500
For three judges 5,400
For secretary 1,200
For contingent expenses of said Territory . 350
For compensation and mileage of the members of the Legislative Assembly of said Territory, pay of officers, printing, stationery, fuel, furniture, postage, candles, and all other incidental and miscellaneous objects . . . 20,175
For compensation of the officers of Florida Territory, viz:
For governor 2,500
For five judges 9,500
For secretary 1,500
For contingent expenses of said Territory . 350
For compensation and mileage of the members of the Legislative Council of said Territory, pay of officers, stationery, fuel, printing, and all other incidental and miscellaneous objects . . 27,125

JUDICIARY.

For the salaries of the Chief Justice and the associate justices of the Supreme Court, and the judges of the several districts of the United States 93,900
For the Attorney General of the United States, and the clerk and messenger in his office . 6,500
For contingent expenses of said office . 500
For the salaries of the chief justice of the District of Columbia, the associate judges, the judges of the criminal court and the orphans' courts of said District 11,700
For the reporter of the decisions of the Supreme Court, including arrears of eighteen hundred and forty-two 1,350
For the salaries of the district attorneys of the several districts and Territories of the United States, as prescribed by law . . 8,480
For the arrears of the salaries of the district attorneys of Maryland and Massachusetts, for the year one thousand eight hundred and forty-two 400
For the salaries of the marshals of the several districts and Territories of the United States, as prescribed by law . . . 7,200
For defraying the expenses of the Supreme, circuit, and district courts of the United States, including the District of Columbia; also, for jurors and witnesses, in aid of the funds arising from fines, penalties, and forfeitures, incurred in the year eighteen hundred and forty-four and preceding years; and likewise for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offences committed against the United States, and for the safekeeping of prisoners, including expenses under the bankrupt law . . 373,000

MISCELLANEOUS.

Annuities and grants:
To Josiah H. Webb . . . 50
To Rachel Dohrman . . . 300
To Elizabeth C. Perry . . 400
For survey of the coast of the United States, including compensation to superintendent and assistants 100,000
For compensation of the two keepers of the public archives in Florida . . . 1,000
For expenses in relation to the relief of certain insolvent debtors of the United States . 2,000
For the support and maintenance of the penitentiary of the District of Columbia . . 5,000
For repairing the cellar of the public store-house in the city of Baltimore, in such manner as to prevent the admission of water into the same . 4,000
For repairs of the custom-house at Mobile . 5,000
To make good a deficiency in the eighteen months ending the thirtieth day of June, eighteen hundred and forty-three, and estimated deficiency in the year ending on the thirtieth of June, eighteen hundred and forty-four, in the fund for the relief of sick and disabled seamen, as established by the act of the third of May, eighteen hundred and three . . . 25,000
For paying the contractors under contracts made by the Government of the United States for completing the Boston custom-house . . 50,000
For repairing the custom-house and post office buildings at Charleston, South Carolina . 6,000
For registers for ships and vessels, and lists of crews, including cost of new dies and plates . 4,000
For the payment of balances to officers of old internal revenue and direct tax, (being part of the amount carried to the surplus fund thirty-first December, eighteen hundred and thirty eight) . 3,661 90
For payment to Joseph Russ and Stephen J. Roach, in full for labor bestowed and money expended in repairing or constructing a road leading from Pensacola to Tallahassee, in Florida, in pursuance of a settlement of their account under the act approved the seventeenth February, one thousand eight hundred and thirty-six, entitled "An act for the relief of Joseph Russ and Stephen J. Roach" . . . 2,000
For lighting Pennsylvania avenue . . 150
For the compensation of the captain and watchmen for the city of Washington . . 6,700
For contingent expenses for fuel and light for said watch 300
For payment of the books ordered by the resolution of the House of Representatives adopted on the eighth of August, one thousand eight hundred and forty-two . . . 47,162 76
For expenses incurred prior to January first, one thousand eight hundred and forty-three, for clerk hire, wages of porter, and stationery, of the commissioners under the act of July seven, one thousand eight hundred and thirty-eight, "to remit duties on certain goods destroyed by fire" 1,337 99
For the balance due to the late commercial agent at St. Christopher's, for disbursements for the relief and protection of distressed American seamen 5,866 08
For enabling the Secretary of the Treasury to procure the necessary manual for the several custom-houses, together with the necessary instruments and apparatus to ascertain the relative quantity of saccharine matter in the different kinds of sugar, agreeably to the resolution of the House of Representatives adopted on the twenty first of July, one thousand eight hundred and forty two 6,200
For the balance due on the second volume of the Documentary History of the American Revolution 6,826
For the third volume of the Documentary History of the American Revolution . . . 27,650
For completing the indexing of the public documents connected with the office of the First Comptroller and the office of the Secretary of the Treasury 800
For paying balance of expenses in full for negotiating the loans authorized by the acts of twenty first July, eighteen hundred and forty-one, and fifteenth April, eighteen hundred and forty-two 10,000

PATENT OFFICE.

For the purchase of such scientific books as are necessary for the use of the Patent Office . 1,200
For the collection of agricultural statistics, and for other agricultural purposes . . . 2,000
To defray the expenses of taking care of and preserving the botanical and horticultural specimens brought home by the squadron of the exploring expedition, under the direction and control of the Joint Committee on the Library . 1,200
For the removal of the statue of Washington from its present position, and permanently placing the same on a proper pedestal, and covering it temporarily in the enclosed and cultivated public grounds east of the Capitol, directly in front of the main entrance and steps of the east front of the Capitol, as suggested in the report of the Joint Committee on the Library, and in the letter of Mr. Greenough, dated February third, one thousand eight hundred and forty-three, referred to and reported by said committee in connexion with the memorial of Horatio Greenough, under the direction and supervision of the said Greenough 5,000

LIGHT-HOUSE ESTABLISHMENT.

For supplying the light-houses, containing two thousand six hundred and seventy eight lamps, with oil, tube glasses, wicks, buffskins, whiting, and cotton cloth, transportation, and keeping apparatus in order . . . 105,190 30
To reimburse the Chamber of Commerce at Philadelphia the expense incurred by them in continuing the light on the breakwater near Cape Henlopen 860
For repairs, refitting, and improvements of light-houses, and buildings connected therewith . 99,871 42
For compensation of two hundred and thirty-six keepers of light-houses, eighteen of them being charged with double lights, and one with three 93,936 00
For compensation of thirty keepers of floating lights 16,000
For seamen's wages, repairs, and supplies of thirty floating lights . . . 66,420 84
For weighing, mooring, cleansing, repairing, and supplying the loss of beacons, buoys, chains, and sinkers 24,613 64
For rebuilding the beacon at Black Rock, Connecticut 10,000
For expenses of examining annually, and reporting the condition of light-houses . . 4,000
For superintendents' commissions, at two and one-half per cent 10,250 85
For the completion of the repairs of the Potomac bridge 3,500

SURVEYS OF PUBLIC LANDS.

For completing the survey of private land claims in Alabama, and their connexion with the adjacent public lands, at a rate not exceeding eight dollars per mile, being in addition to the appropriation made for a similar object by the act of April sixth, one thousand eight hundred and thirty-eight; and including a deficiency in the existing appropriation of three thousand three hundred and seventeen dollars and seventy-six cents, to pay for work already completed and returned 5,800
For completing the retracing of certain old surveys in the State of Mississippi, at a rate not exceeding eight dollars per mile, in addition to the unexpended balance of the appropriation of May eighth, one thousand eight hundred and forty, for the survey of private land claims, and connecting the same with the adjacent public lands south of the 31st degree of latitude, at the same rate 11,100
For completing the surveys in Missouri, in the towns named in the act of May twenty sixth, one thousand eight hundred and twenty-four, in addition to the unexpended balance of the appropriation of March third, one thousand eight hundred and forty-one, for a similar object, and including office work 4,000
For surveying the public lands, in addition to the unexpended balance of former appropriations, to be apportioned to the several surveying districts, according to the exigencies of the public service 40,000
For the survey of small detached tracts, situated in Illinois and Missouri, principally in the military district of Illinois, at a rate not exceeding six dollars per mile, and including office work . 3,000

INTERCOURSE WITH FOREIGN NATIONS.

For salaries of the Ministers of the United States to Great Britain, France, Russia, Prussia, Austria, Spain, Mexico, and Brazil . . . 72,000
For salaries of the Secretaries of Legation to the same places 16,000
For salaries of the Charges des Affaires to Portugal, Denmark, Sweden, Holland, Belgium, Chili, Peru, Venezuela, New Granada, Texas, Naples, and Sardinia 54,000
For outfits of a Minister to France and of a Charge d'Affaires to Denmark . . 13,500
For salary of the Minister resident to Turkey . 6,000
For salary of a dragoman to the legation of Turkey 2,500
For compensation to a Commissioner to the Sandwich Islands 3,000
For the contingent expenses of all the missions abroad 20,000
For the contingent expenses of foreign intercourse 30,000
For the salary of the Consul at London . 2,000
For the salary of a Consul at Beyrout . . 500
For the relief and protection of American seamen in foreign countries 80,000
For clerk-hire, office-rent, and other expenses of the office of the American Consul at London . 2,500
For the expenses of intercourse with the Barbary Powers 15,000
For defraying the expenses attending the conveyance and forwarding, by land, and of the receipt and delivery of mails, letters, and despatches at and between Chagres and Panama, including the compensation of an agent of the United States at each of said places for the above purposes 1,000

POST OFFICE DEPARTMENT.

For the services of the General Post Office for the year commencing on the first day of July, eighteen hundred and forty-three, in conformity to the act of second July, eighteen hundred and thirty-six 4,545,000

Viz: For the transportation of the mail .	3,195,000	
For compensation of postmasters .	920,000	
For ship, steamboat, and way letters .	22,000	
For wrapping paper .	18,000	
For office furniture (for the offices of postmasters) . . .	7,000	
For advertising . . .	32,000	
For mail bags . . .	18,000	
For blanks . . .	30,000	
For mail locks, keys, and stamps .	9,000	
For mail depredations and special agents . . .	28,000	

Provided, That no special, or travelling, or post office agent shall receive a higher compensation than one thousand two hundred and fifty dollars per annum, and, in addition thereto, two dollars per day for his travelling expenses.

For clerks for offices (for the offices of postmasters) . . .	210,000	
For miscellaneous . .	56,000	

Provided, That the President and the Postmaster General shall have the same power to transfer funds from one to another head of appropriation of the foregoing appropriations—made for the service of the General Post Office—as the President and any other head of an Executive department now have to transfer funds appropriated under one head to the service of another, in any other branch of the public service.

MISCELLANEOUS.

For taking down the two old furnaces in the crypt under the rotundo, and building two new ones, cutting out the necessary flues, and doing other work connected therewith, according to a proposition of John Skirving, under date of February first, eighteen hundred and forty-three . 1,454
For constructing two furnaces under each end of the first story of the centre of the Capitol, for warming the rooms and passages upon and above said first story, including the Congress Library room, according to the proposition of John Skirving to the chairman of the Committee on Public Buildings 7,973
For annual repairs of the Capitol, attending furnaces and water closets, lamp-lighting, oil, laborers on the Capitol grounds, tools, keeping iron pipes and wooden fences in order, attending at the western gates, gardener's salary, and top-dressing for plants, for the eighteen months ending thirtieth June, one thousand eight hundred and forty-four 11,981 50
For annual repairs of the President's house, gardener's salary, laborers, tools, and top-dressing for plants for the eighteen months ending thirtieth June, one thousand eight hundred and forty-four 3,734 25
For the amount due for work and materials on the Treasury building, on the General Post Office, and the bridge on Pennsylvania avenue . 7,001 44
For iron railing and gates on the lower terrace of the Treasury building, and tripods and lamps on the blocking in front of the portico . 3,700
For tripods with lamps, for the blocking in front of the General Post Office . . . 200
For repairing damage to iron pipes by freshet . 738 61
For materials and work for bulk-head frames, and doors, and windows, in the cellar of the Capitol, 221

For marble basin at the fountain on the terrace of the Capitol 120
For pay of James Kelly, amount allowed him by the commissioners under the resolution of Congress 50 44
For preparing and publishing charts, and otherwise carrying into effect the act of August twenty six, one thousand eight hundred and forty-two, for publishing an account of the discoveries of the exploring expedition, under the supervision and direction of the Joint Committee on the Library 20,000
H. R. 720. To enable the President of the United States to establish the future commercial relations between the United States and the Chinese empire, on terms of national equal reciprocity . 40,000
H. R. Res. 30. For continuing an additional clerk in the Second Auditor's office one year . 1,000

$8 398,936 42

H. R. 645. *For the support of the army and of the military academy, and for armories, arsenals, arms and munitions of war, and surveys, for the half calendar year ending the thirtieth day of June, one thousand eight hundred and forty-three, and for the fiscal year beginning the first day of July, one thousand eight hundred and forty three, and ending the thirtieth day of June, one thousand eight hundred and forty four.*

For pay of the army for the said half calendar year $268,737 92
And for said fiscal year 1,313,370
For commutation of officers' subsistence for said half calendar year 119,173 40
And for said fiscal year 461,868
For commutation of forage for officers' horses for said half calendar year 31,760 56
And for said fiscal year 101,035
For payments in lieu of clothing for discharged soldiers and officers' servants, for said half calendar yar 29,415
And for said fiscal year 58,830
For subsisteoce in kind for fiscal year 496,465 60
For clothing, camp and garrison equipage, for said fiscal year 100,000
For regular supplies in the quartermaster's department for said half calendar year 30,000
And for said fiscal year 195,080
For barracks, quarters, and storehouses, embracing the repairs and enlargement of barracks, quarters, storehouses, and hospitals; the erection of temporary cantonments and of gun-houses for the protection of cannon; the purchase of tools and materials, and of furniture for the barrack-rooms, rent of quarters for officers, of barracks for troops, where there are no public buildings for their accommodation, of storehouses for the safekeeping of subsistence, clothing, and other military supplies, and of grounds for summer cantonments and encampments for military practice, for said half calendar year 45,000
And for said fiscal year 166,000
For arrearages for completing the quarters and barracks at Fort Severn, Maryland 9,029 53
For the incidental expenses of the quartermaster's department, consisting of postage on public letters and packets, expenses of courts martial and courts of inquiry, including the additional compensation of judge advocates, members, and witnesses; extra pay to soldiers under the act of March second, eighteen hundred and nineteen; expenses of expresses, and of the interment of non-commissioned officers and soldiers; hire of laborers; compensation of clerks in the offices of the quartermasters and assistant quartermasters, at posts where their duties cannot be performed without such aid, and of temporary agents in charge of dismantled works; and to such wagon and forage-masters as it may be necessary to employ under the act of the fifth of July, eighteen hundred and thirty-eight; expenditures necessary to keep the regiments of dragoons and the four companies of light artillery complete, including the purchase of horses to supply the place of those which may be lost and become unfit for service, and the erection of stables, for said fiscal year 115,000
For transportation of officers' baggage, when travelling on duty without troops, for said fiscal year 50,000
For transportation of troops and supplies, viz: Transportation of the army and baggage, freight and ferriages, purchase or hire of horses, mules, oxen, carts, wagons, and boats for purposes of transportation or garrison use; drayage and cartage; hire of teamsters; transportation of funds for the pay department; expense of transport vessels, and of procuring water at such posts as from their situations require it; transportation of clothing from the depot at Philadelphia to the stations of the troops; of subsistence from the places of purchase and delivery, under contracts, to such points as the circumstances of the service may require; of ordnance, ordnance stores, and small arms, from the foundries and armories, to the arsenals, fortifications, and frontier posts, for said fiscal year 170,000
For the current expenses of ordnance service for the said fiscal year 80,000
For armaments of fortifications, including compensation of a competent person to superintend the manufacture of cannon, for the said fiscal year 100,000
For ordnance and ordnance stores for the said fiscal year 75,000
For manufacture of arms at national armories for the said fiscal year 300,000
For repairs, improvements, and new machinery at Springfield armory for the said fiscal year . 25,500
For repairs, improvements, and new machinery at Harper's Ferry armory for the said fiscal year 30,500
For arsenals for the said fiscal year 90,000
For purchase of saltpetre and brimstone for the said fiscal year 40,000
For completing the principal buildings of the arsenal at Charleston, South Carolina, for the said fiscal year 32,000
For expenses of preparing drawings of artillery for the said fiscal year 1,200
For surveys in reference to the military defences of the frontier, inland and Atlantic, for the said fiscal year, including a survey of the direct communication from Albemarle sound to the Atlantic ocean, with a view to re-open a ship channel 15,000
For military and geographical surveys west of the Mississippi for the said half calendar year . 5,000
And for the said fiscal year 15,000
For continuation of the surveys of the northern and north western lakes of the United States for the said fiscal year 30,000
For medical and hospital department for the said half calendar year 9,500
And for the said fiscal year 28,000
For continuing the meteorological observations at the military posts of the United States, under the direction of the Surgeon General, for said fiscal year 2,000
For continuation of improvements on the Missouri, Mississippi, Ohio, and Arkansas rivers for said half year 50,000
And for said fiscal year 100,000
For the support of the military academy for the half calendar year and for the fiscal year aforesaid:
For pay of officers, instructors, cadets, and musicians for the said half calendar year . 30 232
And for the said fiscal year 60,464
For commutation of subsistence for said half calendar year 19 873 80
And for the said fiscal year 40,077
For commutation of forage for officers' horses for said half calendar year 2,592
And for said fiscal year 5,184
For commutation of clothing for officers' servants for said half calendar year 210
And for said fiscal year 420
For the various current and ordinary expenses of the academy, other than pay and subsistence for said half calendar year 11,805 10
And for said fiscal year 24,941 20
For increase and expense of library for said half calendar year 650
And for said fiscal year 1,300
For construction of barracks for cadets for said fiscal year 30,000

$4,973,134 11

H. R. No. 659. *For the naval service for the half calendar year beginning the first day of January, and ending the thirtieth day of June, one thousand eight hundred and forty three, and for the fiscal year beginning the first day of July, one thousand eight hundred and forty three, and ending the thirtieth day of June, one thousand eight hundred and forty-four.*

For pay of commission, warrant, and petty officers and seamen, including engineer corps of the navy for the said half calendar year $1,496,584 50
And for the said fiscal year . . 2,715,808
For pay of superintendents, naval constructors, and all the civil establishments of the several yards, for the said half calendar year . 36,860
And for the said fiscal year . . 73,720
For provisions for the navy, including transportation, cooperage, and other expenses, for the said half calendar year 362,769 50
And for the said fiscal year . . 623,653
For clothing for the navy, including transportation and every other expense, to be reimbursed out of the sales of the clothing for the said half calendar year 380,000
For surgeons' necessaries, and appliance for the sick and hurt of the naval service, including the marine corps, for the said half calendar year . 51,250
And for the said fiscal year . . 42,840
And for arrearages of preceding years under this head 50,000
For the increase, repair, armament, and equipment of the navy, and wear and tear of vessels in commission, for the said half calendar year . 500,000
And for said fiscal year 1,000,000
For the support of Africans recaptured on the coast of Africa or elsewhere, and returned to Africa by the armed vessels of the United States, 5,000
For improvements and necessary repairs of the navy yards, namely:
For Portsmouth, New Hampshire, for the said half calendar year 15,510 40
And for the said fiscal year . . 24,900 76
For Charlestown, Massachusetts, for the said half calendar year 20.992 70
And for the said fiscal year . . 34,379
For Brooklyn, New York, for the said half calendar year 16,000
And for the said fiscal year . . 25,400
For the construction of a floating dry-dock at Pensacola, of capacity sufficient for the repair of frigates of the smaller class, and upon such plan as the Secretary of the Navy shall approve 100,000
For Philadelphia, Pennsylvania, for the said half calendar year 1,950
And for the said fiscal year . . 2,070
For Washington District of Columbia, for the said half calendar year 5,767
And for the said fiscal year . . 4,814
For Gosport, Virginia, for the said half calendar year 5,200
And for the said fiscal year . . 9,310
For Pensacola, Florida, for the said half calendar year 3,000
And for the said fiscal year . . 4,047
For necessary repairs of hospital, buildings, and their dependencies, viz:
For Charlestown, Massachusetts, for the said half calendar year 1,500
And for the said fiscal year . . 1,300
For Brooklyn, New York, for the said half calendar year 8,832
And for the said fiscal year . . 15,000
For Norfolk, Virginia, for the said half calendar year 2,000
And for the said fiscal year . . 2,000
For Pensacola, Florida, for the said half calendar year 1,500
And for the said fiscal year . . 2,448 25
For Philadelphia naval asylum, for the said half calendar year 945
And for the said fiscal year . . 366
For necessary repairs of magazines, viz:
For Charlestown, Massachusetts, for the said half calendar year 500
And for the said fiscal year . . 1,000
For Brooklyn, New York, for the said half calendar year 350
And for the said fiscal year . . 350
For Washington, District of Columbia, for the said half calendar year 250
And for the said fiscal year . . 250
For Norfolk, Virginia, for the said half calendar year 350
And for the said fiscal year . . 350
For ordnance and ordnance stores for the navy and armed vessels on the Northern lakes, for the said half calendar year 48,422 97
And for the said fiscal year . . 96,847 93
For defraying the expenses that may accrue for the following purposes, viz: For freight and transportation of materials and stores of every description; for wharfage and dockage; storage and rent; travelling expenses of officers, and transportation of seamen; house-rent to pursers, when duly authorized; for funeral expenses; for commissions, clerk-hire, office-rent, stationery, and fuel, to navy agents; for premiums and incidental expenses of recruiting; for apprehending deserters; for compensation to judge advocates; for per diem allowance to persons attending courts-martial and courts of inquiry, or other services authorized by law; for printing and stationery of every description, and for working the lithographic press; for books, maps, charts, mathematical and nautical instruments, chronometers, models, and drawings; for the purchase and repair of fire engines and machinery connected therewith, and for other machinery; for the repair of steam engines in the navy-yards; for the purchase and maintenance of oxen and horses, and for carts, timber wheels, and workmen's tools of every description; for postage of letters on public service; for pilotage and towing ships of war; for assistance rendered to vessels in distress; for incidental labor at navy yards not applicable to any other appropriation; for coal and other fuel, and for candles and oil for the use of navy-yards and shore stations, and for no other object or purpose whatever, for the said half calendar year 330,000
And for said fiscal year 400,000
For contingent expenses for objects not enumerated for the said half calendar year . . 1,500
And for the said fiscal year . . . 3,000
For printing and publishing the code of rules and regulations for the government of the navy, prepared by the Secretary of the Navy and Attorney General, in obedience to a resolution of the last session, in case the same should be ratified by Congress 1,000
For defraying the expenses of the agencies for the inspection of hemp, authorized by a joint resolution of Congress, approved eighteenth February, one thousand eight hundred and forty-three 4,000

MARINE CORPS.

For pay of officers, non-commissioned officers, musicians, privates, and servants, serving on shore, and subsistence of officers of the marine corps, for the said half calendar year . 99,936
And for the said fiscal year . . 201,472 15
For provisions for the non-commissioned officers, musicians, privates, servants, and washerwomen, serving on shore, for the said half calendar year 19,198 06
And for the said fiscal year . . 38,678 80
For clothing for the said half calendar year . 20,349
And for the said fiscal year . . 40,698
For fuel for the said half calendar year . 8,137 06
And for the said fiscal year . . 16,274 12
To keep barracks in repair, and for rent of temporary barracks, for the said half calendar year . 3,000
And for the said fiscal year . . 6,000
For transportation of officers, non-commissioned officers, musicians, and privates, and expenses of recruiting, for the said half year . 4,000
And for the said fiscal year . . 8,000
For military stores, pay of armorers, keeping arms in repair, accoutrements, ordnance stores, flags, drums, fifes, and other instruments for the band, for the said half calendar year . 1,400
And for the said fiscal year . . 2,800
For contingent expenses of said corps, viz: For freight, ferriage, toll, wharfage, and cartage; for per diem allowance for attending courts martial and courts of inquiry; compensation to judge advocates, house rent where there are no public quarters assigned; per diem allowance to enlisted men on constant labor; expenses of burying deceased marines; printing, stationery, forage, postage on public letters, expenses in pursuit of deserters, candles, oil, straw, barrack fur-

niture, bed sacks, spades, axes, shovels, picks, carpenters' tools, and for keeping a horse for the messenger, for the said half calendar year	8,990
And for the said fiscal year	17,980
	$9,082,733 22

H. R. 748. *For the payment of navy pensions due on the first day of July, one thousand eight hundred and forty-three, and on the first day of January, one thousand eight hundred and forty-four.*

To pay the invalids now on the rolls, (and those who may be added during the first half year of one thousand eight hundred and forty-three,) on the said first day of July twenty thousand dollars, and on the said first day of January twenty thousand dollars	40,000
To pay widows' pensions under the act of June thirty, one thousand eight hundred and thirty-four, (including not only those who are now on the rolls, but those who may be added for the first half year of one thousand eight hundred and forty-three,) on the first day of July three thousand dollars, and on the said first day of January three thousand dollars	6,000
To pay the claims of widows and orphans, under the act of March third, one thousand eight hundred and thirty-seven, on the said first day of July eight thousand dollars, and on the said first day of January eight thousand dollars	16,000
	$62,000

H. R. 670. *For certain fortifications of the United States for the half calendar year beginning on the first day of January, and ending on the thirtieth day of June, one thousand eight hundred and forty-three; and for the fiscal year beginning on the first day of July, one thousand eight hundred and forty-three, and ending on the thirtieth day of June, one thousand eight hundred and forty-four.*

For repairs of Fort Independence and sea-wall, Castle Island, Boston harbor, for the said fiscal year	25,000
For Fort Warren, Boston harbor, for the said half year	25,000
And for the said fiscal year	50,000
For sea-wall on Lovell's island, Boston harbor, for the said fiscal year	16,000
For Fort Adams, Rhode Island, for the said half calendar year	20,000
And for the said fiscal year	30,000
For rebuilding Fort Trumbull, New London harbor, Connecticut, for the said half calendar year	5,000
And for the said fiscal year	40,000
For repairs for Fort Niagara, New York, for the said half calendar year	5,000
For repairs of Fort Ontario, New York, for the said half calendar year	3,000
And for the said fiscal year	6,000
For Fort Schuyler, East river, New York, for the said half calendar year	3,000
And for the said fiscal year	50,000
For repairs of Fort Wood, Bedlow's island, New York harbor, New York, for the said fiscal year	25,000
For repairs of Fort Hamilton, New York harbor, New York, for the said half calendar year	3,000
And for the said fiscal year	15,000
For repairs of Fort Washington, Potomac river, Maryland, for the said fiscal year	7,500
For Fort Monroe, Virginia, for the said half calendar year	25 000
And for the said fiscal year	50,000
For repairs of Fort Macon, Beaufort harbor, North Carolina, for the said half calendar year	8,000
And for the said fiscal year	8,000
For preservation of site of Fort Macon, Beaufort harbor, North Carolina, for the said half calendar year	8,000
And for the said fiscal year	13,000
For repairs of Fort Caswell, Cape Fear river, North Carolina, for the said fiscal year	6,000
For dike to Drunken Dick shoal, for preservation of Sullivan's Island and site of Fort Moultrie, South Carolina, for the said fiscal year	30,000
For Fort Sumter, Charleston harbor, South Carolina, for the said fiscal year	45,000
For preservation of site of Fort Johnston, South Carolina, for the said half calendar year	6,500
For Fort Pulaski, Georgia, for the said half calendar year	30,000
And for the said fiscal year	30,000
For Fort Pickens, Pensacola harbor, Florida, for the said half calendar year	7,000
And for the said fiscal year	6,000
For Fort McRee, Pensacola harbor, Florida, for the said half calendar year	4,000
And for the said fiscal year	4,000
For Fort Barancas, Pensacola harbor, Florida, for the said half calendar year	25,000
And for the said fiscal year	33,000
For repairs of Fort Morgan, Mobile point, Alabama, for the said half calendar year	8,000
And for the said fiscal year	10,000
For repairs of Fort Dupre, Louisiana, for the said half calendar year	3,500
For repairs of Fort Jackson, Mississippi river, Louisiana, for the said half calendar year	10,080
And for the said fiscal year	10,000
For repairs of Fort St. Philip, Mississippi river, Louisiana, for said half calendar year	5,000
And for the said fiscal year	5,000
For Fort Livingston, Grand Terre Island, Barrataria bay, Louisiana, for the said half calendar year	20,000
And for the said fiscal year	30,000
For repairing and rebuilding barracks at Fort Gibson, at its present site, or in the vicinity thereof	15,000
For the completion of the works at Fort Smith, Arkansas, for the said half calendar year	20,000
For the completion of barracks, quarters, and storehouses at Fort Atkinson, Turkey river, for the said half calendar year	6,000
	$808,500

H. R. 661. *For pensions for the half calendar year, beginning the first day of January, and ending the thirtieth day of June, one thousand eight hundred and forty-three; and for the fiscal year beginning the first day of July, one thousand eight hundred and forty-three, and ending the thirtieth day of June, one thousand eight hundred and forty four.*

For invalid pensions for the said half calendar year	86,240
And for the said fiscal year	158,400
For revolutionary pensions under the act of the eighteenth March, one thousand eight hundred and eighteen, for the said half calendar year	17,600
And for the said fiscal year	192,000
For pensions to widows and orphans, under the act of fourth of July, one thousand eight hundred and thirty-six, for the said half calendar year	4 500
And for the said fiscal year	222,250
For five years' pensions to widows, under the act of seventh of July, one thousand eight hundred and thirty-eight, for the said half calendar year	10,090
And for the said fiscal year	120,090
For arrearages prior to July, one thousand eight hundred and fifteen, payable through the Third Auditor, for the said half calendar year	1,000
And for the said fiscal year	2,600
For arrearages and half-pay pensions, through the Second Auditor, for the said fiscal year	600
For half-pay pensions, payable through the Third Auditor, for the said fiscal year	3,000
H. R. 655. For pensions under the act of March 3d, 1843, to widows of revolutionary soldiers	380,000
	$1,197,490

H. R. 660. *For fulfilling treaty stipulations with the various Indian tribes, and for the current and contingent expenses of the Indian department, for the half calendar year beginning the first day of January and ending the thirtieth day of June, one thousand eight hundred and forty-three; and for the fiscal year beginning the first day of July, one thousand eight hundred and forty-three, and ending the thirtieth day of June, one thousand eight hundred and forty-four; and for other purposes.*

For the fulfilment of the treaties with various Indian tribes, for the same half-calendar year	723,708
And for the said fiscal year	749,065
For the payment of three drafts, drawn on the department by Governor Doty, for goods, provisions, and presents, procured and delivered by him to the Sioux Indians, while holding the treaty with them, in one thousand eight hundred and forty-one, and which treaty was rejected by the Senate, at its late session, for said half-calendar year	13,776 49
For the removal to the west of the Mississippi of two hundred and fifty of the New York Indians, of the Seneca, Cayuga, and Onondaga tribes, and for fulfilling other treaty stipulations with them, provided that so many are willing to emigrate, for the half calendar year	20,477 50
For current expenses of the Indian department for the said half-calendar year	53,500
And including four hundred and fifty dollars, paid, by order of General Z. Taylor, for two white boys ransomed from the Camanche Indians, and for the said fiscal year	93,300
For subsistence of the Choctaw claimants and their Indian witnesses during their attendance at the sitting of the commissioners appointed under the "Act to provide for the satisfaction of claims arising under the fourteenth and nineteenth articles of the treaty of Dancing Rabbit creek, concluded in September, one thousand eight hundred and thirty	15,000
For the removal of the Choctaws to the west of the Mississippi	67,490
For carrying into effect the treaty with the Chippewa Indians, concluded October fourth, one thousand eight hundred and forty-two	51,000
For carrying into effect the treaty with the Sac and Fox Indians, concluded October 11th, one thousand eight hundred and forty-two	299,566 34
For defraying the expenses of a negotiation with the Kansas Indians, or other tribes on the waters of the Missouri river, for the purpose of obtaining a tract of land for the permanent and perpetual residence of the Sacs and Foxes, as stipulated in the second article of the treaty ratified February fifteenth, eighteen hundred and forty-three	1,500
To satisfy contracts entered into in the month of August, one thousand eight hundred and thirty-six, by Major General Thomas S. Jesup, then commanding the army in Alabama, with the Creek tribe of Indians	12,000
	$2,100,368 33

H. R. 607. *For carrying into effect the treaty between the United States and Great Britain, concluded at Washington on the ninth day of August, one thousand eight hundred and forty-two.*

For the payment of salaries, and for other expenses of the commission, including the purchase or repair of instruments, wages to persons employed, and other contingencies	15,000
For the payment in equal moieties to the States of Maine and Massachusetts, in conformity with the provision of the fifth article of the treaty	300,000
For the payment of the accounts of the States of Maine and Massachusetts for all claims for expenses incurred by them in protecting the heretofore disputed territory on the northeastern frontier of the United States, and making a survey thereof, as provided by the 5th article of treaty—	
For Massachusetts	19,792 95
For Maine	266,934 79
	$882,727 74

H. R. 678. *For the protection of commerce on Lake Michigan.*

For the construction of a harbor at the most suitable situation at or near Milwaukie, in the Territory of Wisconsin, to be made under the survey of an officer to be appointed by the Secretary of War, for the said half calendar year	15,000
And for the said fiscal year	15,000
For continuing the public works at the harbor of Chicago, in the State of Illinois, for the said half calendar year	10,000
And for the said fiscal year	15,000
For continuing the public works at the harbor of St. Joseph, in the State of Michigan, for the said half calendar year	10,000
And for the said fiscal year	15,000
	$80,000

H. R. 738. For an examination and survey of the harbor of Memphis, in Tennessee	3,000
H. R. 641. To test the practicability of establishing a system of electro magnetic telegraphs by the United States	30,000
H. R. 380. For the payment of seven companies of Georgia militia	19,399 87

PRIVATE CLAIMS.

H. R. 319	Samuel Hambleton	$70 84
Do 360	James Lowe	1,000
Do 388	Allen Rogers	282 05
Do 389	William G. Sanders	900
Do 422	Edwin Bartlett	9,662 80
Do 429	Peter Lionberger	400
Do 471	Caspar W. Wever	1,900
Do 479	Richard Rush	3,815 73
Do 483	Owners of the fund received from the British Government as an indemnity for slaves lost from on board the Comet and Encomium at Nassau	7,966 28
Do 494	James M. Morgan	228
Do 498	David Watkinson & Co.	906 88
Do 511	Joshua Drew	240
Do 545	Peters, Moore, & Co.	2,466 66
Do 567	Snow Y. Sears	400
Do 568	James S. Calhoun	15,900
Do 569	Johnson Patrick	1,261 76
Do 600	John Skirving	600
Do 620	John Core	89
Do 622	Thomas D. Gilson	154 65
Do 637	George Randall and others	3,471 87
Do 646	Charles Waldron	1,179 61
Do 647	John Randolph Clay	3,750
Do 654	William Fabre	120 42
Do 667	George A. Winslow	144
Do 681	Representatives of Robert A. Kelly	600
Do 705	Andrew Fisher	79
Do 706	Gamaliel E. Smith	360
Do 707	William W. Street	695
Do 729	John Hodgkin	3,515 50
Do 783	John Skirving	2,287 25
Senate 6	Robert B. Lewis	15
Do 79	Richard Patten	50
Do 92	Mary W. Thompson	750
		$66,708 82

RECAPITULATION.

Civil and diplomatic list, six months ending June 30, 1843	$1,870,172 80
*Civil and diplomatic list, one year ending June 30, 1844	3,268,936 42
Military service for same periods	4,988,134 11
Naval service for same periods	9,082,733 22
Navy pensions	69,000 00
Fortifications	808,500 00
Pensions—invalid, revolutionary, and widows	1,197,490 00
Indian department—treaties, &c.	2,100 368 33
Treaty with Great Britain	882,727 74
Protection of commerce, Lake Michigan	80,000 00
Examination and survey harbor of Memphis	3,000 00
Establish telegraphs	30,000 00
Payment of Georgia militia	19,399 87
Private claims	66,708 82
	29,214,165 71

* This item includes the appropriations for the Post Office Department, which are paid exclusively out of the revenues of that department, and, therefore, are no charge on the treasury, and which amount to $4,545,000.

OFFICES CREATED AND THE SALARIES THEREFOR.

By the act making appropriations for the civil and diplomatic service, No 804:

Commissioner to the Sandwich Islands	$3,000
Consul at Beyrout	500

By the act for carrying into effect the treaty between the United S ates and Great Britain, No. 697:

A commissioner for running, marking, and tracing the boundary line between the United States and British possessions in North America	3,000
A clerk to said commissioner	1,000

By the act providing the means of future intercourse between the United States and the Government of China, No. 720:

Mission to China	40,000

APPENDIX

TO THE

CONGRESSIONAL GLOBE

OF THE

THIRD SESSION

OF THE

TWENTY-SEVENTH CONGRESS.

1842--3.

INDEX TO THE APPENDIX.

A.

African squadron - 9, 29, 56, 63, 104, 190, 205
Allen, William, of Ohio, remarks of, on the bill to remit General Jackson's fine - 69
Amendment of the Constitution, speech of Mr. Tappan of Ohio, on his resolution to amend the Constitution so as to limit the terms of the judges of the United States courts - - - - 147
Apportionment act, speech of Mr. Campbell of South Carolina on the bill to suspend the second section of - - - 180
Archer, William S., of Virginia, speech of, on the Oregon bill - - - 130
Assumption of State debts, &c., speech of—
Mr. McDuffie, of South Carolina, on the subject of - - - - 143
Mr. Dayton, of New Jersey, on the subject of - - - - 161
Mr. McDuffie, on his resolutions in regard to - - - - 166
Mr. Gwin, of Mississippi, on the subject of - - - - - 174
Mr. Thompson, of Mississippi, on the subject of - - - 177
Mr. Merrick, on the same - - 231

B.

Bankrupt law, repeal of, speech of—
Mr. Payne, of Alabama, on the - - 48
Mr. Weller, of Ohio - - - 70
Mr. Kennedy, of Indiana - - 72
Mr. Meriwether, of Georgia - - 83
Mr. Milton Brown - - - 93
Mr. G. Davis, of Kentucky - - 157
Mr. Rayner, of North Carolina - - 187
Bayard, Richard H., of Delaware, remarks on the bill to remit General Jackson's fine - - - - 67, 68
Barnard, Daniel D., of New York, speech of, on the treasury-note bill - - 211
speech of, on the plan of an exchequer, 96
Benton, Thomas H., of Missouri, speech of, in opposition to the British treaty - 1
speech of, on the Oregon bill - - 74
speech of, on the same - - - 116
speech of, on the alteration of the boundary between Lake Superior and the Lake of the Woods - - - 132
Berrien, John M., of Georgia, remarks of, on the bill to remit General Jackson's fine - - - - - 69
Boundary, alteration of, between Lake Superior and the Lake of the Woods, speech of Mr. Benton on - - - 132
British treaty, speech of—
Mr. Benton - - - - 1
Mr. Woodbury - - - - 27
Mr. Calhoun - - - - 49
Mr. Williams, of Maine - - 53
Mr. Conrad - - - - 56
Mr. Rives, [two] - - 59, 205
Mr. Buchanan - - - - 101
Mr. Meriwether - - - - 190
Mr. Cushing - - - - 214
Brown, Charles, of Penn., speech of, on the motion to reduce the pay of the officers of the navy - - - 141
Brown, Milton, of Tenn., speech of, on the repeal of the bankrupt bill - - 93
Buchanan, James, of Penn., remarks on the bill to remit Gen. Jackson's fine - 69
speech of, on the British treaty - - 101
Butler, Wm. O., of Ky., speech on the bill to remit Gen. Jackson's fine - - 117

C.

Calhoun, John C., of S. C., speech of, on the British treaty - - - - 49
speech of, on the Oregon bill - - 138
Campbell, John, of S. C., speech on the bill to suspend the 2d section of the apportionment act - - - - - 180
Caroline, steamboat, case of - 23, 29, 64, 102
Choate, Rufus, of Mass., speech of, on the Oregon bill - - - - 222
China, bill making appropriations for commercial intercourse with, speech of Mr. Gordon of New York, on - 162
speech of Mr. J. C. Clark on the subject of - - - - - 198
Clark, John C., of New York, speech of, on the bill to establish commercial intercourse with China - - - 198
Columbia river, discovery of, and title of the United States to, 17, 75, 79, 87, 91, 223
Comet and Encomium, speech of Mr. Giddings of Ohio, on the subject of indemnity for slaves lost on board of - 194
Conrad, Charles M., of Louisiana, speech of, on the British treaty - - - - 56
remarks on the bill to remit General Jackson's fine - - - 68, 70
Crittenden, John J., of Kentucky, remarks on the bill to refund General Jackson's fine - - - - - 67
Creole brig, case of - - 21, 65, 103
Cushing, Caleb, of Massachusetts, speech of, on the British treaty - - - 214

D.

Davis, Garrett, of Kentucky, speech of, against the motion to reconsider the vote on passing the bill to repeal the bankrupt law - - - - 157
Dayton, William L., of New Jersey, speech of, on Mr. McDuffie's resolutions on the finances, tariff, &c. - - - 161
Drew, Captain, of the British navy, pensioned for burning the Caroline - - 102

E.

Economy and retrenchment, speech of Mr. Reynolds of Illinois on - - 47
Exchequer, plan of, speech of Mr. Barnard on 96
speech of Mr. Winthrop of Massachusetts on - - - - 112
speech of Mr. Pendleton on - - 182
speech of Mr. Tallmadge on - - 202
Edwards, John C., of Missouri, speech of, on the subject of the tariff - - 233
speech on the subject of the Missouri boundary line - - - - 238

F.

Finances, annual report of the Secretary of the Treasury on - - - - 45
Finances, tariff, public debt, &c., speech of Mr. McDuffie on resolutions submitted by him in regard to - - - 143
speech of Mr. Dayton on the resolutions of Mr. McDuffie in relation to - 161

G.

Giddings, Joshua R., of Ohio, speech of, on the bill for the relief of the inhabitants of West Florida - - - - 80
on the subject of indemnity for slaves lost from on board the brigs Comet and Encomium - - - - 194
Gordon, Samuel, of New York, speech of, on the bill making an appropriation for commercial intercourse with China - 162
Gwin, Wm. M., of Mississippi, speech of, on the subject of the assumption of State debts - - - - - 174

H.

Huntington, Jabez, of Connecticut, remarks on the bill to remit General Jackson's fine - - - - 67, 68
Hudson Bay Company - - - 151

I.

Ingersoll, Charles J., of Pennsylvania, speech of, on the exchequer plan - - 121
Impressment, British claim of the right of, 20, 102 216

J.

Jackson, General Andrew, recommendation of the President to refund the fine imposed on him in 1815 by Judge Hall, 33
debate on the proposition to refund the fine - - - - - 67
speech of Mr. Miller, of New Jersey, on the same subject - - - 206
speech of Mr. Butler, of Kentucky - 117
speech of Mr. Smith, of Connecticut - 226
Jay's treaty of 1794 - - - - 134

K.

Kennedy, Andrew, of Indiana, speech of, on the repeal of the bankrupt law - 73

L.

Levy, David M., of Florida, speech of, on the bill for the relief of the inhabitants of West Florida - - - - 171
Linn, Lewis F., of Missouri, remarks on the bill to remit General Jackson's fine - 67, 68, 70
speeches of, on the Oregon bill - 78, 149
Louisiana, treaty for the purchase of - - 215

M.

Meriwether, James A., of Georgia, speech of, on the repeal of the bankrupt law - 82
speech of, on his motion to reduce the pay of the navy - - - 128
remarks of, on the British treaty - 187
Merrick, William D., of Maryland, speech of, on the subject of the assumption of State debts - - - - 231
Mexico and the United States, relations between - - - - - 30
McRoberts, Samuel, of Illinois, speech of, on the Oregon bill - - - 86
McDuffie, George, of South Carolina, speech of, on certain resolutions submitted by him on the subject of the tariff, finances, public debt, &c. - - - 143
speech of, on the subject of the assumption of State debts - - - 166
McNab, Sir Allen, dinner to - - - 25
knighted for burning the steamboat Caroline - - - - - 102
McLeod, Alexander, case of - - 24, 25, 26
Miller, Jacob W., of New Jersey, speech of, on the bill to refund General Jackson's fine - - - - - 206
Mississippi river, speech of Mr Reynolds, of Illinois, in favor of the improvement of - - - - - 127
Missouri boundary line, speech of Mr. J. C. Edwards on the subject of - - 238
Morehead, J. T., of Kentucky, speech of, on the Oregon bill - - - - 229

N.

Navy Department, report of the Secretary of the Navy, accompanying the President's annual message - - 33
Navy, speech of Mr. Meriwether on his motion to reduce the pay of the - - 128
speech of Mr. Charles Brown of Pennsylvania on the same subject - - 141
Naval appropriation bill, speech of Mr. White of Indiana on - - - - 167
Netherlands, King of the - - - - 5
Northeastern boundary, 2, 27, 53, 57, 59, 104, 215
Northwestern boundary, speech of Mr. Benton on the alteration of - - - 132

O.

Oregon bill, speeches of Mr. Benton on 74, 116
speeches of Mr. Linn on - 78, 149

Oregon bill—
speech of Mr. McRoberts - - 80
speech of Mr. Woodbury - - 91
speech of Mr. Reynolds - - 110
speech of Mr. Archer - - 130
speech of Mr. Calhoun - - 138
speech of Mr. Choate - - 222
speech of Mr. Morehead - - 229
Ohio, Mississippi, Missouri, and Arkansas rivers, remarks of Mr. Weller on the amendment of the Senate appropriating $150,000 for the continuation of their improvements - - - 155

P.

Payne, Wm. W., of Alabama, speech of on the repeal of the bankrupt law - 48
speech of, on the bill to remit General Jackson's fine - - - 124
Payne, Lieut. John S. - - 11, 191
Parties, speech of Mr. White of Indiana, on the principles which divide them - 167
Pendleton, N. G., of Ohio, speech of, on the exchequer plan - - - 182
Pearce, Henry A., a letter of, on the subject of the fur trade - - - - 150
Porter, A. S., of Michigan, remarks of, on the bill to refund Gen. Jackson's fine - 70
Postmaster General, report of, accompanying the President's annual message - 44
President of the United States, annual message of - - - - - - 29

Q.

Quintuple treaty - - - 29, 217, 219

R.

Rayner, Kenneth, of N. C., speech on the bill to repeal the bankrupt law - - 187
Reynolds, John, of Ill., speech of, on economy and retrenchment - - - 47
speech of, on the Oregon bill - - 110
Reynolds, John, of Illinois—
speech of, in favor of the improvement of the Mississippi river - - 127
Rives, Wm. C., of Va., speeches of, on the British treaty - - - 59, 205

S.

Secretary of War. (See War Department.)
Secretary of the Navy. (See Navy Department.)
Secretary of the Treasury. (See Treasury Department.)
Slave trade, African, 29, 63, 191, 192, 205
Slaves, indemnity for, speech of Mr. Giddings, of Ohio, on the subject of - - 194
Slaves, seizure of, by the British authorities - 57
Smith, Perry, of Conn., speech of, on the bill to refund Gen. Jackson's fine - - 226
Stuart, A. H. H., of Va., speech of, on the tariff bill - - - - - 248

T.

Tariff, recommendations of the President in relation to - - - - - 31
speech of Mr. Edwards of Missouri on the subject of - - - - 233
speech of Mr. Stuart of Virginia on the subject of - - - - 248
Tariff, finances, public debt, &c., speech of Mr. McDuffie of South Carolina, on certain resolutions submitted by him in regard to - - - - 143
speech of Mr. Dayton on the same resolutions - - - - 161
Tappan, Benjamin, of Ohio, speech of, on his resolution to amend the Constitution, so as to limit the term of office of the judges of the United States courts - 147
Tallmadge, Nathaniel P., of New York, speech of, on the subject of the exchequer - 202
Texan expedition to Santa Fe - - - 30
Thompson, Jacob, of Mississippi, speech of, on the subjects of the assumption of State debts and the debt of Mississippi - 177
Treasury Department, report of the Secretary of, accompanying the President's annual message - - - - - 45
Treasury note bill, speech of Mr. Woodbury on the amendment to - - - 185
speech of Mr. Barnard on - - 211

V.

Visitation of American vessels, British claim to the right of - 104, 191, 192

W.

War Department, report of the Secretary of, accompanying the President's annual message - - - - - 33
Weller, John B., of Ohio, speech of, on the bill to repeal the bankrupt law - - 70
speech of, on the amendment of the Senate appropriating $150,000 for the continuation of the improvements of the navigation of the Ohio, Mississippi, Missouri, and Arkansas river - 155
West Florida, bill for the relief of the people of, speech of Mr. Giddings on - 80
speech of Mr. Levy on - - - 171
White, Joseph L., of Indiana, speech of, on the naval appropriation bill, on the subject of the principles which divide the two parties - - - - - 167
Winthrop, Robert C., of Massachusetts, speech of, on the exchequer plan - - 112
Williams, Ruel, of Maine, speech of, on the British treaty - - - - - 53
Woodbury, Levi, of New Hampshire, speech of, on the British treaty - - 27
speech of, on the Oregon bill - - 91
speech of, on the amendments to the treasury-note bill proposing to refund them - - - - - 185
Woodbridge, William, of Michigan, speech of, on the bill to refund Gen. Jackson's fine - - - - - 70

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SIONAL GLOBE AND APPENDIX.]

ence, if not of discussion, between the two countries; and, following the lead of the President, and

ference which is made in the rate of duties on foreign and colonial products, and the admission of

Oregon
Ohio,
Payne,
Payne, L
Parties,
Pendleto
Pearce, H
Porter, A
Postmast
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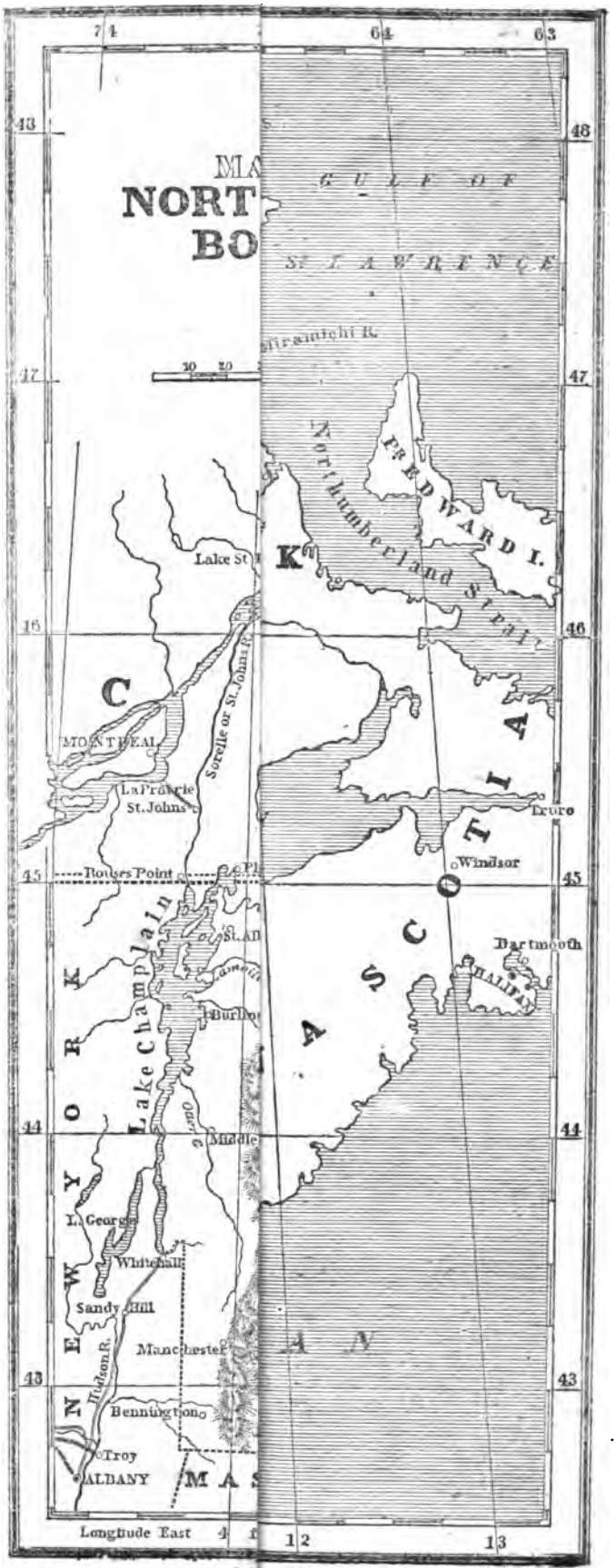

APPENDIX

TO THE CONGRESSIONAL GLOBE.

[We commence the Congressional Globe and Appendix for this session of Congress (the 3d and last of the 27th) with the executive proceedings of the Senate, at the last session, on the British treaty made between Mr. WEBSTER and Lord ASHBURTON.

Ratifications of the treaty were not exchanged in time for us to publish the proceedings, correspondence, and speeches thereon, in the Congressional Globe and Appendix for the last session, to which they properly belong.

The Journal of the Senate in secret session, the correspondence in relation to the treaty, and the treaty itself, are contained in the first two numbers of the Congressional Globe for this session.

All the speeches made in secret session on the treaty, which have been, or may be, written out by the Senators, will be published in the Appendix, and will probably fill four or five numbers. This number is occupied entirely by Mr. BENTON'S against the treaty, which is not concluded. It is expected that his speech will nearly fill the next number of the Appendix.

We shall print between four and five thousand surplus copies of the Congressional Globe and Appendix, for the purpose of furnishing complete copies to all persons who may subscribe for those works before the 1st of January, 1843.

This number of the Appendix will be sent to some of our friends, with the hope that they will obtain some subscribers for us. The Congressional Globe and Appendix are $1 *each* for a session. The *extra* matter, which we intend to print in them this session, is worth the money.—EDITORS CONGRESSIONAL GLOBE AND APPENDIX.]

BRITISH TREATY.

[SECRET SESSION.]

SPEECH OF MR. BENTON,

OF MISSOURI,

In Senate, Thursday, August 18, 1842—In opposition to the treaty.

Mr. BENTON said: I speak against this treaty not so much for the Senate as for the country. I mean to publish my speech, and that with the full illustrations and quotations which it is unnecessary to make here, where the documents are in every Senator's hand, but which will be necessary to the understanding of the subject by those who have not access to the documents. I am opposed to the treaty on many grounds; and first, because it is not a settlement of *all* the questions in dispute between the two countries. We were led to believe, on the arrival of the special minister, that he came as a messenger of peace, and clothed with full powers to settle everything; and believing this, his arrival was hailed with universal joy. But here is a disappointment—a great disappointment. On receiving the treaty and the papers which accompany it, we find that *all* the subjects in dispute have not been settled; that, in fact, only three out of seven are settled; and that the minister has returned to his country, leaving four of the contested subjects unadjusted. This is a disappointment; and the greater, because the papers communicated confirm the report that the minister came with full powers to settle everything. The very first note of the American negotiator—and that in its very first sentence, confirms this belief, and leaves us to wonder how a mission that promised so much, has performed so little. Mr. Webster's first note runs thus: "Lord Ashburton having been charged by the Queen's Government with full powers to negotiate and settle all matters in discussion between the United States and England, and having on his arrival at Washington announced," &c., &c. Here is a declaration of full power to settle everything; and yet, after this, only part is settled, and the minister has returned home. This is unexpected, and inconsistent. It contradicts the character of the mission, balks our hopes, and frustrates our policy. As a confederacy of States, our policy is to settle everything, or nothing; and having received the minister for that purpose, this complete and universal settlement, or nothing, should have been the *sine qua non* of the American negotiator.

From the message of the President which accompanies the treaty, we learn that the questions in discussion between the two countries were: 1. The Northern boundary. 2. The right of search in the African seas, and the suppression of the African slave-trade. 3. The surrender of fugitives from justice. 4. The title to the Columbia river. 5. Impressment. 6. The attack on the Caroline. 7. The case of the Creole, and of other American vessels which had shared the same fate. These are the subjects (seven in number) which the President enumerates, and which he informs us occupied the attention of the negotiators. He does not say whether these were all the subjects which occupied their attention. He does not tell us whether they discussed any others. He does not say whether the British negotiator opened the question of the State debts, and their assumption or guaranty by the Federal Government! or whether the American negotiator mentioned the point of the Canadian asylum for fugitive slaves (of which twelve thousand have already gone there) seduced by the honors and rewards which they receive, and by the protection which is extended to them. The message is silent upon these further subjects of difference, if not of discussion, between the two countries; and, following the lead of the President, and confining ourselves (for the present) to the seven subjects of dispute named by him, and we find three of them provided for in the treaty—four of them not: and this constitutes a great objection to the treaty—an objection which is aggravated by the nature of the subjects settled, or not settled. For it so happens that, of the subjects in discussion, some were general, and affected the whole Union; others were local, and affected sections. Of these general subjects, those which Great Britain had most at heart are provided for; those which most concerned the United States are omitted: and of the three sections of the Union which had each its peculiar grievance, one section is quieted, and two are left as they were. This gives Great Britain an advantage over us as a nation: it gives one section of the Union an advantage over the two others, sectionally. This is all wrong, unjust, unwise, and impolitic. It is wrong to give a foreign power an advantage over us: it is wrong to give one section of the Union an advantage over the others. In their differences with foreign powers, the States should be kept united: their peculiar grievances should not be separately settled, so as to disunite their several complaints. This is a view of the objection which commends itself most gravely to the Senate. We are a confederacy of States, and a confederacy in which States classify themselves sectionally, and in which each section has its local feelings and its peculiar interests. We are classed in three sections; and each of these sections had a peculiar grievance against Great Britain; and here is a treaty to adjust the grievances of one, and but one, of these three sections. To all intents and purposes, we have a separate treaty—a treaty between the Northern States and Great Britain; for it is a treaty in which the North is provided for, and the South and West left out. Virtually, it is a separate treaty with a part of the States; and this forms a grave objection to it in my eyes.

Of the nine Northern States whose territories are coterminous with the dominions of her Britannic Majesty, six of them had questions of boundary, or of territory, to adjust: and all these are adjusted. The twelve Southern slaveholding States had a question in which they were all interested—that of the protection and liberation of fugitive or criminal slaves in Canada and the West Indies: this great question finds no place in the treaty, and is put off with phrases in an arranged correspondence. The whole great West takes a deep interest in the fate of the Columbia river, and demands the withdrawal of the British from it: this large subject finds no place in the treaty, nor even in the correspondence which took place between the negotiators. The South and the West must go to London with their complaints: the North has been accommodated here. The mission of peace has found its benevolence circumscribed by the metes and boundaries of the sectional divisions in the Union. The peace-treaty is for one section: for the other two sections there is no peace. The non-slaveholding States coterminous with the British dominions are pacified and satisfied: the slaveholding and the Western States, remote from the British dominions, are to suffer and complain as heretofore. As a friend to the Union—a friend to justice—and as an inhabitant of the section which is both slaveholding and Western, I object to the treaty which makes this injurious distinction amongst the States.

This objection, great in itself, receives emphasis from a cotemporaneous act of British legislation. While diplomacy on this side the Atlantic was giving a separate treaty to the Northern States, legislation on the other side of that sea was giving them a separate trade. This results from the new corn law just passed by the British Parliament, and the great difference which is made in the rate of duties on foreign and colonial products, and the admission of

American grain and provisions as colonial productions when they pass through Canada. Of course, this partial legislation, like the title of the one-sided treaty, is in general terms; it speaks generally, and professes nothing of what it effects. But, in admitting American grain and provisions as Canadian when they pass through Canada, it, of course, admits none but of the States coterminous with Canada; for from none of the rest can it go. In admitting this wheat at a fraction of the duty it would pay, if it went from an American port, a discrimination is made between the neighboring States and those distant from Canada. This is the fact now. The rate of duty on wheat exported from an American or Canadian port sets out with a difference of four to one in favor of the Canadian, rises as high as fifteen to one, and averages ten or twelve to one. This is effected by the discrimination between foreign and colonial wheat, and the sliding scale, which makes the duties fall as the price of the wheat rises, and which fixes the foreign duty at twenty shillings the quarter (eight bushels) when the colonial is at five shillings; at fifteen when the colonial is at one; and when fixes one shilling as the ordinary and common duty on the colonial wheat; while the foreign is only admitted at that rate when the price of the wheat reaches the maximum price of seventy-three shillings a quarter. One shilling duty on the quarter, is only a penny halfpenny (or three cents) on the bushel—a mere nominal duty on what is selling at from seven to nine shillings (150 to 200 cents) the bushel. At this rate, our Northern citizens can send their wheat to England; so that, virtually, they have a free trade, as well as a separate trade, with Great Britain in this great staple; while to the rest of the Union her ports are nearly closed against the same article, by the heaviness of the duty. As it is with wheat, so it is with flour, and with all other grains and their manufactures, and with beef and pork. I have merely taken wheat for the illustration which a single article affords. It is the same with all the rest. Barley, rye, oats, Indian corn, beans, peas, corn-meal, buckwheat, buckwheat flour, rice, and salted provisions—all have their place in the same sliding scale, and with the same proportionate difference of duty between the foreign and the colonial. Thus a separate trade, and virtually a free trade, in the great staples of grains, flour, and provisions, is granted to our Northern citizens by British legislation in London, at the same time that British diplomacy in Washington gives them a separate treaty!

I do not mention these things because I repine at the advantages of our Northern brethren: on the contrary, I wish them all possible prosperity. But I mention them because they are facts; because they are strange coincidences; because they are novelties in our Union; and because of the effect which they should have in our judgment upon this treaty. The Senate is a body representing all the States. They have the harmony and the unity of the confederacy to preserve; and it may be their duty to correct the error into which a sectional negotiator may have fallen.

The failure to settle *all* the matters in dispute between the two countries, aggravated as that failure is by the sectional and invidious distinction which it makes among the States, is a circumstance badly calculated to recommend the treaty to the indulgence or to the partiality of the Senate. What it does contain must be good indeed to overbalance so great an objection; but if, instead of being good, its contents are bad—if the sins of commission are to be added to those of omission, then there is no redeeming quality about it, and unqualified condemnation should be its fate. This I hold to be the case. I look upon the treaty to be about equally bad for what it contains, and, for what it omits; and, under these two aspects I shall proceed to give it the close and careful examination which the magnitude of the subject requires.

The treaty comes to us recommended by a message from the President of the United States, in which, among other advantages gained for us, he presents an acquisition of four millions of valuable mineral land on the western shore of Lake Superior. I begin with this part of the message, because it involves a fallacy which it is necessary to detect, in order to appreciate the recommendations which are made in favor of the treaty. The fact is, not an acre of these four millions has either been acquired or secured by this treaty; the line between the Lake Superior and the Lake of the Woods is changed for the worse, not for the better, by this treaty; and our Secretary negotiator, who drew up the message of the President, has led him to sign a recommendation which has no foundation in fact. The message is in these words:

"From the imperfect knowledge of this remote country at the date of the treaty of peace, some of the descriptions in that treaty do not harmonize with its natural features, as now ascertained. "Long Lake" is nowhere to be found under that name. There is reason for supposing, however, that the sheet of water intended by that name is the estuary at the mouth of Pigeon river. The present treaty, therefore, adopts that estuary and river, and afterward pursues the usual route, across the height of land by the various portages and small lakes, till the line reaches Rainy Lake; from which the commissioners agreed on the extension of it to its termination, in the northwest angle of the Lake of the Woods. The region of country on and near the shore of the lake, between Pigeon river on the north, and Fond du Lac and the river St. Louis on the south and west, considered valuable as a mineral region, is thus included within the United States. *It embraces a territory of four millions of acres northward of the claim set up by the British commissioner under the treaty of Ghent.*"

The message, in this passage, faintly sketches a dispute where no grounds for one existed, and celebrates an acquisition where nothing had been gained. The line from the Lake Superior to the Lake of the Woods never was susceptible of a dispute. That from the Lake of the Woods to the head of the Mississippi was disputable, and long disputed; and it will not do to confound these two lines, so different in themselves, and in their political history. The line from Lake Superior was fixed by landmarks as permanent and notorious as the great features of nature herself—the Isle Royale, in the northwest of Lake Superior, and the chain of small lakes and rivers which led from the north of that isle to the Lake of the Woods. Such were the precise calls of the treaty of 1783, and no room for dispute existed about it. The Isle Royale was a landmark in the calls of the treaty; and a great and distinguished one it was—a large rocky island in Lake Superior, far to the northwest, a hundred miles from the southern shore; uninhabitable, and almost inaccessible to the Indians in their canoes; and for that reason believed by them to be the residence of the Great Spirit, and called, in their language, *Menong*. This isle was as notorious as the lake itself, and was made a landmark in the treaty of 1783, and the boundary line directed to go to the north of it, and then to follow the chain of small lakes and rivers called "Long Lake," which constituted the line of water communication between Lake Superior and the Lake of the Woods; a communication which the Indians had followed beyond the reach of tradition, which was the highway of nations, and which all travellers and traders have followed since its existence became known to our first discoverers. A line through the Lake Superior, from its eastern outlet to the northward of the Isle Royale, leads direct to this communication; and the line described was evidently so described for the purpose of going to that precise communication. The terms of the call are peculiar. Through every lake and every watercourse, from Lake Ontario to the Lake Huron, the language of the treaty is the same: the line is to follow the *middle* of the lake. Through every river it is the same: the *middle* of the main channel is to be followed. On entering Lake Superior, this language changes. It is no longer the *middle* of the lake that is to constitute the boundary, but a line through the lake to the "northward" of Isle Royale—a boundary which, so far from dividing the lake equally, leaves almost two-thirds of it on the American side. The words of the treaty are these:

"Thence through Lake Superior, northward of the isles Royale and Philippeaux, to the Long Lake; thence through the middle of said Long Lake, and the water communication between it and the Lake of the Woods, to the Lake of the Woods," &c.

These are the words of the call; and this variation of language, and this different mode of dividing the lake, were for the obvious purpose of taking the shortest course to the Long Lakes, or Pigeon river, which led to the Lake of the Woods. The communication through these little lakes and rivers was evidently the object aimed at; and the call to the north of Isle Royale was for the purpose of getting to that object. The island itself was nothing, except as a landmark. Though large, (for it is near one hundred miles in circumference,) it has no value, neither for agriculture, commerce, nor war. It is sterile, inaccessible, remote from shore, and fit for nothing but the use to which the Indians consigned it—the fabulous residence of a fabulous deity. Nobody wants it—neither Indians nor white people. It was assigned to the United States in the treaty of 1783, not as a possession, but as a landmark, and because the shortest line through the lake, to the well-known route which led to the Lake of the Woods, passed to the north of that isle. All this is evident from the maps, and all the maps are here the same; for these features of nature are so well defined that there has never been the least dispute about them. The commissioners under the Ghent treaty, (Gen. Porter for the United States, and Mr. Barclay for Great Britain,) though disagreeing about several things, had no disagreement about Isle Royale, and the passage of the line to the north of that isle. In their separate reports, they agreed upon this; and this settled the whole question. After going to the north of Isle Royale, to get out of the lake at a known place, it would be absurd to turn two hundred miles south, to get out of it at an unknown place. The agreement upon Isle Royale settled the line to the Lake of the Woods, as it was, and as it is: but it so happened that, in the year 1790, the English traveller and fur-trader, Mr. (afterwards Sir Alexander) McKenzie, in his voyage to the Northwest, travelled up this line of water communication, saw the advantages of its exclusive possession by the British, and proposed in his "History of the Fur Trade," to obtain it by turning the line down from Isle Royale, near two hundred miles, to St. Louis river in the southwest corner of the lake. The Earl of Selkirk, at the head of the Hudson's Bay Company, repeated the suggestion; and the British Government, forever attentive to the interests of its subjects, set up a claim, through the Ghent commissioner, to the St. Louis river as the boundary. Mr. Barclay made the question, but too faintly to obtain even a reference to the arbitrator; and Lord Ashburton had too much candor and honor to revive it. He set up no pretension to the St. Louis river, as claimed by the Ghent commissioner: he presented the Pigeon river as the "long lake" of the treaty of 1783, and only asked for a point six miles south of that river; and he obtained all he asked. His letter of the 17th of July is explicit on this point. He says:

"In considering the second point, it really appears of little importance to either party how the line be determined through the wild country between Lake Superior and the Lake of the Woods, but it is important that some line should be fixed and known.

"I would propose that the line be taken from a point about six miles south of Pigeon river, where the Grand Portage commences on the lake, and continued along the line of the said portage, alternately by land and water, to Lac la Pluie—the existing route by land and by water remaining common by both parties. This line has the advantage of being known, and attended with no doubt or uncertainty in running it."

These are his Lordship's words: Pigeon river, instead of St. Louis river! making no pretension to the four millions of acres of fine mineral land supposed to have been saved between these two rivers; and not even alluding to the absurd pretension of the Ghent commissioner! After this, what are we to think of the candor and veracity of an official paper, which would make a merit of having saved four millions of acres of fine mineral land, "northward of the claim set up by the British commissioner under the Ghent treaty?" What must we think of the candor of a paper which boasts of having "included this within the United States," when it was never out of the United States! If there is any merit in the case, it is in Lord Ashburton—in his not having claimed the 200 miles between Pigeon river and St. Louis river. What he claimed, he got; and that was the southern line, commencing six miles south of Pigeon river, and running south of the true line to Rainy lake. He got this; making a difference of some hundreds of thousands of acres, and giving to the British the exclusive possession of the best route, and a joint possession of the one which is made the boundary. To understand the value of this concession, it must be known that there are two lines of communication from the Lake Superior to the Lake of the Woods, both beginning at or near the mouth of Pigeon river; that these lines are the channels of trade and travelling, both for Indians and the fur-traders; that they are water communications; and that it was a great point with the British, in their trade and intercourse with the Indians, to have the exclusive dominion of the best communication, and a joint possession with us of the other. This is what Lord Ashburton claimed—what the treaty gave him—and what our Secretary negotiator became his agent and solicitor to obtain for him. I quote the Secretary's letter of the 25th of July to Mr. James Ferguson, and the answers of Mr. Ferguson of the same date, and also the letter of Mr. Joseph Delafield, of the 20th of July, for the truth of what I say. From these letters, it will be seen that our Secretary put himself to the trouble to hunt

estimony to justify his surrender of the northern route to the British; that he put leading questions o his witnesses, to get the information which he wanted; and that he sought to cover the sacrifice, by depreciating the agricultural value of the land, and treating the difference between the lines as a hing of no importance. Here is the letter. I read an extract from it:

"What is the general nature of the country between the mouth of Pigeon river and the Rainy lake? Of what formation is it, and how is its surface? and will any considerable part of its area be fit for cultivation? Are its waters active and running streams, as in other parts of the United States? Or are they dead lakes, swamps, and morasses? If the latter be their general character, at what point, as you proceed westward, do the waters receive a more decided character as running streams?

"There are said to be two lines of communication, each partly by water and partly by portages, from the neighborhood of Pigeon river to the Rainy lake: one by way of Fowl lake, the Saganaga lake, and the Cypress lake; the other by way of Arrow river and lake; then by way of Saganaga lake, and through the river Maligne, meeting the other route at Lake la Croix, and through the river Namekan to the Rainy lake. Do you know any reason for attaching great preference to either of these two lines? Or do you consider it of no importance, in any point of view, which may be agreed to? Please be full and particular on these several points."

Here are leading questions, such as the rules of evidence forbid to be put to any witness, and the answers to which would be suppressed by the order of any court in England or America. They are called "leading," because they *lead* the witness to the answer which the lawyer wants; and thereby tend to the perversion of justice. The witnesses are here led to two points: first, that the country between the two routes or lines is worth nothing for agriculture; secondly, that it is of no importance to the United States which of the two lines is established for the boundary. Thus led to the desired points, the witnesses answer. Mr. Ferguson says:

"As an agricultural district, this region will always be valueless. The pine timber is of high growth, equal for spars, perhaps, to the Norway pine, and may, perhaps, in time, find a market; but there are no alluvions, no arable lands, and the whole country may be described as one waste of rock and water.

"You have desired me also to express an opinion as to any preference which I may know to exist between the several lines claimed as boundaries through this country, between the United States and Great Britain.

"Considering that Great Britain abandons her claim by the Fond du Lac and the St. Louis river; cedes also Sugar island, (otherwise called St. George's island,) in the St. Marie river; and, agrees, generally, to a boundary following the old commercial route, commencing at the Pigeon river, I do not think that any reasonable ground exists to prevent a final determination of this part of the boundary."

And Mr. Delafield adds:

"As an agricultural district, it has no value or interest, even prospectively, in my opinion. If the climate were suitable, (which it is not,) I can only say that I never saw, in my explorations there, tillable land enough to sustain any permanent population sufficiently numerous to justify other settlements than those of the fur-traders; and, I might add, fishermen. The fur-traders there occupied nearly all those places; and the opinion now expressed is the only one I ever heard entertained by those most experienced in these Northwestern regions.

"There is, nevertheless, much interest felt by the fur-traders on this subject of boundary. To them, it is of much importance, as they conceive; and it is, in fact, of national importance. Had the British commissioner consented to proceed by the Pigeon river, (which is the Long Lake of Mitchell's map,) it is probable there would have been an agreement. There were several reasons for his pertinacity, and for this disagreement; which belong, however, to the private history of the commission, and can be stated when required. The Pigeon river is a continuous watercourse. The St. George's island, in the St. Marie river, is a valuable island, and worth as much, perhaps, as most of the country between the Pigeon river and Dog river route, claimed for the United States, in an agricultural sense."

These are the answers; and while they are conclusive upon the agricultural character of the country between the two routes, and present it as of no value; yet, on the relative importance of the routes as boundaries, they refuse to follow the *lead* which the question held out to them, and show that, as commercial routes, and, consequently, as commanding the Indians and their trade, a question of national importance is involved. Mr. Delafield says the fur-traders feel much interest in this boundary: to them, it is of much importance; and it is, in fact, of national importance. These are the words of Mr. Delafield; and they show the reason why Lord Ashburton was so tenacious of this change in the boundary. He wanted it for the benefit of the fur-trade, and for the consequent command which it would give the British over the Indians in time of war. All this is apparent; yet our Secretary would only look at it as a corn and potato region! And finding it not good for that purpose, he surrenders it to the British! Both the witnesses look upon it as a sacrifice on the part of the United States, and suppose some equivalent in other parts of the boundary was received for it. There was no such equivalent: and thus this surrender becomes a gratuitous sacrifice on the part of the United States, aggravated by the condescension of the American Secretary to act as the attorney of the British minister, and seeking testimony by unfair and illegal questions, and then disregarding the part of the answers which made against his design.

Sir, I have dwelt long upon this point, because it was necessary to detect the fallacy which the President has been made to sign, and to expose the subserviency of our Secretary to the interests of Great Britain. He has sacrificed an important boundary—important for war and commerce; and, while making this sacrifice, and surrendering all the country between the two routes, he makes the President sign a statement which leads the country to believe that he has made an acquisition of four millions of acres of fine mineral land. The detection of this fallacy, and the exposure of this subserviency, are not only necessary to save us from gross error about these four millions of acres; but also to show us the spirit in which the treaty was made, and the faith with which the papers submitted to us have been drawn. Other occasions will occur for similar detections and exposures. And here I wish to say, once for all, that I consider this message, which the President has signed, as being the work of his Secretary; and that his fault consists in not having verified its statements before he signed it.

I have stated one general objection to the treaty—that of not settling all the questions in dispute. I pass over other general objections at present, for the purpose of getting at once to the consideration of its details. These other general objections are numerous and weighty; but I pass them over at present with a mere enumeration, to be attended to hereafter. I name them now, without stopping to dwell upon them. They are: That such a negotiation should have been committed to a sole negotiator, and one not subjected to the approval of the Senate, nor furnished with presidential instructions to limit and guide him, and the citizen of an interested State;—the assumption of this negotiator to treat the question of national boundaries, not as a question of rights under the treaty of independence, but as a matter of bargain and sale, or of grants and equivalents, in the hands of the negotiators;—the omission of the American negotiator to keep minutes, or protocols, of his conferences and propositions;—the obscurity and mystery which rest upon the origin and progress of the different propositions;—the assumption of the American negotiator to act for the British negotiator, in presenting the British proposition for the Maine boundary as the American proposition; and the unjustifiable and unfounded arguments with which he pressed that proposition upon the commissioners of the State of Maine, until he succeeded in *victimizing* that deserted and doomed State;—the mixing up of incongruous subjects in the same treaty;—the irregular manner in which the ratification of the treaty has been forestalled by private consultations and conferences with Senators before it was submitted to the Senate;—the solemn and mysterious humbuggery by which Dr. Franklin has been made to play a part in ravishing this ratification from our alarms, and screening the negotiator from responsibility for his gratuitous sacrifices;—the awful apparition of the disinterred map discovered by Mr. Jared Sparks in Paris, with the red marks upon it, and which was showed about to Senators to alarm them into prompt action;—the impressive invocation to secrecy and despatch, lest the British should get wind of the aforesaid map and letter, and thereupon renounce the treaty; when it was perfectly clear, from Lord Ashburton's letter of the 11th of July, that the sagacious old gentleman had already scented out these secret papers, and was ready to claim the benefit of them if new negotiations commenced;—the war-cry which is raised if the treaty is not ratified—a cry which addresses itself to our fears, and not to our judgment, and which would make merchandise of national honor and national rights. I pass over all these additional general objections to the treaty for the present, intending to revert to them in good time, and proceed at once to the consideration of the treaty itself.

The northern boundary is the first subject in the treaty; and on this question, (abandoning all claims of right and title under the treaty of independence—with what propriety will hereafter be seen,) the negotiators proceeded to adjust this boundary upon the principle of compromise and accommodation, ceding and conceding, granting and compensating, until they brought it to the condition in which we find it in the treaty. Waiving, for the present, all remarks upon this assumption of power over our national boundaries, and this demolition of the work of our ancestors, who established these boundaries at the expense of so much blood and treasure, and for the wise purpose of covering their country by a proper frontier: waiving, for the present, all remarks upon this point, I proceed to state the grants and equivalents which were made on each side, and shall consider the value and importance of each. These are, on the side of the British—1. Sugar or St. George's island, in the State of Michigan, between the lakes Huron and Superior. 2. Rouse's Point, and a strip of territory in the State of New York. 3. A strip of territory in the State of Vermont. 4. A hundred thousand acres of land in the State of New Hampshire. 5. The qualified navigation of the St. John river, within the British dominions. 6. The amount of money received by the British for timber cut and sold on the disputed territory. These are the grants and compensations on the part of the British. On the part of the United States, they are: 1. The important national boundary between the Lake Superior and the Lake of the Woods, so necessary to the fur-trade and to the control of the Indians. 2. The four thousand one hundred and nineteen square miles of territory in the State of Maine, being the same and the whole that was awarded to Great Britain by the King of the Netherlands. 3. Eight hundred and ninety-three square miles in Maine, being so much over and above the award of the King of the Netherlands. 4. The establishment of the new boundary, on this side of the awarded line, from lake Pohenagamook to Metjarmette pass, one hundred and ten miles in length, and wholly within the ancient and natural boundaries of Maine. 5. The surrender of the mountain boundary which covered the State of Maine and commanded the road to Quebec, from the head of the St. Francis to the Metjarmette pass—say 150 miles in length—and being so much over and above the award of the King of the Netherlands. 6. The navigation of the St. John river within the State of Maine. 7. A right of way over the territory of Maine, to reach the river. 8. The sum of $300,000 to be paid to the States of Maine and Massachusetts for their loss of territory. 9. The sum of about $200,000 to be paid to the same States, to reimburse their expenses in protecting the disputed territory against Great Britain. 10. A naval alliance and co-operation with Great Britain for the suppression of the African slave-trade. 11. A diplomatic alliance with the same power, for remonstrating with nations against the slave-trade, and for closing the markets of the world against the traffic in slaves. 12. The delivery of fugitive criminals.

This is the list of the grants and equivalents—these the concessions on each side; the value of which I now proceed to examine, beginning with those on the part of Great Britain.

1. The first of these concessions, as they are called, is the island in St. Mary's river, between the lakes Huron and Superior; called by us Sugar island, by the British St. George's. This island has been in our possession, and under our jurisdiction, since the treaty of peace of 1783; our people make sugar upon it; our Indians inhabit it; and for upwards of a quarter of a century we have exercised proprietory rights over it. It was ours by the treaty of 1783, and by fifty years' possession; but the British commissioner under the Ghent treaty (Mr. Barclay) set up a claim to it which Lord Ashburton was too candid to enforce. He readily threw it up to us. In his letter of the 16th of July, he says:

"The other things connected with this boundary being satisfactorily arranged, a line shall be drawn so as to throw this island within the United States."

This was prompt and handsome. His Lordship knew very well what he was about, and how insignificant was a rich island compared to a commanding boundary. Sugar island had no military importance. It was good for sugar and grain, but not for cannon. Its 26,000 acres of fertile soil was a great object in the eyes of an agricultural people, but nothing in the eyes of a domineering monarchy. The cession enured to the benefit of Michigan, and sweetened the treaty to the palate of that young State. It was a large object in the eyes of a young State; the little island of 200 acres in the mouth of the Detroit river was a much larger one in the eyes of the British! The little island of

Bois Blanc, opposite Malden, and commanding the river Detroit and its entrance into the Lake Erie, was worth many sugar islands to them; and this they took good care to save.* In June 1822, Mr. Barclay, the British commissioner under the 6th article of the Ghent treaty, wrote thus to General Porter, the American commissioner:

"The undersigned, therefore, is ready to cede Sugar, Fox, and Stony islands to the United States, provided the commissioner of the United States agrees to appropriate the island of Bois Blanc to his Majesty, and to establish the line in the water passage between Bois Blanc and the three beforementioned islands."

The little island was accordingly so appropriated; the offer of three others for it being reinforced by a threat to refer the question of right to the King of the Netherlands, if it was not given up. It was given up in 1822; and I mention the circumstance to show how the British do these things. A large island, excellent for raising cabbages and potatoes, and making sugar and sirup, is readily thrown up to us: a small one, on which cannon could be planted, was pertinaciously retained by them! The taste of both countries was accommodated—ours for agriculture, theirs for dominion! Like a sagacious negotiator, who knew where to concede, Lord Ashburton surrendered Sugar island to Michigan; conciliated that State in favor of his treaty, and marched straight on to the grand object of his mission.

2. Rouse's Point, in the State of New York, and the narrow slip of land which includes it. This point is now hailed as an invaluable acquisition, sufficient of itself to pass the treaty. I remember very well when it was assigned to us by the King of the Netherlands, and when it stood for nothing in favor of the award. That award was rejected, not by the will of President Jackson, but under the action of the Senate and the two interested States, although it gave us this now prized point, cost us no money, took so much less from the State of Maine, and left us the long and lofty line of mountain frontier opposite to Quebec. Rouse's Point gained us not a vote in this body in favor of that award: it now becomes a gigantic consideration in favor of a treaty so much worse than the award. Be it so. The author of the present treaty was the enemy of the award, and will doubtless see the propriety of explaining the reason for the strange contradiction which his conduct presents. Historical recollections attach some interest to this point, which is now more imaginary than real. It has been the scene of some military operations, which the growth of the country will carry to a more distant theatre in future wars. By the peace of 1783, this point fell within our limits, and that by the British ascertainment of the 45th parallel of latitude before the Revolution. That parallel was the boundary, in that quarter, between the United States and Canada: its rectification, under the treaty of Ghent, left out Rouse's Point, and the little fort which had been commenced upon it, to command the entrance into Lake Champlain. The same rectification of the line showed an error of half a mile wide in the northern boundary of the States of New Hampshire and Vermont, giving that much off of each to Great Britain. But it was an acquisition which Great Britain did not want; which she has refused to touch, though entitled to it since the treaty of Ghent; which has remained in our possession ever since, and would doubtless so remain forever. Great Britain wanted none of our republican population added to her Canadian possessions. This she has shown by near thirty years' refusal to receive them; and her minister was the correct interpreter of her policy when he readily threw up this point, and the strip along with it; taking care to make the easy concession an item in the accomplishment of his great design on Maine. All this the British negotiator admits, with a readiness and good feeling which does him much credit. He says:

"The question here at issue between the two countries, was as to the correct determination of the parallel of latitude, and the true source of the Connecticut river. Upon both these points decisions were pronounced in favor of Great Britain; and I might add that the case of America, as matter of right, was but feebly and doubtingly supported by her own authorities. I am, nevertheless, disposed to surrender the whole of this case, *if we should succeed in settling, as proposed, the boundary of Maine.*

"This concession, considered with reference to the value of the land ceded, which is generally reported to be fertile, and contains a position at Rouse's Point much coveted in the course of the controversy, would, under ordinary circumstances, be considered of considerable importance. The concession will, however, be made by Great Britain without reluctance, not only to mark the liberal and conciliatory spirit by which it is desired to distinguish these negotiations, but because the case is, in some respects, analogous to that of the Madawaska settlement, before considered. It is believed that the settlers on the narrow strip (which would be transferred to Great Britain by rectifying the 45th parallel of latitude, which was formerly incorrectly laid down, are principally from the United States; and that their opinions and habits incline them to give a preference to that form of government under which, before the discovery of the error in question, they supposed themselves to be living. It cannot be desired by her Majesty to acquire any addition of territory under such circumstances, whatever may be the weight of her rights; but it will be observed that the same argument applies almost exactly to the Madawaska settlement, and justifies the reservation I am there obliged to make. In these days, the convenience and happiness of the people to be governed will ever be the chief guide in transactions of this description, between such Governments as those of Great Britain and the United States."

In this paragraph his Lordship shows a considerate regard for the compromised inhabitants, citizens of the United States, living on this strip of land. He is willing to give them up for a consideration, though he declares it could not be desirable to her Majesty to acquire them. His benevolence is still subordinate to his policy; and he is willing to leave these Republicans in the United States, provided the main object is accomplished on the frontiers of Maine. It is clear the British would never accept these inhabitants; yet, to sign a treaty denationalizing them, would have been revolting to the public feeling. To quiet them where they were, was to gain friends for the treaty. The strip was narrow, and of no great length—half a mile at one end, a point at the other, and some fifty miles in length. An area of twelve or fifteen square miles, (some eight or ten thousand acres,) and a few thousand inhabitants, constituted its totality of population and territory. Except the people, it was no great object; but to sign a treaty leaving them out of the United States, would have been unjust and unpopular.

Rouse's Point is the prominent object in this concession; and to this object, historical recollections attach some degree of military importance. It is a point for commanding the entrance into Lake Champlain—the best, but not the only point for that purpose. Further within our line, two batteries from opposite shores will do the work of one battery at this point. It is the best for commanding the entrance, because the outlet is there the narrowest; but its only advantage is in the difference between two batteries and one. The British could not take it, except as part of the strip in New York and Vermont, which would bring her the people she did not want. That she attached no military importance to it, either for her own defence or our annoyance, is evident from her total refusal to touch it for so long a time, when indisputably hers; from her readiness to give it up, under the award, without compensation, while endeavoring to ravish from us the real military positions which were indisputably ours—namely, the islands of Bois Blanc, Campo Bello, and Grand Menan, and the mountain frontier of Maine. To us, it can be of no moment in any future wars with Great Britain. We can hardly repeat the folly of border warfare; of summer operations; of isolated invasions; and of petty detachments hung upon a line of a thousand miles. Instead of that, a large movement will probably be organized. A hundred thousand men concentrated upon the heart, instead of diffused upon the extremities of Canada—marching upon the ice, as Pichegru marched upon Holland—going to Quebec instead of going to the little posts which line the lakes; in such a movement, neither forts nor ships would be wanting. Rivers and lakes, instead of obstacles, would become bridges to the invader; and Rouse's Point would cease to have a place in any man's mind. Still, old ideas give it some value. Its name is connected with the battle of Plattsburg, and with McDonough's victory on Lake Champlain. It is considered the key to the lake which washes two States; and it is not to be dissembled that its recovery gratifies the public feeling, propitiates two States in favor of the treaty, and facilitates the grand object of the British mission. The British negotiator conducted skilfully in conceding for a price what he had no wish to retain—what had been given up without price in the award—what had an illusive value in our eyes, and no value at all in his; and the concession of which was smoothing his way to Maine. The only thing worthy of observation in this acquisition, is the importance attached to it now, when it costs $500,000 in money, and an additional slice off of Maine, by those who rejected it when obtained under Jackson's administration for nothing.

3. The cession of territory in Vermont. This is a narrow strip, ninety miles in length, three-quarters of a mile wide at one end, half a mile at the other; giving an area of some fifty square miles, or about 30,000 acres. It is a slip made by the same rectification of the line on the 45th parallel, which cut off Rouse's Point and the strip in New York; and is subject to all the remarks which were applied to it. This strip in Vermont was given up by the British negotiator, for the same reason he had given up the other: it could have no national consideration, except for the people upon it. His Government did not want these people, and would not have them; still it would be wrong to disquiet them by signing a treaty which should leave them on the British side. The concession which quiets them, strongly recommends the treaty to the State of Vermont; and, taken in conjunction with Rouse's Point, which is at the outlet of their lake, assures its favorable reception in that border State. Two votes more for the treaty!

4. The 100,000 acres assured to New Hampshire between Hall's creek and Perry's creek. This cannot be called a cession, or a concession. The State of New Hampshire has always possessed it, and always exercised jurisdiction over it. She was in no danger of ever losing that possession, or that jurisdiction, whether the Ghent commissioners were right or wrong in retiring the boundary from Hall's creek to Perry's creek. The British never availed themselves of the unacceptable acquisition, and never would. They no more wanted New Hampshire Republicans, than New York or Vermont Republicans, within their dominions. The 100,000 acres, and the population upon it, have been just as much the territory and population of New Hampshire since the Ghent treaty as before it. The concession of the British minister changes nothing; but, while changing nothing, it prevents an objection, and conciliates support for the treaty in the State of New Hampshire.

5. The qualified privilege to a part of the inhabitants of Maine to navigate a part of the river St. John. This is the last of the British concessions, and one much boasted of by the advocates of the treaty. The analysis of the article which grants this vaunted privilege will show it to be restricted to a very narrow benefit, and counterbalanced by rights of navigation granted to the people of New Brunswick to the same river within the State of Maine, with the important addition of a right of way to it. The river St. John, politically considered, is divided into three parts: the lower part wholly in the British province of New Brunswick; the middle part, by the new treaty, a boundary between Maine and New Brunswick; the upper part wholly within the State of Maine. The rights of navigation in this river are thus conferred: so far as it is a common boundary, both parties living upon the waters of the river possess it: so far as it is within the limits of New Brunswick, the people of Maine, living on the waters of the river, may use it for the transportation of the products of the forest, and such of the products of agriculture as are not manufactured, subject to the regulations of the British authorities to establish the origin and character of the articles: so far as it is within the limits of Maine, the neighboring inhabitants of New Brunswick have the same privilege of navigation, with the addition of a territorial right of way to reach the river—a privilege not granted to the people of Maine on the lower part of the river. This is the analysis of this privilege: and what does it amount to? Not as much as the law of nations would give Maine without the treaty. For the law of nations gives to the people on the upper waters of navigable streams the right of passing through foreign dominions to reach the ocean—the highway of nations. This is what we asserted against Spain, in the case of the Mississippi: it is what the American negotiator of this treaty now admits in relation to the Red river, the Sabine, and the Mississippi, in favor of Texas. Reduced and restricted as the privilege is, it is but a small matter for Maine to receive; nothing for Great Britain to grant; and is counterbalanced by privileges of navigation and of way granted to her. But a question arises here. The privilege of navigation granted is limited to the inhabitants of the coun-

*"It is, in my opinion, of very great importance that the right of passage be secured for American vessels, between the island of Bois Blanc, in the river Detroit, (opposite Fort Malden,) and the British shore; the channel is only 200 to 300 yards wide, and is entirely commanded both by the island and Fort Malden. At present, there is no other passage for our larger class of vessels, steamboats, &c., and it will require much time and expense to render the old passage south of Gros Isle available. In short, the right of using the British channel is, in my opinion, absolutely necessary."—*Mr. Robert Stewart's letter to Mr. Webster, July 27.*

tries watered by the river St. John. It does not extend to the citizens of the United States generally, nor even to the citizens of Maine generally; but to those who live upon the waters of the St. John. Is this within the competency of the treaty-making power? Can a treaty be made for the benefit of the people of a single State, or of part of a State? If so, the *"supreme law"* may be very unequal, and the Union cease to be a unit in regard to its foreign relations.

This completes my view of the grants and concessions made by Great Britain to the United States by this treaty. They are all of the same character—nothing for Great Britain to grant, trifles for us to receive, and better given up than retained; because undesirable to Great Britain in themselves, and facilitating, by their surrender, the grand object on Maine. Sugar island in Michigan—Rouse's Point in New York—the ninety-mile strip in Vermont—the 100,000 acres in New Hampshire—though no more desirable to the British than the wooden horse was to the Trojans, are all yielded in a way to conciliate those States, and to leave Maine standing alone, to make head against the British designs upon her territory and boundaries. I say standing alone; for even her mother, the old Bay State, was purchased off from her defence by a pecuniary indemnity for her proprietary rights, and by the honor of furnishing the sole negotiator to meet the extraordinary British special mission. Everything along the line, from the four millions of fine mineral land beyond Lake Superior to the long sheep-walk in Vermont, is promptly thrown up; and, from the alacrity with which these concessions (as they are called) are made, and from the anxiety of the sagacious negotiator to please the border States, it may be almost inferred that it was matter of regret that there was no fine mineral land—no sweet little island—no commanding point—no long narrow slip—no pretty little creeks—along the confines of Pennsylvania and Ohio, to be flung up to those two States, in the like gracious manner. In that event, the border States might have been unanimous; and not a chance for a vote against the treaty from the Lake of the Woods to Massachusetts Bay.

Such are the grants and concessions from Great Britain to the United States: few in number, small in value, nothing for her to yield, injurious to her to retain, and already ours as effectually without the treaty as with it. Except the restricted and compensated navigation of the lower St. John, all the rest was already ours—ours by the treaty of 1783, and by the fact that Great Britain wanted none of these slips, or islands, or points of land, with the incumbrance of their republican inhabitants, which she makes a merit of yielding to us. Not so with our grants to her, They are large and valuable—material for her to receive—dangerous and injurious for us to yield—and involving, not only territory, but natural boundaries; and admitting a foreign power within the limits which Nature herself and the treaty of '83 had prescribed for the frontier of an independent nation. And here I frankly accost the subject, and say that, if our negotiator, in forming a general treaty for all the States, and in settling all the subjects in dispute between the two countries, had yielded to the British Crown all that the award of the King of the Netherlands granted, I should have said not a word. But, in transcending that award, which he himself opposed as yielding too much—in giving up more now than the British Government demanded at the time of that award—in doing this, I find reasons for amazement and disapprobation. I am astonished at what I behold; and shall proceed to state the number and the magnitude of the sacrifices we have made; and demand, from the friends of the negotiator, the causes and the reasons for such extraordinary concessions.

These concessions are:

1. The boundary between the Lake Superior and the Lake of the Woods; and all the territory between the true and important boundary abandoned, and the false and insignificant one adopted. The amount of territory sacrificed is large—several hundred thousand acres—and as good for fine minerals as any of the four millions pretended to have been acquired. But it is not as territory that the loss is felt. It is in giving the British fur-traders the great water-line, which facilitates the trade with the Indians, and gives control over them in time of war. By the treaty of 1783, this water-line was the boundary between the two countries; and its use common to the citizens and subjects of each. By this treaty, it becomes exclusively British! A new and inferior line is established further south, encroaching upon our territory; and of this the British have the common use jointly with ourselves!

2. All the country awarded by the King of the Netherlands—being 2,119 square miles, or 2,636,160 acres in extent—all this is given up; and, since the evaporation of the four millions of acres of fine mineral land on the west of Lake Superior, there is not a pretext of an equivalent for it. That award gave Rouse's Point as the equivalent: this treaty pays money for that point, and makes a gift to the British of these 2,119 square miles. To mitigate the enormity of this barefaced sacrifice, our Secretary negotiator enters into a description of the soil, and avers it to be unfit for cultivation. What if it were so? It is still rich enough to bear cannon, and to carry the smuggler's cart; and that is the crop Great Britain wishes to plant upon it. Gibraltar and Malta are rocks; yet Great Britain would not exchange them for the deltas of the Nile and of the Ganges. It is not for growing potatoes and cabbages that she has fixed her eye, since the late war, on this slice of Maine; but for trade and war—to consolidate her power on our northeastern border, and to realize all the advantages which steam power gives to her new military, and naval, and commercial station in Passamaquoddy bay, and her new route for trade and war through Halifax and Maine to Quebec. She wants it for great military and commercial purposes; and it is pitiful and contemptible in our negotiator to depreciate the sacrifice as being poor land, unfit for cultivation, when power and dominion, not potatoes and cabbages, is the object at stake. But the fact is, that much of this land is good; so that the excuse for surrendering it without compensation is unfounded as well as absurd.

3. Eight hundred and ninety-three square miles of territory, equal to 571,520 acres, on this side of the line awarded by the King of the Netherlands. And here our amazement becomes intense, and the want of protocols and minutes of conferences becomes manifest, in leaving us in total darkness as to the origin, progress, and inducements to this unexpected and gratuitous sacrifice. Let the Senate remember that, immediately on the rendition of the award, the British Government declared their assent to it, filed their acceptance with the arbitrator, notified the Government of the United States of what she had done, and formally demanded its fulfilment. It was in the summer of 1831, and immediately after the promulgation of the award, that Sir Charles Vaughan (the then British minister) gave this notification to the American Government, and called upon it to execute the award. President Jackson was not the author of the reference to the King of the Netherlands. It was made before he came into power, and by virtue of a clause in the Ghent treaty, which, instead of following the former treaties, and referring the difference as to the highlands (if any arose between the commissioners appointed to run the line) to another commissioner appointed on the spot to decide between the two opinions;—instead of following this old and plain course, the Ghent treaty directed the difference to be referred to a friendly sovereign. The King of the Netherlands was that sovereign; and his award was adverse to the title of Maine. President Jackson disapproved the reference; but, having been made by his predecessor in office, he felt bound in honor to acquiesce in the award. That was his individual feeling; but, in a case of so much magnitude, he deemed it right to have the opinion of the Senate. This opinion he asked in a formal message of the 7th of December, 1831. On the 27th of January ensuing, he transmitted to the Senate the official demand of the Government of Great Britain for the immediate execution of the award, and a remonstrance against the delay which had occurred. In that official demand, the British charge (Mr. Bankhead) thus remonstrated with our Government on that delay:

"Mr. Livingston is doubtless aware that his predecessor in office was informed verbally, by Mr. Vaughan, that the King his master, upon the receipt of the instrument by which the award of the King of the Netherlands was communicated to the British Government, had considered himself bound, in fulfilment of the obligations which he had contracted by the terms of the convention of arbitration of September 29, 1827, to express to his Netherland Majesty his Majesty's assent to that award. * * * * * It appears to his Majesty's Government that the time is now arrived when a final understanding between the British and American Governments on the subject of that award, and on the measures necessary to be taken for carrying it into effect, ought no longer to be delayed; and the undersigned is accordingly directed, in making to the Secretary of State the present more formal communication of the assent of his Majesty to the decision of his Netherland Majesty, to inquire of Mr. Livingston whether the Government of the United States are now ready to proceed, conjointly with that of Great Britain, to the nomination of commissioners for marking out the boundary between the possessions of his Majesty in North America and those of the United States, agreeable to his Netherland Majesty's award? * * * * * On every ground, therefore, his Majesty feels confident that the Government of the United States will not hesitate to enable the undersigned to apprize his Majesty's Government of their acquiescence in the decision of the King of the Netherlands. * * * * * The grounds on which his Majesty's acceptance of that decision was founded, have been fully explained by the undersigned; and he is commanded to add, that among the motives which influenced his Majesty on that occasion, there was none more powerful than the anxious desire which his Majesty feels to improve and confirm the harmony which so happily exists on other subjects between Great Britain and the United States, by thus settling, once for all, a question of great difficulty, *and for which his Majesty is unable to see any other solution.*"

This demand, thus repeatedly and solemnly made by Great Britain for the execution of the award, establishes a great point in the character of this treaty. It is, that the British Government was then entirely satisfied with that award—asked nothing more—insisted upon its execution; and declared its non-execution to be the only obstacle to the harmony of the two countries, and presented the execution of this award as being the only solution to the existing difficulties. Now what was that award? It was, that the British should have the country north of the St. John and the St. Francis, and that we should have Rouse's Point. This was the whole amount of the award. Not an inch of territory or boundary yielded on this side of the St. John and St. Francis—not a cent in money or territory, as a compensation for Rouse's Point! After this, how comes it that a belt of territory, one hundred and ten miles in length, is yielded on this side those rivers? How comes it that a mountain boundary, one hundred and fifty miles in length, is yielded opposite Quebec? How comes it that a conventional line in the low lands of Maine is substituted for this natural frontier, and so guarded as to be kept at a certain distance from Quebec? And how comes it that Rouse's Point becomes a purchase from Great Britain, for which the United States must pay half a million to Maine and Massachusetts? These are questions to which the mind instantly reverts—upon which it demands light; and upon which the want of protocols leaves it entirely in the dark. The British Government could see no obstacle to harmony but the non-compliance with the award: they could see no solution to the difficulties between the countries, but in the execution of the award. Our Secretary negotiator has found another solution; and that is, to give them double as much as the award gave, and pay for Rouse's Point besides! and that, after rejecting the award because it gave too much!

But to go on with the award, and President Jackson's application to the Senate for their advice and consent to its execution. His message, and the British demand, were referred to the Committee on Foreign Relations. That committee, Mr. Tazewell being the chairman, reported in favor of the award. But the report was opposed and defeated; and even a proposition for opening new negotiations with Great Britain shared the same fate. The party in the Senate then in opposition to General Jackson, would neither execute the award, nor treat further for settling the line with Great Britain.* Nothing would then do them, but the treaty of 1783. Defeated in the Senate, and still anxious to execute the award, President Jackson applied himself to the two States interested. To overcome their opposition, he proposed an indem-

*The journals of the Senate prove these statements, and justice to President Jackson requires them to be known. The resolve of Mr. Tazewell was in these words:

"Resolved, That the Senate do advise the President to express to the King of the Netherlands the assent of the United States to the determination made by him, and consent to the execution of the same."

This resolution was defeated by side blows; and the award being thus frustrated, an attempt was made in the Senate to open new negotiations for settling the boundary. The following was the resolution for the new negotiations, and the vote upon its adoption:

"*Resolved*, That the Senate advise the President to open a new negotiation with his Britannic Majesty's Government, for the ascertainment of the boundary between the possessions of the United States and those of the King of Great Britain, on the Northeastern frontier of the United States, according to the treaty of peace of 1783."

YEAS—Messrs. Benton, Brown, Dallas, Dickerson, Dudley, Ellis, Grundy, Hendricks, Hill, Holmes, Kane, King, Mangum, Marcy, Robinson, Ruggles, Smith, Sprague, Tazewell, Tipton, Troup, White, and Wilkins—23.

NAYS—Messrs. Bell, Bibb, Chambers, Clay, Clayton, Ewing, Foote, Frelinghuysen, Hayne, Johnston, Knight, Miller, Moore, Naudain, Poindexter, Prentiss, Robbins, Seymour, Silsbee, Tomlinson, TYLER, and WEBSTER—22.

Not being two-thirds in favor of the resolution, it was rejected.

nity of a million of acres of good land in Michigan. The indemnity was scouted. Nothing would do but the true line!—the true line along the highlands!—and that by the 4th day of a certain July! and if not peaceably, then by force! And in this patriotic and warlike ebullition, the negotiator of this treaty boiled hottest and longest; declaring loudly that he would clap a musket upon his shoulder, and march straight to the northwest corner of Nova Scotia himself, and there fight for the line of '83. After all this, he signed this treaty; and the process by which this revolution was effected in his mind and spirit, so desirable to be known, remains a profound secret for want of the protocols.

To soften the effect of this inexplicable sacrifice, the absurd pretext of sterile and poor land is resorted to. These 893 square miles, surrendered on this side the awarded line, are depreciated as unfit for cultivation. If so, what does Great Britaid want with it, except for a purpose more valuable than cultivation? Why is poor land more desirable to her than to us? Why does she want our poor land, (and the question of peace or war depend upon her getting it,) unless it is for war purposes, and to gain a military advantage over us? And here let me say, once for all, that it is but a poor compliment to American intelligence to be turning a question of national boundaries into a question of cornfields. Every child knows that we want mountains, rivers, rocks, and deserts for the former—level and rich land for the latter; and that the nation is a fool that thinks of acres and cultivation, when the question is one of boundaries and dominion.

3. The establishment of the low-land boundary in place of the mountain boundary, and parallel to it. This new line is 110 miles long. It is on this side of the awarded line—not a continuation of it, but a deflexion from it; and evidently contrived for the purpose of weakening our boundary, and retiring it further from Quebec. It will be called in history the Webster line. It begins on the awarded line, at a lake in the St. Francis river; breaks off at right angles to the south, passes over the valley of the St. John in a straight line, and equidistant from that river and the mountain, until it reaches the northwest branch of the St. John, when, approaching within forbidden distance of Quebec, it deflects to the east; and then holds on its course to the gorge in the mountain at the head of Metjarmette creek. A view of the map will show the character of this new line; the words of the treaty show how cautiously it was guarded; and the want of protocols hides its paternity from our view. The character of the line is apparent; and it requires no military man, or military woman, or military child, to say to whose benefit it enures. A man of any sort—a woman of any kind—a child of any age—can tell that! It is a British line, made for the security of Quebec. Follow its calls on the map, and every eye will see this design. These are the calls:

"Beginning at the outlet of the Lake Pohenagamook; thence, southwesterly, in a straight line to a point on the northwest branch of the river St. John, which point shall be ten miles distant from the main branch of the St. John, in a straight line, and in the nearest direction; but if the said point shall be found to be less than seven miles from the nearest point of the summit or crest of the highlands that divide those rivers which empty themselves into the river St. Lawrence from those which fall into the river St. John, then the said point shall be made to recede down the said northwest branch of the river St John, to a point seven miles in a straight line from the said summit or crest; thence, in a straight line, in a course about south eight degrees west, to the point where the parallel of latitude of 46 deg. 25 min. north intersects the southwest branch of the St. John; thence, southerly, by the said branch, to the source thereof in the highlands at the Metjarmette portage."

4. The surrender of the mountain boundary between the United States and Great Britain on the frontiers of Maine. This is a distinct question from the surrender of territory. The latter belonged to Maine: the former to the United States. They were national, and not State boundaries—established by the war of the Revolution, and not by a State law or an act of Congress; and involving all the considerations which apply to the attack and defence of nations. So far as a State boundary is coterminous with another State, it is a State question, and may be left to the discretion of the States interested: so far as it is coterminous with a foreign power, it is a national question, and belongs to the national authority. A State cannot be permitted to weaken and endanger the nation by dismembering herself in favor of a foreigner, by demolishing a strong frontier, delivering the gates and keys of a country into the hands of a neighboring nation, and giving them roads and passes into the country. The boundaries in question were national, not State; and the consent of Maine, even if given, availed nothing. Her defence belongs to the Union; is to be made by the blood and treasure of the Union; and it was not for her, even if she had been willing, to make this defence more difficult, more costly, and more bloody, by giving up the strong, and substituting the weak line of defence. Near three hundred miles of this strong national frontier have been surrendered by this treaty—being double as much as was given up by the rejected award. The King of the Netherlands, although on the list of British generals, and in the pay of the British Crown, was a man of too much honor to deprive us of the commanding mountain frontier opposite to Quebec; and besides, Jackson would have scouted the award if he had attempted it. The King only gave up the old line to the north of the head of the St. Francis river; and for this he had some reason, as the mountain there subsided into a plain, and the ridge of the highlands (in that part) was difficult to follow: our negotiator gives up the boundary for one hundred and fifty miles on this side the head of the St. Francis, and without pretext; for the mountain ridge was there three thousand feet high. The new part given up, from the head of the St. Francis to Metjarmette portage, is invaluable to Great Britain. It covers her new road to Quebec, removes us further from that city, places a mountain between us, and brings her into Maine. To comprehend the value of this new boundary to Great Britain, and its injury to us, it is only necessary to follow it on a map—to see its form—know its height, the depth of its gorges, and its rough and rocky sides. The report of Capt. Talcott will show its character—three thousand feet high: any map will show its form. The gorge at the head of the Metjarmette creek—a water of the St. Lawrence—is made the *terminus ad quem* of the new conventional lowland line: beyond that gorge, the mountain barrier is yielded to Great Britain. Now, take up a map. Begin at the head of the Metjarmette creek, within a degree and a half of the New Hampshire line—follow the mountain north—see how it bears in upon Quebec—approaching within two marches of that great city, and skirting the St. Lawrence for some hundred miles. All this is given up. One hundred and fifty miles of this boundary is given up on this side the awarded line; and the country left to guess and wonder at the enormity and fatuity of the sacrifice.* Look at the new military road from Halifax to Quebec—that part of it which approaches Quebec, and lies between the mountain and the St. Lawrence. Even by the awarded line, this road was forced to cross the mountain at or beyond the head of the St. Francis, and then to follow the base of the mountain for near one hundred miles, with all the disadvantages of crossing the spurs and gorges of the mountain, and the creeks and ravines, and commanded in its whole extent by the power on the mountain. See how this is changed by the new boundary! the road permitted to take either side of the mountain—to cross where it pleases—and covered and protected in its whole extent by the mountain heights, now exclusively British. Why this new way, and this security for the road, unless to give the British still greater advantages over us than the awarded boundary gave? A palliation is attempted for it. It is said that the mountain is unfit for cultivation; that the line along it could not be ascertained; and that Maine consented. These are the palliations—insignificant if true, but not true in their essential parts. And, first, as to the poverty of the mountain, and the slip along their base, constituting this area of 893 square miles surrendered on this side the awarded line: Captain Talcott certifies it to be poor, and unfit for cultivation. I say, so much the better for a frontier. As to the height of the mountains, and the difficulty of finding the dividing ridge, and the necessity of adopting a conventional line: I say all this has no application to the surrendered boundary on this side the awarded line at the head of the St. Francis. On this side of that point, the mountain ridge is lofty, the heights attain three thousand feet; and navigable rivers rise in them, and flow to the east and to the west—to the St. Lawrence and the Atlantic. Hear Captain Talcott, in his letter to Mr. Webster:

"The territory within the lines mentioned by you contains eight hundred and ninety-three square miles—equal to five hundred and seventy-one thousand five hundred and twenty acres. It is a long and narrow tract upon the mountains or highlands, the distance from Lake Pohenagamook to the Metjarmette portage being one hundred and ten miles. The territory is barren, and without timber of value; and I should estimate that nineteen parts out of twenty are unfit for cultivation. Along eighty miles of this territory the highlands throw up into irregular eminences of different heights, and, though observing a general northeast and southwest direction, are not brought well into line. Some of these elevations are over three thousand feet above the sea.

"The formation is primitive siliceous rock, with slate resting upon it around the basis. Between the eminences are morasses and swamps, throughout which beds of moss, of luxuriant growth, rest on and cover the rocks and earth beneath. The growth is such as is usual in mountain regions on this continent in high latitudes. On some of the ridges and eminences birch and maple are found; on others, spruce and fir; and in the swamps, spruce intermixed with cedar; but the wood everywhere is insignificant, and of stinted growth. It will readily be seen, therefore, that for cultivation, or as capable of furnishing the means of human subsistence, the lands are of no value."

This letter was evidently obtained for the purpose of depreciating the lost boundary, by showing it to be unfit for cultivation. The note of the Secretary negotiator which drew it forth is not given, but the answer of Captain Talcott shows its character; and its date (that of the 14th of July) classes it with the testimony which was hunted up to justify a foregone conclusion. The letter of Captain Talcott is good for the Secretary's purpose, and for a great deal more. It is good for the overthrow of all the arguments on which the plea for a conventional boundary stood. What was that plea? Simply, that the highlands in the neighborhood of the northwest corner of Nova Scotia could not be traced; and that it was necessary to substitute a conventional line in their place. And it is the one on which the award of the King of the Netherlands turned, and was, to the extent of a part of his award, a valid one. But it was no reason for the American Secretary to give one hundred and fifty miles of mountain line on this side of the awarded line, where the highlands attained three thousand feet of elevation, and turned navigable rivers to the right and left. Lord Ashburton, in his letter of the 13th of June, commences with this idea: that the highlands described in the treaty could not be found, and had been so admitted by American statesmen, and quotes their declarations. He says:

"In the year 1802, Mr. Madison, at that time Secretary of State for the United States, in his instructions to Mr. Rufus King, observed that the difficulty in fixing the *northwest angle of Nova Scotia* 'arises from a reference in the treaty of 1783 to highlands which, it is now found, have no definite existence.' And he suggests the appointment of a commission, to be jointly appointed, 'to determine on a *point* most proper to be *substituted* for the description in article II of the treaty of 1783.' Again: Mr. President Jefferson, in a message to Congress on the 17th of October, 1803, stated that 'a further knowledge of the ground in the northeastern and northwestern angles of the United States has evinced that the boundaries established by the treaty of Paris, between the British territories and ours, in those *points*, were too imperfectly described to be susceptible of execution.'"

Here it is very clear that it is not the line itself, in its whole extent, between Canada and Maine, that cannot be fixed for want of finding these highlands; but merely the northeastern corner, as determined by the northwestern corner of Nova Scotia. This idea, sufficiently clear in the few words quoted from Mr. Madison, becomes still more so when we refer to the whole paragraph in his letter of June 8, 1802, to Mr. Rufus King. In that paragraph he says:

"In fixing the *point* at which the line is to terminate, (the due-north line from the head of the St. Croix to the highlands which divide the waters of the St. Lawrence from those of the Atlantic,) and which is referred to as the northwest corner of Nova Scotia, the difficulty arises from a reference of the treaty of 1783 to the *highlands*, which, it is now found, have no definite existence. To remove this difficulty, no better expedient occurs than to provide for the appointment of a third commissioner, as in article 5 of the treaty of 1794; and to authorise the three to determine on a *point* most proper to be substituted for the description in the 2d article of the treaty of 1783, *having due regard to the general idea that the line ought to terminate on the elevated ground dividing the rivers falling into*

* Mr. Featherstonhaugh, formerly employed by the British Government in researches upon this boundary, thus displays the military importance of the new boundary, in a late speech in England:

"The treaty of 1783 proposed to establish the boundary between the two countries along certain highlands. The Americans claimed these highlands to run in a northeasterly direction from the head of the Connecticut river, in a course which would have brought the boundary within the distance of twenty miles from the river St. Lawrence, and which, besides cutting off the posts and military routes leading from the province of New Brunswick to Quebec, would have given them various military positions to command and overawe that river and the fortress of Quebec.

"Now, gentlemen, if you will divert your attention for a moment from the conflicting statements you may have read in regard to the merits of the compromise which has been made, I will explain them to you in a few words. The American claim, instead of being maintained, has been altogether withdrawn and abandoned; the territory has been divided into equal moieties, as nearly as possible; we have retained that moiety which secures to us every object that was essential to the welfare of our colonies; all our communications, military and civil, are forever placed beyond hostile reach; and all the military positions on the highlands claimed by America are, without exception, secured forever to Great Britain."

the Atlantic from those emptying themselves into the St Lawrence. The commissioners may also be authorized to substitute for the description of the boundary between the *point* so fixed, and the northwesternmost head of the Connecticut river, namely, *a line drawn along the said highlands;* such a reference to intermediate sources of rivers, or other ascertained or ascertainable points, to be connected by straight lines, as will admit of easy and accurate execution hereafter, and as will best comport with the apparent intention of the treaty of 1783."

From this full quotation of Mr. Madison's letter, it is still more clear than in Lord Ashburton's note—1. That the part at which the treaty could not be executed, for want of finding highlands, was the *point* to be constituted by the intersection of the due-north line from the head of the St. Croix with the *line* drawn along the highlands. 2. That this *point* might be substituted by a conventional one agreed upon by the three commissioners. 3. That from this *point*, so agreed upon, the *line* was to go to the *highlands*, and to follow them wherever they could be ascertained, to the head of the Connecticut river. This is the clear sense of Mr. Madison's letter and Mr. Jefferson's message; and it is to be very careless to confound this *point* (which they admitted to be dubious, for want of highlands at that place) with the *line* itself, which was to run near 300 miles on the elevations of a mountain reaching 3,000 feet high. The King of the Netherlands took a great liberty with this *point* when he brought it to the St. John river: our Secretary-negotiator took a far greater liberty with it when he brought it to the head of the Metjarmette creek; for it is only at the head of this creek that our *line* under the new treaty begins to climb the highlands. The King of the Netherlands had some apology for his conventional *point* and conventional *line* to the head of the St. Francis—for the highlands were sunk into table-land where the *point* ought to be, and which was the *terminus a quo* of his conventional line: but our negotiator had no apology at all for turning this conventional line south, and extending it 110 miles through the level lands of Maine, when the mountain highlands were all along in sight to the west. It is impossible to plead the difficulty of finding the highlands for this substitution of the lowland boundary, in the whole distance from the head of the St. Francis, where the King of the Netherlands fixed the commencement of our mountain line, to the head of the Metjarmette, where our Secretary fixed its commencement. Lord Ashburton's quotation from Mr. Madison's letter is partial and incomplete: he quotes what answers his purpose, and is justifiable in so doing. But what must we think of our Secretary-negotiator, who neglected to quote the remainder of that letter, and show that it was a conventional *point*, and not a conventional *line*, that Mr. Jefferson and Mr. Madison proposed? and that this conventional *point* was merely to fix the northwest angle of Nova Scotia where, in fact, there were no highlands; after which, the line was to proceed to the elevated ground dividing the waters, &c., and then follow the highlands to the head of the Connecticut? Why did our Secretary omit this correction of the British minister's quotation, and thus enable him to use American names against us?

The consent of Maine is the next palliation for this great sacrifice; and here I have to repeat that, even if such consent had been given, it would signify nothing. The boundaries in question are not State, but national: they are not in the custody of Maine, but of the whole Union. But Maine did not consent. She was *victimized* into conditional submission by the arts and arguments of the Secretary negotiator! And here the strangest part of this inexplicable negotiation opens itself to our view. The consent of Maine! What was that consent? How obtained? And how used? She is said to have consented to this great dismemberment of her territory; surrender of her natural boundaries; the establishment of new boundaries within her old and natural limits; and the consolidation of the British military and naval power around her and within her. To all this she is said to have assented; and this is the short answer which is given for the enormous sacrifices she has been made to suffer. Did she consent? No more than the victim consents to its execution, because it walks, instead of being dragged, to the scaffold! Isolated from her sister States—from Massachusetts, New Hampshire, Vermont, New York, and Michigan—all of which were conciliated in favor of the treaty; pressed upon by her own Government, which presented the British proposition, and urged its acceptance; informed her that nothing better could be expected; warned her that this might be the last *chance* for settling the question by *agreement;* presented her as the sole obstacle to the peace and happiness of two great nations:—thus isolated, urged, and menaced, the Maine commissioners so far assented as to agree to the sacrifice, upon condition that the Senate of the United States, on mature consideration, should advise and consent to the ratification of the treaty. The whole question was referred to our mature consideration: and yet, no sooner was conditional consent and reference to us obtained, than the full and absolute consent of Maine was heralded forth to forestal the public mind—to silence Maine herself; and is now incontinently repeated on this floor, to preclude our consideration of the subject. That I state this conditional consent correctly, I will show by presenting it to the Senate. After stating that it was this, or nothing; that Massachusetts had assented; that the General Government was anxious; that it was the last chance, and so on,—the Maine commissioners proceed to say:

"Thus situated, the commissioners of Maine, invoking the spirit of attachment and patriotic devotion of their State to the Union, *and being willing to yield to the deliberate convictions of her sister States* as to the path of duty, and to interpose no obstacles to an adjustment which the *general judgment* of the nation shall pronounce as honorable and expedient, even if that judgment shall lead to a surrender of a portion of the birthright of the people of their State, and prized by them because it is their birthright,—have determined to overcome their objections to the proposal, *so far as to say, that if, upon mature consideration, the Senate of the United States shall advise and consent to the ratification of a treaty, corresponding in its terms with your proposal,* and with the conditions in our memorandum accompanying this note, (marked A,) and identified by our signatures, they, by virtue of the power vested in them by the resolves of the Legislature of Maine, give the assent of that State to such conventional line, with the terms, conditions, and equivalents herein mentioned."

And this is her consent! Pressed by the President of the United States—pressed by the American negotiator—menaced—abandoned by her mother State—isolated from other States—presented as sole obstacle to the general peace—warned that it was the last chance: thus situated, this devoted State so far subdues herself as to say, through her commissioners, that she submits to the sacrifice, if, upon mature consideration, the Senate of the United States shall approve it. And no sooner is this reluctant, painful, conditional assent to the decision of the Senate obtained from Maine, than it is proclaimed as free and unqualified acquiescence! and the Senate, and the whole Union, are required to approve the treaty, because Maine had approved it! This is adding insult to injury, and serving the Senate but little more fairly than Maine herself has been served. The part which the Secretary negotiator has acted in bringing things to this pass; his arts and his arguments in *victimizing* a State which he should have defended; his wonderful change since the rejection of the award—all these belong to my general objections to the treaty, and will be examined in another part of my speech. At present, I limit myself to showing that Maine did not consent to the wrong which was done to her, and done to the United States; but made that consent dependent and conditional on the judgment of the Senate, after mature consideration.

I do not argue the question of title to the territory and boundaries surrendered. That work has been done in the masterly report of the Senator from Pennsylvania, [MR. BUCHANAN,] and in the resolve of the Senate, unanimously adopted, which sanctioned it. That report and that resolve were made and adopted in the year 1838—seven years after the award of the King of the Netherlands—and vindicated our title to the whole extent of the disputed territory. After this vindication, it is not for me to argue the question of title. I remit that task to abler and more appropriate hands—to the author of the report of 1838. It will be for him to show the clearness of our title under the treaty of 1783—how it was admitted in Mr. Jay's treaty of 1794, in Mr. Liston's correspondence of 1798, in Mr. King's treaty of 1803, in Mr. Monroe's treaty of 1807, and in the conferences at Ghent—where, after the late war had shown the value of a military communication between Quebec and Halifax, a variation of the line was solicited as a favor, by the British commissioners, to establish that communication. It will be for him also to show the progress of the British claim, from the solicited favor of a road, to the assertion of title to half the territory and all the mountain frontier of Maine; and it will further be for him to show how he is deserted now by those who stood by him then. It will be for him to expose the fatal blunder at Ghent, in leaving our question of title to the arbitration of a European sovereign, instead of confiding the marking of the line to three commissioners, as proposed in all the previous treaties, and agreed to in several of them. To him, also, it will belong to expose the contradiction between rejecting the award for adopting a conventional line, and giving up part of the territory of Maine; and now negotiating a treaty which adopts two conventional lines, gives up all that the award did, and more too, and a mountain frontier besides; and then pays money for Rouse's Point, which came to us without money under the award. It will be for him to do these things. For what purpose? some one will say. I answer, for the purpose of vindicating our honor, our intelligence, and our good faith, in all this affair with Great Britain; for the purpose of showing how we are wronged in character and in rights by this treaty; and for the purpose of preventing similar wrongs and blunders in time to come. Maine may be dismembered, and her boundaries lost, and a great military power established on three sides of her; but the Columbia is yet to be saved! There we have a repetition of the Northeastern comedy of errors on our part, and of groundless pretension on the British part, growing up from a petition for joint possession for fishing and hunting, to an assertion of title and threat of war; this groundless pretension dignified into a claim by the lamentable blunder of the convention of London in 1818. We may save the Columbia by showing the folly, or worse, which has dismembered Maine.

I proceed with the enumeration and consideration of the American concessions to the British.

6. The navigation of the St. John within the limits of the State of Maine. This results from the new line—the Webster line—which brings the British into the valley of the St. John, on the upper part of that river, and this side of the awarded line. The privilege of navigation is granted to the new neighbors which this line gives to Maine; and may be considered as a set-off to the navigation granted below to the inhabitants of Maine where the river is exclusively within the British dominions. It is navigation against navigation, and deprives the privilege granted to Maine of the benevolent and meritorious character claimed for it. We grant as much navigation as we receive, with the superaddition of a territorial right of way to the river where it is exclusively within our limits; a right which is denied to us where the river is wholly within the British limits.

7. The territorial right of way granted to these new neighbors to cross the Webster line, and travel over-land to the upper St. John, to enjoy their navigation within the exclusive limits of Maine. It is a privilege of no mean value, being new in principle, extensive in territory, and not reciprocated by a similar privilege to the inhabitants of Maine on the lower part of the river. On this lower part the settlements of Maine skirt the St. John for one hundred miles, often approaching within five or ten miles of it. It would be very convenient to these settlements to cross the British line, and go straight to the river; but this advantage is denied them. They must get to the river by water, of which there is but one channel (the Aroostook;) or they must enter above, where the river is a mutual boundary, and from which they will have the exercise of carrying round, or pitching their saw-logs over, a second Niagara falls, eighty feet in the perpendicular plunge. The British on the Webster line are to have this privilege of over-land transit to and from the river, where it is within the exclusive dominion of Maine; and that, to the whole extent of the line—one hundred and ten miles. Reciprocity would have required a similar privilege to the Maine people below. Not having received it, this territorial right of way becomes a gratuitous concession, as important for its principles and consequences as for its novelty and inequality.

8. The sum of $300,000 to be paid to Maine and Massachusetts for their territorial losses under the treaty. This is to be paid by the United States, and is a concession most lamely and impotently accounted for by the American negotiator. The want of protocols deprives us of a knowledge of its history. We only find it, for the first time, in its full-grown form, in the letter of the United States negotiator of the 15th of July to the commissioners of Maine, where it appears as an equivalent for British concessions. Speaking of it in this sense, our Secretary says:

"These cessions on the part of England would enure partly to the benefit of the States of New Hampshire, Vermont, and New York, but principally to the United States. The consideration on the part of England, for making them, would be the

manner agreed upon for adjusting the Eastern boundary. The price of the cession, therefore, whatever it might be, would in fairness belong to the two States interested in the manner of that adjustment.

"Under the influence of these considerations, I am authorized to say, that if the commissioners of the two States assent to the line as described in the accompanying paper, the United States will undertake to pay to these States the sum of two hundred and fifty thousand dollars, [increased to three hundred thousand dollars,] to be divided between them in equal moieties; and, also, to undertake for the settlement and payment of the expenses incurred by those States, for the maintenance of the *civil posse;* and, also, for a *survey* which it was found necessary to make."

This is the brief history of this strange item—an item strange in itself, and coming to us in a strange way. We find it in the proposition made by the American negotiator, in the name of his Government, to the commissioners of Maine: Lord Ashburton (for aught that is seen) having nothing to do with it. We find it as an American proposition; and an inconceivable one it is. Maine and Massachusetts lose 3,207,800 acres of land! Great Britain gets it! and the United States pay for it! How make the United States paymaster in a case where she was receiving nothing, and where she was losing the invaluable national boundaries established by the treaty of '83? How do this? By what legerdemain? The Secretary negotiator says it is for cessions on the part of England, which enure partly to the benefit of New Hampshire, Vermont, and New York, and partly to the United States; and also as a consideration on the part of Great Britain for adjusting the Northeastern boundary. Adjustment of boundary! What a delicate phrase for the demolition of the great boundaries purchased for us by the blood and treasure of the Revolutionary war! But the cessions enure partly to the benefit of the United States; and thus, being partly benefited, she must pay all the money. But how this benefit? What these cessions? and how enure to the national benefit? What are they? Not Rouse's Point; for that belongs to New York, and must be purchased from that State if wanted by the United States. But why pay Great Britain for Rouse's Point? The award of the King of the Netherlands gave it to us without pay, and we would not have it. It has been a derelict these twenty-five years, neither the United States nor Great Britain touching it. Why this sudden value in the eyes of those who repulsed it when given by the King of the Netherlands? The same of the slips in New Hampshire and Vermont. They belong to those States. Not an inch of their soil enures to the benefit of the United States. It is not public land, but State property, which they constitute; and we have nothing to do with them. Besides, they are not cessions. They are, and always have been, and forever would be, the property of the States within whose revolutionary boundaries they lie. Great Britain would not receive them as a gift, much less demand money for their sale. No, sir, no. This mystification will not do. The United States becomes paymaster in a case where she receives nothing—where Great Britain gains—and where Maine and Massachusetts lose. This is the short and the long of the story: and the $300,000 is put into the treaty to coerce Congress to pay it. If not to coerce Congress, why put it there? It is an ugly interposition of a foreign Government between the Government of the Union and a couple of its members; and if not put there for coercion, why is it put there? The equal division of this money between Maine and Massachusetts is another awkward circumstance: they divide equally while selling unequally. Massachusetts sells nothing but land which she wished to sell: Maine parts with land against her will—parts with jurisdiction—parts with boundaries—parts with cherished and long defended objects—and parts from all with grief and shame, and under the duresse of actual moral and menaced physical force from two powerful Governments. And, after all this, she divides equally with Massachusetts, who only sells what she wishes to sell, and with the advantage of selling to a sovereign ready-money purchaser in the mass, instead of doling out the acres in driblets, and on credits, to private individuals. One thing only is clear in this inexplicable transaction; and that is, that Maine and the United States are losers, and Massachusetts and Great Britain gainers.

9. The sum of about $200,000 to be paid to Massachusetts and Maine for their expenses in defending the disputed territory against Great Britain. This is an article more strange than the other to find a place in the treaty. If right to pay it, it should have rested on the faith of Congress: if wrong, it is made worse, by being put in a treaty with a foreign power. It is a dangerous practice in confederacies to have foreign powers interposing between the confederacy and its members. Payments to States for expenditures in their proper defence is a domestic concern, and a legislative question. It belongs to our own authorities, and to the legislative department of those authorities. If these $200,000, thus stipulated to be paid to Maine and Massachusetts were for military expenses, properly incurred in their own defence through the neglect or default of the General Government, the question of reimbursement would still be one of exclusive legislative consideration. It would address itself to Congress. But it is not even a question of that kind, but of police and surveying expenses. The treaty says, vaguely, for protecting the disputed territory, and making a survey thereof: the correspondence explains this protection to be for the maintenance of a *civil posse*, and for a *survey* necessary to be made. Congress itself cannot pay States for maintaining civil posses and making surveys. It must be for defence against invasion or insurrection. This is the Constitution; and the treaty-making power is not above the Constitution, but subordinate to it. The supremacy of the treaty is not over the Constitution, but over the subjects falling within the scope of that power. It is for Congress to say whether a case has occurred to authorize Maine and Massachusetts to be reimbursed for expenses incurred in resisting invasion. The treaty-making power has nothing to do with it, and it is an invasion of the legislative power to put it into a treaty. In the light of a civil posse and a survey, Congress itself cannot pay these $200,000. The President, the Senate, and Queen Victoria cannot extend our Constitution, or bind the Congress to pass unconstitutional acts. The payment of this sum for a civil posse and a survey, unjustifiable in itself, becomes aggravated by this unconstitutional attempt to control and coerce Congress. It was evidently put in for that purpose, and should be struck from the treaty. It is a question for legislation, and not for diplomacy; and Lord Ashburton evidently looks to this, in his ultimate note, washing his hands of all these payments to Maine and Massachusetts.

10. The naval alliance for the suppression of the slave-trade. This alliance is a part of the treaty, and evidently an indissoluble part of it. The motion to strike it out is to be resisted; and is already resisted as a motion to destroy the treaty, to prevent its ratification by Great Britain, and as exposing us to war with that power. All this is an admission that the treaty is a unit; that the alliance is a part of it; and that this alliance cannot be refused without exciting the resentment of Great Britain. I do not discuss the merits of this alliance at present; a proper time will be found for that discussion when I come to the article which stipulates for the naval co-operation. At present, I only mention it as one of the considerations which make up the price which we pay for the treaty, as one of the American concessions and equivalents, and therefore proper to be enumerated in the catalogue of grants and sacrifices on our part. I shall move to strike it out, both as wrong in itself, and as being in a wrong place, even if it was right.

11. The diplomatic alliance for remonstrances with foreign Governments which still admit the trade in African slaves. This is an undertaking of the same character with the naval alliance, subject to the same remarks, as an American consideration for making the treaty; and only mentioned now, for the sake of enumeration in the list of our grants and equivalents. Its merits will be discussed under the proper head.

12. The delivery of fugitive criminals. This stipulation is another of the American concessions in favor of Great Britain. The design of it is to get hold of fugitive "*rebels*" from Canada, under the pretext of getting hold of fugitives from justice. The design is political, though cloaked with the name of justice; and though equal in its terms, is unequal in its operation. Fugitive American slaves will not be given up; fugitive British subjects will be. Our slaves will still be enticed into Canada by the honors, the rewards, and the protection which await them there; and I only mention this fugitive stipulation now, as one of our concessions to Great Britain, and one to which late events in Canada have given great importance. I will discuss it when I come to the 10th article.

Such is the catalogue, and such the comparative value of the grants and equivalents (as they are called by our negotiator) which are made by this treaty. It is a long and heavy list on the part of the United States—a short and a light one on the part of Great Britain. So far as the Maine boundary is concerned, I have no more to say; but the other parts of the treaty—what it contains—what it omits—the general objections to it—and the various questions which arise upon the correspondence,—all these demand attention, and I proceed to give it.

The suppression of the African slave-trade is the second subject included in the treaty; and here the regret renews itself at the absence of all the customary lights upon the origin and progress of treaty stipulations. No minutes of conference; no protocols; no draughts or counterdraughts; no diplomatic notes; not a word of any kind from one negotiator to the other. Nothing in relation to the subject, in the shape of negotiation, is communicated to us. Even the section of the correspondence entitled "*Suppression of the slave-trade*"—even this section professedly devoted to the subject, contains not a syllable upon it from the negotiators to each other, or to their Governments; but opens and closes with communications from American naval officers, evidently extracted from them by the American negotiator, to justify the forthcoming of preconceived and foregone conclusions. Never since the art of writing was invented could there have been a treaty of such magnitude negotiated with such total absence of necessary light upon the history of its formation. Lamentable as is this defect of light upon the formation of the treaty generally, it becomes particularly so at this point, where a stipulation new, delicate, and embarrassing, has been unexpectedly introduced, and falls upon us as abruptly as if it fell from the clouds. In the absence of all appropriate information from the negotiators themselves, I am driven to glean among the scanty paragraphs of the President's message, and in the answers of the naval officers to the Secretary's inquiries. Though silent as to the origin and progress of the proposition for this novel alliance, they still show the important particular of the motives which caused it. The President says:

"The treaty obligations subsisting between the two countries for the suppression of the African slave trade, and the complaints made to this Government within the last three or four years (many of them but too well founded) of the *visitation, seizure*, and *detention* of American vessels on that coast, by *British* cruisers, could not but form a delicate and highly important part of the negotiations which have now been held.

"It is known that, in December last, a treaty was signed in *London*, by the representatives of England, France, Russia, Prussia, and Austria, having for its professed object a strong and united effort of the five powers to put an *end to the traffic*. This treaty was not *officially* communicated to the Government of the United States, but its provisions and stipulations are supposed to be accurately known to the public. It is understood to be not yet ratified on the part of France.

"No *application* or *request* has been made to this Government to become *party* to this treaty; but the course it might take in regard to it, has excited no small degree of attention and discussion in *Europe*, as the principle upon which it is founded, and the stipulations which it contains, have caused *warm* animadversions and great political *excitement*.

"In my message at the commencement of the present session of Congress, I endeavored to state the principles which this Government supports respecting the right of search and the immunity of flags. Desirous of maintaining those principles fully, at the same time that existing obligations should be fulfilled, I have thought it most consistent with the honor and dignity of the country, *that it should execute its own laws, and perform its own obligations, by its own means and its own power*. The examination or visitation of the merchant vessels of one nation, by the cruisers of another, for any purpose, except those known and acknowledged by the law of nations, under whatever restraints or regulations it may take place, *may lead to dangerous results. It is far better, by other means, to supersede any supposed necessity, or any motive, for such examination or visit.* Interference with a merchant vessel by an armed cruiser, is always a delicate proceeding, apt to touch the point of national honor, as well as to affect the interests of individuals. It has been thought, therefore, expedient, not only in accordance with the stipulations of the treaty of Ghent, but at the same time as *removing all pretext on the part of others for violating the immunities of the American flag upon the seas, as they exist and are defined by the law of nations, to enter into the articles now submitted to the Senate.*"

The recitals in this paragraph are of momentous importance. They are conclusive to show that the stipulations into which we have entered, are the price which we have agreed to pay for the privilege of going unsearched upon the coast of Africa, and for the favor of not being officially required to join the quintuple alliance for the suppression of the slave-trade. The two first paragraphs are pregnant of these inferences: the concluding sentences of the last paragraph are conclusive of their truth. The first paragraph recites the fact of the seizure, detention, and visitation of our ships on the coast of Africa by British cruisers: the second ambiguously refers to the five powers alliance, and raises surmises of their designs, which it does not satisfy: the concluding sentences of the

last paragraph are sufficiently explicit in the declaration that we join Great Britain to avoid a junction with the five powers! and that we search ourselves, to avoid being searched by British cruisers! Studiously ambiguous, and profuse of phrases to deceive, while stinted of facts to inform, the message still lets out enough to betray these hidden and momentous meanings. The treaty has not been *officially* communicated to our Government. But may it not have been unofficially? and if so, by whom? for what purpose? and what are its contents? Instead of answering these pertinent inquiries, so naturally suggested by the declaration of the non-official communication, the sentence obliques off into the empty supposition that the contents are well known to the public! Why tell us this? why tell us what the public knows? We want to know what the Government knows—how it obtained its information—and what it is required to do. Instead of that, it tells us of the public: and then flies off to France, and informs us what we well knew before—that France had not signed. All this is foreign to the point. We want to know what concerns ourselves—whether the five powers are occupied with our affairs—and whether they have shown us their treaty—and for what purpose? The message says: "No application has been made to the United States to become a *party* to this quintuple alliance, but . . . but . . . but . . . the course we may take is the subject of attention, and discussion, and warmth, and excitement in Europe!" But what all this tends to, and what is required of us to allay this excitement, the message does not say. Instead of satisfying the curiosity which it excited as to the course of things in relation to us in Europe, it flies back to this continent—reverts to the President's message at the commencement of the session—denies the right of search—asserts the immunity of flags—and then most ominously declares that it is better to execute our own laws, and perform our own obligations; and do this by our own means, and by our own power. Why this declaration? Were others about to execute our laws, and perform our obligations, and to use means and powers upon us, not our own? Was this the state of the case? and, if so, why not tell us? Why this paltering and equivocation, unless to hide a damned conclusion which must be suffered, but cannot be told? The next sentence, however, approaches the point. "It is better to supersede the motive and supposed necessity for this delicate and dangerous search." And, finally, in the last words of the last sentence, the fatal secret is let out—that the articles now before the Senate were entered into for the purpose of "removing all pretext on the part of others for violating the immunities of the American flag in the African seas!" This is the secret; and after this, it stands confessed that our naval and diplomatic alliance with Great Britain is the price which we pay for five years' exemption from search, and for the favor of not being made a party to the quintuple alliance. The alliance with Great Britain is a substitute for these penalties: and a more ignominious purchase of exemption from outrage never disgraced the annals of an independent nation.

We will now see what is the price we have contracted to pay for these exemptions; and for that purpose I read the 8th and 9th articles of the treaty:

"ARTICLE VIII. The parties mutually stipulate that each shall prepare, equip, and maintain in service, on the coast of Africa, a sufficient and adequate squadron, or naval force of vessels, of suitable numbers and descriptions, to carry in all not less than eighty guns, to enforce separately and respectively the laws, rights, and obligations of each of the two countries, for the suppression of the slave trade; the said squadrons to be independent of each other, but the two Governments stipulating, nevertheless, to give such orders to the officers commanding their respective forces, as shall enable them most effectually to act in concert and co operation, upon mutual consultation, as exigencies may arise, for the attainment of the true object of this article; copies of all such orders to be communicated by each Government to the other respectively.

"ARTICLE IX. Whereas, notwithstanding all efforts which may be made on the coast of Africa for suppressing of the slave-trade, the facilities for carrying on the traffic, and avoiding the vigilance of cruisers by the fraudulent use of flags, and other means, are so great, and the temptations for pursuing it, while a market can be found for slaves, so strong, as that the desired result may be long delayed, unless all markets be shut against the purchase of African negroes; the parties to this treaty agree that they will unite in all becoming representations and remonstrances with any and all powers within whose dominions such markets are allowed to exist; and that they will urge upon all such powers the propriety and duty of closing such markets effectually at once and forever."

This is the price! naval and diplomatic alliance with Great Britain! And the eleventh article stipulates that the naval alliance is to continue for five years, and afterwards until one of the parties shall give notice for its cessation. Of course, Great Britain will never give the notice. Of course, also, the American Administration which makes it, will never give the notice. The alliance is eternal, unless we break down the party which made it. And this is the course of all revolting and dangerous innovations. It is as temporary measures they are introduced. They are continued imperceptibly; and finally made permanent, and fastened irrevocably upon the country. This will be the case with this alliance, unless the elections of 1844 relieve us from the dominion of the party now in power. And now let us see the extent of the obligations we have incurred to purchase this exemption from search, and to be excused from signing the quintuple treaty. They are: First, to prepare, equip, and maintain in service on the coast of Africa, a squadron of "*at least*" eighty guns, to coöperate with a British squadron in suppressing the slave trade. Secondly, to unite with Great Britain in diplomatic remonstrances and representations against the purchase of African negroes, with all the powers which still admit such purchases, and urging them to cease the practice, and to close the door against such purchases at once and forever. These are the obligations; and it is seen at once that they constitute an alliance—a double alliance—between the United States and Great Britain. The first sensation of an American in discovering this ominous conjunction, is that of astonishment, indignation, and shame. The farewell words of Washington rush to the mind. He warned us against entangling ourselves in foreign alliance: and here we are deeply entangled, and that with the very nation which, of all the others in the world, is the most to be dreaded.

The consequences of this entanglement are beyond the reach of human foresight, or of mental divination. It is the commencement of involving our America, and with it the whole New World, in the systems and vortex of European politics. We begin with going to Africa to join Great Britain, Russia, Prussia, and Austria, (for France declines the favor,) in redressing the grievances of the Old World; after that, it is a natural step for these great powers to come over here to redress the wrongs of the New World. If this fatal policy is suffered to continue; if we go on to mix ourselves in the affairs of Europe; if we quit our own, to stand upon foreign ground; if we hitch our cockboat to the grand navies of Europe, and tie on our little ministers behind the gorgeous representatives of mighty monarchs;—if we do this, then it is in vain that Providence isolated us, and that Washington warned us. We are doomed to foreign connexions, and to foreign interference; and may expect to see the affairs of the two Americas, from Baffin's Bay to Cape Horn, regulated by the sovereign congresses of Vienna, St. Petersburg, and London; and the fleets and armies of Europe sent here to enforce their decrees.

Passing from the political consequences of this entanglement—consequences which no human foresight can reach—I come to the immediate and practical effects which lie within our view, and which display the enormous inexpediency of the measure. First: the expense in money—an item which would seem to be entitled to some regard in the present deplorable state of the treasury—in the present cry for retrenchment—and in the present heavy taxation upon the comforts and necessaries of life. This expense for 80 guns will be about $750,000 per annum, exclusive of repairs and loss of lives. I speak of the whole expense, as part of the naval establishment of the United States, and not of the mere expense of working the ships after they have gone to sea. Nine thousand dollars per gun is about the expense of the establishment; 80 guns would be $720,000 per annum, which is $3,600,000 for five years. But the squadron is not limited to a maximum of 80 guns; that is the minimum limit: it is to be 80 guns "at the least." And if the party which granted these 80 shall continue in power, Great Britain may find it as easy to double the number, as it was to obtain the first eighty. Nor is the time limited to five years; it is only determinable after that period by giving notice; a notice not to be expected from those who made the treaty. At the least, then, the moneyed expense is to be $3,600,000; if the present party continues in power, it may double or treble that amount; and this, besides the cost of the ships. Such is the moneyed expense. In ships, the wear and tear of vessels must be great. We are to prepare, equip, and maintain in service, on a coast 4,000 miles from home, the adequate number of vessels to carry these 80 guns. It is not sufficient to send the number there; they must be kept up and maintained in service there; and this will require constant expenses to repair injuries, supply losses, and cover casualties. In the employment of men, and the waste of life and health, the expenditure must be large. Ten men and two officers to the gun, is the smallest estimate that can be admitted. This would require a complement of 960 men. Including all the necessary equipage of the ship, and above 1,000 persons will be constantly required. These are to be employed at a vast distance from home; on a savage coast; in a perilous service; on both sides of the equator; and in a climate which is death to the white race. This waste of men—this wear and tear of life and constitution—should stand for something in a Christian land, and in this age of roaming philanthropy; unless, indeed, in excess of love for the blacks, it is deemed meritorious to destroy the whites. The field of operations for this squadron is great; the term "coast of Africa" having an immense application in the vocabulary of the slave-trade. On the western coast of Africa, according to the replies of the naval officers Bell and Paine, the trade is carried on from Senegal to Cape Frio—a distance of 3,600 miles, following its windings, as the watching squadrons would have to go. But the track of the slavers between Africa and America has to be watched, as well as the immediate coast; and this embraces a space in the ocean of 35 degrees on each side of the equator, (say four thousand miles,) and covering the American coast from Cuba to Rio Janeiro; so that the coast of Africa—the western coast alone—embraces a diagram of the ocean of near 4,000 miles every way, having the equator in the centre, and bounded east and west by the New and the Old World. This is for the western coast only: the eastern is nearly as large. The same naval officers say that a large trade in negroes is carried on in the Mahometan countries bordering on the Red sea and the Persian gulf, and in the Portuguese East India colonies; and, what is worthy to be told, it is also carried on in the British presidency of Bombay, and other British Asiatic possessions. It is true, the officers say the American slavers are not yet there; but go there they will, according to all the laws of trading and hunting, the moment they are disturbed, or the trade fails, on the western coast. Wherever the trade exists, the combined powers must follow it: for good is not to be done by halves, and philanthropy is not to be circumscribed by coasts and latitudes. Great is the field of enterprise which presents itself to the British-American squadrons; great, also, is the field of labor for their diplomatic remonstrants. Spain, Portugal, Brazil; Cuba, Porto Rico, and other American islands; the Mahometan, Portuguese, and British possessions in southern Asia;—all these will require the presence of the Anglo-American embassies. Great will be the expense of these embassies; for the ambassadors must not only be paid, but go loaded with costly presents when barbarians are to be treated with. And here the treating is to be double—with the savage negro chiefs who tolerate the sale, and with Christian or Mahometan kings who tolerate the purchase. Even if no unlucky consequence supervenes, the expense of these embassies must still be great; but if our ministers chance to be assassinated by the negro chief, or insulted by the Christian or Mahometan king—what then? Shall we resent the injury, at a good loss of men and money? or shall we count the cost, and pocket the outrage? What if the Emperor of Brazil, boy as he is; or the Queen of Spain, child as she is; or the Queen of Portugal, lady as she is, should give our minister advice to return home and free his own country from slaves before he went about to close the markets of the world against them? True, there is a difference between purchasing, and the purchased. The intellect can detect the difference. But still it is a case for a sarcasm, and for an insult; and the American minister who should go upon these expeditions should look out for answers very different from what may be given to the representative of Great Britain. She, having liberated her own slaves, may stand up and speak. But how will it be with the American minister, when he commences rehearsing his remonstrance? This business of remonstrating is a delicate operation between individuals; more so when a sovereign is in the case; and becomes ex-

ceedingly critical when the remonstrant is about in the condition himself which he attacks in others. Among all the strange features in the comedy of errors which has ended in this treaty, that of sending American ministers abroad, to close the markets of the world against the slave-trade, is the most striking. Not content with the expenses, loss of life, and political entanglement of this alliance, we must electioneer for insults, and send ministers abroad to receive, pocket, and bring them home.

In what circumstances do we undertake all this fine work? What is our condition at home, while thus going abroad in search of employment? We raise 1,000 men for foreign service, while reducing our little army at home! We send ships to the coast of Africa, while dismounting our dragoons on the frontiers of Missouri and Arkansas! We protect Africa from slave-dealers, and abandon Florida to savage butchery! We send cannon, shot, shells, powder, lead, bombs, and balls, to Africa, while denying arms and ammunition to the young men who go to Florida! We give food, clothes, pay, to the men who go to Africa, and deny rations even to those who go to Florida! We cry out for retrenchment, and scatter $3,600,000 at one broad cast of the hand! We tax tea and coffee, and send the money to Africa! We are borrowing and taxing, and striking paper money, and reducing expenses at home, when engaging in this new and vast expense for the defence of Africa! What madness and folly! Has Don Quixotte come to life, and placed himself at the head of our Government, and taken the negroes of Africa, instead of the damsels of Spain, for the objects of his chivalrous protection?

The slave-trade is diabolical and infamous; but Great Britain is not the country to read us a lesson upon its atrocity, or to stimulate our exertions to suppress it. The nation which, at the peace of Utrecht, made the *asiento*—the slave contract—a condition of peace, fighting on till she obtained it; the nation which entailed African slavery upon us—which rejected our colonial statutes for its suppression*—which has many, many ten millions of white subjects in Europe and in Asia in greater slavery of body and mind, in more bodily misery and mental darkness, than any black slaves in the United States;—such a nation has no right to cajole or to dragoon us into alliances and expenses for the suppression of slavery on the coast of Africa. We have done our part on that subject. Considering the example and instruction we had from Great Britain, we have done a wonderful part. The Constitution of the United States, mainly made by slaveholding States, authorized Congress to put an end to the importation of slaves by a given day. Anticipating the limited day by legislative action, the Congress had the law ready to take effect on the day permitted by the Constitution. On the 1st day of January, 1808, Thomas Jefferson being President of the United States, the importation of slaves became unlawful and criminal. A subsequent act of Congress, following up the idea of Mr. Jefferson in his first draught of the Declaration of Independence, qualified the crime as piratical, and delivered up its pursuers to the sword of the law, and to the vengeance of the world, as the enemies of the human race. Vessels of war cruising on the coast of Africa, under our act of 1819, have been directed to search our own vessels—to arrest the violators of the law, and bring them in—the ships for confiscation, and the men for punishment. This was doing enough—enough for a young country, far remote in the New World, and whose policy is to avoid foreign connexions and entangling alliances. We did this voluntarily, without instigation, and without supervision from abroad; and now there can be no necessity for Great Britain to assume a superiority over us in this particular, and bind us in treaty stipulations, which destroy all the merit of a voluntary action. We have done enough; and it is no part of our business to exalt still higher the fanatical spirit of abolition, which is now become the stalking-horse of nations and of political powers. Our country contains many slaves, derived from Africa; and, while holding these, it is neither politic nor decent to join the crusade of European powers to put down the African slave-trade. From combinations of powers against the present slave-takers, there is but a step to the combination of the same powers against the present slaveholders; and it is not for the United States to join in the first movement, which leads to the second. "No entangling alliances" should be her motto! And as for her part in preventing the foreign slave-trade, it is sufficient that she prevents her own citizens, in her own way, from engaging in it; and that she takes care to become neither the instrument, nor the victim, of European combinations for its suppression.

The past administrations have been careful to save us from the entanglement of these connexions: they have been as careful to save us from these dangerous connexions, as the English have been anxious to involve us in them. Mr. Van Buren rejected, as "*unauthorized by instructions, and contrary to the established and well-known principles and policy of the Government*," the arrangement made by the commander of the United States schooner Grampus with the commander of her Britannic Majesty's sloop the Wolverine, on the 11th of March, 1840, authorizing the British commander "to detain all vessels under American colors found to be fully equipped for and engaged in the slave-trade, handing over to the American commander the vessels found to be American." Mr. Van Buren rejected this arrangement (the seminal principle of the present treaty) as contrary to the PRINCIPLES and the POLICY of the Government; and now this treaty comes to carry out on a great scale, what he wisely condemned on a small one.

The papers communicated do not show at whose instance these articles were inserted; and the absence of all minutes of conferences leaves us at a loss to trace their origin and progress in the hands of the negotiators. The little that is seen would indicate its origin to be wholly American; evidence *aliunde* proves it to be wholly British; and that our Secretary negotiator was only doing the work of the British minister in assuming the ostensible paternity of the articles. In the papers communicated, there is not a syllable upon the subject from Lord Ashburton. His finger is not seen in the affair. Mr. Webster appears as sole mover and conductor of the proposition. In his letter of the 30th of April to Captains Bell and Paine of the United States navy, he first approaches the subject, and opens it with a series of questions on the African slave-trade. This draws forth the answers which I have already shown. This is the commencement of the business. And here we are struck with the curious fact, that this letter of inquiry, laying the foundation for a novel and extraordinary article in the treaty, bears date 44 days before the first written communication from the British to the American negotiator! and 47 days before the first written communication from Mr. Webster to Lord Ashburton! It would seem that much was done by word of mouth before pen was put to paper; and that in this most essential part of the negotiations, pen was not put to paper at all, from one negotiator to the other, throughout the whole affair. Lord Ashburton's name is never found in connexion with the subject: Mr. Webster's only in the notes of inquiry to the American naval officers. Even in these he does not mention the treaty, nor allude to the negotiation, nor indicate the purpose for which information was sought! So that this most extraordinary article is without a clew to its history, and stands in the treaty as if it had fallen from the clouds, and chanced to lodge there! Even the President's message, which undertakes to account for the article, and to justify it, is silent on the point, though laboring through a mass of ambiguities and obscurities, evidently calculated to raise the inference that it originated with us. From the papers communicated, it is an American proposition, of which the British negotiator knew nothing until he signed the treaty. That is the first place where his name is seen in conjunction with it, or seen in a place to authorize the belief that he knew of it. Yet, it is certainly a British proposition; it is certainly a British article. Evidence *aliunde* establishes the fact; and as it is an important fact, and the more so from its studious concealment, I will examine that evidence; and for that purpose will have to go back near forty years in this branch of our diplomatic intercourse with Great Britain.

Sir, this is no new project with the British. They have been at it near forty years; but never found an Administration before to answer their purpose. As far back as the year 1806, when Mr. Monroe and Mr. Pinckney were ministers in London, the British commenced this business; but in a form so gentle and innocent, that one is at a loss to understand, except as now explained, their anxiety to obtain a treaty stipulation for it. The request then was, for an intercommunication of laws against the slave-trade; and for co-operation to procure the consent of other powers to the abolition of the trade by law, as Great Britain and the United States had abolished it. It was an innocent request, and would have been complied with, without the compulsion of a treaty obligation. We send our laws and public documents now to all the powers which have ministers here. Great Britain sends us all her parliamentary papers, and a valuable present they are. All this is done by virtue of the comity of nations, and from the civilization of the age, and not by virtue of national compacts. Yet, to obtain a page or two of our laws on a particular subject, and to get us to join her in requesting other nations to abolish the slave-trade, nothing short of a treaty stipulation would content her extreme anxiety. The article was put into a treaty in 1806, and here it is:

"The high contracting parties engage to communicate to each other, without delay, all such laws as have been, or shall be hereafter, enacted by their respective Legislatures; as also all measures which shall have been taken for the abolition or limitation of the African slave trade; and they further agree to use their best endeavors to procure the co-operation of other powers for the final and complete abolition of a trade so repugnant to the principles of humanity and justice."

This is the article. And what more harmless! To give copies of our laws, and to request other nations to abolish the trade by law, as we had done. This was the extent of the stipulation. The British proposed it, and pressed its adoption with zeal. The protocols show it; for, in those days, treaties were not negotiated without showing how; and the American ministers, in their correspondence with their Government, stated explicitly that the British proposed it, and pressed it upon them. Their words are: "*The British commissioners proposed the article, and showed a great desire that we should accede to it.*" Now, why this great desire, unless for some ulterior purpose? The article was nothing in itself; and this anxiety about it can only be accounted for from a desire to lay a nest-egg, to be hatched into life by the diplomatic incubation of future negotiators. The alliances, naval and diplomatic, of 1842, show the depth and character of their long-sighted policy.

The treaty of 1806 was not ratified; it was rejected by Mr. Jefferson, without communication to the Senate; and for a reason which I shall have occasion to mention in another part of my speech. The treaty fell, and with it the agreed article on the slave-trade. But the desires of the British did not fall, nor did they abate; and at the treaty of Ghent their instances were renewed for some stipulation on this point, with all the warmth of a first love, and with all the pertinacity of a settled design. Advancing beyond the nugatory stipulations of 1806, pretermitting the unnecessary engagement for the communication of laws, and endeavoring to substitute actions for words, the British commissions at Ghent proposed an article requiring the United States "*to exert every means in their power*" to accomplish the suppression of this trade. The American commissioners found this proposition too strong. Though indefinite in its terms, and binding us to nothing specific, it was still deemed too strong; and, upon their objection, it was diluted into a blank engagement—"*to use their best endeavors.*" In this diluted form, the article was agreed to; and now stand thus, as article 10 of the Ghent treaty:

"Whereas the traffic in slaves is irreconcilable with the principles of humanity and justice; and whereas, both his Majesty and the United States are desirous of continuing their efforts to promote its entire abolition; it is hereby agreed that both the contracting parties shall use their best endeavors to accomplish so desirable an object."

This is the article—certainly a faint one, and binding the United States to nothing. But it was a nest egg; and out of that egg, and by the maternal incubation of the present American Secretary of

* He has waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare—the opprobrium of *infidel* powers—is the warfare of the Christian king of Great Britain, determined to keep open a market where *men* should be bought and sold. He has prostituted his negative for suppressing every legislative attempt to prohibit or restrain this execrable commerce; and, that this assemblage of horrors might want no fact of distinguished die, he is now exciting the very people to rise in arms among us, and to purchase that liberty of which he has deprived them, by murdering the people on whom he has obtruded them; thus paying off former crimes committed against the *liberties* of one people, with crimes which he urges them to commit against the *lives* of another."—[*Original draught of the Declaration of Independence, as drawn by Mr. Jefferson, and before it was altered by the committee.*]

tate, twenty-eight years thereafter, an alliance for ie suppression of the slave-trade, by arms and remonstrances, was negotiated between the two powers. The President of the United States, in his message to the Senate, and in that part of it which relates to the African articles, three times refers to the article in ie Ghent treaty; and so refers to it as to make it ie cause and the justification for the present stipulations. He says:

"The early and prominent part which the Government of ie United States has taken for the abolition of this unawful and inhuman traffic, is well known. By the 10th rticle of the treaty of *Ghent*, it is declared that the traffic in aves is irreconcilable with the principles of humanity and ustice, and that both his Majesty and the United States are deeous of *continuing* their efforts to promote its entire aboli on: and it is thereby agreed that both the contracting parties hall use their best endeavors to accomplish so desirable an obect."

"In my message at the commencement of the present session of Congress, I endeavor to state the principles which this Government supports, respecting the right of search and the mmunity of flags. Desirous of maintaining those principles illy, *at the same time that existing obligations should be ulfilled*, I have thought it most consistent with the honor and ignity of the country, that it should execute its own laws, and erform its own obligations, by its own means and its own ower.

"It has been thought, therefore, expedient, *not only in accordance with the stipulations of the treaty of Ghent*, but t the same time as removing all pretext on the part of others or violating the immunities of the American flag upon the eas, as they exist and are defined by the law of nations, to enter into the articles now submitted to the Senate."

Here the Ghent treaty is quoted—three times quoted—to justify this alliance. The stipulation for the eighty-gun squadron is presented as growing out of the Ghent treaty—as fulfilling the obligations of that treaty—as being in accordance with the stipulations of that treaty; when a recurrence to the treaty shows that it contains no such obligation—no such stipulation. That treaty was made near thirty years ago; and certainly this is very late in the day to find out a new meaning in it. But no such meaning is there; and our Secretary of State has taken a great liberty with the President, in getting him to sign what the facts will not justify.

The next piece of evidence to which I refer, to show that the British are the authors of the alliance articles in the present treaty, is the engagement entered into between a British and an American captain on the coast of Africa, in 1840; and which was so promptly rejected by Mr. Van Buren. That engagement was in these words:

"Commander William Tucker, of her Britannic Majesty's sloop Wolverine, and senior officer on the west coast of Africa, and Lieutenant John S. Paine, commanding the United States schooner Grampus, in order to carry into execution, as far as possible, the orders and views of their respective Governments respecting the suppression of the slave-trade, hereby request each other, and agree to detain all vessels under American colors found to be fully equipped for and engaged in the slave-trade; that, if proved to be American property, they shall be handed over to the United States schooner Grampus, or any other American cruiser; and that, if proved to be Spanish, Portuguese, Brazilian, or English property, to any of her Britannic Majesty's cruisers employed on the west coast of Africa for the suppression of the slave-trade, so far as their respective laws and treaties will permit.

"Signed and exchanged at Sierra Leone, this 11th day of March, 1840."

This engagement, as I have said before, was the seminal principle of the present alliance; and the promptitude with which it was disavowed and rejected by Mr. Van Buren, as contrary to the *principles* and *policy* of this Government, gives us the fullest assurance that, if he had continued President, the double alliance which we now have, and of which that little Sierra Leone agreement was the seed, would not have taken place. The 8th and 9th articles of the Washington city treaty, of 1842, are nothing but the enlarged edition of the Sierra Leone engagement of 1840; and the British negro colony on the coast of Africa was a very proper place to commence the entanglement in which we are now involved, and from which a wise and patriotic President temporarily relieved us. Truly, the British had many reasons for interfering in our late Presidential election, and seconding the Federal cry of—change! change! change!

I crown these historical facts in favor of my assertion, that the British minister was the author of the articles in the present treaty, by recurring again to the studied and ominous ambiguities of the President's message. I recur to them, to prove the contrary of their intention. Their intention was to establish the alliance as being of American origin, and voluntary: I recur to them to prove its origin to be British, and compulsory. Without reading the passages over again, I refer to the phrases: "Seizure and detention of American vessels by British cruisers on the coast of Africa: treaty signed in London by the five powers: not officially communicated to this Government: no application to become party to it: but the five powers attentive to our course: discussion, warmth, and excitement in Europe about our course: better to execute our laws, by our own means, and our own power: delicacy of the right of search: immunity of flags: visitation by cruisers lead to dangerous results: as removing all pretext on the part of others for violating the immunities of the American flag: therefore, entered into the articles now submitted to the Senate." I point to these phrases in the President's message, so ambiguous and so unsatisfactory, always raising a curiosity which they do not satisfy; and the second member of each sentence always turning off from the conclusions to which the first member of it would lead. I point to these as the crowning evidences of my assertion, and as betraying what they were intended to conceal—that these anti-slave-trade stipulations are of British origin, were given to our Secretary by the special minister, and by our Secretary presented to the American public as his own. This is my opinion; and if anybody wants any further evidence, they may have it in the magnitude and openness of the kindred movements—the abolition movements—now going on in London. Abolitionism is the father of these articles: that father resides in London, but his children are here. Conscious of the dangerous ground upon which he was treading, the President has endeavored to shield his work behind the stipulations of the Ghent treaty. Three times, in the course of a few brief paragraphs, he has invoked that treaty, and called it in for the justification of his own. Three times he has called it to his help. But, stop. Let the message speak for itself. Hear it.

"By the tenth article of the treaty of *Ghent*, it is declared that the traffic in slaves is irreconcilable with the principles of humanity and justice; and that both his Majesty and the United States are desirous of continuing their efforts to promote its entire abolition; and it is, therefore, agreed that both the contracting parties shall use their *best endeavors* to accomplish so desirable an object. The Government of the United States has, by law, declared the African slave trade piracy," &c. * * * Desirous of maintaining those principles fully, at the same time that *existing obligations* should be fulfilled, I have thought it most consistent with the honor and dignity of the country that it should execute its own laws, and perform its own obligations, by its own means, and its own power. * * * * It has been thought, therefore, expedient, not only in accordance with the *stipulations* of the treaty of Ghent, but, at the same time, as removing all pretext on the part of others for violating the immunities of the American flag upon the seas, as they exist and are defined by the law of nations, to enter into the articles now submitted to the Senate."

This is the message—this its appeal to the Ghent treaty, to its obligations, its stipulations: as if it contained any stipulation or any obligation in favor of this alliance! Vain invocation! and more insidious than vain! The Ghent treaty can give them no help. It has no aid or countenance to lend them. Though weak and reprehensible as is this tenth article, yet it binds us to nothing, and was harmless under the previous administrations. It was an imprudent concession to dormant abolitionism at the time it was made; but it is impossible to charge it with the crime of this alliance. We are fulfilling no existing obligation arising under it, in raising this subsidiary fleet, or in sending forth our Quixotic ambassadors. There is no accordance, in these naval and diplomatic engagements, with anything in the vague stipulations of the Ghent treaty. This fighting on the coast of Africa, and remonstrating through Europe, Asia, Africa, and the two Americas, is no continuation of the statutory enactments against the slave-trade contemplated by the treaty of Ghent. That treaty cannot father the eighty guns, and the remonstrating ambassadors; and the appeal to it to justify these measures, was an admission that justification was wanted, and could not be found. And here we must pause, to remark the disingenuousness of this invocation. Always remembering that I consider the message the work of the Secretary, I point out, to the reprehension of the Senate and the country, the errors of fact which it contains, to mislead the public mind; and, among these, I now have to point out these three invocations of the Ghent treaty to justify this British alliance, when that treaty contains not a syllable which can justify the invocations.

The French Government has taken care of itself: it has refused to sign the quintuple alliance, or the substitute for it. We have signed the substitute; and may thank the French Chamber of Deputies, and the pamphlet of General Cass, that it is no worse. The debates of that chamber, the arguments of that pamphlet, and the refusal of France to sign, have doubtless prevented the "*official*" communication of the five-powers treaty to us, and the formal application to us to become parties to it. Such a communication, and such an application, in the present deplorable constitution of the Federal Executive—diseased dread of war, and cankered love of peace—must have been indescribably calamitous.

One more view of this eighty-gun squadron, and I dismiss it from my speech.

I am no man to invoke our Constitution on every petty occasion, and to eke out all arguments with a cry of a violation of that sacred instrument. The Salaminian galley was only launched on great occasions. I am slow to cheapen our Constitution by appealing to it in doubtful or frivolous circumstances. But it does seem to me that here there is room neither for doubt nor frivolity; and that the raising this squadron for the defence of Africa, and for the redress of moral evils in that remote region, is an act wholly without the pale of our Constitution. To Congress alone it belongs to raise fleets—and that, for the defence of our own country: but here is a fleet to be raised, not by Congress, but by the President, the Senate, and the Queen of Great Britain; and this fleet for the defence, not of these confederated States, but of African tribes; and for the suppression, not of political, but of moral evils. It does seem to me that Congress itself could have no power to do this—still less the President, Senate, and Queen Victoria. To provide and maintain navies, is a power specifically granted to Congress: it is a legislative power—and properly so; because, with us, the questions of war and peace, of fleets and armies, of loans and taxes, are all legislative powers, and peculiarly under the charge of the people's immediate representatives. It will not do to deceive ourselves by analogies to other governments. Ours is a government of limitations, and of separate departments. Each department must keep within its own sphere. It must not transcend its own limits—much less invade those of another. The treaty-making power is a distinct power, and its acts are the supreme law of the land. But it is not everything which the President and Senate, and a foreign prince, or an Indian chief, may choose to insert in a treaty, that is this supreme law. Were it so, there would soon be no power in our country but that of the President and Senate, acting with some foreign kings, or with savage tribes. To gain this character of supreme law, or even of law at all, the subject-matter of the treaty must be within the competency of the treaty-making power: it must be a subject for treaty regulation, and not for legislative, judicial, or executive action. And this competency must be tried by our own Constitution, and not by the constitutions or practices of European monarchs. What is fit matter for treaty regulation in one country, is not so in another; and in no country is the treaty-making power more limited and circumscribed than in our own. The mass of the powers of our Government are given to Congress; and whatever is given to Congress is taken away from all other powers. Now, apply these principles to the act in question. This treaty stipulates to prepare, equip, and maintain a squadron—to keep it up for five years, and afterwards, until the President of the United States, or the British Government, gives notice for it to be withdrawn—to employ it, in conjunction with a British squadron, for the defence of Africans, and for suppressing the moral evil of slave-taking; the squadron to be of eighty guns at the least. Now, the preparing, equipping, and maintaining in service this squadron, is a legislative act, specifically given by the Constitution to Congress. Thus far, it is an invasion of the legislative department. All the rest is sheer usurpation, such as Congress itself could not make legal. Congress itself cannot create a squadron for five years; for the same, or any other Congress, may repeal the law. It cannot make the continuance of the squadron dependent upon the will of the President, or of a foreign prince; but it must depend upon the will of Congress itself. It cannot raise fleets for objects foreign to the objects of the Union—as the defence of Africa; or for redressing moral wrongs—as the suppression of the African custom of selling one another; but the fleet must be raised for the defence of the Union, or of the rights and interests of its citizens abroad. Thus, the treaty stipulation for this squadron is, in its first step, an invasion of the legislative authority, and is void: in every subsequent step, it is sheer usurpation, and such as Congress could not legalize if it would. I wish to be

understood; and what I mean to say is, that Congress itself cannot legalize this treaty!—that Congress itself cannot raise this squadron for five years, for this foreign object!

The Constitution names this subject, and gives to Congress a certain degree of power over it: it was to prohibit the importation of slaves after the year 1808. That power has been exercised; it has been exhausted; and it is fair to infer that it was all that was intended to be granted. In a government of limited powers, when a certain quantum is given, it is all that is to be taken. In this case, the authority to prohibit the importation of slaves after a given period, was an authority obtained by compromise, and after much hesitation and difficulty in the convention. It was a long time before even this much, on a subject so differently viewed in different sections of the Union, could be agreed upon. After this, is it to be supposed that a clause could have been obtained to clothe Congress—to clothe the Representatives of the people themselves, much less the President, Senate, and a foreign prince—with power to raise fleets for terms of years, to put down the slave-trade in Africa itself? Certainly not! No one that reads the Madison Papers on this head can suppose, for an instant, that this power ever would have been granted. Then how is it obtained? By assuming the illimitability, as well as the supremacy of the treaty-making power! by assuming that that power is as large here as it is in Great Britain! by assuming that it may absorb the legislative power—that it may transcend the legislative power—that it may do what Congress can, and what Congress cannot—that it may employ arms for the suppression of moral evils, and send the ships and armies of the United States quixotting through the world to redress the wrongs of the human race. As part of the treaty-making power, I, for one, deny the constitutionality of this squadron engagement; and shall vote against the ratification of this treaty. As part of the legislative power, I again deny its constitutionality; and shall vote against the appropriations to carry it into effect. I shall have two chances at the unconstitutional, dangerous, and improvident scheme; and shall make the best use of both. I will fight the appropriations annually, through so many of the five years they are to continue as I shall have to remain here.

But it is not so much on this floor, as in the other end of the Capitol, that these appropriations should be fought. That duty belongs especially to the immediate Representatives of the people. If they give up to these eighty guns, and five years, and this redress of moral wrongs in Africa, they give up everything. The President and Senate, with a king or a savage that can sign a writing and call it a treaty, may send as many ships as they please, to as many countries as the please, for as many years as they please, and for any object that suits the pleasure or interest of the moment.

I shall move to strike these articles from the treaty. Even if proper in themselves, (which they are not,) they are improperly placed in this treaty, and made to play an undue part in its ratification. The Senators from the non-slaveholding States can hardly be expected to vote against a treaty that contains stipulations which, in the present state of the abolition question, presents itself so powerfully to the sympathies of so many. It is presented as an indissoluble part of the treaty, involving the loss of the whole in its own loss; and war, horrid war, is denounced if the treaty fails. Of course, all the lovers of peace, be it what sort of peace it may, must retain the articles, to save the treaty. They act a great and undue part in assuring the ratification; and, therefore, are wrongly placed, even if proper in themselves. But it is a stipulation which is not proper in itself, but hideously and frightfully wrong. It is unconstitutional and impolitic, novel and dangerous. It entangles us in a foreign alliance for a foreign object. It engages us in a foreign, distant, dangerous, and expensive service. It requires money which we have not to spare, and men who are wanted on our own frontiers. It hitches on our little navy to the great navy of Great Britain, and threatens us with a realization of the fabled alliance of the giant and he dwarf. It deprives us of our independence for five years certain, and longer if the present party shall continue in power. If I fail in my motion to strike out—if this stipulation is retained in the treaty, and ratified, and the appropriations voted by the two Houses—if all this is done, I do not say, *tear up the Declaration of Independence!* But I do say, Take it down; dislodge it from its conspicuous place on our walls; carry it away; hide it in a dark chamber; cover it with a black veil! and let it hang in shame, shrouded in gloom and mourning, until some new Jacksonian President shall retrieve his country's disgrace, break the chains which bind us to England, and let America again be free.

I proceed to the third subject and last article in the treaty—the article which stipulates for the mutual surrender of fugitive criminals. And here again we are at fault for these same protocols. Not one word is found in the correspondence upon this subject, the brief note excepted of Lord Ashburton of the 9th of August—the day of the signature of the treaty—to say that its ratification would require the consent of the British Parliament, and would necessarily be delayed until the Parliament met. Except this note, not a word is found upon the subject; and this gives no light upon its origin, progress, and formation—nothing to show with whom it originated—what necessity for it in this advanced age of civilization, when the comity of nations delivers up fugitive offenders upon all proper occasions—and when explanations upon each head of offences, and each class of fugitives, is so indispensable to the right understanding and the safe execution of the treaty. Total and black darkness on all these points. Nor is any ray of light found in the President's brief paragraphs in relation to it. Those paragaphs (the work of his Secretary, of course) are limited to the commendation of the article, and are insidiously deceptive, as I shall show at the proper time. It tells us nothing that we want to know upon the origin and design of the article, and how far it applies to the largest class of fugitive offenders from the United States—the slaves who escape with their masters' property, or after taking his life—into Canada and the British West Indies. The message is as silent as the correspondence on all these points; and it is only from looking into past history, and cotemporaneous circumstances, that we can search for the origin and design of this stipulation, so unnecessary in the present state of international courtesy, and so useless, unless something unusual and extraordinary is intended. Looking into these sources, and we are authorized to refer the origin and design of the stipulation to the British minister, and to consider it as one of the objects of the special mission with which we have been honored.* Be this as it may, I do not like the article. Though fair upon its face, it is difficult of execution. As a general proposition, atrocious offenders, and especially between neighboring nations, ought to be given up; but that is better done as an affair of consent and discretion, than under the constraints and embarrassments of a treaty obligation. Political offenders ought not to be given up; but, under the stern requisitions of a treaty obligation, and the benefit of an *ex parte* accusation, political offenders may be given up for murder, or other crimes, real or pretended; and then dealt with as their Government pleases. Innocent persons should not be harassed with groundless accusations; and there is no limit to these vexations, if all emigrants are placed at the mercy of malevolent informers, subjected to arrest in a new and strange land, examined upon *ex parte* testimony, and sent back for trial if a probable case is made out against them.

This is a subject long since considered in our country, and on which we have the benefit both of wise opinions and of some experience. Mr. Jefferson explored the whole subject when he was Secretary of State under President Washington, and came to the conclusion that these surrenders could only be made under three limitations: 1. Between coterminous countries. 2. For high offences. 3. A special provision against political offenders. Under these limitations, as far back as the year 1793, Mr. Jefferson proposed to Great Britain and Spain (the only countries with which we held coterminous dominions, and only for their adjacent provinces) a mutual delivery of fugitive criminals. His proposition was in these words:

"Any person having committed murder of malice prepense, not of the nature of treason, or forgery, within the United States or the Spanish provinces *adjoining* thereto, and fleeing from the justice of the country, shall be delivered up by the Government where he shall be found, to that from which he fled, whenever demanded by the same."

This was the proposition of that great statesman: and how different from those which we find in this treaty! Instead of being confined to coterminous dominions, the jurisdiction of the country is taken for the theatre of the crime; and that includes, on the part of Great Britain, possessions all over the world, and every ship on every sea that sails under her flag. Instead of being confined to two offences of high degree—murder and forgery—one against life, the other against property—this article extends to seven offences; some of which may be incurred for a shilling's worth of property, and another of them without touching or injuring a human being. Instead of a special provision in favor of political offenders, the insurgent or rebel may be given up for murder, and then hanged and quartered for treason; and in the long catalogue of seven offences, a charge may be made, and an *ex parte* case established, against any political offender which the British Government shall choose to pursue.

To palliate this article, and render it more acceptable to us, we are informed that it is copied from the 27th article of Mr. Jay's treaty. That apology for it, even if exactly true, would be but a poor recommendation of it to the people of the United States. Mr. Jay's treaty was no favorite with the American people, and especially with that part of the people which constituted the Republican party. Least of all was this 27th article a favorite with them. It was under that article that the famous Jonathan Robbins, alias Thomas Nash, was surrendered—a surrender which contributed largely to the defeat of Mr. Adams, and the overthrow of the Federal party, in 1800. The apology would be poor, if true: but it happens to be not exactly true. The article in the Webster treaty differs widely from the one in Jay's treaty—and all for the worse. The imitation is far worse than the original—about as much worse as modern Whigery is worse than ancient Federalism. Here are the two articles; let us compare them:

MR. WEBSTER'S TREATY.

Article 10.

"It is agreed that the United States and her Britannic Majesty shall, upon mutual requisitions by them, or their ministers, officers, or authorities, respectively made, deliver up to justice all persons who, being charged with the crime of murder, *or assault with intent to commit murder, or piracy, or arson, or robbery*, or forgery, *or the utterance of forged papers* committed within the jurisdiction of either, shall seek an asylum, or shall be found, within the territories of the other: provided, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the crime or offence had there been committed; *and the respective judges and other magistrates shall have power, jurisdiction, and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such judges, or other magistrates, respectively, to the end that the evidence of criminality may be heard and considered, and if, on such hearing, the evidence*

*Since the ratification of the treaty by the United States Senate, a conference has taken place in New York between the British minister and the executive committee of the American and Foreign Anti-Slavery Society, which supplies part of the information wanted. The following is an extract:

"Lord Ashburton went into an explanation of the 10th article, and mentioned several particulars of the discussion that took place, both on that topic and others relating to slaves. He said that it was very desirable to have an article in the treaty to meet cases similar to that of Holmes, who fled from Canada into Vermont; and the cases that would frequently arise, considering the extent of the bordering lines, and the temptation for criminals to flee across the lines, in hope of securing themselves from arrest and punishment. The Governor of Canada was anxious that deserters should be included; but as Lord A. learned that a claim would be put in for the delivering up of fugitive slaves, he abandoned the question of deserters from her Britannic Majesty's possessions. He was also very desirous to secure the delivery of mutineers; but did not press it, lest it should involve, on the part of his Government, the delivery of slaves situated as were those on board the Creole. With regard to the case of the slave Hackett, he did not know all the facts. Sir Charles Bagot was known to him, and he did not believe he would do anything intentionally wrong. But he had just entered upon his duties, and was probably desirous, at that juncture, of promoting good feeling with his great neighbor. The fact that the slave had taken his master's watch, was a circumstance that probably went against him. 'Had he only taken the horse,' said Lord A., (looking at Gerrit Smith significantly, though he could not be supposed ever to have read the advice of that gentleman to fugitive slaves,) 'he would not, probably, have been surrendered; for you know the horse was necessary for his escape.' Lord Ashburton said that, in framing the 10th article, great care had been taken to provide that inferior magistrates in Canada should have no authority to surrender fugitives as had been urged by the other party; and that only the Governor himself could perform an act of so great importance. Great care would be taken, he had no doubt, to protect the innocent; and that the taking of any article necessary to effect an escape, would not be considered felonious. If, said he, the operation of the 10th article proves injurious, he had no doubt the British Government would put an end to it, agreeably to another provision of the treaty, viz: 'The 10th article shall continue in force until one or the other party shall signify its wish to terminate it, and no longer.' Lord A. said that when the delegation came to read his correspondence with Mr. Webster, they would see that he had taken all possible care to prevent any injury being done to the people of color; that, if he had even been willing to introduce an article including cases similar to that of the Creole, his Government would never have ratified it, as they will adhere to the great principles they have so long avowed and maintained; and that the friends of the slave in England would be very watchful to see that no wrong practice took place under the 10th article."

e deemed sufficient to sustain the charge, it shall be the duty f the examining judge, or magistrate, to certify the same o the proper executive authority, that a warrant may issue or the surrender of such fugitive. The expense of such pprehension and delivery shall be borne and defrayed by the arty who makes the requisition, and receives the fugitive."

MR. JAY'S TREATY.

Article 27.

"It is further agreed that his Majesty and the United States, n mutual requisitions by them, respectively, or by their respective ministers, or officers, authorized to make the same, will deliver up to justice all persons who, being charged with murder, or forgery, committed within the jurisdiction of either, shall seek an asylum within any of the countries of the other: provided, that this shall only be done on such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the offence had there been committed. The expense of such apprehension and delivery shall be borne and defrayed by those who make the requisition, and receive the fugitive."

These are the two articles, and the difference between them is great and striking. First, the number of offences for which delivery of the offender is to be made, is much greater in the present treaty. Mr. Jay's article is limited to two offences —murder and forgery: the two proposed by Mr. Jefferson; but without his qualification to exclude political offences, and to confine the deliveries to offenders from coterminous dominions. The present treaty embraces these two, and five others; making seven in the whole. The five added offences are—assault, with intent to commit murder; piracy; robbery; arson; and the utterance of forged paper. These additional five offences, though high in name, might be very small in degree. Assault, with intent to murder, might be without touching or hurting any person; for, to lift a weapon at a person within striking distance, without striking, is an assault: to level a fire-arm at a person within carrying distance, and without firing, is an assault; and the offence being in the intent, is difficult of proof. Mr. Jefferson excluded it, and so did Jay's treaty; because the offence was too small and too equivocal to be made a matter of international arrangement. Piracy was excluded, because it was absurd to speak of a pirate's country. He has no country. He is *hostis humani generis*—the enemy of the human race; and is hung wherever he is caught. The robbery might be of a shilling's worth of bread; the arson, of burning a straw shed; the utterance of forged paper, might be the emission or passing of a counterfeit sixpence. All these were excluded from Jay's treaty, because of their possible insignificance, and the door they opened to abuse in harassing the innocent, and in multiplying the chances for getting hold of a political offender for some other offence, and then punishing him for his politics.

Striking as these differences are between the present article and that of Mr. Jay's treaty, there is a still more essential difference in another part; and a difference which nullifies the article in its only material bearing in our favor. It is this: Mr. Jay's treaty referred the delivery of the fugitive to the executive power. This treaty intervenes the Judiciary, and requires two decisions from a judge or magistrate before the Governor can act. This nullifies the treaty in all that relates to fugitive slaves guilty of crimes against their masters. In the eye of the British law, they have no master, and can commit no offence against such a person in asserting their liberty against him, even unto death. A slave may kill his master, if necessary to his escape. This is legal under British law; and, in the present state of abolition feeling throughout the British dominions, such killing would not only be considered fair, but in the highest degree meritorious and laudable. What chance for the recovery of such a slave under this treaty? Read it—the concluding part—after the word "committed," and see what is the process to be gone through. Complaint is to be made to a British judge or justice. The fugitive is brought before this judge or justice, that the evidence of the criminality may be heard and considered—such evidence as would justify the apprehension, commitment, and trial of the party, if the offence had been committed there. If, upon this hearing, the evidence be deemed sufficient to sustain the charge, the judge or magistrate is to certify the fact to the executive authority; and then, and not until then, the surrender can be made. This is the process; and in all this the new treaty differs from Jay's. Under his treaty, the delivery was a ministerial act, referring itself to the authority of the Governor: under this treaty, it becomes a judicial act, referring itself to the discretion of the judge, who must twice decide against the slave (first, in issuing the warrant; and next, in trying it) before the Governor can order the surrender. Twice judicial discretion interposes a barrier, which cannot be forced; and behind which the slave, who has robbed or killed his master, may repose in safety. What evidence of criminality will satisfy the judge, when the act itself is no crime in his eyes, or under his laws, and when all his sympathies are on the side of the slave? What chance would there be for the judicial surrender of offending slaves in the British dominions, under this treaty, when the provisions of our own Constitution, within the States of our own Union, in relation to fugitive slaves, cannot be executed? We all know that a judicial trial is immunity to a slave pursued by his owner, in many of our own States. Can such trials be expected to result better for the owner in the British dominion, where the relation of master and slave is not admitted, and where abolitionism is the policy of the Government, the voice of the law, and the spirit of the people? Killing his master in defence of his liberty, is no offence in the eye of British law or British people; and no slave will ever be given up for it.

[Mr. WRIGHT here said, that counterfeiting American securities, or bank notes, was no offence in Canada; and the same question might arise there in relation to forgers.]

Mr. BENTON resumed. Better far to leave things as they are. Forgers are now given up in Canada, by Executive authority, when they fly to that province. This is done in the spirit of good neighborhood; and because all honest Governments have an interest in suppressing crimes, and repelling criminals. The governor acts from a sense of propriety, and the dictates of decency and justice. Not so with the judge. He must go by the law; and when there is no law against the offence, he has nothing to justify him in delivering the offender.

Conventions for the mutual surrender of large offenders, where dominions are coterminous, might be proper. Limited, as proposed by Mr. Jefferson in 1793, and they might be beneficial in suppression of border crimes and the preservation of order and justice. But extended as this is to a long list of offenders—unrestricted as it is in the case of murder—applying to dominions in all parts of the world, and to ships in every sea,—it can be nothing but the source of individual annoyance and national recrimination. Besides, if we surrender to Great Britain, why not to Russia, Prussia, Austria, France, and all the countries of the world? If we give up the Irishman to England, why not the Pole to Russia, the Italian to Austria, the German to his prince; and so on throughout the catalogue of nations? Sir, the article is a pestiferous one; and as it is determinable upon notice, it will become the duty of the American people to elect a President who will give the notice, and so put an end to its existence.

Addressing itself to the natural feelings of the country, against high crimes and border offenders, and in favor of political liberty, the message of the President communicating and recommending this treaty to us, carefully presents this article as conforming to our feelings in all these particulars. It is represented as applicable only to high crimes—to border offenders; and to offences not political. In all this, the message is disingenuous and deceptive, and calculated to ravish from the ignorant and the thoughtless an applause to which the treaty is not entitled. It says:

"The surrender to justice of persons who, having committed high crimes, seek an asylum in the territories of a *neighboring* nation, would seem to be an act due to the cause of general justice, and properly belonging to the present state of civilization and intercourse. The *British provinces* of North America are separated from the States of the Union by a line of several thousand miles; and, along portions of this line, the amount of population on either side is quite considerable, *while the passage of the boundary is always easy*.

"Offenders against the law *on the one side transfer themselves to the other*. Sometimes, with great difficulty, they are brought to justice; but very often they wholly escape. A consciousness of immunity, from the power of avoiding justice in this way, instigates the unprincipled and reckless to the commission of offences; *and the peace and good neighborhood of the border are consequently often disturbed*.

"In the case of offenders fleeing from Canada into the United States, the Governors of States are often applied to for their surrender; and questions of a very embarrassing nature arise from these applications. It has been thought highly important, therefore, to provide for the whole case by a proper treaty stipulation. The article on the subject, in the proposed treaty, is carefully confined to such offences as all mankind agree to regard as heinous and destructive of the security of life and of property. In this careful and specific enumeration of crimes, the object has been to exclude all political offences, or criminal charges arising from wars or intestine commotions. Treason, misprision of treason, libels, desertion from military service, and other offences of a similar character, are excluded."

In these phrases the message recommends the article to the Senate and the country; and yet nothing could be more fallacious and deceptive than such a recommendation: It confines the surrender to border offenders—Canadian fugitives: yet the treaty extends it to all persons committing offences under the "*jurisdiction*" of Great Britain—a term which includes all her territory throughout the world, and every ship or fort over which her flag waves. The message confines the surrender to high crimes: yet we have seen that the treaty includes crimes which may be of low degree—low indeed! A hare or a partridge from a preserve; a loaf of bread to sustain life; a sixpenny counterfeit note passed; a shed burnt; a weapon lifted, without striking! The message says all political crimes, all treasons, misprision of treason, libels, and desertions are excluded. The treaty shows that these offences are not excluded—that the limitations proposed by Mr. Jefferson are not inserted; and, consequently, under the head of murder, the insurgent, the rebel, and the traitor who has shed blood, may be given up; and so of other offences. When once surrendered, he may be tried for anything. The fate of Jonathan Robbins, alias Nash, is a good illustration of all this.* He was a British sailor—was guilty of mutiny, murder, and piracy on the frigate Hermione—deserted to the United States—was demanded by the British minister as a murderer under Jay's treaty—given up as a murderer—then tried by a court-martial on board a man-of-war for mutiny, murder, desertion, and piracy—found guilty—executed—and his body hung in chains from the yard-arm of a man-of-war. And so it would be again. The man given up for one offence, would be tried for another; and in the number and insignificance of the offiences for which he might be surrendered, there would be no difficulty in reaching any victim that a foreign Government chose to pursue. If this article had been in force in the time of the Irish rebellion, and Lord Edward Fitzgerald had escaped to the United States, after wounding, as he did, several of the myrmidons who arrested him, he might have been demanded as a fugitive from justice, for the assault with intent to kill; and then tried for treason, and hanged and quartered; and such will be the operation of the article if it continues.

The article is improper in itself; unequal in its operation; intended to give the British the right of demanding all fugitives, or emigrants from all parts of her dominions, and all her ships; intended to authorize their arrest for desertion or political offences, under the guise of reclaiming them for crimes; worth nothing to us on the two main points of fugitive slaves and forgers; and actually putting us in a worse condition than we were in without this agreement. Lord Ashburton says it cannot take effect in England without an act of Parliament to sanction it. I have not examined the question; but would suppose that if an act of Parliament were necessary in England to give it validity, an act of Congress would be equally necessary here for the same purpose. In that event, the Representatives of the people may yet save an immense emigrant population from the persecutions and annoyance to which political offenders as well as criminals, and the innocent as well as the guilty, may be subjected under this renewed and aggravated edition of one of the worst parts of Jay's treaty.

I have done with the consideration of this article; and with it, I have done with my detailed and special objections to the contents of the treaty, Other general objections I have to it, and so stated at the opening of my speech. Besides the leading general objection, that this treaty was not a settlement of *all* matters in dispute; that it settled what concerned Great Britain and the Northern States; and was, in fact, a virtual separate treaty with those States;—besides this objection, which I stated at large, there were other general objections which I barely named, and will now proceed to state more fully.

"He (President Adams) considers an offence committed on board a public ship-of-war on the high seas, to have been committed within the jurisdiction of the nation to which the ship belongs. Nash is charged, it is understood, with piracy and murder on board the British frigate Hermione, on the high seas, and, consequently, within the jurisdiction of his Britannic Majesty; and, therefore, by the 27th article of the treaty of amity with Great Britain, Nash ought to be delivered up as requested by the British minister, provided such evidence of his criminality be produced as, by the laws of the United States, or of South Carolina, (where the fugitive was,) would justify his apprehension and commitment for trial, if the offence had been committed withir the United States."—(Mr. Pickering's letter to the British minister, Mr. Liston, surrendering Robbins, alias Nash, by order of President Adams.)

1. The employment of a sole negotiator in a business of such magnitude and variety, and one who had not been approved by the Senate for this purpose. The negotiations embraced the most important concerns, and the most various—some peculiar to sectional divisions of the Union, as the boundary, to the North; the liberation and enticement of slaves, to the South; the Columbia river, to the West; and then to the Union in general, in the important questions of impressment, of search, and of the insult at Schlosser. Such varied and important interests required several commissioners on the part of the United States; and they specially approved by the Senate for this purpose. Never, in the annals of our history, was such a negotiation before committed to a single hand. In all previous administrations, Federal or Republican, where great questions were at stake, several ministers were appointed, and they taken from different parts of the Union, and from both political parties. Witness the three ministers in France (Marshall, Pinkney, and Gerry) in Mr. J. Adams's time; the two ministers to England (Mr. Rufus King and Mr. Monroe) in Mr. Jefferson's time; the five ministers to Ghent (Messrs. J. Q. Adams, Bayard, Clay, Russell, and Gallatin) in Mr. Madison's time; and numerous other instances, within the recollection of all. The present occasion was as important as any of these; for, besides embracing so many, and such various questions, it also involved, as we are constantly told, the great question of peace or war! If the British Government chose to confide its interests to a single negotiator, that was no rule for us. It is a monarchy; and concentration is its principle. We are a confederacy of Republics; and diffusion is our tendency. The monarchy and the monarchical Government is alone to be consulted in Great Britain. The State Governments, the political parties, the sectional divisions, are all to be considered here; and certainly there never was a time when an Administration was more bound to defer to the States, to the sections, and the parties. Having no State, no section, and no party to support it, it was little able to disregard the claims of justice, and the observances of propriety towards any. It is to no purpose to say, it is no matter: the Senate has the control; it can reject. This is idle. We know that treaties are confirmed; that not a single Senator would recommend; that various influences are brought to bear upon the ratification of a treaty; and that ratification is no test of its merits. No. The security is in precaution—in preventive remedies—in taking care to secure a safe treaty beforehand; and not in the rejection by the Senate afterwards. In this case, the employment of a single negotiator was unjustifiable. The occasion was great, and required several, both for safety and for satisfaction. The negotiation was here. Our country is full of able men. Two other negotiators might have been joined without delay, without trouble, and almost without expense. The British also had another negotiator here, (Mr. Fox;) a minister of whom I can say, without disparagement to any other, that, in the two and twenty years which I have sat in this Senate, and had occasion to know the foreign ministers, I have never known his superior for intelligence, dignity, attention to his business, fidelity to his own Government, and decorum to ours. Why not add Mr. Fox to Lord Ashburton, unless to prevent an associate from being given to Mr. Webster? Was it arranged in London that the whole negotiation should be between two, and that these two should act without a witness, and without notes or minutes of their conferences? Be this as it may, the effect is the same; and all must condemn this solitary business between two ministers, when the occasion so imperiously demanded several.

2. The assumption of the Secretary negotiator to treat the boundaries of the republic, established by the war of the Revolution, as matter of bargain and sale—of gifts and equivalents—in the hands of the negotiators. This was done, and in the whole extent of the boundary. In his very first letter to Lord Ashburton—in his brief note of the 17th of June, acknowledging the receipt of his Lordship's very first note, and in announcing his own authority to treat—our negotiator throws up the whole question of *rights* under the treaty of '83, declares for a conventional line, and invites a negotiation upon the basis of grants and equivalents—the very thing which he had condemned in the award. This is what he says in his note—hear him:

"Lord Ashburton having been charged by the Queen's Government with full powers to negotiate and settle all matters in discussion between the United States and England; and having, on his arrival at Washington, announced that, in relation to the question of the Northeastern boundary of the United States, he was authorized to treat for a conventional line, or line by agreement, on such terms and conditions, and with such mutual considerations and equivalents, as might be thought just and equitable; and that he was ready to enter upon a negotiation for such conventional line, so soon as this Government should say that it was authorized and ready on its part to commence such negotiation,--the undersigned, Secretary of State of the United States, has now the honor to acquaint his Lordship, by direction of the President, that the undersigned is ready, on behalf of the Government of the United States, and duly authorized to proceed to the consideration of such conventional line, or line by agreement; *and will be happy to have an interview on that subject, at his Lordship's convenience.*"

[*Mr. Webster to Lord Ashburton, June* 17.

To this most obliging proposition—which gave up the whole question!—the British minister very naturally and very promptly (*i. e.*, on the same day) returned a note of acceptance, fully accepting what the Secretary offered. The note is in these terms:

"The undersigned, plenipotentiary of her Britannic Majesty on an extraordinary and special mission to the United States of America, has the honor of acknowledging, with much satisfaction, the communication received this day from Mr. Webster, Secretary of State of the United States, that he is ready, on behalf of the United States, and duly authorized, in relation to the question of the Northeastern boundary of the United States, to proceed to the consideration of a conventional line, or line by agreement, on such terms and conditions, and with such mutual considerations and equivalents, as might be thought just and equitable. And, in reply to Mr. Webster's invitation to the undersigned to fix some time *for their first conference upon this subject*, he begs to propose to call on Mr. Webster, at the Department of State, to-morrow, at 12 o'clock, for this purpose, should that time be perfectly convenient to Mr Webster."

[*Lord Ashburton to Mr. Webster, June* 17.

Here is acceptance, quick and cordial, with a time and place named for the first conference. The Secretary agrees to the time and place mentioned; and immediately, (to wit: on the same aforesaid 17th day of June,) writes back to the British minister as follows:

"The Secretary of State will have great pleasure in seeing Lord Ashburton at twelve o'clock to-morrow, as proposed by him."

This was rapid work, and long will this day—THIS FRIDAY, JUNE 17, 1842—be remembered and noted in the annals of this confederacy. In the Roman calendar, it would have had a place among their unlucky days. Its memory would have been perpetuated by a black monument; and most appropriate it will be for us to mark all the new boundaries of Maine with black stones, and veil with black the statue of the god *Terminus*, degraded from the mountain which overlooked Quebec, to the humble valley which grows potatoes.

Let us mark this black Friday. On that day, a question of national boundaries was settled!—and settled by giving it up!—and given up before the first conference! A conventional boundary was agreed to, in violation of the Senate's decision in the case of the awarded line, and in contradiction to the negotiator's recorded principles on that occasion. The King of the Netherlands awarded a conventional line: it was rejected, because it was conventional; and now two conventional lines—the same, and another far worse—are agreed upon; and agreed upon before the first conference, and by the negotiator who was potential in preventing President Jackson from accepting the first. The new boundaries thus agreed upon must be, and ought to be, repugnant and humiliating to the American feeling. But humiliation and repugnance are not all; danger and mischief follow in the rear. Five hundred miles of first-rate smuggling ground is added to the 1,500 miles of northern smuggling boundary which we already possessed. Passamaquoddy bay is converted into a great naval station, for the scourge of our coasts in time to come by British steamers. Halifax and Quebec are united, and a new military frontier created, in which Great Britain exults and Maine mourns.

3. The omission to keep protocols; and the mystery and doubt which hang over the origin and progress of the different propositions, and the degrees by which they ripened into their ultimate form. This neglect, or omission, as we have already seen, was total and invariable. It pervaded every part of the negotiation; and the correspondence which has been communicated to us—incomplete as it is, in leaving wholly unmentioned several subjects of the negotiation—has all the air of an after performance—the air of an arranged correspondence to justify foregone conclusions. All the main work seems to have been done *tête-à-tête*, without a witness to hear it, or pen to *note* it. Never, since diplomacy began, and the art of writing was invented, was a negotiation of such moment, or of any moment, so tracklessly conducted! At the same time, the occasion was one which required ample minutes to be taken, a faithful record to be kept, and explanations of every thing to be given. Sole negotiator—immense interests—various questions—half of them pretermitted, the others sacrificed. Surely such things required protocols—many protocols; yet we have not one; and the justificatory message drawn up for the President, and signed by him without a verification of facts, is replete with unfounded suggestions and insidious recommendations, only calculated to impose on the ignorant. I present this omission to keep minutes of the conferences as a fatal objection to the treaty, and a departure from propriety not to be tolerated. We have a right to see the progress of a negotiation, and this is the first instance in which that right has been violated.

4. The assumption of the American negotiator to act for the British negotiator, in presenting the British proposition for the Maine boundary as the American proposition; and the unjustifiable and unfounded arguments with which he pressed that proposition upon the Maine commissioners, until he extorted from them a reluctant, painful, conditional acquiescence, which was immediately treated as an absolute consent. This is a most serious objection, and requires to be proved as soon as stated. So, here is the proof:

"GENTLEMEN: You have had an opportunity of reading Lord Ashburton's note to me of the 11th July. Since that date, I have had full and frequent conferences with him respecting the Eastern boundary, and I believe I understand what is practicable to be done on that subject, so far as he is concerned. In these conferences, he has made no positive or binding proposition; though, perhaps, it would be more desirable, under present circumstances, *that such proposition should proceed from the United States.* I have reason to believe, however, that he would agree to a line of boundary between the United States and the British provinces of Canada and New Brunswick, *such as is described in a paper accompanying this*, (*marked B,*) *and identified by my signature.*

"The line suggested, with the compensations and equivalents which have been stated, is now submitted for your consideration. That it is all which might have been hoped for, looking to the strength of the American claim, can hardly be said. But, as the settlement of a controversy of such duration is a matter of high importance; as *equivalents* of undoubted value are offered; as longer postponement and delay would lead to further *inconvenience*, and to the incurring of further expenses; *and as no better occasion, or perhaps any other occasion, for settling the boundary by agreement, and on the principles of equivalents, is ever likely to present itself, the Government of the United States hopes that the commissioners of the two States will find it to be consistent with their duty to assent to the line proposed, and to the terms and conditions attending the proposition.*

"The President has felt the deepest anxiety for an amicable settlement of the question in a manner honorable to the country, and such as should preserve the rights and interests of the States concerned. From the moment of the announcement of Lord Ashburton's mission, he has sedulously endeavored to pursue a course the most respectful towards the States, and the most useful to their interests, as well as the most becoming to the character and dignity of the Government. He will be happy if the result shall be such as shall satisfy Maine and Massachusetts, as well as the rest of the country. With these sentiments on the part of the President, *and with the conviction that no more advantageous arrangement can be made, this subject is now referred to the grave deliberation of the commissioners.*"—*Mr. Webster to the Maine commissioners, July* 15.

This extract shows, in express terms, that the American Secretary of State presented the British proposition for the Maine boundary; that he not only presents it, but brings both the British and American Governments to bear upon Maine, to coerce her submission. The paper marked B, identified by the Secretary's signature, is evidently from the British legation; and is the precise writing, word for word, which now constitutes the first article of the treaty. The American Government is made to express its desire for the acceptance of the boundary designated in that paper; and then a train of the most extraordinary argument is addressed to Maine, in which the Secretary evidently speaks for Great Britain. First, he speaks of the equivalents which Maine is to receive, and declares them to be of undoubted value. What are they? The half of $300,000 for the two conventional lines and the two territorial losses! when President Jackson had proposed a million and a quarter of dollars (one million of acres of good land in Michigan) as a compensation to Maine for one of these lines and one of these losses only; and that offer had been spurned by the present negotiator. He now adds 110 miles of new boundary, and 572,000 acres of new territorial loss; reduces the equivalent from $1,250,000 to $150,000, and then presses it upon Maine as an equivalent of undoubted value. And this is all she gets; for the navi-

gation of the St. John, due to Maine under the laws of nations, is balanced by navigation conferred, as well as received. The Secretary then goes on to threaten Maine with war, if she does not submit to his British proposition. He warns her that no better occasion—no other occasion—for SETTLING the boundary by AGREEMENT, and for EQUIVALENTS, is ever likely to happen; he tells her that no ARRANGEMENT more ADVANTAGEOUS can be made; and then submits the proposition, as a unit, without alteration or amendment, to the GRAVE DELIBERATION of the commissioners. Now, my first objection to all this, is a threat of war to coerce Maine; for what else can be understood from this last chance for settling by *agreement*, and for *equivalents*, and that no *better arrangement* can be had? What is this but saying to Maine, that if you do not accept this settlement of the boundary, it will be settled without agreement, and without equivalents, and in a more disadvantageous manner?—that is to say, it will be settled by war, and you will be flogged into submission. This is the plain import of the Secretary's language; and here we have the root and origin of that Walpole cry of war—that craven cry—which has been made to resound through the land. The same threat which was made to Maine, is made to us; and, like her commissioners, we are desired to take the proposition into our grave deliberation. The next objection I have to this threat is, that it is false; for we all know that Great Britain not only agreed to better terms than these for us, but demanded them; and made it matter of remonstrance that we refused them. I speak of the King of the Netherlands' award. That award was infinitely better for us; and it was not only accepted by the British, but insisted upon; and its non-execution on our part was made a subject of remonstrance and complaint against us. After this, can any one believe that the "*peace-mission*" was sent out to make war upon us if we did not yield up near double as much as she then demanded? No, sir! there is no truth in this cry of war. It is only a phantom conjured up for the occasion. From Jackson and Van Buren the British would gladly have accepted the awarded boundary: the Federalists prevented it, and even refused a new negotiation. Now, the same Federalists have yielded double as much, and are thanking God that the British condescend to accept it. Such is Federalism: and the British well knew their time, and their men, when they selected the present moment to send their special mission; to double their demands; and to use arguments successfully, which would have been indignantly repelled when a Jackson or a Van Buren was at the head of the Government—or, rather, would never have been used to such Presidents. The conduct of our Secretary-negotiator is inexplicable. He rejects the award, because it dismembers Maine; votes against new negotiations with England; and announces himself ready to shoulder a musket and march to the highland boundary, and there fight his death for it. This was under Jackson's administration. He now becomes negotiator himself; gives up the highland boundary in the first note; gives up all that was awarded by the King of the Netherlands; gives up 110 miles on this side of that award; gives up the mountain barrier which covered Maine, and commanded the Halifax road to Quebec; gives $500,000 for Rouse's Point, which the King of the Netherlands gave us for nothing; becomes the agent of the British minister in presenting the new boundary to the Maine commissioners; and crowns all this inexplicable conduct by keeping no record of his proceedings, and using threats and menaces which no English gentleman would have used, and which were as false in fact as they were insolent in spirit. I say this conduct is inexplicable! I shall publish what I say, and defy the Secretary and his friends to explain this conduct.

This is sufficient to prove my assertion that the American negotiator became the champion of the British Government; that he offered the British proposition as the American proposition; that he brought both Governments to bear upon Maine, in order to force her to accept it; and that he used arguments to accomplish his purpose, which were unjustifiable and untrue. The proof in his own letter is sufficient; but the answer of the Maine commissioners seals it; and here is that answer:

"The undersigned, commissioners of the State of Maine on the subject of the Northeastern boundary, have the honor to acknowledge the receipt of your note, addressed to them under date of the 15th instant, with enclosures therein referred to. The proposition first submitted by the special minister of Great Britain, on the subject of the boundary, having been disagreed to; and the proposition made on the part of the United States, with the assent of the commissioners of Maine and Massachusetts, having been rejected as inadmissible, coupled with an expression of surprise that it should have been made; and Lord Ashburton, in the same communication, having intimated a preference for conference rather than correspondence, and having omitted in his note to make any new proposition, except a qualified withdrawal of a part of his former one; we learn from your note that you 'have had full and frequent conferences with him respecting the Northeastern boundary,' and that you 'believe you understand what is practicable to be done on that subject, so far as he (Lord Ashburton) is concerned.' We also learn that 'in these conferences he has made no positive or binding proposition; thinking, perhaps, it would be more desirable, under present circumstances, that such a proposition should proceed from the side of the United States;' but that you have reason to believe that he would agree to a line of boundary such as is described in the paper accompanying your note, (marked B;) and, also, that you entertain the conviction 'that no more advantageous arrangement can be made;' and, with this conviction, you refer the subject to the grave deliberation of the commissioners.

"Regarding this as substantially a proposition on the part of the United States, with the knowledge and assent of Great Britain, and as the one most favorable to us which, under any circumstances, the latter Government would either offer or accept, the undersigned have not failed to bestow upon it the grave deliberation and consideration which its nature and importance, and their ever responsible position, demand.

* * * * * * *

"We are now given to understand that the Executive of the United States, representing the sovereignty of the Union, *assents* to the proposal, and that this department of the Government at least is *anxious* for its acceptance, as, in its view, most expedient for the general good.

"The commissioners of *Massachusetts* have already given their assent, on behalf of that Commonwealth.

* * * * * * *

"Considering, then, this proposition as involving the surrender of more territory than the avowed objects of England require; as removing our landmarks from the well-known and well-defined boundary of the treaty of 1783, on the crest of the highlands, besides insisting upon the line of the arbiter in its full extent, we feel bound to say, after the most careful consideration, that we cannot bring our minds to the conviction that the proposal is such as Maine had a right to expect.

* * * * * * *

"We are now called upon to consider the final proposition, made *by* or *through* the Government of the United States, for our consideration and acceptance. The line indicated may be shortly defined as the line recommended by the King of the Netherlands, and an addition thereto of a strip of land at the base of the highlands running to the source of the southwest branch of the St. John. The examination and consideration of all other lines, which might better meet our views and objects, have been *precluded* by the declaration, and other plenary evidence we have, that the line specified in your communication is the most advantageous that can be offered to us; and that no one of less extent—or yielding, in fact, less to the other party—can be deemed admissible. We are, therefore, brought to the single and simple consideration of the question whether we can, consistently with our views of our duty to the State we represent, accept the proposition submitted by you."—*The Maine Commissioners to Mr. Webster, July 22.*

5. The mixing up of incongruous matter in the treaty, and presenting the whole as a unit, to be ratified *in toto*, under penalty of loss of the whole, and war if any part of it was rejected. This is a serious objection to the treaty. Incongruities are not to be put into laws, whether they be the supreme or the subordinate law. The African alliance for five years, is an incongruity in a British treaty of permanent boundaries. The only reason for putting this temporary convention into a permanent treaty, is the very reason which should prevent its being put there; it is to fetter the Senate—to embarrass and coerce them—to make one part of the treaty carry another. I shall move to strike out this alliance article, as well for incongruity, as for its unconstitutionality, inexpediency, and gross impolicy.

6. The irregular manner in which the ratification of this treaty has been sought, by consultations with individual members, before it was submitted to the Senate. Here I tread upon delicate ground; and if I am wrong, this is the time and the place to correct me. I speak in the hearing of those who must know whether I am mistaken. I have reason to believe that the treaty has been privately submitted to Senators—their opinions obtained—the judgment of the body forestalled; and then sent here for the forms of ratification. [One Senator said he had not been consulted.] Mr. B. in continuation: Certainly not, as the Senator says so; and so of any other gentleman who will say the same. I interrogate no one. I have no right to interrogate any one. I do not pretend to say that all were consulted; that would have been unnecessary; and besides, I know I was not consulted myself; and I know many others who were not. All that I intend to say is, that I have reason to think that this treaty has been ratified out of doors* and that this is a great irregularity, and bespeaks an undue solicitude for it on the part of its authors, arising from a consciousness of its indefensible character.

7. The want of instructions from the President to guide this negotiation. This is a glaring objection to the treaty. By the theory of our Government, the President is the head of the Executive Department, and must treat through his agents and ministers, with foreign powers. He must tell them what to do, and should tell that in unequivocal language, that there may be no mistake about it. He must command and direct the negotiation; he must order what is done. This is the theory of our Government, and this has been its practice from the beginning of Washington's to the end of Mr. Van Buren's administration; and never was it more necessary than now. Being but one negotiator, and he not approved by the Senate for that purpose, and being from an interested State, it was the bounden duty of the President to have guided and directed everything. He is the head of the Union, and should have attended to the interest of the whole Union; on the contrary, he abandons everything to his Secretary,* and this Secretary takes care of one section of the Union, and of his own State, and of Great Britain; and leaves the other two sections of the Union out of the treaty. The Northern States, coterminous with Canada, get their boundaries adjusted; Massachusetts gets money, which her sister States are to pay; and Great Britain takes two slices and all her military frontiers from the State of Maine! the the S. and W. States are left as they were!—the natural result of a negotiation committed, without instructions, to a single negotiator; and that negotiator the man who declared he would not vote the money for defence which President Jackson required, even if the enemy was battering at the doors of the Capitol! and whose subserviency to British interests, has so often and so deplorably been manifested.

8. The fear of war. This Walpole argument is heavily pressed upon us, and we are constantly told that the alternatives lie between this treaty—the whole of it, just as it is—or war! This is a degrading argument, if true; and infamous if false! and false it is: and more than that, it is as shameless as it is unfounded! What! the *peace* mission come to make war! It is no such thing. It comes to take advantage of our deplorable condition—to take what it pleases, and to repulse the rest. Great Britain is in no condition to go to war with us, and every child knows it. But I do not limit myself to argument, and general considerations, to disprove this war argument. I refer to the fact which stamps it with untruth. Look to the notes of Sir Charles Vaughan and Mr. Bankhead, demanding the execution of the award, and declaring that *its execution would remove every impediment to the harmony of the two countries.* After that, and while holding these authentic declarations in our hands, are we to be told that the peace mission requires more than the award? requires one hundred and ten miles more of boundary? requires $500,000 for Rouse's Point, which the award gave us without money? requires a naval and diplomatic alliance, which she dared not mention in the time of Jackson or Van Buren? requires the surrender of "*rebels*" under the name of criminals? and puts the South and West at defiance, while conciliating the non-slaveholding States? and gives us war, if we do not consent to all this degradation, insult, and outrage? Are we to be told this? No, sir, no! There is no danger of war; but this treaty will make a war, if it is ratified. It gives up all our advantages; leaves us with great questions unsettled; increases the audacity of the British; weakens and degrades us; and leaves us no alternative but war to save the Columbia, to prevent impressment, to resist search, to repel Schlosser invasions, and to avoid a San Domingo insurrection in the South, excited from London, from Canada, and from Nassau.

9. I conclude this head of general objections with the notice of an exhibition on this floor, preceded by private and impressive revelations to Senators without, which the honor of the contrivers would

*This has since been publicly declared by Mr. Webster at Boston. The edition of his speech, revised and corrected by himself, says:

"I never can forget the frankness and generosity with which, after an interchange—a free and liberal interchange—he (the President) finally said to me, *that the business was in my hands; that upon my shoulders rested the responsibility; and on my decision depended the conclusion of the negotiation.*"

This declaration, so authentically made at Boston, has since been contradicted by its author at New York; but the papers communicated to the Senate show that the Boston statement was correct, and that the whole business was in the hands of the Secretary.

require to be kept where they attempted to place it—in the depths of everlasting oblivion; but which the honor of the Senate requires to be exposed to broad day-light. The Secretary of State has sent us, under the most awful injunctions of secrecy, certain letters from Mr. Jared Sparks, in Paris, covering a certain disinterred map, marked with certain red lines, said to be drawn by Dr. Franklin when minister in France, and by which the highlands which divide the Penobscot waters from the St. John are shown to be the boundary between the United States and Great Britain, instead of the highlands which divide the waters of the St. Lawrence from those of the Atlantic ocean. The chairman of the Committee on Foreign Relations, by his position, was made the interpreter of the Secretary on this occasion. He unfolded the whole to us, with all the invocations to secrecy and to despatch in our work, which the Secretary had impetrated of him; and, as a reason for this despatch and secrecy, he read us a paragraph in Lord Ashburton's letter of the 11th of July, from which it was to be dreaded that his Lordship and the British, if not forestalled by a prompt ratification of the treaty, might find out our secret, refuse the ratification themselves, and seize on all Maine down to the Penobscot. At the moment that the chairman of the Foreign Relations committee was making these revelations and adjurations, struck by the strangeness of the scene, I demanded of him whether these communications came from the President? He answered, No; from the Secretary of State. I then declared that they were not covered by the rules of confidential intercourse between the President and Senate, and not entitled to secrecy; and the less so, because they had already been shown to many Senators out of doors. And, in the same instant, I treated the whole communication as a most unworthy contrivance—a fraud upon the British, if it was true; with a request to the Senate to become party to the fraud: an insult to the Senate if they were false; and the more so, if they had already been shown to Lord Ashburton, as they seemed to have been: and, in any event, a disgrace to its contrivers. At the same instant, I showed the bundle of old maps, collected and preserved by Mr. Jefferson, and belonging to the Congress Library, in which this very line was laid down in the same red color, while the true one was marked with dots, in a French map made in Paris, and dedicated and presented to Dr. Franklin in the year 1784. All this I did upon the instant—in the flash of the moment—with the hot feeling of indignation upon me—and without intending offence to the Senator from Virginia, the chairman of the Committee of Foreign Relations, whose position had made him the organ of the Secretary on this humiliating occasion.

I do not go into the full defence of Dr. Franklin, whose very ghost seems to have been made to play a part to ravish from our astounded senses the instant ratification of this treaty. I do not undertake to defend him from the resulting implications of these strange communications; and, to show that his geography could not have mistaken the highlands between the Penobscot and the St. John, for the highlands between the St. Lawrence and the Atlantic—his astronomy could not have mistaken the south side of Nova Scotia for the northwest corner of that province—and that his geometry could not have substituted a crooked line, running zig-zag west from the head of the St. Croix, for a straight line running from the head of that river due north to the intersection of the ridge between the Atlantic and the St. Lawrence. I do not go into this defence, nor expose the attempt to stultify Dr. Franklin, in order to screen our present negotiator from responsibility for his enormous sacrifices. That task has been assumed by the natural defender of Dr. Franklin on this floor—the Senator from Mississippi, who has married his descendant, [Mr. WALKER,]—and who will do justice to the illustrious dead. I limit myself to showing a couple of maps—one of which shows the same line attributed to Dr. Franklin, in red coloring, and the true one in dots; the other shows the true boundary of the United States, marked by Mr. Jefferson. And, first, I will explain how I came to the knowledge of these maps, and chanced to have them on my table at such an appropriate moment.

The way of it is this: I made it my business to go and see Mr. Jefferson before he died; and in the course of a long winter evening, in which I contrived to make him do all the talking, he said to me many things which I have endeavored to remember, and to act upon as occasion presented. Among other things, he told me that when he was minister in Paris he had endeavored to make himself master of everything that related to the New World, and especially to our own part of it; and for that purpose was accustomed to spend his leisure evenings in the booksellers' shops, searching out for every publication that related to the United States and the two Americas. He told me of many rare books, and in various languages, which he had collected, and of a mass of maps and charts which he had bound up; and that all his collection had gone to the United States with the sale of his library, and were in the library of Congress. I have often availed myself of this information to trace questions—historical, political, geographical—through his ample volumes; and had often looked over his collection of maps, venerable for their age and for the hand that collected them. This morning, when we locked our doors on this treaty, I sent a note to our Librarian, with a request to send me the Jefferson maps; and was actually looking over the collection at the time, and tracing the well-marked Northern boundary upon it, at the instant that the chairman of the Committee of Foreign Relations was revealing to us the unexpected discoveries of Mr. Jared Sparks. It struck me as very strange that Mr. Sparks should have discovered in Paris, in 1842, documents of such antiquity and of such moment in relation to our own country, and as coming from Dr. Franklin when Mr. Jefferson, who was cotemporary with the paper, the successor of Dr. Franklin, for so many years in Paris, and gave up so much of his time and thoughts to these researches;—it struck me as very strange that all this should happen; and immediately began to turn over the leaves of the map in my hand, to see if it was in his collection. Immediately I fell upon the same red line in a map made in Paris, in 1784, and dedicated and presented to Dr. Franklin; which map I instantly showed to the Senate, and had placed on the Secretary's table for the inspection of all the Senators. Its title is in these words:

"*Carte des Etats Unis de l'Amérique, suivant le traité de paix de* 1783. *Dediée et présentée à Son Excellence* Mr. BENJAMIN FRANKLIN, *ministre des Etats Unis de l'Amérique près la cour de France; ancien Président de la Convention de Pensilvanie, et de la Société Philosophique de Philadelphie, &c., &c. Par son très humble et très obeisant serviteur,* LATBRE, 1784; *avec privilège du Roi.—Paris.*"

Here is the map, which presents the same line, and in the same color, with the one which Mr. Sparks has discovered; and with it is the true line, in dots, running up to the northwest corner of Nova Scotia. It was no secret in Mr. Jefferson's time, as its position now proves. It was of no weight in the determination of the boundary, as Mr. Jefferson's own map shows, made also in the year 1784, giving us all up to the northwest corner of Nova Scotia, and all the commanding islands which we have since lost by diplomacy—Campo-bello, Grand Menan, Bois-blanc, and the grand trading route between Lake Superior and the Lake of the Woods; and it was of no weight in Mr. Jefferson's mind in any way, as his correspondence on the various attempts to settle the Northeastern boundary constantly showed. But I leave all this to the Senator from Mississippi, [Mr. WALKER,] who has already done good execution upon Mr. Sparks's revelation. I limit myself to the production of the maps, one of which shows that Mr. Sparks's secret is no secret; and the other of which shows us the true boundaries of the United States, as settled by the treaty of Independence, and before diplomacy had mystified and mutilated it, and which give us the commanding route through the long lakes west of Lake Superior; the Bois-blanc island, which commands the Detroit river; the islands of Campobello and Grand Menan, which command the Bay of Fundy; and the lofty mountain which covered Maine, and commanded Quebec; all of which British diplomacy has taken from us.

I turn to the device of our Secretary negotiator, and his attempt to ravish a ratification from us by means of this raw head and bloody bones; and his attempt to impose, as a secret upon the Senate, what was evidently known to Lord Ashburton. Taken in any way, and it is a most disreputable contrivance. If Dr. Franklin's pretended marks are the true lines, and we have found a piece of evidence which defeats our claim to one-third of Maine, then honor requires us to show it to the British; if, on the other hand, these marks are the same with those on the map I produce, and are of no value, then the Senate has been bamboozled; and, in either event, the secrecy demanded of us has not been required of Lord Ashburton, who shows very clearly that he has scented the existence of Mr. Sparks's discoveries! The Senator from Virginia, [Mr. RIVES,] chairman of the Committee on Foreign Relations, read a paragraph from his Lordship's letter of the 11th of July, to show the danger we were in of losing more than the treaty gave (by the British finding out our secret) if we did not immediately ratify it. I read the same, for the purpose of showing that the British minister knew our secret before we knew it ourselves! This is his paragraph:

"My inspection of these maps, and my examination of the documents, lead me to a very strong conviction that the highlands contemplated by the negotiators of the treaty were the only highlands then known to them at the head of the *Penobscot, Kennebec, and the rivers west of the St. Croix*; and that they did not precisely know how the north line from the St. Croix would strike them; and, if it were not my wish to shorten this discussion, I believe a very good argument might be drawn from the words of the treaty in proof of this. In the negotiations with Mr. Livingston, and afterward with Mr. McLane, this view seemed to prevail; and, as you are aware, there were proposals to search for these highlands to the west, where alone I believe they will be found to answer *perfectly* the description of the treaty. *If this question should unfortunately go to a further reference, I should by no means despair of finding some confirmation of this view of the case.*"

Here we have the new discovered line shadowed forth for us, along the heads of the Penobscot and the Kennebec, and west of the St. Croix, as marked in the secret map from Paris, and the public one from our library, with the expression of the opinion that it will answer perfectly the description of the treaty; with the significant declaration that his Lordship will not *despair of finding some confirmation* of his opinion, if the question goes to further reference. I submit this paragraph as evidence that his Lordship had already found Mr. Sparks's discoveries, and placed as little value upon them as I do, and has only given these hints to assist at the ratification of the treaty. After this, what are we to think of the private exhibitions of this Paris discovery to Senators, before it was given to the Senate? What must we think of the invocations to secrecy with which it was communicated to us? What must we think of such a mode of operating upon the Senate? And, above all, what must we think of the treaty which, in the opinion of its negotiator, requires a resort to such contrivances to procure its ratification?

I have finished my view of this treaty, for what it contains, and will not recapitulate anything. I find the treaty objectionable in every point of view, for what it contains—for what it omits—for the manner of making it—and the manner of seeking its ratification. Applause is bestowed upon it. That is a matter of course with all things done by any Government. But, to any one who knows the exertions made by the British Government to procure our assent to the award, it must be known that such a treaty as this might have been made on any day by mail. Such a paper as that marked B, and identified by the signature of our Secretary, and by him communicated to the Maine commissioners,—such a paper as that, transmitted by mail to London, would have had its response by return mail, accepting it *in toto*, and sending us as much money into the bargain, if we had asked it, as would have paid our new public debt many times over. The cry of war is raised, if the treaty is not ratified. The British were not going to war, because we would not give them double as much as they were anxious to receive under the award. That much they intended to have, if it could be got; and for that they intended to bully up to the point of holding the lighted match over the loaded and primed cannon. Whether they touched the match, would depend upon our countenance—the war countenance of our Government. This I always told the Senator from Maine [looking at Mr. WILLIAMS] I made no speeches when such brave ones were uttered on this floor; but I constantly told him that Maine was in danger! and if anything saved her, it would be the war countenance of the American Government. [Mr. WILLIAMS nodded assent.] Unhappily, they have found a time when our Government has no war countenance to show! when a *peace embassy* has been sufficient to frighten our administration out of double as much as the British asked in Jackson's and Van Buren's time! The refusal to make this treaty would have brought no war; its ratification will bring war in the run of time. There are unsettled subjects, which cannot be settled with honor or safety after the ratification of this treaty. Contempt is now our portion from the British. Her present success will increase her audacity. The Columbia will be now considered hers; impressment will be revived when it suits her; liberation of slaves in Canada and the West Indies will go on; the affair of Schlosser will be repeated as often as it pleases the colonial authorities. The four deferred subjects are now incapable of being settled, except on terms to which war—the most exasperated war—will be preferable. I look upon the ratification of this treaty as a calamity to the country; still I am not insensible to the embarrassment of Senators who yield it a reluctant assent. They expect nothing better. After the manner in which our claim has been weakened, and the British strengthened, by the conduct of our Secretary—by his surrender of 110 miles on this side the awarded line—by his $500,000 for Rouse's Point; and, above all, by his arraying the authority of Dr. Franklin against us, to the whole extent of the British claim down to the Penobscot;—after this, they expect nothing better than we have got, and are ready to close a bad bargain for fear it becomes worse. They yield reluctantly; and every patriot bosom in Maine and Massachusetts must now repent the rejection of the award, and hold the man to account who, rejecting it, has made a treaty so much worse.

I proceed to the omitted subjects; and here the objections to the treaty are fully as great for what it omits as for what it contains. The special mission came gloriously heralded as a mission of peace—to settle everything; and to give a new point of departure to the inhabitants of two great countries in the walks of social, commercial, and political intercourse. It has only settled part; leaving four subjects out of seven to be pursued at London, with vastly diminished prospects of success; and producing all the effect of a separate treaty with a part of the confederacy, and that at the moment when British legislation had given a separate trade, and virtually a free trade, to this same part, in the great staples of grain and provisions. The mission of peace has given a separate peace to the Northern States: the new corn law has given them a separate trade; and the American citizen is very differently constituted from what I am, who can believe these coincidences to be the effect of accident, or a cause for joy in the American Union.

The omitted or pretermitted subjects are four: the Columbia river—impressment—the outrage on the Caroline—and the liberation of American slaves, carried by violence or misfortune into the British West India islands, or enticed into Canada. Of these, I begin with the Columbia, because equal in importance to any, and, from position, more particularly demanding my attention. The country on this great river is ours: diplomacy has endangered its title: the British have the possession, and have repulsed us from the whole extent of its northern shore, and from all the fur region on both sides of the river, and up into all the valleys and gorges of the Rocky mountains. Our citizens are beginning to go there; and the seeds of national contestation between the British and Americans are deeply and thickly sown in that quarter. From the moment that we discovered it, Great Britain has claimed this country; and for thirty years past this claim has been a point of contested and deferred diplomacy, in which every step taken has been a step for the benefit of her claim, and for the injury of ours. The germe of a war lies there; and this mission of peace should have eradicated that germe. On the contrary, it does not notice it! Neither the treaty nor the correspondence names or notices it! and if it were not for a meagre and stinted paragraph in the President's message, communicating and recommending the treaty, we should not know that the name of the Oregon had occurred to the negotiators. That paragraph is in these words:

"After sundry informal communications with the British minister upon the subject of the claims of the two countries to territory west of the Rocky mountains, so little probability was found to exist of coming to any agreement on that subject at present, that it was not thought expedient to make it one of the subjects of formal negotiation, to be entered upon between this Government and the British minister, as part of his duties under his special mission."

This is all that appears in relation to a disputed country, equal in extent to the Atlantic portion of the old thirteen United States; superior to them in climate, soil, and configuration; adjacent to the valley of the Mississippi; fronting Asia; holding the key to the North Pacific ocean; the only country fit for colonization on the extended coast of Northwest America; a country which belongs to the United States by a title as clear as their title to the District of Columbia; which a resolve of Congress, during Mr. Monroe's administration, declared to be occluded against European colonization; which Great Britain is now colonizing; and the title to which has been a subject of diplomatic discussion for thirty years. This is all that is heard of such a country, and such a dispute, in this mission of peace, which was to settle everything. To supply this omission, and to erect some barrier against the dangers of improvident, indifferent, ignorant, or treacherous diplomacy in future negotiations in relation to this great country, it is my purpose at present to state our title to it; and, in doing so, to expose the fallacy of the British pretensions; and thus to leave in the bosom of the Senate, and on the page of our legislative history, the faithful evidences of our right, and which shall attest our title to all succeeding generations.

Our title to this great adjunct domain rests upon eight points, almost any one of which is sufficient to vindicate it. They are:

1. The discovery of the Columbia river, at its mouth, in 1790, by Captain Gray of Boston; and the imposition of the American name of his ship upon it a discovery which enured to the benefit of his country, and a name which attested its possession and sovereignty.

2. The discovery of the same river, at its head, and thence to its mouth in the ocean, by Lewis and Clarke, under the authority of the United States, in the years 1804-5.

3. The settlement at the mouth of the river in 1811, under the auspices of Mr. Astor, of New York, a citizen of the United States, and whose settlement enured to the benefit of his country.

4. The treaty of 1803 with the French republic; by which the United States acquired Louisiana, and with it an open question of boundaries to the northwest.

5. The treaty of 1819 with the King of Spain; by which the United States acquired all the rights of Spain to the country north of 42 degrees beyond the Rocky mountains.

6. The Nootka Sound contest, in 1790, between Great Britain and Spain, and the treaty growing out of it; by which Spain vindicated her title against the British as far north as the latitude of that sound, in 50 degrees.

7. The treaty of Utrecht in 1714, between France and England; by which the boundaries between the French and British were settled in North America; and this settlement becoming ours, as successors to the French in that part of her dominions.

8. The treaty of Ghent in 1814; by which Great Britain restored Astoria to the United States as an American possession.

By these several titles, the United States have collected into their own hands all the rights derived from first discovery, and from first settlement, reinforced by all the claims of France and Spain. It is not my purpose to discuss, but merely to state these titles. The facts on which they rest are generally known to the country, except so far as they are derivable from the Nootka Sound and Utrecht treaties; and on these two points I feel called upon to make the statements, and to give the elucidations, which manifest their application to our question of title.

The treaty of Utrecht, between France and England, as all the world knows, was the treaty which put an end to the wars of Queen Anne and Louis the 14th, and settled their differences in America as well as in Europe. Both England and France were at that time large territorial possessors in North America—the English holding Hudson's Bay and New Britain, beyond Canada, and her Atlantic colonies on this side of it; and France holding Canada and Louisiana. These were vast possessions, with unfixed boundaries. The tenth article of the treaty of Utrecht provided for fixing these boundaries. Under this article, British and French commissioners were appointed to define the possessions of the two nations; and by these commissaries two great points were fixed, (not to speak of others,) which have become landmarks in the definition of boundaries in North America, namely: the Lake of the Woods, and the 49th parallel of north latitude west of that lake. These two points were established above a century and a quarter ago, as dividing the French and British dominions in that quarter. As successful rebels, we acquired one of these points at the end of the Revolution. The treaty of independence of 1783 gave us the Lake of the Woods as a landmark in the (then) northwest corner of the Union. As successors to the French in the ownership of Louisiana, we acquired the other; the treaty of 1803 having given us that province as France and Spain had held it; and that was, on the north, by the parallel of 49 degrees. Beginning in the Lake of the Woods, our northern Louisiana boundary followed the 49th parallel to the west. How far? is now the important question; and I repeat the words of the report of the commissaries, accepted by their respective nations, when I answer—"INDEFINITELY!" I quote the words of the report when I answer, (omitting all the previous parts of the line,) "*to the latitude of 49 degrees north of the equator, and along that parallel indefinitely to the west.*" [A Senator asked where all this was found.] Mr. BENTON. I find it in the state papers of France and England above an hundred years ago, and in those of the United States since the acquisition of Louisiana. I quote now from Mr. Madison's instructions, when Secretary of State under Mr. Jefferson in 1804, to Mr. Monroe, then our minister in London; and given to him to fortify him in his defence of our new acquisition. The cardinal word in this report of the commissaries is the word "*indefinitely;*" and that word it was the object of the British to expunge, from the moment that we discovered the Columbia, and acquired Louisiana—events which were of the same era in our history, and almost cotemporaneous. In the negotiations with Mr. Monroe, (which ended in a treaty, rejected by Mr. Jefferson without communication to the Senate,) the effort was to limit the line, and to terminate it at the Rocky mountains; well knowing that if this line was suffered to continue *indefinitely* to the west, it would deprive them of all they wanted; for it would strike the ocean three degrees north of the mouth of the Columbia. Without giving us what we were entitled to by the right of discoveries, and as successors to Spain, it would still take from Great Britain all that she wanted—which was the mouth of the river, its harbor, the position which commanded it, and its right bank, in the rich and timbered region of tide-water. The line on the 49th parallel would cut her off from all these advantages; and, therefore, to mutilate that line, and stop it at the Rocky mountains, immediately became her inexorable policy. At Ghent, in 1814, the effort was renewed. The commissioners of the United States and those of Great Britain could not agree; and nothing was done. At London, in 1818, the effort was successful; and in the convention then signed in that city, the line of the treaty of Utrecht was stopped at the Rocky mountains. The country on the Columbia was laid open for ten years to the joint occupation of the citizens and subjects of both powers; and, afterwards, by a renewed convention at London, this joint occupation was renewed indefinitely, and until one of the parties should give notice for its termination. It is under this privilege of joint occupation that Great Britain has taken exclusive possession of the right bank of the river, from its head to its mouth, and also exclusive possession of the fur-trade on both sides of the river, into the heart of the Rocky mountains. Mr. friend and colleague [Mr. LINN] has submitted a motion to require the President to give the stipulated notice for the termination of this convention—a convention so unequal in its operation, from the inequality of title between the two parties, and from the organized power of the British in that quarter, under the powerful direction of the Hudson's Bay Fur Company. Thus our title as far as latitude 49, so valid under the single guaranty of the treaty of Utrecht, without looking to other sources, has been jeopardied by this improvident convention; and the longer it stands, the worse it is for us. The article is in these words:

"It is agreed that any country that may be claimed by either party on the northwest coast of America, westward of the Stony mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open for the term of ten years from the date of the signature of this convention, to the vessels, citizens, and subjects of the two powers; it being well understood that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of said country; nor shall it be taken to affect the claims of any other power or State to any part of the said country; the only object of the high contracting parties, in that respect, being to prevent disputes and differences amongst themselves." [ARTICLE III.]

The faults of this article are three, namely:

1. In assuming that there were divers harbors, bays, creeks, and navigable rivers west of the Rocky mountains, some belonging to the United States, and some to Great Britain; and that mutuality of benefits was conferred by giving to each party access to these waters of the other. Even if such different ownerships of different waters had existed in that quarter, it would have been the ready way to generate disputes, instead of preventing them, to throw open the gates of each to the entrance of the other. But there was no such separate and respective ownership. There was but one owner of bays, harbors, creeks, and navigable rivers in that quarter: and that owner was the United States; and its ownership only applied to one harbor, one bay, one creek, and one navigable river in that quarter; and all these four descriptions of waters resolved themselves into one single stream and its estuary—the Columbia river. This was perfectly well known at the time—the navigator, Vancouver, and the fur-trader, Sir Alexander McKenzie, having both finished their explorations, and reported the Columbia river to be the only navigable stream in all that coast; and the harbor at its mouth as being the only one that communicated with the interior of the continent. The British, then, by the terms of the convention, got possession of our harbor and our river, while they had neither

harbor nor river for us to possess; and thus a treaty equal and fair in its terms, became unequal and unfair in its operation.

2. The second fault of the treaty was in admitting an organized and powerful portion of the British people to come into possession of our territories jointly with individual and disconnected possessors on our part. The Hudson's Bay Company held dominion there on the north of our territories. They were powerful in themselves, perfectly organized, protected by their Government, united with it in policy, and controlling all the Indians from Canada and the Rocky mountains out to the Pacific ocean, and north to Baffin's Bay. This company was admitted, by the convention of 1818, to a joint possession with us of all our territories on the Columbia river. The effect was soon seen. Their joint possession immediately became exclusive on the north bank of the river. Our fur-traders were all driven from beyond the Rocky mountains; then driven out of the mountains; more than a thousand of them killed: forts were built; a chain of posts established to communicate with Canada and Hudson's Bay; settlers introduced; a colony planted; firm possession acquired; and, at the end of the ten years when the *joint* possession was to cease, the intrusive possessors, protected by their Government, refused to go—began to set up title—and obtained a renewal of the convention, without limit of time, and until they shall receive notice to quit. This renewed convention was made in 1828; and, instead of joint possession with us for ten years, while we should have joint possession with them of their rivers, bays, creeks, and harbors, for the same time—instead of this, they have had exclusive possession of our territory, our river, our harbor, and our creeks and inlets, for above a quarter of a century. They are establishing themselves as in a permanent possession—making the fort Vancouver, at the confluence of the Multnomah and Columbia, in tide water, the seat of their power and operations.* The notice required never will be given while the present Administration is in power; nor obeyed when given, unless men are in power who will protect the rights and the honor of their country. The fate of Maine has doubled the dangers of the Columbia, and nearly placed us in a position to choose between WAR and INFAMY, in relation to that river.

3. The third great fault of the convention was, in admitting a *claim* on the part of Great Britain to any portion of these territories. Before that convention, she stated no claim; but asked a favor—the favor of joint possession for ten years: now she sets up title. That title is backed by possession. Possession among nations, as well as among individuals, is eleven points out of twelve; and the bold policy of Great Britain well knows how to avail itself of these eleven points. The Madawaska settlement has read us a lesson on that head; and the success there must lead to still greater boldness elsewhere. The London convention of 1818 is to the Columbia, what the Ghent treaty of 1814 was to Maine; that is to say, the first false step in a game in which we furnish the whole stake, and then play for it. In Maine the game is up. The bold hand of Great Britain has clutched the stake; and nothing but the courage of our people will save the Columbia from the same catastrophe.

I proceed with more satisfaction to our title under the Nootka Sound treaty, and can state it in a few words. All the world knows the commotion which was excited in 1790 by the Nootka Sound controversy between Great Britain and Spain. It was a case in which the bullying of England and the courage of Spain were both tried to the *ne plus ultra* point, and in which Spanish courage gained the victory. Of course, the British writers relate the story in their own way; but the debates of the Parliament, and the terms of the treaty in which all ended, show things as they were. The British, presuming on the voyages of Captain Cook, took possession of Nootka; the Spanish Viceroy of Mexico sent a force to fetch the English away, and placed them in the fortress of Acapulco. Pitt demanded the release of his English, their restoration to Nootka, and an apology for the insult to the British Crown, in the violation of its territory and the persons of its subjects; the Spaniard refused the release, the restoration, and the apology, on the ground that Nootka was Spanish territory, and that they would fight for its possession. Then both parties prepared for war. The preparations fixed the attention of all Europe. Great Britain bullied to the point of holding the match over the touch-hole of the cannon; but the Spaniards remaining firm, she relaxed, and entered into a convention which abnegated her claim. She accepted from the Spaniards the privilege of landing and building huts on the unoccupied parts of the coast, for the purpose of fishing and trading; and while this acceptance nullified her claim, yet she took nothing under it—not even temporary use—never having built a hut, erected a tent, or commenced any sort of settlement on any part of the coast. Mr. Fox keenly reproached Mr. Pitt with the terms of this convention, being, as he showed, a limitation instead of an acquisition of rights. In the debates upon the Nootka question, he said:

"Our right before was to settle in any part of the South or Northwest Coast of America not fortified against us by previous occupancy; and we were now restricted to settle in certain places only, and under certain restrictions. This was an important concession on our part. Our right of fishing extended to the whole ocean; and now it, too, was limited, and to be carried on within certain limits of the Spanish settlements. Our right of making settlements was not, as now, a right to build huts; but to plant colonies, if we thought proper."

In such terms did Mr. Fox characterize the Nootka treaty, and rightly; for it showed that, in 1790, the British had no rights on the Northwest coast of America; that they accepted from the Spaniards, as a concession, the privilege of hunting and fishing on that coast—a privilege which they did not even use. It was not until we discovered the Columbia, that she renewed a claim to any territory on the Northwest coast; and though foiled by the senile monarchy of Spain, even under the feeble administration of Charles the IV and the favorite Godoy, yet she expects to succeed against our young and peace-loving Republic.

Nootka is in latitude 50—being four degrees north of the mouth of the Columbia; and to that degree did Spain assert and maintain her title against Great Britain in 1790. But that was not the extent of her assertion of that right. Against the British, she asserted it to the whole extent of the coast; against the Russians, (the only real claimants, with ourselves, in that quarter,) to latitude 55. Thus, as deriving from Spain, our title is good against England throughout the coast; against Russia, to latitude 55. As deriving under discoveries and settlement, it is good against all the world, to the extent of the region drained by the waters of the Columbia river. We discovered the river from its mouth to its source, took possession of it as our territory, and, according to the laws of nations, have a clear and valid title to it.

Our title is clear: that of the British is null. She sets up none—that is, she states no derivation of title. There is not a paper upon the face of the earth, in which a British minister has stated a title, or even a claim. They have endeavored to obtain the country by the arts of diplomacy; but never have stated a title, and never can state one. The fur-trader Sir Alexander McKenzie prompted the acquisition, gave the reason for it, and never pretended a title. His own discoveries gave no title. They were subsequent to the discovery of Captain Gray, and far to the north of the Columbia. He never saw that river. He missed the head sources of it, fell upon the *Tacouche Tesse*, and struck the Pacific in a latitude 500 miles (by the coast) to the north of the Columbia. His subsequent discoveries were all north of that point. He was looking for a communication with the sea—for a river, a harbor, and a place for a colony—within the dominions of Great Britain; and, not finding any, he boldly recommended his Government to seize the Columbia river, to hold it, and to expel the Americans from the whole country west of the Rocky mountains. This is what he said. I quote from his History of the Fur-Trade:

"The Russians, who first discovered that along the coasts of Asia no useful or regular navigation existed, opened an interior communication by rivers, &c., and through that long and wide extended continent, to the strait that separates Asia from America, over which they passed to the American continent. Our situation is at length in some degree similar to theirs—the non-existence of a practicable passage by sea, and the existence of one through the continent, are clearly proved; and it requires only the countenance and support of the British Government to increase, in a very ample proportion, this national advantage, and secure the trade of that country to its subjects. * * * * * * * By the rivers which discharge themselves into Hudson's Bay, at Port Nelson, it is proposed to carry on the trade to their source at the head of the Saskatchiwine river, which rises in the Rocky mountains, not eight degrees of longitude from the Pacific ocean. The Columbia flows from the same mountains, and discharges itself into the Pacific in north latitude 46 degrees 20 minutes. Both of them are capable of receiving ships at their mouths, and are navigable throughout for boats. * * * * * * * But whatever course may be taken from the Atlantic, the Columbia is the line of communication from the Pacific ocean, pointed out by nature, as it is the only navigable river in the whole extent of Vancouver's minute survey of the coast. Its banks also form the first level country in all the southern extent of continental coast from Cook's entry; and, consequently, the most northern situation suited for the residence of a civilized people. By opening this intercourse between the Atlantic and Pacific oceans, and forming regular establishments through the interior, and at both extremes, as well as along the coasts and islands, the entire command of the fur-trade of North America might be obtained from latitude 45 to the pole, except that portion of it which the Russians have in the Pacific. To this may be added the fishing in both seas, and the markets in the four quarters of the globe. Such would be the field for commercial enterprise, and incalculable would be the produce of it, when supported by the operations of that credit and capital which Great Britain so eminently possesses. Then would this country begin to be remunerated for the expense it has sustained in discovering and surveying the coast of the Pacific ocean, which is at present left to American adventurers, who, without regularity or capital, or the desire of conciliating future confidence, look altogether to the interests of the moment. Such adventurers (and many of them, as I have been informed, have been very successful) would instantly disappear before a well-regulated trade. * * * * * * * Many political reasons, which it is not necessary here to enumerate, must present themselves to the mind of every man acquainted with the enlarged system and capacities of British commerce, in support of the measures which I have briefly suggested as promising the most important advantages to the trade of the United Kingdom. * * * * * * * Let the line begin where it may on the Mississippi, it must be continued west, till it terminates in the Pacific ocean to the south of the Columbia river."

This was the recommendation of Sir A. McKenzie; and, upon this recommendation, and precisely for the reasons, commercial and political, which he gave, Great Britain has gone to work to wrench it from us. And here let us trace her pretension; (for title or claim it cannot be called;) let us trace this pretension, and mark its exact parallel to the movement upon Maine. It was in London, in 1818, that the British Government first discovered its disposition to obtain this country. The river, and the harbor at its mouth, were what they wanted: and, as the north bank would give them the command of the whole, they generously offered to divide by the river: they taking the north half, we the south. As this was the commencement of their pretension, it will be right to give them the benefit of their own words. This we can do authentically; for, in those days, protocols were kept: and the American commissioners (Messrs. Gallatin and Rush) thus report the pretensions of Great Britain through her commissioners, (Messrs. Robinson and Goulburne:

"That former voyages, and principally that of Capt. Cook, gave to Great Britain the rights derived from discovery; and they alluded to purchases from the natives south of the Columbia river, which they alleged to have been made prior to the American Revolution. They did not make any formal proposition for a boundary; but intimated that the river itself was the most convenient that could be adopted; and that they would not agree to any which did not give them the *harbor* at the mouth of the river, in common with the United States."

This was the state of the pretension in London, in 1818: in Washington, at the same time, it was quite different; but just about as strong. It so happened that, while the convention was in progress in London, the Government of the United States at Washington was fitting out a vessel, and despatching an agent to the mouth of the Columbia, to receive the possession of Astoria, deliverable under the Ghent treaty. Mr. Bagot was then British minister at Washington; and, on being applied to for a letter of instructions to the officer in command at Astoria—the name changed by the British to that of

* "This fort is on the north side of the Columbia, nearly opposite the mouth of the Multnomah, in the region of tide-water, and near the head of ship navigation. It is a grand position, both in a military and commercial point of view, and formed to command the whole region watered by the Columbia and its tributaries. The surrounding country, both in climate and soil, is capable of sustaining a large population; and its resources in timber give ample facilities for ship-building. This post is fortified with cannon; and, having been selected as the principal or master position, no pains have been spared to strengthen and improve it. For this purpose, the old post near the mouth of the river has been abandoned. About 120 acres of ground are in cultivation; and the product in wheat, barley, oats, corn, potatoes, and other vegetables, is equal to what is known in the best parts of the United States. Domestic animals are numerous—the horned cattle having been stated to me at 300; hogs, horses, sheep, and goats, in proportion; also, the usual domestic fowls: everything, in fact, indicating a permanent establishment. Ship-building has commenced at this place. One vessel has been built and rigged, sent to sea, and employed in the trade of the Pacific ocean. I also met a gentleman, on my way to Lake Winnipec, at the portage between the Columbia and Athabasca, who was on his way from Hudson's Bay to Fort Colville, with a master ship-carpenter, and who was destined for Fort Vancouver, for the purpose of building a ship of considerable burden. Both grist and saw mills have been built at Fort Vancouver: with the latter, they saw the timber which is needed for their own use, and also for exportation to the Sandwich Islands; upon the former, their wheat is manufactured into flour. And, from all that I could learn, this important post is silently growing up into a colony; and is, perhaps, intended as a future military and naval station, which was not expected to be delivered up at the expiration of the treaty which granted them a temporary and joint possession."—*Major Pilcher's report to the Secretary of War, Oct.*, 1830.

Fort George—he declined to give it; claimed the country as British property; and, being ignorant of the grounds of claim set up in London—namely, Cook's voyages, and Indian sales before the Revolution—he took position on three other grounds; namely, under the Nootka treaty, McKenzie's discoveries, and as a conquest during the war. And upon these pretensions the British claim has rested, until possession has made them bold enough to exclude it from the subjects of formal negotiation between the two countries. The peace-mission refused us peace on that point. The President tells us that there is "*no probability of coming to any agreement at present!*" Then when can the agreement be made? If refused now, when is it to come? Never, until we show that we prefer war to ignominious peace.

I do not comment on these pretensions. They are too empty, and too contradictory, for remark—Cook's discoveries—Indian sales before the Revolution—the Nootka sound treaty—McKenzie's researches—the conquest during the war! Why, sir, Cook never saw that coast; the country belonged to the Spaniards before the Revolution; Nootka sound was a Spanish triumph; McKenzie struck the ocean 500 miles to the north; and the war conquest was on a level with the conquest of Castine and Detroit. No, sir, no. Great Britain relies on her own audacity, and on our mercantile love of peace. Her title is her *will* and her *arms!* and henceforth she will not deign to name any other. Having got from us all she wanted; having got the strong military frontier which covers Quebec and commands Maine; and having conciliated all the Northern States by surrenders of territory, and a free trade in grain and provisions;—having done all this, she is ready to put the West, and the South also, at defiance! and trust to her arms and audacity to supply the place of negotiation.

This is the British title to the Columbia, and the only one that she wants for anything. It suits her to have that river: it is her interest to have it: it strengthens her, and weakens others, for her to have it; and, therefore, have it she will. This is her title, and this her argument. Upon this title and argument, she gets a slice from Maine, and gains the mountain barrier which covers Quebec; and, upon this title and argument, she means to have the Columbia river. The events of the late war, and the application of steam power to ocean navigation, begat her title to the country between Halifax and Quebec: the suggestions of McKenzie begat her title to the Columbia. Improvident diplomacy on our part, a war countenance on her part, and this strange treaty, have given success to her pretensions in Maine: the same diplomacy, and the same countenance, have given her a foothold on the Columbia. It is for the Great West to see that no traitorous treaty shall abandon it to her. The President, in his message, says that there was no chance for any "*agreement*" about it at present; that it would not be made the subject of a "*formal negotiation*" at present; that it could not be included in the duties of the "*special mission.*" Why so? The mission was one of peace, and to settle everything; and why omit this pregnant question? Was this a war question, and therefore not to be settled by the peace mission? Why not come to an agreement now, if agreement is ever intended? The answer is evident. No agreement is ever intended. Contented with her possession, Great Britain wants delay, that *time* may ripen *possession* into *title*, and fortunate events facilitate her designs. My colleague and myself were sounded on this point: our answers forbade the belief that we would compromise or sacrifice the rights and interests of our country; and this may have been the reason why there were no "*formal*" negotiations in relation to it. Had we been "*soft enough,*" there might have been an agreement to divide our country by the river; or, to refer the whole title to the decision of a friendly sovereign! We were not *soft enough* for that; and if such a paper, marked B, and identified with the initials of our Secretary, had been sent to the Missouri delegation, as was sent to the Maine commissioners, instead of subduing us to the purposes of Great Britain, it would have received from the whole delegation the answer due to treason, to cowardice, and to insolence.

But, it is demanded, what do we want with this country, so far off from us? I answer by asking, in my turn, what do the British want with it, who are so much further off? They want it for the fur-trade; for a colony; for an outlet to the sea; for the communication across the continent; for a road to Asia; for the command of 140,000 Indians against us; for the port and naval station which is to command the commerce and navigation of the North Pacific ocean, and open new channels of trade with China, Japan, Polynesia, and the great East. They want it for these reasons; and we want it for the same; and because it adjoins us, and belongs to us, and should be possessed by our descendants, who will be our friends; and not by aliens, who will be our enemies.

Forty years ago, it was written by Humboldt that the valley of the Columbia invited Europeans to found a fine colony there; and, twenty years ago, the American Congress adopted a resolve, *that no part of this continent was open to European colonization.* The remark of Humboldt was that of a sagacious European; the resolve of Congress was the work of patriotic Americans. It remains to be seen which will prevail. The convention of 1818 has done us the mischief; it put the European power in possession: and possession with nations, still more than with individuals, is the main point in the contest. It will require the Western pioneers to recover the lost ground; and they must be encouraged in the enterprise by liberal grant of lands, by military protection, and by Governmental authority. It is time for the bill of my colleague to pass. The first session of the first Congress under the new census should pass it. The majority will be Democratic, and the Democracy will demand that great work at their hands. I put no faith in negotiation. I expect nothing but loss and shame from any negotiation in London. Our safety is in the energy of our people; in their prompt occupation of the country; and in their invincible determination to maintain their rights.

I do not dilate upon the value and extent of this great country. A word suffices to display both. In extent, it is larger than the Atlantic portion of the old thirteen United States; in climate, softer; in fertility, greater; in salubrity, superior; in position, better, because fronting Asia, and washed by a tranquil sea. In all these particulars, the western slope of our continent is far more happy than the eastern. In configuration, it is inexpressibly fine and grand—a vast oblong square, with natural boundaries, and a single gateway into the sea. The snow-capped Rocky mountains enclose it to the east, an iron-bound coast on the west: a frozen desert on the north, and sandy plains on the south. All its rivers, rising on the segment of a vast circumference, run to meet each other in the centre; and then flow together into the ocean, through a gap in the mountain, where the heats of summer and the colds of winter are never felt, and where southern and northern diseases are equally unknown. This is the valley of the Columbia—a country whose every advantage is crowned by the advantages of position and configuration: by the unity of all its parts—the inaccessibility of its borders—and its single introgression to the sea. Such a country is formed for union, wealth, and strength. It can have but one capital, and that will be a Thebes; but one commercial emporium, and that will be Tyre, queen of cities. Such a country can have but one people, one interest, one government: and that people should be American—that interest ours—and that government republican. Accursed and infamous be the man that divides or alienates it!

But, it is demanded, will you add this great country to this great Union, already too large in the opinion of many? I answer that question as Mr. Jefferson answered it forty years ago. I say, No! But, like him, I also say, I would keep the European out of it. I would plant the American in it. I would nurture and sustain him in his infancy; and when old enough to take care of himself, I would part from him, as the father parts from his manly son—with benedictions, with aid, and with injunctions never to forget what is due to his parent.

Impressment is another of the omitted subjects. This having been a cause of war in 1812, and being now declared, by the American negotiator, to be a sufficient cause for future wars, it would naturally, to my mind, have been included in the labors of a special mission, dedicated to peace, and extolled for its benevolent conception. We would have expected to find such a subject, after such a declaration, included in the labors of such a mission. Not so the fact. The treaty does not mention impressment. A brief paragraph in the President's message informs us that there was a correspondence on this point; and, on turning to this correspondence, we actually find two letters on the subject: one from Mr. Webster to Lord Ashburton—one from Lord Ashburton to Mr. Webster: both showing, from their dates, that they were written after the treaty was signed; and, from their character, that they were written for the public, and not for the negotiators. The treaty was signed on the 9th of August; the letters were written on the 8th and 9th of the same month. They are a plea, and a reply; and they leave the subject precisely where they found it. From their date and character, they seem to be what the lawyers call the *postea*—that is to say, the *afterwards*; and are very properly postponed to the end of the document containing the correspondence, where they find place on the 120th page. They look *ex post facto* there; and, putting all things together, it would seem as if the American negotiator had said to the British lord, (after the negotiation was over:) My Lord, here is impressment—a pretty subject for a composition; the people will love to read something about it; so let us compose. To which, it would seem, his Lordship had answered: You may compose as much as you please for your people; I leave that field to you: and when you are done, I will write three lines for my own Government, to let it know that I stick to impressment. In about this manner, it would seem to me that the two letters were got up; and that the American negotiator in this little business has committed a couple of the largest faults: *first*, in naming the subject of impressment at all! *next*, in ever signing a treaty, after having named it, without an unqualified renunciation of the pretension!

Sir, the same thing is not always equally proper. Time and circumstances qualify the proprieties of international, as well as of individual intercourse; and what was proper and commendable at one time, may become improper, reprehensible, and derogatory at another. When George the Third, in the first article of his first treaty with the United States, at the end of a seven years' war, acknowledged them to be free, sovereign, and independent States, and renounced all dominion over them, this was a proud and glorious consummation for us, and the crowning mercy of a victorious rebellion. The same acknowledgment and renunciation from Queen Victoria, at present, would be an insult for her to offer—a degradation for us to accept. So of this question of impressment. It was right in all the administrations previous to the late war, to negotiate for its renunciation. But after having gone to war for this cause; after having suppressed the practice by war; after near thirty years' exemption from it;—after all this, for our negotiator to put the question in discussion, was to compromise our rights! To sign a treaty without its renunciation, after having proposed to treat about it, was to relinquish them! Our negotiator should not have mentioned the subject. If mentioned to him by the British negotiator, he should have replied, that the answer to that pretension was in the cannon's mouth!

[Several Senators exclaimed, Yes! in the cannon's mouth!]

But to name it himself, and then sign without renunciation, and to be invited to London to treat about it;—to do this, was to descend from our position; to lose the benefit of the late war; to revive the question; to invite the renewal of the practice, by admitting it to be an unsettled question—and to degrade the present generation, by admitting that they would negotiate where their ancestors had fought. These are fair inferences; and inferences not counteracted by the euphonious declaration that the American Government is "*prepared to say*" that the practice of impressment cannot hereafter be allowed to take place!—as if, after great study, we had just arrived at that conclusion! and as if we had not declared much more courageously in the case of the Maine boundary, the Schlosser massacre, and the Creole mutiny and murder! The British, after the experience they have had, will know how to value our courageous declaration, and must pay due respect to our flag! For one, I never liked these declarations, and never made a speech in favor of any one of them; and now I like them less than ever, and am *prepared* to put no further faith in the declarations of gentlemen who were for going to war for the smallest part of the Maine boundary in 1838, and now surrender 300 miles of that boundary for fear of war, when there is no danger of war. I am *prepared to say* that I care not a straw for the heroic declarations of such gentlemen. I want actions, not phrases. I want Mr. Jefferson's act in 1806—*rejection of any treaty with*

Great Britain that does not renounce impressment! And after having declared, by law, black impressment on the coast of Africa to be piracy; after stipulating to send a fleet there, to enforce our law against that impressment;—after this, I am ready to do the same thing against white impressment on our own coasts, and on the high seas. I am ready to enact that the impressment of my white fellow-citizens out of an American ship is an act of piracy; and then to follow out that enactment in its every consequence.

I profess Jeffersonism, and wish to act up to the profession; and here is a case, to test the fidelity of professors to the instructions of that great master. In the year 1807, he rejected, without even a reference to the Senate, the British treaty, which was silent upon the subject of impressment. It was a treaty of great moment, embraced many points, and was intended to prevent the war which was then impending; but impressment having been discussed, and no article being found in the treaty against it, Mr. Jefferson rejected it; and his answer to Messrs. Monroe and Pinckney, returning the treaty to them, should form the inexorable answer of every American under the like circumstances. That answer was drawn up by Mr. Madison, and says:

"The President continues to regard this subject in the light in which it has been pressed on the justice and friendship of Great Britain. He cannot reconcile it with his duty to our seafaring citizens, or with the sensibility or sovereignty of the nation, to recognise, even constructively, a principle that would expose on the high seas their liberty—their lives—everything, in a word, that is dearest to the human heart—to the capricious or interested sentences which may be pronounced against their allegiance by officers of a foreign government, whom neither the laws of nations, nor the laws of their own government, will allow to decide on the ownership or character of the minutest article of property found in a like situation. * * * On these grounds the President is constrained to decline any arrangement, formal or informal, which does not comprise a provision against impressments from American vessels on the high seas, and which would, notwithstanding, be a bar to such legislative measures as Congress have thought or may think proper to adopt, for controlling that species of aggression. * * * Without a provision against impressments, substantially such as is contemplated in your original instructions, NO TREATY IS TO BE CONCLUDED."

This was the language of Mr. Jefferson in 1807. Still more should it be the language of his country in 1842, when our strength is more than doubled; when we have once refused to make a treaty, in time of peace, without renunciation of impressment; when we have had one war against it; and when thirty years' cessation of the practice had sunk the pretension. Above all, it should have been the language in 1842, when the special mission came heralded with the beatitude of peace, authorized to settle everything, and seeking sacrifices from us, which should, at the least, have commanded justice from her. Instead of this, what was the language? And here justice to the parties requires that each should be allowed to speak for himself. Listen to them.

President Tyler says:

"The impressment of seamen from merchant vessels of this country, by British cruisers, although not practised in time of peace, and, therefore, not at present a productive cause of difference and irritation, has, nevertheless, hitherto been so prominent a topic of controversy, and is so likely to bring on renewed contentions at the first breaking out of a European war, that it has been thought the part of wisdom new to take it into serious and earnest consideration. The letter from the Secretary of State to the British minister explains the ground which the Government has assumed, and the principles which it means to uphold. For the defence of these grounds, and the maintenance of these principles, the most perfect reliance is placed on the intelligence of the American people, and on their firmness and patriotism, in whatever touches the honor of the country, or its great and essential interests."

Mr. Webster says:

"In the calm and quiet which have succeeded the late war—a condition so favorable for dispassionate consideration—England herself has evidently seen the harshness of impressment, even when exercised on seamen in her own merchant service; and she has adopted measures calculated, if not to renounce the power or to abolish the practice, yet, at least, to supersede its necessity, by other means of manning the royal navy more compatible with justice and the rights of individuals, and far more conformable to the spirit and sentiments of the age.

"Under these circumstances, the Government of the United States has used the occasion of your Lordship's pacific mission to review this whole subject, and to bring it to your notice and that of your Government. It has reflected on the past, pondered the condition of the present, and endeavored to anticipate, so far as might be in its power, the probable future; and I am now to communicate to your Lordship the result of these deliberations.

"The American Government, then, is prepared to say that the practice of impressing seamen from American vessels cannot hereafter be allowed to take place. That practice is founded on principles which it does not recognise; and is invariably attended by consequences so unjust, so injurious, and of such formidable magnitude, as cannot be submitted to."

"This announcement is not made, my Lord, to revive useless recollections of the past, nor to stir the embers from fires which have been, in a great degree, smothered by many years of peace. Far otherwise. Its purpose is to extinguish those fires effectually, before new incidents arise to fan them into flame. The communication is in the spirit of peace, and for the sake of peace; and springs from a deep and conscientious conviction that high interests of both nations require that this so-long-contested and controverted subject should now be finally put to rest. I persuade myself, my Lord, that you will do justice to this frank and sincere avowal of motives, and that you will communicate your sentiments in this respect to your Government.

"This letter closes, my Lord, on my part, our official correspondence; and I gladly use the occasion to offer you the assurance of my high and sincere regard."

Lord Ashburton answers:

"I am well aware that the laws of our two countries maintain opposite principles respecting allegiance to the sovereign. America, receiving, every year, by thousands, the emigrants of Europe, maintains the doctrine, suitable to her condition, of the right of transferring allegiance at will. The laws of Great Britain have maintained, from all time, the opposite doctrine. The duties of allegiance are held to be indefeasible; and it is believed that this doctrine, under various modifications, prevails in most, if not in all, the civilized States of Europe."

"The very anomalous condition of the two countries with relation to each other here creates a serious difficulty. Our people are not distinguishable; and, owing to the peculiar habits of sailors, our vessels are very generally manned from a common stock. It is difficult, under these circumstances, to execute laws which at times have been thought to be essential for the existence of the country, without risk of injury to others. The extent and importance of those injuries, however, are so formidable, that it is admitted that some remedy should, if possible, be applied: at all events, it must be fairly and honestly attempted. It is true that, during the continuance of peace, no practical grievance can arise; but it is also true that it is, for that reason, the proper season for the calm and deliberate consideration of an important subject. I have much reason to hope that a satisfactory arrangement respecting it may be made, so as to set at rest all apprehension and anxiety; and I will only further repeat the assurance of the sincere disposition of my Government favorably to consider all matters having for their object the promoting and maintaining undisturbed kind and friendly feelings with the United States.

"I beg, sir, on this occasion of closing the correspondence with you connected with my mission, to express the satisfaction I feel at its successful termination, and to assure you of my high consideration and personal esteem and regard."

This is the correspondence: and what a correspondence it is! What an exchange of phrases! One denies the right of impressment: the other affirms it. Both wish for an amicable agreement; but neither attempts to agree. Both declare the season of peace to be the proper time to settle this question; and both agree that the present season of peace is not the convenient one. Our Secretary rises so high as to declare that the administration "*is now prepared*" to put its veto on the practice: the *British negotiator* shows that his Government is still prepared to resume the practice whenever her interest requires it. Our negotiator hopes that his communication will be received in the spirit of peace: the British minister replies, that it will. Our Secretary then persuades himself that the British minister will communicate his sentiments, in this respect, to his own Government: his Lordship promises it faithfully. And, thereupon, they shake hands and part.

How different this holyday scene from the firm and virile language of Mr. Jefferson: "*No treaty to be signed without a provision against impressment;*" and this language backed by the fact of the instant rejection of the treaty so signed! Lord Chatham said of *Magna Charta*, that it was homely Latin, but worth all the classics. So say I of this reply of Mr. Jefferson: it is plain English, but worth all the phrases which rhetoric could ever expend upon the subject. It is the only answer which our Secretary negotiator should have given, after committing the fault of broaching the subject. Instead of that, he commences rhetorician, new vamps old arguments, writes largely and prettily, and loses the question by making it debatable. His adversary sees his advantage, and seizes it. He abandons the field of rhetoric to the lawyer negotiator; puts in a fresh claim to impressment; saves the question from being lost by non-user; re-establishes the debate, and adjourns it to London. He keeps alive the pretension of impressment against us, the white race, while binding us to go to Africa to fight it down for the black race; and has actually left us on lower ground, in relation to this question, than we stood upon before the late war. If this treaty is ratified, we must begin where we were in 1806, when Mr. Monroe and Mr. Pinckney went to London to negotiate against impressment; we must begin where they did, with the disadvantage of having yielded to Great Britain all that she wanted, and having lost all our vantage-ground in the negotiation. We must go to London, engage in a humiliating negotiation, become the spectacle of nations, and the sport of diplomacy; and wear out years in begging to be spared from British seizure, when sitting under our own flag, and sailing in our own ship: we must submit to all this degradation, shame and outrage, unless Congress redeems us from the condition into which we have fallen, and provides for the liberty of our people on the seas, by placing American impressment where African impressment has already been placed—PIRACY BY LAW! For one, I am ready to vote the act—to execute it—and to abide its every consequence.

The case of the Creole, as it is called, is another of the omitted subjects. It is only one of a number of cases (differing in degree, but the same in character) which have occurred within a few years, and are becoming more frequent and violent. It is the case of American vessels, having American slaves on board, and pursuing a lawful voyage, and being driven by storms or carried by violence into a British port, and their slaves liberated by British law. This is the nature of the wrong. It is a general outrage, liable to occur in any part of the British dominions, but happens most usually in the British West India islands, which line the passage round the Florida reefs in a voyage between New Orleans and the Atlantic ports. I do not speak of the 12,000 slaves (worth, at a moderate computation, considering they must be all grown, and in youth or middle life, at least $6,000,000) enticed into Canada, and received with the honors and advantages due to the first class of emigrants. I do not speak of these, nor of the liberation of slaves carried voluntarily by their owners into British ports: the man who exposes his property wilfully to the operation of a known law, should abide the consequences to which he has subjected it. I confine myself to cases of the class mentioned—such as the Encomium, the Comet, the Enterprise, the Creole, and the Hermosa—cases in which wreck, tempest, violence, mutiny, and murder were the means of carrying the vessel into the interdicted port, and in which the slave property, after being saved to the owners from revolt and tempests, became the victim and the prey of British law. It is of such cases that I complain, and of which I say that they furnish no subject for the operation of injurious laws, and that each of these vessels should have been received with the hospitality due to misfortune, and allowed to depart with all convenient despatch, and with all her contents of persons and property. This is the law of nations: it is what the civilization of the age requires. And it is not to be tolerated in this nineteenth century that an American citizen, passing from one port to another of his own country, with property protected by the laws of his country, should encounter the perils of an unfortunate navigator in the dark ages, shipwrecked on a rude and barbarian coast. This is not to be tolerated in this age, and by such a power as the United States, and after sending a fleet to Africa to protect the negroes. Justice, like charity, should begin at home; and protection should be given where allegiance is exacted. We cannot tolerate the spoil and pillage of our own citizens, within sight of our own coasts, after sending 4,000 miles to redress the wrongs of the black race. But if this treaty is ratified, it seems that we shall have to endure it, or seek redress by other means than negotiation. The previous cases were at least ameliorated by compensation to their owners for the liberation of the slaves; but in the more recent and most atrocious case of the Creole, there is no indemnity of any mind—neither compensation to the owners, whose property has been taken; nor apology to the Government, whose flag has been insulted; nor security for the future, by giving up the practice. A treaty is signed without a stipulation of any kind on the subject; and, as it would seem, to the satisfaction of those who made it, and of the President, who sends it to us. A correspondence has been had; the negotiators have exchanged diplomatic notes on the subject; and these notes are expected to be as satisfactory to the country as to those who now have the rule of it. The President, in his message, says:

"On the subject of the interference of the British authorities in the West Indies, a confident hope is entertained that the correspondence which has taken place, showing the *grounds* taken by this Government, and the *engagements* entered into by the British minister, will be found such as to satisfy the just expectation of the people of the United States."—*Message, Aug. 9.*

This is a short paragraph for so large a subject; but it is all the message contains. But let us see what it amounts to, and what it is that is expected to satisfy the just expectations of the country. It is the *grounds* taken in the correspondence, and the *engagements* entered into by the British minister,

which are to work out this agreeable effect. Now, let us see what these grounds and these engagements are.

Mr. Webster says:

"Your Lordship is aware that several cases have occurred within the last few years which have caused much complaint. In some of these cases, compensation has been made by the English Government for the interference of the local authorities with American vessels having slaves on board, by which interference these slaves were set free. In other cases, such compensation has been refused. It appears to the President to be for the interest of both countries that the recurrence of similar cases in future should be prevented, as far as possible.

"Your Lordship has been acquainted with the case of the Creole, a vessel, carried into the port of Nassau last winter, by persons who had risen upon the lawful authority of the vessel, and, in the accomplishment of their purpose, had committed murder on a person on board." * * * *

"In the Southern States of this Union, slavery exists by the laws of the States, and under the guaranty of the Constitution of the United States; and it has existed in them from a period long antecedent to the time when they ceased to be British colonies. In this state of things, it will happen that slaves will be often on board coasting vessels, as hands, as servants attending the families of their owners, or for the purpose of being carried from port to port. For the security of the rights of their citizens, when vessels, having persons of this description on board, are driven by stress of weather, or carried by unlawful force, into British ports, the United States propose the introduction of no new principle into the law of nations. They require only a faithful and exact observance of the injunctions of that code, as understood and practised in modern times.

"Your Lordship observes that I have spoken only of American vessels driven into British ports by the disasters of the seas, or carried in by unlawful force. I confine my remarks to these cases, because they are the common cases, and because they are the cases which the law of nations most emphatically exempts from interference. The maritime law is full of instances of the application of that great and practical rule, which declares that that which is the clear result of necessity ought to draw after it no penalty and no hazard. If a ship be driven, by stress of weather, into a prohibited port, or into an open port, with prohibited articles on board, in neither case is any forfeiture incurred. And (what may be considered a still stronger case) it has been decided by eminent English authority—and that decision has received general approbation—that if a vessel be driven, by necessity, into a port strictly blockaded, this necessity is good defence, and exempts her from penalty." * * * *

"*If your Lordship has no authority to enter into a stipulation by treaty for the prevention of such occurrences hereafter as have already happened*—occurrences so likely to disturb that peace between the two countries, which it is the object of your Lordship's mission to establish and confirm—you may still be so far acquainted with the sentiments of your Government as to be able to *engage that instructions shall be given to the local authorities in the islands, which shall lead them to regulate their conduct in conformity with the rights of citizens of the United States, and the just expectations of their Government, and in such manner as shall, in future, take away all reasonable ground of complaint.* It would be with the most profound regret that the President should see that, whilst it is now hoped so many other subjects of difference may be harmoniously adjusted, nothing should be done in regard to this dangerous source of future collisions."—*Mr. Webster to Lord Ashburton, Aug* 1.

Lord Ashburton replies:

"The immediate case of the Creole would be easily disposed of; but it involves a class and description of cases which, for the purpose of affording that security you seek for the trade of America through the Bahama channel, brings into consideration questions of law, both national and international, of the highest importance; and, to increase the delicacy and difficulty of the subject, public feeling is sensitively alive to everything connected with it. These circumstances bring me to the conviction that, although I really believe that much may be done to meet the wishes of your Government, *the means of doing so would be best considered in London*, where immediate reference may be had to the highest authorities on every point of delicacy and difficulty that may arise." * * * *

"Upon the great general principles affecting this case, we do not differ. You *admit* that if slaves, the property of American citizens, escape into British territories, it is *not* expected that they will be restored; and you may be well assured that there is no wish on our part that they should reach our shores, or that British possessions should be used as decoys for the violators of the laws of a friendly neighbor.

"When these slaves do reach us, by whatever means, there is no alternative. The present state of British law is, in this respect, too well known to require repetition; nor need I remind you that it is exactly the same with the laws of every part of the United States where a state of slavery is not recognised; and that the slave put on shore at Nassau would be dealt with exactly as would a foreign slave landed, under any circumstances whatever, at Boston." * * * *

"In the mean time, I can engage that *instructions shall be given* to the governors of her Majesty's colonies on the southern borders of the United States to execute their own laws with careful attention to the wish of their own Government to maintain good neighborhood; and that there shall be no officious interference with American vessels driven by accident or by violence into those ports. The laws and duties of hospitality shall be executed; and these seem neither to require nor to justify any further inquisition into the state of persons, or things, on board of vessels so situated, than may be indispensable to enforce the observance of the municipal law of the colony, and the proper regulation of its harbors and waters." * * * *

"I hope, sir, that this explanation on this very important subject will be satisfactory to the President, and that he will see in it no diminution of that earnest desire, which you have been pleased to recognise in me, to perform my work of reconciliation and friendship; but that he will rather perceive, in my suggestions, in this particular instance, that it is made with a well-founded hope of thereby better obtaining the object we have in view."—*Lord Ashburton to Mr. Webster, Aug.* 6.

Mr. Webster rejoins:

"The President places his reliance on those principles of public law which were stated in my note to your Lordship, and which are regarded as equally well founded and important; *and on your Lordship's engagement that instructions shall be given to the governors of her Majesty's colonies to execute their own laws with careful attention to the wish of their Government to maintain good neighborhood; and that there shall be no officious interference with American vessels driven by accident or by violence into those ports;* that the laws and duties of hospitality shall be executed, and that these seem neither to require nor to justify any further *inquisition* into the state of persons or things on board of vessels so situated, than may be indispensable to enforce the observance of the municipal law of the colony, and the proper regulation of its harbors and waters. He indulges the hope, nevertheless, that, actuated by a just sense of what is due to the mutual interests of the two countries, and the maintenance of a permanent peace between them, her Majesty's Government will not fail to see the importance of removing, by such further stipulations, by treaty or otherwise, as may be found to be necessary, all cause of complaint connected with this subject."—*Mr. Webster to Lord Ashburton, August* 8.

And it is of the *grounds* stated in the Secretary's two letters, and the *engagement* entered into in Lord Ashburton's note, that the President predicates his belief of the public satisfaction in relation to this growing and most sensitive question. This brings us to these grounds, and this engagement, that we may see the nature and solidity of the one, and the extent and validity of the other. The grounds for the public satisfaction are in the Secretary's letters; the engagement is in Lord Ashburton's letter; and what do they amount to? On the part of the Secretary, I am free to say that he has laid down the law of nations correctly; that he has well stated the principles of public law which save from hazard, or loss, or penalty of any kind, the vessel engaged in a lawful trade, and driven or carried against her will into a prohibited port. He has well shown that, under such circumstances, no advantage is to be taken of the distressed vessel; that she is to be received with the hospitality due to misfortune, and allowed to depart, after receiving the succors of humanity, with all her contents of persons and things. All this is well laid down by our Secretary. Thus far his grounds are solid. But, alas, this is all talk! and the very next paragraph, after a handsome vindication of our rights under the law of nations, is to abandon them! I refer to the paragraph commencing: "*If your Lordship has no authority to enter into a stipulation by treaty for the prevention of such occurrences hereafter,*" &c. This whole paragraph is fatal to the Secretary's grounds, and pregnant with strange and ominous meanings. In the first place, it is an admission, in the very first line, that no treaty stipulation to prevent future occurrences of the same kind can be obtained HERE! that the special mission, which came to settle everything, and to establish peace, will not settle this thing; which the Secretary, in numerous paragraphs, alleges to be a dangerous source of future war! This is a strange contradiction, and most easily got over by our Secretary. In default of a treaty stipulation, (which he takes for granted, and evidently makes no effort to obtain,) he goes on to solicit a personal engagement from his Lordship; and an engagement of what? That the law of nations shall be observed? No! but that instructions shall be given to the British local authorities in the islands, which shall lead them to regulate their conduct in conformity with the rights of citizens of the United States, and the just expectations of their Government, and in such manner as shall, in future, take away all reasonable ground of complaint. This is the extent of the engagement which was so solicited, and which was to supply the place of a treaty stipulation! If the engagement had been given in the words proposed, it would not have been worth a straw. But it is not given in those words, but with glaring and killing additions and differences. His Lordship follows the commencement of the formula with sufficient accuracy; but, lest any possible consequence might be derived from it, he takes care to add, that when these slaves do reach them, "*no matter by what means*," there is no alternative! Hospitality, good wishes, friendly feeling, the duties of good neighborhood—all give way! The British law governs! and that law is too well known to require repetition. This is the sum and substance of Lord Ashburton's qualifications of the *engagement;* and they show him to be a man of honor, that would not leave the Secretary negotiator the slightest room for raising a doubt as to the nature of the instructions which he engaged to have given. These instructions go only to the mode of executing the law. His Lordship engages only for the civility and gentleness of the manner—the *suaviter in modo*—while the firm execution of the law itself—the *fortiter in re*—remains as it was. The engagement is against officiousness—inquisitiveness—in finding out the arrival of the slaves; but, after it is found out, the law takes its course. This is the extent of this famous engagement—a promise to get the local authorities instructed to perform the operation of liberation, politely, but still to liberate. Politeness is all that is engaged for; and that I will show, at the proper time, to be completely nullified by the fugitive article in the treaty. After this, what solemn bamboozlement in the Secretary negotiator to repeat, as he does, in his letter of the 8th, all the terms of this engagement, *literatim, verbatim, et punctuatim*, and present it to us over again; as if it was the most important and sacred thing on earth! And what a farce for the President to communicate this solemn nullity to the Senate, as satisfying all the just expectations of the American people! Sir, this is making too cheap of our understandings. It is letting us down too low in the scale of intellect. Such trifling would be too small for boarding-school misses. It could not impose on the innocent little girls at Miss English's, who take their frugal dinner at 12 o'clock, and believe all mankind to mean exactly what they say. Such children could not be imposed upon by this engagement; for it is an engagement of nothing! And yet it is sent to us—bearded men; and we are told to be satisfied with it!* To be officious, is to exceed the bounds of duty or propriety; to be inquisitive, is to be impertinently curious. Against this excess of duty, and this excess of curiosity, Lord Ashburton engages; as if it was necessary for a British governor to be either, in order to find out the arrival of American slaves in his ports! as if the Abolitionists would not spare his eye the trouble of looking, and his tongue the trouble of inquiring. His ear is all they want; and against this there is no engagement.

But, suppose there was anything in this engagement: is that the new way of securing the rights of the people of the United States? Engagements, upon the word of honor of a minister, for us; and treaties for the British and Africans! Is this the new way? If so, why not put all, or none, into this new form? Why not put the boundary agreement, the fugitive article, and the alliance articles, into this form? Why not take the engagement of our Secretary negotiator for all these things, if engagements are as good as treaties? But, no such thing. The engagement of Lord Ashburton is nothing but a contrivance suggested by our Secretary of State to cover his desertion of the South, and to bamboozle the simple with a show of having done something, when he had done nothing. It is his contrivance. The papers prove it. His own letter of August 1st proves it—the first letter upon the subject—and in which he proposes this identical engagement to Lord Ashburton. The minister has only acted upon *his* proposal in giving this engagement; taking care to qualify it with the explanations which free it from the possibility of standing for anything. And here we must be struck with the facility with which this great Southern question has been surrendered. Not a struggle made for it! not a moment's stand in its behalf! not the shadow of a stand! On the contrary, our negotiator gives all up in the first letter. Upon the flimsy pretext of no authority in the minister to settle this question *here*, (when he tells us himself that he came to settle everything,) he proposes an *engagement* in lieu of a treaty stipulation; and remits the stipulation itself to London, for future ministers to settle.

Lord Ashburton proposes London as the best place to consider it: Mr. Webster accepts London, and hopes that her Majesty's Government will give us treaty stipulations to remove all further cause for complaint on this subject. This is his last hope, contained in the last sentence of his last note. And

*Since the ratification of the treaty, a conference has been had with the British minister by the executive committee of the Foreign and Anti-slavery Society in New York; in which Lord Ashburton is reported to have said:

"Lord Ashburton said that, when the delegation came to read his correspondence with Mr. Webster, they would see that he had taken all possible care to prevent any injury being done to the people of color; that, if he had been willing to introduce an article including cases similar to that of the Creole, his Government would never have ratified it, as they will adhere to the great principles they have so long avowed and maintained; and that the friends of the slave in England would be very watchful to see that no wrong practice took place under the tenth article."—*Mr. Lewis Tappan's report of the conference.*

now, why a treaty stipulation hereafter, if this engagement is such (as the President says it is) as to satisfy the just expectations of the people of the United States? Why anything more, if that is enough? And if treaty stipulations are wanting, (as, in fact they are,) why go to London for them—the headquarters of abolitionism, the seat of the World's Convention for the abolition of slavery, and the laboratory in which the insurrection of San Domingo was fabricated?* Why go to London? Why go anywhere? Why delay? Why not do it here? Why not include it among the beatitudes of the vaunted peace mission? The excuse that the minister had not powers, is contradictory and absurd. The Secretary negotiator tells us, in his first letter, that the minister came with full powers to settle every subject in discussion. This was a subject in discussion; and had been since the time of the Comet, the Encomium, and the Enterprise—years ago. If instructions were forgotten, why not send for them? What are the steamers, for that, in the six months that the peace mission was here, they could not have brought these instructions a dozen times? No! the truth is, the British Government would do nothing upon this subject when she found she could accomplish all her own objects without granting anything. She got what she wanted for herself, and got it without conditions. The amiable facility of our Secretary granted her everything: and never more amiable in British eyes than when he thus cut the South, from the North—made a treaty for the British—left the South in the lurch—and then undertook to bamboozle the Southrons with his fine engagement!

But, if the engagement was anything, the 10th article of the treaty would nullify it; for that article makes the delivery of fugitive criminals a judicial, as well as a ministerial act. The slave, in such cases as the Creole and others, must be demanded either as property or as criminals; in neither case can the executive authorities of the islands give them up, even if they would. Slaves, as property, are excluded from the surrenders to be made: as criminals, the judicial authority must be applied to: and twice the judge, or justice, must act against the slave before the Governor can make the surrender. The justice must first issue a warrant to apprehend the slave; and he is the judge of the sufficiency of the case made out to authorize the issuance of the warrant. He must then give the slave a hearing on the charge made against him; and is again the judge of the question of guilt. If these two points are both decided against the criminal slave, then the justice is to certify the guilt to the governor, who is thereupon, and not until then, authorized to make the surrender. Now, of what avail is it, with such an article as this in the treaty, to send instructions to governors not to be officious or inquisitive in prying into the case of fugitive slaves? They have nothing to do with it under the new treaty. They have nothing to do with the arrest, hearing, or examination of the criminal. All that belongs to the judiciary; and it is not until they see the judicial certificate that the governors can act at all; and then they must act according to the treaty and the laws of Great Britain, and not according to instructions from British ministers. All this is clear from the concluding parts of the 10th article. Hear it:

"Provided, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the crime or offence had there been committed; and the respective judges and other magistrates of the two Governments shall have power, jurisdiction, and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such judges or other magistrates, respectively, to the end that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive."

This nullifies any instructions for polite behavior which may be issued. It reduces the *engagement* to the merest hoax. The offence is to be one for which the fugitive could be arrested and tried, if committed at the place of apprehension. And who supposes that, in the abolition dominions of Great Britain, the murder or robbery of a master by his slave will be admitted to be a crime for which the perpetrator should be delivered up to justice? Even admitting that, under the common law of England, there may be a killing of the master by his slave, under circumstances which would amount to murder; yet who could expect, in the present state of British feeling, that the law could be executed by a British judge? Who would expect even such a murderer to be given up, much less when the killing takes the form of defence against violence, or escape from oppression? Who expects a warrant, a decision, or a certificate against a slave, under such circumstances? If any one, let him read the Creole case, and dismiss his vain and credulous hopes.*

I come, now, to the case of the Creole—the immediate subject of the correspondence which we have been examining—and shall be brief upon it. I take the case itself, from the account of it given in January last by the Secretary of State to our minister in London, instructing him to demand satisfaction for that outrage from the Government of Great Britain. This is his statement, and part of his instructions to Mr. Everett:

"The Creole was passing from one port of the United States to another, in a voyage perfectly lawful, with merchandise on board, and also with slaves, or persons bound to service, natives of America, and belonging to American citizens, and which are recognised as property by the Constitution of the United States in those States in which slavery exists. In the course of the voyage, some of the slaves rose upon the master and crew, subdued them, murdered one man, and caused the vessel to be carried into Nassau. The vessel was thus taken to a British port—not voluntarily, by those who had the lawful authority over her; but forcibly and violently, against the master's will, and with the consent of nobody but the mutineers and murderers; for there is no evidence that these outrages were committed with the concurrence of any of the slaves, except those actually engaged in them. Under these circumstances, it would seem to have been the plain and obvious duty of the authorities at Nassau, the port of a friendly power, to assist the American consul in putting an end to the captivity of the master and crew, restoring to them the control of the vessel, and enabling them to resume their voyage, and to take the mutineers and murderers to their own country to answer for their crimes before the proper tribunal. One cannot conceive how any other course could justly be adopted, or how the duties imposed by that part of the code regulating the intercourse of friendly States, which is generally called the comity of nations, could otherwise be fulfilled. Here was no violation of British law attempted or intended on the part of the master of the Creole, nor any infringement of the principles of the law of nations. The vessel was lawfully engaged in passing from port to port in the United States. By violence and crime she was carried, against the master's will, out of her course, and into the port of a friendly power. All was the result of force. Certainly, ordinary comity and hospitality entitled him to such assistance from the authorities of the place as should enable him to resume and prosecute his voyage, and bring the offenders to justice. But, instead of this, if the facts be as represented in these papers, not only did the authorities give no aid for any such purpose, but they did actually interfere to set free the slaves, and to enable them to disperse themselves beyond the reach of the master of the vessel or their owners. A proceeding like this cannot but cause deep feeling in the United States.

"It has been my purpose to write you at length upon this subject, in order that you might lay before the Government of her Majesty, fully, and without reserve, the views entertained upon it by that of the United States, and the grounds on which those views are taken. But the early return of the packet precludes the opportunity of going thus into the case in this despatch; and as Lord Ashburton may shortly be expected here, it may be better to enter fully into it with him, if his powers shall be broad enough to embrace it. Some knowledge of the case will have reached England before his departure; and very probably his Government may have given him instructions. But I request, nevertheless, that you lose no time in calling Lord Aberdeen's attention to it in a general manner, and giving him a narrative of the transaction, such as may be framed from the papers now communicated; with a distinct declaration, that if the facts turn out as stated, this Government thinks it a clear case for indemnification.

"You will avail yourself of an early opportunity of communicating to Lord Aberdeen, in the manner which you may deem most expedient, the substance of this despatch; and you will receive further instructions respecting the case of the Creole, unless it shall become the subject of discussion at Washington.

"In all your communications with her Majesty's Government, you will seek to impress it with a full conviction of the dangerous importance to the peace of the two countries of occurrences of this kind, and the delicate nature of the questions to which they give rise."

This was the case of the Creole, and it is well and clearly stated. Our Secretary writes well, but performs badly. He has well stated this case, and duly supported it by an argument against the legality of the conduct of the Nassau authorities, in favor of the just title of the injured owners to indemnification, and the necessity for a treaty stipulation to prevent the recurrence of cases so dangerous to the peace of the two countries. Mr. Everett was directed to press the case in London: the Secretary undertook to do it here, if Lord Ashburton brought the proper powers with him. The powers were not brought; nor have they been sent, or even sent for! Nothing in the case of the Creole has been done in London; nothing here; and now we are to ratify a treaty from which the whole case has been excluded, and to be content with a correspondence which contains a promise for an *engagement* which is a derision of our complaints. Five cases like those of the Creole, differing only in degree of atrocity, have occurred. In the two first, there was pecuniary compensation to the injured owners; in none of them has there been reparation to the insulted flag of the United States: and in the three latter, there has not even been a suggestion of indemnifying the owners. Great Britain is evidently assuming higher ground on the subject of slavery; and after the manner in which we have been coerced into a naval and diplomatic alliance against slave takers, and after the quintuple treaty has been

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*"What caused the San Domingo insurrection?"

"In order to reply to this question with as much accuracy and precision as the subject will admit, it is necessary to recur to the proceedings of the two associations of which mention was made in the second chapter of this history; namely, the British Association for the Abolition of the Slave-trade, which held its meetings in the OLD JEWRY, in London; and the society called *Les Amis des Noirs*, in Paris. A short review of the conduct of these societies will serve not only to lessen the surprise which may be felt at the revolt of the negroes of San Domingo, but also to raise a considerable degree of astonishment that the enslaved negroes in the British islands had not given them the example.

"I have observed that the society in London *professed* to have nothing more in view than to obtain an act of the Legislature for prohibiting the further introduction of African slaves into the British colonies. I have said that they disclaimed all intention of interfering with the Government, and condition of the negroes already in the plantations; publicly declaring their opinion to be, that a general emancipation of those people, in their present state of ignorance and barbarity, instead of a blessing, would prove to them the source of misfortune and misery. But, although such were their *ostensible* declarations as a public body, the leading members of the society, in the same moment, held a very different language; and even the society itself (acting as such) pursued a line of conduct directly and immediately repugnant to their own professions. Besides using every possible endeavor to inflame the public of Great Britain against the planters, they distributed, at a prodigious expense, throughout the colonies, tracts and pamphlets without number; the direct tendency of which was to render the white inhabitants odious and contemptible in the eyes of their own slaves, and excite in the latter such ideas of their own natural rights and equality of condition as should lead them to a general struggle for freedom, through rebellion and bloodshed.

"In many of those writings, arguments are expressly adduced, in language which cannot be misunderstood, to urge the negroes to rise up and murder their masters without mercy. 'Resistance,' say they, 'is always justifiable where force is the substitute of right; nor is the commission of a civil crime possible in a state of slavery.' These sentiments are repeated in a thousand different forms; and, in order that they might not lose their effect by abstract reasoning, a reverend divine of the Church of England, (Mr. Percival Stockdale,) in a pamphlet addressed to the chairman or president of the society which held its meetings in the OLD JEWRY, (Granville Sharp, esq.) pours forth the most earnest prayers, in the most undisguised expressions, that the negroes would destroy all the white people—men, women, and children—in the West India islands. 'Should we not,' he exclaims, 'approve their conduct in their violence? Should we not crown it with eulogium, if they exterminate their tyrants with fire and sword? Should they even deliberately inflict the most exquisite tortures on those tyrants, would they not be excusable in the moral judgment of those who properly value those inestimable blessings—rational and religious liberty?'

"Besides distributing pamphlets of this complexion gratis, at the doors of all the churches and places of worship in the kingdom, and throughout the *colonies*, the society, or persons in their name, caused a *medal* to be struck, containing the figure of a naked negro, loaded with chains, and in the attitude of imploring mercy; thousands of which were also dispersed among the negroes in each of the sugar islands, for the instruction, I presume, of such of them as could not read. But, unhappily, this instance of provident caution was not requisite; for, so many negro domestics return annually from Europe to the West Indies as constantly furnish a sufficient number of living instructors; and, certain it is (I pronounce it from my own knowledge respecting Jamaica) that the labors of the society on their behalf, as well as many of the most violent speeches in the British Parliament, wherein the whole body of the planters were painted as a herd of bloodthirsty and remorseless tyrants, were explained to the negro slaves, in terms well adapted to their capacities, and suited, as might have been supposed, to their feelings. It will be difficult to say what other measures the OLD JEWRY associates could have taken to excite a rebellion, except that of furnishing the objects of their solicitude with fire-arms and ammunition."—*Edwards's History of the West Indies.*

*Since the conference between Lord Ashburton and the executive committee of the Foreign and American Anti-slavery Society, let him read the account of that, or even the following part of it:

"Lord Ashburton went into an explanation of the 10th article, and mentioned several particulars of the discussion that took place, both on that topic, and others relating to slaves. With regard to the case of the slave Hackett, he did not know all the facts. Sir Charles Bagot was known to him, and he did not believe he would do anything intentionally wrong. But he had just entered upon his duties, and was probably desirous, at that juncture, of promoting good feeling with his great neighbor. The fact that the slave had taken his master's watch, was a circumstance that probably went against him. 'Had he only taken the horse,' said Lord A. (looking at Gerrit Smith, significantly, though he could not be supposed ever to have read the advice of that gentleman to fugitive slaves,) 'he would not, probably, have been surrendered; for you know the horse was necessary for his escape.' Lord Ashburton said that, in framing the 10th article, great care had been taken to provide that inferior magistrates in Canada should have no authority to surrender fugitives, as had been urged by the other party; and that only the governor himself could perform an act of so great importance. Great care would be taken, he had no doubt, to protect the innocent; and that the taking of any article necessary to effect an escape would not be considered felonious. He said the friends of the slave in England would be very WATCHFUL to see that no wrong practice took place under the 10th article."

shown to us, there is no knowing what is in store for the slave possessors.

Sir, I hold that the honor of the Senate as a body, and the honor of the greater part of the Senators now present individually, is concerned in the settlement of this Creole case, and the others of the same class. We have done what involves our honor. We adopted resolutions on this subject—strong and just resolutions—and adopted them unanimously. They declare this conduct of the British local authorities to be a violation of the law of nations, and highly unjust to our citizens: and these resolutions, and the speeches in support of them, were forwarded to London, to be used by Mr. Everett in pressing the unsettled cases. Both the resolutions and speeches seem to have been disregarded in London: shall they be disregarded here? disregarded by the Senate which passed them, and by the Senators who spoke and voted for them? Here is the paragraph of the Secretary's letter which informs us of the transmission of these resolutions and speeches to London, to be laid before the British ministry:

"You are acquainted with the correspondence which took place a few years ago, between the American and English Governments, respecting the cases of the Enterprise, the Comet, and the Encomium. I call your attention to the Journal of the Senate of the United States, containing resolutions unanimously adopted by that body respecting those cases. These resolutions, I believe, have already been brought to the notice of her Majesty's Government; but it may be well that both the resolutions themselves, and the debates upon them, should be again adverted to. You will find the resolutions, of course, among the documents regularly transmitted to the legation, and the debates in the newspapers with which it has also been supplied from this department."

And here are the resolutions themselves:

"*Resolved*, That a ship or vessel on the high seas, in time of peace, engaged in a lawful voyage, is, according to the laws of nations, under the exclusive jurisdiction of the State to which her flag belongs;—as much so as if constituting a part of her own domain.

"*Resolved*, That if such ship or vessel should be forced by stress of weather, or other unavoidable cause, into the port and under the jurisdiction of a friendly power, she and her cargo, and the persons on board, with their property, and all the rights belonging to their personal relations, as established by the laws of the State to which they belong, would be placed under the protection which the laws of nations extend to the unfortunate under such circumstances

"*Resolved*, That the brig Enterprise, which was forced, unavoidably, by stress of weather, into Port Hamilton, Bermuda island, while on a lawful voyage on the high seas, from one part of the Union to another, comes within the principles embraced by the foregoing resolutions; and that the seizure and detention of the negroes on board, by the local authority of the island, was an act in violation of the laws of nations, and highly unjust to our own citizens to whom they belong."

I was not one of those who spoke in favor of these resolutions; I was satisfied with the speech of the mover, [Mr. CALHOUN,] and voted for them with a cordial good will. I deemed them correct then: I deem them so now. I consider all the cases of the Comet, the Encomium, the Enterprise, the Creole, and the Hermosa, to have been violations of the laws of nations, a breach of good neighborhood, and a contempt for our Government. I cannot vote for the ratification of a treaty which refuses the slightest notice of these outrages, and remits us, for our "*satisfaction*," to the illusory stipulations of an empty and preposterous "*engagement*." I stand by the resolutions; and shall offer an amendment to this treaty, to transfer their substance to its pages, and vindicate the rights of our vessels, under the laws of nations, as resolved by the Senate. [The amendment was offered, and rejected.*]

Sir, this offence against our ships and citizens is one of recent origin, but of increasing frequency, and of augmenting atrocity. It is evidently a part of the abolition crusade against slavery, and tends to excite insurrection and servile war in our country. The first case occurred in the year 1830: it was that of the Comet, which was stranded near the island of New Providence, and carried a wreck into Nassau, her slaves liberated, and the protest of the owners disregarded. These slaves were paid for. The next was that of the Encomium, in 1834—the same in all respects as the Comet, and with the same results: the owners of the slaves being eventually paid by the British Government. The third case was that of the Enterprise, whose fate was the subject of our resolves. It occurred in 1835; and was the case of a ship driven by tempest into the island of Bermuda, her slaves liberated, and the protest of the owners disregarded. For this outrage no atonement or compensation has been made, notwithstanding our brave resolutions, and their imposing communication to the British Government. Then came two cases together, worse than all the previous ones—the Creole, in January, 1842, and the Hermosa immediately after—cases, the one of mutiny, piracy, and murder; the other, of violence on the part of wreckers. For these two outrages, as well as for that of the Enterprise, no indemnity or redress of any kind has been made. Pecuniary compensation to the owners—an inadequate redress to them, and no atonement to our insulted sovereignty—granted in the two first cases, is denied in the three last: and the go-by which has been given to the whole subject in this mission of peace, and the "*satisfaction*" expressed by the President, on behalf of the country, at this termination of the business, must, if sanctioned by the Senate, operate as an act of oblivion upon past outrages, and an invitation to the commission of new ones. At the same time, 12,000 slaves are allured into Canada; and no limit is seen to the number which will go, under the inducements which are held out, and the new rendezvous which the consolidation of British power on the frontiers of Maine will present. The South, left alone by the separate treaty now made for the Northern States, and with the sympathies of half the Union and all the world against her, must now expect greater outrages than ever, in all that relates to her slave property. The British have now evidently constituted themselves the guardians and protectors of our slaves; and, while our three millions of black slaves are better fed, better clothed, better lodged, less worked, have more liberty, more knowledge, and speak better English, than the same number of her English population, (laborers and paupers)—to say nothing of the poor Irish, Scotch, Asiatics, and others,—while this is the difference, to the disadvantage of her own white subjects, all her sympathies are in exercise for our blacks! Is it humanity, or policy, that works in this strange way? Is it love of the slave, or the hatred of the master, that works in this way?

The term *South*, as indicating the slave-holding region in this Union, is now become a term of enlarged and extended application, and is fast shifting to the West. But lately applied to five Atlantic, it now includes seven transmontane States; the former decreasing; the latter increasing. The five Atlantic slave States lose fifteen Representatives under the late census: the seven Western gain eight. Their relative strength is now about equal. At the census of 1850, that of the Western seven must greatly preponderate; and, after that period, the gap between them must go on increasing, in the double ratio of the loss in one and the gain in the other. The slave interest, already equalling in the great West that of the Atlantic, must soon find its chief seat there; and it behooves the Representatives from that quarter to attend in time to what must soon become a chief subject of their care. The liberation of slaves from wrecked vessels among the Bahama islands, is but a branch of a vast system; but it is a branch of it which addresses itself directly to the slave States of the Valley of the Mississippi. The passage through these British islands is their line of communication with the Atlantic States, with the high seas, and with the whole world. They cannot tolerate the insecurity of that passage, either for themselves or their property. Rather they should say of that passage, and of the gulf from which it leads, as the Romans said of the Mediterranean—*mare nostrum!* and act upon the assumption. The masters of the Mississippi should command the outlet from the *rex fluviorum*. As a Senator from that great region, I feel the responsibilities of my position, and the gravity of the circumstances which surround us. The pretension to liberate slaves between New Orleans and the Atlantic States, is a blow at the Great West—one blow out of many which the anti-slave allies are preparing for her. This treaty, by shirking the question, sanctions that pretension; and I feel bound to oppose it. A treaty of peace, as it is called—the fruit of a mission sent out to settle everything—the approved of a Southern President: it still leaves unsettled the large question which concerns the twelve States which stretch from the Atlantic to the Missouri, and from the 39th parallel of north latitude to the Gulf. Such a question, affecting so many States, and so pregnant of war, deserved to be settled—deserved something very different from ignominious exclusion from the treaty, and derisory dismission to the safeguard of a correspondence and an engagement. The peace mission has put this question, and the subject of which it is part, on the high road to war. To go with the British to Africa, to fight for slaves, while the British are liberating, enticing away, and exciting to revolt our slaves at home, is to commit a folly of which the fruit must be shame and resentment, and all their disastrous effects.

The case of the Caroline, to which I now proceed, completes the list of the seven subjects which the President informs us occupied the attention of the negotiators. He does not tell us that no other subject occupied their deliberations; and the want of protocols disables us from knowing. I should like to know whether the assumption of the State debts, or any provision or guaranty for their payment, constituted any part of the objects of the special mission. If they did, we ought to know it; and to know what was demanded on one side, and what was promised or denied on the other. Informality of the conference will make no difference. Everything was informal in this anomalous negotiation. Wat Tyler never hated the ink-horn worse than our Secretary-negotiator hated it upon this occasion. It was only after a thing was finished, that the pen was resorted to; and then merely to record the agreement, and put a face upon it for the public eye. In this way many things may have been discussed, which leave no written trace behind them; and it would be a curious circumstance if so large a subject, and one so delicate as the State debts, should find itself in that predicament. In the absence of all evidence, I have no right to an opinion on the point; but, as a Senator, and a part of the treaty-making power, I have a right to know the facts; and shall submit a call upon the President for that purpose. [The call was submitted, but not acted upon for want of time.]

The Caroline is the last of the seven subjects in the arrangement which I make of them. I reserve it for the last; the extreme ignominy of its termination making it, in my opinion, the natural conclusion of a disgraceful negotiation. It is a case in which all the sources of national degradation seem to have been put in requisition:—diplomacy; legislation; the judiciary; and even the military. To volunteer propitiations to Great Britain, and to deprecate her wrath, seem to have been the sole concern of the Administration, when signal reparation was due from her to us.

The case of the Caroline is now near four years old. It occurred in December of the year 1838, under Mr. Van Buren's administration; but it was not until March, 1841, and until the new Administration was in power, that the question assumed its high character of a quarrel between the United States and Great Britain. Before that time, the outrage upon the Caroline was only the act of the individuals engaged in it. The arrest of one of these individuals brought out the British Government. She assumed the offence; alleged the outrage to have been perpetrated by her authority; and demanded the release of McLeod, under the clear implication of a national threat if he was not surrendered.* The release was demanded unconditionally—not the slightest apology or atonement being offered for the outrage on the Caroline, out of which the arrest of McLeod grew. The arrogant demand of the British was delivered to the new Secretary of State on the 12th day of March. Instead of refusing to answer under a threat, he answered the sooner; and, in his answer, went far beyond what the minister [Mr. Fox] had demanded. He despatched the Attorney General of the United States to New York, to act as counsel for McLeod; he sent a Major General of the United States army along with him, to give emphasis to his presence; and he gave a false version to the law of nations, which would not only cover the McLeod case, but all succeeding cases of the same kind. I consider all this the work of the State Department; for General Harrison was too new in his office, too much overwhelmed by the army of applicants who besieged him and soon destroyed his life, to have the time to study the questions to which the arrest of McLeod, and the demand for his release, and the assumption of his crime by the British Government,

*Amendment offered by Mr. BENTON to the British treaty:

"That a vessel of the United States, engaged in a lawful voyage, and driven by tempest, or carried by violence, or forced by necessity, into a British West India port, during peace with Great Britain, shall be received with the hospitality due to misfortune, and be allowed to depart with all convenient despatch, and with all her contents of persons and property."

*"But, be that as it may, her Majesty's Government formally demand, upon the grounds already stated, the immediate release of Mr. McLeod; and her Majesty's Government entreat the President of the United States to take into his most deliberate consideration the serious nature of the consequences which must ensue from a rejection of this demand."

all gave rise. Such questions were of necessity left to the State Department; and as the acts of that department, I consider all that was done in relation to McLeod in the month of March, 1841. It was in that month that the case reversed the aspect under which our Government had viewed it; received its new direction; and commenced the course which has just received the disgraceful termination which the President has communicated.

McLeod had been arrested in the month of December, 1840, while Mr. Van Buren was still President; and a demand was then made for his release. The release was refused; and all interference with the State courts declined. The answer to this effect, given by Mr. Forsyth, Secretary of State, to Mr. Fox, was read in the two Houses of Congress in January, 1841, and received unanimous approbation. Soon after, the decision of the New York court was given, and was to the same effect; and thus, at that period, the President, the two Houses of Congress, and a State court, were all of one opinion—that the assumption of his offence by his Government made no difference to McLeod; that he was responsible to the State laws for crossing the boundary to commit murder and arson; that the two countries being at peace, it was not a military, but a piratical expedition; that the assumption of his offence only added another to the list of offenders, without giving the first a right to immunity; and that the Government of the United States would interfere in no way in the State administration of justice. Reversing all this, the United States Attorney General was sent to defend McLeod;* a general officer sent with him; his release solicited of the State; an appeal ordered to be taken in his behalf to the Supreme Court of the United States; a new version of the laws of nations prepared for the occasion; and every preparation made, and every step taken, to propitiate the British for the *arrest* of a subject, without exacting any reparation from them for the invasion of our territory, the murder of our citizens, and conflagration of a vessel at anchor in the waters of her own country.

These proceedings took place in the brief interval between the accession of the new Administration to power, in March, and the meeting of the extraordinary session of Congress in the month of May following. Of course they were all communicated to Congress at that session; and, as they were wrong in themselves, and contradictory to the course taken and approved during Mr. Van Buren's administration, they received the severest reprehension. The Republican members condemned them in a body; and the measures for the release of McLeod, under the new reading of the law of nations, became the eminent subject of animadversion. The friends of the new Administration, having both the facts and the law clearly against them, took lofty ground in another direction. They assumed a Roman attitude; declared it to be unbecoming a great nation to punish the subject, when the sovereign assumed the offence; cited Roman maxims and examples to show that the magnanimous way was to dismiss the instrument, and seize the chief; and they were profuse in their undertakings for the Roman manner in which Messrs. Tyler and Webster would hold the British Crown to account, after washing their hands of the wretch McLeod.† The Republicans put no faith in all these fine professions. They believed it was all a pretext to get out of a difficulty; that, what between love and fear of the British, the Federal party was unwilling to punish McLeod, or to see him punished by the State of New York; that the design was to get rid of responsibility, by getting rid of the man; and, that when he was gone, we should hear no more of these new Romans calling his sovereign to account. This was the opinion of the Democracy, very freely expressed at the time; and so it has all turned out to be. McLeod was acquitted, and got off; the British Government became responsible, on the Administration's own principles; they have not been held to that responsibility; no atonement or apology has been made for the national outrage at Schlosser; and the President informs us that no further complaint, on account of this aggression on the soil and sovereignty of the Union, and the lives of its citizens, is to be made! The message is in these words:

"The destruction of the steamboat Caroline at Schlosser, four or five years ago, occasioned no small degree of excitement at the time, and became the subject of correspondence between the two Governments. That correspondence, having been suspended for a considerable period, was renewed in the spring of the last year; but, no satisfactory result having been arrived at, it was thought proper, though the occurrence had ceased to be fresh and recent, not to omit attention to it on the present occasion. It has only been so far discussed, in the correspondence now submitted, as it was accomplished by a violation of the territory of the United States. The letter of the British minister, while he attempts to justify that violation upon the ground of a pressing and overruling necessity—admitting, nevertheless, that, even if justifiable, *an apology was due for it*—and accompanying this acknowledgment with assurances of the sacred regard of his Government for the inviolability of national territory, has seemed to me sufficient to warrant forbearance from any further remonstrance against what took place as an aggression on the soil and territory of this country."

This paragraph, from the message of the 9th of August, is a pretty faithful transcript from Mr. Webster's note to Lord Ashburton of the 6th; and as it is more satisfactory to comment on the original than on the copy, I will read that original, and reserve my comments for it:

'Understanding these principles alike, the difference between the two Governments is only whether the facts in the case of the 'Caroline' make out a case of such necessity for the purpose of self-defence. Seeing that the transaction is *not recent*, having happened in the time of one of his *predecessors;* seeing that your Lordship, in the name of your Government, solemnly declares that no slight or disrespect was intended to the sovereign authority of the United States; seeing that it is acknowledged that, whether justifiable or not, there was yet a violation of the territory of the United States, and that you are instructed to say that your Government consider that as *a most serious occurrence;* seeing, finally, that it is *now admitted that an explanation and apology for this violation was due at the time*, the President is content to receive these acknowledgments and assurances in the conciliatory spirit which marks your Lordship's letter, and will make this subject, as a complaint of violation of territory, the topic of no further discussion between the two Governments."

I pretermit the remarks upon the *doctrines* of this letter for the present, for the purpose of looking into its statement of *facts*. The letter, very clearly, intends to induce the public to believe that there has been an apology made to the United States by Great Britain for the invasion, the murder, and the arson committed upon us at Schlosser; when the fact is, no such apology has been made, and the correspondence shows it. To that correspondence, then, we have recourse to settle this question of fact; and this is quickly done. It happens that there are three notes upon this subject: a brief one of the 27th of July, from the American to the British negotiator; a letter of some length from Lord Ashburton, in answer, of the 28th of the same month; and a brief rejoinder to it, in a note of the 6th of August, from Mr. Webster. In this narrow compass lie all the facts of this supposed apology; and I propose to set them out with the brevity, precision, and fairness which are due to the occasion. The opening note of the American negotiator of the 27th of July, contains a vital declaration on this point. It says that, up to that day, *no atonement, or even apology*, had been made by the British Government for this outrage; and asks his Lordship's grave attention to it. His note is in these words:

'That act is, of itself, a wrong, and an offence to the sovereignty and the dignity of the United States—being a violation of their soil and territory; a wrong for which, to this day, *no atonement, or even apology*, has been made by her Majesty's Government. Your Lordship cannot but be aware that self-respect, the consciousness of independence and national equality, and a sensitiveness to whatever may touch the honor of the country—a sensitiveness which this Government will ever feel and ever cultivate—make this a matter of high importance; and I must be allowed to ask for it your Lordship's grave consideration."

This note is conclusive on the question of the apology up to the day of its date, which was very near the termination of the special mission. The date was the 27th of July. It is also pointed and urgent in calling the special minister's grave attention to a wrong which he properly qualifies as an offence to the sovereignty and dignity of the United States. The minister does, in fact, promptly give his attention to this call; for on the next day, (July 28th) he writes an elaborate letter of *justification* of the outrage, intermixed with such phrases of civility as might stand for what they are worth to the American Government, but which he took care should stand for nothing with respect to his own. Unluckily, however, for the American negotiator, whose note was so pressing and pointed, he shows that the Administration was already satisfied with the verbal "explanations" which he had offered; and that it was to get something for publication, *and to satisfy the public mind*, that the note was now addressed to him! All this is very unlucky for the Secretary-negotiator, (whose note would otherwise have been considered as being in a very proper spirit;) but, taken in the sense of an attempt to get something for the public, after the Administration was satisfied with *explanations*, (verbal, of course; for there were no protocols,) and the thing assumes an awkward countenance. But let us hear his Lordship. He says:

"The note you did me the honor of addressing me the 27th instant, reminds me that, however disposed your Government might be to be satisfied with the explanations which it has been my duty to offer, the natural anxiety of the public mind requires that these explanations should be more durably recorded in our correspondence; and you send me a copy of your note to Mr. Fox, her Britannic Majesty's minister here, and an extract from the speech of the President of the United States to Congress, at the opening of the present session, as a ready mode of presenting the view entertained on this subject by the Government of the United States."

Here his Lordship explains the reason of this correspondence; and shows it to be, like all the rest of the correspondence in this strange negotiation, an afterpiece, got up after the negotiators were of accord, and only intended to satisfy the curiosity of the public. His Lordship proceeds then with great good nature, weighing, measuring, and counting his words, and evidently determined to go as far as he possibly could to accomplish the Secretary's design, without committing his Government to anything. He, therefore, delivers phrases in this wise, for the Secretary to show to the people.

"Nearly five years are now passed since this occurrence; there has been time for the public to deliberate upon it calmly; and I believe I may take it to be the opinion of candid and honorable men, that the British officers who executed this transaction, and their Government who approved it, intended no slight or disrespect to the sovereign authority of the United States. That they intended no such disrespect, I can most solemnly affirm; and I trust it will be admitted that no inference to the contrary can fairly be drawn, even by the most susceptible in points of national honor."

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*"Having consulted with the Governor, you will proceed to Lockport, or wherever else the trial may be holden, and furnish the prisoner's counsel with the evidence of which you will be in possession material to his defence. You will see that he have skilful and eminent counsel, if such be not already retained; and although you are not desired to act as counsel yourself, you will cause it to be signified to him, and to the gentleman who may conduct his defence, that it is the wish of this Government that, in case his defence be overruled by the court in which he shall be tried, proper steps be taken immediately for removing the cause, by writ of error, to the Supreme Court of the United States."—*Mr. Webster's Instructions to Mr. Crittenden, March* 15, 1841.

† "You (the British Government) now avow the destruction of the Caroline as a public act of military and naval force, done under your authority.

"Henceforward, McLeod and others, who acted under your orders, must stand excused in the eye of the law. Let the courts, in the exercise of the jurisdiction which of right belongs to them, allow his plea of immunity and discharge; but we hold you responsible in his place, through all those modes of international redress which the code of nations has provided for the prosecution or vindication of national rights. The American people—and here (said Mr. R.) I use, in part, the very words of the answer returned by the Secretary of State—not distrustful of their ability to redress public wrongs by public means, are incapable of the poor revenge of pursuing an individual for a national offence, in which he was but the instrument of his Government.

"Mr. RIVES appealed to the Senate—to the sentiment of American pride—to that Roman spirit which, be believed, yet survived in the bosome of his countrymen—to say whether such a reply was not worthy of the country and the Government? '*Parcere subjectis et debellare superbos*" was the dictate of a lofty and magnanimous spirit, whether in individuals or in States. Historians have recorded the conduct of the Roman Senate, on the occasion of their ambassador being killed by the subjects of Demetrius, one of the most powerful princes of antiquity. Demetrius delivered up the perpetrators of the act to the Romans; but the Senate, suspecting that he had connived at or encouraged the crime, immediately sent back the individual offenders, notifying Demetrius that they would hold the sovereign, and not the subject, responsible. Is it in following the example of that proud republic that the honorable Senator from Pennsylvania finds a ground for imputing to the Administration, in the case of McLeod, a want of proper national tone and spirit?

"The Senator from Pennsylvania may dismiss his apprehensions that the honor of the country will be compromised in the hands of those to whom the nation has intrusted its keeping. The Chief Magistrate, who now so worthily fills the place of the lamented Harrison, has given, in a life of honorable and patriotic service, pledges on which the country can repose. He has announced the maxims of his policy towards foreign powers in terms which cannot but command the universal assent—to render justice to all, submitting to injustice from none; and, while sedulously cultivating the relations of peace and amity with the rest of the world, esteeming it 'his most imperative duty to see that the honor of the country shall sustain no blemish.' To these sentiments of the President, we find a faithful echo in the language of the Secretary of State, in the close of his letter to Mr Fox.

"'This republic does not wish to disturb the tranquillity of the world. Its object is peace—its policy, peace. But still it is jealous of its rights, and, among others, and most especially, of the right of the absolute immunity of its territory from aggression from abroad; and these rights it is the duty and determination of this Government fully, and at all times, to maintain; while it will, at the same time, as scrupulously refrain from infringing on the rights of others.'

"In sentiments such as these, we have an abundant guaranty that nothing will be done or suffered by the present Administration which shall strike us from the high rank among the nations where the virtuous struggles of our ancestors have placed us; and that it will steadily pursue the noble and comprehensive rule of action laid down by one of our early and most illustrious Presidents—to merit the character of a just, and to maintain that of an independent, nation; preferring every consequence to insult and habitual wrong."—*Mr. Rives's speech, in reply to Mr. Buchanan.*

"Although it is believed that a candid and impartial consideration of the whole history of this unfortunate event will lead to the conclusion that there were grounds of justification as strong as were ever presented in such cases; and, above all, that no slight of the authority of the United States was ever intended; yet, it must be admitted that there was, in the hurried execution of this necessary service, a *violation of territory;* and I am instructed to assure you that her Majesty's Government *consider this as a most serious fact;* and that, far from thinking that an event of this kind should be lightly risked, they would unfeignedly deprecate its recurrence. Looking back to what passed at this distance of time, *what is, perhaps, most to be regretted, is, that some explanation and apology for this occurrence was not immediately made.* This, with a frank explanation of the necessity of the case, might, and probably would, have prevented much of the exasperation, and of the subsequent complaints and recriminations to which it gave rise."

* * * * *

"I trust, sir, I may now be permitted to hope that all feelings of resentment and ill-will resulting from these truly unfortunate events, may be buried in oblivion; and that they may be succeeded by those of harmony and friendship, which it is certainly the interest, and, I also believe, the inclination of all to promote."

This is the extent, and the whole extent, to which the special minister, with all his politeness and good nature, and with all his desire to furnish the Administration with something to satisfy the public, could possibly go. The only thing which I see him instructed by his Government to say, or which in itself amounts to a positive declaration, is the averment that her Majesty's Government "*considers it a most serious fact*" that, in the hurried execution of this *necessary* service, a violation of the United States territory was committed. This is admitted to be a fact!—a serious fact!—and a most serious fact! But as for any sorrow for it, or apology for it, or promise not to commit such serious facts again, or even not to be so hurried the next time,—this is what the minister nowhere says, or insinuates. On the contrary, just the reverse is declared; for the justification of this "*most serious fact,*" as being the result of a hurried execution of a "*necessary service,*" is an explicit averment that the aforesaid "*most serious fact*" will be repeated just so often as her Majesty's Government shall deem it necessary to her service. As to the polite declaration that no disrespect was intended to the United States while invading its territory, killing its citizens, setting a steamboat on fire, and sending her in flames over the falls of Niagara,—such a declaration is about equivalent to telling a man that you mean him no disrespect while cudgelling him with both hands over the head and shoulders.

But, apology! the word "apology" is actually mentioned in the minister's letter; and, being there—no matter how, or for what purpose, or with what qualifications—it is seized, first by the Secretary, and then by the President; its meaning changed on each occasion, by omitting the qualifications; and then presented to the people of the United States as an actual admitted apology due from the British Government to ours. But, let us see this word, how the minister uses it, and how far its meaning is altered in the subsequent production and reproduction which it has undergone. The minister says: "*What is, perhaps, most to be regretted, is, that some explanation or apology for this occurrence was not immediately made.*" The Secretary renders the same sentence thus: "*It is now admitted that an explanation and apology for the violation was due at the time.*" And the President, when it comes to his turn to produce this important apology, does it with a variation from both Secretary and minister, thus: "*admitting, nevertheless, that, even if justifiable, an apology was due for it.*" What a strange metamorphosis the minister's meaning is made to undergo in this double transmutation! He sets out with a "*perhaps;*" which makes all that follows conditional. This vital qualification is omitted both by the Secretary and President, and a positive admission is substituted in its place. The minister then goes on to suggest it as a circumstance to be *regretted*, that some explanation or apology was not *immediately* given; evidently showing, by the form of expression, and the remainder of the sentence, that this little explanation or apology might have prevented exasperation, and therefore have been a politic thing. All this the Secretary changes into an admission of an apology *due at the time;* and the President, leaving out the last qualification as to time, simply repeats it as an admission that an apology was *due*. Now the minister has never admitted that an apology was due, at anytime whatever; but only as a matter of policy he thinks, perhaps, it is to be regretted that some little explanation or apology was not made at the time, to prevent exasperation—not to atone for the outrage, but to quiet the popular feeling in America. This is the extent of the minister's kindness in furnishing our Administration with something to show to the people; and a most unworthy return they have made for his civility, by garbling his expressions, omitting his qualifications, changing his language, and altering his meaning.*

Even if the minister had used the expressions attributed to him by the Secretary, it would have amounted to nothing. National apologies are not made in that style. The man must be but little versed in the etiquette of nations, and in the rules of international intercourse, not to know that the delivery of an apology from one nation to another is an act of the highest solemnity, reduced to the utmost precision, unmixed with anything else, and evidenced by the most authentic forms.† It is an informal treaty. The terms of it, and the acceptance, are agreed upon before. The delivery and the acceptance are made with the formalities of the exchange of the ratifications of a treaty, and, *pro tanto*, have the same effect. They put an end forever to all discussion upon the subject which has given rise to the apology. These apologies are of rare occurrence among nations. We have had one instance of this species of reparation being made to our Government, (and but one, that I know of,) in the sixty years of our existence; and that was in an analogous case to the outrage at Schlosser, and from the same party; it was the apology of the British Government for the attack on the Chesapeake—an attack differing in the degree of the outrage, but not in its character, from the attack on the Caroline. For this outrage the Prince Regent of Great Britain "*ordered*" an apology to be made to the United States, and it was made in the proper and formal manner known to the intercourse of nations. His minister at Washington (Mr. Foster) delivered it in these words:

"In pursuance of the *orders* which I have received from his Royal Highness the Prince Regent, in the name and on the behalf of his Majesty, for the purpose of proceeding to a final adjustment of the differences which have arisen between Great Britain and the United States in the affair of the Chesapeake frigate, I have the honor to acquaint you:

"FIRST: *I am authorized* to repeat to the American Government the prompt disavowal made by his Majesty on being apprized of the unauthorized act of the officer in command of his naval forces on the coast of America, whose recall from a highly important and honorable command immediately ensued, as a mark of his Majesty's disapprobation.

"SECONDLY: *I am authorized* to offer, in addition to that disavowal on the part of his Royal Highness, the immediate restoration, as far as circumstances will admit, of the men who, in consequence of Admiral Berkeley's orders, were forcibly taken out of the Chesapeake, to the vessel from which they were taken; or, if that ship should be no longer in commission, to such seaport of the United States as the American Government may name for the purpose.

"THIRDLY: *I am also authorized* to offer to the American Government a suitable pecuniary compensation for the sufferers in consequence of the attack on the Chesapeake, including the families of those seamen who, unfortunately, fell in the action, and the wounded survivors.

"These honorable propositions, I can assure you, sir, are made with the sincere desire that they may prove satisfactory to the Government of the United States; and I trust they will meet with that amicable reception which their conciliatory nature entitles them to. I need scarcely add how cordially I join with you in the wish that they may prove introductory to the removal of all differences depending between our two countries."

This was an apology from one nation to another, made in the name, on the behalf, and by the order of the Prince Regent of Great Britain. Nothing ambiguous, qualified, or miscellaneous about it; nothing equivocal, or conditional, but direct and single, confined to its object, digested into articles, and freely given. It was delivered to the American Secretary of State, Mr. Monroe, on the first day of November, 1811; accepted by him in the name and on the behalf of the President of the United States on the next day; and being so given and accepted, it put an end to the complaints on the subject of the Chesapeake. Though war was declared eight months afterwards, this subject was not one of its causes, and was not mentioned in the message and reports which led to its declaration. After this—after such an example of an apology exacted from the same power, and in an analogous case—are the American people to be bamboozled with the story of an apology in the letter of Lord Ashburton?

The celebrated Dr. Johnson was accustomed to say that there was a certain amount of gullibility in the public mind, which must be provided for. It would seem that our Secretary negotiator had possessed himself of this idea, and charged himself with the duties under it, and had determined to make full provision for all the gullibility now extant. He has certainly provided *quantum sufficit* of humbuggery in this treaty, and in his correspondence in defence of it, to gorge the stomachs of all the gulls of the present generation, both in Europe and America.

No, sir. No apology is made, or intended to be be made, for this outrage. So far from it, the British Government and people are lavishing rewards upon the perpetrators. McNab is knighted! Drew, promoted! the wounded are pensioned; all are honored! In this very moment, while humbling ourselves in a correspondence, disgracing ourselves in a treaty, and truckling in an act of Congress to propitiate Great Britain, and to satisfy her for the arrest of McLeod,—in this very instant, the ringleaders in the cowardly midnight aggression are complimented for it in the capital of the British empire, and in the face of all Europe. A public dinner, presided at by a Duke, (the Duke of Richmond,) attended by a long list of peers of the realm, members of Parliament, and officers of the army and navy, is given to McNab and Drew. Speeches and toasts are lavished upon them, as upon heroes who have won immortal honor. The sneaking, cowardly, midnight assassin attack by a detachment of the army and navy of Great Britain upon a defenceless steamboat, tied to the shore, and her people all asleep—and this to the cry of no quarter—is placed upon a level, in these speeches and toasts, with the great actions which have illustrated the arms of Britain's greatest heroes.* An action

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*The London papers have noticed, with severe commentaries, this assumption of our Secretary to have received an apology when none was made, and in which our President was so unfortunate as to follow him.

†"When some inferior persons violated, not long ago, the territory of Savoy, in carrying from thence a noted chief of the smugglers, the King of Sardinia cause l his complaint to be carried to the court of France; and Louis XV. did not think it beneath him to send an ambassador extraordinary to Turin, to give satisfaction for that violence."—*Vattel, b. 2, ch. 18.*

*DINNER TO SIR ALLEN MCNAB.

At the entertainment given by the British American Association to Col. Sir A. McNab, at the Thatched-house tavern, St. James's street, on Friday evening, July 15, covers were laid for nearly 100 gentlemen.

The Duke of Richmond, who filled the chair, was supported on the right by Sir A. McNab, Sir F. Burdett, Bart., M. P., the Right Hon. Sir G. Murray, Sir D. McDougall, Sir John Osborn, Bart., Sir R. Barclay, Bart., Sir J. Duke, M. P., Mr. Masterman, M. P.; and on the left by Lord Aylmer, the Earl of Dunmore, Lord Dunboyne, Sir P. Maitland, Sir W. Ogilvie, Bart., Sir Francis B. Head, Bart., Sir J. Hay, Bart., Sir G. Jackson, and James Holford, Esq.

Sir R. Broun officiated as vice president.

Among the other distinguished persons present, were Lord Winterton, Mr. Malcomb, Mr. Sheriff, Mr. Andrews, Mr. Robertson, Mr. Archibald, Mr. Tulloch, Mr. Urquhart, Mr. Rose, Drs. Bell, Ifill, Mortimer, and Chisholme, Captain Randolph, R. N., Captain Moorsom, Captain Kerr, Mr. Bukerfield, Mr. Dodd, M. P., Mr. O Gore, M. P., Mr. Baldwin, M. P., Mr. Ogden, Attorney General for Eastern Canada, General Alexander, Captain Drew, R. N., Dr. Rolph, Mr. Walter, Mr H. Hughes, &c.

Letters were announced from the Marquis of Huntly, the Marquis of Bute, the Earl of Gosford, Lords McDonald, Prudhoe, and Seaton, Sir G. Cockburn, Sir H. Douglas, Sir J. Macdonnell, Sir J. Kempt, and Sir A. McLaine, expressing their regret that absence from town on previous engagements prevented them from being present.

The dinner, with all its adjuncts, displayed great taste and magnificence.

The Rev. Dr. Worthing said grace.

After the cloth had been removed,

The noble chairman gave in succession the usual loyal toasts: "Her Majesty the Queen;" "The Queen Dowager;" "His Royal Highness Prince Albert;" and "Albert, Prince of Wales, and the rest of the Royal Family;" which were drunk with three times three.

Sir G Murray said he rose, with the greatest pleasure, to offer his best acknowledgments for the toast which had been just drunk. * * * * * * He alluded with more particular satisfaction to that kind of reward upon the present occasion, because he had the happiness to see near him, on the right hand of the chair, an honorable and gallant countryman of his, [Sir A. McNab,] who had earned for himself in the field a share in that high reward which they bestowed upon military merit. [Cheers.] At a trying and critical moment of affairs in one of the most important members of the British empire, finding himself in a high and distinguished civil situation as Speaker of the House of Assembly, to which he belonged, of itself a sufficient mark of the high esteem in which he was held by his fellow-citizens, he relinquished his civil appointments the moment danger approached, and, rushing into the field, achieved one of those glorious exploits which they all so well remembered, and which was of such especial value at the moment when it occurred. [Loud cheers.]

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Captain Drew said, he felt it the highest compliment that could be paid to him, to be thought worthy on such an occasion to return thanks on behalf of the navy. [Cheers.]

The noble chairman next rose to propose the health of that gallant and distinguished individual who sat on his right hand. He felt that they owed him a debt of gratitude, which it was not easy for this country to repay. [Cheers.] In times of no ordinary difficulty and danger, he came forward with all the influence of his personal character—an influence which could not have been gained, if his neighbors had not well known that he eminently deserved it—he came forward, resisted and over-

which, if lawfully performed in open warfare upon armed enemies, instead of being piratically perpetrated in profound peace upon sleeping victims; an action which, as a military exploit, would have disgraced the military history of the sovereign Abbess of Quedlinburg, (whose contingent to the armies of the German empire was one dragoon and three foot soldiers;) this action is made the theme of every praise, and the subject of every honor. And why? For the sake of the action itself? No. The British are not so poor in military exploits as to seek renown in such a cowardly piece of assassination! Why, then, do they honor, reward, and celebrate it? Because it was a lesson to the people and to the Government of the United States! Because it was a declaration to this *Republican* Government, that if it was either not able or not willing to restrain its own citizens from going into Canada, the Canadians would restrain them! that they would cross the line and chastise them! and if the United States said a word to the Canadians, Great Britain wou'd chastise the United States! This is the reason. It is because McNab and his crew, in attacking the Caroline, attacked the United States—smote its flag—struck its Government—struck the whole Union—and emphatically said to us, they would chastise our citizens for us, and Great Britain would back them in doing it! It is for this lesson, read in blood and flames to our Government and people, that the assailants of the Caroline are honored. And blind is the American, and dead to his country's honor, who does not see this outrage in this atrocious light.

The fact of this supposed apology being disposed of, I turn to the doctrines which accompanied it, and which I find most abundantly strange. The Secretary adduces, and the President adopts it, as a further reason for dropping the affair of the Caroline, that the outrage was not recent—that it occurred four or five years ago. This seems to be a new application of the principle of statutes of limitation, with short time for it to take effect. *Tempus non currit* has heretofore been the maxim among nations; and, in the case of the frigate Chesapeake, was rigorously enforced against Great Britain. The attack on that vessel was made on the 22d day of June, 1806: the apology for it was made on the 1st day of November, 1811. Nearly five years and a half had elapsed; but *tempus currit*, in the case of national outrages, was not then the maxim of our Government. Five years and a half was no bar at that time. Only three years and a half have elapsed in the case of the Caroline; and the outrage is barred by time!

Again: the Secretary adduces, and the President repeats it, as a further reason for dropping the complaint, that the aggression happened in the time of his predecessor. This is true: but is it a reason for not redressing the wrong? In the code of legitimacy in Europe, no notice is taken by the true King, when restored to the throne, of the aggressions upon the nation while the usurpers reigned—such as Napoleon in France, Murat in Naples, Joseph Bonaparte in Spain, and Louis in Holland. Does modern Federalism apply the same principle in the United States? It would seem so, from this adduction as a reason for giving up the complaint—that the outrage happened in the time of Mr. Van Buren! It did so: but by what fatality mention Mr. Van Buren's administration in connexion with this affair, at the risk of reviving the recollection of Mr. Forsyth's noble letter to Mr. Fox, in December, 1840, and contrasting it with the craven epistle of his successor to the same minister in March, 1841? Certainly, this is the first time in the history of our country that a change of administration was supposed to make a change in the rights of the country and the duties of the Government. It was not so formerly, when the apology for the outrage committed on the Chesapeake in Mr. Jefferson's time was redressed in Mr. Madison's. But, change! change! change! was the signal-cry at the election; and, God knows, we have got it—change enough—change in everything, even in the code of public honor, and in the catalogue of national duties.

The *jus belli* doctrine is another, and the fundamental error of our Secretary and the President. War has its laws and its rights; but they belong to a state of war, and cannot be invoked in time of peace. When Admiral Cockburn, during the late war, sailed up and down the Chesapeake, burning cabins and pillaging hen-roosts,—these acts, though very unbecoming civilized warfare, were still acts done *jure belli;* that is to say, in right of war. They were shielded by the laws of war; and the Virginia and Maryland courts could not have punished the marauders as offenders against their laws, without contravening the law of nations, and subjecting us to reprisals. But let a British admiral try this conduct in time of peace, and he will soon see that the sovereign's assumption of his offence, and the invocation of the *jus belli*, would be in vain pleaded when the courts got hold of him. So of this attack on the Caroline: if war had existed between the United States and Great Britain, the laws of war would have shielded it: there being no war, the *jus belli* is in vain appealed to. The assumption of the act by the Sovereign, has no other effect than to add another to the list of offenders; leaving the offended party to pursue either, or both, as it pleases.* The nation is very silly that, having an ordinary culprit in its hands, which it can punish by due course of law, turns him loose, for the purpose of laying hold of his Sovereign. This might do very well with the warlike Romans, who wanted pretexts for seizing dominions; but it will not do for us, an agricultural and commercial people, who want peace and trade. To admit it, would be to give immunity to all foreigners violating the laws of the States, whom their Sovereigns should choose to shield. The admission of the present Administration, that the attack on the Caroline could be justified under the laws of war, was just as false in point of law, as was a state of war false in point of fact, between the United States and Great Britain at the time. And the pretext of giving up McLeod, for the sake of getting at his Sovereign, was, as everybody knew at the time, a pusillanimous invention to get rid of the whole affair. And here, let it never be forgotten, that, for the purpose of enabling Great Britain to shelter herself under the laws of war, our Secretary makes two admissions, neither of which has the least foundation in point of fact. First, he assumes that there was a state of war existing between the United States and Great Britain; which was not the fact. Next, he assumes that McLeod was in the military service of Great Britain, subject to military orders; and, having received orders to go upon this expedition, he was bound to go, or be shot for mutiny. Now, all this is sheer invention. McLeod was not in the military service, subject to orders; he was in civil life. He was not ordered to go upon this expedition; he volunteered. He was not obeying, but anticipating his Government; and that, without its knowledge. The Schlosser outrage was not known in England until after it was perpetrated; nor McLeod's offence assumed, until after he was caught; and then merely as a means of extricating him from danger. Thus our Secretary perverts the facts, in order to adapt them to his misquoted law.

To make a false admission of the law of nations—to accept apologies where none were offered—to pervert the facts of the case—to send the Attorney General, and a major general of the army, to protect and defend McLeod—and to give a receipt in full for the outrage on the Caroline, without receiving a particle of atonement for it;—to do all this, would seem to have been enough. But it appears that our Secretary negotiator did not think so; and that he could not permit Lord Ashburton to return to London, without carrying home with him further propitiation in a renewed apology for the delay in getting McLeod released, and in an act of Congress to prevent such delays in future. This renewed apology, and this act, were to be the last and highest evidences of his Lordship's complete success in humbling the United States at the footstool of the British Queen; and, that nothing should be wanting to our degradation, and to his Lordship's triumph on his return, the Secretary hastened to deliver him the one, and to procure him the other. In the concluding paragraph, in his same note of the 6th of August, he volunteers renewed assurances upon these two points:

"It was a subject of *regret* that the release of McLeod was so long delayed. A State court—and that not of the highest jurisdiction—decided that, on summary application, embarrassed, as it would appear, by technical difficulties, he could not be released by that court. His discharge, shortly afterward, by a jury, to whom he preferred to submit his case, rendered unnecessary the further prosecution of the legal question. It is for the Congress of the United States, whose attention has been *called* to the subject, to say what further provision ought to be made, to expedite proceedings in such cases."

McLeod has been released for a year past. His arrest continued but for a few months, with little personal inconvenience to himself; with no danger to his life, if innocent; and with the gratification of a notoriety flattering to his pride, and beneficial to his interest. He is probably highly delighted with the honors of the occurrence, and no way injured by his brief and comfortable imprisonment. Yet the sorrow of our Secretary continues to flow. At the end of a year, he is still in mourning, and renews the expression of his regret for the poor man's detention, and gives assurances against such delays in future;—this in the same letter in which he closes the door upon the fate of his own countrymen burnt and murdered in the Caroline, and promises never to disturb the British Government about them again. McLeod and all Canadians

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threw the unfortunate outbreak which took place in Canada. [Cheers.] He called it outbreak, because he thought they would agree with him, that, in meeting upon such an occasion as the present, to do honor to Sir Allen McNab, they ought not to say anything in that room, which could arouse any feeling of hostility on the part of any individual. [Cheers.]

* * * * Having for the last three days been engaged in attending and speaking at very large meetings, he really felt himself little competent satisfactorily to discharge the duties of the office he had undertaken; but he felt the utmost satisfaction in proposing the health of their distinguished guest, and he hoped, when he returned to Canada, he would assure the loyal inhabitants there that Englishmen looked upon them as fellow-subjects, fellow-countrymen, and brothers, whose paramount duty it was to cultivate warm feelings of good will towards each other, [cheers;] that Englishmen felt they were one and all in the same boat; and, whatever enemy might arise to threaten or to assail them, Englishmen would maintain their cause, Englishmen would protect and defend them, Englishmen would compliment and reward those who did their Canadian brethren service; for in so doing, they supported the flag of England, under which Nelson triumphed, and Wellington conquered. [Loud cheers.]

The toast was drunk with three times three, and one cheer more.

Sir A. McNab, in rising to respond to the toast, was received with loud and reiterated cheering. The gallant officer spoke as follows: My Lord Duke and gentlemen, the flattering manner in which you have proposed my health, and the enthusiasm with which it has been received by so distinguished a company as the present, demand my warmest gratitude. I hope, however, no man will believe that I am vain enough to suppose that any services which I may have rendered either to the colony from which I came, or the empire of which it forms a part, could possibly entitle me to this highly flattering mark of your regard. I therefore merely consider myself on the present occasion, as the fortunate individual in whose person a well-merited compliment is intended to be paid to the loyalty and devotion of the people of Canada. [Cheers.]

* * * * I have now the gratification of publicly declaring in England, that no service could have been more difficult, more dangerous, or more gallantly performed, than the destruction of a vessel employed to succor and sustain those who were in arms against her Majesty; and I well know that I express the sentiments of the people of Canada, when I state that they look forward with intense anxiety to see the loyalty and gallantry of Captain Drew generously rewarded. [Loud cheers.] They feel that he, in an hour of grave emergency, rendered them a great and important service, which, as loyal and honest men, they never can forget, or too highly appreciate. [Cheers.] * * * * * * I beg again to thank you most sincerely for the honor you have done me, and beg to drink all your good healths. [Loud cheers.]

Sir D. McDougall proposed "the health of the militia and loyal volunteers of Canada," avowing it as his opinion, that the militia of Nova Scotia and the North American provinces would, under a proper organization, be fully sufficient to defend themselves against any enemies that might threaten them. In support of this opinion, he triumphantly appealed to the exploits performed with his volunteers, by their distinguished guest, Sir Allen McNab.

The toast was drunk with great cordiality.

Mr. Urquhart then proposed "the health of Captain Drew, who signalized himself so much in the affair of the Caroline."

The Duke of Richmond, before the toast was drunk, also took the opportunity of pronouncing a high eulogium on the gallantry and prowess of that distinguished officer.

Captain Drew, who was most enthusiastically cheered, in brief and extremely modest terms, acknowledged the compliment. He expressed his great obligations for the kind and partial manner in which Sir A. McNab had spoken of him; and, although the speech of his distinguished friend might lead them to suppose that, as yet, he had received no reward for his services, he begged to assure them that he had conferred upon him a very great reward, in the approbation of so distinguished a company as the present—as high a compliment as he could be paid for all he was enabled to perform. [Cheers.] But, if that was not enough, he might say his services had also been appreciated and acknowledged by his most gracious sovereign. He could not conceive a higher compliment. This gratified his ambition, and left him nothing to complain of. [Cheers.] If on any future occasion his services should be required, the approbation of such a company as the present would greatly stimulate him to still greater exertions in defence of her Majesty and her dominions. [Loud cheers.]

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* "However, as it is impossible for the best regulated State, or for the most vigilant and absolute Sovereign, to model at his pleasure all the actions of his subjects, and to confine them on every occasion to the most exact obedience, it would be unjust to impute to the nation or the Sovereign every fault committed by the citizens. We ought not, then, to say, in general, that we have received an injury from a nation, because we have received it from one of its members.

"But if a nation or its chief approves and ratifies the act of the individual, it then becomes a public concern, and the injured party is then to consider the nation as the real author of the injury, of which the citizen was, perhaps, only the instrument.

"If the offended State has in her power the individual who has done the injury, she may, without scruple, bring him to justice, and punish him. If he has escaped, and returned to his own country, she ought to apply to his Sovereign to have justice done in the case."—*Vattel's Law of Nations.*

are encouraged to repeat their *most serious facts upon us*, by the perfect immunity which both themselves and their Government have experienced. And to expedite their release, if hereafter arrested for such *facts*, they are informed that Congress had been "*called*" upon to pass the appropriate law—and passed it was! The *habeas corpus* act against the States, which had slept for many months in the Senate, and seemed to have sunk under the public execration,—this bill was "*called*" up, and passed cotemporaneously with the date of this letter. And thus the special minister was enabled to carry home with him an act of Congress to lay at the footstool of his Queen, and to show that the measure of atonement to McLeod was complete: that the executive, the military, the legislative, and the judicial departments had all been put in requisition, and faithfully exerted themselves to protect her Majesty's subject, from being harmed for a past invasion, conflagration, and murder; and to secure them from being called to account by the State courts for such trifles in future.

And so ends the case of the Caroline and McLeod. The humiliation of this conclusion, and the contempt and future danger which it brings upon the country, demand a pause, and a moment's reflection upon the catastrophe of this episode in the negotiation. The whole negotiation has been one of shame and injury; but this catastrophe of the McLeod and Caroline affair puts the finishing hand to our disgrace. I do not speak of the individuals who have done this work, but of the national honor which has been tarnished in their hands. Up to the end of Mr. Van Buren's administration, all was safe for the honor of the country. Redress for the outrage at Schlosser had been demanded; interference to release McLeod had been refused; the false application of the laws of war to a state of peace had been scouted. On the 4th day of March, 1841, the national honor was safe; but on that day its degradation commenced. Timing their movements with a calculated precision, the British Government transmitted their assumption of the Schlosser outrage, their formal demand for the release of McLeod, and their threat in the event of refusal, so as to arrive here on the evening of the day on which the new administration received the reins of Government. Their assumption, demand, and threat, arrived in Washington on the evening of the 4th day of March, a few hours after the inauguration of the new powers was over. It seemed as if the British had said to themselves: This is the time—our friends are in power—we helped to elect them—now is the time to begin. And begin they did. On the 8th day of March, Mr. Fox delivered to Mr. Webster the formal notification of the assumption, made the demand, and delivered the threat. Then the disgraceful scene began. They reverse the decision of Mr. Van Buren's administration, and determine to interfere in behalf of McLeod, and to extricate him by all means from the New York courts. To mask the ignominy of this interference, they pretend it is to get at a nobler antagonist; and that they are going to act the Romans, in sparing the humble and subduing the proud.* It is with Queen Victoria with whom they will deal! McLeod is too humble game for them. McLeod released, the next thing is to get out of the scrape with the Queen; and for that purpose they invent a false reading of the law of nations, and apply the laws of war to a state of peace. The *jus belli*, and not the *jus gentium*, then becomes their resort. And here ends their grand imitation of the Roman character. To assume the laws of war in time of peace, in order to cover a craven retreat, is the nearest approach which they make to war. Then the special minister comes. They accept from him private and verbal explanations, in full satisfaction to themselves of all the outrage at Schlosser: but beg the minister to write them a little apology, which they can show to the people. The minister refuses; and thereupon they assume that they have received it, and proclaim the apology to the world. To finish this scene, to complete the propitiation of the Queen, and to send her minister home with legal and parchment evidence in his hand of our humiliation, the expression of regret for the arrest and detention of McLeod is officiously and gratuitously renewed; the prospect of a like detention of any of her Majesty's subjects in future is pathetically deplored; and, to expedite their delivery from State courts when they again invade our soil, murder our citizens, and burn our vessels, the minister is informed that Congress has been "*called*" upon to pass a law to protect them from these courts. And here "*a most serious fact*" presents itself. Congress has actually obeyed the "*call*"—passed the act—secured her Majesty's subjects in future—and given the legal parchment evidence of his success to her minister before he departs for his home. The infamous act—the habeas corpus against the States—squeamishly called the "*remedial justice act*"—is now on the statute-book; the original polluting our code of law, the copy lying at the footstool of the British Queen. And this is the point we have reached. In the short space of a year and a half, the national character has been run down, from the pinnacle of honor to the abyss of disgrace. I limit myself now to the affair of McLeod and the Caroline alone; and say that, in this business, exclusive of other disgraces, the national character has been brought to the lowest point of contempt. It required the Walpole administration five-and-twenty long years of cowardly submission to France and Spain to complete the degradation of Great Britain: our present rulers have completed the same work for their own country in the short space of eighteen months. And this is the state of our America! that America which Jackson and Van Buren left so proud! that America which, with three millions of people, fought and worsted the British empire—with seven millions fought it, and worsted it again—and now, with eighteen millions, truckles to the British Queen, and invents all sorts of propitiatory apologies for her, when the most ample atonement is due to itself. Are we the people of the Revolution?—of the war of 1812?—of the year 1834? when Jackson electrified Europe by threatening the King of France with reprisals!

McLeod is given up, because he is too weak; the Queen is excused, because she is too strong; propitiation is lavished where atonement is due; an apology accepted where none was offered; the statute of limitations pleaded against an insult, by the party which received it! And the miserable performers in all this drama of national degradation expect to be applauded for magnanimity, when the laws of honor and the code of nations stamp their conduct with the brand of cowardice.*

It is a noble maxim of the English law, that every Englishman's house is his castle—inaccessible to every intruder but the law! "Not that it was surrounded with walls and battlements; it might be a straw-built shed. The winds of heaven might whistle through it; all the elements of heaven might enter it; but the King could not—the King dare not—enter it." So said the great Lord Chatham of the Englishman and his house. Not so with us, in this fallen state of our country. We have no king here, it is true, to break into our houses; but we have a Queen of England to send her Canadian subjects here to do it—to send them here to attack, kill, burn, and capture! and then to return to their royal mistress, to receive the rewards which are due to the chastisers of her Majesty's bad neighbors.

I have now finished what I had to say against the ratification of this treaty; and, in coming to the conclusion of so grave a subject, and one to which I have made so much opposition, I deem it due to the occasion to declare my future course in relation to it. I take it for certain that the treaty will be ratified—reluctantly and unwillingly ratified. In that event, I shall abide by it in all its provisions which come within the pale of the treaty-making power—oppose it in all that lies beyond that pale. The national boundaries come within the pale; and they must remain as they are established, bad as they are. The money payments to Maine and Massachusetts are domestic and legislative questions; and, as claims addressed to Congress, I shall consider them, and do what I believe to be right. As treaty stipulations, I shall resist these payments; for I cannot admit the policy or the right of Great Britain to interfere between the Union and its members, and to acquire the character of mediator, protector, guarantee or remonstrant between them. The fugitive offenders article I consider inoperative without the aid of an act of Congress; and that aid I shall be unwilling to give, because I consider the stipulations of the article as dangerous to foreigners who may come to our country, and useless to us, in the two eminent cases in which the surrender of fugitive criminals would be most wanting—the cases of slaves and counterfeiters. The alliance articles, both naval and diplomatic, I hold to be beyond the pale both of the treaty, making and legislative power, and eminently dangerous and unwise; and shall oppose them in all the forms in which the question of their execution shall come before me. I shall defeat the appropriations for this African squadron, and for the pay and outfit of these remonstrating ambassadors, if I can; and if Great Britain complains, and demands the execution of the treaty in these particulars, I shall consider it a demand for the tribute—the tribute in men, money and ships—which we are to pay her for five years' exemption from British search, and for so many years' reprieve from intended subjugation to the quintuple alliance.

*Every individual is permitted to recede from his rights, to abandon a just subject of complaint, or to forget an injury. But the conductor of a nation is not as free, in this respect, as a private person. The latter may hear only the voice of generosity, and, in an affair which interests none but himself alone, deliver himself up to the pleasure he finds in doing good, to his love of peace and tranquility. The representative of a nation—a sovereign—cannot consult himself; cannot abandon himself to his own inclination. The rights of the nation are benefits of the nation—are benefits of which the sovereign is only administrator, and he ought to dispose of them no further than as he has reason to believe the nation itself would dispose of them. . . . Seldom is it safe for a nation to *dissemble* or pardon an injury, unless it be manifestly in a situation to crush those who are so rash as to dare to offend it. It is then glorious to pardon those who *acknowledge* their faults. *Parcere subjectis et debellare superbos:* and it may do this with safety. *But, between two powers that are nearly equal, suffering an injury, without requiring complete satisfaction, is almost always imputed to* WEAKNESS *or* COWARDICE: *it is the means of soon receiving from them those that are most* ATROCIOUS.

[*Vattel's Law of Nations.*

*Parcere subjectis, et debellare superbos.—*Mr. Rives's speech.*

BRITISH TREATY.

[SECRET SESSION.]

SPEECH OF MR. WOODBURY,

OF NEW HAMPSHIRE.

In Senate, August, 1842—On several points arising in the discussion of the treaty with England.

After Mr. RIVES had closed his opening speech—

Mr. WOODBURY said that he did not propose now, if at all, to enter into an examination of the whole of the various topics which had been alluded to. Many of them—such as the case of the Caroline and the Creole, the right of search, and the question of impressment—were matters not even named in the treaty, and, of course, seemed irrelevant now. But the great question of the North-eastern boundary was the essential part of the instrument; and as an attempt appeared to have been made, through the chairman, to cast a doubt over our former claims on that frontier, in consequence of the discovery of some new maps, Mr. W. felt bound at once to repel it. Whether he should vote to ratify this part of the treaty, or not—according as full consideration might in the end seem to require—this much is certain: that he never should approve it on the ground that our title to the whole of the disputed territory was in the smallest degree shaken by anything which had yet appeared. Other high and momentous motives, connected with peace and war, as well as with the conduct of future negotiations or hostilities by a party so doubtful as to trustworthiness, and so embarrassed as that now in power; others connected with the recent assent of Maine and Massachusetts—the States alone directly interested—to the particular boundary adopted in the treaty; and others looking to the diminished importance, yearly, of all questions of boundary between us and neighboring powers on this continent, where we grow so much faster than they, and are destined ere long to be supreme—might justify a ratification of the present stipulations. We shall see in a few days.

But, to seek an apology for doing it, in arguments against our undoubted rights, derived from loose conjectures of itinerant Americans in Europe, or from suggestions calculated to belittle the claim, and injure the reputation of one of the able negotiators of the treaty of 1783, did not seem to Mr. W. very patriotic, or at all warranted by any of the facts in the case.

The French map of 1745, which, with its red lines, running west from the St. Croix, had been made to occupy so prominent a position in this debate, was doubtless one illustrating the boundaries between the French and British colonies in America, before the conquest of Canada by England, and its cession in 1763.

There is a similar map in the French atlas, on the table of the Secretary, which I procured from the State Department. The publications of that day

are full of corresponding descriptions, as well as maps, on the part of France. But, at the same time, Great Britain, with whom we are now treating, and whose claims then are ours now, always resisted the pretensions of France to crowd the southern limits of Canada so far south, and the western limits of Nova Scotia so far west.

Instead of permitting Nova Scotia, or Acadia, to come to the Kennebec, or even to the Penobscot, she herself originally granted it to come only to the St. Croix; and made and described its western line as one running north from the source of that river till it reached some stream connected with the navigable waters of the St. Lawrence. Here is her Latin charter of that province, and an English translation, giving this, in substance; and it was this boundary, with a slight change, to which England claimed uniformly to the very last moment of her jurisdiction over what now constitute these United States.

The change is this: After the conquest of Canada, being then possessed of Nova Scotia also, she carried the boundaries of Canada south to the heights which turn the northern rivers into the St. Lawrence; but, independent of that, she kept the boundary of Nova Scotia virtually the same as before; and the same as Mitchell, her own geographer under the Lords of Plantations, had laid it down in 1755 on his map; and the same as has ever been claimed by this country since the peace of 1783.

Now, let it be recollected that this British official map of Mitchell was before the commissioners who formed the treaty of 1783. Both sides concede this, in the arguments prepared for the King of Holland, now in my hand. Recollect, too, that the line on that map runs due north from the source of the St. Croix till it strikes the St. Lawrence; and not west from the St. Croix, as on this French map. Recollect that the line described in the treaty is to run north of the St. Croix, precisely as it appears on that map, till it strikes the highlands from which spring the tributaries of the St. Lawrence, and which are near to its bank. Recollect that Doctor Franklin was by birth a Massachusetts man, and had been the agent of that province, and familiar with all its claims to boundary up to that line.

Recollect that he had got inserted into the preliminaries of peace an agreement to go still further east, and make the St. John, from its mouth to its source, the boundary, as more convenient, and, in many respects, more eligible to us than the old boundary.

Recollect that, when coming to sign the treaty, this was so strenuously opposed by England, on the ground of its being a new cession of territory, that the old line was agreed to be adhered to, and was intended to be described in the treaty.

Recollect all these circumstances; and then say, how could he, in a letter to Count Vergennes on the 6th of December, 1782, mean to refer to any map but Mitchell's, or any line on that or any other map, except the old line, as there laid down, till it reached the highlands north of, and near the St. Lawrence? He lacked neither information, vigilance, nor shrewdness. But a supposition (which some gentlemen make) that he referred to some map having our boundary line run nearly west from the St. Croix, and cutting us off, also, from the sources of even the Penobscot, Kennebec, and Connecticut—a line not running north at all, as the treaty requires—a line not touching in that direction any highlands which turn waters into the St. Lawrence, as the treaty requires—a line contrary to Mitchell, and all the former British as well as Massachusetts claims—and a line at war with even his own express instructions,—is an imputation of carelessness and ignorance altogether unfounded in any facts before us. It does not appear that he ever saw the old French map spoken of, and of which a partial copy is sent to us—much less referred to it; and the red lines on it are undoubtedly the old French lines, put on it when made in 1745, instead of 1782; and are those claimed by France when she owned Nova Scotia and Canada, and were never thought of as describing the boundary between us and England, as arranged in the treaty of peace.

For further confirmation of this view, and of the validity of our whole claim, Doctor Franklin, only eight days after, (viz. December 14, 1782,) wrote to Mr. Livingston that the old line of boundary was agreed on, and was to be run out afterwards between the parties. (See, also, his letter on the 14th of October, 1782, but twenty-three days previous.) Here are both the letters, in the argument prepared for the King of Holland in 1827.

So, nearly thirty other maps, published by England and her citizens, between 1763 and 1783, draw the boundary line as we claim it. Indeed, Mr. Gallatin collected more than fifty of that kind, in all; and one in Mr. Jefferson's collection, engraved in 1783, to show the limits under the treaty, by Osgood Carlton—a man of science and practical skill, as well as belonging to Massachusetts, and well acquainted with her localities. Before any controversy, or any motive existed to mislead, he laid down the boundary there as now claimed; and, to avoid mistakes as to dotted lines or coloring, he had printed on the map itself that this eastern line, as we have always claimed it, was *"the boundary line between Britain and America,"* under the treaty of peace. Another map before me, in Mr. Gallatin's last memoir, made by Gov. Pownal, in 1776, lays down the same line as the eastern limit of Massachusetts; and others still, of the same date, by Carver, and others; and another by Bowen, in 1763. These are all English in their origin—several of them official in their character;—and the whole, so far as regards the evidence to be derived from maps, entirely conclusive as to the right of the United States to the whole territory in dispute.

Mr. W. said he could fortify this position by a mass of documents and evidence of a different character; for he had devoted considerable attention to this topic ever since 1819, when the northwestern boundary of New Hampshire had become hazarded in the controversy concerning some of the limits in the treaty of 1783. But he should occupy too much time, if he now entered into this point further.

[Several Senators said, No: go on.]

Mr. W. observed that, at this late period of the session, he felt reluctant to do it; though, before sitting down, he would advert a moment to one other reason which had been urged for assenting to the treaty, with diminished limits on the northeast. It was, that certain equivalents had been gained elsewhere, and, among the rest, on the northwestern boundary of New Hampshire. This last impression was erroneous. He must say, once for all, that we had not gained a foot of land there to which that State was not clearly entitled.

Without entering into details, which might be tedious to others than citizens of New Hampshire, it was enough to say, on this occasion, that the northwesternmost head of Connecticut river—which was the boundary described in the treaty of 1783—was still further west than Hall's stream, described in this treaty of 1842. That head was Lynch's stream; and, as is apparent on Bouchette's map of Canada, (hanging before us,) would, if adopted, give to the United States several thousand acres more land than we now obtained. But, as New Hampshire had not surveyed and exercised jurisdiction west of Hall's stream, she could not insist on going further on her account; and the land between that stream and Lynch's, if awarded to the United States, must, therefore, belong to the General Government.

It was for them, then, and not for her to complain, as to what was lost between those two streams. But that New Hampshire had a right to go as far as Hall's stream, was apparent on all the modern maps made since the country was explored fully, as being more northwest than Indian stream, or Perry's brook, or the main branch of the Connecticut. This last was strangely selected by the King of Holland as the northwesternmost head, when it is the northeast one. It was also apparent on both Bowen's and Pownal's maps, made as long ago as 1776, as well as several others.

But, beyond this, the State of New Hampshire had, as early as 1789, surveyed to the source of this very stream, and run down to its mouth, as her northwest boundary; and ever since, when occasion required, had exercised jurisdiction to it.

All this, with other proofs, are fully detailed in a document referred to in the correspondence before us, which was prepared by myself, and published in the second volume of the New Hampshire Historical Collections, as long ago as 1827.

He took this occasion to do the justice to both the Secretary of State and Lord Ashburton, to add, that, after the New Hampshire delegation invited attention to that document, and one of them explained the strong evidence which existed in it against the narrower line first proposed in this negotiation, as set out in page 67 of the correspondence, they both seemed satisfied that New Hampshire should rightfully hold to Hall's stream.

Let our decision, then, be what it may on the whole treaty, he must insist that, if in favor of the ratification, (as it probably would be,) it should not be so on account of any just doubt created by the old maps concerning the full claim of Maine, as originally set up; nor on account of any equivalent in any new territory obtained for New Hampshire, beyond what her original limits justified, and what she had long claimed and enjoyed.

[On the ensuing day, the chairman referred to some correspondence, in 1833, between the British Government and the State Department, showing a willingness on our side to deviate west from a due north line from the St. Croix, provided such highlands as are described in the treaty of 1783 were not discovered at the end of that line. And he, as well as Mr. EVANS, argued thence, that the original claim had been in some respect abandoned by the past administration. The chairman also referred to some new letters by Lord Palmerston, showing that in the case of the Caroline the American Executive—or, at least, the Secretary of State—knew, before 1840, that Great Britain intended to make no apology for that outrage.]

Mr. WOODBURY expressed his regret that the conduct of two of his former associates in office had been called in question, who were not now here—and, he lamented to add, were not in existence—so as to vindicate themselves. He must ask the indulgence of the Senate a few minutes, to correct what he considered an erroneous impression as to the conduct of both of them.

The proposition made by Mr. Livingston, as to a deviation from a due-north line, was only hypothetical—was very limited in its effects, in any event—and originated in this way: As long ago as 1827 or 1828, when considering the convention to refer this controversy to the arbitrament of the King of Holland, some gentleman in the Senate had suggested that, after a due-north line from the source of the St. Croix crossed the St. John, and approached the highlands whence streams flow into the St. Lawrence one way, and the Atlantic ocean the other, it would first strike some streams running into the Bay of Chaleurs, or the Gulf of St. Lawrence. They thence argued that it might be necessary, in that event, to deviate a little to the west, and go round the sources of those streams till those highlands were reached from which waters flowed into the St. Lawrence to the north, and into the Atlantic ocean to the east and southeast. The treaty of 1783 also called for natural monuments at this point, by calling for highlands of that character, as well as mentioned a descriptive corner in the northwest angle of Nova Scotia. Mr. Livingston supposed that, in fact, both would be found to agree or coincide at a due north point, as he says in his letter; but if they should not, he adds—as a lawyer would, and must, on sound legal principles—that the natural monuments must govern, rather than the descriptive corner.

All he proposed, then, was what the law of the case required—which is, that if the monument and the angle were not found to coincide, a deviation might be made to the west far enough to strike the natural monument. But every one can see by this map of the commissioners that the deviation, if made at all, instead of coming down near the British line at Mars Hill, or even to the St. John, would be only a few miles west from a line due north from the St. Croix—being a gore, wider at one end, and a point at the other—leaving nine-tenths of the whole claim, if not all, with Maine, as before.

What is very conclusive evidence that the British, as well as Mr. Livingston, knew that this deviation must be small, if any, the proposition was refused by their ambassador.

So far from there being any pretence, then, that the deviation could in fact come south of the St. John, it is stated in Sir Charles Vaughan's letter expressly that it could not, in any event, probably go south of the St. John, nor even much beyond the St. Francis; and he adds that

"The assent of the British Government to the proposition of Mr. Livingston would concede to the Government of the United States nearly all they had hitherto claimed."—*Message to Senate, 24th Cong., 1st sess. Doc. 414, p. 17.*

Let us, then, hear no more of this as an abandonment of the American claim, either in the view of the American cabinet, or of their lynx-eyed British opponents.

In respect to Lord Palmerston's recent letter, imputing to the past administration, or to Mr. Forsyth, before 1840, any official knowledge that the

British Government had decided to make no apology for the outrage on the Caroline, and to assume the act as their own; Mr. W. thought, when he heard the letter read, there must be some singular misconception or marvellous impudence in the charge. No man possessed a higher sense of honor, or sterner independence, than Mr. Forsyth. He was the last man in the nation to conceal anything through fear—the last man to delay bringing difficulties to a point through subserviency.

Looking at the rest of the correspondence with Lord Palmerston by Mr. Stevenson, it appears (as was to have been expected) that the latter at once, and categorically, repels the imputations of the British Secretary. He proceeds also to prove that no just ground for them could exist, in anything communicated by Mr. Fox to Mr. Forsyth, or by Lord Palmerston to Mr. Stevenson. And when, in a second letter of Lord Palmerston, (not read by the chairman,) an attempt is made to qualify the first charge, and to soften it into one not implicating any conduct in the American Secretary, minister, or President, as at all dishonorable, Mr. Stevenson replies again, and insists that, whether honorable or dishonorable in his Lordship's opinion, the facts of the case had by Lord Palmerston been entirely misapprehended.

The correspondence, as a whole, nullifies completely the imputation made by the British Secretary; and any inference drawn from it by the chairman, [Mr. RIVES,] either derogatory to the past administration, or favorable to the greater condescension supposed to be exhibited by England in the more recent explanations on that matter since the arrest and trial of McLeod, seems to rest on a very sandy foundation.

[In voting on the separate articles of the treaty, Mr. W. voted against those in respect to the engagements to furnish a force of eighty guns towards suppressing the slave-trade. This arose, not from an unwillingness to do everything proper for abolishing that trade with alacrity and efficiency; but from an aversion to enter into an entangling alliance with any nation for any object; and from a reluctance to seem compelled by England, or bound to her, to do as to other countries what she had no right to demand or enforce. The attitude appeared on our part one of inferiority and submission, or of objection. A sovereign nation ought to do what is just and honorable, as to the world at large, or as to the general interests of humanity, without the intervention or guardianship of any other nation. Again: the quantity of force to be employed was too large, too expensive, and unnecessary, unless it was employed by detachments occasionally from our quadrons at Brazil, the Mediterranean, and the West Indies. Then, and then only, could the health of the officers and men be preserved, and a great burden in our finances averted, which England bore to protect her African colonies as well as to suppress the slave-trade. We had no such colonies belonging to our Government; and for this, and other reasons, should not be subjected to anything like equal expenses in relation to this matter.]

After the Senate had gone though with the different articles of the treaty, and were ready to act on the question of its final ratification, Mr. W. said he wished to submit a motion.

He observed that the inclination of his mind was to vote for the ratification, though he disliked much both branches of the treaty. The engagement, by any stipulation made to a foreign power, to do anything in suppressing the slave-trade, which it was our duty to do of our own accord, and without the surveillance or admonition of others, looked derogatory to us. He had an incincible repugnance to that kind of assumption by the nation, and the acquiescence in it by another. But he passed by that, to come to the Northeastern boundary, concerning which he wished to trouble the Senate with a single motion. It was made with a view to show—what he believed to be true—that the treaty in that particular was not what the country had a right to expect; and, therefore, that would not have been ratified in that particular, had not Maine and Massachusetts—the parties specially interested—agreed to the line adopted. This, at least, was his own opinion. But as their commissioners had agreed to the new line, he, for one, would waive further objections. His motion was, therefore, to recommit the treaty with instructions to report the two following resolutions to precede the resolve for ratification:

Resolved, That the provisions in this treaty, relating to the northeastern boundary, are not, in the opinion of the Senate, so favorable to the United States as they had a right to expect on the facts of the case.

2. *Resolved further*, That the Senate, though anxious to adjust all controversies with foreign powers, would not feel justified in advising a ratification of those provisions, had not Maine and Massachusetts, the States interested in the disputed territory, given their assent, by commissioners, to the particular boundary adopted in those provisions, [instead of conferring general authority on the Federal Government to agree to such new conventional line as it might deem just.]

[Mr. TALLMADGE moved to lay the proposition of Mr. W. on the table; but there being doubts whether this might not carry the treaty with it, Mr. T. withdrew it.

Mr. KING then suggested that the resolutions be moved as an amendment or addition to the resolve for ratification, so as to save a recommitment.]

Mr. WOODBURY replied, that the President of the Senate had doubts whether such a course would be in order, or he would acquiesce in it with pleasure.

[Some Senators called for a division of the question as to each resolution separately; being willing to vote for one, but not the other. Some expressed themselves embarrassed how to vote, as they approved one, if not both of the resolutions; but doubted whether it was expedient to make them a part of the record in the ratification, and requested Mr. W., on that account, to oblige them by withdrawing the motion.]

Mr. WOODBURY stated that his object in offering the motion and resolution was to show permanently, and in the briefest manner possible, his general views and grounds of justification in ratifying the treaty. As he had accomplished that object with the Senate, so far as regarded himself, he would not, for the purpose of placing the views of all on the journal as to these points, press other gentlemen to a vote on them which was embarrassing, and might lead to more debate and delay. He would, therefore, consent to what was asked, and withdraw the motion.

MESSAGE OF THE PRESIDENT OF THE UNITED STATES.

To the Senate and
House of Representatives of the United States:

We have continued reason to express our profound gratitude to the great Creator of all things for numberless benefits conferred upon us as a people. Blessed with genial seasons, the husbandman has his garners filled with abundance; and the necessaries of life, not to speak of its luxuries, abound in every direction. While in some other nations steady and industrious labor can hardly find the means of subsistence, the greatest evil which we have to encounter is a surplus of production beyond the home demand, which seeks, and with difficulty finds, a partial market in other regions. The health of the country, with partial exceptions, has, for the past year, been well preserved; and, under their free and wise institutions, the United States are rapidly advancing towards the consummation of the high destiny which an overruling Providence seems to have marked out for them. Exempt from domestic convulsion, and at peace with all the world, we are free to consult as to the best means of securing and advancing the happiness of the people. Such are the circumstances under which you now assemble in your respective chambers, and which should lead us to unite in praise and thanksgiving to that great Being who made us, and who preserves us as a nation.

I congratulate you, fellow-citizens, on the happy change in the aspect of our foreign affairs since my last annual Message. Causes of complaint at that time existed between the United States and Great Britain, which, attended by irritating circumstances, threatened most seriously the public peace. The difficulty of adjusting amicably the questions at issue between the two countries, was, in no small degree, augmented by the lapse of time since they had their origin. The opinions entertained by the Executive on several of the leading topics in dispute, were frankly set forth in the Message at the opening of your late session. The appointment of a special minister by Great Britain to the United States, with power to negotiate upon most of the points of difference, indicated a desire on her part amicably to adjust them; and that minister was met by the Executive in the same spirit which had dictated his mission. The treaty consequent thereon, having been duly ratified by the two Governments, a copy, together with the correspondence which accompanied it, is herewith communicated. I trust that, whilst you may see in it nothing objectionable, it may be the means of preserving, for an indefinite period, the amicable relations happily existing between the two Governments. The question of peace or war between the United States and Great Britain, is a question of the deepest interest, not only to themselves, but to the civilized world; since it is scarcely possible that a war could exist between them without endangering the peace of Christendom. The immediate effect of the treaty upon ourselves will be felt in the security afforded to mercantile enterprise, which, no longer apprehensive of interruption, adventures its speculations in the most distant sea; and, freighted with the diversified productions of every land, returns to bless our own. There is nothing in the treaty which, in the slightest degree, compromits the honor or dignity of either nation. Next to the settlement of the boundary line, which must always be a matter of difficulty between States as between individuals, the question which seemed to threaten the greatest embarrassment was that connected with the African slave-trade.

By the 10th article of the treaty of Ghent, it was expressly declared that "whereas the traffic in slaves is irreconcilable with the principles of humanity and justice; and whereas both his Majesty and the United States are desirous of continuing their efforts to promote its entire abolition; it is hereby agreed that both the contracting parties shall use their best endeavors to accomplish so desirable an object." In the enforcement of the laws and treaty stipulations of Great Britain, a practice had threatened to grow up, on the part of its cruisers, of subjecting to visitation ships sailing under the American flag, which, while it seriously involved our maritime rights, would subject to vexation a branch of our trade which was daily increasing, and which required the fostering care of the Government. And although Lord Aberdeen, in his correspondence with the American envoys, at London, expressly disclaimed all right to detain an American ship on the high seas, even if found with a cargo of slaves on board, and restricted the British pretension to a mere claim to visit and inquire; yet it could not well be discerned by the Executive of the United States how such visit and inquiry could be made without detention on the voyage, and consequent interruption to the trade. It was regarded as the right of search, presented only in a new form, and expressed in different words; and I therefore felt it to be my duty distinctly to declare, in my annual Message to Congress, that no such concession could be made, and that the United States had both the will and the ability to enforce their own laws, and to protect their flag from being used for purposes wholly forbidden by those laws, and obnoxious to the moral censure of the world. Taking the Message as his letter of instructions, our then Minister at Paris felt himself required to assume the same ground in a remonstrance which he felt it to be his duty to present to M. Guizot, and, through him, to the King of the French, against what has been called the Quintuple Treaty; and his conduct, in this respect, met with the approval of this Government. In close conformity with these views, the eighth article of the treaty was framed, which provides that "each nation shall keep afloat in the African seas a force of not less than eighty guns, to act separately and apart, under instructions from their respective Governments, and for the enforcement of their respective laws and obligations." From this it will be seen that the ground assumed in the Message has been fully maintained, at the same time that the stipulations of the treaty of Ghent are to be carried out in good faith by the two countries, and that all pretence is removed for interference with our commerce, for any purpose whatever, by a foreign Government. While, therefore, the United States have been standing up for the freedom of the seas, they have not thought proper to make that a pretext for avoiding a fulfilment of their treaty stipulations, or a ground for giving countenance to a trade reprobated by our laws. A similar arrangement by the other great powers could not fail to sweep from the ocean the slave-trade, without the interpolation of any new principle into the maritime code. We may be permitted to hope that the example thus set will be followed by some, if not all of them. We thereby also afford suitable protection to the fair trader in those seas; thus fulfilling at the same time the dictates of a sound policy, and complying with the claims of justice and humanity.

It would have furnished additional cause for congratulation, if the treaty could have embraced all subjects calculated in future to lead to a misunderstanding between the two Governments. The territory of the United States, commonly called the Oregon Territory, lying on the Pacific ocean, north of the forty-second degree of latitude, to a portion of which Great Britain lays claim, begins to attract the attention of our fellow-citizens; and the tide of population, which has reclaimed what was so lately an unbroken wilderness in more contiguous regions, is preparing to flow over those vast districts which stretch from the Rocky mountains to the Pacific ocean. In advance of the acquirement of individual rights to these lands, sound policy dictates that every effort should be resorted to by the two Governments to settle their respective claims. It became manifest, at an early hour of the late negotiations, that any attempt, for the time being, satisfactorily to determine those rights, would lead to a protracted discussion, which might embrace in its failure other more pressing matters; and the Executive did not regard it as proper to waive all the advantages of an honorable adjustment of other difficulties of great magnitude and importance, because this, not so immediately pressing, stood in the way. Although the difficulty referred to may not, for several years to come, involve the peace of the two countries, yet I shall not delay to urge on Great Britain the importance of its early settlement. Nor will other matters of commercial importance to the two countries be overlooked; and I have good reason to believe that it will comport with the policy of England, as it does with that of the United States, to seize upon this moment, when most of the causes of irritation have passed away, to cement the peace and amity of the two countries, by wisely removing all grounds of probable future collision.

With the other powers of Europe our relations continue on the most amicable footing. Treaties now existing with them should be rigidly observed; and every opportunity, compatible with the interests of the United States, should be seized upon to enlarge the basis of commercial intercourse. Peace with all the world is the true foundation of our policy, which can only be rendered permanent by the practice of equal and impartial justice to all. Our great desire should be to enter only into that rivalry which looks to the general good, in the cultivation of the sciences, the enlargement of the field for the exercise of the mechanical arts, and the spread of commerce (that great civilizer) to every land and sea. Carefully abstaining from interference in all questions exclusively referring themselves to the political interests of Europe, we may be permitted to hope an equal exemption from the interference of European Governments in what relates to the States of the American continent.

On the 23d of April last, the commissioners on the part of the United States, under the convention with the Mexican Republic of the 11th of April, 1839, made to the proper department a final report in relation to the proceedings of the commission. From this it appears that the total amount awarded to the claimants by the commissioners and the umpire appointed under that convention, was two million twenty-six thousand and seventy-nine dollars and sixty-eight cents. The arbiter having considered that his functions were required by the convention to terminate at the same time with those of the commissioners, returned to the board, undecided for want of time, claims which had been allowed by the American commissioners, to the amount of nine hundred and twenty-eight thousand six hundred and twenty dollars and eighty-eight cents. Other claims, in which the amount sought to be recovered was three million three hundred and thirty-six thousand eight hundred and thirty-seven dollars and five cents, were submitted to the board too late for its consideration. The Minister of the United States at Mexico has been duly authorized to make demand for the payment of the awards, according to the terms of the convention, and the provisions of the act of Congress of the 12th of June, 1840. He has also been instructed to communicate to that Government the expectations of the Government of the United States in relation to those claims which were not disposed of according to the provisions of the convention, and all others of citizens of the United States against the Mexican Government. He has also been furnished with other instructions, to be followed by him in case the Government of Mexico should not find itself in a condition to make present payment of the amount of the awards, in specie or its equivalent.

I am happy to be able to say that information which is esteemed favorable, both to a just satisfaction of the awards, and a reasonable provision for other claims, has been recently received from Mr. Thompson, the Minister of the United States, who has promptly and efficiently executed the instructions of his Government in regard to this important subject.

The citizens of the United States who accompanied the late Texan expedition to Santa Fé, and who were wrongfully taken and held as prisoners of war in Mexico, have all been liberated.

A correspondence has taken place between the Department of State and the Mexican Minister of Foreign Affairs, upon the complaint of Mexico that citizens of the United States were permitted to give aid to the inhabitants of Texas in the war existing between her and that republic. Copies of this correspondence are herewith communicated to Congress, together with copies of letters on the same subject, addressed to the diplomatic corps at Mexico, by the American Minister and the Mexican Secretary of State.

Mexico has thought proper to reciprocate the mission of the United States to that Government, by accrediting to this a minister of the same rank as that of the representative of the United States in Mexico. From the circumstances connected with this mission, favorable results are anticipated from it. It is so obviously for the interest of both countries, as neighbors and friends, that all just causes of mutual dissatisfaction should be removed, that it is to be hoped neither will omit or delay the employment of any practicable and honorable means to accomplish that end.

The affairs pending between this Government and several others of the States of this hemisphere formerly under the dominion of Spain, have again, within the past year, been materially obstructed by the military revolutions and conflicts in those countries.

The ratifications of the treaty between the United States and the Republic of Ecuador, of the 13th of June, 1839, have been exchanged, and that instrument has been duly promulgated on the part of this Government. Copies are now communicated to Congress, with a view to enable that body to make such changes in the laws applicable to our intercourse with that Republic as may be deemed requisite.

Provision has been made by the Government of Chili for the payment of the claim on account of the illegal detention of the brig Warrior at Coquimbo, in 1820. This Government has reason to expect that other claims of our citizens against Chili will be hastened to a final and satisfactory close.

The empire of Brazil has not been altogether exempt from those convulsions which so constantly afflict the neighboring republics. Disturbances which recently broke out are, however, now understood to be quieted. But these occurrences, by threatening the stability of the Governments, or by causing incessant and violent changes in them, or in the persons who administer them, tend greatly to retard provisions for a just indemnity for losses and injuries suffered by individual subjects or citizens of other States. The Government of the United States will feel it to be its duty, however, to consent to no delay, not unavoidable, in making satisfaction for wrongs and injuries sustained by its own citizens. Many years having, in some cases, elapsed, a decisive and effectual course of proceeding will be demanded of the respective Governments against whom claims have been preferred.

The vexatious, harassing, and expensive war which so long prevailed with the Indian tribes inhabiting the peninsula of Florida, has happily been terminated; whereby our army has been relieved from a service of the most disagreeable character, and the treasury from a large expenditure. Some casual outbreaks may occur, such as are incident to the close proximity of border settlers and the Indians; but these, as in all other cases, may be left to the care of the local authorities, aided, when occasion may require, by the forces of the United States. A sufficient number of troops will be maintained in Florida, so long as the remotest apprehensions of danger shall exist; yet their duties will be limited rather to the garrisoning of the necessary posts, than to the maintenance of active hostilities. It is to be hoped that a territory, so long retarded in its growth, will now speedily recover from the evils incident to a protracted war, exhibiting, in the increased amount of its rich productions, true evidences of returning wealth and prosperity. By the practice of rigid justice towards the numerous Indian tribes residing within our territorial limits, and the exercise of a parental vigilance over their interests, protecting them against fraud and intrusion, and at the same time using every proper expedient to introduce among them the arts of civilized life, we may fondly hope not only to wean them from their love for war, but to inspire them with a love for peace and all its avocations. With several of the tribes, great progress in civilizing them has already been made. The schoolmaster and the missionary are found side by side; and the remnants of what were once numerous and powerful nations may yet be preserved as the builders up of a new name for themselves and their posterity.

The balance in the treasury on the 1st of January, 1842, (exclusive of the amount deposited with the States, trust funds, and indemnities,) was $230,483 68. The receipts into the treasury during the first three quarters of the present year, from all sources, amount to $26,616,593 78; of which more than fourteen millions were received from customs, and about one million from the public lands. The receipts for the fourth quarter are estimated at nearly eight millions; of which four millions are expected from customs, and three millions and a half from loans and treasury notes. The expenditures of the first three quarters of the present year exceed twenty-six millions, and those estimated for the fourth quarter amount to about eight millions; and it is anticipated there will be a deficiency of half a million on the 1st January next; but that the amount of outstanding warrants (estimated at $800,000) will leave an actual balance of about $224,000 in the treasury. Among the expenditures of the year, are more than eight millions for the public debt, and $600,000 on account of the distribution to the States of the proceeds of sales of the public lands.

The present tariff of duties was somewhat hastily and hurriedly passed near the close of the late session of Congress. That it should have defects, can, therefore, be surprising to no one. To remedy such defects as may be found to exist in many of its numerous provisions, will not fail to claim your serious attention. It may well merit inquiry, whether the exaction of all duties in cash does not call for the introduction of a system which has proved highly beneficial in countries where it has been adopted. I refer to the warehousing system. The first and most prominent effect which it would produce, would be to protect the market alike against redundant or deficient supplies of foreign fabrics; both of which, in the long run, are injurious as well to the manufacturer as to the importer. The quantity of goods in store being at all times readily known, it would enable the importer, with an approach to accuracy, to ascertain the actual wants of the market, and to regulate himself accordingly. If, however, he should fall into error, by importing an excess above the public wants, he could readily correct its evils by availing himself of the benefits and advantages of the system thus established. In the storehouse, the goods imported would await the demands of the market; and their issues would be governed by the fixed principles of demand and supply. Thus an approximation would be made to a steadiness and uniformity of price, which, if attainable, would conduce to the decided advantage of mercantile and mechanical operations.

The apprehension may be well entertained, that, without something to ameliorate the rigor of cash payments, the entire import trade may fall into the hands of a few wealthy capitalists in this country and in Europe. The small importer, who requires all the money he can raise for investments abroad, and who can but ill afford to pay the lowest duty, would have to subduct in advance a portion of his funds, in order to pay the duties, and would lose the interest upon the amount thus paid for all the time the goods might remain unsold; which might absorb his profits. The rich capitalist abroad, as well as at home, would thus possess, after a short time, an almost exclusive monopoly of the import trade; and laws designed for the benefit of all, would thus operate for the benefit of the few—a result wholly uncongenial with the spirit of our institutions, and anti-republican in all its tendencies. The warehousing system would enable the importer to watch the market, and to select his own time

or offering his goods for sale. A profitable portion of the carrying trade in articles entered for the benefit of drawback, must also be most seriously affected, without the adoption of some expedient to relieve the cash system. The warehousing system would afford that relief, since the carrier would have a safe recourse to the public storehouses, and might, without advancing the duty, reship within some reasonable period to foreign ports. A further effect of the measure would be to supersede the system of drawbacks, thereby effectually protecting the Government against fraud, as the right of debenture would not attach to goods after their withdrawal from the public stores.

In revising the existing tariff of duties, should you deem it proper to do so at your present session, I can only repeat the suggestions and recommendations which, upon several occasions, I have heretofore felt it to be my duty to offer to Congress. The great primary and controlling interest of the American people is union; union, not only in the mere forms of government—forms which may be broken—but union founded in an attachment of States and individuals for each other. This union in sentiment and feeling can only be preserved by the adoption of that course of policy which, neither giving exclusive benefits to some, nor imposing unnecessary burdens upon others, shall consult the interests of all, by pursuing a course of moderation, and thereby seeking to harmonize public opinion, and causing the people everywhere to feel and to know that the Government is careful of the interests of all alike. Nor is there any subject in regard to which moderation, connected with a wise discrimination, is more necessary than in the imposition of duties on imports. Whether reference be had to revenue—the primary object in the imposition of taxes—or to the incidents which necessarily flow from their imposition, this is entirely true. Extravagant duties defeat their end and object, not only by exciting in the public mind an hostility to the manufacturing interests, but by inducing a system of smuggling on an extensive scale, and the practice of every manner of fraud upon the revenue, which the utmost vigilance of Government cannot effectually suppress. An opposite course of policy would be attended by results essentially different, of which every interest of society—and none more than those of the manufacturer—would reap important advantages. Among the most striking of its benefits would be that derived from the general acquiescence of the country in its support, and the consequent permanency and stability which would be given to all the operations of industry. It cannot be too often repeated, that no system of legislation can be wise, which is fluctuating and uncertain. No interest can thrive under it. The prudent capitalist will never adventure his capital in manufacturing establishments, or in any other leading pursuit of life, if there exists a state of uncertainty as to whether the Government will repeal to-morrow what it has enacted to-day. Fitful profits, however high, if threatened with a ruinous reduction by a vacillating policy on the part of Government, will scarcely tempt him to trust the money which he has acquired by a life of labor upon the uncertain adventure. I, therefore, in the spirit of conciliation, and influenced by no other desire than to rescue the great interests of the country from the vortex of political contention, and in the discharge of the high and solemn duties of the place which I now occupy, recommend moderate duties, imposed with a wise discrimination as to their several objects, as being not only most likely to be durable, but most advantageous to every interest of society.

The report of the Secretary of the War Department exhibits a very full and satisfactory account of the various and important interests committed to the charge of that officer. It is particularly gratifying to find that the expenditures for the military service are greatly reduced in amount; that a strict system of economy has been introduced into the service, and the abuses of past years greatly reformed. The fortifications on our maritime frontier have been prosecuted with much vigor, and at many points our defences are in a very considerable state of forwardness. The suggestions in reference to the establishment of means of communication with our territories on the Pacific, and the surveys so essential to a knowledge of the resources of the intermediate country, are entitled to the most favorable consideration. While I could propose nothing inconsistent with friendly negotiations to settle the extent of our claims in that region, yet a prudent forecast points out the necessity of such measures as may enable us to maintain our rights. The arrangements made for preserving our neutral relations on the boundary between us and Texas, and keeping in check the Indians in that quarter, will be maintained so long as circumstances may require.

For several years angry contentions have grown out of the disposition directed by law to be made of the mineral lands held by the Government in several of the States. The Government is constituted the landlord, and the citizens of the States wherein lie the lands are its tenants. The relation is an unwise one; and it would be much more conducive to the public interest that a sale of the lands should be made, than that they should remain in their present condition. The supply of the ore would be more abundantly and certainly furnished when to be drawn from the enterprise and the industry of the proprietor, than under the present system.

The recommendations of the Secretary in regard to the improvements of the Western waters, and certain prominent harbors on the lakes, merit, and I doubt not will receive, your serious attention. The great importance of these subjects to the prosperity of the extensive region referred to, and the security of the whole country in time of war, cannot escape observation. The losses of life and property which annually occur in the navigation of the Mississippi alone, because of the dangerous obstructions in the river, make a loud demand upon Congress for the adoption of efficient measures for their removal.

The report of the Secretary of the Navy will bring you acquainted with that important branch of the public defences. Considering the already vast and daily increasing commerce of the country, apart from the exposure to hostile inroad of an extended seaboard, all that relates to the navy is calculated to excite particular attention. Whatever tends to add to its efficiency, without entailing unnecessary charges upon the treasury, is well worthy of your serious consideration. It will be seen, that while an appropriation exceeding by more than a million the appropriations of the present year, is asked by the Secretary, yet that, in this sum, is proposed to be included $400,000 for the purchase of clothing, which, when once expended, will be annually reimbursed by the sale of the clothes, and will thus constitute a perpetual fund, without any new appropriation to the same object. To this may also be added $50,000 asked to cover the arrearages of past years, and $250,000 in order to maintain a competent squadron on the coast of Africa; all of which, when deducted, will reduce the expenditures nearly within the limits of those of the current year. While, however, the expenditures will thus remain very nearly the same as of the antecedent year, it is proposed to add greatly to the operations of the marine, and, in lieu of only twenty-five ships in commission, and but little in the way of building, to keep, with the same expenditure, forty-one vessels afloat, and to build twelve ships of a small class.

A strict system of accountability is established, and great pains are taken to insure industry, fidelity, and economy in every department of duty. Experiments have been instituted to test the quality of various materials, (particularly copper, iron, and coal,) so as to prevent fraud and imposition.

It will appear by the report of the Postmaster General, that the great point which, for several years, has been so much desired, has, during the current year, been fully accomplished. The expenditures of the department for the current year have been brought within its income, without lessening its general usefulness. There has been an increase of revenue equal to $166,000 for the year 1842 over that of 1841, without, as it is believed, any addition having been made to the number of letters and newspapers transmitted through the mails. The Post Office laws have been honestly administered, and fidelity has been observed in accounting for, and paying over by the subordinates of the department, the moneys which have been received. For the details of the service, I refer you to the report.

I flatter myself that the exhibition thus made of the condition of the public administration will serve to convince you that every proper attention has been paid to the interests of the country by those who have been called to the heads of the different departments. The reduction in the annual expenditures of the Government already accomplished, furnishes a sure evidence that economy in the application of the public moneys is regarded as a paramount duty.

At peace with all the world—the personal liberty of the citizen sacredly maintained, and his rights secured under political institutions deriving all their authority from the direct sanction of the people—with a soil fertile almost beyond example, and a country blessed with every diversity of climate and production, what remains to be done in order to advance the happiness and prosperity of such a people? Under ordinary circumstances, this inquiry could readily be answered. The best that probably could be done for a people inhabiting such a country, would be to fortify their peace and security in the prosecution of their various pursuits, by guarding them against invasion from without, and violence from within. The rest, for the greater part, might be left to their own energy and enterprise. The chief embarrassments which, at the moment, exhibit themselves, have arisen from overaction; and the most difficult task which remains to be accomplished is that of correcting and overcoming its effects. Between the years 1833 and 1838, additions were made to bank capital and bank issues, in the form of notes designed for circulation, to an extent enormously great. The question seemed to be, not how the best currency could be provided, but in what manner the greatest amount of bank paper could be put in circulation. Thus, a vast amount of what was called money—since, for the time being, it answered the purposes of money—was thrown upon the country; an over-issue which was attended, as a necessary consequence, by an extravagant increase of the prices of all articles of property, the spread of a speculative mania all over the country, and has finally ended in a general indebtedness on the part of States and individuals, the prostration of public and private credit, a depreciation in the market value of real and personal estate, and has left large districts of country almost entirely without any circulating medium. In view of the fact that, in 1830, the whole bank-note circulation within the United States amounted to but $61,323,898, according to the Treasury statements, and that an addition had been made thereto of the enormous sum of $88,000,000 in seven years, (the circulation on the 1st January, 1837, being stated at $149,185,890,) aided by the great facilities afforded in obtaining loans from European capitalists, who were seized with the same speculative mania which prevailed in the United States—and the large importations of funds from abroad, the result of stock sales and loans—no one can be surprised at the apparent, but unsubstantial, state of prosperity which everywhere prevailed over the land; and while little cause of surprise should be felt at the present prostration of everything, and the ruin which has befallen so many of our fellow-citizens in the sudden withdrawal from circulation of so large an amount of bank issues since 1837—exceeding, as is believed, the amount added to the paper currency for a similar period antecedent to 1837—it ceases to be a matter of astonishment that such extensive shipwreck should have been made of private fortunes, or that difficulties should exist in meeting their engagements on the part of the debtor States. Apart from which, if there be taken into account the immense losses sustained in the dishonor of numerous banks, it is less a matter of surprise that insolvency should have visited many of our fellow-citizens, than that so many should have escaped the blighting influences of the times.

In the solemn conviction of these truths, and with an ardent desire to meet the pressing necessities of the country, I felt it to be my duty to cause to be submitted to you, at the commencement of your late session, the plan of an Exchequer; the whole power and duty of maintaining which, in purity and vigor, was to be exercised by the Representatives of the people and of the States, and, therefore, virtually by the people themselves. It was proposed to place it under the control and direction of a treasury board, to consist of three commissioners, whose duty it should be to see that the law of its creation was faithfully executed; and that the great end of supplying a paper medium of exchange, at all times convertible into gold and silver, should be attained. The board, thus constituted, was given as much permanency as could be imparted to it, without endangering the proper share of responsibility which should attach to all public agents. In order to insure all the advan-

tages of a well-matured experience, the commissioners were to hold their offices for the respective periods of two, four, and six years; thereby securing, at all times, in the management of the Exchequer, the services of two men of experience; and to place them in a condition to exercise perfect independence of mind and action, it was provided that their removal should only take place for actual incapacity or infidelity to the trust, and to be followed by the President with an exposition of the causes of such removal, should it occur. It was proposed to establish subordinate boards in each of the States, under the same restrictions and limitations of the power of removal, which, with the central board, should receive, safely keep, and disburse the public moneys; and in order to furnish a sound paper medium of exchange, the Exchequer should retain of the revenues of the Government a sum not to exceed $5,000,000 in specie, to be set apart as required by its operations, and to pay the public creditor, at his own option, either in specie, or treasury notes of denominations not less than five, nor exceeding one hundred dollars; which notes should be redeemed at the several places of issue, and to be receivable at all times and everywhere in payment of Government dues; with a restraint upon such issue of bills, that the same should not exceed the *maximum* of $15,000,000. In order to guard against all the hazards incident to fluctuations in trade, the Secretary of the Treasury was invested with authority to issue $5,000,000 of Government stock, should the same at any time be regarded as necessary, in order to place beyond hazard the prompt redemption of the bills which might be thrown into circulation: thus, in fact, making the issue of $15,000,000 of exchequer bills rest substantially on $10,000,000; and keeping in circulation never more than one and one-half dollar for every dollar in specie. When to this it is added that the bills are not only everywhere receivable in Government dues, but that the Government itself would be bound for their ultimate redemption, no rational doubt can exist that the paper which the Exchequer would furnish would readily enter into general circulation, and be maintained at all times at or above par with gold and silver; thereby realizing the great want of the age, and fulfilling the wishes of the people. In order to reimburse the Government the expenses of the plan, it was proposed to invest the Exchequer with the limited authority to deal in bills of exchange, (unless prohibited by the State in which an agency might be situated,) having only thirty days to run, and resting on a fair and *bona fide* basis. The legislative will on this point might be so plainly announced, as to avoid all pretext for partiality or favoritism. It was furthermore proposed to invest this Treasury agent with authority to receive on deposite, to a limited amount, the specie funds of individuals, and to grant certificates therefor, to be redeemed on presentation, under the idea (which is believed to be well founded) that such certificates would come in aid of the exchequer bills in supplying a safe and ample paper circulation. Or, if in place of the contemplated dealings in exchange, the Exchequer should be authorized not only to exchange its bills for actual deposites of specie, but for specie or its equivalents to sell drafts, charging therefor a small but reasonable premium, I cannot doubt but that the benefits of the law would be speedily manifested in the revival of the credit, trade, and business of the whole country. Entertaining this opinion, it becomes my duty to urge its adoption upon Congress, by reference to the strongest considerations of the public interests, with such alterations in its details as Congress may in its wisdom see fit to make.

I am well aware that this proposed alteration and amendment of the laws establishing the Treasury Department has encountered various objections; and that, among others, it has been proclaimed a Government bank of fearful and dangerous import. It is proposed to confer upon it no extraordinary powers. It purports to do no more than pay the debts of the Government with the redeemable paper of the Government; in which respect, it accomplishes precisely what the Treasury does daily at this time—in issuing to the public creditors the treasury notes, which, under law, it is authorized to issue. It has no resemblance to an ordinary bank, as it furnishes no profits to private stockholders, and lends no capital to individuals. If it be objected to as a Government bank, and the objection be available, then should all the laws in relation to the Treasury be repealed, and the capacity of the Government to collect what is due to it, or pay what it owes, be abrogated.

This is the chief purpose of the proposed Exchequer; and surely, if, in the accomplishment of a purpose so essential, it affords a sound circulating medium to the country and facilities to trade, it should be regarded as no slight recommendation of it to public consideration. Properly guarded by the provisions of law, it can run into no dangerous evil; nor can any abuse arise under it, but such as the Legislature itself will be answerable for, if it be tolerated; since it is but the creature of the law, and is susceptible at all times of modification, amendment, or repeal, at the pleasure of Congress. I know that it has been objected that the system would be liable to be abused by the Legislature—by whom alone it cou'd be abused—in the party conflicts of the day; that such abuse would manifest itself in a change of the law, which would authorize an excessive issue of paper for the purpose of inflating prices and winning popular favor. To that it may be answered, that the ascription of such a motive to Congress is altogether gratuitous and inadmissible. The theory of our institutions would lead us to a different conclusion. But a perfect security against a proceeding so reckless, would be found to exist in the very nature of things. The political party which should be so blind to the true interests of the country as to resort to such an expedient, would inevitably meet with a final overthrow, in the fact that, the moment the paper ceased to be convertible into specie, or otherwise promptly redeemed, it would become worthless, and would, in the end, dishonor the Government, involve the people in ruin, and such political party in hopeless disgrace. At the same time, such a view involves the utter impossibility of furnishing any currency other than that of the precious metals; for, if the Government itself cannot forego the temptation of excessive paper issues, what reliance can be placed in corporations, upon whom the temptations of individual aggrandizement would most strongly operate? The people would have to blame none but themselves for any injury that might arise from a course so reckless, since their agents would be the wrongdoers, and they the passive spectators.

There can be but three kinds of public currency: 1st. Gold and silver; 2d. The paper of State institutions; or, 3d. A representative of the precious metals, provided by the General Government, or under its authority. The sub-treasury system rejected the last, in any form; and, as it was believed that no reliance could be placed on the issues of local institutions, for the purposes of general circulation, it necessarily and unavoidably adopted specie as the exclusive currency for its own use. And this must ever be the case, unless one of the other kinds be used. The choice, in the present state of public sentiment, lies between an exclusive specie currency on the one hand, and Government issues of some kind on the other. That these issues cannot be made by a chartered institution, is supposed to be conclusively settled. They must be made, then, directly by Government agents. For several years past, they have been thus made in the form of treasury notes, and have answered a valuable purpose. Their usefulness has been limited by their being transient and temporary; their ceasing to bear interest at given periods, necessarily causes their speedy return, and thus restricts their range of circulation; and being used only in the disbursements of Government, they cannot reach those points where they are most required. By rendering their use permanent, to the moderate extent already mentioned, by offering no inducement for their return, and by exchanging them for coin and other values, they will constitute, to a certain extent, the general currency so much needed to maintain the internal trade of the country. And this is the Exchequer plan, so far as it may operate in furnishing a currency.

I cannot forego the occasion to urge its importance to the credit of the Government in a financial point of view. The great necessity of resorting to every proper and becoming expedient, in order to place the treasury on a footing of the highest respectability, is entirely obvious. The credit of the Government may be regarded as the very soul of the Government itself—a principle of vitality, without which all its movements are languid, and all its operations embarrassed. In this spirit the Executive felt itself bound, by the most imperative sense of duty, to submit to Congress, at its last session, the propriety of making a specific pledge of the land fund, as the basis for the negotiation of the loans authorized to be contracted. I then thought that such an application of the public domain would, without doubt, have placed at the command of the Government ample funds to relieve the treasury from the temporary embarrassments under which it labored. American credit had suffered a considerable shock in Europe, from the large indebtedness of the States, and the temporary inability of some of them to meet the interest on their debts. The utter and disastrous prostration of the United States Bank of Pennsylvania had contributed largely to increase the sentiment of distrust, by reason of the loss and ruin sustained by the holders of its stock—a large portion of whom were foreigners, and many of whom were alike ignorant of our political organization, and of our actual responsibilities. It was the anxious desire of the Executive that, in the effort to negotiate the loan abroad, the American negotiator might be able to point the money-lender to the fund mortgaged for the redemption of the principal and interest of any loan he might contract, and thereby vindicate the Government from all suspicion of bad faith, or inability to meet its engagements. Congress differed from the Executive in this view of the subject. It became, nevertheless, the duty of the Executive to resort to every expedient in its power to negotiate the authorized loan. After a failure to do so in the American market, a citizen of high character and talent was sent to Europe—with no better success; and thus the mortifying spectacle has been presented, of the inability of this Government to obtain a loan so small as not in the whole to amount to more than one-fourth of its ordinary annual income; at a time when the Governments of Europe, although involved in debt, and with their subjects heavily burdened with taxation, readily obtain loans of any amount at a greatly reduced rate of interest. It would be unprofitable to look further into this anomalous state of things; but I cannot conclude without adding, that, for a Government which has paid off its debts of two wars with the largest maritime power of Europe, and now owing a debt which is almost next to nothing, when compared with its boundless resources—a Government the strongest in the world, because emanating from the popular will, and firmly rooted in the affections of a great and free people—and whose fidelity to its engagements has never been questioned;—for such a Government to have tendered to the capitalists of other countries an opportunity for a small investment of its stock, and yet to have failed, implies either the most unfounded distrust in its good faith, or a purpose, to obtain which the course pursued is the most fatal which could have been adopted. It has now become obvious to all men that the Government must look to its own means for supplying its wants; and it is consoling to know that these means are altogether adequate for the object. The Exchequer, if adopted, will greatly aid in bringing about this result. Upon what I regard as a well-founded supposition, that its bills would be readily sought for by the public creditors, and that the issue would, in a short time, reach the maximum of $15,000,000, it is obvious that $10,000,000 would thereby be added to the available means of the treasury, without cost or charge. Nor can I fail to urge the great and beneficial effects which would be produced in aid of all the active pursuits of life. Its effects upon the solvent State banks, while it would force into liquidation those of an opposite character, through its weekly settlements, would be highly beneficial; and, with the advantages of a sound currency, the restoration of confidence and credit would follow, with a numerous train of blessings. My convictions are most strong that these benefits would flow from the adoption of this measure; but, if the result should be adverse, there is this security in connexion with it—that the law creating it may be repealed at the pleasure of the Legislature, without the slightest implication of its good faith.

I recommend to Congress to take into consideration the propriety of reimbursing a fine imposed on General Jackson, at New Orleans, at the time of the attack and defence of that city, and paid by him. Without designing any reflection on the judicial tribunal which imposed the fine, the remission at this day may be regarded as not unjust or inexpedient. The voice of the civil authority was heard amidst the glitter of arms, and obeyed by those who held the sword—thereby giving additional lustre to a memorable military achievement.

If the laws were offended, their majesty was fully vindicated; and, although the penalty incurred and paid is worthy of little regard in a pecuniary point of view, it can hardly be doubted that it would be gratifying to the war-worn veteran, now in retirement and in the winter of his days, to be relieved from the circumstances in which that judgment placed him. There are cases in which public functionaries may be called on to weigh the public interest against their own personal hazards; and, if the civil law be violated from praiseworthy motives, or an overruling sense of public danger and public necessity, punishment may well be restrained within that limit which asserts and maintains the authority of the law, and the subjection of the military to the civil power. The defence of New Orleans, while it saved a city from the hands of the enemy, placed the name of General Jackson among those of the greatest captains of the age, and illustrated one of the brightest pages of our history. Now that the causes of excitement existing at the time have ceased to operate, it is believed that the remission of this fine, and whatever of gratification that remission might cause the eminent man who incurred and paid it, would be in accordance with the general feeling and wishes of the American people.

I have thus, fellow-citizens, acquitted myself of my duty under the Constitution, by laying before you, as succinctly as I have been able, the state of the Union, and by inviting your attention to measures of much importance to the country. The Executive will most zealously unite its efforts with those of the Legislative Department in the accomplishment of all that is required to relieve the wants of a common constituency, or elevate the destinies of a beloved country.

JOHN TYLER.

WASHINGTON, December, 1842.

REPORT OF THE SECRETARY OF WAR.

WAR DEPARTMENT, *November* 26, 1842.

SIR: I have the honor to submit the following report upon the various subjects committed to the charge of this department.

The condition of the army, of the fortifications, and of the other branches of the military service, and the state of our Indian affairs, and of the pensions and military bounty lands, are exhibited, as presented in the copious and very satisfactory reports of the General-in chief, and of the heads of bureaus to whose immediate direction the respective subjects are assigned. Such suggestions and recommendations as the good of the service seems to require, are made, and an account is given of the measures taken in execution of the laws passed at the last session of Congress.

Inspections and examinations of the men and means provided for the national defence, by independent and responsible officers, afford the only means by which an accurate knowledge of their condition can be acquired, by which responsibility can be enforced, and by which judicious improvement can be effected. During the past year they have been made vigorously and thoroughly. Posts and portions of the army that had not been inspected for many years, have been examined; the fortifications, the armories, arsenals, and depots of military stores, have been visited; and it is believed that but a very small portion of the army, and no important military establishment of the Government, has, during the year, escaped inspection. The information which this department is thus enabled to obtain, and much of which appears in this report, and those of the various bureaus, is of the most satisfactory character.

In pursuance of the act of the last session altering the fiscal year, the estimates of this department have been prepared for the first six months in 1843, and for the year commencing the 1st of July, 1843, separately. Those for the army proper, for the half year of 1843, amount to $553,586 88. The appropriations for thesame purpose for the service of 1842, amounted to $4,284,669, of which the half would be $2,142,334. This very great reduction is owing to various causes: first, the diminished expenses in Florida, effected mainly by the vigilance of Brigadier General Worth before the cessation of hostilities, of which an account was transmitted to the House of Representatives at its last session; second, the termination of those hostilities; third, the stopping of the recruiting service in August last; fourth, the doubt whether the state of the treasury would warrant even the expenditures authorized, particularly those in the Engineer and Ordnance Departments, induced a suspension of many of those which could be suspended with the least public injury, and considerable balances in consequence remain; and, fifth, a desire to economize, which is believed to have influenced all the branches of service. These, and other causes not so important, have saved the expenditure of a large portion of the amount appropriated for 1842, and left it to be applied to the service of the year 1843.

The same desire to economize and adapt our expenses to any probable state of the treasury, has induced the very moderate estimate for the service of the army proper, during the fiscal year commencing July 1, 1843, of $3,204,568 60, being $1,080,100 40 less than the appropriations for the same objects in 1842, and $867,430 40 less than the expenditures in 1840. It is confidently believed that the present military establishment of the country, including all the expenses of the military academy of a permanent or contingent character, may be maintained at a cost not exceeding $3,100,000. This estimate does not, of course, include the appropriations for ordnance, ordnance stores, small arms, and equipments, which are distributed among the States, or are accumulated for future use; nor does it include the expenditures of the engineers in erecting fortifications or other military defences, or in the measures preparatory to such erections. It will be seen that no appropriations are asked for the ordnance service for the first six months of 1843. Those recommended for the fiscal year commencing 1st July, 1843, are $775,200. The appropriations for the same objects in 1842 were $921,300. These have been reduced more in reference to the possible state of the treasury than to the actual wants of the service. In the Engineer Department the appropriations asked for the ensuing eighteen months amount to $1,245,500. The amount appropriated in 1842 was $278,000. A portion of the estimates is indispensable for the preservation of works already commenced; the residue is deemed necessary, and it is believed that true economy will be consulted by appropriating it; but still it is not indispensable at this time. The whole amount of the estimates for the military service of the country for the first half year of 1843, exclusive of fortifications, is $620,949 78, and for the fiscal year terminating July 1, 1844, is $4,144,154 80. The estimates are thus stated to prevent, if possible, the misunderstanding which frequently charges to the military service all the expenditures of this department. Thus, many of the estimates of the Chief of Topographical Engineers relate to works either exclusively of a civil, or of a mixed military and civil character—such as lighthouses placed under his charge, and improvements of harbors, rivers, surveys, &c.; and cannot, with propriety, be included among the military expenses of the country.

The estimates for pensions are also very much reduced from the amount appropriated during the last year, which is believed to be justified by the diminution of the number of pensioners. The estimate for that object, for the first half year of 1843, is $119,340, and for the fiscal year ending July 1, 1844, $697,650. The appropriations for the last year were $730,000.

In the Indian Department, the expenditures being regulated by treaties or by law, there is no room for the exercise of discretion in the reduction of their amount. As these are chiefly made within the first six months of any year, the estimate for that portion of the year 1843 is, in fact, for the service of the whole year, and amounts to $791,484 49; and those for the fiscal year commencing July 1, 1843, amount to $850,978; being, however, nearly $450,000 less than the sum appropriated in 1842 for the same department. This arises solely from there being less required to fulfil treaty stipulations for the purchase of land.

The report of the Major General commanding the army shows the operations of the troops during the past year, and the present position of the different corps. The reasons which demanded a cessation of hostilities in Florida having been communicated to Congress by your special message, during the last session, and the policy recommended having been sanctioned by that body, by its adoption of the peaceful measure of inviting the occupation of the Territory by actual settlers, the number of troops serving there has been gradually diminished, leaving an adequate number to protect the inhabitants from the miserable remnants of tribes still remaining. We have advices that arrangements have been made with all but a very few of those Indians, for their removal to the west of the Mississippi, or to the district in the southern part of the peninsula assigned them for their habitation. And it is believed that, by this time, all the bands north of that district have agreed to cease hostilities and remove there. Two or three instances of outrages have occurred, since the orders were issued for the termination of hostilities; but they are ascertained to have been committed by bands who were ignorant of the measures adopted, or of the terms offered.

During the past year four hundred and fifty Indians have been shipped to the West, and it is supposed two hundred more have surrendered, and accepted the propositions to remove to the district assigned them.

A force consisting of two regiments and four companies, amounting to sixteen hundred and forty-four men, is retained in Florida, to afford protection to the inhabitants; and a sufficient number to garrison the posts will be kept there, with a view to remove all apprehension.

The troops withdrawn from Florida have been stationed at points where their presence was essential to the defence of our Western and Northern frontiers, or have relieved others at similar points, who have been collected on the seaboard. Our artillery regiments had been drilled and employed as infantry, and were quite unacquainted with the duties of their peculiar arm. It was deemed of great importance to bring together at the fortifications on the Atlantic frontier as many companies as possible, that they might there practise at the guns, and learn the exercise of garrison and field artillery.

The invasion of Texas by Mexico, and the threatening appearances among some of the wild tribes at the Southwest, rendered it expedient that a strong corps of observation should be placed near our Southwestern boundary line, as well to keep the Indians in that quarter at peace among themselves, as to check any disposition and prevent any attempts to engage in the conflict in which Texas was about to be involved. The dictates of humanity, as well as our neutral relations with that country, demanded this course. These troops have remained on and about the Red river; and under their judicious commander, General Taylor, have accomplished the objects in view. The troops are stationed at the different posts and forts, as specified in an accompanying report of the Adjutant General.

It requires but a slight examination of the extensive line of frontier on the Southwest, at the West, and in the Northwest, exposed to any attack of the Indians which may be prompted by unfriendly influences, or by supposed wrongs, to perceive that our present force is scarcely adequate to afford that protection which, it is admitted on all hands, the Government owes to its citizens, and especially those who, at its invitation, have occupied its remote public domain, and rendered it valuable to the whole country. The very nature of the service required renders the employment of mounted men indispensable. The rapidity of their movements, is the element which gives to us the advantage in any collision with Indians; while the same circumstance will render unnecessary the numerous and frequent posts which such an extended line would require, if foot soldiers only were employed. It may be affirmed that true economy, as well as effective service, will be promoted by the continuance of at least the present mounted regiments, reduced, as the rank and file will soon be, to fifty men for each company. Concurring entirely in the views of the Commanding General, it is earnestly hoped that the law which requires the dismounting of the second regiment of dragoons on the 4th of March next, will, at least, be so far modified as to leave the time discretionary.

The regular force, as now authorized by law, consists of seven hundred and seventeen commissioned

officers; seventeen storekeepers, of whom fifteen are attached to the Ordnance and two to the Purchasing Department; two hundred and fifty enlisted men for the ordnance service, and seven thousand five hundred and ninety non-commissioned officers, musicians, artificers, and privates; twenty chaplains and schoolmasters, and as many ordnance sergeants as there are military posts. Clerks, foragemasters, and wagonmasters, are also employed in the Quartermaster's Department, from time to time, according to the exigencies of the service. The act of August 23, 1842, reduced the rank and file of the army three thousand nine hundred and twenty men. The reduction is gradually proceeding, in the manner contemplated by the act; and the excess, according to the last returns, is 1,970 men. It is supposed the prescribed minimum will be reached by the beginning of the year 1844.

From the general returns of the army, accompanying this report, it appears that the whole number of troops now in service is nine thousand eight hundred and forty-seven, consisting of seven hundred and eighty-one commissioned officers; nine thousand six hundred non-commissioned officers, musicians, artificers, and privates; and two hundred and forty-seven enlisted men of ordnance. The aggregate is eight hundred and forty-seven less than the number stated in the last annual report.

The desertions have not been numerous, but an unprecedented number of men have been discharged by the judges and courts (three hundred and eighty-eight between July 1, 1841, and October 31, 1842,) principally on the ground of their being aliens. The state of the law on this subject has occasioned various constructions perplexing to the officers charged with the duty of recruiting, embarrassing to the department, and injurious to the Government. It is very desirable that it should be rendered precise and definite. While, on the one hand, it is obvious our army ought not to consist of an undue proportion of foreigners; yet, on the other, the low wages offered constitute an inducement quite insufficient to the young men of our land, whose habits and enterprise enable them so easily to acquire the means of subsistence and of independence, if not wealth, in the cultivation of the soil. Probably a middle course would avoid all difficulties—namely, allowing those to be recruited who are citizens, or who have taken the preliminary oath and initiatory steps to naturalization.

The report of the officer in charge of the Ordnance Bureau exhibits the very satisfactory condition of that most important branch of the service. By a steady perseverance in the system of laying up, in the season of peace, those materials which require length of time to adapt them to use, and of fabricating those articles which cannot be supplied on an emergency, we shall soon have at our command cannon, small arms, fixed ammunition, gunpowder and its component parts, to an extent commensurate with our wants.

By the table exhibiting the apportionment of arms to the several States, under the act of 1808, for arming and equipping the whole body of the militia, it will be seen that, notwithstanding the efforts made by the department, and which are mentioned in the last annual report, several States are delinquent in the returns of their militia. As these returns constitute the basis of the apportionment, the States which fail to make them are deprived of their just proportion of military supplies. It will be seen that New Jersey, Delaware, Arkansas, and Louisiana, have not made returns for periods varying from twelve to eighteen years. If the cause of these omissions be the want of militia organization in those States, it may be worthy of serious inquiry whether some measure should not be adopted to remedy the evil, by withholding distribution until returns are made, or by the exercise of some other power vested in Congress. A reference to the same table will show an extraordinary disproportion between the arms allotted to several States and their respective populations. Whether this arises from variant constructions of the law in those States, (by which some return the number enrolled, and others the number mustered or inspected,) or from some other cause, would seem to be worthy of an inquiry by Congress, who alone can supply an adequate remedy.

The state of the treasury, as this department was advised by the proper authority, rendered it necessary to withhold the expenditure of as much of the appropriations made at the last session of Congress, as could be suspended without great and manifest injury to the public service. In reference to the condition of our foreign relations, and the quantities of arms, cannon, and gun-carriages, in our possession, it seemed that such suspension could take place in the operations of the armories and arsenals with less immediate public injury or inconvenience than in other departments. Extensive repairs also became necessary at the armories. For a time, therefore, no work was carried on at either of them during the past season. Labor has now, however, been resumed on a moderate scale, and instructions have been given to complete the muskets in the course of fabrication, and to make five hundred rifles, and five hundred percussion muskets, each month, for the ensuing six months. The arsenals will be chiefly employed in the repairs of arms, and in the manufacture of the iron work of gun-carriages and military equipments. Our supply of heavy cannon being very good, it is not contemplated at present to purchase many of that description; but a sufficient number of large-chambered guns, to arm our forts, will be procured. And in consequence of the adoption of the suggestion of the Treasury Department, beforementioned, a large portion of the money intended for the service of the year 1842 remains unexpended; and any specific appropriations for the Ordnance Department, for the first six months of 1843, will be unnecessary.

The estimates for the fiscal year commencing July 1, 1843, are made upon a scale so reduced as to be warranted only by the possible state of the treasury. The usual appropriations for the ordinary objects of expenditure in this branch of service are as desirable now as at former periods; and it is believed that a mistaken economy only would dictate the continuance of such reduced amounts, when the condition of the public finances will admit of what is demanded by our true interests.

I cannot omit to refer to the recommendation contained in the last annual report, for a national foundry on a limited scale, at which the qualities of iron may be tested and ascertained, and models for ordnance may be fabricated. It is apprehended that the great importance of such a laboratory to the country at large, as well as to the Government, has not been sufficiently considered.

It will be seen that some legislative provision has become quite necessary in reference to the lead-mines and the mineral lands. Under the existing laws, no alternative was left to the Executive, but to proceed and lease the mineral lands reserved from sale. The difficulties of this course are detailed in the report of the Ordnance Bureau. The principal, if not the only cause of them, would seem to be the claims to those lands (in most cases utterly unfounded) by persons who have entered them for purchase at the land office when they were not liable to entry, or by persons who have occupied them without any right or pretence of right. It is unfortunate that these persons constitute a powerful, though not a numerous class, who are able to exact from the miners, who bring out the ore, a large portion of their produce, while they refuse to pay any rent to the United States. Thus the poor, industrious, and very numerous body of miners are oppressed, while the country is deprived of the use of its own property, and of any equivalent for such use by others. The difficulty incident to the leasing lands of any description, and collecting rents, by a Government, is so great, and is attended with so much expense and hazard of loss, that no essential benefit can be anticipated from the practice.

The tenure of land by short leases is so foreign to the genius of our institutions and the habits of our people, that it necessarily becomes somewhat odious, and increases the difficulty. To enable the Government to obtain some value for these lands and mines, and, at the same time, to afford to the humble and comparatively indigent laborers an opportunity to acquire lots for sums within their means of payment, and in quantities adapted to their means of working them, it is recommended that the reserved mineral lands in the north part of Illinois and in the Territories of Wisconsin and Iowa be allowed to be sold in lots of ten acres each, at a minimum price of ten dollars per acre. It is represented that they are worth from twenty to fifty dollars per acre, depending on their situation. Prior to such sales, the claims to any of the mineral lands should be determined by a board instituted for that purpose, and the claimants allowed to enter and purchase the lands at the same minimum price, in an order of priority to be settled in the law or by the board. The interest of the United States in these lands and mines is of very great value, and is endangered by delay in the proper measures to secure it. At the same time, the prosperity, and, indeed, the peace and quiet of the large number of citizens occupying the lands or working the mines, demand that their rights should be settled, and their conflicting titles and claims adjusted. What may now be accomplished without difficulty, may hereafter, when the parties interested become more numerous and more tenacious, be found impracticable. The subject is therefore commended to the earnest attention of Congress, who can alone provide the necessary means for rendering justice to the Government, to the claimants, and to the miners.

These suggestions are not intended to apply to the mineral lands in the south part of Illinois. The character and nature of the mines in that quarter are not yet sufficiently ascertained to enable us to affix a price to them, nor is there as yet any conflict between claimants and occupants to require the interposition of the Government. A strong belief is entertained by the lessees that these mines contain large proportions of silver. Should such expectations be realized, a different policy from that adopted in respect to the lead-mines may be expedient.

In the report of the Quartermaster General, the operations in that branch of public service during the year will be seen. The additional duties caused by the act of the last session, transferring to that department the business of the Commissary of Purchases, have been undertaken, and so far successfully performed. The termination of hostilities in Florida relieved a large number of assistant quartermasters from duty there, and placed them at the disposal of this department, many of whom have been returned to their companies, still retaining their appointments in the staff. The provisions of the ninth section of the act of July 5, 1838, render it questionable whether they can be deprived of those appointments without actual removal from office by the President. The same remark applies, although not with equal force, to the assistant adjutants general, provided for by the seventh section of the same act. It must happen that the number of these officers appointed in one state of circumstances, will not be required in another; and it is therefore highly expedient that the President should be authorized to dispense with their staff services, and vacate their staff appointments, whenever the public exigency no longer demands them.

The best and the most agreeable evidence that could be furnished of the economy which has prevailed in the disbursements, will be found in the circumstance that so much of the appropriations made at the last session remain on hand; that $131,000 only will be required for the first half of the ensuing year; and the estimates for the fiscal year, commencing on the 1st of July, 1843, are much below those that have been presented and sanctioned by Congress for several years.

The measures adopted for putting in order Fort Jesup, in Louisiana, and Fort Atkinson; for establishing the new posts on the Marmiton river, and on or near the False Washita, and the operations at Detroit, Plattsburg, Fort Sullivan, Fort Adams, and at various other posts, are detailed in the accompanying report of the Quartermaster General.

I concur in his recommendation of appropriations for new barracks at Fort Gibson, and consider the reasons urged by him so strong as to require nothing more than a reference to them.

I deeply regret the necessity for again invoking the attention of Congress to the dishonored pledge given by the Quartermaster General, in the name and by the authority of this nation, to the Creek In-

dians, to remunerate them for their services in Florida, and as a consideration for their removal. The earnestness with which a gallant soldier pleads for the faith and honor of his country, and for justice to a helpless tribe, who have no resort but to our own sense of right, it is hoped will not only be excused by the circumstances, but will find a hearty response in every bosom.

The report of the Colonel of Engineers exhibits a most gratifying account of the ability and fidelity of the officers of that corps, and of the results of their labors. Notwithstanding the state of the treasury rendered it indispensable to suspend some of the operations during the past year, yet it will be seen that many important works are in complete order, others in a condition to render effective service, and others very near completion. The arrangements, with all the requisite collateral preparations, are complete for mounting 2,085 guns, at points most important for the defence of the seacoast. This may be said to have been accomplished substantially within the last two years.

No satisfactory account of the work performed at the different forts, or of their present condition, can be given, without a minuteness of detail incompatible with the general design of this report. For this, reference is therefore made to the very clear and ample statements of the Chief Engineer. It will be seen with what cautious regard to the possible state of the public revenues the estimates have been made for continuing and completing the works now in progress, and for the repairs of such as require them. It is hoped that the moderation of these estimates, and the sound and just views by which they are sustained, will commend them to the favorable consideration of Congress. More, perhaps, depends on the steadiness and regularity of the appropriations, than upon their large amount. At a time when there is so little employment for labor, and it is so cheap, economy will be promoted by continuing our national defences, while the expenditures will operate most beneficially among the industrial classes of our fellow-citizens, and add much to the means and the spirit of our internal trade. If then, (what is not supposed to admit of doubt, and what this department will not suffer itself to question or to discuss,) it is the determination of the Government to place the country in a competent state of defence against foreign aggression, the present time would seem to be propitious for continuing the plan of fortifications heretofore adopted.

Although, for the reason before given, it would be impracticable to notice all the works specified in the report of the Colonel of Engineers, yet some of them seem to demand observation.

The reasons for the delay in the construction of the barracks and defensive works at Detroit and at Buffalo, are stated by the Chief Engineer. As they were of a temporary character, and have now been overcome, those works will be vigorously prosecuted, so soon as the season will admit, and, it is very satisfactory to know, without the necessity of any further appropriations for the next eighteen months.

The conclusion of a treaty with the envoy of Great Britain, by which a cession was made of the strip of land along the northern boundary of the States of New York and Vermont, which included the site heretofore selected at Rouse's Point for a fort, rendered it expedient to suspend all operations in reference to the two works on either side of the outlet of Lake Champlain, which had been contemplated in place of that at Rouse's Point, when it was ascertained that the latter did not fall within our boundary.

The report of the board of officers, in May, 1840, presenting a connected plan of defences by land, estimated the expense of a permanent work at Stony Point, on the New York side of the outlet, at $300,000, and the same sum for a permanent work at Windmill Point, on the Vermont side. By the cession referred to, and which has now become complete by the ratification of the treaty, these works have become unnecessary. As the existing appropriation will be sufficient for the present, immediate measures will be taken to carry into effect the design of Congress, by commencing the work at Rouse's Point.

It is believed that the appropriation made in 1841 for the erection of defensive works at the junction of the Matawamkeag and Penobscot rivers, in the State of Maine, can be better applied in the erection of a fort at the Narrows of the Penobscot; and it is respectfully recommended that authority for that purpose be given.

Although the state of the works for the defence of the harbor of New York is very gratifying, yet it should not be forgotten that they do not complete the system, and that, without such completion, they do not afford adequate protection. The fortifications on Staten island, at the Narrows, are deemed more important than the opposite forts—Hamilton and Lafayette. The United States has expended more than $15,000 in erecting the works on Staten island, upon land belonging to the State of New York. That State has offered to convey this land, on receiving the original purchase money and the interest. The difficulty respecting the title, which was supposed to exist, has been removed by the opinion of the Attorney General, that the right to the land is unquestionably in the State of New York. It is therefore confidently hoped that the necessary appropriation will now be made to purchase the site of the works erected, and to put them in repair. Should any apprehension be felt of a want of means, they can probably be supplied by the sale of the site of Fort Gansevoort, on the North river, which has become comparatively useless, and by the application of the proceeds of such sale to the works on Staten island.

Another and most essential part of the defence of the harbor of New York, (which has been rendered more necessary by the discovery of a new channel,) consists of a work on Sandy Hook, the immediate commencement of which is strenuously urged by the Chief Engineer, by the most convincing considerations. It is most earnestly and respectfully recommended to the consideration of Congress.

I would earnestly invite attention to the recommendations contained in the last annual report of this department, in favor of the establishment of military defences on the remote southern portion of our Atlantic frontier. As there appears to be some question whether the points on the coast within the State of Georgia, heretofore indicated, are the most advisable, the appropriation asked by the Engineer Bureau, and which is recommended by this department, may be for the commencement of a work on the coast of Georgia, at such site as the President shall select, after the necessary military surveys.

The recommendations in the last annual report of works for the security of Mobile Bay are renewed. This very exposed frontier would seem to demand more protection than has hitherto been awarded.

The report of the Colonel of Engineers shows the necessity of some provision for completing the work on the national road, which was begun, but which is left unfinished, and is now exposed to rapid destruction for the want of that finish which is essential to its protection. If it be the determination of Congress not to authorize any further expenditures on this road, it is suggested whether some measure might not be adopted by which the States through which it passes may be enabled to complete, and keep in repair, an avenue of such great importance to the whole community, and particularly to our Western fellow-citizens, and one so eminently beneficial to the operations of the Federal Government in peace, and almost indispensable in war.

The expenses of a survey for the continuation of this road through the States of Illinois and Missouri to the city of Jefferson, heretofore made under a resolution of the Senate, have not been defrayed, and provision for it would be but an act of justice to the public creditors by whom it was incurred.

The report of the Board of Visiters, appointed during the last year to examine the military academy at West Point, accompanies that of the Colonel of Engineers. It evinces great ability; and the close and critical scrutiny with which a board of disinterested and independent citizens have looked into every department of this great national institution, and the high praise which they award to its superintendent, professors and teachers, to the exact discipline maintained, and to the thorough instruction imparted, is inhanced by their obviously eminent capacity to form a correct judgment, and by their equally obvious regard for discriminating truth. The testimony of the Chief Engineer, himself so long and so thoroughly acquainted with all the operations of the academy, that, in his opinion, "it has never been in a condition so perfectly fulfilling the purposes of its creation and maintenance as now," is equally gratifying and convincing. A personal examination during the recess of Congress enables me to add what these testimonials scarcely required—my own conviction of their entire justness. Having, in the last annual report, expressed somewhat at large my views of the inestimable advantages of this institution to the whole country, in diffusing a species of knowledge that can be no otherwise acquired, and of its absolute necessity for preserving and improving that science upon which our safety in war must depend, it is not deemed necessary to repeat them. Indeed, the steady adherence of Congress, at all times, and under all circumstances, even of pecuniary difficulty, to an institution which so much resembles that body in its influences upon the formation of a national character, operating as it does upon pupils selected mainly by the immediate representatives of the people, from every district of the Union, renders superfluous any extended observations on the subject.

The alterations and improvements suggested by the Board of Visiters have received the most respectful consideration, and have been adopted where circumstances justified such a course. The barracks for the residence of the students have been a subject of complaint by every Board of Visiters for several years past. The single fact, that ordinarily three pupils, and frequently a larger number, are obliged to study and sleep in a room scarcely sufficient for one, is of itself calculated to show how indispensable additional accommodations in that respect have become. In one of the buildings, not only are the pupils deprived of the ordinary comforts of room, but their health is jeopardied by exposure to storms and to sudden transitions. I cannot too earnestly recommend the moderate appropriation asked by the Engineer Bureau for an addition to the barracks at the academy.

The subject of a corps of artificers to learn and practise the duties of military field engineering, was brought to the attention of Congress in the last annual report, and is renewed by the Chief Engineer. Deeming it impossible to increase the cogency of the reasons urged by him for some provision on the subject, I can but again add my earnest recommendation to those so repeatedly presented by my predecessors, in favor of the necessary provisions to effect that object.

The report of the Colonel of Topographical Engineers affords new and continued evidence of the great usefulness of that corps, and of the zeal and ability of its officers. An accurate knowledge of the topography of our very extended territory, particularly of its maritime and internal frontiers, of its lakes and rivers, of the obstructions to intercommunication, and of the positions most requiring, and most capable of, defensive works, is indispensable alike to intelligent legislation and to efficient executive administration. As a mere question of economy, such information can scarcely be acquired at too high a price. The advantage of an organized scientific corps, qualified by study and by practice for this peculiar duty, over the irregular services of persons transiently employed, without organization, and without the opportunities of mature and systematic deliberation, doubtless dictated the formation of this corps. And all our experience has shown the wisdom of the measure. The reports in detail of the several officers of the corps, appended to that of the Colonel, present a mass of the most valuable information respecting the topography of various parts of the Union—from the remote north to the extreme south. They exhibit the progress made in the surveys, in the improvement of harbors and rivers, in the construction of lighthouses and breakwaters, and various other works in charge of the corps. A brief notice of a few of those which seem to require attention, is all that will be attempted on the present occasion.

It will be perceived that considerable progress has been made in the survey of the Northwestern lakes, and that preparations for its continuance the next

season have been made, which will enable those in charge of the work to accomplish more than was practicable during the last year. The expense of these surveys is comparatively so trifling, that they can scarcely be liable to objection in almost any state of the treasury. I cannot omit to call attention to the report of Captain Williams, respecting the urgent necessity of a harbor on the west side of Lake Michigan, and the improvement of the navigation at the mouth of St. Clair river. These are exceedingly important to the United States, to enable us to furnish supplies to the Indian tribes, and military stores and subsistence for the troops which, even in time of peace, must be maintained in that quarter, and which, in the event of hostilities, will afford the only barrier between savage ferocity and our frontier settlements. But to our fellow-citizens of that region, who have purchased the public lands, a safe access to the markets of the East is so essential as to justify their calls upon the Government for a common share of its protection. The commerce of the lakes, comprising the productions of seven States and one Territory, which must annually exceed twenty-five millions of dollars, would seem entitled to consideration and assistance, not only on account of the great interests involved in its success, but on the ground, also, of a fair apportionment of the fostering and protecting aid of the Government. This commerce affords the only effective means of supplying the nation with the mariners who will be found indispensable in that quarter, in the event of hostilities.

It will be seen that the surveys for the defences of Soller's flats and of Delaware breakwater harbor are completed. Those for the defences of Sandy Hook, and the harbor and town of Portsmouth, New Hampshire, are in execution, as well as the military reconnoissance of the peninsula of Maryland, south of the city. It is gratifying to learn that an extensive and very thorough reconnoissance of the defences of New Orleans, embracing a large extent of territory, has been completed.

The raft which formed the obstruction to the navigation of Red river has been removed—an event of no small importance to our fellow-citizens in that quarter.

The Potomac aqueduct is so far completed as to warrant the confident expectation that it will be in a condition to receive water in the course of the next season. The repairs of the Potomac bridge are drawing to a close, and it is believed that it will be passable in January next.

The measures taken to execute the law of the last session, appropriating one hundred thousand dollars for the improvement of the Ohio, Mississippi, Missouri, and Arkansas rivers, are also stated. So soon as the application for an injunction, by Henry M. Shreve, Esq., which has arrested the progress of those measures, shall be disposed of, they will be resumed. But it is manifest that the present appropriation is wholly inadequate; that it can only provide the necessary snag-boats; and that, unless followed by others, the expenditure of the money will be but to waste it.

The proceedings of the corps under the laws respecting the construction of lighthouses are also detailed in the report. It would seem that the expense of these invaluable auxiliaries to commerce may be much diminished by the adoption of Mitchell's patent screw moorings—a recent English invention; and that, by means of such moorings, they can be placed in positions far more advantageous to the mariner than any that can be occupied in the present mode of building them. The sanction of Congress is invited to the steps recommended by the Colonel of Topographical Engineers, to procure the necessary apparatus, and acquire a knowledge of its application.

It will be seen that a party of engineers is in the field for the survey of the Arkansas and Platt rivers and the adjacent country. A survey of the country north of the Missouri having been completed, the map of the same, constructed by Mr. Nicollet, unequalled in the accuracy and fulness of its details, is now nearly finished, and will be published in January next. It is intended to cause a similar survey of the country south of that river, embracing the approaches to the Rocky mountains, their several passes, and gradually the region between them and our possessions on the Pacific. These explorations and surveys are indispensable to such a knowledge of the country, its resources, and its streams, as we must possess before we can establish any communication with a region that is every day becoming more important to us. And it is hoped that there will be no reluctance to grant the very moderate appropriations asked for the continuance of the "military and geographical surveys west of the Mississippi river."

In the last annual report of the department, your attention, and that of Congress, was called to the great importance of establishing a chain of military posts extending from the Council Bluffs to the mouth of the Columbia river. A plan, and an estimate of the expense, were subsequently laid before the military committee of the House of Representatives, by whom a very able and interesting report was made, accompanied by a bill. I would again earnestly invite a consideration of the subject. There are two aspects in which it may be regarded. In the first place, the exhibition of military power is indispensable to counteract and control any hostile disposition of the Indians in that vast and sequestered region. They are now exposed to the unresisted influences of the traders and emissaries of foreign nations, by whom they could at any time be excited to devastate that entire frontier. We could command the avenues by which these Indians pass from the north to the south in their hunting expeditions, and thus make them sensible of our power to resist and punish aggression. In the second place, if we intend to maintain our right to the territories on the Pacific, belonging to us, (which, it is supposed, does not admit of a question,) we must occupy them; and we must establish a communication with them, other than that of a five months' voyage by sea at a particular season of the year. By extending our laws and civil jurisdiction over the country, and affording protection to our citizens disposed to emigrate thither, I have the strongest reason to believe, from communications to the department, that a sufficient number would soon establish themselves in that quarter, provided they could be assured of immunity from Indians on the way, and their journey could be facilitated by the Government. To attain these purposes, it is not supposed that a continued chain of posts is immediately necessary. The establishment of one at some proper point on the Missouri—probably between the great bend of that river and White river—at which stores and supplies could be collected, and from which parties could be sent out, would answer for the present, and until the whole ground should be better known. These parties would be occupied primarily in exploring and surveying, to ascertain the best routes, in removing obstructions and facilitating the passage of such routes, and in protecting the caravans of emigrants. And if small detachments of hired men, acquainted with the country, were furnished to the latter, upon their crossing the mountains, it is believed that nothing further would be required. Every colony that passed over the mountains would facilitate the progress of its successor; and every one that established itself beyond them would add to the strength and power of the Government, and would perhaps render permanent forts unnecessary.

There are many indications that the time has arrived for decided action on this subject, and I trust that at the ensuing session of Congress there will be such appropriations as will enable this department to make the necessary arrangements to send on to Oregon a colony of citizens impatient to undertake the enterprise. A post at or near the mouth of the Columbia would certainly be desirable; but it is not deemed absolutely necessary, in the present condition of things.

The operations in the Paymaster General's and the Surgeon General's departments are detailed in the reports of their respective chiefs. Under the authority of the appropriation at the last session, for extending and rendering more complete the meteorological observations conducted at the military posts, Professor Espy has been employed to render that assistance for which his extensive researches so eminently qualify him. Instructions and forms have been prepared, which, it is believed, will insure very exact and very extensive observations, from which an important science cannot fail to derive great advantages.

The report of the Commissary General of Subsistence exhibits the very prosperous condition of his department. All the accounts of disbursing agents have been faithfully rendered. For the reasons stated by him, no appropriations for the first six months of 1843 will be necessary, on account of subsistence of the army. The success which has so far attended the system of purchase by contract, induces me to dissent from the recommendation to change it. Perhaps more discretion might be safely allowed, to purchase in the open market when proposals are deemed exorbitant. The unsettled accounts for subsistence furnished in Florida in 1839 and 1840, would seem to require special legislation for their adjustment.

From the report of the Commissioner of Pensions, it appears that the number of pensions on the rolls is less, by 1,496, than at the date of the last annual report. The whole number at that time was 26,581. The number at present on the rolls is 25,035; of whom 2,662 are invalids; 3,724 received pensions under the act of 1818; 412 under the act of 1828; 15,535 under the act of 1832; 2,307 under the act of 1836; and 395 have been pensioned under the act of 1838, in consequence chiefly of the joint resolution and act of the last session of Congress, relating to the death of pensioners since 1832, and to the marriage of their widows. It is believed that many must have died, without the fact being known to the agents, and, of course, not reported by them. The persons who received their pensions, in the first and second quarters of 1842, amounted to 18,074; and it is supposed that this approximates very nearly to the actual number now alive. This would exhibit a diminution of 8,457, which is not so great as that which occurred between the dates of the reports in 1840 and 1841, and which amounted to 17,863. It will be seen that the estimate for pensions is much below that for 1842.

The law relating to military bounty lands, for services in the revolutionary war, and in that of 1812, having been derived by the act of July 27, 1842, the examination of the claims presented was referred to the Commissioner of Pensions, as the rolls and documents relating to them were in his office. From the statement annexed to his report, it will appear that 358 claims on account of revolutionary services have been presented within the year, and that 22 warrants have been issued for 5,250 acres of land; that 416 claims for services in the last war with Great Britain have been presented within the same time, and that 65 warrants have been issued for 10,720 acres of land.

By the act of March 4, 1840, the office of Commissioner of Pensions was continued until the 4th day of March, 1843, when it will cease, unless further continued by Congress. By the same act, the pension business of the Navy Department was transferred to the office of the Commissioner of Pensions.

The duties yet remaining to be performed under the laws relating to army and navy pensions, and to the military bounty lands, require the continuance of the office of the Commissioner.

The condition of our affairs with the Indians presents a subject of the deepest interest to every philanthropist. The report of the Commissioner who has them immediately under his charge, with the accompanying tabular statements, and the returns of the various superintendents and agents, furnish copious information of the results of past labors, and the grounds of hope for the continued improvement of these victims to the progress of civilization. The policy of removing the Indians from their native homes, to make room for the white man, and of collecting them in large bodies on our Western frontier, is not now debatable. It has been long settled, and it may now be considered as having been executed. There is no more land east of the Mississippi, remaining unceded, to be desired by us. No new source of expense on this account need be opened for many years to come; and when the treaties now pending shall be ratified, and those requiring the removal of Indians shall be executed, our system will become settled. It is to be hoped that the red man will then be suffered to rest in peace, and that undivided efforts will be bestowed in discharging the

fearful responsibilities we have incurred to improve his intellectual and moral condition, as the only means of rendering him happy here or hereafter.

From the returns we have been able to obtain, it appears that 88,124 have been removed to the regions west of the Mississippi; and that of the once numerous tribes east of that river, less than 25,000 souls remain. The greater portion of these are under treaty obligations to remove within a very few years.

This policy of collecting the Indians has proceeded on the idea of relieving them from their dependent and degrading condition when mixed with a white population, and of isolating them from the vices of a semi-civilization. Scarcely capable of self-government, they are quite incompetent to protect themselves from the frauds and from the violence of the white man. The present system of superintendents and agents is inadequate, and the time seems to have arrived when we should turn our attention to devising some form of government which may secure peace and order among themselves, and protection against others. Until they feel safe in their persons and possessions, they can make no advances toward civilization. Although the criminal jurisdiction of the adjacent courts of the United States is extended over them, yet all experience has shown that it is merely nominal. The most atrocious offenders are seldom pursued, and more rarely brought to justice. Civil obligations it is wholly vain to attempt to enforce. There is no cause for surprise that, in this state of things, the law of force and of retaliation is the only one recognised. The plan of something like a territorial government for the Indians has been suggested; the object is worthy the most deliberate consideration of all who take an interest in the fate of this hapless race.

The vice to which they are most inclined, and which is the most deadly to their prosperity, is an indulgence in intoxicating liquors. All the powers given to this department by existing laws have been exerted to restrain this propensity, and to prevent the introduction of alcohol into the Indian country. Circulars to agents and superintendents, and instructions to military commanders, have been reiterated with but partial effect. The cupidity of the white man, boasting of his superior civilization, stimulates his craft in devising the means of evading the laws, and still further brutalizing his ignorant, weak, and yielding red brother. Depositories of ardent spirits are established on the confines of the Indian territory, within the jurisdiction of the States, where the laws of the Union cannot apply, and where there are none of the State adapted to the case, or, if they exist, are never executed. Some remedy may be provided, by substituting imprisonment for the present pecuniary penalty prescribed for selling or introducing liquor, or establishing distilleries, in the Indian country, (which is wholly ineffectual against a class of persons who have no visible property,) and by giving jurisdiction over the offence to some local or other authority to which convenient access can be had.

Among some of the more civilized tribes, particularly the Choctaws and Cherokees, it is understood that the doctrines and the practice of temperance have made much progress, and that they have passed some wise laws to restrain their own people. The fact thus established, that the Indian can be made temperate, is calculated to cheer us in efforts to save him.

An exhibit of the condition of the civilization fund, and of its application, accompanies the report of the Commissioner. This small fund has accomplished much. It scatters its good seed very extensively, and a great portion of it falls on good soil. Its fruits are to be seen in the gradual but decided improvement of many of the Indian tribes. This fund is applied so as to co-operate, as far as practicable, with the schools established and maintained by means of the moneys provided, by treaties with various tribes, for purposes of education. From table 84, appended to the Commissioner's report, it appears that the whole amount thus provided at the present time is $67,155. It will also be seen from table 83, that there are fifty-two schools maintained for Indian youth, at which there are 2,132 scholars; of whom 1,058 are boys, and 852 girls, and 222 whose sex is not stated, were instructed during the past year; and that, from seven schools, there are no returns. Wherever the means of comparison exist, it is gratifying to find that the aggregate number of pupils is on the increase. Convinced that the only means of diffusing elementary knowledge among the children of these people is to interest their parents in the undertaking, by enabling them to take a part in the establishment of schools and in their supervision, our efforts have been directed to the encouragement of such seminaries in the respective nations. A sufficient number of many of the tribes have already been educated, and prepared to become teachers among their own people. Every school becomes the nursery of new teachers, who, being thus prepared at home, removed from the temptations that assail them among the whites, and retaining the manners of their own people, will be more acceptable and more successful than any others. In this way only can females be educated, and the potent influence of mothers be properly directed in the formation of the character of the generation that is soon to take place in the scene of life. Although the academy in Kentucky is continued for the double purpose of fulfilling expectations which caused heavy expenses in its establishment, and for furnishing a higher grade of instruction, to enable the pupils to become physicians, clergymen, and teachers; yet, as it is supposed these pupils will be as nearly accomplished within two years as they can be at any time, consistently with the greater and main object of instructing the greatest possible number, it has been arranged with the founder and proprietor of that academy, that, at the expiration of that time, the obligations of the Government to furnish pupils to it are to cease.

Intimately connected with the improvement of the moral and intellectual condition of the Indians, is the system which supplies them with clothing and the means of procuring subsistence. It is undeniable that the trading system does not adequately accomplish these purposes. There are many honest faithful traders, but they cannot counteract the recklessness of the Indians, who will purchase goods either of a worthless kind, or in quantities altogether beyond their wants, which, with characteristic improvidence, they waste or barter for ardent spirits, and leave themselves destitute of the articles of necessity for the residue of the year. This destitution produces suffering, dependence, and inactivity; and they resign themselves to the allurements of intoxication, or of wretched idleness. At the same time, an influence is acquired over them by the traders, altogether beyond that of the officers of the Government, and which may be, and sometimes has been, wielded in opposition to its policy, and tending to the continued degradation and detriment of the Indians. In this respect, it seems to me the British policy is far preferable, which retains to the officers of the nation the means of influencing men who can be reached mainly only through their personal wants. I am disposed to concur in the views of the Commissioner of Indian Affairs, as to the propriety of employing agents of the Government to furnish supplies to the Indians at fixed prices, of which they should be notified, and in such quantities, at given periods of time, as will insure their deriving the utmost benefit from them. It is not perceived why the principle recently adopted in reference to pursers in the navy, may not be applied to this case; and a system of checks established, that will guard against all fraud and abuse, and enable the Indian to receive the best kind of goods at the cost of purchase and transportation, and a per centage to defray the expenses of sale.

Since the last annual report, a treaty has been concluded and ratified with the Senecas of New York, by which a dispute that threatened the most vexatious consequences has been amicably adjusted, the rights of the Indians protected, their interest promoted, and the Government relieved from large pecuniary responsibilities.

With the Wyandots of Ohio a treaty has also been ratified, by which that State will be relieved from a population that encumbered the fairest portion of its territory—a portion that will now be open to enterprise, and contribute to the general prosperity.

A treaty has also been held with the Sac and Fox Indians, (which, under your directions, will be submitted to the Senate for ratification,) by which about ten millions of acres of some of the best land in the Territory of Iowa are acquired. A purchase has also been made of the Chippewas in the north-west of Michigan and in Wisconsin, of about fifteen millions of acres, by a treaty which will in like manner be submitted to the Senate. These treaties have been made at a reduced expense quite unprecedented, in the most open, fair, and frank manner, and on terms of justice, and even liberality to the Indians, becoming the character of the United States.

Pursuant to the act of the last session of Congress, commissioners have been appointed to adjust the claims arising under the Choctaw treaty of 1830, and instructions have been given them for the performance of their duties. Commissioners have also been appointed to settle the remaining claims under the treaty with the Cherokees of 1836. Delegates from that nation were in attendance at the seat of Government for several months during the last year, to obtain a recognition of other and extensive claims, and to settle some points in relation to the intercourse of our citizens with their people, and the administration of their laws. Their applications were listened to, not only patiently, but with a sincere desire to gratify them in every request that could be granted consistently with a regard to our own rights and duties. The propositions made to them, to meet many of their objects, were declined; and the whole negotiation failed.

During the year, the claims arising under the Creek treaty, connected with the contract of Watson & Co., have been disposed of; and many of those prior to that contract have been adjusted, and the residue will soon cease to encumber the department. The claims under the treaty of 1839 with the Osages have all been finally decided, except five, which have been referred for further information.

Appended to the report of the commissioners, are tabular statements of the investments made in stocks for the benefit of the several Indian tribes, and of the amounts retained in the treasury on which the Government pays the annual interest.

I found existing in the department a disbursing agent, in whose name large sums of money, belonging to various Indians, were deposited in different banks, or held by him in public securities. Although this money could not be drawn or used without a check countersigned by the Secretary of War and the Commissioner of Indian Affairs, yet the system appeared to me erroneous in principle, and liable to abuse. As soon as the necessary arrangements could be made, directions were given to transfer these funds directly to the Treasurer of the United States. This has been done, with the exception of a small sum necessarily retained to meet outstanding demands, or to adjust unsettled accounts of agents.

I concur in the request of the Commissioner, that authority be given to sell the buildings, and the adjacent improvements, which have, at former times, been constructed and made for the use of the Indian agencies, but which have become useless to the Indian Department.

The reductions directed by the act "respecting the organization of the army, and for other purposes," passed at the last session, have been effected, so far as authority for that purpose was given by the act. The offices of the superintendents of the armories have been abolished; the military storekeepers attached to the ordnance service have been reduced to the number directed; the duties of the Commissary of Purchases have been transferred to the Quartermaster's Department; two paymasters, one surgeon, and ten assistant surgeons, have been disbanded; there being a vacancy in the office of paymaster, and in that of surgeon. Although the act directed that the office of one inspector general should be abolished, yet it did not authorize the President to discharge either of the incumbents, while it gave that authority in respect to the paymasters, surgeons, and assistant surgeons. The case was such as not to require or justify the exercise of the power of

removal, by striking from the army register the name of either of the inspectors general, solely upon the Executive authority or responsibility. Deeming the legislation on the subject inchoate, as both those officers were engaged on highly important duties, and their services could not be dispensed with, without great injustice to the service, you were advised to follow the precedent of 1815, under similar circumstances, when the President found it impracticable to carry out the legislation of Congress, and suspended proceedings for the further action of the legislative body. As little more than two months would elapse before the opportunity for such action would present itself, you concluded to adopt that course. I beg leave, now, to express the decided conviction of this department, founded upon the information and advice of many of the most intelligent and experienced officers of the army, that the number of inspectors general cannot be reduced, without essential and permanent injury to the service. The reduction of the rank and file does not diminish the number of posts, of forts, of arsenals, or of depots. Without the inspection of an independent officer, in no way connected with the branch of service which may have charge of the public property, and not responsible for the condition of the troops, the Government will be obliged to rely mainly on the information of those whose feelings and whose interests would be adverse to the discovery of any delinquency. It is no imputation to apply to the military service the principles of supervision and check which pervade every other department of the Government. And to render such inspections effectual, it is indispensable that they should be conducted by officers not only of experience, but of high rank, whose authority would be respected. These observations are made here, in the hope that, on a reconsideration of the subject, it will be deemed most expedient to leave this part of the means of fulfilling the duties and meeting the responsibilities of the department, as it was established in 1821, when the army was reduced, and as it has continued since that time.

It appears, from statements furnished this department by the Second and Third Auditors, that the number of unsettled accounts in their offices has been considerably diminished since the last annual report. In the Second Auditor's office, there are none which were presented in 1840; that of those presented in 1841, 57, and of those presented in 1842, 815 remained unsettled—making 872 in the whole, and showing a reduction of 300 since the last annual report. In the Third Auditor's office, there remain unsettled, of the accounts presented in 1840, 294; of those presented in 1841, 345; and of those presented in 1842, 840—making 1,479, and exhibiting a reduction of the number stated in the last annual report, of 335. Although a decided improvement is thus shown, yet the number not disposed of is altogether too large. Some of them are known to be delayed for the want of explanation of deficient vouchers; but by far the greatest proportion have not been examined. Nothing can be more unjust to the faithful officers who have rendered their accounts, than the omission to settle them until the persons who could supply deficient vouchers are dead, or removed to unknown places, or until the means of explanation are lost or forgotten. It is a cruelty most ruinous in its result, which is believed not to exist in any other country. And its effects are very injurious to the Government. For it often happens that it is found necessary to charge another officer with a sum which has been paid or advanced to him by the one whose account is settled. During the delay that occurs in ascertaining the fact of such liability, the person to be charged becomes insolvent, or dies, or no trace of him can be found. I would most respectfully and most earnestly urge an increase of the force of the Second and Third Auditor's offices—at least temporarily, until the existing mass of accounts be disposed of. A very large proportion of the information called for by Congress is necessarily derived from these Auditors, and the time and labor required to furnish it are abstracted from the regular duties of the office. And this, doubtless, is the principal cause of their ordinary business being in arrear. They should, also, be relieved from the charge of what are called property accounts, which, in truth, belong to the administrative departments, rather than the accounting officers.

The accounts of the disbursing agents in the Indian Department are in a condition that defies any power of the executive officers to bring them to a close. Payments have been made to a large amount out of one fund, for objects legally authorized, but to which it was not by law applicable; and the agents remain charged with such payments, although they have rendered vouchers for the expenditure. Many accounts in other branches of the service are understood to be in a similar condition. A law authorizing transfers of appropriations, similar to that passed on the 27th January, 1831, to meet similar difficulties, which will not draw a dollar from the treasury, is demanded by the interest of the Government, and by a sense of justice to the agents. It is believed that they have accounted for the money placed in their hands; but it is impossible to have official certainty on the subject until their accounts are adjusted. The accounts of officers of the Quartermaster's Department, serving in Florida in 1838 and 1839, cannot be closed without legislative provision. The difficulty is stated in the report of the Quartermaster General, and I would respectfully solicit the passage of the necessary law to remove it.

I cannot close this report without again reverting to a subject that has so repeatedly been brought to the attention of Congress—namely, the inconvenience and the great insecurity of the outbuildings in which the offices of the Paymaster General, of the Ordnance Bureau, of the Bureaus of Engineers and of Topographical Engineers, of the Commissary General of Subsistence, of the Surgeon General, and of the Commissioner of Pensions, are kept. Vain as may be the effort, it is still a duty to ask that the invaluable papers and documents in those offices may be preserved from destruction, by being placed in a building not exposed, as they now are, to the slightest carelessness in the inhabitants of the houses that surround them.

Respectfully submitted.

JOHN C. SPENCER.

To the PRESIDENT.

REPORT
OF THE SECRETARY OF THE NAVY.

NAVY DEPARTMENT,
December, 1842.

To the President of the United States:

SIR: I have the honor to present the following report, in relation to this department:

The home squadron, authorized by the act of the 1st day of August, 1841, has been put in commission, and placed under the command of Commodore Stewart. It is composed of the frigates Independence, the flag-ship now under the command of Captain Stringham; the frigate Constitution, Captain Parker; the steam-frigate Missouri, Captain Newton; the steam-frigate Mississippi, Captain Salter; the sloop Falmouth, Commander McIntosh; the sloop Vandalia, Commander Ramsey; the brig Dolphin, Commander Knight; and the schooner Grampus, Lieutenant Van Brunt.

The original design of this squadron was to cruise along our own coast, with a view to extend the usual protection to our trade; but more particularly to afford assistance to vessels in distress; to make accurate soundings and observations along our shores, from which charts might be formed; to afford vessels of different classes, always ready to take the places of those returning from distant stations; and to perform any occasional service for which vessels of war might be required. Finding, however, that it was unnecessarily large for these purposes, and that active employment could not be given to it, I determined to assign to it the duties of the West India squadron, and to withdraw that squadron from service. This has accordingly been done; and the cruising ground of the home squadron now extends from the Banks of Newfoundland to the river Amazon, including the Carribbean sea and Gulf of Mexico. This service requires one or two small vessels, in addition to those originally assigned to the squadron; and these I propose to add.

It is found that the steam-ships Missouri and Mississippi are unsuited to cruising in time of peace. Their engines consume so much fuel as to add enormously to their expenses; and the necessity that they should return to port after short intervals of time, for fresh supplies, renders it impossible to send them on any distant service. They will be useful vessels in time of war, as guards to our coasts and harbors, and as auxiliaries in fleets; but they cannot be relied on as cruisers, and are altogether too expensive for service in time of peace. I have therefore determined to take them out of commission, and shall substitute for them other and less expensive vessels.

The Independence has not yet gone to sea, owing in part to the fact that her crews have been taken from time to time for other vessels, and in part to the necessary engagements of Commodore Stewart in other services. The rest of the squadron has, under his orders, been kept actively and usefully employed, and promises to answer all the expectations of Congress in establishing it.

The duties originally contemplated for the home squadron are highly important, and such as require in the commander the best order of qualifications. They do not, however, require so many vessels as the law establishing that squadron authorizes. While, therefore, it is desirable that the squadron should be such as to be worthy of the best professional rank and talent, it is equally desirable that it should not be so large as to have any portion of it inactive. By assigning to it the duties of the West India squadron, and extending the cruising ground to the northern boundary of the cruising ground of the Brazil squadron, the larger vessels may be kept on constant duty to windward. In the mean time, the smaller vessels may, in like manner, be employed in the Caribbean sea and the Gulf of Mexico, where the harbors are too shallow to admit those of a larger size. The impossibility of beating up the coast, against the trade-winds and Gulf stream, suggests the propriety of assigning two or three steam-vessels of medium size to that duty. These would afford sufficient protection to our commerce, while they would serve to keep up the necessary intercourse between the commander of the squadron and that portion of it destined to service in the Gulf of Mexico. Without the aid of steam, that intercourse could not be well maintained; for a vessel, not propelled by steam, entering the Gulf of Mexico from the windward, could not regain her position without a tedious and dangerous passage through the Gulf of Florida.

The duties thus contemplated for the home squadron will afford full employment for it, except during the hurricane season, when it would not be prudent for it to keep the sea, except in the northern part of its cruising ground.

The Brazil squadron consists of the Delaware 74, Captain McCauly; the frigate Columbia, Captain E. R. Shubrick; the sloops of war Concord, Commander Boerum; John Adams, Commander Conover; Decatur, Commander Farragut; and the schooner Enterprise, Lieutenant J. P. Wilson; all under the command of Commodore Morris. This squadron, I have reason to believe, has distinguished itself for good order, discipline, and constant and strict attention to all the appropriate duties and exercises of squadron service. I have also the pleasure to report that the interests of our citizens, committed to the care of Commodore Morris, have been fully protected and secured; and that our relations with the countries within the range of his command have been preserved on the most favorable and honorable footing.

After the return of the frigate Brandywine, in July last, the squadron in the Mediterranean consisted of only two sloops of war—the Fairfield, Commander Tattnall, and the Preble, Commander Voorhees; under the command of Commodore Morgan. I regret to say that Commander Voorhees died at Smyrna on the 27th July last; he was an officer of a high order of merit, and his death is a serious loss to his country. The Preble is now under the command of Commander Nicholson; and Commander Bigelow has succeeded Commander Tattnall, who has returned to the United States.

On the 15th of July last, the frigate Congress,

Captain P. F. Voorhees, sailed for the Mediterranean; and, on the 29th of August last, the Columbus 74, Captain Spencer, was despatched to the same station. The squadron now consists of the Columbus, Congress, Fairfield, and Preble—all under the command of Commodore Morgan. Orders have been given, however, assigning to Commodore Morris the command of the Mediterranean squadron, and to Commodore Morgan that of the Brazil squadron. This exchange is made in execution of a plan which I propose for the management of all our squadrons, and of which I shall speak more at large in a subsequent part of this report.

Our relations with the countries of the Mediterranean have been preserved on the most friendly footing, with the single exception of the empire of Morocco. In consequence of an outrage, offered by a subordinate officer of that Government, to the late Consul of the United States, Mr. Carr, it was deemed necessary to call on the higher authorities to disavow the act, and to punish the aggressor. This was promptly done by Commodore Morgan; and, after many delays and much unnecessary formality on the part of the Emperor, ample redress was afforded by the public disavowal of the offence, and the dismissal of the offending officer. Commodore Morgan appears to have conducted this affair with much skill and address, asserting with proper firmness the respect due to our flag, and yet claiming nothing in an arrogant or dictatorial spirit. I have every reason to be satisfied with the part he has borne in this delicate transaction. The friendly relations between the two countries are now restored.

The squadron in the Pacific consists of the frigate United States, Captain Armstrong; sloop Cyane, Commander Stribling; sloop Yorktown, Lieutenant Nicholas; sloop Dale, Commander Dornin; and the schooner Shark, Lieutenant Eagle—all under the command of Commodore T. Ap C. Jones. The St. Louis, Commander Forrest, returned on the 16th September last, and her place has not yet been supplied.

Nothing has occurred, since my last report, to interrupt the friendly relations of our country with the nations bordering on the Pacific coast of America. Our squadron has, at all times, ably and faithfully performed its duty; but it is much too small to render all the services expected of it in that remote region. Every part of that vast ocean is traversed by our trading vessels, and in every part of it the protection of our naval flag is consequently required. The few ships allowed, even to the largest squadron that we have ever sent to the Pacific, are not enough to guard our whaling interest alone. It can scarcely be expected that five or six vessels, (most of which are of the smallest class,) can properly protect our commerce and our people, along a coast of three thousand miles in extent, and throughout an ocean four thousand miles wide. I respectfully suggest that too little attention has heretofore been paid to the important interests of our country in the Pacific ocean. There is, at this time, a stronger necessity than ever for more strict vigilance and more active exertion on our part, to prevent other nations from subjecting our trade to injurious restrictions and embarrassments. The English settlers have, by their enterprise, nearly engrossed the trade from the Columbia river to the islands, so that our countrymen are as effectually cut off from it as if they had no rights in that quarter. The people of various countries are rapidly forming settlements all along the shores of the Pacific, from Columbia river to the Gulf of California; and this, too, with the countenance and support of their respective Governments. In the mean time, we are doing literally nothing for our own interests in that quarter. To those of our people who are inclined to settle there, we do not even hold out the encouragement of a reasonable expectation that we will protect them against the violence and injustice of other nations. A few small vessels, scarcely as many as we ought to keep constantly on the coast of each of the South American nations, on the Pacific—these, too, charged with the duties which twice their number would not be able to perform—can offer but little aid or support to the infant settlements of our people, remote from each other, and demanding the constant presence of some protecting power. There are many considerations, connected with this subject, of deep importance in themselves, but which belong rather to other departments of the Government than to this. I advert to them only so far as to justify me in recommending a very large increase of the Pacific squadron.

In the East Indies we have only two ships—the frigate Constellation, Captain Kearney, commanding the squadron; and the sloop-of-war Boston, Commander Long. It is owing more to our good fortune than to our strength, that our commerce has suffered no material interruption. That little squadron has done all that could have been expected of it; and it deserves much credit for its great vigilance and activity, and for the prudence and sound discretion with which Commodore Kearney has acquitted himself of the important trusts reposed in him.

On the coast of Africa we have *no* squadron. The small appropriation of the present year was believed to be scarcely sufficient to answer the pressing demands of more important stations; and hence no vessel has been equipped expressly for the African seas. The sloop-of-war Vandalia, Commander Ramsay, belonging to the home squadron, was assigned to that service in March last, and is still on the coast. The ratification of the treaty with England renders it necessary that a squadron of at least eighty guns should be assigned to that service.

I regret to say that, in consequence of the unprotected condition of our trade on that coast, several of our vessels have been captured by the natives, and their crews barbarously murdered. The last aggression of this sort was upon the schooner Mary Carver, Captain Farwell, in the district of Beribee, ninety miles south of Cape Palmas. Instructions have been given to Commander Ramsay to proceed to that point, and demand such reparation as the circumstanees of the case may require. This, however, will be at best but little satisfactory, since no chastisement which can be inflicted upon such savages can either do honor to our flag, or prevent other outrages of the like kind. Our commerce with Africa is rapidly increasing, and is well worthy of all the protection which it asks. This protection is to be derived, not from any terror which can be inspired by the destruction of a few miserable villages on the sea-beach, but from the presence of armed vessels, able to *prevent*, as well as to punish, all violations of the rights and laws of fair trade.

I need scarcely add that our duty in the suppression of the slave-trade cannot be discharged without a much larger force on the coast of Africa than we have ever yet maintained there.

The return of the exploring squadron, late under the command of Lieutenant Charles Wilkes, has given to the country rich and abundant stores in all the departments of natural history. I am now arranging them, under the authority of a law of the last session of Congress. Lieutenant Wilkes himself is engaged in preparing a narrative of his voyage, and in completing the various charts of the numerous surveys made under his direction. In this work he has, at his own request, the assistance of Lieutenants O. Carr, T. A. Budd, and G. M. Totten, of the navy. I regret that I have no authority to furnish him with the additional aid which he has a right to expect, from the scientific corps attached to the expedition. There is no fund under my control, out of which a compensation could be paid to them. I respectfully suggest that provision ought to be made for this. The country looks, with very deep interest, for the results of this expedition; and it is due, not less to the officers concerned in it, than to the country itself, that they should be fairly and properly laid before the world. It can scarcely be expected that Mr. Wilkes, even with the aid of the few naval officers whose assistance he has asked, can in any short time accomplish a task of so much labor; nor is it reasonable to suppose that naval officers, however skilled in what properly belongs to their profession, will be able to perfect the drawings and other mechanical works, and works of art, necessary to prepare this publication in the style contemplated by Congress.

When I had the honor to present to you the usual report from this department, at the commencement of the last session of Congress, I proceeded upon the idea that it was the settled policy of the Government gradually to increase the navy. Notwithstanding the favorable change which has since occurred in our foreign relations, and notwithstanding the present *unfavorable* condition of the public treasury, I have seen no reason to believe that this policy is less approved now than heretofore, by the great body of our people. It is true that the circumstances in which we are now placed, render necessary very great modifications of the systems which would otherwise be proper; but the opinion is as general now as it ever has been, that a *suitable navy* is absolutely necessary to the protection of our trade, the security of our people, and the respectability of our Government. Fortunately, there is nothing in the circumstances of our country to render this, in any degree, a local question. Apart from the general proposition, that what is best for the general interest should be regarded as best for the whole, there is a local and particular interest in nine-tenths of our country, which demands a respectable naval establishment. The commercial towns on our sea-board, by which nearly all our foreign and coasting trade is conducted, have so immediate and due an interest in the subject, as to render unnecessary any remarks upon that point. The various agricultural and manufacturing classes scattered throughout the country, and connected with and dependent upon this trade, have an indirect interest not less apparent. The great and increasing commerce of the lakes, although less exposed than that of the ocean, is yet far too important to be left undefended, even against the single power which may become its enemy. But the Gulf of Mexico has peculiar claims. It is believed that there is not in the world an equal amount of commercial and agricultural interests belonging to any one country, so much at the mercy of the most inconsiderable maritime force as is that of the Gulf of Mexico. Not only the States which lie immediately upon that water, but all those whose streams enter into it, including the vast and fertile region of the Mississippi and its tributary waters, make this their chief channel of commerce; and we may properly add, also, no inconsiderable amount in the article of cotton sent from Texas, by means of the Red river, and paying tribute to our commercial agencies in its transit through our territory. Cotton is the principal material of our trade, both foreign and domestic; it probably constitutes three-fourths of our exports in its raw and manufactured states. Taking the year ending on the 31st August, 1842, it is found that the whole cotton crop amounted to 1,683,574 bales; of which 1,160,389 were shipped from the ports of the Gulf of Mexico. Of this crop, 1,465,249 bales were exported to foreign countries; and of these exports, 937,830 bales were from the ports of that Gulf. Thus it may be assumed that two-thirds of the most valuable article of our commerce, foreign and coastwise, is shipped in the ports of the Gulf of Mexico.

In other articles the productions of the West, the proportion, (although, perhaps, not quite so large,) is yet large enough to give peculiar importance to the Gulf of Mexico. The tobacco, the iron, the lead, the sugar, the hemp, and the provisions of that great and rich region, (and in a few years we may add also its coal,) find their way to market chiefly through that single channel. These already form no inconsiderable part of the entire exports of our country; and will, after no long process of time, enter still more largely into our trade, both foreign and domestic. Without pretending to perfect accuracy, we may safely assume that not less than two-thirds of the entire commerce of our country, exclusive of the whale fisheries, passes through the Gulf of Mexico; and we may, with even more safety, assume that this proportion will increase from year to year, with the increase of the population and wealth of our Western States.

It is to be borne in mind that nearly all this valuable trade is carried on through the Gulf of Florida. I had the honor to present my views upon this subject, in a report which I made to the Senate during the last session of Congress, but which was not acted on by that body. I respectfully refer to that document, as containing many suggestions connected with this inquiry, which I believe to be not wholly

unworthy of public attention. I repeat here only the well-known fact—that, in consequence of the strength of the Gulf stream and trade-winds, there is virtually no passage for our trade eastward, on the south side of the island of Cuba. It must, of necessity, pass through the Gulf of Florida—a narrow strait, which can be effectually blockaded by two active steam-frigates, and probably by one. Even if a trading vessel should pass such a blockading force in the night, it would have but one path open to it for a great distance, and might of course be pursued with a certainty of being overtaken. It would not enjoy even the ordinary chances of a vessel escaping from a blockaded port into a wide and open sea.

The facts to which I have thus adverted show a striking peculiarity in our condition. The greatest portion of our commerce, confined to a single channel of some hundreds of miles, is exposed in a peculiar manner to any enemy having possession of the sea; and—what would render our condition still worse—if we be without a naval force, that commerce may be annihilated at a cost which would not be felt by any tenth-rate maritime power!

If these views be correct, I am at loss to perceive what portion of our country is not interested in them. To the States bordering on the Gulf of Mexico, and to all those which use the Mississippi river as a channel of trade, the subject is of a deep and daily-increasing interest. So far as their prosperity depends on the outlet of the various productions of their country, they have but a single question to decide: is, or is not, their commerce worth the cost of a naval power adequate to protect it? *It has no other protection*, and it cannot have any other until its present channels shall be changed.

To these considerations are to be added others, growing out of the peculiar character of our Government and institutions, and the exposed condition of our lake and sea coast. On these points I can only repeat the suggestions offered in my last report. No country in the world has a greater interest than ours to guard itself against invasion. If we are destined to see again the smoke of an enemy's camp, we should at least be careful not to allow it to ascend from our own soil. It is in all other respects better for us to repel an enemy from our own coast, than to subdue him after he had landed upon our shores. To do this, we must cherish our naval power—not as the institution of a day or of a year—not as a subject which we can lay aside, and take up again whenever we please, as the policy or the caprice of the moment may dictate; but as a great and permanent institution, worthy of a great people, and demanding the grave attention of Government—an institution resting upon a wise system, and worthy to be maintained in the spirit of a liberal, comprehensive, and stable policy.

These considerations forbid us to fall so far in the rear of other nations, and of the age in which we live, as to surrender our due share of the dominion of the seas. A commerce such as ours *demands* the protection of an adequate naval force; our people, scattered all over the world, have a right to require the occasional presence of our flag, to give assurance to all nations that their country has both the will and the power to protect them. Our position among the nations is such as to leave us without excuse, if we voluntarily strip ourselves of a power which all other nations are anxious to grasp. Our forms of government and municipal institutions suggest that a naval force is our safest, and perhaps our only, defence; and as an additional recommendation of no small weight, the expenditure which this defence requires is to be made chiefly among our own people, encouraging their enterprise, invigorating their industry, and calling out the abundant (and now almost hidden) resources of our country.

If our navy is not to be put down altogether, nor abandoned to neglect and decay, it is high time that it were placed upon some fixed and permanent plan. With a view to this, I respectfully offer the following suggestions.

In the present favorable condition of our foreign relations, promising a long continuance of peace, I cannot recommend any considerable appropriation for building new vessels of war. We have already as many vessels as it will be necessary to keep in commission—except, perhaps, in the classes of sloops of war and small brigs and schooners. A few more of these are required, and they can be built out of materials now on hand, at a very small cost. It seems to me to be too obvious to admit of doubt, that our true policy is to apply as much as possible of the appropriations for the general naval service, to the employment of ships in commission.

I hope to be excused for repeating here an idea thrown out in my last report, and which I am anxious to enforce, because it is the foundation of all sound policy in regard to the navy: *It is an easy thing to build a ship of war; it is a difficult thing to qualify an officer to command her.* This simple proposition, which every one knows to be true, should never be lost sight of by a nation that does not intend to abandon the ocean altogether. It requires at least five years of strict attention to make a good seaman; and not less than twenty years of active service, in different grades, to form a properly qualified naval commander. Surely, then, since competent officers cannot spring up with every exigency which may require their services, true policy demands that we should keep the requisite number of them in constant training, to be ready whenever their country shall call for them. The best ship of war is powerless, when unskilfully commanded. We build fleets for our enemies, when we put them in charge of incompetent men.

In order to carry out this idea, it is necessary not only that we should keep more ships in commission than heretofore, but that we should employ them in a different manner. Our squadrons on foreign stations have been generally kept too much in port; have been too little employed in cruising, and too seldom exercised in squadron manœuvres. To remedy this, I propose a system of interchange between the several squadrons; and with that view, so to arrange them that no ship (except, perhaps, that of the commander-in-chief) shall remain more than one year on the same station. I propose that the squadrons of the Mediterranean and the Brazils shall consist, as near as possible, of the same number and classes of vessels; and that the same equality shall prevail between those of the East Indies and the Pacific. After particular intervals of time, a vessel of the Mediterranean squadron shall be sent to Brazil; and, at the same time, one of the same description from Brazil to the Mediterranean: and so of the squadrons of the East Indies and the Pacific. The advantages of this system are great and obvious.

1. By keeping the ships more at sea, the officers will be more exercised in their proper duties, and will acquire more of the science and practice of their profession.

2. Discipline will be better learned and better enforced, both as officers and crews. It is always relaxed while vessels are in port.

3. The dangerous connexions and fatal habits, so often formed amid the seductions of luxurious ports, will be avoided.

4. Officers will have a better opportunity to become acquainted with different coasts and harbors; with their currents, winds, &c.; with the languages, manners, customs, &c., of different regions of the globe: all which information is indispensable to an accomplished naval commander.

5. The flag of the country will be displayed in different ports, on many different vessels; thereby given to foreign countries a better idea of the extent of our naval power. Heretofore, the habit of sending the same vessels repeatedly to the same foreign station, has produced the impression that we had no others to send, and has thus detracted from the respect which ought to attach to us as a naval power.

6. Our vessels of war will be kept constantly in the tracks of our commerce, and be thus ready, on all occasions and in all places, to afford to us whatever assistance it may need. In this way the small force destined for the protection of our African trade, and for the suppression of the slave-trade, may be occasionally strengthened by the presence of vessels of war interchanging between the Mediterranean and the Brazils. But the great interest of our commerce in the Pacific—and particularly that most important part of it, the whale fisheries—will derive peculiar advantages from this system. At present, most of our whalers rarely see one of our vessels of war, although it is well understood that they often need their protection. Our national ships, crossing the Pacific, should be directed to visit the whaling stations; a process by which that distant and now neglected part of our commerce may always be within the reach of the protecting arm of their country.

The system thus proposed will require, in order to prosecute it with all its advantages, larger squadrons than we have heretofore employed. The good effects, however, which may reasonably be expected from it, will, it is hoped, recommend it to adoption. The charge upon the treasury need not be materially (if at all) increased, if the appropriations heretofore made for "increase and repair" should be, as far as possible, for "equipment, pay, and subsistence."

I have caused estimates to be prepared for such squadrons as could, in my opinion, be most usefully and profitably employed in the manner above mentioned. This it is my duty to do, submitting it to Congress to determine whether, under the circumstances of the country, so large a force can properly be put in commission, or not. If the condition of the treasury will warrant it, (of which *they* are the judges,) I have no hesitation in earnestly recommending the employment of the largest force estimated for. But, in order that Congress may, without trouble, apportion the appropriation to the force which they are willing to keep in commission, I have caused to be prepared a table, showing the cost of a ship of each class. Thus the reduction in the estimates may be made in exact proportion to the reduction of the vessels in commission.

Whether it be the pleasure of Congress to authorize a large or small naval force, the necessity will be the same for placing it on a proper footing. The navy cannot be reformed by merely reducing its size. In my report of last year, I invited your attention to a variety of points on which I considered legislation necessary, in order to give due efficiency to this department, and to correct the abuses existing throughout the whole naval establishment. In my opinion, every reform necessary to place the navy upon the most useful, and at the same time upon the most economical footing, may be easily effected. With that view, I respectfully offer the following suggestions:

So far as the *materiel* is concerned, nothing is required except fidelity, vigilance, and industry on the part of those to whom that matter is intrusted; and such changes in the laws as will insure a proper accountability. A great deal has already been accomplished in this respect. It is confidently believed that the expense of building, repairing, and equipping our vessels of war, is much less at this time than it was at any previous period within the last twenty years. This result is attributable, not so much to the head of the department, as to the steady and zealous efforts of those officers of the navy who have had charge of the navy-yards. Little is now required, except to establish a rigid system of accountability in every branch of expenditure. Much has already been done to attain this object.

The law for the re-organization of this department has been carried out, as far as has been found practicable. The advantages of this change in the increased facilities of transacting business, and in the concentration of responsibilities, are manifest and great. I regret to say, however, that the system is yet very imperfect. It is with extreme reluctance that I bring this subject again to your notice; and I should not do so, if I were not convinced that it is the wish of Congress to make the work of reform, which they have just commenced, as perfect as possible. The bill, as it passed the Senate, would, it is believed, have proved as complete and effective in its provisions, as could be reasonably expected of any new measure, running so much into details; but the changes which were made in it by the House of Representatives have produced difficulties and embarrassments in practice, which were not foreseen at the time. The uniting of two bureaus, whose duties are wholly distinct, and require a wholly different order of qualifications to discharge them, has been found extremely inconvenient and embarrassing. The bureau

f construction and repairs, for example, is charged vith duties of the bureau of equipment. It requires ship carpenter to build or repair a vessel of war; it equires a naval officer to equip her. In like manner, he providing of ordnance and ordnance stores has io natural connexion with hydrographical surveys; nd these two subjects are intrusted to the same ureau. It would probably be impossible to find ny one man properly qualified to perform all the luties of building, repairing, and equipping a vessel f war; and although it would not, perhaps, be so lifficult to find one competent to the duties of the wo bureaux of ordnance and hydrography, yet it would probably happen, in most instances, that he who was best qualified for the one, would be least qualified for the other. Besides, great confusion will necessarily exist, in keeping, by the same set of clerks, the accounts of matters so wholly distinct. The clerical force allowed to these two bureaux is much too small. Indeed, this is true (though not to the same extent) of the other bureaux. The severe labors imposed, and the small salaries allowed, are positive discouragements to a zealous and energetic discharge of duty.

In providing a chief of the bureau of construction, equipment, and repair, the alternative was between a naval captain qualified to equip, and a naval constructor qualified to build and repair. I did not hesitate to prefer the former, and the place is filled by a member of the late Board of Navy Commissioners. But, in uniting the two bureaux, it was, I presume, not perceived that the salary, originally contemplated for the bureau of construction and repairs, was retained. Thus it happens that one of the captains, at the head of a bureau, receives five hundred dollars per annum less than his pay as captain in command; and less, by the same sum, than is received by each of the captains holding correspondent stations in the department. This was doubtless not intended, and will be corrected.

I also respectfully suggest that there is no good reason for giving to the chief of the bureau of medicine a less salary than is received by others in corresponding positions. He ought to be, and it is presumed always will be, a man of a high order of professional attainments and general education, holding a social position equal, in all respects, to that of any other man. His *expenses*, of course, will be as great, and his *sacrifices* certainly will not be less. Of the importance and utility of this bureau, I already have the most satisfactory proof, in the improved organization of the medical department of the service, and in the saving of expense greatly beyond my expectations. An expenditure, twice as large as the bureau now calls for, will be more than twice saved annually, by its services. Its claims, therefore, to the increase of salary which I recommend, are of the strongest character in every respect.

These defects in the law are obvious. Whenever they shall be corrected, it is confidently believed that a system of administration may be established in this department, as prompt, exact, and efficient as can be found in any other department of the Government. The acts of the last session, "to establish and regulate the navy ration," and "to regulate the pay of pursers and other officers of the navy," promise he most beneficial results to the economy of the service; and will probably remove many of the difficulties which would otherwise have existed, in accomplishing all the objects proposed in the reorganization of the department.

The *personnel* of the navy is a subject of much deeper interest, although it presents no greater difficulties. That abuses exist, and that the public eye is occasionally offended with displays of disreputable behavior, is not surprising. Such things might be expected in any body of men equally numerous; they are seen every day in social circles on shore, without affixing to those circles any individual, or even general reproach. The navy is as free from such scandals as any equal number of men in any order of society. It is matter of just surprise that it should be so. Withdrawn, in a great degree, by the very nature of their pursuits, from the immediate influence of that public opinion which is the best corrective of manners, and with a most imperfect system of laws and regulations as a substitute for it, what is there but their own sense of propriety to prevent naval officers from falling into the worst excesses? For twenty years past, the navy has received from the Government little more than a step-mother's care. It was established without plan, and has been conducted upon no principle, fixed and regulated by law. Left to get along as well as it could, the wonder is, that it retains even a remnant of the character which it won so gloriously during the last war.

Reform, in this particular, must commence with the midshipmen. After a time, these boys become men, and these midshipmen become lieutenants, and commanders, and captains. Hence it is of the utmost importance that none should be appointed who are not duly qualified, and suited in all respects to that peculiar service. And yet, to this great and fundamental truth no attention has hitherto been paid. The department has been left free to appoint whom it pleased, and as many as it pleased, without any law whatever to guide or regulate its judgment. The only rule by which the Secretary can be governed, is to appoint those who are, or who seem to be, best recommended; and yet, in half the cases, the boy himself is as well known as those who certify in his favor. Hence the Secretary acts in the dark, and must, of necessity, be often in error. It is a notorious fact, that wayward and incorrigible boys, whom even parental authority cannot control, are often sent to the navy, as a mere school of discipline, or to save them from the reproach to which their conduct exposes them on shore. It is not often that skilful officers or valuable men are made out of such materials. The corrective which I propose is this:

1. The naval establishment shall be fixed by law; ascertaining, among other things, the number of officers to be allowed in each grade. There must be a due proportion among the several grades, or else it will be impossible that the different duties of the service can be properly discharged. In this respect, the proviso of the appropriation bill of the last session of Congress, limiting the number of midshipmen to the number who were in service on the 1st January, 1841, and of other officers to the number who were in service on the 1st January, 1842, will, if persisted in, prove extremely unfortunate in its action. The *precise* proportion, proper for the effective officering of a ship, depends upon her class. We may find, in an average of the different ships, a rule near enough to perfect accuracy to afford a safe guide of legislation upon the subject. But this proportion is wholly destroyed by the proviso above mentioned; so that it will be impossible, under that law, to furnish the proper officers for the several stations of our ships of war, supposing any considerable number of our captains and commanders to be employed. The inconvenience of that proviso is already felt, in regard to the medical officers in the service. I had the honor to represent, at the last session, the pressing necessity for an increase of the number of surgeons and assistants. There are not now in service enough to afford the aid which it is the acknowledged duty of the Government to afford to those who are engaged in her service at sea; and yet, whatever may be the necessity for them, their numbers cannot be increased. In regard to the forward warrant officers, (such as boatswain, carpenter, gunner, &c.,) the restriction is scarcely less inconvenient. They are appointed only as their services are required; so that there is no danger that their numbers will be inconveniently great. At all events, they should bear a due proportion to the other officers.

2. There should be established proper naval schools on shore. Little or no attention has hitherto been paid to the proper education of naval officers. Through a long course of years, the young midshipmen were left to educate themselves and one another; and it is creditable to them that they lost few opportunities of doing so. Suitable teachers are now provided for them; but their schools are kept in receiving ships and cruising vessels, in the midst of a thousand interruptions and impediments which render the whole system of little or no value. Under such circumstances, the foundation of a solid and useful education can rarely be laid. This subject was brought to the attention of Congress at its last session, and a bill establishing a naval school passed the Senate. It was not acted on by the House of Representatives, for want of time. I again earnestly recommend it, convinced, as I am, that its effect upon the navy will be in the highest degree beneficial. If adopted, Congress will, of course, prescribe such rules and regulations in regard to it, as may seem to them proper; but I respectfully suggest the following as the outline of the system:

The school shall be established at such of the old military fortifications on the seaboard as may afford suitable accommodations, and as may not be required by the War Department.

The officers and teachers shall be supplied from those actually in the naval service; and all nautical instruments, boats for practice, &c., shall be furnished from the navy. This will save nearly the whole expense of the schools.

Instruction in the schools shall be given to candidates for admission into the navy, and to midshipmen actually in the service.

The admission of candidates shall be regulated by law, as is done in regard to the West Point Academy.

No boy shall receive an acting appointment in the navy, until he shall have passed a certain period of diligent study at a naval school; nor unless he shall produce the necessary certificates from his officers and instructors of his good conduct, capacity, physical ability, and general fitness.

Among those who shall produce such certificates, appointments shall be made according to such rule as Congress shall prescribe.

These precautions will afford a reasonable assurance that no boy will be admitted into the navy, without being qualified for, and worthy of, that station. But the watchful care of the Government over him should not stop here. He should receive, in the first instance, an acting appointment, (as is now the practice,) and not be entitled to a full appointment until he shall have seen at least one year's service at sea, and made suitable progress in the science and practical duties of the service. After receiving his full appointment, he should pass not less than five years in active service at sea, before he should be entitled to examination for a warrant as "passed midshipman." That examination should be rigorous and thorough, and none should be entitled to it who could not produce the most satisfactory proofs of good conduct, attainments, capacity, and general fitness. By this time, the boy will have attained a period of life when the character is generally well developed, and, in some degree, fixed; so that the country will have good reason to trust him in the higher grades of the service. A corps of officers, formed of such materials, would probably present few instances of misconduct or incapacity; and would reflect honor on the country, while rendering to it the most valuable services.

This system could not fail to relieve the *personnel* of the navy, after a time, of all its present incumbrances, and would certainly tend to keep it in a healthy condition. But it would be too slow in its operation for the cure of existing evils. Probably there never was a similar institution in any country, into which abuses have not crept, after so long a period as thirty years of profound peace, and of consequent neglect. Governments and their people are too apt to overlook the military arm, when there is no immediate need of its protection; forgetting the wise maxim, that in peace we should prepare for war. Our navy has experienced its full share of those unfavorable influences; and the natural consequence is seen in the admitted fact, that it contains some officers who do no credit to their commissions. Their number, however, is much smaller than might have been justly expected, under the operation of so many discouraging and corrupting causes. Every nation finds it necessary, after particular intervals of peace, to revise and reform its military establishments; and the time has now arrived when such a corrective may be advantageously applied to the navy of the United States. The only difficulty is in adopting the right process. To dismiss from the service officers who have committed no positive offence, would be unjust and cruel. The nature of their profession is such as to disqualify them for nearly all the pursuits of industry on shore. Most of them have been kept long on probation, and have been thus encouraged to expect that they would

remain in the service. Many of them now have families dependent on them, who would be exposed to great suffering if the public support should be entirely withdrawn. On the other hand, it is to be borne in mind that the officer stipulates with his country, that he will be both willing and *able* to perform all the duties of the station which he solicits and receives at her hand; and he has, therefore, no right to complain that she rejects him when he proves either neglectful or incompetent. Perhaps no more just rule can be adopted than to compel the officer to retire, upon a certain proportion of his annual pay. A system of compulsory furlough, properly regulated, and guarded against abuse, would have the most salutary effect. To lodge such a power in the Secretary of the Navy, would probably not be generally acceptable. The natural jealousy which every one feels of whatever approaches to arbitrary power, would present a strong objection with most persons to intrusting so much to the discretion of any one man. For myself, however, I have no doubt that the only danger would be that the power would be too cautiously and too seldom exerted. Public opinion, in this country, is a sure corrective of all abuses of that sort; and no man, who valued either his reputation or his comfort, would hazard the one or the other by challenging that public opinion for the indulgence of any feeling unbecoming the impartial justice of his station. Still, however, it is desirable, not only that the department should be in fact just and impartial, but that the public and the navy officers should *believe* it to be so. I propose, therefore, that, whenever the Secretary of the Navy shall be of opinion that an officer is unfit for the service, he shall be required to present his name to the Senate for furlough; stating fully, (if required so to do,) the reasons for that opinion. If the Senate, after such inquiry as it may choose to institute, shall concur with him, the officer shall be put on furlough upon a certain proportion—say one-half his pay, and be considered out of the service. In this way, the same power that appoints, will remove; and the act, receiving the sanction of the Senate, will be placed above the suspicion of injustice or oppression.

It may be urged, as an objection to this plan, that it will create a body of *quasi* pensioners upon the treasury, who have done nothing to deserve such favor. This is not true in point of fact. These officers are already in the service; and if they be not put on furlough, will receive their *whole* pay instead of only half of it. No officer will ever be put on furlough if he be really qualified for the service; and if he be *not* qualified, he ought not to be, and I presume will not be, called into service at all. Of course, he will remain a dead weight upon the treasury, to the full amount of his whole pay. To put him on furlough, therefore, is a positive relief to the treasury, to the extent of one-half his pay.

But the evil, if it really be one, will be of very short duration. When the navy officer shall come to understand that there is a process more certain and summary than a trial by court-martial, by which his dignity and his income may both be reduced, he will be cautious not to bring himself within such peril. The effect of the furlough system will be to create a new motive on the part of the naval officer to exert himself to excel in his profession, and to place himself above suspicion in point of personal character and conduct. The belief, heretofore prevailing, that an officer of any standing in the navy could not be driven out of it, or at least that he could not be *kept* out of it, has had a strong influence in ruining its discipline, and corrupting its morals and manners. The furlough system, firmly administered, will serve to remove this impression; and, with the assistance of an unsparing and impartial administration of the law, through courts-martial, will soon purify the service, and will long keep it pure. When the inefficient, who are now in the navy, shall have been removed, it is probable that the treasury will thereafter be rarely taxed with the pay of furloughed officers. The necessity of some mode of proceeding, by which the navy may be rid of the *incompetent* as well as of the guilty, is universally admitted; and I have not been able to devise any mode more just, more effective, or less objectionable on the score of expense, than that which I now suggest.

If this system should be fully and faithfully carried out, I do not perceive that anything more will be necessary to insure to the navy competent and honorable officers. Hitherto it has been their great misfortune, that with fewer opportunities than others to educate themselves, the Government has done nothing to educate them. The cadet from West Point enters the army well-founded in the principles of solid and useful learning, and fully prepared to engage with advantage in any pursuit, whether of civil or military life. The candidate for the navy, on the contrary, is deemed well enough qualified if he be able to read and write, to answer a few simple questions in geography and English grammar, and to solve plain problems in the elementary rules of arithmetic. Why should this difference be made? Important as a proper preparatory education may be to the army officer, it is even more important to the officer of the navy. Apart from the fact that he has few opportunities to improve himself, it is to be remembered that he is the most frequent representative of his country abroad; the standard by which foreign nations will be most apt to measure her moral and intellectual character. He is also frequently intrusted with important and delicate negotiations, involving the rights of our citizens, and the peace and honor of our country. The function of the naval commander is much more useful, important, and dignified, than is generally supposed. To his skill and vigilance are intrusted, at every hour of the day and night, the safety of the ship, and the lives of her crew. The honor of his country's flag, and, in a great degree, her harmonious relations in peace, and her protection in war, are among the awful trusts with which he is clothed. Very few men can be found qualified in every respect for so high and imposing an office; and, unhappily, there are too few among those who now hold it, who duly feel its importance and dignity. I humbly think that it is a high duty of Government to adopt every means, calculated in any degree to elevate the standard of character in the naval commander, and to fit him in knowledge, in professional skill, and in personal character, to discharge the high and solemn duties of his office. This can be best done, by giving him a suitable preparatory education, and by providing proper and ready means of removing him from the ranks of his profession, whenever he may be found unworthy to occupy a place in them.

I respectfully renew the suggestion heretofore made, that there is yet one thing more, necessary to complete the process of reform. The naval officer should feel that he has a place in the respect and confidence of his country, and that the honors and distinctions which his services shall have earned will not be withheld from him. PROMOTION is the vital principle of military service; and hence as many *grades* should be established as may be found consistent with the due order and efficiency of the service. The experience of every day tends to confirm me in the belief that the several grades of admiral, vice admiral, and rear admiral, ought to be established in our navy. I had the honor to bring this subject to your notice in my last report, and to urge such reasons as seemed to me to be sufficient in support of the recommendation now renewed. I have only to add that this important measure *need not* increase the expenses of the navy at all. It will afford an opportunity to reward, by well-deserved promotion, many officers in the several grades, who are well qualified for the highest stations and most important duties of the service. These men, most of whom would soon become the ornaments and grace of any other navy in the world, are likely, under our present system, to grow gray in subordinate and obscure stations; their merits unacknowledged and their usefulness thrown away. We may at least be allowed to regret that the higher officers of the navy—those who, by their services in war, have reflected most honor on their country, and given the best proofs of their own merits—are so rapidly passing from the stage of life, that even if our policy in this respect should ultimately change, others are likely to reap the honors which *they* have so richly earned. This should be deemed by a generous country a reason for adopting, at once, a policy which, beyond all doubt, will ultimately be forced upon us, if we shall continue to maintain any navy at all.

I again respectfully ask for an increase in the number of marines, and of marine officers of the lower grades. Not less than twenty millions of dollars of the public property are now exposed in our navy-yards, to conflagration and theft, for want of proper marine guards. Thefts to a considerable extent have recently been detected, and doubtless others have been committed which never will be detected. One fire, which a single additional marine might prevent, would probably destroy in a few hours more than the expenses of the whole marine force for ten years. Surely, it cannot be true economy to leave so much of the public property exposed to such great dangers, oir want of so very cheap a protection as a few additional marines.

It is an object of great interest to me, to make the navy subservient to the encouragement of American industry. This may be done, not only by the protection which it affords to American commerce, (upon which I have already commented,) but also by means of the supplies which it requires. We are probably the only people in the world who can, with perfect convenience, build, equip, arm, feed, and clothe a navy of the largest size from our own home resources. A nation of any magnitude, having all the materials of war constantly at its command, is essentially powerful. Hence it is of the utmost importance that we should adopt a policy calculated at once to cherish and to develop these sources of our strength and security. The measures more immediately necessary to accomplish this object have already been brought to the notice of Congress; but, as they have not yet been acted on, it would seem to be proper that I should again refer to them.

The first in importance is the preservation of navy timber, growing on the public lands. No other country possesses so rich a store of this material as the United States. Properly protected, it would afford a supply for the largest navy in the world, for an indefinite time, without any sensible diminution. But I regret to say that the laws which have been enacted with this view, are in some respects inoperative, and in all respects inefficient. Depredations of the most ruinous kind are daily committed, in spite of all the vigilance which this department can use, and in defiance of all the power which it is authorized to exert. Our own people are daily selling to the Government, timber which they take against law, from the public lands; and it is understood that large supplies of the same timber are already contracted for by foreign Governments. It is impossible to prevent these depredations under existing laws. The subject is, in my opinion, worthy of the serious and prompt attention of Congress. If they should thoroughly investigate it, the information which this department can afford will not fail to convince them of the necessity of a reform in the laws relating to it, and of additional grants of power and means to the officers of the Government to whom they may choose to intrust this valuable part of the public property.

The subject next in importance is the establishment of a navy-yard on the largest scale, on the waters of the lower Mississippi. I had the honor to give my views upon this subject, in a report to the Senate of the 31st of January last. Respectfully referring to that report, I forbear to repeat at large the suggestions which it offers. I will only say that the object which I have in view is to afford whatever facilities such an establishment can afford to the industry of the whole valley of the Mississippi, now cut off, in a great degree, from its due share in the supplies of the navy. The iron of that region would find there a ready and convenient market; an extensive rope-walk—a necessary appendage to such a navy-yard—would present a constant demand for hemp; the provisions of the West, now worth little or nothing, from their superabundance, would find a ready purchaser at fair prices. Every branch of Western industry would feel, directly or indirectly, the influence of such an establishment; while the navy itself would be secure of abundant and cheap supplies, sufficiently convenient to the ocean, and yet perfectly safe from the attacks of any enemy.

It is by arrangements of this sort that the navy can be made to return to the country twice the wealth which is expended in support of it. The

wealth of a nation does not consist in the quantity of gold which it may have in its treasury; the economy of a nation is not shown only in the smallness of its expenditures. It is rich only in proportion as its people are rich; and it is economical only so far as it applies the public money to uses more valuable to the people who pay it, than the money itself. This is but another name for national thrift; but it is the only sense in which national economy is of any value. Nine-tenths of the appropriations to the navy are paid back to our own people for materials, labor, and subsistence. It is thus *put into circulation*, paying debts, supplying wants, and sustaining credit. Every dollar thus employed increases the *tax-paying ability* of the people to twice that amount: and this tax-paying ability is the true wealth of the nation. The expenses of the navy, therefore, are not to be considered a dead tax upon the treasury. They not only go back and circulate among our own people, but, unlike most other expenditures of the Government, they give employment to industry, encouragement to enterprise, and patronage to genius. They perform, to a great extent, the office of a protective tariff, in developing and bringing into use various sources of our national wealth, particularly in copper, iron, hemp, provisions, and coal. The effect of even a small disbursement, so made, upon the public prosperity and comfort, is much more important and extensive than the first view of it would lead us to suppose. I am far from saying that taxes ought to be levied merely for the purpose of so expending them. No tax should be imposed, direct or indirect, which is not required for the legitimate and proper uses of Government. But if a necessity for the tax can be shown to exist—if the purposes to which it is proposed to apply it clearly appear to be useful and profitable to the country, far beyond the measure of the tax itself,—it ceases to be a burden, and is relieved from all fair objection. Such, in my opinion, is emphatically the case with almost the entire appropriation to the naval service. It is confidently believed that such appropriations, *as liberal as any convenient and proper revenue system will allow*, may be, and of necessity *must be*, applied to "uses far more valuable to the people who pay them, than the money itself;" and that, far from being an oppressive burden, they will operate as a measure of positive relief.

In looking for the sources of unnecessary expense throughout the naval establishment, I have found much to correct. It cannot be denied that our navy has cost much more than it ought to have cost, considering the small number of vessels that we have usually kept in commission. I do not know that this could have been very easily prevented under the former defective organization of the department. The mode heretofore pursued, of obtaining the supplies of the surgeon's and purser's department, has subjected the seamen to unnecessary charges, the Government to constant imposition, and in many cases to gross frauds, and consequently to heavy losses. These losses have been the greater, in consequence of the want of proper means of establishing a system of strict accountability, which would have enabled the department not only to see the extent of the evil, but to apply the proper remedy. The bureaux to which these subjects belong have been diligently and successfully engaged in devising suitable means of guarding against similar impositions for the future. The articles are now procured, as far as possible, from those who make or produce them; so that the profits—always large, and often extortionate—which have heretofore been paid to the grocer, the apothecary, and the contractor for clothing, are saved to the Government and the sailor. Such supplies as we are still compelled to obtain in the former mode, are subjected to rigorous inspection, which assures us of their good quality and reasonable prices; and when brought into the public stores, the persons under whose charge they are placed are required to account for them, with a degree of minuteness which promises to guard effectually against any waste or extravagance in the use of them.

I have very little doubt that much of the mechanical labor which has been performed at our navy-yards has been too dearly paid for. I can perceive no good reason why a mechanic should work fewer hours in the day, or receive higher wages in a public dockyard, than in a private workshop; on the contrary, if there be any difference, it should be in favor of the Government, in consequence of the more constant employment and the more prompt and certain pay. It is certainly good policy on the part of the Government to give such wages as will command the most competent and faithful workmen; but this can always be done, for the reason above assigned, for the same wages which are paid at the best private establishments. Measures have been adopted to place the Government upon terms of just equality with individuals in this respect.

But a still more considerable source of expense in building, repairing, arming, and equipping our vessels of war, may be found in the high prices and indifferent quality of the iron and copper which have been used. The department has given much attention to these two important subjects, with a view to the correction of former abuses. In particular kinds of iron, the standard has been raised seventy-five per cent.; and yet it is found that supplies can be obtained at less prices than heretofore, although the quality is nearly twice as good. The fact now generally known, that proper tests are applied, and that no iron will be received which does not bear them, has served to create an honorable competition among those engaged in that branch of industry; so that the most important improvements are constantly made. The United States can furnish as good iron as any other country in the world, and, with suitable encouragement, would soon be able to supply the world with that metal.

In *chain cables* an invaluable improvement has been made. None but the very best iron is ever applied to that use; and an apparatus is now in progress, and very nearly completed, for subjecting the cables, when finished, to *thermotension*. A long series of careful and accurate experiments has ascertained that this process adds seventeen per cent. to its strength. By this means, the weight, and consequently the cost, of a cable of given strength is greatly diminished; and so also is the labor of handling it on board ship. For this great improvement we are indebted to the scientific information and industrious researches of Professor Walter R. Johnson, of Philadelphia. It is impossible to calculate its value to the whole navigating interest of the world. The fate of the largest ship and of all her crew often depends upon the strength of her cables; so that a little more or less of strength in a single link may save or destroy her. I have considered it, therefore, of the utmost importance to improve, by every practicable means, the quality of chain-cable iron. It is believed that even at the present day, we are not surpassed in this respect by any other nation; and if improvements shall advance hereafter, as rapidly as heretofore, we may in a short time safely challenge the competition of the world.

A similar improvement has been made in iron for ordnance. Too much importance cannot be attached to the soundness of cannon. The bursting of a single gun in battle, is often more disastrous than many broadsides from an enemy. It not only destroys life, and withdraws so much from the effective battery of the ship, but it also creates confusion and disorder; excites in the minds of the crew distrust in the soundness of the other guns, and thus discourages and renders them timid. Hence, no consideration of mere money-saving should ever enter into the arrangements for procuring ordnance for the navy. True economy requires that *the very best guns which can be made*, and none others, should ever be used. Upon this idea this department is acting. No cannon is received, which does not bear the most satisfactory tests; and yet it is not found that the cost of ordnance is any greater than heretofore. On the contrary, guns of the same kind, which have heretofere cost more than one hundred and thirty dollars per ton, have recently been contracted for at ninety-five dollars.

In *copper*, the frauds which have been practised upon the Government have been gross and enormous. Pure copper ought to last upon a ship's bottom twenty years; and yet, that which we have used upon our ships of war has not lasted, upon an average, more than seven. Upon examining a portion of the copper recently taken from the bottom of the Columbus, I found that it exhibited the appearance of worm-eaten wood; the reason of which is, that it was full of impurities, which corroded and fell out. Even that which remained, instead of possessing the toughness which belongs to pure copper, would not bear to be bent, but broke short off, like a piece of cast iron. It is impossible to be too careful in procuring an article so costly as copper. Nothing but the application of proper scientific tests can detect its impurities, or prevent the grossest and most ruinous impositions. A single defective sheet on the bottom of a large ship will render it necessary to bring her into dock, and will thus cost the country ten times as much as would have been required to prevent any such result. The copper in a ship's bottom is no small part of her entire cost; and this cost is more than doubled by using copper of bad quality.

The great importance of guarding against impositions in this respect, has induced the department to institute a series of experiments, under the management of Professor Johnson; the results of which promise to be of great benefit to the economy of the service. These results I have the honor to communicate in a copy of Mr. Johnson's report, hereto annexed.

As steamships will hereafter form a part of our navy, it becomes important to ascertain what kind of fuel can be most advantageously used. With this view, I have taken measures to cause a proper analysis to be made of the several coals of our country, and also of those of England. All persons interested in this subject were invited, by public advertisement, to send samples of their coal to the navy-yard in Washington, in order that a proper comparison might be made, under suitable philosophical tests. About thirty samples have been sent, and some progress has been made in the examination of them. Professor Johnson, to whom this investigation has been intrusted, was called from Washington before any conclusive results had been obtained; but his experiments will be resumed as soon as possible, and will undoubtedly present a mass of most useful information on this important subject.

The application of scientific principles in the mechanical arts is now universal. The mere artisan, whose skill is derived only from practice, is far behind the times. Science is now lending her aid to the arts, in all their departments, expanding their powers, multiplying their uses, and perfecting their works. I respectfully suggest that this aid is nowhere more important than in the various operations connected with a naval establishment. When we consider the number and variety of the materials which are used, the costliness of many of them, and the high importance that they should all be of the best and most durable kinds, the propriety of subjecting them to all necessary tests, and of improving their quality as far as possible, will at once be admitted. This can be done only by the union of science with practical skill. The knowledge which we obtain from *experience* is always slow, always costly, and *not* always sure; that which we obtain from *experiment*, particularly in physical science, rarely deceives, and seldom fails richly to repay us. The experiments which have already been made, under the direction of this department, have imparted to it a degree of information which could not have been derived from any other source, and which will more than repay their cost in the building of a single ship. These experiments, however, are but the beginning of what might be accomplished in the same way. If the department were in a condition to avail itself of the improvements which are daily made in practical science, the most important results would soon be realized, in the improved quality of our ships, and in the general economy of the service. I respectfully recommend the subject to the favorable consideration of Congress.

I shall, in a few days, have the honor to lay before Congress a code of rules and regulations for the navy, prepared in obedience to their directions.

I invite attention to the existing laws on the subject of navy pensions, which appear to me to need many changes and modifications.

I have thus, sir, submitted without reserve my views of the present condition and actual require-

ments of our naval service. It is my duty to do this, without reference to any other considerations. Whether my recommendations shall be adopted or not, must of course depend on the view which may be taken of them by the legislative department of the Government. In presenting my own views, I simply discharge my own duty to those to whose better judgment all the measures which I have proposed must be referred.

All which is respectfully submitted.

A. P. UPSHUR.

POSTMASTER GENERAL'S REPORT.

POST OFFICE DEPARTMENT,
December 3, 1842.

To the President of the United States:

SIR: In presenting to your consideration a report of the condition and operations of the Post Office Department for the year preceding the 30th June, 1842, it affords me pleasure to say, its condition has been improved, and the service has been attended with more than ordinary success, whether considered in reference to the management of its financial concerns, or the regularity and extent of its operations.

A public service, which requires the agency of 13,733 postmasters and their clerks, 2,343 contractors and their agents, covering during the year 34,835,991 miles of transportation, and extending almost to the door of every citizen, must encounter difficulties, and be subject to occasional irregularities, not only from the neglect of some of its numerous agents, but from physical causes, not in the power of this department to overcome.

When this vast machinery of the General Post Office; the minuteness of its details, and the character of the majority of the roads over which the mail is transported, are contemplated, there should be more of astonishment at the general regularity of the service, than of surprise and discontent at occasional failures. Absolute certainty and unbroken regularity in the arrival and departure of the mails, at all times, cannot, and ought not to be expected. And it is with pleasure I bear testimony, on this occasion, to the general zeal and fidelity of those employed in this branch of the public service.

The whole amount of mail transportation for the year ending June 30th, 1841, was 34,996,525 miles, at a contract cost of $3,159,375. The whole amount of transportation for the year ending June 30, 1842, was 34,835,991 miles, at a contract cost of $3,087,796.

The amount of expenditure of the department, for the year ending June, 1842, was estimated, in my report of December last, at $4,490,000. The revenue to be derived from postage, &c. in the same report was estimated at $4,380,000. The amount estimated for the expenditure did not include the sums due by the department prior to the 31st March, 1841. Thus exhibiting a probable liability of $110,000, beyond its estimated current receipts of that year.

To bring the expenditures within the income of the department, was a duty demanded at my hands, by a regard for the observance of the principle upon which I desire to conduct the administration of the General Post Office, viz: that, while the department should not be regarded as a source of revenue to the Government, it must not become an annual charge upon the public treasury.

To effect this object, great labor and minute attention have been bestowed by all concerned.

A revision of post-roads and post offices, necessary to a reduction of unprofitable routes, and the discontinuance of unproductive and useless post offices, and the substitution of others at more important points, better suited to the public wants; the institution of a system for the preservation and safety of the public property, and the reduction of useless expenditures, was a task requiring no ordinary portion of labor and time; and its performance could not fail often to subject the head of the department to censure and criticism from those who did not feel the necessity of the measures adopted. The effect has been salutary to the public service, as well in reference to its income, as to its usefulness and cost. I refer you to the reports of the 1st and 3d Assistant Postmasters General, which will give more in detail the effect which has been produced by the measures adopted.

Useless and unproductive routes have been discontinued; whilst others, more convenient, less expensive, and more productive, have been substituted. In many instances, where the nature and size of the mail did not demand the higher grade of service, the less expensive modes of transportation have been employed. This may be more satisfactorily illustrated by a reference to the service in the Northwestern and Southwestern districts, comprising the States of Michigan, Indiana, Illinois, Missouri, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, and Louisiana, and the Territories of Wisconsin and Iowa, prior to the 1st July, 1842, and the service under the recent lettings. The whole number of miles of mail service in these districts annually was 11,005,865, costing annually the sum of $1,102,045 prior to the 1st July last. The recent contracts require the transportation of the mail, in each year, 11,424,128 miles, at a cost of $957,768—thus giving, in fact, 418,263 miles more of service for $144,277 less expense. And I do not hazard much when I assert that this saving has been made while the service itself has been, in the aggregate, greatly improved.

The heretofore heavy expenditure of mail-bags and locks has been greatly reduced. Entertaining the opinion that, by a proper system of preservation, and a just responsibility imposed upon public agents, the number of mail-bags on hand was equal to the wants of the service, and would be sufficient to meet its demands for several years, I have, in effect, ordered their manufacture to cease.

By the report of the Third Assistant, it will be seen that the expenditure for mail bags was, in the

year 1837 - - - - -	$56,702 28
In 1838 - - - - -	38,737 36
In 1839 - - - - -	36,082 46
In 1840 - - - - -	35,337 23

From 1st April, 1841, to 1st April, 1842, the amount expended was but $13,566 30.

From 1st April, 1842, to 1st October, 1842—six months—$7,540 59. A large proportion of which was the mail-bags manufactured prior to 1841.

It is important, in every branch of the public service, to impress upon those in its employment the necessity of taking care of and preserving the public property. This is best done by the adoption of an appropriate system, and holding to a just responsibility those charged with administrative duties; and, when they prove themselves faithless or negligent, to appoint others in their places.

The good effects of this rule are strictly illustrated, not only in the item of expenditure just enumerated, but they are manifested throughout the results of the entire year's service.

It will be seen, by reference to my report of December last, that the amount received from the postage on letters and newspapers, and fines, for the year commencing 1st July, 1840, and ending 30th June, 1841, was stated to be $4,379,317 78.

The amount arising from the same sources for the year ending 30th June, 1842, is $4,546,246 13. Thus showing an increase of the revenue of the department of $166,928 35 over the revenue of the preceding year.

This increase has not been the result of an increase of mail matter, I am persuaded; but has arisen from a more systematic and vigilant execution of the law.

The gross expenditures of the department for the year ending 30th June, 1842, so far as they have been audited and paid, are $4,627,716 62—exceeding the amount derived from postage, during the same year, $81,470 49.

It will be remembered that, by the act approved the 9th September, 1841, there was appropriated, "to enable the Post Office Department to meet its engagements and pay its debts," the sum of $482,657.

Of this sum, there has been expended, during the last fiscal year, the sum of $392,664 51 in satisfaction of demands against the department prior to the month of April, 1841. The report of the chief clerk upon this subject, will exhibit more in detail the application of this fund.

There remained unexpended of this appropriation on the 30th of June, 1842, $89,992 49, to meet such other demands as may be established to be due prior to the 31st March, 1841.

This sum of $392,664 51 constitutes no part of the $4,546,246 13, given above as the revenue for the last year, derivable from postage and fines. It does, however, constitute part of the $4,627,716 62, the gross expenditure for that year; and, if deducted, will show the gross expenditure, for ordinary current service, to be $4,235,052 11.

This would present an apparent balance, of excess of revenue over expenditures, of $311,19

As it is highly probable that there are yet cl unsatisfied, not having been presented for pay and claims which were due prior to that time, which, if presented, would have been audited paid within the year, and which have been since 30th June, 1842, and, consequently, will charged in the expenditures for the current year is not intended to convey the idea that $311,194 02 is a surplus on hand; but it is a from which I am authorized to state that the come of the department has been equal to its rent expenditures during the year ending in J 1842; and it induces me to hope that, unless burdens of the service shall be too greatly mented by the additional routes created by the last session of Congress, the department wi future, be enabled to sustain itself. I cannot pate, however, any great extension of the ser beyond its present limits and amount, unless C gress shall, in some mode, relieve the departm from the heavy annual demands made upon its come by railroad transportation, and protect it, appropriate legislation, against the inroads it by private expresses and rival mail estab ments.

It affords me great satisfaction to report to your excellency that every legal demand by the contractors, properly vouched, upon the department, for services rendered since I have had the honor of superintending its operations, has been promptly paid.

Justice to contractors requires that, as soon as they have performed the service, they should be paid. To enable the department to do this, punctuality on the part of postmasters in the payment the balances due from them at the end of each quarter, is all important.

In every instance where there has been a failure on the part of such postmasters to meet the drafts of the General Post Office, I have felt it a duty, not to be omitted, to relieve such from the burden of official duty. The knowledge of the existence of this rule has banished defalcation from the department.

It is a fact worthy of notice, that, although the aggregate amount received from postage during the past year has been greater by the sum stated, the receipts at the large offices for 1842 have been less than in 1841. The aggregate increase has been in the medium and smaller offices.

This is accounted for by the fact, that the means of intercommunication between the great commercial points have been such as to invite contraband and increasing infractions and violations of the laws of Congress regulating the General Post Office.

I took occasion to invite your attention to this subject in my report of last year, under the hope that some legislation, in aid of the present laws, would take place, to enable the department more effectually to protect itself.

It is made the exclusive duty of the General Government to establish post offices and post roads. The State Governments have no right to interfere with the subject; neither has any individual, or company of individuals, such right.

Upon most of the railroads in the United States over which the mail is transported at an immense expense, there are to be found individuals engaged in the transportation of mail matter, in violation of the laws of the land—laws which prohibit the offence, but do not punish it by adequate sanctions.

A modification of the laws regulating the franking privilege is essential to the continued prosperity of the department. The original grant of the privilege was designed the better to enable the public officer to discharge his official duties without burden upon his private means. It is now generally esteemed more as a private and individual right than an official privilege. If persons entitled to this privilege were content to enjoy it themselves without lending their franks to others, the burden and loss to the department would not be so great and there would be less cause of just complaint by the public.

Although the act of 1825 expressly declares that "if any person shall frank any letter or letters, other than those written by himself, or *by his order, on the business of his office*, he shall, on conviction thereof, pay a fine of ten dollars; and it shall be the especial duty of postmasters to prosecute for said offence." The penalty declared by this law has no

een sufficient to prevent the too frequent violaion of its provisions.

If Congress shall deem it inexpedient to limit, or arther restrain, this right, an imposition of the ame penalty upon him who uses the frank of anther, as is imposed upon the person who abuses is privilege, would tend greatly to lessen the vil.

The whole number of free letters sent through he post office annually, so far as the returns of estmasters exhibit, is about three millions.

Assuming fifteen cents as the average rate of each etter, if charged with postage, four hundred and fty thousand dollars would be the amount received. Thus it will be seen that nearly one-ninth of all he matter which passes through the mail, passes ree of postage. The loss to the department does ot stop here. Two cents are paid to postmasters n each of these letters, constituting an annual harge upon the revenue of $60,000. An evil of his magnitude, I trust, will not fail to arrest the ttention of Congress, who alone can apply the roper corrective. It is wrong to burden the busiess and friendly correspondence of the community rith this heavy charge.

The public voice has called for a reduction of he rates of postage upon letters; and whilst I have elt its force, and am constrained to acknowledge is justice, I have heretofore been deterred from aking any specific recommendation upon this ubject, lest, by a sudden reduction, the only source f income might fail to meet the demands of the ervice. With a proper regulation of the franking privilege, and a further protection against the iolations of the laws of the department, I have o doubt a considerable reduction in postage might e safely made, and the benefits and advantages of he department extended to many portions of the ountry which are now, in a great measure, destiute of proper mail accommodations. More especially could this be done, if Congress, by some permanent arrangement with the railroad companies, would relieve the department from the immense nd constantly increasing amount annually paid hose companies for transporting the public mail.

I ventured to recommend, in my former report o you, that Congress should then legislate upon his subject. Nothing has occurred since to cause he to doubt the correctness of the opinions then xpressed. On the contrary, subsequent developments have strengthened the views then obtruded pon your consideration.

Without the right in the department to control the rrival and departure of the mails, regularity and espatch cannot be expected. This is a right which he railroad companies, in their periodical contracts, will not yield willingly; and, when they do ield it, make it a ground to increase their demands pon the department for transporting the mail. For the service of railroad transportation there ever can be competition. Why, then, subject the epartment to the useless ceremony of advertising eriodically for bids to carry the mail on railroads, equiring it to take the lowest bid, when there will e but one bid for the same route? Each letting as heretofore been, and will hereafter be, but an nvitation to the companies to increase the prices reviously paid.

It is in vain to disguise the fact, that the United States are compelled to employ these roads as carriers of the mail. Justice and policy alike require f the Government to send the mail by the most expeditious means of conveyance, and it cannot employ any of its own creation equal to the railroads. As a Government, it cannot, by legislation, control hose companies which have their corporate existence by State enactments. The United States must, therefore, purchase the right; and the question presented is, whether it is best to purchase this right every four years, or for the period of the charter of the road.

It is more a question of ability, at this time, on he part of the Government, than policy, in my humble opinion.

The plan which I proposed was, that Congress should authorize the department to purchase this right; enter into the stipulations of a contract with he companies, and report those contracts, as made, rom time to time, to Congress, to be binding only when ratified by Congress. Nothing dangerous an arise from thus treating with the companies. No enlargement of executive power is asked. On he contrary, it is proposed to subject executive power directly to the controlling influence of Congress. As the law now stands, the department has the power to contract with these companies for four years, with a nominal limitation as to the amount to be paid them per mile. Surely, no danger can arise to public liberty, or legislative authority, by authorizing the department to make a provisional permanent contract, subject to the approval of both Houses of Congress.

The great question involved is, whether Congress should make these contracts, and pay the consideration out of the resources of the Government; or whether the department shall levy the amount, by continuing the present rates of postage upon letters; and, in all time to come, devote so large a portion thereof to the payment for railroad transportation, as to deny even the hope to the more distant and less favored portions of our country of any increased mail facilities? The cost of railroad transportation for the last year stands at $432,568. The whole length of mail road in the United States is 149,732 miles, costing $3,087,796. Of this length of mail road, only 3,091 miles is railroad transportation, at a cost of $432,568—only one-forty-eighth part of the whole number of miles costing one-seventh part of the gross sum.

I repeat the inquiry made on a former occasion: Is it just, that the whole burden of the public correspondence—now nearly equal to half a million of dollars annually—should be sustained by a tax upon the business and friendly correspondence of the community? If the Government exacts from the citizen no more than the cost and expense of transporting his letters, he has no right to complain; but when an additional sum is wanted to defray the expenses of transporting the correspondence of the Government and its officers, that sum, like the tax for every other public service, should be drawn from the common resources of the country.

It is proposed that, in lieu of an annual drain from the treasury to pay the postage upon the public correspondence, the United States now secure and pay for the perpetual right to transport the mails over railroads. Can this right be now secured upon fair and reasonable terms? is a question worthy to be tested by fair experiment. I am of opinion it can be secured upon most, if not all of the important roads, upon reasonable terms, and with ample guaranties.

It is no part of the business of this department to speak of the effects which such contracts with the railroad companies would produce upon public credit, both at home and abroad. The effects, whatever they may be for good, are but incidental to the great object to be attained in reference to the mail service of the United States.

Entertaining these opinions upon this subject, I pray you will allow me most respectfully to press them upon your consideration.

Public opinion seemed so strong in favor of a reduction of postage upon letters, that it could be regarded in no other light than a demand upon those having the power over this subject. I have felt its influence, but have been unwilling to act unadvisedly in any recommendation I might make upon the subject. It will be remembered that England recently reduced her rates of postage. The effect upon the revenue, and upon the amount of mail matter, I was anxious to know. For this, and other objects connected with the operations of this department, I availed myself of the services of General Green, in November last, who was about to visit England and France upon private business, and instructed him to make certain investigations and inquiries. The result of his investigations may be seen by a reference to his report to me, a copy of which accompanies this report.

The dissimilarity in the government of the two countries, as well as the difference in the extent of territory, induce me to doubt whether the same system of mail service and rates of postage could be safely adopted in the United States.

One fact, however, is clearly developed by the report of General Green—that, since the reduction of postage in England, the number of letters mailed has greatly increased. I forbear to trouble you with any particular suggestions upon this subject, because it has been a duty devolved upon me by a resolution of the Senate, to make to that body a specific report upon an alteration of the rates of postage, which I purpose to do at as early a day as practicable.

It will be seen, by reference to a part of the report of Mr. Green, that the French Government is anxious to make a treaty with the United States for an interchange of mail service by the agency of packet and steamships of the two countries.

You will remember, this subject was brought to your attention by the minister of France during the last session of Congress. It was submitted by you to Congress, as one worthy of their consideration, and requiring specific legislation, if, in the opinion of that body, such an arrangement would prove advantageous to the United States. The Committee on Foreign Relations made a report favorable to the measure, and the House of Representatives adopted the following resolution:

"That the President of the United States be requested to cause to be prepared and reported to this House, by the Secretaries of State and of the Navy, at the commencement of the next session of Congress, a plan for the establishment, in concert with the Government of France, of a line of weekly steamers between the ports of Havre and New York, together with estimates of the expense which may be required to carry the said plan into effect."

That portion of Mr. Green's report, and the accompanying documents, are submitted under the belief that it may be serviceable to place before Congress the outlines of the plan contemplated by the French Government.

In the month of August last, I caused to be established and put into operation a city despatch post for the city of New York, confined to the delivery, through the post office of that city, of the correspondence within its limits. I am gratified to know that its operations have proved highly satisfactory to the community, giving to the citizens a prompt and cheap medium of communication, the income of which will not only maintain the expenses of the establishment, but, in the course of time, promises a considerable addition to the revenue of the department. The report of the postmaster of New York upon this subject is submitted, in order that its details may be more generally known; and, when understood, I have little doubt that the other large cities of the Union will call for a similar establishment. Its usefulness has been fully tested in New York, by the saving of a heavy daily expense of money and time to the business community in their city correspondence.

The amount of expenditure for the current fiscal year, for the service of this department, may be stated, by way of estimate, in round numbers, at $1,390.000.

This estimate does not include the probable expense of the new routes established by Congress at the last session, none of which have yet been put in operation. The probable cost of these routes per year will be $130,000, making the whole estimated expense of $4,520,000.

Any estimate of the income from postage during the present year must of course be altogether conjectural, founded upon the amounts received for the year ending in June, 1842.

The amount received the quarter ending 30th September last, is less than the amount of the corresponding quarter of 1841; and I therefore conclude the income of the department for the current year will fall considerably short of that for the year ending 30th June. It is, however, my intention to put these routes in operation by the time specified in the act. And as there is no discretion vested in the department by the act, if I find its means will not be otherwise equal to the additional expense, it will become my unpleasant duty to curtail the expense upon routes already in existence, equal to the cost of the new ones peremptorily ordered by Congress.

There are other matters more of detail, requiring, in my judgment, the legislation of Congress, which I forbear to obtrude upon your attention; but will seek the opportunity to submit to the committees to whom the affairs of this department may be referred.

I have the honor to be, with great respect, your excellency's obedient servant,

C. A. WICKLIFFE.

REPORT ON THE FINANCES.

LETTER FROM THE SECRETARY OF THE TREASURY ON THE STATE OF THE FINANCES.

TREASURY DEPARTMENT, Dec. 15, 1842.

SIR: In obedience to the directions of the act of Congress of the 10th May, 1800, entitled "An act supplementary to the act entitled 'An act to estab-

lish the Treasury Department,'" and an act entitled "An act to establish the fiscal year," &c., approved the 26th August, 1842, the Secretary of the Treasury respectfully submits the following report:

I.—*Of the public revenue and expenditure.*

The balance in the treasury on the 1st January, 1842, (exclusive of the amount deposited with the States, trust-funds, and indemnities,) was		$230,483 68
The receipts into the treasury during the first three quarters of the present year amount to		$26,616,593 78
Viz:		
From customs	$14,260,830 35	
From lands	1,091,638 95	
From miscellaneous and incidental sources	112,967 17	
From treasury notes per act 15th February, 1841	1,060,206 05	
From treasury notes per act 31st January, 1842	7,794,821 59	
From loan of 1841-1842	2,296,129 67	
The receipts for the 4th quarter, it is estimated, will amount to		7,886,000 00
Viz:		
From customs	$4 000 000 00	
From lands	366,000 00	
From miscellaneous and incidental sources	20,000 00	
From treasury notes	2,500,000 00	
From loan	1,000,000 00	
Making the total estimated receipts for the year		34,502,593 78
And, with the balance in the treasury on 1st January last, an aggregate of		$34,733 077 46
The expenditures for the first three quarters of the present year have amounted to		$26,264,882 20
Viz:		
Civil list, foreign intercourse and miscellaneous	$4,371,933 93	
Army, fortifications, pensions, fulfilment of Indian treaties, suppressing Indian hostilities, &c.	7,065,035 96	
Naval service	6,717,084 17	
Treasury notes redeemed, including interest	7,856,400 35	
Public debt, including interest on the loan,	254,427 80	
The expenditures for the fourth quarter are estimated on data furnished by the respective departments, at		8,238,278 15
Viz:		
Civil, foreign intercourse, and miscellaneous, (including the amounts due to States for distribution of the sales of public lands, and amounts due to Mississippi and Alabama, under act of September 4, 1841.)	$2,144,013 97	
Army, fortifications, pensions, fulfilment of Indian treaties, suppressing Indian hostilities, &c.	3,710,436 45	
Naval service	1,828,388 15	
Interest on loan	152,442 58	
Unclaimed dividends	3,000 60	
Principal and interest on treasury notes	400,000 00	
To which add outstanding warrants issued prior to 1st January, 1842,		805,474 03
Making		$25,308,634 38
Leaving a deficiency in the treasury on the 31st December, 1842, of		$575,556 92

The above estimates of expenditures for the 4th quarter of the present year include, as it will be perceived, the sum of $805,474 03, being the amount of outstanding warrants issued prior to the 1st January, 1842. It is presumed, however, that a like sum will remain outstanding on the 1st January next; and that, instead of the apparent deficiency as stated above, there will be an actual balance in the treasury on the 1st January, 1843, of at least $224,000. It is expected, also, that a like amount of warrants may be outstanding on the 30th June, 1843, and at the end of the succeeding fiscal year.

It is proper to remark, that, at the time the estimates of the expenditures of the 4th quarter were prepared by the several departments, it was believed that the expenditures for the current quarter would amount to the sum already stated; but it is now ascertained that they will fall considerably short of that amount; yet, as they will become a charge on the treasury early in the next year, it has not been deemed necessary to alter the amount as first estimated.

II.—*Of the estimates of the public revenue and expenditures for the half calendar year ending 30th June, 1843.*

The receipts for the half year are estimated as follows:		
From customs		$7,500,000 00
From lands		1,500,000 00
From treasury notes and loans		5,538,113 45
From miscellaneous sources		50,000 00
		14,588,113 45
The expenditures for the half calendar year ending the 30th June, 1843, are estimated at		$10,381,186 76
Viz:		
Civil, miscellaneous, and foreign intercourse	2,722,796 80	
Army, fortifications, pensions, fulfilment of Indian treaties, suppression of Indian hostilities, &c.	3,033,829 50	
Naval service	4,019,060 46	
Interest on public debt and treasury notes	606,500 00	

III.—*Of the estimates of the public revenue and expenditures for the fiscal year ending the 30th June, 1844.*

The receipts for the fiscal year ending the 30th June, 1844, are estimated as follows:		
From customs		$16,000,000 00
From lands		2,700.000 00
From miscellaneous sources		150,000 00
		18,850,000 00
The expenditures for the fiscal year ending the 30th June, 1844, are estimated at		20,945,498 76
Viz:		
Civil, miscellaneous, and foreign intercourse	3,804,434 44	
Army, fortifications, pensions, fulfilment of Indian treaties, suppressing of Indian hostilities, &c.	6,612,042 61	
Naval service	7 318 021 71	
Interest on public debt and treasury notes	1,211 000 00	
By the foregoing statements, it will appear that a deficiency will exist in the treasury on the 31st December, 1842, of		575.556 92
The receipts for the half calendar year ending on the 30th June, 1843, are estimated at		14,688,113 45
And the expenditures for the same period at		10,381,186 76
Leaving a balance of		4,306.926 69
From which deduct the amount of deficiency as above, and the balance remaining in the treasury on the 30th June, 1843, will be		3,731,369 77
The receipts into the treasury for the fiscal year ending on the 30th June, 1844, are estimated at		18,850,000 00
Making, with the balance, as above		$22,581,369 77
From which deduct the estimated expenditures for the fiscal year		20,945,498 76
And the balance in the treasury on the 30th June, 1844, will amount to		$1,635,871 01

Assuming (as is highly probable) that the balance of the loan authorized by the acts of 21st July, 1841, and the 15th April, 1842, amounting to $5,538,113 45, will be negotiated prior to the 15th April, 1843—the limit of the term within which it can be taken—it has been included in the receipts of the next half year. Should, however, this reasonable expectation be disappointed as to the whole amount of such balance, the deficiency thence arising may be supplied by the issue of treasury notes under the authority of the act of the 31st August last, to the amount of $3,500,000; which sum, together with that realized by the sale of stock, will, it is believed, place in the treasury an available amount adequate to meet all the anticipated demands up to the 30th June, 1844; and if the whole of the balance of the loan be taken within the period limited by law, the several balances remaining in the treasury on the 30th of June, 1843, and 30th June, 1844, will be as indicated in the foregoing exhibit.

It will be perceived that, in the estimate of expenditures subsequent to the 1st of January next, the redemption of treasury notes is not taken into account. But few notes have been presented at the department for redemption since the passage of the act of the 31st August last; and nearly the whole amount cancelled since that day was taken in payment of public dues. Should the notes issued under the act above mentioned be placed on the same footing with the previous issues, so as to bear interest after maturity, payable half-yearly, until called in for redemption, it is believed but a small amount would fall into the expenditures for the ensuing eighteen months. It is recommended, therefore, that this be done: otherwise, the expenditures during the period last mentioned must necessarily be increased to the amount of probably three to four millions of dollars, in redemption of issues under the act of 31st August last. But, for the purpose of guarding against unforeseen contingencies, it is further recommended that the existing authority to reissue treasury notes should be extended to the 30th of June, 1844.

The loan of $5,672,976 88, borrowed under the provisions of the act of the 21st July, 1841, will be redeemable on the 1st of January, 1845; and, on the assumption that a re-issue of treasury notes, as above suggested, shall be authorized by Congress, the whole amount now outstanding, together with that of the issues that may be hereafter made under the act of the 31st August last, will fall due prior to the 30th June, 1845. Although payment of those notes may not be at once demanded when due, and the time of repayment of the loan of 1841 is placed at the pleasure of Government, yet the liability to pay those several amounts must exist, and the means to provide for the exigency can be afforded only by further legislation.

The present tariff, in its main features, resembles so nearly the bill submitted to Congress by the department on the 9th May last, that the views expressed in the report which accompanied the bill may be considered as applicable, to a great extent, to the system of duties now established. The period within which the tariff has been in operation has been much too short to furnish any decisive evidence as to its permanent influence upon importations. The foreign trade of the country has continued to decline, and importations have been comparatively small since the passage of the act. How far this state of things may have been influenced by the existing system of duties, it is impossible to determine. The smallness of the importations may be well accounted for, by the embarrassed condition of the country, and its extremely limited means of purchase. The amount of foreign commodities in our markets is still found greatly to exceed the demand; and the fall in the prices of merchandise since the 1st September is supposed to be, on an average, not less than ten per cent. This fact will be found verified in a letter from the collector at New York, annexed hereto, to which reference is respectfully made; and it is deemed conclusive to show that the decline in the importations since the 1st September cannot justly be referred to our system of duties; and that the effect of the existing tariff remains to be determined by further and more satisfactory experience.

The importance of adequate provision for revenue cannot be too often or too strongly urged upon the attention of Congress. The resources of the country are abundant; internal taxation, either direct or indirect, has not of late years been found necessary; and it is still believed that a system of custom-house duties may be made sufficiently comprehensive to yield an income commensurate with all the wants of the country.

There are various articles of import, several of them of very large and universal consumption, at present untaxed, or subject to duties extremely low; and some of which (without, perhaps, in any considerable degree, lessening the amount of their consumption) might bear imposts yielding an aggregate addition to the revenue accruing under the existing laws, of not less than $3,000,000. These offer themselves for selection; and it rests with the wisdom of Congress to make that selection, or adopt any other mode of securing the receipt of such an amount of revenue as shall be sufficient to meet the expenses of an economical administration of the Government, and afford the means of sustaining measures necessary for the defence of the country and the maintenance of the public credit.

This last object is of infinite importance. The honor of the country, its just self-respect, the pride which every citizen must feel in the high character of its Government,—all these require that the public faith, and the credit of that Government, should be placed above doubt or question.

Deeming it highly probable that the policy of establishing a warehouse system might engage the deliberations of Congress at the present session, the attention of collectors and other officers at various ports was called to this subject by a circular issued from the department on the 24th November last—a copy of which, together with the answers received, and a table of exports of foreign merchandise, are annexed. It has been thought advisable, also, for the sake of convenient reference in a matter of such general interest, to attach to this report a copy of the statute of the 3d and 4th William IV, which embodies the warehouse system of Great Britain in a form matured by a long experience. In connexion with this, will be found a copy of regulations established under authority of the statute above mentioned, by the commissioners of the treasury, which will afford a satisfactory view of the practical operation of the system as it now exists in that country.

I am, very respectfully, sir, your obedient servant,

W. FORWARD,
Secretary of the Treasury.

Hon. WILLIE P. MANGUM,
President of the Senate.

SPEECH OF MR. REYNOLDS,
OF ILLINOIS.

In the House of Representatives, Dec. 17, 1842—
On economy and retrenchment.

Mr. REYNOLDS of Illinois, having the floor, said:

Mr. CHAIRMAN: I see no reason to induce me to become so warm and excited on this subject, as I see evinced in other gentlemen who have taken part in the discussion. I feel as cold on the occasion as an ice-house; and will have no other feelings in the case, except what truth and justice may inspire me with.

The question before the committee is, to strike out of the bill under consideration $50,000 for the survey of the coast of the United States. This appropriation is for six months only; and, should it not be stricken out, the same sum must be appropriated for the other six months of the year; making, in all, $100,000 for the whole year; and so on until the work is completed.

Mr. Chairman, I consider this sum not of itself so vastly important to the public, as the principle which will be established by the Representatives of the people in the decision of this question. We will see whether the promises of economy and retrenchment, made so frequently to the public, will be binding on the Representatives or not.

A committee was raised at the last session of Congress, consisting of five members, to inquire into this same subject—the survey of the coast. This committee have not made a formal report; but a majority of them have come to the conclusion that Mr. Hassler, the superintendent of the survey, *is incapable to carry on the work.* This statement has given to the discussion a deeper tincture of Mr. Hassler than should, in my opinion, figure in the debate; yet his peculiar and particular friends have forced him to occupy such an important and prominent position in relation to this work, that, in order to arrest the appropriation, we are compelled to give him a passing notice.

The ardent and zealous gentleman [Mr. J. R INGERSOLL of Philadelphia] who last addressed the committee, seems to suppose that Mr. Hassler has no friends on this floor. If the gentleman had paid the same attention to his own efforts for Mr. Hassler that I did, he would have witnessed in himself a most powerful and influential friend to the old gentleman.

In fact, Mr. Chairman, I believe Mr. Hassler has no enemies in this House. What inducement could exist in any one's breast to make him hostile to Mr. Hassler? I myself feel no hostility towards him; and, I presume, others entertain as friendly feelings to him as I do. A majority of the select committee, in the discharge of their official duties, acting under the solemnities of an oath, have concluded that he is incapacitated to prosecute the survey of the coast. This is not a declaration of war against Mr. Hassler, to gratify private feelings of enmity towards him; but it is a solemn act of official duty, performed by part of the select committee, as the Representatives of the people; and, as such, must and will have a most powerful influence in the case of Mr. Hassler.

The *peculiar* friends of Mr. Hassler have in such an efficient manner identified and *dovetailed* him with this national work, that some might suppose the survey could not go on without him. His friends seem to think that he and the work are both national, and, like the Siamese twins, one dying, the other cannot live. The praise and eulogies heaped on him with such unsparing profusion, will do him an injury. Anything that is not natural cannot be forced to return a permanent existence. And, moreover, it is an indirect reproach and censure on the science of the nation. That no other person in this Republic, consisting of seventeen millions of people, can be found equal to Mr. Hassler to survey the coast, is a proposition so preposterous and absurd, that it will provoke the derision of the people, rather than their belief. It would seem that this vast confederacy must wither and decay, if Mr. Hassler were removed from office.

Has he any more right to the office than any other citizen? The office does not belong to the incumbent, but to the people; and all citizens are equally eligible. This is the perfection of our republican institutions. No one has a fee-simple right in office; and although, as it is stated, Mr. Hassler has been fifty-six years in office, yet this gives to him no more right to office than another individual; and, to permit him to retire, will attach to him neither disgrace nor criminality.

Mr. Chairman, I cannot see that it is absolutely necessary to the prosecution of this work, that Mr. Hassler should be continued the superintendent of it. The survey can go on, in my opinion, better without him than with him. The work was commenced in Rhode Island nine or ten years ago, and is completed not far beyond the Delaware bay. At this rate, it will be fifty or sixty years before the whole coast of the United States is surveyed, and will cost the Government millions and millions of dollars. Is this economy, either in time or money? If this work be of such great utility to the nation, why delay it for fifty or sixty years?

The first law authorizing the survey of the coast of the United States, was passed the 10th of July, 1807; and the work was almost entirely suspended until 1832, when another act of Congress was passed on the subject. I have heard of no calamity or disasters visited on commerce during this long period of twenty-five years' suspension, more than we experience at present. And, in fact, if the work were suspended, while we are compelled to carry on the Government by borrowing money, it would be justified by three-fourths of the people.

It is said this work is a magnificent effort of science and talent, and has excited the admiration of Europe; and that it is an honor to the United States and Mr. Hassler. I am proud of this, if we do not pay too much for the whistle. These great and scientific works ought, nevertheless, to be kept within the bounds of moderation and economy.

I am not that barbarian who, as a matter of course, opposes science and the works of art. I am proud that we have men of science and works of art in our country. They add greatly to the honor and happiness of the people, and should be sustained, if we can do it on just and equitable principles. And, moreover, I am not opposed to this work because it is an Atlantic measure. We cannot, in the interior of this vast continent, expect a seacoast, or the shipping of the ocean to visit us. We are benefited by foreign commerce, and must bear our portion of the expenses of it. All I contend for, Mr. Chairman, is, that these works of national improvement shall be conducted with economy, and with equality in respect of all the sections and various interests of the Union.

An act of Congress, passed 14th April, 1814, confined the appointment of all officers concerned in this coast survey to the navy. This act was repealed. I would repeal the repealing act, and confine the appointments to the officers of the army or navy of the United States.

It is a well-known and deplorable fact, that the United States sustain, at an enormous expense, the Military Academy at West Point, for the express purpose of educating officers for the army. Each cadet, when he completes his education, and is ready to enter the army, costs the Government six thousand dollars for his education; and, according to the report of the Secretary of War of the 28th January, 1831, there are eighteen cadets each year, whose education has been completed, more than there are offices vacant in the army. These supernumerary cadets are attached to the army, and receive pay as officers.

These are facts which the public records will establish, to the satisfaction of every one who will examine them. The records will also show that thousands and thousands of the public money have been expended to sustain the academy at West Point, so that scientific and talented officers might be placed in the command of our armies. The friends of the academy praise and eulogize the institution for the profound learning and the variety of useful science which are taught in it. They claim for the academy the great honor of teaching the science of mathematics to the greatest perfection. This is the science, and its accessories, that are most essentially necessary in the survey of the coast.

I would, therefore, ask, Mr. Chairman, would it not be just and right to require some of these literary and scientific officers to make the survey of the coast, and thereby save the amount of money which is now expended on it under the present system? The friends of the academy dare not say that the officers educated in that institution are incompetent to make the survey of the coast. These officers are intrusted with the destinies of our armies. The glory, the honor, and the character of the army are in their hands. And can it be said that such officers are incapable to survey the coast?

If they are incapable for the performance of this work, then let no time be lost in exterminating the institution, and in having the least and last recollection of it eradicated from our minds. The President, in his late message, proclaims, not only to this nation, but to all nations, "that we are exempt from domestic convulsion, and at peace with all the world;" so that the officers of the army will have sufficient time and leisure to make the survey—and particularly those cadets who have been educated at the public expense, and have no vacant offices to fill in the army.

We see that the engineer corps of the army are intrusted with the survey and estimates of the greatest public improvements in the nation. They superintend the work, and why not also superintend the coast survey? The Government possess a sufficient supply of instruments and all the necessary apparatus to execute the survey; so that the work could be carried on with very small additional expense.

But, Mr. Chairman, some individuals may consider it inappropriate for the officers of the army to make the survey, and that the work would fall more properly into the hands of the officers of the navy. The Congress of the United States in 1814 provided that the officers of the navy should prosecute the work; and why not revive the same law? Will any one deny the competency of the officers of the navy to make the survey? Where are the naval officers on earth more respected or more meritorious, not only for their courage and gallantry in battle, but for their science and literature, than those of the United States? Many of these officers have become aged and experienced in the science of their profession, and are, therefore, more competent, in my opinion, for the accomplishment of this great national work than any other class of men. An experienced and scientific officer of the navy, whose profession has caused him, during a great portion of his life, to observe, with care and caution, not only the coast and shoals of the United States, but also many other *coasts*, is more capable, in my judgment, than any other person, to superintend this work. This naval officer must, of necessity, be a man of science and literature, and particularly and profoundly versed in the mathematics and all its various branches. He must, also, have an intimate acquaintance with all the instruments and apparatus necessary to execute a survey, and must be more competent than any landsman can be, to sound the coast, ascertain the shoals, and mark them on the chart. The wise and the foolish, the learned and the unlearned would, in my opinion, at once agree that this work should be conducted by the officers of the navy.

There is a superabundance, and, in fact, a redundancy of these officers in the pay of the United States, and doing nothing, and "at peace with all the world:" why not have the services of some of them in the execution of this work?

Mr. Chairman, I am justified in the conclusion that the naval officers are fully competent to superintend this work, by the fact that an officer of the navy made and executed in a practical, and also in a scientific manner, the survey of Lake Ontario; and the commerce on the lake has suffered no injury by the work not being properly and scientifically performed. The charts made by the officer have regulated the navigation of the lake in such manner, that we hear of no complaints for the want of a proper and correct survey of the coast. Therefore, I have no hesitation in saying, that either the officers of the engineer corps of the army, or the officers of the navy, are fully competent to execute the survey of the coast, and make all the charts that are necessary for the purposes of commerce.

This policy being adopted, a vast sum of money will be saved to the public. I received an official note from Mr. Smith, the register of the treasury, in which it is stated, that from the year 1808 to the present time, the sum of $786,730 28 has been paid for the survey of the coast.

Mr. Chairman, within a very short time, important and essential changes have taken place in the country. Extravagance and speculation have passed away, and the sober realities of industry and economy have taken possession of the people. The excess of a spurious paper circulation has ceased to exist, and a more permanent and solid currency has taken its place. The banks, and their fraudulent promises, were the greatest calamity ever inflicted on the country. They excited the people to

speculation, extravagance, and ruin; and have themselves, (many of them,) in turn, broke, and become loathsome nuisances in the community. Nothing on earth is more filthy and disgusting than the fraudulent remains of a broken bank. The people turn from them with the same disgust as they would from a deadly pestilence; they have left the banks, and are now depending on God and themselves for support. They have turned their minds and their bodies to industry and economy; and the country commences to enjoy that prosperity and happiness that will always attend virtuous industry and economy. The habits and pursuits of the people have changed; and why not change, also, the legislation of Congress, to correspond with this prudence and economy? The Government should be the shadow and image of the people; and, I presume, it will not be considered any disparagement of members to say that we are the public servants of the people, and ought to do their *will*. Can any one, no matter how careless he may be of public opinion, mistake the sentiments of the people on this subject, and believe that they will sanction any wild or prodigal appropriation of the public money? It is known to all, that the circulation of money, and particularly in the Western country, is extremely limited; and, of course, the price of property uncommonly low. All these considerations will compel the Representatives of the people to reflect on the subject, and force the expenditures of the public money to the very lowest point on which the Government can be justly and properly administered.

Mr. Chairman, I am clearly satisfied that the whole machinery of the Government can be carried on yearly for the sum of eighteen millions of dollars. Then, in truth, we would have a wise and economical administration of the Government. The last years of the Democratic Admiuistrations of the Government were verging to this sum, although millions were expended on the Florida war, which is now closed Particularly the army and navy should be reduced; and all expenditures curtailed in such manner that the appropriations should not, under any circumstances, exceed eighteen millions of dollars.

The scanty circulation of money in the country, in comparison to the superabundance in 1836, and the important changes in the sentiments and habits of the people—from prodigality and extravagance to industry and economy—imperiously demand of their Representatives a corresponding change in the administration of the Government.

It requires an effort to reduce the expenditures of the Government; but such effort and such reduction are confidently anticipated by the people.

It is in the House of Representatives where people should expect relief from these extravagant appropriations of money. The people have more intimate connexion with the House than any other department of Government. The Representatives are elected every two years, and therefore have a common feeling and identity with their constituents. It is not so with the Senate. The Senators are elected for six years, and then not by the people. Therefore, neither in theory nor in practice with the Senate, as far as I have observed them to act, need the people look to them, as a body, for relief from extravagance. In fact, the Constitution, in the first instance, commits all these money matters to the House of Representatives; and it is on them that the responsibility mainly rests in making these extravagant appropriations of money.

Mr. Chairman, I need only mention the fact, that every member, as far as I understand the subject, is pledged to his constituents to observe economy in the expenses of the Government. This subject has been the great bone of contention between the contending political parties for years past; and I take it to be true, that both parties, and the individual members of each party, are solemnly pledged, before God and man, to observe economy in all things, and to prosecute, with zeal and efficiency, every reform and retrenchment in Government that is proper to be made. Every member of this committee can probe his own heart, and see if I am not reviving in his mind the recollections of the pledges he made to his constituents.

Although the sum proposed to be stricken out is but small, yet the decision will be important, to test the disposition of this House on economy and retrenchment.

Mr. Chairman, there is another consideration which has a powerful influence on me in opposing this appropriation. I believe that the good of the public requires a different location to be given to it. The officers of the Government may be required to complete the survey of the coast; and the money heretofore appropriated for that work be applied to the improvement of the Western rivers—or the national road, if you please. I consider it an act of the greatest economy to appropriate money for the essential and necessary national improvements of the country. Suppose, for the sake of example, that a few thousand dollars applied to the removing of the snags in the Mississippi would save millions to the people: would not this be economy? Money may be expended so as to advance the most essential principles of economy.

I would only mention some of the improvements that ought not to be neglected any longer. The completion of the national road to Alton, in the State of Illinois, would be an improvement of much more benefit to the public than the survey of the coast. This great national work has been commenced by the Government, and the high expectations raised among the people should be realized by completing the road to Alton.

One other important and essential improvement, is the purchase, by the Government, of the private stock in the Louisville and Portland canal, in Kentucky, and making it free. There is no improvement on all the length of one thousand miles of the Ohio river, so essential and necessary as the free navigation of this canal. Although it is only three miles in length, yet it is a great national work. I need not inform the members of this committee of the extent of navigation which the falls of Ohio obstruct. The great and increasing population in the West, that is interested in the removal of this obstruction, is greater than is generally known. All the valley of the Mississippi, amounting to six millions of people, or upwards, are more or less directly interested in this improvement. The importance of this work, and the interest the people feel in it, ought to attract the attention of Congress to it, and cause them to purchase the stock, and make the canal free to the public.

But, Mr. Chairman, the most important national work in all the West is the improvement of the Mississippi river. My congressional district borders on the Mississippi; and that part of the river which has acquired for itself, by the destruction of such a number of boats, the name of the "boat grave-yard," is located in my district. So, I consider it my imperious duty to urge this subject respectfully on the consideration of Congress. And I have no hesitation in saying, that, if Congress will give the subject their deliberate consideration, a large appropriation will be made to remove the snags from this river.

I have no doubt there is more wealth floated on the Mississippi than any other river in the United States; and the commerce is increasing on it every year. This will be readily conceded, when we take into consideration the fertility and extent of the country which this river and its tributaries water. The variety of climate, and the extreme productiveness of the soil, together with the energy and industry with which this region of country is cultivated, furnish more surplus for exportation than any other section of the Union. There were navigating the Mississippi and its tributaries, in 1840, 437 steamboats; and more than two hundred millions worth of property was shipped yearly on the Western waters.

I pretend not to enter into the detail of the great amount of property that is exposed every year, and every day, to the uncertainty of the navigation of these Western waters. It is more than any one, who does not see it, could scarcely believe; and the losses and destruction of steamboats are also almost incredible. Although I reside not far from the scene of destruction, and hear much on the subject, yet I was astonished to see on the Mississippi, for twenty or thirty miles up from the mouth of the Ohio, such numerous hulls and wrecks of the finest steamboats that navigated the Western waters. I saw and heard of such destruction of property, and saw, myself, the remains of so many of the most splendid and costly steamboats, that I consider it my solemn duty to state these facts to the committee. And I am confident, if the members of the committee had seen this ruin and loss of property, as I did, that they would not hesitate one moment to make a liberal appropriation to improve the river.

Mr. Chairman, I will exhibit a statement of facts, which I have no doubt are correct. Even this short epitome of cases will give some faint idea of the realities:

"WESTERN NAVIGATION.—The following facts for the consideration of Congress are furnished in a report, made by a committee at a public meeting in St. Louis, in the nature of a memorial to Congress: The number of steamboats sunk in the Mississippi and Missouri rivers, in the year 1839, was forty; in 1840, forty-one; in 1841, twenty-nine; and in the present year, twenty eight. The aggregate value of these boats and their cargoes was $3,540,000; and, in addition, the repairs of damage by snags, where the boats have not been sunk, have averaged $40,000 per year. Between the 11th of September and 12th of October, (less than five weeks,) eight fine boats, with their cargoes, were sunk between St. Louis and the mouth of the Ohio. The aggregate of the loss by the sinking of these eight boats was $234,000."

"STEAMBOAT DISASTERS.—The steamboat Saratoga was sunk in the Mississippi last week. Passengers and baggage saved; boat and cargo lost. The Patrick Henry was snagged near Memphis—no lives lost. The Boston was also snagged near the same place, and much of her cargo lost—about $10,000 worth. The Fame stove. The Scioto Belle snagged and much injured. The steamboat Rialto was snagged about thirty miles from Little Rock, and sunk; boat lost, and cargo much damaged."

I would ask any man, had these losses of boats and property, to the amount of $3,540,000 within four years, occurred on the Hudson river, between New York and Albany, if the forty Representatives of the Empire State would not have had appropriation after appropriation to improve the Hudson? The justice and propriety of the improvement are the same, whether in the Hudson or the Mississippi; and, if any difference, it is more just to improve the Mississippi, because there is more commerce on it than on the Hudson. The people in the city of New York, who were injured by a fire in 1836, were relieved by Congress; and why not relieve the people of the Mississippi valley from these losses, as well as in other sections of the Union?

I would compare the necessity and utility of the improvement of the Mississippi to the Hassler survey of the coast. No one says there would be any loss of property or life incurred by the delay for a while to survey the coast; and it will not, under the Hassler administration, be completed in less than fifty or sixty years; so that several generations will pass away before the country will experience the full benefit of the work. The Mississippi, of all the rivers in the Union, is the easiest improved. A small sum will remove almost all the snags which have caused the losses, and improve upper and lower rapids on that river.

Mr. Chairman, my conclusion is, that, on the strictest principles of economy, the appropriation for the survey of the coast should be applied for the improvements in the West, and the officers of the Government should prosecute the survey of the coast without expense to the nation.

NOTE.—The appropriation was stricken out.

SPEECH OF MR. PAYNE,
OF ALABAMA.

In the House of Representatives, December 20, 1842—On the bill to repeal the bankrupt law.

The bill to repeal the bankrupt law being under consideration—

Mr. PAYNE, of Alabama, rose and said:

Mr. SPEAKER: When the bill establishing a uniform system of bankruptcy was under consideration, I had strong objections to the passage of the measure. As I was prevented from stating those objections to the House and to the country then, I avail myself of the opportunity afforded to do so now.

One objection, which operated upon my mind, was the *retroactive* feature of that law. Had it been prospective in its operation, and conformable in other respects to the Constitution, it would have received my support; nor would I now oppose a permanent system of bankruptcy freed from the odious objections to which the present one is liable. That a bankrupt law, freed from those objections, could not have passed then, we all know; consequently, we were forced to vote upon the law as it now is, with all its imperfections. I believed then, and I believe now, that Congress has not the power to pass any law which is retrospective in its operation. Nor will it be pretended that it belongs to the legitimate powers of this Government to pass a law impairing the obligation of contracts; yet, this famous bankrupt law was *retrospective* in its operations, and did impair the obligation of contracts, by releasing the debtor from the payment of his debts without the consent of his creditor. Another objection which I had to the law, was

lo not say, sir, that such ought to be the decision. I do not say that it would be a fair and honest interpretation of the article. But I do say, there is enough in it to cavil about—enough to afford the English Government a plausible pretext for doing what they are now doing without a pretext.*

*The following account, given by the notorious Tappan, of a conference which took place between Lord Ashburton and a committee of the American and *Foreign* Anti-Slavery Society, shortly after the ratification of the treaty, appeared in the New York Courier and Enquirer of the 12th September last. If we can credit this statement (I admit of doubtful authenticity) we have already a commentary on this article of the treaty by the minister who negotiated it, declaring, not only that it does not apply to cases like the Creole, but that, in framing the treaty, great care had been taken to prevent any such application. I refer to this publication here, not only as furnishing some indication of his Lordship's views on this subject, but especially as an evidence of the connexion which exists between the Abolitionists of this country and the Government of Great Britain. How diseased must be the state of public opinion in a community which can tolerate, within its bosom, *foreign* societies formed for the avowed purpose of warring against the fundamental institutions of the country, and does not cover with universal opprobrium American citizens who publicly apply to the ambassador of a foreign nation to protect them against the acts of their own Government.

"ABOLITION MORALITY.—We find in the Journal of Commerce the following gross attack upon the *honor* and *honesty* of Lord Ashburton:

"'We have heretofore alluded to the fact, that the *Abolitionists* have openly recommended *slaves* to *steal* from their masters whenever it would aid them in effecting their escape; and now Lewis Tappan would have the world believe that Lord Ashburton *approves* of such advice!

'In law, the receiver of stolen goods is as criminal as the thief; and in morals, all must agree that the person who can deliberately advise a human being to set at naught the laws of God and man, and justify—nay, urge—his *stealing*, would himself be guilty of *theft* when an opportunity offered. *'Thou shalt not steal'* is one of God's commandments; and he who advises his fellow-being to violate it, would undoubtedly violate it himself if secure from punishment.

"And yet, because Mr. Lewis Tappan and some of his associates are willing to advise others to *steal*, these *honest* and *pious* gentlemen infer that Lord Ashburton would give similar advice! In other words, they in fact publish his Lordship as a THIEF.

"Let the reader peruse the following, and form his own opinion of Mr. Tappan and his *honest* and *religious* associates."—*Ed. Cour. and Enq.*

From the Journal of Commerce.

INTERVIEW WITH LORD ASHBURTON.

The Executive Committee of the *American and Foreign Anti-Slavery Society*, apprehending that the tenth article of the treaty lately concluded between the British minister and our Government, might be used to the injury of fugitive slaves escaping into Canada, appointed a deputation to solicit an interview with Lord Ashburton just before his departure for England, to lay before him facts in relation to the subject, which might be communicated to his Government. He very readily complied with the request, and appointed 10 o'clock A. M. September 3d, for the interview, at his lodgings at the Astor House. The committee consisted of Messrs. S. S. Jocelyn, Leonard Gibbs, Le Roy Sunderland, and Lewis Tappan. Mr. Gerrit Smith being present, was invited to accompany the delegation. The delegation was courteously received by Mr. Aldmay, secretary of the special mission of her Britannic Majesty, and by him presented to Lord Ashburton, who invited them to be seated, expressed much satisfaction at seeing them, and entered into a frank and full conversation on the subject on which the interview was requested. The delegation, after congratulating the British envoy on the successful termination of his mission, informed him of the particulars of the case of Nelson Hackett, a slave who fled from Arkansas to Canada, where his pursuers overtook him, had him arrested on a charge of stealing a coat, gold-watch, and horse of his master. Hackett was imprisoned, and meantime a grand jury in Arkansas indicted him. A demand was forwarded from the Governor of Arkansas to the Governor General of Canada, for his surrender. Sir Charles Bagot complied, and Hackett was taken back to Arkansas. The delegation stated to Lord Ashburton their apprehensions that such a course occurring without any treaty stipulation, there was great cause of apprehension that, under the tenth article of the treaty, which provides for the mutual surrender of all persons charged with certain specified crimes, no fugitive slave would be safe in Canada, when it is notorious that slaveholders allege crimes against fugitive slaves as one expedient for their reclamation.

Lord Ashburton went into an explanation of the 10th article, and mentioned several particulars of the discussion that took place, both on that topic and others relating to slaves. He said that it was very desirable to have an article in the treaty to meet cases similar to that of Holmes, who fled from Canada into Vermont, and the cases that would frequently arise, considering the extent of the bordering lines, and the temptation for criminals to flee across the lines in hope of securing themselves from arrest and punishment. The Governor of Canada was anxious that deserters should be included; but as Lord A. learned that a claim would be put in for the delivering up of fugitive slaves, he abandoned the question of deserters from her Britannic Majesty's possessions. He was also very desirous to secure the delivery of mutineers; but did not press it, lest it should involve, on the part of his Government, the delivery of slaves situated as were those on board the Creole. With regard to the case of the slave Hackett, he did not know all the facts. Sir Charles Bagot was known to him, and he did not believe he would do anything intentionally wrong. But he had just entered upon his duties, and was probably desirous, at that juncture, of promoting good feeling with his great neighbor. The fact that the slave had taken his master's watch, was a circumstance that probably went against him. "Had he only taken the horse," said Lord A., (looking at Gerrit Smith, significantly, though he could not be supposed ever to have read the advice of that gentleman to fugitive slaves,) "he would not probably have been surrendered; for you know the horse was necessary for his escape." Lord A. said that, in framing the 10th article, great care had been taken that inferior magistrates in Canada should have no authority to surrender fugitives, as had been urged by the other party; and that only the Governor himself could perform an act of so great importance. Great care would be taken, he had no doubt, to protect the innocent; and that the taking of any article necessary to effect an escape would not be considered felonious. If, said he, the operation of the 10th article prove injurious, he had no doubt the British Government would put an end to it, agreeably to another provision of the treaty, viz: "The 10th article shall continue in force until one or the other party shall signify its wish to terminate it, and no longer."

Lord Ashburton said that, when the delegation came to read his correspondence with Mr. Webster, they would see that he had taken all possible care to prevent any injury being done to the people of color; that, if he had even been willing to introduce an article including cases similar to that of the Creole, his Government would never have ratified it, as they will adhere to the great principles they have so long avowed and maintained; and that the friends of the slave in England would be very watchful to see that no wrong practice took place under the tenth article.

The delegation now rose, and, after thanking Lord Ashburton for the candid and satisfactory manner in which he had received their communications, and answered their inquiries—wishing the divine blessing for the part he had taken in perpetuating peace between the respective countries, and protecting the rights of the oppressed, and a safe and speedy return to his native land—took their leave, highly gratified with the courtesy, frankness, intelligence, and philanthropy of this distinguished nobleman. Believing the above statement will be interesting to your readers, especially to those who labor and pray for the slave—for the poor fugitive, particularly—that it will tend to quiet the fears of the twelve thousand colored inhabitants of Canada, most of whom have fled from Southern slavery, and their numerous friends on both sides of the line; and that there will be found an additional occasion for the thankfulness to God, that he has, through the instrumentality of the American and British ministers, brought about a peace that will, it is hoped, be lasting. I remain, very respectfully, yours,

LEWIS TAPPAN.

BRITISH TREATY.

SECRET SESSION.

SPEECH OF MR. RIVES,

OF VIRGINIA.

In Senate, August 17 *and* 19, 1842—On the treaty with Great Britain.

Mr. RIVES said that the Committee on Foreign Relations, to which the treaty had been referred, not having been able, from the shortness of the time allowed by the now advanced stage of the session, and the consequent necessity of early action on the subject, to make a formal and written report, it devolved on him, as the organ of the committee, to state the views and considerations by which the committee had been influenced, in recommending to the Senate to give the constitutional sanction of their "advice and consent" to its ratification. He begged leave to say, in the outset, that, in forming their judgment on the grave question submitted to them, the committee had felt themselves bound, by the most solemn of all obligations, to discard from their minds every consideration but such as appertained to the true interest and honor of their country. They had felt that it would be to betray the trust reposed in them by the Senate, and to show themselves unworthy of the confidence of the country, if they could, for a moment, permit themselves, in pursuit of party objects, or under the influence of personal or political prejudices, to turn aside from

Some gentlemen, I know, although, like myself, they do not entirely approve this treaty, are yet willing to vote for it as the price of peace. However anxious I may be to preserve peace, I am not willing to purchase it. I differ from them, moreover. I do not believe any peace will be permanent, as long as this agitating subject remains unsettled. England has told you that the door of negotiation on this subject is closed. It will never be re-opened, except at the point of the bayonet. If you were to go to war now, it would be the war of the whole country. From the banks of the Penobscot to the Mississippi, we would present an unbroken front. But, once separate these questions; let the North settle those in which she is more immediately interested, and leave the South alone with its wrongs unredressed; and you increase the chances of war, while you diminish those of its successful prosecution. Your forbearance now will only increase the insolence of Great Britain, and encourage the repetition of outrages like those of the Hermosa and the Creole. She will unfurl the banner of abolition still more conspicuously before the eyes of your slaves. She will accustom them to consider her as their benefactress, the champion of their rights, the avenger of their wrongs; and when war does come—as come it will—she may then hope to realize her threat of being welcomed by them as a deliverer, and her flag, wherever it appears, becoming the signal of servile insurrection.

the *national* question, to inquire by whom the treaty had been negotiated, or whose name stood subscribed to it. They have looked to the treaty in itself, isolated from every invidious reference to persons or parties; and have pronounced upon its acceptance or rejection as, in their best judgment, the interests and honor of the nation demand.

The stipulations of the treaty embrace three distinct objects: an exact and permanent definition of the boundaries, where they had been the subject of doubt or dispute, between the territories of the United States and the adjacent provinces of Great Britain; a plan of co-operation for the more effectual suppression of the African slave-trade; and an agreement for the mutual surrender, in certain cases, of criminals fugitive from justice. The first of these objects, from its intimate connexion with the tranquillity of the frontier, and the peace of the two countries—on several recent occasions exposed to imminent hazard of interruption, from intrusions on the disputed territory, and the conflicting jurisdictions exercised over it—naturally occupies the foreground of the treaty.

The merits of the controversy respecting our Northeastern boundary, and the respective claims and arguments of the two parties in regard to it, are too well known to the Senate, (said Mr. R.,) to require any recapitulation of them at my hands. A brief retrospect of the history of the controversy, however, may be necessary to enable the Senate to comprehend the position of the question at the moment when the negotiations which terminated in this treaty were entered upon.

The second article of the definitive treaty of peace of 1783, describes the Northeastern boundary of the United States as follows: "Beginning at the northwest angle of Nova Scotia, to wit: that angle which is formed by a line drawn due north from the source of the St. Croix river to the highlands; along the said highlands, which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic ocean, to the northwesternmost head of Connecticut river;" and then, pursuing the description of the boundaries of the United States around their whole territory, on the north, the west, and the south, it returns to the eastern boundary of Maine in the following words: "East by a line to be drawn along the middle of the river St. Croix, from its mouth, in the Bay of Fundy, to its source; and from its source, directly north to the aforesaid highlands, which divide the rivers that fall into the Atlantic ocean from those which fall into the river St. Lawrence."

Nothing could afford a more striking evidence of the extremely defective knowledge of the geography of the country in question, which existed at the time of the signature of the treaty of peace, than the fact, that, in the very first year succeeding the conclusion of the treaty, a serious controversy arose between the high contracting parties as to which was *this river St. Croix*, here called for as a natural boundary between their adjacent possessions. There were three rivers emptying themselves into Passamaquoddy bay, *a part of the Bay of Fundy*, (as it was subsequently formally declared to be,*) each one of which, it seemed, had, some time or other, passed under the name of the St. Croix. This territorial *comedy of errors*, like all other questions of disputed boundary, was, on several occasions, near producing *tragical* results, by embroiling the authorities and population adjacent to the controverted limits. The most eastern river was claimed by the United States as the true St. Croix—the western by Great Britain. Finally, after lowering over the peace of the frontiers for ten years, this controversy was put in a train of amicable adjustment by the treaty of 1794, (commonly called Jay's treaty,) which provided for the appointment of joint commissioners to determine which was the river truly intended under the name of the St. Croix, in the treaty of peace. The commissioners met, and in 1798 closed their deliberations, by declaring an intermediate river, called the *Scoodiac*, to be the true *St. Croix* of the treaty; which has been, accordingly, ever since recognised and observed as the actual boundary of the United States in that quarter, and to that extent.

In a very short time after this portion of the Northeastern boundary was ascertained and established, new difficulties and uncertainties arose in following it out, according to the terms of the treaty of peace. The decision of the commissioners, under the treaty of 1794, in identifying the true river St.

*By the fourth article of the treaty of Ghent.

expect, if it succeeded in adjusting the difficulty, it would be (as it has been) on a compromise line. Notwithstanding, when it was first announced that the line agreed on included a considerable portion of the territory lying to the west of the line awarded by the King of Holland, he was incredulous, and expressed himself strongly against it. His first impression was, perhaps, the more strongly against it, from the fact that he had fixed on the river St. John, from the mouth of Eel river, taking the St. Francis branch (the one selected by the King of Holland) as the natural and proper compromise boundary, including in our limits all the portion of the disputed territory lying north of Eel river, and west and south of the St. John, above its junction; and all the other within that of Great Britain. On a little reflection, however, he resolved not to form his opinion of the merits or demerits of the treaty on rumor or imperfect information; but to wait until the whole subject was brought before the Senate officially, and then to make it up on full knowledge of all the facts and circumstances after deliberate and mature reflection; and that he had done with the utmost care and impartiality. What he now proposed was, to give the result, with the reasons on which it rests, and which would govern his vote on the ratification.

He still believed that the boundary which he had fixed in his own mind, was the natural and proper one; but, as that could not be obtained, the question for them to decide was, Are the objections to the boundary as actually agreed on, and the stipulations connected with it, such as ought to cause its rejection? In deciding it, it must be borne in mind that, as far as this portion of the boundary is concerned, it is a question belonging much more to the State of Maine than to the Union. It is, in truth, but the boundary of that State; and it makes a part of the boundary of the United States, only by being the exterior boundary of one of the States of our Federal Union. It is her sovereignty and soil that are in dispute, except the portion of the latter that still remains in Massachusetts; and it belongs in the first place to her, and to Massachusetts, as far as her right of soil is involved, to say what their rights and interests are, and what is required to be done. The rest of the Union is bound to defend them in their just claim; and to assent to what they may be willing to assent to in settling the claim in contest, if there should be nothing in it inconsistent with the interest, honor, or safety of the rest of the Union. It is so that the controversy has ever been regarded. It is well known that President Jackson would readily have agreed to the award of the King of Holland, had not Maine objected; and that to overcome her objection, he was prepared to recommend to Congress to give her, in order to get her consent, one million of acres of the public domain, worth, at the minimum price, a million and a quarter of dollars. The case is now reversed. Maine and Massachusetts have both assented to the stipulations of the treaty, as far as the question of the boundary affects their peculiar interest, through commissioners vested with full powers to represent them; and the question for us to decide is, Shall we reject that to which they have assented? Shall the Government, after refusing to agree to the award of the King of Holland, because Maine objected, now reverse its course, and refuse to agree to that to which she and Massachusetts have both assented? There may, indeed, be reasons strong enough to authorize such a course; but they must be such as will go to prove that we cannot give our assent consistently with the interests, the honor, or the safety of the Union. That has not been done; and, he would add, if there be any such, he has not been able to detect them.

It has, indeed, been said that the assent of Maine was coerced. She certainly desired to obtain a more favorable boundary; but when the alternative was presented of another reference to arbitration, she waived her objection, as far as she was individually concerned, rather than incur the risk, delay, uncertainty and vexation of another submission of her claims to arbitration; and left it to the Senate, the constituted authority appointed for the purpose, to decide on the general merits of the treaty, as it relates to the whole Union. In so doing, she has, in his opinion, acted wisely and patriotically—wisely for herself, and patriotically in reference to the rest of the Union. She has not got, indeed, all she desired; and has even lost territory, if the treaty be compared to the award of the King of Holland; but, as an offset, that which she has lost is of little value, while that which she retains has been greatly increased in value by the stipulations contained in the treaty. The whole amount lost, is about half a million of acres. It lies along the eastern slope of the highlands, skirting the St. Lawrence to the east, and is acknowledged to be of little value for soil, timber, or anything else—a sterile region, in a severe inhospitable clime. Against that loss, she has acquired the right to navigate the river St. John; and that, not only to float down the timber on its banks, but all the productions of the extensive, well-timbered, and, taken as a whole, not a sterile portion of the State that lies on her side of the bosom of that river and its tributaries. But that is not all. She also gains what is vastly more valuable—the right to ship them on the same terms as colonial productions to Great Britain and her colonial possessions. These great and important advantages will probably double the value of that extensive region, and make it one of the most populous and flourishing portions of the State. Estimated by a mere moneyed standard, these advantages are worth, he would suppose, all the rest of the territory claimed by Maine without them. If to this be added the sum of about $200,000 to be paid her for the expense of defending the territory, and $300,000 to her and Massachusetts in equal moieties, in consequence of their assent to the boundary, and the equivalents received, it must be apparent that Maine has not made a bad exchange in accepting the treaty, as compared with the award, as far as her separate interest is concerned. But be that as it may, she is the rightful judge of her own interests; and her assent is a sufficient ground for our assent, provided that to which she has assented does not involve too great a sacrifice on the part of the rest of the Union, nor their honor or safety. So far from that, as far as the rest of the Union is concerned, the sacrifice is small, and the gain great. They are under solemn constitutional obligations to defend Maine, as one of the members of the Union, against invasion; and to protect her territory, cost what it may, and at every hazard. The power, claiming what she contended to be hers, is one of the greatest, if not the greatest, on earth. The dispute is of long standing, and of a character difficult to be adjusted; and, however clear the right of Maine may be regarded in the abstract, it has been made doubtful, in consequence of admissions, for which the Government of the Union is responsible. To terminate such a controversy, with the assent of the party immediately interested, by paying the small sum of half a million—of which a large part (say $200,000) is unquestionably due to Maine, and would have to be paid to her without the treaty—is, indeed, a small sacrifice; a fortunate deliverance. President Jackson was willing to allow her, as has been stated, more than twice as much for her assent to the award; and, in doing so, he showed his wisdom, whatever might have been thought of it at the time. Those, at least, who opposed the treaty, will not charge him with being willing to sacrifice the interest and honor of the Union, in making the offer; and yet the charge which they make against this portion of the treaty, does, by implication, subject what he was ready to do to a similar one.

But it is said that the territory which England would acquire beyond the boundary of the awarded line would greatly strengthen her frontier, and weaken ours; and would thereby endanger the safety of the country in that quarter. He did not profess to be deeply versed in military science; but, according to his conception, there was no foundation for the objection. It was, if he did not mistake, the very last point on our whole frontier, from the mouth of the St. Croix to the outlet of Lake Superior, on which an expedition would be organized on either side to attack the possessions of the other. In a military point of view, our loss is as nothing in that quarter; while in another, and a much more important quarter, our gain by the treaty is great, in the same point of view. He referred to that provision by which we acquire Rouse's Point, at the northern extremity of Lake Champlain. It is among the most important military positions on the whole line of our eastern and northern frontier, whether it be regarded in reference to offensive or defensive operations. He well remembered the deep sensation caused among military men in consequence of its loss; and he would leave the question of loss or gain, in a military point of view, (taking the two together,) to their decision, without the least doubt what it would be.

But if it should be thought by any one that these considerations, as conclusive as they seemed to be, were not sufficient to justify the ratification of this portion of the treaty, there were others, which appeared to him to be perfectly conclusive. He referred to the condition in which we would be left, if the treaty should be rejected. He would ask—if, after having agreed at Ghent to refer the subject to arbitration, and, after having refused to agree to the award made under that reference, by an arbitrator of our own selection, we should now reject this treaty, negotiated by our own Secretary of State, under our own eyes, and which had previously received the assent of the States immediately interested—whether there would be the slightest prospect that another equally favorable would ever be obtained? On the contrary, would we not stand in a far worse condition than ever, in reference to our claim? Would it not, indeed, be almost certain that we should lose the whole of the basin of the St. John, and Great Britain gain all for which she ever contended, strengthened as she would be by the disclosures made during this discussion?* He was far from asserting that the facts

*The following extract from the speech of Mr. RIVES, the chairman of the Committee on Foreign Relations, will show what the disclosures were:

It appears to the committee, therefore, in looking back to the public and solemn acts of the Government, and of its successive administrations, that the time has passed, if it ever existed, when we could be justified in making the precise line of boundary claimed by us the subject of a *sine qua non* of negotiation, or of the *ultimo ratio*—of an assertion by force. Did a second arbitration, then, afford the prospect of a more satisfactory result? This expedient seemed to be equally rejected by all parties—by the United States, by Great Britain, and by the State of Maine. If such an alternative should be contemplated by any one as preferable to the arrangement which had been made, it is fit to bear in mind the *risk and uncertainty*, as well as the inevitable delay and expense, incident to that mode of decision. We have already seen, in the instance of the arbitration by the King of the Netherlands, how much weight a tribunal of that sort is inclined to give to the argument of *convenience*, and a supposed *intention* on the part of the negotiators of the treaty of 1783, against the literal and positive terms employed by the instrument in its description of limits. Is there no danger, in the event of another arbitration, that a farther research into the public archives of Europe might bring to light some embarrassing (even though apocryphal) document, to throw a new shade of plausible doubt on the clearness of our title, in the view of a sovereign arbiter? Such a document has already been communicated to the committee; and I feel it (said Mr. R.) to be my duty to lay it before the Senate, that they may fully appreciate its bearings, and determine for themselves the weight and importance which belong to it. It is due to the learned and distinguished gentleman, (Mr. Jared Sparks of Boston,) by whom the document referred to was discovered in the archives of France, while pursuing her laborious and intelligent researches connected with the history of our own country, that the account of it should be given in his own words, as contained in a communication addressed by him to the Department of State. I proceed, therefore, to read from that communication:

"While pursuing my researches among the voluminous papers relating to the American Revolution in the *Archives des Affaires Etrangeres* in Paris, I found in one of the bound volumes an original letter from Dr. Franklin to Count de Vergennes, of which the following is an extract transcript:

"PASSY, December 6, 1782.

"SIR: I have the honor of returning herewith the map your Excellency sent me yesterday. I have marked with a strong red line, according to your desire, the limits of the United States, as settled in the preliminaries between the British and American plenipotentiaries.

"With great respect, I am, &c.,
"B. FRANKLIN."

"This letter was written six days after the preliminaries were signed; and if we could procure the identical map mentioned by Franklin, it would seem to afford conclusive evidence as to the meaning affixed by the commissioners to the language of the treaty on the subject of the boundaries. You may well suppose that I lost no time in making inquiry for the map, not doubting that it would confirm all my previous opinions respecting the validity of our claim. In the geographical department of the Archives are sixty thousand maps and charts; but so well arranged with catalogues and indexes, that any one of them may be easily found. After a little research in the American division, with the aid of the keeper, I came upon a map of North America, by D'Anville, dated 1746, in size about eighteen inches square, on which was drawn a *strong red line* throughout the entire boundary of the United States, answering precisely to Franklin's description. The line is bold and distinct in every part, made with red ink, and apparently drawn with a hair pencil, or a pen with a blunt point. There is no other coloring on any part of the map.

"Imagine my surprise on discovering that this line runs wholly south of the St. John, and between the head waters of that river and those of the Penobscot and Kennebec. In short, it is exactly the line now contended for by Great Britain, except that it concedes more than is claimed. The north line, after departing from the source of the St. Croix, instead of proceeding to Mars Hill, stops far short of that point, and turns off to the west, so as to leave on the British side all the streams which flow into the St. John, between the source of the St. Croix and Mars Hill. It is evident that the line, from the St. Croix to the Canadian highlands, is intended to exclude *all the waters* running into the St. John.

"There is no positive proof that this map is actually the one marked by Franklin; yet, upon any other supposition, it would be difficult to explain the circumstances of its agreeing so perfectly with his description, and of its being preserved in the place where it would naturally be deposited by Count de Ver-

disclosed established the claim of Great Britain, or that the map exhibited is the one to which Franklin referred, in his note to the Count de Vergennes, the French Minister; but it cannot be doubted that the conformity of the line delineated on the map, with the one described in his note, would have the effect of strengthening not a little the claims of Great Britain, in her own estimation and that of the world. But the facts stated, and the map exhibited by the chairman of the Committee on Foreign Relations, [Mr. RIVES,] are not the only or the strongest disclosure made during the discussion. The French map introduced by the Senator from Missouri, [Mr. BENTON,] from Mr. Jefferson's collection in the Congress library, in order to rebut the inference from the former, turned out to be still more so. That was made in the village of Passy, in the year after the treaty of peace was negotiated, where Franklin (who was one of the negotiators) resided, and was dedicated to him; and that has the boundary line drawn in exact conformity to the other, and in the manner described in the note of Dr. Franklin—a line somewhat more adverse to us than that claimed by Great Britain. But, as striking as is this coincidence, he was far from regarding it as sufficient to establish the claim of Great Britain. It would, however, be in vain to deny that it was a corroborating circumstance, calculated to add no small weight to her claim.

It would be still further increased by the fact that France was our ally at the time, and, as such, must have been consulted, and kept constantly advised of all that occurred during the progress of the negotiation, including its final result. It would be idle to suppose that these disclosures would not weigh heavily against us in any future negotiation. They would, so much so—taken in connexion with the adverse award of the King of Holland, and this treaty, should it be rejected—as to render hopeless any future attempt to settle the question by negotiation or arbitration. No alternative would be left us, but to yield to the full extent of the British claim, or to put Maine in possession by force—and that, too, with the opinion and sympathy of the world against us and our cause. In his opinion, we would be bound to attempt it, in justice to Maine, should we refuse to agree to what she has assented. So much for the boundary question, as far as Maine is concerned.

Having now shown (satisfactorily, he hoped) that Maine has acted wisely for herself in assenting to the treaty, it remained to be considered whether we, the representatives of the Union on such questions, would not also do so in ratifying it—so far, at least, as the boundary question is involved. He would add nothing to what had already been said of the portion in which Maine was immediately interested. His remarks would be confined to the remaining portion of the boundary, extending from the northwestern corner of that State to the Rocky mountains.

Throughout this long-extended line, every question has been settled to our satisfaction. Our right has been acknowledged to a territory of about one hundred thousand acres of land, in New Hampshire, which would have been lost by the award of the King of Holland. A long gore of about the same amount, lying in Vermont and New York, and which was lost under the treaty of Ghent, would be regained by this. It includes Rouse's Point. Sugar Island, lying in the water connexion between Lakes Huron and Superior, and heretofore in dispute, is acknowledged to be ours; it is large, and valuable for soil and position. So, also, is Isle Royale, near the northern shore of Lake Superior, acknowledged to be ours—a large island, and valuable for its fisheries. And, also, a large tract of country to the north and west of that lake, between Fond du Lac and the river St. Louis on one side, and Pigeon river on the other—containing four millions of acres. It is said to be sterile; but cannot well be more so than that acquired by Great Britain, lying west of the boundary awarded by the King of Holland. In addition, all the islands in the river St. Lawrence and the lakes, which were divided in running out the division line under previous treaties, are acquired by us under this; and all the channels and passages are opened to the common uses of our citizens and the subjects of Great Britain.

Such are the provisions of the treaty in reference to this long line of boundary. Our gain—regarded in the most contracted point of view, as mere equivalents for the sum assumed to be paid by us to Maine and Massachusetts for their assent to the treaty—is vastly greater than what we have contracted to pay. Taking the whole boundary question together, and summing up the loss and gain of the whole, including what affects Maine and Massachusetts; and he could not doubt that, regarded merely as set offs, our gain greatly exceeded our loss—vastly so, compared to what it would have been under the award of the King of Holland, including the equivalent which our Government was willing to allow Maine for her assent. But it would be, indeed, to take a very contracted view to regard it in that light. It would be to overlook the vast importance of permanently establishing, between two such powers, a line of boundary of several thousand miles, abounding in disputed points of much difficulty and long standing. The treaty, he trusted, would do much to lay the foundation of a solid peace between the countries—a thing so much to be desired.

It is certainly much to be regretted, after settling so large a portion of the boundary, that the part beyond the Rocky mountains should remain unadjusted. Its settlement would have contributed much to strengthen the foundation of a durable peace. But would it be wise to reject the treaty, because all has not been done that could be desired? He placed a high value on our territory on the west of those mountains, and held our title to it to be clear; but he would regard it as an act of consummate folly, to stake our claim on a trial of strength at this time. The territory is now held by joint occupancy, under the treaty of Ghent; which either party may terminate by giving to the other six months' notice. If we were to attempt to assert our exclusive right of occupancy at present, the certain loss of the territory must be the result; for the plain reason, that Great Britain could concentrate there a much larger force, naval and military, in a much shorter time, and at far less expense, than we could. That will not be denied; but it will not always be the case. Our population is steadily—he might say rapidly—advancing across the continent, to the borders of the Pacific ocean. Judging from past experience, the tide of population will sweep across the Rocky mountains, with resistless force, at no distant period; when what we claim will quietly fall into our hands, without expense or bloodshed. Time is acting for us. Wait patiently, and all we claim will be ours; but if we attempt to seize it by force, it will be sure to elude our grasp.

Having now stated his reasons for voting to ratify the articles in the treaty relating to the boundary, he would next proceed to assign those that would govern his vote on the two relating to the African slave-trade. And here he would premise, that there are several circumstances, which caused no small repugnance on his part to any stipulations whatever with Great Britain on the subject of those articles; and he would add, that he would have been gratified if they, and all other stipulations on the subject, could have been entirely omitted; but he must, at the same time, say he did not see how it was possible to avoid entering into some arrangement on the subject. To understand the difficulty, it will be necessary to advert to the course heretofore taken by our Government in reference to the subject, and the circumstances under which the negotiations that resulted in this treaty commenced.

Congress at an early day—as soon, in fact, as it could legislate on the subject under the Constitution—passed laws enacting severe penalties against the African slave-trade. That was followed by the treaty of Ghent, which declared it to be irreconcilable with the principles of humanity and justice, and stipulated that both of the parties—the United States and Great Britain—should use their best endeavors to effect its abolition. Shortly after, an act of Congress was passed declaring it to be piracy; and a resolution was adopted by Congress, requesting the President to enter into arrangements with other powers for its suppression. Great Britain, actuated by the same feelings, succeeded in making treaties with the European maritime powers for its suppression; and, not long before the commencement of this negotiation, had entered into joint stipulations with the five great powers to back her on the question of search. She had thus acquired a general supervision of the trade along the African coast; so that vessels carrying the flag of every other country, except ours, were subject on that coast to the inspection of her cruisers, and to be captured, if suspected of being engaged in the slave-trade. In consequence, ours became almost the only flag used by those engaged in the trade, whether our own people or foreigners; although our laws inhibited the traffic under the severest penalties. In this state of things, Great Britain put forward the claim of the right of search as indispensable to suppress a trade prohibited by the laws of the civilized world, and to the execution of the laws and treaties of the nations associated with her by mutual engagements for its suppression. At this stage, a correspondence took place between our late minister at the Court of St. James and Lord Palmerston on the subject, in which the latter openly and boldly claimed the right of search, and which was promptly and decidedly repelled on our side. We had long since taken our stand against it, and had resisted its abuse, as a belligerent right, at the mouth of the cannon. Neither honor nor policy on our part could tolerate its exercise in time of peace, in any form—whether in that of search, as claimed by Lord Palmerston; or the less offensive and unreasonable one of visitation, as proposed by his successor, Lord Aberdeen. And yet we were placed in such circumstances as to require that something should be done. It was in such a state of things that the negotiation commenced—and commenced, in part, in reference to this subject, which was tending rapidly to bring the two countries into collision. On our side, we were deeply committed against the traffic, both by legislation and treaty. The influence and the efforts of the civilized world were directed against it—and that, too, under our lead at the commencement; and with such success as to compel vessels engaged in it to take shelter, almost exclusively, under the fraudulent use of our flag. To permit such a state of things to continue, could not but deeply impeach our honor, and turn the sympathy of the world against us. On the other side, Great Britain had acquired, by treaties, the right of supervision, including that of search and capturing, over the trade on the coast of Africa, with the view to its suppression, from all the maritime powers except our-

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geanes. I also found another map in the Archives, on which the same boundary was traced in a dotted red line with a pen, apparently copied from the other.

"I enclose herewith a map of Maine, on which I have drawn a strong black line, corresponding with the red one above mentioned."

I am far from intimating (said Mr. RIVES) that the documents discovered by Mr. Sparks, curious and well worthy of consideration as they undoubtedly are, are of weight sufficient to shake the title of the United States, founded on the positive language of the treaty of peace. But they could not fail, in the event of another reference, to give increased confidence and emphasis to the pretensions of Great Britain, and to exert a corresponding influence upon the mind of the arbiter. It is worth while, in this connexion, to turn to what Lord Ashburton has said, in one of his communications to Mr Webster, when explaining his views of the position of the highlands described in the treaty:

"My inspection of the maps, and my examination of the documents," says his Lordship, "lead me to a very strong conviction that the highlands contemplated by the negotiators of the treaty were the only highlands then known to them—*at the head of the Penobscot, Kennebec, and the rivers west of the St. Croix;* and that they did not precisely know how the north line from the St. Croix would strike them; and if it were not my wish to shorten this discussion, I believe a very good argument might be drawn from the words of the treaty in proof of this. In the negotiations with Mr. Livingston, and afterwards with Mr. McLane, this view seemed to prevail; and, as you are aware, there were proposals to search for these highlands to the west, where alone, I believe, they will be found to answer perfectly the description of the treaty. *If this question should unfortunately go to a further reference, I should by no means despair of finding some confirmation of this view of the case.*"

It is for the Senate to consider (added Mr. RIVES) whether there would not be much risk of introducing new complications and embarrassments in this controversy, by leaving it open for another litigated reference; and if the British Government—strongly prepossessed, as its minister tell us it is, with the justice of its claims - would not find what it would naturally consider a persuasive "confirmation of its view of the case" in documents such as those encountered by Mr. Sparks in his historical researches in the archives of France.

A map has been vauntingly paraded here, from Mr. Jefferson's collection, in the zeal of opposition, (without taking time to see what it was,) to confront and invalidate the map found by Mr. Sparks in the Foreign Office at Paris; but, the moment it is examined, it is found to sustain, by the most precise and remarkable correspondence in every feature, the map communicated by Mr. Sparks. The Senator who produced it, could see nothing but the microscopic dotted line running off in a northeasterly direction; but the moment other eyes were applied to it, there was found, in bold relief, a strong red line, indicating the limits of the United States according to the treaty of peace, and coinciding, minutely and exactly, with the boundary traced on the map of Mr. Sparks. That this red line, and not the hardly visible dotted line, was intended to represent the limits of the United States according to the treaty of peace, is conclusively shown by the circumstance that the red line is drawn on the map all around the exterior boundary of the United States;—through the middle of the Northern Lakes, thence through the Long Lake and the Rainy Lake to the Lake of the Woods; and from the western extremity of the Lake of the Woods to the river Mississippi; and along that river, to the point where the boundary of the United States, according to the treaty of peace, leaves it; and thence, by its easterly course, to the mouth of the St. Mary's, on the Atlantic.

selves. Thus situated, he must say that he saw no alternative for us but the one adopted—to take the supervision of our own trade on that coast into our own hands, and to prevent, by our own cruisers, the fraudulent use of our flag. The only question, in the actual state of things, as it appeared to him, was, whether it should be done by a formal or informal arrangement? He would have preferred the latter; but the difference between them was not, in his opinion, such as would justify, on that account, the rejection of the treaty. They would, in substance, be the same, and have differed but little, probably, in the expense of execution. Either was better than the other alternatives—to do nothing; to leave things in the dangerous state they stood; or to yield to the right of search or visitation.

It is objected that the arrangement entered into is virtually an acknowledgment of the right of search. He did not so regard it. On the contrary, he considered it, under all the circumstances, as a surrender of that claim on the part of Great Britain; a conclusion, which a review of the whole transaction, in his opinion, would justify. Lord Palmerston, in the first place, claimed the unqualified right of search, in which it is understood he was backed by the five great powers. Lord Aberdeen, with more wisdom and moderation, explained it to mean the right of visitation simply; and, finally, the negotiation is closed without reference to either, simply with a stipulation between the parties to keep up for five years a squadron of not less than eighty guns on the coast of Africa, to enforce separately and respectively the laws and obligations of each of the countries for the suppression of the slave-trade. It is carefully worded, to make it mutual, but at the same time separate and independent; each looking to the execution of its own laws and obligations, and carefully excluding the supervision of either over the over, and thereby directly rebutting the object of search or visitation.

The other article, in reference to the same subject, stipulates that the parties will unite in all becoming representation and remonstrance, with any powers within whose dominions markets are permitted for imported African slaves. If he were to permit his feelings to govern him exclusively he would object to this more strongly than any other provision in the treaty;—not that he was opposed to the object or the policy of closing the market to imported negroes; on the contrary, he thought it both right and expedient in every view. Brazil and the Spanish colonies were the only markets, he believed, still remaining open, and to which this provision would apply. They were already abundantly supplied with slaves, and he had no doubt that sound policy on their part required that their markets should be finally and effectually closed. He would go farther, and say, that it was our interest they should be. It would free us from the necessity of keeping cruisers on the African coast, to prevent the illegal and fraudulent use of our flag, or for any other purpose but to protect our commerce in that quarter—a thing of itself much to be desired. We would have a still stronger interest, if we were governed by selfish considerations. We are rivals in the production of several articles, and more especially the greatest of all the agricultural staples—cotton. Next to our own country, Brazil possesses the greatest advantages for its production, and is already a large grower of the article; towards the production of which, the continuance of the market for imported slaves from Africa would contribute much. But he would not permit such considerations to influence him in voting on the treaty. He had no objection to see Brazil develop her resources to the full; but he did believe that higher considerations, connected with her safety, and that of the Spanish colonies, made it their interest that their market should be closed against the traffic.

But it may be asked, why, with these impressions, should he have any objection to this provision of the treaty? It was, because he was averse to interfering with other powers, when it could be avoided. It extends even to cases like the present, where there was a common interest in reference to the subject of advice or remonstrance; but it would be carrying his aversion to fastidiousness, were he to permit it to overrule his vote in the adjustment of questions of such magnitude as are involved on the present occasion.

But the treaty is opposed, not only for what it contains, but also for what it does not; and, among other objections of the kind, because it has no provision in reference to the case of the Creole, and other similar ones. He admitted that it is an objection; and that it was very desirable that the treaty should have guarded, by specific and efficient provisions, against the recurrence of such outrages on the rights of our citizens, and indignity to our honor and independence. If any one has a right to speak warmly on this subject, he was the individual; but he could not forget that the question for us to decide is, Shall we ratify or reject the treaty? It is not whether all has been done which it was desirable should be done, but whether we shall confirm or reject what has actually been done; not whether we have gained all we could desire, but whether we shall retain what we have gained. To decide that as it ought to be, it is our duty to weigh, calmly and fairly, the reasons for and against the ratification, and to decide in favor of the side which preponderates.

It does not follow that nothing has been done in relation to the cases under consideration, because the treaty contains no provisions in reference to them. The fact is otherwise. Much, very much, has been done;—in his opinion, little short, in its effect, of a positive stipulation by the treaty to guard against the recurrence of such cases hereafter. To understand how much has been done, and what has been gained by us, it is necessary to have a correct conception of the state of the case in reference to them, before the negotiation commenced, and since it terminated.

These cases are not of recent origin. The first of the kind was that of the brig Comet, which was stranded on the false keys of the Bahamas, as far back as 1830, with slaves on board. She was taken into Nassau, New Providence, by the wreckers, and the slaves liberated by the colonial authorities. The next was the Encomium, which occurred in 1834, and which, in all the material circumstances, was every way similar to that of the Comet. The case of the Enterprise followed. It took place in 1835, and differed in no material circumstance from the others, as was acknowledged by the British Government, except that it occurred after the act of Parliament abolishing slavery in the colonies had gone into operation, and the others prior to that period.

After a long correspondence of nearly ten years, the British Government agreed to pay for the slaves on board of the two first, on the ground that they were liberated before the act abolishing slavery had gone into operation; but refused to pay for those belonging to the Enterprise, because they were liberated after it had. To justify this distinction, Lord Palmerston had to assume the ground, virtually, that the law of nations was opposed to slavery—an assumption that placed the property of a third of the Union without the pale of its protection. On that ground, he peremptorily refused compensation for the slaves on board the Enterprise. Our Executive, under this refusal, accepted the compensation for those on board the Comet and Encomium, and closed the correspondence, without even bringing the subject before Congress. With such perfect indifference was the whole affair treated, that, during the long period the negotiation was pending, the subject was never once mentioned, as far as he recollected, in any Executive message; while those of far less magnitude—the debt of a few millions due from France, and this very boundary question—were constantly brought before Congress, and had nearly involved the country in war with two of the leading powers of Europe. Those who are now so shocked that the boundary question should be settled, without a settlement also of this, stood by in silence, year after year, during this long period, not only without attempting to unite the settlement of this with that of the boundary, but without ever once naming or alluding to it as an item in the list of the dispute between the two powers. It was regarded as beneath notice. He rejoiced to witness the great change that has taken place in relation to it; and to find that those who were then silent and indifferent, now exhibit so much zeal and vehemence about it. He took credit to himself for having contributed to bring this change about. It was he who revived our claim when it lay dead and buried among the archives of the State Department—who called for the correspondence—who moved resolutions affirming the principles of the law of nations in reference to these cases, and repelling the presumptuous and insulting assumption on which it was denied by the British negotiator. Such was the force of truth, and so solid the foundation on which he rested our claim, that his resolutions received the unanimous vote of this body; but he received no support—no, not a cheering word—from the quarter which now professes so much zeal on the subject. His utmost hope at the time was to keep alive our right, till some propitious moment should arrive to assert it successfully. In the mean time, the case of the Creole occurred, which, as shocking and outrageous as it is, was but the legitimate consequence of the principle maintained by Lord Palmerston, and on which he closed the correspondence in the case of the Enterprise.

Such was the state of the facts when the negotiation commenced in reference to these cases; and it remains now to be shown in what state it has left them. In the first place, the broad principles of the law of nations, on which he placed our right in his resolutions, have been clearly stated and conclusively vindicated in the very able letter of the Secretary of State, which has strengthened our cause not a little, as well from its intrinsic merit as the quarter from which it comes. In the next place, we have an explicit recognition of the principles for which we contend, in the answer of Lord Ashburton, who expressly says that, "on the great general principles affecting this case," (the Creole,) "they do not differ;" and that is followed by "an engagement that instructions shall be given to the Governors of her Majesty's colonies on the southern borders of the United States, to execute their own laws with careful attention to the wishes of their Government to maintain good neighborhood; and that there shall be no officious interference with American vessels driven by accident or violence into their ports. The laws and duties of hospitality shall be executed." This pledge was accepted by our Executive, accompanied by the express declaration of the President, through the Secretary of State, that he places his reliance on those principles of public law which had been stated in the note of the Secretary of State. To all this it may be added, that strong assurances are given, by the British negotiator, of his belief that a final arrangement may be made of the subject by positive stipulations in London. Such is the state in which the negotiation has left the subject.

Here, again, he would repeat, that such stipulations in the treaty itself would have been preferable. But who can deny, when he compares the state of the facts, as they stood before and since the close of this negotiation, that we have gained—largely gained—in reference to this important subject? Is there no difference, he would ask, between a stern and peremptory denial of our right, on the broad and insulting ground assumed by Lord Palmerston, and its explicit recognition by Lord Ashburton?—none in the pledge that instructions should be given to guard against the recurrence of such cases; to a positive denial that we had suffered wrong or insult, and had any right to complain?—none between a final closing of all negotiation, and a strong assurance of a final adjustment of the subject by satisfactory arrangement by treaty? And would it be wise or prudent on our part to reject what has been gained, because all has not been? As to himself, he must say, that, at the time he moved his resolutions, he little hoped, in the short space of two years, to obtain what has already been gained; and that he regarded the prospect of a final and satisfactory adjustment, at no distant day, of this subject, so vital in its principles to his constituents and the whole South, as far more probable than he then did this explicit recognition of the principles for which he contended. In the mean time, he felt assured the engagement given by the British negotiator would be fulfilled in good faith; and that the hazard of collision between the countries, and the disturbance of their peace and friendship, has passed away, as far as it depends on this dangerous subject. But if in this he should unfortunately be mistaken, we should stand on much more solid ground in defence of our rights, in consequence of what has been gained; as there would then be superadded broken faith to the violation of the laws of nations.

Having now said what he intended on the more important points, he would pass over, without dwelling on the provision of the treaty for delivering up to justice persons charged with certain crimes; the affair of the Caroline; and the correspondence in reference to impressment. The first is substantially the same as that contained in Jay's treaty on the same subject. On the next, he had nothing to add to what has already been

said. As to the last, he did not doubt that the strong ground taken in the correspondence against the impressment of seamen on board of our merchant vessels, in time of war, would have a good effect. It will contribute to convince Great Britain that the practice cannot be renewed, in the event of another European war, without a certain and immediate conflict between the two countries.

I (said Mr. CALHOUN) have now stated my opinion fully and impartially on the treaty, with the connected subjects. On reviewing the whole, and weighing the reasons for and against its ratification, I cannot doubt that the former greatly preponderate. If we have not gained all that could be desired, we have gained much that is desirable; and, if all has not been settled, much has been—and that, not of little importance. It is not of little importance to have the Northeastern boundary settled—and that, too, with the consent of the States immediately interested: a subject which has been in dispute almost from the origin of the Government, and which had become more and more entangled, and adverse to our claim, on every attempt heretofore made to settle it. Nor is it of little importance to have the whole line of boundary between us and the British dominions, from the source of the St. Croix to the Rocky mountains, settled—a line of more than three thousand miles, with many disputed points of long standing, the settlement of which had baffled all previous attempts. Nor is it of little importance to have adjusted the embarrassments relating to the African slave-trade, by adopting the least objectionable of the alternatives. Nor to have the principles of the law of nations for which we contended, in reference to the Creole and other cases of the kind, recognised by Great Britain; nor to have a solemn pledge against their recurrence, with a reasonable assurance of satisfactory stipulations by treaty. Nor is it of little importance to have, by the settlement of these inveterate and difficult questions, the relation of the two countries settled down in amity and peace—permanent amity and peace, as it may be hoped—in the place of that doubtful, unsettled condition, between peace and war, which has for so many years characterized it, and which is so hostile to the interest and prosperity of both countries.

Peace (said Mr. C.) is the first of our wants, in the present condition of our country. We wanted peace, to reform our own Government, and to relieve the country from its great embarrassments. Our Government is deeply disordered; its credit is impaired; its debt increasing; its expenditures extravagant and wasteful; its disbursements without efficient accountability; and its taxes (for duties are but taxes) enormous, unequal, and oppressive to the great producing classes of the country. Peace, settled and undisturbed, is indispensable to a thorough reform, and such a reform to the duration of the Government. But, so long as the relation between the two countries continues in a state of doubt between peace and war, all attempts at such reform will prove abortive. The first step in any such, to be successful, must be to reduce the expenditures to the legitimate and economical wants of the Government. Without that, there can be nothing worthy of the name; but in an unsettled state of the relations of the two countries, all attempts at reduction will be baffled by the cry of war, accompanied by insinuations against the patriotism of those who may be so hardy as to make them. Should the treaty be ratified, an end will be put to that, and no excuse or pretext be left to delay the great and indispensable work of reform. This may not be desirable to those who see, or fancy they see, benefits in high duties and wasteful expenditures; but, by the great producing and tax-paying portions of the community, it will be regarded as one of the greatest of blessings. These are not the only reasons for wanting peace. We want it, to enable the people and the States to extricate themselves from their embarrassments. They are both borne down by heavy debts, contracted in a period of fallacious prosperity, from which there is no other honest and honorable extrication but the payment of what is due. To enable both States and individuals to pay their debts, they must be left in full possession of all their means, with as little exactions or restrictions on their industry as possible on the part of this Government. To this, a settled state of peace, and an open and free commerce, are indispensable. With these, and the increasing habits of economy and industry now everywhere pervading the country, the period of embarrassment will soon pass away, to be succeeded by one of permanent and healthy prosperity.

Peace is, indeed, our policy. A kind Providence has cast our lot on a portion of the globe sufficiently vast to satisfy the most grasping ambition, and abounding in resources beyond all others, which only require to be fully developed to make us the greatest and most prosperous people on earth. To the full development of the vast resources of our country, we have political institutions most happily constituted. Indeed, it would be difficult to imagine a system more so than our Federal Republic—a system of State and General Governments, so blended as to constitute one sublime whole; the latter having charge of the interests common to all, and the former those local and peculiar to each State. With a system so happily constituted, let a durable and firm peace be established, and this Government be confined rigidly to the few great objects for which it was instituted; leaving the States to contend in generous rivalry, to develop, by the arts of peace, their respective resources, and a scene of prosperity and happiness would follow, heretofore unequalled on the globe. I trust (said Mr. C.) that this treaty may prove the first step towards such a peace. Once established with Great Britain, it would not be difficult, with moderation and prudence, to establish permanent peace with the rest of the world, when our most sanguine hopes of prosperity may be realized.

BRITISH TREATY.

SECRET SESSION.

REMARKS OF MR. WILLIAMS,

OF MAINE.

In Senate, August 19, 1842.—On the treaty of Washington.

Mr. WILLIAMS addressed the Senate as follows:

Mr. PRESIDENT: I can truly say that "this is not the entertainment to which my State was invited." Soon after the arrival in this country of the special minister from England, the Governor of Maine was notified of that fact, and informed that *this minister was charged with full powers from his sovereign to negotiate and settle the different matters in discussion* between the two Governments; and had officially announced to this Government that, in regard to the boundary question, *he had authority* to treat for a *conventional line*, or *line by agreement*, on such terms and conditions, and with such mutual considerations and equivalents, *as might be thought just and equitable:* that he was ready to enter upon a negotiation for such conventional line, as soon as this Government should say it was authorized and ready, on its part, to commence such negotiation. And a strong appeal was made by this Government to the Governor of Maine to convene the Legislature, in order that authority might be communicated to this Government to settle the controversy, by agreeing upon a new line of boundary. It was known that Maine had heretofore declined to give her assent to a conventional line, and insisted upon the line as described in the treaty of 1783; and, to induce her to yield her assent, it was announced, in the letter of the Secretary of State to the Governor of Maine, that the President felt it to be his duty, unless some new course should be proposed, to cause the *negotiation* (for another arbitration) *to be resumed, and pressed to its conclusion.*

The Governor of Maine did not hesitate, upon such an invitation, and upon such announcements, to convene the Legislature, in a busy season of the year, and at great expense to the State; and to submit to its serious consideration the communication made to him from this Government.

That Legislature—"declaring its solemn conviction that the boundary of Maine, on its northern and northeastern frontiers, as designated in the treaty of 1783, can be laid down and fixed according to the terms of that treaty; and that such line embraces all the territory over which Maine claims property, sovereignty, and jurisdiction; and that the Executive and Congress of the United States had recognised the validity of that claim, in its full extent"—was yet willing to regard the recommendation and request of the President with all the respect due to the high source from which they came; and to look carefully at the suggestions made by him, as the head of the Government of the Union, upon a subject so interesting to Maine, as well as to her sister States of the Confederacy. Thus, looking at the communication from this Government to the Governor of Maine, it was seen that, "without the concurrence of the two States of Massachusetts and Maine, (whose rights are more immediately concerned—both having an interest in the soil, and one of them in the jurisdiction and government,) the duty of the General Government will be to adopt no new course; but, in compliance with treaty stipulations, and in furtherance of what has already been done, to hasten the pending negotiations as fast as possible;" that "the President thinks it a highly desirable object to prevent the delays necessarily incident to any settlement of the question by these means," (negotiation and arbitration;) that "it had been found that the exploration and examination of the several lines constitute a work of three years;" that "the existing commission for making such exploration, under the authority of the United States, has been occupied two summers; and a very considerable portion of the work remains to be done;" that "if a joint commission should be appointed, and go through the same work, and the commissioners should disagree, (as is very possible,) and an arbitration on that account become indispensable, the arbitrators might find it necessary to make an exploration and survey themselves, or cause the same to be done by others of their own appointment;" that "if to these causes, operating to postpone the final decision, be added the time necessary to appoint arbitrators, and for their preparation to leave Europe for the service, and the various retarding incidents always attending such operations, seven or eight years constitute, perhaps, the shortest period within which we can look for a final result;" that, "in the mean time, great expenses have been incurred, and further expenses cannot be avoided;" that "it is well known that the controversy has brought heavy charges upon Maine herself, *to the remuneration or proper settlement of which she cannot be expected to be indifferent;*" that "the exploration by the Government of the United States has already cost one hundred thousand dollars; and the charge of another summer's work is in prospect;" that "these facts may be sufficient to form a probable estimate of the whole expense likely to be incurred before the controversy can be settled by arbitration; and our experience admonishes us that *another arbitration might fail;*" that "the opinion of this Government upon the justice and validity of the American claim has been expressed so many times, that a repetition of that opinion is not necessary;" that "the subject is a subject in dispute;" that "the Government has agreed to make it a subject of reference and arbitration; and it must fulfil that agreement, unless another mode for settling the controversy should be resorted to, with a hope of speedier decision;" that "the President proposes that the Governments of Maine and Massachusetts should severally appoint commissioners empowered to confer with the authorities of this Government upon a conventional line, or line by agreement, with its terms, considerations, and equivalents, with an understanding that no such line be agreed upon without the assent of such commissioners;" that "this mode of proceeding, or some other which shall express assent *beforehand*, seems indispensable, if any negotiation for a conventional line is to be had; since, if happily a treaty should be the result of a negotiation, it can only be submitted to the Senate of the United States for ratification," and that "these considerations, in addition to the importance of the subject, and a firm conviction in the mind of the President that the interests of both countries, as well as the interests of the two States more immediately concerned, require a prompt effort to bring this dispute to an end, constrain him to express an earnest hope that your Excellency will convene the Legislature of Maine, and submit the subject to its grave and candid deliberation."

It cannot be unknown to the Senate and to the country, that Maine, ever since she became a State, has insisted upon her absolute and perfect right to all the territory claimed by her; and that such is her right, has been admitted and proclaimed by all departments of the General Government. Maine has uniformly protested against her right being brought into jeopardy by any submission of it to arbitration; and the protest of the lamented Governor Lincoln, now in the archives of the Department of State, and published by order of Congress, prior to the submission to the King of the Netherlands, will long be cherished by the citizens of Maine as a noble and masterly effort of a patriot and statesman to arrest the downward course

which diplomacy and treaties had given to our once certain and undisputed title, and should have prevented the submission of the territorial rights of a sovereign State to the arbitrament of any foreign power. But, unfortunately for Maine, and I think for the nation, the reference was made; and we all know the result of it—precisely what was foretold; the arbiter split the difference, recommending a line which he thought more convenient, and giving to Great Britain that portion of the territory claimed by Maine which was necessary to the direct communication between the British provinces of Canada and New Brunswick. That award or recommendation was not ratified by this Government; and further efforts have been made on our part to obtain a settlement of the line, *according to the treaty of* 1783; but the British Government would not treat further *upon that basis*, unless our Government would first agree to certain preliminaries, which would weaken, if not destroy, our claim. And now, ten years after the award of the King of the Netherlands was rejected, Maine is told by this General Government, to which she has a right to look for the protection and preservation of her rights, and which is bound by the Constitution to defend her in the enjoyment of her whole territory, that, unless she will authorize a conventional line, her rights must again be subjected to the judgment and final disposition and arbitrament of *foreigners!*—that seven or eight years is the least time in which we *may expect a decision; and then it may fail*, as did the former attempt to settle the question by arbitration!!

Mr. President, the people of Maine, as well as their Legislature, have a perfect horror of seeing *their* rights, or the rights of *any* sovereign State of this Union, submitted again to the arbitrament and disposal of any *foreign sovereign* whatever. Our controversy is with Great Britain—between a republic on one side, and a monarchy on the other; and this controversy relates to the line dividing *our States* and *her provinces;* to what *belongs to us by the terms of the treaty* which acknowledged our independence, and to what is claimed *to be necessary* to the *safety and convenience of her provinces.* Was it safe or prudent to submit our rights in such a case to any arbitration? and more especially is it safe again to submit them *to such* an arbitration as that held out to Maine as the *only* alternative, (if she will not consent to a conventional line,) to consist of *arbitrators* to be *appointed* by some of the *sovereigns of Europe?*

Mr. President, Great Britain is an old, powerful, and intriguing Government. Her influence and diplomacy pervade all European Governments; and what could Maine expect from arbitrators chosen *by those Governments?* We have not forgotten the result of one arbitration; and who can expect us to run the risk of another, to be constituted as proposed by the President? No, sir. Maine does not wish her rights submitted to the will or judgment of *foreigners*, or to arbitrators *appointed* by *foreigners.*

This was well understood here, before the President made his appeal to the Governor of Maine to convene the Legislature, and submit the subject to its grave and candid consideration; and it was also known here, as well as in Maine, that while the people of Maine, and all departments of her Government, had the most unshaken confidence in her perfect right by the treaty of 1783 to all the disputed territory; yet that there was a general willingness on her part to modify the line of the treaty, so that a new line might be established more convenient to both parties than that described in the treaty;—such, for instance, as giving to Great Britain all north and east of the St. John, and to Maine all west and south of that river; or to give to Great Britain the line recommended by the Dutch king, and to Maine the strip of land north of Eel river and west of the St. John, with the right of navigation, and other equivalents; or of yielding to Great Britain a permanent right of way over our territory, to convene her provinces, for a permanent right of navigation of that part of the St. John within her limits, to convene the citizens of Maine settled upon the St. John and its tributaries.

In this condition of things it was that the President announced to the Governor of Maine the arrival at the seat of Government of a minister plenipotentiary and special, with full powers from his sovereign to negotiate and settle all matters in discussion between the two Governments, and that that minister had announced that he was authorized to treat for a conventional line, or line by agreement, on such terms and conditions, and with such mutual considerations and equivalents, as may be thought just and reasonable.

The Legislature was assembled, and the President's views, as contained in the letter of the Secretary of State, were submitted to it; and the result was the following, among other preamble and resolutions, viz:

"Whereas the Government of the United States, not possessing the constitutional power to conclude any such negotiation without the assent of Maine, has invited the Government of this State to co-operate to a certain extent and in a certain form, in an endeavor to terminate a controversy of so long duration. Now, considering the premises, and believing that the people of the United States, after having already manifested a forbearance honorable to their character, under long-continued violations of their rights by a foreign nation; and though not disposed to yield to unfounded pretensions, are still willing, in regard to the proposal now made by the General Government, to give additional evidence to their fellow-citizens throughout the United States of their desire to preserve the peace of this Union, by taking measures to discuss and conclude, if possible, the subject in controversy in a manner that will secure the honor and interest of the State, this Legislature adopts the following resolutions—with the understanding, however, that, in the event of a failure of such endeavor toward an arrangement, no proceedings thereunder shall be so construed as to prejudice in any manner the rights of the State as they have been herein asserted to exist.

"*Resolved*, That there shall be chosen, by ballot, in convention of both branches of the Legislature four persons who are hereby appointed commissioners on the part of this State to repair to the seat of Government of the United States, and to confer with the authorities of that Government touching a conventional line, or line by agreement, between the State of Maine and the British provinces, having regard to the line designated by the treaty of 1783, as uniformly claimed by this State, and to the declarations and views expressed in the foregoing preamble; and to give the assent of this State to any such conventional line, with such terms, conditions, considerations, and equivalents, as they shall deem consistent with the honor and interests of the State: with the understanding that no such line be agreed upon without the *unanimous* assent of such commissioners.

"*Resolved*, That this State cannot regard the *relinquishment by the British Government of any claim heretofore advanced by it to territory included within the limits of the line of this State as designated by the treaty of* 1783, *and uniformly claimed by Maine, as a consideration or equivalent within the meaning of these resolutions.*"

The commissioners, thus appointed and thus authorized, came here in the fond hope of aiding the General Government in settling the long-pending and irritating question of the Northeastern boundary, in a manner honorable to both nations, consistent with the rights of Maine, and promoting the convenience of the citizens and subjects of both countries. And how were these fond hopes blasted! The first official communication in reference to our boundary is that of Lord Ashburton, of 21st June, wherein he shadows forth the line of boundary and equivalents which he came all the way from England, as the special minister of her Majesty, to offer to us as "a line by agreement, on such terms and conditions, and with such mutual considerations and equivalents, as may be thought *just and reasonable.*" And what is it? To understand what it is, we must take the answer of the commissioners of Maine, of 29th June, in connexion with his Lordship's letter; and it will be seen that this is the amount of it:—the river St. John, from the place where the due-north line from the monument at the source of the St. Croix strikes it, to some one of its sources, (meaning the source near the head waters of the Penobscot and Kennebec,) with a strip on the south side of the St. John, to include the Madawaska settlement, and to extend from the Aroostook to Fish river, shall be the boundary; and that all lumber and produce of the forest of the tributary waters of the St. John shall be received freely, without duty, and dealt with in every respect like the same articles in the province of New Brunswick, is the equivalent!! In other words, his Lordship proposes to take from Maine about *five millions* of acres of her territory, and to compensate her therefor by allowing the timber of the forest of the tributary waters of the St. John to be received freely and without duty at the city of St. John's—*their market*—and dealt with in every respect like their produce; thereby securing a trade quite as important and beneficial to their provinces as to Maine! Mr. President, I was glad to see that this proposition, so unjust in itself, and so insulting to the people of Maine, was promptly rejected by our commissioners; and my regret is, that they did not content themselves with simply announcing that fact. I feel confident that they would have been justified in so doing, not only by the Legislature and people of Maine, but by the nation. More especially so, when it is disclosed in that same communication of June 29th, "that they have been assured that Lord Ashburton is *restrained by his instructions* from yielding the island of Grand Menan, or any other of the islands in Passamaquoddy bay, or even any portion of the narrow strip of territory which lies between the due-north line from the source of the St. Croix and the St. John's river, above Eel river, (so called,) as an equivalent for any portion of the territory claimed by Maine as within her boundaries!" *Restrained by his instructions!* Why, sir, was not the Governor of Maine assured by the President that Lord Ashburton, a minister plenipotentiary and special, had arrived, charged *with full powers* from his sovereign to negotiate and settle all matters in controversy? And that he, (Lord Ashburton,) had officially announced to this Government, that, in regard to the boundary question, he had authority to treat for a conventional line, with such mutual considerations and equivalents *as might be thought just and equitable?* Further, sir; is it not true, as has been stated by many, that the Legislature of Maine were *restrained* from *limiting* the powers of *their* commissioners, by representations, from here that Lord Ashburton, *having full powers*, might object to treating at all with commissioners not *possessing equally full powers?*

If the commissioners on the part of Maine, upon learning the boundary and equivalents proposed by Lord Ashburton—and more especially upon finding that he was *restrained* by *instructions*—had contented themselves with *rejecting* the proposition of Lord Ashburton, (as they very properly did,) we would not have had such a treaty as that now under consideration to act upon. Lord Ashburton must have been *relieved* from the restraint imposed upon him by instructions, or have suffered the negotiation to terminate upon his proposition; which the nation would applaud the commissioners of Maine for rejecting. But it was not so. The commissioners were unwilling to forego any reasonable chance of adjusting a controversy so long pending, and so vexatious to the people of Maine; they knew that the General Government, the State Governments, the nation itself, were all desirous that the question should be settled; and, if not settled, through any fault or obstinacy on their part, that Maine would stand worse than ever upon this all-interesting question, at home and abroad; hence their counter-proposition to Lord Ashburton, more liberal, and yielding more for peace and good neighborhood than could have been anticipated by the people or by the Legislature of Maine: that was rejected; and there the subject would have rested, but for the *renewed efforts* by the *General Government itself*, whereby the line and equivalents mentioned in the treaty now under consideration, were presented to the commissioners with the following remarks:

"The line suggested, with the compensations and equivalents which have been stated, is now submitted for your consideration. That it is all which might have been hoped for, looking to the strength of the American claim, can hardly be said. But, as the settlement of a controversy of such duration is a matter of high importance; as equivalents of undoubted value are offered; as longer postponement and delay would lead to further inconvenience, and to the incurring of farther expenses; and as no better occasion—or, perhaps, any other occasion—for settling the boundary by agreement, or on the principle of equivalents, is ever likely to present itself, the Government of the United States hopes that the commissioners of the two States will find it to be consistent with their duty to assent to the line proposed, and to the terms and conditions attending the proposition.

"The President has felt the deepest anxiety for the amicable settlement of the question, in a manner honorable to the country, and such as should preserve the rights and interests of the States concerned. From the moment of the announcement of Lord Ashburton's mission, he has sedulously endeavored to pursue a course the most respectful towards the States, and the most useful to their interests, as well as most becoming to the dignity and character of the Government. He will be happy if the result shall be such as shall satisfy Maine and Massachusetts, as well as the rest of the country. With these sentiments on the part of the President, and with the *conviction* that *no more advantageous arrangement* can be made, the subject is now referred to the grave deliberation of the commissioners."

Ah! no *better* occasion, and perhaps *any other* occasion for settling the boundary by agreement is *ever* likely to present itself, and with the conviction that *no more advantageous arrangement can be made*, the subject is referred to the *grave* deliberation of the commissioners. By whom? By the President, and that Government which is bound by the Constitution to protect Maine in all her rights, and without whose protection it is *vain for any State* to contend with a foreign Government, however just and well founded be her claim. Thus abandoned and thus admonished by the only power to which Maine could look for the maintenance and establishment of her just rights, it is said that she has *assented* to the line; and hence, that we are called upon merely to ratify and confirm what has been agreed upon by the parties im-

mediately interested in the controversy. Not exactly so. Massachusetts, owning a moiety of the acres surrendered, is satisfied with the price to be paid for those acres; but the commissioners of Maine, now abandoned by her co-proprietor of the soil, and by the General Government, which is bound to protect her rights, are left to the *grave consideration* of the terms proposed by *our own Government*, under the assurance that *no better*, and, perhaps, *no other* occasion for settling the boundary by agreement is *ever* likely to present itself; and with the *conviction* that *no more advantageous arrangement can be made*. In this condition of things, I pray you to hear these commissioners.

The Maine Commissioners to Mr. Webster.

WASHINGTON, July 22, 1842.

SIR: The undersigned, commissioners of the State of Maine on the subject of the Northeastern boundary, have the honor to acknowledge the receipt of your note, addressed to them, under date of the 15th instant, with enclosures therein referred to. The proposition first submitted by the special minister of Great Britain, on the subject of the boundary, having been disagreed to; and the proposition made on the part of the United States, with the assent of the commissioners of Maine and Massachusetts, having been rejected as inadmissible, coupled with an expression of surprise that it should have been made; and Lord Ashburton, in the same communication, having intimated a preference for conference rather than correspondance, and having omitted in his note to make any new proposition, except a qualified withdrawal of a part of his former one,—we learn from your note that you "have had full and frequent conferences with him respecting the Northeastern boundary," and that you "believe you understand what is practicable to be done on that subject, so far as he (Lord Ashburton) is concerned." We also learn that, "in these conferences, he has made no positive or binding proposition—thinking, perhaps, it would be more desirable, under present circumstances, that such a proposition should proceed from the side of the United States;" but that you have reason to believe that he would agree to a line of boundary such as is described in the paper accompanying your note, (marked B;) and, also, that you entertain the conviction "that no more advantageous arrangement can be made;" and, with this conviction, you refer the subject to the grave deliberation of the commissioners.

Regarding this as substantially a proposition on the part of the United States, with the knowledge and assent of Great Britain, and as the one most favorable to us which, under any circumstances, the latter Government would either offer or accept, the undersigned have not failed to bestow upon it the grave deliberation and consideration which its nature and importance, and their own responsible position, demand. If the result of that deliberation should not fully justify the expressed hopes, or meet the expectations and views of the Government of the United States, we beg you to be assured that such failure will be the result of their firm convictions of duty to the State they represent, and will not arise from any want of an anxious desire, on their part, to bring the controversy to an amicable, just, and honorable termination. In coming to this consideration, they have not been unmindful that the State of Maine, with the firmest conviction of her absolute right to the whole territory drawn into controversy; and sustained, as she has been, by the unanimous concurrence of her sister States, and of the Government of the Union, repeatedly expressed and cordially given, and without a wavering doubt as to the perfect practicability of marking the treaty line upon the face of the earth, according to her claim,—has yet, at all times, manifested a spirit of forbearance and patience under what she could not but deem unfounded pretensions, and unwarrantable delays, and irritating encroachments. In the midst of all the provocations to resistance, and to the assertion and maintenance of her extreme rights, she has never forgotten that she is a member of the Union; and she has endeavored to deserve the respect, sympathy, and co operation of her sister States, by pursuing a course equally removed from pusillanimity and rashness, and by maintaining her difficult position in a spirit that would forbear much for peace, but would yield nothing through fear. At all times, and under all circumstances, she has been ready and anxious to bring the controversy to a close upon terms honorable and equitable, and to unite in any proper scheme to effect that object. In this spirit, and with these convictions, Maine instantly and cheerfully acceded to the proposal of the General Government, made through you, to appoint commissioners

That no obstacle might be interposed to the successful issue of this negotiation, her Legislature gave to her commissioners ample and unlimited powers, which, but for the presumed necessity of the case, her people would be slow to yield to any functionaries. Her commissioners, thus appointed and thus empowered, assumed the duties imposed upon them in the spirit and with the views of the Government and people of Maine. They came to the negotiation with a firm conviction of her rights, but with a disposition and determination to meet a conventional line in a similar spirit, and to yield, for any reasonable equivalent, all that they presumed would be asked or desired by the other party. They, with the other citizens of Maine, were not unapprized of the fact so often alluded to in our former communications—that England had long been anxious to obtain the undisputed possession of that portion of the territory which would enable her to maintain a direct and uninterrupted communication between her provinces. So far as they could learn from any source, this was the only professed object she had in view, and the only one which had been regarded as in contemplation.

With this understanding, the undersigned at once decided to yield, upon the most liberal terms, this long sought convenience; and they indulged the confident expectation that such a concession would at once meet all the wants and wishes of the English Government, and bring the mission to a speedy and satisfactory close. When, therefore, we were met at the outset by a proposition which required the cession on our part of all the territory north of the St. John river, and enough of the territory on the south side to include the Madawaska settlement, extending at least fifty miles up that river, with no other equivalents to us than the limited right to float timber down that river, and to the United States the small tracts adjacent to the 45th parallel of latitude in other States, we could not but express our regret to be thus, as it were, repelled. But, regarding this rather as the extreme limit of a claim, subject, notwithstanding the strong language of Lord Ashburton, to be restrained and limited, we deemed it proper, in our communication of the 16th instant, after declining to accede to the proposition, in conjunction with the commissioners of Massachusetts, to point out and offer a conventional line of boundary as therein specified. In fixing on this line, we were mainly anxious to select such a one as should at once and pre-eminently give to Great Britain all that was necessary for her understood object, and to preserve to Maine the remainder of her territory. To accomplish this object, we departed from the river, to secure the unobstructed use of the accustomed way from Quebec to Halifax. We are not aware that any objection has been made from any quarter to this line, as not giving up to Great Britain all that she needed, or could reasonably ask, for the above purpose. And although Lord Ashburton did not deem it necessary to "examine the line (proposed) in its precise details," or to look at a map on which it could most readily be traced; and although he has seen fit to say that he was "quite at a loss to account for such a proposal," yet he has not intimated that the line suggested fails, in any respect, to meet the object we had in view, and which we frankly and readily avowed.

It is well known to you, sir, that we had determined upon no such inflexible adherence to that exact demarcation as would have prevented us from changing it, upon any reasonable evidence that it did not, in every respect, meet the requirements of the abovestated proposition in relation to a perfect line of communication. But believing then, as we do now, that it did thus meet all these requirements; and although it was, as we feel bound to say, the general and confident expectation of the people of Maine, that any relinquishment on our part of jurisdiction and territory would be, *in part* at least, compensated from that strip of contiguous territory on the west bank of the St. John; yet, when we were solemnly assured that no such cession could be made under his Lordship's instructions, we forebore to press for this reasonable and just exchange, and contented ourselves with accepting the limited right of navigation of the river, as the only equivalent from Great Britain for the territory and jurisdiction we offered to surrender; and, as you will remark, we offered not merely a right of way on land, for a similar easement on the water, but the entire and absolute title to the land and jurisdiction of the large tract north and east of the line specified. It cannot be denied that it preserves to us a frontier in a forest almost impenetrable on the north, which would defend itself by its own natural character; and that, if anything should be deducted from the agricultural value of that portion beyond the Madawaska settlements, on account of its ruggedness and its want of attraction to settlers, much may justly be added to its value as a boundary between the two nations.

The value of this tract to Great Britain, both in a civil and military point of view, cannot be overlooked. It gives her the much-coveted route for the movement of troops in war, and her mails and passengers in peace; and is most particularly important in case of renewed outbreaks in her North American colonies. The assumption of jurisdiction in the Madawaska settlement, and the pertinacity with which it has been maintained, are practical evidence of the value attached to the tract by the Government of her Britannic Majesty.

We have alluded to these views of the value and importance of this territory, not with any design of expressing our regret that we have thus offered it; but to show that we are fully aware of all these views and circumstances affecting the question, and that we duly appreciate the far-seeing sagacity and prudence of those British statesmen who so early attempted to secure it as a cession, by negotiation, and the suggestion of equivalents.

The answer of Lord Ashburton to your note of the 8th instant, contained a distinct rejection of our offer, with a substantial withdrawal of his claim to any territory south of the river St. John; but not modifying the claim for the relinquishment, on the part of Maine and the United States, of all north of that river. Our views in reference to many of the topics in his Lordship's reply, we have had the honor heretofore to communicate to you, in our note of the 16th instant; and to that answer we would now refer, as forming an important part of this negotiation, and as containing our refusal of the line indicated. We are now called upon to consider the final proposition made by or through the Government of the United States, for our consideration and acceptance. The line indicated may be shortly defined as the line recommended by the King of the Netherlands, and an addition thereto of a strip of land at the base of the highlands, running to the source of the southwest branch of the St. John. The examination and consideration of all other lines, which might better meet our views and objects, have been precluded by the declaration, and other plenary evidence we have, that the line specified in your communication is the most advantageous that can be offered to us; and that no one of less extent, or yielding in fact less to the other party, can be deemed admissible. We are, therefore, brought to the single and simple consideration of the question, whether we can, consistently with our views of our duty to the State we represent, accept the proposition submitted by you.

So far as any claim is interposed, based upon a supposed equity arising from the recommendation of the King of the Netherlands, we have only to refer to our former note for our views on that topic. We have now only to add, that we came to this conference untrammelled and free; to see if, in a spirit of amity and equity, we could not find and agree upon some new line, which, while it yielded all that was needed by one party, might fairly be the motive and groundwork for equivalent territory or rights granted to the other; and that we cannot make any admission, or consent to any proposition, which would not revive, but put vitality and power into that which, up to this time, has never possessed either. We base our whole action on grounds entirely independent of that advice of the arbiter.

It may possibly be intimated in this connexion, as it has more than once been heretofore, that the commissioners of Maine, and the people of that State, are disposed to regard the whole territory as clearly falling within their rightful limits; and are not willing to consider the question as one in doubt and dispute, and, therefore, one to be settled as if each party had nearly or quite equal claims. Certainly, sir, the people and Government of Maine do not deny that the question has been drawn into dispute. They have had too many and too recent painful evidences of that fact, to allow such a doubt, however much at a loss they may be to perceive any just or tenable grounds on which the adversary claim is based. For years they have borne and forborne, and struggled to maintain their rights, in a peaceable, and yet unflinching spirit, against what appeared to them injustice from abroad, and neglect at home.

But they have yet to learn that the mere fact that an adverse claim is made and persisted in, and maintained by ingenuity and ability for a series of years, increasing in extent, and varying its grounds as years roll on, is to be regarded as a reason why courtesy should require, in opposition to the fact, a relinquishment of the plain, explicit, and sincere language of perfect conviction and unwavering confidence; or that a continued, adverse, and resisted claim, may yet, by mere lapse of time and reiteration, ripen into a right. But we desire it to be distinctly remembered that, in this attempt to negotiate for a conventional line, Maine has not insisted, or even requested, that any formal or virtual admission of her title to the whole territory should be a condition preliminary to a settlement. We hold, and we claim, the right to express, at all times, and in all suitable places, our opinion of the perfect right of Maine to the whole territory; but we have never assumed it as a point of honor, that our adversary should acknowledge it. Indeed, we have endeavored to view the subject rather in reference to a settlement, on even hard terms for us, than to dwell on the strong aspect of the case, when we look at the naked question of our right and title under the treaty. It could hardly be expected, however, that we should silently, and thus virtually, acquiesce in any assumption that our claim was unsustained, and that "the treaty line was not executable." On this point we expressed ourselves fully in a former note.

In returning to the direct consideration of the last proposition, and the terms and conditions attending it, in justice to ourselves and our State, we feel bound to declare—and we confidently appeal to you, sir, in confirmation of the declaration—that this negotiation has been conducted, on our part, with no mercenary views, and with no design to extort unreasonable equivalents or extravagant compensation. The State of Maine has always felt an insuperable repugnance to parting with any portion even of her disputed territory, for mere pecuniary recompense from adverse claimants. She comes here for no mere bargain for the sale of acres, in the spirit or with the arts of traffic. Her commissioners have been much less anxious to secure benefit and recompense, than to preserve the State from unnecessary curtailment and dismemberment. The proposition we made is evidence of the fact. We have heretofore expressed some opinions of the mutual character of the benefits to each party from the free navigation of the St. John. Without entering, however, upon the particular consideration of the terms and conditions, which we have not thought it necessary to do, we distinctly state that our great repugnance to the line is based upon the extent of territory required to be yielded. We may, however, in passing, remark that all the pecuniary offers contained in your note, most liberally construed, would scarcely recompense and repay to Maine the amount of money and interest which she has actually expended in defending and protecting the territory from wrongs arising and threatened by reason of its condition and disputed ground.

Considering, then, this proposition as involving the surrender of more territory than the avowed objects of England require; as removing our landmarks from the well-known and well-defined boundary of the treaty of 1783—the crest of the highlands; beside insisting upon the line of the arbiter in its full extent; we feel bound to say, after the most careful and anxious consideration, that we cannot bring our minds to the conviction that the proposal is such as Maine had a right to expect.

But we are not unaware of the expectations which have been, and still are, entertained of a favorable issue to this negotiation by the Government and people of this country, and the great disappointment which would be felt and expressed at its failure. Nor are we unmindful of the future, warned as we have been by the past, that any attempts to determine the line by arbitration, may be either fruitless, or with a result more to be deplored.

We are now given to understand that the Executive of the United States, representing the sovereignty of the Union, assents to the proposal; and that this department of the Government, at least, is anxious for its acceptance, as, in its view, most expedient for the general good.

The commissioners of Massachusetts have already given their assent, on behalf of that Commonwealth. Thus situated, the commissioners of Maine, invoking the spirit of attachment and patriotic devotion of their State to the Union; and being willing to yield to the deliberate convictions of her sister States as to the path of duty; and to interpose no obstacles to an adjustment which the general judgment of the nation shall pronounce as honorable and expedient—even if that judgment shall lead to a surrender of a portion of the birthright of the people of their State, and prized by them because it is their birthright,—have determined to overcome their objections to the proposal, so far as to say, that if, upon mature consideration, the Senate of the United States shall advise and consent to the ratification of a treaty corresponding in its terms with your proposal, and with the conditions in our memorandum accompanying this note, (marked A,) and identified by our signatures, they, by virtue of the power vested in them by the resolves of the Legislature of Maine, give the assent of that State to such conventional line, with the terms, conditions, and equivalents herein mentioned.

We have the honor to be, sir, with high respect, your obedient servants,

EDWARD KAVANAGH,
EDWARD KENT,
JOHN OTIS,
WILLIAM P. PREBLE.

Hon DANIEL WEBSTER, &c., &c., &c.

This is the assent (if assent it may be called) which is to authorize and induce the Senate to ratify the treaty. What is it? A clear, strong, and convincing argument against submitting to the terms proposed; and concluding that, *if the deliberate* conviction of her sister States shall *pronounce the proposed boundary and equivalents as honorable and expedient*, even if that judgment shall lead to a surrender of a portion of the birthright of the people of Maine, the commissioners have determined to *overcome their objections* to the proposal, so far as to say that if, upon mature consideration, the Senate of the United States shall advise and consent to the ratification of the treaty upon those terms and conditions, they give he assent of Maine thereto. Now, sir, I am not we lp.eased with this mode of doing business. I would have preferred that our commissioners had *agreed* or

disagreed to the line and terms proposed. The Legislature intrusted *them* with that power; and we have no reason to suppose that the Legislature would have authorized them to refer to the Senate of the United States the power to make a new line of boundary and to fix the equivalents. We know the Legislature did not so authorize them; but, on the contrary, required the *unanimous* consent of *all* the commissioners to any line which should be agreed upon; and expressly declared that it could not regard the *relinquishment* by the British Government *of any claim* heretofore advanced by it to *any territory within the limits of Maine* according to the treaty of 1783 as uniformly claimed by Maine, as *a consideration or equivalent*.

How, then, stands the question of assent on the part of Maine? If the Senate, upon mature consideration, shall advise and consent to the ratification of the treaty upon the terms and conditions therein contained;—in other words, if the Senate shall pronounce it *honorable and expedient* that Maine shall *surrender* a portion of her birthright upon the terms and conditions named—then, and *then only*, you have the assent of Maine to the sacrifice, for the public good. For one, I cannot do it. My own convictions of the perfect right of Maine to all the disputed territory, forbid it. I would go far, very far, to compromise this dispute upon honorable terms; and I would not be particular as to the value of equivalents. But I hold that Great Britain has contiguous territory, convenient to us, which she might and ought to give in exchange for the territory belonging to us, which she so much needs, and ought to have, for a just equivalent. This treaty does not accomplish, fairly, either object—it gives to Great Britain more than is necessary, and withholds from Maine what she ought to acquire.

But, Mr. President, I am not insensible that this question of our Northeastern boundary has been suffered, most unnecessarily, to be brought into dispute and controversy. By the treaty of 1783, and the subsequent determination of what river was intended as the St. Croix, our line of boundary was plain, practicable, and perfect; it was identical with the established lines of the British provinces of Canada and Nova Scotia—fixed and determined by the proclamation of 1763, and by act of Parliament in 1774. On a former occasion I had the honor to submit to the Senate my views upon this question; others did the same; and I will now only refer to the able exposition and vindication of the right of Maine to the whole of the territory claimed by her, contained in the report of the Committee on Foreign Relations, and to one of the resolutions adopted unanimously by the Senate on that occasion, in the following words:

"*Resolved*, That, after careful examination and deliberate consideration of the whole controversy between the United States and Great Britain, relating to the Northeastern boundary of the former, the Senate does not entertain a doubt of the entire practicability of running and marking that boundary in strict conformity with the stipulations of the definitive treaty of peace of 1783; and it entertains a perfect conviction of the justice and validity of the title of the United States to the full extent of all the territory in dispute between the two powers."

My regret is, that Congress did not then authorize and direct the running and marking that line according to the terms of the treaty of 1783, as proposed by the bill which I then presented. If that had then been done, we would have escaped the expense and hazard of the Aroostook war, the disgrace of having a portion of our territory seized and occupied by the military power of Great Britain, and the unwelcome task of deciding upon the present treaty—which sanctions the unjust pretensions of the British Government to a portion of the fruits of our glorious struggle for independence.

I will not tax the patience of the Senate with a recapitulation of the merits of our claim to the whole of the disputed territory. Suffice it to say, that the treaty which asserts our independence as a nation, gives it to us; and that the nation recognises it. Still, it has been suffered to be brought into controversy, and is now disputed by a great and powerful nation. Unfortunately for us, at the treaty of Ghent, in 1814, a request on the part of the British negotiators to *modify* or *vary* the line described in the treaty of 1783, so as to give to Great Britain a convenient and direct communication between the provinces of Canada and New Brunswick, was suffered to ripen into an article of that treaty, which provided for the running and marking that line; and, in case the commissioners to be appointed to that service should disagree, they were to report the grounds of such disagreement to their respective Governments; and thereupon the question should be submitted to an arbiter, to determine upon the points of disagreement. A very simple and innocent article in appearance, but a most fatal one in its consequences! From this sprang the submission to the King of the Netherlands, his award, and its rejection—subsequent attempts at negotiation—and the treaty now under consideration; and, if this treaty be rejected, another reference to arbitrators, to be selected by *foreign* powers, is to follow.

Thus a title, clear and perfect by the treaty of 1783, has been suffered, by diplomacy and treaties, to be brought into doubt and controversy, and has been agreed to be made the subject of arbitration! This is the *embarrassment* which has stood, and yet remains, in the way of all our efforts to obtain possession of our entire territory; to expel a foreign power from its military possession of part of it; to assert and maintain the rights and honor of the nation; and is now held up to us as the only alternative, if we reject this treaty. What is to be done, under such circumstances, I admit, is a question of difficulty. If there be no way of escaping the obligation of again submitting the question to a foreign arbiter, the result of the former submission should admonish us to avoid the repetition of that mode of obtaining our just rights; and the present arrangement may be better than to hazard the loss, by another reference, of the whole disputed territory. In common with my constituents, I deprecate another reference to foreigners, or arbitrators appointed by foreign powers, and protest against it. We have already fulfilled the stipulation of the treaty of Ghent, by referring the question to an arbiter. It failed to settle the controversy. The British Government have insisted that another reference would be unavailing. I am willing to take them at their word; and would submit to the Senate whether, under all the circumstances of the case, the honor and duty of the nation will not be better maintained by falling back upon our original clear and certain right under the treaty of 1783, than by ratifying the present treaty, or sanctioning another reference, as indicated by the President's declaration to the Governor of Maine.

I cannot agree to the ratification of the present treaty. It is unjust to Maine, and, in my judgment, dishonorable to the nation. I do not desire another arbitration, which may be more ruinous to Maine than the present arrangement. I have no confidence in further negotiation. What we have had, has greatly weakened our once perfect title; and I see no other way of getting our right as a nation, and performing our high obligation to one of the States of the Union, than by taking possession of what belongs to us, and holding it. In such a course, we will have right and justice on our side. If others interfere with us, it must be in their own wrong. With these views, I send to the Chair the following resolution, and ask the yeas and nays upon its adoption:

Resolved, That the treaty and documents now under consideration, be recommitted to the Committee on Foreign Relations, with instructions to report a resolution directing the President of the United States to take immediate possession of the disputed territory, and to report such contingent measures as, in their opinion, may be necessary to maintain the just right of the nation.

BRITISH TREATY.

[SECRET SESSION.]

SPEECH OF MR. CONRAD,

OF LOUISIANA.

In Senate, August 18, 1842.—On the ratification of the treaty with Great Britain.

Mr. CONRAD rose and said—

It was not my intention, Mr. President, to take any part in the debate on this treaty; but as I have come to the determination to vote against it, I feel bound to assign my reasons for that vote.

The chairman of the Committee on Foreign Affairs, and the Senator from Massachusetts, [Mr. CHOATE,] have vied with each other in eulogising this treaty as a *chef d'œuvre* of diplomatic skill. I cannot perceive, however, in what respect it is so advantageous to the country.

It contains three principal stipulations: 1st. The first and most important is, that which fixes our Northeastern boundary. 2d. It obliges us to maintain a naval armament on the coast of Africa, to aid in the suppression of the slave-trade; and, lastly, it provides for the mutual surrender, in certain cases, of fugitives from justice.

In regard to the first of these provisions, I believe it is admitted, on all hands, that the line agreed upon falls far short of our pretensions, and is rather a compromise of the question than a settlement of it, according to our interpretation of the treaty of 1783. There probably never was a period, since the commencement of the controversy, when a compromise could not have been effected on as favorable terms.

The second stipulation, although in form a reciprocal engagement, is, in point of fact, a concession on our part. Great Britain already maintains, and would, in the absence of any such stipulation, continue to maintain on the coast of Africa, a much larger naval force than she binds herself to do by this treaty. Permit me to observe, too, Mr. President, that, however willing I may be, by every proper means, to prevent the prostitution of our flag to this odious traffic, I would much have preferred that whatever we did on this subject should be our own spontaneous act, instead of appearing to have been extorted from us by Great Britain—by that country which, after having long usurped the police of the seas, has recently wheedled, or intimidated one-half of Europe into an acknowledgment of this preposterous claim. I should have preferred to see our country maintain the proud attitude which France, encouraged by the firmness of our minister, has taken on this subject, and conceded nothing where nothing could rightfully be demanded.

The third provision is, that which provides for the surrender of criminals in certain cases; in regard to which I shall only observe, that it is a provision at least as advantageous to Great Britain as to us, and cannot, therefore, be viewed as a stipulation in our favor.

This is the substance of the treaty. I cannot perceive in it those advantages that some gentlemen have professed to do. My objections to it, however, are not so much on account of what it does, as of what it does not contain.

Mr. President, there were three subjects of difference between this country and Great Britain, the prompt adjustment of which was deemed peculiarly urgent, as they all threatened hourly to disturb the harmony of the two countries. These were—the settlement of our Northeastern boundary; the controversy growing out of the destruction of the Caroline; and, lastly, that arising out of the seizure and liberation of slaves belonging to citizens of the United States. When it was known that a special minister was to be deputed to this country, for the purpose of restoring and maintaining the harmony of the two countries, no one doubted that his mission embraced the settlement of all these questions, if none others. I confess, therefore, that when the treaty was read at your table, and I discovered that one, and not the least important of these questions, (I mean that relative to the seizure of our slaves,) was left precisely where it stood before the arrival of the British ambassador, I was equally surprised and disappointed. No less than five cases have already occurred, in which vessels bound from one port in the Union to another, by having slaves on board, have been driven, either by stress of weather, or, by the violence of the slaves themselves, into some one of the small islands in the Bahama channel; and, in every instance, the slaves have been violently taken from the possession of their owners, and set at liberty by the colonial authorities. In the two first cases, the British Government, after a protracted negotiation, indemnified the owners. The third case was that of the schooner "Enterprise," which occurred some six or seven years ago. Application was again made for indemnity; and what was the answer of the British Government? In substance, that this confiscation of American property was justified by a recent act of Parliament abolishing slavery in their West India possessions, and that thenceforward no indemnity was due our citizens for slaves thrown by unavoidable accidents upon their shores.

As soon as this decision of the British Government was made known to ours, the distinguished Senator from South Carolina [Mr. CALHOUN] introduced the following resolutions; which, on the 15th April, 1840, were unanimously adopted by this body:

"*Resolved*, That a ship or vessel on the high seas, in time of peace, engaged in a lawful voyage, is, according to the laws of nations, under the exclusive jurisdiction of the State to which her flag belongs; as much so, as if constituting a part of its own domain.

"*Resolved*, That if such ship or vessel should be forced by stress of weather, or other unavoidable cause, into the ports

and under the jurisdiction of a friendly power, she and her cargo, and persons on board, with their property, and all the rights belonging to their personal relations, as established by the laws of the State to which they belong, would be placed under the protection which the laws of nations extend to the unfortunate under such circumstances.

"*Resolved*, That the brig Enterprise, which was forced unavoidably, by stress of weather, into Port Hamilton, Bermuda Island, while on a lawful voyage on the high seas, from one port of the Union to another, comes within the principles embraced in the foregoing resolutions; and that the seizure and detention of the negroes on board, by the local authority of the island, was an act in violation of the laws of nations, and highly unjust to our citizens to whom they belong."

I well recollect the satisfaction with which the adoption of these resolutions was hailed by the Southern portion of this Union. The promptitude and unanimity with which they were adopted, proved that the "still small voice" of patriotism could yet make itself heard amid the din of party strife with which these halls perpetually resound. We flattered ourselves that Great Britain would now pause in her course of insolence and aggression; and that the petty functionaries of an insignificant island, almost in sight of our coast, would no longer beard the majesty of this republic.

More than two years ago, therefore, this body solemnly resolved, in substance, that the seizure and detention of slaves, under the circumstances of those on board the Enterprise, was an act of injustice to our citizens, a violation of the law of nations, and equivalent to an invasion of our territory. This resolution was adopted, after a protracted negotiation for redress had eventuated in a rejection of the demand. Two nations could not be brought nearer to a state of hostility by any act short of a positive declaration of war, than Great Britain and this country were by the adoption of these resolutions. In fact, this left but one alternative—redress or war. Foreign nations had, therefore, a right to conclude (and I well recollect they did conclude) that the wrongs complained of would be redressed, or war would ensue. But what effect did these resolutions produce in the country against which they were fulminated? Scarcely had their thunder died away on the distant shores of Great Britain, when, as if in defiance of our threats, another outrage, precisely similar in character to the one complained of, is committed. The schooner Hermosa, bound on a voyage from Norfolk to New Orleans, with a number of slaves on board, is wrecked on one of the reefs in the Bahama channel. All the persons on board, including the slaves, are taken from the wreck by an English "*wrecker*," and carried to Nassau. As soon as they arrive there, a file of soldiers, wearing the British uniform, commanded by a British officer, march on board the wrecker, order the slaves ashore, and carry them before some petty magistrate; by whose supreme authority, and in spite of the remonstrances of the American consul, they are set at liberty. These facts being established by incontestable evidence, application for indemnity was made to the British Government. Before any answer had been given to this application, the case of the "Creole" occurred.

So far as the claim to indemnity is concerned, the circumstances of this case were not as strong as those in the cases of the "Enterprise" and the "Hermosa;" for, in this case, the *liberation* of the slaves was not the act of the British Government, nor did it even occur within their jurisdiction. It occurred on the high seas, and was effected by the slaves themselves. The atrocities, however, with which it was attended, and the aid and protection afforded to the authors of them, justly excited public indignation, and momentarily roused our Government from its lethargy. An urgent demand for redress was made, enforced by a letter from the Secretary of State, containing an able exposition of the law of nations applicable to the question, and a complete refutation of the arguments by which the British ministry had, in the case of the "Enterprise," already referred to, attempted to justify the seizure of American property by a British statute. I appeal to you, Mr. President, whether, at that juncture, any one of the questions pending between this country and Great Britain was deemed more important, or more urgent in its character, than that growing out of these repeated outrages? So far as my own State is concerned, I can venture to say it stood foremost in the catalogue of grievances of which we had a right to complain. The Legislatures of many of the States (and that of Louisiana among the rest) passed strong resolutions expressive of their sense of these outrages, and of their readiness to vindicate, by a resort to arms, the insulted honor of the country. The swelling tide of public indignation was only arrested by the announcement of the fact that Great Britain had deputed a special envoy to this country, charged with the settlement of this and all other differences between the two countries; and now we are called upon to ratify a treaty in which this subject is entirely pretermitted! Why is this, sir? I do not think I exaggerate the magnitude of this question, when I affirm that, in whatever light we view it—whether we consider the mere pecuniary considerations connected with it, the interest felt by a large portion of the country in its decision, its exciting and irritating character, and, above all, the principles involved in it—it is by far more important than any of those embraced in the treaty.

The Northeastern boundary question—about which so much is said—is, after all, a mere question of property, involving no principle, establishing no precedent; and is just such a controversy as two individuals would settle by a law-suit—not by an appeal to arms. The Caroline affair was of a different character; but it is past, and cannot be recalled: there is no danger of its repetition; and the question was narrowed down to one of etiquette, or point of honor. Far different is the question arising out of the seizure of our slaves. National honor, national interests, national safety even, were all included in it. The wrongs complained of were not the unpremeditated act of an excited soldiery, but were the deliberate proceedings of the civil authorities—sanctioned, authorized, encouraged, if not commanded, by the British Government. It was not a single act, but a series of acts, following each other in rapid succession, in the very face of our remonstrances—I may almost say, in defiance of our threats. If the property seized had been of any other character; if, instead of slaves, an equal number of bales of merchandise, or hogsheads of tobacco, had been seized and appropriated by the British Government,—all would at once perceive the enormity of the pretensions. But, because it is a description of property not known to English law, although known to ours, we suffer our demand for redress to be put off by cavils that would disgrace a *nisi prius* attorney. For my own part, Mr. President, I would prefer that ten times the amount in property of any other description had been seized and confiscated, without a color of pretext, by the British Government. I consider the mere pecuniary interest involved in the question as trifling, in comparison with the principles involved. These principles are no less than the inviolability of our flag, and the right to regulate our domestic institutions as we see fit. I have never entertained a doubt that more was concealed under these acts than appeared on their surface. England, after having endeavored in vain to assail us by open force, is resorting to the more dangerous method of an insidious policy. Abolition of slavery, which is treason and madness with us, is wisdom and profound policy with her. It is the sole engine by which she can hope to prostrate her only commercial rival. Hence her peculiar sensibility to the wrongs of the African race, while she is reducing all Asia under the yoke of the most galling servitude. Hence her disinterested philanthropy, in abolishing slavery in the West, while she is only transplanting it in the East. Hence her exertions to extend the culture of cotton and sugar in her East India possessions. Hence the declamations of her orators against negro slavery; the exaggerated accounts by her writers of the sufferings of our slaves, while they are deaf to the cries of the starving millions of their countrymen at home. A community of language and religion—her literature universally diffused throughout this country—a social and commercial intercourse continually increasing—a respect and reverence for English opinions more frequently felt than acknowledged,—afford her too many facilities for the accomplishment of this Machiavelian policy. Do we not see anti-slavery societies, composed of our own citizens, affiliated with similar associations, encouraged, if not established, by the British Government? Do we not see their hireling orators, their prostituted preachers, their pensioned presses, using every artifice to agitate the country, and array one portion of it against the other? England is already considered as the mainspring of the "*great anti-slavery movement*," as it is termed, which is now making throughout Europe and America; and these repeated aggressions on slave property are only one among many indications of her desire to be so considered. There is no doubt that the slaves on board the Creole were prompted to the crimes which they committed by the knowledge they had acquired before their embarcation, that if they could succeed in reaching any of the British possessions, their crimes would not only go unpunished, but be rewarded by their freedom.

Am I not correct, then, Mr. President, when I affirm that principles vital to the institutions and safety of this country are involved in this question? and that it ought not to have been overlooked in a treaty, the very object of which is to remove the causes of discord between the two countries? And what is the reason assigned for this extraordinary omission? Why, that Lord Ashburton's powers did not embrace the settlement of this question. But why did they not embrace it? Has it not been pending for years? It is true, as Lord Ashburton says, that the case of the Creole was only known in England a few days before his departure for this country; but that of the Enterprise occurred many years ago; and the resolutions of this body, declaring it a violation of the law of nations, and equivalent to an invasion of our territory, were adopted more than two years prior to his departure. Besides, nothing would have been easier than to have enlarged his powers, had they been found insufficient. No, sir; the true reason for this *casus omissus* in the treaty is to be found in Lord Ashburton's letter. He there says: "There are certain great principles too deeply rooted in the consciences and sympathies of the people of Great Britain for any minister to be able to overlook; *and any engagement I might make in opposition to them would be instantly disavowed.*" In other words, the sympathies of British abolitionists must not be shocked by having any restraint put upon their humane efforts to excite our slaves to insurrection and bloodshed! Gentlemen refer us to this letter, as containing all that was necessary on this subject. It is true, Mr. President, that, as nothing was intended to be *done*, it was thought necessary, at least, to *say* something. But if it was intended to enter into any binding engagements on this subject, why was it done in the form of a letter? Why was it not inserted in the treaty? I have looked in vain, however, in this letter, for anything which could be construed either into an apology for the past, or a pledge for the future. So far from admitting the truth of the unanswerable propositions contained in Mr. Webster's letter to him, Lord A. pronounces them to be *startling;* and so far from making any specific pledges, he expressly declares that, if he were to make any, they would be "instantly disavowed by his Government." It is true, he talks of transferring the negotiation on this point to London; but, at the very time when this correspondence was penned, Lord Ashburton and Mr. Webster both were well aware that a negotiation had already taken place at London, and that the British Government had adhered to their former decision.

I have already stated that application was made by our Government for indemnity for slaves captured on board the schooner Hermosa. I hold in my hand copies of the correspondence which took place on this subject between Mr. Everett, our minister at London, and Lord Aberdeen, the Minister of Foreign Affairs of Great Britain. As this correspondence has never been published, nor, I believe, ever seen by a single member of this body, I beg leave to read it to the Senate.

Mr. C. here read a letter from Mr. Everett to Lord Aberdeen, dated 3d May, 1842, and the following answer of Lord Aberdeen, dated May 22, 1842:

LEGATION OF THE UNITED STATES, May 3, 1842.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, has been directed to bring to the knowledge of Lord Aberdeen, her Majesty's principal Secretary of State for Foreign Affairs, the particulars of the case of the *Hermosa*, a vessel bound from Richmond to New Orleans, with an assorted cargo, and having on board, also, thirty-eight slaves. This vessel was, on the 19th of October, 1840, wrecked upon a reef of rocks, which proved to be Spanish Key, near Abaco. Her cargo and slaves were taken possession of by a company of licensed wreckers; and being brought into Nassau, in the Island of New Providence, the slaves were set at liberty by the civil and military authorities of that island. For the facts of the case in detail, reference is made to a copy of two protests of John S. Chattin, the master of the vessel, herewith transmitted to the Earl of Aberdeen; and the undersigned is instructed to inform Lord Aberdeen, that, inasmuch as the vessel, in the pursuit of a lawful voyage, was driven, by stress of weather, within her Majesty's colonial dominions, and the slaves on board her, belonging to citizens of the United States, were set at liberty by the direct interference of her Majesty's colonial authorities, the Government of the United States, on behalf of the parties thus deprived of their property, looks to the Government of her Majesty for a just indemnification.

The principles on which this claim is founded having been heretofore frequently urged upon the consideration of her Majesty's Government, and particularly in the note of the under-

signed of the 1st March, relative to the case of the *Creole*, he deems it unnecessary, on this occasion, to renew the discussion. He will confine himself to restating, briefly, a portion of the argument contained in that note.

Her Majesty's Government is understood to hold that, in consequence of the abolition of slavery in a portion of her Majesty's dominions, by the act of Parliament of 3d and 4th William IV., c. 73, her Majesty's authorities are prevented from recognising the relation of slavery, or any of its incidents, even on board the vessels belonging to friendly States in which slavery legally exists. It has been already observed by the undersigned, in the note referred to, that the Government of the United States cannot admit that the vessels of a friendly power, driven by stress of weather, or by mutiny, into her Majesty's ports, can, in consequence of a change in the municipal law of England, be rightfully deprived of any aid and assistance to which they are entitled by the law and comity of nations. But, granting this, for argument's sake, to be an erroneous view; and that the principle above stated is correctly assumed by her Majesty's Government: It can only follow that her Majesty's authorities, in the cases supposed, are justified in refusing to perform acts not now authorized by British law, in reference to slavery; as, for instance, to employ their officers in arresting fugitive slaves. It cannot follow that when, by stress of weather, or mutiny, a foreign vessel, having slaves lawfully on board, is driven into a British port, the British civil and military authorities may forcibly interfere to liberate them; because this cannot be done without violently infringing that authority of the captain of the vessel over the ship's company, which is recognised as well by the laws of England as of all other civilized States. If the law of England converts slaves into passengers, in exempting them from one kind of control, which her laws do not recognise, it subjects them to another, which her laws do recognise.

It is not exclusively in reference to cases like those which have so often been the subject of the reclamations of the United States, that these principles apply. A species of servitude not materially different from that abolished by the 3d and 4th William IV., c. 73, once prevailing throughout Europe, still exists in some of the northern portions of the continent. If a vessel from that quarter should be driven into a port in her Majesty's dominions, navigated in whole or in part by persons held in a servitude like that alluded to, the undersigned presumes it would be deemed a great violation of the comity of nations, if the vessel should be boarded by her Majesty's civil officers, supported by a military force, and proclaiming to the ship's company that, as servitude no longer existed in England, they were free to quit the vessel, and go where they pleased; and the undersigned cannot doubt that if pecuniary loss accrued in consequence of this interference, it would be held to warrant a demand on her Majesty's Government for indemnification.

But, in reference immediately to the case in hand: if it should be granted that, by unavoidable force of British law, the statute of 28th August, 1833, so entirely requires the liberation of all slaves, however brought into her Majesty's dominions, as to authorize every species of civil and military agency by which such liberation is effected, (an extension of the principle which her Majesty's Government has never, it is believed, maintained,) then, the least that a foreign and friendly power can demand, is, that effect should be given to the act as a whole. It would seem peculiarly unjust, in applying the statute to the citizens of a friendly State, to call into action only so much of its provisions as is necessary to divest them of their property, without giving them the benefit of the other enactments, by which compensation is made for the property of which they are thus deprived. The abolition of slavery is nowhere, it is believed, defined in the statute as a simple technical idea, importing nothing but a change of condition from servitude to freedom. But it is a complex act, consisting of several parts, all of which are equally essential, and equally established by the statute. The undersigned had the honor to observe, in his note of the 1st of March, that, in the same act which liberated the slaves in her Majesty's colonies, (and in virtue of which alone it is now held that slaves in foreign vessels, driven by stress of weather into her Majesty's dominions, must be liberated,) it is declared to be "just and expedient that a reasonable compensation should be made to the persons hitherto entitled to the services of such slaves, for the loss which they will incur by being deprived of their right to such services." If, then, in the understanding of Parliament, in enacting the statute of 3d and 4th William IV., c. 73, it would have been unjust to liberate the slaves of her Majesty's subjects without compensating the master, it would seem impossible to derive from that act any warrant to liberate the slaves of the citizens of a foreign State, driven by stress of weather into a British port, without similar compensation. If such a liberation would have been unjust toward British subjects much more would it be unjust toward the citizens of a friendly and foreign State. It is only by inference that the act is considered by her Majesty's Government to apply at all to foreign citizens driven by stress of weather into a British port. To enforce against such foreign citizens liberation without compensation, as an inference from a statute declaring that justice demands compensation to British subjects whose slaves are liberated, would seem as much at variance with the rules of reasoning as with the dictates of justice.

The undersigned has the honor to renew to the Earl of Aberdeen the assurance of his distinguished consideration.

EDWARD EVERETT.

FOREIGN OFFICE, May 20, 1842.

The undersigned, her Majesty's Principal Secretary of State for Foreign Affairs, has the honor to acknowledge the receipt of Mr. Everett's note of the 3d instant, in which Mr. Everett states that he has been directed by his Government to bring to the knowledge of the undersigned the particulars of the case of the "Hermosa," an American vessel, bound from Richmond to New Orleans, and carrying an assorted cargo and forty-eight slaves, which was wrecked on the Spanish Key reef, near Abaco—the slaves and cargo being saved by licensed wreckers, and carried by them into Nassau.

Mr. Everett complains that, by the direct interference of the British authorities at Nassau, the slaves were set at liberty; and Mr. Everett claims compensation for the loss therein suffered by the former proprietors of the slaves.

For the facts of the case in detail, Mr. Everett refers to two declarations made by the master of the Hermosa, before a magistrate of the United States, and enclosed in the note of Mr. Everett. There is some discrepancy in the account given by Mr. Chattin from that which her Majesty's Government have received from the Governor of the Bahamas. The former alleges that the stipendiary magistrate of Nassau was seen to send the slaves on shore from the wreckers' vessel; and that the Governor of the Bahamas, being then in Nassau, knew of everything which was done relative to the slaves. The account given by the Governor, though it does not enter so minutely into particulars, distinctly states that, upon reference being made to him, he declined any interference with the slaves; but that, under instructions formerly sent from England, they were permitted to land in Nassau. It can hardly be supposed that Col. Cockburn would have so expressed himself if he had been aware that a magistrate of the colony had been actively employed in sending the slaves on shore.

But, although the undersigned thinks it right to point out the discrepancy to Mr. Everett, he does not consider it as in any way affecting the point at issue; for, admitting that the magistrate did interfere actively, and that, in the absence of the master of the "Hermosa," he visited the negroes, and, by his own authority, sent them on shore,--it must be remembered that the vessel in which the negroes entered Nassau was not an American, but a British vessel; consequently, that the magistrate was called upon to deal with her and her crew strictly according to British law; and that, if he had reason to suppose that any illegal constraint was put upon the liberties or inclinations of those whom she had rescued, it was his bounden duty to see their freedom vindicated, and the persons exercising authority on board the vessel duly punished. For this reason, the undersigned cannot admit that the forcible interference on the part of the British officer, which the account furnished to Mr. Everett states to have taken place, would have formed any just cause of complaint from the late owners of the slaves; still less, that it would have been a violent infringement of the authority of the American captain.

In the latter part of Mr. Everett's note, it is suggested, that if, by the act of the 28th August, 1833, British law requires the liberation of the slaves in question, effect should be given to that act as a whole; and that, as it has provided compensation for British slave-owners, it should do the same for citizens of a foreign State, and whose slaves may be liberated by being driven within its jurisdiction.

The question which is here raised has been so fully discussed, and so deliberately decided upon a former occasion, that it is scarcely necessary to do more than refer Mr. Everett to what then passed between Mr. Stevenson and her Majesty's Government. In the notes addressed by Lord Palmerston to Mr. Stevenson on the 7th of January and the 11th of December, 1837, upon the case of the "Enterprise," Mr. Everett will find stated at length the reasons which forbid her Majesty's Government henceforward to entertain the question of compensation for slaves who may have acquired their liberty by passing under the jurisdiction of British law.

The undersigned cannot hold out to Mr. Everett any expectation that her Majesty's Government will recede from the determination then taken.

The sole points of difference between the case of the "Enterprise" and that of the "Hermosa" appear to be—first, that the slaves from the latter vessel entered the port of their liberation under the British, and not under the American flag; and, secondly, that the time of their liberation was subsequent to the complete emancipation of the slaves in the British colonies, when even the apprenticeship of the negroes had ceased to exist.

The undersigned feels assured that Mr. Everett will see in these two points of difference no cause for any deviation from the course taken by her Majesty's Government on the former occasion, when it was decided by them, "that slavery, being now abolished throughout the British empire, there can be no well founded claim on the part of any foreigner for compensation in respect to slaves, who, under any circumstances whatever, may come into the British colonies, any more than there would be in respect to slaves who might come into the United Kingdom."

The undersigned avails himself of this occasion to renew to Mr. Everett the assurance of his distinguished consideration.

ABERDEEN.

Here, then, we find (continued Mr. C.,) that, as late as the 20th May last, when Lord Ashburton was writing diplomatic notes about adjourning the settlement of this question to London, where "*access could be had to all the authorities*," the British Government had solemnly decided that "*they would not, henceforward, entertain the question of compensation for slaves who may have acquired their liberty by passing under the jurisdiction of British laws;*" and "*that, slavery being now abolished throughout the British empire, there can be no well-founded claim on the part of any foreigner for compensation in respect to slaves who, under any circumstances whatever, may come into the British colonies.*" No, not even when the vessels containing them are driven there by tempest, like the Enterprise; by shipwreck, like the Hermosa; or by mutiny and murder, like the Creole. And this inhuman doctrine—this barbarous interpolation of the code of international law, which imposes a penalty on misfortune, and holds out a premium to insurrection and murder, is promulgated at the very moment when the bloody tragedy recently enacted on board the Creole had demonstrated the fatal consequences to which it would inevitably lead.

[Mr. RIVES here interrupted Mr. C. and observed that the letter of Lord Aberdeen was a mere reference to a prior decision given in the case of the Enterprise.]

It does refer (continued Mr. C.) to that decision; but it expressly adopts and confirms it; and the reference to a case which this body had already pronounced to have been a violation of our flag and of national law, only renders their rejection of our demand as offensive in form, as it was unjust in substance. Why, let me ask, was this letter, rejecting our demand, withheld from the public, when Mr. Webster's letter to Mr. Everett, instructing him to make that demand and demonstrating its injustice, was paraded in every newspaper in the country, even before it had reached its destination? Why was the smooth, plausible diplomatic note of Lord Ashburton, who was not authorized to negotiate on this subject, sent to this body along with this treaty; when not a word was said about the plain, unequivocal, peremptory answer of the British minister, about the extent of whose power there could be no dispute? How is it that, until yesterday, the very existence of such a correspondence was unknown to this body? Was it because it was feared that such a letter might prove an obstacle to the ratification of this treaty, and might revive anew those feelings of indignation which these outrages had excited, and which had only slumbered since this negotiation had been set on foot?

Mr. President, the moment that this answer of Lord Ashburton was known here, our Government should have made the settlement of this question a *sine qua non*; and, in case of refusal, have broken off the negotiation at once. Had this course been pursued, depend upon it, the powers of Lord Ashburton would have been found broad enough to cover the case, or have been speedily enlarged. Gentlemen tell us that, in that event, war would have been inevitable; and one would almost fancy that the chairman of the Committee on Foreign Affairs already heard the distant roar of British artillery. For my own part, I entertain no such fears. Embarrassed as she is in her finances, and encumbered with two Asiatic wars, England is not more anxious or better prepared for war than we are. She would never go to war for the sake of maintaining a principle which is only important to her as a means of annoying us, and which the voice of the civilized world would pronounce to be erroneous. Her boasted philanthropy is wonderfully sagacious, and always coincides with and subserves her interests. But, even did I believe that war would be the inevitable consequence of a rejection of this treaty, I would not permit this belief to influence my decision. True, our finances are deranged, our treasury exhausted, and the administration of our affairs confided to hands that neither possess nor deserve the confidence of the country; but I would prefer to encounter war, under all these disadvantages, than to purchase an ignominious peace by the surrender of a principle of such vital importance. I would not permit any temporary difficulties to create permanent misfortunes. I would treat with Great Britain as I would treat with the weakest power in Christendom; I would treat with her now, as I would when our affairs are most prosperous. I would treat with her, with Tyler for our President, as I would with Washington or Jackson at the helm of Government. And, after all, if we ratify this treaty, will not there still remain sufficient cause for war? Did not this body, two years ago, solemnly declare that there was, when they pronounced the seizure of the slaves on board the Enterprise a violation of law and of the rights of our citizens, and equivalent to an invasion of our domain? Since those resolutions, the outrages of the Hermosa and the Creole have been superadded to that of the Enterprise. If there was cause for war then, is there not much greater cause now? If these resolutions be erroneous, repeal them. If the principles they contain be correct, preserve your consistency, and maintain them at whatever sacrifice. But do not ratify this treaty, and leave them in full force—a recorded sentence of self-condemnation.

We have been told that the 10th article of the treaty would apply to cases like the Creole; and that henceforward Great Britain, although she might still continue to liberate our slaves when they came within her grasp, would be bound to surrender them when they had committed murder. I hope, for the sake of humanity and the honor of this country, it may be so; but there is a clause in that article which I do not like, and which, if not inserted for the purpose of preventing its application to cases of this description, will, I am confident, be used as a pretext for that purpose: I refer to that clause which provides that "*the evidence of criminality shall be according to the laws of the place where the fugitive, or person charged, shall be found.*" Suppose, sir, that a slave, in attempting to recover his liberty, murders him who holds him in custody: would not an English judge (upon whom the decision would devolve) decide that, *according to the laws of England*, there was no criminality? That the restraint on the person of the slave was an unlawful *duress*—a violent assault, which justified or excused the killing of him who committed it? I

do not say, sir, that such ought to be the decision. I do not say that it would be a fair and honest interpretation of the article. But I do say, there is enough in it to cavil about—enough to afford the English Government a plausible pretext for doing that which they are now doing without a pretext.*

*The following account, given by the notorious Tappan, of a conference which took place between Lord Ashburton and a committee of the American and *Foreign* Anti-Slavery Society, shortly after the ratification of the treaty, appeared in the New York Courier and Enquirer of the 12th September last. If we can credit this statement (I admit of doubtful authenticity) we have already a commentary on this article of the treaty by the minister who negotiated it, declaring, not only that it does not apply to cases like the Creole, but that, in framing the treaty, great care had been taken to prevent any such application. I refer to this publication here, not only as furnishing some indication of his Lordship's views on this subject, but especially as an evidence of the connexion which exists between the Abolitionists of this country and the Government of Great Britain. How diseased must be the state of public opinion in a community which can tolerate, within its bosom, *foreign* societies formed for the avowed purpose of warring against the fundamental institutions of the country, and does not cover with universal opprobrium American citizens who publicly apply to the ambassador of a foreign nation to protect them against the acts of their own Government.

"ABOLITION MORALITY.—We find in the Journal of Commerce the following gross attack upon the *honor* and *honesty* of Lord Ashburton:

"We have heretofore alluded to the fact, that the *Abolitionists* have openly recommended *slaves* to *steal* from their masters whenever it would aid them in effecting their escape; and now Lewis Tappan would have the world believe that Lord Ashburton *approves* of such advice!

"In law, the receiver of stolen goods is as criminal as the thief; and in morals, all must agree that the person who can deliberately advise a human being to set at naught the laws of God and man, and justify—nay, urge—his *stealing*, would himself be guilty of *theft* when an opportunity offered. 'Thou *shalt not steal*' is one of God's commandments; and he who advises his fellow-being to violate it, would undoubtedly violate it himself if secure from punishment.

"And yet, because Mr. Lewis Tappan and some of his associates are willing to advise others to *steal*, these *honest* and pious gentlemen infer that Lord Ashburton would give similar advice! In other words, they in fact publish his Lordship as a THIEF.

"Let the reader peruse the following, and form his own opinion of Mr. Tappan and his *honest* and *religious* associates."—*Ed. Cour. and Enq.*

From the Journal of Commerce.

INTERVIEW WITH LORD ASHBURTON.

The Executive Committee of the *American and Foreign Anti-Slavery Society*, apprehending that the tenth article of the treaty lately concluded between the British minister and our Government, might be used to the injury of fugitive slaves escaping into Canada, appointed a deputation to solicit an interview with Lord Ashburton just before his departure for England, to lay before him facts in relation to the subject, which might be communicated to his Government. He very readily complied with the request, and appointed 10 o'clock a. m. September 3d, for the interview, at his lodgings at the Astor House. The committee consisted of Messrs. S. S. Jocelyn, Leonard Gibbs, Le Roy Sunderland, and Lewis Tappan. Mr. Gerrit Smith being present, was invited to accompany the delegation. The delegation was courteously received by Mr. Maldmay, secretary of the special mission of her Britannic Majesty, and by him presented to Lord Ashburton, who invited them to be seated, expressed much satisfaction at seeing them, and entered into a frank and full conversation on the subject for which the interview was requested. The delegation, after congratulating the British envoy on the successful termination of his mission, informed him of the particulars of the case of Nelson Hackett, a slave who fled from Arkansas to Canada, where his pursuers overtook him, had him arrested on a charge of stealing a coat, gold-watch, and horse of his master. Hackett was imprisoned, and meantime a grand jury in Arkansas indicted him. A demand was forwarded from the Governor of Arkansas to the Governor General of Canada, for his surrender. Sir Charles Bagot complied, and Hackett was taken back to Arkansas. The delegation stated to Lord Ashburton their apprehensions that such a course occurring without any treaty stipulation, there was great cause of apprehension that, under the tenth article of the treaty, which provides for the mutual surrender of all persons charged with certain specified crimes, no fugitive slave would be safe in Canada, when it is notorious that slaveholders allege crimes against fugitive slaves as one expedient for their reclamation.

Lord Ashburton went into an explanation of the 10th article, and mentioned several particulars of the discussion that took place, both on that topic and others relating to slaves. He said that it was very desirable to have an article in the treaty to meet cases similar to that of Holmes, who fled from Canada into Vermont, and the cases that would frequently arise, considering the extent of the bordering lines, and the temptation for criminals to flee across the lines in hope of securing themselves from arrest and punishment. The Governor of Canada was anxious that deserters should be included; but as Lord A. learned that a claim would be put in for the delivering up of fugitive slaves, he abandoned the question of deserters from her Britannic Majesty's possessions. He was also very desirous to secure the delivery of mutineers; but did not press it, lest it should involve, on the part of his Government, the delivery of slaves situated as were those on board the Creole. With regard to the case of the slave Hackett, he did not know all the facts. Sir Charles Bagot was known to him, and he did not believe he would do anything intentionally wrong. But he had just entered upon his duties, and was probably desirous, at that juncture, of promoting good feeling with his great neighbor. The fact that the slave had taken his master's watch, was a circumstance that probably went against him. "Had he only taken the horse," said Lord A., (looking at Gerrit Smith, significantly, though he could not be supposed ever to have read the advice of that gentleman to fugitive slaves,) "he would not probably have been surrendered; for you know the horse was necessary for his escape." Lord A. said that, in framing the 10th article, great care had been taken that inferior magistrates in Canada should have no authority to surrender fugitives, as had been urged by the other party; and that only the Governor himself could perform an act of so great importance. Great care would be taken, he had no doubt, to protect the innocent; and that the taking of any article necessary to effect an escape would not be considered felonious. If, said he, the operation of the 10th article prove injurious, he had no doubt the British Government would put an end to it, agreeably to another provision of the treaty, viz: "The 10th article shall continue in force until one or the other party shall signify its wish to terminate it, and no longer."

Lord Ashburton said that, when the delegation came to read his correspondence with Mr. Webster, they would see that he had taken all possible care to prevent any injury being done to the people of color; that, if he had even been willing to introduce an article including cases similar to that of the Creole, his Government would never have ratified it, as they will adhere to the great principles they have so long avowed and maintained; and that the friends of the slave in England would be very watchful to see that no wrong practice took place under the tenth article.

The delegation now rose, and, after thanking Lord Ashburton for the candid and satisfactory manner in which he had received their communications, and answered their inquiries—wishing the divine blessing for the part he had taken in perpetuating peace between the respective countries, and protecting the rights of the oppressed, and a safe and speedy return to his native land—took their leave, highly gratified with the courtesy, frankness, intelligence, and philanthropy of this distinguished nobleman. Believing the above statement will be interesting to your readers, especially to those who labor and pray for the slave—for the poor fugitive, particularly—that it will tend to quiet the fears of the twelve thousand colored inhabitants of Canada, most of whom have fled from Southern slavery, and their numerous friends on both sides of the line; and that there will be found an additional occasion for the thankfulness to God, that he has, through the instrumentality of the American and British ministers, brought about a peace that will, it is hoped, be lasting. I remain, very respectfully, yours,

LEWIS TAPPAN.

BRITISH TREATY.

SECRET SESSION.

SPEECH OF MR. RIVES,

OF VIRGINIA.

In Senate, August 17 and 19, 1842—On the treaty with Great Britain.

Mr. RIVES said that the Committee on Foreign Relations, to which the treaty had been referred, not having been able, from the shortness of the time allowed by the now advanced stage of the session, and the consequent necessity of early action on the subject, to make a formal and written report, it devolved on him, as the organ of the committee, to state the views and considerations by which the committee had been influenced, in recommending to the Senate to give the constitutional sanction of their "advice and consent" to its ratification. He begged leave to say, in the outset, that, in forming their judgment on the grave question submitted to them, the committee had felt themselves bound, by the most solemn of all obligations, to discard from their minds every consideration but such as appertained to the true interest and honor of their country. They had felt that it would be to betray the trust reposed in them by the Senate, and to show themselves unworthy of the confidence of the country, if they could, for a moment, permit themselves, in pursuit of party objects, or under the influence of personal or political prejudices, to turn aside from the *national* question, to inquire by whom the treaty had been negotiated, or whose name stood subscribed to it. They have looked to the treaty in itself, isolated from every invidious reference to persons or parties; and have pronounced upon its acceptance or rejection as, in their best judgment, the interests and honor of the nation demand.

The stipulations of the treaty embrace three distinct objects: an exact and permanent definition of the boundaries, where they had been the subject of doubt or dispute, between the territories of the United States and the adjacent provinces of Great Britain; a plan of co-operation for the more effectual suppression of the African slave-trade; and an agreement for the mutual surrender, in certain cases, of criminals fugitive from justice. The first of these objects, from its intimate connexion with the tranquillity of the frontier, and the peace of the two countries—on several recent occasions exposed to imminent hazard of interruption, from intrusions on the disputed territory, and the conflicting jurisdictions exercised over it—naturally occupies the foreground of the treaty.

The merits of the controversy respecting our Northeastern boundary, and the respective claims and arguments of the two parties in regard to it, are too well known to the Senate, (said Mr. R.,) to require any recapitulation of them at my hands. A brief retrospect of the history of the controversy, however, may be necessary to enable the Senate to comprehend the position of the question at the moment when the negotiations which terminated in this treaty were entered upon.

The second article of the definitive treaty of peace of 1783, describes the Northeastern boundary of the United States as follows: "Beginning at the northwest angle of Nova Scotia, to wit: that angle which is formed by a line drawn due north from the source of the St. Croix river to the highlands; along the said highlands, which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic ocean, to the northwesternmost head of Connecticut river;" and then, pursuing the description of the boundaries of the United States around their whole territory, on the north, the west, and the south, it returns to the eastern boundary of Maine in the following words: "East by a line to be drawn along the middle of the river St. Croix, from its mouth, in the Bay of Fundy, to its source; and from its source, directly north to the aforesaid highlands, which divide the rivers that fall into the Atlantic ocean from those which fall into the river St. Lawrence."

Nothing could afford a more striking evidence of the extremely defective knowledge of the geography of the country in question, which existed at the time of the signature of the treaty of peace, than the fact, that, in the very first year succeeding the conclusion of the treaty, a serious controversy arose between the high contracting parties as to which was *this river St. Croix*, here called for as a natural boundary between their adjacent possessions. There were three rivers emptying themselves into Passamaquoddy bay, *a part of the Bay of Fundy*, (as it was subsequently formally declared to be,*) each one of which, it seemed, had, some time or other, passed under the name of the St. Croix. This territorial *comedy of errors*, like all other questions of disputed boundary, was, on several occasions, near producing *tragical* results, by embroiling the authorities and population adjacent to the controverted limits. The most eastern river was claimed by the United States as the true St. Croix—the western by Great Britain. Finally, after lowering over the peace of the frontiers for ten years, this controversy was put in a train of amicable adjustment by the treaty of 1794, (commonly called Jay's treaty,) which provided for the appointment of joint commissioners to determine which was the river truly intended under the name of the St. Croix, in the treaty of peace. The commissioners met, and in 1798 closed their deliberations, by declaring an intermediate river, called the *Scoodiac*, to be the true *St. Croix* of the treaty; which has been, accordingly, ever since recognised and observed as the actual boundary of the United States in that quarter, and to that extent.

In a very short time after this portion of the Northeastern boundary was ascertained and established, new difficulties and uncertainties arose in following it out, according to the terms of the treaty of peace. The decision of the commissioners, under the treaty of 1794, in identifying the true river St.

*By the fourth article of the treaty of Ghent.

Croix, and in fixing its source, had established the *terminus a quo*, from which the boundary in question was to be run. But the *terminus ad quem*, to which it was to be continued—to wit: the *highlands* dividing the tributary waters of the St. Lawrence and the Atlantic, which lay due north from the source of the St. Croix—remained to be ascertained; and when *they* were ascertained, the northwesternmost head of the Connecticut river, (another terminus to which the boundary *along the said highlands* was to be continued,) was also to be identified and established. Both of these *termini* were supposed to be involved in doubt by the actual geography and physical conformation of the country. The highlands described in the treaty were said to have no *definite* existence in nature; and the various sources of the Connecticut river, and their relative position, produced confusion in determining which was the true northwesternmost source referred to by the treaty of peace. For the "adjustment of these uncertainties," by the agency of a joint commission formed on the model of that of Jay's treaty in regard to the St. Croix river, a convention was concluded by Mr. Rufus King with Lord Hawkesbury, in May, 1803, under the instructions of Mr. Madison, then Secretary of State. This convention received the unanimous advice and consent of the Senate to its ratification, with the exception of its fifth article, relating to the northwestern boundary between the Lake of the Woods and the Mississippi river, which, it was apprehended, might conflict with the territorial claims of the United States under the treaty for the purchase of Louisiana from France; which had been concluded twelve days previous to the convention with Lord Hawkesbury, but which fact was not known to either of the negotiators at the signature of the latter. The change thus made by the Senate not being acceded to by the British Government, the convention failed to take effect.

Thus stood the question in regard to the Northeastern boundary, without any new arrangement to obviate or adjust the uncertainties which had arisen, until the treaty of Ghent. By the fifth article of that treaty, it was agreed that two commissioners should be appointed—one by each party—to ascertain and determine where is the point of intersection, or angle called the northwest angle of Nova Scotia, formed by a line drawn due north from the source of the St. Croix to the highlands, as described in the treaty of peace; and also the northwesternmost head of Connecticut river; and to cause the entire boundary, from the source of the St. Croix to the river St. Lawrence, to be surveyed and marked, according to the provisions of the said treaty of peace; and if these commissioners should differ in opinion on the matters referred to them, then their differences were to be referred to some friendly sovereign or State, to be named for the purpose, whose decision should be final and conclusive on all the matters so referred. The commissioners appointed under the treaty of Ghent having radically differed in their views of the true boundary, a convention was entered into between the two Governments, in September, 1827, for carrying into effect the stipulated reference to some friendly sovereign; agreeing to proceed, in concert, to the choice of such friendly sovereign, and regulating various details connected with the arbitration. The King of the Netherlands was, by the concurrent act of the two Governments, subsequently chosen as the arbiter; and, in January, 1831, he pronounced his award—declaring, in effect, that neither the line claimed by the United States, to the north of the river St. John, nor that claimed by Great Britain, to the south of that river, fulfilled the description of the boundary contained in the treaty of peace; that the stipulations of the treaty were too vague and indeterminate to admit of satisfactory execution, when applied to the actual topography of the country; and that, therefore, "it will be suitable (*il conviendra*) to adopt as the boundary of the two States" a line which drawn from the source of the St. Croix till it intersect the river St. John, shall continue along that river to the mouth of the St. Francis; thence along the St. Francis, to its southwesternmost head; and thence, by a due-west course, to the line claimed by the United States.

This award of the King of the Netherlands, in proposing the adoption of a new boundary, was considered as a departure from the question submitted for his decision by the terms of the reference, and was held, therefore, not to be obligatory on the parties. The Senate of the United States, before whom the award was laid by the President for their advice on the subject, expressed an opinion unfavorable to its acceptance; and from that time down to the special mission of Lord Ashburton, a series of halting and abortive negotiations has been going on between the two Governments, terminating in nothing, and leaving this disturbing controversy as far as ever from settlement; the peace of the two countries, in the mean time, exposed to perpetual danger of interruption, by collisions on the debatable frontier.

Mr. R. said he had thus briefly retraced the history of this controversy, and exhibited the mutual proceedings of the two Governments in regard to it—not with any purpose of weakening or impugning the just title of the United States to the territory claimed by them as being within the limits established by the treaty of peace; on the contrary, he felt in his own mind a clear conviction of the justice and validity of the American claim as resting on the terms of the treaty. He believed that the boundary claimed by the United States fulfilled the literal description contained in the treaty, and that it was the only boundary which did fulfil that description. He had, therefore, heartily concurred in the resolution unanimously passed in this body, four years ago, affirming our conviction of the right of the United States under the treaty of peace; and such, he was authorized to say, was still the opinion entertained by every member of the committee. But, while this was the opinion of the committee and of the Senate, and, without doubt, of a large majority of the citizens of the United States who have investigated the subject, it is impossible for us, looking at the public and solemn acts of the nation through its recognised organs, now to stand uncompromisingly on the ground of *right*. We have admitted, over and over again, that the question is one open to *doubt and controversy;* and, as such, we have agreed to make it a subject of *arbitration;* and the opinion of the arbiter, however wanting in legal obligation, has yet been pronounced before the world against our claim.

The Senate has seen, from the review just presented, that, not only by the treaty of Ghent, and the subsequent convention of 1827, had we abandoned the ground of *clear and incontestable* right; but that, at a long antecedent period, by the convention of 1803 between Mr. King and Lord Hawkesbury, (an arrangement unanimously confirmed by the Senate, so far as the Northeastern boundary was concerned,) we had agreed to bring our claims into litigation before a mixed tribunal of arbitrament, to be specially constituted for the purpose. The President of the United States, [Mr. Jefferson,] in communicating the conclusion of that arrangement to Congress, accompanied it with the following pregnant remarks:

"A further knowledge of the ground in the northeastern and northwestern angles of the United States has evinced that the boundaries established by the treaty of Paris, between the British territories and ours in those parts, were *too imperfectly described to be susceptible of execution.* It has, therefore, been thought worthy of attention, for preserving and cherishing the harmony and useful intercourse subsisting between the two nations, to remove, by timely arrangements, what unfavorable incidents might otherwise render a ground of future misunderstanding. A convention has, therefore, been entered into, which provides for a *practicable* demarcation of those limits, to the *satisfaction of both parties.*"

Mr. Madison, in the instructions given by him to Mr. King for the negotiation of the convention, used language of similar, and not less significant import:

"In fixing," said he, "the point at which the line is to terminate, and which is referred to as the northwest angle of Nova Scotia, the difficulty arises from a reference of the treaty of 1783 to 'the highlands,' which *it is now found have no definite existence.* To remove this difficulty, no better expedient occurs than to provide for the appointment of a third commissioner, as in article five of the treaty of 1794; and to authorize the three to determine on a point to be *substituted* for the description in the second article of the treaty of 1783, having due regard to the general idea that the line ought to terminate on the elevated ground dividing the rivers falling into the Atlantic, from those emptying themselves into the St. Lawrence. The commissioners may also be authorized to *substitute* for the description of the *boundary* between the point so fixed and the northwesternmost head of the Connecticut river—namely, a line 'along the said highlands;"—such a reference to intermediate sources of rivers, or other ascertained or ascertainable points, to be *connected by straight lines*, as will admit of easy and accurate execution hereafter, and as will best comport with the apparent intention of the treaty of 1783."

Here we have an instruction from one of the most cautious, as well as able and enlightened statesmen, that ever presided over the department of our foreign relations, expressly authorizing the minister of the United States, on the ground of the impracticability of finding the limits described in the treaty of 1783, to enter into an arrangement to *substitute*—not, as has been said, a *point* only, but a continuous and long *line of boundary* between that point and another, for the lines and angles described in the treaty.

After these various and repeated acts of the national authorities, acknowledging, in one form or another, the doubts and difficulties which stood in the way of the actual demarcation of the boundary in question, according to the provisions of the treaty of 1783, it seems to the committee too late in the day, consistently with a proper regard for the peace of nations and the opinion of the world, to plant ourselves now sternly and inflexibly on the ground of a *clear, manifest,* and *incontrovertible* right to the precise line of boundary we claim. If the honor of the country, as is now asserted, demanded that the *summum jus* of our claims, in regard to the disputed boundary, should have been rigorously insisted on in the late negotiation, then that honor has been long since irretrievably prostrated in the dust. It was *sacrificed* by the treaty of 1794, by the convention of 1803, by the Ghent negotiations in 1814, by the arbitration arrangement of 1827; it was *betrayed* by Washington, Jefferson, and Madison; and *trampled under foot* by every successive administration that has been charged with the foreign relations of the country, from the peace of 1783 to the present day. How would even our hero President, the venerable Jackson—at whose lofty tone in the foreign intercourse of the nation the world stood surprised—how would even he stand, if tried by this new standard of diplomatic chivalry? During the period of his administration, repeated entries were made on the disputed territory by agents of the neighboring British provincial authorities, who arrested our citizens, seized their property, and transported both one and the other into a foreign jurisdiction. Did he summon the nation to arms for *this hostile invasion of our territory*?—as it assuredly was, if the principle now so cheaply put forward, of the *incontrovertible* justice and validity of our title to the boundary we claimed, be correct. No, sir; he knew that, however strong might be our conviction of the justice of our claim, there were *two sides* to the question—the adversary claim resting on grounds which we had, by the most solemn national acts, recognised to be fair topics of discussion; and that we could not justify ourselves to the moral sense of mankind, in rashly taking the decision of the question into our own hands.

The truth is, that no administration has ever shown a greater disposition to settle this question with Great Britain, on principles of *compromise and concession*, than did that of General Jackson. It is well known that his opinions and inclinations were decidedly in favor of the acceptance of the award of the King of the Netherlands; and that the objections of the State of Maine, and the action of the Senate on the subject, alone prevented his acceding to the new conventional line proposed by that award. When, from these causes, the adjustment under the mediation of the King of the Netherlands failed, President Jackson immediately sought, by a provisional arrangement with the State of Maine, for an indemnity to be paid her by the United States in other lands, to arm himself with the necessary sanction of her assent, to agree with Great Britain upon a new boundary line, in place of that of the treaty of 1783. An arrangement to that effect was actually entered into by three distinguished public functionaries duly authorized by the President, with three other gentlemen as agents of the State of Maine; but not being ratified by the Legislature of the State, when submitted to them, the negotiation, upon that basis, was necessarily abandoned. Being thus forced back upon new efforts to settle and ascertain the boundary as it existed under the treaty of peace, General Jackson authorized a proposition of extreme liberality to be submitted to the British minister. Hitherto, in all the discussions upon thes subject, as well as in the explorations and surveys made to determine the boundary, one thing had been assumed as *certain and fixed*—to wit: that, from the source of the St. Croix, the boundary, in the express language of the treaty, should be run *directly north* to the *highlands*, &c.; and this had been invariably considered a *main pillar* of the argument in support of the American claim. General Jackson, in his earnest desire to bring this long-pending controversy to an amicable termination, and with an accommodating and liberal spirit which was emphatically acknowledged by the British Government, now proposed,

hrough Mr. Livingston and Mr. McLane, successively Secretaries of State, that the commissioners hould be no longer restricted by the *due-north* line n determining the true boundary; but, *discarding* hat line, if they thought proper, they should be at liberty to seek the highlands described in the treaty, to he *west* of the meridian of the source of the St. Croix, and in *any part* of the disputed territory *north r south* of the river St. John. What seemed mainly o produce the hesitation of the British Government n acceding to this proposition, was, the doubt entertained by it whether the assent of the State of Maine which had not, and probably could not, be obtained) would not be as necessary to give effect to an arangement on this basis, as on that of an avowed onventional line.

It appears to the committee, therefore, in looking ack to the public and solemn acts of the Government, and of its successive administrations, that he time has passed, if it ever existed, when we ould be justified in making the precise line of oundary claimed by us the subject of a *sine qua on* of negotiation, or of the *ultima ratio* of an ssertion by force. Did a second arbitration, then, fford the prospect of a more satisfactory result? his expedient seemed to be equally rejected by ll parties—by the United States, by Great Britain, nd by the State of Maine. If such an alternative hould be contemplated by any one as preferable o the arrangement which has been made, it is fit o bear in mind the *risk and uncertainty*, as well s the inevitable delay and expense, incident to that node of decision. We have already seen, in the nstance of the arbitration by the King of the Netherlands, how much weight a tribunal of that ort is inclined to give to the argument of *convenience*, and a supposed *intention* on the part of the egotiators of the treaty of 1783, against the literal nd positive terms employed by the instrument in s description of limits. Is there no danger, in the vent of another arbitration, that a farther research nto the public archives of Europe might bring to ight some embarrassing (even though apocryphal) ocument, to throw a new shade of plausible doubt n the clearness of our title, in the view of a sovlgn arbiter? Such a document has already been ommunicated to the committee; and I feel it (said Mr. R.) to be my duty to lay it before the Senate, hat they may fully appreciate its bearings, and determine for themselves the weight and importance hich belong to it. It is due to the learned and istinguished gentleman, (Mr. Jared Sparks of Boston,) by whom the document referred to was discovered in the archives of France, while pursuing is laborious and intelligent researches connected ith the history of our own country, that the account of it should be given in his own words, as ontained in a communication addressed by him to he Department of State. I proceed, therefore, to ead from that communication:

"While pursuing my researches among the voluminous papers relating to the American Revolution in the *Archives des Affaires Etrangeres* in Paris, I found in one of the bound volumes an original letter from Dr. Franklin to Count de Vergennes, of which the following is an exact transcript:

"PASSY, December 6, 1782.

"SIR: I have the honor of returning herewith the map your Excellency sent me yesterday. I have marked with a strong red line, according to your desire, the limits of the United States, as settled in the preliminaries between the British and American plenipotentiaries.

"With great respect, I am, &c.,
"B. FRANKLIN."

"This letter was written six days after the preliminaries were signed; and if we could procure the identical map mentioned by Franklin, it would seem to afford conclusive evidence as to the meaning affixed by the commissioners to the language of the treaty on the subject of the boundaries. You may well suppose that I lost no time in making inquiry for the map, not doubting that it would confirm all my previous opinions respecting the validity of our claim. In the geographical department of the Archives are sixty thousand maps and charts; but so well arranged with catalogues and indexes, that any one of them may be easily found. After a little research in the American division, with the aid of the keeper, I came upon a map of North America, by D'Anville, dated 1746, in size about eighteen inches square, on which was drawn a *strong red line* throughout the entire boundary of the United States, answering precisely to Franklin's description. The line is bold and distinct in every part, made with red ink, and apparently drawn with a hair-pencil, or a pen with a blunt point. There is no other coloring on any part of the map.

"Imagine my surprise on discovering that this line runs wholly south of the St. John's, and between the head waters of that river and those of the Penobscot and Kennebec. In short, it is exactly the line now contended for by Great Britain, except that it concedes more than is claimed. The north line, after departing from the source of the St. Croix, instead of proceeding to Mars Hill, stops far short of that point and turns off to the west, so as to leave on the British side all the streams which flow into the St. John's, between the source of the St. Croix and Mars Hill. It is evident that the line, from the St. Croix to the Canadian highlands, is intended to exclude *all the waters* running into the St. John's.

"There is no positive proof that this map is actually the one marked by Franklin; yet, upon any other supposition, it would be difficult to explain the circumstances of its agreeing so perfectly with his description, and of its being preserved in the place where it would naturally be deposited by Count de Vergennes. I also found another map in the Archives, on which the same boundary was traced in a dotted red line with a pen, apparently copied from the other.

"I enclose herewith a map of Maine, on which I have drawn a strong black line, corresponding with the red one above mentioned."

I am far from intimating (said Mr. RIVES) that the documents discovered by Mr. Sparks, curious and well worthy of consideration as they undoubtedly are, are of weight sufficient to shake the title of the United States, founded on the positive language of the treaty of peace. But they could not fail, in the event of another reference, to give increased confidence and emphasis to the pretensions of Great Britain, and to exert a corresponding influence upon the mind of the arbiter. It is worth while, in this connexion, to turn to what Lord Ashburton has said, in one of his communications to Mr. Webster, when explaining his views of the position of the highlands described in the treaty:

"My inspection of the maps, and my examination of the documents," says his Lordship, "lead me to a very strong conviction that the highlands contemplated by the negotiators of the treaty were the only highlands then known to them—*at the head of the Penobscot, Kennebec, and the rivers west of the St. Croix;* and that they did not precisely know how the north line from the St. Croix would strike them; and if it were not my wish to shorten this discussion, I believe a very good argument might be drawn from the words of the treaty in proof of this. In the negotiations with Mr. Livingston, and afterwards with Mr. McLane, this view seemed to prevail; and, as you are aware, there were proposals to search for these highlands to the west, where alone, I believe, they will be found to answer perfectly the description of the treaty. *If this question should unfortunately go to a further reference, I should by no means despair of finding some confirmation of this view of the case.*"

It is for the Senate to consider (added Mr. RIVES) whether there would not be much risk of introducing new complications and embarrassments in this controversy, by leaving it open for another litigated reference; and if the British Government—strongly prepossessed, as its minister tells us it is, with the justice of its claims—would not find what it would naturally consider a persuasive "confirmation of its view of the case" in documents, such as those encountered by Mr. Sparks in his historical researches in the archives of France.

A map has been vauntingly paraded here, from Mr. Jefferson's collection, in the zeal of opposition, (without taking time to see what it was,) to confront and invalidate the map found by Mr. Sparks in the Foreign Office at Paris; but, the moment it is examined, it is found to sustain, by the most precise and remarkable correspondence in every feature, the map communicated by Mr. Sparks. The Senator who produced it, could see nothing but the microscopic dotted line running off in a northeasterly direction; but the moment other eyes were applied to it, there was found, in bold relief, a strong red line, indicating the limits of the United States according to the treaty of peace, and coinciding, minutely and exactly, with the boundary traced on the map of Mr. Sparks. That this red line, and not the hardly visible dotted line, was intended to represent the limits of the United States according to the treaty of peace, is conclusively shown by the circumstance, that the red line is drawn on the map all around the exterior boundary of the United States;—through the middle of the Northern Lakes, thence through the Long Lake and the Rainy Lake to the Lake of the Woods; and from the western extremity of the Lake of the Woods to the river Mississippi; and along that river, to the point where the boundary of the United States, according to the treaty of peace, leaves it; and thence, by its easterly course, to the mouth of the St. Mary's, on the Atlantic.

Here, then, is a most remarkable and unforeseen confirmation of the map of Mr. Sparks, and by another map of a most imposing character, and bearing every mark of high authenticity. It was printed and published in Paris in 1784, (the year after the conclusion of the peace,) by Lattré, *graveur du Roi*, (engraver of maps, &c. to the King.) It is formally entitled, on its face, a "map of the United States of America, *according to the treaty of peace of* 1783.—(Carte des Etats Unis de l'Amérique, suivant le traité de paix de 1783.) It is "dedicated and presented" (dediée et presentée) "to his Excellency Benjamin Franklin, Minister Plenipotentiary of the United States of America, near the court of France," and while Dr. Franklin yet remained in Paris; for he did not return to the United States till the spring of the year 1785. Is there not, then, the most plausible ground to argue that this map, professing to be one constructed "according to the treaty of peace of 1783," and being "dedicated and *presented*" to Dr. Franklin, the leading negotiator who concluded that treaty, and who yet remained in Paris while the map was published, was made out with his knowledge, and by his directions; and that, corresponding as it does *identically* with the map found by Mr. Sparks in the Archives of the Foreign Affairs in Paris, they both partake of the same presumptions in favor of their authenticity.

Mr. R. said he did not design to dwell farther on these matters. That the knowledge possessed of the country bordering on the northern, and northeastern, and northwestern frontiers of the United States, was exceedingly imperfect at the time the attempt was made to define these boundaries in the treaty of peace of 1783, is admitted by our whole diplomatic history. Exclusive of the early controversies respecting the true river St. Croix, and the extension of our boundary from the northwestern point of the Lake of the Woods to the river Mississippi, (both of which arose from the imperfect or erroneous notions of the geography of the country existing at the conclusion of the treaty of peace,) the remarkable fact, that as many as four boards of commissioners were constituted by the treaty of Ghent, more than thirty years after the definitive treaty of peace, to settle and determine an equal number of disputed boundary lines on the northern frontier of the United States, from Passamaquoddy Bay to the Lake of the Woods, is in itself pregnant evidence of the necessarily imperfect description of limits contained in the treaty of peace. From the want of known and recognised landmarks, or familiar natural monuments, in a country then unpeopled and unexplored, the negotiators of the treaty of peace were compelled to act very much in the dark, and to substitute, for a plain reference to known and familiar objects, a general description of limits, which has given rise to doubts and arguments, more or less plausible, as to the boundaries really *intended*, or most *nearly* described under the terms employed in the treaty. So long as the discussion shall continue to be conducted on its original grounds, the same doubts and difficulties which, for now sixty years since the achievement of our national independence, have prevented the definitive adjustment of our limits, will continue to embarrass and defeat a settlement of the question. Some new mode of solving the controversy, therefore, has become imperiously necessary.

A question of disputed boundary between adjacent territories, now rapidly filling up with a hardy and enterprising population, is one attended with constant danger to the peace of the two nations. The acts of ill-advised individuals, of small detachments of troops, of subordinate local authorities, may, at any moment, bring on a conflict, in which the two countries would be committed to the stern issues of war, against their own deliberate policy and will. How near this catastrophe was being brought about three years ago, on the occasion of what was called the Aroostook war, I need not remind the Senate. For terminating this thorny and long-protracted controversy, so fraught with mischiefs and dangers to both countries, the failures of the past prove that the only expedient now left is the conventional establishment of a new and well-defined boundary line. All attempts to effect an arrangement of this kind hitherto have been rendered unavailing, by the impossibility of obtaining the assent of the States of Maine and Massachusetts—one of them claiming the rights of sovereignty and jurisdiction, as well as soil; the other an original and undivested interest in the soil of the disputed territory. Under the principles of our federative system, the national authority has been held incompetent, by means of a convention with a foreign power or otherwise, to change the boundaries, and, in effect, alienate a portion of the territory of one of the members of the Union, without its formal and stipulated assent. This fundamental obstacle, which, through so long a series of abortive negotiations, has continued to keep open an ancient and dangerous controversy with a foreign power, has at length, by a fortunate combination of circumstances, and happy reconciliation of jarring interests, been overcome. Both Maine and Massachusetts, through their several commissioners furnished with full powers for the purpose, have given their final assent to the new boundary line, separating their territory from that of the adjacent British provinces, which is proposed to be established by the treaty before us.

The Committee on Foreign Relations (said Mr. RIVES) is clear in the opinion that an arrangement so sanctioned, after the numberless perplexities and impediments which have heretofore and so long obstructed a satisfactory adjustment of the question, ought not to be lightly disturbed by the action of this body. On looking into the arrangement itself, they see nothing in it incompatible with the character of a fair, just, and reasonable compromise, under all the circumstances of difficulty and embarrassment which surrounded the subject. The new boundary agreed on pursues the line recommended by the King of Netherlands, till it reaches a point on the St. Francis not very distant from its source; and thence, turning off at right angles, in a southwesterly direction, it terminates at a point in the highlands where the respective boundaries heretofore claimed by Great Britain and the United States meet—throwing on the British side of the new line a *narrow strip* of barren land, along the eastern base of the highlands formerly claimed by the United States, of about one hundred and ten miles in length. In consideration of this narrow strip of land conceded to Great Britain, beyond what was allotted to her by the award of the King of the Netherlands, she grants in perpetuity to the inhabitants of Maine the free navigation of the St. John, from the point where it enters her territory, to the seaport at its mouth—guarantying, in favor of the agricultural produce and lumber of Maine, the same treatment, in all respects, as if they were the productions of her own provinces. She also relinquishes and gives up forever the one hundred thousand acres of valuable land at the sources of the Connecticut, lying within the actual limits of New Hampshire; as well as the strip of land on the northern frontier of Vermont and New York—both of which were determined, by the award of the King of the Netherlands, to belong to Great Britain. And the all-important military position at Rouse's Point, commanding the outlet of Lake Champlain—which, by a special exception in the award of the King of the Netherlands, was reserved to the United States—is also, by this arrangement, forever secured to them. At the same time, in the adjustment of certain disputed boundary lines farther to the west, on which the British and American commissioners under the seventh article of the treaty of Ghent differed, it is agreed that the limits shall be so established as to throw a very large and valuable island in the water communication between Lakes Huron and Superior, called St. George's or Sugar island, (which was claimed by the British commissioner,) on the side of the United States; and also to yield to the United States an extensive district of about four millions of acres, lying on the western side of Lake Superior—of but little intrinsic value, probably, but which was, nevertheless, warmly contended for by the British commissioner under the aforesaid article of the treaty of Ghent. Many of these concessions on the part of Great Britain, enuring to the benefit of the United States in their national capacity, and being principally induced by the assent of the States of Maine and Massachusetts to the establishment of the new boundary line on the Northeastern frontier, the United States finally stipulate to pay to those two States, in equal moieties, the sum of three hundred thousand dollars, on account of their assent to the said line; and to refund the expenses incurred by them, respectively, in protecting and surveying the disputed territory.

In analyzing the details of this arrangement, it appears that seven-twelfths in *quantity* of the disputed territory have fallen to the share of Maine—in *value*, a far larger proportion. The lands allotted to Great Britain are, for the most part, barren and unproductive; deriving their chief (if not sole) importance from the more direct and convenient communication they afford between her provinces, and the greater breadth of border they give her on the St. Lawrence. These, indeed, are the essential objects she professed to have in view. On the other hand, the lands reserved to the State of Maine are, many of them, of great fertility, and all of them abound in fine timber. But their actual commercial value must depend, after all, on the facilities of a cheap transportation to convey their agricultural produce, and especially their heavy lumber, to market. Hence the free navigation of the St. John to the ocean is of vital importance to the upper parts of the State of Maine; and the stipulation to receive and treat their productions on a footing of equal favor with the produce of the colonies, enhances still farther the value of this grant. The free navigation of the St. John formed no part of the award of the King of the Netherlands; and in every practical view, therefore, the arrangement now proposed possesses marked advantages for the State of Maine over that of the award, which it is now attempted to exalt so much in the comparison. On this point, we have the highest possible evidence—the decision of the party most deeply interested—of Maine herself. It is apparent, from the correspondence before us, that Lord Ashburton was, at all times, ready to enter into an arrangement on the naked basis of the award of the King of the Netherlands, and that the commissioners of Maine were as steady and unwavering in their repugnance to it; and I am authorized explicitly to state the fact, that the three-fold option was distinctly presented to the commissioners—of the *award*, the *arbitration*, and *the arrangement now before us*. They deliberately elected the last; and most wisely and sagaciously, in my opinion, did they decide.

Looking at the arrangement as a *national* question, and as the interests of the Union at large are concerned, its advantages, in a sober and candid view of things, appear to the committee equally obvious. Will any gentleman hesitate to say that the important territorial concessions, and the quieting of contested boundaries all along the Northern frontier of the United States, from the head of Connecticut river to the western extremity of Lake Superior, including the surrender of the *unquestionable* British title to the ownership of by far the most important military position upon our whole frontier, (Rouse's Point,) are not cheaply purchased by the paltry sum to be paid to Maine and Massachusetts for their assent to the new boundary? Have honorable gentlemen, who find so much fault with this arrangement, forgotten that General Jackson was willing, and actually entered into an agreement, to pay to Maine and Massachusetts—not the pittance of three hundred thousand dollars—but an indemnity equivalent to a million and a quarter of dollars, if they would acquiesce in the award of the King of the Netherlands.

But it is said that the arrangement in question, by giving to Great Britain the narrow strip of wild and desolate land on the eastern side of the highlands from the head waters of the St. Francis river to the Metjarmette portage, surrenders a line of *military positions*, which, at the same time, *command Quebec and cover the State of Maine!* But for this unlucky treaty, Mr. President, these important discoveries in military topography, I venture to say, would never have been made. We have had able and scientific reports, from time to time, on the defences of our inland frontier, from boards of officers, consisting of the first professional men in America, who are well acquainted with the country in question, and all its military attributes and relations. And yet, in not one of these reports have we had the remotest hint of these commanding military positions—facing, as they do, the St. Lawrence at points below Quebec, where nothing would be gained if you were to reach it, and on the other side looking down on a sterile region and boundless forests, where armies could neither be moved nor subsisted, and would, therefore, never attempt to penetrate! I have two of these reports now before me—one made in 1838, and the other in 1840—and they both concur in the emphatic declaration, that north of the old route leading to Quebec along the Kennebec and the Chaudière—a line which the southern termination of the new boundary conceded to Great Britain does not approach nearer than within some thirty or forty miles—there is no military position along the highlands of any importance either for defence or invasion. One of these reports disposes of the whole question, by briefly declaring that "no general, who understood his profession, would invade Maine by a route destitute of forage, provisions, and the means of transportation;" and the other pithily remarks, that "isolated forts along the frontier, if you had them, would *command* nothing beyond the range of their own guns."* And yet the *Quixotic* imagination of gentlemen, by these highland *windmills*, would *command Quebec* at the distance of some fifty miles!

No, sir: Great Britain obtains nothing by the new boundary agreed upon, but a more direct and convenient communication between her upper and lower provinces, and a strip of alternate rock and morass, which simply serves to eke out, by additional space, her border along the St. Lawrence. And are these such boons that national honor or safety forbids they should be granted, for fair equivalents, to a neighboring power, in the compromise and adjustment of a disputed boundary, which has been the subject of controversy for half a century? We have always admitted that the boundary claimed by us was a most inconvenient one for Great Britain, by interrupting the communication between her provinces; and we have never been so churlish a neighbor as to insist on holding this advantage against every proposition of compromise and mutual accommodation. I cannot divest myself of the consciousness that we are the stronger power on this continent, and I am not afraid to do what the spirit of good neighborhood and manly intercourse requires, when appealed to by corresponding dispositions; and it does seem to me that, while Great Britain is freely surrendering to us an invaluable military position—her title to which, if she chose to insist on it, is above all question—(I mean Rouse's Point)—a position which is pronounced, by the first military officers in our service, (in communications now before me,) to be the great *strategic* point on our Northern frontier—the *key*, in *our* hands, to the Canadas; in *theirs*, to the heart of our own country; and, therefore, "above all price," either for attack or defence;—it would be ungracious, indeed, and unworthy alike of our honor and our strength, if we were doggedly to refuse the slightest relaxation from the rigor of our claims, even for an obvious mutual convenience.

But the Roman god Terminus, Mr. President, is invoked to animate us to stand uncompromisingly by our limits as they are, however inconvenient to others or to ourselves. The honorable gentlemen who make this invocation will pardon me for saying that they have not been very consistent worshippers of the Roman deity. Where was their holy reverence for the rites of this revived worship, three years ago, when my honorable friend, one of the Senators from Maine [Mr. WILLIAMS] introduced a bill simply to provide for a peaceable and innocent survey of our boundaries by skilful and scientific men, according to the description of limits in the treaty of peace? They then arrayed themselves in stern opposition even to this peaceable attempt to ascertain our limits, lest it might give umbrage to our neighbor. I beg leave to remind my learned and classical friends who now hold up to us the example of the Romans in the worship of the god Terminus, that the same hardy and restless people worshipped another pagan deity—Janus, the god of war—whose temple, always open in time of war, was shut, we are told, but three times during a period of more than seven hundred years. Do the patriotic gentlemen who call upon us now to imitate the example of the Romans in worshipping the litigious and impracticable divinity that presided over limits, mean to invite us also to follow them in their warlike and bloody career? and do they propose to celebrate the American *Terminalia*, not by libations of milk and wine, but by the effusion of blood?

To the worship of these pagan deities, Mr. President, has succeeded a purer and better religion, which teaches "peace on earth, and good will to men;" and while, for one, I would never shrink from the maintenance of the rights and honor of my country, at every hazard, when the occasion demanded, I should, from the bottom of my soul, deprecate an appeal to the arbitrament of arms, upon a mere question of disputed boundary. We live in an age when the moral sense of mankind demands that every honorable expedient for the adjustment of national disputes should be honestly tried, before the *ultimate appeal* is ventured upon; and I feel a strong confidence that the body of our fellow-citizens—the friends of civilization and humanity everywhere—the rest of the nations of the earth all of whom have so deep a stake in the preservation of general peace—will rejoice that, in this instance, they have not been tried in vain.

We come now (said Mr. RIVES) to that portion of the treaty which relates to the suppression of the African slave-trade. There is no nation under the sun which has shown, through her whole history, more anxiety for the extinction of this odious and revolting traffic than the United States; and none have, therefore, a deeper interest, historical and political, in the consummation of the great work in which they led the way. Not to speak of the various and repeated acts of the Legislatures of

*See the report on the defence of the frontier of Maine, communicated to Congress by the Secretary of War, on the 21st December, 1838; and, also, the report of a board of officers, on a system of national defences, communicated the 15th May, 1840.

he several States, while they were yet colonies of Great Britain, to arrest and put an end to this cruel raffic—acts rendered inoperative by what my own State (Virginia) denounced at the time to be "an nhuman use of the royal negative," and which he specially set forth among the wrongs and grievances which impelled her to the establishment f an independent Government;—not to speak of cts of this sort, with which our ante-revolution- ry history abounds,—it is sufficient to say that he Government of the Union, from the mo- nent of its establishment under the existing Con- titution, has steadily devoted itself to the ac- omplishment of the same great object. While he Christian States of Europe still tolerated, nd some of them even encouraged, this revolting ommerce, the United States, first among the na- ions of the earth, pronounced its formal condem- ation by law; and, following up this condemnation, s occasion required, with new penal sanctions, ombined with active measures of surveillance nd repression, they finally gave to the world the triking example of a crowning act of legislative nergy, by which they affixed the brand of *piracy* o the slave-trade, declaring that any citizen of the Jnited States found engaged in it, whether on oard an American or a foreign vessel, or any oreigner on board an American vessel, so em- loyed, "should be adjudged a *pirate*, and suffer eath as such."

While the United States thus set the example of heir own early and energetic legislation for the epression of this crime against humanity, it as felt that a general co-operation of the powers f Christendom, and especially of all the maritime owers, would be necessary to ensure its final and omplete extirpation. In pursuance of this policy, he United States and Great Britain, in concluding he treaty of peace at Ghent, entered into the fol- owing stipulation with each other:

"Whereas the traffic in slaves is irreconcilable with the prin- ples of humanity and justice; and whereas, both his Majesty nd the United States are desirous of *continuing their efforts* promote its entire abolition; it is hereby agreed that *both the ntracting parties shall use their best endeavors to accom- lish so desirable an object.*"

A practical interpretation of the spirit of this en- agement, and a striking proof of the cordial sym- athy of the representatives of the people in the eneral object of it, was afterwards afforded in a esolution, passed by the House of Representatives, n the 10th day of February, 1823, by the nearly nanimous vote of 131 yeas to 9 nays. It was ex- ressed in the following words:

"*Resolved*, That the President of the United States be re- uested to enter upon and prosecute from time to time such egotiations with the maritime powers of Europe and America s he may deem expedient, for the effectual abolition of the frican slave-trade, and its ultimate denunciation as piracy nder the law of nations, by consent of the civilized world."

Both of these solemn acts—the resolution of e House of Representatives in 1823, as well as the ipulation of the treaty of Ghent—clearly recog- sed the propriety and necessity of some system f combined action among the maritime powers of e world, to put an end effectually to the slave- ade. Great Britain early embraced, and has till ow perseveringly adhered to the opinion, that the utual concession of a right of search, to be exer- sed by the armed cruisers of each party over the erchant vessels of the others, is the only effectual eans of putting an end to this infamous traffic. he United States, on the other hand, unable to rget the serious wrongs they had so recently ex- erienced from the abusive exercise of the right of earch; jealous, above all things, of the immunity f their flag, and of the general freedom of the seas— e commonand equal inheritance of all nations— ave been unwilling to compromise these great terests, by entering into an arrangement in- olving so vital an innovation upon the establish- d maritime code; especially as they believed other eans were to be found no less effectual for the ecomplishment of the common object of the sup- ression of the slave-trade. Great Britain, in the ean time, succeeded in making treaties with pain, Portugal, and the Netherlands, for the mu- al right of search. And other European States aving, from time to time, come into the same ar- ngement, the United States are now the only onsiderable maritime power that has continued refuse its accession to a system which they could ot but regard as compromising, in a high degree, e general freedom of the seas. It has thus, oubtless, happened that the American flag has een, in many instances, fraudulently used to cover essels really belonging to States who are parties to the mutual grant of the right of search, from the exercise of that right; and, to prevent this evasion, the Government of Great Britain recently put forth a pretension of alarming extent, and which we have resisted, and must ever resist, as wholly unsustainable upon any just principle of public law; to wit, that her cruisers have the right to board and detain vessels sailing under the American flag, when they shall judge it proper to do so, to ascertain, by an examination of their papers, whether they are truly and *bona fide* American or not.

This was the state of things existing at the commencement of the present session of Congress, when the President laid before us the correspondence which had taken place on the subject of this new pretension between our Minister at London and Lord Palmerston and Lord Aberdeen, successively her Majesty's Secretaries of State for Foreign Affairs. The message of the President, referring to the same pretension, held the following emphatic and unequivocal language:

"However desirous the United States may be for the suppression of the slave-trade, they cannot consent to interpolations into the maritime code, at the mere will and pleasure of other Governments. We deny the right of any such interpolation to any one or all the nations of the earth, without our consent. We claim to have a voice in all amendments or alterations of that code; and when we are given to understand, as in this instance, by a foreign Government, that its treaties with other nations cannot be executed without the establishment and enforcement of new principles of maritime police, to be applied without our consent, we must employ a language neither of equivocal import, nor susceptible of misconstruction. American citizens, prosecuting a lawful commerce in the African seas, under the flag of their country, are not responsible for the abuse or unlawful use of that flag by others; nor can they rightfully, on account of any such alleged abuses, be interrupted, molested, or detained, while on the ocean."

Here, then, is the answer of the American Government, in the highest and most authoritative form known to its official intercourse, to the pretension advanced on the part of Great Britain, in the discussion with our late Minister at London. It is an unequivocal negation of that pretension, in principle and in practice; and leaves nothing to be done which could announce in more emphatic terms our determined resistance to it.

The vital question of the independence of our flag being thus disposed of, by the prompt, unequivocal, and final answer of the American Government to this new pretension, other considerations of an important character present themselves to view. It is shown, by the correspondence just referred to, and other incontestable proofs that the American flag has been extensively abused to cover this iniquitous traffic—sometimes by American citizens, notwithstanding the severity of our penal enactments; but more frequently by the subjects of other powers—by Spanish, Portuguese, or Brazilian slave-dealers, who assume the American colors to protect them from the right of search, to which they would be subject under their own national flags. The fact of this abuse is admitted by our Government. Mr. Stevenson, in his letter to Lord Aberdeen, says: "That the flag of the United States has been grossly abused, there is too much reason to believe and deplore." The same declaration is repeated by the President, in his message to Congress at the commencement of the present session; and in the correspondence between Lord Palmerston and Mr. Stevenson, which accompanied that message, the mortifying fact is disclosed that, of the four vessels sailing under the American flag, which had been visited and detained by British cruisers on the coast of Africa, (and which it became the duty of our minister to make the subject of representation and complaint to the British Government, on account of the violation of the flag,) *every one* of them turned out, upon inquiry and investigation, to be *slavers*, furnished with American captains and American papers; but, in reality, as there is reason to believe, *Spanish* property.

Seeing, then, that our flag has been shamelessly abused to cover an infamous traffic, which our laws were the first to denounce and pursue with adequate penalties—that it has been made a shelter to screen from the punishment due to their crimes the most profligate of the human race,—does not the national honor demand that we should give to the world an assurance of our determination to cleanse and preserve it from this horrible pollution? We have, upon considerations of the highest state policy, and from a jealous solicitude to maintain the freedom of the seas, refused to concede that mutual right of search which other nations have consented to yield, as an instrument for the suppression of the slave-trade. We have, with still stronger determination, and upon impregnable grounds of public law, declared our resistance to the new pretension of subjecting our flag to visitation and detention, for the alleged purpose of carrying into execution the agreements of other powers, to which we have refused to become a party. Under these circumstances, is it not due to the character of the American people, pledged by all their past history to the great cause of the final suppression of the African slave-trade, that, while rejecting the plans proposed by other Governments for this object, we should come forward with one of our own, which will afford a complete guaranty against the prostitution to which we have seen our flag so vilely exposed, and which will, at the same time, bring the most efficient means to the general extirpation of this odious traffic, without intrenching on the liberty of the seas and the established principles of maritime law?

Considerations and sentiments such as these, doubtless suggested the arrangement contained in the treaty. By that arrangement, it is stipulated that the two powers shall each maintain a squadron of not less than eighty guns on the coast of Africa, to enforce, *separately* and *respectively*, the laws and obligations of each country for the suppression of the slave-trade: the two squadrons to be perfectly *independent* of each other; but, at the same time, to act in *concert and co-operation* for the attainment of the common object, under such orders as shall, from time to time, be given by their respective Governments. And it is farther stipulated, that the two parties will unite in all becoming representations and remonstrances to any power within whose dominions markets for the purchase of African slaves may be still allowed to exist, to close such markets at once and forever. In virtue of this arrangement, (which is limited to five years, if either party shall wish then to terminate it,) each power will, separately and independently, exercise the necessary supervision and police over all vessels sailing under its own flag; neither being permitted to visit or search the vessels of the other; but the presence of the two squadrons, always on the alert, and acting in friendly concert, will afford, by their vigilant oversight, complete security against the use of the flag of either power to cover the prohibited traffic, and will, at the same time, give protection to the merchant vessels of each, when necessary, from all unlawful interruption or molestation.*

This arrangement is adapted to meet every exigency of the case, and reconciles the most vigorous measures for the suppression of the slave-trade with a sacred regard for the independence and immunity of the national flag. It vindicates from all suspicion the sincerity of the United States; which their persevering and solitary opposition, for a long time, to the mutual concession of the right of search, for the more effective pursuit and detection of the traffic, exposed to injurious doubts and misconstruction. At the same time, it has the merit of a strict fidelity to American principles. It is, indeed, the identical plan which, when Lord Castlereagh was so earnestly insisting on a mutual right of search as the only effectual means for the suppression of the slave-trade, President Monroe caused to be presented, as the *American contre-projet*—which, however, did not prevent his Lordship from recurring to, and urgently pressing, again and again, his favorite *right of search*. The proposition referred to was developed in a letter from the Secretary of State

* In the speech of Mr. Benton on the British treaty, recently published, he claims great credit to Mr. Van Buren's administration for having rejected, as *contrary to the principles and policy of this Government*, an agreement of co-operation for the suppression of the slave-trade, which, he says, was similar to that contained in the treaty. Mr. Benton's allusion, it seems, is to a letter of Mr. Paulding, Secretary of the Navy, to Lieut. Paine, commanding the United States schooner Grampus; in which the Secretary disapproved an arrangement entered into by that officer with the commander of a British cruiser on the coast of Africa, by which "Lieut. Paine *delegated* to the British commander *the right to seize and detain*, under certain circumstances, *vessels sailing under American colors*." Now, it was this "delegation of power *to seize and detain vessels under American colors*," which Mr. Paulding declared was "unauthorized by instructions, and contrary to the established and well-known principles and policy of the American Government." But Mr. Benton surely will not say that the arrangement made in the treaty *delegates to British cruisers the right to seize and detain vessels sailing under American colors*. It is precisely the contrary; for the treaty expressly declares that the two squadrons are to enforce, *separately and respectively*, the laws of each country for the suppression of the slave-trade, and that they are to be *independent* of each other. The same letter of Mr. Paulding, however, enjoins "a *friendly co operation with the British cruisers* in the suppression of the slave-trade;" and expressly authorizes Lieut. Paine "*to cruise in company and co operation with any British vessel of war employed on the slave coast*"—which is precisely what is done (neither less nor more) by the treaty arrangement so much denounced by Mr. Benton!

to the Hon. Stratford Canning, dated the 30th of December, 1820:

"But, while regretting that the character of the organized means of co-operation for the suppression of the African slave-trade, proposed by Great Britain, did not admit of our concurrence in the adoption of them, the President has been far from the disposition to reject or discountenance the general proposition of *concerted co-operation with Great Britain*, to the accomplishment of the common end—the suppression of the trade. For this purpose, armed cruisers of the United States have been for some time kept stationed on the coast which is the scene of this odious traffic—a measure which it is in the contemplation of this Government to continue, without intermission. As there are armed British vessels, charged with the same duty, constantly kept cruising on the same coast, I am directed by the President to propose that instructions, *to be concerted between the two Governments*, with a view to *mutual assistance*, should be given to the commanders of the vessels respectively assigned to that service; that they may be *ordered, whenever the occasion may* render it convenient, to *cruise in company together*, to communicate mutually to each other all information obtained by the one, and which may be useful to the execution of the duties of the other; and to give each other every assistance which may be compatible with the performance of their own service, and adapted to the end which is the common aim of both parties."*

An apprehension has been expressed, Mr. President, that this arrangement will carry with it disappointment to our ancient ally and friend, France—who, by withholding her ratification from the quintuple treaty, has placed herself upon common ground with us, in regard to the great question of the freedom of the sea; and that it may tend to weaken the position so gallantly assumed, on the same occasion, by our able and patriotic minister at Paris. Neither consequence, I am persuaded, can possibly arise. France will see with satisfaction, on the one hand, that Great Britain has acceded to a scheme of maritime co-operation for the suppression of the slave-trade, involving no right of search; and, on the other, that the United States, while maintaining intact the independence of their flag, have agreed to devote an efficient portion of their naval power to the common cause of extirpating a traffic which has become the horror of the civilized world. She will see, in the principles on which this arrangement is founded, the very doctrines heretofore asserted by her most distinguished statesmen—by Talleyrand, in 1814; by the Duc de Richelieu, in 1818; and by Chateaubriand, in 1822: and in the arrangement itself she will see an exact reflection of the *contre-projet* which she caused to be presented to the Congress of Aix la Chapelle, as a substitute for the British proposition of a reciprocal right of search. In regard to our distinguished representative at the court of France, the conclusion of this arrangement will serve only to crown his useful and efficient services; and the ratification of the quintuple treaty—which, by his timely and well-directed efforts, he has contributed thus far to avert—must henceforward be considered as *definitively* withheld. No person honors more than I do the true-hearted instincts of American patriotism, as well as the sagacious views and lofty spirit, which have directed our able minister, at so important a juncture. He has entitled himself to, and will undoubtedly receive, the warmest thanks of his country.

The incidental advantages attending this arrangement, in the support and protection which the presence of an American squadron will give to our growing commerce on the coast of Africa—a commerce susceptible of the most beneficial developments, through the civilized colonial settlements already established there—constitute an important additional recommendation of it. This consideration early attracted the attention of the proper department; and we see, from the report of the Secretary of the Navy at the commencement of the session, that he proposed to enlarge materially the number of vessels employed on the African station, as well in reference to this object, as for the suppression of the slave-trade. The extent of the squadron stipulated to be maintained there, is probably not greater than the Secretary would have deemed expedient in any event; and the expense will be amply repaid in resulting benefits to the commerce of the country.

The last stipulation in the treaty which remains to be noticed, is that by which the parties agree mutually to surrender fugitives from justice, in certain cases. An arrangement of this sort between neighboring States, whose territories border on each other through an extended boundary—presenting to offenders great facilities of escape from one jurisdiction into the other—seems to be urgently demanded by the interests of peace, law, and social order. So just and proper is it in itself, that some writers of high authority on the law of nations have regarded it as a matter of absolute obligation, independently of treaty stipulations. The modern and better opinion, however, (considering how diversified, and often arbitrary, is the penal legislation of different countries,) is, that there is no *obligation* to surrender fugitives from the criminal justice of one country taking refuge in another, but in virtue of positive and precise compact. The want of some conventional arrangement of this sort between the United States and Great Britain has been particularly felt in the States of the Union adjacent to the Canadas and other British possessions on the continent, where the prospect of the easy impunity gained by passing from one side to the other of the boundary line has been found to operate as a great temptation and encouragement to crime. Several of those States have manifested an earnest desire for such a reciprocal arrangement between the two Governments. The stipulation in the treaty, it will be seen, is confined exclusively to crimes of an aggravated character against life or property—such as murder, robbery, piracy, and some two or three other enumerated offences, carefully pretermitting all political offences; and lest some unforeseen abuse or inconvenience should arise in the practical administration of the agreement, the right is reserved to either party to terminate it at will.

This article closes the circle of matters embraced by the treaty. There are other questions, of much interest to both countries, which have formed the subject of an important correspondence between the Secretary of State and the special minister of Great Britain. This correspondence has been laid before the Senate with the treaty, and must necessarily enter into their consideration in disposing of the treaty itself. It has, therefore, attracted the careful attention of the committee; and they have seen, with pleasure, that there has been an amicable and honorable understanding, or an important advance to such an understanding ultimately, on each of the questions which formed the topic of that correspondence.

The first of those questions that present themselves to view, is the affair of the steamboat Caroline, captured and destroyed, some years ago, within the territorial limits of the United States, and forming part of the arrears of an unsettled diplomatic account which the present Administration inherited from the last. It is no part of my purpose (said Mr. R.) to cast censure unnecessarily anywhere, or to enter into a partisan discussion of any of the questions which now come before us for a grave and calm deliberation. But, as gentlemen have seen fit to indulge in very unsparing denunciations of the course pursued by those now in power, in regard to this affair, and have given the reins to their imaginations in the most boundless and gratuitous praises of the course of the late Administration on the same subject, it becomes indispensable to a just understanding of the question, to restate facts in the nakedness of their historical truth.

The seizure and destruction of the Caroline occurred at Schlosser, on the Niagara frontier, in December, 183-; being the first year of Mr. Van Buren's administration. It led to a brief correspondence between Mr. Forsyth and Mr. Fox, at Washington; and Mr. Stevenson, our minister at London, was instructed to make a formal representation to the British Government on the subject, and to demand redress. This representation was made by Mr. Stevenson, in a note to Lord Palmerston dated the 22d of May, 1838. His note remaining without any other answer than a mere acknowledgment of its receipt for more than twelve months, Mr. Stevenson, very properly, wrote to Mr. Forsyth in July, 1839, stating that he "regretted to say no answer had yet been given to his note in the case of the Caroline," and desiring to know "if it was the wish of the Government that he should press the subject again; and, if so, with what degree of urgency." In answer to this communication, Mr. Forsyth, in September, 1839, replied, that no instructions were then required for again bringing forward the question of the Caroline; that he had had frequent conversations with Mr. Fox in regard to the subject—one of very recent date; and "from its tone, the President expects the British Government will answer your [Mr. Stevenson's] application in the case without much farther delay." But, in point of fact, the President's expectation was not fulfilled; the British Government gave no answer to Mr. Stevenson's "application in the case;" and so the matter stood—the formal representation made by Mr. Stevenson remaining wholly unnoticed by the British Government for eighteen months longer, and down to the close of Mr. Van Buren's administration! For three long years Mr. Van Buren patiently acquiesced in this silence, and slept over an outrage which gentlemen—his friends and eulogists on this floor—would persuade us, in the lofty flights of their chivalry and eloquence, they burned to avenge by an instant recourse to arms.

What advantage has been naturally taken of this most extraordinary acquiesence of the last administration, to embarrass any renewed demand for redress, is strikingly shown in the following passage of a note addressed by Lord Palmerston to Mr. Stevenson on the 2d of September last, which is now before me:

"It appears, then, that, for nearly three years, the United States Government acquiesced in the silence of her Majesty's Government on this subject; for though in September, 1839, Mr. Forsyth stated, as a reason for not pressing her Majesty's Government for an answer, that the President had been led by some conversation of Mr. Fox, to expect the British answer without any further delay, yet that reason necessarily ceased with the further lapse of time, and could not be said to have held good as long as till the beginning of 1840. Mr. Stevenson, moreover, specifically states, in his note of the 21st ultimo, that, during the whole interval between the date of his note of May, 1838, and the time when the arrest of McLeod became known in England, in February, 1841, no communication ever took place between himself and the undersigned on the subject of the Caroline. Now, as neither Mr. Stevenson, nor the late President Van Buren, have ever shown themselves deficient in watchful and active attention to all matters in which the *just* rights of the United States are concerned, the undersigned considers that he has not much erred in supposing, as stated in his former communication, that this *long and intentional silence* of the United States Government, and of its minister at this court, upon the subject of the Caroline, arose from the considerations to which the undersigned adverted in that note."

The considerations adverted to in his Lordship's former note, as expressed by himself, were, that the President was "perfectly aware" that the British Government considered the destruction of the Caroline a justifiable act of self-defence, done by order of her Majesty's colonial authorities; that both what her Majesty's Government had done, and what they had abstained from doing, "could leave no doubt on the mind of the President" that the British Government intended to decline to comply with the demand contained in Mr. Stevenson's note; and that the presumption, therefore, was, that the President, in not pressing for an answer, was actuated by the consideration that it was better to leave the refusal of the British Government to be inferred from its silence, than to have it *formally* communicated in answer to an *explicit* demand of the United States.

However this may be, (and I do not mean, said Mr. R., to enter into the merits of the diplomatic digladiation which took place on the occasion between Lord Palmerston and Mr. Stevenson,) nothing is clearer than that President Van Buren cannot claim the benefit of the plea which is now set up for him—to wit: that, during the period of his administration, the destruction of the Caroline presented itself to him, for aught that appeared to the contrary, as the mere "act of individuals."*

So far is this from being the case, that his own minister plenipotentiary, in the note addressed by him to Lord Palmerston in May, 1838, "in obedience to instructions," expressly presented the outrage for which he was directed to demand redress, as one "committed by *British troops* from the province of Upper Canada," "forming a *portion of the British force at Chippewa*," and "*planned and executed, with the knowledge and approbation of the Lieutenant-Governor of Upper Canada.*" Whatever other reasons, then, Mr. Van Buren may have had for his extraordinary and patient acquiescence in the long-continued omission of the British Government to return any answer to our demand of reparation in the case of the Caroline, he cannot take the benefit of an after-thought, in contradiction with his own deliberate official act.

He may have thought, perhaps, that, in a case where the justification of the British Government rested on a *question of fact as to the degree and urgency of that necessity of self-defence* under which their authorities professed to have acted, and in relation to which the testimony and statements relied on by the respective Governments were directly at variance, prudence and a proper regard for the peace of the two countries forbade that their relations should be brought to extremity on a point of dubious and debatable evidence, where, amid the conflict of opposing statements, it was difficult to ascertain the truth. But, considering the gravity of the occurrence, and the danger of its being drawn into precedent by a powerful and haughty neighbor, he owed it to the character of the coun-

*Mr. Bagot's speech.

try, adjourning every subordinate question of evidence, to insist at once upon a *prompt* disavowal of any intentional disrespect of the national sovereignty, accompanied with an explicit acknowledgment of those sacred principles of the public law which guard the inviolability of territory, and upon the scrupulous observance of which the peace and dignity of nations so vitally depend.

Nothing of this sort, however, was done. The question was permitted to slumber in the most profound neglect during the whole period of Mr. Van Buren's presidency; and those now in power have had to assert the national dignity and honor, under all the disadvantages arising from the long acquiescence and virtual dereliction of the last Administration. The correspondence submitted to us shows in what manner, and upon what principles, this controversy, so long the source of mutual irritation and heartburning between the two countries, has been at length honorably terminated. The British minister gives his adhesion, in the most explicit and unequivocal terms, to all the principles of public law, which we have laid down as applicable to the case. He declares, that "*respect for the inviolable character of the territory of independent nations is the most essential foundation of civilization;*" and that, in addition to a sense of moral responsibility, the most obvious dictates of *policy* and *interest* would lead Great Britain to an observance of this duty, "in the case of a long conterminous boundary of some thousand miles, with a country of such great and growing power as the United States of America, inhabited by a kindred race, gifted with all its activity, and all its susceptibility on points of national honor;" that while *every consideration* leads the British Government to set as high a value as the Government of the United States can possibly do "on this *paramount* obligation of reciprocal respect for the independent territory of each," it is yet admitted, by all writers on public law, and by the occasional practice of all nations, (our own among the number) that a *strong overpowering necessity* may arise, when this great principle may and must be momentarily suspended; but "it must be so *for the shortest possible period, during the continuance of an admitted overruling necessity, and strictly confined within the narrowest limits imposed by that necessity.*"

Thus far, there is a perfect and satisfactory accordance between the views of the Government of the United States and those of the British Government, as represented by Lord Ashburton, both as to the general principle, and the narrow and limited exception to it. The exception, within the limits so astringently stated by Lord Ashburton, is admitted both by Mr. Stevenson, in his note to Lord Palmerston in May, 1838, and by Mr. Webster, in his note to Mr. Fox, in April, 1841; and upon it, indeed, rests the vindication of some important transactions in our own military history, which are too deeply engraven on the recollection of the country to make it necessary for me to recall them to the Senate. Mr. Stevenson defines the necessity which is admitted to constitute an exception to the general inviolability of neutral territory, to be "imminent and extreme, and involving impending destruction." Mr. Webster, with no less force, describes it to be "a necessity of self-defence, instant, overwhelming, leaving no choice of means, and no moment for deliberation." Lord Ashburton, distinctly assenting to the limits thus cautiously placed upon the admitted exception, seeks, by a recurrence to the circumstances of the case, to show that the steamboat Caroline, being the means and instrument by which "accessions of men, arms and munitions of war were hourly" brought from the American shore to the position of the hostile and invading force on Navy Island, the necessity for her capture and destruction was of that imperious and overruling character, which brought the act fairly within the limits of the exception, as defined by the Government of the United States.

Still there was in the case, whatever may have been the supposed necessity for it, (as Lord Ashburton remarks, with that just sense of what belongs to the honor and dignity of both Governments, which characterizes all the communications of this able and judicious minister,) the grave fact of "a violation of territory," which he is "instructed by her Majesty's Government to assure the Government of the United States is considered by it as a *most serious fact;*" and that, "far from thinking an event of this kind should be lightly risked, they *would unfeignedly deprecate its recurrence;*" that it is to be "regretted that an *explanation and apology* for the occurrence was not immediately made;" that he can "most solemnly affirm that no disrespect to the sovereign authority of the United States was intended;" and that "he repeats the assurance of regret her Majesty's Government feel that the event should have disturbed the harmony they so anxiously wish to maintain with the American people and Government." After the "explanations and assurances" thus cordially given, he concludes his letter to the Secretary of State, by expressing the hope that "all feelings of resentment and ill-will, resulting from these truly unfortunate events, may be buried in oblivion; and that they may be succeeded by those of harmony and friendship, which it is certainly the interest, and, he also believes, the inclination of all to promote."

If gentlemen can see nothing in frank and honorable explanations such as these, proceeding from the representative of an "old and haughty nation, proud in arms," to satisfy the just sentiment of national pride and dignity, in regard to a transaction long past, over which our own Government had slept with quiet indifference for years, and where there is a perfect concurrence of both Governments in the great conservative principles which must guard and secure the immunity of their respective territories, (differing only as to a debatable question of fact in the particular case,) I can only say, that their moral temperaments are constituted very differently from my own.

The next subject treated in the correspondence between her Britannic Majesty's special minister and the Secretary of State, is one of peculiar delicacy, as well as importance;—the interference of the British colonial authorities with American vessels having slaves on board, the property of American citizens under the laws of their respective States, and driven by stress of weather, or other uncontrollable causes, into the British West Indies, while passing from one port to another of the Union. The first cases of this sort which occurred, were of three vessels whose names have unfortunately become familiar as "household words" in our diplomatic history—the *Comet*, the *Encomium*, and the *Enterprise*. The two first named of these vessels were wrecked on the Bahama islands in 1831 and 1834, and the third was driven by stress of weather into a port of the island of Bermuda in 1835. In each of these cases, the slaves on board were liberated by the interference of the colonial authorities, and were finally lost to their owners. On all these occasions, strong representations were addressed by the Government of the United States to that of Great Britain, complaining of the improper and unlawful interference of the local authorities of the islands, and demanding indemnity to the owners of the liberated slaves. The British Government, in 1837, finally agreed to render compensation to the owners of the slaves in the cases of the Comet and the Encomium, but *absolutely refused it* in the case of the Enterprise. The ground on which this discrimination was made, was—that, at the time of the disasters to the Comet and the Encomium, the state of slavery still existed in the British colonies, and the rights of American slave-owners might, therefore, be recognised under British law; but, at the period when the *Enterprise* was driven by stress of weather into Port Hamilton, the act of the British Parliament for the "abolition of slavery throughout the colonies" had taken effect, and thenceforward there could be, lawfully, no property in slaves in any part of the British dominions. Lord Palmerston, in announcing to Mr. Stevenson, by his note of 7th January, 1837, the final decision of the British Government on the case of the Enterprise, added, that "slavery being now abolished throughout the British empire, there can be no well-founded claim on the part of any foreigner, in respect of slaves who, *under any circumstances*, may come into the British colonies, any more than there would be in respect to slaves who might come into the United Kingdom;" and this declaration he emphatically repeated in a subsequent note to Mr. Stevenson of the 11th December, 1837.

Upon the important question of public law involved in this decision of the British Government, a long and earnest discussion took place between the two Governments; but terminating, as it began, in a wide and irreconcilable difference of principle, the American minister at London was instructed to propose to the British Government a conventional arrangement, by which, in practice, the officious and exciting interference of the local authorities of the British islands with American vessels having slaves on board, when driven into their waters by casualties of the sea, might be prevented. This arrangement was, also, very summarily declined by the British Government, as will be seen by Lord Palmerston's note to Mr. Stevenson, of the 30th of September, 1838. And thus the matter stood down to the close of Mr. Van Buren's administration. The recent cases of the "Creole" and the "Hermosa"—one of them marked by incidents of a most revolting character—have added fresh proofs of the necessity of some understanding between the two Governments on this delicate subject, in order to preserve the relations of peace and good neighborhood; and the correspondence which is laid before us has taken place with a view to effect such an understanding, on the basis of a just interpretation of the law and comity of nations.

The Government of the United States contends that, under the modern practice and comity of civilized states, the merchant-vessels of a nation—considered always as a part of its territory, while on the high seas, and subject exclusively to the laws and sovereignty of their own country on the ocean—retain their national jurisdiction and immunity, to many purposes, in the ports of a foreign power, even when they enter those ports voluntarily. But when they are *forced*, by stress of weather, or unlawful violence, against the will of the master, into a foreign port, they are to be considered, in justice, as if they were still upon the high seas, and, during the existence of such involuntary emergency, virtually under the jurisdiction of their own country, by whose laws the condition and relations of all persons and things on board are to be governed; and any interference by the local authorities of the foreign port, in such a case, to change that condition, or to disturb those relations, is a proceeding contrary to the law and comity of nations. These principles are enforced and illustrated with great copiousness and ability by the Secretary of State, in his letter to Lord Ashburton; and proceeding to apply them to the case of slaves on board of American vessels forced by stress of weather, or other causes, into British ports, he says:

"The usual mode of stating the rule of English law is, that no sooner does a slave reach the shore of England than he is free. This is true; but it means no more than that, when a slave comes within the *exclusive jurisdiction* of England, he ceases to be a slave, because the law of England positively and notoriously prohibits and forbids the existence of such a relation between man and man. But it does not mean that English authorities, with this rule of English law in their hands, may enter where *the jurisdiction of another nation is acknowledged to exist*, and there destroy rights, obligations, and interests, lawfully existing under the authority of such other nation. No such construction, and no such effect, can be rightfully given to the British law."

He then adds:

"If, therefore, vessels of the United States, pursuing lawful voyages from port to port, along their own shore, are driven by stress of weather, or carried by unlawful violence, into English ports, the Government of the United States cannot consent that the local authorities in those ports shall take advantage of such misfortunes, and enter them for the purpose of interfering with the condition of persons or things on board, as established by their own laws. If slaves, the property of citizens of the United States, escape into the British territories, it is not expected that they will be restored. In that case, the territorial jurisdiction of England will have become *exclusive* over them, and must decide their condition. But slaves *on board of American vessels* lying in British waters, are not within the exclusive jurisdiction of England, or under the exclusive operation of English law; and this founds the broad distinction between the cases." "In the opinion of the Government of the United States, such vessels, so driven and so detained by necessity in a friendly port, ought to be regarded as *still pursuing their original voyage*, and turned out of their direct course only by disaster, or by wrongful violence; that they ought to receive all assistance necessary to enable them to resume that direct course; and that interference and molestation by the local authorities, where the whole voyage is lawful, both in fact and intent, is ground for just and grave complaint."

Lord Ashburton, in his answer to Mr. Webster's note, begins by remarking that, "having left England before the case of the Creole had been brought to the notice of his Government by the American minister, he had not been empowered to enter into *a formal stipulation*" with respect to the class of cases to which it belongs; but that he felt all the importance of the subject, and the desirableness of falling upon some means for the prevention, in future, of such occurrences. "Upon the great general principles affecting the case," he says, "we do not differ." And again he observes: "At the same time that we maintain our own laws within *our own territories*, we are bound to *respect those of our neighbors*, and to listen to every possible suggestion of means of averting from them every annoyance and injury. I have great *confidence that this may be effectually done in the present instance;* but the case to be met and remedied is new, and must not be too

hastily dealt with. You may, however, be assured that measures so important for the preservation of friendly intercourse between the two countries shall not be neglected."

"In the mean time," he says, "I can *engage* that instructions shall be given to the governors of her Majesty's colonies on the southern borders of the United States to execute their own laws with careful attention to the wish of their Government to maintain good neighborhood; and that there shall be *no officious interference with American vessels driven by accident or by violence into those ports.* The *laws and duties of hospitality shall be executed*; and these seem neither to require nor to *justify any further inquisition into the state of persons or things on board of vessels so situated*, than may be indispensable to enforce the observance of the *municipal* law of the colony, and the proper *regulation of its harbors and waters.*"

These declarations and engagements, in their spirit and obvious import, go far towards giving us the practical security we have so long sought; and wanting only the *formality* of a treaty stipulation, present, in the plighted faith of an accredited public minister, acting with the approbation and authority of his Government, a guaranty which all great nations regard as no less sacred and obligatory. Who that looks back upon the state of this question, as it was left four years ago by the repeated, peremptory, and unceremonious repulses, which Mr. Van Buren's administration met with from Lord Palmerston on every branch of the subject, can fail to recognise the important advance which a spirit of justice and conciliation, wisely consulting the interests of peace and good neighborhood, has now made towards the ultimate removal of one great cause of irritation and complaint in the relations of the two countries?

The last subject treated of in the correspondence which has been laid before us, is the great and vital question of impressment. Nothing, through a large portion of our history, had exercised so embittering and disturbing an influence on the relations of England and America as the ancient, and, we may trust, now obsolete pretension of impressing British seamen (and, under that name, in very many instances, our own citizens) from on board the merchant vessels of the United States. It was fitting, therefore, in seeking to establish the peace of the two countries on durable foundations, by the adjustment of so many questions of present interest, to anticipate the consequences which would inevitably attend the revival of a pretension so revolting to the national sensibilities, in the event of another European war; and to declare, frankly and beforehand, to the British Government, that it was a practice which would henceforward never be submitted to, but would be promptly resisted at every hazard, if it should be attempted to be renewed. This declaration, at the moment of terminating a negotiation which, it was hoped, would consolidate a permanent good understanding between the two countries, was due to the spirit of frankness and manly dealing, and called for by the true interests of peace. It was to be made, as the Secretary of State remarks in his letter to Lord Ashburton, "not to revive useless recollections, or to stir the embers from fires which have been, in a great degree, smothered by many years of peace; but to extinguish those fires effectually, before new incidents arose to fan them into flame."

The Secretary of State, therefore, addressed a note to Lord Ashburton, in which he reviews and analyses with great clearness the grounds on which the British doctrine of impressment rests; and, after demonstrating with conclusive and irresistible force that it has no foundation whatever in any principle of the common and recognised law of nations, however countenanced by the municipal code of England, he proceeds to declare that the Government of the United States, after the most mature deliberation on the subject, "is prepared to say that the practice of impressing seamen from American vessels *cannot hereafter be allowed to take place;*" that "it is founded on principles which the United States do not recognise, and is invariably attended by consequences so unjust, so injurious, and of such formidable magnitude, as *cannot be submitted to;*" that the rule laid down by Mr. Jefferson, when Secretary of State, in the origin of the discussions between the two Governments on this subject —to wit: that "the vessel being American, shall be evidence that the seamen on board are such"—will hereafter be inflexibly *maintained* by this Government; and that, "in every regularly documented American merchant vessel, *the crew who navigate it will find their protection in the flag which is over them.*" Here, at least, is a declaration worthy the character of a Government conscious both of its rights, and of its power to maintain them, and which will find an echo in every American bosom.

Lord Ashburton, in acknowledging the receipt of Mr. Webster's note, recognises the propriety, in a season of peace, of anticipating and guarding against "even possible causes of future disagreement," especially in relation to "so grave a subject of past irritation" as that of *impressment;* and although without authority to enter upon its "settlement" during the limited continuance of his mission, he entertains a confident hope that the task may be accomplished, when undertaken with a spirit of candor and conciliation. After adverting to the "opposite principles maintained by the two countries respecting allegiance to the sovereign," he admits that a "serious practical question does arise, or rather has existed, from practices formerly attending the mode of manning the British navy, in times of war;" that those practices were attended "with injuries of an extent and importance so formidable" as to call for a "remedy;" and that he has "much reason to hope that a satisfactory arrangement may be made, so as *to set at rest all apprehension and anxiety.*"

Now, sir, I must say that, considering the marked contrast between the matter as well as the tone of Lord Ashburton's note, and the manner in which every allusion to the subject of impressment has heretofore been invariably met by the British Government, I cannot but regard it as a wise and honorable abandonment of this odious pretension, under the influence of a more calm and enlightened public opinion, and the progress which sounder principles of public law have happily made in the world since the return of general peace.

It is true that Lord Ashburton says that the "laws of Great Britain have maintained, from all time, the doctrine of perpetual allegiance;" and that, in virtue of these laws, "all subjects of the Crown are, in case of necessity, bound to serve their country; and the sea-faring man is natually taken for the naval service." Now, to all this, as matter of English law and English prerogative, we take no exception. But we say that the execution of English law must be confined to English jurisdiction; that, if Great Britain chooses to enforce this alleged obligation of perpetual allegiance against her natural-born subjects, who are sea-faring men, she may do so, for aught we have to say, by impressing them while they are within the limits of English territory, and on board of English ships; but that, if she attempts to do so from on board the ships of other nations, she trespasses beyond her jurisdiction, and violates the law of nations. It is to be remarked that Lord Ashburton, keeping this distinction clearly in view, while asserting the right of the Crown to the services of its natural-born subjects as a doctrine of the English law, nowhere sets upa claim to enforce that service on *board the vessels of a foreign power*—which is the *gist* of the whole controversy.

How different was the language of Lord Castlereagh, when, shortly after the commencement of the late war with Great Britain, the Government of the United States, anxious to arrest the farther calamities of the conflict, authorized a proposition to be made, through Mr. Russell, to the British Government, assenting to a suspension of hostilities on the condition of a repeal of the orders in council, and that instructions should be immediately given to discontinue the impressment of persons from American vessels, and to restore the citizens of the United States already impressed; with the understanding that, in that case, a law would be passed by Congress to prohibit the employment of British seamen in the commercial or public service of the United States. Lord Castlereagh, in his answer to the proposition of Mr. Russell, thus nakedly and imperiously asserts the British claim of impressment:

"I cannot refrain from expressing my surprise that, as a condition preliminary even to a suspension of hostilities, the Government of the United States should have thought fit to demand that the British Government should desist from its ancient and accustomed practice of impressing British seamen *from the merchan tships of a foreign State*, simply on the assurance that a law shall hereafter be passed to prohibit the employment of British seamen in the public or commercial service of that State."

In the same spirit, when the American commissioners at Ghent, in their *projet* of a treaty, offered an article proposing only a *suspension* of the practice of impressment for a limited time—accompanied, too, with a stipulation on our part to exclude British seamen from our naval and commercial service, and also to surrender deserters from their ships—the British commissioners dashed their pen through the article, simply writing the word "*inadmissible*" against it.

When, instead of all this, we see an experienced and able British statesman, charged with the views of his Government, frankly admitting the evils and injuries attending this practice, refraining from any attempt to justify it on grounds of international law, and expressing a confident belief that the subject may be satisfactorily adjusted,—and this in answer to a formal representation from the American Government, remonstrating against the pretension as utterly indefensible in principle, and intolerable in practice, and calling for its total renunciation,—does so marked a change of tone, under such circumstances, admit of any reasonable interpretation, but that the English nation and Government, under the influence of the moral and enlightened code which now controls the intercourse of nations, are prepared to abandon a claim which can find no countenance or support in the principles of that code.*

Whether, then, we look to the character of the treaty stipulations which have been entered into, or to the results of the correspondence between the representatives of the two Governments, every sound view of the interests and honor of the country equally demands the acceptance and ratification of the treaty. It is earnestly objected to the ratification, that there has been no adjustment of our limits west of the Rocky mountains. Most certainly it was greatly to be desired that our important territorial rights in that region should have been definitively established. But, if it was found impracticable to come to an agreement on this subject at present, (as the President informs us it was,) ought that to have been made a reason for declining an adjustment of so many other important interests where an agreement was practicable and on whose immediate adjustment the harmony, and probably the peace, of two great nations was at stake. The question of our Oregon territory, deeply interesting as it undoubtedly is, is not likely to suffer by waiting for a brief season; and, in the meanwhile, the adjustment of other subjects of controversy will enable us to give a more undivided attention to it, and to bring all our vigilance and resources to bear upon it. And here, sir, I must be permitted to protest against this great question being treated as peculiarly a Western interest. It has the broadest possible national relations, addressing itself to the pride and the interests of every portion of the Union; and, for one, I beg leave to say I shall be found as impracticable, if I should have any voice in the matter, in yielding one "jot or tittle" of our just rights in regard to it, as any representative of Western interests on this floor. It is henceforward the sole unsettled point in our immense boundary stretching from sea to sea, which, till now, presented so many distracting

*The following extract from the London Times, an enlightened and influential organ of public opinion in England, and especially of the party now in power, published in October last, (subsequently to the appearance of the correspondence between Mr. Webster and Lord Ashburton,) fully sustains Mr. Rives's in reference from Lord Ashburton's note:

"Mr. Webster is certainly right in contending that the evils of the system of impressment, as practised by this country in former years, are greatly enhanced when it is attempted to enforce its operations beyond the natural limits of the territory and jurisdiction of England and its dependencies. Except as a belligerent right, nothing can be said in defence of it; and even as a belligerent right, it is altogether different from the practice of visiting neutral ships in search of the enemy's property. That right is a part of the law of nations; it is a necessary part of maritime warfare; and, in spite of occasional protests against it, it has been asserted and exercised by all great maritime States, and by none more than by the French themselves, in the best days of their naval renown. But, although a neutral exposes himself to risk by taking the enemy's goods on board, and becomes *pro tanto* an enemy, the circumstance of the voluntary presence of certain English sailors on board an American merchant ship is a very questionable ground for exercising a quasi-hostile power in that vessel. For, be the municipal law of England what it may, in relation to a neutral vessel, a British officer has no claim to act under any other law than that which is recognised by the world, or conceded by special treaty.

"There is, we believe, a very strong probability that, in the event of a war, no instructions for the impressment of British seamen found in American merchant vessels will be issued to our cruisers. *The right is doubtful; the exercise of such a practice certain;* nor can it be necessary for the British navy to recruit its forces by such means. It might, therefore, be possible to accede to a declaration to this effect, and to renounce a practice which it is not intended to enforce."

points of controversy; and we shall be the better able, in future, to concentrate the national solicitude and guardianship upon it.

I am sensible, Mr. President, what deep-rooted prejudices there are in some minds, surviving (unconsciously, perhaps) our former national conflicts, which oppose any settlement, however just and honorable, of our difficulties with England. But I appeal to Senators if this is an occasion on which antipathies of that sort should be either indulged or invoked. Whatever cause we may have had, in former periods of our history, to complain of the haughtiness and injustice of England, in the present instance, at least, she has shown nothing but a spirit of conciliation and peace. I profess to be not altogether unread in the history of our eventful relations with that great power; and I take upon myself to say, that never before (with the single exception of the short administration of Mr. Fox, in 1806) has her Government evinced so sincere a desire to establish and cement cordial and friendly relations with this country. Is it either for our interest or our honor to repel such dispositions?

I know the just weight and authority which the opinions of Mr. Jefferson on subjects of national policy have with many gentlemen on this floor. They will pardon me, therefore, if I call their attention to some remarks of his, which, both for their spirit and their wisdom, seem to me full of instructive application to the present occasion. Writing to Mr. Monroe in 1806, (then our minister in London,) and congratulating him on the prospect of a just settlement of our differences with England, which the known dispositions of Mr. Fox, who had just acceded to power, afforded, he says:

"No two countries upon earth have so many points of common interest and friendship; and their rulers must *be bunglers indeed*, if, with *such dispositions*, they break them asunder. The only rivalry that can arise is on the ocean. If she is *just to us, conciliatory*, and *encourages the sentiment of family feeling and conduct*, it cannot fail to befriend the security of both."

Shall we prove ourselves something worse than the bunglers which Mr. Jefferson describes, by rashly setting aside a delicate and laborious adjustment of long-standing differences, which the just and conciliatory sentiments he invokes alone rendered possible; and thus embroil anew two powers who were but yesterday on the brink of a rupture, which must have involved the peace of the world with their own? Whatever the violence of party feeling may suggest, the sober judgment of mankind will pronounce the arrangement which has, through so many difficulties, been at last effected, a happy and providential event—above a mere achievement of diplomacy; and, hailing it as the pledge of honorable peace, and of all the high interests of civilization and improvement connected with it, will hold to no light responsibility any, on either side of the Atlantic, who, by rudely rejecting it, from passion or caprice, would commit us again to the excitements and the hazards of a renewed and exacerbated controversy.

FINE ON GENERAL JACKSON.

IN SENATE.

THURSDAY, December 22, 1842.

The bill introduced by Mr. LINN, to indemnify General Jackson for the fine imposed on him at New Orleans while in the discharge of his official duty, came up for consideration, as in committee of the whole; and there being no motion to amend, it was reported to the Senate.

Mr. LINN remarked that he hoped the bill would be ordered to be engrossed for a third reading. If there was to be any discussion on the subject, it could take place upon the third reading. It was his desire that it should be advanced now, and he hoped the Senate would consent to the course he had pointed out.

Mr. CRITTENDEN observed that it seemed to him there was no good reason for exempting it from the ordinary course of bills passing through the Senate—that of referring it to an appropriate committee. Indeed, it seemed the more necessary that this bill should now take this course, in consequence of the extraordinary manner in which the subject had been recommended to the consideration of Congress in the President's message. If it is a subject of such importance to the general welfare, as to call for that recommendation, it must surely be one which it is proper should take the ordinary course of being referred, like the other topics of the message. This is, at all events, a safe course, and one from which he would not exempt this bill. He did not well know—nor, indeed, did he consider it important—what committee it should be referred to; but he would suggest that probably the Committee on the Judiciary was the most appropriate.

Mr. LINN contended that there was nothing unusual in the manner in which he had introduced the bill, or its present position on the calendar. It was the same bill which he had introduced last session, and which was defeated by an amendment that obliged him and his friends to vote against its passage. The subject had been fully discussed then, and he really thought exhausted. It had been referred to the Judiciary Committee, and returned without any additional light. He could, therefore, see no use in such delay now. And as to the Senator's remarks in reference to the President's message, he should say that it was not at all in consequence of the recommendation in it, that he had introduced the bill; for if it never had been mentioned, he should have introduced the bill the first opportunity afforded, in the exact form in which it is now before the Senate, being the very same bill which was defeated last session. The whole subject is compressed into as few words as possible, and requires no elaborate report of a committee. When up last session, it was referred to the Committee on the Judiciary, contrary to his wishes and remonstrance. He then thought (and was still of the same opinion) that, as the introducer and mover of the bill, he was in courtesy entitled to make choice of a direct vote on its adoption or rejection, in preference to its commitment or modification. He knew that, if referred to a hostile committee, it must receive an adverse report. The Judiciary Committee last session returned it to the Senate for its own decision—perhaps not being able to come to any conclusion as to the nature of the report, which should be made.

The bill was very simple; it required but few words to express its object; that it clearly did, without the slightest reference to any controverted point; and, therefore, he could not see any reasonable objection to letting it be ordered to be engrossed for a third reading; and if then any gentleman wished to enter into discussion, he would be ready to show why he thought the bill ought to pass. It might, by common consent, now be advanced to that stage, and the discussion might proceed; or, if it was thought more desirable, a day next week might be fixed for debate, and the subject might be so postponed. When he introduced the bill, his only reason for then fixing a day for its consideration as a special order, was to proceed with it in conformity with the course pursued by the Senator from New York [Mr. TALLMADGE] on introducing his exchequer bill, which was made the special order for Tuesday next, without being referred to any committee. He wished this to take the same course, presuming that it required no elaborate report from any committee—and that there could exist no desire to give it unnecessary delay. He would now propose that the bill be ordered to be engrossed for a third reading, and that the discussion be postponed till it came up on its third reading.

Mr. HUNTINGTON objected, that if the course pointed out by his friend from Missouri were adopted, the bill would be placed beyond the stage of reference and amendment, even should it appear in discussion that either were necessary. There was, he thought, one fact not touched upon, which placed the matter in a light somewhat different from that reflected upon it last session. It was well known to the Senate that, when the subject was referred to the Committee on the Judiciary last session, and when the committee returned the bill without a report, it was because the committee had no evidence before it, either documentary, historical, or otherwise, upon which it could base a report. Now, the case may be quite different. There may be authentic evidence to lay before the committee; it may be in a condition to advise the Senate, which it did not feel authorized to do last session.

Mr. BAYARD observed, that when this matter was submitted to the Senate at the last session, he felt disposed to return the fine—not on the ground that there was any legal claim on the Government of the United States, but as a matter of courtesy—as an additional acknowledgment of services rendered. It seemed, however, that the gentlemen who advocated the bill were not satisfied with this concession, but that, seeking the absolute exculpation of the General, he and his friends insisted that his course on the occasion in which the fine originated, was perfectly justifiable—that the action of the judge was wrong, and that it is the duty of Congress to refund the fine. And this was the very issue which demanded the amendment of the bill which he had submitted at the last session. It certainly, then, did seem very odd that, after a repose of nearly thirty years, Congress should be called upon—after the circumstances had faded from the recollection of the community and of individual members of Congress—to approve of a high-handed violation of the Constitution by one of the military officers of the Government. The alternative was presented of either giving countenance to an implied approval, or expressly disavowing the intention of passing any opinion; and the Senate preferred the latter course.

Through the kindness of the Senator from Louisiana, [Mr. CONRAD,] he (Mr. B.) was now enabled to refer to more documentary evidence of the grounds of decision in the matter, than was at his disposal last session. He held in his hand a copy of the record of the court, in the handwriting of the clerk of the court, and made out at the time. He had read it carefully, and had come to the conclusion that justice to the court itself—the permanent interests of the people of the United States—required that the matter should stand as it does; and that it comports better with these interests, and the reputation of the distinguished individual in question, that the affair should rest on its present footing. This was the deliberate conclusion to which he had come. Under these circumstances, he was in favor of referring the bill to the proper committee; and this course was the more necessary, seeing that the avowed object of the bill is to procure a legislative recognition of the legality of the course pursued by General Jackson on that occasion. He himself—his friends who push this measure in its present shape—say he would disdain to accept the restitution of the fine as a gratuity. It is claimed as his right, on the ground that he was perfectly justifiable. And what is the inevitable conclusion? What but that, if he was justifiable, then was the action of the court illegal and unjustifiable. This is the conclusion, and there can be none other. He would ask, could the Senate, with a due sense of its duty, permit such a conclusion? Was it not necessary that care should be taken to avoid this conclusion? and, therefore, the bill ought to be sent to the Committee on the Judiciary, that its report may place before the Senate and the country all the facts in relation to which it is called upon to act.

It is not a light matter for Congress to sanction the idea that the lives of our citizens, their property, and their personal liberty, may, with impunity, be placed at the mercy of a military commander, and a court-martial of his officers, brought together at his summons. He knew very well that there were some very extraordinary notions entertained on the subject of *martial law*, which would render a court-martial the mere ministers of the arbitrary will of the commanding officer. Now, he thought he was prepared to show that, by the Constitution of the United States, it is not in the power even of the Congress of the United States, much less of an officer acting under a commission derived from the Federal Government, to declare martial law, affecting every class of the community. Congress may, indeed, suspend the privileges of the writ of *habeas corpus*, but cannot declare martial law to be the law of the United States, or of any part of them. There is a great and glaring error committed in this matter, by confounding these things. Civil law is that law which regulates the rights and duties of citizens generally. Martial law is a code specially applicable to the army and navy, and militia when called into actual service, and is a distinct code for their

government. Even in time of war, the private citizen, the non-combatant, cannot be subjected to the code which governs those engaged in warfare, without a manifest violation of his civil rights. A person not enlisted in the service of the United States, either in the army or the navy, or in the militia when in actual service, cannot be subjected to the operation of martial law, because Congress could confer no such power. It is limited in its powers. The Constitution says, Congress shall have power to declare war, to raise armies, to provide a navy, to provide arms and munitions of war, and to make rules for the government of the land and naval forces. On these limited and specific powers, it has been inferred that Congress may declare martial law. To avoid this very conclusion, there is an express provision in the very next section, among the restrictions on the power of Congress, declaring that the remedy of the writ of *habeas corpus* shall not be suspended, unless in cases of rebellion or invasion.

A state of war, then, authorizes the suspension of the privilege of the writ of *habeas corpus*, which is the sacred instrument of liberty in the hands of the State authorities; but does not give the right of declaring martial law, as applicable to the community generally, subjecting the citizen to a code which is summary in its proceedings, and arbitrary in its judgments. No citizen, unless with his own consent, is amenable to the military code; and that occurs when he enlists in the army or navy, or is called into action as part of the militia. There is an express provision in the 5th article of the amendments to the Constitution, which guards against such a result, by declaring that "no person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger." The only power Government has to establish a code of martial law, is in relation to those who are enlisted in its land and naval forces, including the militia. It is to be regretted that such erroneous notions, avowed in relation to martial law, should prevail in a country boasting of its civil liberty. All Congress can do, even in the cases of war and invasion, is to suspend the privilege of the writ of *habeas corpus;* and that can be done by Congress only—not by an officer of the Government without its authority. But that suspension of the writ, although it may leave the individual subject to the inconvenience of temporary restraint, does not subject him to be tried and punished by the military code. If an individual, no matter how high in commission, or how much impelled by necessity, usurps the power, he cannot be said to act rightfully, though he may be excused. A high and imperious necessity may exist, which can alone form his excuse; and whenever such a case is presented, he (Mr. B.) would sustain the officer. Whether such was the fact in the case of General Jackson, should be distinctly settled. And the report of the committee, presenting all the facts of the case, would place the matter on the right footing, and prevent any erroneous conclusions in relation to this question of martial law.

He had dwelt on this point, because he conceived these views too important to be overlooked. He had been induced to go thus minutely into the matter, with a view of showing that it contains a grave and most important question, involving not only individual life, liberty, and property, but the liberties of this country, its dearest rights, and its safeguards against the exercise of the most perilous and tyrannous power—a power such as this Government, much less its commissioned officer, has, and can have, no right to assume for a moment. He trusted that he had shown the propriety of the reference, and that it would be made.

Mr. LINN remarked that he should not have said one word more at present—wishing to reserve his remarks for the regular discussion of the measure—had not the Senator from Delaware made use of some extraordinary observations, which demanded immediate notice. That Senator says: "It has been argued by General Jackson's friends that he (General Jackson) acted in conformity with the letter of the Constitution." If there was any individual among the friends of General Jackson who made use of any such argument during the discussion of this bill last session, or at any other time, he had not heard it; and certain he was that he had not himself used one expression to that effect. What he and his friends did say was, that General Jackson, under the circumstances in which he was placed, acted nobly, and merited the approval and gratitude of the whole country, so fully, unequivocally, and repeatedly awarded to him then, and ever since the transaction. He was not the man voluntarily to abandon his duty to his country in such a crisis, and take refuge behind the letter of the Constitution for his excuse, after both country and Constitution were destroyed by an invading enemy. He was not the man for any such line of conduct.

He had not sought to place the bill on any ground different from that on which bills heretofore had been placed for refunding officers in the public service fines incurred, or judgments awarded against them, for official acts done for the benefit of the country. Money paid by them, in compliance with the mandates of the law, had been refunded by Congress; and upon the same ground he placed this bill—that of restoring to the public servant money paid by him for the public good. He had no wish to go any further with the subject than this; and would not, unless compelled by the remarks of others. He had no desire to disturb the question of the constitutionality of the matter. The question was, simply, whether General Jackson shall have the same measure of justice extended to him, which has been extended to other officers of the Government—even to the lowest in grade of your revenue officers. The cases of Generals Brown and Wilkinson, Colonel Purdy, &c., will present themselves at once to the memory of Senators; they being of a high military character. This bill must pass. The American people have willed it. It is not with them a party question. All go for it—Jew and Gentile, Democrat and Whig; and it should be done promptly.

He should repeat, that the friends of this measure had not argued it on the ground of the act for which the fine was incurred being constitutional. He apprehended not one of his friends had taken that position, and that therefore the Senator from Delaware was in error in supposing it was so advocated. The constitutional question was a *reserved question*. The friends of the bill never urged it on that ground; they never said aught about the Judge being right or wrong. There might have been those who disapproved of the course pursued by the Judge, and so condemned it. But, whether they did so or not, it had nothing to do with the bill now before the Senate, which was disconnected from any question of that kind. And, as to the record referred to by the Senator from Delaware, he knew not what it contained; but he hoped the Senator would move to have it printed. Let it come to light, and not be kept floating about in holes and corners. If there is anything in it of such importance as is supposed, it is right it should be made known—right that the country should see it.

It has been intimated by the Senator from Louisiana [Mr. CONRAD] that this bill, after so long a delay on the part of General Jackson and his friends, was a popularity-hunting scheme. It may be so; if doing justice to a venerable patriot soldier and statesman would gain him favor with his countrymen, he must confess he desired it, for he coveted the popularity which would spring from doing right; he desired no other.

It would be obvious to the most casual observer, that General Jackson could not, in the plenitude of power, ask that this money should be refunded as a mark of approbation of his conduct; nor Mr. Van Buren and his friends;—as the first was accused of subserviency, and the latter of wearing "collars." No; it is reserved for the Whigs—to his political opponents—to act with justice and magnanimity, and do the deed themselves: the more magnanimous, from the bitter political war that has been waged for so many years.

He frankly confessed that it had escaped his attention. It was first excited by the debates in the Legislatures of the States of New York and Ohio; and of the presentation of instructions to the House of Representatives in favor of this measure from the State of Michigan; in which latter, remarks were uttered by an individual alike injurious to himself and to Gen. Jackson, for he stated (as Mr. L. understood) that the General had not paid the amount of the fine himself—it being paid by others. Could there be a harsher reflection upon the honor and integrity of the man who had perilled all for his country? It was, then, important to the General's fame that all doubt should cease upon that point; that the historical fact of the payment of the amount of the fine out of his own funds should be placed beyond cavil or dispute, whilst he was yet in the land of the living.

Mr. BAYARD did not know that the Senator from Missouri [Mr. LINN] had, in debating the subject last session, put the claim on that ground; but he (Mr. BAYARD) had a distinct recollection that some one on his [Mr. LINN'S] side of the question did, and that the general gist of the argument urged by the friends of the bill, was, that General Jackson was perfectly justified in resisting the Judge's mandate. Now, he was ready to admit that it might have been a case of the strongest necessity. All he wanted was, that this point should be settled. Let a report of the committee be made, putting the matter on its true foundation. Let it be shown that it was a case of high necessity—that, under the circumstances then existing, General Jackson was excusable; and that, therefore, the fine ought to be refunded to him. But let not a bill, which is susceptible of a different construction, be passed, in the face of a construction which all know is intended to be put upon it.

Mr. HUNTINGTON observed that he rose merely to make an explanation. He understood that, when the bill last session was referred to the Committee on the Judiciary, and it made its report, all the facts were not before it. Now, a different state of facts was presented. In referring the bill to the same committee, it would be accompanied by an authenticated document, affording information to enable the committee to make a satisfactory report. The document he alluded to was that in the hands of the Senator from Delaware. He was of opinion that the bill ought to take the ordinary course of reference.

Mr. BAYARD remarked, that he had been handed the paper to which he had referred by the Senator from Louisiana, [Mr. CONRAD,] to whom he would restore it.

Mr. WRIGHT hoped the Senator from Louisiana [Mr. CONRAD] would present it to the Senate, and ask that it be printed. It is alluded to as a paper containing important facts, and it was therefore desirable that it should be printed.

Mr. CONRAD observed, that, owing to the peculiar position in which he stood in regard to the bill—which had procured him the honor of a controversy partaking somewhat of a personal character with the distinguished individual for whose benefit it is intended—he had determined to take no part in this debate, but, having already fully expressed his views, to give a silent vote. He should not now depart from this resolution, except to reply to an observation which fell from the Senator from Missouri, [Mr. LINN.] That Senator remarked that the copy of the record referred to by the Senator from Delaware was floating about in holes and corners of the Senate. He did not know exactly what meaning to attach to the expression.

Mr. LINN interposed to assure the Senator from Louisiana that he did not intend by it anything offensive or personal to him.

Mr. CONRAD hoped not; but the expression was calculated to convey the idea that there was some mystery or secrecy connected with this document; and, as the Senator from Delaware had received it from him, he would beg leave to inform the Senate how, and for what purpose, he had procured it.

Shortly after the rejection of this bill, last summer, finding it resuscitated in the House, and supposing it would probably be his duty again to vote on it, he determined to procure all the information he could in relation to the facts of the case. He accordingly wrote to the clerk of the court, before which the proceedings had taken place, requesting

him to cause an authenticated copy of the record to be made, and forwarded to him. This was done. Meantime, however, a friend in New Orleans had sent him the copy now in the hands of the Senator from Delaware, which he brought to the Senate a few days ago, when this bill was last up, and exhibited it to several members as a document ascertaining the proceedings connected with the imposition of the fine on General Jackson. By a singular chance, it is a copy made out shortly after the proceedings occurred, and is certified by the clerk who officiated in them. It is dated in December, 1815. The gentleman who sent it to him stated (as well as he recollected) that it had been found among the papers of some person deceased, by the notary who made the inventory of his estate, and had been preserved as a curiosity.

So far had it been from his (Mr. CONRAD'S) intention, or that of any other Senator, to suppress this document, that it was determined to lay it before the committee to which the bill should be referred, if it were referred, or to submit it to the Senate if the bill were not referred. In the meantime, it had been shown to many Senators, who had expressed a curiosity to see it; and it was now at the service of the Senator from Missouri, if he desired to examine it. Perhaps, indeed, it would be well to adopt the suggestion of that Senator, and have it printed for the use of the Senate.

On the question now pending before the Senate, he would only say that it was entirely indifferent to him what course the bill might take. It must be recollected, however, that in fact there had been, as yet, no report on the bill—the committee to which the former bill was referred having had no evidence before it upon which it was considered a report could be based. If the object of the Senator from Missouri was really to have this money refunded to General Jackson on terms honorable to him, (and he did not doubt that this was his object,) and not to make political capital out of the question, it appeared to him that the only way in which his object could be attained would be by the reference of the bill. What was the Senator now attempting? To have the bill adopted by the identical body which, after a protracted discussion, rejected it by a large majority, not five months ago. He submitted to that Senator's candor, whether he could expect the Senate to reverse its former decision, except on such evidence as should satisfy the majority they were wrong? On the other hand, if the bill were referred to a committee, the facts might be reported, and some mode might be suggested in its report by which the money could be refunded to General Jackson, without doing any injustice to the character of others, or encouraging the exercise, by future military commanders, of powers not conferred by the Constitution, and dangerous to the lives and liberties of our citizens.

Mr. BUCHANAN had but a few words to say on this subject. The Senator from Delaware [Mr. BAYARD] had been discharging his heavy artillery against nothing. He had not even a target to aim at. It had never been contended on this floor that a military commander possessed the power, under the Constitution of the United States, to declare martial law. No such principle had ever been asserted on this (the Democratic) side of the House. He had been induced to make this disclaimer in consequence of an attack which had been made upon him, in a well-written pamphlet signed "A Kentuckian," for having advocated such a doctrine, in conjunction, strangely enough, with the Senator from Georgia [Mr. BERRIEN] and a distinguished member of the other House, [Mr. ADAMS] He did not know who might be the author of this pamphlet; but he must express his surprise how any candid man, who had read his remarks at the last session of Congress on the subject of the remission of General Jackson's fine, could have fallen into such an error. He had then expressly declared (and the published report of the debate, which he had recently examined, would justify him in this assertion) that we did not contend, strictly speaking, that General Jackson had any constitutional right to declare martial law at New Orleans; but that, as this exercise of power was the only means of saving the city from capture by the enemy, he stood amply justified before his country for the act. We placed the argument not upon the ground of strict constitutional right, but of such an overruling necessity as left General Jackson no alternative but the establishment of martial law, or the sacrifice of New Orleans to the rapine and lust of the British soldiery. On this ground Mr B. had planted himself firmly at the last session of Congress; and here he intended to remain.

In the history of every nation at war, cases might occur of such extreme and overpowering necessity, that, in order to save the country, a military commander might be compelled to resort to the establishment of martial law. Emergencies might exist, in which he would be guilty of culpable negligence, if he refused to adopt this expedient. This was eminently the position of General Jackson at New Orleans. If, knowing, as he did, that a traitorous correspondence was carried on with the enemy, and that no other means of arresting it existed, he would justly have exposed himself to the severest censure, had he suffered the city to be sacked, rather than save it by declaring martial law. But, in every such case, the commanding General acted upon his own responsibility, and at his own peril; and must afterwards appeal to his country for his justification. To that country he had made his appeal, and it had nobly justified his conduct. It was an act of the most heroic patriotism—of the sternest duty. Most fortunate had it been for us, that a man commanded in that city who never shrunk from personal responsibility when his country was in danger.

General Jackson's situation at New Orleans presented the case *par excellence* for such an exercise of power. If we were to search the history of the world for examples—if imagination were permitted to take the widest range, we could not present, or even fancy, a case more strongly justifying, in every particular, the declaration of martial law, than that which existed at New Orleans. All the attendant circumstances are now matters of authentic history. General Jackson was sent to defend our great Western commercial city against the British forces. He was almost destitute of regular soldiers. A few thousand raw militia, suddenly brought together, constituted nearly his whole army. All that he had to rely upon was their native but undisciplined courage. He had to organize them, to discipline them, to infuse into them his own indomitable spirit, and then to lead them to battle and to victory.

And what was the condition and character of the enemy against whom he had to contend? The British General commanded a numerous and well-provided army of regulars, in a perfect state of discipline, and flushed with victory over the conquerors of Europe. Such were the fearful odds against General Jackson! We can all remember that, for a time, despair sat on almost every countenance; and we have been informed that when the news of the victory reached Congress, there was such a burst of enthusiastic joy as had never been witnessed before in these halls. This was the effusion of patriotic hearts upon the delivery of their country from fearful and impending danger.

By what means did the General achieve this great and glorious victory?

Louisiana had been a Spanish province but a few years before. Its ancient inhabitants had not become warmly attached to our Constitution and laws, as they are at present. Besides, there were many discontented foreigners within the city of New Orleans. Whilst a very large majority of the inhabitants displayed their patriotism and their courage on the field of battle, the city harbored within its bosom a number of traitors, who were in correspondence with the enemy. The General's weakness and his plan of defence were in this manner communicated to the British commander, who was thus instructed in the best mode of attack.

General Jackson was thus placed in a position of awful responsibility. On the one hand, he was aware that the letter of the Constitution conferred upon him no authority to declare martial law; whilst, on the other, he knew that the establishment of martial law was the only human means of arresting this traitorous correspondence with the enemy, and saving the city. Before this act was performed, he had consulted the leading inhabitants of New Orleans, who entirely approved the measure.

Suppose General Jackson had refused to establish martial law, and the city had been captured: how could he then have justified his conduct to his country? Could he have said, "I knew there was a band of traitors within the city, who were in correspondence with the enemy; I knew that, in this manner, all my plans for its defence would be defeated; I knew that, by declaring martial law, the city could have been saved: I knew all this, but such was my reverence for the letter of the Constitution, that, rather than violate it, I determined that New Orleans should be surrendered to the possession and pillage of the enemy? I would not, even for a few days, restrain the constitutional liberty of the citizens, even to secure the permanent salvation of the city."

No, sir, no. Excusable is not the word. General Jackson stands justified—amply justified—in the judgment of his whole country, for his conduct. This is no party question; at least, so far as I am acquainted with the feelings of the people. Posterity has already decided the question; because more than a quarter of a century has elapsed since the event. The passage of this bill, therefore, is only important as it will embody public sentiment, and place upon the records of the nation the vindication of their General.

Mr. B. had confidently hoped that, in this era of good feeling, the bill might have been permitted to pass without a word of comment. It was destined to pass; it would pass; it must pass, and that at no distant day. This act of justice towards General Jackson would as certainly be performed as that the American people were grateful to their distinguished benefactor. Then why delay it? Let the healing balm of our approbation go home to him whilst he was yet in the land of the living. Mr. B. strongly appealed to his patriotic and gallant political enemies in the Senate to suffer the bill to pass without further delay.

Mr. ALLEN made some remarks against the reference, and argued in justification of the declaration of martial law by General Jackson at New Orleans. He maintained that its declaration was indispensable to the safety of that city, and that the necessity was a full justification of the act.

Mr. CRITTENDEN followed in reply to Mr. ALLEN.

Mr. BERRIEN observed that his remarks had been misconceived in the report quoted by the author of the pamphlet signed "A Kentuckian." I said (continued Mr. B.) in the debate which took place at the last session, I gave no opinion as to the right of a military commander to establish martial law, unless the expression of my belief, that Judge Hall was bound to issue the writ of *habeas corpus*, may be considered as a denial of it: for the very obvious reason that that right and this obligation could not co-exist. If martial law was rightfully established in New Orleans, superseding, in the extent which was practically given to it, all civil authority, Judge Hall, thus stripped of authority, could have been under no obligation to issue this writ. When, therefore, I asserted this obligation, (which I did expressly in that debate,) I denied inferentially the right to establish martial law.

I did, however, say on that occasion, and now repeat it, that, if Gen. Jackson believed (and I did not question the sincerity of his belief) that the safety of New Orleans required the confinement or removal of Louallier, and persons similarly situated, he was excusable in disobeying the writ of *habeas corpus*, relying upon the country to absolve him from a responsibility which he had assumed, by adopting a measure which he deemed necessary for its defence, when the responsibility of making that defence was thrown upon him. I do not recollect that any gentleman asserted in that debate that General Jackson had a right, under the Constitution and laws of the United States, to establish martial law in the military district under his command—that is, to subject its inhabitants to the rules and articles of war. There were those who maintained that he was justifiable in doing so; which I did not. When it was admitted that the Constitution and laws of the United States gave no such authority, the legal question was at an end;

because the authority of General Jackson as the military commander of that district was derived, and could be derived, only from that Constitution and laws; and beyond these, he could have no rightful authority. I held, however, that the act of disobedience to the writ of *habeas corpus* was excusable, if it was done under a belief that it was indispensable to the safety of the city with the defence of which he was intrusted.

Mr PORTER said he would not have detained the Senate a moment at this stage of the discussion, but for the fact that he considered himself as called out by the allusion made by the Senator from Missouri [Mr. LINN] to certain resolutions adopted by the Legislature of Michigan a year ago, purporting to instruct the Senators from that State on this floor how to vote on this bill. It is true, that such resolutions were sent to me, and were in my hands pending this bill during the last session. It is also true, that I did not present them to the Senate. I regarded them as a legislative expression of opinion, addressed to myself only, and not to this body. They assumed to control my action here, but not that of anybody else. They related merely to a private claim of small pecuniary amount, and not to any great measure of national policy. It was not necessary they should be presented, in order that their moral effect should be felt here; for the fact that this legislative movement had been made, was sufficiently notorious. Whether the Legislature of Michigan be entitled to the honor, in this instance, of first imparting warmth to national gratitude, which had lain cold for more than a quarter of a century, I am not prepared to say. It would seem, however, from the remarks of the Senator, that the arrival of these resolutions in this city first prompted him to action here. That action was the introduction of a bill, at the last session, precisely like the one now before us. The fate of that bill is well known. An amendment was offered, which directed the refunding of this fine, with costs and interest; with the proviso, "that this act should not be construed as an expression of the opinion of Congress upon any judicial proceeding or legal questions growing out of the declaration of martial law by General Jackson during the defence of New Orleans." I voted for this amendment, and it was adopted by the Senate. On the question which next presented itself, viz: the engrossment of the bill, I voted in the affirmative. But that vote was rendered ineffectual by that of the Senator and his friends. The bill was lost.

It will be seen, from this reference to the history of the case during the last session, that my course has been strictly in conformity with the wishes of the Legislature of Michigan, as expressed in these resolutions. Had I been disposed to regard them as mandatory on me, I could not have acted differently. In saying this, however, I mean not to be understood as admitting myself to have been under any obligation, constitutional or otherwise, to yield the right which they assumed to exercise.

Mr. WOODBRIDGE said: It will not have escaped observation, Mr. President, that I, too, stand in the *same* relation to this matter with my friend and colleague from Michigan. It is *true*, sir, that resolutions, such as have been described by the honorable Senator from Missouri, passed the Legislature of Michigan, and were sent duly certified to us here; nor was it at all necessary, I think, that we should thus have been reminded of the fact.

The gentleman from Missouri has been pleased, also, to draw into notice our omission to present those resolutions to the Senate. For the present occasion, at least, I am satisfied, so far as regards myself, with the brief but general exposition made by my colleague, of the motives which may have induced the course we each of us pursued.

It will be observed, sir, that *my* name, too, is registered among those who, last summer, voted for a bill, the object of which was, without casting reproach upon the distinguished judge who passed the sentence, to remit the pecuniary fine imposed upon General Jackson. Nor am I prepared to say that I have since had occasion to vary the opinions I then entertained in the matter. With regard to the degree of respect in which I should hold the expressed wishes or opinions of the authorities of Michigan, on *any* subject, as well as with respect to my own estimate of the extent of the obligation which such resolutions as are alluded to may be deemed to impose, I am certainly not without some opinions of my own—and opinions I have no disposition to conceal. And I assure my friend from Missouri that I will feel myself at all times ready, if he desire it, to explain them very fully and frankly to him; or, when a fit occasion shall occur, to expose them *in extenso* here in the Senate. But now, at this late hour, I do not desire to delay the Senate by entering upon an exposition which would consume so much time. Indeed, after what my colleague has said, I should hardly have risen now, but for his omission—accidental, I presume—to notice the imputations I was very sorry to hear, but which the Senator from Missouri allowed himself to cast upon the gentleman who has the honor, in the other wing of the Capitol, to represent the interests of Michigan. I do not know in what terms that gentleman thought proper to announce the resolutions in question, in the other House; nor do I at all remember to have read the newspaper which, we are informed, contained the account of that procedure.

But, relatively to the animadversions in which the gentleman from Missouri has been pleased to indulge, and waiving all comment upon the *competency* or *propriety* of making thus the action of the other House, or of any of its members there, the subject of comment or criticism, much more of *censure*, *here*, I ask leave to say that the Representative from Michigan in the other House is, I have no doubt, abundantly competent, and on *any* proper occasion will be equally willing, fully to justify and defend his course, whatever it might have been in this regard; and I only regret that the gentleman from Missouri should *here*, in another forum, have permitted himself thus to impugn the conduct of an absent person.

The further consideration of the bill was then, on motion to that effect, postponed to the succeeding Tuesday.

Mr. LINN hoped there would be no objection to the publicity of the document in the possession of the Senator from Louisiana, and that the Senator would consent to lay it before the Senate in the proper manner to warrant that course.

Mr. CONRAD had no objection.

The copy of the record was then presented in form to the Senate; and, on motion of Mr. LINN, ordered to be printed.

The Senate then adjourned.

REMARKS OF MR. WELLER,

OF OHIO.

In the House of Representatives, January 3d, 1843.

The bill to repeal the bankrupt law being under consideration, and the debate having taken a wide range—

Mr. WELLER rose, and said he had not risen with any disposition to discuss the question really before the House. This, indeed, was required by the parliamentary law; but the common usage since he had the honor of a seat here, had been to discuss anything else except the question upon which we were called to vote. In this instance, he found it more convenient to observe the usage than the rules of the House; and he should, after a few remarks upon the question, allude to other topics introduced by other gentlemen in this debate.

Mr. W. said he was opposed to the passage of the bankrupt law at the extra session, because he then believed, as he still does, that such a law was neither sanctioned by the Constitution, nor called for by the voice of the people. After a careful examination of that instrument, he could not find that it authorized Congress to pass a law sanctioning the violation of contracts—he alluded to the retrospective feature in the law. For himself, he was in favor of a strict construction of the Constitution, and he denied to Congress the exercise of any power not expressly delegated, or absolutely necessary to the exercise of a delegated power. But gentlemen infer, because the States are in express terms forbidden to pass any laws violating contracts, and the General Government is not, that therefore Congress may violate contracts! Are we, then; to assume the power, because it is not forbidden by the Constitution? Did not the framers of that instrument intend that this should be a Government of limited, of delegated powers? If the latitudinous construction claimed by gentlemen be given to that Constitution, then the General Government is omnipotent. The States are prohibited from passing laws violating contracts; the Federal Government is not. Why is this? Simply because the States would have had the power, if not prohibited, to pass laws of that character; and because the Federal Government, deriving all its legislative power directly from the Constitution, can do nothing except that which it is expressly authorized to do. If in this he was correct, the only question which remained to be decided, was, whether Congress could exercise the power conferred to pass uniform laws on the subject of bankruptcy, without violating contracts. If this could be done, then he held we had not the power to violate contracts. That it can be done, must be obvious to all. A prospective bankrupt law, to operate on contracts made *after* its passage, would be a uniform law upon the subject of bankruptcy, and no violation of the Constitution. To such a bill, properly guarded against fraud, and so framed as to include your banks and all other incorporations, he might not be disposed to object. Then individuals would make their bargains with a full knowledge of the law. He could easily see that such a measure might operate beneficially upon the country, in checking excessive credit, and, by drawing the banks within its influence, save the people from the immense losses herefore sustained by the frauds of those institutions.

This law, (said Mr. W.,) which we are now called on to repeal, was passed under very peculiar circumstances. At the extra session, after the bill had been laid on the table (where every one supposed it was destined to sleep the sleep of death) by a decisive majority, the Whig members here were entertained that evening at a certain board, where the sparkling champagne flowed pretty freely, and where rumor said an agreement was made to reconsider the vote next morning. Sure enough, when morning came, the identical same men came into this hall, reconsidered the vote of the previous day, and, in the twinkling of an eye, this bill, with all its acknowledged imperfections, was passed. A majority of this House at that very time was opposed to it; but it was passed to secure the enactment of another bill, in which certain Western Whigs felt a deep interest—he meant the land bill; for it is well known that all the laws passed at that session were passed by contract. Not one of them had merits of its own sufficient to secure its passage, if standing alone. It therefore became necessary, in order to carry one bill, to pass several. The land bill has been virtually repealed; and now the friends of that, seeing the contract has been violated, demand the repeal of the bankrupt law. And hence we find the very men who aided by their votes in passing this bill, now clamorous for its repeal! What wonderful stability and harmony there is in Whig legislation!

But why could not the law be repealed? Could it be pretended that the people were in favor of its retention on the statute-book? Would any gentleman rise in his place and tell him that? No, sir, no one has the hardihood to hazard such a declaration. Why not, then, pass this bill instantly! Was it not the duty of this House first to ascertain public sentiment, and then make legislation conform to it? When our masters the people have clearly (as in this case) expressed their will, are we not bound to bow submissively to it? But we have been told that the people in 1840, by electing a majority of Whigs to this House, decided in favor of of a bankrupt law! He denied this *in toto*. No such issue had been presented—no such decision made. The act was passed by the Whig members here, without consulting with their constituents; or else why is it that you now find some twenty or thirty of the very men who voted for it in favor its repeal? Again: It has been said that the people do not understand this bill—that their hostility to it grows out of their ignorance! It is the practice of a certain class of politicians to denounce the people as ignorant whenever they do not act in conformity with their particular opinions. At one time you will hear them demanding that a law shall be passed, because the people desire it; but when the people are found to be opposed to it, then it is said their opposition grows out of their *ignorance!* Well, (said Mr. W.) I am inclined to the opinion that the honest farmers in any district, who have lost large amounts by the bankrupt law, know

something of its practical operation. They have seen enough of it to satisfy them that it should be repealed. The merits and demerits of the law have since its passage been freely discussed in the newspapers and in the popular assemblies, and the people have almost with one voice demanded its repeal. Why should not their judgment be carried into effect?

Mr. W. admitted that the unconditional repeal of the law might operate hard, and even unjustly, upon many individuals; for he had no doubt some honest men would be compelled to declare themselves bankrupts, in consequence of the discharge of their debtors. Some of them would, perhaps, after having been made bankrupts by the law, be excluded from its benefits. Besides, owing to the decision of one of the States, (Missouri,) that the act was unconstitutional, no one there had been permitted to avail himself of its provisions. He deeply sympathised with the unfortunate debtor, and was willing to exercise all the power conferred on him by the Constitution to alleviate his sufferings, or release him from imprisonment; but, as he held that this law was unconstitutional, he must vote for its repeal. Those who believed with him, that the act was unconstitutional, were compelled to seize the earliest opportunity to repair the breach made in its enactment. It is true, the retroactive part of the law is pretty well spent, and the greatest amount of evil resulting from it has already been felt; but, no matter what benefits might result to the country from its prospective features, he was bound to vote for the repeal of this bill.

Having said this much on the subject before the House, he would notice other questions discussed *in extenso* by some of the gentlemen who had preceded him. In ranging over the wide field of party debate, he was but following in the footsteps of his illustrious predecessors.

He knew and admitted that the present Executive had had difficulties to encounter, such as never obstructed the path of his predecessor. He came into power upon the top of a popular wave, which dashed from office a party which, for twelve years, had had, to a great extent, the possession of the Government. It could scarcely be expected that we, who had been ejected from power by the influence of his name, in conjunction with that of another distinguished individual—we, who had been so signally defeated at the ballot-box, would cherish any very friendly feelings for him. It was but natural that we should look with distrust—yea, even unkindness—upon the individual who had been one of the active agents in producing our overthrow. We came here, however, (said Mr. W.,) at the extra session, with every disposition to aid in the proper administration of the Government. That generosity and forbearance which brave and chivalric knights always extend to a defeated adversary, was not extended to us. We were taunted with our defeat; and whenever we dared to raise our voices in this hall, were told that the people had condemned us—that we were like criminals in the cart, waiting but for the arrival of the executioner to do his office upon us! You of the Whig party were then in a triumphant majority. Your victorious banner waved over twenty of the States of this Confederacy. So complete, so triumphant a victory, had never before been achieved in the annals of party warfare. He would not stop to inquire by what means this revolution had been effected. It was enough for him to say that they were such as had since been condemned by the sober judgment of the people—such as should cause a blush to mantle the cheek of those who used them—such as he trusted, for the honor of this country, would never again be resorted to. Your distinguished leader, (Mr. Clay,) whom a majority of you have so long delighted to honor, was then in the other end of the Capitol, to shapen legislation so as to secure the succession to himself. That was a happy hour for him; it was the day of his triumph. He then imagined that the difficulties which had heretofore obstructed his path to the Presidency were all removed, and that he would have an easy and rapid march to the goal of his ambition—that goal for the attainment of which he had directed all the mighty energies of his mind for more than twenty years. Already he imagined himself seated in the Presidential chair, and dispensing with a lordly munificence the patronage of the office amongst his friends and followers. But, alas! how short-sighted is man! How soon the destiny of the politician may be changed! To-day, courted and caressed by a crowd of fawning flatterers; to-morrow, when adversity falls upon him, there are "none so poor to do him reverence." Yes, (said Mr. W.,) your chieftain has fallen—fallen "like Lucifer, never to hope again"—blasted, scathed by the lightning of popular indignation, he stands a most melancholy monument of ill-directed ambition. He might philosophize over his present prostrate condition, and repeat as applicable to his own case the lines ascribed by Shakspeare to Cardinal Wolsey in the hour of his misfortune. He would not trouble the House to recite them.

[Several gentlemen around Mr. W. said, "Repeat them—let us hear them—recite them."]

Well, (said Mr. W.) I will quote them for the edification of gentlemen—

"This is the state of man; to-day he puts forth
The tender leaves of hope; to-morrow blossoms,
And bears his blushing honors thick upon him;
The third day comes a frost, a killing frost;
And—when he thinks good easy man, full surely
His greatness is a ripening,—nips his root,
And then he falls as I do. I have ventur'd,
Like little wanton boys that swim on bladders,
This many summers in a sea of glory,
But far beyond my depth; my high blown pride
At length broke under me; and now has left me,
Weary, and old with service, to the mercy
Of a rude stream that must forever hide me."

Yes, sir, there has been a "frost, a killing frost," in Ohio, where your captain went to take charge of his troops *in propriâ personâ*—in New York, Pennsylvania, Maryland, Maine—and, in fact, nearly all the States—which has nipped the root of his hopes, and produced an explosion of his "high-blown pride." That banner which waved so proudly in 1840, and under which he believed that his friends could again be rallied to victory, is now tattered, and torn, and trailing in the dust. But he had no disposition to exult over a fallen foe, nor to do violence to the feelings of his gallant friends who had adhered to him through good and through evil report, and who were still willing to do battle under his lead.

It is said, "whom the Lord loveth he chasteneth." If the degree of affection is to be measured by the amount of chastening bestowed, one would suppose that our Whig friends were the especial favorites of Heaven. Surely, no party has ever been so severely whipped. But there are some men who do not profit by experience. There are some whose souls are hardened by adversity; and he doubted very much whether the recent afflictions of the Whigs had softened their hearts, corrected their principles, improved their manners, or disposed them to abandon their heresies. Well, let them go on in their wild and reckless course. They will find that "the way of the transgressor is hard." The people, seeing that their prosperity lies in the defeat of the Whigs, will "laugh at their calamities, and mock when their fear cometh." In their efforts to break down the Executive for the exercise of a constitutional power, they will find they are "kicking against the pricks."

At the extra session, we were (said Mr. W.) in a lean minority—a minority almost hopeless. Our voices were too weak to resist the passage of the unconstitutional and dangerous laws of that session; but we fortunately found a Chief Magistrate sufficiently devoted to the Constitution (in some respects, at least) to save it from the ruthless hands of the spoilers. He vetoed the bank bill, and thus defeated a measure fraught with the most dangerous consequences to the country. He believed, if such an institution had been permitted to go into full operation, with branches extended all over the States of this Union, its corrupting influence upon the ballot-box, and upon the legislation of the country, would have been such as to have required a revolution to put it down. We all know the influence of concentrated, of organized wealth, in the hands of ambitious, designing politicians. The history of the late Bank of the United States furnishes us with abundant evidence on this subject. Well, (said Mr. W.,) the President, in the exercise of his constitutional prerogative, arrested the bill: and is it to be wondered at that we applaud him for the act? Would Whig orators on this floor expect us to denounce, with their fish-market epithets, a man who had thus nobly vindicated our principles? Did they suppose that the same base ingratitude which had, upon more than one occasion, signalized their conduct, would be exhibited by us? But he is denounced as a *traitor!* What right had they to expect that Mr. Tyler would approve of their bank charters? Had he not repeatedly, when in public life, denied, in the most solemn manner, the constitutional power of Congress to incorporate such an institution? Does any man pretend that he recanted these sentiments, when canvassing for the second office in the Government? Did he not, in his first message to Congress, say that such an institution had been condemned by the people? Could they expect him to disregard the solemn judgment of the people upon this question? Why, then, charge him with treachery? Why, say they, he is a traitor to the "universal Whig party!" During the past administration, Mr. Van Buren was denounced as the President of a *party*, which they said was dangerous—ay, *exceedingly* dangerous to the liberties of the people. Yes, said he, these eloquent orators wanted no *party* President; they wanted a man who would soar above party trammels, and preside with impartiality over the whole republic! Oh, no; there was nothing selfish in their movements; they cared nothing for office! Nothing but the most devoted affection—the most ardent love for that unhappy country which had been ruined, as they said, by the maladministration of a *party* President—fired their bosoms, or nerved their arms, in the ever-memorable contest of 1840! Well, sir, how stands the case now? Mr. Tyler refuses to be a mere *party* President; he refuses to permit a legislative caucus of Whig members to prescribe to him the manner in which he shall discharge his executive duties; he refuses to let other men construe for him that instrument which he had sworn to maintain and defend; in the language of the spoils haters of 1840, he soars above party discipline; he refuses to fill the capacious maws of the horde of hungry office-seekers who are constantly besetting him. This is the head and front of his offending; and for this, he is daily denounced on this floor by these same disinterested, no-party patriots of 1840, as a base and an infamous traitor!

Mr. W. said, he repeated that John Tyler had had no ordinary difficulties to encounter. He had been placed in a position requiring the exercise of great firmness and moral courage. He came into office when the tariff had run down to its minimum point, with an accruing revenue wholly inadequate to defray the necessary wants of the Government. The banking system—which, under vicious State legislation, had swollen to an enormous bulk—was exploding, spreading ruin and desolation over all the interests of the country. States, as well as individuals, were deeply involved in debt, and national bankruptcy seemed almost inevitable. In this emergency, he was backed by no party here. Both of the great parties in this hall were arrayed against him. The Whigs would not sustain him, because he refused to obey the mandates of their Captain-General, and because he would not direct his patronage in such a way as to secure him in the succession. The Democrats, it is true, supported some of his measures zealously; but there were others which they were compelled to oppose. Besides, they then saw, as they still see, around him some men in whom they never have had, and never can have, the slightest degree of confidence. That the President has been actuated in the discharge of his official duties, by the highest considerations of patriotism, he had never doubted. That he conscientiously believes that the measures which he has from time to time recommended to our consideration are calculated to advance the interests, and secure the permanent prosperity of the country, he did not question. And he would venture the prediction, that, after the excitement which now prevails should have subsided, and reason was once more permitted to exercise her proper influence over the minds of men, after the brawling partisans who are now denouncing him here have turned their attention to some other object, the purity of his intentions, the integrity of his motives (whatever may be the errors of his administration) will be doubted by none. Cherishing, then, (said Mr. W.,) as he certainly did, the utmost feelings of kindness and respect for the President, he trusted that he should not be charged with a factious spirit in opposing some of his measures. Whatever his personal feeling might be, that could not influence his political sentiments; he never suffered his personal attachments to control his political opinions. He was wedded to Democratic principles; he had sworn upon the altar of his country to devote his life to their maintenance and dissemination; and neither the sunny smiles or the courtly praises of friends, nor the curses or threats of enemies, could change his course.

We should not (said Mr. W.) attempt to stop the

wheels of Government merely because the man at the helm may not be the individual of our choice. As unwise would it be in the brave sailor to scuttle his vessel and sink her beneath the waves of the ocean, because the commanding officer did not navigate her in accordance with his preconceived opinions. What do we gain by stopping the Government? Do we inflict chastisement on the President, or do we spread ruin and distress amongst our consituents? This Government belongs to no party—it is the common property of us all—we are joint tenants in the glorious inheritance which has been transmitted to us by our ancestors; and we, who are charged with legislative duties, are under an obligation to see that its blessings are undiminished under our guardianship. The stars and the stripes under which our brave countrymen have so often rallied and so gallantly fought, belong to no party; they are the representatives of the whole American Republic. He humbly conceived that it was the duty of the Democratic party to sustain the Administration, whenever they could do so without abandoning any of the principles upon which they have hitherto acted. Our political creed, being that upon which Jefferson and Jackson acted, is well understood by the country; and whenever the measures of Mr. Tyler are in conformity with that creed, they will receive our cordial support; but when they come to us in questionable shape, containing any of the old leaven of Federalism, we are bound to oppose them; and he trusted we should do so boldly and fearlessly, regardless of the consequences to ourselves. He would make no compromises with any party, which required the sacrifice of a Democratic principle.

If (said Mr. W.) the gentleman from Massachusetts [Mr. CUSHING] had, as was represented, come into this hall holding up the patronage of the General Government as a prize to be struggled for by the respective parties, he would have told him that the President had not patronage enough (even if he was so disposed) to purchase so humble a member as he was—much less a majority of the Democratic party. No, sir; he would sooner see his own right arm stricken from his body, and his tongue palsied, than sacrifice his principles, or any portion of his independence of character, at the footstool of any President. The mass of the Democratic party were made of sterner stuff than to be seduced from the allegiance they owe to their principles by the hope of office.

If (said Mr. W.) there be an idea in the mind of any one that a party can be organized and sustained on executive gifts, let me say that, in my judgment, it is entirely fallacious. The Administration must rely upon principles; and, if it expects the support of the Democracy, it must take care to make those principles Democratic. Executive patronage may gather around the person of the President the speculating, trading politicians, who regard public virtue as the mere coquetry of political prostitution; but the first cloud of adversity that rests upon him will be the signal for a general desertion of his cause. In the hour of his prosperity, they may load his ears with fulsome praises; but in the hour of need they will abandon him.

Other gentlemen had defined their position in relation to the coming contest. So far as he was concerned, if any gentleman desired to know where he expected to be, he could answer that in a few months he should lay aside his legislative robes and become a private citizen. He expected that a national convention would be held, to reconcile the differences of opinion which now exist among us as to who the candidate shall be. When the result is announced, he should be found as an humble private, supporting that nominee, come he from the North or South, the East or West. He held on to the principles upon which he came into public life, and, sink or swim, he should not abandon them.

REMARKS OF MR. KENNEDY,
OF INDIANA,

In the House of Representatives, Dec. 28, 1842—On the bankrupt law.

Mr. EVERETT having called the previous question,

Mr. KENNEDY appealed to him to withdraw it until he, or some other person on his side of the House, could be heard a few moments.

Mr. EVERETT refused to comply.

Mr. KENNEDY said, if he could make no better bargain, he would undertake to renew the motion when he was through with his remarks.

Mr. EVERETT persisted in his motion. [Cries of "Vote it down."] And the question being put on a second to the previous question, the House, by a clamorous majority, refused the second. Whereupon,

Mr. KENNEDY proceeded to address the House as follows:

Mr. Speaker: The question of repealing the bankrupt law has unexpectedly created great excitement in this House, not so much from the debate on the main proposition of repeal, as from some incidental remarks which have fallen from two sides of the triangle on this floor. And as I belong to the other side of this three-cornered fight, I beg to be heard a few moments before the debate closes.

It is known to members here that I voted against the passage of this law. I did not give this vote because I was opposed to a well-regulated system of bankruptcy, but because this bill was not such a one as I believed the Constitution contemplated or the interest of the country demanded. But, however objectionable it was in its original inception, I am free to confess that, in my judgment, it has worked its worst; or, in the language of the gentleman from Vermont, who advocated its passage, and now seeks its repeal, "It has answered the purpose of its passage;" or, as I would express it, "It has answered the purposes of those who passed it." It has given the power to many millionary debtors, who, in equity, should never have had the benefit of its provisions to wipe out their honest debts; and now, when the time has arrived that some honest men, who have been made bankrupts by applying this sponge to debts due them, are about receiving the benefits of the law, it is to be repealed; and repealed, too, on the motion of those who advocated its passage, and who have the effrontery now to declare that they intended originally that it should have but a temporary duration.

I respond, then, to the declaration of the gentleman from Vermont, when he says "It has accomplished its object." And I say to that gentleman, and to the House, that, although I voted against this law in its inception, yet if I had any well grounded hope that a proper system could be ingrafted on this act, I would freely and fearlessly vote against its repeal. But, sir, this thing has gone forth to our constituents in its original deformity, and accumulated against it such a fearful denunciation as calls for its sudden and total repeal.

Under these circumstances, I shall vote for the repeal, hoping that, at some future time, an equitable and constitutional bankrupt law may be enacted. But, whilst I am on this subject, I beg leave to say, that the mode and manner of passing this law has done more to render it so universally odious than even its unjust provisions. In treating of this subject, I hope the House will excuse me if I speak plainly.

What were the circumstances under which this law was passed? I understood at the time of its passage—nay, it was then bold y avowed—that its passage was to secure the passage of another law: I mean the distribution act. But I have been told by a member of this House, (and one, too, who avowed his participation in the act,) that it was passed for the purpose of carrying the elections in the States of New York and Maine. I understood from this gentleman that it was feared, and so represented in Whig caucus by the members from those States, that, unless this law was passed, the Whig party would be defeated there in the then coming elections. What a reason of state for the passage of a law! If you Western Whigs, whose constituents are opposed to the law, will nevertheless pass it, we, on our part, will stipulate and agree to use it as an instrument to carry the elections in our States for the Whig party. Shame on such a prostitution of legislative functions! But it turns out, in the sequel, that although the price was paid for Whig delegates in the 28th Congress from the States of Maine and New York, yet the votes are not forthcoming. There has been a Yankee trick played off on our Western gentlemen. The Whigs have been routed, horse, foot, and dragoons—or rather I should say "raccoons"—in these two States. And I suppose our boys, not to be outdone by their Yankee brethren, are determined to take back the consideration by repealing the law.

Now, sir, I say, on leaving this part of the subject, that if this law was passed by these means, and for such objects, it was an unholy, dishonorable, and damnable combination; and if such practices be tolerated by the people of this country, it will end in the total corruption and overthrow of the legislative functions of this Government. I repeat, then, that the mode and manner of the passage of this law went further in rendering it universally odious than even its unjust provisions. It is objectionable, first, for what it contains; and, secondly, for what it does not contain. The law ought never to have operated retrospectively; for, by destroying existing contracts, it amounts to repudiation. It is a congressional sponge, that wipes out all old scores. This feature rendered it justly odious to a debt-paying people. But further, it ought to have embraced within its provisions all corporations issuing paper to circulate as money. It was odious, then, from this omission. And hence the people demand its repeal; and repealed it must be. So much for the repeal bill.

The debate on this bill was opened by the gentleman from New York [Mr. BARNARD] with a long and doleful history of the discomfitures and disasters it had occasioned the universal Whig party. Sir, whilst listening to that lamentable recapitulation, I really had my sympathies enlisted. My heart is warm, and rather tender; and although I can war against the Whigs to the knife—ay, and the knife to the hilt—whilst they are before me in the open field; yet when they come to us with such tales of wo as have been repeated on this occasion, I cannot and will not withhold a sympathizing *tear*.

I think the gentleman likened their cause to that of some miserable criminal, who was condemned to the task of rolling a heavy load up a steep hill, but to be met at the top by a force which would instantly hurl him and his load to the bottom again. Sir, this was a hard case, but an apt and striking illustration. True, the Whigs have been engaged in rolling a heavy load of condemned and exploded measures, and they have rolled them up the steep of public opinion. These measures had been condemned to the garret of "obsolete ideas" for the last quarter of a century. By immense labor, long-continued, they did, at the extra session, by a desperate effort, succeed in reaching the brow of the hill; and here they were met by an indignant constituency, and they and their load hurled to the bottom, leaving them and their measures in a state of total wreck and ruin.

I now enter upon that part of the debate which has been called the *desultory*, the *incidental*, or *accidental* part.

Here let me refer to the remarks of the gentleman from Massachusetts, [Mr. CUSHING.] He says that the Whigs as a party have dashed themselves to pieces against the buckler of executive power, which power he has ingeniously denominated a "*constitutional fact.*" Now I can tell the gentleman from Massachusetts that he too is mistaken; and I beg leave to correct him, as it is my intention, as I proceed, to strike to the right as well as the left. The gentleman is wrong, then, in supposing that the Whig party has broken itself into the fragments that it now exhibits, either against executive power, executive vetoes, or what the gentleman calls a "constitutional fact." No, sir; they have dashed themselves to atoms against the "buckler" of public opinion. The secret of this fearful destruction which has so unexpectedly overtaken them, is to be found in that series of public measures which was so hastily, at the extra session, called from the storehouse of "obsolete ideas," and attempted to be forced through Congress as a grand whole; and this, before the people had time to cool after the glorious victory of 1840. Now, those gentlemen who believe in their consciences that those measures are for the public good, deserve great credit for their zeal in their enactment, for there is nothing more to be admired in a public man than a fearless and independent discharge of what he thinks his duty; but, in persuading themselves that the people were in favor of those measures, or that they were for the public weal,—in this consisted their error. In the last Presidential canvass, the Whigs played the game of hide-and-go-seek with the people. They nominated candidates of doubtful politics, so that it could be said in one section of the country that they were in favor of one set of measures, in another of another; for a bank and against a bank; for a tariff and against a tariff; for distribution and against distribution, according to the section in which the assertion was made, or would suit popular feeling. Thus they contrived

to rally men of all shades of opinion, and by this means united the entire elements of opposition. By the combined efforts of this motley crew, the solid and well-formed ranks of Democracy were broken, and they came into power flushed with an unexpected victory. But what followed? When they ceased to break down, and undertook to build up—when they ceased to object, and attempted to project—they suddenly found themselves in the *fix* alluded to in this debate. They soon went to pot; or, as the gentleman from Massachusetts has it, they found themselves dashed to atoms against "a constitutional fact"—against which constitutional fact the gentleman kindly warns us of the Democratic party that we may chance to knock out our brains.

One word now to my friend and colleague, [Mr. THOMPSON] He says that the gentleman from Massachusetts [Mr. CUSHING] has set up the Government at auction, to be knocked down to the highest bidder; that that gentleman has openly proposed a coalition with the Democrats; and that if we say nothing, the old rule of "silence gives consent" will attach. Now, I am aware that what is said by that gentleman on this floor is read with great interest by our people at home; and hence I feel myself called on to make an immediate response. For myself, I did not so understand the gentleman from Massachusetts; I did not understand him to sell out the Administration to the highest bidder, though I confess it *squinted a little that way*. What I understood the gentleman to say was, that the dominant party in this House had become, by its course towards the President, nothing more nor less than a miserable faction; that they were willing to trample under foot all regard for the Constitution, as well as the best interests of the country, in order to "head Capting Tyler;" and that they manifested a spleen totally unbecoming American Representatives. I certainly did not understand the gentleman to mean any more than that, as John Tyler was the President, and it was his duty to discharge the public functions belonging to that station, and being thus opposed by the majority in Congress, he was bound, and would carry on the Government by the best means within his power. To this, and thus far, then, I respond to the gentleman from Massachusetts; and I take it upon myself to say, that, although it is not material to the people of this country who is President, yet it is, nevertheless, very material that their Government should not be stopped. If John Tyler finds the Whigs constantly blocking up his way, in his honest intentions to do his duty—constantly clinging to the wheels of Government to impede its progress—then I hold it not only to be his right, but his bounden duty, as President, to look beyond that party, and to every part of the country, for that aid which he has a right to expect from those who put him in power.

One word as to the bid that the Democrats will make at this presidential sale, which my colleague says is coming off. I do not speak by authority, but I speak as one of the fifty-three thousand Democrats of the Hoosier State; and as I am the only one of the number who now has the right to speak here, I speak with the more freedom. If I am required to bid, I must first know the terms of sale;—whether the bids are to be made orally or in writing. In the latter case, I should be cautious, as I have always found it to be extremely inconvenient and troublesome for a politician to put his thoughts to paper. They sometimes become extremely hard to explain away.

But, to be serious: I tell my colleague that so far as myself, or those I represent, are concerned, I have no bid to make; no political alliances to form with any man; no threats to fear from any quarter. We have but one set of plain, straightforward principles; and, so far as the Executive is concerned, or anybody with the Executive—so far as the Executive will carry out those principles, so far will we stand by and support him; and not one inch further.

As for the offices of the Government, which, it has been supposed, were offered under disguise by the gentleman from Massachusetts—for myself, and my political friends whom I represent, I must say I want none of them. If one of my political friends should ask me to use my influence (if any I possessed) to get him an office, my reply would be, No, sir. And why? Because I do not believe it right to hold office under this, or any other administration, unless you can give it a full and fair support. I hold that John Tyler has a right—nay, more, that it is his duty—to place in office under him such men only as can and will give to his administration a full and free support, if such can be found. I care not if, on this ground, he removes some, and puts in others. I never complained of President Harrison for doing this. I thought it his right and duty thus to act. What sort of policy is it to have enemies in your camp?—men on the watch to undermine or betray all your measures? What is this but political suicide? This is what I shall demand of nobody.

I believe that President Tyler ought to have his friends in the executive offices—provided, always, they are capable, and faithful to their trusts. So far, then, as offices are concerned, the President has none that I would receive or ask for my political friends; and I may add, that *I suspect any man's Democracy who may be found applying for them.*

As to the supposed threat, that the veto power, at a subsequent period, will be used against us: I understood the gentleman from Massachusetts to say, in substance, that the Whigs passed certain measures through Congress; that the President had vetoed them; that the wild fury of resentment exhibited by that party against the Executive, for thus exercising the veto power, had destroyed them. Now, gentlemen Democrats, as you will have a majority in the next Congress, I warn you not to adhere to your old musty notions of a sub-treasury, &c., but to come in and go with us for the exchequer; for, if you do persist in sticking at the President your ultra measures, why, he'll hit you across the face with a veto too. For myself, I hardly expect to be a member of the next Congress, as I am persuaded that a pretty considerable number of my worthy constituents have serious objections. But, if it should be my good or bad fortune to be here at the next Congress, I will most assuredly vote for such measures as I think right, regardless of consequences. And, should the President veto any or all of them, although I am not prepared to say what I would do, yet I am fully prepared to say what I would not do: I would not turn round and commence a vindictive and personal war against the President, for an honest discharge of what he believes to be his duty; much less would I, because he had thwarted my favorite plans, take advantage of the excitement it might engender, to tear the Constitution of my country to tatters—thus madly destroying this ark of political safety purchased for and handed down to us by our patriotic fathers, at the cost of so much blood and treasure.

If, however, my poor advice should be asked by my Democratic friends as to their future policy, I would say to them, give the Executive no occasion to use the veto power against you. I have no notion of making a greater man of John Tyler than the Almighty intended him to be. Therefore, I would avoid giving him occasion to use this powerfully popular weapon. No, sir: I would force on him no bill but such as I was satisfied he could conscientiously approve. I never desire to get a stroke with such a weapon across my political pate. It makes a most ugly scar. If there is any characteristic in a public man that the people admire, it is a bold and fearless discharge of duty; and I have never yet known the veto power used, that the masses did not rally around and sustain the President in its use. It is instinctive in our people to rally round and support the man who fearlessly "assumes the responsibility." It was imputed as a sin to President Jackson that he said, "I take the responsibility." Never did politicians make a greater mistake than charging this as a sin. Sir, it was the consciousness of having taken this responsibility which nerved the old Roman's arm, until it became as an iron sinew. It was this cry against him of "tyrant," which called the honest yeomanry of the country to his support. They believed his heart was pure, and his purposes patriotic; and when they saw him nerve himself to the conflict, regardless of all consequences, then it was that they rallied around and buoyed him up to a point in popular affection rarely reached by mortal man.

One word in relation to my opinion of President Tyler. I think him a very honest man; but not as great a man as General Jackson, by considerable.

I will tell gentlemen further, that there is little likelihood of all the "storms" that have or can be raised ever "blowing" John Tyler into the presidential chair again. Gentlemen need not count much on that. He will be suffered to retire, at the end of his present term, with a good honest name. To be sure, it will be somewhat bespattered with the spleen and filth of the party who put him in power; but what of that? The world will appreciate the motives of his calumniators. He has already been treated to a round of billingsgate, and denounced as a traitor. A traitor to what?—to his country? No. No man, as yet, has dared such an avowal. But a traitor to his party! And who is it, pray, who thus deals in epithets? It is the self-same men who once denounced Gen. Jackson. And what was he denounced for? These classical epithets were poured with much profusion upon his venerable head because he, forsooth, went with his party. According to the notions of these president-revilers, it was treason for him to go with his party, while it is treason in Tyler to go against his party. Sir, the people have seen these pretended patriots denouncing the President because he did, and the President because he does not, until they are becoming somewhat suspicious of the motives of such rabid politicians. But let no man suppose, from this remark, that I am going to join in the hue-and-cry lately raised against "radical" or ultra politicians. No, sir. *I am, myself, "radical" to the root;* and my party feelings, like the roots of our forest oaks, strike deep into the soil of my social affections. Yes, sir, I am radical throughout, and a pretty terrible fellow when once going; but I beg leave to remind gentlemen again, that when the people hear us clamor one thing to-day, and another to-morrow—denounce one man for sticking to his party, and another for not sticking to his party—they will be apt to conclude it is done more for the party than for the country.

The gentleman from Massachusetts has intimated that there will be trouble in our own ranks; that there are breakers ahead. He says that the names of our candidates for the presidency are "legion." Now, I will take the liberty of informing that gentleman that he need give himself no uneasiness on that subject. It is true, we have many eminent and worthy sons in our ranks, whose talents and services to our country eminently qualify them for that high station. Most, if not all of them, are striving with a laudable ambition, by worthy means, to reach that summit of human ambition. But, the gentleman from Massachusetts must recollect one other thing; and that is, none of our men ever come before they are called. We have a long established usage in our household upon this subject. We submit all our claims, and the claims of our respective friends, to the decision of a majority of our friends in convention. Such a meeting we are yet to have, when the conscript fathers of our faith will meet in council. When they have thus spoken, their voice will be responded to with one universal shout of approval, from Maine to Arkansas. Before that day arrives, we each have our preferences, and will freely express them. After that day has passed, these personal preferences give place to our zeal for the good of the whole. My colleague [Mr. THOMPSON] likewise indulges in the hope that a division may yet spring up amongst the Democracy. And with a view to foment these supposed differences, he has artfully spoken of geographical divisions. He says he had hoped to meet, in our next fight, the great Southern chief. At the same time he expresses this wish, he insinuates that this fancy of his is not likely to be gratified, judging from the "signs of the times."

Let me tell my colleague that he is not a good observer of the "signs of the times." And further, if he supposes that that chief will be the easiest overcome in the coming conflict, he is mistaken in that too. If the mantle of the people's choice should fall upon the shoulders of that chief, I, for one, will give the hearty response—Amen. Under his lead, or that of any one of our great chiefs, I will go into the battle, with full confidence in being able to scatter the cohorts of Whigery, backed though they may be with the *disaffected from all quarters;* to which you may add, if you please, *the influence of the "constitutional fact."* Here let me remark, that, if President Tyler can answer the catechism, and receive the nomination of the Democratic convention, then I stand pledged to go for him—[A voice: "And not otherwise"]—and not otherwise.

We seek this unanimity of action in our entire party, not for the purpose of office or patronage; for, however honorable and desirable it may be to serve our country in the numerous offices of trust or profit attached thereto, yet this with us is a secondary consideration. It is for the purpose of carrying out certain great leading Democratic measures that we seek power. [A voice: "What are

they?—name them."] Sir, I have not time now to enumerate them; but, to satisfy the gentleman, I now pledge him, that if, after my political friends shall have nominated their candidate for President, they do not give them to the world in black and white—if they do not write them out in bold relief, so that he who runs may read—or if they should attempt to play the game of "no more disclosures for the public eye"—then, before God, and in the face of the people, I will denounce them, and refuse to act with them. Does this satisfy the gentleman?

Yes, sir, in due time our banner will be unfurled to the breeze. The mouths of our prophets will be open; and, as I said before, if John Tyler can respond to these principles, one and all, and receive the nomination of the Democratic convention, he will be good enough for me, *notwithstanding the corruption that surrounds him.*

Some of John Tyler's acts I most heartily approve; and I am not going to attempt to close the Democratic temple against him, or any other person who chooses to come. But there are, I confess, some of those surrounding him, who, I think, would make an awkward appearance in our ranks. *Only think, for a moment, of an Administration with Daniel Webster and John C. Spencer for its high priests, endeavoring to recommend itself to the Democracy!* Sir, you might as well attempt to graft a crab-tree on an orange-stock. Yet, Mr. Webster has said somewhere—at "Patchogue," I believe—that he was a Democrat—a Democrat of the Jefferson school. It may be so; but I was not taught to believe Webster a Democrat. I confess I have strong prejudices against the man; but, notwithstanding I have looked upon him as a political leper, yet I confess that, since he has been so liberally denounced by his old cronies—by those who used to call him the "god-like"—those who ate bread with him—and, above all, those *who drank his wine on the night preceding the passage of the bankrupt law*,—since these men have denounced him, I have thought that possibly there was something good in him. These denunciations have caused me to look a little closer into his political history; and if, upon full examination, I find one good act—one single green spot to rest my eye on—I will consent that he may come into our party: *provided, always*, he comes as a private; as a "capting," he cannot come.

As to bargains, I tell my colleague, [Mr. THOMPSON,] on behalf of at least the Democracy of the Hoosier State, there will be none made. But at the same time that we refuse to assume the responsibility of this Administration, we will, by no means, refuse to aid the Administration to carry on the Government. We will not refuse to support a good measure, simply because it is recommended by a man in whose election we had no agency. I, for one, will vote for every measure I think right, let who will recommend it; much less will I join in an attempt to tumble my Government to pieces, merely for the gratification of seeing John Tyler buried under its ruins.

After the general route sustained by the Whig party since the last adjournment of Congress, I had hoped they would have been taught wisdom, and somewhat changed their haughty dictatorial tone. Whipping is beneficial generally on bad children, and I thought it would have done the Whigs good. Never did a party so much need taking down. None was ever so haughty, so presuming, so self-conceited. Well do I remember the declaration of the imperious tenant of Ashland, that the Democrats were like criminals on the hangman's cart, waiting only for the order of execution. Yes, sir, no longer ago than the extra session, this was the language of the *master* here, and repeated by the *man* the country over. Indeed, it appeared to me at the extra session, and a part of the last, that the entire party had tried how they could act the tyrant. All discussion, all freedom of debate, was effectually set aside—the gag introduced—the hour rule applied—and this hall, sacred to liberty, made to play second fiddle to *caucus rooms*. Let me here put in a few words in exculpation of some of those who aided in this work of furies I do not accuse my Whig friends with having perpetrated all the mischiefs of which they were the authors, out of mere wantonness. It grew partly out of ignorance of their duties. They knew not how to manage. They had been a long time out of power—they had been running on grass, (to use a farmer's phrase,) until they had become lean and lank. The consequence was, when they got into clover, their course was constantly marked by the most enormous excesses. Such another set of legislators I hope never again to see.

At the commencement of this session, I hoped, from their conduct, that the late elections had had their desired effect on the Whigs in this House. Under this impression, I wrote to numbers of my friends that the Whigs were quite tame, and disposed to attend to public business. If, however, it shall turn out that *destruction* is not sufficient, but that nothing else than *annihilation* will do this party, I hope, at least, that those who are yet sober on political matters will take the warning which the prostration of the late Whig party gives to the world; and, in future, let politicians here make the laws, and the people will make the Presidents.

In defence of the gentleman from Massachusetts [Mr. CUSHING] against the charge of the gentleman from Vermont, [Mr. EVERETT,] I am bound to say that this party and personal debate did not originate with the gentleman from Massachusetts. If my memory serves me, it originated with the gentleman from Tennessee, [Mr. ARNOLD,] who opened up the floodgates of his wrath against the Administration, and poured sluices of billingsgate upon the heads of John Tyler and his friends; a liberal share of which was meted out to what he calls "the *sub-tranian* Democracy."

Thus, you see, this debate originated on the opposite side of the House. Indeed, I have never known one of this character that did not; and I now challenge any person within the sound of my voice to mention the occasion, since this Congress commenced its first session, when any member of the Democratic party commenced a party debate that consumed the time of the House one hour. There is no such instance. Heretofore, during this session, the Whigs, smarting under their late castigation, have forborne to enter into a personal or party debate. Within the last few days, however, they have shown an evident disposition to launch out into their former practices of violence and vituperation. Is it, then, to be expected that the particular friends of the President will sit still, and hear themselves and their friends violently and wantonly assailed, without making a proper reply and suitable resentment? The whole course of my Whig friends here seems to me to be directed to sustaining the power which they by accident obtained; and I will be excused for saying that, unless they alter their course, and that speedily, such an accident will never happen to them again.

One word further upon the subject of a coalition between the Administration and the Democrats. I see no signs of such a union. There seems to me as much prospect of the ultra Whigs—the "white Charlies"—coalescing with the Democrats, as there is of Tyler and his friends. I hope, therefore, that I, for one, shall not be subjected to the suspicion of bargain and intrigue. It was the supposed, if not real, bargain between the venerable ex-President now on this floor, and the "Western Star," which caused the sun of Ashland to set, and set forever. With this example of results before me, I pray my name may never be tainted with the suspicion of a political bargain. I am now just starting out in political life, and I cannot say where I may want to go yet;—perhaps I may aspire to a seat in the Senate—perhaps to the Vice Presidency, or even the Presidency. There is no telling where the untamed ambition of a native Hoosier may lead him; but, come of me what may, I pray that I may never have attached to me even a suspicion of political bargain and sale.

One concluding remark to my colleague and the gentleman from Massachusetts, in relation to the geographical divisions which they hope will spring up amongst the Democrats. Both these gentlemen seem delighted with this idea. These gentlemen know nothing of the "hooks of steel" that bind Democrats each to the other, and all together. If they did, they would know that the affections of that party towards their public men are not in the least degree dependent upon geographical location. Democrats know no distinctions of geography. The links and bonds that bind them together are sufficiently large to embrace a hemisphere within its circle. Let the nomination once be made—there will be no difference whether the candidate comes from the North or the South, the East or the West. Nor will it be material who opposes—the Whigs, the "white Charlies," or even the "constitutional fact," or all these together. Give us an open field and a fair fight, and we will lick them, one and all—else I am no prophet.

SPEECH OF MR. BENTON,

OF MISSOURI,

In Senate, Thursday, January 12, 1843—On the Oregon bill.

Mr. BENTON said, in substance, that the objections to this bill grew out of the clause granting land to the settlers, not so much on account of the grants themselves, as on account of the exclusive jurisdiction over the country, which the grants would seem to imply. This was the objection; for no one defended the title of the British to one inch square of the valley of Oregon. The Senator from Arkansas, [Mr. SEVIER,] who has just spoken, had well said that this was an objection to the whole bill; for the rest would be worth nothing, without these grants to the settlers. Nobody would go there without the inducement of land. The British had planted a power there—the Hudson Bay Fur Company—in which the old Northwest Company was merged; and this power was to them in the NEW WORLD what the EAST INDIA COMPANY was to them in the OLD WORLD: it was an arm of the Government, and did everything for the Government which policy, or treaties, prevented it from doing for itself. This company was settling and colonizing the Columbia for the British Government; and we wish American citizens to settle and colonize it for us. The British Government gives inducement to this company. It gives them trade, commerce, an exclusive charter, laws, and national protection. We must give inducement also; and our inducement must be land and protection. Grants of land will carry settlers there; and the Senator from Ohio [Mr. TAPPAN] was treading in the tracks of Mr. Jefferson (perhaps without having read his recommendation, although he has read much) when he proposed, in his speech of yesterday, to plant 50,000 settlers, with their 50,000 rifles, on the banks of the Oregon. Mr. Jefferson had proposed the same thing in regard to Louisiana. He proposed that we should settle that vast domain when we acquired it; and for that purpose, that donations of land should be made to the first 30,000 settlers who should go there. This was the right doctrine, and the old doctrine. The white race were a land-loving people, and had a right to possess it, because they used it according to the intentions of the CREATOR. The white race went for land, and they will continue to go for it, and will go where they can get it. Europe, Asia, and America have been settled by them in this way. All the States of this Union have been so settled. The principle is founded in their nature, and in God's command; and it will continue to be obeyed. The valley of the Columbia is a vast field open to the settler. It is ours, and our people are beginning to go upon it. They go under the expectation of getting land; and that expectation must be confirmed to them. This bill proposes to confirm it; and if it fails in this particular, it fails in all. There is nothing left to induce emigration; and emigration is the only thing which can save the country from the British, acting through their powerful agent—the HUDSON BAY COMPANY.

Mr. B. said he would not restate the American title to this country: it had been well done by others who had preceded him in the debate. He would only give a little more development to two points—the treaties of 1803 and 1819; the former with France, by which we acquired Louisiana; the latter with Spain, by which we acquired all her rights on the northwest coast of America north of 42 degrees. By the first of these treaties we became a party to the 10th article of the treaty of Utrecht, between France and England; the treaty of peace of 1714 which terminated the wars of Queen Anne and Louis XIV, and settled all their differences of every kind in Europe and America, and undertook to prevent the recurrence of future differences between them. The 10th article of this treaty applied to their settlements and territories in North America, and directed commissaries to be appointed to mark and define their possessions. These commissaries did their work. They drew a line from ocean to ocean, to separate the French and British dominions, and to prevent future encroachments and collisions. This line began on the coast of Labrador, and followed a course slightly south of west, to the centre of North America, leaving the British settlements of Hudson's Bay to the north, and the French Canadian possessions to the south. This line took for a landmark the Lake of the Woods, which was then believed to be due east from the head of the Missi-

ippi; and from that point took the 49th parallel of north latitude indefinitely to the west. The language of the line is "*indefinitely;*" and this established the northern boundary of Louisiana, and erected a wall beyond which future French settlements could not cross to the north, nor British to the south.

As purchasers of Louisiana, the treaty of 1803 made us party to the 10th article of the treaty of Utrecht, and made the 49th parallel the same to us and the British, which it had been to the French and the British: it became a wall which neither could pass, so far as it depended upon that line. This the British saw, and quickly went to work to abrogate or mutilate a line which presented an impassable barrier to their designs upon the Columbia river. The American, Captain Gray, had first discovered that river at its mouth, in 1790; Lewis and Clarke had discovered it from its head to the sea in 1804–5; and these discoveries of contiguous territory gave us the rights of first discovery over the whole river, in addition to the rights derived from treaties. But no sooner had Captain Gray discovered this great river than the British coveted it, and sent out McKenzie to discover it over again, and especially to find its head in high northern latitudes. To do this, McKenzie, proceeding from Canada, bore far to the north; missed all the waters of the Columbia; fell upon the *Tacoutche Tesse;* and struck the ocean five hundred miles (following the coast) to the north of the Columbia. Thus, this attempt to hatch a claim to this river, by discovering it at the head, after we had discovered it at the mouth, entirely failed; and the British were left without a pretext for claiming our property. In this dilemma, McKenzie proposed to make short work of it with the United States: he proposed to seize the river, and to hold it, because it was necessary to the British scheme of trade and domination in that quarter; and to expel all "*American adventurers*" from it. His advice was in these words:

"The Russians, who first discovered that along the coasts of Asia no useful or regular navigation existed, opened an interior communication by rivers, &c., and through that long and wide extended continent, to the strait that separates Asia from America, over which they passed to the American continent. Our situation is at length in some degree similar to theirs—the non-existence of a practicable passage by sea, and the existence of one through the continent, are clearly proved; and it requires only the countenance and support of the British Government to increase, in a very ample proportion, this national advantage, and secure the trade of that country to its subjects. * * * * * * By the rivers which discharge themselves into Hudson's Bay, at Port Nelson, it is proposed to carry on thre trade to their source at the head of the Saskatchiwine river, which rises in the Rocky Mountains, not eight degrees of longitude from the Pacific ocean. The Columbia flows from the same mountains, and discharges itself into the Pacific in north latitude 36 degrees 20 minutes. Both of them are capable of receiving ships at their mouths, and are navigable throughout for boats. * * * * * * But whatever course may be taken from the Atlantic, the Columbia is the line of communication from the Pacific ocean, pointed out by nature, as it is the only navigable river in the whole extent of Vancouver's minute survey of the coast. Its banks also form the first level country in all the southern extent of continental coast from Cook's entry, and, consequently, the most northern situation suited for the residence of a civilized people. By opening this intercourse between the Atlantic and Pacific oceans, and forming regular establishments through the interior, and at both extremes, as well as along the coasts and islands, the entire command of the fur-trade of North America might be obtained from latitude 45 to the pole, except that portion of it which the Russians have in the Pacific. To this may be added the fishing in both seas, and the markets in the four quarters of the globe. Such would be the field for commercial enterprise; and incalculable would be the produce of it, when supported by the operations of that credit and capital which Great Britain so eminently possesses. Then would this country begin to be remunerated for the expense it has sustained in discovering and surveying the coast of the Pacific ocean, which is at present left to American adventurers, who, without regularity or capital, or the desire of conciliating future confidence, look altogether to the interests of the moment. Such adventurers (and many of them, as I have been informed, have been very successful) would instantly disappear before a well-regulated trade. * * * * * * Many political reasons, which it is not necessary here to enumerate, must present themselves to the mind of every man acquainted with the enlarged system and capacities of British commerce, in support of the measures which I have briefly suggested as promising the most important advantages to the trade of the United Kingdom. * * * * * * Let the line begin where it may on the Mississippi, it must be continued west, till it terminates in the Pacific ocean to the south of the Columbia river."

This was the proposition of McKenzie; and from that moment the labors of the British Government became systematic and incessant to seize the Columbia. Their first step in this work was to abrogate, or mutilate, the established boundary of the 49th degree of north latitude; for, while that line stood, they could not approach within three degrees of the mouth of the Columbia, which was in 46 degrees. British diplomacy now went to work to destroy this line, at least beyond the Rocky Mountains; and labored indefatigably at it, until they accomplished their design.

Louisiana was acquired in 1803. In the very instant of signing the treaty which brought us that province, another treaty was signed in London, (without a knowledge of what was done in Paris,) fixing, among other things, the line from the Lake of the Woods to the Mississippi. This treaty, signed by Mr. Rufus King and Lord Hawkesbury, was rejected by Mr. Jefferson, without reference to the Senate, on account of the fifth article, (which related to the line between the Lake of the Woods and the head of the Mississippi,) for fear it might compromise the northern boundary of Louisiana and the line of 49 degrees. In this negotiation of 1803, the British made no attempt on the line of the 49th degree, because it was not then known to them that we had acquired Louisiana; but Mr. Jefferson, having a knowledge of this acquisition, was determined that nothing should be done to compromise our rights, or to unsettle the boundaries established under the treaty of Utrecht.

Another treaty was negotiated with Great Britain in 1807, between Messrs. Monroe and William Pinckney on one side, and Lords Holland and Auckland on the other. The English were now fully possessed of the fact that we had acquired Louisiana, and become a party to the line of 49 degrees; and they set themselves openly to work to destroy that line. The correspondence of the ministers shows the pertinacity of these attempts; and the instructions of Mr. Adams, in 1818, (when Secretary of State, under Mr. Monroe,) to Messrs. Rush and Gallatin, then in London, charged with negotiating a convention on points left unsettled at Ghent, condense the history of the mutual propositions then made. Finally, an article was agreed upon, in which the British succeeded in mutilating the line, and stopping it at the Rocky Mountains. This treaty of 1807 shared the fate of that of 1803, but for a different reason. It was rejected by Mr. Jefferson, without reference to the Senate, because it did not contain an explicit renunciation of the pretension of impressment!

At Ghent the attempt was renewed: the arrest of the line at the Rocky Mountains was agreed upon, but the British coupled with their proposition a demand for the free navigation of the Mississippi, and access to it through the territories of the United States; and this demand occasioned the whole article to be omitted. The Ghent treaty was signed without any stipulation on the subject of the line along the 49th degree, and that point became a principal object of the ministers charged with completing at London, in 1818, the subjects unfinished at Ghent in 1814. Thus the British were again foiled; but, true to their design, they persevered and accomplished it in the convention signed at London in 1818. That convention arrested the line at the mountains, and opened the Columbia to the joint occupation of the British; and, being ratified by the United States, it has become binding and obligatory on the country. But it is a point not to be overlooked, or undervalued, in this case, that it was in the year 1818 that this arrestation of the line took place; that up to that period it was in full force in all its extent, and, consequently, in full force to the Pacific ocean; and a complete bar (leaving out all other barriers) to any British acquisition, by discovery, south of 49 degrees in North America.

The other point in our title, to which I wish to give a little more development than it has received from other speakers, is, its derivation under the treaty with Spain of 1819. By that treaty the United States succeeded to all the rights of Spain on the northwest coast of America north of 42 degrees. These rights, according to the memoir of the Spanish minister, Don Onis, extended to the Russian possessions—the British having nothing on that coast! This was the representation of the Spanish minister; and with this, the fact of the case agreed. The Nootka Sound treaty and controversy of 1790 had decided that point! It decided that the British had no right to Nootka, a place four degrees north of the Columbia, and no way connected with it: and it ended in obtaining for the British the privilege, and nothing but the privilege, of fishing and hunting along the northwest coast, and erecting the temporary huts which the pursuit of these occupations might require. Colonization or settlement was renounced. The treaty itself, especially the 3d and the 6th articles, will prove this; and the parliamentary debates of the day correspond with the words of the treaty. As a fact, that treaty nullifies all British claim on the northwest coast; as a law, (if not abrogated by war,) it would still confine them to the pursuit of hunting and fishing. The treaty of 1819, by which we acquired all the Spanish title north of 42°, has given us all the benefits of the Nootka Sound treaty, both as a fact, and as a law; and, tested by either, the British are excluded from the northwest coast of America, for all the purposes of settlement or colonization.

Having given this development to our title as derived from the treaties of 1803 and 1819 with France and Spain, Mr. B. proceeded to show the nullity of the British pretension, and the tortious nature of the possession which they had acquired on the Columbia river. For this purpose he took several positions, and stated them as points which he meant to establish by proof. The first was, that up to the year 1818, the British never pretended to state any claim, or any shadow or color of claim, of any kind whatever, to the Columbia river. The second position was, that in the year 1818 they suggested title under the discoveries of Captain Cook, and under purchases made from Indians south of the Columbia prior to the American revolution; but showed nothing to sustain these empty suggestions. The third position was, that in 1826 they abandoned the idle suggestions of 1818, and took refuge, for the first time, under the Nootka Sound treaty; and, in the fourth place, he undertook to show that their possession of the Columbia was intrusive and tortious—a trespass, and a fraud upon our pre-existing possession of the same river; and a wrong and aggression which the Government of the United States should resist and repulse.

In support of these positions, Mr. B. read copiously from Mr. Adams's instructions of 1818 to the American ministers in London who negotiated the convention of that year; and from a letter from Mr. John Jacob Astor of 1813 to the Secretary of State, (Mr. Monroe,) to be laid before President Madison. These documents established, as he maintained, all the points he had stated, and showed the nullity and futility, as well as the impudence, of the British pretension.

"From the earnestness with which the British Government now return to the object of fixing this boundary, there is reason to believe that they have some other purpose connected with it, which they do not avow, but which, in their estimation, gives it an importance not belonging to it, considered in itself." * * * * "The new pretension, however, of disputing our title to the settlement at the mouth of the Columbia river, either indicates a design, on their part, to encroach, by new establishments of their own, upon the 49th parallel of latitude, south of which they can have no valid claim; or it manifests a jealousy of the United States—a desire to check the progress of our settlements, of which it might have been supposed that experience would, before this day, have relieved them." * * * * "Their projects for the line, both in the negotiations of Messrs. Monroe and Pinckney in 1807, and at Ghent in 1814, were to take the 49th parallel of latitude from the Lake of the Woods, west, as far as the territories of the United States extend in that direction, with a caveat against its extension to the South Sea, or beyond the Stony Mountains. Upon which two observations are to be made: first, that it is uncertain whether any part of the Lake of the Woods is in latitude 49; and, secondly, that they always affected to apply the indefinite of the extension, "*as far as the territories extend,*" to the territories of the United States, and not to those of Great Britain—leaving a nest-egg for future pretensions south of latitude 49." * * * * "From the late correspondence with the Spanish minister, (Don Onis,) it appears that the claim of Spain upon the shores of the South Sea extends to the 56th degree of north latitude: but there is a Russian settlement in 55, besides a temporary lodgment connected with it as far south as 42. The pretensions of the British may, on this occasion, be disclosed. We know not precisely what they are; nor have they explained the grounds, or the motives, upon which they contest our right to the settlement called Astoria, formed before the late war, and broke up by the British sloop-of-war Racoon, in the course of it." * * * * "As the British Government admits, explicitly, their obligation, under the treaty of Ghent, to restore the post, there can be no question with regard to the United States to resume it." * * * * "We do not perceive how, or why, this question should be referred to two commissioners of the respective nations; and as Russia herself has pretensions on that coast, it deserves the consideration of both parties, whether the ultimate determination in the almost unavoidable case of a difference between the commissioners could with propriety be referred to her sovereign." * * * * "The expedient itself, of submitting questions of territorial rights and boundaries, in discussion between two nations, to the decision of a third, was unusual, if not entirely new; and should the contingency occur, will probably encounter difficulties of execution not foreseen at the time that the stipulation was made resorting to it. The subjects in controversy are of a nature too intricate and complicated, requiring on the part of the arbitrator a patience of investigation and research, historical, political, legal, geographical, and astronomical, for which it is impossible to conceive that the sovereign of a great empire could personally bestow the time."

Having read these extracts from Mr. Adams's letter of instructions of July, 1818, Mr. B. commented upon them to sustain his several positions in relation to the nullity, inconsistency, and bad faith of the British pretension. He particularly

relied upon these expressions: "The *new* pretension of disputing our title to the Columbia river"—"design on their part to *encroach* by new establishments *south* of 49 degrees"—"desire to *check* the progress of our settlements"—"*jealousy* of the United States"—"*affected* to apply the indefinite extension of the limit to our territories, and not to those of Great Britain"—"leave a *nest-egg* for future pretensions *south* of 49"—"the Spanish minister claims for Spain to 56"—"the pretensions of the British Government may, on this occasion, be *disclosed*"—"we *know not* precisely what they are." Upon these expressions, and others, Mr. B. relied, and commented, to show that, up to the date of that letter of Mr. Adams, (to wit, July 28th, 1818,) the British had shown or suggested no claim of any kind whatever to any part of the valley of the Columbia; that they were trusting to the arts of diplomacy to generate something which could be hatched into a claim; and that their design was to encroach upon our settlements south of 49.

This was the state of the question in July, 1818, when the negotiation was commenced in London, which ended in the convention of October of that year, for a ten years' joint possession of all the country west of the Rocky Mountains. The negotiation was conducted by Messrs. Gallatin and Rush, and, of course, was calculated to constrain the British to make a disclosure of the grounds of their pretensions. Mr. Adams had notified them that, on this occasion, the British claim must be disclosed; and disclosed it was! and what a disclosure! Listen to it, as communicated to our Government by Messrs. Gallatin and Rush in their despatch of October 20, 1818. Here it is:

"The British plenipotentiaries asserted that former voyages, and principally that of Captain Cook, gave to Great Britain the rights derived from discovery; and they alluded to purchases from the natives south of the river Columbia, which they alleged to have been made prior to the American revolution."

This was the claim disclosed; and in support of this, not one name, fact, or specification of any kind was submitted. Discovery and purchase was the ground of their pretension. But who discovered, and when, and from whom the purchase was made, the British commissioners could not tell. They did not attempt to tell; but proposed to compromise the question by taking the river for the boundary, and getting the use of the harbor at its mouth. Their proposition to this effect is thus stated, in the same despatch, by Messrs. Gallatin and Rush:

"They did not make any formal proposition for a boundary, but intimated that the river itself was the most convenient that could be adopted, and that they would not agree to any that did not give them the harbor at the mouth of the river in common with the United States."

This (said Mr. B.) was their intimation for a boundary; and in this intimation we recognise the precise policy which McKenzie had marked out, and by which the British were to become the masters of the Columbia, and to expel the "American adventurers" from it.

Our commissioners did not agree to this boundary, and to this joint-tenantcy in the harbor; but they signed the convention of 1818, according to their instructions, which arrested the line of the 49th degree at the Rocky Mountains, and gave a joint occupation of the country beyond the mountains to both parties. Their instructions authorized them to do this: and the point to be now noted is, that up to the ratification of that convention the line of 49 degrees, as established under the treaty of Utrecht, to define the possessions and limit the acquisitions by discovery of France and Great Britain in North America, remained in full force! That line was in force until we ratified the convention; and, by that line, without regard to other barriers, Great Britain was barred out from all the valley of the Columbia, and all the coast of North America south of 49 degrees. The convention abrogated the line—unhappily abrogated it—from the Rocky Mountains to the Pacific ocean. But it did so with a reservation, that the claims of the parties were not to be affected by it. The abrogation was unfortunate; but the reservation was a stipulation to prevent mischief—a stipulation to baffle the designs of subtle diplomacy, always seeking to deposite the seeds of a new contestation in the simulated settlement of an old one; and it was equivalent to an express declaration that the British claim was to be made no better, and ours to be made no worse, by this arrestation of the line of 49 degrees, and the joint occupation of the Columbia, which resulted from it.

We have now (said Mr. B.) traced the British pretension up to the conclusion of the convention of 1818; and we have seen that, up to the month of July of that year, they had stated or suggested no claim, or even shadow or color of claim, to the Columbia; that, being pressed, they then intimated a claim resting on DISCOVERY and PURCHASE, but without stating a single particular by which this pretended discovery and purchase could be brought to the touchstone of proof and reason. They were evidently absurd, and even ridiculous. All the world knows that Capt. Cook never saw the Columbia!—all the world knows that no other British navigator ever saw it, until after Capt. Gray showed it to them!—and, as for the Indian purchases south of that river, before the Revolution, it is a story of a man in the moon! and has no name, date, place, sum, sign, trace, circumstance, fact, or supposition to rest upon!

The pretension, then, of this right by discovery, and by purchase, so tardily brought forward in October, 1818, are absurdities which the British could not, and did not, support; and which they have since totally abandoned. This abandonment was made in 1827—at the time when the convention of 1818, being about to expire upon its limitation of ten years—was renewed until one of the parties chose to terminate it by giving twelve months' notice. It was made by Messrs. Huskisson and Addington, in their formal negotiations with Mr. Gallatin for the renewal of the convention of 1818. In that negotiation, they delivered a paper to the American negotiator, in which the British claim to the Columbia is referred—and for the first time referred—to the Nootka Sound convention of 1790! Hear it!

"The rights of Great Britain are recorded and defined in the convention of 1790: they embrace the right to navigate the waters of those countries—to settle in and over any part of them, and to trade with the inhabitants and occupiers of the same. These rights have been peaceably exercised ever since the date of that convention; that is, for a period of nearly forty years. Under that convention, valuable British interests have grown up in that quarter."

Here is a complete abandonment of the claim founded on discovery and purchase before the Revolution! That claim, set up for the first time in 1818, is abandoned in 1827!—and the Nootka Sound convention, which had never been vouched before, is then paraded as the instrument in which the "*rights*" of Great Britain are "*recorded*" and "*defined;*" and under which valuable "*British*" interests had grown up in that quarter. This is, at least, an admission that the discovery and purchase brought forward as the foundation, and the sole foundation, of the British claim in 1818, were unfounded and suppositious! and not only relieves us from all further attention to such intimations, but gives us the benefit of a legal maxim, as universal in its application as it is just and reasonable in its principle!—that maxim which discredits the whole title, in support of which an untruth has been adduced.

But the British "*right*" to the Columbia now rests upon the Nootka Sound convention; since the year of our Lord 1827, their claim to this country has become a "*right,*" and this "*right*" has established itself in the musty record of the Nootka Sound convention! Be it so! We will quickly see what that convention is worth to them. For that purpose we may look to the convention itself, or to the character of it given in the British House of Commons at the time of its negotiation. The first article of the treaty restored the British to their fishing and hunting privileges and buildings in Nootka Sound. The third article granted the limited privilege of fishing and hunting on certain other parts of the coast; and the sixth article limited the buildings which might be erected to the temporary huts necessary for the hunters and fishermen. This was the treaty. Listen to Mr. Fox. After denouncing the treaty as one of CONCESSIONS, and not of ACQUISITIONS, on the part of Great Britain, he goes on to say:

"Our right before, was to settle in any part of the south or northwest coast of America, not fortified against us by previous occupancy; and we are now restricted to settle in certain places only, and under certain restrictions. This was an important concession on our part." . . . .
"Our right of making settlements was not, as now, a right to build huts, but to plant colonies, if we thought proper." . . . .
"By the 3d article, we are authorized to navigate the Pacific ocean and South seas, unmolested, for the purpose of trading with the natives. But, after this pompous recognition of right to navigation, fishery, and commerce, comes another article, (the sixth,) which takes away the right of landing and erecting even temporary huts, for any purpose but that of carrying on the fishery; and amounts to a complete dereliction of all right to settle in any way for the purpose of commerce with the natives."

This was the language of Mr. Fox; and under this language Mr. Pitt (the author of the convention) sunk down and admitted that no new rights were gained under the treaty! that nothing had been gained but the acknowledgment of the pre-existing right of fishing, trading, and navigating the Pacific ocean.! Hear him:

"In answer to this, Mr. Pitt maintained that, though with this country had gained consisted not of *new rights*, it certainly did of new advantages. We had before a right to the Southern whale fishery, and a right to navigate and carry on fisheries in the Pacific ocean, and to trade on the coasts of any part of Northwest America; but that right not only had not been acknowledged, but disputed and resisted; whereas, by the convention, it was secured to us—a circumstance which, though no *new right*, was a new advantage."

This (said Mr. B.) is the Nootka Sound treaty which is now relied upon to establish the British right to the Columbia. Under this treaty they have taken possession of the Columbia, although 500 miles from Nootka, and having no connexion with it. Under this treaty a British colony is growing up there; and in protection of this colony, the British now declare their determination to maintain their ground. The same paper from Mr. Huskisson and Mr. Addington, which vouched the Nootka convention for the record and the definition of the "*right,*" proceeds to say:

"Under that convention, valuable British interests have grown up in these countries. . . . . .
In the interior of the country in question, the subjects of Great Britain have had for many years settlements and trading posts. Several of these posts are on the tributary streams of the Columbia; several upon the Columbia itself; some to the northward, and others to the southward of that river. And they navigate the Columbia as the sole channel for the conveyance of their produce to the British stations nearest the sea, and for the shipments of it from thence to Great Britain. It is also by the Columbia that these posts and settlements receive their annual supplies from Great Britain. . . . . .
To the interests and establishments which British industry and enterprise have created, Great Britain owes protection. That protection will be given both as regards SETTLEMENT and FREEDOM of TRADE and NAVIGATION, with every attention not to infringe the co-ordinate rights of the United States; it being the desire of the British Government, so long *as the joint occupancy continues*, to regulate its own obligations by the same rules which govern the obligations of every other occupying party."

Have grown up there, and will be protected! British interests have grown up on the Columbia, and the British Government owes protection to these interests, and will give it! This is now the language of British ministers; and this is what we have got for forty years' forbearance to assert our title! The nest-egg laid by British diplomacy, has undergone incubation, and has hatched, and has produced a full-grown bird—a game cock—which has clapped his wings and crowed defiance in the face of the American eagle! and this poor eagle, in a view could be got of him as he stood during the "*informal conferences*" between Mr. Webster and Lord Ashburton, would be found (no doubt) to have stuck his head under his wing, and hung out the white and craven feather.

British interests have grown up on both sides of the Columbia—to the south as well as to the north of the river—and it is the intention of the British Government to protect the whole. So say Mr. Huskisson and Mr. Addington. But this is diplomacy—modern diplomacy—equivalent to finesse. The south of the Columbia has not been seized to be retained, but to be given up! The north is to be retained, for that is the commanding bank. The south is only seized to be given up as an equivalent, according to the modern system of compromising, so successfully introduced in the case of Maine. Seize all! then give back half! call this a compromise! and there will be people (for the minds of men are various)—there will be people to applaud the fine arrangement, and to thank God for such a happy deliverance from war. No, sir, no. This is a joke about holding on to the south bank. The settlements made there are for surrender, not for retention. They are made there to be given up as equivalents for what is taken from us on the north, and thus settle the Columbia question according to the precedent of Maine.

But the settlements on the north bank: their protection is no joke. The British mean to hold on to them, for they command the remainder. The Nootka Sound controversy is to have the effect upon us which it could not have upon the Spaniards forty years ago. In vain the lighted match was brandished over the British cannon in the affair of Nootka in 1790; in vain immediate and bloody war was threatened. The Spanish Government, though old, decrepid, and tottering under the feeble sway of Charles IV. and the favorite Godoy, had yet too much of the Castilian blood in it to prefer dishonor to war. They prepared for war! and the

ritish, seeing that the Don could not be bullied, linquished their high pretensions of colonization id settlement, and accepted the humble privilege fishing, and hunting, and sailing the high seas. his is the way the old Nootka controversy between pain and England ended fifty years ago. After e experiment which the British have just made our peace-loving temper, it is not to be supposed at we shall get out of the new Nootka scrape ithout seeing the match applied to the priming, having the cup of dishonor held to our lips until e drink it to the dregs.

The origin and the character of these establishents on the Columbia, which the British Governent avows its determination to protect, I now roceed to show; and for that purpose will have recourse to the letters of Mr. John Jacob Astor, ddressed to the Department of State, and giving account of his settlement on that river, and the tempts of the British fur company to break it up *fore the war*, and their success in doing so after e war commenced, and by the aid of their Govrnment. It was in the spring of 1811 that the ship onquin, despatched from New York by Mr. Asr, carrying 20 guns and 60 men, and an over-land arty of 100 men, led by Mr. Wilson P. Hunt, arved on the Columbia, and built the fort called storia, near its mouth, and trading posts in the nterior. There were no British establishments en upon the river! But the moment the Hudson ay Company heard of Mr. Astor's enterprise, they ommenced their system of encroachment upon it. now read from his letters:

"It is well known that as soon as the Northwest Company had nformation of my intentions, and plan for conducting my comercial operations, they despatched a party of men from the inerior, with a view to arrive before my people at Columbia. hese men were obliged to return without effecting their obct. In the mean time, representations were made to their overnment as to the probable effect of my operations on their nterests, and requesting to interfere in their behalf. This being in time of peace, the Government did not deem it advisable o do so. So soon, however, as war was declared, these representations were renewed. Aid was asked from the Governent; and it was granted. The Phœbe frigate, and sloops-of-ar Racoon and Porcupine, were sent from England, with orers to proceed to Columbia river and destroy my property. hey sailed from England early in January, 1813. Arriving at lo de Janeiro, Admiral Dickson ordered the Phœbe frigate, ith one of the sloops, to pursue Captain Porter, in the frigate Essex, and the sloop-of-war Racoon, to the Columbia river. he arrived there, took possession in the name of the King, and hanged the name of the place (Astoria) to Fort George. * * * * * The plan by me adopted was such as must ave materially affected the interest of the Northwest and Hudon Bay Companies; and it was easy to be foreseen that they ould employ every measure to counteract my operations; and hich, as my impressions, I stated to the Executive as early as ebruary, 1811, as will be seen by the copy of a letter which I rote to the Secretary of State; to which no reply was given. o repeated application, some time after, aid was promised me; but I believe the situation of the country rendered it inconvenient to give it." * * * * * * "I believe, at present, February, 1813,) there is no post or establishment on the Columbia river but the one here spoken of, (Astoria,) though I am pretty sure the Northwest Company will endeavor to fix one, as I have just now a letter from London dated November 19th, 1812,) which says the Northwest Company are fitting the ship Isaac Todd, of about 500 tons, to go to the northwest coast. The writer does not say under what circumstances the ship goes; but that she will go to Columbia river, there can be no doubt. I pray you, sir, to have the goodness to bring this subject under the consideration of the President," &c.

Mr. B. read other passages from Mr. Astor's letters, explanatory of his enlarged and liberal views in making the establishment at the mouth of the Columbia river, and said they showed him to be a statesman as well as an able merchant. He also passed a high encomium on the character of Mr. Wilson P. Hunt, who led the overland expedition of 100 men to the Columbia in 1811, and who, notwithstanding his political opposition, was kept in the best federal office in the State of Missouri (the St. Louis post office) eleven and a half years out of the twelve that Gen. Jackson and Mr. Van Buren were Presidents. Having done this justice to Mr. Astor, and his agent, Mr. Hunt, (the first projector, and the first founder of a white settlement on the Columbia river,) Mr. B. returned to the immediate object of his quotations from Mr. Astor's letters: they were to show that he made the first settlement on the Columbia—that there was then no British settlement upon it—that the British fur companies went to work immediately to break him up—that he resisted them during the peace, but sunk under them during the war, the British Government having come to their aid. The capture of his post was an act of war, done by a British sloop of war; and as a place so captured, it was bound to be restored at the peace. The Ghent treaty stipulated for the restitution, and it was restored. But here a fraudulent evasion of the treaty was immediately perpetrated. The fort Astoria was given up; and the clear intention of the restitution was that the fort represented the country, and that, in its surrender, the country should be given up. This was the clear intent of the treaty; not so the conduct of the British! They gave up the little fort itself, and immediately built a better one, in a better position higher up the river; and then established a chain of posts from the tide-water to the mountains, and on both sides of the river. These are the establishments which Mr. Huskisson and Mr. Addington say have grown up under the Nootka convention, and to which the British Government owes protection, and intends to give it! These are the establishments with respect to which that arrogant language was used, and which, in fact, are not within 500 miles of Nootka Sound, and have no connexion with it. They are wilful encroachments upon our known territory!—they are flagrant intrusions upon our settlements!—they are fraudulent evasions of the treaty of Ghent!—and they are taking the character of permanent possession and national colonies, while the Nootka Sound convention, under which they are alleged (absurdly alleged) to have grown up, would only have justified temporary huts upon the coast, for the personal accommodation of hunters and fishermen while pursuing their craft. Major Pilcher, late superintendent of Indian affairs at St. Louis, (removed for his politics and his friendship to me,) and who visited the Columbia in 1829, thus speaks of the principal of these establishments, such as it was at that time:

"This fort is on the north side of the Columbia, nearly opposite the mouth of the Multnomah, in the region of tide-water, and near the head of ship navigation. It is a grand position, both in a military and commercial point of view, and formed to command the whole region watered by the Columbia and its tributaries. The surrounding country, both in climate and soil, is capable of sustaining a large population; and its resources in timber give ample facilities for ship-building. This post is fortified with cannon; and, having been selected as the principal or master position, no pains have been spared to strengthen and improve it. For this purpose, the old post near the mouth of the river has been abandoned. About 120 acres of ground are in cultivation; and the product in wheat, barley, oats, corn, potatoes, and other vegetables, is equal to what is known in the best parts of the United States. Domestic animals are numerous—the horned cattle having been stated to me at 300; hogs, horses, sheep, and goats, in proportion; also, the usual domestic fowls: everything, in fact, indicating a permanent establishment. Ship-building has commenced at this place. One vessel has been built and rigged, sent to sea, and employed in the trade of the Pacific ocean. I also met a gentleman, on my way to Lake Winnipec, at the portage between the Columbia and Athabasca, who was on his way from Hudson's Bay to Fort Colville, with a master ship-carpenter, and who was destined for Fort Vancouver, for the purpose of building a ship of considerable burden. Both grist and saw mills have been built at Fort Vancouver: with the latter, they saw the timber which is needed for their own use, and also for exportation to the Sandwich Islands; upon the former, their wheat is manufactured into flour. And, from all that I could learn, this important post is silently growing up into a colony; and is, perhaps, intended as a future military and naval station, which was not expected to be delivered up at the expiration of the treaty which granted them a temporary and joint possession."

Such are the nature, origin, and present condition of the British establishments on the Columbia. They are intrusions upon our known territory—tortious aggressions before the war on Mr. Astor's settlement—fraudulent evasions of the treaty of Ghent—and have no more to do with the Nootka Sound convention than they have with the late treaty of China. Nootka is in vain invoked to cover these encroachments upon us—encroachments for which British diplomacy has been endeavoring above thirty years to prepare the way—in which the powerful Hudson Bay Company has acted as the agent of the Government—and for the protection of which company the British ministers now boldly hurl defiance in our faces. There is nothing in the Nootka treaty to cover all this, even if it was not abrogated by war; and it remains to be seen whether the threat of war is to have an effect upon this vigorous young Republic of eighteen millions of people, which it failed to have over the decaying Spanish monarchy in 1790.

Fort Vancouver is but one of the British establishments on the Columbia: they have a connected chain of these settlements, stretching from tidewater to the mountains, and connecting with the interior posts which extend from Canada and from Hudson's Bay. They have the possession of the country: while the possession by right, by treaties, and by the admission of the British themselves, belongs to us. This was admitted during the negotiations of 1818. Mr. Rush, in a letter to Mr. Adams, of February, 1818, bears testimony to this admission. He says:

"It is proper, at this stage, to say that Lord Castlereagh admitted, in the most ample extent, our right to be reinstated, and to be the party in possession while treating of the title."

This was the admission of Lord Castlereagh while negotiating the convention of 1818. He had admitted our right to be reinstated—that is, to be restored to the possession which we had before the war, and of which war had deprived us. This possession was not limited to the diagram of earth covered by Mr. Astor's fort, but to the country of which it was part. To give up this diagram covered by a fort, and then go and take possession of all the country besides, was not a restitution, no more than it would have been to have taken possession of Michigan after giving up Mackinaw, or of Maine, after giving up Castine. We have a right to the possession, while treating of the title; but we have not the possession; and this bill, which proposes merely to obtain a part of what is due to us, is resisted because it implies the assertion of an exclusive possession, and may be a breach of the convention of 1818. This is a mistake. Exclusive can only be to the extent occupied. The British now have exclusive possession of the ground covered by Fort Vancouver, Fort Colville, and other forts, and of all the ground which they cultivate. They have forts, houses, fields, and farms, and possess them exclusively. Our grants will be no more exclusive than theirs: they will only exclude to the extent of the grant.

The objection to the terms of this bill grow out of the third article of the convention of 1818—that article which gives mutuality of occupancy, for certain purposes, to the country claimed by each party, for ten years; an article which is continued indefinitely by the convention of 1828, subject to determination on one year's notice from either party. It is supposed that that article will prevent us from using our own property as we might have used it before that convention was made. This is a mistake; and the reading of the article itself will show that its object was to give the privileges of hunting, fishing, and navigation to the citizens and subjects of each power over the territories claimed by the other, without diminishing the power of each over the territories claimed by itself. This is clear from the article, which is in these words:

"It is agreed that any country that may be claimed by either party on the northwest coast of America, westward of the Stony Mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open for the term of ten years from the date of the signature of this convention, to the vessels, citizens, and subjects of the two powers; it being well understood that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of said country; nor shall it be taken to affect the claims of any other power or State to any part of the said country; the only object of the high contracting parties, in that respect, being to prevent disputes and differences amongst themselves."

This (said Mr. B.) is clear and explicit. We acquire the right of going upon the British *claims* to hunt, fish, and navigate: they acquire the right to come upon our *claims* for the same purposes: the *claims* of each remaining precisely as they were. This is all clear. Now, what were the claims of each at that time? Ours was territorial, and definite and notorious to the Columbia river, from its head to its mouth. The letter of Mr. Adams to our ministers in London, and their letters to him, show that the British had no such claim; that they pretended none such; but only labored to abrogate the line of forty-nine degrees, and to lay a nest-egg for *future* pretensions south of that line. Their claims were in the northwest—far in the northwest—where McKenzie, Hearne, and other discoverers had gone, and where the fur companies had taken possession. Our claim covered the whole Columbia. Mutuality of occupancy in each other's claimed territories for ten years, without diminution of rights over our own claimed territories, was the extent of the stipulation; and, therefore, we might do upon our claim whatever we did before, subject to the navigation, trade, &c., with which it was encumbered. We might grant land before the convention; we can grant it since. We might plant a colony before the convention, and may do it since; and the grant of land is the incident of colonization. In fact, we have placed no limitation upon our pre-existing rights.

And now, what has been the conduct of the British under this article? They have crossed the 49th degree—come down upon the Columbia—taken possession of it from the head to the mouth—fortified and colonized it—monopolized the fur trade—driven all our traders across the mountains—killed more than a thousand of them, (through their Indians,) and used the Columbia as a free port, through which they bring goods free of duty into our territories—up into

the Rocky Mountains, and across them. This is what they have done by their agent, the Hudson Bay Company. In its own name, and by an act of Parliament immediately after the convention, the British Government has extended jurisdiction over the whole country, taking no notice at all of our claims, and subjecting all our citizens and their property to British judges, British courts, and appeals to Canada. This act has been read by my colleague, [Mr. LINN,] and I commend it to the consideration of all Americans who object to this bill for fear it may imply an exclusive jurisdiction! and so give offence to the British. This is what has been done by the British since the convention. They have taken possession of our claimed territory, of our harbor, our river—colonized the country—and killed and expelled our traders. What have we done? Nothing! So far from going into the Northwest to hunt, fish, and navigate on their claims, we have been expelled from our own! and the *mutual* convention has become the means of the exclusive possession of the British! Our traders, left to contend single-handed against the organized Hudson Bay Company, against their Indians, against their free goods, have all been driven in—forced not only out of the valley of the Columbia, but out of the Rocky Mountains—and ruin has overtaken many of them. Even the strong and rich company of Mr. Chouteau can no longer approach the Rocky Mountains. The Hudson Bay traders are the masters there. Every American that approaches that region, does so at the peril of his life. Many were killed there this summer. And, in the face of all this, we sit here, fearing to pass this bill, lest it may give offence to the British.

It is time to terminate this convention of 1818; it is time to terminate the discreditable state of things in relation to the Columbia. It is a war subject, and the *peace* mission should have terminated it! No earthly consideration should have detached this question from the Maine boundary, and the other subjects of complaint. To separate them, was to surrender all the unsettled questions. The Columbia, and the Southern question in relation to slaves, were separated; and in that separation their sacrifice, or a war on account of them, was involved. The President, in his message recommending the peace treaty, informs us that the Columbia was the subject of "*informal conferences*" between the negotiators of that treaty; but that it could not then be included among the subjects of formal negotiation. This was an ominous announciation, and should have opened the eyes of the President to a great danger. If the peace mission, which came here to settle everything, and which had so much to gain in the Maine boundary and the African alliance;—if this mission could not agree with us about the Columbia, what mission ever can? To an inquiry from the Senate to know the nature and extent of these "*informal conferences*" between Mr. Webster and Lord Ashburton, and to learn the reason why the Columbia question could not have been included among the subjects of formal negotiation—to these inquiries, the President answers, that it is incompatible with the public interest to communicate these things. This is a strange answer, and most unexpected. We have no political secrets in our country, neither among ourselves nor with foreigners. On this subject of the Columbia, especially, we have no secrets. Everything in relation to it has been published. All the conferences heretofore have been made public. The protocols, the minutes, the conversations, on both sides, have all been published. The British have published their claim, such as it is: we have published ours. The public documents are full of them, and there can be nothing in the question itself to require secrecy. The negotiator, and not the subject, may require secrecy. Propositions may have been made, which no previous administration would tolerate, and which it may be deemed prudent to conceal until it has taken the form of a stipulation, and the cry of war can be raised to ravish its ratification from us. All previous administrations, while claiming the whole valley of the Columbia, have refused to admit a particle of British claim *south* of 49 degrees. Mr. Adams, under Mr. Monroe, peremptorily refused to submit any such claim even to arbitration. The Maine boundary, settled by the treaty of 1783, had been submitted to arbitration; but this was refused. And now, if, after all this, any proposition has been made by our Government to give up the north bank of the river, I, for one, shall not fail to brand such a proposition with the name of treason.

This pretension to the Columbia is an encroachment upon our rights and possession. It is a continuation of the encroachments which Great Britain systematically practises upon us. Diplomacy and audacity carry her through, and gain her position after position upon our borders. It is in vain that the treaty of 1783 gave us a safe military frontier. We have been losing it ever since the late war, and are still losing it. The commission under the treaty of Ghent took from us the islands of Grand Menan, Campo Bello, and Indian island, on the coast of Maine, and which command the bays of Fundy and Passamaquoddy. Those islands belonged to us by the treaty of peace, and by the laws of God and Nature; for they are on our coast, and within wading distance of it. Can we not wade to these islands? [Looking at Senator WILLIAMS, who answered, "We can wade to one of them."] Yes, wade to it! And yet the British worked them out of us; and now can wade to us, and command our land, as well as our water. By these acquisitions, and those of the late treaty, the Bay of Fundy will become a great naval station to overawe and scourge our whole coast, from Maine to Florida. Under the same commission of the Ghent treaty, she got from us the island of Boisblanc, in the mouth of the Detroit river, and which commands that river and the entrance into Lake Erie. It was ours under the treaty of 1783; it was taken from us by diplomacy. And now an American ship must pass between the mouths of two sets of British batteries—one on Boisblanc; the other directly opposite, at Malden; and the two batteries within three or four hundred yards of each other. Am I right as to the distance? [Looking at Senator WOODBRIDGE, who answered, "The distance is three hundred yards."] Then comes the late treaty, which takes from us (for I will say nothing of what the award gave up beyond the St. John) the mountain frontier, 3,000 feet in height, 150 miles long, approaching Quebec and the St. Lawrence, and, in the language of Mr. Featherstonhaugh, "commanding all their communications, and commanding and overawing Quebec itself." This we have given up; and, in doing so, have given up our military advantages in that quarter, and placed them in the hands of Great Britain, to be used against ourselves in future wars. The boundary between the Lake Superior and the Lake of the Woods has been altered by the late treaty, and subjected us to another encroachment, and to the loss of a military advantage, which Great Britain gains. To say nothing about Pigeon river as being or not being the "*long lake*" of the treaty of 1783; to say nothing of that, there are yet two routes commencing in that stream—one bearing far to the south, and forming the large island called "Hunter's." By the old boundary, the line went the northern route; by the new, it goes to the south; giving the British a large scope of our territory, (which is of no great value;) but giving them, also, the exclusive possession of the old route, the best route, and the one commanding the Indians, which is of great importance. Above all, he brings them back to the Grand Portage, on this side of Pigeon river, from which they removed forty years ago to avoid paying duties; and then went to Fort William, beyond the Kamanistequia; he brings back the British fur company, and re-establishes them in the United States. At the same time, while yielding to this encroachment upon us in the Northwest, the American negotiator, disregarding his own witnesses when they would not follow his leading questions to draw testimony favorable to the British,—disregarding these witnesses, the American negotiator, yields to an encroachment in that quarter; grants all that Lord Ashburton asked, and then affects to have made an acquisition there of four millions of acres of fine mineral land! The encroachment now attempted upon the Columbia, is but a continuation of this system of encroachments which is kept up against us, and which, until 1818, labored even to get the navigation of the Mississippi, by laboring to make the line from the Lake of the Woods reach its head spring. If Great Britain had succeeded in getting this line to touch the Mississippi, she was then to claim the navigation of the river, under the law of nations, contrary to her doctrine in the case of the people of Maine and the river St. John. The line of the 49th parallel of north latitude is another instance of her encroaching policy; it has been mutilated by the persevering efforts of British diplomacy; and the breaking of that line was immediately followed by the most daring of all her encroachments—that of the Columbia river.

Besides encroaching upon our borders, Great Britain is using all her own advantages in the same hostile sense. Bermuda, opposite the Southern coast, is made a vast place of arms. Nassau, New Providence, almost in sight of Florida, is made the same; the lines of steamers to Halifax and to the West Indies, commanded by naval officers and fitted for war, are all preparations against us. All around us—north, south, east, west—Great Britain is surrounding us, and encroaching upon us. Like a vast boa constrictor, she is involving us in her folds, and twisting herself all around us! and we sit here fearing to exercise our own rights, lest we give her offence! We are beleaguered, blockaded, hedged in, circumvented on all sides; yet fear to warn the intruder from our premises.

We fear war! as if the fear of war ever kept it off. We fear war! while Great Britain is systematically preparing for war with us. All her encroachments upon us show that she is preparing for this result. Why else this eternal pressure upon us! We do not go to the islands on the British coasts to obtain commanding positions against her. No other power in the world comes here to encroach upon us. Why does she come, except with hostile intents! She is preparing for war; and the late treaty is the largest of all her preparations. It pacifies the Northern States, leaving the South and West in the lurch; while the new corn law gives them virtually a free trade, and a separate trade in the great staples of grain and provisions. Henceforth they must have a separate interest in peace with Great Britain. The Union has ceased to be a unit in its complaints against that power!

Great Britain is preparing for war against us, and is manœuvring to get the advantage in the cause; to find a pretext in the question of slavery—a question in which she would have the sympathies of all the world, and much of this Union, on her side. Hence her invention of the new claim of visiting our ships on the coast of Africa—a claim which is a branch of the impressment claim, and which the tribute of the five years eighty-gun squadron has purchased off for the present. As a nation, Great Britain despises and hates our nation. There may be individual Englishmen who have regard for individual Americans; but, as it concerns nation and nation, they despise and hate us! They want war with us; and count upon its being short and triumphant. They count upon raising a San Domingo insurrection in the South, arming all the Indians of North America against us, and crushing the paper fabric of our finances. This is their count. We should count upon expelling them from our continent, giving liberty to Ireland, and aiding the English people to reform their Government. Sooner or later, war will come, for Great Britain is determined upon it; and we should roll back the thunder upon her own shores. Thirty thousand friends of Ireland landed on her coast, and forming the rallying-point for a million of patriots, would make that devoted island free, and shake OLD ENGLAND to her centre. These are my sentiments; and I neither dissemble nor deny them. Peace is our policy. War is the policy of England; and war with us is now her favorite policy. Let it come, rather than dishonor! The man is alive, and with a beard on his face, (though it may not be I,) who will then see an American army in Ireland, and an American general in the streets of London.

SPEECH OF MR. LINN,

OF MISSOURI.

In Senate, Monday, January 9, 1843.—The bill for the occupation and settlement of the Territory of Oregon being under discussion, and on its passage—

Mr. LINN, in reply to the Senators from South Carolina and Massachusetts, [Messrs. CALHOUN and CROATE] addressed the Senate as follows:

Mr. PRESIDENT: The Senator from South Carolina has given a brief, but very admirable analysis of the English and American claims to the Territory of Oregon; and spoken with great force and truth of the rapid advance of our population to the West, which may well be compared to the rolling on of a great and wide stream. Yes, its march is onward to the West—to the far West; and can only be stayed by the waters of the great Pacific. You might as well attempt to dam the course of the turbulent Mississippi, as to arrest the onward march of this restless people. The puny arm of

man is too feeble for such an overwhelming power: fter achieving the independence of the old thirteen tates, and scaling the Alleghany Mountains, they re rapidly filling up the magnificent valley of the fissisippi with a prosperous, happy, and intelli- ent race of beings, who have subdued the savages f the forest; made the wilderness blossom like the se; built villages and churches, towns and cities; ade roads; cut canals; endowed colleges, and tun- elled mountains.

The borders of the mighty rivers of the West are dorned, even at this early day, with everything to ake life happy; and these elongated oceans bear n their bosoms floating palaces, animate with gay assengers; and freighted with their own, and the ch productions of every clime and country. This eople, imbued with a spirit that holds in contempt l obstacles to their onward march, are now moving p the *inclined plane* of the vast Western prairies, nd in a few years will reach the gorges and passes f the Rocky Mountains from whence, they will recipitate themselves into the fertile region and ild climate of the Territory of Oregon, trampling nder their feet all opposition to their progress. But, otwithstanding, the policy of the Government it- elf has, in the disposition made of all the Indian ibes of the interior States, raised up an artificial arrier, which for the present has stopped the natural pread of our population to the West. On this In- ian frontier, it has reached its limits. This outlet f the West (Oregon) must be opened, or our peo- le will soon break across the bounds within which re have pledged ourselves by treaties that the ex- striated Indian tribes shall dwell securely. The regon region must be opened to the adventurous nd migratory spirit of our people; or the collected lood will soon burst over, and sweep away the In- ian, to whom we have solemnly promised an un- isturbed refuge in the home to which we have, by o humane a policy, transplanted him.

The Senator from South Carolina [Mr. CALHOUN] egards this bill as going new and dangerous lengths— angerous to the peace and tranquillity of the two ountries. Yet the bills introduced with the same bject, long since, under the administrations of Mr. lonroe and Mr. Adams, by Doctor Floyd, were far tronger. They provided for the erection of forts nd *custom-houses*. As for that formidable and erpetual impediment, the treaty, it existed just as uch in force then, as now; and surely those gentle- en might be considered as *tolerable* judges of the ace of treaty stipulations. Adverting, then, to the nglish claim, as founded on their alleged discovery, Mr. LINN treated the pretended visit of Drake to that ortion of the Northwest coast as altogether prepos- erous. The narrative itself, which describes a re- ion bound up in ribs of ice, in the month of June, akes it *impossible* for any one now to believe that Drake's visit was to Oregon—a coast never witness- ng such intense cold, even in mid-winter, and sually enjoying the soft temperature of earlier pring. Nor can any more stress be laid upon the al- ged discoveries of Mear's and Vancouver's Lieut. Broughton. But, in truth, this whole British claim s recent. It was never heard of, as against the dis- overy of Captain Gray, or the explorations of Lewis nd Clarke. As late as 1814, the question of our dis- overy was minutely examined in one of the lead- ng British authorities on such questions, and our laim admitted as incontrovertible. After the sur- ender of Astoria during the war, (which place fell nto the hands of the British, through the treachery f Mr. Astor's English partners,) they began to per- eive, in its full extent, the value of this new acquisi- ion; and although it was surrendered to the United States under the first article of the treaty of Ghent, he English began to announce their pretensions to claim—first, through anonymous writers in the Na- ional Intelligencer, at this place, (at the instance, it vas said, of Sir Charles Bagot;) and afterwards by he British authorities, in their formal correspondence vith the United States Government. As to what England may urge in regard to the force of the Nootka Sound treaty with Spain, it is sufficient, at present, to say that any such claim must have fallen with that treaty itself. Temporary in its character, and speedily dissolved by the war which occurred between the two countries soon after, our right, if placed alone on the strong and certain ground of prior discovery, would be as immutable as the everlasting hills.

The Senator from South Carolina has urged that we should, first of all, give the twelve months' no- tice of our renunciation of the treaty. He (Mr. LINN) could only answer that he had repeatedly, by resolutions, urged that course in former years; but always in vain. He had ever been met with the answer: "This is not the proper time—wait." Meanwhile, the adverse possession was going on, fortifying from year to year the British claim and the British resources, to make it good. Mr. Madi- son had encouraged the bold and well-arranged scheme of Astor to fortify and colonize. He was dispossessed; and the nucleus of empire which his establishments formed, passed into the hands of the Hudsons Bay Company, now the great instru- ment of English aggrandizement in that quarter. The Senator insists that, by the treaty, there should be a joint possession. Be it so, if you will. But where is our part of this joint possession? In what does it consist, or has it consisted? We have no posts there, no agent, no military power to protect traders. Nay, indeed, no traders! For they have disappeared before foreign competition; or fallen a sacrifice to the rifle, the tomahawk, or the scalping- knife of those savages whom the Hudson Bay Com- pany can always make the instruments of system- atic massacre of adventurous rivals. Of the extent of these murders, or of the regularity with which they are enacted, the Senator has probably but little notion, unless he has made it the subject of special investigation. I can assure him that, before the year 1829, there had perished in this way, on the plains and in the mountains, as was well ascertained by a committee of this body, full five hundred men; and the yearly slaughter has gone on ever since, ranging between fifteen and twenty men during the year 1842. But, whatever has been the history of your peopling distant regions, will be its history now—every effort to be disputed with something which this Government shrinks from encountering. You have never failed to turn your back upon any such hardy enterprise. The very navigation of the great river of the West, so vital to the prosperity and happiness of the population of the valley of the Mississippi, for thirty years would have been yielded to Spain, under the old articles of confederation, but that it required the assent of nin States to bring it into the validity of a treaty. Six Eastern States were ready to abandon it, for an interest the most wretchedly disproportionate. If that mighty access to a new and a greater empire of the West has been preserved to you, it is in spite of your supineness, in spite of your timidity, in spite of your impolicy.

As for me, (said Mr. L.,) I desire, in this irre- sistible advance of our population, destined to carry to the very verge of the continent the benefits of our free institutions, to march with every public right in the lead, while we carry to those regions of barbarism the press, the ploughshare, and the bible. And I would, even in these great purposes, halt rather than violate our national faith solemnly pledged in a treaty. But I tell the Senator that we cannot thus rigidly adhere to what our rival so lit- tle regards. That Senator does not know, or has overlooked, the progress which English possession has been for near thirty years making against us, under cover of the Hudson Bay Company—the irresponsible instrument of British power in that quarter—by means of which and this treaty we are steadily circumvented. There, as in the East Indies, Britain prepares her way to unchecked dominion, through the stealthy advance of these trading companies, which scatter the seeds that are to spring up into a harvest of power for her.

I insist that the bill does not attempt to dis- possess Great Britain of anything she now holds. It does not define our territory. That we have *some* there, is certain. Can she object to our set- tling south of the Columbia, on a territory to which, with all her facility of claiming, and tenacity of holding on, she has been willing to surrender? She, herself, has extended her jurisdiction over Oregon,—built forts, set up establishments, settled farms. Why cannot we do the same?

I am glad (said Mr. L.) that the Congress of the United States—at least as far as the expression of opinion has gone—has made some progress in this matter. If the Senators [Messrs. CALHOUN and CHOATE] who have just spoken will turn back to the recorded arguments of 1822, and subsequent years, in Congress, they will find that the reasons they *now* urge against granting lands, were then used against the proposition to build *forts*, extend our laws, or erect custom-houses. I *now* un- derstand these Senators as resting their objections to this bill on the clause granting away lands in the territory—on our obligations under the treaty of 1818, renewed in 1827; and that they do not raise the same objections to our building forts and occu- pying such portions of land as may suit our con- venience. This is reporting some progress, as there existed *three* objections formerly, and one *only* is put forward now.

It strikes me, Mr. President,—indeed, I know it to be a fact—that the British Government, as a Government, never has built a fort in the Oregon country. It is plain, then, that if our Government erects fortifications on the Columbia, the same ob- jection may be made by the British Government, which is now made here, with regard to grants of land—that it amounts to the exercise of an exclusive right not authorized by our obligations under the treaty. There is, in fact, no objection which can be urged against our making grants of *land*, that will not equally apply to our Government building *forts*, and occupying any part of the soil. It is a mere question of a government doing an act openly and honestly as a government; or doing it covertly, through the agency it has itself created.

The Government of Great Britain has not *direct- ly*, in its capacity as a Government, built forts, or selected and occupied lands in the territory; but it has encouraged its *creature*—the Hudson Bay Company—to do these acts; and, when they are done, it tells us openly that *British interests have grown up there, which it must and will protect against the world.* The facts are indisputable, that forts, called Hudson Bay "trading posts," exist on the Columbia; that the English have selected and occupied lands in which their Government has promised that their interests shall be protected; and that, although our citizens may, in their private ca- pacities, make settlements and occupy lands there also, *our Government* has failed to promise them the same protection and security promised to the subjects of *Great Britain by their Government.*

We are, indeed, with some inconsistency, told by the Senators that we may build forts; which ne- cessarily implies the *permanent occupation* of the *sites* upon which they are to be built; but we cannot exercise the same power over the *contiguous* lands, that we do over those on which the forts stand. The principle appears to me to be identically the same, whether we occupy or appropriate one acre or a thousand, or whether the value of the land is little or much. The objection on the score of *exclusive* appropriation of any part of the territory for Gov- ernmental purposes, is like applicable to our obli- gations under the treaty, if those obligations are in reality *susceptible* of the construction given to them by the Senators. Great Britain, in her own pur- suits, has not so regarded her obligations under the treaty. And all that I propose to do by this bill is, to take the same steps she has taken; to inter- pret our obligations as she interprets hers; and to offer our citizens the same encouragement and pro- tection she invariably gives to her subjects, through the medium of the Hudson Bay Company.

Why should there be anything offensive to Great Britain in all this? Why should this endanger the peace of the two countries? And if she can be so unreasonable as to conceive offence at it, why should that deter us from doing right—from doing our duty? Are we to wait for her permission?—to submit to her dictation?—to follow in her wake, in re- gard to the construction to be put upon this treaty?— to look to her submissively till she says, You *may* go so far, but you *shall go no* farther? No, sir; Mr. L. said he could not, would not believe that any

American will, for a moment, entertain the craven thought. He knew something of the colossal power, the boundless energy, and the vast wealth of that little island, fast anchored in the far Atlantic. He knew that, from her isolated sea-girt throne, she overlooks the whole world; and that she has said, and is saying, to the nations of the earth—like one of her monarchs of old to the ocean—"thus far ye shall go, but no farther." But he also knew that we—at least, in times not long past—had refused to bow to her commands, and had set at naught her threats. And he would not now, nor should he ever, as an American citizen, submit to the arrogance of dictation. Either on this, or any other subject of our internal policy, the consideration of her pleasure or displeasure could have no weight with him. Neither as a Senator here, nor as a private citizen elsewhere, would he ever yield one iota of our claim to that territory. It is ours by treaty with France and Spain, by discovery, and by settlement; and he was prepared to take every step in his power to do what is necessary to assert and maintain our title. If, in doing this, we are compelled to approach the verge of war, or plunge in the gulf, let the blame fall on the injustice which drives us to it. He was not insensible to the evils of war. He knew it was a rough game—a scourge to the nations of the earth—and that we must share its miseries as well as its triumphs. He knew, too, that England never wants a pretext for war, when she decides that it is her interest to be the aggressor. If she chooses to make the passage of this bill a pretext, it is the same thing to us as the selection of any other pretext. She makes war or peace, just to suit her own views and further her own policy. She acts for her own interests, regardless of the effects on others. She never asked for *our* interpretation of the treaty when she encouraged the building of British posts on the Columbia, and the occupation of the whole country through the agency of her fur companies. She did not wait for our permission to build up British interests in the country, which, when erecting, she told us to our teeth she would protect. But we are told on this floor that she construes the treaty to mean a joint occupancy for trading purposes; and we are called upon to interpret it as she does, while we know that her *actions do not conform to that interpretation.*

I hold (said Mr. L.) that we are to *interpret the treaty for ourselves.* We witness that, under the mantle of her Hudson Bay Company, Great Britain is spreading her coils around the whole territory; and we know that her policy must eventuate in her obtaining, not a joint occupancy and jurisdiction, but an exclusive possession. Under this cover, she has already done what this bill calls upon you now to do on our part, or weakly to suffer our rights, even under the treaty, to lapse. She has legislated for the jurisdiction of the whole, under the pretext of legislating for the protection of her Hudson Bay Company and its interests.

What is this but the same artful course she pursued in India? For, at first, her movements were under the shadow of her East India Company; until, eventually, she took the reins openly into her own hands, and became the ruler of two hundred millions of subjects entangled in her meshes.

On the banks of the Columbia river, she is laying the foundation for a similar state of things. It is in vain for gentlemen, in their overweening confidence in the national integrity of England, to deny the facts indelibly impressed on the pages of history, which records these transactions.

He would ask the Senators whether she has not taken the course indicated, in relation to India? and whether the increase of her power there was not fostered in the *same way* that she is now cultivating it on the Columbia? It is a system from which she cannot and will not depart, wherever she is permitted to prosecute it. It is our policy to put a stop to that system in the Oregon Territory.

In what I have said, I would not wish to be understood as meaning to assert that, in exercising her present authority over this territory, Great Britain would think of dispossessing our citizens already settled there, or preventing our emigrants from becoming new settlers. The result to which her policy must lead, if followed out without interruption, would be, that all settlers—no matter whence they came—should ultimately become her subjects, under the force of circumstances. But what I chiefly insist upon, is, that she has given to the treaty, which we are called upon to respect to the letter, a construction in every way advantageous to herself; and that we, in self-defence, are necessarily obliged to act upon similar views.

It is not pretended by her that we may not settle the country south of the Columbia river; for, since her ultimatum of 1827, in which she proposed to take that stream as her southern boundary, the Hudson Bay Company have actually dropped any pretensions to exclusive right on the southern side. Indeed, her hunters and trappers, after exhausting its fur-bearing animals, have gradually withdrawn from the hills and plains of the south, leaving many regular agricultural settlements in the valley of the Wallamette, where they have farms, and even mills, and have established themselves with increased energy, as if determined to make their settlements permanent on the northern bank of the Columbia. Although this is a disguised admission that they have no right to exclusive appropriation on the south side, it is equally a proof that they do exercise exclusive right over the northern side of the river. But even then they do not give up their jurisdiction over the whole territory down to the 42d degree of latitude, and even to the borders of Missouri and Arkansas.

It has been said by the Senator from Massachusetts, that the British authorities have not construed the treaty so as to confer any joint right but that of trading; and that our exercising the power of granting away lands for agricultural purposes would be subversive of the objects of the treaty, to maintain the right of hunting, trapping, and trading in the country, by the subjects of Great Britain, and citizens of the United States, jointly. But how do the facts square with this assumption? Have not the British extensive and well-cultivated farms on the Columbia? Have they not large tracts to the north of this river, from which they have prohibited all game from being hunted or trapped? Have they not established at home, in the city of London, the Puget Sound Company, with a view of pursuing agriculture on an extensive scale at Forts Nasqually, Colville Walla-walla, and what is called their Colony of Vancouver? Have they not extensive saw-mills, furnishing lumber for exportation from the Columbia river to the Sandwich Islands and elsewhere? Have they not contracts with Russian settlements to the north, for incredible quantities of wheat, butter, pork, beef, salmon, and other products of the country? And will the Senators say that these are legitimate exercises of the right *to trap, hunt, and trade* in the territory? Does the treaty, providing for the joint use of the country for purposes of trading, trapping, and hunting, give the British a right to turn it into British agricultural settlements, and deny to us the right of making the like appropriation of the soil? What exclusive right did they obtain to cut down, and *turn into lumber, for exportation, the timber of the territory?* Was there less exercise of exclusive ownership over the timber, than over the forts built of it?

The Senator from Massachusetts says he has no objection to the other portions of the bill, if the *grant of lands is stricken out.* Does not the Senator see that its whole *efficacy would be destroyed by that very operation?* It would be a dead letter; for no citizens of the United States would have sufficient inducement to abandon the certainties which they enjoy at home, for the uncertainties, risks, and expenses of an emigration so distant and dangerous, merely on the assurance of protection from a few widely-scattered military posts. They must have this stimulant, which is the rational and substantial encouragement for an enterprise so great to them as emigrating to a wild country, cut off from friends, kindred, and government, by thousands of miles, and by hordes of savage tribes. Our citizens there, and going there, without the guaranty of this clause of the bill, would be discouraged, and be ultimately rooted out by the British, to whom the Indians are tributary. Give them the land, and they will hold it.

We have raised a barrier against our own onward march westward, by the Indian tribes planted on our territorial borders. They are there open to a foreign subsidy, for impeding our accession to our ocean limits; and it has become of vital interest to our safety to acquire an ascendency over these treacherous and dangerous neighbors. That ascendency can only be acquired and preserved by placing our population, in part, beyond them, and securing our avenues of intercourse with our distant territory. And we cannot plant any of our population there, without giving that encouragement for colonization, which it has been the uniform practice of every civilized nation to hold out in such cases.

That we have the right to give all that encouragement which this bill proposes, he (Mr. L.) had no more doubt, than he had of our title to some of the Oregon Territory—a matter that never has been, and never can be, disputed with truth.

SPEECH OF MR. GIDDINGS,
OF OHIO.

In the House of Representatives, January 14, 1843.—On the bill for the relief of the people of West Florida.

Mr. GIDDINGS said that a gentleman not now in his seat (the Hon. WM. B. CALHOUN, of Massachusetts) had intended to present some objections to the bill now before the House. As that gentleman (said he) is absent, I feel it my duty to state such objections as exist in my own mind. In order to be understood, I will briefly relate some historical facts that have a bearing on the subject. As early as 1811 Congress, by secret resolution, authorized the President to take possession of the Floridas, "in case an arrangement could be made with the local authorities of the provinces for delivering possession of the same, or any part thereof, to the United States." By virtue of this act, Gen. Matthews invaded East Florida in the year 1812. While there, the men under his command committed all those depredations which too commonly attend the march of an invading army. They were not restrained by the laws of the Territory, nor by those of necessity. They took property which we never furnish for our troops, and for which, when taken from our citizens by our officers or soldiers, we grant no compensation. Nor did they stop here. They went further, and interfered with the personal relations of the people, and brought away their slaves. What disposition was made of the slaves does not appear. I fear they were not restored to liberty. They were probably held in servitude by their captors, and they, or their descendants, are most likely in bondage in that Territory or some neighboring State. In 1814 General Jackson invaded the Territory of West Florida, and similar depredations were committed by the troops under his command. In 1818 he again invaded East Florida, where like depredations were committed.

In 1819 the United States, by her then Secretary of State, John Quincy Adams, entered into a treaty with his Catholic Majesty, acting by his Minister Plenipotentiary, Don Onis, by which Florida was ceded to the United States.

The last clause of the ninth article of the treaty is as follows:

"The United States will cause satisfaction to be made for the injuries, if any, which by process of law shall be established to have been suffered by the Spanish officers, and the individual Spanish inhabitants, by the late operations of the American army in Florida."

In 1823, Congress passed a law to carry into effect this clause of the treaty. At this time all departments of the Government appear to have concurred in their construction of this provision of the treaty. They limited it to the operations of the American army in 1818, under General Jackson, as its terms plainly import. But I understand that all payment for slaves killed or stolen either by the army, or by the followers of General Jackson's camp, was refused by the Treasury Department. The people of Florida, however, were not satisfied with this limitation, particularly those who had suffered under the invasion by General Matthews. They applied for indemnity also under the law, and their claims were rejected. They then applied to Congress for relief; and in 1834, another law was passed for the purpose of extending indemnity to those who suffered losses by the operations of the army under General Matthews in 1812 and in 1818.

This was an act entirely gratuitous. The losses occasioned by the army under General Matthews

had not been embraced in the treaty; and Congress went altogether beyond our stipulations with Spain, in passing the law of 1834.

Under this law, as well as that of 1823, all kinds of property were paid for; but no payments were made, as I understand, for persons who had been either killed or stolen, up to the year 1838, when the Secretary of the Treasury found himself so strongly beset by slaveholders, who claimed to have lost slaves during the campaigns in East Florida under General Matthews and General Jackson, that he referred the subject to the then Attorney General, Felix Grundy, who seems to have arrived at the very satisfactory conclusion that men were property, (vide opinions of the Attorney General, vol. 3, Ex. Doc. 2d session 26th Congress.) He seems not only to have considered men as property, but he appears to have supposed that stealing them constituted a part of the operations of our armies in Florida. This learned opinion was deemed satisfactory, and the doors of our treasury were thrown open to the slaveholders, and the money acquired by the toil of Northern freemen was handed over in payment for the bones and sinews of their fellow-men.

This, sir, is the history; and we are now asked to take another step, and pay for the losses sustained in West Florida by reason of the invasion of General Jackson in 1814. We are, by this bill, not only asked to pay for all property used, taken, and destroyed by his army, and by the followers of his camp; but we are asked to pay for the slaves killed and stolen by his army, and those who followed it.

The House will bear in mind that the Government holds itself responsible only for the *authorized* acts of its agents. The commander of an army may impress provisions for its support, if they are not furnished by the Government; or he may impress teams to transport his baggage and arms when they are not otherwise provided. But he cannot go beyond that, and take property not allowed to an army by the laws of the country. If he take my family pictures, or any other articles which we do not ordinarily provide for our armies, it is a trespass, for which *he alone* is liable. As before remarked, I understand that property of every description was paid for under these acts of Congress, whether it was taken by order of the commanding officer, or by the followers of the camp; or whether it was property ordinarily allowed to an army, or such articles as we never furnish to our troops.

This practice of the Government with our own citizens is the same as in private life. If our agent keep within the bounds of his authority, we hold ourselves responsible for his acts; if he transcend his authority, we are not bound. Now, if the House desire to go further than we have been accustomed to go with our own citizens, and grant to the people of Florida indemnity for all acts committed by our army, or by those who followed the camp of General Jackson, upon property which they were authorized to take, or upon that which they had no authority to take, I shall not object. It is to that feature in the bill which seeks to grant to the people of West Florida indemnity for the *slaves stolen* by the army, and by the followers of the army, under General Jackson in 1814, to which I object. I oppose this provision of the bill, for the reason that it seeks to overturn the entire practice of Congress since the adoption of the Constitution; and, in my opinion, is in palpable violation of the constitutional rights of the people of the free States. It is, therefore, an unyielding sense of duty that constrains me to oppose the passage of this bill—a bill which is to take from the pockets of my constituents, and of the people of the free States, their money, and apply it in payment for human flesh. I do it from no wish to stir up strife, by agitating what is generally called "the delicate question;" but I do it in defence of the constitutional rights of the people of the free States. I deem the subject of paramount importance to the nation, and particularly to those States.

I have had no agency in bringing forward this bill. That has been done by others. Its passage is urged upon us; and we must silently permit it to become a law; or we must array ourselves in opposition to its further progress. Gentlemen from the free States must select the position which they desire to occupy. They must, by their votes, aid in taking money from the pockets of their constituents, and handing it over to those who claim the bodies, the flesh and blood of their fellow-men, as *property;* or they must stand forth in defence of the interests and the honor of the Northern States, and of the Federal Constitution. I will remark, further, that these questions of the constitutional rights of the people of the several States in regard to slavery, are pressing upon us from so many directions, that their discussion cannot much longer be delayed. The number of bills now upon our calendar, which involve those questions, forbids all hopes of suppressing the agitation of this matter. Again: if we look for a moment to the various parts of the Union, and mark the feeling that exists both at the North and at the South, the intensity of which is increasing daily, from conflicting interests and collisions of supposed rights, we must conclude that every dictate of patriotism impels us to the speedy adjustment of these difficulties. This feeling is constantly gathering strength throughout our country; and every delay will add to its already accumulated force, and will increase the difficulties of allaying it. I therefore deem the present time the most favorable for adjusting those difficulties, from which we have so long shrunk with a tremulous delicacy. If, however, we have not the moral courage to meet those important questions in this hall, and to decide upon them as statesmen and patriots, it requires no inspiration to foresee that the people will assume to themselves the responsibility which they have assigned to us. I shall not presume to predict the manner of the adjudication, nor when that event shall take place.

Sir, if we pass this bill, shall we not add to the feelings of the North, which have already reached a point where they cannot be trifled with? I ask gentlemen of the North whether they are prepared to take the money of their constituents and pay for slaves killed by the army of General Jackson, or stolen by the followers of his camp? Are gentlemen of either political party, from the free States, prepared to thrust their hands into the pockets of their constituents, for money to hand over to the slaveholders of Florida as a compensation for slaves? If, sir, we are prepared to do this, let us do it openly and fearlessly; let us place ourselves before the world; in that attitude, let there be no dodging or skulking; let us say by our acts that we think our constituents will submit to it; that they have not the spirit to resist, nor the independence to oppose, such violations of their rights;—let this be made the issue, and the result will not be doubtful. In all sincerity, I ask Southern gentlemen if they believe we can compel the sturdy sons of liberty at the North, whose fathers and brothers fell in the late war, and who were thrown pennyless upon the world, to contribute a portion of their property, acquired by toil, to pay the slaveholders of Florida for negroes enticed away by the followers of Gen. Jackson's camp? If we pass this bill in its present form, we shall adopt a new principle into our legislation—one that has not heretofore been known in an American Congress—one that, up to this day, has been denied and repudiated by this House. I trust that gentlemen will notice this important fact, and that they will be prepared to say, by their vote upon the passage of this bill, whether they are willing to overturn the principles which have guided our national legislation for more than half a century. I am not prepared to go into a minute examination of all claims for slaves that have been presented to Congress since the adoption of our Constitution. The leading cases were ably examined by my highly respected predecessor, the Hon. E. Whittlesey, in a report which he, as chairman of the Committee of Claims, made to this House in 1830, (vide 3d vol. Reports, 1st session 21st Congress, No. 401.) I will send this report to the Clerk's table, with a request that he will read it to the House. [The Clerk here read the report of the Committee of Claims, made upon the memorial of Francis Larch. When the reading was closed, Mr. GIDDINGS resumed.]

The case presented by this report is one of the very strongest character. Francis Larch owned a slave, which he held as property under the laws of Louisiana. This slave, while driving a horse and cart belonging to his master, was, on the day of the battle of New Orleans, *impressed*, with the horse and cart, into the public service, by order of the commanding officer. During the battle, the slave and horse were killed, and the cart destroyed by cannon shot. Mr. Larch applied to Congress for compensation. The Committee of Claims, composed of members both from the slave and the free States, reported unanimously in favor of paying for the horse and cart, and against any compensation for the slave. They came to this conclusion after learning, from the Register of the Treasury, that slaves had never been paid for by the Federal Government during the revolutionary war, nor since that period; and after a careful examination of the action of the House upon this question whenever it had come before them. I commend to the notice of gentlemen the action of this House in 1816, when an attempt was made to grant indemnity for slaves killed in the public service. This attempt was opposed by several Southern members, among whom was Mr. McCoy of Virginia; and such was the force of reasoning brought to bear against the application, that only forty members voted for it. We have the authority of this report, made by Mr. Whittlesey, that, up to the year 1830, no payment for slaves killed in the public service, or otherwise lost to their owners, had ever been authorized by Congress. I have carefully examined the proceedings of this body since the date of this report, and so have other gentlemen; but we have found no instance in which Congress has acknowledged any obligation resting upon the United States to pay for slaves. On the contrary, the records of the Committee of Claims show conclusively that, up to the present Congress, that committee, from 1794, (the date of its earliest record,) has rejected every claim presented to them for compensation on account of slaves lost in the public service, whether they had been impressed into the service, or had entered it by consent of their masters. I therefore say, without hesitation, that, from the meeting of the first Congress, in 1789, up to this day, the practice of Congress on this subject has been uniform. All applications for indemnity for the loss of slaves have been rejected, without exception; and I appeal to gentlemen to maintain inviolate this usage, which, by universal consent, has now become law with us. Lay not violent hands upon a rule thus sanctioned by the wisdom of our predecessors for more than fifty years.

The report which has been read speaks of it as "a delicate question," and of adding to the excitement already existing." The committee, like other members, were in the habit of approaching this subject with a kind of horror which their imaginations seem to have thrown around it. They appear to have been unwilling to examine in detail the principles on which they based their report; but the precedents were established by those who assisted in framing the Constitution. Their examples have been approved and followed down to this day, and, in my opinion, should not now be departed from. Those sages and patriots who framed the Constitution must have understood their own intentions in framing it; and, being guided by the most pure love of country, while subsequently serving in this hall, their decisions on this point are certainly entitled to great weight.

But, overwhelming as the authority of these precedents is, and conclusive as the former practice of this House would seem to be, there are other and far stronger arguments to be drawn from the Constitution itself. But, before entering upon this part of the argument, I propose to examine briefly the maxim which prevails so generally in the slave States, that "*slaves are property.*" This saying is frequently made by gentlemen from the South, and is sometimes repeated by those of the North. The constitution of Ohio declares that "man is created free, and is endowed by his Creator with a right to the uninterrupted enjoyment of life, liberty, and the pursuit of happiness."

This constitution my colleagues and myself have often sworn to support. How, then, we can call man *property*, and say that, as such, he belongs to his fellow-man, is a matter which I cannot readily comprehend. But it is said that Kentucky, and all the other slave States, by their laws, have declared a portion of their people to be the *property* of the others. Here is the conflict between the laws of Kentucky and Ohio. They are at variance with each other, and cannot be reconciled. Yet, sir, as I prefer the doctrine of our constitution, I may enjoy the blessings of liberty while I remain in that State. If I prefer the slavery of Kentucky, I may go to that State, and participate in its privileges, and live under her laws. While, then, the people of Ohio cannot demand of me the adoption of their political faith—that man is endowed by his Creator with the right to enjoy his life and his liberty—neither can the people of Kentucky force upon me, while a citizen of Ohio, the doctrine that man can hold *property in man.* These laws of Kentucky are in force within her territory, but not in Ohio. The laws of Ohio are in force within that State, but

have no validity in Kentucky. But it is said that we are bound to consider slaves as property, because this law of the slave States has declared them such. If that be the case, then are the people of the slave States bound to consider man free, because the paramount law of Ohio has declared him so. Sir, our law is as binding upon the people of Kentucky, as the laws of that State are upon the people of Ohio. We acknowledge no superiority in our sister State, nor do we claim any for our own. We stand upon the same level, enjoying equal rights, and maintaining an equal independence. If she can demand of us a portion of our substance to pay her people for the loss of slaves, may we not demand of her citizens a portion of their wealth to compensate our people for the loss of our sons, our brothers, our husbands, and fathers, killed in defending her citizens (perhaps her slaves) against a foreign enemy? Is the slave more valuable than a freeman? Or is the loss of a slave of more importance to the country than that of a freeman? Has the nation a deeper interest in the lives of slaves, than it has in those of freemen?

That difference in the laws of the several States existed at the formation of the Constitution. Had the framers of that instrument intended to have overturned the doctrine of the free States, and of the civilized world, in this respect, they would have been likely to leave some evidence of that fact in the Constitution itself, or in the debates of the convention that framed it. The distinction between *persons* and *property* was drawn by the hand of God himself, at the creation. That distinction cannot be obliterated by man. "The human form divine" is distinct from all other earthly beings and things. This distinction was sanctioned and established when the voice of the Almighty proclaimed to man, "*Have dominion over the fish of the sea, and over the fowls of the air, and over the cattle, and over all the earth, and over every creeping thing that creepeth upon the earth!*"

"This," says Sir William Blackstone, "was the origin of property." It is founded upon the command of Heaven, and is totally unconnected with the laws of our slave States. This marked distinction between persons and property has been observed by jurists, statesmen, and writers, from the earliest antiquity to the present day. In 1776, the Congress of these colonies declared "that all men are created equal." The members of the convention that framed the Constitution were profoundly read in natural and municipal law, and well understood this fundamental distinction. Mr. Madison, who is styled "the father of the Constitution," has left on record his opinion, as expressed in the convention. He declared it "wrong to admit slaves to be property." We have no intimation that an individual in the convention differed from him. On this point, so far as our information extends, there was no difference of opinion. On the contrary, we have conclusive evidence that the distinction between persons and property was kept up by the language of the Constitution itself. In every instance where that instrument refers to the unfortunate class of people called slaves, they are characterized as persons. Thus, in fixing the ratio of representation, in the 2d section of the 1st article, they are denominated persons. When it grants to Congress power to suppress the slave-trade, in section 9, article 1, it characterizes them as persons. In section 2, article 4, in providing for the recapture of fugitive slaves, they are again styled persons. But in no instance are they alluded to as property.

It would really seem as though these facts could leave no room for cavil as to the light in which the Constitution of the United States regards them. If the opinion of the Supreme Court of the United States could make this question more clear, I might cite the decision of Groves *vs.* Slaughter, reported in 15th Peters, in which this point came before the court, and it was said by Justice McLean that, although slaves may, by the laws of particular States, be declared property, "yet the Federal Constitution regards them only as persons." But, in my opinion, the language of the Constitution is conclusive, and cannot be made more apparent by argument. In some of the States, slaves are declared property. But the question now before us is, Do these laws overrule the laws of other States? and do they supersede the Federal Constitution? The constitutions of the free States, that of the Federal Government, the opinions of the civilized world, the hand of nature, and the voice of God, have distinguished persons from property; and it is now too late for a particular State to overturn these authorities, and force upon us the new principle that man is property, or that property is man. It cannot be done. My friend in front of me [Mr. HOWARD] says it cannot be done short of a "bill of sale from the Almighty." But, Mr. Speaker, should such an instrument be produced, I would at once deny its authenticity.

[Mr. HOLMES of S. C. called Mr. GIDDINGS to order for sacrilege.

The SPEAKER *pro tem.* (Mr. MCKENNAN) decided that Mr. GIDDINGS was not out of order, and desired him to proceed.]

Mr. GIDDINGS resumed. I regret, Mr. Speaker, that any gentleman should permit his feelings to become excited at what I was saying. I hope to control my own feelings, let others do as they may. I have said what I desired to say upon the subject of man holding man as property. There is, however, another view of the question to which I wish to call the attention of the House. It is this: that we do not possess the constitutional right to involve the people of the free States in the expense, the disgrace, or the guilt of slavery. With them, it is a matter of principle and of conscience. They will not consent to be involved in slavery, unless they are constitutionally liable to be made participators in that institution.

I deny that they are thus liable. I lay it down as a principle well established—one that is not to be denied or doubted—that, by our Federal Constitution, no power was delegated to Congress to involve the people of the free States in the expense, the guilt, or the disgrace of that institution. I have on a former occasion stated some of my views upon this point; but I trust the House will bear with me, if, upon the present occasion, I again refer to the doctrine which I trust will at no distant day be acknowledged as a fundamental principle of this Government. In order to be understood, I will refer to the situation of the several States prior to the adoption of the Constitution. At that period, each State exercised supreme and unlimited power over the institution of slavery within its own limits. Each possessed the power to continue or abolish it without interference or interruption from any other power on earth. Virginia held her slaves subject only to the laws of that State. Massachusetts enjoyed her freedom in the same unlimited and supreme degree. Virginia could not call upon Massachusetts to share with her any portion of the expense, the disgrace, or the guilt of slavery. Nor could Congress, under the old Confederation, involve Massachusetts, to any extent whatever, in that institution. If the slaves of Virginia were killed or lost, or ran away from their masters, her people sustained the loss, if any; nor could they throw any part of it upon the people of Massachusetts. The people of the latter State enjoyed their freedom, entirely exempt from the restrictions of slavery. Her people were not liable to be called upon to contribute their funds to pay for the bones and sinews of their fellow-men, in violation of their moral principles.

At the formation of the Constitution, the people of each State entertained their own views concerning slavery. The North were opposed to that institution. The South deemed it necessary for their prosperity. The same conflicting views and interests existed at that period, that exist at this day. The Northern States were anxious for the abolition of slavery. The Southern States refused to adopt the Constitution, if, by so doing, the Federal Government were to have any power over it. Virginia would not intrust her slavery to the control of the Federal Government, nor would Massachusetts intrust the liberty of her people to that power.

On the subject of slavery, each State, therefore, retained to itself its whole powers concerning that institution—delegating no portion of those powers to the Federal Government, except the power to legislate so far as to *enable the owners of fugitive slaves to recapture them.* This power was expressly given in the Constitution: and its existence there is as strong a negative of the existence of all other powers, as could have been expressed by any language whatever. It therefore follows, that at this day we have no more power to apply the public funds to pay for slaves, than Congress possessed under the old articles of Confederation. We have no more power to take a slave from his master now, than the old Congress had. The citizens of Virginia at this day holds his slave as independent of the Federal Government as he did prior to the adoption of our Constitution. We, sir, possess no more constitutional power to separate the master and slave in Virginia, than we do to sever that relation between persons in India. Nor have we any more constitutional right to involve the people of the free States in the expense of slavery, or in the moral guilt of paying a slaveholder for loosing his grasp upon his fellow-man, than we have to take money from the people of Great Britain for that object. Sir, we should violate the rights of the people of Canada in no greater degree, if we were to compel them to aid in the payment for lost slaves, than we shall those of the free States, if we compel them to contribute for the same purpose. Sir, the right of enjoying our personal liberty, and the right of continuing slavery, were State interests, which were never brought into the political copartnership. They constitute no portion of our joint capital; nor can they be reached by the acts of our political firm. We, acting for the joint interests of all the States, cannot interfere with either the slavery of the South or the liberty of the North. The power to do this has never been delegated to us. Its exercise would be a usurpation—a palpable violation of the Constitution—a subversion of the rights of the people upon whom it is exercised. If we have power to involve the people of the free States in the payment of slaves to any extent, we have the right to exert precisely the same power, and to the same extent, for the abolition of slavery in the slave States. Establish the principle that we can involve the people of the free States in the payment of slaves, and it will follow that we have jurisdiction over slavery. If we have power to make the free States *pay* for slaves, we have power to say they shall *not* be paid for. If we may interfere to any extent, we may to all extent. If we have jurisdiction over that institution, let us at once exercise it as becomes a nation professing freedom. I am ready to take jurisdiction of it whenever I can satisfy myself that we can constitutionally do so.

When we once commence legislation in regard to slavery, I hope and trust we shall speak of "natural rights," of "human liberty," and of the crime of holding our fellow-men in bondage. When we talk of slavery, I trust it will be to execrate it, to abolish it, and not to discuss the propriety of encouraging its continuance at the expense of this Government and of the free States, or in any other manner.

I move to recommit the bill, with instructions to the committee which reported it, to insert a proviso that nothing contained in it shall authorize the payment for any slave killed, taken, or carried off by the American army, or any person belonging thereto, or accompanying the same.

SPEECH OF MR. MERIWETHER,

OF GEORGIA.

In the House of Representatives, January 4, 1843—On the bill for the repeal of the bankrupt law.

Mr. MERIWETHER said that he concurred fully in opinion with the gentleman from New York, [Mr. BOWNE,] that there would be no repeal of the bankrupt law at the present session. He had no doubt that many of those who professed to oppose the law, were at heart its friends; and that such would vote for all motions for commitment, for all instructions, to waste time and defeat action. They were opposed to repeal; but, to save appearances, were compelled to make a show of resistance to the law. The measure had been made a theme for party declamation throughout the Union. It would be difficult to find, in the vocabulary of epithets, one which had not been exhausted upon both the measure and its advocates; and now, after it had been made the stepping-stone to power, it would be too impudent for those who had so used it, at once to vote against the repeal. hence they have sought its defeat by indirect attacks, and will, no doubt, succeed in their purpose. The whole country had been aroused against the law; its provisions had been declared to be ruinous, dishonest, villanous: and yet those very provisions, thus condemned, had, every one of them, time and again, been commended to the people, by the votes of the leading members of the Democratic party in the Senate. All this the country had neglected to look at; and the advocates of the law had not had time to catch the first calm, in the storm which had swept over them, to demonstrate it. The law—just as it is, without change of a syllable, word, or sentence—is acceptable, no doubt, to the majority of the Democratic party; but they

have told the people differently, and must now act with some show of sincerity. But I predict this repeal bill will be strangled just where it is; and, next session, the Democratic party, having the power, will complain of their inability to correct all of "Whig misrule," and leave the bankrupt law still in full operation. The facts just stated by the gentleman show that I am not very far wrong in my suspicions. He tells us that he voted against the passage of the bill originally; that there is not a man in his district, save one, who does support it; that that one is an "open and avowed supporter" of the law; that the people demand the repeal, and, to insure it, have left him [Mr. BOWNE] at home, and elected in his stead this very same "open and avowed supporter" of the present law. This fact shows that the excitement in the gentleman's district was not very alarming, however unanimous it may have been. And it shows, further, that the gentleman may have mistaken public sentiment; and, in order to get into the current again, and to keep up appearances, it may be that his speech was intended to do what he censured in others so much—to stave off the question of repeal! That strange speech had an "awful squinting" that way.

This fact shows, furthermore, what confidence is to be placed in the complaints of the Democratic party against their opponents and their acts. No exception to the acts of the Whig party was more prejudicial to them than that founded upon the bankrupt law. It was daily denounced as the means of destroying all confidence in society, and bringing bankruptcy and ruin upon the whole country. It was denounced as a system of robbery, and a palpable violation of the Constitution. These charges have been believed; and the country has, by its vote, evicted from power and place the party who held control when the law was passed. The gentleman was no silent spectator in the great struggle. He denounced the law; his constituents agreed with him, all but one man; and now, when the battle has been won, when the weapon of assault is yet reeking with the blood of the victim, when victory is certain,—that very constituency hurl from their affections the man who had faithfully sustained their views, and have elected in his place one who had opposed him and them upon this very question. For the party's sake, they joined in the denunciation; and now, for their own sakes, they have elected a Representative who could, without change, subserve their views. They opposed a principle to get into power; and when in power, they sustain it, to keep there.

Mr. M. said that he was opposed to the repeal of the bankrupt law. He stated that now, as it was possible he should not again touch the subject under consideration in the course of his remarks, [laughter,] he should follow very closely the example which had been set him. He voted originally for the passage of the bill. He was not satisfied, at the time, as to the wishes of his constituents upon the subject. He had to rely upon the evidence before him, in the shape of memorials addressed to this House—upon private letters received by himself and others—upon conversations with gentlemen who were at the seat of Government, from his State, at the extra session. From all these sources, the overpowering evidence was, that the people of his State desired the passage of the law, and he voted for it. Before the law went into operation, however, he became satisfied that the same people desired its repeal; he therefore voted in accordance with their wishes. Recently, the subject had not been agitated; but he had seen the good effects of the law; it was a measure of justice, sent in mercy to a whole people, groaning beneath the iron rod of heartless power, and struggling, amidst the deepest and most gloomy reverses of fortune, to subsist those whom nature had made dependent upon their labor. Then, upon his own responsibility, he should vote against the repeal. Further, he should so vote upon every incidental motion as would most certainly tend to defeat that repeal. And if, as it had been said, it was an object of great desire to the Democratic party to reserve to a Democratic Congress the honor of repealing the law, he would, by his votes, help to give them an opportunity. Then we should see whether they would repeal the law, or retain it; whether they would modify it; and whether, since they have declared it to be unconstitutional, they would attempt, by their legislation, to set up debts which they now say have been unconstitutionally discharged. Let them have a fair sweep; and let us see how far they will verify, by their acts, what they have said to the people.

Mr. M. said he had been very much amused at the confession of sins which was now going on with the Democracy. Whether conscience was pricking, or concealment was no longer necessary, he pretended not to say. The gentleman from New York [Mr. BOWNE] had said that he was an old Federalist, but as soon as he judged for himself he became a Democrat. Mr. M. thought it was no great effort of judgment to lead a votary of Federalism to Democracy: the dividing line between the two had never yet been defined. The gentleman said that if proscription was to cut off or repel a man from the Democratic party because he was a Federalist, many who were now in their ranks would have no further place here. This was a candid and a true confession; and if a political confessor were appointed, it would be a difficult matter to divine the time of his duration in office, if he but listened for a moment to the confession of each Democrat who had the same sin upon his shoulders which the gentleman admitted was on his own.

Mr. M. had sometimes been at a loss to account for the great zeal of the gentleman [Mr. BOWNE] in behalf of the cause of Democracy. If he is a penitent at the footstool of political mercy, and if, by shifting from Federalism to Democracy, he has found (or thinks he has found) a political regenerating grace, it may be that to the maxim, that "new converts are always the most zealous," is to be attributed his fiery zeal. But Mr. M. had likewise heard it said, that the most "zealous converts" were not always the most radically reformed. The gentleman might still be under a delusion as to his conversion, and as to the probabilities of conversion at all for one who occupies his place. But, be this as it may—whether the gentleman be reformed or not—whether it be in fancy or in fact—judging of the past by the present, if the past was as bad with him, proportionably, as the present seems to be, let no man who seeks political reformation ever cease from the struggle to acquire it; for, looking upon the gentleman's present condition as improved, I feel that, in the most perfect respect to him, I may say to others, go on—

> "For while the lamp holds out to burn,
> The vilest sinner may return."

But, turning from the gentleman and his faith, I desire to say something of the auction sale, which is the subject of a speculation. My friend from Indiana [Mr. THOMPSON] expressed the opinion that the article offered was damaged, and there would be no bidders. I thought then, and yet think, he was mistaken. The thing is damaged, beyond doubt; but the Democracy, rather than be without power, would bid for and use any article, however badly damaged; and, in the sequel, we shall see that their too free use of a damaged commodity has resulted in damaging them. The gentleman from Massachusetts [Mr. CUSHING] was too old a dealer in politics—was too skilful and provident—not to know the value of the article to be sold. He knew the character of the bidders too well—their necessities and dispositions—to hazard his object. He stood behind the screen; he saw those who pulled the wires; he knew the suppliants for Executive favor; he held his notes in his pocket, and saw and knew all the motives to action—who must act, when they must act, and how; he saw over the entire ground, and knew the stations of his men.

The result has shown that he was not mistaken. Never did auctioneer ply his bidders so well before; never did bidders respond more kindly before. True, there was some little squeamishness at first—some little restlessness; but this was natural, and to be expected, when the business had been so suddenly and publicly thrown upon them. All seemed to like Mr. Tyler very well; he was quite an honest man; he had been badly served by the Whigs—a most rascally set of ingrates, who had put him in office, and then had refused to put their heads down as stones on which he might step higher and longer. They did not like Daniel Webster and John C. Spencer, however; but this was a secondary matter; they would support Mr. Tyler's measures that were right, and they knew he would offer nothing that his *conscience* did not approve, unless seduced by Daniel Webster. This was the maiden coyness with which the Democracy began their bids; but, as an earnest that more would be granted, if enough had not been conceded, the auctioneer was assured that the Democracy would not dash themselves against the "constitutional fact."

As the auction has advanced, the bidders have been warmed up, and better terms have been offered. The gentleman [Mr. BOWNE] comes up fully in public to the terms doubtlessly reserved and dictated in private. He says: Take Daniel Webster and John C. Spencer, with all their sins upon them; receive them gladly and with open arms; and tells his brethren that if they are rejected for the sin of Federalism, measuring the same justice to others, they must force "thousands of other gentlemen" from their ranks. Does not this look like bidding, and bidding freely, for the damaged "thing?" and would the gentleman [Mr. CUSHING] have opened this sale if he did not know that circumstances would force the Democracy to show their loyalty here? Sir, this auction has been a troublesome matter to the Democracy; it has driven them to assume positions, to show division, to disclose purposes, which they had hoped to hide from the public eye. The Whigs have had their day of adversity; offices and measures were swept from us, like sand before the wind. This was a day of rejoicing for the Democracy; they laughed at our adversities, and feasted upon the full harvest of Executive patronage; and, so long as the Captain-General was in the dispensation of his favors, all was quiet and happy; so long as the war was against the Whigs, not a sorrowful thought crossed their happy bosoms. But that war is over; the enemy is supposed to be routed; and now the Captain begins to inquire, What share of the spoils is mine? What profit enures to me? Who bids for the "constitutional fact," against which I have dashed our common foe? There are in my family those who intend to be heard in the next Presidential election. Who bids for my power?

Sir, I may repeat, this auction has been a troublesome matter for our opponents. Accustomed to grief ourselves, we have more philosophy in its midst. We have looked upon the sorrows of our opponents with compassion, since the bright sunshine of their hopes has been turned to the chilling damps of disappointment. We would that the bitter cup could pass from them. We have seen that the hour of their dissolution has come, before they have yet entered upon the Elysian fields of their glory. But, who bids? is the hateful sound that rings through their ears. Who bids? is the accursed knell which foretells the hour of their doom.

But, sir, a community of action is likely to beget a community of sympathy. The Democracy have been the soldiery with which Captain Tyler has waged his war upon the "friends he left behind him." They have imbibed a love, as was natural, for their Captain; and the dispensation of many favors—of good and substantial offices, all held at his will—has not failed to impress upon these favorites, and their friends' friends and relations, and upon all who think that, by possibility, they might fall into the "line of safe precedents," that the Captain has manly virtues, lofty genius, noble daring; and

> "Who should be king but Charlie?"

Besides, there are "buddings of disaffection" in the ranks of the Democracy, growing out of the succession, as the gentleman [Mr. CUSHING] very shrewdly told us. Differences between the Northern and the Southern house were far from any hope of speedy reconciliation. In the mean time, the "fact" was here and could not be surmounted. All these things had brought uncertainty into the ranks of the Democracy; and at this moment, so inopportune for them, the President has snatched the banner of the guard, and planted it in their midst. Who feels that they need my power? Who bids for it? is the ready query that, like an electric shock, thrills throughout their whole ranks; and bid, some one must.

Now, sir, it is unnecessary for any one to disguise the fact that Mr. Tyler has divided and broken the ranks of the Democratic party. Their "one and indivisible" front is a mass of chaos. Followers are flocking to his banner; and the little guard, once so insignificant, is now quite an army of well-disposed *affections*, if not counted men; and all its recruits are drawn from the Democracy. The number, too, is greater than public opinion has allowed. The "givings out" of the gentleman from New York [Mr. BOWNE] favored this opinion; and, if I am not mistaken, from the gentleman's speech of yesterday, [Mr. WELLER,] he has

no special objection to fight under the banner of the Captain, since he was going into private life. The position of the President now is such, that the Democracy dare not treat with neglect or contempt his overtures. They dare not refuse him audience. They must respond when he cries, Who bids?

The welcome of Daniel Webster and John C. Spencer to the ranks of Democracy, by the gentleman from New York, is no new idea in that party. It has before been thought of by them, and acted upon before; and all this parade before the country by gentlemen, that they cannot receive them, nor the Administration with them, is but a feint, to operate upon certain quarters and certain men, when, eventually, acting under the constraining will of the people, as pretended, they will be received into full fellowship, at least by one portion of the immaculate "one and indivisible" Democracy.

I propose reading a resolution adopted at a large meeting of Democrats in the State of Kentucky, at which, the "Madisonian" says, the most influential Democrats of the State attended, and that they are men not surpassed for influence in that party in the Union. Mr. M. read the following:

"*Resolved*, That Daniel Webster and John C. Spencer, the brightest luminaries of the Whig sky, have, in their transit to Democracy, formed a halo of glory around its principles."

[Laughter, and cries of "Read that again."]

After this, let not my friends think that this Administration is without bidders, when it is put up for sale. The gentleman [Mr. CUSHING] knew all these facts, and knew, however damaged it was to the country, yet, for party purposes, it was highly valuable to the Democracy. Mr. Tyler, by his patronage, is omnipotent with that party. He has done what no other man, either in or out of the party, could do. He has not only carried his own strength into the ranks of the Democracy, but he has carried with him, and installed into his command, Daniel Webster and John C. Spencer as his lieutenants; and the Democracy are rallying around them, while they "formed a halo of glory around its principles." The Democracy will always bid at such a sale. What higher evidence can be wanting of the disposition to bid, irrespective of conditions, than this? And what better evidence of an alliance, offensive as well as defensive, than that which makes old enemies "one and indivisible" political associates? We shall see hereafter if there is not still stronger evidence of alliance—one founded on a bid, and that bid a bargain.

But it may be asked if Mr. Tyler himself is, without difficulty, surrounded by so many new associates and friends? It appears not; from indications, it seems that there are false teachers in the household; that the bidders are themselves treacherous; and, while they bargain for their loyalty, they are seeking to rob patronage of its power, and to sacrifice its dispenser to their selfishness. Treason seems to reign in the camp, and friendship is made the screen behind which perfidy perpetrates its deeds.

I hold in my hand a letter said to have been written from the White House. It appeared in the New York "Union," the accredited organ in that city of the President, and would not have appeared there, urging such grave charges, uttering such melancholy complaints, and speaking such desponding language, if there was no foundation for all, and a great many more causes of dissatisfaction than those detailed. Speaking of the President, it says:

"The President is like a man who is walking over a straight road, and ever and anon some kind friend advises him to turn to the right or the left, or to go up that hill, or down that lane, intending to do him the favor, if they can get him out of the straight and honest path he has chosen, to strip him of his coat, waistcoat, and breeches."

[Roars of laughter.]

Mr. M. continued. He hoped the gentleman from New York was not one of the number who were trying to get the President's breeches. [Continued laughter.] What a melancholy picture does this tale unfold! How fearfully true is the treachery which it discloses! That the highest officer within the gift of a free people is subject to such associations; that he cannot trust himself to the counsel they may present; and that, under the flattering but deceitful profession of friendship, counsellors around him advise to a policy not to subserve the public good, but which, if adopted, selects their own selfish purposes as the only object to be attained, robs him of all ability to be useful, and makes him the degraded tool of their ambition! The language of this complaint is figurative, but the fact it discloses is real. Surely the President must feel that he reclines on thorns, when surrounded by a faction which has been collected through the patronage of power, and which will betray him as interest may dictate. These are melancholy facts, to go down to posterity as evidence of the prostitution of the present day. Well might the gentleman, [Mr. CUSHING,] knowing all these things—the professions of friendship made, and the perfidy which was ready to betray confidence reposed—put up the Administration at auction; well might he seek to bring out before the public eye those who were its friends, that those who had sworn their loyalty in the recesses at the White House should register their vows before the world—that the true friends might be distinguished, and the robbers of coats and breeches expelled. But how could it be otherwise than that, when treachery had once tainted its victim, the victim should perfect the treachery?

The gentleman from Ohio [Mr. WELLER] had said on yesterday that the President had been greatly annoyed and assailed by the Whigs who wanted office; that their "voracious maws" not being satisfied, they had turned in wrath against him. Upon the subject of office, perhaps that gentleman would have done as well to have been silent. If reports be true, should that gentleman be not now most perfectly satisfied, he might incur the charge of having the insatiable appetite of a cormorant. But it seems that the thirst for office happens not to be confined to the Whigs alone. No doubt that there was a great rush on their part as soon as they had been installed in power. Many honest and honorable men had been hurled from office, for no other reason than that they had an opinion of their own. They came forward quickly to have the stigma wiped from their characters—which official tyranny had stamped upon them. But it is a fact, which is disgraceful to both parties, that too many of their members desire office for the gains which it brings to them. But the Democrats seem to have much rapacity for office too, and have proved a source of great vexation at the White House. The same letter to which I before referred has this remark:

"I am glad to find that your Tyler cliques in New York are becoming more orderly and governable. I thought at one time, from their continued rush to the Capitol, that a new party, under the name of 'Want-to-get-into-the-custom-house Party,' would carry all before them; for there was no want of applicants for collectors, postmasters, marshals, navy agents, district attorneys, &c.; and, if the applicants themselves were to be credited, those high functionaries were but sorry fellows at best. Although none has succeeded, or is likely to succeed, yet ever and anon a poor 'faint and wayworn traveller' finds his way down here with his pockets full of letters of recommendation from the malcontents, representing you all to be without the capacity or the inclination to do the least service to the President; and these denunciations generally end by the complainant's asking for an office."

Then, it seems, continued Mr. M., that the President is beleaguered by office hunters from the Democracy; and, when he places them in power around him, they fail not to consult all the artifices of their address to seduce him from an honest, straightforward path, into private ways and by-paths, where they may practise upon him their arts of petit larceny, robbing him even of the slight habiliments which now serve to hide his nakedness. But what does this letter of complaint show? That there must be between the President and his followers a *quid pro quo* for every favor asked, and every service rendered. Office is asked with the understanding that the "ability and capacity to serve the President," not the country, can be afforded; and office is granted, with the understanding that that "ability and capacity" are made effective in serving the President. What is this but a bargain—a contract—an agreement to do a particular thing—between parties capable and willing to contract, and actually contracting, and the performance under that contract of some service, which strips the transaction in law of that want of consideration which would render the agreement a *nudum pactum*?

And what was that bargain to which the gentleman from Virginia [Mr. WISE] alluded, which he so bitterly denounced the other day as carrying on its face a "damning suspicion?" The public news said that it amounted to more than an agreement for office for each of the parties. And what is the fact disclosed by this White House letter? That office is conferred upon those only who have the "ability and capacity" to serve the President; and those who receive offices must employ that "ability and capacity" in his service.

This is the scene enacting behind the curtain at the White House; and forthwith the gentleman from Massachusetts, [Mr. CUSHING,] the accredited friend and counsellor of the President, comes upon this floor, in a debate upon the repeal of the bankrupt law, uninduced by anything before said, repeats what it seems had before been heard elsewhere in rehearsals, that the Administration must have friends, and that it possessed the means of rewarding them, and punishing foes. He tells us that the Whigs have been dashed to pieces against the President's "fixed fact." This was punishment. He tells the Democrats that they will "not profit by experience," and that they are dashing wildly against that same "fixed fact." This we all understand to mean the veto of the sub-treasury bill, whenever readopted. He had spoken of the "buddings of discontent" in the Democratic party; that a prominent man would draw off one wing, and another man would draw off another wing of that party; that, in the next presidential election, there were those connected with the present Administration who intended soon to have a word to say; and that no one would make anything by indulging in a "fierce warfare against the President;" that he held the veto power—something more omnipotent than mere patronage. Now, English these sentiments; and what do they mean? That the patronage of the Executive will be thrown into the support of that candidate and his friends, and the veto power used for their advantage, whose friends and associates, possessing the "ability and capacity," would render him (the President) the most effective service, and would not rob him of his coat, waistcoat, and breeches. Is there no intimation of a willingness to bargain for power in all this? No expectation of reward created for services rendered or to be rendered? No temptation to excite rivalry in devotion to the President? And what was the effect of this announciation of purpose on the part of the President? The gentleman from Indiana [Mr. KENNEDY] said that he would not bid: to have avowed such an intention would have been to expose and defeat his purpose; but he told the gentleman [Mr. CUSHING] that he, a Democrat, would not encounter the rod of punishment—the veto! The gentleman from Ohio [Mr. WELLER] said that it was the high duty of every Democrat to support every act of the Administration as far as he could; and the gentleman from New York, [Mr. BOWNE,] discarding all barriers, exhorts his associates to take Mr. Tyler, his administration—Webster and Spencer—however deeply dyed in political sins—to take one and all, now and at once, without atonement, conditions, reservations, or stipulations—to take them freely, cheerfully, graciously; and to become with them, at once, "one and indivisible." What call you all this? Is there no response here to the question, Where shall I find my friends? No cringing before the lash? No reaching after the reward? No manifestation of fear that the "fixed fact" was dangerous; that those connected with the Administration, who intended soon to have a word to say in the next presidential election, might not speak that word unfavorably; that certain "discontents" might not profit by that word; and no evidence of a belief that prudence dictated at once that all fears should be quelled, that a "fierce warfare against the President" was not to be expected from a certain quarter? Does not all this squint most awfully at the fact, that the terms of sale, as stated, are ready to be embraced? Do not the bids fully cover the offer? And is there nothing like a bargain, an agreement, an undertaking, mutually to do and perform certain acts, for a mutual consideration?

But the gentleman, no doubt, did look further, and to other terms than those he expressed, when he put this Administration up at auction. Possibly he had other objects in view; and I will ask the gentleman if he did expect that at this sale any bids would be put in by the Whig party?

[Mr. CUSHING (Mr. M. yielding the floor) said the gentleman from Georgia [Mr. MERIWETHER] had repeated the remark several times made in this House, and to which he had sought an opportunity to reply. The gentleman desired Mr. C. to inform

im when he (Mr. C.) had put up the Administra-
on, if he expected the Whig party to bid? Mr.
. called on the gentleman, and on every member
f this House, to put his finger on any part of his
peech that authorized this imputation. [Laughter.]
le denied that there was any foundation whatever
or it; and he asked the gentleman from Georgia to
elect from that speech a single sentence, if he
ould, which justified that imputation, which the
entleman himself would declare to the House to
e unjust in principle, or untrue in fact?]

Mr. MERIWETHER resumed: The gentleman from
lassachusetts was trying to play a Yankee trick
pon him—answering his question by asking him
nother. The answer had in nowise been given to
ie interrogatory. Waiving, however, his right to
sist upon an answer, the gentleman asks me to
oint to a single sentence of his remarks that
ould justify such an imputation. Mr. M. would
oint the gentleman to his whole speech for evi-
ence to sustain the construction he and others
ad placed upon it. It was no objection to the
ct, that one single sentence did not contain the
roposition of sale; the whole speech was com-
ounded of several propositions, each resting upon,
nd connecting with, the other. If this (Mr. C.'s)
ule of interpretation were to apply, we might, for
ie same reason, reject some of the most important
uths of the Bible. Mr. M. could understand
othing else from the gentleman's remarks than the
mputation which had been made. But I will inti-
nate to the gentleman what I have before said to
ie House were the terms of his propositions, and
eave him to contradict the facts as I state them:
hat he spoke of a "fixed fact" in the Federal Gov-
rnment; of the President as that "fact;" that the
Whig party had been dashed against it; that expe-
ience did not serve to teach the Democratic party,
nd they were going to repeat the same experiment;
hat "fact" was the veto power in the hands of the
President; that in the Democratic ranks there were
iscontent and division in reference to the succes-
ion; that some persons connected with the Admin-
stration intended soon to have a word to say in
he next Presidential election; and that the interest
f no party would be advanced by a fierce attack
pon the President, and he deemed it material to
e frank upon that point now. Now, with these
ropositions, what other could follow, but that the
Administration would elect in the use of its friend-
hip, (which means the patronage of the Govern-
nent and the exercise of the veto power,) to bestow
he one, and to use or withhold the other, as would
bserve the interest of party friends? And who
ould be its friends, but those who sustained its
neasures, and were not "too furious" in their op-
osition to the President? And why talk of being
rank in your statements, if nothing was meant by
t—no agreement to be understood? Could lan-
uage be plainer, or logic more clear, than that
hich deduces this crowning proposition from such
remises? And the bare statement of these propo-
itions had not failed of its effect. The gentleman
rom Indiana [Mr. KENNEDY] had promptly re-
ponded to them, disclaiming any intention to bid:
nd to have acknowledged it would have been too
arefaced,) but assured the gentleman that the De-
ocracy would not encounter the "fixed fact" in
eir legislation at the incoming Congress; which
as to say, "declare your will, and we will execute
." But, as the gentleman now says he did not in-
nd to sell, I suppose the sale is postponed for the
resent. [Laughter.]

[Mr. CUSHING (Mr. M. again yielding the floor
or explanation) said that the gentleman had put to
im a question which was based on the assumption
hat he (Mr. C.) had done a particular thing in this
louse. Mr. C. had replied, by contradicting the
ssumption and challenging proof, exhibiting de-
onstration on that point; and the gentleman said
hat he had practised the Yankee mode of answer-
ng a question by asking another. It was not so;
Ir. C. had answered emphatically and fully, cov-
ring the whole ground; and he now begged leave
ask the gentleman a question: Would the gentle-
an be good enough to put his finger on a single
entence of that speech which, either as a Whig or
emocrat, the gentleman would aver to be unjust
principle or untrue in fact? If he would, Mr.
would pledge himself to show, by exhibition of
n authority of some of the highest and best men
hat had lived in the United States since the Rev-
lution, that propositions of the same tenor had
fore been made.]

Mr. M. resumed. He had referred the gentle-
man to his whole speech; he seemed unwilling to
scan it; he referred him to it again; and when he
shall have read it throughout, calmly and dispas-
sionately, he would find more in it than he seems
willing to admit now is there, and more than he
ought ever to have put there. Even the gentleman
from Virginia, [Mr. WISE,] from the manner in
which he had undertaken the other day to explain
away the gentleman's speech, had evinced an un-
uttered conviction, that the construction placed
upon the speech was not altogether foreign to its
legitimate meaning. The gentleman says that he
will show, upon the authority of the highest and
best men of the country, that similar propositions
have before been made. Mr. M. did not doubt this.
Frequent charges had been made of similar com-
binations, and public sentiment had condemned
them. Does their recurrence justify them? or does
the knowledge of their existence by the "highest
and best men" of the country give them a passport
to our approval? or does the existence of like pro-
positions negative the fact that those now being
debated ever had an existence? He calls upon me
to condemn any sentence of his speech as "unjust
in principle or untrue in fact." His isolated posi-
tions, his individual propositions, may stand. The
gentleman sees the drift of my remarks too well
not to understand my attack to be upon his speech
as a whole. I may or may not dissent from his
propositions individually; that is not the issue I
make. But depend them one upon another; con-
nect them together, as he has connected them; de-
duce from them, as he has deduced the conse-
quence, the right of the President to wield the pa-
tronage of his office and the veto power for the
building up or pulling down of parties, irrespective
of the public welfare, and of throwing the influence
and power of that patronage and of the veto, as
freaks of friendship or hatred may come over
him, to perpetuate or destroy political friends or
opponents,—and I denounce the whole jointly, and
each singly, in view of such connexion; and I point
to each and every of them as untrue in fact, and
grossly unjust in principle to the people, and de-
structive of every semblance of political right.

But, Mr. Speaker, I have not yet learned whe-
ther, at this auction, when it shall take place, it will
be expected that the Whigs should bid or not?
When I was interrupted, I was about entering upon
the subject of Democratic difficulties. The gentle-
man [Mr. CUSHING] had spoken of discontents al-
ready existing; of the intention of some connected
with the Administration to have a word to say in
the next election. Mr. M. said that, doubtless,
these divisions had been fully canvassed at the
other end of the avenue. The letter from the
White House, before referred to, alludes to this
matter; and this allusion, and the identity of senti-
ment expressed by the gentleman with the letter,
while they show that what he has said was not the
result of momentary excitement, but premeditated
and spoken almost by authority, confirm to us that
these dissensions in the Democratic ranks are the
subject of speculation and calculation by the wire-
workers at the President's. Here is the reference:

"Talking of the Presidency, I never saw Mr.
Calhoun look so well and so full of hope and ex-
pectation. The Legislatures of South Carolina
and Alabama have nominated him, and other
States will follow. He is excessively uneasy and
fretful about going into a national convention, for
fear that Mr. Van Buren, being more dexterous
with the cups and balls, will cheat him out of a
nomination; and in this respect he has grounds of
apprehension. Mr. Van Buren in a convention is
like a little fierce bull in an amphitheatre, and is
sure to gore and toss all the horses and riders who
may come into the ring against him."

Here are some strong intimations of approaching
difficulty; and while it comes up completely to the
views as expressed by the gentleman, [Mr. CUSH-
ING,] let us see if the concluding views do not
cover the whole ground assumed by him. The
letter continues:

"There is absolutely nothing doing here, we may
say, in the political world, and I am glad of it;
because when the politicians lie on their oars, the
country gains by it. Everything, of course, is in
an unsettled state. If a storm is brewing between
the Whigs, the Calhoun men, and the Van Buren
men, the Administration have only to remain tran-
quil until the hurricane blows over, and then take
advantage of the times. If the people could only
unhorse the leaders, no man would be so strong as
John Tyler, because he is evidently gaining strength
among the great body of the people."

Can any one (continued Mr. M.) look at all
these facts, and shut his eyes to the conviction that
the gentleman's speech was not made without concert
with others—without premeditation or design—with-
out object? and, if not without object, what other
than to identify the Administration, for profit or
loss, for better or worse, with some one of the con-
tending factions of the "one and indivisible Dem-
ocratic party?"

The fact of division in that party is left unques-
tioned. That Mr. Tyler has effected that division,
and to a great extent, is undeniable. The only re-
maining question was, which portion of that party
desired most to convert his influence to its use?

The Northern wing of the Democracy had
stepped forth boldly, bid freely, and anxiously
sought to close the sale; but the Southern wing had
not, as yet, been heard from publicly. Rumor had
blessed them with a greater share of executive
favor, but yet they have not signified their inten-
tion to bid or not. I should like to hear from
that division of the party before the debate closes.

There is a great deal submitted to (said Mr. M.)
in this hall, from parliamentary courtesy. There
never was freer use made of this liberty than dur-
ing this debate. When it first began, a casual
visiter would have supposed that the war waging
by the Democrats was aimed solely at the Whig
party. While the fact of an open rupture was first
developing itself, the effort to direct the quarrel
against the Whigs was most desperate, and soundly
were we whipped over the shoulders for the benefit
of our opponents. Well, he did not know that
he had much objection to this course. Mr. M. was
opposed to making family jars public spectacles.
He was willing to take the castigation, if, in so
doing, he could hide the wounds which family feuds
had made. He would have been very willing to
have covered up the divisions which existed in the
ranks of his opponents; but this seemed now to be
a hopeless matter, and they had themselves become
careless and indifferent as to their exposure. The
gentleman from Indiana [Mr. KENNEDY] had tried
very diligently to cover up all their difficulties; he
thrust most desperately at us; said some hard things;
appealed to old prejudices; spoke of our unworthi-
ness, and the vast superiority of his own friends.
But all this would not do; there was no response;
and in the bitterness of grief, in a moment of al-
most frenzied sorrow, he bade us to stand aloof, and
let their family quarrel alone. Mr. M. said he
should abide the admonition, and leave the family
to its tumults. The "cohesive principle," which
had hitherto bound them together, seemed too weak
to preserve the Union.

Mr. M. could not help thinking, when he heard
such violent declamation from the other side, how
unsubstantial it was, and how very deceptive it
was to those who believed or thought there would
be a serious contest by the opposition in the next
Presidential election. The people abroad expected
a warm and animated contest; but the resistance
which would be presented seemed more like a
shadow than a substance. The Democracy were
united while the whole party warred against the
Whigs; but now, when the selection is to be made
who shall wear the robes, confusion and discord
have scattered them abroad, and divided and broken
their front. The heterogeneous mass has many
candidates for the honor—some whose claims are
growing very stale, and must now be canvassed or
never; they present many aspirants to the people,
but they will not be permitted to elect all, and they
are too weak to elect any one. Division is among
them, and is premonitory of defeat; if they are not
counting it, why do they not rally and present their
candidate? If they can make a selection, why not
meet at once and harmonize? But do they not fear
a failure, and consequently a certain overthrow,
by attempting a reconciliation, and not possessing
the power to accomplish it? Is there to be a con-
vention? It is said that there may be a fair con-
vention of the party; if so, when and where is it to
be held? The party doubtless have little hope of
any united action, and, consequently, no hope of
success in 1844.

Although he was no prophet, he would predict,
without the hazard of having that prediction con-
demned by the reality, that, should the Democratic
party present but one candidate for the next Presiden-
cy and Vice Presidency, that candidate for President
would be Daniel Webster; and that candidate for
the Vice Presidency would be John C. Spencer;

And it was right that this should be so; for they are the first men who ever placed a "halo of glory" around the "principles" of that party. The principle of gratitude demands it.

Mr. M. said, as it had occurred to him that the repeal of the bankrupt law was at this time before them, he would make one or two remarks on that subject before he concluded. He should vote against the repeal, for two reasons. It had been said that, in the course of the operations of the law, many creditors had been made bankrupts by the discharge of their debtors. This was a proposition that Mr. M. could not well understand; the note or obligation of an insolvent would go no further to pay a debt, as assets, than that of a bankrupt; and he did not understand how a creditor under the bankrupt law, getting a part of his debt, was worse off than he was under the insolvent laws of the States, where he got nothing. It might be, however, that a creditor had so arranged, through favor, relationship, reward, or the hope of it, or by a fraudulent agreement with the debtor, to get his own claim satisfied, and to cover up the rest of his property for his future benefit, and to oust the weaker and smaller creditors altogether; and that the bankrupt law, coming in to defeat such fraudulent combinations, had placed all upon an equality, whereby this creditor was made to share with others the insolvency of the debtor, and his losses thereby had proved disastrous to him. Be this as it may, however, let the law be right or wrong in its origin, since it has made victims by its operation, the highest, noblest, most enduring obligation of the Government is to give to these victims its benefits, since they have unwittingly shared its injuries.

There was another reason why Mr. M. would not now vote for the repeal. Many men are now struggling to escape their embarrassments; and so long as the hope is held out that, should their efforts fail, still they may find relief under the just and wise provisions of this law, they will struggle on. But, agitate the repeal; give them nothing to hope for but the mercy of creditors; and they fly at once to the courts for relief, cease from all further efforts, and sink into despondency at once. Nothing paralyzes more the energies of man than the cheerless and annoying frowns of rapacious creditors. If you would render him useful to society, valuable to his friends, and even available to those creditors, you must open before him the bright field of hope; soothe the pangs of bitter sorrow and mortification; stimulate his energies by encouragement; and do not conduct so towards him that he must feel at every moment the uplifted axe is about to descend upon him. It is the fear of this fatal axe which is now driving many into premature bankruptcy, and filling the courts with applications. Between bankruptcy and the continued demand of the Shylock's last pound of flesh, human nature is more than itself if it selects the heartless demand. It is the encouragement which this law holds out, that has *nerved* the energies of many an enterprising man, which has dissipated the dark cloud that overhung many a debtor, and opened to him a bright sunshine. It is this law which has stimulated enterprise, and, by well-directed efforts, has paid fully many debts which, without it, would have been discharged by insolvency; and, guided by the star of its bright hope, many an unfortunate debtor will yet fully indemnify his creditors, and reserve to himself the means of comfortable subsistence in old age. Then, why should we rshly repeal it, and wither so many fond hopes, now budding into usefulness for society?

It is said that the law is unconstitutional. On that point Mr. M. would say but a word. It is said that it impairs the obligation of contracts, and hence is unconstitutional. He believed no such thing. Every contract has been made, subject to the power of Congress to pass a uniform system of bankruptcy. The Constitution is the supreme law of the land; that declares and defines the power; and whenever a contract has been made, it was in view of that "supreme law"—as much so as if a law had been spread on your statute-book. If a contract had been made antecedent to the adoption of the Constitution, then this law would be unconstitutional in its application to *that* contract. But such contracts alone could plead an exception; all others must submit to it. But it is said that we must confine our act to the meaning of a *"bankrupt law"* as understood at the time of the adoption of the Constitution; and we are carried to England, to her bankrupt act then existing, for a definition of the term. Well, what do we find, when we look to that fountain of learning? Why, nothing more than that England had declared that her subjects, being unable to pay their debts, might surrender their effects and be discharged; and she limited this right to a favored few, whom she called traders. Now, said Mr. M., what is the *principle?* Why, that a surrender of assets entitles to a discharge. The *individuals* to whom the privilege applies is a question of expediency, and not of principle. According to the assumption made, no law could be a bankrupt act, unless the whole English law, with its forms, penalties, rights, punishments, and machinery, were adopted by our own legislation. The argument carries its own refutation along with it; for no one would seriously contend that we had no discretion left as to the forms we might employ. Exercise that discretion for a moment, and the potent assumption is defeated. Mr. M. said that if evil had grown out of the law, all admitted good might come of it hereafter. Why, then, when you are about to reap its benefits, would you repeal it?

SPEECH OF MR. S. McROBERTS,

OF ILLINOIS.

In Senate, December 30, 1842, *and January* 9, 1843.—On the title of the United States to the Territory of Oregon, and in favor of the bill for its occupation and settlement.

The bill "to authorize the adoption of measures for the occupation and settlement of the Territory of Oregon, and for extending certain portions of the laws over the same," having been taken up, as in Committee of the Whole, the motion pending was to strike out the preamble to the bill, which is in these words: "Whereas the title of the United States to the Territory of Oregon is certain, and will not be abandoned"—

Mr. McROBERTS addressed the Senate as follows:

I shall vote, Mr. President, against the motion to strike out the preamble to this bill. There is no great vitality in a preamble to any law; but the one before us expresses so clearly the rights of the people of the United States, that I prefer it should stand as it is. But whether the preamble be retained in the bill or not, it is my purpose to-day to show that our title to the Oregon Territory is certain, and to present those reasons which I hope may, to some extent at least, induce our countrymen never to abandon it. The citizens of my own State take a deep interest in this question; they have memorialized Congress repeatedly, for years past, to adopt efficient means for the settlement and occupation of the Oregon. The same spirit has long animated the entire population of the West. Nor is it confined to that great division of the Republic, but other States—I believe from all of them on this side of the Alleghanies, at some time or other, have petitions been received, urging this measure upon the attention and consideration of Congress. So far, therefore, as the public voice is concerned—a voice which is indispensable in all great undertakings—we shall never be stronger than at present. We have the great element of national strength and power upon our side. These things all point to the conclusion, that now is the time.

Sir, there are other considerations—great and paramount considerations—connected with, and dependent upon, a determined and speedy action upon this bill. Have you counted the cost necessarily attendant upon delay? Have you weighed well the effect of procrastination? It is with States, as it is with individuals,—long continued neglect of your own rights when others are in their enjoyment, solely because of such neglect, may ultimately prove fatal to those rights. We live in a stirring age; the wants of the human race increase with the augmentation of its numbers, and such wants, when vacant territory is concerned, seldom ask many questions. Of one thing, sir, you may rest assured: if you refuse to take the necessary steps, and afford the necessary protection, to cause the Oregon to be populated by your citizens, other nations will populate it for you. Already great numbers have gone there, who owe allegiance to other nations. They have asked no questions, and we have interposed no obstacle. The unsurpassed salubrity of the climate, and the fertile soil of the Oregon, its contiguity to the ocean, and the facility to commerce with other portions of the globe, its fisheries, and furs, and its minerals, are temptations too inviting to be overlooked. These are the temptations which Nature offers to emigrants to pass this bill is but to follow her dictates. To pass it now, will secure the advantages to your own citizens, which, if neglected, will fall into other hands.

That the questions connected with the Oregon should have remained for forty years unsettled, is, I think, very much to be regretted. The mere fact of the delay has operated to retard individual exertion in the settlement and improvement of the country. But this has not been the fault of any President of the United States, or of the Government; for it has been urged on Congress from that quarter on various occasions and in various forms. Repeated efforts have been made to bring the questions with Great Britain in relation to the Oregon to an amicable adjustment, though hitherto without success. No other Government but that of Great Britain would have desired such delays. In 1815, at the treaty of Ghent, an admirable opportunity presented itself to settle the question of boundary; but it was not acted upon. In 1818, our minister at London was specially instructed to press the final settlement of the question of boundary. It was so pressed, but nothing definite could be obtained. Our minister proposed that the 49th parallel of latitude (which was the then established boundary) west to the Lake of the Woods, should be extended across the Rocky Mountains to the Pacific ocean, and should be the permanent boundary; the north to belong to Great Britain, and the south to the United States. This the British Government refused. In 1826, the United States proposed a renewal of the discussion as to boundary. Mr. Gallatin and Mr Rush, our ministers, were instructed to propose (and accordingly made the proposition) that the 49th parallel of latitude, which was the boundary between the British possessions and the United States, west from the Lake of the Woods to the Rocky Mountains, should be the permanent boundary, and be extended across the Rocky Mountains to the Pacific ocean. This proposition, and by which the then administration proposed to surrender all claim of the United States between the 49th and 54th parallel of latitude, was refused by Great Britain. Her ministers, not content with five degrees of latitude on the Pacific ocean, which had been offered them, proposed that the 49th parallel of latitude should be extended across the Rocky Mountains till it intersected the northern source of the Columbia river, and then proceed down the main channel to the sea. This, being wholly inadmissible, was rejected; and the minister of the United States (Mr. Gallatin) informed the British Government that this Government was absolved from its offer to abide by the 49th parallel of latitude, and would thereafter insist upon the whole territory to which it had just claim. Great Britain, however, acted in the spirit of her accustomed policy; and one part of that policy is, that when its Government has in point of fact no strict right in a claim once set up, to effect delay—to procrastinate—to put off its adjustment; well knowing that weak pretensions have always been strengthened by that policy. We must cut the Gordian knot, and take possession; or Great Britain will accomplish all she desires, overrun the country with her people, and then with more plausibility urge her claim, upon the ground that she is bound to afford them protection. The convention which was made in 1818, and renewed in 1827, securing to her a joint occupancy with us, has been made by her subservient to this very result. Are we to have no end to these delays? Why is it that a distinguished nobleman of England, (Lord Ashburton,) who was sent to this country as a special minister, and, as was said, to settle, if possible, all disputes between the two countries, should have had no instructions from the British ministry upon this subject? When the British Government had the right clearly on its side, there is not an instance on record where it sought for delay. Now, I am perfectly willing to allow that it is always proper to proceed deliberately; to see that we have the right on our side, when we are obliged to go into such matters. But what I do contend for is, that our right and

title to the territory claimed by us (take from latitude 42 to 49 degrees north, for example) have been long since so clearly ascertained, that we should not have admitted any pretence for delay in its recognition. Such would have been the course of Great Britain herself, had she the right and title we possess.

I propose to state briefly the grounds of our title, to show that it has been long since rendered plain and indubitable. I will try and present the subject in such a manner that those who run may not only read, but comprehend also. A cherished principle upon which our people have always acted, is first to investigate, and be certain that they are right; because, if either individuals or nations must quarrel, it is one of the cardinal laws of being, that—

"Thrice is he armed who hath his quarrel just."

Let us commence with the title which we derived from Spain; because it is to be remembered that, whatever of right Spain had to the Northwest coast, either by discovery, occupancy, or purchase, has been transferred to us in the most enlarged and ample manner.

1st. From 1532 to 1540, several expeditions were fitted out under Spanish authority, and explored California and the coast to a considerable distance north of it. The commanders were Mazuela, Grijalva, Becera, and Ulloa. Their object was discovery, and to find what did not exist—a water communication through to the Atlantic.

In 1540, Coronado, by orders from the viceroy, made an important expedition by land in the interior north of New Mexico; and in 1543, Bartolome Ferrelo discovered Cape Blanco in 43 degrees north latitude.

2d. It is established beyond all question, that in a voyage of discovery under the authority of Spain, in the year 1592, Juan De Fuca discovered and traversed the straits which bear his name. The straits enter the land at 48 degrees north latitude, and extend east 100 miles, and thence northwest 250 miles, into the Pacific again, in latitude 51 degrees; that he remained twenty days in the straits, landed frequently, and traded with the natives. It further appears that this voyage and discovery was made known to England by letters from Michael Lok, the English consul at Aleppo, to Lord Treasurer Cecil, and Sir Walter Raleigh. Spain, therefore, first discovered the country, and traversed it as far north as 51 degrees north latitude, 251 years since, and 184 years before the celebrated voyage of Captain Cook.

3d. In 1602 and subsequent years, further and more extensive surveys were made of the coast by Corvan and Vizcaino, under the Spanish Government, extending north of its former possessions; and on the 16th of January 1603, Aguiler discovered the beautiful river Umqua, which is within our boundary, in latitude 44 degrees north.

4th. Complete and authentic evidence exists that in August, 1774, Perez and Martinez, under Spanish authority, first discovered the Sound of Nootka between latitude 49 and 50 degrees north. They called it San Lorenzo. (Humboldt, p. 331.)

5th. That equally conclusive evidence exists that Heceta, Ayala, and Quadra, Spanish officers and navigators, discovered the bay at or near the river Columbia.

6th. That in these two years 1774 and 1775, the Northwest coast was explored by Perez and Martinez, Spanish navigators, as high as the 58th degree of north latitude.

7th. That in pursuance of orders from the viceroy of Mexico, then under the Government of Spain, Martinez, with two armed vessels, took possession of Nootka on the 6th of May 1789; and it is affirmed in Greenhow's compilation, upon full examination, that, "before the arrival of the Spanish commander Martinez at Nootka, in May 1789, no settlement, factory, or commercial or military establishment whatever, had been founded, or even attempted; and no jurisdiction had been exercised by the subjects or authorities of any civilized nation in any part of America bordering upon the Pacific, between Port San Francisco and Prince William's Sound." The first being in latitude 37 degrees north, and the second in latitude 60 degrees.

Such are the prominent points showing the rights of Spain to the Northwest coast, founded upon discovery and occupancy. Now, the United States have become the successors of Spain, and every right she had, according to the law of nations belongs to us. By the treaty of February 10, 1763, between Great Britain, France, and Spain, England was confirmed in her possession to the French provinces on the St. Lawrence, and she relinquished all claim to territory beyond the Mississippi. Spain acquired Louisiana from France the 3d of November, 1762, and held it until October 1, 1800; she then retroceded it to France—"the same in extent as it now is in the hands of Spain, as it was when France formerly possessed it, and as it should be according to the treaties subsequently made between Spain and other nations." Such is the language of the treaty.

On the 30th of April, 1803, the First Consul of France (Bonaparte) ceded Louisiana to the United States, in the language of the deed itself, "with all its rights and appurtenances, as fully and in the same manner as it had been acquired from Spain" in 1800.

Whatever extent Louisiana possessed under either France or Spain, became the territory of the United States. The discovery by La Salle of the river St. Louis (now Mississippi) gave to France, according to the law of nations, the whole territory watered by it, or its tributary streams, not previously occupied by any other power. This extended Louisiana to the Rocky Mountains on the west, and up the main channel to its source.

By the treaty of February 22, 1819, commonly called the Florida treaty, the boundary between the possessions of the United States and Spain was established at latitude 42 degrees north, extending from the head-waters of the Arkansas, west, to the Pacific ocean. And the third article of the treaty declares that "his Catholic Majesty cedes to the said United States all his rights, claims, and pretensions to any territories east and north of the said line; and for himself, his heirs and successors, renounces all claim to the said territories forever." This is the treaty that perfects our rights; and by this sweeping clause invests the United States with every right, interest, or claim, which the Spanish monarchy possessed upon the shores of the Pacific. What her discoveries were, extending through a period of two hundred and fifty years, I have already shown.

So much for our title to the Oregon, derived by treaty, through France and Spain. Let us now trace our own title, as founded upon discovery and occupancy by citizens and soldiers under the flag of the United States.

The valuable commerce in furs and skins upon the shores of the Pacific induced enterprising merchants, shortly after the Revolution, to engage in that trade.

On the 30th September, 1787, Captains Robert Gray and John Kendrick sailed from Boston in the ships Washington and Columbia, for the Northwest coast. The Washington arrived at Nootka on the 17th of September, 1788, and the Columbia the latter part of that month; at which place both vessels spent the winter. The next year Captain Gray discovered the strait of Fuca, and passed up it fifty miles; and from information derived from the natives, he had no doubt it communicated with the Pacific north of Nootka, at a place he had the year before called Pintard's Sound. The furs collected by Gray and Kendrick they sold in Canton. Gray returned to the United States, and Kendrick remained upon the coast. Gray shortly after again sailed for the Northwest coast, and on the 7th of May, 1792, he discovered a safe harbor in latitude 47 degrees north, and which, in honor of one of the owners of the ship, he called Bulfinch's harbor. On the 11th of May, 1792, he discovered the mouth of the Columbia, which he describes as being a broad and rapid river, the water of which was so perfectly fresh that the casks of the ship were filled within ten miles of the Pacific. He ascended the river twenty miles; he landed and examined the country, and remained there trading with the great number of natives that crowded round his ship in their canoes, until the 20th of the month, when he sailed out into the Pacific. He bestowed the name of his ship—the Columbia—upon the noble river, and called the promontory on the north Cape Hancock, and that on the south Cape Adams.

Such is the account given by Captain Gray himself of his discovery of the Columbia. The material facts are recorded at length in the log-book of his ship, a copy of which has been furnished by Mr. Charles Bulfinch under oath.

The discovery of this great river of the West constitutes an important era in the history of the country. It opened a new channel of communication from the ocean to the Rocky Mountains, and extended, by means of its tributaries, to almost every part of one of the most fertile regions upon the globe. It contributed to secure to the country, under whose flag the discovery was made, a title to the river, and the magnificent territory which is watered by it.

Since the Oregon Territory has begun to be understood and to be justly appreciated, the British Government, through its ministers, have indulged in doubts—nay, in denial—as to Mr. Gray's prior discovery of the Columbia. In order that there shall be no misunderstanding, I will give the words of the British plenipotentiaries in their communication in 1826, to Mr. Gallatin, our minister.

They say that "Great Britain can show that, in 1788, (that is, four years before Gray entered the mouth of the Columbia river,) Mr. Mears, a lieutenant in the royal navy, who had been sent by the East India Company on a trading expedition to the Northwest coast of America, had already minutely explored that coast from the 49th to the 45th degree of north latitude; had taken formal possession of the straits of De Fuca in the name of his sovereign; had purchased land, trafficked, and formed treaties with the natives; and had actually entered the bay of the Columbia, to the northern headland, which he gave the name of Cape Disappointment. Dixon, Scott, Duncan, Strange, and other private British traders, had also visited these shores and countries several years before Gray; but the single example of Mears suffices to quash Gray's claim to prior discovery. To the other navigators above mentioned, therefore, it is unnecessary to refer more particularly."

Let us proceed to examine the pretensions of the British Government, as set forth in the extraordinary passage here quoted. That Mr. Mears should have minutely explored that coast—"minutely explored" are the words—and yet not have discovered a river which is seven miles wide at the mouth, would seem to be too great a tax upon the credulity of any one. That he should have entered the bay south of Cape Disappointment in 1788, and thereby furnished his Government any claim to the Columbia, would be equally incredible, when it is positively proved that Heceta, a Spanish navigator, entered the same opening in 1775, and actually named the same *Entrada de Heceta*, and which is so represented on the Spanish maps. That Mr. Mears should have taken formal possession of the Strait of De Fuca, and that such act should be relied upon as conferring any right, is equally wonderful—especially when it is remembered that the said straits had been discovered and navigated from one end to the other under Spanish authority, and therefore rightfully belonged to Spain for a period, at that time, of one hundred and ninety-six years. Captain Berkeley, under *Austrian* colors, entered the Strait of De Fuca in the summer of 1787, one year before Mears was there. Why did not he claim it? Berkeley, finding it in the latitude, and answering the description which De Fuca had given of it, and which appeared upon all the old maps, immediately bestowed upon it the name of its discoverer, and called it the Strait of Juan De Fuca. Captain Gray, of the United States, landed at Nootka, (which is on the island formed by this strait,) the 17th of September, 1788; Captain Kendrick joined him during the same month; they built houses, traded with the natives, and spent the winter there. Gray sailed up this same strait fifty miles. The reason that Berkeley and Gray made no claim to the discovery of the Strait of Fuca is, because they knew what the whole maritime world knew—that the merit belonged to another; and that the strait would forever bear the name of its rightful discoverer.

What discoveries were made by Dixon, Scott

Duncan, Strange, and other British traders, we are not told; and for a very good reason. Indeed, they seem to be named only to fill up the back ground of the picture, as the sentence concludes by saying that the single example of Mears suffices to quash—yes, *quash* is the word—Gray's claim to the prior discovery of the Columbia river.

Now, it so happens that I have beforeme a piece of evidence upon this subject, that cannot fail to be interesting to the Senate and the country. It is testimony written at the time, with all the frankness of a gallant sailor—and that sailor, too, an officer of Great Britain. I read it here, to show how the assumed facts and conjured up arguments of a British minister to sustain a bad cause, and made out forty years after the date of the transaction, are annihilated by the naked statement of a sailor, and he their own officer.

I read from the second volume of the voyage of discovery of Captain George Vancouver to the north Pacific ocean in 1791–'92–'93–'94.

Vancouver was in latitude 47° 37′, and says at page 41:

"At four o'clock a sail was discovered to the westward, standing in shore. This was a very great novelty, not having seen any vessel but our own consort during the last eight months. She soon hoisted American colors, and fired a gun to leeward. At six we spoke her. She proved to be the ship Columbia, commanded by Mr. Robert Gray, belonging to Boston. Having little doubt of his being the same person who had formerly commanded the sloop Washington, I desired he would bring to, and sent Mr. Puget and Mr. Menzies on board to acquire such information as might be serviceable in our future operations.

"On the return of the boat, we found our conjectures had not been ill-grounded; that this was the same gentleman who had commanded the sloop Washington at the time we were informed. She had made a very singular voyage behind Nootka. It was not a little remarkable, that, on our approach to this inland sea, (Strait of De Fuca,) we should fall in with the identical person who, it had been stated, had sailed through it. His relation differed, however, very materially from that published in England. He assured the officers that he had penetrated only fifty miles into the strait in question.

"He (Captain Gray) likewise informed them of his having been off the mouth of a river, in latitude 46° 10′, where the outset or reflux was so strong as to prevent his entering for nine days."

Page 58: "The river Mr. Gray mentioned should, from the latitude he assigned to it, have existence in the bay south of Cape Disappointment. This we passed on the forenoon of the 27th; and, as I then observed, if any inlet or river should be found, it must be a very intricate one, and inaccessible to vessels of our burden. Mr. Gray said he had been several days attempting to enter it. I was thoroughly convinced, as were also most persons of observation on board, that we could not possibly have passed any safe navigable opening, harbor, or place of security for shipping, on this coast, from Cape Mendocino to the promontory of Classat:"—that is, from 40° to 47° 30′ north latitude, and extending a great distance both north and south of the Columbia.

In the month of October following, when the worthy Captain Vancouver returned to Nootka, and saw Mr. Quadra, the Spanish commander, he changed his opinion upon the point that there was no such river as the Columbia, or no harbor on the coast for shipping. The 13th of October, at page 388 vol. 2d, he uses this language:

"The present re-established serenity (of weather) encouraged me to hope I might be enabled, in our route to the southward, to re-examine the coast, and particularly a river and a harbor discovered by Mr. Gray, in the ship Columbia, between the 46th and 47th degrees of latitude, of which Señor Quadra had favored me with a sketch. For this purpose our course was directed along shore to the eastward, which would afford an opportunity of examining the Spanish survey between Nootka and De Fuca's straits."

This last passage contains three highly important admissions:

1st. That Mr. Gray had discovered the river Columbia.

2d. That he had discovered a harbor (meaning Gray's harbor) north of the river; and that both these discoveries had been made upon a coast where he (Vancouver) had declared, in April before, that no river, no harbor, or opening, existed.

3d. That the Spaniards had previously made a survey of the coast from Nootka Sound to De Fuca's straits.

Accordingly, on the 16th of October, at page 393, we have the following order of Captain Vancouver:

"I directed Mr. Whidley, taking one of the Discovery's boats, should proceed in the Dedalus to examine Gray's harbor, said to be situated in latitude 46° 53′; whilst the Chatham and Discovery explored the river Mr. Gray had discovered in the latitude 46° 10′."

Page 395: "In the afternoon, when having nearly reached Cape Disappointment, which forms the north point of entrance into Columbia river, (so named by Mr. Gray,) I directed the Chatham to lead into it."

Sir, (said Mr. McR.,) was ever proof of the existence of any fact more conclusive than that here exhibited—that Captain Gray was the first discoverer of the great river of the West! This old volume which I have found in the library contains the regular journal of daily entries, made by Captain Vancouver from April to October, 1792. The information furnished to him by Captain Gray, of the strait of Fuca, of Gray's harbor, and of the Columbia river, is repeatedly mentioned. Captain Vancouver objected, in April, that there was any such river or bay. When he returned in October, and learned the particulars from Quadra, and received from him a diagram of both, he directs the bay to be examined by Whidley, and orders the other vessel to lead into the Columbia. He examines them, and admits that Gray was the discoverer. In the face of proof like this, is it not amazing that the British ministers in 1826 should declare to Mr. Gallatin that the discoveries of Mears suffice to "quash" Gray's claim to prior discovery?

The connected testimony of their own witness, entered in his daily journal, and detailed in all the simplicity of truth, is, of itself, sufficient to *quash* a thousand such claims as those of Mears. It does not only destroy all pretensions on the part of Mears, but it annihilates the arguments of the ministry in sustaining it. As long as that noble stream shall bear the rich commerce that is destined to float upon its bosom from the mountains to the sea, so long will this evidence hold up to the living world the name and character of its undoubted discoverer.

There is another branch of this subject to be considered, and which completes the view of our title to the country by discovery. Mr. Jefferson nominated on the 11th January, 1803, Messrs. Livingston and Monroe to the Senate as ministers to negotiate for the purchase of Louisiana. On the 18th of that month, he recommended an appropriation for an expedition to the Pacific ocean. The 30th of April, 1803, the Louisiana treaty was signed; and on the 14th of May, 1804, Captains Lewis and Clarke entered the Missouri river on their western expedition. Of the importance of that expedition—of the privations and hardships which were endured in its performance—of the unrivalled intrepidity, courage, and talent, displayed by its commanders and the whole party, it is not now my purpose to speak. These things are known, and fill up one of the most interesting and thrilling pages in our history. The expedition traversed the Missouri to its sources among the Stony Mountains, crossed them in latitude 47 degrees north, found the head waters of the Columbia, constructed canoes, and passed down the river; and on the 15th of November, 1805, landed at Cape Hancock, upon the Pacific ocean. Lewis and Clarke and their party passed the winter at an encampment erected by them south of the Columbia, near its mouth. They traded, hunted, and fished with the Indians, and on the 13th of March, 1806, started for the United States. They followed the Columbia in their canoes to its falls, and thence travelled by land to the mountains. One party, under Captain Lewis, crossed the mountains directly east to the falls of the Missouri; while the other party, under Captain Clarke, crossed south, to the sources of the Yellow Stone, and passed down it to its mouth, where the parties were re-united, and on the 23d of September, 1806, arrived at St. Louis. This was the first instance in which the Oregon Territory and the Columbia river, from its source to its mouth, had ever been traversed by civilized man. The whole country on the route, for more than three thousand miles, was sublime wilderness. Lewis and Clarke were not men about whom posterity can err. They are of the number of those whose acts stand in high relief before the world, and whose courage, self-command, and indomitable perseverance awakened new impulses in the age in which God had placed them upon earth.

The trip was undertaken by the Government for the avowed purpose of discovery; it was intended to accomplish an exploration of the Oregon Territory from the Rocky Mountains to the Pacific ocean. It was intended to found a claim to that territory in virtue of such discovery, and in furtherance of our existing rights from the discovery of the mouth of the Columbia by Captain Gray. The notoriety of the expedition of Lewis and Clarke, and the publication of their journal, were notice to the world of our purposes, and of the success of the expedition.

Our enterprising citizens have traversed portions of the country on both sides of the Rocky Mountains often since, and as far south as the Mexican settlements. Emanuel Lisa, Hunt, Henry, and others of Missouri, could be named; and General Thomas James, of my own State. These noble men, though engaged in individual pursuits, explored our remote possessions, and from their intrepidity and talents made the name and character of their country respected in the remotest regions of the West. Their names are known among all the tribes, and by their exertions and sacrifices the rights of our country are engraved upon the mountains.

In furtherance of the rights of the United States to Oregon, founded upon prior discovery, there was an occupancy of the country under our flag of great notoriety, and a subsequent act of the British Government recognising our rights founded upon that occupancy. I refer to the establishment of Astoria, near the mouth of the Columbia. In 1810 the party left the United States, with the necessary material and men; part sailed from New York, and part crossed the country by land, and all met at the mouth of the Columbia in the spring of 1811. Astoria was established, houses and other buildings erected, gardens enclosed and cultivated, a vessel built and launched, and trading-posts located in the interior as high as the mouth of the Okanagan, which is four hundred miles up the Columbia. The party engaged in hunting and trapping, and carried on an extensive and lucrative trade with the natives. Their furs and skins they shipped to Canton. The proceeds were sent to the United States in silks, teas, and other products of the East India markets.

The establishment at Astoria—though it encountered some reverses, and especially in the murder by the Indians of the crew of the ship Tonquin (in which bloody affair, one of the crew, rather than suffer himself to be murdered by their hands, blew up the vessel, after the enemy had overpowered them,)—the establishment, I say, notwithstanding its reverses, bade fair to be highly prosperous. It had the entire command of the fur trade through the whole extent of the valley of the Columbia. It was the first permanent establishment ever made there. Arrangements at St. Petersburg had been made by it, for the exclusive trade with the Russian settlements in the north Pacific. There was not one British subject in the territory. The news of the war of 1812 was carried from Canada, by one of the Northwest Company, in 1813, and communicated to the inhabitants of Astoria. He was also the bearer of intelligence that a naval force was on its way from England to take possession of the mouth of the Columbia. The same intelligence was received from other quarters. A fraudulent sale was then made of the furs and other property, to a party of the British Northwest Company; and shortly after an English ship of war entered the Columbia river, and took possession of the fort

and buildings at Astoria, changed the name to Fort George, and hoisted the British flag.

This was an act of public war. The place fell by belligerent capture. The property belonged to citizens of the United States, and was under the protection of our flag. England acquired no other right than that which grew out of the laws of war. I have detailed the material facts of the transaction, in order to show that England herself did not regard that capture as of any possession or territory of hers. Immediately after the treaty of Ghent, the United States demanded the restoration of Astoria, in pursuance of the stipulations in the first article, which provided that all territory, places, and possessions, captured by one party from the other during the war, should be restored.

Accordingly, after writing two letters denying our right to be restored to possession; and after an attempt to have the question referred to an umpire, which our Government refused; and after an armed vessel of the United States had actually sailed for the mouth of the Columbia, for the purpose of re-occupying Astoria, and finding that nothing would do but the restoration of the fort and property, the British Government surrendered it.

The act of delivery is worth reading, to show the good taste in which that Government can do things, and also to show the unqualified terms in which the restoration was made. It is in these words:

"In obedience to the commands of his royal highness the Prince Regent, signified in a despatch from the right honorable the Earl Bathurst, addressed to the partners or agents of the Northwest Company, bearing date the 27th January, 1818, and in obedience to a subsequent order, dated the 26th of July, from W. H. Sherriff, Esq., captain of his Majesty's ship Andromache, we, the undersigned, do, in conformity to the first article of the treaty of Ghent, restore to the Government of the United States, through its agent, J. B. Provost, Esq., the settlement of Fort George on the Columbia river. Given under our hands, in triplicate, at Fort George, (Columbia river,) this 6th day of October, 1818.

F. HICKEY,
Captain of H. M. Ship Blossom.
J. KEITH,
Of the Northwest Company."

We were, therefore, restored to the possession of Astoria in the most ample manner; and the United States have been in the legal possession ever since.

In 1818 Lord Castlereagh admitted the full right of the Americans to be reinstated, and to be the party in possession while treating of title. By the conventional law of Europe, the consummation of the inchoate title gained by discovery is the formation of settlements in the country discovered. This is a safe and well-settled rule; and we can justly say, that both by right of discovery, and by continued acts of ownership, as well as by the title derived through France and Spain, the United States, according to the settled law of nations, has a clear and undoubted right and title to the Territory of Oregon.

There is another branch of this subject to be considered. It is as to the validity of the claim which England has made to that territory. I propose to state the nature of this claim, that it may be seen in connexion with the view I have presented of our own. The subject is one of great interest, and an examination of its merits cannot be uninteresting to the country. England places her claim upon the right of discovery, and upon a treaty with Spain dated in 1790. The first English navigator that is mentioned as conferring any claim is Sir Francis Drake. He sailed from Plymouth in 1577, and arrived in the Pacific the next year. England and Spain were at peace; but as soon as he arrived at the Spanish towns of Gautulco, Acapulco, and others in Mexico, he commenced a system of robbery upon their towns and ships, that was altogether new to the Spaniards. We do not know what his instructions were; but one thing is certain—that he meant to let the Spaniards know that there was such a man as Sir Francis Drake. He certainly created quite a sensation, for the historian says that the bare mention of his name would horrify the people for a century afterwards. After he had thus amused himself, he sailed up the coast to 43 degrees north; and then returned to the coast at 38 degrees, repaired his ship, called the country New Albion, accepted the crown from the natives in the name of her Majesty Queen Elizabeth, and arrived in England in 1580. The whole of the coast seen by Drake, so far as we can judge from the evidence, had been explored under the authority of Spain thirty-six years before, and several times within that period.

Sir Thomas Cavendish next attempted the circumnavigation of the globe, in the list of English adventurers. He does not appear to have seen as much of the coast as Drake had before him.

The next name that appears in the list of English discoverers, is one that has been made immortal by his public services, and by the justice and excellence of his character. I mean the celebrated Captain Cook. England was anxious to ascertain whether there was or was not a northern passage by water connecting the Atlantic and Pacific oceans. She despatched ships forth at purpose, at the same time, to the north Pacific, and to Baffin's Bay. Captain Cook was selected to take charge of the expedition to the Pacific.

He was instructed to fall in with the Northwest coast at latitude 45, to recruit his wood and water, and then to sail to latitude 65 degrees north, and there to begin his examination for "a water passage pointing towards Hudson or Baffin's Bay." If he became convinced that no such communication existed, he was to explore the seas north as far as he could. He was to take possession of such countries as he might discover, that had not already been discovered or visited by other European powers. He was not to touch upon any part of the Spanish dominions, unless driven there by accident. He was to give no offence to the subjects of his Catholic Majesty or of Russia, but to treat them with friendship. Such is the substance of Cook's instructions. They clearly point out the objects of his voyage, and the views of the British Government. Cook sailed from England and reached the Northwest coast in 1778. He saw Cape Blanco in latitude 43, and Cape Flattery in latitude 48. But he did not see the mouth of the Columbia, nor the strait of Fuca. The 29th of March, 1778, he anchored in Nootka Sound. He remained there four weeks, repairing his vessels, and trading with the Indians. He found they had weapons of iron, and ornaments of brass. One chief had two silver spoons of Spanish manufacture. He saw Mount San Jacinto, which had been named four years before by Bodega, and Mount St. Elias, described in Bhering's voyage. He continued his examinations north, passed into the Arctic ocean, to the western extremity of America, and crossed over to Asia, naming the strait after Bhering, in honor of its first discoverer. He traced the coast of America to latitude 70 degrees 30 minutes north, when he had to return in consequence of the ice. He found no passage to the Atlantic, because none existed. The remainder of his history is known to the world. He visited the Russian settlement at Unalashka on his way to the south, and arrived at Owyhee, where, on the 16th of February, 1779, this gallant and generous man was murdered by savages.

The examinations and surveys of Cook in the north Pacific are of imperishable value. They opened to the world a new theatre for enterprise. But his instructions and the settled laws of nations prevented him from acquiring any rights by discovery to the Oregon Territory. His operations were directed to regions far north, and his discovery of the Capes Blanco and Flattery, and landing at Nootka, gave no right to England; for all these points had been previously seen and explored by Spanish navigators. Nootka Sound had been occupied by Perez in 1774, which was four years before Cook arrived. The subsequent navigators, Mears, Vancouver, and others, were nothing but trespassers upon the discoveries of Spain and of the United States.

The next ground of title assumed by Great Britain is founded upon a treaty with Spain. It is, therefore, necessary that we look into the provisions of that treaty. In 1826, upon the renewal of the discussion in regard to the Oregon between Great Britain and the United States, Mr. Huskisson and Mr. Addington, the ministers of Great Britain, in a communication to Mr. Gallatin, state their claim growing out of the Spanish treaty in these words:

"Great Britain claims no exclusive sovereignty over any portion of the territory on the Pacific, between the 42d and 49th parallel of latitude; her present claim—not in respect to any part, but to the whole—is limited to a right of joint occupancy in common with other States, leaving the right of exclusive dominion in *abeyance;* and her pretensions tend to the mere maintenance of her own rights, in resistance to the exclusive character of the pretensions of the United States.

"The rights of Great Britain are recorded and defined in the convention of 1790, (with Spain;) they embrace the right to navigate the waters of those countries, to settle in and over any part of them, and to trade with the inhabitants and occupiers of the same. It is admitted that the United States possess the same rights; but, beyond those rights, they possess none."

Here, then, we have not only the rights of Great Britain defined, but we are modestly told what are our rights. Her claim, it is said, is limited to a right of joint occupancy in common with *other States.* What other States? In 1826, did any other Government but ours (except the claim she was putting forth) lay claim to it? Spain, France, and Russia, had all renounced to us, and the boundaries were established. And is England to decide that the only right to Oregon, in favor of any Government, is a mere possessory one; and that it is a common right equally belonging to *other States?* If so, it would seem that our treaties with France, Spain, and Russia, are to be abrogated; that our right to Oregon must be abandoned; and that henceforth it is to be regarded as a country subject to the claim of any "other States" of the world. The avowal of doctrines so monstrous, and so wholly at war with the settled law of nations, only proves the utter groundlessness of her claim.

Let it be remembered that her ministers declared that "the rights of Great Britain are recorded and defined in the convention of 1790" with Spain. And then let us proceed to examine what are the rights, the breadth and length of which are recorded in that convention. Here is the fifth article, the one upon which these supposed English rights are founded:

"Art. 5. As well in the places which are to be restored to the British subjects by virtue of the first article, as in all other parts of the northwestern coast of North America, or of the islands adjacent, situate to the north of the coast already occupied by Spain, wherever the subjects of either of the two powers shall have made settlements since the month of April, 1789, or shall hereafter make any, the subjects of the other shall have free access, and shall carry on their trade without any disturbance or molestation."

Now, in *what places,* or upon what "parts" of the northwestern coast of North America, did this article operate? Is it upon the whole Northwest coast, or only upon a part of it? The plain language of the article furnishes the answer. It is upon the "parts of the northwestern coast, or of the islands adjacent, *situate to the north of the coast already occupied by Spain, wherever the subjects of either of the two powers shall have made settlements since the month of April,* 1789." And what parts of the northwest coast of North America did the subjects of either Spain or England then occupy by settlements made after the month of April, 1789? It is proved beyond all doubt, that the only place upon which either Spanish or British subjects made settlements between the month of April, 1789, and the 28th of October, 1790, the date of the convention, was at Nootka Sound. The testimony furnished by England and Spain, and the letters of Captain Gray and Joseph Ingraham, all concur in proving this. Nootka was head-quarters. The ships, after obtaining their supply of furs, sailed from there directly to Canton. The language of the convention could not refer to the ancient southern settlements at California or San Francisco. The dispute had grown out of disturbances at Nootka, upon the Northwest coast. Spain occupied Nootka; so had England; the convention looked to that occupation,

The joint occupancy was not to be to the south, but exclusively north of the parts so occupied. And Nootka is in latitude 49° 40′, which is two hundred and forty miles north of the mouth of the Columbia river. That convention, therefore, never gave to England the right to occupy a foot of territory south of Nootka Sound.

Sir, no part of the valley of the Columbia river is included in that treaty. And Mr. Huskisson and Mr. Addington, in stating that "the rights of Great Britain are recorded and defined in the convention of 1790 with Spain," have admitted that England has no rights whatever south of Nootka.

Mr. President, (said Mr. McR.,) in this construction of the treaty of 1790, I am sustained by the highest possible evidence. I am sustained by the authority of British statesmen, who supported that treaty when Mr. Pitt brought it before Parliament. I read from the 28th volume of Parliamentary History. The *Duke of Montrose*, who moved an address of thanks to his Majesty for having made the treaty, said:

"We are not only restored to Nootka, but, by an express stipulation, we may participate *in a more northern settlement*, if we should find at any time that *a more northern situation* would be preferable for the carrying on of the trade."

Mr. Dundas said: "At Nootka we have obtained a specific right of settlement to trade and fish," page 980.

Mr. Smith, another friend of the ministry, and who warmly supported the treaty, said:

"The whole coast of Prince William's Sound was free for us to settle on, no place being occupied there by a Spanish colony."

And where is Prince William's Sound? Mr. McR. said, by turning to the map it appeared that it is situated directly west of Mount St. Elias, in the 60th degree of north latitude, being nine hundred miles north of Columbia river.

Here we have the construction put upon the treaty by its friends, that the right on the part of Great Britain to make settlements was to be to the north of Nootka. The same volume (said Mr. McR.) contains the opinions of members of Parliament who were opposed to the treaty.

The celebrated Mr. Fox, of whose talents and sagacity I need not speak here, in the debate upon the convention, said:

"Our right before was to settle in any part of South or Northwest America not fortified against us by previous occupancy; and we are now restricted to settle in certain places only, and under certain restrictions." Again, at page 996 he says: "We had obtained an admission of our rights *to settle to the north;* and even that we had not obtained with clearness, as 'Spanish settlements' were the only mark of limits."

Lord North said:

"Was it not necessary to know the reasons for so vague a delineation of our rights in the Northwestern American seas, as the convention contained; and of the boon of Spain's not colonizing beyond the *most northern* of her settlements?"

The Marquis of Lansdowne said:

"As to the particular terms of the convention just concluded, it stipulated, with respect to Nootka Sound, what was either pernicious or trifling. It appeared madness to think of colonies, after what had passed in North America."

The last remark, you perceive, is a very pointed one; and being made but nine years after the Revolution, its import was well understood.

Sir, many members denounced the ministry, in terms of bitter reproach, because the treaty had not secured to them more of the Northwest coast, and because the British were restricted in their settlements to the territory north of Nootka.

Lord Porchester said:

"A conduct so absurd and pernicious, so destitute of all policy, the history of nations cannot exhibit. Bullying so unprovoked, evaporating at length in a convention so unmeaning, confidence given so liberally, and so illy rewarded, never was paralleled. Did not the event, he asked, confirm the very general observation without doors, that we had a ministry who had neither courage to make war, nor the skill to make peace?"

And, sir, (said Mr. McR.,) this very subject of boundary, and the exclusion of the British traders from the country south of Nootka—that is, from the whole valley of the Columbia river—was pressed upon the ministry as a dereliction of duty, with all the strength and eloquence of a most talented opposition. This point was never denied by the ministry or their friends. The treaty was defended on other grounds, and was adopted, with the admission of its friends, and the charge of its opponents, that the British right of joint occupancy with Spain was confined to the country north of Nootka Sound. And yet, sir, it was in this treaty—ay, this far-famed treaty—that, in 1826, Mr. Huskisson and Mr. Addington averred that "the rights of Great Britain are recorded and defined."

I take them at their word; and the history now exhibited, the concurrent testimony of its friends and opponents at the time of its adoption, together with the language of the treaty itself, all prove that it gave to Great Britain no right at all to any part of Oregon. We look to something higher than Nootka conventions for our title. It is based upon the first elements of national law,—upon prior discovery, upon occupancy, and upon deeds of purchase from France and Spain.

I have now done with this branch of the subject—the question of title. It is one of great and transcendant importance to the whole community; for our people, who square their lives by a sense of justice to others, only want to know what are their own rights, in order to defend and maintain them. And upon the views now presented of our indefeasible title to the Oregon Territory, I am willing to abide the decision of the living, and the judgment of posterity.

The bill before us proposes—

1st. To cause a line of posts, not to exceed five in number, to be established from our Western boundary to the mouth of the Columbia river.

2d. To attach the Oregon to the Territory of Iowa, for judicial purposes; and to appoint a judge and justices of the peace to administer the laws.

3d. That Congress will hereafter provide for granting to each inhabitant over eighteen years of age six hundred and forty acres of land, who shall cultivate it five years; to the wife of each occupant, one hundred and sixty acres; and to the father, for each child he may have under eighteen years of age, or that may be born there within the five years, one hundred and sixty acres.

These are the inducements which the bill proposes as an encouragement to emigrants. The honorable Senator from South Carolina [Mr. CALHOUN] and the honorable Senator from Massachusetts [Mr. CHOATE] are of opinion that the proposed grants of land may come in conflict with one of our treaty stipulations, giving a right of joint occupancy to English subjects. Now I think that, upon a more full examination of the subject, the objection will be removed; and I believe I shall be able to show that England has been permitting to be done precisely what we propose to do. The convention of October 20, 1818, and extended by that of August 6, 1827, was intended for the purposes of hunting and trapping; the whole object was to preserve peace among men of the two nations, in pursuit of furs and skins. The convention expressly *exempted the title* to the country from its operation. We can, therefore, as well dispose of the title to the land, as though the convention had no existence. Upon this point there can be no doubt. Now, as to the propriety of doing it, we all know that the leading inducements to the formation of that convention, which was to facilitate the collection of furs and skins, has almost entirely ceased; and particularly in the country south of the Columbia, which is the best adapted to agricultural pursuits.

The hunter has laid by his rifle and traps, and is cultivating the land for a subsistence. If our people go there, they must pursue the mechanics arts, or be cultivators of the soil—not hunters. And they will not go to Oregon, unless we make provision for them. Indeed, this donation is the most capital feature of the bill. It will insure a vigorous and active population in the country, and nothing else will. Now I think my honorable friends will agree with me about title.

Mr. CALHOUN. I agree that the question of title is clear.

Mr. CHOATE expressed himself of the same opinion.

Mr. MCROBERTS. We do not differ upon that point.

Now the convention of 1818, creating the joint occupancy, by one of its provisions, can be annulled by giving twelve months' notice. The passage of this bill will induce the Executive to give the required notice, or we can have it done by a joint-resolution. Before our people can get to Oregon, the convention will be annulled; although it imposes no obligation incompatible with our right to pass this bill. But there are other reasons: the bill is a pledge that we will make provision for emigrants and settlers, though no grant is to be made under five years. This pledge to provide for cultivators of the soil could not, therefore, molest the British subjects in any right of hunting, trapping, fishing, or farming, which was provided for or contemplated in the convention of 1818.

Sir, (said Mr. McR.,) the British Government have been for ten years doing, or permitting to be done, precisely what we propose. Its subjects have already large farms in Oregon. One gentleman there in 1837, as we learn from a letter of one of the missionaries, raised 4,500 bushels of wheat, 4,000 bushels peas, 1,700 bushels barley, 1,500 bushels oats, and potatoes in proportion. He has 750 cattle, 400 hogs, 200 horses, and a grist and saw mill of great value, and works one hundred hands, mostly Canadians. He has a garden of five acres (I quote from the printed letter) "stored with almost every species of vegetables, fruits, and flowers; among them figs, citrons, oranges, lemons, pomegranates, cotton plants, and all common fruits in the United States. Everything produces well. For some days our time was divided between visits to the farm, the mills, the herds, the dairy, the stores, the ships in port, the school, &c. It, of course, gave us great satisfaction to witness these fruits of civilization, which we supposed our eyes had looked upon for the last time when we passed the frontier line of our own land."

This is farming upon no ordinary scale. The establishment at Vancouver trades largely to the Sandwich Islands in flour and sawed lumber. Both English and Americans have farms on the Wallamett. And, sir, Great Britain is encouraging this policy, and declares that she will protect her subjects in this individual appropriation of the land. Mr. Huskisson and Mr. Addington, in 1826, in a despatch to our ministers, said: "In the interior of the territory in question, the subjects of Great Britain have had for many years numerous settlements and trading-posts. And they navigate the Columbia as the sole channel for the conveyance of their produce to the British stations nearest to the sea, &c. To the interests and establishments which British industry and enterprise have created, Great Britain owes protection; that protection will be given, both as regards settlement and freedom of trade and navigation." This is all that is material in the statement.

Sir, (said Mr. McR.,) what is this but an appropriation of land? We allowed her a temporary right of joint occupancy with us; and under this, England encourages her subjects to settle and cultivate the land, erect farms and build mills, and then tells you that her subjects shall be protected in their settlements and establishments thus formed or to be formed. Is there any difference between such a declaration, and the pledge which we make to provide for settlers in this bill? In substance, they are precisely the same. The Senator from Massachusetts says that England might also make grants of land to her subjects, which might produce collisions between persons holding adjoining farms under different titles. This is the answer: England could make no grants where she had no title. She might as well make grants upon the Potomac, as upon the Columbia. But this bill removes all tempt-

tion for such a procedure, by conferring its privileges upon all *residents*, whether they be of Anglo-American or European blood. England, therefore, could have no cause of complaint, because such of her subjects as may have built farms, and who see proper to remain in the country and become subject to our laws and jurisdiction, would be protected, and placed upon the footing of our own citizens. This matter has been thoroughly considered; and the provisions of the bill promising to make future provision for those who have or may expend their labor or money in making farms, is founded in the highest principle of justice and philosophy.

Sir, a sense of public duty requires immediate action. By our settled policy, we have placed a numerous Indian population upon our Western borders, extending from Iowa to the line of Texas. They are now at peace with us; but they are the shattered fragments of a hundred hostile tribes, and are composed of the very elements of war. Being on the frontier, they are liable to be influenced by those who have been, and again may become, inimical to us. I need not stop here to tell the Senate from what source all our Indian wars have proceeded, or whose hands first kindled the hostile fires; the world knows all this, for the history of it is written in blood.

What plan could so effectually remove the temptation to war on the part of those tribes, as also of the tribes still more remote, as to have a population in their rear sufficient to overpower them?

The natural element of the Indian is war. He is taught it from his mother's lips in the wigwam, and sees it practised and cherished as the highest virtue of his tribe. We must counteract as far as possible this dangerous propensity of his being; we must remove the temptation; we must provide guards for protection; and the settlement of the Oregon with an efficient population would accomplish all this, and would create a moral power which, in time, would extinguish their war fires.

The Territory of Oregon, to which our right is indisputable, extends from the 42d to the 49th degree of north latitude, and from the Pacific ocean to our territory east of the Rocky Mountains. This comprises a fertile region 700 miles wide at one extremity, and 500 at the other, running through seven degrees of latitude, and embracing nearly two hundred millions of acres—enough to form three or four new States. Hitherto it might have been thought we had territory enough, and that for some generations at least we would not have use for more. But the late census, as well as those preceding, shows that we may count upon our population being doubled every twenty-three or four years. Here is the table showing our increase:

In 1790 - - - -	3,929,827
In 1800 - - - -	5,305,941
In 1810 - - - -	7,239,814
In 1820 - - - -	9,654,596
In 1830 - - - -	12,866,020
In 1840 - - - -	17,068,666

By this ratio we may expect to have a population of fifty-two millions in 1880, and at the close of the present century at least ninety-two millions. We lay claim to nothing but what belongs to us by right. By the mode proposed in this bill, we can accomplish this without any reasonable ground of offence towards any other Government. We have to act for those who are to succeed us; and our neglect of their interests, at the critical moment when it is our duty to place them on a permanent foundation, will be wholly inexcusable.

That duty is now to assert our rights—to extend our laws over the country—to encourage the occupation of our own territory by our own citizens—to give them temporary protection in their emigration; and, in less than ten years, your hardy citizens transplanted to this new section of our Union will be able to defend and protect themselves.

Sir, I want to see no more of this delay—no more procrastination.

> "To-morrow, and to morrow, and to-morrow,
> Creeps in its petty pace from day to day
> To the last syllable of recorded time;
> And all your yesterdays have lighted men
> The road to dusty death."

The great interests of the country require action—speedy and determined action; and I appeal to political opponents as well as friends to unite with us, and give an undivided support to this bill. Other nations will take warning by it.

If our right to Oregon can be settled only by war, then my constituents, and I believe the whole country, will unite with me in saying, Let it come. That territory belongs to us, as I have this day demonstrated; and I hold it one of our highest national duties to assert that title, let what may come. Give us a decisive vote in both Houses of Congress. Unanimity upon the question is all that is now necessary; it will settle it as effectually as the sword.

SPEECH OF MR. WOODBURY,

OF NEW HAMPSHIRE.

In Senate, January 24, 1843—On the Oregon bill.

Mr. WOODBURY asked if no legislation had taken place as to the Territory of Iowa or Florida, whether a bill like this, in respect to them, could be deemed objectionable? When our citizens had been plundered and murdered in numerous instances in a part of the country claimed to be our own, should we—would we—not protect them? All the bill proposed was, to do this; and he believed the Territory of Oregon to be ours, as incontestably as that of Florida or Iowa. This bill merely interposed the shield of American legislation over Americans there, authorized forts for their safety, and held out promises of land to insure settlers, and supplies to our own forts and vessels. But there were objections to such a measure. If legitimate, they must arise from some doubts connected with our right to the territory, or with the expediency of legislation in this manner, and at the present moment.

It will simplify the inquiry to see if there be any just ground for such doubts. He could not concede that there were.

First, as to the right. Every Senator who has spoken on this question has either attempted to prove, or has conceded, our right to the soil and sovereignty of the Territory of Oregon, independent of the treaties with England in 1818 and 1827. Who will now, in this chamber, deny or question that right? After the discovery by Captain Gray in 1788–'9; after the cession to us of Louisiana in 1803; after the explorations by Lewis and Clarke in 1805; after the occupation up to the war of 1812, and the restoration of the fort at the mouth of the Columbia in 1818 to this country; after the grant to us by Spain, in 1819, of all her claims north of the 42d degree of latitude; after the relinquishment to us, by Russia, of all claims south of the 54th degree,—I ask if any one here is prepared to doubt our right? I speak in an American Congress, and to American citizens; and do not propose to detain the Senate by going into this branch of the question, as regards the old claims of either England or the rest of the world. She herself may feel some confidence in them; but she has admitted that, while she claims some rights there independent of, and prior to the treaties of 1818 and 1827, yet that they are subject to negotiation; and are to be exercised subordinate to our possession, as well as our claims.

Hence in 1818 (Feb. 14th) Mr. Rush says: (4th vol. Gales and Seaton's State Papers, p. 853:) "It is proper, at this stage, to say that Lord Castlereagh admitted, in the most ample extent, our right to be reinstated, and to be the party in possession, while treating of the title."

It is, then, manifest that, our rights being clear to ourselves, and our possession being admitted to be proper by England during any negotiation as to their title, independent of the treaties before named, we can properly pass this bill, and fully occupy the territory, unless this would conflict with those treaties. If it would, far be it from me to urge the passage of the bill. I would respect the faith of treaties as strongly as any one. How stands the case, then, under them? for no claims beyond those treaties exist in any other nation or power, which England can set up against this measure. So says Lyman, (Diplomatic Cor. p. 99.) So says Baylies, in his report to the House of Representatives in May, 1826. Nor do I acknowledge her guardianship over other nations to enforce their claims, if they possessed any. We have had quite too much of her professed championship for the rest of the world; and especially in respect to our keeping a squadron on the coast of Africa.

When we attempted to negotiate a treaty of commerce with the King of Siam, her agents on the opposite side of the globe interposed there to thwart us. Again at Muscat they intermeddled, and failed.

When Mr. Monroe, in 1823, made his noble declaration against any new colonization by Europeans on this continent, again she interfered with that. If we shall hereafter attempt to hunt the seal, or chase whales on the coasts of the Antarctic continent, discovered by our enterprising vessels, I suppose we are again to be meddled with there. So be it; and so be its natural consequences in due time. But though in 1818 Russia and Spain may have had some claim to parts of the Territory of Oregon, they have both been since extinguished; and all those of France disappeared long ago, with the cession to us of Louisiana.

Whose claims, then, but her own, does the Senator from Massachusetts [Mr. CHOATE] seem to apprehend she can interpose? No European power can have any; and if the sovereigns of any of the South Sea islands, or the Emperor of Japan, have any, whose canoes or junks were ever blown on the Northwest coast, I believe they have not yet been hunted up by any of the indefatigable agents of British domination.

Do I make these remarks in derogation of her right to take care of her own interests, and, at proper times and places, to enforce her own claims? On the contrary, I respect her the more for standing by what belongs to herself; but abhor her officiousness in behalf of others, and the arrogant assumption, at times, (by herself, or others for her,) that she must dictate to the whole circle of civilized mankind.

Let us scrutinize, then, the origin and object of the treaties of 1818 and 1827, in order to see whether the present bill militates against the provisions of either of them. If it does not, even the Senator from Massachusetts [Mr. CHOATE] avows a willingness to support it.

Those treaties, it will be seen, originated in measures to adjust the commercial relations between England and the United States. The first one (of which the other is but a prolongation) took place, not at the peace—settling boundaries, extent of territories, jurisdiction, title to soil, powers of government, and all that;—but it was entered into some years after; and as a second *commercial convention* with England since the peace. The other (in July 1815) related to the rights of trade in settled parts of the two countries—and this, chiefly to the rights of fishing, hunting, and trading, in some unsettled parts of both countries: for one clause of it gives us access to acknowledged portions of her seaboard at the northeast, to dry fish, until the country is *settled;* while another—and that, the clause under consideration—secures to each, free and open access to the Territory of Oregon for ten years, evidently for objects of trade, the fisheries, and the chase.

These are the main objects of the conventions, though some matters not technically commercial may be provided for in parts of them. That this article now in question is a commercial one, is to be inferred from the particular language, no less than the occasion and general object of the treaty. The language is, not that the country west of the Rocky Mountains shall belong, in its soil and sovereignty, to both parties, or be governed jointly by them; but that "the same be free and open, for the term of ten years," "to the vessels, citizens, and subjects of the two powers." The natural import of this is, that neither party shall be excluded by the other from fishing, hunting, and trading there, during that period; but the same shall remain free and open to each, for such objects.

So far from this having been intended to suspend or forbid any rights of soil, or government, which either party might claim, or choose to exercise, it proceeded expressly to provide *"that this agreement is not to be construed to the prejudice of any claim which either of the two contracting parties may have to any part of the said country."*

If the treaty meant merely to stipulate that the commerce in and over the country should be free and open—leaving the title to it, and the sovereignty over it, and its government, in the mean time, as it was, or might be by virtue of other rights—then it is a natural arrangement, and not a novel one. Thus—to take a common case, for illustration—had we, by the other commercial treaty, as to the settled portions of the two countries, made New York a free port, and open to English subjects,—is there any pretence that the

words *free* and *open* would have conferred on them any right of soil there, or any territorial authority?

Many similar treaties apply merely to *commercial* intercourse; and that between England and Russia, made in 1825, contains an example in point with the illustration just given. In the 8th article, it is provided that "the port of Githa, or Novo Archangelsk, shall be *open* to the commerce and vessels of British subjects, for the space of ten years," &c. But this, of course, could not affect the right of soil, or government. In other parts of that treaty, providing for mutual access to a certain tract of country, and with a view, doubtless, to shun any equivocal or doubtful expressions, it uses different language from our treaty, (but obviously with the same idea,) and says the parties "shall mutually be at liberty to frequent, without any hindrance whatever, all," &c., "for the purposes of fishing and trading with the natives." And, where a stipulation is made to let either party have power to colonize, or govern, it uses words different still, and speaks of making an "*establishment*"—and not merely of the country being *free* or *open* to vessels and subjects, or there being to both parties mere "*liberty of commerce.*" So, in the treaty between us in Russia, in 1824, similar language is employed—almost *verbatim, literatim.* It also refers to the prevention of *illicit trade*, as the object of some of the provisions; and that was a prominent design in some of the articles in the Nootka Sound treaty of 1790—which last treaty was the prolific source of all provisions of this character since. The difficulty in that case grew out of the persevering attempts by England to push her commerce into every nook of the habitable globe, and procure new markets for her manufactures, even at the expense of the colonial systems of Spain or France.

Hence the message of the King of England, (28 Par. Hist., p. 763,) asking for additional means to resist the conduct of Spain in seizing her ships, speaks of it in a commercial view more than one of sovereignty. Hence, also, most of the articles in the Nootka Sound treaty relate to commerce, and provide new and stronger guards against illicit trade, wherever Spain had before occupied the country. They even push all British vessels *ten sea leagues* from any part of the coast already occupied by Spain," when three leagues is the usual distance. And the fifth article, which resembles and was the basis of our treaty of 1818, allowed *new settlements* only far north of Oregon, and then only in places not occupied before April, 1789; and to them, by whichever power made, "the subjects of the other shall have *free access*, and shall carry on their *trade* without any disturbance or molestation. (See 28 Par. Hist., p. 916) But this did not allow, nor mean to allow, each a title in the soil, or a right to govern the country. It was intended to be access for *trade*, and trade alone. In short, the debates on that treaty speak of the controversy as being commercial in its origin and bearing; and little seems to have been settled clearly by any part of the treaty, and nothing by this part of it, except the rights of trade.

The similar arrangement between Russia and England is classed by McCulloch under the head of commercial treaties. Sometimes such treaties go further, and regulate settlements. But then they use different and clear language, as before shown in the Russian treaties. So, by one article of the Nootka Sound convention, (where, at the southern part of this continent, the parties were, under the treaty, expressly allowed to erect buildings in places not before occupied,) it is still carefully provided that they must be "for the purpose of their fishery," and be mere "huts, or other temporary buildings, serving only for those purposes."

Under a like caution in this treaty of 1818, in the article allowing us to dry fish on the unsettled parts of British America at the northeast, clearly belonging to England, it is provided that, "so soon as the same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled, without previous agreement for such purpose with the inhabitants," &c. Thus we see that, in no other treaty is the right of *settlement*, or of soil, or of government, regulated without using explicit language to that effect, and language entirely different from that employed in our treaty of 1818.

As another evidence that no intention existed in the last instrument to grant or regulate any claim, or exercise of claim, to the title and the sovereignty, except to prevent them from being so used as to interfere with freedom of trade to both parties during the stipulated period, we have already cited the reservation in the treaty itself, that it should not injure or prejudice such claim.

The reservation in the convention of 1827 is still stronger. It is, that "nothing contained in this convention," or in the third article of that of 1818, "shall be construed to impair, or in any manner affect, the claims which either of the contracting parties may have to any part of the country westward of the Stony or Rocky Mountains."

But, if these treaties are to be construed to prevent us from taking possession of the country, in a territorial point of view, which we claimed the right to before 1818, and which England herself conceded, then it is manifest they are construed so as both to *affect and impair* our claim to the country. They suspend it, interrupt it, and, for the time being, destroy it.

In 1812, we were, by our citizens, in actual possession of a part of the country—with a fort and occupants at the mouth of the Columbia. After the war, and before this treaty, that fort was restored to us officially and formally, as a duty under the treaty of peace. And Lord Castlereagh, in a letter from Mr. Rush before cited, appears to have "admitted, in the most ample extent, our right to be reinstated, and to be the party in possession while treating of the title." The occupants of the fort considered themselves there, not for sovereignty, but for "commercial *pursuits.*" (See 4th vol. Gales & Seaton's State Papers, page 856.) And they well understood the difference between that, and occupation for government; as they inquired whether they would be indemnified if they were ejected or disturbed "prior to the final decision of the right of sovereignty to the country between our respective Governments." (State Papers, letter October 6, 1818.) This view also prevailed in England, as well as in Oregon, with the British ministry since, as well as before, the convention of October 20, 1818; for, in the negotiations which preceded the second convention, they proposed to extend the time fifteen years, and to introduce provisions "that neither power should assume or exercise any right of sovereignty or dominion over any part of the country during that period." (See Greenhow's Memoir, page 184.) But why this provision, if, under a fair construction of the old ones, both parties were restrained from exercising any such right? Why this, if the treaty of 1818 was intended to relate to other rights than those of trading, fishing, and hunting? If neither party could, in the opinion of England, exercise acts of sovereignty or dominion there, without violating the stipulation in the treaty of 1818, why wish to interpose a new provision to that effect?—and why did we reject it as we did, except under the conviction that of right we could, at any time, extinguish Indian titles, colonize the country, establish forts, erect territorial governments, and grant lands, notwithstanding any provision in the treaty; taking care, however, while the treaty existed, to allow all the freedom to trade, fish, and hunt, which it contemplated? All we should have looked to then, and all we ought to look to now, in acting on this subject—being convinced of our right to act—would be the expediency and duty of settling the country, under the exigencies and demands of the whole case.

As a mere matter of right, then, under the treaty of 1818, the Oregon could have been occupied and governed by us the next day after that treaty was ratified, as well as a year and a day after we give notice, under the convention of 1827, to terminate the existing arrangements.

Another circumstance, which has misled some as to the design and effect of that treaty, is the impression that it provided, in terms, for a *joint occupation or possession* of the country; or that, at least, such was its necessary operation. But we have already cited the arrangement, and seen that no such words as *joint occupation*, or *joint possession*, appear in either of the treaties; nor do they appear in any similar treaties which preceded or followed this with other nations. We have already attempted to show, likewise, that the necessary and natural operation of all these arrangements was commercial, rather than territorial. We now go further, and maintain that a *joint occupation or possession* of a territory by two Governments, for purposes of title to the soil, or government, or sovereignty, is full of absurdities and peril. Must there be joint laws?—joint judges?—joint grants?—joint legislatures?—a joint executive? But, on the contrary, if the treaty is construed to admit both parties to freedom of trade, that is natural, common, and practicable; and where nations mean to go further, and control possession, title, and sovereignty, they use different and clear words of that import. The misfortune has arisen from employing terms in speaking, not used in the treaties themselves, and not applicable to the transaction, and calculated to mislead as to the true extent of the arrangement. The analogy of two parties having some *concurrent rights* in the fisheries of the grand banks, comes nearer to that of free trade. But even that is not joint occupation or joint possession; and that has been found so difficult and dangerous in practice as to lead, in the end, usually to practical divisions. (28 Par. Debates, page 943.) Nor is a joint occupation or possession necessary to the enjoyment of free trade in any country. Unless a country is savage, or semi-barbarous, ambassadors and consuls, and especially the latter, are sufficient to protect it from within, without any territorial rights. But when a ruder state of society prevails, this, factories and forts answer as substitutes. But even those have nothing to do with the title to the soil, or the governing of the country. They are mere commercial securities.

While this treaty and its object were fresh in the councils of the country, this view of it must have prevailed with the Executive, or something tantamount; else President Monroe could never have recommended, as early as 1824, the actual erection of forts, and occupation of the territory. The idea that such a step violated the treaty of 1818 seems never to have been entertained by him—though the erection of a military fort by a Government is a much stronger act of sovereignty over a country, than promising land; on which last provision in this bill so much stress is now laid. But the bill which passed the House of Representatives in 1838, by a vote of two to one, provided also to extinguish 900 square miles of Indian title; and neither in that House, nor in the Senate, where the bill was laid on the table by a majority of only two, does any member appear to have dwelt on that as a violation of the treaty.

The next year, Mr. Adams officially renewed the recommendation of his predecessor; and the able reports of Mr. Baylies, which followed, are directed entirely to the great importance of the territory, and our clear title to the soil and government of it, rather than to any apprehended objection by England under the treaty of 1818. These may all be deemed cotemporaneous constructions, fortifying the views entertained by myself, or at least favorable to the right to pass a bill like this, without impugning any treaty stipulation. I have all these messages, reports, and speeches before me, though it is not deemed necessary now to detain the Senate by reading quotations from them. But reasons of expediency operated then against the measure, in the view of one branch of Congress, though the conclusions of the other branch and of the Executive were different. Some such reasons undoubtedly still exist against it; but I think, on examination, that most of the old reasons in this respect have lost much of their force, and that the balance will be found clearly in support of passing a bill like this at the present moment.

The question, then, and the only remaining question which I shall discuss, is the expediency of exercising the rights we clearly possess, in the manner now proposed.

The paramount reason for extending the operation of our laws into that territory, is, in my view, the protection of our own citizens within its limits. They consist of settlers, traders, hunters, mariners, and travellers. So far as regards us, they are now lawless and defenceless. Hundreds of them have with impunity been pillaged and murdered there within the last twenty years. But they are American citizens no less than we—they are on American soil no less than we—they are pursuing legal employments no less than we. It seems to me, then, a burning disgrace to our institutions and character to leave them longer in this condition; and it would be far more creditable to renounce the country forever, than allow it to remain in this disreputable position, and still be a portion of the American Union.

The reasons for forts there are of a like character—protection and security. At the mouth of the Columbia, they are needed also for refuge to our whalemen and navy, when crippled by accident on the Western and Northwestern seas. The

interests of the fisheries and commerce are great in those regions, which might thus be aided; but I shall not now fatigue the Senate by particulars as to their amount.

The reasons for promises of land to settlers are alike cogent. For many are not likely to expose themselves and families at such an immense distance, and among barbarians, without peculiar inducements; and without more settlers obtained there by such inducements, supplies cannot be furnished to the forts, nor to the vessels of the navy and our whalemen, without great additional expense. Plant forts and settlers there, and throw the shield of your laws not only over them, but over the commerce there; and an increase of our trade within the territory will likewise commence at once.

Some of the islands of the Pacific are becoming civilized, and the authorities of one are this very winter knocking at our doors for a recognition of their independence. The coasts of China, too, are now opening to European, and I trust, American enterprise; and both of these circumstances, from the greater contiguity of the Northwest coast to them, will give new impulses to business in that region. This is no sectional question. Our merchants are all directly or indirectly interested in this; our shipbuilders are interested; our fishermen—our enterprising and emigrating farmers are all interested, as well as our hunters and furdealers.

Beside this, the character of the whole nation is implicated, if we do not protect the whites, and adopt this or some other course to introduce civilization among the Indians in that territory. We ought to improve the lot of those who are thus placed under our national guardianship. If we claim the country, we must take it with its aboriginal inhabitants. We cannot neglect them, and be justified to the moral judgment of the rest of mankind. We must try to teach them arts and letters. We must protect them, as well as our own people, from aggressions and outrages; such parts of their title as have not been fairly extinguished by individuals, we should amicably purchase from time to time, as we need it, and as they are willing to part with it. Our right, then, to the country being clear—our right to pass a bill like this being clear, without any breach of treaties—our interest to do it being clear—and our duty equally clear, as well as imperative—why halt? Why hesitate? An omission to act now, will throw distrust over the sincerity of our whole claim. The world, as well as England, may well infer that if, under all these circumstances, we longer delay to exercise our rights, to protect our interests, and fulfil our duties, it must arise from some misgiving as to the validity of those rights.

If we have not already slept over our claims quite a quarter of a century, it is certain we have not enforced them. A measure like this failed as long ago as 1825, by only two votes in the Senate, though passing the other House by two to one. It failed at that time, apparently, not from doubts as to the title, but from motives of expediency. It is certain that all the leading objections on that score then, have since lessened or disappeared. The outrages committed there, and demanding the prompt application of our laws, have occurred since, in far greater numbers. The encroachments and assumptions by English subjects there, have since multiplied tenfold. The importance of our fisheries and commerce in the Pacific to be aided there, has much enlarged since, beside the new prospects developing in China. The population in the West has since approached nearer, so as to aid more readily in defence. Our ability to send out emigrants has nearly doubled; and last, though not least, the distance (which was by many considered so great as to prevent a representation here, and to lead to a loss of all the capital and people sent there) has almost vanished under the improvements since, in steam. The 4,700 miles from the mouth of the Columbia to Washington, which it was then urged was the distance, and would require all the time of a Representative in Congress to travel over, leaving none for legislation, could ere long probably be passed in one or two months, or in as short a period as the delegates from Louisiana and Mississippi once travelled to and from the seat of Government.

But other and still more formidable difficulties start up. Our occupation of the country, it is said, may endanger peace with England. I reply—not so, either necessarily or probably. I have already shown, that rightfully it cannot; and if not rightfully, is it just or charitable to suppose her more willing than ourselves to bring on a war wrongfully? Does not she need and wish the moral sanction of the world in her movements, as much as we? But it may be said, that though she will make no complaint under the treaty, she may still fall back on her reserved and prior claims, like us, and resist our settlements and jurisdiction. So she may—so she always may to the end of time; and this argument will be as good against our legislation half a century hence, as now; and in this way we never shall be able to take any steps to enforce our rights.

If we give notice to abandon the treaty, our position in regard to this argument will be no stronger. For then, as now, the prior reserved rights will start up, like the sown dragon's teeth, into armed men. If this is to be her course, delay, instead of proving useful, will increase the importance of the country and of the controversy. It was so with the contested boundary in the Northeast; and if a question is to be made as to the title, the sooner the better. But, in my view, it will not be her course to resort to violence; for, as before shown, she has admitted our right to be in possession of the country while negotiating. Let us, then, take possession. If that be complained of, negotiation follows. If unable thus to agree, let a third power arbitrate between us. If she refuse that, then we are in possession, and can defend it, and defend our rights against all encroachments, with such means as God and nature have endowed us with. Then, and not now, will be the time for larger expenses and more magnificent plans. Then, and not now, I will consider of the 50,000 rifles to be sent there by the Senator from Ohio, [Mr. TAPPAN.] Then, but not now, I will talk with my friend from Arkansas [Mr. SEVIER] about his railroad to the mouth of the Columbia. Then, but not now, I will calculate with the Senator from South Carolina [Mr. CALHOUN] about the expense of supplying large armies and fleets in that region by either power.

But now, England has no right to complain of our *possession*, leaving her commerce free; nor any interest in declining negotiation or arbitration, if unable to agree amicably. What occasion, what sufficient inducement can she have to plunge into a hasty and bloody war with us, her best customer, for that naked and remote territory? As a hunting-ground and trading-post for her Hudson Bay Company, which has been almost its only use to her heretofore, its importance becomes less yearly. As an outlet to her sparse population, it is not wanted, in addition to her millions of acres beside in both hemispheres and in all the zones—in the Canadas, India, New Holland, New Zealand, and the West Indies. As a market for her manufactures, it is trifling, and will continue to be so till occupied by a white population.

If she expends capital there, it will be without remuneration in the end likewise; as, in time, the whole inevitably falls, (as the Senator before me remarked,) like a ripe peach, into our hands.

We are its neighbors, and our institutions are more attractive, and the laws of colonization and empire and conquest are fixed as those of the solar system; and she, no more than any other nation, can claim an exemption from their destiny.

But, though in favor of the present bill—on the ground of right, interest, and duty—yet, as before remarked, I should not deem it either our interest or duty to enlarge the measure now, as some suggest, and to incur any expenses not immediately demanded by the necessities of the case.

In the present condition of the treasury—with a deficit of six to eight millions staring us in the face, on the Secretary's own report for the next year and a half, if he redeems the temporary debt, as has been pledged and promised; and with the prospect of a revenue still more diminished than he estimates, by two or three millions,—I surely would not run into any expenses not required by national duty and honor. But those thus required I would vote, at all hazards, and in all cases. Nor is it necessary that even the expense contemplated by this bill should be incurred, till a survey is made for the site of forts, and, if the Executive or Congress pleases, a notice given to end the treaty, and the stipulated time of a year finished, before actually erecting them. All apprehensions of any pretence being made by England of a departure from the treaty, by adopting the measure in the bill, could thus be removed, and yet the bill pass. But I do not feel so much inclined to travel out of the way to conciliate that haughty power by any over-caution, as some may. Nor do I justify my vote, however easy it might be, by any of her previous laws or encroachments in respect to this territory. On the contrary, I shall vote for it under a sense of duty towards our own territory, our own citizens, and our great national interests, without any reference to foreign misbehavior or foreign menaces. I would not wish for hostilities, nor commit a wrong; but, in the path of doing right—armed strong in honesty—I would move onward, from my own impulses, my own feeling; and neither halt nor turn aside, from dread of wrong and violence by others.

By such a course, under all the circumstances before mentioned, there is much less real danger of national collision and war, than by keeping up such a state of things as exists at present—two warlike nations, with numerous tribes of savages grouped together in one and the same country; two if not three sets of claims to territory and sovereignty; jealous, and vindictive, and rival subjects together in pursuit of the same game and trade; no territorial laws or magistrates; no boundaries; weekly plunder and murder. This is the worst possible condition, to last longer; and is unworthy the civilization, prudence, and intelligence of either nation.

Though our own people, in many quarters, are impatient to make a more secure lodgment within the territory, I do not entertain such fears from this, or the interests of many of the old and new States, as many do. Instead of the old States being depopulated by it—or the new, as some seem to fear—the distance, dangers, and privations will make the progress of emigration slow, and rather relieve both the old and new States from some of the most restless of their population, than strip them either of much capital or industry. Many of our fathers came, originally, to the Atlantic coast, to better their condition; and our sons, going to the Pacific from the same motive, will no more injure us than they injured their former homes. The emigration of the former here has not weakened England, or France, or Germany; nor will that of the latter weaken us. Indeed, they will still remain on American soil; and the stars and stripes of our flag will still wave over them, it is hoped, to the end of time.

Nor do I dread any danger to the Union, or the relative power of the East and West, or of the South and North, by this measure. I have no gorgeous and sudden hopes on this subject. The progress of settlements will not be rapid. The land bounty will, of course, be withdrawn the moment there is population enough there for safety and supplies. In the last century, our people have, to be sure, spread from Albany to St. Louis; and thence nearly to the western borders of Missouri and Iowa. But even now our permanent settlers are six or seven hundred miles from the crest of the Rocky Mountains, and thousands of miles from the mouth of the Columbia. We are not Tartars enough to wander much faster or further than the axe and the plough can clear the way. And if, a half century or a century hence, it becomes a question—which I hope never will be the case—whether the Union shall not protect all between the Atlantic and the Pacific, and where the division line shall be drawn, I am not now to be deterred from a support of this bill by any fear that it may hasten that remote catastrophe, or throw the line west to the Rocky Mountains, or the Mississippi, or the Alleganies; rather than south, to the Potomac, or elsewhere, between the South and the North. I go into no such speculations; nor am I fearful as to events so remote, and, it is believed, so improbable. On the other hand, if really probable in the natural course of civilization, it is vain for us to attempt to shun or delay them by such an impotent measure as neglecting longer to legislate suitably for our own territory, and the protection of our own subjects.

SPEECH OF MR. M. BROWN,
OF TENNESSEE.

In the House of Representatives, January 3, 1843—On the bill to repeal the bankrupt law.

Mr. MILTON BROWN addressed the Chair as follows:

Mr. SPEAKER: It is neither my purpose nor desire to enter the wide field of general politics unexpectedly opened by this debate, but to confine myself strictly to the pending question of repeal. No

law has ever been more misrepresented or misunderstood than the bankrupt law passed at the extra session. Provisions not contained in the law have been ascribed to it; while those it does contain have been so perverted and misrepresented as to make a false and delusive impression on the public mind. In its enactments, in its general provisions, and in its details, in its spirit and meaning, in its tendencies, and in its practical influences upon the morals and general welfare of society, it has everywhere been misrepresented, and almost everywhere misunderstood. Its plain provisions, calculated and designed to protect the rights and advance the best interests of both debtor and creditor, saving the former from oppression and the latter from fraud, have been represented as adverse to all the best interests of the community. A thousand popular prejudices have been most unjustly waked up, having no just foundation in the provisions of the law itself, but springing from a desire of politicians to operate on pending popular elections. This is to be regretted—deeply regretted—as calculated to mislead the popular mind, and prevent a fair and calm decision of the people.

Before the late presidential election, both political parties professed themselves in favor of a bankrupt law, and stood committed before the country for its passage. The proof of this is clear and positive, and is to be found in the recorded votes, the debates, and general history of the times. General Harrison and Mr. Van Buren, the candidates of the respective parties for the Presidency, while in the Senate of the United States, had declared, by their votes and speeches, that they were in favor of the passage of a bankrupt law, with only this difference: Mr. Van Buren thought it should embrace merchants and traders only; while General Harrison contended that it ought equally and without distinction, to extend its benefits to all classes of society. Which of these plans is preferable, is not my purpose now to examine; certainly, however, it may be safely assumed that the plan advocated by General Harrison was then, and is now, most conformable to popular sentiment. It is my sole purpose, at present, to show that both General Harrison and Mr. Van Buren were the open and avowed advocates of a bankrupt law. Mr. Van Buren was a member of the committee that reported the bill of 1826; and, in his remarks in the Senate on that bill, avowed himself strongly in favor of a bankrupt law, and declared he was in its favor, (to use his own language,) "not only because he was satisfied that a great proportion of his immediate constituents desired it, but because he believed their claim upon Congress, for the exercise of its constitutional powers in this respect, could be sustained on the ground of policy as well as justice." Mr. Van Buren, on the first vote taken, voted against the bill—not on account of the general principle, but on account of a feature contained in it which he objected to; but, on the other friends of the bill agreeing to remove this objection, he voted for the reconsideration, and he and General Harrison, side by side, voted for the bill on the question of engrossment for its final passage.

Mr. Tyler and Col. R. M. Johnson, the candidates for the Vice Presidency, were also in favor of a bankrupt law, and have since reiterated their opinions—the former in a message to Congress, the latter in a published letter. With these candidates for the Presidency and Vice Presidency, all avowedly and openly in favor of the passage of a bankrupt law, did the respective political parties enter the contest which resulted in the Whig victory of 1840. If the question was not fully discussed before the people, it was because, both parties being in favor of the measure, it was not made a matter of controversy. Politicians, then, of all parties, saw wisdom, beauty, good policy, and humanity, in a bankrupt law. It was inscribed on every banner; and the unfortunate, and the friends of the unfortunate, (who were, and I hope now are, far more numerous than the unfortunate themselves,) were told that, no difference where victory might perch, the passage of this measure, at least, was safe.

But the proof that both parties in that contest were for a bankrupt law, and stood pledged for its passage, does not stop here. There is still behind clearer and more unanswerable evidence, not only that both parties were the avowed advocates of the measure, but showing, also, what were the principles and proposed provisions of that measure. For this I refer to the Congressional Globe and Appendix of 1840. Two bills, each providing for a uniform system of bankruptcy, were reported to the Senate, emanating from the two political parties. Mr. Benton, speaking of these two bills, (see Appendix to Congressional Globe, page 502,) said:

"Three members of the Judiciary Committee have reported one bill; two members have reported another; and these two bills emanate from the two political parties which, under whatsoever names, have existed in this country for fifty years."

These two bills were reported, one by Mr. Clayton, (Whig,) the other by Mr. Wall, a leader of the Van Buren party. After giving his objections to Mr. Clayton's bill—objecting to it on the ground that it was, as he alleged, partial and unequal, not extending its benefits alike to all, and limited to two years' duration—Mr. Benton then turned to Mr. Wall's bill, and said:

"The other (that is, Mr. Wall's bill) is a general bill, looking to the rights of creditors as well as to the relief of debtors—intended for the future as well as for the present and past—applicable to corporations as well as to persons—embracing the compulsory as well as the voluntary feature—and making provision for those who are not, as well as those who are, technically merchants and traders."

Another prominent objection urged by Mr. Benton against Mr. Clayton's Whig bill, and reason why he preferred Mr. Wall's Democratic bill, may be seen by the following extract of his speech:

"There is to be (said Mr. Benton, referring to his objections to Mr. Clayton's bill) a line of division between the debtors—a horizontal line; those above the line are to have relief—those below it are denied it. This results from the amount which the debtor must owe in order to entitle himself to the benefits of its provisions. The bill provides for an amount, and leaves the sum in blank. Will the reporter of the bill, said Mr. B., (addressing himself to Mr. Clayton of Delaware,) name the amount which it is proposed to insert?

"Mr. Clayton said he had not been instructed to move a particular sum, but five hundred dollars had been mentioned in the committee.

"Mr. B. continued. Five hundred dollars. That was the sum mentioned in the committee, and no other sum is mentioned here. Five hundred dollars must be considered, then, as the amount necessary to be owed, to entitle a person to the relief of this act. Now, this is arbitrary and unequal; it cuts off the small dealers, the persons of little property, the laborers; it cuts them off from the benefit of the act, and operates as an encouragement to people to go largely in debt, as the large debtors are to be relieved, and the small ones not. It makes the act exclusively for large dealers; and this, contrary to the principle of equality which is professed in the bill, and without any foundation in reason and justice. The weight of debt is relative, not absolute. It depends on the amount of the debtor's property, and not upon the amount of the debt. To one man, a debt of one hundred dollars is as much as a hundred thousand or a million is to another. To one man five hundred dollars is as much as five hundred thousand is to another; and, beyond question, the most numerous class of debtors in the United States are those who owe less than the minimum proposed in this bill. But these small debtors, numerous as they are, are disregarded and overlooked by the bill. They are to work out their debts in sorrow and in misery, carrying their endless load to the grave; while the dashers, the large debtors, clear out theirs by a declaration and surrender."

Again: Mr. Benton said, speaking with reference to the coming presidential election:

"I do not think the present session the propitious one for beneficial action on this subject. Five hundred thousand voters, demanding the passage of a law on the eve of an election, must have an influence on the hopes and fears of the lawgiver, as well as on his judgment and conscience. Since they have waited so long, I should have preferred a delay of a few months more. Still, the subject is before us, and we are here; and I am willing to act, and to do what I believe to be my duty. I am ready to assist in framing an act which shall be general in its provisions, and just in its application; which shall do justice to the creditor as well as the debtor; which shall apply to trading and money-dealing corporations as well as to trading and money-dealing individuals; which shall be compulsory with regard to traders and dealers, whether natural or artificial; which shall be optional with respect to other classes of the community, and which shall distinguish between misfortune and misconduct."

Again, in another place, he adds: "The bill of the minority (Mr. Wall's bill) furnishes the true basis for the enactment of a bankrupt system."

Now, Mr. Speaker, here is the direct testimony of Mr. Benton on two points: First, that Mr. Wall's bill originated with, and emanated from, the Van Buren party, to which he and Mr. Wall belonged; and, second, that it furnished the true basis for the enactment of a bankrupt system. He says: "These two bills emanate from the two political parties, which, under whatsoever names, have existed in this country for fifty years." He also says that Mr. Wall's bill, emanating from, and put forth to the country by the Van Buren party, furnished "the true basis for the enactment of a bankrupt system."

Now, sir, it is material, in tracing the standing of parties on this question, to know what were the Democratic features of this Democratic bill reported by Mr. Wall, and held forth to the anxious hopes of a suffering country by the Van Buren party, during the pendency of the presidential election. What were its features? Did it embrace the past as well as the future? Did it discharge contracts made before the passage of the law? Did it, in a word, contain any or all the provisions that have been urged as objections to the law of the extra session? The original bill is now before me. Its provisions may be seen, and I invite investigation. It was reported in April preceding the presidential election, by Mr. Wall, as the organ of the minority of the Committee on the Judiciary, and is Senate bill No. 324. What does Mr. Wall himself say of this bill, which, according to the then opinions of that party, was the true basis for the enactment of a bankrupt law? Mr. Wall says: (Appendix Globe, 462:)

"It is intended to act both retrospectively and prospectively. It looks upon the past, not to condemn, but to relieve. The whole land is strewed with the wrecks of bankruptcy, and we cannot look in any direction without perceiving the *jetsam et flotsam* of trade cast upon the shores. All must admit the fact, however much they may disagree as to the causes, that the state of things has resulted from the contractions and expansions of the currency; and that the fluctuations growing out of it have impaired all business depending on prices, the hazards and vicissitudes incident to commerce and trade. The best energies of the country have been paralyzed; the brightest visions of gain have disappeared; and the wisest and most prudent schemes, uniting public improvement with individual interest, have perished, as if by magic, in the universal revulsion that has desolated the country. This bill proposes to cast the mantle of oblivion over the past conduct of the debtor, over his acts which may have been compelled, or the preferences which may have been extorted, in his vain struggles to prolong his existence in the marts of trade. All that it demands from the debtor who seeks its benefits, is, that he should honestly surrender what is left, however small, for the general benefit of his creditors."

Now, Mr. Speaker, with the lights thrown upon this subject by Mr. Benton and Mr. Wall, and with the bill itself before us, let us compare its features with the one passed at the extra session, against which so much prejudice has been excited; and, to effect this the more clearly, let us trace the leading objections raised to the bill passed at the extra session, and which have been seized upon to render it unpopular.

The first and chief objection to that law has been its retrospective operation—that is, its operation on contracts entered into prior to the passage of the law. Did Mr. Wall's bill contain this feature? Mr. Benton and Mr. Wall settle this in the affirmative. Mr. Benton says "it was intended for the future, as well as the present and past." Mr. Wall says "it was intended to act both retrospectively and prospectively;" that it looked to "the past, not to condemn, but to relieve;" that it proposed "to cast the mantle of oblivion over the past conduct of the debtor;" and that all it demanded from the debtor was, "that he should honestly surrender what is left, however small, for the general benefit of his creditors."

It is certain, therefore, that this plan of a bankrupt law, emanating from the Van Buren party, and promised to a suffering country, in the event of the continuance of that party in power, did embrace

past transactions; it was designed to wipe out debts contracted before the passage of the law.

It is true that Mr. Benton was a little afraid that so many voters, who were unfortunately ruined, and now demanding relief, might, on the eve of an election, have an undue influence on the "hopes and fears," as well as the "judgment and conscience" of the lawgiver; and he preferred, that as they had waited so long, and suffered so long, they would wait on, and suffer on, until after they had given their votes at the then approaching presidential election. But after they had given their votes, and the election was over, and the danger of the "judgment and conscience" of the lawgiver being improperly influenced by the "hopes and fears" growing out of that election had passed, then these unfortunate men were to have relief. Yes, relief! And that, too, at the hands of the Van Buren party. Not relief from debts that might be contracted after the passage of the law; not from future debts—for in this, these unfortunate men had no more concern than others; but from present and past contracts—from debts contracted before the passage of the law. And this promise to the unfortunate was not allowed to hang on general and vague declarations; but the bill itself, Democratic in all its features, and emanating from the hands of the Van Buren party, was held up to the hope of those whose fortunes had been wasted by the sad reverses of the times, and who had nothing left but their good names, and their votes and influence at the ballot-box. Mr. Benton even then declared his readiness to act, and to act promptly; and others declared the same; but it so happened that nothing was done. The subject was left open, both parties professing to be for the measure, and standing pledged for its passage. Did we then hear of the demoralizing consequences of a bankrupt law? Did we then hear anything of this effort now making all over the country to degrade and dishonor those who ask relief? Nothing of all this was heard. It was then regarded by all as right, virtuous, and honorable, for the unfortunate to ask relief; and a constitutional, virtuous, and patriotic duty in Congress to grant it. Seeing this, Mr. Webster rose and congratulated the Senate and the country that this subject "did not connect itself with any of the party contests of the day;" and spoke of it "as a green spot in the midst of the fiery deserts of party strife."

This, sir, is the manner in which this subject was treated by all parties *before* the presidential election.

And here let me pause, and ask a question obviously suggested by these facts. I invite a response from the candid and honest of all parties. Seeing that both parties, during the presidential canvass, had promised relief to the unfortunate, and given assurances of the passage of a bankrupt law; seeing that all the candidates for the Presidency and Vice Presidency had inscribed this promise on their banners, and none objected to it; seeing that two plans, emanating from the two political parties, both retrospective in their operation, had been held out as rivals for popular favor,—was not the extra session of Congress bound to conclude that these facts had given undoubted evidence of public opinion on the subject? Add to this, that a flood of petitions rolled in from every quarter of the Union, signed by men of all parties—by those who were insolvent and by those who were rich—and presented here on this floor by members of all parties, with scarcely a petition or other evidence of popular opinion on the other side—was it not reasonable to arrive at the conclusion, that the public judgment was in favor of a bankrupt law? Sir, this was the impression made on my mind; and I doubt not was made on a majority of the House at the time. Sir, it cannot be concealed that the reason why many, very many, of the opposition on this floor voted against the law, was not because of their convictions against it; but because of a determination, founded in party policy, to throw the responsibility of all measures on the Whigs. But to return.

Another objection to the law of the extra session is, that it embraces not only the *compulsory*, but the *voluntary* feature also. Mr. Wall's bill did the same; for which we also have the direct testimony of Mr. Benton. He says it embraced "the compulsory as well as the voluntary feature."

Another objection to the law of the extra session is, that it includes those who are not, as well as those who are, merchants and traders. Mr. Wall's bill did the same. It included all classes—none were left out of its provisions. Mr. Benton said it made provisions "for those who are not, as well as those who are, technically merchants and traders."

Another objection to the bill of the extra session is, that it extends down to sums too small. Mr. Wall's bill extended to all sums, and Mr. Benton lauded this as a most Democratic feature; it was, indeed and emphatically, the poor man's bankrupt law—not for your large debtors and "dashers" merely, but for small debtors also. Yes, sir; and I venture to say, that if the law of the extra session had failed to include small debtors, and had been confined to large ones, it would have been pronounced a most odious discrimination, designed to favor large and reckless speculators.

Another objection to the law of the extra session is, that it discharges the debtor without the consent of the creditor. Mr. Wall's bill did the same. The debtor's discharge depended not on the consent of a part or of all his creditors, but on the decision of a court and jury.

Again: it has been objected that the provision under this law of the extra session, allowing the bankrupt an amount, at the discretion of the court, not in any case to exceed $300, was too liberal. Mr. Wall's bill went much beyond this. It allowed the bankrupt his clothes, &c., his tools of trade, household and kitchen furniture, two cows, &c., and also all that was allowed by the insolvent laws of the respective States. Not only this; but he was to be allowed one dollar a day for attendance before the court, and also not exceeding three dollars per week for each member of his family, for their support for a time not exceeding two months. And if, on final discharge of an appeal, the bankrupt's estate paid fifty cents in the dollar, he was to be allowed five per cent. of his estate, provided the per cent. did not amount to over $500. Mr. Wall's bill was, therefore, far the most liberal in its allowance. If the bill of the extra session in this respect was wrong, Mr. Wall's bill was still worse.

Another objection urged to the law of the extra session is, that it discharges the obligation existing between security and principal. Mr. Wall's bill did the same. Besides, this law is far better guarded against fraud, than that proposed by Mr. Wall and his political friends. This law excepts out of its benefits defaulters to the Government—that did not. This law excepts out of its benefits delinquent executors, administrators, guardians, trustees, &c.—that did not.

I might trace the parallel between these two bills further; but it is useless. My purpose has been to show—what is the fact—that every feature in the law of the extra session which has been deemed exceptionable, and has been seized upon and perverted for the purpose of making it unpopular, for political effect, is to be found in the bill reported by Mr. Wall, and held forth by the Van Buren party, before the late presidential election, as the bow of promise to a country deluged by revolutions and disasters. I might do more. I could, by pursuing the parallel between these bills, show that, while that of the extra session contains no feature deemed objectionable which is not to be found in that of Mr. Wall, it is far better guarded against frauds. But this I leave for those who may be curious to pursue the subject; repeating, however, that I invite investigation.

The chief, if not the only, distinction in principle, between these bills, is, that Mr. Wall's included banks and other corporations; and that of the extra session does not. But all will agree, that the law of the extra session, if unpopular, does not owe its unpopularity to this. Besides, it will be seen that the provision in Mr. Wall's bill on this subject would have been entirely inoperative. It provided that any State might release its banks and other corporations from the operations of the law. This rendered its provisions unequal and not uniform, and therefore unconstitutional. It made it inoperative and useless, because the States would generally, if not always, grant the exemption, and render the law of Congress powerless.

Having tried to explain, with as much clearness and fairness as I could, the standing of all parties on this question, and shown that all, in some form or other, have declared in favor of a uniform system of bankruptcy, I come to the direct question—ought this law now to be repealed?

The power to pass the law is engrafted into the Constitution, and comes to us by the sanction of the wisdom of our fathers. This power was conferred on the Federal Government by a vote of all the States but one. The opinions of Washington, of Madison, of Marshall, and a host of others, constituting a large majority of our greatest and best men, living and dead, stand recorded in favor of the wisdom and policy of a bankrupt law. We have the example, in some form or other, of every commercial nation on earth. Should we not then pause before we hastily, and under an excitement raised by misrepresentations and misunderstandings of its spirit and object, erase this law from the statute-book, leaving behind it prejudices deep and lasting against all laws on the subject, that will, perhaps, in all future time, cause this wise provision of the Constitution to remain a dead letter? If the law is defective, ought we not to amend, rather than destroy it?

The leading, if not the only popular, objections to this law, have been drawn from its retrospective action—its operation on past contracts. Nearly all have declared in favor of a law to operate on future contracts. This bill for repeal, in the form it is likely to pass, retains the retrospective, and only repeals the prospective feature—that is, it retains the part supposed to be unpopular, and repeals that which is a favorite with all!

The first operation of the law is its retrospective feature, which is favorable to debtors: its second operation is its prospective feature, which is favorable to creditors. Why allow it to operate in part, and then repeal it? The law was designed as a system looking to the future, as well as the present and the past—looking to the rights of creditors, as well as debtors. Why allow it to operate in favor of one class, and then, by repeal, prevent its operation in favor of the other? This law, by this repeal bill, is in danger of mutilation—in danger of being rendered useless, if not injurious, by cutting asunder parts essential to the value and vitality of each other.

It is not designed to repeal the bankrupt law as a whole, but to repeal one-half of it only; and the part proposed to be repealed is that which is objected to by no one. This is a strange state of the question. An excitement has been gotten up, and, for political effect, this law has been misrepresented, and distorted, and denounced, all over the country, as partial in its operation, and discharging debtors without any corresponding benefit to creditors. Creditors, looking only at the first operations of the law, have been induced erroneously to suppose it injurious to their interests; and now, before that part which is unquestionably beneficial to them can be brought fairly into exercise, and fully understood by the country, it is to be repealed, and the law is to be prevented from vindicating its own wisdom by time and experience.

Sir, in these times, so sadly out of joint, when a temporary triumph in a popular election is more looked to than the permanent good of the country, and when patriotism in the breasts of many is extinguished by motives of party and personal elevation, it is not remarkable that this law should have been misrepresented. Though blessed with but little foresight, I foresaw and foretold this in the remarks I made on the bill before its passage at the extra session. I hope I shall be pardoned for reading from my printed speech what I then said. After giving my general views on the subject, I said:

"I know that it takes time to develop the operation of any system. The people have to learn and become accustomed to it, in order properly to appreciate its value. I know this system will go out like a stranger, who must not expect to gain full confidence before he has formed his acquaintance in the community. I know, sir, that a thousand prejudices will be raised against it. But if the people will sustain it until it has passed its day of trial, as I believe they will, the consequences will be happy and glorious. The silent but potent influence of this system in regulating society, and in improving the morals of the country, may not at once be seen; but in the end it will be developed, and its powerful influence will be universally acknowledged.

"Every important change in our social condition must meet with opposition. It breaks in on previously-formed opinions and long-established habits of thinking, and must therefore be for a while viewed with distrust, and regarded by some as a troublesome intruder. It is this that gives me the only uneasiness I feel about this measure, in the event of its passage."

Sir, after listening, with the most anxious desire for the truth, to all that has been said against this law, I have an unchanged opinion, that, if sustained by the people, and allowed to remain unrepealed,

until it shall have been tested by time and experience, it will do much permanent good.

This law, in its prospective operation, is calculated to prevent fraud, by cutting off fraudulent conveyances and dishonest preferences. It aims a deadly blow at all conveyances designed to defraud creditors. It subjects the debtor who makes them to its compulsory process, and gives to the honest creditor a most efficient and effective remedy against fraud and concealment.

Again: it not only furnishes the most powerful weapons against dishonesty, but it holds out the strongest inducements for honesty. In this it will improve the morals of the country, and save many a cheek from the blush of guilt. The man who has been in affluence, but finds himself scathed by a stroke of misfortune, too often finds an excuse to his own conscience for concealing, in the hands of his friends, something to give bread to those who are helpless and dependent on him. This is wrong; but many will do it as long as the law allows no final relief or discharge. If the creditor gives up all, still he is in bondage. The little he may earn by the sweat of his brow, to supply the wants of those dependent on him, is subject to be taken. In this condition, he yields to the temptation, and conceals his property. This, I repeat, is wrong. But, I ask, is not the law wrong that leads him into this temptation? Is it not better to say to him, Give up honestly and fully all you have, and you shall go free? Will he not give up all? Will he not be saved from temptation? And will not his integrity be preserved? And, I will add, will not creditors, under the operation of this motive, acting on debtors, get more than they otherwise would?

This law provides for equality in the distribution of the debtor's property, and forbids unfair and unjust preferences given to favorite and confidential creditors. This cuts up by the roots the largest and most fruitful source of fraud and injustice. Go into your courts of chancery and of law, and inquire what opens the most extensive harvest in the field of litigation; and you will find that it is the permission which the law has heretofore given to debtors to divide out their property among a portion of their creditors, to the total exclusion of all others. A man, for example, doing an extensive business, finds himself in sinking circumstances, and immediately determines to save his friends—and that, perhaps, with the secret understanding that they shall save him from the danger of wanting sufficient means to play the gentleman upon. An assignment, a mortgage, or a deed of trust, is executed, by which all his property is at once transferred to those confidential creditors and friends, appointing some one in the confidence and under the control of the debtor as trustee. And it is very common for the trustee and creditors to commence operations by appointing the debtor himself their agent to conduct the business and wind up its concerns. Other creditors, seeing this, and feeling the injustice done them, go to law for what they conceive to be their rights; but, in the end, they are generally turned out of court, having learned, to their cost, that the law tolerated these mortgages, assignments, and deeds of trust; and that it was within the sovereign pleasure of the debtor to give his property to either of his creditors, though it might be a father, a brother, or a son.

Take another example of frequent occurrence. A man—a merchant, for example—in casting up his accounts, makes the unwelcome discovery that his debts exceed his credits—that he is unable to meet his engagements. He is willing to give up all at once, if that would discharge him; but the State laws do not allow this. Though nine-tenths of his creditors should agree to his discharge, the others may hold him in bondage to the day of his death. Having, therefore, nothing to gain, and much to lose, by bringing his business to a close and making a full surrender to his creditors, he becomes desperate, and resolves to go on and put every thing to the hazard of a bold enterprise, and risk his fortune and future hopes on a single adventure. In the language of a distinguished orator and statesman of South Carolina, "If he should succeed, he is saved; and if he fails, he can only perish; which, as ruin already stares him in the face, will not render his condition much worse than it is." Being driven by the force of circumstances to this determination, the means of executing it are at hand. He has friends; the banks are open to them; loans are obtained by means of endorsements of men in good credit, under a solemn pledge that, come what may, there shall be no departure from the modern code of honor, which makes it the most sacred of duties to secure the friendly endorser, no matter at whose expense, or at what sacrifice of feeling or principle. With a fictitious credit, thus created and thus supported, the debtor engages boldly in a species of commercial gambling. The luck is against him, and his doom is sealed. But though he must perish, he resolves to fall with honor. He goes into the market, and, on the strength of the credit obtained by the countenance of his friends, possesses himself of the goods of others; then fails, and assigns his whole estate, including the goods thus obtained, to these very friends, and leaves all others to their fate."

This picture every one of observation will recognise as true to the life. This power of preferring confidential creditors is the author of a thousand gambling speculations, gotten up by persons in sinking and desperate circumstances, and sustained by fictitious credit. It is the source of the splendid failures which dazzle and astonish the commercial world with the magnificence of the bubbles that have bursted, and which exhibit such a vast disproportion between debtors' property and the amounts of their indebtedness. Not only this; but it opens the widest door for all manner of fraud and imposition on the honest and unsuspecting, who are but little acquainted with the games of deception that can be played off by the dishonest and fraudulent gambler in commercial adventures.

This law, in its prospective operation, is calculated, in a great degree, to check this growing and swelling tide of evil, which is pouring its bitter waters over the land. It provides for equality in the distribution of the debtor's property, forbids unfair preferences, and protects the mass of honest and unsuspecting creditors from the cunning and devices of the few who usually engross all the debtor's property. How often has it been seen that a large estate, by the magic concealment of mortgages, deeds of trust, and secret conveyances, has been swept into the hands of confidential friends, (perhaps the near relations of the bankrupt,) or into the grasp of banks and other moneyed corporations, to save endorsers, while the mass of creditors get nothing? Debts contracted to raise the means of wild speculation are paid; while those contracted for the produce of the "sweat of the brow" of the farmer and mechanic go neglected. Not only this; but it often happens that the cotton, the tobacco, the corn, and the wheat, obtained on a credit from the planter and farmer, go to save endorsers or confidential friends, while those who raised the produce from the soil go unrewarded—and that, too, in many instances, where these very endorsers and confidential friends had given to the bankrupt a fictitious credit, and enabled him to purchase the property of the unsuspecting, under the cover of this deception. Is this not wrong? This law is designed to put an end to this, and place confidence and credit on surer and juster foundations. That the speculator and money-dealer should oppose this, is not so remarkable; but that the mass of the people should, when they rightly understand it, is impossible. They may for a while be deceived—and that, too, by those who, on other occasions, and when no political capital was to be made, have eulogized the law; but they cannot long remain deceived. Truth, crushed for a while, will re-establish itself; and the good sense of the people, when they understand the matter rightly, will discover their own best interests.

It will, in its prospective operation, restrain that system of suretyship which, while it seldom does good, or benefits any one, has been the destruction of thousands. Cut off the flattering promise of mortgages and deeds of trust and other preferences, in the event of the debtor's failure, and you give to the surety or endorser a good reason for keeping his name off his friend's paper; or, if he puts it there, it will be upon the confidence that his friend can meet all his engagements. It will operate as a restraint upon debtors, and hold them within the circle of that legitimate credit which is the soul and life-blood of commerce and trade, by first taking from them the means of building up false credit; and, secondly, by giving to the creditors, through the compulsory process of the law, a timely check on their wild extravagance, fraud, or folly.

Again: this law, in its prospective operation, will restrain excessive credit. Mortgages and deeds of trust are the very pillars on which false credit rests. The only legitimate credit which is safe, and should be encouraged, is that which rests on a confidence in the ability of the debtor to pay all his debts. That is false and delusive which rests on mortgages or deeds of trust, or the promise of them, giving a preference to part, thereby impliedly acknowledging an inability to pay all. The secret promises and expectations of trusts and other preferences in favor of confidential creditors, are most powerful elements in the production of excessive credit, and, combined with other causes, its unhappy fruits may be seen in the desolation that now overspreads the land. This law, much abused as it is, affords the best remedy for this disease, and will do more good than all the nostrums with which the country is flooded. The evils of excessive credit furnish a theme for every politician's tongue; and yet the remedies they offer, both for prevention and cure, generally strike at the branches, and not at the root of the evil. Let the causes of excessive credit, to which I have adverted, be checked and controlled by wise legislation; and then let a curb be placed on the irregularities and fluctuations of the currency; and you will do much to prevent a recurrence of the revulsions and disasters in commerce and trade, which have distinguished the last ten years as a most unfortunate and remarkable epoch in our history.

I might refer to other arguments connected with the prospective operation of this law; but, having spoken on the subject once before, my object now is brevity. I voted for this law on its passage, because I thought it right, and because I believed, from all the lights I had, that my constituents were for it. On a former effort to repeal it, not having heard anything from my constituents to the contrary, I voted against the repeal; and now that it has gone into operation, and had its effect only in part, I feel bound, for still stronger reasons, to vote against its repeal. A repeal in the manner in which it is likely to pass, as I have already said, would only operate on that part of it which I have nowhere heard objected to. If the law is defective, let us amend it. I will go heart and hand with those who desire that. If it does not in all things conform to the opinions of the people, let us change it until it does; but, for Heaven's sake, let us not tear a law from the statute-book, and repudiate principles which we have all, without distinction of party, in some form or other, in times past, warmly advocated.

SPEECH OF MR. BARNARD,

OF NEW YORK.

In the House of Representatives, January 25, 1843—On the Executive plan for a board of exchequer.

The report of the Committee of Ways and Means, with a resolution adverse to the President's plan of an exchequer, being under consideration—

Mr. BARNARD, spoke nearly as follows:

Mr. SPEAKER: If I supposed that the action of this House on the subject of the currency was to end with its vote on the resolution now before us, I should not feel desirous of submitting any remarks whatever to the House at the present time. I should be content to record my vote, and refer, as I should do with pride, to the general reasoning of the able report, presented by my friend and colleague, [Mr. FILLMORE,] and which concludes with this resolution, for my justification; though, at the same time, it is proper, perhaps, I should say, while making this reference to the valuable report of the Committee of Ways and Means, that, if the direct question before us were now upon the report instead of the resolution, I should find it necessary to dissent from *some* of its positions and arguments.

But, sir, I trust we are not to stop when we have disposed of the exchequer plan of the Executive by the adoption of this resolution. It is right and proper that we should do that; but then we should do something more if we can. And I believe we can, and ought, to agree upon a plan of relief for the Government and country. The rejection of the Executive plan by the adoption of this resolution will dispose effectually, not only of the plan in the particular form given to it by the bill submitted by the Secretary of the Treasury, but of the plan in the form into which it has been moulded by the manifestations of the gentleman from Massachusetts, [Mr. CUSHING,] and in every other form in which the substance of the original conception might be embodied. Such, at least, will be the meaning of the vote

hich I shall give; and such, I have no doubt, will be ie meaning of the vote of the House, nearly unanious as it will be. This done, I hope the House ill proceed promptly to consider the subject in Comittee of the Whole on the state of the Union, taking p for that purpose the bill introduced by the gentlean from Massachusetts, [Mr. CUSHING,] not certain with any idea that the House would even entertain at particular bill, except as affording a convenient ode of coming to the consideration of some one or her of the plans which have already been submitd and proposed as substitutes for it. The plan us submitted by myself a few days ago, I shall feel to be my duty to urge upon the notice of the ouse; and, for this purpose, if the gentleman from lassachusetts does not move to go into committee the subject, I shall, and that at the earliest practable moment.

This Congress has twice presented to the Presi nt a measure of their own, on the subject of finance nd currency; and twice has the President rejected eir measure. The President, in turn, has presentd to us his plan; it received the silent veto of Conress at the last session, and now we propose to give our true constitutional veto. And one advantage, t least, will follow from this proceeding; and that is, at the President and his friends in this House will arn by it, (what they do not seem to have yet reamed of,) that if the President is a "fixed constitunal fact," as the gentleman from Massachusetts as said, Congress is a "fixed constitutional fact" lso. This much being done on the one side and n the other, the decks will then be clear; and we an all look about us, to see how we shall steer and ail the ship for the residue of this present voyage. We know—every intelligent man knows—that nothng can be done between Congress and the President n the general subject before us, upon the basis either f our plan, which is a bank, or of his plan, which is board of exchequer. The sooner, therefore, we et clear of both, for the present Presidential term, he better. We may then proceed to consider some lan different from either, to serve our common obcts for the time being, if one has been, or shall, r can be offered worthy of our consideration; nd adopt or reject it, as it may seem to deserve. It ill be the object and tendency, I hope, of the observations I now propose to submit on the exchequer cheme, to prepare the way for a favorable considerion by the House, of a plan for relieving the treasuy, and at the same time supplying to the country a ational currency, to which I have already referred, nd which has lately been laid on the tables of embers at my instance. The first step is to dis ose effectually of the exchequer; and I proceed to ubmit some observations upon it.

When we had a bank of the United States in exstence and operation, it was found to perform cerin important functions for the Government and he country. It was a capital fiscal agent for the overnment. It was a safe and convenient deposiory for the public moneys; it kept them, transferred hem from point to point as required, and disbursed hem as directed. It was our commissioner of loans, nd our pension agent. And then, in the course f its own appropriate business as a corporation ealing in money for profit, it furnished the country ith a sound and uniform national currency, and ith cheap exchanges; checking, at the same time, by n easy and natural operation, the State banks, nd keeping them in a healthy condition and movement. We (the majority in this Congress) thought hat another bank of the United States, better guarded than the last, and rendered perfectly safe, might ave been established, with all the advantages which he country had experienced from the last. The "fixed constitutional fact" of the President's conscience stood in the way; and we have been obliged to ield. What, then, was to be done? The employment f State banks as fiscal agents, and as the means of upplying national currency and exchanges, in the manner once adopted and tried by General Jackson, ad been discarded and abandoned; and Mr. Tyler had o idea that there was any other mode, or terms, in which they could be advantageously employed. But he was of opinion, after discarding both a bank of the United States and the State banks, that there was still another kind of agency by which all the benefits and services of a bank of the United States could be attained; free, at the same time, from all constitutional and other difficulties and objections. And he undertook to devise such an agency. It was not to be a corporation—least of all a bank; yet it was to be an agency, with some sort of independent existence; it was not, at any rate, to be the Government itself, but a creature of the Government, made to serve the Government and the country just as a corporation or bank would.

Well, sir, the President has offered us what he calls a board of exchequer, with its agencies; and it is just what every man of sagacity knew, beforehand, it must be. It is no independent agency at all, though carefully named and described as if it was. It is simply a plan by which the Executive Government itself undertakes to perform all the functions of a bank of the United States. The Executive Government is to keep, transfer, and disburse the public revenues, to receive the money of individuals on deposite, to supply paper for currency and commercial exchanges, and to regulate the State bank currency.

For, what is this board of exchequer and agencies? Why, an Executive department, or a bureau or branch of an Executive department, composed of, and conducted by, officers of Executive appointment, according to the constitutional mode of appointment. It is to be established "in the Treasury Department." It may be considered a part of that department, or independent of it: this is immaterial. It is either a new Executive department, or it is a branch of a department already existing; and it is, in its relations to the Government, just what the Post Office is, or the General Land Office, or the War or Navy Department. And, considering *some* of the functions which it is to perform, it certainly offers to our consideration something quite new, not only in this Government, but in any other that I have ever heard of. I have before heard of Governments dealing with individuals, in money and other things, on Government account; but this is the first time, I think, it was ever proposed that a Government should formally enter into the business of dealing with individuals, in money and commercial exchanges, on individual account; only for the convenience and benefit of individuals in the trading and commercial community, and for a profit to the Government! I shall have occasion to advert again, before I conclude, to the question of the competency of this Government to enter upon any such enterprise. In the mean time, I wish the House to understand precisely what this board of exchequer and agencies is, and what it is to do.

The board of exchequer, with its agencies, then, is *an executive department of this Government;* and it is contrived to act in two very distinct capacities, which it is important to note.

In one capacity, it is *an executive treasury with sub-treasuries.* This is for the transaction of Government business—of business on Government account.

In the other capacity, it is *an executive commercial bank of deposite and exchange.* And this is for the transaction of business wholly and exclusively on individual account, and for the accommodation of the trading public.

Let us pass by the bank for a few moments, while we look at this executive treasury—for an executive treasury is a very different thing from that "treasury of the United States" which was established under the law of 1789. Under that law, a treasurer was charged with the duty of providing for the safekeeping of the public money—not with the keeping of the money in his own personal custody. Such a construction of his duty was never dreamed of in the pure days of the Republic, and no corrupt practice of that sort was ever attempted. But this is the precise object of this executive treasury scheme. Executive officers—officers appointed by the Executive, and indebted to him for their places—are to be the personal holders of the public treasure. Instead of one treasurer keeping the public funds, by a safe system of deposite in banks, there is to be a legion of treasurers, with commissions from the Executive, holding the money in their own hands. And this is the main purpose of the exchequer, so far as it is designed for the transaction of business on Government account.

Let us look a little at the history of this question of the mode of keeping the public money.

In the first session of the first Congress under the Constitution, (1789,) the Treasurer of the United States was charged with keeping the public moneys, under the general superintendence of the Secretary of the Treasury, as the head of that department. How or where the money should be kept, was not then prescribed by law; nor afterwards, till 1816. The Treasurer was left to choose his own mode of keeping it, on his own responsibility, subject only to such control of the Secretary as was due to his office, to which belonged the general administration of the finances.

The Treasurer *at once* adopted the mode of keeping all moneys in State banks, of which some three or four were then in existence. Neither he, nor anybody else, at that day, dreamed of any other way; it was a matter of course, and must have been so understood when the law was passed.

In the next session of the same Congress, the first Bank of the United States was established, and that bank and its offices were immediately employed as depositories, though not to the entire exclusion of State banks. The Treasurer was not required by law thus to employ this bank; it was a matter of course that he should do so.

In 1794, a committee was appointed by the House of Representatives to examine into the condition of the treasury, and the mode of keeping the public moneys adopted by the Treasurer. The committee, by Mr. Baldwin, its chairman, made an elaborate report, showing that the whole subject, in all its bearings and aspects, had been thoroughly investigated; setting forth, in minute detail, the whole plan of keeping and managing the public revenues, and fully approving of it. I will read a brief extract from that report:

"The Treasurer, pursuant to general directions from the Secretary of the Treasury, keeps the public moneys under his control in the several banks. Formerly, the banks of North America, New York, Massachusetts, and Maryland, were places of deposite. At present, the public moneys are kept in the Bank of the United States, and its several offices of discount and deposite at Boston, New York, Baltimore, and Charleston, and in the Bank of Providence. *The Treasurer has never any public money in his possession or custody, which is not, in fact, deposited in bank, from the moment his possession or custody commences, till it ceases, by the disbursement of it, for public purposes;* except in the case of bank bills, orders upon individuals, &c., heretofore enumerated, or remittances from the supervisors of the revenue and collectors of the customs, to the Treasurer; and those, also, immediately after the receipt of them, constitute deposites in bank, to the credit of the Treasurer: The *Secretary of the Treasury, or any other officer of the department besides the Treasurer, never has the possession or custody of any of the public money,* &c. And the possession or custody of the Treasurer is, as already stated, exercised through the banks."

Sir, when the charter of the Bank of the United States expired in 1811, the Treasurer did not change the mode of keeping the money, except that State banks were employed, as they had been before that bank was created. He had now nearly one hundred banks to select from; and before another Bank of the United States was created, he had about two hundred and fifty to select from. This embraced the period of the war; and during this period all the State banks south of New England suspended specie payments. And yet all this while these very suspended banks, in common with others, were made the depositories of the Treasurer; for those thus used by him were known to be just as solvent after their suspension as before; and all this while no new legislation took place on the subject. Congress and the country well knew, and were well satisfied to know, that he still employed banks as depositories, as he had done from the beginning.

On the incorporation of the Bank of the United States in 1816, it was one of the privileges conferred on that institution that it should have the public deposites; of which it could only be deprived by an order of the Secretary of the Treasury, and for reasons which should be promptly submitted to Congress. This was the first act ever passed by Congress which designated any particular place for the public moneys; and yet it will be perceived that the mode of keeping was still unchanged. It was no part of the policy of this law to interfere with the duty of the Treasurer as to the mode of keeping

This was a contract with the bank, in consideration of the services required of it, and the heavy bonus which had been exacted of it; and the Treasurer executed this contract by making the bank his principal depository.

In this situation things remained till 1833, when, by the direct interposition or order of the Executive, the public moneys were removed from the vaults of this bank, and were placed again in the State banks. Here, still, so far as the law was allowed to operate, the moneys were still in the charge of the Treasurer, and kept on deposite. Certain it is, nobody else was appointed by law, or allowed, to keep the moneys, but the Treasurer. The removal, however, took place under strange and alarming circumstances; and it was deemed necessary, in order to reduce the possession of the moneys once more to the certain custody of the law, and reclaim them from the violent seizure of the Executive, to prescribe the terms and conditions on which State banks should be selected and employed as depositories. This was done in 1836. There was then a very large surplus in the treasury, which was eagerly sought after by the banks, to be used in their business; and it became a source of immense political influence and corruption in the hands of the Executive. By this act, it was designed to hold the Secretary of the Treasury directly responsible, not to the Executive, but to Congress and the country, for the proper selection of depositories which he was to make, under the restrictions imposed by the law; whilst all deposites were still to be made, as before, to the credit of the Treasurer, who was still, by the act of 1789, the sole official keeper of the public money.

In 1837, at a session of Congress specially called to take care of the Government in the emergency which had then arisen—for there was again a general suspension of specie payments—Mr. Van Buren proposed to change entirely, in principle and in fact, the mode of keeping the public money which had prevailed, without an hour's exception, from the origin of the Government. He proposed to place the public moneys in the personal custody of officers appointed by the Executive. This recommendation finally prevailed in the last year of Mr. Van Buren's administration, and his plan was established by law. Upon this measure he was defeated as a candidate for re-election to the Presidency, and a complete political revolution was effected. The law establishing the sub-treasury was then repealed—having been in existence about one year from the 4th of July, 1840. The act of 1836 was also repealed; and the custody of the public money again stood upon the act of 1789, where it stands to this day. The Treasurer is still charged with this important duty, and banks are now employed as depositories, according to the ancient and approved practice of the Government. A report made by the Secretary of the Treasury at the last session, at my instance, names the banks in which the moneys are now kept, (or were at that date,) and the terms on which they are employed. As always heretofore, the public funds are deposited in the banks to the credit of the Treasurer, from which they can be drawn only by warrant of law. The banks perform, if required, the duties of commissioners of loans and pension agents, and they transfer the funds wherever they may be required, and all without charge to the treasury.

This recital, sir, shows what the system of keeping the public money now is, and that it is just what it has been from the beginning of the Government, with the single exception of one year in Mr. Van Buren's time. Why should Congress be asked to change the mode now, when it had prevailed for fifty-two out of the fifty-three years that the Government has existed? Above all, why should we be asked to give up this mode, for that which was adopted under the late administration, and which was so signally and promptly condemned and rebuked by the people?

Mr. Speaker, if we were now at the beginning of this Government, and if the question were put to us now for the first time, How shall the public money be kept? The answer of every man of sense would be, Let the Government keep its money just as any prudent and discreet individual in private life would keep his money. It is prudent and safe for the Government to do in this matter, just what it would be prudent and safe for any such individual, or for any well-conducted public or private body or corporation, to do under the like circumstances.

Now, sir, there is in this country a practice on this subject of almost unbroken uniformity, which goes far to settle at once what is wise and what is unwise in regard to it. It is impossible, on a question of this nature, appealing so directly to the highest pecuniary interests of those who have to act in the premises, and in a manner to rouse all their faculties to the utmost vigilance and caution—it is impossible that there should be, throughout this whole country, and in all departments of business, public and private, a particular practice, settled by common and universal consent, though with nothing like actual concert, without establishing in every right-thinking mind the conviction that that practice is founded in true wisdom.

Sir, such a practice may be said to have, in some sort, the sanction which belongs to the settled maxims of the common law—the sanction of general assent founded on general experience. It has, in truth, a still higher sanction, not altogether unlike that which belongs to the principle of morality itself; for though it have not a common sentiment and feeling in its favor, like that which determines the right from the wrong in a moral question, it is confirmed by a kind of instinct, which is scarcely less shrewd and discriminating where a question of pecuniary interest is concerned. No intelligent and well-informed man in this country, even now, with the general distrust of banks which prevails, intrusts the keeping of his surplus cash to individual hands—unless it be to some individual banker of high repute and of established wealth—when he can find a convenient bank of tolerable credit to receive it. And the same is true of private and public bodies and associations.

I have stated already what the practice of this Government has been from its organization. I will not speak positively as to all the States, though I do not believe there is one where the practice is not substantially the same as under this Government. If there be an exception, gentlemen can name it. As a general rule, the treasurers of States, of counties, of cities, and towns, of societies and associations, literary, charitable, and political, the treasurers and cashiers of corporate bodies other than moneyed corporations are never intrusted, from choice, with the personal custody of the surplus moneys under their charge. As to individuals and firms in business, or retired capitalists, it is a thing quite unknown for them to keep any considerable sums of surplus and unemployed money on hand, or in the personal custody of their agents, when they can find a convenient bank of fair repute to receive it for safe-keeping. The same practice prevails with all our judicial bodies, in relation to money paid or brought into court.

And what earthly reason is there why this universal practice, this rule of good sense and sound discretion, should be departed from in the case of this Government? Are the officers and agents of this Government likely to be better selected, and more honest and trustworthy men, than the treasurers and other money agents selected by States, societies, corporations, and individuals? All fact and all experience are against such a supposition.

To say the least, this Government has had its full proportion of unfaithful and dishonest men employed in its service. There is not a State in the Union which would suffer in the comparison with it in this respect; nor scarcely a company or corporation, much as is said about dishonesty, fraud, and embezzlement among such. I doubt if the late Pennsylvania Bank of the United States itself was worse served, in the article of faithful and honest agency, than this Government has been for the last twelve or fourteen years. Corruption, peculation, and fraud, have crept in everywhere. Sir, it is not the best description of men who apply for office, nor the best of those who apply who receive office; it is not uncommonly the worst of all the candidates for a particular place that succeeds. It is the brazen, the obsequious, the unprincipled, the broken in fortune and reputation,—these are the sort of men to be the successful candidates for Government favor and patronage. And they are successful oftentimes without any particular fault on the part of the appointing power, which—in modern times, at least—is apt to surround itself, or to be surrounded, with selfish and fawning flatterers and false friends, who practise towards it every species of systematic deception and cajolery. There is in this country a growing, restless, morbid anxiety to get into public office. As sure as a man shows himself unfit to manage his own affairs, or to get a living by his profession or his trade, so sure is he to become an applicant for office. And I doubt if there be a worse school of morals than is found in public office under this Government, this side the penitentiaries of the country. Many an honest man is matriculated in office, who is graduated a rogue; and if a rogue takes office, he is ten times a rogue before he leaves it. Scarcely any man's morals are improved by his experience in the administrative places of the Government; though some, no doubt, retain their integrity in spite of all temptations. It is not an uncommon feeling among those who seek and obtain these offices, that the public and the Government are fit subjects of plunder, and that he is a fool who, once within the pale, does not enrich himself and escape with all the valuables he can lay his hands on.

No; the Government of the United States should be the last to intrust its money for keeping to the hands of individual agents selected and appointed by itself. Others *may* make good selections; Government in these times cannot. The very qualities which it requires to win its favor—the qualities which have made or may make the candidate useful to the administration—are not such as are apt to constitute, or to consist with high character. Government officers ought not, on every principle, to be intrusted with public money for one farthing beyond what is absolutely unavoidable. And this is precisely the rule of wisdom, which, under the lead of the wise and pure men of the Revolution, has prevailed uniformly under the Government, with the exception of the single condemned experiment to which I have before adverted.

Besides, sir, it is a safe rule to intrust the keeping of large sums of money to no individual hands, where it can be avoided. There is something in the very touch which seems to contaminate. Say what we will of human virtue, men are not to be trusted with the personal custody of large amounts of other men's money; it is a cruel experiment, let it be tried when and where it will. Suretyship cannot make it safe, with all the cruel vicarious suffering which that system inflicts on the innocent. Nor can penal enactments make it safe—though that is the best security, perhaps, the case admits of—any more than the sight of the penitentiary and the gibbet can deter from other crimes.

No; the best and safest system of keeping money which the wit of man has devised, is that of deposite in banks. This involves a system of suretyship, which, without any personal responsibility of stockholders beyond their respective shares, is as complete as it is possible to make it, without being unjust to anybody. A corporation is a person that cannot run away; its officers and agents may embezzle and fly, but the corporation remains, and its whole capital stands pledged to answer for the faith and integrity of all in its employ. And it is certainly true, that even this whole capital may be exhausted by fraud and peculation, and the corporation itself may fail. But it is equally true, as shown by a public document from the Treasury Department, that of the hundreds upon hundreds of millions of public money deposited in banks from 1789 to 1837, only half a million was ever lost by the insolvency of the banks; while in the same period, of the collectors and others, officers of the Government, receiving and disbursing public money, 2,760 became defaulters, and about five millions were thereby lost to the treasury.

Mr. Speaker, this executive treasury is just the old condemned sub-treasury over again; and this plan of placing the public funds in the hands of Government officers for personal keeping, is the substance and main feature of both. But this now proposed is vastly the most objectionable of the two,

considered solely with reference to this question of keeping the public money.

Under Mr. Van Buren's sub-treasury, his officers were to keep only the ordinary surplus revenues of the Government. The officers of the present sub-treasury are to have the handling and keeping of vastly greater sums. They begin with the surplus revenues amounting (say) to three millions. Then they are to have in possession a redemption fund in specie of five millions, for the fifteen millions of treasury notes issued to creditors—all which notes, by the way, must first pass through their hands. Here would be eight millions in hand, under the operation of the exchequer, if confined strictly to Government business. But then come the banking powers, under which the Government is to deal with individuals on individual account. And here there is to be another redemption fund of five millions of specie, for the fifteen millions of certificates of deposite issued to private depositors. Then there will be the habitual surplus on hand, of cash received for exchange sold—amounting, perhaps, to three millions;—all the money amounting to one hundred millions in a year, more or less, for exchange sold having, in the mean time, passed through the hands of the officers of the exchequer. And, finally, there will be the amount habitually on hand, of the proceeds of five millions of stock, issued to supply the exchequer with capital to be employed in the purchase of exchange; this amount may be (say) two millions. Of course, I do not pretend to give more than approximate sums in any of these cases. They are near enough to show that this treasury and sub-treasury scheme contemplates the actual and habitual keeping, by personal manual possession of executive officers, of an amount of cash (principally gold and silver) not less than some fifteen, eighteen, or twenty millions of dollars! The improved plan of the gentleman from Massachusetts contemplates the keeping of twenty millions of hard cash for a redemption fund alone! And, besides the capital and surplus moneys habitually on hand, these exchequer schemes enable and require these executive officers to handle and possess, receive and pay out, in the business of deposite and exchange which they are to transact, it may be a hundred, it may be a hundred and fifty millions of dollars in a year; for every dollar of which the Government and people are responsible, and for which they can have no security beyond a few thousand dollars of doubtful suretyship and the honesty of their officers! Sir, whoever else may be in favor of such a scheme, I am not, and never can be.

Mr. Speaker, it is a cardinal Whig doctrine, that all unnecessary increase of the executive power of this Government, already vast, overshadowing, and corrupt,—I speak plainly, and mean to,—must be opposed. But, for myself, sir, though a Whig, I shall never be found opposing any manifestly necessary or useful measure, *merely* because it involves an increase of patronage. And I am free to avow that, were there no other difficulties in the way, I should not oppose the President's exchequer, *merely* because it involved the necessary increase of executive officers. The Government cannot be carried on without administrative agents, and a great many of them; and I would never stop one essential wheel in its vast machinery, simply because it requires an agent to watch and tend it, and the appointment of that agent is so much added to executive patronage.

But, in the present case, it is to be remarked, that there is something more to be considered than barely the number of new officers to be appointed, and the amount of their salaries to be paid. These officers are to hold the most delicate and seductive of all public trusts. They are to come into possession of large sums of money, not merely to handle and hold, but actually to trade and traffic upon;—of this I shall have something more to say shortly. There is something in the very fact of an officer being known to be intrusted with the personal possession of heavy sums of money by Government, which gives him importance, and weight, and sway in the community, and over the popular mind; even though it be well known, at the same time, that he cannot *legally* use or employ a dollar of it for his own or others' advantage. His opinions on public affairs have something of the solidity and weight, in popular estimation, of the pondrous money bags and chests on which he sits. And before I can ever consent to authorize the creation of a large number of executive officers of this description, I must have strong proof of the vital, the almost indispensable, necessity of the measure which calls for their services.

But there is another objection to this executive treasury, on the score of political principle, of a still higher and stronger kind; which I advert to, lest, by omitting all allusion to it, I should be deemed to acquiesce in the argument by which it is sought to be obviated. By placing the public moneys in the manual keeping of officers of executive appointment, as proposed by this measure, I do not say there is an actual union of the purse with the sword in executive hands; but I do say that that union is approximate, and that the thin legal partition which is interposed may be very easily broken down. It is true, according to the law, that "the President cannot touch a dollar of the public money, by his own authority, nor change its custody;" and that "whoever shall come to the exchequer for money, must show the law of Congress under which he comes; and no payment can be made but in compliance with such law." All very true; and yet all this is no answer to the rule, which requires that neither the executive nor his officers shall have the personal custody of the public money. In one important sense, their custody is his custody; and so it has been expressly claimed to be by high political authority in our own day. And the rule referred to is precautionary; it looks ahead, to some alarming conjuncture in our public affairs, when some bold, popular chief and President, having his army in the field to meet a threatened war, or, perhaps, at the close of a contest, in which the commander-in-chief has covered himself and his army with glory, shall be tempted to try his hand at the establishment of an imperial dynasty in his own person and family; when he might call on his brave soldiers, shortened in pay, perhaps, and suffering injustice at the hands of an ungrateful country, which they had defended and saved by their valor and their blood—like the American army at the close of the Revolution; when he might call on them to follow him, their companion in arms and commander, to conquer by their swords that justice for themselves which was denied them by their country. It is to a state of things like this, that the rule referred to looks forward, when nothing shall be wanting to consummate the ambitious designs of the bold and unprincipled leader, but the ways and means—the money for the enterprise; and when he might find the public moneys—all that belonged to the public treasury, whether five or twenty or fifty millions of good gold and silver—not deposited in independent banks, which would refuse to yield it up to his demand, but in the hands of his own officers and agents, appointed by his authority, devoted to his interests, and ready to do his will.

But, Mr. Speaker, I must hasten now to say a word or two about this exchequer board and its agencies, considered as an *executive commercial bank of deposite and exchange*. The earnestness with which the original report, made to Congress in behalf of the exchequer, denies and protests that this is no Government bank—a course which has been followed with more than equal earnestness and zeal by the gentleman from Massachusetts [Mr. CUSHING]—demonstrates plainly enough that the friends of this measure regard a Government bank as exceptionable and indefensible, and that they would not dare openly to advocate before the country any such proposition. This is well, and it argues a deference to the Constitution and to popular sentiment, in these quarters, which may yet prove the salvation of the country.

Now, sir, on this important matter of fact, I take issue with these gentlemen, one and all; and I confess myself not a little astonished when I consider what intellect and what learning have been applied to the question, that even doubts, much more that positive opinions, should have been expressed from such quarters against the idea that it was any part of this exchequer scheme to establish a Government bank. The point is too plain for argument or opinion. It is a thing palpable to every vision, standing out in bold relief on the face of the scheme, and cannot be taken or mistaken, either for nothing or for anything else. It is not a bank, because it makes no discounts! And it is not a bank, because it is not a joint-stock company! Well, let those who argue thus, enjoy their opinions; thank God, there is little danger that such opinions can be propagated.

I affirm that this scheme *does* propose a Government bank, with all the elements essential to a bank. The bank is to be conducted, too, by Government, *as a corporation*, just as other corporations conduct their banking operations—through the agency of officers and clerks of its own appointment. It is *to deal with individuals, on individual account*, as any other bank; and, though it may not be sued, yet *it can sue in the name of the corporation*—namely, the Government.

I put out of consideration here, the issues to creditors; these are made on Government account, and this may be a legitimate business for Government to transact. Besides, these issues belong not to the bank, but to the sub-treasury part of the scheme. And this, by the way, constitutes the only essential difference between this sub-treasury and that of Mr. Van Buren. The latter contemplated the use of coin only, as the sole currency to be used between the Government and its creditors and debtors; though, as is well known, this feature in the plan failed utterly in practice, and bank paper and bank checks were used instead, almost exclusively. The sub-treasury offered to us, provides for the use of Government paper to be issued to creditors, and to be receivable for all public dues.

I also put out of consideration here all dealings in exchange *on Government account*. All this belongs also to the sub-treasury part of the exchequer. The power to buy and sell exchange, *for the transfer of the public revenues*, has been often exercised, and it was part of the authority expressly given under the sub-treasury of Mr. Van Buren. All this Government has done, and may do; though it is a power subject to great abuse, and liable to strong objections.

I desire, then, that it may be distinctly understood that I do not charge that this exchequer scheme includes a Government bank, because the board and its agencies are to receive deposites of *public money, or revenue;* nor because it is to issue convertible paper *in payment to the public creditors;* nor because it may draw drafts, or buy and sell exchanges, *for the transfer of Government funds for Government use*. These are operations analogous to banking operations; but it is not on account of these operations that I find a Government bank in the powers conferred on the board of exchequer and its agencies. Nor, on the other hand, does the fact that these operations have been carried on, and may be carried on (if they may) by the Treasury Department, tend to prove—which was the argument of the gentleman from Massachusetts, [Mr. CUSHING,]—that whatever other commercial operations analogous to these, in mere matter of form, but totally distinct in substance, object, and character, the Government may carry on, yet it will not conduct the proper business of a true commercial bank. The gentleman from Massachusetts says this cannot be a Government bank on account of the exchequer receiving deposites, because the treasury always receives deposites; nor on account of its issuing paper for currency, because that the Treasury Department has done, and may do; nor on account of its buying and selling exchange, because that also has been done by the Treasury Department when it was no bank. But all this is arguing (if there be argument in it) without advancing us one step towards a conclusion. It is, in effect, declaring that Government may establish an agency of Government officers to conduct all the operations of a commercial bank—not on Government account, but wholly on individual account, just in the manner of any private bank or banker; and yet that agency cannot be a Government bank, because it is the Government, or a part of it.

But let us see what this Government machine is

to do, and then let us determine whether it be a bank or not.

And, first, it is to carry on the business of receiving on private deposites money, gold and silver, "the property of individuals, to be held, as in other cases of deposites made by individuals, for convenience and security;" and for these private deposites it is to issue certificates of deposite, charging a premium therefor not exceeding the one-half of one per cent. The certificates outstanding at any one time must not exceed fifteen millions of dollars, and they are to be prepared so as to circulate as bank money, or currency.

Now this is precisely the business transacted by the Bank of Amsterdam; and this was its principal, if not its only business. It was not a bank of discount; it did not loan a dollar of money; it did not deal in exchanges. The original subscribers deposited their coin, which was of short weight, and received a credit on the books of the bank equivalent to the intrinsic value of the coin; and these credits were bank money; and all payments of considerable sums were made in this bank money, by the transfer of credits from the name of the debtor to that of the creditor. The bank also received on deposite the money of individuals, placing an equivalent of bank money to the account of the depositor, with a small deduction only for profit and expenses, and giving him a receipt payable to bearer. This was the sum of the business of the bank; and was the Bank of Amsterdam a bank, or was it not? The Bank of Hamburg operates in the same way to this hour; and is the Bank of Hamburg a bank, or is it not? And if they are banks, why is not this board of exchequer—conducting this identical business in the same form, wholly on individual account—why is this exchequer not a bank?

But the exchequer is to deal in exchanges, solely on individual account. It may *buy* exchange, restricted only to bills running from State to State, and to such as shall be payable in thirty days from date or from sight. With these restrictions only, it may purchase exchange to an amount limited only by its means, and the offers which shall be made. And it may discount also the bills which it buys, only taking care that it do not take more than eight per cent. for both interest and exchange. And all this it may do, not in any manner on Government account, or connected in the remotest degree with the management of the proper revenue and funds of Government; but solely and exclusively on individual account, and for the accommodation of the trading and business community.

And then the exchequer may *sell* exchange to any amount for which a demand may exist—receiving the money of individuals, and furnishing to them commercial bills, just as other banks and bankers furnish such bills; and all this, not for the Government, or on Government account; but for individuals, and on individual account. The only restriction is, that the premium charged for this business shall not exceed two per cent.

Such, and so vast, is the business to be done by this bank, under the powers conferred on the board of exchequer—all of it a legitimate banking business, precisely such as is commonly transacted by banks and bankers, and all to be done on individual account—and yet, this is no bank!

And this is no bank, because, after all, it is only receiving deposites and giving paper for them; or it is only selling or buying exchange. And all this the Treasury Department has done, and may do again, and yet be no bank. But has the Treasury Department ever received *private* deposites, "the property of individuals, to be held, as in other cases of deposites made by individuals, for convenience and security," and issued paper to circulate as currency upon such *private* deposites? And has the Treasury Department ever dealt in exchanges, buying and selling bills, for the sole purpose of accommodation to individuals, and to enable such individuals to anticipate or transfer their funds? If this Government, or any other Government, had ever attempted a business of this sort before, there might be something in the argument. But what is it to the purpose, when we charge that, if the Government deals in private deposites, and in bills of exchange wholly on individual account, it conducts the proper business of a bank—what is it to the purpose to reply, that the Government does deal, or has dealt, and may deal, in deposites and exchanges on Government account, and for the management of its own proper revenues and funds? Does it follow, therefore, that the Government may deal in deposites, and exchanges on individual account; and that, in so doing, it does not conduct the proper business of a bank?

Sir, this sort of reasoning leads to very strange conclusions. The Government sets up an official agency to deal in money and exchanges, just after the manner of a bank, and in no manner or degree for Government account; and that agency is not a bank, because the Government may and does deal in money and exchanges in its own proper business. Well; the Government buys and sells real estate, and buys and sells merchandise for Government account, and in the transaction of its own proper business: can Government, therefore, establish an official agency for dealing and trading in real estate, or in merchandise, in no manner or degree for account of Government, and yet deny that it is a speculator or a trader?

Mr. Speaker, there can be no plainer proposition than that this exchequer scheme includes a regular, out-and-out Government bank—an executive commercial bank of deposite and exchange—to be conducted by this Government as a corporation, through its own officers, wholly on individual account, and precisely in the manner of any other bank. It may transact a banking business in a single year equal to a hundred millions of dollars. In discounting paper in the form of bills, in buying exchange, and in selling exchange, though terms are prescribed, yet there is latitude enough to enable the Government—the administration for the time being—to distinguish, among its customers, between its friends and its enemies; bestowing favors upon some, and imposing hard or uncomfortable terms upon others. It may discount paper on easier terms than its neighbor banks; it may buy exchange at a higher premium, and may sell exchange at a lower premium, than the market price. And it is the Executive Government that is to do all this; and we, the Representatives of the people, are to give the authority. The Executive, through officers deriving their places from him, is to deal and trade in money and commercial paper to the tune (it may be) of a hundred millions a year, with individuals all over the country, and with the whole trading and commercial community. Liberty! Liberty! what has become of that jealous spirit which once made the American people so watchful for freedom, and filled them with alarm and indignation at the slightest encroachments, or the offered blandishments of Executive power!

But, Mr. Speaker, it is time to ask soberly and seriously after the power of this Government to deal, as a banker, in money and exchanges, in the way and manner proposed. I should be glad to hear some gentleman rise in his place and maintain the naked proposition, that this Government has the constitutional authority for this kind of business. I should like to hear the argument, that I may understand in what particular clause in the Constitution the authority is found, or from what particular or what general power it is derived. A power to *deal* and *trade* in money and commercial paper, as here proposed, is a substantive power, in no manner incident merely to some other power, so far as I can discover. This Government has full authority, of course, for the management of its own revenues and funds; and it may manage its revenues and funds itself, by its own proper officers, or it may create a bank or a fiscal agent for that purpose. If it create a bank for this purpose, it may give to it all the ordinary powers of a bank, to enable it to maintain an independent existence as such. It may authorize the bank to receive private deposites, to discount paper and loan money, to issue currency, and to deal in exchanges. All these powers are appropriate to a bank, and some or all are essential to its existence as a bank. It cannot be a bank without them, or some of them. It must have an independent corporate existence; it must have capital; and it must transact business enough in its proper line to live upon. But does it follow, therefore, that the Government itself may turn banker, as a corporation; set apart a capital to trade upon; and conduct all the various and complex business and operations of a bank? These operations are appropriate and essential to a bank as a fiscal agent; but they are in no manner appropriate or essential to the Government, in the management of its own revenues and fiscal affairs by its own officers. It is not necessary that the Government should deal in money and exchanges on individual account, to enable it to keep, transfer, and disburse its own money, or even to enable it to put forth its own paper for currency. This it may do by issues to its own creditors, and for money borrowed. These would be issues on Government account, and not a trading in money or paper by the Government on individual account. This Government, by an express authority, establishes post offices and post roads. If necessary for carrying the mail on a particular route, the Government may set up a line of stages of its own for the purpose, and, as incident to the carrying of the mail, perhaps it might carry passengers. This has actually been done by the Post Office Department in former times. It was done on the route between this city and Baltimore. But what would be thought, because the Government sometimes carried the mails with passengers in its own post coaches, if it should undertake to set up lines of post coaches all over the country, for the carrying of passengers without the mails? And this may serve to illustrate the distinction between the transaction of business on Government account, or as incident to the proper business of Government, and the transaction of the same business wholly on individual account. In the same way, the Government might, if necessary for the transportation of the mails, construct roads or railroads, or build and own steamboats; and, perhaps, the carrying of passengers might be connected with the carrying of the mails. But nobody, I believe, would think that the Government might, therefore, by its own official agency, construct railroads and build steamboats, solely for the accommodation of the public in the carrying of passengers, without any connexion with, or reference to, the carrying of the mails whatever. And yet, is not this, in substance and principle, precisely what this exchequer scheme supposes the Government may do? The Government may keep its own money; therefore it may keep the money of of individuals. The Government may buy and sell drafts for the transfer of its own funds; therefore it may do the same thing for the transfer of the funds of individuals. The Government may issue paper, as the evidence of its own proper debts contracted in its own proper business; therefore it may issue paper wholly on dealings with individuals, and solely for the accommodation of such individuals and the commercial community in general. The Government may create a bank as its fiscal agent, not because a bank is necessary, but a fiscal agent is; and may authorize such bank, while performing the duties of fiscal agent, to conduct the ordinary operations of a bank, as necessary to its support and existence; and, therefore, the Government, being its own fiscal agent if it choose to be, may also conduct the ordinary operations of a bank, though those operations are in no way connected with its management of its own funds and fiscal affairs;—at any rate, in no way essential, or even important, to such management. It cannot facilitate, or tend to facilitate, the operations of the board of exchequer and its agencies, in receiving, keeping, transferring, and disbursing the proper public money of the Government, or in paying the public creditors in treasury notes instead of gold and silver, that it should also receive the money of individuals on private deposite, furnishing currency therefor, or that it should buy and sell exchange for the accommodation of the commercial community. It must create embarrassment, rather; at any rate, additional labor, care, and expense. These banking operations are separate and distinct, and are so regarded in the plan itself. "The board of exchequer and its several agencies," says this plan, "shall keep separate and distinct sets of books, for the purpose of entering and recording, in one set, all transactions respecting the collection, keeping, and disbursing of the public revenue, and transmitting the public moneys from place to place, for the service of Government; and, in another, all transactions and accounts arising from dealings in

exchange, and other transactions not on Government account." And these "dealings in exchange and other transactions not on Government account," are as distinct from the duties required of the exchequer "for the service of the Government," as they could be if they had been assigned to a separate board—a distinct agency.

And I repeat, that the banking operations here proposed seem to me to require some substantive and direct authority in the Constitution to sanction them, inasmuch as they do not appear to stand in any manner essentially connected with the operations of Government, under any of the substantive or granted powers relating to the revenue or the management of the public finances. If any gentleman on this floor is prepared to maintain that this Government may, by constitutional warrant, as a political corporation, through its own officers, set up a commercial bank of deposite and exchange, with a proper banking capital, to deal and trade in money and paper, and in commercial bills, solely on account of individuals and for the accommodation of the commercial community, and without the slightest necessary connexion with the management of the proper funds and finances of Government,—if any gentleman will do this, I shall, for one, be gratified to hear him; and I shall expect to get some new light in regard to the constitutional powers of the Government. Until I am enlightened in this way, I must hesitate to give my sanction to the powers now proposed to be exercised; and I must leave it to those to support this proposition, from the President down—strict constructionists—who can find no warrant of authority whatever in the Constitution for a bank as a fiscal agent of the Government, *because* such bank, if created, must, or may be, authorized to deal in money and exchange! On all this subject it is enough for me to say, at present, that this is a Government bank—demonstrably so, and not the less so because it is denied; and that, by the plain admission of the originators and friends of the exchequer scheme, power or no power, a Government bank ought not to exist in this country.

Mr. Speaker, my opinions, in part, at least, both of this new executive treasury and sub-treasury, and this executive bank, are, I think, by this time, pretty well understood. The support they have received from a particular quarter, which has commanded at all times, and on all great questions of public interest, my profound respect—that support, and nothing else, could ever, for a moment, have made me doubtful about the true character of this measure, or made me hesitate to express that condemnation of it which I have believed it merited;—I may say, that utter abhorrence of it which I have constantly felt.

Mr. Speaker, at the last session, feeling it to be the duty of the majority here to do something—whatever they could, without any sacrifice of principle, which should promise relief, I proposed a substitute for the bill reported from the Select Committee, by the gentleman from Massachusetts, [Mr. CUSHING.] That substitute contemplated the issuing, by the Government, of fifteen millions of convertible paper, or notes, to be issued to creditors, or to those who should lend the Government their cash—redeemable on demand, in specie, at the Treasury in Washington, or at an agency of the Treasury in the city of New York. Of course, no issues were to be made, except on Government account; there was to be no sub-treasury, and no board of exchequer, for no such board was required; any more than the like machinery was or is required for the issue of inconvertible treasury notes.

This measure was offered by me, that it might be considered whenever the exchequer plan should be brought forward. It expressed my *ultimatum* in regard to paper for currency, to be issued directly by this Government, which I hold to be a practice always liable to abuse, and to be avoided as far as possible. In truth, I should, at any time, have given my own proposition a reluctant support; though, if the subject had come up, it should have had from me a firm support as an antagonist measure to that proposed by the Executive.

The House is aware that a few days since I offered another measure, referred to by me at the commencement of my remarks, as a substitute for the exchequer scheme, which, at my instance, was laid on the table and ordered to be printed. This measure I greatly prefer to the former one submitted by me; and it is my purpose, as I have already said, to urge it at a proper time upon the consideration of the House. If gentlemen have not turned their attention to it, I beg they will do so. It will explain itself. It is perfectly simple, and to all parties concerned, as a pecuniary transaction, perfectly safe; and it is as little liable to exceptions from political considerations, as any plan for the same objects could well be. While it will enable the Government to borrow cheaply, at home, fifteen millions of dollars, it will afford the means, not of creating, but of adopting fifteen millions of sound currency, which, by the act of adoption, will be made to put on the character of nationality. I am not permitted now to enter further into this plan, as the time allowed me is just about to expire. A further opportunity, I trust, will be afforded me when the House shall go into committee on the bill of the gentleman from Massachusetts, which I hope it will do very soon; and, in the mean time, I beg leave again earnestly to commend to the attention of gentlemen on all sides of the House the measure and plan to which I refer.

BRITISH TREATY.

SECRET SESSION.

SPEECH OF MR. BUCHANAN,

OF PENNSYLVANIA.

In Senate, August 19, 1842—On the ratification of the treaty with Great Britain.

Mr. BUCHANAN rose and addressed the Senate as follows:

MR. PRESIDENT: It is now manifest that the treaty under discussion is destined to be ratified by a large majority of the Senate. The news of this ratification will spread joy and gladness throughout the land. It will be hailed by the country as the pledge of a lasting peace between two great nations; and those who were instrumental either in its negotiation or ratification, will be esteemed public benefactors. Beyond all question, such will be the first impression upon the public mind. Amidst this general joy, it will be a subject of surprise and astonishment that some eight or ten Senators should have separated themselves from the mass, and voted against the ratification of this treaty. The first impulse of public feeling will be to condemn these Senators. Now, sir, as I shall be one of this small number, I rise to make my defence before the people of the country in advance, not doubting but that the justice, if not the generosity of the Senate, will remove the injunction of secrecy from our proceedings, and enable me to publish my remarks.

There is no Senator who has felt more anxious to vote in favor of this treaty than myself. I am conscious of all the happy effects upon the country which might result from unanimity in this body; and I may say, in all sincerity, that I have endeavored to agree with the majority. Nay, more—I was disposed to distrust my own judgment, believing that it might have been prejudiced by the zealous and persevering efforts which I had formerly made, both as chairman of the Committee on Foreign Relations, and as a Senator on this floor, to sustain the rights of Maine against what I believed to be the unjust pretensions of the British Government. I have, therefore, earnestly endeavored to keep my mind open to conviction until the last moment; but after all, I cannot vote for this treaty without feeling that I had violated my duty to the country, and without forfeiting my own self-respect. In the emphatic language of the Senator from Maine, [Mr. WILLIAMS,] I believe it to be a treaty unjust to Maine, and dishonorable to the whole country; and thus believing, if it depended upon my vote, it should be rejected without regard to consequences. These I would leave to that superintending Providence which has ever been our shield in the day of danger. Even if war should be the result, (which I do not by any means anticipate,) I would rely with perfect confidence upon the courage, patriotism, and energy of my countrymen, for the defence of their rights.

When the mission of Lord Ashburton was first announced, I hailed it as the olive branch of peace and friendship, presented by England to this country. The auspices were all favorable. I believed then, and I believe still, that she was sincere. Her revenue was insufficient for her annual expenditures; she had experienced reverses in the East, where she was waging two expensive, unjust, and bloody wars; a large portion of her own population was almost in a state of open rebellion, and she had signally failed in her darling policy of extorting from France a ratification of the quintuple treaty, which would have given her the right of searching all European vessels on the coast of Africa. Such was the condition of England when Lord Ashburton arrived in Washington, "*having been charged with full powers to negotiate and settle all matters in discussion between the two countries.*" When I make this declaration, I employ the very language used by Mr. Webster himself, in the very first sentence of his first diplomatic note, dated on the 17th June last. His Lordship's powers were not confined to the Northeastern boundary question, which is the only disputed question settled by the treaty; but they would have enabled him to terminate all the vexed and dangerous questions which still remain open to disturb the harmony and threaten the peace of the two nations.

Not only did a crisis then exist in the affairs of England eminently calculated to predispose her to a fair and amicable adjustment of all the disputed questions; but the British Government well knew that these questions were of such a distinct and varied character, that some one of them had strongly enlisted the feelings of each portion of our country; and, when combined, that they would unite the American people almost as one man in demanding justice. There was the Northeastern boundary question, which peculiarly interested the Eastern States, as did the Northwestern boundary the Western States, whilst the Creole question had deeply affected the sensibilities of the Southern and Southwestern portions of the Union. Redress for the Caroline outrage, and an abandonment of the right of search, were questions of national honor, in which every man with an American heart, throughout the broad extent of our country, felt the deepest interest. The varied wrongs of England had united us together in an adamantine chain, no link of which ought ever to have been broken until these wrongs had all been redressed. I believe in my soul that the propitious moment had arrived for settling all these questions upon just and honorable principles. Feeling this to be the case, I declared, on the floor of the Senate, at the period of Lord Ashburton's arrival, that our motto ought to be—*All or none.* This I did, because I felt that all could be adjusted. I believe still that all might have been adjusted; although I knew it would be the policy of the British Government to obtain a cession of that portion of Maine necessary to consolidate her power in North America, and leave the other questions—particularly that of the Creole—for "a more convenient season." This Creole question, from peculiar causes, which I need not explain, was the weakest, except in point of justice, of all the questions in dispute; whilst the prejudices of the British people were most strongly enlisted against its fair and honorable adjustment. Lord Ashburton has succeeded in obtaining all that his Government most desired, and in postponing for future negotiation all which was most desirable for the American people. Until within the last few weeks, we had every reason to believe that all matters in dispute would be adjusted by the treaty. I appeal to Senators whether they have not heard, over and over again, throughout the negotiation, that the only obstacle in the way of settling all our difficulties was the obstinate adherence of the Maine commissioners to the line of the treaty of 1783. I often made inquiries concerning the Creole question, believing that its adjustment would be the most difficult; and was as often informed that there would be no difficulty in providing for the future, although Lord Ashburton might not be able to grant indemnity for the past. I believed that all things were in successful progress; and never have I been more astonished and disappointed than when I first learned that the Maine question alone had been settled by the treaty, and that all the rest of the disputed questions had merely been made the subjects of a diplomatic correspondence.

Had all the questions been adjusted between the two countries, a career of happiness and prosperity would have been opened to both, on which the imagination of the philanthropist might love to dwell. Time might have soothed, or even obliterated, the memory of the successive wrongs and insults which we have suffered from England since she first acknowledged our independence; and we might have forgotten those unfriendly feelings towards her,

which, unquestionably, now pervade the great body of the American people. Senators on this floor may speak of the two nations as the mother and the daughter, and may please their fancy by such epithets of mutual endearment; but, in the opinion of a large majority of our countrymen, England has ever acted as a harsh and severe stepmother towards this country. I had fondly hoped that this unnatural relationship would end with the termination of Lord Ashburton's mission; and, had all the questions been settled, I was prepared to yield much for the sake of such a happy consummation.

I shall now proceed to discuss each of the subjects separately, involved in the correspondence and the treaty. And, first, I shall refer to the question of impressment. The two last letters of the series relate to this subject. On the 8th of August, (the day before the termination of the special mission,) Mr. Webster addressed a letter to Lord Ashburton, which presents a clear and striking view of the arguments which have been heretofore urged against the impressment of American seamen; and suggests to the British Government the propriety of renouncing the practice hereafter. His Lordship replied to this letter on the next day, (the 9th of August;) and, with this letter, his mission terminated.

This letter of Lord Ashburton is a fair specimen of his whole correspondence. It shows his Lordship to be a shrewd, sagacious, and practical man. The British Government could not have made a more fortunate selection of a minister. Whilst all his letters abound in general, and, I have no doubt, sincere professions of anxiety to establish perpetual friendship between the two countries, he never yields any of the pretensions of the British Government. He praises much the superior ability of the American negotiator; and (to use a cant phrase, common at the bar whilst I was a member of the profession) is content that Mr. Webster shall have the argument, provided he himself gets the land. He never commits himself, or his Government, on any particular point; and yet there breathes throughout his whole language such a spirit of conciliation, that, until you examine it particularly, you incline to the belief that he is disposed to grant all you desire.

In this letter, I ask, does he abandon the odious claim of the British Government to impress seamen on board of American vessels? Does he yield to the unanswerable arguments presented by Mr. Webster? No, sir; no. On this subject, he is not merely non-committal. He comes up to the very point which has always been at issue between the two countries;—asserts the principle of the perpetual allegiance of all British-born subjects in the strongest terms; and justifies the practice of impressment in cases of necessity. Nay, more: he informs Mr. Webster that we ourselves would resort to the same practice, if our geographical position did not render it unnecessary. Let me quote a few sentences of his own language, to establish my position.

"The principle is (says his Lordship) that all subjects of the Crown are, in case of necessity, bound to serve their country; and the seafaring man is naturally taken for the naval service. This is not, as is sometimes supposed, any arbitrary principle of monarchical government, but one founded on the natural duty of every man to defend the life of his country; and all the analogy of your laws would lead to the conclusion that the same principle would hold good in the United States, if their geographical position did not make its application unnecessary."

It is true that he concludes with the expression of a vague hope that some satisfactory arrangement may yet be made upon the subject—meaning nothing, and amounting to nothing.

I confess, sir, I did not anticipate that the subject of impressment would form any part of the negotiations between Mr. Webster and Lord Ashburton. This question ought never to have found a place in the correspondence, unless, from the preliminary conferences, it had been ascertained that England was prepared to renounce the practice forever. Its introduction has afforded Lord Ashburton the opportunity of insisting upon a claim to which we can never practically submit, without being disgraced and degraded among the nations of the earth. We declared war against Great Britain thirty years ago, to protect American seamen from impressment; and she, and all the world, ought to know that we shall declare war again should the practice ever be resumed. If the stars and the stripes which float over an American vessel upon the ocean cannot protect all those who sail beneath them from impressment, no matter to what land they may owe their birth, then we are no longer an independent nation. Whenever any British officer shall dare to violate the flag of our country on the ocean, and shall seize and carry away any seaman from the deck of an American vessel, no matter what may be the pretence, (unless instant reparation should be made by his Government for the outrage,) our only alternative will then be war or national dishonor. We are deeply, solemnly pledged before the world, to avenge such a wrong without a moment's unnecessary delay. Such an act would, in effect, be a declaration of war against us; and Great Britain knows it well. She claims the right of impressment, as a belligerent right only, and when she shall go to war with France, or any other nation, she will then count the cost to herself which may result from this practice. She may refrain, from the conviction that it would convert us from being a neutral, into her most deadly enemy. No, sir; no. This is not a question for holyday negotiation, but for war, inevitable war, should the occasion ever unfortunately arise. But Great Britain will have a care how she provokes such a conflict, in violation of every principle of national law, although she may refuse formally to renounce the practice. War must be the necessary result of impressment, or our national character must become a subject of scorn and contempt for all mankind.

I proceed next to the case of the Caroline. There was nothing easier in the world than to settle this question satisfactorily. The British Government had only to acknowledge that Captain Drew and his band of volunteer desperadoes were in the wrong when, under the auspices of Colonel McNab, they had invaded our territory, burnt the Caroline, and murdered an American citizen; and then do all they could to repair this wrong, by indemnifying the owner of the steamboat for his loss of property, and providing for the family of the murdered Durfee, if he have a family. To acknowledge the wrong, and repair the injury as far as he can, is the first dictate of every just and honorable man, at the moment he becomes convinced of his error. Such ought to be the conduct of every just and honorable nation. But has Great Britain pursued this course in the case of the Caroline? Has she either admitted the national wrong, or repaired it by making compensation to those who were its victims? Neither the one nor the other. We have been told, indeed, by the Senator from Virginia, (Mr. RIVES,) that this old and haughty nation, proud in arms, has submitted to ask our pardon for the outrage; and he considers this a great triumph. But is this the fact? Let the letter of Lord Ashburton to Mr. Webster, of the 28th July, be carefully examined by any Senator, and he must arrive at a directly opposite conclusion. I assert that this letter contains an able and elaborate justification of the attack on the Caroline, and a vindication of the British officers who planned and conducted it. How could it be otherwise? Has not Colonel McNab been knighted, and Captain Drew pensioned, for this gallant exploit against unarmed men, who vainly believed that the American flag upon American soil was a protection against British outrage? Have we not seen, within a few days, that a public dinner at which a noble Duke presided, has recently been given to Sir Allen McNab in London, where he received such honors as will encourage him again to violate our territory, whenever interest or feeling shall again prompt to a similar outrage? I ask the Senator from Virginia to point to any portion of the letter where the conduct of McNab and Drew has been condemned; nay, more, I ask him to point to any portion of the letter where it has not been justified. It is very true that Lord Ashburton, whilst he earnestly maintains "that there were grounds of justification [for the Caroline outrage] as strong as were ever presented in such cases," declares "that no slight of the authority of the United States was ever intended;" and although this service was necessary, yet, as it involved a violation of our territory, he would deprecate its recurrence. In the very sentence to which the Senator from Virginia refers, in which his Lordship regrets "that some explanation and apology for this occurrence was not immediately made," he still continues to justify the capture and destruction of the Caroline on the plea of necessity. The whole substance of this letter may be summed up in a very few words, thus: Although the violation of your territory, and the destruction of the Caroline, were absolutely necessary and entirely justifiable, and as such have received the approbation of the British Government; yet I am extremely sorry that any such necessity existed, and hope it may not again occur. I also regret that such an explanation and apology for this occurrence as I have just made, had not been tendered to your Government immediately after the event. A man runs me through the body with a sword; and afterwards explains and apologises to me, by assuring me that his act was both necessary and justifiable, but yet he is extremely sorry that any such necessity existed. This is Lord Ashburton's apology for the Caroline outrage. The President vainly indulged the hope, in his annual message at the commencement of the present session, "that the British Government would see the propriety of renouncing, as a rule of future action, the precedent which has been set in the affair at Schlosser." This was a vain hope. So far from renouncing the affair as a precedent, it has been justified and approved by that Government throughout. Let an insurrection again occur in Canada, and we shall reap the bitter fruits of this precedent. The military officers of the British Government, will send expeditions across our frontier, which may plunder and murder our citizens, under pretence of defending their Canadian possessions against the attacks of the insurgents. This will be done, if for no other purpose but that of displaying their zeal and devotion to their sovereign; and thus purchasing the honors and rewards which have been so profusely bestowed upon the McNabs and the Drews who planned and conducted the Caroline expedition. A necessity to justify such attacks will always exist whenever they are deemed expedient; and if, after four years' negotiation, the British Government should express its sorrow—not for the outrage itself, but because a necessity existed for its perpetration—then we must be satisfied, if we should consider the Caroline precedent as binding hereafter.

After all that I have said, it would be vain to ask whether Lord Ashburton has granted indemnity to the owner of the Caroline, or provided for the family of the murdered Durfee. *It does not appear that Mr. Webster ever demanded any such indemnity*, or even alluded to the subject. He may possibly have adverted to it in his private conferences with Lord Ashburton; but if he did—my life upon it—the answer was, that the attack on the Caroline was justifiable, and therefore not a subject of indemnity. You have thus permitted this steamboat, owned by an American citizen, whilst under American colors, and moored in an American port, to be destroyed by the British authorities, without even asking them to indemnify the owner. Does not justice require that you should indemnify the citizen whom your own soil and your own flag could not protect, and for whom you asked no indemnity? I shall not at present attempt to answer this question. On the files of our executive documents, there is to be found a memorial from the citizens of Buffalo, presented in March, 1838, which places the claim of Mr. Wells, the American owner of the Caroline, in a very strong light; and as we have not even asked any satisfaction for him from the British Government, it will be a serious question whether we are not bound to indemnify him ourselves.

But Lord Ashburton, in this extraordinary letter, is not content with acting on the defensive. In the conclusion of it, he becomes the assailant. Referring to the case of McLeod, he complains that "individuals have been made personally liable for acts done under the avowed authority of their Government;" and he inquired whether the Government of the United States is now in a condition to surrender those engaged in such enterprises as that of the capture of the Caroline, without subjecting them to trial.

Mr. Webster replied to this letter on the 6th of August, and informs his Lordship that the President is satisfied, "and will make this subject, [the capture of the Caroline,] as a complaint of violation of territory, the topic of no further discussion between the two Governments." And thus ends the Caroline question.

But not so the McLeod question. Mr. Webster admits, as he had done in the beginning, that McLeod ought to have been surrendered, without trial, on the demand of the British Government. He graciously explains the reason why this could not be done, and casts the blame "upon a State court, and that not of the highest jurisdiction," which "was embarrassed, as it would appear, by technical difficulties." He says, however, that the Government of the United States holds itself not only fully disposed, but fully competent, to fulfil its acknowledged obligations to subjects of England,

who may hereafter engage in such enterprises; and informs his Lordship that the attention of Congress "has been called to the subject, to say what further provision ought to be made to expedite proceedings in such cases."

His Lordship must, indeed, have been difficult to please, if all these assurances were not satisfactory. In what, then, has the Caroline outrage resulted?—that outrage, so eloquently described by the Secretary himself, in his letter to Mr. Fox, as to make the blood tingle;—that outrage perpetrated on the Caroline "*in the darkness of the night, while moored to the shore, and while unarmed men were asleep on board, killing some and wounding others, and then drawing her into the current, above the cataract, setting her on fire, and, careless to know whether there might not be in her the innocent with the guilty, or the living with the dead, committing her to a fate which fills the imagination with horror.*" We have settled this outrage upon our territory without any acknowledgment from the British Government that the act itself was wrong and unjustifiable, and without any indemnity to the injured individuals. Nay, more; Mr. Webster has yielded to Great Britain, while she still continued to justify the act and approve the conduct of the officers of the expedition, an assurance that we would surrender, without trial, all persons who may hereafter be engaged in similar enterprises. And, to cap the climax, the Senate have already passed what I solemnly believe to be an unconstitutional bill, which, if it should receive the sanction of the House, and be approved by the President, will deprive all State courts of jurisdiction over the foul murders which may be committed within their territory by lawless bands of desperate men sent over the lines from Canada by petty provincial officers, and will discharge the criminals from confinement in a summary manner, by a gross perversion of the writ of habeas corpus. Surely we have done everything we could to appease the British Government for the trial of McLeod before the courts of New York. I repeat that Lord Ashburton must be a most unreasonable man if he be not entirely satisfied with the settlement of the McLeod and Caroline questions.

I now come to the Creole question. And here we, who are opposed to the treaty, have been told that this is peculiarly a Southern question; and that, if the Senators from the South are satisfied with the manner in which it has been adjusted, we ought not to complain. Sir, this is not a mere Southern question, but it is a question which deeply affects the honor of the whole country. I might here repeat what I have said upon a former occasion—that all Christendom is leagued against the South upon this question of domestic slavery. They have no other allies to sustain their constitutional rights, except the Democracy of the North. I do not mean to insinuate that the Whig party of the North are generally abolitionists. Far from it. But this I will say: that Whig candidates most generally receive the support of the abolitionists; and, therefore, the Whigs, as a party, are careful not to give them offence. Far different is the conduct of the Democrats. In my own State, we inscribe upon our party banners hostility to abolition. It is there one of the cardinal principles of the Democratic party; and many a hard battle have we fought to sustain this principle. Whilst the Democrats of the North are opposed to slavery in the abstract, they are ever ready to maintain the constitutional rights of the South against the fierce and fanatical spirit of abolition. I, therefore, claim the right of discussing the Creole question. It was my anxious desire and confident hope that this question, at least, might have been settled by the treaty. I firmly believe that the propitious moment for adjusting it on honorable terms has passed away forever. The British Government might have consented to accept the bitter with the sweet; and to have done us justice on the Creole question, for the sake of obtaining that portion of Maine which they so ardently desired. But we have not improved the golden opportunity; and now what are we told? Why, that a great advance has been made towards the settlement of this question by the correspondence before us.

And what is a diplomatic note? What statesman ever dreamed of adjusting an important question, well calculated to impair the harmony and destroy the peace of two great nations, by a diplomatic note? A treaty is the only mode known to the law of nations by which such questions can be settled. Now, sir, if the letter of Lord Ashburton, of the 6th August, had even contained every stipulation which we could desire in regard to the Creole question, to what would it amount? It might possibly bind the honor of the present British cabinet; but after a change of ministry, would it bind their successors? No man will pretend it. A new ministry would say to us, Why did you not secure your claimed rights by treaty? We are not bound by a mere diplomatic note, written by Lord Ashburton in behalf of a former ministry. And more especially are we not bound by it, when that minister himself, in the very first sentence of the note on which you rely, disclaims all authority from his Government to enter into any formal stipulation on the subject; and in a subsequent part of it, refers "to great principles too deeply rooted in the consciences and sympathies of the British people," which might cause a disavowal of any engagement into which he might enter for the purpose of settling this question.

But even if the engagement contained in this note of Lord Ashburton were solemnly inserted in the body of the treaty itself, it would be wholly ineffectual. It is contained in two sentences, which I shall read:

"In the mean time, (says his Lordship,) I can engage that instructions shall be given to the Governors of her Majesty's colonies on the southern borders of the United States to execute their own laws with careful attention to the wish of their Government, and that there shall be no officious interference with American vessels driven by accident or by violence into those ports. The laws and duties of hospitality shall be executed, and those seem neither to require nor to justify any further inquisition into the state of persons or things on board of vessels so situated, than may be indispensable to enforce the observance of the municipal law of the colony, and the proper regulation of its harbors and waters."

Now, sir, when we consider the nature of our grievance, we shall perceive at once how wholly inadequate his Lordship's stipulation will be to afford a remedy. American citizens, in transporting their slaves by sea, from the Atlantic States to States on the Gulf of Mexico and on the Mississippi, must pass through the Bahama channel. If their vessels are driven into any British port along this channel, by storms, or are carried there in consequence of mutiny and murder, the slaves, who can escape to the shore by any means whatever, are instantly free. Such is the law of England, which will most probably never be changed. But whilst the slaves remain on board of an American vessel, they are, in the contemplation of the law of nations, on American soil. Now, if his Lordship had stipulated that the British authorities should prevent the slaves on board of vessels driven into port by storms, or carried there by mutiny, from making their escape to the shore, there would have been some efficiency in the engagement. This would have been a stipulation to do a positive act, which would have retained and secured the slaves in the possession of their masters. But the engagements of Lord Ashburton are all merely negative. The British colonial governors are not themselves to be instrumental in releasing the slaves,—they shall not officially interfere with American vessels driven by accident and by violence into those ports,—they shall not make any further inquisition into the state of persons or things on board of vessels thus situated, than may be necessary to enforce the municipal laws. All is negative, and is intended merely to prevent the British authorities themselves from becoming actors in violating our rights! The people of any of these colonies, without violating his Lordship's engagement, may interfere to produce the escape of the slaves from any such vessels. That they will hereafter act in this manner, there can be no doubt, judging from their past conduct.

In justice to Mr. Webster, I must say that he has placed this whole subject in a most clear, forcible, and striking light. He has proved conclusively that we ask no engagement from the British Government but what they are clearly bound to perform, under the law of nations, without any treaty stipulation whatever. What I complain of is, that while he always demonstrates his propositions, they never produce any practical effect for our advantage. Lord Ashburton does not attempt to answer his arguments, because they are unanswerable; and yet, in general terms, his Lordship declares that some of them have rather surprised and startled him, though he will not pretend to judge them. His object was to transfer the negotiation concerning the Creole to London; and in this he has succeeded. Our object ought to have been to settle the question in Washington, and to connect together, in the same treaty, the Creole question with the Northeastern boundary. I most sincerely hope that I may be mistaken, but I now believe none of us will ever live to see the day when the Creole question will be settled on terms honorable and satisfactory to this country.

One remark I feel impelled to make—and that is, that this Senate deserves to be famous not only for passing abstract resolutions, but for our willingness to surrender them whenever we are called upon to carry them into effect. We have unanimously resolved and re-resolved in favor of our title to the disputed territory; and we have pursued a similar course in relation to the principles involved in the Creole question. I hope that we shall hereafter desist from such vain and idle proceedings.

On the 15th of April, 1840, we resolved, by a unanimous vote, that our ships on the high seas, in time of peace, were, according to the law of nations, under the exclusive jurisdiction of our country; and further, that, when forced by stress of weather, or other unavoidable cause, into the ports of a friendly power, they, with their cargoes, "and persons on board, with their property, and all the rights belonging to their personal relations, as established by the laws of the State to which they belong, would be placed under the protection which the laws of nations extend to the unfortunate under such circumstances." These propositions have been demonstrated by the Secretary of State. And yet, after our clear rights, under the law of nations, have been repeatedly outraged by the British authorities and people, all we have obtained for their security is a diplomatic note containing engagements which will have no practical effect whatever, and which may be recalled at pleasure by the British Government. So much for the case of the Creole.

I now approach the treaty itself, and shall first discuss the eighth article. It stipulates that each of the contracting parties shall maintain on the coast of Africa a naval force of not less than eighty guns, to enforce, separately, the laws of each country for the suppression of the slave-trade; "the said squadrons to be independent of each other, but the two Governments stipulating, nevertheless, to give such orders to their officers commanding their respective forces, as shall enable them to act most effectually in concert and co-operation, upon mutual consultation, as exigencies may arise, for the attainment of the true object of this article; copies of all such orders to be communicated by each Government to the other, respectively."

Now, sir, the first remark in regard to this most important article, which must strike every mind, is, that it has become a part of the treaty, without any correspondence whatever between the two plenipotentiaries in relation to the subject. We are left entirely in the dark as to the motives which influenced the negotiators in forming this article, except from the obscure hints which may be collected from the President's message which accompanied the treaty. And here I would remark, that this correspondence throughout presents a singular spectacle, which, I trust, may never be exhibited again in any important negotiation with a foreign power. Everything had been previously arranged in verbal conferences, without any note or memorandum of what had transpired at them, before the date of the letters communicated with the treaty; and these letters were evidently intended merely to present results in such a form as might best satisfy the people of both nations. The original pretensions on the one side or the other—the manner in which they were resisted—the means by which they were modified and received their present form—all, all are buried in oblivion, so far as this Government is concerned. The tracks of the negotiators were made upon the sand, and the returning tide has effaced them forever. Such is the case in relation to this Government; but not so, I shall venture to assert, in regard to England.

The first duty of every responsible minister engaged in the negotiation of an important treaty is, to communicate to his Government a faithful history in detail of all his official conferences. The British Government, beyond a doubt, have been accurately informed, from day to day, of the progress of this negotiation; and though the despatches of Lord Ashburton may not, for many years, see the light, yet they will be a great diplomatic curiosity whenever published. Instructed to settle all the questions in dispute between the two countries, the means will then appear by which he succeeded in baffling the American negotiator, and evading the

settlement of any of these questions, except such as were for the advantage of his own country.

But, sir, I trust that no other American minister may ever follow the example of Mr. Webster in this particular. Such a mode of negotiation can only be tolerated between absolute sovereigns; but under a Government where every public agent is responsible to the people, either directly or indirectly, our most important affairs with foreign nations ought never to be concluded without a record of the conferences which led to the result. I myself negotiated an important treaty with Russia; and I felt it to be my imperative duty to write down, before I retired to rest, the substance of every conference with the Russian Minister for Foreign Affairs, and afterwards transmit it to my Government by the very first opportunity.

These observations, sir, will account for the remarkable fact, that, although Lord Ashburton arrived in Washington, and was presented to the President in the beginning of April, and his mission did not terminate until the 9th of August, yet the whole correspondence in relation to impressment, to the Caroline question, and to the Creole question, took place within the last week or ten days of its termination. All had been agreed upon beforehand in private conferences; and the correspondence was only making up the record for public view. What Mr. Webster originally proposed, what he insisted upon, and what he retracted, can now only be known to himself and to the British Government.

But, in regard to this eighth article of the treaty, we have not even any formal record made up, nor any explanation whatever. There it stands in the treaty; but how, or why it got there, we are left to conjecture. We bind ourselves to England that we shall maintain a naval force of eighty guns on the coast of Africa; whilst the condition of our treasury is so deplorable, that we have been compelled to reduce our small army, and leave our fellow-citizens beyond the Mississippi exposed to the attacks of the numerous savage tribes transported to that region by our own policy. Did the British Government demand this sacrifice at our hands? Was it necessary to appease the wounded pride of England at the disappointment she experienced when France—our ancient and faithful ally—refused to ratify the quintuple treaty, and identified herself with us in resisting the right of visitation and search? All is obscurity—all is darkness. We do not know, and we never shall know, what passed between the negotiators on this subject in their private conferences. Under a Government where every public minister is responsible, we find a most important article inserted in a treaty, and know not even by whom it was proposed.

Now, sir, in common with all America, I abhor the slave-trade. Our duty both to God and man requires that we should prevent it from being conducted under the American flag. For this purpose, we ought to send a naval force to the coast of Africa, whenever this may become necessary for its suppression. This course we have always hitherto pursued. But why should we yield up the exercise of our own free will, at the dictation of England? Why should we bind ourselves in bonds to her that we shall do our duty? The Father of his Country, while he advised us to cultivate peace and friendship with all nations, at the same time warned us against entangling alliances with any. We have hitherto acted upon this wise and salutary maxim; and the present is the first entangling alliance we have ever contracted with any nation, since the date of his solemn warning. Hereafter, whether it be convenient or inconvenient to us—whether it be necessary or not,—we have solemnly pledged ourselves to England, that, at all times, and under all circumstances, during the period of five years, we shall keep eighty guns afloat on the coast of Africa: and she, of all others, is the nation which will exact a strict performance of this pledge. There is no reciprocity, except in name, in this article of the treaty. The naval force of Great Britain is so large, that, without any engagement whatever, she would keep a greater number than eighty guns on the African coast. In the face of all these objections, and in this moment of our depressed finances, we agree to expend $700,000 per annum, to enable England to present to Christendom this new trophy which she has won in the cause of universal emancipation. I take my estimate of the expense from the Senators from Missouri and New Hampshire, [Messrs. BENTON and WOODBURY,] who state that the cost of each gun at sea (including ship-building and all) amounts to $9,000.

But, sir, much as I dislike this article in the aspect in which it has already been presented, I dislike it still more when viewed in another light. To me, it appears, under all the circumstances, to be the price paid to the British Government for a relinquishment of its claim, during the continuance of the treaty, to the right of visiting and searching American vessels on the coast of Africa. On this subject, we must grope our way in the dark—having no light to direct our steps, but what appears on the face of the article itself, and the intimations contained in the President's message.

We have the declaration of the President, "that the treaty obligations subsisting between the two countries for the suppression of the African slave-trade, *and the complaints made to this Government within the last three or four years, (many of them but too well founded,) of the visitation, seizure, and detention of American vessels on that coast, by British cruisers, could not but form a delicate and highly important part of the negotiations which have now been held.*" We thus learn, from the highest authority, that the right of visitation and search on the African coast did form a delicate and highly important part of the negotiations. This was all conducted in private conferences; as nothing on the subject appears in the correspondence. Mr. Webster must unquestionably have complained to Lord Ashburton of the outrages committed upon our flag by British cruisers; and his Lordship most probably replied that these were necessary to suppress the slave-trade in American vessels. How was the question to be compromised? By a stipulation, on the part of the United States, that they would keep a sufficient force on the coast of Africa to visit and search their own vessels, thus rendering unnecessary their visitation and search by British cruisers. In this inference I am sustained by the language of the President. He says that "the examination or visitation of the merchant vessels of one nation, by the cruisers of another, for any purpose, except those known or acknowledged by the law of nations, under whatever restraints or regulations it may take place, may lead to dangerous results. *It is far better, by other means, to supersede any supposed necessity, or any motive, for such examination or visit.* Interferenee with a merchant vessel by an armed cruiser, is always a delicate proceeding, apt to touch the point of national honor, as well as to affect the interests of individuals. It has been thought, therefore, expedient, not only in accordance with the stipulations of the treaty of Ghent, *but, at the same time, as removing all pretext, on the part of others, for violating the immunities of the American flag upon the seas, as they exist and are defined by the law of nations, to enter into the articles now submitted to the Senate.*" These articles, then, were entered into for the purpose of removing all pretexts, on the part of the British Government, for examining and searching our vessels on the coast of Africa. These articles are the price which we have agreed to pay for the privilege of not being searched by British cruisers. But the eighth article of the treaty may be annulled, at the pleasure of either Government, at the end of five years; and if it should be, what will then be our condition? All the arrogant and unjust pretensions of the British Government to visit and examine American vessels will then revive; because the treaty contains no renunciation whatever of these pretensions. The parties will then be remitted to the condition in which they were placed before it was concluded. Nay, more; the claim of Great Britain will be strengthened by the fact, that we have agreed to purchase a temporary exemption from its exercise, at the price of maintaining a squadron of eighty guns on the coast of Africa during a period of five years.

The President has referred to the stipulations contained in the treaty of Ghent as one reason for the adoption of this eighth article. The tenth article of that treaty declares as follows: "Whereas, the traffic in slaves is irreconcilable with the principles of humanity and justice, and whereas both his Majesty and the United States are desirous of continuing their efforts to promote its entire abolition, it is hereby agreed, that both the contracting parties shall use their best endeavors to accomplish so desirable an object."

The whole world knows how early, and with what persevering energy, the United States have exerted themselves to suppress this odious trade. They were the first, a few years after the treaty of Ghent, to denounce it as piracy under their laws; and other nations have followed their example. They have faithfully complied with the treaty of Ghent, in using their best endeavors for the suppression of this trade. But will any person pretend that the tenth article of this treaty imposes any obligation upon them to make a new and distinct treaty, abridging their liberty of thinking and acting for themselves in accomplishing this desirable object, and compelling them to maintain a squadron on the coast of Africa, to act in concert with a British squadron, for this purpose? Surely Lord Ashburton never set up any such pretension. The tenth article of the treaty of Ghent is complete in itself, and contemplated no new stipulation between the two Governments.

Senators say that the two squadrons are to act independently of each other; and no danger now exists that American vessels will be visited and examined by British cruisers. I trust that the facts may justify their prediction. But the treaty itself provides that the two Governments shall "give such orders to the officers commanding their respective forces, *as shall enable them most effectually to act in concert and co-operation.*" The British squadron on the coast of Africa will necessarily be larger than the American; and it will be commanded by an admiral, or other officer of high rank. Although no direct orders may be issued from the British commander to an American officer; yet, when the two squadrons are bound to co-operate with each other, influence will, probably, be substituted for command. The American squadron will thus, in effect, become a mere subsidiary force to that of England. Upon a review of all the considerations involved in this subject, I feel deeply solicitous that the pending motion should prevail, to strike this eighth article from the treaty. There is not the least danger but that it will be ratified by England without this article. The honor of the nation requires that we should make this amendment. After all that has passed, we should stand upon that sacred principle of the law of nations, that the American flag—waving at the masthead of an American vessel, shall protect her from visitation and search by British cruisers. In what condition do we place France by yielding to the demands of England,—that France, whose people have been ever ready and ever willing to stand by us in the day and hour of danger? It is known to us all that England, by her persevering solicitations, had obtained from the Governments of France, Russia, Prussia, and Austria, a treaty yielding the right of search on the coast of Africa; and she expected to extort this concession from us, through the moral influence of these nations. The treaty had not yet been ratified by France, when our minister at Paris interposed. His powerful protest against it aroused the French people to a sense of their danger. They took the alarm, and, like their fathers in the Revolution, they united with us in asserting the independence of their flag and our flag. Such a storm of indignation was thus raised, that the French Government withheld its ratification from the quintuple treaty. And yet, after all this, we have deserted our ancient ally—we have framed a treaty with the British Government, by which they not only do not renounce the right of search, but have obtained from us an implied acknowledgment of the existence of such a right, by our engagement, in consideration of the temporary suspension of its exercise, to maintain a squadron of eighty guns on the coast of Africa for five years, to act in concert and co-operation with the British squadron. Surely, surely, the Senate will not ratify this article of the treaty. Surely, surely, the Senate will not ratify the unjust claim of the British Government to be the supreme protector of the rights of humanity, either on the ocean or on the land.

I have now reached the Northeastern boundary question; and I have, on former occasions, written and spoken so much in support of our title to the disputed territory, that I shall trouble the Senate with but a few observations on this branch of the subject. I entirely concur in the opinion formerly expressed by Mr. Webster, that the claim of the British Government "does not amount to the dignity of a debatable question." The Senate unanimously adopted a resolution on the 4th of July, 1838, reported by myself, as chairman of the Committee on Foreign Relations, declaring, "That after a careful examination, and deliberate consideration of the whole controversy between the United

States and Great Britain, relative to the Northeastern boundary of the former, the Senate does not entertain a doubt of the entire practicability of running and marking that boundary in strict conformity with the stipulations of the definitive treaty of peace of seventeen hundred and eighty-three; and entertains a perfect conviction of the justice and validity of the title of the United States to the full extent of all the territory in dispute between the two powers." The distinguished predecessor [Mr. CLAY] of the Senator from Kentucky, [Mr. CRITTENDEN,] then a member of the Committee on Foreign Relations, cordially approved both of the report and of this resolution; and, upon his motion, the latter was considered and adopted on the anniversary of our independence. He said that there was a peculiar fitness in resolving to maintain the integrity and independence of the old thirteen United States on the anniversary of that memorable day on which our independence was declared. I can never, then, admit that our title to the disputed territory was even doubtful.

Dr. Franklin, and the other American commissioners who negotiated the definitive treaty of peace, in 1783, were wise and sagacious men. They knew that, in every delineation of boundary, it was all important clearly to fix the starting-point; and that all future disputes might be prevented," to use the language of the treaty, the northwest angle of Nova Scotia was established as the place of beginning. At the date of the treaty, this was a well-known point, at the intersection of the western line of the province of Nova Scotia with the southern line of the province of Quebec; and although these two lines had never been actually run and marked upon the ground, yet their position was so clearly described by royal proclamations, by acts of Parliament, and by the commissions granted to the Governors of Nova Scotia and Quebec, that our commissioners deemed it impossible that any serious difficulty could arise in discovering this angle. Nothing more was necessary than to follow upon the ground the due-north line, plainly marked upon Mitchell's map, from the source of the St. Croix to the line of highlands dividing "those rivers that empty themselves into the river St. Lawrence, from those which fall into the Atlantic ocean;" and at the intersection of these two lines, the northwest angle of Nova Scotia must be found with mathematical precision.

All admit that Mitchell's map, published in 1755, was the map used by the commissioners in designating the boundaries of the United States. Until the year 1763, the northwest angle of Nova Scotia was the point where the line marked upon that map, as the dividing line between Nova Scotia and New England, struck the river St. Lawrence. In February, 1763, Great Britain acquired Canada from France by treaty. Under the King's proclamation of October, 1763, which created the province of Quebec, and afterwards, by act of Parliament, in 1774, this province was extended south of the St. Lawrence, "by a line from the bay of Chaleurs, along the highlands which divide the rivers that empty themselves into the river St. Lawrence from those which fall into the sea, to a point in forty-five degrees of northern latitude, on the eastern bank of the river Connecticut." The bay of Chaleurs on the north, in latitude between 48 and 49, and a point on the Connecticut, in latitude 45, were to be the two extremities; and the intermediate southern line of the province of Quebec was to pass between these two points along the highlands which divide the rivers that empty themselves into the St. Lawrence, on the one side, from those falling into the sea, upon the other. The definitive treaty of peace adopts the language of the act of Parliament of 1774, and describes the northwest angle of Nova Scotia to be "that angle which is formed by a line drawn due north from the source of St. Croix river to the highlands" "which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic ocean." Now, sir, let any Senator cast his eyes upon Mitchell's map, and follow the well-marked due-north line from the source of the St. Croix; and he will find that it crosses the river St. John very little north of the 47th degree of latitude, and does not arrive at the highlands from which rivers empty themselves into the St. Lawrence, until north of the 48th degree of latitude. And yet, in the face of all these official documents of the very highest authority, I was astonished to find that Lord Ashburton, in his letter to Mr. Webster of the 21st June last, declared "his settled conviction that it was the intention of the parties to the treaty of peace of 1783, however imperfectly those intentions may have been executed, to leave to Great Britain, by their description of boundaries, the whole of the waters of the river St. John." In order to entertain this conviction, he must believe that the southern boundary of the province of Quebec, under the royal proclamation of 1763, and the act of Parliament of 1774, extended not merely to the dividing highlands whence streams flow into the St. Lawrence; but about a hundred miles south of these highlands, embracing a region of country watered by a large river, (the St. John,) and its numerous tributaries, which flow, not into the St. Lawrence, but into the sea. And Dr. Franklin and our other commissioners, with Mitchell's map before them, and the St. John with all its tributaries in full view, in the opinion of his Lordship, intended to bring the northwestern angle of Nova Scotia down to Mars Hill, one hundred miles south of those dividing highlands; from the opposite slopes of which, rivers flow on the one side into the St. Lawrence, and on the other into the ocean. With this map before them, they were wholly ignorant of the language which they had employed when clearly and distinctly fixing the northwest angle of Nova Scotia in this dividing range of highlands, and intended to fix it in highlands one hundred miles south, which divide not the sources of streams falling into the St. Lawrence and the Atlantic ocean, according to the description of the treaty, but the sources of streams falling into the St. John on the north, and the Penobscot on the south.

In opposition to this treaty line, so clearly defined by Dr. Franklin, and to make Dr. Franklin contradict himself, the copy of an old French map by D'Anville has been produced, the original of which was recently found by Mr. Sparks in the office of Foreign Affairs at Paris, among 60,000 other maps. It is dated in 1746; and upon its face there is a line traced, in red ink, running along the highlands which divide the head waters of the Penobscot and Kennebec on the south, from the tributaries of the St. John on the north. Much importance seems to have been attached to this map by the Secretary of State. It was communicated to the Committee on Foreign Relations in great confidence, and with an air of solemn mystery; and serious apprehensions were expressed lest Lord Ashburton might obtain information of the existence of so precious a document. The dreaded inference was, that this must be the very map which had been marked by Dr. Franklin for Count Vergennes, at his request; and that the red lines upon it were the boundary lines of the United States, according to the treaty, traced by the hand of its chief negotiator. In plain English, that, notwithstanding Dr. Franklin had signed the provisional treaty on the 30th day of November, 1782, defining the northeastern boundary of the United States to be a line drawn due north from the source of St. Croix river to the highlands, and thence along the highlands dividing the rivers which flow into the St. Lawrence from those which empty themselves into the Atlantic; yet that, only six short days thereafter, he had marked this very treaty line upon a map for Count Vergennes, as a line not running north at all from the source of the St. Croix, but running west; and not separating the head-waters of the tributaries of the St. Lawrence from the rivers which fall into the Atlantic ocean, but dividing the tributaries of the St. John from the head-waters of the Kennebec and the Penobscot. To credit this, we must believe either that the Doctor had a very short memory, or that he did not understand the plainest provisions of the treaty to which he had just become a party. Neither the one supposition nor the other can be tolerated for a moment. Those who attach such importance to this map, surely could not have been aware of the fact, that, previous to the year 1763, when Canada was ceded by France to England, all the French maps that were published had the dividing line between the possessions of France and England marked in this very manner. By this line France claimed against England prior to the year 1763; and it would have been "passing strange" if this old map of 1746—bearing date thirty-six years before the existence of our provisional treaty with England—should not have been thus marked. The wonder would have been to have found any map of that date in the French Foreign Office marked in any other manner.

The logic by which Dr. Franklin would be made to stultify himself is, that he certainly did mark some map for Count Vergennes with the lines of the provisional treaty; but what has become of this map, no man living can tell. An old French map of 1746, however, has been found by Mr. Sparks, among sixty thousand other maps, marked as all French maps were previous to 1763. Therefore, this must be the very map which Dr. Franklin sent to Count Vergennes sixty years ago. *Quod erat demonstrandum.* Such an assumption is too absurd to be assailed by serious argument.

Lord Ashburton, in his first letter to Mr. Webster, of the 13th June, appears peculiarly solicitous to free his Government from the imputation of having urged a claim which they knew to be unfounded. In order to accomplish this purpose, he attempts to prove that the claim had been asserted previously to the treaty of Ghent. Now, sir, this I utterly deny. No question was ever made, until after that treaty, but that our line extended north of the St. John. On the contrary, this fact was clearly admitted in 1797, by agents of high character, acting under the express authority of the British Government. Ward Chipman, esq., the agent of that Government, under Jay's treaty, for determining the true source of the St. Croix, expressly admits the fact. In his argument, he says that *"this north line must of necessity cross the river St. John."* Nay, more: he insists that, "if a north line is to be traced from the source of the Cheputnatecook, (which was eventually established as the point of beginning,) it will not only cross the river St. John, within about fifty miles from Fredericton, the metropolis of New Brunswick, *but will cut off the sources of the rivers which fall into the Bay of Chaleurs, if not of many others—probably the Merramichi among them—which fall into the Gulf of St. Lawrence."* Robert Liston, esq., then his Britannic Majesty's minister to the United States, in his correspondence with Mr. Chipman—and this, but fourteen years after the date of the definitive treaty—clearly admits that this north line would cross the St. John. And yet Lord Ashburton, at this late day, is firmly convinced, not only that it would not cross the St. John, but that it would stop short at Mars Hill, and turn to the west some forty or fifty miles south of that river.

Previously to the treaty of Ghent, in 1814, the British Government had discovered the vast importance of obtaining a cession of that portion of our territory in the northern part of Maine, through which the direct communication lies between their provinces of Nova Scotia and New Brunswick and the city of Quebec. The British commissioners, at the first, did not insinuate that they had any right, under the treaty, to this northern angle of Maine; but merely proposed "such a variation of the line of frontier as might secure a direct communication between Quebec and Halifax:" and for this cession they were willing to yield an equivalent, "either in frontier or otherwise." It was not until after the American commissioners had declared "they had no authority to cede any part of the territory of the United States," that the British commissioners insinuated (rather than asserted) the first doubt in regard to our title. This faint pretension was ably and promptly repelled by the American commissioners: and the correspondence on this subject ended with a note from the British commissioners, in which they declare that "the British Government never required that all that portion of the State of Massachusetts (now Maine) intervening between the province of New Brunswick and Quebec should be ceded to Great Britain; *but only that small portion of unsettled country which interrupts the communication between Quebec and Halifax—there being much doubt whether it does not already belong to Great Britain."* Great Britain would *then*, sir, you perceive, have gladly accepted this small portion of the disputed territory by cession, and granted an equivalent therefor, either in frontier or otherwise. What has she now obtained under the present treaty? Not merely the small intervening territory necessary to connect her two provinces—which was all she desired in 1814—but all the territory of Maine north of the St. John and the St. Francis, containing 2,636,160 acres, or 4,119 square miles; and, in addition thereto, a strip of territory south of the St. Francis, 110 miles in length, along the highland frontier of that State, containing 571,520 acres, or 893 square miles. No man can even set up the pretence that this strip of territory is in any manner necessary to secure a direct communication between Quebec and Halifax. It has been wrested from us for a far different purpose. Instead of yielding us any equivalent for this cession, either in land or in

money, as Great Britain was anxious to do at Ghent, we ourselves have agreed to purchase it from Maine and Massachusetts, at a stipulated sum, in order that we may cede it, without money and without price, to satisfy the arrogant pretensions of this domineering nation. The King of the Netherlands, although much under the influence of England at the time he made his award, never thought of giving her more of our territory than she claimed to be necessary for a free and direct communication between her provinces. It was reserved for an American Secretary of State to surrender this territory—and that, too, the highland boundary which secured Maine against the assaults of Great Britain—of eight hundred and ninety-three square miles, in order to satisfy her rapacity. The Dutch King had never dreamed of imposing on us any such humiliating terms.

But I am in advance of my subject, and must return. Lord Ashburton, intent upon proving (as well he might be, for the honor of his country) that the British claim was not a mere unfounded pretence to extort territory from a neighboring nation, refers to the instructions of Mr. Madison to Mr. King, in 1802, and the message of Mr. Jefferson to Congress, in 1803, for the purpose of showing that the treaty highlands, at the northwest angle of Nova Scotia, could not be found upon the ground. Recent surveys have clearly established that these distinguished men were both mistaken in this particular. But no matter. Has Mr. Madison or Mr. Jefferson ever admitted, if an actual mountain ridge could not be found upon the ground, that our north line from the monument should stop short south of the St. John, and should not be extended as far north as the region where the sources of those rivers "that empty themselves into the St. Lawrence" interlock with the sources of those "which fall into the Atlantic ocean?" This will not be pretended. The fact is directly opposite; because Mr. Madison, in these very instructions to Mr. King to which his Lordship refers, declares distinctly, upon the presumption that a mountainous ridge could not be found upon the ground, that "*due regard ought to be had to the general idea that the line ought to terminate on the elevated ground dividing the rivers falling into the Atlantic from those emptying themselves into the St. Lawrence.*" If no actual highlands could have been found, it would nevertheless remain a geographical fact not to be contested, that there exists a range of country dividing the streams which flow on the one side into the St. Lawrence, from those which flow, on the other side, into the Atlantic ocean. It was here, then, that, under the treaty, the northwest angle of Nova Scotia was to be found, and not in a range of highlands far to the south of the St. John, and far to the south of the sources of the streams which fall into the St. Lawrence. Accordingly, we find that in the second article of the treaty concluded at London, on the 12th May, 1803, between Mr. King and Lord Hawkesbury, the commissioners appointed under its authority were directed "to cause the said boundary line between the source of the river St. Croix, as the same has been determined by the commissioners appointed for that purpose, and the northwest angle of Nova Scotia, to be run and marked, according to the provisions of the treaty aforesaid" [of 1783.] You will observe, sir, that this treaty was negotiated under the very instructions from Mr. Madison to Mr. King, on which Lord Ashburton relies to defend his Government against the imputation that their claim to the disputed territory was not a mere unfounded pretence. The negotiators of this treaty of 1803, from its very terms, could have entertained no doubt but that the line between the monument and the northwest angle of Nova Scotia could be run and marked, according to the definitive treaty of peace. It is true that the treaty of 1803 was never ratified; but no objection was ever made by either party to the article containing this stipulation.

The truth is, that the present British claim was all an afterthought. It owes its origin entirely to the discovery that it was necessary, by some pretence or other, to wrest from us the territory which, if in our possession, might interrupt the communication between Nova Scotia and Quebec. They then contended that no actual highlands could be found upon the ground, such as those described by the treaty. They placed particular emphasis on the word "highlands;" and insisted that, if a mountain range could not be found, the treaty was absolutely void, for uncertainty. But, when "highlands" are spoken of as dividing waters flowing in opposite directions, is not the meaning of the term perfectly palpable? From the very laws of nature, such highlands must exist and slope off in opposite directions. Whether they consist of table-land, or even swamp, or shoot up into mountain ridges, still, if there be a height of land from which streams flow down in opposite directions, this most clearly answers the description of the treaty. It is not the elevation of these highlands, but their capacity to divide waters, which stamps upon them their character.

After the British Government had thus summarily annihilated the "highlands" of the treaty, they had still to perform other wonders. Even if this part of the description were gone, enough would still remain clearly to identify the treaty line—as Mitchell's map, and all other maps, plainly show a range of country separating "those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic ocean." What task, then, had they next to perform? After sinking the highlands, they contended, with all imaginable gravity, that no rivers existed in that region which fell into the Atlantic. And why? The St. John (say they) is not a river falling into the Atlantic ocean, because it has its mouth in the Bay of Fundy; neither is the Ristigouche, because it has its mouth in the Bay of Chaleurs. And what is this Bay of Fundy itself, but a part of the Atlantic ocean? A bay is a mere opening of the main ocean into the land; and you might, with the same justice, contend that the Bay of Naples is not a portion of the Mediterranean, as that the Bay of Fundy is not a portion of the Atlantic ocean. What absolute trifling it is to contend that a river does not fall into the Atlantic, because, in reaching the main ocean, it may pass through a bay. The Delaware does not fall into the Atlantic, because it flows into it through the Bay of Delaware; and, for the same reason, the St. John does not fall into the Atlantic, because it flows into it through the Bay of Fundy! By the same process of reasoning, there is not a single river in the State of Maine which falls into the Atlantic ocean. They all have their mouths in different bays. Truly, the British claim does not rise to the dignity of a debatable question. It is not even a decent pretence.

But even after the British Government had thus annihilated the treaty highlands, and proved that the St. John, whose northern tributary streams rise in these highlands, did not fall into the Atlantic, there was another description still left of the treaty boundary, against which they have never been able to utter a word. It is a settled common-sense rule of construction, that if any portion of a description of boundary fail, yet if enough remains clearly to manifest the intention of the contracting parties, this is sufficient. Now, the British Government have never pretended that rivers do not exist which empty themselves into the St. Lawrence exactly in accordance with the description of the treaty. On Mitchell's map, you perceive the river St. Lawrence running from the southwest to the northeast; whilst numerous tributaries rising to the south of it, and passing north through its valley, empty themselves into the main stream. This portion of the description remains, and would be just as conclusive in favor of our right as though the treaty had referred to nothing else. The bad does not and cannot vitiate the good.

I have said much more on this branch of the subject than I had intended, not for the purpose of establishing our right, but to show that the miserable pretexts to which the British Government have been compelled to resort in order to obtain our territory, are unworthy of a great nation, and that Lord Ashburton can never free them from the imputation of demanding that to which they must have known they had no right.

Let me now present a sketch of the history of this negotiation between Mr. Webster and Lord Ashburton, in relation to the Maine boundary, in a plain and distinct form, before the Senate. The first fact which strikes the mind with astonishment is, that Mr. Webster should have agreed, in their preliminary conferences, to waive all discussion "on the general grounds on which each party considers their claims respectively to rest," as not calculated to lead to any practical result. This appears conclusively from the very first paragraph of the first letter addressed by Lord Ashburton to Mr. Webster, on the 13th June, 1842, and his answer of the 8th July.

I may be asked what course Mr. Webster, in my opinion, ought to have pursued. I answer, he ought to have invariably insisted on our right to the disputed territory; but, at the same time, to have expressed his willingness, for the sake of good neighborhood, and in consideration of a fair equivalent in territory, to have yielded this right so far as to grant to Great Britain what her commissioners had so earnestly desired at Ghent—"such a variation of the line of frontier as might secure a direct communication between Quebec and Halifax." Nature herself seems to have pointed out these mutual equivalents. Whoever will cast his eye over the map of Maine and New Brunswick, must be forcibly struck with this truth. If the right of way over our territory between Halifax and Quebec had been alone solicited, it ought to have been conceded to Great Britain in exchange for the right to navigate the St. John. But, as the British Government earnestly desired to possess the right of sovereignty in the soil over which this way passed, the northern triangle of Maine ought to have been surrendered for the much smaller triangle belonging to the province of New Brunswick, west of the St. John. This would have established a river boundary between the two countries, from the point where the due-north line from the monument strikes Eel river, all the distance round by Eel river, the St. John, and the St. Francis, to the western highland boundary of the treaty. But what is our present condition, under this treaty? We have ceded to Great Britain all the territory she desired; and yet we have not obtained this narrow strip of territory west of the St. John She still retains it: and there an organized system of smuggling can be established; and from thence, in case of war, her troops can be poured into the very heart of the State of Maine. To preserve peace and good neighborhood between independent nations, a river or a mountain boundary has always been deemed of essential importance. And yet, strange as it may seem, we have never insisted upon this river boundary, on the east of Maine, which Nature herself seems to have established; whilst we have actually surrendered into the keeping of Great Britain the whole of our western mountain boundary.

Lord Ashburton having obtained from Mr. Webster the important concession that the right of the United States to the disputed territory should no longer be a subject of discussion, the next concession which this shrewd practical diplomatist desired to obtain seemed to follow as an almost necessary consequence. For years the British Government have contended that the whole territory of Maine north of these pretended highlands, which take a westerly direction from Mars Hill, was in dispute; and that it was impossible to ascertain the rights of the respective parties, according to the treaty. Assuming these facts, they had, over and over again, proposed to divide the disputed territory between the two countries, without granting any equivalent to us beyond its limits. When the American negotiator, therefore, in the very beginning, admitted that it would be vain for us to insist upon our rights under the treaty, it seemed to follow, as a necessary consequence, that the disputed territory must be divided between the parties, according to the suggestion of the British Government. But this was far from the opinion of the Legislature of Maine. Indeed, it does not even seem to have originally been the intention of Lord Ashburton himself to make any such extravagant demand. The Secretary of State, in his letter to Gov. Fairfield, dated 11th April, 1842, informs him that his Lordship had "*officially announced to this department, that, in regard to the boundary question, he has authority to treat for a conventional line, or line by agreement, on such terms and conditions, and with such mutual considerations and equivalents as may be thought just and equitable.*" I would ask every Senator of this body, if, when he first read this letter of Mr. Webster, it entered into his imagination to conceive that Lord Ashburton, by these expressions, meant no more than a division of the disputed territory between the parties. Had he thus expressed himself, in distinct terms—my life upon it, Maine never would have appointed commissioners. But Maine did not leave this question in doubt. Her Legislature, on the 20th May, 1842, at the time when her commissioners were chosen, resolved, "That this State cannot regard the relinquishment, by the British Government, of any claim heretofore advanced by it to the territory included within the limits of the line of this State, as designated by the treaty of

783, and uniformly claimed by Maine, as a consideration or equivalent within the meaning of these resolutions."

It is a most curious point of diplomatic history, how, in the very face of this resolution of instructions, the Maine commissioners were led on, step by step, to give their assent to the present treaty. It will be well worth while to spend a few moments in tracing this strange history.

The commissioners of Maine had their first audience with Mr. Webster on Monday, 13th of June. On the 17th June, Mr. Webster informed Lord Ashburton that he was prepared to commence the negotiation. On the 18th June, they held their first conference; but what transpired at this conference is buried in oblivion. No record of it will ever meet the public eye. If Mr. Webster had evinced half as much skill in managing Lord Ashburton as he displayed in managing the commissioners of Maine, that State would have acquired the strip of territory on the right bank of the St. John, which she so much desired to possess.

The result of this conference was the letter of Lord Ashburton to Mr. Webster of the 21st of June. This letter, although conciliatory in its terms, is one of bold and barefaced pretension. It asserts the principle (which both the State of Maine and the General Government had so long resisted) that there must be a division of the disputed territory between the two countries, without any other equivalent to us; and it not only demands for Great Britain all the disputed territory north of the St. John and the St. Francis, but also the whole of the Madawaska settlement south of the St. John. Nay, more: his Lordship asserts a claim, of which we never had before heard, to the whole territory south of the St. Francis and west of the St. John, down to some one of its sources" in the highlands—thus intending to deprive Maine not only of her western highland boundary, but of the whole valley between that boundary and the river St. John. He seems to have well understood the policy of asking much more than he would be willing to accept. In making this demand, his Lordship resorts to the common diplomatic finesse, that he could not, in any case, abandon the obvious interests of the Madawaska settlement south of the St. John; and, to give this and other declarations the greater effect, he solemnly declares: "I have not treated the subject in the ordinary form of a bargain, where the party making the proposal leaves himself something to give up. *The case would not admit of this, even if I could bring myself so to act.*" And yet the case did admit of this; and his Lordship did bring himself very quietly so to act, within a few days, and as soon as he discovered that the Maine commissioners had resisted this claim to the Madawaska settlement with becoming spirit; his pretended instructions to the contrary notwithstanding.

Mr. Webster refers this letter of Lord Ashburton to the commissioners of Maine, and reserves to himself the part of mediator between them and Lord Ashburton. In their note to him of the 29th June, they declare (page 56) that they can never surrender the Madawaska settlement south of the St. John; "and that, if the adoption of such a line as a *sine qua non* on the part of the British Government, the commissioners on the part of the State of Maine feel it their duty as distinctly to say, that any attempt at an amicable adjustment of the controversy respecting the Northeastern boundary on that basis, with the consent of Maine, would be entirely fruitless."

The Maine commissioners then proceed to offer to Mr. Webster a counter projet, and to propose a conventional line. And here permit me to observe, that it is a most astonishing fact, that these commissioners never even asked for a cession of the narrow triangular strip of land west of the St. John. I venture to say that no American statesman, who has ever examined the subject of a conventional line, has entertained any other idea than that this strip of land ought to be the equivalent for the tract of country north of the St. John and St. Francis. If a bare right of way was to be surrendered to England over the disputed territory, the navigation of the St. John would be the natural equivalent; but if, in addition to this, the British Government asked a cession of the sovereignty and soil of the territory north of the St. John, then the equally fair equivalent was a surrender by them to Maine of the strip of land north of Eel river, on the right bank of the St. John—thus establishing a river boundary between Maine and New Brunswick. This impression has been deeply fixed upon my mind for years. I have talked of it a hundred times, and every person with whom I have conversed has been under the same impression. This was the "general and confident expectation of the people of Maine," as we are informed by her commissioners. With a view to this, the Legislature of that State had solemnly resolved that no relinquishment of territory on the part of the British Government, within what it chose to denominate the disputed territory, should ever be considered by Maine as an equivalent for the surrender of any portion of that territory to Great Britain.

This resolution, it is well known, pointed clearly and distinctly to the acquisition of the strip west of the St. John. And yet the Maine commissioners, in their counter-*projet*, not only did not demand this territory, but they expressly surrendered all claim to it. And why? Because, to use their own language, "they have been assured that Lord Ashburton is restrained, by his instructions, from yielding the island of Grand Menan, or any of the islands in Passamaquoddy bay, *or even any portion of the narrow strip of territory which lies between the due north line from the source of the St. Croix and the St. John river, above Eel river, (so called,) as an equivalent for any portion of the territory claimed by Maine as within her boundaries.*" By whom had they been thus assured? Unquestionably by Mr. Webster. By whom had they been prevailed upon to surrender the claim of their State to this strip of territory? Certainly by Mr. Webster, upon the assurance that Lord Ashburton was restrained, by his instructions, from yielding it. This was the fatal point of the negotiation for the State of Maine. It was here that the rights of that State, and of the United States, were abandoned. This territory ought to have been resolutely demanded as an equivalent for the darling object which Great Britain had for so many years eagerly pursued—that of acquiring the territory over which lay the communication between New Brunswick and Quebec. If Lord Ashburton's instructions prohibited him from surrendering this strip of territory, new instructions could and would have been obtained, had they been found necessary. If this had not been the case, I would have referred the question to another arbitrator, (an alternative to which Lord Ashburton often alludes,) or have hazarded any other consequences, rather than have tamely yielded the principle against which we had so long contended—that our right to the disputed territory was doubtful; and, therefore, because it was so, that a division of it ought to be made between the two nations. But his Lordship (according to his own declaration) never could have surrendered the Madawaska territory south of the St. John; and yet he did agree to surrender it, before it was possible for him to have obtained new instructions from England. Had the Maine commissioners insisted upon this tract of country with the same manly firmness as they had done upon retaining the Madawaska settlement south of the St. John, in all human probability it would have been attended with a similar result. His Lordship's alleged instructions would have yielded to circumstances, as they had done before; and this negotiation might have closed with honor to the country. The moment that the Maine commissioners were prevailed upon to yield this point without a struggle, all was lost. Every principle for which we had so long contended was at once abandoned; and nothing more remained than to decide how much of the territory of Maine should be conceded to the demands of Great Britain. The Maine commissioners seem themselves to have been deeply sensible of this degrading truth. They declare that, as they can obtain no equivalent beyond the disputed territory, "*they feel themselves constrained to say that the portion of territory within the limits of Maine, as claimed by her, which they are prepared, in a spirit of peace and good neighborhood, to yield for the accommodation of Great Britain, must be restrained and confined to such portion only, and in such reasonable extent, as is necessary to secure to Great Britain 'an unobstructed communication and connexion of her colonies with each other.'*"

They then proposed to yield to Great Britain all that had been awarded to her by the King of the Netherlands, (whose award the Senate had so promptly rejected, but which had been so eagerly accepted by the British King,) with the exception of a small portion of the territory north of the St. Francis. This proposition gave to England all the territory that was necessary to secure the communication between her provinces; but whilst doing this, it would, to a partial extent, have saved our Government from the disgrace of having, for so many years, warred against the award of the King of the Netherlands, and afterwards accepted worse terms than it proposed.

Mr. Webster, on the 7th of July, transmits this letter of the commissioners of Maine to Lord Ashburton, accompanied by a long diplomatic note. In this note he expressly recognises that his Lordship is not at liberty "to cede the whole or a part of the territory, commonly called the strip, lying east of the north line, and west of the St. John." How had Mr. Webster acquired a knowledge of this most important fact? It must have been in their verbal conferences; for Lord Ashburton had not previously committed himself by any such declaration in any portion of his correspondence. In it he has nowhere stated that his instructions forbade him to make such a surrender.

It is also worthy of remark, that whilst Mr. Webster, with the strange inconsistency between his arguments and his actions which characterizes this negotiation, is communicating to Lord Ashburton a proposition to surrender to him all that portion of the disputed territory for which England had originally contended, and although he had thus rendered it impossible that any discussion of our title could benefit his country, yet he does, notwithstanding, demonstrate the right of the State of Maine to all this territory, with irresistible clearness and power. He is equally triumphant on this question, as on the Creole and Caroline questions or in resisting the doctrine of impressment; but, unfortunately, his arguments have fallen to the ground, without producing any beneficial result.

Lord Ashburton, with that skill and address which have characterized him throughout the whole negotiation, now eagerly seized the advantage which he had obtained over Mr. Webster and the Maine commissioners. They had fatally, in advance, bound themselves to grant all that England originally sought or desired. To this extent they stood committed; and his object now was to obtain, in addition, a cession of the western highland boundary of Maine, for the purpose of covering Quebec, and of assailing us with tremendous advantage in the event of war between the two countries. He now departs from the moderate and conciliatory tone which he had assumed everywhere else throughout the negotiation. In his letter to Mr. Webster of the 11th July, he scouts the proposition of the commissioners of Maine; indeed, he treats it almost as if it were an insult. He feels himself "quite at a loss" to account for such a proposal, and he appeals to the candid judgment of Mr. Webster to say "whether this is a proposition for conciliation." He says that he need not examine the line proposed by the Maine commissioners in its precise details, because he is obliged to state frankly that it is inadmissible.

But with all this affected indignation and astonishment, he is very careful not to break off the negotiation. He was too wise and too wary thus to endanger the advantage he had obtained. He therefore suggests to Mr. Webster that the negotiation "would have a better chance of success by conference than by correspondence." He trusts more in the diplomacy of the secret conclave, where there was no ear to hear and no pen to record their conferences, than in the bold, open, manly mode in which a negotiation ought to be conducted between the responsible ministers of responsible Governments.

In this letter of the 11th July, his Lordship insists upon our surrender of the district between the St. John and the highlands west of that river, and, without disguise, declares that he wants it "*for no other purpose than as a boundary.*" This, permit me to say, is the very reason why it should never have been yielded. These highlands were our natural boundary, as well as our treaty boundary; and we ought never to have surrendered them into the hands of the only formidable enemy we can ever have on this continent.

The prediction of his Lordship, that there would be a better chance of success by conference than by correspondence, was very soon verified. In four short days, these personal conferences produced a wonderful effect. On the 15th July, 1842, Mr. Webster proposes to the commissioners of Maine and Massachusetts the lines of the present treaty; urges them in the strongest terms to surrender the western highland boundary of Maine to England; proposes to pay them out of the treasury

of the United States the sum of $250,000, as an equivalent for the surrender of this territory of 893 square miles; promises to refund the expenses which they had incurred for the civil posse they had maintained, and the survey they had made; and concludes with the expression of his "conviction that no more advantageous arrangement could be made."

Let us here pause for a moment upon the astonishing fact, that this proposition made to the Maine commissioners proceeded not from Lord Ashburton, but from Mr. Webster; not from the British envoy extraordinary and minister plenipotentiary, but from our own Secretary of State. It was a proposition previously concocted between the negotiators, and its acceptance urged upon the Maine commissioners as the British ultimatum, by the very man to whom the President had intrusted the rights and the honor of his country.

We now first hear from the Massachusetts commissioners; and their letter is truly characteristic. That State had no direct interest in the question of territorial sovereignty over the disputed territory; but merely in the right of soil. They accordingly treat it as a question not of national honor, but of dollars and cents. They say to Mr. Webster, in their letter of the 20th July: "Whether the national boundary suggested by you be suitable or unsuitable; whether the compensations that Great Britain offers to the United States for the territory conceded to her be adequate or inadequate; *and whether the treaty which shall be effected shall be honorable to the country, or incompatible with its rights and dignity, are questions not for Massachusetts, but for the General Government, upon its responsibility to the whole country, to decide.*" They thus waive the question of national honor; but not so the question of dollars and cents. They higgle about the price to be paid for their land. They demand $25,000 more than Mr. Webster had offered. This seems to have been *their sine qua non;* and if the sum to be given them "shall be increased to the sum of $150,000, [instead of $125,000.] the State of Massachusetts, through her commissioners, hereby relinquishes to the United States her interest in the lands which will be excluded from the dominion of the United States by the establishment of the boundary aforesaid." It is needless to say that Mr. Webster would not stand long for $25,000, in such a bargain, especially when the money was to be paid out of the treasury of the United States.

The Maine commissioners seemed then to be abandoned by the whole world, and their position became truly embarrassing. This proposition was urged upon them, not by Lord Ashburton, but by their own Secretary of State, with the approbation of their own National Administration. That man of gigantic intellect, whose great powers ought to have been taxed to the utmost to save Maine from dismemberment, was the very man who urged them to consent to the dismemberment. They were deserted, at the most critical moment, by the commissioners of Massachusetts, who had assented to the proposition of Mr. Webster. They were induced to believe that the question of peace or war was suspended on their decision. It was proclaimed in the streets of Washington that the obstinacy of the Maine commissioners alone prevented the settlement of all our questions in dispute with England. I was myself induced to give credit to this rumor; and when I was confidentially informed, by a Senator now on this floor, of the true nature of the case, my astonishment and mortification knew no bounds.

Under these circumstances, a most reluctant conditional assent to the proposition of Mr. Webster was extorted from the Maine commissioners. It is due to them that I should read to the Senate the terms in which it is given. Their letter to Mr. Webster bears date 22d July, 1842, and concludes with the following paragraphs:

"We are now given to understand that the Executive of the United States, representing the sovereignty of the Union, assents to the proposal; and that this department of the Government at least is anxious for its acceptance, as, in its view, most expedient for the general good.

"The commissioners of Massachusetts have already given their assent on behalf of that Commonwealth. Thus situated, the commissioners of Maine, invoking the spirit of attachment and patriotic devotion of their State to the Union, and being willing to yield to the deliberate convictions of her sister States as to the path of duty, and to interpose no obstacles to an adjustment which the general judgment of the nation shall pronounce as honorable and expedient, even if that judgment shall lead to a surrender of a portion of the birthright of the people of their State, and prized by them because it is their birthright, have determined to overcome their objections to the proposal, so far as to say, *that if, upon mature consideration, the Senate of the United States shall advise and consent to the ratification of a treaty, corresponding in its terms to your proposal, and with the conditions in our memorandum accompanying this note,* (marked A,) *and identified by our signatures, they, by virtue of the power vested in them by the resolves of the Legislature of Maine, give the assent of that State to such conventional line, with the terms, conditions, and equivalents herein mentioned.*"

This conditional assent casts the responsibility of the treaty upon the Senate of the United States. It is for us to pronounce, in the language of the Maine commissioners, whether this treaty is honorable and expedient, and such a one as the general judgment of the nation will approve. We must encounter this responsibility, whether we will or not.

It would be a waste of time to pursue the subject further, in detail. Mr. Webster, on the 27th July, in form, made the proposition to Lord Ashburton, which had, in substance, been previously agreed upon between them, in personal conference, before it was presented to the Maine commissioners; and which he, therefore, knew would be accepted: and the treaty was concluded accordingly.

Thus have we yielded to a foreign power that ancient highland boundary for which our fathers fought. Thus has it been blotted out from the treaty which acknowledged our independence. Thus has England reclaimed an important portion of that territory, which had been wrested from her by the bravery and the blood of our revolutionary fathers. We have restored to her not only all the land north of the St. John and the St. Francis, but also our mountain boundary south of these rivers, down to the Metjarmette portage. Along the base of these mountains she can, and she will, establish fortifications and military posts, from which she may at once penetrate into the very heart of Maine. It is a vain labor for the Secretary to prove that the territory ceded is unfit for cultivation. England did not demand it for its agricultural value. Why did Lord Ashburton insist upon its surrender with so much pertinacity and zeal? Because it not only covered Quebec and Lower Canada from our assaults, but exposed our territory to the assaults of England, without any interposing natural barrier. On the east, on the north, and on the west, Maine is now left naked and exposed to the attacks of our domineering and insatiable neighbor; and we have bestowed upon her all this territory, without having asked her to grant us even the small strip north of Eel river, on the right bank of the St. John, which would have given us, to that extent, a river boundary. These highlands, throughout their whole range, from the northwest head of the Connecticut river to the northwest angle of Nova Scotia, which divide the rivers flowing into the St. Lawrence from those which empty themselves into the Atlantic ocean, will exclusively belong to England, should this treaty be ratified by the Senate. The Alpine boundary (which Adams and Franklin and Jay had secured to their country by the treaty of Independence) has been extorted from us by our most formidable enemy. We have acted as the Roman Republic would have done, had she surrendered the Alps to the hostile nations of Gaul and Germany, and thus opened the way for the invasion of Italy. And this suicidal policy has been adopted, upon the principle, or the pretext, that our Alpine barrier and boundary were not fit for cultivation! This is the argument of Mr. Webster.

The ancient Romans worshipped a god called Terminus. He was the guardian of the boundaries of the Republic; and such was his power, that he would not yield even to Jupiter himself. Upon this principle, it was a sacred maxim both of their religion and their policy, that their boundaries should never recede. The Republic was more than once driven to the last extremities. Her capital was sacked, and ruin seemed more than once to be her inevitable destiny; but, in the midst of desolation and defeat, no Roman Senator ever dared to propose the smallest cession of her sacred soil. The boundaries of the Roman Republic never receded; and we ought to have imitated her policy in this respect, however much we may condemn her love of conquest—unless, indeed, we had obtained an equivalent cession of territory. The demand to surrender the highlands which protected our frontier south of the St. Francis, ought to have been met by an instant and absolute refusal, no matter what might have been the consequence. Instead of buying them from Maine and Massachusetts, in order that we might surrender them to England, we ought at once to have announced that we never could permit such a surrender to become the subject of negotiation.

It has been said (and probably with truth) that, in case we should ever determine to invade Canada, we would not march over these highlands. But this is not the question. Let us reverse the case, and suppose that England should determine to invade us from Canada: would she not gradually collect and concentrate her forces on the territory which we have yielded to her east of these highlands, and from thence pour her forces into Maine without obstruction? And it must have been chiefly to obtain this very advantage, that Lord Ashburton was so anxious to acquire this territory, which, forsooth, we are told is not fit for cultivation. The only crop which she desires to raise upon it, like that of Cadmus, is a crop of armed men.

And yet, to excuse this surrender, we are presented with the pretence of having obtained equivalents in lands better fitted for cultivation. What are these pretended equivalents? In describing them, I cannot do better than to adopt the language of the commissioners of Maine. "In New Hampshire (say they) Lord Ashburton consents to take the true northwest source of Connecticut river, instead of the northeast source." That is, in other words, he consents to abide by the clear language of the treaty of Independence, instead of persisting in the demand of England to substitute the northeast for "the northwesternmost head of Connecticut river." "In Vermont, he will abide by the old line which was run, marked, and solemnly established nearly seventy years ago. In New York he will abide by the same old line, the effect of rectifying it being merely to give to New York a small angular strip on the west, and Great Britain a small angular strip on the east." "These small tracts and parings" (to use the language of the commissioners) are to be the equivalents for surrendering our mountain boundary into the keeping of Great Britain, without any estimate of the value of the strip which we have surrendered to her of our undisputed territory, along the line running due north from the monument. He has thus most graciously consented not to take advantage of the very trifling mistake committed by the British Government itself, more than 70 years ago, in running and marking the 45th parallel of latitude, and under which we have held possession ever since we were an independent nation.

I shall not speak of the equivalents which the Secretary claims to have obtained in the Northwest. The Senator from Missouri [Mr. BENTON] has already placed this part of the subject in so clear a light, that it would be a waste of time again to present it to the Senate. He has demonstrated that, instead of acquiring any territory in that quarter to which we were not clearly entitled under the treaty of 1783, we have actually sacrificed important territorial rights which we held under that treaty.

The only concession on the part of Great Britain, which has even the appearance of an equivalent for the 5,012 square miles of territory which we have ceded to her north of the St. John and the St. Francis, and the 893 square miles south of the St. Francis, is the navigation of the St. John. I say the *appearance;* for there is no reality in it. Had we yielded to Great Britain no more of the territory of Maine than that which was awarded to her by the King of the Netherlands, there would have been some plausibility in calling this a partial equivalent. But what is now the state of the case? We have surrendered to her a territory embracing the head-waters of several of the branches and tributary streams of the St. John. The moment we made this concession, the surrender of the free navigation of that river became a matter of necessity, not of choice, for England. In order to purchase a right for the inhabitants of this ceded territory on the upper St. John, and the military posts which may be established there, to navigate that portion of the river which flows through our territory, England had no alternative but to grant to us a similar right of navigation along that portion of the river below, within her exclusive jurisdiction. Hence we find in the article of the treaty relating to this subject, a stipulation on our part that "the inhabitants of the territory of the upper St. John, determined by this treaty to belong to her Britannic Majesty, shall have free access to and through the river for their produce, in those parts where said river runs wholly through the State of Maine." Thus it appears, on the very face of the treaty, that the right of each party to navigate the river within the territories of the other, is a mutual and reciprocal right. They are the equivalents of each other, and nothing more, and can be an equivalent for

thing else. Without access to New Brunswick d the city of St. John through the river, the lue of our cession to her on the upper St. John ould have been greatly diminished; and she could t in conscience ask a right of navigation through ir territory, which she was unwilling to grant rough her own.

But again. Even if we had ceded no territory to gland on the upper St. John, how could the right navigate this river be considered as anything ore than an equivalent for a right of way over ir territory between New Brunswick and Canada? at we have not merely granted to her this right of ay; but all the territory on both sides of it, extend- g from the St. John and St. Francis, north to the eaty highland boundary.

But once more. This grant of the free naviga- n of the St. John is equally advantageous (to y the least) to New Brunswick as to Maine. he timber of that province on the St. John and its ibutary streams has been nearly exhausted; and e timber of Maine is now necessary, to enable e people of New Brunswick and the city of St. hn to carry on their profitable lumber trade with e mother country and her colonies. The privi- ge of transporting it down that river would have en cheerfully granted without any treaty, because gland never neglects her interest; and yet this ivilege is converted into an equivalent for yield- g to Great Britain between four and five millions acres of our territory.

Away with such pretences. They are nothing ore than mere flimsy apologies for the disgrace an unqualified surrender of our territory to ritish dictation. They are the miserable pretexts der color of which it is expected that this dis- aceful treaty shall escape from public indigna- on.

There is one fact strictly in character with this hole transaction, which deserves special notice. is this: that, under the terms of the treaty, we ve solemnly bound ourselves to Great Britain at we shall pay to our own States of Maine and assachusetts the expenses of their civil posse d their survey, and also the three hundred thou- nd dollars in consideration of their assent to the w line of boundary. On the face of the treaty, en, these two States have been restored to the otection of England, so far as the payment of this oney is concerned. England, under the treaty, ould be bound to demand and enforce its pay- ent against the United States; and thus we have aced in the hands of a foreign nation the power interfere in behalf of two States of this Union ainst their own Federal Government. Lord shburton himself thus construed the treaty; be- use, on the 9th August, he addressed a note to lr. Webster, asking him to state that the British overnment should incur no responsibility on ac- unt of this engagement; and to this Mr. Web- er assented.

Now, sir, I know full well that neither Maine r Massachusetts would ever have invoked, under y circumstances, the interposition of the British overnment to compel that of the United States pay this money; but yet, on the face of the treaty, eir right to pursue such a course is apparent. his treaty will be bound up in collections of eaties, without the accompanying correspondence; d the disgraceful fact will appear, without any planation, that we have bound ourselves to Eng- nd that we shall observe good faith towards two the members of our own confederacy. In order at we may appear fair upon the record, I shall, the proper time, move to strike out this stipula- n, which ought never to have been inserted in e treaty; and leave these States in form, as well in fact, to their remedy against the General overnment. I cannot anticipate any opposition such a motion.

Before I leave this branch of the subject, permit e to remark that I disclaim any imputation of im- roper motives to the commissioners of Maine in gard to their conduct. On the contrary, I enter- in the highest respect for one and all of them. hey have been led on, step by step, to the con- mmation at which they arrived; when I firmly elieve that, if the proposition to which they finally ave their reluctant conditional assent had been resented to them at the first, in all its naked eformity, they would have repelled it as an insult o the patriotic and gallant State of which they ere the honored representatives.

I have now reached the Northwestern boundary uestion; which is, by far, the most dangerous and important question between the two nations. When Lord Ashburton arrived in this country, as the harbinger of peace, declaring himself to have been charged with full powers to negotiate and settle all matters in discussion between the United States and England, we had every reason to believe that the boundary question, in its whole extent, both in the northeast and the northwest, would have been finally adjusted by the negotiators. In consequence of this confident expectation, my friend from Missouri [Mr. LINN] ceased to urge his bill to establish a Territorial Government in Oregon upon the attention of the Senate, lest it might injuriously interfere with the pending negotiations. But what has been the catastrophe? Our Northwestern boundary not only forms no part of the treaty, but is not even mentioned or alluded to in the correspondence. We have a correspondence on the case of the Creole, on the case of the Caroline, and on the doctrine of impressment; but Mr. Webster has never addressed a line to Lord Ashburton against the encroachments of Great Britain on that vast region of our territory west of the Rocky Mountains. The only allusion which has been made to the subject, is in the President's message transmitting the treaty to the Senate. He merely states that, "after sundry informal communications with the British minister upon the subject of the claims of the two countries to territory west of the Rocky Mountains, so little probability was found to exist of coming to any agreement upon that subject at present, that it was not thought expedient to make it one of the subjects of formal negotiation, to be entered upon between this Government and the British minister, as part of his duties under his special mission."

"It was not thought expedient to make it one of the subjects of formal negotiation!" We shall not, then, even enjoy the miserable privilege of the vanquished;—by all our sacrifices, we have not even purchased our peace. In all human probability, this question will never now be settled without a war, or without a surrender to Great Britain of the whole Oregon Territory north of the Columbia river; and it is even doubtful whether her lust of dominion will be satisfied with such a concession. Nay, more; we have not even purchased a momentary tranquillity; because the danger is impending, and before the close of the next session of Congress we shall probably determine to take possession of this territory. In that event, it will be almost impossible to prevent collision between the two powers in this remote region.

If "so little probability was found to exist of coming to any agreement on that subject at present," what ground is there for hope in the future? If Great Britain, when under the pressure of two expensive and disastrous wars in Asia, with a revenue inadequate to her expenditures, and a population on the very verge of rebellion—and this, too, at the moment she was eagerly intent on territorial acquisition from us in Maine—asserted claims so unreasonable to our territory on the Columbia as to remove all probability that they could be adjusted,—what can we expect hereafter, having surrendered the vantage ground? The prospect ahead is indeed gloomy. It matters not that our title is clear, for it is not clearer than it was to the disputed territory in Maine. It matters not that both by discovery and by cession we are entitled to all the region watered by the Columbia and its tributaries. Great Britain has fixed her heart upon it, and will now never peaceably abandon it, unless under the pressure of future misfortunes. She has already taken permanent possession of the country north of the river, through the agency of the Hudson Bay Fur Company. She has established forts, built ships, cultivated the soil, introduced domestic animals, erected mills, and done everything to indicate that she means never to abandon it. She has long been in the exclusive enjoyment of the valuable fur-trade of these regions, and has by this means acquired an influence over the Indians, which would enable her at any moment again to let them loose upon our defenceless frontiers. Besides, the mouth of the Columbia is one of those commanding commercial positions, which it has ever been her policy to acquire—peaceably if she could, but forcibly if she must. And yet we are told by the President that it was not thought expedient to make this one of the subjects of the late negotiation!

With what irresistible power might Mr. Webster have urged upon Lord Ashburton the settlement of our Northwestern boundary! He might have said to him, "You came here as the messenger of peace, to settle all the questions in dispute between us. I have consented, on your urgent solicitation, that none of these questions shall be adjusted, except that of the boundary between the two nations. But shall we not settle the whole boundary? Is it reasonable or just that we should surrender to you all you desire on the northeast, whilst you refuse even to enter into any negotiation for the settlement of the boundary on the northwest? You say that permanent peace and friendship between the two nations is your heart's desire; why, then, leave a question unsettled, which contains within itself the germs which may produce war at no distant period? This is a question of much greater importance to the two nations, and consequently of a much more dangerous character, than that in relation to the Northeastern boundary. If, therefore, you will have the Northeastern boundary established according to your wishes, we must also insist that the Northwestern boundary shall be defined. This is the only security which either nation can possess for permanent peace and good neighborhood. The settlement of the one question shall be the condition of the settlement of the other." Instead of this, we have given to England all she demanded on the northeast, where we are the stronger power; and left the boundary unsettled on the northwest, where we are the weaker. We have failed to take advantage of the most propitious moment which has ever occurred for adjusting this dangerous question on fair and honorable terms; and I fear we are destined to reap the bitter fruits of our own folly.

Besides, by dividing that portion of the territory of Maine with England, simply because England persisted in declaring that it was disputed territory, (although every Senator will admit there was no serious cause for dispute,) we have established a precedent under which she will be emboldened to make equally unreasonable demands upon us in the northwest. With nations, as with individuals, *obsta principiis* is a wise maxim. Resist the first encroachments with manly firmness, and future attempts will not be made. Above all other nations, this is true in regard to England, who, in her foreign policy, has never failed to make one concession the ground of demanding another. You can never propitiate her by yielding. A determined spirit and a bold front are necessary to obtain from her both respect and justice.

But what will be the effect of concluding a treaty with England, in which no mention has been made of our righteous claim to the territory west of the Rocky Mountains, of which she now enjoys the possession, especially when there has been no assertion of our right in the course of the correspondence? I shall purposely waive the discussion of this branch of the subject, with the single remark—that this circumstance must operate to our prejudice in any future negotiation. In any view of the subject, it was the duty of Mr. Webster to have insisted upon the settlement of this question, and to have demonstrated our right, not only to the territory washed by the waters of the Columbia, but to the parallel of 54° 40′ north latitude, in that clear and forcible manner for which he is distinguished when advocating the cause of truth and justice. Had this course been pursued, we should at least have been presented with the present views of the British Government in regard to the nature and extent of their claim. If nothing more could have been obtained, we might have had a correspondence on the subject, which would have shown to the people of this country what would be the probable conduct of England hereafter. Being thus forewarned, we might have been forearmed. But we are now left entirely in the dark as to the nature of her pretensions. We have received no intimation of the character of "the sundry informal communications with the British minister on the subject," to which the President alludes; and, like all the other personal conferences between the negotiators, they are buried in oblivion, without any written memorial to mark their character.

I have thus concluded all I had intended to say upon this treaty. I cannot vote for its ratification without doing violence to my own conscience and my most cherished principles. Nor am I to be driven from my propriety by the dread of war. I do not apprehend that war would be the consequence of our refusal to ratify this treaty. Lord Ashburton himself has everywhere alluded to another arbitration as the alternative of a failure of success in the negotiations. If another arbiter

should even make an award as unfavorable to this country as the terms of the present treaty—an event which I should not anticipate—still we could submit to his award without forfeiting our own self-respect. There would have been no national degradation in submitting to the award of the King of the Netherlands; but very different is the case when we ourselves surrender to England even more than he had bestowed upon her, after having, for so many years, resisted this award.

But suppose war should be the inevitable result? There is one calamity still worse than even war itself; and that is, national dishonor. The voluntary restoration to Great Britain of any portion of the sacred soil "of the old thirteen," which they had wrested from her dominion by the war of independence, without any corresponding equivalent in territory, is an event without a parallel in our past history; and I trust in Heaven that our future annals may never be disgraced by a similar occurrence. We might have yielded this with honor, in obedience to the award of a sovereign arbiter, chosen under the provisions of the treaty of Ghent; but we can never yield it, without national disgrace, to the imperious demand of that haughty power. In expressing myself thus independently, I am far, very far, from intending to impeach the motives of Senators who are friendly to the treaty. I know and appreciate the purity and patriotism of their intentions, and sincerely regret that my own sense of duty compels me to differ so widely from them.

SPEECH OF MR. REYNOLDS,

OF ILLINOIS.

In the House of Representatives, January 30, 1843—On the occupation and settlement of the Oregon Territory.

MR. CHAIRMAN: The subject immediately before the committee is my proposition to appropriate money for a military survey of the route from the Council Bluffs, on the Missouri river, to the mouth of the Columbia river. In the discussion of this subject, the right of the Government to the Oregon Territory, and the propriety of occupying and settling it, must be considered. It would be ridiculous to make a survey to a country that did not appertain to the United States.

I am clearly satisfied that no part or section of the Union can be claimed and held with a more complete and perfect title than the Oregon Territory. The right and title of the United States to this Territory can be maintained and established on such a permanent basis, that I never read or heard the least doubt expressed by any American to the contrary. All the public functionaries of the country, from the days of Jefferson to the present time, and all the statesmen, no matter to what particular political party they may belong, have all, without one dissenting voice, agreed on this proposition—that the Oregon Territory, of right, is a part and parcel of the United States.

On the the 11th of May, 1792, Captain Robert Gray, of Boston, in the command of the ship Columbia, was the first civilized white man, with his ship's crew, who entered the Columbia river. He named the river "Columbia," in honor of his ship. The whole civilized world, with one accord, grant the honor to this enterprising Yankee and his companions of being the first actual discoverers of the Oregon. Various navigators may have coasted along the northwest coast of America, and have seen the land from their ships long before the discovery of Captain Gray; but none prentend to have entered the Columbia river, or to have taken possession of the country, before the 11th of May, 1792. This discovery alone, without any other title whatever, would, according to the laws of nations as recognised by the highest tribunals in the United States, give to the Government a perfect right to all the country watered by the Columbia river. In addition to this title, which of itself is valid, we have all the right and title which both France and Spain had to this same country. And either of the claims of the abovementioned nations is infinitely better than the vague and uncertain pretensions set up, of only recent date, by Great Britain to the Oregon Territory.

By the cession of Louisiana, the United States obtained all the right and title which either France or Spain ever had to the country in question. The treaty of Utrecht, which was ratified between France and Great Britain in the year 1713, established the permanent boundary between the possessions of the two nations on the west of the Mississippi, which was a line from the Lake of the Woods, extending indefinitely west on the 49th degree of north latitude. In this treaty, there was no agreement that this boundary line was to stop at the Rocky Mountains, and thus to leave the country west of the mountains subject to future controversy to settle the boundaries. The plain common-sense meaning of this treaty is, that this line, running west on the 49th degree of north latitude from the Lake of the Woods, must be extended to the Pacific ocean, and thereby separating the possessions of Great Britain on the north from those of France on the south. On the cession of Louisiana by France, the United States became a party to the treaty of Utrecht, and hold the country extending to the Pacific ocean on the south of the 49th degree of latitude, in as ample manner as France possessed the same.

By the treaty of the 22d February, 1819, between Spain and the United States, the boundary line was established from the Arkansas river, on latitude 42 degrees north, extending west to the ocean; Spain relinquishing all her claim to the territory north of this line to the United States, and reserving the country south to herself. The Mexican Government, in a subsequent treaty, recognised the said boundary line, which is the unquestioned boundary of the United States on the south.

In 1803, Thomas Jefferson, the President of the United States, recommended to Congress an exploration of the Oregon Territory to the Pacific ocean; and on his recommendation, an act of Congress was passed for this object; the result of which was, the celebrated expedition of Lewis and Clarke over this country to the ocean in 1804 and 1805. The country was taken and possessed by the United States, without any murmur or complaint to the contrary by any other nation. The whole people of the United States and the Government being fully convinced of the ownership of the Oregon Territory, John Jacob Astor, knowing this fact, in 1811 made a settlement at the mouth of the Columbia river, and was in peaceable possession of the country, with the approbation of the United States; when, in 1813 the British Government dispossessed him, and occupied the country. On the 6th of October, 1818, under the provisions of the treaty of Ghent, the Government of Great Britain, in the most formal manner, on the premises, delivered the country to the agent of the United States. In performing this solemn and official act of the British Government, there is not one word of reservation, or mention of the claim of that Government to the Oregon Territory.

Mr. Chairman, all these facts, and many more which I have not enumerated, establishing, conclusively, the right and title of the United States to this Territory, being known to the public officers of the Government, they have all unanimously arrived at the conclusion, that *the Oregon Territory is an integral part of the Union.* Not only have all the Presidents, including Jefferson, down to the present time, who have mentioned the subject, but also all the other high functionaries of the Government, together with the reports of various intelligent committees of Congress, with one accord, agreed on this subject; but Congress itself, by a solemn act, in 1803, authorizing the expedition of Lewis and Clarke to explore this country, has expressed the opinion of the nation on this subject, and such opinion as the people will most cheerfully maintain, even unto war, if necessary.

No other nation except the English claim any right or title whatever to the Oregon Territory; and they have only, within a few years, set up their claim, without any shadow of right.

The settlement of the country by Astor and other enterprising citizens of the United States, excited the cupidity and jealousy of the British; and then, and not before, we hear of the first English claim to this country.

It is true, that our Government, by the convention of 1818, agreed with Great Britain, "that any country that may be claimed by either party on the northwest coast of America, westward of the Stony Mountains, shall, together with its harbors, bays and creeks, and the navigation of all rivers within the same, be free and open, for the term of ten years from the date of the signature of the present convention, to the vessels, citizens, and subjects of the two powers: it being well understood that this agreement is not to be construed to the prejudice of any claim which either of the contracting parties may have to any of the said country." By a subsequent convention, the term of ten years was indefinitely extended, with the provision that either party, on giving to the other twelve months' notice, might annul the agreement.

Under this treaty, the British Government, by the agency of the Northwest Fur Company, have taken possession of the whole country, and now occupy it by various forts, plantations, and almost all the improvements that are to be found in any well-regulated community.

The following is from the journal of Mr Spalding, who passed from the Mississippi to the mouth of the Columbia, in 1837, with his wife: "Doctor McLaughlin's farm is the largest on the Columbia river, and produced last year 4,500 bushels of wheat, 4,000 bushels of peas, 1,700 bushels of barley, 1,500 bushels of oats; potatoes not gathered; corn but little; horned cattle, 750; swine, 400; with from 200 to 300 horses. He has a saw-mill and a flouring-mill." This is but one single establishment in the Oregon Territory, amongst many others that I might mention; which will show to what extent the country is occupied by a power without the least shadow of right whatever. A great number of forts is established throughout the country, and garrisoned with adequate forces.

The Northwest Company, under the patronage of the British Government, has not only monopolized the whole trade of this region of country, and occupied it to the exclusion of the Americans, but has extended over it a kind of Territorial Government by the officers and power of the Fur Company. Not content with this limited Government, an act of Parliament was passed in the reign of George IV, extending the jurisdiction of the courts of Canada over the territory of Oregon.

One encroachment after another is going on in such rapid succession in this territory, that we can scarcely keep pace with them. Not only have the American rights in soil and property been shamefully abused and trampled under foot by the British Government, but more than one thousand of our enterprising citizens, traders, and trappers, have been murdered by the English, through the instrumentality of the Indians, whom they control.

Mr. Chairman, I have stated the prominent leading facts on which the nation calls aloud for action. Are we so craven and recreant in spirit that we will remain quiet and see England rob us of our acknowledged rights? or are we wanting in patriotism and courage to defend our soil? We are compelled to act, or lose the country. If we yield to British audacity and usurpation, in the case of the Oregon Territory, where will it stop? Has Great Britain any bounds to her corrupt ambition? She would be pleased, above all things, to check the growing power of the United States, and to humble under her feet the stars and stripes of this Republic. Great Britain despises and hates the United States with the same fierce malignity which actuated her in the Revolutionary war against the Americans. That proud nation, to this day, considers us her *rebels*, and that the United States of right ought to be a part and parcel of the British empire. Her orators and public journals at the seat of Government proclaim aloud that "the Republic of the United States is an experiment in Government that cannot succeed. The people (they say) have not virtue or intelligence sufficient to maintain free and self-government."

But look at the acts of the British Government towards us, which speak louder than words. Compare her official conduct with that of other nations, in regard to the United States. Is there any nation who encroaches on our territory, murders our citizens, liberates the slaves of the United States, or impresses our seamen, but England? What nation, except Great Britain, would dare to excite its subjects, and the fanatics of the United States, to liberate the slaves in the Southern United

And yet, strange to say, there is a class of people in the United States, knowing all these facts, still friendly to Great Britain and the British Government. These people call the English their *dear kindred*, speaking the same language, and enjoying the same religion. They hail England as the mother country, which same unnatural mother has been trying for generations past to enslave and destroy her American children. *Some* of these Anglo-American children are so base and recreant in principle, that they would willingly sacrifice their rights and liberties as freemen to the dominion of the *dear mother country*. These rascals ought to be whipped naked round the world.

Mr. Chairman, delay to assert and maintain our rights in the Oregon Territory with such a nation, will secure the exclusive possession of the territory to England. A delay on this subject will either lose us the territory, or we will be forced to wrest it out of British hands by war, should England compel us to defend the Oregon Territory by force of arms. We dare not permit that nation to wrest from us any the smallest portion of the territory. No American will ever lay down his arms, while any hostile invader remains on the soil of freemen. Is it not better, therefore, to interpose the friendly remedy of *timely possession*, than to be forced, at a subsequent day, to take the country at the muzzle of the cannon?

If we had the joint possession of this territory with any other nation on the globe, inaction might not be fatal. But what can we expect from England? After a controversy for fifty or sixty years with this nation, for a portion of our soil in the constitutional limits of Maine, we lost it. No man in the Union believes that England had any right to the territory on the Northeastern boundary, which she has acquired from the United States in the late treaty. She was determined to have a road to connect her provinces together, and she bullied the United States out of it. She presented to the nation war, or a cession of the territory; and the Americans tamely consented to the latter. "Discretion is the better part of valor." War with England, or a ratification of the treaty, were the alternatives presented; and the latter was agreed to. Is not this a lesson on the Oregon question? At any time within the last fifty years, we might have settled the Northeastern boundary question on the same terms as it was adjusted in the late treaty. That haughty, overbearing Government yielded nothing, but held on with the same national pertinacity, the same bullying disposition, that has distinguished her character for ages past, until the American Senate, in direct violation to the will of the people, consented to the unjust pretensions of England, and ratified a treaty that is condemned by three-fourths of the people. Can we expect to adjust the Oregon question by negotiation with England? Can we expect anything from her on fair and honorable principles? or can we anticipate justice from a Government that will murder and destroy our sick and wounded prisoners, which was done in the late war? This is the same nation that, without any just cause whatever, has overrun and plundered a great part of Asia—has subdued China, and compelled that wretched and miserable race of men to pay England millions and millions for whipping them. Can we expect the Oregon to be restored to us by such a nation, on honorable principles?

Mr. Chairman, England has conquered, possessed, and colonized, vastly more territory on this globe than any other nation. Her navy is almost omnipotent, and her power by sea and land is the most gigantic that ever existed on earth. She possesses, and has under her imperial dominion, a great portion of North America. She owns great possessions in the West Indies, fronting the United States; and her territory extends on the north of the Union from the Atlantic to the Rocky mountains. Now she demands the Oregon Territory, so that her possessions may be continuous and complete from the Atlantic to the Pacific ocean; and she has the unhallowed wickedness to believe her power will secure it to her.

The Oregon Territory would be to England a grand acquisition. It would, in the first place, cramp and circumscribe the growth and power of the United States, and add in the same proportion to her power, as it would detract from that of the United States. By possessing the Oregon, and planting a colony in it, England would regulate and control the trade and commerce, not only on the northwest coast of America, but that also of the Pacific ocean and the East Indies. God forbid that any American should ever see England in the exclusive possession of the Oregon Territory! This territory is in a critical situation. It is almost in the deadly grasp of the general and universal robber of nations. It is like Daniel in the den of lions; and I hope and pray that the same heavenly power that saved Daniel in olden times, may also save Oregon. Is it not right, in this perilous situation, when our own soil is within the grasp of unhallowed power, to stretch out the strong arm of the nation, and save the victim from British violation? Can any American, whose heart glows with the love of country, remain quiet, and see any nation rob him of his rights? If the United States are reduced in patriotism, and national honor to such degradation, as not to defend *their own soil* from British usurpation, and British audacity, they are unworthy to be considered any longer a nation of freemen. We hope for better things without despondency.

Mr. Chairman, it will violate no treaty or convention to occupy the Oregon Territory with half a million of people; if that number should be sent there, if necessary, to keep possession against the exclusive occupation of England.

The same honorable sentiment and love of justice which would induce the Americans to defend their own rights, would cause them to be exact and scrupulous in the observance of all treaties and conventions with other nations. No one individual in the whole length and breadth of this confederacy would impair, in the slightest degree, any agreement made with England; but certainly that nation cannot complain of our performing in the Oregon Territory what they themselves have done. They have occupied and garrisoned the country; they have planted a colony in it; they have made improvements of various descriptions, and have in it plantations, mills, stock, &c. They have not only the government of the Northwest Company extended over the country; but the Parliament of England has also embraced the country within the jurisdiction of Canada. What care we about their complaints, if we do justice to them? The United States having been visited by so many unkind and hostile acts from them, will care but little about their unjust complaints. The Americans, in doing justice, ought to care but little to offend England. Can it be seriously contended that the United States dare not occupy and settle the Oregon Territory, because it may offend England? This is foul slander on the American character. They dare do in courage what is within the power of man to perform. The Americans are a people young and energetic; know their rights and dare defend them, no matter what nation may be offended.

It is no violation of the convention for the United States to encourage emigration to the Oregon Territory. There is no prohibition as to the number of Americans who may occupy and settle the country. Military posts may be established in it, and the country settled and improved—as we see is done by England. Neither is it any infraction of the agreement made in 1818, between Great Britain and the United States, to grant lands to actual settlers in the Oregon. The country is "free and open" to the subjects and citizens of the two powers, so that the rights of the Americans which they have to occupy and possess the country, may be confirmed by grant of lands embracing their possessions. Possession is, of itself, a good title against unlawful intrusions, and which possession the United States would be bound to protect.

Mr. Chairman, it is impossible for the inhabitants of Oregon to exist in the air. They must occupy a space on the mother earth. This is a right—to exist and have a place on earth—an American citizen, under the Constitution and laws of the country, enjoys throughout the Union. It is also his right in Oregon, because the convention gives it to him, and because the country is an integral part of the Union. Possessing this right of location and occupation of the soil, the Government giving the settler a donation of the land embracing his location and settlement, neither adds to nor diminishes his possession of the soil. His possession is the same, and England has no grounds of complaint. What right has she to judge, or complain, if the United States have, or have not, the power to make grants of land in Oregon to actual settlers? This is a private matter between the United States and her own citizens, and no other nation has any power or right to interfere in our domestic relations. Have we any right to interfere in English affairs, and restore to the people of that country their rights, of which the Government has deprived them? I may add, moreover, that England cannot complain of the United States giving away *its own soil*, as the convention is express that the rights of the parties shall remain as they were before the convention was made; and, in that case, England has no right whatever to one inch of the Oregon Territory.

Mr. Chairman, I conceive it our bounden duty, on various considerations, to occupy and settle the Oregon Territory *at the present time*. Can the United States *ignominiously* abandon her rights and territory to England? and will it not promote the national honor and character of the country, to occupy and settle the Territory of Oregon? I consider the United States the asylum for the oppressed of all nations. This great Republic was not created for the few people who were in it at the Revolution, nor for the few who are *now* in it, in comparison to the hundreds of millions of souls who will hereafter exist in it. Am I not warranted in these statements by the unparalleled increase of population in the United States, and the unbounded prosperity and happiness of the inhabitants since the Revolution? Our population in 1790 was 3,929,827; and, in 1840, 17,068,666. This increase of 13,138,839 in fifty years, will astonish the world, and force the most incredulous to believe that this Republic is under the benign influence of Providence. If the people of the United States continue virtuous, intelligent, and energetic, as they have been—and I see no reason to doubt it—in fifty years more what will be the population of the Union? At least fifty millions of souls will exist in the United States in 1890. Will they not require the extension of the country from ocean to ocean for their comfortable existence? Is it not our duty to do all in our power for posterity? What did the fathers of the Revolution do for us? We inherited from them the finest country on the globe, and the principles of free government, imbodied in a Constitution which is the greatest work of man; and are we to do nothing for posterity in return?

It is conceded that the republican form of government of the United States will operate much better over a large territory than a small one. Our representative Government will never be so permanent and solid as when it is extended from the Atlantic to the Pacific. If I were permitted to indulge in speculations and opinions, I would say, in 1890 the United States will possess the greater portion of North America. It will embrace the British possessions on the North; and our friend the Texan Government would, by its own consent, compose a part of the South. We would then see a dense and happy population from the Atlantic to the Pacific, and the seat of the National Government in the centre. Large cities would then exist on the Pacific Ocean; and a commerce on it nearly equal to that on the Atlantic. This is, in my opinion, the onward march of the United States to her high destiny, which no foreign nation can arrest.

The occupation and settlement of the Oregon Territory will greatly advance the immediate interest of the United States. All the rich furs from the Missouri to the Pacific ocean are monopolized by England. The Northwest Fur Company import their goods direct from London to the mouth of Columbia river, free of duty; and therefore can undersell the Americans, who pay duty on their merchandise. This company—which is so powerful in wealth, numbers, and organization—expels from the country all the Americans who dare to

compete with it in the Indian trade. Thus it has almost monopolized the whole trade.

This same foreign company, with its power and influence, is capable of controlling almost the whole Indian population in North America. This company is part and parcel of the British Government, and posseses an increased share of the British hatred to the United States. With its power over the Indians, and with their sincere and hearty hatred to the United States, it could, in a very short time, array in war against this Government almost all the Indians in North America. Fifty or sixty thousand Indian warriors England could precipitate on the frontiers of the United States, extended as they are, at one and the same time! This statement is not idle speculation, but it is fact. Is not this a powerful reason to induce the United States to occupy the country, and thereby save the frontiers from the fury of these savages?

Mr. Chairman, other commerce, as well as the Indian trade, will be benefited by the occupation of the Oregon Territory. Our commerce with the East Indies, Peru, Chili, and the western part of Mexico, will all be advanced and improved. That brave and enterprising class of men engaged in the whale fisheries would then have a station on the Northwest coast of America, where they could repair their vessels, and obtain necessaries to enable them to prosecute their business with more vigor and advantage to themselves. This aid from the Government is due this hardy race of men. Every possible inducement seems to me to exist to cause the United States to occupy and settle the Oregon without delay. Hundreds and thousands of the hardy pioneers of the Western country, and others, are ready to embark in this enterprise, if they are protected and sustained by the Government.

These emigrants would be sober, industrious, and virtuous citizens—not that wretched, reckless class of people who are willing to expatriate themselves, and abandon the blessings of free government for lawless anarchy. They would still remain on their own soil, and flourish under the protection of the stars and stripes of their native land. They would carry with them the Bible, the press, and the ploughshare; and the country would prosper like other sections of the Union. These settlers would anticipate from the Government what others have received under similar circumstances. They would expect the country to be protected, by military posts, from the insults and lawless depredations of the Indians. This protection is, at this time, extended to other sections of the Union. Such government and laws as exist over other similar sections of the United States, should also govern the Oregon Territory. The Territorial Government of Iowa ought to be extended to the Pacific ocean; and such laws of the Territory of Iowa, and of the United States, as exist at this time in the Territory, should also prevail in Oregon.

One other inducement to emigrants granted by the Government, and the Oregon is immediately occupied and settled. A grant of six hundred and forty acres of land to every settler who will remain on the land for five years, will be the watchword for emigration to flow into that territory in such numbers, that the country will be densely populated in a few years. The Americans are a land-loving people, and will defend it with the same energy and courage which they use to acquire it.

These donations of land are common to be made to the pioneers of all new countries. The first settlers in all the Western country had donations of land of some description made to them; and why not to those who settle Oregon? All settlers in Louisiana, at the cession of 1803, who occupied the soil, received 640 acres of land; and they were, at the cession, subjects of another Government. Our citizens emigrating to Oregon, would have more claim to the bounty of the Government, than the subjects of the French Government in Louisiana had who received these donations in 1803 All heads of families residing in the Illinois country, including Indiana and Michigan, in the year 1788, had granted to them a donation of 400 acres of land. And all militiamen who were in the same country in 1791 had 100 acres granted to them.

These donations of 400 acres remained unlocated from 1788 to 1814, and then were received in payment for lands sold at the sale of the public lands.

Donations of the same character might be made to those residing in the Oregon Territory, and permit them to be located when the country is surveyed and brought into market. This would obviate all difficulty with those who consider it improper to make absolute grants at this time. All the men under Lewis and Clarke received donations of land for their meritorious services in the expedition to the Pacific; and why not give the same to settlers who will go and reside there?

Mr. Chairman, these encouragements, tendered to emigrants, together with the fine country of Oregon, will insure its speedy settlement. The country itself is enticing. It is the finest climate in the United States. The temperature is more equal than any other section, and of such mild character, that winter is scarcely known. Live stock remain out all winter, and support themselves on the grass. The country is also extremely healthy, and in many parts very productive. All the grain that grows in the United States also thrives well in Oregon. The timber is large and abundant, which is now a considerable article of exportation by the Northwest Fur Company.

It is so manifestly just and right to occupy and settle the Oregon Territory, that I should consider it my duty, representing the will of my constituents, to urge this measure on the consideration of Congress on all proper occasions, until it is adopted. Should it fail at this session, and I be honored with a seat in the next Congress, I would continue my efforts, humble as they may be, until the Oregon is occupied and settled.

Although the temper and character of the American people are for peace; and although the American form of Government is calculated to insure that blessing; and although the United States have no object on earth to induce them to go to war against any nation,—yet England may force the Americans, for the third time, to take up arms against their old and inveterate enemy. That Government forced us to be free in the revolutionary war. She forced the United States, in the late war, to assume such a high stand in the republic of nations as neither party anticipated; and now she may force the people of the United States into such rage and fury that English dominion will be expelled, root and branch, from North America, and all her possessions come under the United States Government. Although the American people love honorable peace, yet there is a deep-rooted hatred resting in their breasts against the usurpations and corrupt ambition of the British Government, which could be excited into a tempest that would sweep everything before it.

Should England be so unwise and so wicked as to force the Americans into a third war with that nation, the young and growing vigor of America may shake the British empire to the centre. Our country is unbounded in resources and wealth; while the other is enfeebled with old age, and oppressed with tyranny. One is free; while the people of the other are laden down with debts and monarchy.

America can continue a war with England for ages Under the pressure of war, the people would unite in the defence of the country, and become invincible. An army of five hundred thousand soldiers could be maintained in the field; while a sufficient population would remain at home to work, and carry on the business of the country, and sustain the war. All those nations whom the English hold in bondage would cheerfully join the American standard, and be free. The Irish, the Asiatic, and the Chinese nations would bound with joy at the arrival of the happy day of their liberation from British tyranny. The Canadians, our nearest neighbors, would be the first to join the stars and stripes, and taste the sweets of liberty. France, our natural ally, would join us against England; and Ireland, being sustained by both France and America, would be the first to take vengeance on England for the many crimes and oppressions which she has inflicted on her, for many generations past.

These speculations may become sober realities, if England will continue to inflict on the Americans those cruelties and crimes of which she has been guilty, since the pilgrim fathers first landed on the Plymouth rock. It is for England and other nations to do justice to the Americans, and the consequence will be a peace of eternal duration.

Mr. Chairman: The distance from the Western settlements to the Oregon is not so far as is generally supposed. It is about 650 miles from the Council Bluffs, on the Missouri river, to the Rocky Mountains, and 600 from the mountains to the Pacific ocean. It is very little more than 3 000 miles from the tide water in the Potomac, to the tide water of the Columbia river. The country from St. Louis, Missouri, to the Rocky Mountains, is level and easily traversed; and the mountains themselves present no great obstacles to travellers, who cross them through the southern passes. In a few years, when the route from the Western settlements is better known, and more travelled, it will not be more difficult to journey to the Oregon Territory, than it was once to travel from the Mississippi to Philadelphia. Delicate females have already travelled from St. Louis to the Pacific, over the mountains. I hope the subject of the occupation and the settlement of the Oregon Territory may be seriously considered by Congress, and adopted at the present session.

SPEECH OF MR. WINTHROP,

OF MASSACHUSETTS.

In the House of Representatives, January 25, 1843.—On the resolution of the Committee of Ways and Means that the exchequer plan ought not to be adopted.

It is with no little reluctance, Mr. Speaker, that I enter into this debate. There is a well-remembered proverb of Solomon, that "from the fulness of the heart the mouth speaketh." I confess, sir, that I have no fulness of the heart to speak from, in relation to the questions now before us. The whole subject of the currency has been so perplexed and embarrassed by the deplorable collisions which have occurred between the President of the United States and the Congress of the United States, that no man can approach it without something of repugnance and aversion.

In reference to this subject of the currency, indeed, we have been tossed to and fro on the waves of party contention for almost ten years. A year or two since we were flattered with the belief that we were coming at last to port; but the objects which we took for land, and which were eagerly and joyously hailed as such from the mast-head, turned out to be only fresh reefs of rock across our course; and we seem to be now as far as ever, or even farther than ever, from the haven where we would be. In the mean time, the subject itself, as a matter of public discussion, has become "as stale as the remainder biscuit after a voyage."

Questions, however, seem likely to be taken before this report and resolution are disposed of, upon which any vote that one may give will be so exceedingly liable to misconstruction, that I cannot consent to forego some explanations of my views.

Repeated challenges have been heard in this hall for *one* man to rise in his place and say that he was in favor of adopting the exchequer plan, as originally presented to us by the President of the United States. I am not about to respond to these challenges, or to take up the gauntlet which has thus been thrown down. But I greatly doubt both the policy and propriety of passing the pending resolution; and if compelled to give my vote at all, that vote will be in the negative.

Before proceeding, however, to any remarks upon the resolution itself, or upon the report by which it is accompanied, I desire to present some general views on the subject-matter involved in them.

And, in the first place, sir, I wish to express the strong sense which I entertain of the obligation which is resting upon the Congress of the United States to make provision by law, in some form or other, and without further delay, for the collection, custody, and disbursement of the public moneys. How is it with these moneys now? Who knows where they are to day, or where they will be to-morrow? Who knows how they are collected, how they are kept, how they are disbursed? Who

loes not know that they are collected, kept, and dis-
ursed under the almost entirely unregulated and
liscretionary authority of the Executive? There is
i section or two of an old law of 1789, and there is
in amendatory act of 1822—both of them exceed-
ngly loose in their language, and indefinite in
heir import; and there is also the resolution of
1816. The first of these acts merely makes it the
luty of the Treasurer of the United States to re-
eive and keep the public moneys, and to disburse
he same upon the warrants of the Secretary of the
Treasury, leaving all the subordinate agencies
hrough which the receipts and payments of this
reat nation are to be conducted, entirely without
egal specification or selection. The second of them
elates mainly to moneys appropriated for the War
nd Navy Departments, and supplies none of the de-
ects of the previous act; and the resolution of
816 prescribes only the medium in which the pub-
ic revenue shall be collected. These comprise all
he law there is on the subject. These are the *dis-
ecta membra*—the dry and detached bones—of our
xisting fiscal system; and it is left to Executive
onstruction to knit them together as it can, and to
lothe them with what body it pleases. The report
f the Committee of Ways and Means admits all
his, and declares that, since the late vetoes of the
President, "the public moneys have remained in
he hands of officers appointed by the Executive,
vithout any definite regulation by law."

For one, I cannot feel that my duty to the coun-
ry, as one of its humblest Representatives, is dis-
harged, in leaving this discretion longer uncheck-
d. Do gentlemen tell me that we have tried twice
o accomplish this object, and that our efforts have
wice been defeated by the interposition of Execu-
ive vetoes? Sir, I am no vindicator of those ve-
oes, and no apologist for them in any degree. I
oin as heartily as any man in this House in de-
loring and condemning the use which has been
nade of this odious veto power, both in relation to
his and other matters; though, perhaps, I may not
hink it consistent with the dignity and decorum
vhich belong to this place to indulge in such ex-
ressions on the subject as have too often been heard
ere. But, so far from finding, in such considera-
ions as these, any ground for relaxing our efforts
n relation to the public moneys, I hold them to be
dditional reasons for persevering until our duty
as been accomplished. We are the Representa-
ives of the people. We have something of pe-
uliar constitutional responsibility for the safety of
he moneys of the people. And because the Exec-
tive, whose discretion we desire to control and
egulate, has seen fit, from any cause—I care not
whether of conscience or of contumacy—to arrest
nd resist our interposition, shall we therefore for-
ear altogether, and leave him in undisturbed pos-
ession of the Treasury? I cannot so read our
luty. On the contrary, if there be distrust of the
Executive; if there be disapprobation of his policy
r principles; if there be alarm or apprehension as
o his aims and ends, and as to the means by which
e seeks to accomplish them,—there is the more
eason, in my judgment, for persisting in our at-
empts, until the public moneys shall be again
laced under legislative securities and safeguards.
Sir, if there is fear of a union of purse and sword,
we have that union now, in the very form in which
t first became the subject of Whig denunciation,
when General Jackson removed the deposites from
he Bank of the United States; and it is for us, if
hat union must, in any shape, be continued, at
east to provide that it shall henceforth be a union
egulated and restricted by law.

Thus far, it is true, our treasury has been in lit-
le danger. Our poverty has been our protection.
The utter emptiness of the public coffers has made
t almost a matter of indifference who kept the
keys, or whether there were any keys at all. *Can-
abit vacuus coram latrone.* We have enjoyed
something of the security of the penniless travel-
er, who whistles in the face of the highwayman.
But a different state of things is not far off. I have
no fear that the tariff of the last session, if only
allowed to go fairly into operation, is about to be so
ruinous to our revenue as some gentlemen have
prophesied. Let the ability of the people to con-
sume be stimulated until it rises above the famine
standard—above the almost starving and freezing
point—to which an unchecked foreign competition
with their labor has reduced it, and there is noth-
ng in the present scale of duties which will prevent
an ample influx of revenue. The country has seen
higher duties than these, and an overflowing treas-
ury at the same time. Certainly, if the rigor of
the cash payments should be mitigated by the adop-
tion of that warehousing system which, I am
happy to say, has been matured by the Committee
on Commerce this very morning; and if, too, this
House could be prevailed on to impose a moderate,
and, if they please, a temporary duty on tea and
coffee—a measure which no one would feel as op-
pressive, and which a due regard to the public
credit demands of us, in my judgment, to adopt
before we adjourn—we should witness a very dif-
ferent condition of the finances of the country at
the commencement of the next session. But, at
any rate, full or empty, exuberant or exhausted,
the treasury of the nation ought now and always
to be under legislative regulation and control.
This, sir, is Whig doctrine, Republican doctrine,
Democratic doctrine, constitutional doctrine.

And now, Mr. Speaker, I have no hesitation in
saying that a national bank, of moderate capital—
say fifteen or twenty millions at the furthest—with
such limitations and restrictions as the experience
of the last ten years has abundantly suggested, al-
ways has been, and is still, my first choice for the
fiscal agent of the Government. Nor has the prof-
ligate mismanagement of such an institution which
has recently been exhibited, destroyed or impaired
my confidence in its value. No, sir, no more than
the monstrous misrule to which this nation has
been subjected from time to time, during the last
twelve years, has destroyed my confidence in the
free and glorious form of government under which
we live. I am rash enough to think, too, that this
very moment would be, in many respects, a favor-
able moment for establishing such an institution;
believing that, while our experience of the evils to
which its bad management has exposed us is still
fresh and uneffaced, a bank would be established
on safer and stricter principles, and on a less magnifi-
cent and dangerous scale, than at almost any time
hereafter. The principles of the President have,
however, rendered this an utterly impracticable
idea.

But there are other modes which might be tried,
and ought to be tried, for the same end. If this
Congress is willing to do nothing else, it might
call upon the Secretary of the Treasury to set down
in black and white, and to present to us in the form
of a statute, his present working plan for keep-
ing, collecting, and disbursing the public funds.
We might examine it, amend it, and give it the
sanction of law. Better have any system, even a
bad one, resting on written law, than no system at
all, or than a bad system resting on mere Executive
will.

So strongly, Mr. Speaker, have I felt the im-
propriety of leaving the custody of the public
treasures of the country longer at the mere discre-
tion of the Executive, that, as events have turned
out, I have more than once been inclined to regret
that the sub-treasury system itself was so summa-
rily repealed. Odious and abhorrent as that sys-
tem was regarded, I could hardly bring myself to
vote for its entire repeal at this moment, were it
still in existence, except by voting for the simulta-
neous substitution of something better. And I
will do the justice to the party with which I am
associated here, to say, that I believe it was no part
of their original purpose, at the extra session, to
repeal that system as an independent measure. It
has often been charged—and often, as I think, most
unjustly charged—that the Whig party were actua-
ted, at the extra session, by a desire to embarrass
and perplex the President of the United States.
There was far more ground, sir, for charging
them, in some cases, with too great a willingness to
yield to his suggestions. That accusation of a
spirit of compliance, which the honorable gentle-
man from Virginia [Mr. WISE] arrayed against
us the other day, has, in my opinion, much more
of foundation; though, perhaps, it hardly lies with
the President's immediate friends to cast it in our
teeth. The outright repeal of the sub-treasury
system, as a separate act, was, as I understand it, a
measure of complaisance to the Executive. Its
history was on this wise. The first bank charter
had passed, and was under Executive advisement.
Its signature would have repealed the sub-treasury
system prospectively; its veto would have left
that system standing permanently. A suggestion
was made, from some quarter or other, that the
President took this course unkindly; that it looked
like a purpose to make him either sign the bank
charter, or be responsible for the continuance of a
system which he himself admitted had been con-
demned. It was thought that it would put him in
better humor for a favorable consideration of the
bank, if he were relieved from this predicament.
And upon this hint the sub-treasury repeal bill was
hastily carried through. For one, I can hardly
help regretting that such a course was taken. I
would rather have left the sub-treasury system on
the statute-book, on the joint responsibility of those
who originated it and of those who prevented the
adoption of the proposed substitute, until some
third system should have been devised. We
might have taken out the teeth of the monster.
We might have extracted the poison from its fangs.
We might have abolished the specie clause—a
provision which, as Mr. Gallatin has well remark-
ed, was operative against those banks alone which
continued to pay in specie—"a warfare directed
exclusively against those institutions which per-
formed their duty, and, not without difficulty, sus-
tained a sound currency." And perhaps other ben-
eficial modifications might have been engrafted
on it at a future day. But, as a system for keep-
ing the public moneys, it was at least better than
none, and might better have been left until we
could agree upon something to take its place.

After the expression of these views, Mr. Speak-
er, no one can be surprised when I say that I pre-
fer to adopt that part of the exchequer plan which
provides for the custody and disbursement of the
public funds, to doing nothing; and that I am therefore
entirely unwilling to cut myself off from the op-
portunity of supporting so much at least of the
President's plan, by voting for the resolution be-
fore us.

But this is not the only part of the exchequer
plan for which, under all circumstances, I am dis-
posed to vote. I am not one of those who hold
that the duty of the Government on this subject
ends with making provision for the management
of its own finances. I am no subscriber to the
doctrine which was heard a few years ago—that
the Government should look out for itself, and
should let the people look out for themselves. On
the contrary, in relation both to revenue and to
finance, the interests of the people should be em-
braced in every consideration of the wants of the
Government. Especially, at a moment of such
commercial embarrassment and depression as the
present, we should contemplate, if possible, no
measure of relief to the treasury, which does not
hold out some hope of relief to the community
also. We all regret—all of us, at least, who con-
stitute the majority in this House—that circum-
stances have prevented us from doing what we de-
sired to do in this behalf. But, if we cannot do
all that we wish, let us not fail to do all that we
conscientiously and constitutionally can, trusting
to other and greater opportunities for the ultimate
fulfilment of our desires.

Now, sir, I am one of those who believe that a
simple issue of fifteen or twenty millions of ex-
chequer notes, redeemable in specie at sight, (and
I would prefer them redeemable in the city of New
York alone, or, at most, at one or two other points,)
and resting on a basis sufficient to secure their re-
deemability from all danger and all doubt, at any
and every instant when they might be presented,
would be a very considerable convenience and re-
lief, both to the Government and the people. Gov-
ernment paper is, indeed, no prime favorite of
mine, in any form. I regret that we have been
under the necessity of resorting to it at all. But, as
we have lived upon it already for five or six years,
and seem not likely, at present, to obtain a national
medium of circulation of any other kind, I am
willing to try it in the most convenient shape. Nor
can I agree with gentlemen who pronounce such a
medium, based upon specie even to the extent of
dollar for dollar, as not worth having. Something
a little more liberal, so it were safe, might un-
doubtedly be preferable. Something more liberal
would, indeed, be indispensable, so far as any re-
lief to the treasury is concerned; and the President's
plan accordingly makes provision for basing an
issue of fifteen millions of notes upon five millions
of specie, and five millions of Government bonds
to be negotiated as needed. Increase the authority
to issue bonds to the full amount which might be
necessary in any emergency for redeeming the en-
tire issue of notes, and the safety of such a pro-
vision could hardly be questioned. The bonds
would, in all probability, never be called for; and
the treasury would have an addition of ten millions
to its resources at a moment when such an addi-
tion may be absolutely indispensable to the preserva-

tion of the public credit. But the mere substitution of paper for metal is certainly a great convenience to the people; and gentlemen forget one of the heads of their old arguments against a hard-money currency, when they spurn such a substitution as so utterly worthless and contemptible. Such a paper would be convenient for local payments, convenient for treasury payments, and, more especially, convenient as a medium of exchange. Even treasury notes, as now issued, at interest, and on time, are acknowledged to have been a great convenience and relief in all these respects. Indeed, it is almost impossible to conceive how the business either of the treasury or of the people could have been conducted, during the difficulties and distresses of the last five years, without the aid of such an instrument of receipt and payment.

Mr. Speaker, there are other features of the Executive plan of an exchequer about which I have many misgivings, and for which, I confess, I do not see my way clear to vote. I refer particularly to the power to purchase bills of exchange. There is certainly great room to apprehend that such a power would not be exercised wisely, even if it were exercised honestly, by those to whom it is proposed to be intrusted. In such hands it would undoubtedly be liable to great abuses, both from ignorance and from intention. I have the strongest reluctance, too, to making any part of our fiscal system dependent on the assent of the States—a condition without which this exchange power could hardly receive the sanction of the President. I confess, sir, it is rather late in the day for some of us to take umbrage at this condition. My venerable colleague [Mr. ADAMS] and the honorable member from Kentucky [Mr. MARSHALL] are perhaps the only members on our side of the House who are privileged to carp at it. All the rest of us voted for a most miserable compromise of this State assent in the first bank charter of the extra session; and we all remember the opening thunders of the gentleman from Kentucky on that occasion. We gave those votes with an honest desire to satisfy the President's conscience, but they only served to wound our own; and, for one, I am more willing to cry *peccavi* in relation to that vote, than to have it recorded as a precedent for my future action. Nor do I believe that this exchange feature of the bill, under all the limitations and restrictions which must be imposed upon it, would be so very great a boon to the country. Public opinion, in some quarters of the country certainly, has undergone great mutations on the subject of exchanges. Government regulation of exchanges is much less called for than it used to be. As the local currencies of the country become sound, the enormous rates of exchange are found to disappear. The aid which is now demanded of the Government, is aid through the medium of currency; and to supply this aid to the exchanges, is undoubtedly as far as any positive duty of the Government can extend. The substitution of gold for silver, as the main ingredient of our metallic medium, (as is strongly stated by my respected predecessor, [Mr. APPLETON,] in his able pamphlet on the currency,) has exerted a most salutary influence in lessening the rates of exchange. While the transportation of silver would hardly have been attempted between New York and Boston, for instance, with an exchange below one per cent., gold is transported from one city to the other before the exchange can rise to a quarter of one per cent. But I will not dwell longer on the subject of exchanges, nor, indeed, on any of the other features of the exchequer system. When the bill itself shall come up for consideration, there will be ample opportunity for discussing its details; and I intend to leave myself at liberty to vote as I shall then think fit upon each and every part of the plan. Meantime, I have said enough to show that, though not ready to pledge myself to the entire Executive project, I am ready to adopt, if nothing better is proposed, some portions, if not the whole, of the bills which have been reported in the Senate and in the House. In so doing, I shall vote for that which many persons, in whose judgment I have the highest confidence, consider altogether harmless; for that which many other persons (and myself among the number) regard as likely to be positively beneficial; and for that which not a few persons in the nation will never believe is not the genuine specific, the matchless sanative, for all the troubles of the country, until it has been tried and found wanting. Above all, sir, I shall vote for that which may give something of at least temporary rest and repose to the public mind on this long-vexed question of the currency, and which may satisfy the people that there is no purpose in any quarter to keep the wounds of the body politic open and bleeding, in order to excite party sympathy and stimulate party struggle two years hence.

I come now, Mr. Speaker, to a few remarks on the report and resolution before us. And before making them, I beg leave to bear my humble testimony to the ability, integrity, and patriotism of the honorable chairman, [Mr. FILLMORE,] by whom the report has been prepared. I respond most cordially to the tones of honest indignation with which he yesterday repelled an infamous slander upon himself and his colleagues. I trust that, in dissenting from some of the doctrines of the report, I shall not seem wanting in regard and respect for its author.

The report admits, on one of its earliest pages, that, if it were possible to have such an institution, without increasing Executive power, or endangering the treasury, which should be administered by men of undoubted talents and integrity, it is capable of rendering some service both to the business wants of the country and the financial embarrassments of the treasury. It immediately adds, however, "that to hope for this, is to expect a change in human nature itself, and in the ordinary motives that govern the conduct of men, and especially political men, little less than miraculous. Our institutions are based upon no such theory of human perfectibility."

Now, Mr. Speaker, the honorable chairman must pardon me for saying, that if this exchequer plan of the President is too much based on a theory of human perfectibility, it really seems to me that his report runs quite as far to the other extreme, and rests its objections to the plan too much on a theory of total depravity and universal corruption. This, if I mistake not, is the great peculiarity of the report. Its arguments are able and forcible; but they are almost all of them arguments *from abuse*. Every possible evil which such an institution may produce, if intrusted to dishonest hands, is exhibited in its most alarming aspect. The advantages which it might render, if administered by honest agents, are disposed of a good deal more summarily. It really occurred to me, as I read this report, that my honorable friend might have taken as his text, in writing it, the saying of—I forget what statesman or philosopher of ancient Greece—that the only safety in relation to human government was distrust, distrust, distrust; or, as a Roman poet conveyed the same idea, "*una salus, nullam sperare salutem.*" Sir, it is not to be denied that something of distrust is useful in relation to all human governments, and more especially in relation to our own Government. But it is equally undeniable that some degree of confidence—that a great deal of confidence—is not only useful, but absolutely indispensable to the successful operation of every government, and even to the very existence of a free Government. It is true, our institutions are not based on a theory of human perfectibility; but they *are* based on a theory of human morality, integrity, and virtue. This is the distinctive feature of free Governments. It was laid down truly by Montesquieu, long ago, that the foundation principle of a despotism was fear; of monarchy, honor; but of a republic, *virtue*. There must be public virtue as well as private virtue—virtue in the Government, as well as virtue among the people. The two things are, in fact, inseparable for any long period of time; for a virtuous people will either expel a corrupt administration, or a corrupt administration will debauch a virtuous people. If virtue, therefore, shall indeed have taken its final flight from our public councils, and from those who preside over them, as this report would almost seem to intimate—vain, vain will be the attempt to bolster up our political fabric by any more artificial machinery, or to prevent its downfall by any degree of distrustful vigilance. Sir, if such be really the deplorable and desperate condition of our Republic, the passage of this resolution will do nothing to save it from ruin, nor will the adoption of the exchequer plan be at all responsible for its overthrow. It will fall by its own weakness and its own weight, like any other structure whose corner-stone has already crumbled into dust.

But I do not apprehend so disastrous a catastrophe at present. I freely admit that we have had no great encouragement to cherish any very implicit trust in our rulers for some years past. Within the last year even, we have seen demonstrations and heard declarations but too well calculated to check the flow, if not entirely to congeal the current, of that tide of returning confidence which came out to greet the accession of a new Administration. But I am not willing to believe that the age of virtuous politics is gone forever. I trust that we may again see at the head of this Republic men who have stood there in its early days—men like those we have seen there in years within our own remembrance—men who will feel, in entering upon public office, that they have been called to no pitiful job, but to a sacred function—men who may be addressed in the words, though certainly not in the spirit, in which Macbeth was addressed by—the demi-demon, I had almost said—with whom his destiny was associated:

> "What thou would'st highly, that would'st thou holily;
> Art not without ambition; but without
> The illness should attend it."

And, sir, if such a day should again arrive, how would the petty and paltry contentions which embitter and embroil us here, and in the prosecution of which the true interests of the nation are so often forgotten and neglected, be hushed into silence! How would the public prosperity revive, the public peace be restored, the confidence of the people in the Government be reassured, and the public faith resume again, in the eyes of all the world, that robe of stainless and inviolate sanctity with which it was first clothed by the fathers of the Republic.

But, at all events, Mr. Speaker, whether this hope be realized or not, I do not think it quite time yet to base our systems, or our objections to systems, on a theory of universal corruption and corruptibility; or even upon the doctrine of my honorable friend who has just taken his seat, [Mr. BARNARD,] that public office is the very worst school of morals on this side the penitentiary. This report would really seem to trust nobody in relation to finance and currency,—not the President, not the Secretary, not the subordinate executive agents, not the Senate, not the House of Representatives, not each individually, not all conjointly. The President will abuse the veto power; the President and Senate will abuse the appointing and removing power; the Secretary and subordinate agents will abuse their authority to keep the public moneys; and the Congress of the United States, even should it restrict the issues of exchequer notes within a proper limit at the outset, will run into ruinous excesses in the end. "As you cannot check or control Congress on this subject, (says the report,) it would follow that we ought not to attempt to exercise this power."

Why, sir, it is as much as ever that even a United States Bank can find a loophole of escape from the universal discredit in which the report deals. There is too much foundation for the remark of the minority of the committee, that some of the objections of the majority to this exchequer scheme apply equally to a national bank. As such an institution, however, was unquestionably intended to be excepted from any terms of distrust, I wish now to say a word or two on some of the expressions and some of the implications of the report on that subject.

The report seems to lay a little too much stress on what it denominates the watchful caution of the interested stockholders of such a bank. The private capital of a national bank is undoubtedly a great security for the safety of the Government deposites; but the vigilance of stockholders has proved thus far to be a most miserable ground of reliance. Where has been the watchful caution of interested stockholders in the countless defalcations and frauds which have recently involved us in so much distress at home, and so much disgrace abroad? This Argus of self-interest may have a hundred eyes, but it has never used one of them. It has been drugged and posseted into perfect blindness. The stockholders of our banks—and it ought to be spoken to their shame—have looked to nothing but the dividends, as long as there were any dividends to look to; while the directors, clerks, and cashiers have exercised unlimited control over their concerns.

Sir, I have already said that a national bank was my first choice for the fiscal agent of this Government; and, so far as this report goes in asserting or in implying that such an institution is the first choice of the committee, I most heartily agree with it. But if it is intended to be implied that there is no second choice—that this Government can, under no circumstances and in no emergency, employ any other fiscal machinery—I must dissent from the doctrine. I have no fancy for independent

treasuries, in the sense in which this phrase has lately been used; but that this Government ought not in any case to provide a system of its own, for keeping its own moneys, for managing its own finances, and for maintaining and regulating a national currency for itself and the people, I certainly am not prepared to say. Why, sir, let me suppose a case. Suppose that the first bank charter which was passed by the two Houses at the extra session, instead of having failed through the veto of the President, had failed (as most people in my part of the country seem to think it would have failed) for want of subscribers to its stock: would a majority of this House, in that event, have felt it their duty to leave things as they were, and to abandon all further effort? Is it not even possible that, if we had come together at the commencement of the last session of Congress, under such circumstances, and with no cause of complaint against the President, and no feelings of bitterness towards anybody connected with the Administration, we should have looked upon some such plan as this very exchequer with less of alarm and horror than we now regard it? Whether so or not, sir, such an exigency might have occurred, and may occur again. Are we, then, ready to say that Government cannot discharge its duty to itself, and its duty to the people, unless the capitalists of the country will take stock in a bank? We, that refuse to make any part of our fiscal system dependent on the assent of the States—are we ready to make that system entirely dependent on the assent of individual citizens? If not, why should we not do what we should be willing to do in the case I have supposed? The same exigency now exists, though arising from a different cause. The impracticability of obtaining a bank at this moment is as clearly determined by the refusal of the President to subscribe his name to its charter, as it would be by the refusal of capitalists to subscribe their names to its stock list. And though there may be much more right to complain in one case than in the other, the emergency is the same in both, and our responsibilities in both are alike and identical.

One word, sir, in reference to another suggestion of the report, before I proceed to the resolution with which it concludes. A provision is contained in the President's plan of the exchequer, and is improved upon, I believe, in the bills both of the Senate and House, to limit the removing power of the Executive in relation to the commissioners and other officers of the board. Such a provision undoubtedly does away many of the dangers of the system. But the report pronounces all this unconstitutional. It declares that Congress possesses no such power, and that any fancied security built upon such an hypothesis must prove fallacious. Now, this was not the doctrine of the Whig Senate of the United States in days when a Whig Senate was all we had to rely upon. On the contrary, the Whig Senators of those days, with Mr. Clay and Mr. Webster in perfect harmony at their head, went strongly for the right and for the duty of such limitations. Some of them, indeed, went very much further than this bill proposes to go, and declared themselves in favor of reversing the decisions of 1789; but none of them, I believe, made any question that limitations of some kind might be, and ought to be, made.

The report under consideration concludes with a resolution "that the plan of an exchequer, presented to Congress by the Secretary of the Treasury at the last session, entitled 'A bill amendatory of the several acts establishing the Treasury Department,' ought not to be adopted." This resolution is immediately preceded by the remark, that the committee deem the plan to be "essentially defective, and incapable of any modification—at least without an amendment of the Constitution—that could justify its adoption." I am told, however, that the resolution may be adopted without any reference to the report, and that it is not intended to reach beyond the precise bill which was furnished by the Secretary of the Treasury; and some of my colleagues and friends, from whom I do not differ materially in opinion, will vote for it, I am aware, with this understanding. But the common mind will not so construe the resolution. Nor does it seem reasonable that we should be held to the precise provisions, phraseology, and punctuation of a particular bill, to which there has been no opportunity for amendment, and be compelled to declare affirmatively or negatively upon a resolution for its rejection. Why should such a resolution be pressed to a vote? Why not lay it on the table, as you do all other adverse reports? Why waste the time and temper of the House in discussing mere abstract opinions, instead of going into Committee of the Whole and acting on the bill to which those opinions relate? I have no doubt, sir, that the resolution was introduced into the House in a proper spirit, and with no unbecoming motives. I concur in no imputations on the Committee of Ways and Means. But there is no little sensitiveness in many quarters as to the movements of the present Congress upon this, and, indeed, upon every other subject. Everything out of the common course (as this certainly is) will be imputed to sinister designs. Pass this resolution by an overwhelming vote—as I doubt not you will, if you insist on taking the vote in this form—and it will be regarded as an act of mere hostility to the President, and of mere retaliation for his bank vetoes. It will be regarded as intended to stamp something of peculiar reproach and unaccustomed reprobation on this measure and its author. It will look as if you desired the triumph of holding up this bill to the scorn and derision of the country, and saying, "Here is Mr. Tyler and Mr. Webster's famous fiscal project, with hardly one man so poor to do it reverence." Now, sir, I am not disposed to shrink from any just or necessary act of legislation for fear of misconstruction, or to save appearances. But, on a mere amateur proceeding of this sort, I would give no vote which can be so misconstrued. "A thousand false eyes are stuck upon us." Let us not again gratify their malicious gaze. Let us disappoint, for once, their eager search for subjects of mystification and perversion. For myself, sir, as I have already intimated, if a vote is insisted upon, I shall vote against the resolution, both because I am opposed to the policy and propriety of such a proceeding, and because I am unwilling to foreclose all direct consideration of the subject, and to cut myself off from voting for the whole or any part of the exchequer plan, now or hereafter. I shall give such a vote with the less reluctance, from the consideration that, in differing from great numbers of my political friends, I shall differ from perhaps an equal number of my political opponents. There were no party lines on this resolution in committee, and it is plain that there will be none in the House.

Mr. Speaker, I cannot feel justified in resigning the floor, as my hour has not quite yet expired, without alluding to a course of remark which has been persisted in for some weeks past, in relation to the supposed author of this exchequer plan. I am not here, sir, as the champion of the Secretary of State. Heaven help him, if he has not a more tried and trustworthy arm than mine to look to, if he shall ever require any other than his own! He will, doubtless, say amen to this aspiration; for I have no idea he will thank me for many of the remarks which I have already made, or for many of those which I am about to make. He is, indeed, one of my most distinguished constituents. I might appeal, however, to the gentleman from Kentucky, [Mr. MARSHALL,] who counts among his constituents the great and gallant statesman of the West, to bear witness with me that such a relation does not necessarily involve anything of peculiar cordiality or confidence; though, certainly, it cannot imply anything of the reverse. But, at any rate, holding, as I do, that great injustice has been done to Mr. Webster, on more than one occasion, by gentlemen who have gone out of their way to introduce his name into the debate, no fear, either of personal imputation or of political misconstruction, shall make me shrink from saying so. I should be unworthy of sitting here as the Representative of Faneuil Hall, and should hardly dare to look those who are accustomed to meet there in the face, were I to listen longer, without a word of protest, to the wholesale reproaches which have been cast upon one who has so long been associated with their fortunes and their fame.

Sir, I was not at Faneuil Hall when Mr. Webster made the speech which has been the subject of such frequent allusion. I have read that speech, however, more than once; and, as I do not intend to be charged with any non-committal or concealment, I have no hesitation in saying that it contains many opinions which I deeply regret were ever expressed, and from which I entirely dissent. The idea which seems to be implied in one part of the speech, that the Whigs of Massachusetts, in declaring a "full and final separation" from President Tyler, designed to commit themselves to an indiscriminate opposition to all the measures of his Administration, good, bad, and indifferent, was certainly unwarranted by anything which they had ever done at home, or which their Representatives had ever done here. The opinion which seems to be conveyed in another part of the speech, that the Whig party in Congress deserved no particular credit for the passage of a protecting tariff; that, because twenty or thirty Whigs, in one branch or the other, voted against the tariff, and ten or a dozen of their opponents for it, while the great body of the Whigs had, from first to last, devoted their most strenuous efforts to its adoption, and the great body of the Van Buren party had labored incessantly to defeat and reject it; that, therefore, there was no party element in the proceeding, and no party credit for the result, was to my mind equally indefensible. It was confounding the rule and the exception, and placing both upon equal terms. The denial of the authority of the convention, also, to act upon matters which every Massachusetts Whig convention, for ten years before, had been accustomed to act upon without qualification or question, was anything but reasonable. But, sir, there are other passages of this speech, upon which constructions have been put which are utterly ungenerous and unjust. The idea which has more than once been advanced in this House, that Mr. Webster's interrogatories on that occasion—"where do they mean to place me?" "where am I to fall?"—instead of being applied, as it was, simply and solely to his relations to the Whigs of Massachusetts, with whom he had stood so long on terms of confidence and respect, such as few other men ever before enjoyed, was an expression of a corrupt, base, unprincipled lust for office, or of an abject, craven, cringing fear of being turned out of office, is as unfounded as it is gross. It is wholly unsustained by the spirit or by the letter of the speech. The very next sentence to that in which these questions are contained, destroys all apology for such a construction—"If I choose to remain in the President's councils, do these gentlemen mean to say that I cease to be a Massachusetts Whig?" This is the sum and substance of both the interrogatories which have been rung through these halls with so much scorn, and which have formed the foundation of this infamous charge of servility and corruption. The question as to the collectors, attorneys, postmasters, and marshals, is fairly susceptible of no other interpretation. And so, also, with that in relation to my excellent and distinguished friend, the present minister to England. The inquiry, as to all of them, was whether, by this full and final separation from Mr. Tyler, the Whigs of Massachusetts meant to say that they intended to discard and denounce so many of their eminent brother Whigs who then were holding office, unless they either resigned or were turned out. And this is the "detestable doctrine" which has so disgraced Daniel Webster, and so desecrated Faneuil Hall! The questions may all have been uncalled for; but, if they imply a love for anything, it is a love of party, and not of place; if a fear of anything, it is a fear of being abandoned by friends, rather than of being turned out of office.

Sir, it would have been better, far better for all concerned, if this little family jar in Massachusetts had not been meddled with by strangers, and if the parties to it had been left to scold it out among themselves. But I utterly protest against such an exaggeration of its details and history, and such a misrepresentation of the language which was used on the occasion. As to Mr. Webster's love of office, there is no evidence that this love is stronger in him than in many other gentlemen who are justly esteemed and honored in the land. He retained office, indeed, when other gentlemen—his colleagues in the Cabinet—retired. But there was as little reason in charging him with having held on to his commission from the mere love of office, as there would be in charging them with having resigned from the mere hate of office. These gentlemen—for whom I have always entertained and expressed the highest possible regard and respect—felt it was due to their own honor to withdraw from the Cabinet. They did so; and though there were some of their friends who would have preferred that they should have remained, and put the President to his removing power, if he desired to get rid of them, yet all—all acquiesced in their decision, and in their own right to make that decision for themselves. Mr. Webster, on the contrary, felt it consistent with his honor to stay, and carry on that great work of negotiation with Great Britain upon which he had just entered. My venerable colleague [Mr. ADAMS] has recently told his constituents and the

country that he advised him to stay—at least till that negotiation was concluded. "Thinking I was in a post where I was in the service of the country, (says Mr. Webster himself, in this Faneuil Hall speech,) and could do it good, I staid there. I leave it to you to-day to say—I leave it to my country to say, whether the country would have been better off if I had left also. I have no attachment to office. I have tasted of its sweets, but I have tasted of its bitterness. I am content with what I have achieved; I am more ready to rest satisfied with what is gained, than to run the risk of doubtful efforts for new acquisitions." Who doubts, sir, that Mr. Webster has tasted of the bitterness of office as well as of its sweets? Who doubts that he has had his perplexities and provocations during the political hurly-burly of the last two years, as well as we ours? And who denies that, amid them all, he has discharged the peculiar and most responsible duties of his post with unsurpassed ability and success? He has rendered great services to his country—services which will prevent the present Administration, unfortunate and odious as it may have been in many respects, from being quite so mere a *parenthesis* on the page of history as was at one time suggested. The treaty of Washington can never be passed over, in the future perusal of our annals, "without destroying the sense." It may not catch the eye of the cursory reader, indeed, so quickly as if it were written in letters of blood; nor may it occupy so large a space as the dread alternative it has averted; but it will be inscribed in characters which will rivet, as with a charm, the attention and admiration of every thoughtful patriot and every true philanthropist, and which will continually acquire fresh lustre with the advancing progress of civilization and Christianity. The light which flashes from the sword of the successful warrior may dazzle for a day, or even for an age; but a far more enduring radiance will encircle the names of those who have reconciled the proud and angry spirits of two mighty nations, and have honorably secured for them both the unspeakable blessing of PEACE.

Mr. Webster has been charged with great and glaring inconsistencies on the subject of the currency and the Constitution; and this exchequer project is declared to be in direct contradiction to the doctrines of his whole previous political life. Now, sir, I am not going to argue this point. I have no idea that I could argue it to anybody's satisfaction if I should try. I will not pretend to say that this plan does not, in my opinion, contain provisions which Mr. Webster has opposed and condemned in other connexions and under other circumstances. But this I will say: that the great and leading idea of almost all his speeches against the sub-treasury system was, that it was an entire abandonment of the power and duty of the General Government to regulate the currency and the exchanges. Wherever he addressed the people—in Wall street or in State street, at Saratoga or at Bunker Hill—this was the burden of his argument. And, so far as this argument is concerned, he is entirely consistent in advocating the exchequer plan. But if it were not so, Mr. Speaker, I confess that I have yet to see evidence that, when arraigned, in reference to this project, on the mere score of consistency, Mr. Webster might not avail himself of the answer of an Athenian orator on a similar occasion, and say: "I may have acted contrary to myself, but I have not acted contrary to the Republic." The merits of this measure, if it has any, are certainly independent of any man's consistency. It has been devised under circumstances unlike any which ever existed before in the history of this country, and unlike, I heartily hope, any which will ever exist again. It has been brought forward, as I believe, in good faith, and with an honest purpose for the public welfare. If any part of it, or the whole of it, is regarded as unwise, inexpedient, or unsafe by this House or by the country; if it be really "the terrible machine" which the report declares it to be, which would "overwhelm the treasury with bankruptcy, corrupt the Government, and lay a foundation for the most dangerous political favoritism and universal corruption;" and if it be really "incapable of any modification which would justify its adoption," let it be rejected. These opinions of the committee, however, as I have before suggested, appear to me exceedingly extravagant. I have seen no occasion for such a hue-and-cry against the plan, nor for such reproaches upon its author; and I have accordingly felt bound to say so, in utter disregard of any imputations to which such a course may subject me.

SPEECH OF MR. BENTON,

OF MISSOURI,

In Senate, Thursday, February 2, 1843—On the Oregon bill.

Mr. BENTON said: On one point there is unanimity on this floor; and that is, as to the title to the country in question. All agree that the title is in the United States. On another point there is division; and that is, on the point of giving offence to England, by granting the land to our settlers which the bill proposes. On this point we divide. Some think it will offend her—some think it will not. For my part, I think she will take offence, do what we may in relation to this territory. She wants it herself, and means to quarrel for it, if she does not fight for it. I think she will take offence at our bill, and even at our discussion of it. The nation that could revive the question of impressment in 1812—which could direct a peace mission to revive that question—the nation that can insist upon the right of search, and which was ready to go to war with us for what gentlemen call a few acres of barren ground in a frozen region,—the nation that could do these things, and which has set up a claim to our territory on the western coast of our own continent, must be ripe and ready to take offence at anything that we may do. I grant that she will take offence; but that is not the question with me. Has she a *right* to take offence? That is my question! and this being decided in the negative, I neither fear nor calculate consequences. I take for my rule of action the maxim of President Jackson in his controversy with France—ask nothing but what is right, submit to nothing wrong, and leave the consequences to God and the country. That maxim brought us safely and honorably out of our little difficulty with France, notwithstanding the fears which so many then entertained; and it will do the same with Great Britain, in spite of our present apprehensions. Courage will keep her off; fear will bring her upon us. The assertion of our rights will command her respect; the fear to assert them will bring us her contempt. The question, then, with me, is the question of right, and not of fear! Is it right for us to make these grants on the Columbia? Has Great Britain just cause to be offended at it? These are my questions; and these being answered to my satisfaction, I go forward with the grants, and leave the consequences to follow at their pleasure.

I maintain that the passage of this bill, and these grants to the settlers, can give no just ground of offence to Great Britain; and this opinion is the regular deduction from the unanimous opinion of this chamber, that the title to the territory is in the United States. Surely the owner may do what he pleases with his own. But gentlemen say that the exercise of these rights is limited by the convention of 1818. Not so in my opinion, nor upon the words of the convention. Those words apply only to the usufruct of the territory—to rights of fishing, hunting, trading, and navigation. They do not affect pre-existing rights. They do not touch the question of sovereignty. They are, as the Senator from New Hampshire on my right [Mr. WOODBURY] has well shown, words which are found in many treaties, and which have no relation to the sovereign rights of the parties. They are, besides, found in our British treaty of the last summer, and apply to the portages belonging to the United States between the Lake Superior and the Lake of the Woods, the use of which is made free and open to each party. To say nothing of other portages, the Grand Portage itself is sufficient to raise the question, and to try it. That portage is within the acknowledged limits of the United States—even the limits fixed in the mutilating treaty of 1842. It is a portage of nine miles in length, and six miles within our limits; and, by the words of the late treaty, this portage is to be free and open to the use of both parties. Does this affect our sovereignty? Will it prevent us from granting the land? Will it prevent us from occupying and settling the Grand Portage—that great seat of trade and empire among the Indians—and placing a custom-house, a fort, and American settlers there? According to the argument of gentlemen, this will be the consequence. If their argument is good for the Columbia, it is good for the Grand Portage; and we are to be debarred forever from the use of that grand position. I say forever; for this part of the treaty of 1842 is perpetual; and it brings back the British Fur Company to this ancient seat of trade and power, from which Mr. Jay's treaty removed them forty years ago. Gentlemen must be prepared to go this length, if they adhere to their construction of the convention of 1818. They must deny us the exercise of territorial rights at the Grand Portage, and at thirty-six other portages on the west of Lake Superior, where the joint occupation of the British will be, as it is on the Columbia, an exclusive possession on their part; and where this treaty of 1842 grants them exemption from the payment of duties. The British possession of the Columbia is now sovereign and exclusive. Their convenient agent, the Hudson Bay Company, does everything for them; and the British Government has declared to ours that they will protect this company, and that on both sides of the river. This is insult and defiance to us. This company has built forts, erected mills, opened farms, stocked them with animals, and planted a colony. Their forts include a triangle of seven hundred miles on every side: one of them approaching the south pass in the Rocky Mountains—our gate through the mountain, and only two hundred and fifty miles from it. The British, through this company, (which is to them in North America, what the East India Company is to them in Asia,) have taken sovereign possession of territory unanimously declared on this floor to belong to us: and we are to be restrained from making grants of land to our settlers, lest we give offence to her. She is not to fear offending us, by taking possession of our territory; but we are to fear offending her, by using a little of our own! This is the effect of the argument, if not its words! And a parallel is run between her condition and ours, to show that she is ready for war, and we are not: and, therefore, we must do nothing. Sir, it is no fault of mine if we are not ready for war. I proposed to devote the surplus revenue to that object, instead of giving it to the States, to whom it has been a curse. If it had been so devoted, we should not now be without revenue to support the Government—without defence to resist aggression—without the means of protecting our rights, or commanding foreign respect. But, I do not yield to the argument. I will not fear Great Britain, because she is ready, and we are not ready, for war. If we have not all the means, we have the main means of war—those which command all other means—a courageous and patriotic population, ready to stake life and fortune in defence of the honor, the rights, and the interests of their country.

The fear of Great Britain is pressed upon us; at the same time her pacific disposition is enforced and insisted upon. And here, it seems to me, that gentlemen fall into a grievous inconsistency. While they dwell on the peaceable disposition of Great Britain, they show her ready to go to war with us for nothing, or even for our own! The Northeastern boundary is called a dispute for a few acres of barren land in a frozen region, worth nothing; yet we are called upon to thank God Almighty and Daniel Webster for saving us from a war about these few frozen and barren acres. Would Great Britain have gone to war with us for these few acres? and is that a sign of her pacific temper? The Columbia is admitted on all hands to be ours; yet gentlemen fear war with Great Britain if we touch it—worthless as it is in their eyes. Is this a sign of peace? Is it a pacific disposition to go to war with us, for what is our own; and which is, besides, according to their opinion, not worth a straw? If this peaceful? If it is, I should like to know what is hostile. The late special minister is said to have come here, bearing the olive branch of peace in his hand. Granting that the olive branch was in one hand, what was in the other? Was not the war question of impressment in the other? also, the war question of search, on the coast of Africa? also, the war question of the Columbia, which he refused to include in the peace treaty? Were not these three war questions in the other hand?—to say nothing of the Caroline, for which he refused atonement; and the Creole, which he says would have occasioned the rejection of the treaty, if named in it. All these war questions were in the other hand; and the special mission, having accomplished its peace object in getting possession of the military frontiers of Maine, has adjourned all the war questions to London, where we may follow them if we please. But there is one of these subjects for which we need not go to London—the Creole, and its kindred cases. The conference of Lord Ashburton with the Abolition Committee of New York shows that that question

ceed not go to London—that England means to maintain all her grounds on the subject of slaves, nd that any treaty inconsistent with these grounds would be rejected. This is what he says:

"Lord Ashburton said that, when the delegation came to read is correspondence with Mr. Webster, they would see that he ad taken all possible care to prevent any injury being done to he people of color; that, if he had been willing to introduce an rticle including cases similar to that of the Creole, his Government would never have ratified it, as they will adhere to he great principles they have so long avowed and maintained; nd that the friends of the slave in England would be very atchful to see that no wrong practice took place under the ith article."

This is what his Lordship said in New York, nd which shows that it was not want of instructions to act on the Creole case, as alleged in Mr. Webster's correspondence, but want of inclination n the British Government to settle the case. The reaty would have been rejected, if the Creole case ad been named in it; and if we had had a protool showing that fact, I presume the important ote of Lord Ashburton would have stood for as ittle in the eyes of other Senators as it did in nine, and that the treaty would have found but ew supporters. The Creole case would not be dmitted into the treaty; and what was put in it, is o give the friends of the slaves in England a right o watch us, and to correct our wrong practices nder the treaty! This is what the protocol after he treaty informs us; and if we had had a protool before it, it is probable that there would have een no occasion for this conference with the New ork Abolitionists. Be that as it may, the peace nission, with its olive branch in one hand, brought budget of war questions in the other, and has arried them all back to London, to become the ubject of future negotiations. All these subjects re pregnant with danger. One of them will force tself upon us in five years—the search question—hich we have purchased off for a time; and when he purchase is out, we must purchase again, or ubmit to be searched, or resist with arms. I reeat it: the pacific England has a budget of war uestions now in reserve for us, and that we cannot escape them by fearing war. Neither nations nor individuals ever escaped danger by fearing it. They must face it, and defy it. An abandonment of a right, for fear of bringing on an attack, instead of keeping it off, will invitably bring on the outrage that is dreaded.

Other objections are urged to this bill, to which cannot agree. The distance is objected to it. It s said to be 18,000 miles by water, (around Cape Horn,) and above 3,000 miles by land and water, hrough the continent. Granted. The very distance, by Cape Horn, was urged by me, twenty ears ago, as a reason for occupying and fortifying he mouth of the Columbia. My argument was, hat we had merchant ships and ships of war in he North Pacific ocean; that these vessels were 0,000 miles from an Atlantic port; that a port on he western coast of America was indispensable o their safety; and that it would be suicidal in us to bandon the port we have there to any power, and especially to the most formidable and domineering aval power which the world ever saw. And I instanced the case of Commodore Porter, his prizes ost, and his own ship eventually captured in a neural port, because we had no port of our own to reeive and shelter him. The 20,000 miles distance, nd dangerous and tempestous cape to be doubled, were with me arguments in favor of a port on the western coast of America, and, as such, urged on his floor near twenty years ago. The distance hrough the continent is also objected to. It is said to exceed 3,000 miles. Granted. But it is further han that to Africa, where we propose to build up a colony of negroes out of our recaptured Africans. Our eighty-gun fleet is to carry her intercepted slaves to Liberia: so says the correspondence of the naval captains (Bell and Paine) with Mr. Webster. Hunting in couples with the British, at an expense of money (to say nothing of the loss of lives and ships) of $600,000 per annum, to recapture kidnapped negroes, we are to carry them to Liberia, and build up a black colony there, 4,000 miles from us, while the Columbia is too far off for a white colony! The English are to carry their redeemed captives to Jamaica, and make apprentices of them for life. We are to carry ours to Liberia; and then we must go to Liberia to protect and defend them. Liberia is 4,000 miles distant, and not objected to on account of the distance: the Columbia is not so far, and distance becomes a formidable objection.

The expense is brought forward as another objection, and repeated, notwithstanding the decisive answer it has received from my colleague. He has shown that it is but a fraction of the expense of the African squadron; that this squadron is the one-twelfth part of our whole naval establishment, which is to cost us seven millions of dollars per annum, and that the annual cost of the squadron must be near $600,000, and its expense for five years three millions. For the forts in the Oregon bill—forts which are only to be stockades and block-houses, for security against the Indians—for these forts, only $100,000 is appropriated; being the sixth part of the annual expense, and the thirtieth part of the whole expense, of the African fleet. Thus the objection of expense becomes futile and ridiculous. But why this everlasting objection of expense to everything Western? Our dragoons dismounted, because, they say, horses are too expensive. The Western rivers unimproved, on account of the expense. No Western armory, because of the expense. Yet hundreds of thousands, and millions, for the African squadron!

Another great objection to the bill is the land clause—the grants of land to the settler, his wife, and his children. Gentlemen say they will vote for the bill if that clause is stricken out; and I say, I will vote against it if that clause is stricken out. It is, in fact, the whole strength and essence of the bill. Without these grants, the bill will be worth nothing. Nobody will go three thousand miles to settle a new country, unless he gets land by it. The whole power of the bill is in this clause; and if it is stricken out, the friends of the bill will give it up. They will give it up now, and wait for the next Congress, when the full representation of the people, under the new census, will be in power, and when a more auspicious result might be expected.

Time is invoked, as the agent that is to help us. Gentlemen object to the present time, refer us to the future, and beg us to wait, and rely upon TIME and NEGOTIATIONS to accomplish all our wishes. Alas! *time* and *negotiation* have been fatal agents to us, in all our discussions with Great Britain. Time has been constantly working for her, and against us. She now has the exclusive possession of the Columbia; and all she wants is *time*, to ripen her possession into title. For above twenty years—from the time of Dr. Floyd's bill, in 1820, down to the present moment—the present time, for vindicating our rights on the Columbia, has been constantly objected to; and we were bidden to wait. Well, we have waited: and what have we got by it? Insult and defiance!—a declaration from the British ministers that large British interests have grown up on the Columbia during this time, which they will protect!—and a flat refusal from the olive-branch minister to include this question among those which his peaceful mission was to settle! No, sir; time and negotiation have been bad agents for us, in our controversies with Great Britain. They have just lost us the military frontiers of Maine, which we had held for sixty years; and the trading frontier of the Northwest, which we had held for the same time. Sixty years' possession, and eight treaties, secured these ancient and valuable boundaries: one negotiation, and a few days of time, have taken them from us! And so it may be again. The Webster treaty of 1842 has obliterated the great boundaries of 1783—placed the British, their fur company and their Indians, within our ancient limits: and I, for one, want no more treaties from the hand which is always seen on the side of the British. I go now for vindicating our rights on the Columbia; and, as the first step towards it, passing this bill, and making these grants of land, which will soon place the thirty or forty thousand rifles beyond the Rocky Mountains, which will be our effective negotiators.

SPEECH OF MR. BUTLER,
OF KENTUCKY.

In the House of Representatives, January 11, 1843—On the proposition to restore the fine to General Jackson.

MR. SPEAKER: Although there is, perhaps, not a gentleman around me less in love with the music of his own voice within these walls, than I with mine, yet there are occasions—and this is one of them—on which I do not feel myself at liberty to follow the natural bent of my own inclination. It is known to you, sir, and to many others in this hall, that I belonged to the Southern army, commanded by General Jackson, in the years 1814 and 1815. It will, therefore, be presumed, and correctly presumed, that I am somewhat familiar with the leading facts and circumstances which led to the declaration and enforcement of martial law, and for which the fine proposed to be remitted by the bill now under consideration was inflicted. It is also known to you, sir—at least it is well known to my constituents—that I have ever been the warm personal and political friend of that distinguished gentleman. Nay, sir, that I was once, but not then, a member of his military family. Under all these circumstances, were I to remain silent, and listen to such a debate as that to which this subject has given rise, there could be but one of two opinions formed as to the cause of that silence. It would either be said that I deemed the conduct of General Jackson utterly indefensible, or that I shrunk from that defence. Neither of them shall be said in advance, whatever else may be said when I shall have taken my seat.

What, sir, is the proposition before us? Simply to restore to General Jackson the amount of a fine, inflicted, as he contends, for the performance of an act of imperative duty, and one essential to the service of the country. And yet, sir, I see with equal pain and surprise that this simple proposition, which ought to depend upon truth and justice alone, is fast assuming, if it has not already assumed, a decided party character. I am asked, on my right and on my left, why the Democratic party did not pass such a law when in power? Do gentlemen who make this inquiry wish to leave the inference that the Democratic party have shrunk from doing so? This no one does or can believe. Why should this be peculiarly a Democratic measure? Had the Whigs no part in the defence of New Orleans? Were none of them, or none of their friends, there? If they cherish no proud recollections of that glorious defence, and are willing to yield up all to the Democratic party, then, indeed, there might be some pretence for making this a party question. But, sir, I know it is far otherwise; I know that every patriot in the land feels his heart bound prouder within him, as his eye falls on that immortal page in his country's history; and he feels that such achievements are a nation's, not a party's wealth. Still I hear the question repeated on all sides, "why is this measure forced upon a Whig Congress?" It may be, sir, for the express purpose of affording that party the opportunity to prove to the world that justice and magnanimity are still to be found in its ranks; or it may be for precisely the opposite reason. I understand, however, it has been done in obedience to the voice of public sentiment—acting, no doubt, on the known wishes of General Jackson to be released from a fine which he believes unjust, and therefore, and therefore only, oppressive. If my wish were to make political capital, and I could consent to resort to such a measure for such a purpose, nothing could please me more than to witness the party bias attempted to be given to it. Sir, will your party, with all its knowledge and talents, never have the wisdom to appreciate the American people? Lay this question before them in your next canvass, and you will at least learn that ingratitude and injustice to those who have freely periled their lives in defence of their country form no part of their character.

Before I proceed farther upon the merits of the question under consideration, permit me to say a few words in reply to part of the speech of the venerable gentlemen, [Mr. ADAMS,]—not on its merits. I will first read from the Globe's report of that speech the following paragraph:

"Rumors were afloat—he could not, of course, vouch for their truth—that the great presidential question between the various divisions of the Democratic party was to be ultimately decided by General Jackson himself. It seemed to be given out that he was to be the president of the national Democratic convention; and who knew what the result would be? Such were the rumors which were afloat. From what the House had seen, it was clear that all the divisions of the party were humble suitors for the good-will or neutrality of General Jackson. He did not expressly assign the paragraph in the message of the President to that purpose. The President alone knew what were his motives; and, therefore, he (Mr. A.) would not say that this was a bid in the great auction. If it was, however, a bid, he would say that it was not a very good one. He thought the "war-worn veteran" would say that such a bid won't do. At any rate, he wished to have the trial made, by putting the bill in precisely the same terms recommended by the President, in order to see whether the "war-worn veteran" would take it."

Now, sir, I will not pretend to decide what influence General Jackson may have in future President-making. It is, however, well known—and to

none better than the venerable gentleman [Mr. ADAMS] himself—that the old hero, in his day, was esteemed a most capital *President-breaker*. And even if it were true that, in one character, he has drawn support to this bill, no one can doubt that, in the other, he has excited against it a most deadly and unrelenting opposition. That the gentleman [Mr. ADAMS] cannot consistently oppose it on the usual grounds—the unwarrantable assumption of power—is manifest from the fact, that he has himself most triumphantly vindicated the same General from a similar exercise of power, on the ground of necessity, and in a much more questionable case. We are, therefore, to seek elsewhere for that gentleman's opposition; nor is it difficult to find. Had General Jackson retired to private life at the close of his military career—had he but worn meekly those honors which he won proudly, he might have gone down the vale of years followed by the prayers and blessings of all; his laurels growing fresher and greener at every step of his pilgrimage, until standing, as he now does, on the brink of the grave, they would have caught a bright reflection of the world beyond it. This bill would then have passed on its merits, and passed by acclamation. But, sir, he dared do otherwise. He dared throw his tall, straight shadow across the crooked path of mad ambition. He dared resist that combination, trick, and jugglery by which a Federal dynasty was foisted upon a free country. He dared appeal—and appeal successfully—from the people's servants to the people themselves. And, above all, sir, he dared strike to dust a corrupt moneyed monopoly, alike essential in every age and country to the existence of such a dynasty. This, sir, is the front of his offending—this has arrayed party vengeance against this bill.

The same venerable gentleman has also spoken of the sale of the office of President at public auction; and seems emulous to succeed my friend from Indiana, [Mr. THOMPSON,] who, a few days since, gave us a most amusing display of his talents as congressional auctioneer. This new auctioneer, too, has thought fit to change his rooms from the White House to the Hermitage. Now, sir, as we have learned from the venerable gentleman [Mr. ADAMS] the "rumor" that one ex-President is to dispose of the Democratic interest in the next election of Chief Magistrate, it is but fair to presume—from "rumor," of course—that the other ex-President may have some little influence in disposing of the Whig interest in the same office; and, if so, in requital for his important information, on the veritable authority of "rumor," I would advise him, by all means, when that interest is disposed of, to adhere to the good old "rumored" precedent of 1824—or perhaps, sir, sealed proposals will suit quite as well.

Whether I ought to take any, or what notice I ought to take of the grovelling anecdote of the traitor Arnold, applied by the venerable ex-President [Mr. ADAMS] to an old successful competitor for the first office in the world, long after that competitor had quitted the political arena forever,—is a matter of much doubt. I will simply say of this attack, that it is of but too close affinity with that made by the notorious Knight of Gadshill on the soldier corse of the gallant Percy—and will be felt about as much.

I will now, sir, (if I can be pardoned by the House for this, to me, most unpleasant digression,) turn to what I conceive the true merits of the question—the propriety of the declaration and enforcement of martial law, by General Jackson, at New Orleans. When I speak of martial law, I will not be understood as meaning the law establishing rules and articles for the government of the army of the United States. That law is at all times in force, and acquires no new power from a simple declaration of that fact. I mean that martial law of paramount control, as it is understood in all countries, and which may not unaptly be defined "the common law of camps," springing out of, and commensurate with, the exigencies of armies in the field—exigencies which cannot be foreseen, and therefore cannot be guarded against in advance, by fixed legislation. That Gen. Jackson had the constitutional power formally to declare or enforce such a law—to supersede the civil for such military rule—I shall not contend for him; nor has he ever so contended for himself. If his justification is to be found at all—and that it is, I have no doubt—it must be sought for amidst the dangers and difficulties by which he found himself surrounded. I know, sir, there are some who would fain persuade the world that no alternative, however direful, can justify, or even excuse, a resort to such a course. I have now a pamphlet before me, signed "A Kentuckian," written with some ability, in which the author labors to enforce this doctrine. A single and a very short paragraph from this work will serve to show his position:

"The great national interest with us—the great point of discipline—is, and ever must be, implicit and devoted obedience to the law."

Based on this dogma, he labors to prove that, while General Jackson was whipping the British, he was in fact levying war against his own country—because he took the necessary measures to suppress mutiny and treason in his own camp!—and winds up by saying, "It is plain, unmixed treason."

Who this learned gentleman is, I do not care to know. From his unsparing bitterness, he might well be taken for some political renegade, vainly attempting to win the confidence of his new friends, by assailing the leader of his old ones. Certain I am he is no soldier, and knows nothing of the hardships or casualties of war. If he did, he would also know that an army rarely marches by day, or halts by night, without necessarily breaking some law, or trampling on some right. It is more than probable this gentleman is some judge, or ex-judge, who, wrapping himself in his robes of office, and hugging to his heart this darling Utopia, "implicit obedience," fondly imagines he can convince the American people that it were infinitely better New Orleans had been sacked and burnt, than saved by martial law. This is but the doctrine attempted to be inculcated in the pamphlet referred to, when carried into practice; and, whatever may be thought of it now, I have no doubt it would have been received with acclamation by the entire British army at the time. In this shape, then, let it go before the world. I, at least, will waste no argument to prove its folly or its falsity.

To such as admit that a crisis may arise, in the prosecution of a war, in which it may not only become proper, but even an act of imperative duty in the commanding general, to set aside or disregard for a time the established laws and usages of the country he serves, I have a few considerations to address. To such, and such only, (and I know they constitute a large majority even of the Whig party,) I shall attempt to prove that such a crisis did, in fact, exist at the time martial law was declared, and as long as it was enforced by General Jackson at New Orleans.

In order to do this with any hope of success, it will be essential to understand the theatre on which he was compelled to act, the difficulties and dangers that surrounded him, and the means placed in his hands to meet them; and this will require me to enter more into detail than I fear I shall be able to do in the time allotted me.

General Jackson had just closed his Indian wars, and with a brilliancy and success rarely equalled, and never surpassed, in any age or country. Such, at least, was his reputation, that the President thought fit to confer on him the rank of major general in the United States army, and intrust to his command one of the most important, because one of the most defenceless and unprotected, military districts in the Union. I do not remember its exact geographical limits. It is enough to say that it extended, on the gulf, from the Perdido to the Sabine; and that its inland border was skirted, almost from one end to the other, by numerous and warlike Indian tribes; several of them but recently at open war, and known still to be hostile: a mere fragment of one of which has, for the last six years, kept a force larger than that under his command in constant employment; and is now barely conquered, if conquered at all. On the 7th of November Pensacola was taken, which, for a time, put an end to those wars, by cutting off the communication between the Indians and British. For although this town was at once restored to its owners, the Spaniards were taught the necessity of preserving a strict neutrality between nations who, though at peace with them, were at war with each other; and were also taught—what they had previously denied—that they only wanted the will, and not the power, to enforce that neutrality. This, too, was another necessary stretch of power, which called down on General Jackson the vengeance of the "implicit obedience" party; still the nation at large justified him. Pensacola taken, he at once repaired to Mobile, and spent some days in putting that frontier in the best state of defence his limited means would permit, and then proceeded by land to New Orleans. It may seem a matter of surprise that he should have taken this long and difficult route at such a season of the year, requiring some six or eight days to perform it, when he might have reached the same point in two days by water. I can only account for it, from the known importance he attached to the defence of the Mobile frontier; his belief that this was one of the most vulnerable points from which New Orleans could be assailed; that the British, by drawing to their support the numerous and powerful tribes of hostile Indians in that region, might pass by land to the Mississippi, above New Orleans, and, posting themselves on either bank, cut off all communication with the upper country. Hence he felt the importance of possessing a minute knowledge of the topography and resources of the country through which the enemy would necessarily pass, should that plan be adopted.

Be this as it may, on the first day of December he reached that city, destined to be saved by his skill and valor, and to give immortality to his name. Travel-worn, and wasted with disease as he was—for, in the late campaign, he had often been barely able to sit his horse—he gave not an hour to rest, but entered at once upon the active duties of the field. On the day of his arrival, he reviewed the city troops; and, on the next, set out upon a military reconnoissance of his position, not merely of the city and its environs. He descended the Mississippi, and examined, in person, the wild and minute passes of Barrataria on the one side, and Lake Borgne on the other; planned and directed many improvements and alterations in the works at Fort St. Philip, the key of the Mississippi; and then returned to New Orleans about the 10th of the month, to calculate and improve his means of defence, and weigh the difficulties that surrounded him. His means were few, indeed, and easily ascertained. His difficulties were innumerable, and only to be fully appreciated by those who saw and felt them. I possess no exact data on which to estimate the precise force available at this time for the defence of the city; nor at the moment when martial law was declared. I have, however, the official report, which will be found both in Latour and Eaton, giving the exact number of each corps engaged in the battle of the 23d, as follows:

Part of Coffee's brigade	648
Seventh and forty-fourth regiments United States infantry	763
Company of marines and artillery	92
Plauche's battalion	280
Daquin's freemen of color	208
Mississippi dragoons under Col. Hinds, not in the action	186

From which, if we deduct the commands of Coffee and Hinds, (who had not then arrived,) it will leave the available force, at the time martial law was declared, only 1,333; even if we can suppose there was no increase from the 14th to the 23d.

It will, no doubt, be matter of surprise to all, that in a battle fought in sight of New Orleans, and one on which, all admit, its fate was staked, that only 488 residents of Louisiana were engaged; and that 208 of them were free men of color. Were there no other persons in that city or its vicinity able to bear arms? and, if so, where were they at this important hour? are questions that will naturally suggest themselves to every one, on learning this fact. Sir, for all the purposes of military defence, I have no hesitation in believing, with the information then before him, that General Jackson would much sooner have defended a city void of inhabitants, and surrounded by a desert. And here I wish to be most distinctly understood as not intending to cast the slightest imputation on the patriotism of the citizens of Louisiana in general. What I mean, then, in connexion with what I have just said, is, that the predominance of slave over white population was such, and such its character, as to more than neutralize any aid that could be fairly expected from that white population, had every man able to bear arms been both a patriot and a soldier. What I here say of slavery in Louisiana, I by no means apply to slavery in general. On the contrary, I would much sooner trust the slaves of my own, and of several other States, to defend this nation in her darkest hour of need, than one half of that whining brood of sickly sympathizers, who are uniting themselves with foreign societies, whose real purpose is the destruction of this Union, under the specious pretence of bettering the condition of a class who, in

all the essentials of ease, comfort, and happiness, are infinitely better off than most of themselves. The slaves of this State were, at the period of the late war—whatever they may be now—of quite a different class. Louisiana was then (if I may use the term without offence) a sort of servile Liberia, into which all the vilest slaves of all the States were sent, and often for the purpose of screening them from condign punishment. It may, then, be readily conceived with what reluctance men would quit their homes, leaving their families at the mercy of such beings, subject to be operated upon by such a foe—a foe then in league with every desperate band of roving and lawless savages that could be seduced into their bloody service, reckless of the well-known fact that, in that service, they would spare neither age, sex, nor condition. I shall, however, doubtless, be told that none of these evil consequences ensued. Let it be borne in mind that I am now only speaking of things in the light in which they naturally and properly presented themselves at the time, and not that which they have since assumed. As far as my information goes, the British made no attempt to excite the slaves either to murder or revolt. No, sir, they pursued a very different course. Like Gen. Jackson, they had been taught to believe that a large portion of the citizens of Louisiana, and particularly those of French and Spanish extraction, were inimical to the Union. To these, therefore, they addressed proclamations, assuring them that they came as friends, and not as enemies; and promising security and protection both to themselves and their property. These facts, with many others, had a natural tendency to mislead the commanding general as to the extent of that disaffection. Louisiana was, moreover, a purchased province; and we are told by Mr. Martin, the historian mainly relied on by the opposers of this bill, that the transfer was attended with no little gloom and discontent. This was a natural, and by no means an unpatriotic feeling. The allegiance of the heart is not to be purchased. The father-land is a green spot in the waste of every man's memory, which visits him in his dreams, and comes to him in his day-dreams. How much of that feeling still remained, was yet to be seen. If the embers were not extinct, here was a most propitious opportunity of kindling the flame anew. The Spanish inhabitants were told that England and Spain were fast friends, and for years had been warring side by side, in the same great cause; and the French were told, that that great cause included the restoration of the legitimate sovereign of France to the throne of his ancestors. What sane man would undertake to say that all these appeals would fall on cold unwilling ears; particularly when, in all human probability, the British had ample means to make good their promises both of protection and security?

But there was still a third class, who neither owed nor professed any allegiance to this nation. The city and country were filled with foreigners and strangers from every clime and zone, of every tribe and tongue, whose sole business was to better their condition—having more or less interest staked on the result of the coming contest. Who would pretend to vouch that these "lookers on in Vienna" were all good men and true, and ready to "do or die" in a cause not their own? Or who would even vouch that they would not join the enemy, who seemed to have victory already written on his banner? Sir, had one-half of the population of this country pledged themselves for the patriotism of the other, it could not have been expected that a man as deeply read in that intricate volume—the human heart—and as well acquainted with all its springs of action, as General Jackson is known to be, would have given it a moment's credence. But General Jackson was not left to speculate upon his general knowledge of men and things. He was warned and forewarned previous to reaching Louisiana—and that, too, from the very highest authority in the land—that it was filled with spies and traitors. True, Mr. Martin attempts to show that General Jackson had been the informer, and succeeded in imbuing the mind of Claiborne with suspicions not his own. He says (speaking of General Jackson) "unfortunately, he had been surrounded, from the moment of his arrival, by persons from the ranks of the opposition to Claiborne, Hall, and the State Government; and it was soon discovered that he had become impressed with the idea that a great part of the population of Louisiana was disaffected, and the city full of traitors and spies." It appears that such were his sentiments as early as the 8th of September; for, in a letter of Claiborne, which he has since published, the Governor *joins* in the opinion, and writes to him: "I agree with you, that our country is full of spies and traitors." And yet this impartial historian had before him both Letour and Eaton, each of them containing the defence offered by General Jackson on his trial before Judge Hall: in which were numerous extracts of letters from Governor Claiborne to himself, solemnly warning him against these very traitors. From one of them, written just one month prior to that from which Mr. Martin has garbled the line above quoted, I make the following extract:

"I have reason to calculate on the patriotism of the interior and western counties. I know, also, there are many faithful citizens in New Orleans; but there are others in whose attachment to the United States I ought not to confide. Upon the whole, sir, I cannot disguise the fact, that, if Louisiana should be attacked, we must principally depend for security upon the prompt movements of the regular force under your command, and the militia of the Western States and Territories."

I will also make a quotation from this same letter of the 8th of September, which did not answer the purpose of Mr. Martin, and which he, therefore, found it convenient to suppress. Speaking of New Orleans, the Governor says: "There is in this city a much greater spirit of disaffection than I had anticipated; and among the faithful Louisianians, there is a despondency which palsies all my preparations." Mr. Martin proceeds: "The Governor was not unwilling to increase his own merit by magnifying the obstacles he had to surmount; he therefore stated, in his correspondence with Jackson, every opposition he met with; and did not fail to represent every one, who did not think as he did, as inimical to the country." Here we have the strange spectacle of Jackson being at the same time surrounded "by persons from the ranks of the opposition to Claiborne, Hall, and the State Government," and Claiborne himself constituting one of that opposition. In modern parlance "the General seems to have stolen the Governor," and arrayed him not only against his friends, but against himself.

But Governor Claiborne was not the only source from which General Jackson received his impressions of the want of fidelity among the inhabitants of Louisiana, as Mr. Martin himself shows. He proceeds: "Those who immediately surrounded Jackson on his arrival, with a view to enhance his reliance on them, availed themselves of every opportunity to increase his sense of danger." And who were those men? At their head stood Livingston and Duncan—men who would rank high, in any age or country, for talents and probity; who had lived long in the city, and had the very best means of correct information. Can it, then, be a cause of wonder that General Jackson believed the country was full of "spies and traitors?" or a matter of reproach that he resorted to the most energetic measures to render treason abortive? But was there, in truth, no treachery? That there was much less than the General believed to exist, I feel great pleasure in conceding. But that there was still enough to demand all his vigilance and skill, none ought to deny. For proof of this fact, I refer to Latour, who is himself a Creole of the country, and whose prejudices and feelings are, therefore, all presumed to be in favor of its citizens, and opposed to whatever may be construed to their prejudice. After describing a village on the left bank, and near the mouth of Bayou Bienvenue, which he says "contained thirty or forty fishermen, almost all Spaniards or Portuguese," ten of whose names he gives, as he says, "to consign them to execration and infamy," he proceeds: "These all were known to have aided the British in disembarking their troops, serving as pilots on board their vessels and boats, and acting as spies from the period of their arrival on the coast." (See pages 82 and 83.)

I also refer to the following letter from Mr. Charles K. Blanchard, of New Orleans, to General Jackson, which will be found in Eaton, p. 445:

"SIR: I have the honor, agreeably to your request, to state to your excellency the substance of a conversation that occurred between Quartermaster Peddle, of the British army, and myself, on the 11th instant, on board his Britannic Majesty's ship Herald. Quartermaster Peddie observed, that the commanding officers of the British forces were daily in the receipt of every information from the city of New Orleans which they might require, in aid of their operations for the completion of the objects of the expedition; that they were perfectly acquainted with the situation of every part of our forces, the manner in which the same was situated, the number of our fortifications, their strength, position, &c. As to the battery on the left bank of the Mississippi, he described its situation, its distance from the main post, and promptly offered me a plan of the works. He furthermore stated, that the above information was received from seven or eight persons in the city of New Orleans, from whom he could at any hour procure every information necessary to promote his Majesty's interest."

If there was treason here—and that there was, no one can with truth deny—then never was there on earth a country in which that treason might play its part with more security and success, or which demanded more prudence and skill to detect and to disarm it. Look, sir, at the country in the vicinity of New Orleans: a narrow strip of land on either side of the river, varying from a half to two miles in width, pent in on all sides by swamps almost impervious to the foot of man, and intersected by innumerable bayous and canals, connecting the Mississippi with the surrounding gulfs and bays and lakes. But, in order fully to appreciate the view of the case it is my object to impress, it is important to understand something of the plan adopted by the commanding general for the defence of the city He had obviously but two, between which to choose: one was, to collect his entire force in its vicinity, wait the approach of the enemy, and settle the fate of the city by one bloody death-struggle. This he wisely declined, because he would still have it as a dernier resort, should he fail in the other. That plan was to keep his main force at or near New Orleans, seize on all the avenues of approach, though at such a distance from it as to cover and protect as many of the well disposed inhabitants as he could, without weakening his position; at the same time keeping in check those he dared not trust; holding the enemy at arm's length as long as possible; and, when able to do so no longer, falling back, and selecting the best ground on which to give him battle. From what I have said, it will be seen that there was a complete cordon of pickets or outposts surrounding the city, occupying all the avenues of approach to it, and as thoroughly cutting off all communication between the space included within this cordon and the balance of the world, as though it had been circumvallated by a wall or ditch, so long as these pickets could be maintained; and all proved true. This it was that rendered the city at all times not only a camp, but the very heart and centre of that camp. But how easy was it for treason to defeat even this noble plan of defence? Only the river termini of these bayous could be occupied by the American army; while the enemy, from their superior naval power, would of course seize on their entrances into the gulf. No intermediate point could be occupied by either, as it was one entire morass. In this state of things, it is evident that the British had the power, not only to select their own point of attack, but to make as many feints as they might think fit; and that it would be impossible to distinguish the one from the other, until they should reach the firm ground near the bank of the Mississippi. All, then, that was wanting on their part, in order to insure success, was to deceive the commanding general by a false attack, either above or below the city, and thereby draw his main force in that direction, while the real approach should be made on the opposite side. All this, had it not been restrained by the most rigid means, treachery would have attempted, and might not have done so in vain.

Having said thus much of the condition of things at home, let us now turn our eyes for a moment in the opposite direction. About the period of which I am now speaking, Gen. Jackson received intelligence of an undoubted character that the enemy was near at hand. Eighty vessels, filled with troops and munitions of war, were already off Pensacola, and as many more were hourly expected. Believing the entire control of all the resources of the country to be indispensable to its defence, and that these resources could not be applied to so good a purpose; believing, also, that unrestrained liberty of person—when applied to such as would, from necessity or choice, be included within the city to be defended, or the adjacent territory covered by his posts—to be utterly incompatible with either discipline or safety, General Jackson applied to the Legislature, then in session, to suspend for a time the writ of habeas corpus. That body, like himself, seem to have felt the importance of the crisis; for they not only passed a law closing up all the courts of justice, but also one laying an embargo on all the vessels in the port of New Orleans. Even Judge Hall, yielding to the pressure of the emergency, thought fit—without law, or trial, or bail—to discharge all the prisoners committed under process of the United States, no matter what their crimes, in order to fill the ranks of

the army. Still, the proposal to suspend the writ of habeas corpus met with opposition, and was yet under discussion, when, on the 14th of December, the battle of the lakes was fought, by which we lost all the gun-boats on the station, and gave the enemy unlimited control of the entire coast, and full power to select his point of attack. This was, indeed, a most critical, a most startling moment. Recollect that neither Coffee, Carroll, Adair, nor Hind had yet arrived; and that I have before said General Jackson's available force for the defence of the city was but about 1,300 efficient men. That of the enemy was, of course, unknown, and variously reported from twelve to twenty thousand. One thing, however, was certain: the same victorious army, though greatly increased in numbers, that a few months before had wrapped this proud Capitol in flames, and laid siege to Baltimore—then the third city in the Union—was there. The same army that had marched unscathed through this populous region, abounding in resources, both of men and munitions, twenty-fold greater than General Jackson could command, was to be encountered, and the trial hour was at hand. This, sir, was no time to waste in protracted debate upon measures to be taken; no time, either, for making laws, or unravelling the "nice quillets" of laws already made. Dismay and confusion reigned predominant. The boldest doubted, and the timid despaired, of success. The commanding general saw that the fate of the city rested upon himself alone; and that, without a resort to extraordinary measures, it must inevitably be lost. He did not hesitate a moment; but met this, as he has done every other emergency, promptly, not blindly. Yes, sir, at this startling moment, when fresh dangers and difficulties were hourly thronging upon him—when the enemy, proud in their discipline, and confident in their numbers, were pressing forward as to certain victory—when the circle of fate seemed closing rapidly around him, and its very billows already breaking at his feet—as the only means of escape left him, he ventured to declare martial law. He saw that the arm of the civil authority, though nerveless for all purposes of good, might, if unrestrained, become potent in evil, (nor were his fears vain, as experience has proven,) and, therefore, he ventured to put it aside, as unsuited for the times, and to substitute martial law in its stead. He knew that if evil should grow out of it, that evil would fall most heavily on himself; but if good followed, that good would be his country's alone. Still, sir, he did not hesitate. For him, such an alternative had no terrors. The defence of a noble city had been intrusted to his skill and valor; and he would have felt himself a traitor to that trust, had he sacrificed it, by "implicit obedience," under the pressing exigencies of war, to laws formed for "piping times of peace." Sir, it were just as vain to hope for such obedience, at such an hour, as for rigid etiquette on board of a sinking man-of-war.

But whatever may be said as to the power or necessity of declaring martial law, none who witnessed its operation can doubt for a moment as to its beneficial results. All saw that a bold hand had taken the helm—whether rightfully or not, no one thought fit to inquire. All eyes were turned upon one man; and that man, looking as proud and unbending as though he were the very genius of the storm that was thickening around him, with the power to hush it by a whisper. The boldest heart beat bolder, and the coward felt himself possessed of spirit not his own. All felt the necessity of strict and prompt obedience. Confidence was renewed, and order sprung out of chaos. A guide star rose out of the gloom, and led the way to victory; and such a victory, sir, as finds no parallel even in the proud annals of this nation. All will at once conclude that I am alluding to the memorable 8th of January. Not so. I mean that of the 23d of December, in which General Jackson, at the head of two thousand undisciplined troops, met in the open field, and repulsed, more than double that number of England's choicest veterans. I am particular in saying that General Jackson led this attack; for it was but yesterday that a Whig friend of mine, and a member of this House, asked me, in sober earnest, whether the old chief was really there. Yes, sir, he was, in good truth, there; or, my word for it, none of his army would have been there. And now, Mr. Speaker, after a lapse of more than a quarter of a century, comes this cold hypercritical age to sit in judgment on the *military character* of a man who dared fight and win such a battle. Yes, sir, men who would turn pale at the flash of a musket, even if fired by themselves, coolly tell us that, notwithstanding General Jackson saved New Orleans against hopeless odds, and contrary to the expectation of a large majority of all who understood his true condition, still he was entirely deceived as to what he believed one of the main causes of that success. Of this class is the Kentucky pamphleteer. He first assumes that the only object of martial law was to prevent correspondence with the enemy, and then proceeds: "But if that was his object, he entirely failed in accomplishing what was intended; for he himself tells us it was ascertained from the British officers, after the peace, that they were fully informed of everything that happened in the city, from the first to last." This gentleman has certainly made a mistake, and whetted his sword on the back instead of the edge. If his argument is to have any weight, it must concede what its author has most strenuously denied throughout his entire pamphlet—that there were spies and traitors in New Orleans. And still it by no means follows, because these spies and traitors found means to elude the many precautions resorted to for the purpose of preventing their communication with the enemy, that these precautions were either unwise or improper. I leave this question to be settled by a liberal community—between a quibbling lawyer and a fighting general.

I now proceed to the second point in issue—the propriety of continuing martial law. I am well aware, sir, that there is a much greater contrariety of opinion on this point, than on that to which I have been calling the attention of the House. I am inclined to believe that a large majority even of the Whig party consider the declaration of martial law as not only justifiable, but commendable; many of them also admit that it was properly enforced. A large portion of them, however, who justify its declaration on the ground of necessity, contend that it was continued too long, and after that necessity had ceased. To such, I beg leave to present a few considerations touching that necessity. The opinion of the commanding general is certainly entitled to great weight. To deny this, would be to contend that the pilot who has successfully guided his vessel over the darkling waves, and amidst the wildest tempests, is utterly unfit to decide upon the termination of the very tempests which he has so successfully buffeted. I need not say, sir, that in his opinion, and with all the lights he possessed, the continuance of martial law was just as essential to retain the advantages he had gained over the enemy, as its declaration was to win them in the first instance. True, sir, there was not that present and visible emergency. The enemy was not in sight; but was the necessity for vigilance and strict discipline, therefore, the less, when it was known that he lay in striking distance, able, and no doubt willing, to turn to his advantage every occurrence in the American army, if any should happen by which he might hope to wash out the disgrace he had sustained? As much weight as this opinion has with me, and ought to have with all who wish to form an impartial judgment, I do not intend to press it on this House. It is my purpose to meet the opponents of this bill upon a simple history of facts, which none of them will find it convenient to deny. When do they say martial law should have ceased its sway? Certainly not immediately after the battle of the 8th of January; for although the enemy were defeated with most terrible slaughter, leaving one-fourth of their whole number engaged, and three out of four of their generals dead, or wounded on the field, and the rest were seen

> Baffled and broke, and rushing back
> To ocean, on their own red track—

still, sir, although they fled fast, they did not flee far. They soon recovered of their panic, and, resuming their old position, continued to growl back defiance from their deep-mouthed guns. Notwithstanding their heavy loss, they still more than doubled the force by which they had been defeated. General Jackson's effective force on the left bank of the Mississippi was, when the battle began, 3,700; that of the enemy was, at the same time, estimated at 9,000. None will then say that martial law should have ceased on the 8th, nor at any time while the enemy occupied their position in sight of our lines. Certainly not on the 17th of the same month, while they were yet bombarding Fort St. Philip, which commanded the Mississippi, and which taken, or passed, would have enabled their vessels of war to reach New Orleans, and to have laid it in ashes in an hour after reaching it. Nor yet on the 12th of February, when they were receiving the capitulation of Fort Bowyer, which left uncovered the bay and city of Mobile, and gave the enemy command of what I have before said was the most secure and certain point from which to renew their operations against New Orleans, by calling to their aid the numerous bordering tribes of hostile Indians. No, sir; not even then; but the moment the first news of peace reached New Orleans. So, at least, say the opporers of this bill, with one accord.

This news was received on the night of the 18th of February, was brought by Mr. Livingston, and came direct from the enemy. It is true, sir, there is an attempt made by Mr. Martin, and all others who have thought fit to believe him, and him only, to show that the same information was received from a different channel about the same time. The truth is, that Lord Cochrane's letter to General Jackson reached him, by the mouth of the Mississippi, a few days after his verbal communication of the same fact by Mr. Livingston, who came by the nearer lake route. Was this information, coming direct from the enemy, such as ought to have produced any change or relaxation in the measures of the American General? The enemy, who had in the mean time received a large reinforcement—equal, and more than equal, to the number he had lost in battle—had entire command of the neighboring seas—and lay within a day's sail of New Orleans. If his intentions were peaceful, and his information such as he could rely on himself, why did he not propose a cessation of hostilities to General Jackson, through Mr. Livingston? The fact that he did not do so, was, of itself, well calculated to make the impression that it was a mere stratagem of war; and if General Jackson, depending on such information, had relaxed his discipline, or disbanded his army, and thereby lost New Orleans, the very men who are now hunting him down for the course he deemed it prudent to pursue, would have denounced him as a traitor for corresponding with, and taking counsel of, the enemy. Instead, however, of this report forming any pretext for the relaxation of discipine, it created a strong necessity for its more rigid enforcement. It was busily circulated mong the soldiery, that a treaty of peace had been concluded and ratified between the two countries, and that there was no longer any necessity for their continuing in the field; and they, of course, soon grew restless and impatient of restraint. Men for whom war had no terrors, now that the foe had disappeared, and the excitement produced by his presence had subsided, soon became tired of the necessary drudgery of the field. Their thoughts naturally turned from war to peace, and their own firesides rose temptingly and beautifully before them. The city troops, who should have been the last, were the first to manifest a spirit of insubordination. Many claimed leave to return to the city; and it is contended that they were entitled to this indulgence, as their families or friends resided there. The gay carnival season, too, was drawing to a close; and their national love of pleasure (for they were mostly of French origin) was too strong for their patriotism. Not having succeeded in their application to Gen. Jackson, many, who were known to be American citizens, applied to, and received protection of, the French consul, who invariably certified them to be citizens of France. Armed with these certificates, they demanded their discharge, leaving their brother soldiers from distant States to defend the very firesides which they were so eager to enjoy.

Such an example at such a time would have dissolved the army. An entire regiment, with the exception only of fifteen men, who were left to guard the very avenue by which the enemy had made his approach, had already abandoned that important position; and others, equally important, were partially deserted. In such a crisis, the commanding general could not hesitate. History, pregnant with warning, lay open to his view. Capua of old rose naturally before him; and the victor of Cannæ, with his rent garlands, admonished him that the ease and luxury of a petty town had conquered an army that had overcome both the Romans and the Alps. And was he to permit a grateful city, which had just been rescued from destruction by his own and the valor of his army, to become to that army what Capua had been to an invading enemy? Was he to permit that city, even

rith the hand of kindness, to pluck from his own nd his soldiers' brows the very laurels they had von in her defence? No, sir; his path of duty lay lainly before him, and he pursued it without de- ay or hesitation. All foreigners who had taken rotection under the French consul were ordered o leave New Orleans forthwith, and the consul vas ordered to go with them; for they were all oing their best to fill it with mutiny and dissen- ion. Such as claimed to be foreigners, but who vere found, upon an examination of the poll-books, o have voted at an election then but recently held n the city, were ordered to the lines, and compelled o perform the duty of soldiers. This course, how- ver necessary and proper in itself, was well cal- ulated to create discontent among the friends of hat class to whom it particularly applied; and vhen perverted, (as it was,) to extend that dis- ontent throughout the army. At this most fa- orable conjuncture, Louallier and Judge Hall nade their appearance. I do not say they acted n concert, although this charge was made and elieved by many at the time. They are now oth in the grave; and I intend to say nothing of ither, not warranted by proof, and essential to the nerits of this case. Neither of them had raised a and in defence of the country. Judge Hall, who, ve are told by his admirers, (and I shall not con- radict them,) was a mild, amiable man, left the ity just before the British were expected; when onfusion and dismay were seizing on all ranks nd orders of men, which his presence and ex- mple might have done much to allay, and which is flight was but too well calculated to increase. Louallier, on the contrary, remained in the city. Still, sir, with the enemy before his eyes, and their annon thundering daily and nightly in his ears, e struck not a blow in her defence. No; not even n the first battle, when he saw his countrymen going orth to combat against double their numbers of the est troops that Europe could boast, and when an rmed man was worth his weight in gold. True, hose gentlemen wereboth exempts; for one was a egislator, and the other a judge. In this condi- ion of things, and on the 3d of March, Louallier's ublication arraigning the course of the command- ng general, in the severest manner, as oppressive nd unjust, exciting the troops to mutiny, and giv- ng the enemy full notice of the extent to which it lready prevailed, made its appearance in the Lou- siana Gazette. His friends have contented them- elves with calling this publication ill-timed and mprudent; General Jackson has designated it by much more appropriate, but far less glossing terms.

On the 5th of March, Louallier was put under arrest, and a court-martial ordered for his trial. Of his trial, my time will not permit me to speak; nor is it at all necessary, as it forms no one of the causes assigned by Judge Hall for inflicting the fine now under consideration. On the same day a writ of *habeas corpus* was sued out in favor of Louallier; and on that day, Judge Hall made the usual official endorsement, requiring General Jack- son to appear before him, and show cause for his detention. General Jackson, instead of answering, retained the writ, and arrested the Judge. For this arrest and this detention the fine was inflicted. Recollect, sir, that martial law was just as much in force on this day, as on the day it was first declared. Recollect, also, what I have before said, that the only news of peace had come direct from a de- feated enemy; that this enemy, greatly reinforced, lay within a few hours' sail of New Orleans; and that no proposition for an armistice had been made by the British commander.

It is part of the history of the country, not to be controverted, that information of the treaty of Ghent first reached this city on the 14th of Feb- ruary, 1815. The following circular of Mr. Monroe, announcing that information, was at once prepared to be sent to the different commanding officers throughout the Union:

("CIRCULAR.")

"DEPARTMENT OF WAR, Feb. 14, 1815.

"SIR: It is with great satisfaction I inform you that a treaty of peace was concluded between the United States and Great Britain, on the 24th day of December last. A copy of the treaty was received to-day by Mr. Carroll, has been examined by the President, and will, I have no doubt, be ratified. I give you this information, that hostilities may immediately cease between our troops and those of Great Britain.

"I have the honor to be,

"Your most obedient servant,

"JAMES MONROE."

A copy of this circular was addressed to General Jackson, and a special courier despatched, for the purpose of insuring its speedy and safe delivery; but, on opening the packet, he found, instead of a communication announcing peace, an order to raise troops for a more vigorous prosecution of the war. Suppose, sir, this circular had been duly forwarded, and duly received: it was but a simple annunciation that a treaty of peace had been *negotiated* between the two countries, and not that it had been *ratified* by either. It wanted the confirmation of both, to make it of any avail; and it might still be rejected by both or either of the contracting parties. What is the effect of such a treaty, under the laws of nations? Will any gentleman on this floor under- take to say that, by these laws, the condition of belligerents would be in the slightest degree al- tered by it? None, I feel well assured. General Jackson had, however, received, from other sources, such information as satisfied him that a treaty had in fact been negotiated, and such as to create the hope that it had been ratified. This information, loose, and in advance of the truth, as it was, he at once communicated to General Lambert, and proposed a cessation of hostilities. How did the British General meet this proposition? The fol- lowing extract from his letter, in reply, will best answer the interrogatory:

"His instructions would not allow him to enter into any written stipulation, or give publicity officially to a cessation of hostilities, until he received the intelligence from an accredited person from the British Government of the treaty having been *ratified and exchanged*, authorizing him to carry it into execu- tion."

What more could General Jackson have done? Was he to disarm, while an enemy of thrice his force stood cased in steel, and ready for the combat? If he had done so, and General Lambert had taken New Orleans—which, as I have said, in the then state of the pending negotiation, he had the unques- tioned right to do—what would have followed? Lambert would have received the order of knight- hood from the British Government, and General Jackson the well-merited scorn and contempt of the American people.

The attitude in which he found himself placed by the non-arrival of Mr. Monroe's letter, and the various conjectures which were formed as to its real character, by those around him, rendered his condition embarrassing in the extreme. He how- ever ventured to disband such of the Louisiana militia as had been levied in mass. They added but little to his efficient force, and had been called out in haste, and were but ill prepared for service. The following beautiful extract from his address to these troops, on the occasion, will serve to show the conflict in his mind between his duty to the country and his desire to comply with the wishes of his troops: "Although the commanding gen- eral has not received official advice that the state of war has ceased by the ratification of a treaty of peace between the United States and Great Britain, he has persuasive evidence of the fact, and credits it at the risk of being misguided by his wishes." But why (ask those who are determined to oppose him, right or wrong,) discharge part of his army, and still continue martial law? I have already given the reason for discharging these troops; and surely the reduction of his force can form no pretence of excuse for relaxing the discipline of his diminished numbers, on whom the whole bur- den would necessarily fall.

But I am admonished that the sands of my al- lotted hour are nearly out, and that I must draw to a close. On the 13th of March official intelli- gence of the ratification of a treaty of peace duly arrived; and none pretend that General Jackson hesitated a moment longer to yield to civil au- thority and disband his army. Why should he have delayed? What was "a little brief authority" to him at any time, and particularly at a time like this? He had scarcely felt the cheer of his own fireside for the last three years, (and no man loved his own better.) His wife, too, had come to take him back; his friends and neighbors anx- iously awaited his return, and General Gaines had for some time past been waiting to relieve him. Accustomed, however, to sacrifice his own to his country's good, nothing could seduce him from his post while his sense of duty told him he ought to remain. He continued just as long as was neces- sary to finish the work he had so nobly begun, and not one moment longer.

Before leaving New Orleans, however, General Jackson had to appear in a new, but by no means an uninteresting, character. Judge Hall and him- self had now rightfully changed their relative posi- tions. The civil authority, which had been rendered powerless under the pressing hand of war, had now resumed its majesty, and its offended functionary his robes. On the 21st, General Jackson was sum- moned to appear before Judge Hall, to show cause why an attachment should not be awarded against him for the causes which I have before stated. On the 24th, he appeared, and made the effort, by at- tempting—as I have done—to show the necessity of declaring and enforcing martial law, in order to save the country. But having been denied this privilege, and required to shape his defence by certain arbitrary rules laid down by the court, he declined making any; simply saying to the Judge, "Your honor will not understand me as intending anything disrespectful to the court; but as no op- portunity has been afforded me to explain the reasons and motives by which I was influenced, so is it ex- pected that censure or reproof will constitute no part of that sentence which you may imagine it your duty to pronounce." (See Eaton, p. 419.)

The result is known to the world. Judgment was pronounced, and the thousand dollars paid. Much has been said—and too much cannot well be said—of the moral grandeur of this trial. It is doubtless the first instance in the history of the world, that a judge, while dealing out the vengeance of the law, was clinging to his victim for pro- tection. Such, however, was the excitement and indignation of the vast crowd assembled on the oc- casion, and who were familiar with all the causes which led to the infliction of this fine, that Gen- eral Jackson (who had but recently protected the Judge from a foreign enemy) now found it difficult to save him from the fury of his friends.

It was stated, on a former occasion, by the gen- tleman from Michigan, [Mr. HOWARD,] that the amount of this fine was repaid to General Jack- son by the citizens of New Orleans. All the mem- bers from that State know this statement to be incorrect. It is true, that a grateful and sponta- neous offering of the amount was made to him, and stands in beautiful contrast with the *ex gratia* thousand dollars recently proposed by their Senator, [Mr. CONRAD.] General Jackson, however, de- clined it; because he deemed he had an undoubted claim upon the justice of the nation, in whose ser- vice it had been inflicted, and into whose vaults it had been paid. No wonder, sir, they have been smitten with the curse of emptiness.

It will not be expected, after the able and eloquent speech of the gentleman from Pennsylvania, [Mr. INGERSOLL,] that I should say anything as to the power of the Judge to inflict this fine. If the un- limited power, both of fine and imprisonment, without the intervention of a jury, really exist— and that, too, for offences not committed in the presence of a court, and when no court is in ses- sion—it is, indeed, a frightful power, and one that ought to be abolished.

But, for all my purposes, it is not important to settle either this question of power, or its rightful exercise. If I have been successful in my efforts to convince this House that the exigencies of the war, and the condition of the country in which it was waged, justified the resort to martial law, and that this fine grew out of that exercise, then have I achieved my purpose. For I cannot permit myself to doubt that Congress will hesitate a mo- ment to restore to a faithful public servant that which has been taken from him, either by the hand of the law, or by violence, for the performance of an act admitted to be both necessary and proper— and that, too, while the nation are enjoying the full fruition of that act. The friends of General Jackson ask nothing of this House that can reflect, in the slightest degree, on Judge Hall; nor will they receive anything that can be construed into a reflection on General Jackson. Let them both stand where history and the opinions of men shall place them, and I am content.

REMARKS OF C. J. INGERSOLL,

OF PENNSYLVANIA.

In the House of Representatives, January 27, 1843.—On his motion to reconsider the bill amendatory of the several acts establishing the Treasury De- partment.

Mr. INGERSOLL renewed the motion to re- consider, in order to make a few observations on the subject. At an early day in the session, he had seized an occasion of declaring—first, that he could not vote for the exchequer recommended by the Executive; and, in the next place, that, while he could not deny the absolute constitutionality, he much questioned and disliked the presidential

practice of interference and urgency at all on a subject which, in origination and responsibility, belongs to the House of Representatives. He regretted to feel himself bound peremptorily to oppose what seemed to be a favorite plan of the President, because he acknowledged, that both as a member of the party with which he is associated, and as an American, he felt deeply indebted to the President for executive interposition on certain great and well-known emergencies. Let me add (said Mr. I.) that there is a view of Mr. Tyler's instrumentality which has not, perhaps, been presented, or, at any rate, not considered as it deserves.

A distinguished person, of whom I never speak, as I never feel, without respect for his long and great public distinction, has spoken reproachfully of the actual Chief Magistrate, as a President without a party; as if that were a demerit or infirmity. Now, I will not undertake to say whether a President can successfully administer the affairs of this country without a party; but this I will say, that the demise of a late President, and the accidental succession of the present incumbent, have triumphantly proved that, in an untried crisis, the Constitution works well; and that all its vital functions are performed, as usual, under circumstances, the analogy to which in other countries, with what are supposed to be stronger Governments, has always been found extremely hazardous. Not speaking as a member of any party, nor with reference to party considerations, but as an American Republican, it is highly gratifying to see, that even though the violence of party be aggravated, and without passing any judgment upon the measures of the present Administration as either good or bad; neither vindicating nor condemning them; and, I may add, without reference to the character of the present incumbent; yet, it is matter of much gratification to perceive that in the new crisis which made Mr. Tyler President, he has been the instrument (perhaps unconscious and unwilling) of affording further proof of Mr. Jefferson's assertion, that this is the strongest Government in the world. For this, I repeat, I feel much obliged to him; and desire to exhibit him, as I think he appears, with advantage before the country. And, coinciding as his Administration has with so many of the principles which I cherish, it is not without regret that I find myself constrained to oppose what appears to be one of its favorite measures for restoring the public credit and currency; and which I must oppose with the more pertinacity, because I think it is urged with an importunity not befitting executive authority, and encroaching upon the independence of this House, to which the Constitution confides, if not exclusive, yet superior, agency in all the monetary concerns of the country.

The chairman of the Committee of Ways and Means has said something to-day of the act of Congress of 1789 for organizing the Treasury Department. An excellent foundation, not as familiar, I fear, as it ought to be to this House and to the country at large. I have examined it repeatedly and thoroughly, with a strong impression that its organic provisions, enacted as they were by Ellsworth, Washington, Hamilton, Madison, and other members of the convention which created the Constitution, and just after its creation, contain the germs and basis of nearly all that is now necessary for the restoration and settlement of our dilapidated circulation; and that as it was by departing from the simple and solid provisions of that act the difficulties ensued, so by returning to them we shall find the most immediate, the safest, and surest remedy for these evils. By recommending a return to the act of 1789, I am not to be understood as suggesting the re-enactment of the independent treasury, as repealed by this Congress. I was always an unwavering adherent of the independent treasury, and still consider it, in principle, indispensable. But I am not wedded to the details of the law as enacted and repealed; and I confess that I have long been inclined to think that it never need have been made either a Presidential or a party question. Separating the Government from banks—the divorce, as it has been called—and the receiving, keeping, and disbursing the public money, without bank machinery, were original principles of this Federal Government, which are to be found, specie clause and all, in the act of 1789, upon which the convulsions of party, and the inherent vices of the banking system, have thrown us back; and if, as I would fain hope, a majority of Congress and of the country can be prevailed upon to meet harmoniously upon some extension of those provisions, and their adaptation to existing circumstances, it will be the best pacification of party strife, the simplest restoration of the currency, and the most durable establishment of public prosperity.

Soon after the act of 1789, the Bank of the United States was unfortunately introduced by act of Congress. A resolution of this House, calling upon the Secretary of the Treasury for a report upon such measures as would tend to the benefit of the public credit, was taken advantage of, without any specific authority for that purpose, to introduce a bill for incorporating the subscribers to that institution, which, associated with the Government, became the depository of its funds, the regulator of its currency, and eventually in the well-known operations of the second Bank of the United States—the despotic arbiter of all the operations of the Government itself. Determined to treat this subject with undisguised truth, it is right to add, that a State bank interest was soon after originated, to counteract the influence of the Bank of the United States. Eminent citizens of Philadelphia, (among others, a gentleman who was afterwards a highly distinguished Secretary of the Treasury,) established the Bank of Pennsylvania; and others of the same party politics, (among whom was a well-known personage, afterwards Vice President of the United States,) set on foot, with the same view, the Manhattan Bank of New York. By at least questionable encroachments, if not violations of constitutional interdict, banks, both national and State, were thus introduced, continued, and multiplied, with all the worst properties of modern banking, including the monstrous principle of inconvertibility, borrowed from the long English interregnum of bank suspension of specie payments, and a system of ruinous credit predominated, till the United States, and nearly every one of the States, have, by now wellnigh universal acknowledgment, been banked to the verge of destruction. The vices of the system, and the convulsions of party, have destroyed it nearly root and branch, throwing us back upon the aboriginal act of 1789, with the small remnant of the independent treasury, punishing embezzlement and other misdemeanors, which this Congress has not repealed. Here we are upon the foundation of that act once more, and let us be very careful how we depart from it. It has been for several years of great difficulty, with some slight posterior supplements, all the Federal Government has for the management of its finances; and I submit that it will be extremely rash to take any departure from it, without being well advised that it will be for the better.

What, then, does the President recommend, and with, I must say, undue pertinacity press on our adoption? A treasury bank. Yes, a treasury bank. And though I confess that I have never been able to see such a bank in the formidable aspect attributed to it by Madison, and many, if not most others of our wisest men, yet I have never hesitated to yield my opinion to theirs, and to look upon a treasury bank as a thing not to be adopted. The President's plan is not merely a treasury bank; but a treasury bank with a large, if not unrestricted, issue of paper money—inconvertible paper—continental notes—money to be made on the mere credit of Government; a measure altogether delusive of relief, either to the people or the Government; a most reprehensible mode of borrowing, which, if persisted in, must expire in depreciation, just as certainly as a falling body must continue to fall until it meets resistance; just as certain as the unquestionable fact, that no Government, ancient or modern, ever redeemed paper money issued on its own credit—paper money without taxes or other basis, a mere expedient, an exploded contrivance, a resort, a last shift, which Government, National and State, and individuals in this country have attenuated, exhausted, degraded, and debased, till it has become proverbial for all that is despicable, villanous, and abominable. And this treasury bank, with such paper money, is to have power to regulate our exchanges!—a power the most formidable, the most fearful—a power the most liable to abuse, the most creative of unprincipled circulation, the most stimulating of that criminal speculation which has been the curse of this country. Some years ago, a celebrated speech was made in this hall, by a distinguished member from the city of Philadelphia, in behalf of the Bank of the United States, the staple of whose able argument was an imposing view of the immense exchanges regulated by that great institution in the days of its utmost prosperity—a speech of which it was said the bank scattered one hundred thousand copies broadcast throughout every quarter of the United States. Its power of thus regulating the exchanges was afterwards ably exposed in one of Mr. Van Buren's excellent messages, as a most pernicious monopoly and stimulation of fictitious currency—having no reality, contributing nothing to the public property; but, on the contrary, ministering to the worst passions. And this is the power which the President calls on Congress to confer on the Executive! Never shall any President, with my vote, have such a power—liable to abuse enough in the hands of a bank, but infinitely more so in a national treasury. Some such measure as that reported by Mr. Cushing, I feel no great objection to; but never, never can I be reconciled to the Executive scheme; and I am extremely sorry to see that portion of the public press particularly supporting the President earnestly engaged in recommending and urging this scheme as a happy mean between a bank and the independent treasury. I perceive, with regret, not merely that it is an Administration measure, but that it appears to be pressed upon us with all the power and influence of the Administration, which, I am bold to say, is with me additional argument against it. With no personal disrespect to the President—enjoying pleasant personal relations with him, and with every disposition to support his measures, as I have frequently shown by my votes, and sometimes by more than votes, desirous of coincidence in political sentiment with him,—I cannot subscribe to his treasury project.

In fact, Mr. Speaker, I much question the wisdom of any immediate action at all on this delicate and dangerous subject; strongly inclining to think the act of 1789, for the present, the safest and best platform we can rest upon; and, with modifications, all that, under any circumstances, we should attempt to impose upon the community. Has this House considered the provisions of that act with the attention to which they are entitled? Has the good sense of the community been awakened to them? It establishes not only an independent treasury, but an independent Secretary of the Treasury; and, more than all, an independent House of Representatives. It gives the Treasurer of the United States the custody of the public moneys; takes care that those moneys shall consist of coin alone, according to the Constitution; providing for their safekeeping and disbursement much better than they can be kept by any corporators, or other irresponsible individuals. Without being a treasury bank of issue, discount, or exchequer, it is a treasury bank of deposite and safekeeping, guarded by checks and securities, such as it is not easy to improve, or relinquish without danger. There is a clause in the act, which, possibly, even honorable gentlemen of this House, and which, I am sure, most of the good people of this country are not aware of, authorizing the House, at all times, instead of allowing the Secretary of the Treasury to furnish required information in writing, to command his attendance at the bar of the House; and there, face to face, to question him as to the finances, the funds, and whatever else appertains to the monetary concerns of the United States. This great and peculiar power conclusively proves—what those who enacted that law deemed it—the constitutional function and authority of this House to control the Treasury Department, enacted the responsibility of that department to this House, and what it deemed the money and the proper custody of the money of the Government. Once more I repeat, that it will be not without much hesitation that I consent to any departure from these fundamental arrangements. If the course of events since has been such—if public sentiment and habit since have become so inveterate as to require some modification or enlargement of the act of 1789, especially now that all banks, whether Federal or State, are out of repute, let us take no step without the utmost caution, and none that is not indispensably necessary; for whatever we do, must be experimental and doubtful. The act of 1789, for now near half a century, has remained unaltered; and it is likely to continue in force, as it is now in force, from the extreme difficulty and hazard of supplying its place with anything better, if so good. Suitable modifications and extensions may be practicable; but, compared with the treasury project recommended by the President, it is infinitely preferable.

In addition to Presidential recommendation and urgency, and to Treasury suggestion of the exchequer scheme, we have had an argument from the

ecretary of State, in a speech of which so much as been said on this floor that I cannot refrain om also taking some notice of it. That gentleman had long by his admirers been denominated god-like person for his great intellectual attributes; which panegyric, transcended by the western ientalism of this House, has been exaggerated by ich hyperbolical extolling as to compare him to ountains and giants, Vesuvius, Mont Blanc, itan, Tyger, Samson, and other similar, as it appears to me, most extravagant notice of his supposed superiority.

He said of himself, it seems, in a somewhat milar strain of self-complacency, that, if there is ything he understands, it is this particular subject. Now, however bold it may be to take issue ith such a giant, I utterly deny (judging from what e said in that speech) that he does understand the ubject. At all events, I hope it will not be extremely immodest for me to declare that, if he understands it as well as he boasts he does, I don't understand it at all. He says he is a bullionist; which deny, for no man can be a bullionist who attempts to defend inconvertible paper-money. He ay have studied, as he says he did in early life, ie English bullion controversy, in which Vansittart and his adherents insisted that paper is better an coin; and he may have sided with their opponents, that bullion is better than paper, and, alone or onvertible, makes money. But that no more entled him to proficiency in the science, than a an would become a learned divine by the udy of sermons, without ever reading the scriptures. Nor do I consider it at all rash or uncoming in even so humble a person as I am, deny that any man understands this subject, whatever he may think or say of his own understanding to an audience at Faneuil Hall, who, after nsisting on the virtues of paper money as proof of is bullionism, declares that it would be a wise egulation of the monetary concerns and private nterests of this country to superadd to that enormity the executive regulation of all its incalculale exchanges. He may be Vesuvius, Mont Blanc, Titan, Tyger, or Samson Agonistes; and there nay be those who pronounce such speeches the manations of a master mind; but I have no hesitation whatever at calling them crudities, and exposing them as puerilities—the ebullitions of egoism, relying on the *ipse dixit* of a master—not a naster mind—for issuing as true what is unquesionably and manifestly not so. The Secretary of State pledged his reputation that, on a short trial of this panacea, (which he claimed as his own patent medicine,) it would prove an infallible cure, and give immediate relief to a distempered and prostrate community. Of that, sir, I have not the least doubt. If that gentleman—or it would be more proper to say, if I were to take the relief of intoxication for any distress I might be laboring under, I should probably have the ease and comfort which such a resort administers; and, while it lasted, be happy, merry, content, and free from all complaint. But as our friend (the president of the temperance society) near me, [Mr. BRIGGS,] I think, will agree, the relief and happiness would be extremely short-lived, and not very creditable; and I should soon be more miserable than ever, with aggravated prostration of the whole system, terrible headache, and still more terrible remorse of disordered intestines. In the suggestion of such relief as this, I must say there is no evidence of that wise familiarity with this simple subject arrogated to himself by the Secretary of State, and seeming to be conceded to him by those who merely deny his consistency, without going further and denying, as I make bold to do, that either his scheme or his speech shows that his is the master mind which he and others say it is. As Secretary of State, and quasi Secretary of the Treasury, I must deny all odor of that arrogated mastery, whatever there may have been of Senatorial supremacy formerly. I deny that to the lieges of Boston there were any masterly illustrations of a hackneyed subject, or anything more than egregious misrepresentation of it, in its most expansive and delusive aspects, such as the pupils of Vansittart, and other anti-bullionists, might rejoice in.

The distress of the country has been alarmingly depicted by the honorable gentleman who preceded me, [Mr. BURNELL;] and, sensible that the country, if not actually distressed, is so constantly told that it is, as to believe so, and to think, perhaps, that Congress can relieve it, I came here determined to listen patiently to all plans suggested for that purpose; to give them all opportunity of consideration; and if any one can be shown likely to do better than the act of 1789, to vote for it. I have heard, however, of no approximation to such plan, except that of Mr. CUSHING, which comes so nigh that act and the independent treasury that, possibly, it may do. But I own my distrust of all action at present; for I feel free to declare that the terrible suffering of the community has been, and continues to be, salutary—the only lesson that could bring it to confession of error, and sincere resolution of amendment. It is worth volumes of legislation, this bitter experience. Besides, is the country as much distressed as it is said to be? No doubt stagnation, penury, and discomfort, the rich reduced to comparative want, and the poor to want of employment, prevail in cities, towns, and wherever bank influence disasters business, as it does, with extensive and deplorable sweep, smiting right and left with destruction. But is this the condition of the farming population—of the laboring classes, except in certain places—of agriculture at large, the basis of all other occupation and supply? Is not the country recovering from the prostration inflicted by bank credits, and their strumpet twin sister, bank frauds? Though the circulation is reduced to the coin standard, and there are banks enough left standing to keep much of that standard out of use, hid in their dark vaults, is it true that the country is not slowly recovering? And will not spontaneous recovery be much more stable and substantial than if Government attempts to hasten it by that Dædalian flight which Adam Smith mentions? I much incline to believe that the best thing we can do is to keep the doctors off, and let the patient alone in convalescence. We must give time. Time is an important element in the revival. Letting the country repose, and reinstate itself, is much better than treasury nostrums and hastening stimulants. Remember that all legislation must be prospective, experimental, and, perhaps, perilous; whereas, as it is, the community is aroused to the reality, is convinced of it, is taking care of itself; is gradually, intelligently, and substantially rising to permanent prosperity; has done much, has learned much, is learning and doing more, and has abundance of resources and good sense to do the rest. Is it palsied, as was said by Mr. BUANELL? prostrate, paralyzed, incapable of recovering without help from Government? I think not—I trust not—I feel sure not. Last season was one of great production—probably the most so ever known—in cotton, grain, flesh, everything; and though prices were low, yet they will improve, and are probably now remunerating, while no treasury hocus-pocus can render them profitable. Government cannot, by any contrivance, suddenly raise them, without liability to as sudden decline; and let us have the manliness to say to the people that they must help themselves, without assistance from Congress. Mother Earth, and her eldest son, Labor, are the great, if not only, reliance.

If the Secretary of State, instead of expending his master mind, if such it be, on treasury projects, would bestow it upon objects pertaining to his own department of Government, in fostering and extending that commerce which it was the great design of this Union to develop, he would exhibit more attention to the public welfare than by any irregular attempts, through exchequer schemes, to expand that currency which, without extensive commerce, can never prosper. Such arrangements may, I think, be made with other countries as would greatly increase the foreign commerce of the United States. Our exchequer may be placed in Europe, in Asia, and in South America, by increasing the export of those inestimable staples which are the great sources of national wealth and American prosperity. Instead of eighty or ninety millions of exports, why should there not be one hundred and fifty millions a year sent out of the country, and nearly as much brought back again—much of it in coin, in return for cotton, grain, flesh, rice, lumber, and other articles of which we have a superabundance, and other parts of the world are in want? Why may not this be done, even in less time than any speculative restoration of the currency by expansion? What is there to prevent its being the work of even the present Administration, which in its remaining two years may more readily restore the finances of the country, by devoting its talents (and it has talents) to the legitimate purpose of extending commerce, rather than stimulating circulation? If all the energies of the Department of State, and those of the present Secretary, were earnestly devoted to this accomplishment, I see nothing to prevent its rapid success, with more certainty, and in less time, through the agency of that department, than the Treasury. By commercial improvement, relief will be obtained through the great arterial system of the country, beginning at its heart, by natural means, and every pulsation would be healthful; whereas, by the superficial process of a stimulated circulation, the surface and extremities only are dealt with, and the result is necessarily doubtful, and even probably pernicious. Let us act on the heart, not the extremities. Among the numerous rumors with which the air of this metropolis is always agitated, conjecture is afloat that the Secretary of State is to be sent abroad on a special mission, to make a commercial treaty with England, desirous, it is said, of dealing with the United States on the basis of reciprocity, and an equal exchange of our productions for theirs. Without giving any opinion on the policy of such an arrangement, it is, at all events, worthy of consideration by the best talents of the country; and, for one, I am ready to vote the necessary appropriation for the Secretary's foreign mission. ["To get rid of him," said some one.] No, sir, not to get rid of him; but to send him on a most important errand, where I hope his talents may be useful, and where I am sure they would be much better employed than by making speeches at Boston on the state of the finances and of parties. I take leave here, in my place, *ex cathedra*, to recommend his attention to the legitimate purposes of the Department of State, and to give up those of the Treasury Department, for which his speech at Faneuil Hall displayed no remarkable aptitude. Finance is not his forte.

It is quite a misapprehension of the state of the country to suppose that it has gained nothing by the uses of adversity within the last few years. The Secretary of State now acknowledges that a United States bank is an obsolete idea. How long is it since he used to say that a note of that bank was better than gold or silver? Will gentlemen say that nothing is gained by such progress as this?—such march of master minds? With no view of making a President, but because of its excellent instruction? I confess that I desire that the present state of things, if its inflictions be not too severe, may continue a little longer, till the last lingering attachment to the detestable infatuation of making money out of inconvertible paper, and wealth out of speculation, may be completely and utterly extirpated. Are gentlemen aware that such has been the long usurpation of paper money in this country, that the late war with England was carried on by it, almost as much as the war of the Revolution! I have taken the trouble, latterly, to ascertain, from authentic sources, that one hundred and twenty millions in loans and treasury notes were raised by acts of Congress during the three years of the latter war, which are nearly equal in relative proportion to the three hundred and sixty millions of continental money issued during the former. The debt of the war of 1812 is all paid, to be sure; while that of the war of 1776 remains, and will forever remain unsatisfied. Such is the history of the United States—the history of a wonderful nation whose bane has been infatuated predilection for paper-money, notwithstanding the most abundant indigenous means of commanding the precious metals, controlling the commerce of the world, and rendering it tributary to North American advancement, which, great as it has been, has been greatly retarded by this infatuation.

Mr. Speaker, with these hasty views—and I am perfectly sensible of their extreme imperfections—I come to a conclusion. No member of this wild House can come to it prepared to present methodical arguments. Nothing here is certain but overruling uncertainty. There is no such thing as debate, and hardly any discussion. Whoever addresses the country in this brilliant bog of a hall, must bring all his speeches of the whole session jumbled together in his mind, and utter chance-medley whichever happens to come foremost. In this desultory way I have ventured to say something to-day. I repeat, that the admirable act of 1789 is nearly all we need, and that I fear departures from its excellent and familiar organization. I am inalienably devoted to the principle of the independent treasury, and cannot be divorced from it—divorce of the State from all banks, and inseparable union of it with coin. But I am not wedded to the law as

enacted and repealed—enacted by my party, repealed by the other. I hold this to be a great national measure, far above transient party. This Administration may restore it, if it will and can, and it shall have my vote—hereafter a silent vote; for I have said all I desire to say—for that great contribution to the public welfare. I do not wish to wait the advent of another Administration, with which possibly I may be more nearly associated. But I doubt all speculative action on the subject, and dread novelty—abominate expansion. I never will fail, without the slightest reference to Presidential questions, to oppose those inordinate and monstrous contrivances of Government—inconvertible paper-money and licentious exchanges by legal facilities—as the greatest stain on the character, the most destructive canker on the vitals, of this country.

SPEECH OF MR. PAYNE,
OF ALABAMA.

In the House of Representatives, January 28, 1843—The proposition to refund the fine to General Jackson being under consideration—

Mr. PAYNE rose and said:

Mr. SPEAKER: In rising to address the House this morning, I feel somewhat as the gentleman from Virginia [Mr. BOTTS] felt a few days ago. I had reflected on this question, and on some parts of it had wished to say a few words; but, by the postponement of its consideration from day to day, much of what I intended to have said has escaped my recollection, and I shall find it impossible to strike on the train of thought I had marked out for myself. I shall, therefore, content myself with offering such views only as present themselves to my mind as I progress in the discussion. Besides, there was another thought which operated upon my mind when I desired to address the House a few days ago. I did believe that, by making a calm appeal to the justice and magnanimity of this House, there could be no difficulty in agreeing to refund the fine which, in my soul, I believe was unjustly imposed by Judge Hall upon Gen. Jackson, for declaring martial law at New Orleans. But I have now totally despaired of any such result; the speech of the gentleman from Virginia [Mr. BOTTS] has convinced me that the warm and generous feelings of magnanimous nature are chilled and destroyed by the malignity of party strife and the trammels of party discipline. I shall not, therefore, appeal to this Congress at all—I look above and beyond it. To the American people I appeal. They are the fountain of justice in the reward or punishment of political men, as they are of all political power in a Government like ours. With them, this question will stand upon its own merit; it will be disconnected from the party conflicts of the day. The elevation of no political favorite will depend upon the rejection of the bill; nor will the prospects of any ambitious aspirant to the Presidency brighten by its passage. The whole question will be gauged by the square of justice; and the only inquiry will be, "Was Gen. Jackson right or wrong in declaring martial law at New Orleans?" If right, the bill ought to pass, and the fine of $1,000, with interest, ought to be refunded; if wrong, he merited his punishment, and the fine ought not to be remitted. That is the question; and it is totally immaterial what *your* decision may be; the people will decide that question upon principles of strict justice, and command *you* to execute *their* will.

Sir, the gentleman from Virginia [Mr. BOTTS] asks where Gen. Jackson derived his authority to declare martial law at New Orleans? That inquiry has been so often made, and so fully answered, that I did not expect a repetition of it from the gentleman from Virginia. But, as the interrogatory has again been repeated, I will answer it in accordance with my own views, and in my own way.

I shall not pretend that the Constitution or laws of the United States authorize the declaration of martial law by any authority whatever. On the contrary, it is unknown to the Constitution or laws; and so guarded have those persons been, upon whom the people have conferred the power to form constitutions, either State or national, that there is scarcely a constitution of a single State in the Union which does not declare that "the military shall at all times be subordinate to the civil power;" and the Constitution of the United States inculcates the same doctrine.

That the military shall always be subordinate to the civil power, is a fundamental principle in our form of government; and the genius of our institutions requires that it should be so. But it does not follow that cases may not arise, in time of war, when a commander would not only be *excusable*, but *criminally culpable* if he did not assume the responsibility of declaring martial law. Sir, what are the exigencies of war which would justify this measure? I answer—the preservation of his army from destruction; the sacking of an important and wealthy city, or the devastation and ruin of his country. To prevent any one of these results, would justify a general, before any just tribunal on earth, in declaring martial law. And to condemn a commanding officer for declaring martial law when *necessary* to prevent any one of these results, is virtually saying that he should stand calmly by, and witness the destruction of his army, the sacking of a city, or the devastation and ruin of his country, when the means were in his power to prevent it.

Who would tolerate this idea? An Arnold might, but no patriotic American could. It may be asked, upon what principle a commander can declare martial law, where it is conceded that the Constitution or laws afford him no authority to do so? I answer, upon *that principle of self-defence which rises paramount to all written law;* and the *justification* of the officer who assumes the responsibility of acting upon that principle must *rest* upon the *necessity* of the case. If that necessity cannot be made apparent, when called to answer before the civil authority of the country, he will be condemned and punished. But if the necessity was apparent, and shown to be so, he will be honorably acquitted, and a grateful country will approve the act. These were the grounds upon which General Jackson acted when he declared martial law at New Orleans, as is shown by the opinion of Mr. Livingston, the aid to General Jackson; which opinion is in the following words, and was filed among the papers of General Jackson: "On the nature and effect of the proclamation of martial law by Major General Jackson, my opinion is, that such proclamation is unknown to the Constitution and laws of the United States.

1st. "That it is to be justified only by the necessity of the case; and that, therefore, the General proclaims it at his risk, and under his responsibility both to Government and individuals. When the necessity is apparent, he will meet reward instead of punishment from his Government; and individual claims for damage must be appreciated by the same rule, under the discretion of a jury. Should they, in the opinion of the Government, decide falsely against their officer, they have a right (which they have frequently exercised) of indemnifying him for the disinterested responsibility he has incurred."

2dly. "That the effect of a proclamation of martial law *de facto* is to bring all persons who may happen to be within the district comprised in the proclamation, under the purview of such law; and therefore all persons capable of defending the country within the district are subject to such law, by virtue of the proclamation, and may be tried during its continuance by virtue thereof."

These are the grounds upon which we place the power of General Jackson to proclaim martial law at New Orleans; and I trust the gentleman from Virginia [Mr. BOTTS] will consider his interrogatory fully answered.

Sir, there is another event in the history of our country, in which General Jackson was compelled to assume responsibility, and act from the necessity of the case. I allude to his invasion of Florida, then belonging to the Spanish dominions, and a neutral territory. He reduced St. Mark's, Pensacola, and the fort of Barrancas. This was not authorized by the Constitution or laws; no one ever pretended that the Constitution or laws authorized any such invasion of neutral territory. It was an act of self-defence, forced upon the commander from the necessity of the case. Why this necessity? The Indians were in the daily habit of committing depredations upon our frontier settlements, and retreating with their plunder across the Florida line, a market for which they found among British emissaries stationed at St. Mark's and Pensacola. These emissaries also furnished the Indians with powder and the various implements of war, and continued to stimulate them to increased exertion, and to the perpetration of renewed cruelties upon our defenceless women and children.

Now, sir, should General Jackson have remained quietly upon our side of the line, until our settlements were broken up, and our citizens slaughtered, because the Constitution and laws did not authorize him to march an army into neutral territory? No; all must admit that an imperious necessity fully justified the step taken by him, and the result of the measure vindicates the policy of the act.

Sir, the King of Spain viewed the invasion of Florida as an insult to his sovereignty, and demanded the punishment of General Jackson, as we learn from a letter written by John Q. Adams, then Secretary of State, to George W. Erving, minister plenipotentiary to Spain. I read from the letter as follows: "In the fourth and last of the notes of Mr. Pizarro, he has given formal notice that the King, his master, has issued orders for the suspension of the negotiation between the United States and Spain, until satisfaction shall have been made by the American Government to him for these proceedings of General Jackson, which he considers as acts of unequivocal hostility against him, and as outrages upon his honor and dignity, the only acceptable atonement for which is stated to consist in a disavowal of the acts of the American general thus complained of; the infliction upon him of a suitable punishment for his supposed misconduct, and the restitution of the posts and territories taken by him from the Spanish authorities," &c.

How did Mr. Adams answer this demand of the King of Spain? He tells him, in this same letter, that "the occupation of these places in Spanish Florida by the American commander arose from incidents which occurred in the prosecution of the war against the Indians, from the imminent danger in which the fort of St. Mark's was of being seized by the Indians themselves, and from the manifestations of hostility to the United States by the commandant of St. Mark's, and the Governor of Pensacola; the proofs of which were made known to General Jackson, and impelled him, from *the necessities of self-defence*, to the steps of which the Spanish Government complains."

These are the grounds as alleged by the gentleman from Massachusetts, [Mr. ADAMS,] upon which General Jackson took possession of Spanish Florida. Not because the Constitution or laws of the United States authorized him to enter and occupy a neutral territory, but because he was "*impelled from the necessities of self-defence*" to do so. Now, if General Jackson was authorized upon principles of necessary self-defence to seize upon the fort of St. Mark's, because of the danger of its falling into the hands of the enemy, how much more fully was he justified, by the same principle of *imperious necessity*, in declaring martial law to save the city of New Orleans from plunder and devastation by the enemy.

It may be supposed that the gentleman from Massachusetts [Mr. ADAMS] has only stated the grounds upon which General Jackson entered Florida, without approving his action in that particular. Not so. He continues: "But the President will neither inflict punishment nor pass censure upon General Jackson for that conduct, the motives for which were founded in the purest patriotism; of the necessities for which he had the most immediate and effectual means of forming a judgment; and the vindication of which is written in every page of the law of nations, as well as the *first law of nature—self-defence.*"

Sir, there is an additional recognition of that paramount law of nature—self-defence—and a powerful vindication, not only of the acts of General Jackson, in entering the Spanish territory, but of the motives upon which that action was founded. And I now respectfully submit, that every principle involved in the declaration of martial law at New Orleans, was involved in the case thus defended by the gentleman from Massachusetts. Why, then should the gentleman from Massachusetts, who so ably defended General Jackson nearly thirty years since, now turn round and become his reviler? Sir, I will not say that this change was produced by the result of the political contest of 1828, but I tell the gentleman from Massachusetts that others with less charity for his motives, will not only think, but declare that such is the fact.

Mr. Speaker, having stated the grounds upon which I place the power of a commanding officer to proclaim martial law, and having brought to my aid the learning and experience of the gentleman from Massachusetts [Mr. ADAMS] in his better days

ıall now proceed to examine into the necessity ich actually existed, and induced General Jack- to declare martial law. Permit me to ask what le of things actually existing in a besieged city uld justify a proclamation of martial law? The own existence of spies and traitors, or the dis- ction of any considerable portion of the resi- t population of said city, whether citizens, den- ns, or aliens, would fully justify the proclaim- of martial law by the commanding general.

Now, sir, upon the *actual existence of treason*, l *the disaffection of a considerable portion of the ident population* of New Orleans, I base the cessity of proclaiming martial law. If *no treason disaffection* did exist, the act was unnecessary; treason and disaffection actually existed, a con- lling State necessity imperiously demanded the clamation of martial law; and hence the justifi- ion of General Jackson.

Sir, in order to demonstrate the actual existence treason and disaffection to the American cause, nust avail myself of such lights as history throws on this subject; and, in every instance in which efer to history, the enemies, and not the friends General Jackson will be consulted, because I efer that his vindication should rest upon his- rical facts, recorded by those who cannot be arged with leaning to the side of General Jack- n.

We find in Martin's History of Louisiana, that any of the people of that territory were original- opposed to the transfer of said territory from rance to the United States. He says: vol. 2, page 9, "that the tri-colored made room for the striped nner, under repeated peals of artillery and mus- etry; *a group of citizens of the United States*, ho stood on the corner of the square, waved eir hats in token of respect for their country's ag, and a few of them greeted it with their oices. No emotion was manifested by any other art of the crowd." Again, page 263, Martin ays: "Cordero had sent a large reinforcement to Nacogdoches: Porter had not two hundred men nder his command on Red river. In a letter to the Secretary of War of the 15th February, he ated the great disaffection of the people around im—*nineteen of whom out of twenty preferred the Government of Spain* to that of the United States."

Sir, here is historical evidence that a large pro- portion of the population of Louisiana were op- osed to the authority of the United States; although his fact may not be conclusive as to the actual ex- stence of treason during the investment of New Orleans by the British army, it must nevertheless e taken and considered as a connecting link in he chain of evidence which I shall hereafter ad- luce upon this point.

I now propose to show, from the same historical vidence, (vol. 2d, page 323,) that treason did ac- ually exist during the investment of the city. It vill be remembered that Nicholls, the British col- onel, after his arrival at Pensacola, issued a proc- amation to the people of Louisiana, in which "he announced that on them the first call was then nade to assist in the liberation of their natal soil from a faithless and weak Government. To Spaniards, Frenchmen, Italians, and Englishmen, whether residents or sojourners in Louisiana, ap- plication was made for assistance. He gave as- surances that the inhabitants had no need to be alarmed at his approach, as the good faith and disinterestedness which Britons had manifested in Europe, would distinguish them in America.

The Indians, he added, had pledged themselves in the most solemn manner to refrain from offer- ing the slightest injury to any but the enemies of their Spanish and British fathers.

"Addressing himself to the people of Kentucky, he observed, they had too long borne with griev- ous impositions; the whole brunt of the war had fallen on their brave sons. He advised them to be imposed on no longer, but either to revenge themselves under the standard of their forefathers, or observe the strictest neutrality.

"He asked whether the Kentuckians, after the experience of twenty-one years, could longer sup- port those brawlers for liberty, who called it free- dom, when themselves were free. He advised them not to be duped any longer, and to accept his offers; assuring them what he had promised he guarantied to them, on *the sound honor of a British officer*."

Sir, such were the means resorted to, to seduce our people from the allegiance due to their own Government; and I lament, for the honor of man, and the dignity of his nature, that any individual could have been found so base, as to aid in the ac- complishment of this wicked attempt upon the pa- triotism of our people. Upon the brave Ken- tuckians (to their honor be it said) this appeal had no influence; they would neither observe "neutrality," nor "revenge themselves" upon their brothers, under "the standard of their forefathers." Not so with others; for we find (page 327 of Mar- tin's History) that "emissaries were sent with copies of this proclamation over the country, between Mobile river and the Mississippi."

This was the work of treason; and I note the fact, as conclusive evidence of its actual existence at the time. I proceed with my evidence from the same work. On page 340 we find Claiborne, the Governor of Louisiana, saying to General Jackson: "I think, with you, that our country is full of spies and traitors." On page 364 of the same vol- ume, we find that during the engagement between the British and American lines on the 28th De- cember, General Jackson was informed that "the assembly were about to give up the country to the enemy."

All these are important facts, which show the ex- istence of treason in Louisiana, at the time General Jackson proclaimed martial law. It is not my in- tention, in the charge of treason, to involve the Legislature of Louisiana; but I regret that I have not been able to procure a copy of the journals of that body, since questions may have been started, and propositions entertained, which would go far to relieve the character of General Jackson from the aspersions which Federalism and British in- fluence have at all times cast upon it.

The gentleman from Virginia, [Mr. BOTTS,] in commenting upon the order given to Governor Claiborne by General Jackson, to blow up the Legislature of Louisiana, if, in truth, it did con- template a surrender of the city to the enemy, has said that General Jackson acted upon vague sur- mise. Sir, the gentleman from Virginia inform- ed us but the other day, that he had never read more than one law book in his life—and that one, twenty years since. Judging from the remark of the gentleman just referred to, we might suppose that he had been equally negligent in omitting to read the history of his country. I make no such charge; we know the gentleman has read the his- tory of his country, and the reasons for this declar- ation must be sought in other causes.

Mr. BOTTS (Mr. PAYNE yielding for explanation) said that the gentleman from Alabama had mis- understood him on that subject. He had only said that General Jackson had never given his author- ity, so far as he had been able to ascertain, and he never yet had ascertained; perhaps the gentleman might furnish it.

Mr. PAYNE. Sir, I am proceeding on the suppo- sition that the gentleman had omitted to read the history of the times. I regard this as an important charge against General Jackson; it does him mani- fest injustice. His vindication may be found in a letter dated 31st December, 1814, in camp, 4 miles below New Orleans, and directed to the Legisla- ture of Louisiana, in which he says:

"The Major General commanding has the honor to acknowledge the receipt of the joint resolution of both Houses of the honorable the Legislature of the State of Louisiana, now in session, dated the 30th instant, and communicated to both Houses; to which the General gives the following answer: That, just after the engagement between the British and American armies had commenced, on the 28th instant, when the enemy was advancing, and it was every instant expected they would storm our lines, as the General was riding rapidly from right to left of his line, he was accosted by Mr. Duncan, one of his volunteer aids, who had just returned from New Orleans. Observing him to be apparently agitated, the General stopped, supposing him to be the bearer of some information of the enemy's movements, and asked what was the matter? He replied, that he was the bearer of a message from Governor Claiborne, that the Assembly were about to give up the country to the enemy.

"The General was in the act of pushing forward along the line, when Mr. Duncan called after him, and said: 'the Governor expects orders what to do.' The General replied, that he did not believe the intelligence; but to desire the Governor to make strict inquiry into the subject; *and, if true*, to blow them up."

Colonel Declouet is stated to be the officer who delivered the message to Mr. Duncan. This is a thorough vindication of General Jackson from the charge of never having given the world his author, as made by the gentleman from Virginia; and I trust he will now consider me as having furnished the information he desired.

Mr. BOTTS here inquired what history the gen- tleman read from?

Mr. PAYNE replied, from Martin's History of Louisiana.

Mr. BOTTS said he had never read that book.

Mr. PAYNE. So I had supposed, or the charge would never have been made. If General Jack- son had ordered the Legislature of Louisiana to be blown up, upon indefinite rumor, it would have been highly censurable; but the order given in the heat of battle, upon information derived from the Governor, and then with the qualification to "ex- amine strictly" into the subject, *and, if true*, blow them up, is a very different question. Sir, the order was one that I would not have given, had it been true that the Legislature was about to give up the country to the enemy. Not that they would not have deserved to be blown up, but because I be- lieve gunpowder, under such circumstances, is an improper agent with which to punish traitors. Gun- powder was intended to be used in the adjustment of difficulties between honorable men, or between nations engaged in honorable warfare. The trai- tor should be punished with the *halter*, whenever found in either the person of a judge, legislator, private citizen, or common soldier.

Sir, I now turn from this digression to the con- tinued proof of the actual existence of treason when General Jackson proclaimed martial law at New Orleans. I next call the attention of the House to a statement contained in Latour's Me- moirs and History of the War in West Florida and Louisiana, who has recorded the names of ten fish- ermen, of whom he says:

"These were well known to have aided the Brit- ish in disembarking their troops, serving as pilots on board their vessels and boats, and acting as spies for them, from the period of their arrival on our coast."

"It was their practice, when they came to town to sell their fish, to get all the information they could, for the purpose of carrying it to the English when they went out to fish in Lake Borgne. On the 20th of December—the day preceding the arrival of the detachment of American militia at the village—the British captain (Peadre) had come disguised, accompanied by the three first-named fishermen, as far as the bank of the Mississippi; and had even tasted its waters. It was from his report, after having thus examined the country, that the enemy determined to penetrate by Viller's canal, whose banks at the time afforded firm footing, from the landing-place in the prairie to the river."

Mr. Speaker, here is conclusive evidence of the actual existence of treason during the investment by the British of the city of New Orleans. In the language of the Governor and General Jackson, the country was "filled with spies and traitors."

Mr. MOORE of Louisiana rose to explain.

Mr. PAYNE said he could not yield the floor. Un- der the rule, he was allowed but one hour to inves- tigate this subject; and for every minute of that time he should have important use. Besides, the gentleman from Louisiana could reply when he had finished his remarks.

Sir, I have now fully made out my case. The actual existence of treason is proved beyond all question. Hence the absolute necessity of pro- claiming martial law; and upon *that necessity* I place the justification of General Jackson. How could the city have been saved? how could the spies and traitors have been prevented from con- veying to the enemy daily information of the strength, condition, and operations of the Ameri- can army? Sir, in but one way. It could only be done by proclaiming martial law. General Jack- son saw and knew this. He felt the responsibility resting upon him, and adopted the only possible means by which the city could be saved. He pro- claimed martial law, and subjected the city of New Orleans to military government. He garrisoned every avenue leading to and from the city, and thereby cut off all communication between the traitors within and the enemy without. Now, sir, what effect has martial law upon persons within the district comprised in the proclamation? I agree with Mr. Livingston in the opinion already quoted: "That the effect of martial law, *de facto*, is to bring all persons who may happen to be within the dis-

trict comprised in the proclamation, under the purview of such law; and, therefore, all persons capable of defending the country within the district, are subject to such law by virtue of the proclamation, and may be tried, during its continuance, by virtue thereof."

Louallier, a naturalized Fenchman, and member of the Senate of Louisiana, presuming upon the dignity of his station, wrote and published a seditious paper, which was calculated not only to embolden the treasonable portion of the population of Louisiana, but informed the enemy of the divisions and dissatisfaction actually existing in regard to the measures adopted by the commanding general. For writing and publishing this paper, he was arrested, by the order of General Jackson. Dominic A. Hall then issued a writ of *habeas corpus* for the release of Louallier, and thereby became his accomplice. Hall was also arrested. Louallier was tried and acquitted by a court-martial; and Hall, after a few days' confinement, was sent beyond the limits of the city, and released. If there was necessity for proclaiming martial law at all, the same necessity required that it should be preserved. Hence the necessity for the immediate arrest of Louallier. Nor could he be released under a writ of *habeas corpus;* for that would have been a virtual repeal of the proclamation, before the necessity ended which required its existence. Moreover, I do not believe that it would be consistent with the public safety to admit the doctrine, that a man writing and publishing a mutinous and seditious paper, in the midst of a military camp, can be taken from the military by the civil authority, by writ of *habeas corpus*, and discharged. If that doctrine be once established, the spy or the traitor may at any time find exemption from the punishment due to his crimes, under the soiled ermine of some foreign stipendiary, exercising judicial functions under the authority of the United States.

Sir, I have said that New Orleans was placed under garrison, and subjected to all the laws which govern a *military camp, by virtue of the proclamation of martial law.* I now ask, did Gen. Jackson commit any act, after the proclamation, which every commander has not a right to do, at any time, within the limits of his encampment? Upon this point, I read an argument, the other day, in the January number of the Democratic Review, which was so conclusive, and the impressions of which are now so vivid upon my recollection, that it would be impossible for me to make an argument upon this branch of the subject, without plagiarizing the one to which I have adverted. I therefore ask leave to read to the House this argument, and to substitute *it* for the remarks I intended to make.

"Many Frenchmen born, for the purpose of securing exemption from military duty, procured certificates from the French consul, declaring them to be subjects of the King of France. These certificates were given *in the midst of the General's camp*, and tended to weaken his means of defence, by taking effective soldiers from his ranks, and producing dissatisfaction and a spirit of mutiny among those who remained. Might not the General, in strict conformity of law, have placed both the consul and his protegés in confinement? He adopted the milder expedient of *ordering them out of his camp.*

"Then came the publication of Louallier, harshly censuring this order as an act of tyranny, and openly advising disobedience. This publication, be it remembered, *was made in the midst of the camp.* Its direct and manifest object was to bring the military authority into contempt.

"The arrest of the author was, in our view of the General's lawful authority over his camp, not only a matter of right, but of indispensable duty. Instead of violating the Constitution and laws of his country, he but performed the solemn obligation of executing them, by preserving the just authority of its military commander over its armies and their encampments.

"Yet it was for this act that Judge Hall (himself, at the moment, the subject of martial law, and abiding in the midst of the camp) issued his writ of *habeas corpus.* This was making himself the accomplice of Louallier, in stirring up discontent and mutiny in the camp. The same principles which required the arrest of the one, demanded, with a louder voice, the restraint of the other. The Judge was kept under guard a few days, and then sent out of the camp, and set at liberty.

"The power of the General, under martial law, seems to be altogether *preventive*, except in cases where the law itself provides for punishment. In this case, it seems to us that the preventive power can only be exercised by keeping the mischief-maker in confinement, or sending him beyond the limits of the camp. In effect, this was the result in the case of Louallier, and nothing beyond it was attempted in the case of Judge Hall.

"These facts and reasons lead us to the conclusion, that, in ordering French aliens and the French consul beyond the limits of his camp; in arresting and confining Louallier for an open attempt, within his camp, to produce discontent and disobedience; and in confining and sending out of his camp Judge Hall, for attempting to sustain Louallier—General Jackson trampled on no constitution, and violated no law; but, on the contrary, faithfully executed the powers vested in him by the Constitution and laws, as a military commander, for the preservation of order in his camp, the safety of his army, and the defence of his country."

Sir, if the views taken be correct, the blame, if any, which attaches to General Jackson, was for proclaiming martial law, and not for acts committed by him subsequent to that proclamation. When upon that branch of the subject, I demonstrated beyond doubt that an overruling State necessity, resulting from the conduct of the spies and traitors known to be in the country, required the existence of martial law to save the city from the enemy; and upon that *necessity* I rest the justification of General Jackson, and demand, as an act of justice, that the fine imposed upon him by Judge Hall be refunded by the passage of the bill now under consideration.

Sir, it may be asked, could this city have been saved by any other means? This interrogatory requires that I should examine, for a few moments, the means of defence, as compared with the means of attack. I have already said that we were called upon to defend a restless and divided people. Our army numbered about 3,000 men, undisciplined; many of them had never before faced an enemy, and withal badly armed. What were the means of attack? An army of 14,000 strong, well ordered, provided with all the appliances of war, and from a country whose troops had been disciplined by a war of twenty years' duration, and commanded by the most experienced generals of the age.

The gentleman from Massachusetts [Mr. CUSHING] eloquently said, the other day, that, if we would look at the history of England during the period of the French revolution, and mark the course of that great power in Asia, in Africa, and in Europe, we would find it one undeviating course of unchecked victory and glory; or, if we turn to the ocean, we are met by the victories of St. Vincent, of Trafalgar, of Copenhagen, and the Nile; and, wherever a British ship met an opposing vessel, it added a new halo of glory to the conquering cross of St. George.

Sir, what was the condition of that gigantic nation at that time? She could concentrate her whole power upon us; she feared no invasion from France; the power of Napoleon had been wrenched from its basis; his star of glory had set; its sickly and ominous glare had been extinguished upon the plains of Belgium. Nor did she fear an insurrection in Ireland; the altars reared to liberty by that gallant people had been cloven down, and the fires which burnt upon those altars had been extinguished by the blood of Emmett. Thus we were contending with a nation which had torn the diadem from the brow of the hero of Austerlitz, and shook asunder the confederation of the Rhine. Sir, we met them upon the plains of New Orleans, and the Anglo-Irish blood—the Andrew-Jackson blood—snatched the American eagle from the fangs of the British lion, and enabled her to unfurl her wings in proud triumph over American arms and American soil. Could this have been done without the proclamation of martial law? No, sir; never. Three thousand Americans could never have resisted successfully a British army of fourteen thousand men, with all the points of attack designated by the spies and traitors known to be in New Orleans. Assuming this to be the fact, I ask, was it just, was it patriotic, to impose a fine upon its *defender*, its *preserver?* The whole American people will answer no; and, in their name, I demand that the fine be refunded—not as a pecuniary remuneration; no, sir, as such, we would not receive it; but as a vindication—a legislative vindication by an American Congress of the reputation of Gen. Jackson from the aspersions with which British influence *then*, and Federalism, its twin sister, now seeks to assail it.

Sir, the gentleman from Virginia [Mr. BOYD] tells us that the fine imposed by Judge Hall upon General Jackson has been refunded. By whom, sir? The ladies of New Orleans. Suppose this were true, and that General Jackson had actually pocketed the money subscribed by the patriotic ladies of that city: would that justify this Government in retaining in its treasury money which had been improperly wrenched from the hands of a public servant? No, sir, if the facts, as already stated, were true, and it were improper to refund the money to General Jackson, it should have been handed over to the ladies of New Orleans, whose patriotic zeal outstripped the Government in the desire of protecting a public officer in the discharge of his military duty. I say this fine of $1,000 got into the public treasury wrongfully; and having done so, as a mere question of honesty, it should not remain there.

But, sir, what are the facts of this case? When Judge Hall imposed this fine upon General Jackson, it was immediately paid by him. The ladies of New Orleans, feeling deeply the injustice of Hall's conduct, by subscription of $1 each, raised the amount of the fine imposed, and tendered it to General Jackson; who immediately saw the impossibility of returning the money to those by whom it had been subscribed, and for this reason expressed a wish to those who had the money that it should be distributed among the families of the brave men who lost their lives in the defence of these very ladies. What other disposition respectful to these ladies and just to himself could General Jackson have suggested? To have refused it indignantly, would have been unjust to the motives of those by whom it was tendered; and yet, to receive it as a pecuniary indemnity was impossible, so long as he continued to be Andrew Jackson. Sir, the opponents of this measure must be hard pressed for argument to plead these facts in bar of even a pecuniary claim upon the treasury.

Will it be contended that we have not the constitutional power to refund this money? By those at least, who voted to the widow of General Harrison an appropriation of $25,000, such an objection cannot be urged. I did not vote for that appropriation; it was a gratuity, and I believe this Government has no right, under the Constitution, to bestow gratuities from the public treasury. But here is a different case. You have in your treasury the money of a private individual, unjustly obtained; and there can be no want of power to restore it to the proper owner. Suppose you refuse to do justice, by failing to refund this fine to General Jackson, what will the people say?

Sir, they know that you have already passed a bill for the relief of the heirs of Hull, who surrendered an army under circumstances which excited the strongest suspicions that he was guilty of treason. The people also know that the Senate passed a bill at the late session, (and many of the members of this House were anxious for the passage of the same bill,) to pay the Massachusetts militia, not for fighting the battles of the country, but for *refusing to march* over the Canada line with the view of attacking the enemy.

Now, sir, after all this, if you refuse to refund the fine unjustly imposed upon General Jackson, who preserved his army, prevented a city from being sacked, and was himself the victor of many battles, the people will denounce this Congress as the most unjust and factious body of men ever assembled under the Federal Constitution.

Sir, the gentleman from Massachusetts [Mr. ADAMS] insidiously introduced in the debate upon this question, the name of Arnold, the traitor—for his own amusement, I suppose, but to the evident mortification of the House. He said that Arnold asked an American in Europe, what the people of the United States would do with him if in their possession? The American replied, that they would bury the leg wounded in defence of his country with the "honors of war," and hang the rest of his body for his treason.

Sir, the application of this anecdote to General Jackson, and the connexion of his name with the name of a traitor, is extremely unjust. That distinguished patriot holds no communion either with the "overt" traitor, or with *him who only meditates*

he act; he is reviled by the one, as he would be feared and shunned by the other. And I tell the gentleman from Massachusetts, that the point of his anecdote, if it has any, is applicable to himself and his friends, who have already shown *their friendship for Hull* and the Massachusetts militia, and their increasing and deadly hostility to Andrew Jackson. Judging from these facts, and the indications already given by the votes of this House, if Arnold were now before this Congress, his body would be pensioned for military services to Federalism in the attempted betrayal of his country, and the leg mutilated in the service of that country would be hung for its treason. I am now done with the question of the fine.

Sir, the remaining moments of my hour I must devote to the notice of a remark which fell from the gentleman from Virginia, [Mr. BOTTS,] who tells us that he has been enabled to discover but one green spot in the life of General Jackson, and *that* was his submission to the decision of Judge Hall in the imposition of this fine. Sir, but one green spot in the life of Andrew Jackson! I go back to his boyhood: when he was a British prisoner during the revolutionary war, he was insolently ordered by a British officer "to black his boots." Did Andrew Jackson obey this order with the servile acquiescence common to his years and situation? No, sir; he positively refused to obey, claimed the treatment due to a prisoner of war, and, although an only brother was sacrificed and fell by his side from the cruelty of his oppressor, Andrew Jackson could not be driven from his position, or forced to submit to the arrogance of his tyrant. Was this no green spot in the life of Andrew Jackson? I come down to the history of the last war. What was the condition of your country then? The cities upon your coast had been sacked; your country overrun; and a hostile flag waved in proud triumph from the walls of this Capitol. Go to the West: the tide of victory had spread over the upper valley of the Mississippi; your "stripes and stars" trailed in the dust; your national glory lost; the massacre of the river Raisin and the defeat of Dudley hung heavily upon every mind; Kentucky mourned the loss of her bravest sons, whose bones, denied the right of sepulture, were then bleached and whitening upon the battlefield of disaster. At this, the darkest period of our national history, Andrew Jackson was appointed to the command of the American army. The effect was like magic: hope revived; patriotism rekindled; confidence was restored. Our stars and stripes again floated in the breeze; the current of disaster was checked; the wave of victory rolled back; and battle after battle won in quick succession, until the war was ended in the blaze of glory at New Orleans, to which I have already adverted.

Was there *no green spot* in the life of Andrew Jackson resulting from all this? Do the battles of Tuckfau, Taladega, Enotochopco, and the Horseshoe, form no green spots in the life of Andrew Jackson? Sir, it will require no storied urn to commemorate the deeds of that illustrious man. They are recorded upon every page of his country's history. Nor will it require monumental columns to mark the spot in which his ashes shall be deposited. The laurel will continue to bloom upon his grave, bedewed by the tears of a grateful nation, when the deeds and the graves of those who revile him will be forgotten and buried beneath the rubbish of oblivion.

Mr. PAYNE was here interrupted by the expiration of his hour.

SPEECH OF MR. REYNOLDS,

OF ILLINOIS.

IN THE *House of Representatives, February* 2, 1843—On the appropriation to improve the upper and lower rapids in the Mississippi river.

Mr. CHAIRMAN: This improvement is not sectional. It is not Western or Eastern; but it is national. It is a great work in which the whole nation is interested. The great loss of property which occurs on the Mississippi every year is a destruction, to that amount, of the national wealth. The whole nation may be considered a partnership firm, organized to promote the prosperity and happiness of the whole concern; and a loss of property, no matter in whose hands the loss may happen, and no matter in what section of the Union it may take place—in Maine or Iowa—yet it is still a loss to the whole partnership—to the whole nation.

Although the Mississippi may flow through the Western valley, and be removed from Maine many thousand miles, yet that State is deeply interested in the prosperity of the commerce of the Mississippi. This is the case with every State in the Union. And all are deeply interested in this great national improvement. Do we not see presented to Congress great numbers of petitions from the Atlantic States, praying the improvement of the navigation on the Mississippi? Those petitions are signed by intelligent citizens of the Eastern and Middle States, who are celebrated for their acute feelings of friendship to their pockets; and, therefore, feel a lively interest in this subject.

But, Mr. Chairman, we have the old objection raised by Southern gentlemen, that these improvements are not warranted by the Constitution. It is alleged, that to improve the Mississippi, is a violation of the Constitution of the United States. When will these exploded objections cease?

These objections to this improvement remind me of the sentiments of the honorable Mr. Robison, a member of Congress from Virginia, expressed, under the solemn and awful approach of death. The story is: "that Mr. Robison, in Washington city, late at night, rose in his bed, expecting to die in a short time, and told his room-mate not to permit him to be buried by Congress, as it was *unconstitutional* to bury a member of Congress at the public expense."

This is carrying the doctrine beyond *ultraism.* I apprehend it is too late at this day to adjust and settle the construction of the Constitution on this subject. All the Presidents, since the formation of our Government, have signed bills of the character of that which is now before the committee; and, of necessity, every Congress must have passed them. Many of the same individuals who were in the convention that framed the Constitution, were also in the Congresses that passed these bills. And who could be more competent to give to the Constitution a proper construction than the very same men who made it? These individuals, justly famed for their virtue and wisdom, and who may be emphatically called "the fathers of the Republic," enacted laws of the same character as the bill now under discussion. To enable the National Government to "regulate commerce" was one of the main reasons which induced the people to form the Constitution of the United States. And to establish light-houses, improve harbors on the ocean, make surveys of the coast, &c., &c., has always been considered within the constitutional power of Congress.

The Mississippi may be considered the high sea for the commerce of the West; and although the river water is fresh, and has not the regular tides of the ocean in it, yet the Constitution must have the same application to it that it has to the Atlantic, as to commerce. Therefore improvements within this river must fall within the same class of cases as the establishment of light-houses, coast surveys, harbors, &c., &c., on the Atlantic.

Mr. Chairman, we hear constitutional objections raised, on almost every occasion, against bills that come before Congress. These objections generally proceed from the South; and are so common, that they bring to my recollection an anecdote which happened in Kentucky An old farmer went out back of his field, into the timber, with his gun, to shoot squirrels. The old man remained out some considerable time, and continued loading and shooting incessantly all the time. His son thought strange of it, and went out to see why it was his father kept up such continual shooting. On inquiry, the old man showed his son the squirrel he was shooting at still on the tree, and in the same place. The boy saw no squirrel on the tree; but, looking at his father, he saw a mote in the old man's eyebrow, which his father—with his anxiety in looking up in the tree—had construed to be a squirrel, and had been shooting at it all day. Thus it is with these gentlemen. They have motes in their eyebrows, which they magnify, not into squirrels, but into breaches of the Constitution, at which they are eternally shooting.

I am, myself, in favor of a limited construction of the Constitution; extending it to embrace nothing by implication. But, on the other hand, I am not disposed to cripple and cramp it, or to pervert it from its original design. There can exist no doubt in my mind but the improvement of the Mississippi river is such a national work as is clearly embraced within the constitutional action of Congress.

Mr. Chairman, it seems to me to be necessary, beyond all controversy, to improve the navigation of the Mississippi, and thereby save the lives and property that are destroyed on it every year.

It will be seen, by the census returns for 1840, that there are between six and seven millions of people who inhabit the Mississippi valley; and they produce annually, by agriculture alone, more than five hundred millions of dollars. This great amount of population, and great agricultural production each year, will satisfy every one of the business and importance of the Western country.

This section, in population, is greater than one-third of the whole Confederacy; and I presume the same may be said of its productions and wealth. And I would not be astonished that more than half of the wealth which is exported out of the whole Union, proceeds from the valley of the Mississippi.

These statements will appear satisfactory, when the extent of country and fertility of soil are considered. The climate is various from one extreme to the other; so that almost all productions can be cultivated in the West with great profit. I may moreover add, that the whole valley of the Mississippi is inhabited by an intelligent and energetic race of men. The inhabitants are not crowded together in large cities, or in dense settlements, to be enervated and corrupted by such a condition; but they possess youthful vigor and industry, in proportion to the age of their country: and with such a character, and in such a country, the productive wealth of the West must be considerable.

What would all this enterprising and laborious population do in the West, were it not for the Mississippi? Of what avail would be all the surplus productions, if no cheap conveyance could be had to market? Were it not for the navigation of the Mississippi and its tributaries, the surplus products of the valley would rot on the hands of the farmers; and thereby the enterprise and spirit which now enliven and animate the population would absolutely cease to exist.

The navigation of the Mississippi and its tributaries being so vastly important to the people, is it not reasonable that they would use it to the utmost extent of their abilities? The daring and enterprising spirit of the people indicates that they know well their interest, and will in the same proportion pursue it.

Almost the whole surplus productions of the West are, at some time before they reach their destination, floated on the Mississippi; and the wealth which is received in return is conveyed back by the same channel. I presume that all the wealth which is exported and imported on this river would amount, annually, to more than two hundred and fifty millions of dollars.

Taking all these views into consideration, I hesitate not to say that there is more wealthy commercial business transacted on the Mississippi than on any other river in America. It must be remembered that this river is more than three thousand miles in length; and every mile of it is navigated, more or less. It is true, not much business is as yet transacted towards its sources; but, when it flows into the Southern climate, a commerce of great wealth and importance is carried on, through this channel, to the ocean. Many intelligent gentlemen consider that double as much business is done on this river as on any other in the Union; and, in fact, some say three times as much is done on it as on any other river in America.

I presume the river that comes nearest to the Mississippi in wealthy commerce, is the Hudson, in the State of New York. In making this comparison, I consider the Hudson as ending at the city of New York, and the Mississippi at New Orleans. The length of the Hudson cannot be compared with the other; and, although much wealth may pour into the Hudson from the New York canal, and from the State, yet it cannot, in my opinion, be compared with the vast country bordering the Mississippi, and the corresponding wealth that is shipped on that river.

Mr. Chairman, I pretend not that all this wealth which is shipped on the Mississippi crosses the two rapids (which are called the Des Moines and Rock River rapids) mentioned in the amendment before the committee; yet, nevertheless, the commerce of a great and a growing country is shipped over these obstructions. All the Iowa Territory is dependent on the Mississippi for almost all its commerce. Its surplus produce exported, and merchandise imported, are shipped on this river, and

must pass one or both of these rapids. The western portion of Wisconsin Territory is in the same situation; and so is the northwest section of Illinois. The country above these obstructions, and adjacent to the river, is growing fast, and is carrying on considerable business on the river at present. The lead from this region that is shipped over these rapids amounts, during the year, to millions and millions of pounds. The furs from the sources of the Mississippi and St. Peter's, that descend the river, are also considerable. The farmers, whose industry has so rapidly improved the country, export great quantities of their surplus crops over these obstructions; and the lumber, from the prairies between the Mississippi and Lake Superior, constitutes an article of considerable commerce, which is also compelled to pass these rapids to find a market.

The most careless observer of the Western country must be forced to believe that the commerce on the Mississippi is at present of vast importance to the whole Union, and is increasing with the same unparalleled rapidity as the country is improving.

Mr. Chairman, the great loss of property and destruction of boats on the Mississippi have become so well known all over the Union, and so much has been written and spoken on the occasion, that it would be idle and useless for me to attempt to portray these horrid scenes. Every traveller on the Mississippi is compelled to become a witness to the fact. The hulls and wrecks of boats are so common in some parts of the river, that a person would suppose that some horrible fatality had destroyed all that approached the ill-fated spot. A location of this character on the Mississippi, a few miles above the mouth of the Ohio, has become celebrated throughout the West, and is known as the "Boat Grave-Yard." This is the grave-yard where the finest steamboats that ever sailed on the Western waters, with their valuable cargoes, were wrecked and lost; and in this vicinity the steamboat Eliza was sunk, and with her, also, perished fifty or sixty persons. Capt. Littleton, the commander and owner of the Eliza, not only lost his vessel, but in the confusion, at night, his wife and children also perished with the boat. Besides the valuable lives lost on this river, more than three millions and a half of property, within two or three years, have been destroyed and lost, not only to the immediate owners, but lost, also, to the nation. These losses and destruction of property have not been done in a corner, or in the dark. They all occurred in the most public thoroughfare in the Union, and are known more or less to every man in the nation.

Mr. Chairman, these facts being known to Congress, will it not compel this body to improve the river to prevent similar losses? Is it not a duty the nation owe the people of the West to improve this great national highway? It is economy in the highest degree to make this improvement. If it were not for the purposes of economy, I would not urge this subject on the consideration of Congress. It is to expend a small sum, to save a very great one to the people. Is it not economy for man to provide himself support, rather than to die? Who would die rather than to spend a few cents each day to sustain life? And I might ask, with the same reason, who would not spend a few cents on the improvement of the Mississippi, rather than to permit millions of dollars and valuable lives to be lost? Who can compare money to life? All these improvements are easily made. A small sum annually expended will remove the snags from the Mississippi, and render a safe navigation over the rapids of Des Moines and Rock river, which are mentioned in the amendment now before the committee.

The low state of the treasury cannot be urged against this improvement, as it is a measure of economy, and will directly advance the public interest. Because a man is poor, should he cease to eat? The improvement of the Mississippi is almost as essential to commerce as eating is to an animal. There is no improvement in all this extended confederacy so essential to commerce as the improvement of this river. This work, carried out to a reasonable extent, will save more lives and more wealth than any other improvement in America. Admitting the treasury to be almost empty, the country is wealthy, and full of resources. No famine, pestilence, or war, has visited the people; all are vigorous and industrious. It is no excuse that the treasury is not overflowing, that this improvement should not be made. Can we stop the commerce on the river, or prevent the loss of lives and property on it, until the treasury is full? There can exist no solid reason against the improvement; and I hope the appropriation will be made.

The honorable delegate from Iowa Territory [Mr. A. C. DODGE] has agreed that the sum of fifty thousand dollars, which had been reported in a bill to construct roads in said Territory, should be applied to the improvement of these rapids, and has proposed the amendment accordingly. This arrangement of the delegate is honorable to the patriotism and enlightened views of that gentleman, as no improvement can equal in importance and utility that on the Mississippi.

REMARKS OF MR. MERIWETHER,
OF GEORGIA.

In the House of Representatives, February 4, 1843—On his motion to reduce the pay of the navy twenty per cent.

Mr. MERIWETHER said that it was from no hostility to the service that he desired to reduce the pay of the navy. It had been increased in 1835 to meet the increase of labor elsewhere, &c; and a decline having taken place there, he thought a corresponding decline should take place in the price of labor in the navy.

At the last session of Congress, this House called on the Secretary of the Navy for a statement of the pay allowed each officer previous to the act of 1835. From the answer to that resolution, Mr. M. derived the facts which he should state to the House. He was desirous of getting the exact amount received by each grade of officers, to show the precise increase by the act of 1835. Aided by that report, the Biennial Register of 1822, and the report of the Secretary of the Navy for 1822, furnishing the estimates for the "full pay and full rations" of each grade of officers, he was enabled to present the entire facts accurately.

Previous to that time, the classification of officers was different from what it has been since; but, as far as like services have been rendered under each classification, the comparative pay is presented under each.

Previous to 1835, the pay of the "commanding officer of the navy" was $100 per month, and sixteen rations per day, valued at 25 cents each ration; which amounted, "full pay and full rations," to $2,660 per annum. The same officer as senior captain in service receives now $4,500; while "on leave," he receives $3,500 per annum.

Before 1835, a "captain commanding a squadron" received the same pay as the commanding officer of the navy, and the same rations; amounting, in all, to $2,660; that same officer, exercising the same command, receives now $4,000.

Before 1835, a captain commanding a vessel of 32 guns and upwards, received $100 per month and eight rations per day—being a total of $1,930 per annum; a captain commanding a vessel of 20 and under 32 guns, received $75 per month and six rations per day—amounting to $1,447 50 per annum. Since 1835, these same captains, when performing these same duties, receive $3,500; and when at home, by their firesides, "waiting orders," receive $2,500 per annum.

Before 1835, a "master commanding" received $60 per month and five rations per day—amounting to $1,176 per annum. Since that time, the same officer, in sea service, receives $2,500 per annum; at other duty, $2,100 per annum; and "waiting orders," $1,800 per annum.

Before 1835, a "lieutenant commanding" received $50 per month and four rations per day; which amounted to $965 per annum. Since that time, the same officer receives, for similar services, $1,800 per annum.

Before 1835, a lieutenant on other duty received $40 per month and three rations per day—amounting to $761 per annum. Since that time, for the same services, that same officer has received $1,500 per annum; and when "waiting orders," $1,200 per annum.

Before 1835, a midshipman received $19 per month and one ration per day—making $319 25 per annum. Since that time, a passed midshipman on duty received $750 per annum; if "waiting orders," $600; a midshipman received, in sea service, $400; on other duty, $350; and "waiting orders," $300 per annum.

Surgeons, before 1835, received $50 per month and two rations per day—amounting to $787 50; they now receive from $1,000 to $2,700 per annum.

Before 1835, a "schoolmaster" received $25 per month and two rations per day; now, under the name of a professor, he receives $1,200 per annum.

Before 1835, a carpenter, boatswain, and gunner received $20 per month and two rations per day—making $427 50 each per annum; they now receive, if employed on a ship-of the-line, $750, on a frigate $600, on other duty $500, and "waiting orders" $360 per annum. A similar increase has been made in the pay of all other officers. The pay of seamen has not been enlarged, and it is proposed to leave it as it is. In several instances, an officer idle, "waiting orders," receives more pay now than one of similar grade received during the late war, when he exposed his life in battle in defence of his country. At the navy-yards the pay of officers was greater than at sea. Before 1835, a captain commandant received for pay, rations, candles, and servants' hire, $3,013 per annum, besides fuel; the same officer, for the same services, receives now $3,500 per annum.

A master commandant received $1,408 per annum, with fuel; the same officer now receives $2,100 per annum. A lieutenant received $677, with fuel; the same officer receives now $1,500.

At naval stations, before the act of 1835, a captain received $2,660 per annum; he now receives $3,500 per annum. A lieutenant received $761 per annum, and he now receives $1,500 per annum. Before and since the act of 1835, quarters were furnished the officers at navy yards and stations. Before that time, the pay and emoluments were estimated for in dollars and cents, and appropriated for as pay; and the foregoing statements are taken from the actual "estimates" of the Navy Department, and, as such, show the whole pay and emoluments received by each officer.

The effect of this increase of pay has been realized prejudicially in more ways than one. In the year 1824, there were afloat, in the navy, 404 guns; in 1843, 946 guns. The cost of the item of pay alone for each gun, then, was $2,360; now, the cost is $3,500.

The naval service has become, to a great extent, one of ease and of idleness. The high pay has rendered its offices mostly sinecures; hence the great effort to increase the number of officers. Every argument has been used, every entreaty resorted to, to augment that corps. We have seen the effect of this, that in one year (1841) there were added 13 captains, 41 commanders, 42 lieutenants, and 163 midshipmen, without any possibly conceivable cause for the increase; and when, at the same time, these appointments were made, there were 28 captains "waiting orders," and 6 "on leave;" 26 commanders "waiting orders," and 3 "on leave;" 103 lieutenants "on leave and waiting orders," and 16 midshipmen "on leave and waiting orders." The pay of officers "waiting orders" amounted, during the year 1841, to $261,000; and now the amount required for the pay of that same idle corps, increased by a useless and unnecessary increase of the navy, is $395,000! It is a fact worthy of notice, that, under the old pay in 1824, there were 28 captains, 4 of whom were "waiting orders;" of 30 commanders, only 7 were "waiting orders." Under the new pay, in 1843, there are 68 captains, of whom 38 are "waiting orders;" 97 commanders, of whom 57 are "waiting orders and on leave."

The item of pay, in 1841, amounted to $2,335,000, and we are asked to appropriate for the next twelve months $3,333,139. To give employment to as many officers as possible, it is proposed to extend greatly our naval force; increasing the number of our vessels in commission largely, and upon every station, notwithstanding our commerce is reduced, and we are at peace with all the world, and have actually purchased our peace from the only nation from which we apprehended difficulty.

It was stated somewhere, in some of the reports, that the appropriation necessary to defray the expenses of courts-martial in the navy would be, this year, $50,000. This was a very large amount, when contrasted with the service. The disorderly conduct of the navy was notorious—no one could defend it. The country was losing confidence in it daily, and becoming more unwilling to bear the burdens of taxation to foster or sustain it. A few years since, its expenditures did not exceed four millions and a half: they are now up to near eight millions of dollars. Its expense is greater now than during the late war with England. Notwithstanding the unequivocal declarations of Congress,

it the last session, against the increase of the navy, and in favor of its reduction, the Secretary passes all unheeded, and moves on in his bold career of folly and extravagance, without abiding for a moment any will but his own. Nothing more can be hoped for, so long as the navy has such a host of backers, urging its increase and extravagance—from motives of personal interest too often. The axe should be laid at once to the root of the evil: cut down the pay, and it will not then be sought after so much as a convenient resort for idlers, who seek the offices for the pay, expecting and intending that but little service shall be rendered in return, because but very little is needed. The salaries are far beyond any compensation paid to any other officer of Government, either State or Federal, for corresponding services. A lieutenant receives higher pay than a very large majority of the judges of the highest judicatories known to the States; a commander far surpasses them, and equals the salaries of a majority of the Governors of the States. Remove the temptation which high pay and no labor present, and you will obviate the evil. Put down the salaries to where they were before the act of 1835, and you will have no greater effort after its offices than you had before. So long as the salaries are higher than similar talents can command in civil life, so long will applicants flock to the navy for admission, and the constant tendency will be to increase its expenses. The policy of our Government is to keep a very small army and navy during time of peace, so to insure light taxes, and to induce the preponderance of the civil over the military authorities. In time of peace, we shall meet with no difficulty in sustaining an efficient navy, as we always have done. In time of war, patriotism will call forth our people to the service. Those who would not heed this call are not wanted; for those who fight for pay will, under all circumstances, fight for those who will pay the best. The navy cannot complain of this proposed reduction; for its pay was increased in view of the increasing value of labor and property throughout the whole country. No other pay was increased; and why should not this be reduced?—not the whole amount actually increased, but only a small portion of the increase? It is due to the country; and no one should object. We are now supporting the Government on borrowed money. The revenues will not be sufficient to support it hereafter; and reduction has to take place sooner or later, and upon some one or all of the departments. Upon which ought it to fall more properly than on that which has been defended against the prejudices resulting from the high prices which have recently fallen upon every department of labor and property?

By the adoption of the amendment proposed, there will be a permanent annual saving of about $400,000 in the single item of pay. And, from the embarrassed condition of the treasury, so large a sum of money might, with the greatest propriety, be saved; more especially since, by the late British treaty concluded at this place, an annual increase is to be made to the navy expenditures of some $600,000, as it is stated, to keep a useless squadron on the coast of Africa. The estimates for pay for the present year greatly exceed those of the last year. We appropriated for the last year's service for pay, &c., $2,335,000. The sum asked for the same service this year is $2,953,139. Besides, there here is the sum of $380,000 asked for clothing—a new appropriation, never asked for before. The clothing for seamen being paid for by themselves, so much of the item of pay as was necessary had hitherto been expended in clothing for them, which was received by them in lieu of money. Now, a separate fund is asked, which is to be used as pay, and will increase that item so much, making a sum-total of $3,333,139; which is an excess of $998,139 over and above that appropriated for the like purpose last session.

It seems not to be necessary absolutely to make this increased appropriation. The Secretary of the Navy says that his plan of keeping the ships sailing over the ocean (where possibly no vessel can or will see them, and where the people with whom we trade can never learn anything of our greatness, on account of the absence of our ships from their ports, being kept constantly sailing from station to station) will "require larger squadrons than we have heretofore employed." He then states that his estimates are prepared for squadrons upon this large and expensive plan. "This," he says, "it is my duty to do, submitting to Congress to determine whether, under the circumstances, so large a force can properly be put in commission or not. If the condition of the treasury will warrant it, (of which they are the judges,) I have no hesitation in recommending the largest force estimated for." It is well known that the condition of the treasury will not warrant this force. We must fall back upon the force of last year, as the *ultimatum* that can be sustained. Our appropriations for pay last year were $1,000,000 less than those now asked for. This can be cut off without prejudice to the service; and with the reduction proposed in the salaries, $1,400,000 can be saved from waste, and applied to sustain a depleted treasury. Increase is now unreasonable and impracticable.

A portion of the home squadron, authorized in September, 1841, has not yet gone to sea, for the want of seamen. While our commerce is failing, and our sailors are idle, they will not enter the service. The flag-ship of that squadron is yet in port without her complement of men. Why, then, only increase officers and build ships, when you cannot get men to man them?

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NOTE.—The following is the law fixing the pay of the navy. Gordon's Digest, page 670:

The pay of captains, commanding ships of 32 guns and upwards, shall be $100 per month, and eight rations per day; of captains, commanding ships of 20 and under 32 guns, $75 per month, and six rations per day; of a master-commandant, $60 per month and five rations per day; and of lieutenants, who may command the smaller vessels, $50 per month and four rations per day.

Whenever any officer as aforesaid shall be employed in the command of a squadron on separate service, the allowance of rations to such commanding officer shall be doubled during the continuance of such command, and no longer, except in the case of the commanding officer of the navy, whose allowance while in service shall always be at the rate of sixteen rations per day.

The pay and subsistence of the respective commission and warrant officers shall be as follows:

A lieutenant less than a master-commandant, or lieutenant commanding a small vessel, $40 per month, and three rations per day; a chaplain, $40 per month and two rations per day; a sailing-master, $40 per month and two rations per day; a surgeon, $50 per month and two rations per day, &c.

By the act of 26th August, 1842, the pay of other officers is increased, to wit:

Boatswains, gunners, carpenters, and sailmakers, now receive per annum	$800
On other duty	700
On leave or waiting orders for the first 10 years	500
And after	600

Pay since 1835.

Senior captain, in service	$4,500
waiting orders	3,500
Captain of a squadron	4,000
on other duty	3,500
waiting orders	2,500
Commander, in sea service	2,500
on other duty	2,100
waiting orders	1,800
Lieutenants commanding	1,800
on other duty	1,500
waiting orders	1,200
Surgeons, from $1,000 per annum to	2,700
Assistant surgeons, waiting orders and from that sum to $1,200 per annum.	650
Pursers, on ship of the line	3,500
on a frigate	3,000
on other duty, from $1,500 to	2,500
Chaplains, in sea service	1,200
on leave	800
Midshipmen, waiting orders	300
on sea service	400
Passed midshipmen, on sea service	750
waiting orders	600
Masters, of a ship at sea	1,100
on other duty	1,000
waiting orders	750
Boatswains, gunners, carpenters, and sailmakers, from $700 to $800 per annum; waiting orders $500.	
Chief naval constructor	3,000
6 naval constructors, each	2,300
Naval storekeepers, from $1,400 to	1,700

The following are the estimates for pay of "commission, warrant, petty officers, and seamen," for the ensuing twelve months, and the appropriations for the same items made from 1810 to 1842, inclusive:

1843, pay, &c.		$2,953,139	
Add clothing, before paid out of the item of pay		380,000	
			$3,333,139
1842, pay appropriated			2,335,000
1841 do.	do.		2,335,000
1840 do.	do.		2,250,000
1839 do.	do.		2,352,695
1838 do.	do.		1,312,000
1837 do.	do.		2,454,000
1836 do.	do.		2,318,000
1835, pay and subsistence			1,501,000
1834 do.	do.		1,487,000
1833 do.	do.		1,445,000
1832 do.	do.		1,409,000
1831 do.	do.		1,278,000
1830 do.	do.		1,499,000
1829 do.	do.		1,212,000
1828 do.	do.		1,176,000
1827 do.	do.		1,112,000
1826 do.	do.		908,000
1825 do.	do.		783,000
1824 do.	do.		847,000
1823 do.	do.		923,000
1822 do.	do.		961,000
1821 do.	do.		983,395
1820 do.	do.		273,100
1819 do.	do.		986,372
1818 do.	do.		1,135,595
1817 do.	do.		1,092,732
1816 do.	do.		1,142,015
1815 do.	do.		1,538,364
1814 do.	do.		2,579,341
1813 do.	do.		1,668,000
and for arrearages of 1812, $365,000.			
1812, pay and subsistence			1,123,341
1811 do.	do.		774,490
1810 do.	do.		718,115

WAITING ORDERS.

Estimate of the pay required for the commissioned and warrant officers waiting orders, for the year ending 30th June, 1844.

38 captains	$95,000
69 commanders	124,200
99 lieutenants	118,800
19 surgeons	30,400
5 chaplains	4,000
3 first assistant engineers	2,100
6 second do. do.	3,000
9 third do. do.	1,050
Add for forty-six midshipmen, who, after examination, may be entitled to be arranged as passed midshipmen, in addition to their pay as midshipmen	13,800
	$395,950

(*Report of the Secretary of the Navy, page* 629.)

The foregoing is the amount paid by the people to support the idlers in the navy for one year. The following are the payments made for the support of officers idle, and "*waiting orders*" from 1829 to 1841, inclusive:

1829	$197,684
1830	156,025
1831	231,378
1832	204,290
1833	205,233
1834	202,914
1835	219,036
1836	212,362
1837	115,631
1838	260,990
1839	297,737
1840	265,043
1841	262,856

The chief of the Medical Bureau, in his annual report, presents the following facts, as illustrative of the manner in which some of the appropriations made for the naval service are disposed of; and what *fidelity* characterizes the expenditures! Speaking of the expenditure of the appropriation for medicines, he says:

"Six hundred and sixty-five dollars and fifty-seven cents were, unauthorizedly, paid out of the appropriation for medicines, surgical instruments, &c.,' for 31 blue cloth frock-coats, with navy buttons, and a silver star on them; 31 pairs of blue cassimere pantaloons, and 31 blue cassimere vests, with navy buttons;—and all this toggery for 'Jack'—for pensioners who never had worn anything longer than a sailor's jacket, or, at most, in storms, a monkey or pea-jacket, the cost of which is eight dollars, instead of fourteen

definite charged for the frock coats, made in *officer's* undress fashion. This will serve to show the unwarrantable intrusions on the appropriation for medicines, referred to in the text. But it may more strongly be set forth by this fact: Of seven thousand one hundred and twenty-one dollars and sixty-four cents, paid by the navy agent at Philadelphia, from the 1st of October, 1841, to the 25th of October, 1842, out of the appropriation for 'medicines, &c.' only one thousand and forty dollars and nineteen cents were for medicines, surgical instruments, and sugical purposes. The remaining six thousand one hundred and eighty-one dollars and forty-five cents were for items of expenditure, *wholly foreign to the intent of the appropriation*, and, of course, were what have been appropriately called intrusions on the fund, not known to be practised, nor thought of by Congress, when they made the appropriations in question.

"How could thirty thousand dollars, appropriated for the whole naval service, for the whole year 1842, be deemed sufficient, when a mal-administration of the fund on one station swept off at once, in a few days more than twelve months, $6,181 45, not lawfully chargeable to the medical fund? Could the balance, $23,818 55, be for a moment thought competent to supply all the ships, sick quarters, hospitals, &c., in the United States for a whole year? That this mal-administration may be understood, the navy-agent's return to the Bureau of Medicine and Surgery is annexed, *in toto*, as an appendix. It will not be understood, however, that the slightest blame is imputed, in these irregular transactions, to that gentleman, officially, or in any other way. The irregularity is chargeable, and it is now unhesitatingly charged, on the governor of the naval asylum, who approved the bills, and thus ordered their payment out of an appropriation which no sophistry could make chargeable with such burdens. In addition to these irregular outlays, the sum of $3,500 is reported on the purser's pay-rolls as paid annually, for *wages or pay* alone (*exclusive* of officers' pay,) in that institution; $428 of which is the wages of a person rated and paid as hospital steward, who never performed five minutes' duty as such in the hospital, but was employed solely as purser's clerk, and to buy provisions, for which he was regularly paid, as any agent not connected with the institution might have done. Of this whole amount of $3,500 for wages—the subsistence of those so paid being a further charge, and paid out of the appropriation for medicine—only $936 were allowed in the estimates of the Secretary of the Navy; and, subsequently, $300 per annum were allowed for a carpenter's mate—making $1,239 allowed; the balance ($2,361) being entirely unauthorized, or, at least, very doubtfully authorized.

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"It may illustrate this remark to state, that the records of this bureau show that an eminent surgical instrument-maker, of Philadelphia, sold certain instruments of his manufacture, of the first-rate workmanship and approved pattern, for the sum of $669 81, to certain druggists largely supplying the medical outfits of vessels in a neighboring seaport. The commission alluded to in the text, conducted by Benjamin Homans, now of the Navy Department, shows that these identical instruments were furnished by the druggists alluded to, to certain vessels, and that they charged Government for them the sum of $1,224 54; thus exhibiting a profit of $554 73—in other words, an exorbitant charge of about 83 per cent.! This, too, on articles of well-known established price. These prices were approved in the usual way, *and actually paid*.

"The same commission brought to light, from actual vouchers, the charge by the same druggists of $287 82, in four years, for the recipients of medicines and freights, although they state, on oath, that the "drayage, freight, &c., was always paid by them." Epsom salts was invariably charged, *in wholesale quantities*, at ten cents per pound, when it can anywhere be purchased of the wholesale dealers at five cents, and even much less. Half an ounce of veratria was charged at *eighteen dollars!* An ounce of gold is worth sixteen dollars (a doubloon, or ounce.) Thus was a small white powder charged at thirty-six dollars an ounce—four dollars more than twice the value of an ounce of gold. One ounce of strychnine, a similar powder, was charged at thirty-four dollars—that is, two dollars more than twice the value of an ounce of gold. Two dozen bottles Bedford spring *water* were charged eight dollars, viz., thirty-three cents per bottle. Two *scabs* of vaccine virus were charged at nine dollars. Oiled silk, worth (of the best quality) $1 37½ per yard, was charged eighty dollars for twenty yards—that is, four dollars per yard. Seventy-two bottles compound sirup sarsaparilla were charged at $108, viz., $1 50 a bottle. The retail price is everywhere seventy five cents a bottle, and it has been purchased by this bureau, in Philadelphia, at $7 50 per dozen, or $49 per 72 bottles.

"In the examination of vouchers by the same commission, still more extortionate charges appeared on some articles. In short, the whole of the charges now printed in the documents of Congress are of the same extortionate character.

"The illustrations given are ample to prove the truth of the remarks in the text, on the veracity of furnishers. Of $42,504 34 paid by a navy agent at the seaport alluded to, out of the appropriation for 'medicines, &c.,' these furnishers received $22,676 10."

The following are some of the expenditures under the head of appropriations for "*medicine*:"

Charcoal	$119
Coal	960
Whiskey	50
Repairing wagon	34
Clothing	1,197
Spirits	368
Painting	180
Harness	25
Stationery	103
Mending hose	11
Hay, corn, and oats	113
Stoves and pipes	47
Bread	532
Beef and fish	266
Mutton	211
Sperm oil	120
Horse-shoeing	14
Repairing locks	11

SPEECH OF MR. ARCHER,

OF VIRGINIA,

In Senate, January 30, 1843—On the Oregon bill.

Mr. ARCHER commenced by remarking, that he had been in some degree anticipated by the gentleman from South Carolina, [Mr. McDUFFIE,] who had so well discussed this measure, the other day, in the line of observation he intended to pursue. His opinions not conforming, in some other respects, however, to the views which had been expressed by other gentlemen, he was desirous of an opportunity to state them at this time.

The debate had deviated a good deal from, but had now reverted to, the appropriate topics—the consistency of the clause of the bill pledging allodial grants of land to emigrants, with the tenor of our convention with England on the subject of the territory; and the general policy of accelerating the settlement of it by our people. To both these points he would say a few words.

All admitted, of course, that we were not to adopt the clause referred to, if it operated any impairment of the obligation of the convention. A great and, it seemed to him, strange discrepancy of opinion had been exhibited on this point. The language of the convention seemed in no degree "equivocal." The import was simply a stipulation for mutual and free ingress into the territory, and a common undisturbed use, until the parties should determine further on the subject. Could there be a question of the exclusion, under such a condition, of the right to exert and convey a full property in the soil? If the condition did not operate such exclusion, what was its effect? Had it any?

But suppose the import doubtful—susceptible of two interpretations. In what source were we to explore for the right one? to what evidence resort? There could be none other than the nature of the controversy adjusted, and the character of the discussions which attended the adjustment. Now, the proposition which he (Mr. A.) maintained was this: that in the entire progress of the negotiations on this subject of Oregon—from the beginning to the end—there had been no point brought into issue, no question touched in discussion, save the single one of the title in the territory. Here had been parties engaged in protracted negotiations as to what were the grounds of title, and whose the right to the territory. They find themselves unable to agree. What is done? Resolving nothing on the subject of title, they make a convention for a common temporary use, dissoluble at pleasure, by notice. What is the plain inference from this? Is it not, that decision on the title being suspended, the fruits of full title—all other of its privileges than temporary use; above everything, the unrestricted authority to dispose in full property—must be suspended also? If such an arrangement had not this effect, where is the matter to be found to give it any operation? What has it been made for? What purpose is it to subserve? Is it any more than a blank?

It was in the face of this indisputable fact, that the negotiations had had relation to no other point or subject than the title to the territory, that the honorable Senator from New Hampshire [Mr. WOODBURY] had maintained that the conventions in which the negotiations resulted were to be regarded as no more than conventions of commerce, leaving unimpaired and unaffected the right to carry our claim of title into the fullest effect, by disposal of the soil in absolute property, or pledges to make this disposal of it. A treaty of commerce! Not only had there been no mention of commerce, or regulation on the subject of it, in the negotiations; but, in truth, there had been nothing to which the name of commerce could be applied. The sole business pursued by our people or Englishmen, at the time, had been the pursuit and trapping of animals for furs! At the last adoption or renewal of the convention, we had very little interest of this kind; the prosecution of this business by our people having nearly ceased on the western side of the Rocky Mountains. There had been no occasion, therefore, for arrangement on our part to regulate this subject; nor a convention at all, unless for the preservation of our title, liable to be put in hazard by our *non-user*, and the overspreading of the territory by English use and occupation.

Exclusive title to the territory, or any part, had not been asserted for England by her negotiators. Their object had been only to rebut and repel our claim of this character. They admitted our right as largely as their own, and only went into the investigation of the grounds of exclusive title, for the purpose of showing that their title on these grounds was as defensible as ours. They maintained that the title of all the world to colonize was equal to ours and to theirs. This was all shown by the paper delivered by Messrs. Huskisson and Addington to our commissioner in 1827, as the summary of the pretensions of their Government. How was it conceivable that, in these circumstances, they had consented to a convention, the just construction of which left us at full liberty to pursue our exclusive title, and give the fullest effect to it?

In the last discussions, in 1827, it had become a subject of consideration whether we should consent to any renewal of the convention. Gentlemen would see this in the correspondence of Mr. Gallatin, at that day, with the State Department. But why make this a question, if the convention were to be no restraint on us—if, after admitting it, we might go on, as before, to execute our claim of exclusive title, as we saw occasion? Mr. Gallatin gave the answer to this inquiry. The renewal was of use to preserve our title, there being no other interest at that time to preserve. That was the sole interest to be consulted. The sole object was to preserve it. Well! if the convention secured the preservation of our claim, how could the protection of the counter claim be excluded from its influence? Was it to be effective for us—null for our adversary? Was that the principle of construction we were to contend for? And where was the limit of our right to make grants in full property, or engage for them? Why might not these come to cover the whole territory? And where was the room for the operation of the convention then?—what the part England was to have in it?—the benefit she was to realize or preserve?

And what were the modes in which the objection, that a breach of the compact would be involved in the adoption of this clause of the bill, was met? First, by the allegation that Great Britain had preceded us in this same form of breach of compact. That position, however, had been found untenable—having encountered refutation from the document furnished under the call of the gentleman from Kentucky, [Mr. MOREHEAD.] What was the next ground? That Great Britain had come to enjoy almost the entire usufruct and advantages of the territory—nearly as much as she would under an exclusive title. But by what means? Not by constraint or intimidation exerted on our people—that was not pretended; but as the consequence of a dexterous management of the Indians, and the practice of overbidding for furs, and underselling in merchandise! Well! superior adroitness in the use of a subject of stipulation, no more than the same adroitness displayed in obtaining it, constituted an effect of contravention, which set at work the rule, that breach on one side remitted obligation on the other! His friend from Kentucky [Mr. MOREHEAD] could hardly, he thought, feel himself strong on this ground. There was none left to countervail the allegation of breach of compact prominent in the clause of the bill assuring the grants of title to the emigrants whom it invited to the territory.

Passing by this consideration, however, (which, prevailing as it was, has formed his chief inducement to trespass on the Senate:) suppose we could be justified in the conclusion, that the controverted clause of the bill involved no breach of compact,—it was to be remembered that there was another party besides ourselves to exercise the office of interpretation. The aspect in which that party might regard it was not devoid (as the action of the advocates of the clause to be intelligible must conceive) of interest to us. Suppose the construction of the clause by Great Britain, differing from ours, should infer a deviation from the compact. There were gentlemen in this body, indeed, who could not be found to admit that a question had more than one side in our controversies with other nations. This did not make it less true, in the event that there might prove to be two sides. What if there did here? Great Britain had commercial relations with us far too valuable to be sacrificed for any value she could attach to Oregon in a naked, simple estimate of values and advantages. That she should put the one in the scales with the other, in this view, was not conceivable, in her large-sighted commercial policy.

But another consideration there was, which, mixed with this, no English ministry of any party had the power, more than the inclination, to disregard—and this was the point of national honor. Rupture

for the mere sake of Oregon, he repeated, was not conceivable. But he would tell gentlemen what was entirely conceivable: that England, if she considered the mode of occupation we proposed as infringing our arrangement with her, might stand on that point, when she would not on the value of the territory; or would proceed on our own plan, and occupy in the same manner the portion she aspired to possess. What he (Mr. A.) maintained, was, that either of these procedures on her part must have an effect to complicate the question of adjustment, augment the chances of a less favorable result than might otherwise be expected, and put us in a position of contest less commanding than that which we were entitled to occupy.

Both the gentlemen from Missouri, and indeed all the friends of the bill, insisted that, situated as we were in relation to the territory—our people coterminous, and with the irresistible propensity of a portion of them to migration—the result was inevitable, that the country would fall into our possession. This opinion was, to all appearance, well founded. Why, then, from impatience to accelerate, adopt a course which had an obvious tendency to compromise this result? And did we not adopt such a course, when, with negotiation long permitted, yet depending, recently resumed, we decided to disregard it, and to establish the measure of adjustment for ourselves? He might safely appeal to candor to give the answer to this inquiry.

If we took a step of this character, we must be prepared, of course, to maintain it. Then, prudence demanded that we should estimate the consequences. He had no design to hold up the power of England in terror. We were well able to maintain conflict with her, if just occasion should require it. But, in reference to this Territory of Oregon as one of the theatres of contest, in the event of war, it was worthy of inquiry—on which side lay the balance of advantage, in waging this contest? The territory was remote from both the contending parties—the means of either, for military operations here, inconsiderable. But Great Britain had, if no formal military force, a considerable body of men connected with the Hudson Bay Company disposable for military purposes, as not engaged in agricultural pursuits, and of military habits. She had established relations of control with the Indians contiguous, who must become auxiliaries in the contest. She had command of the ports by which access to supplies—military or other—was to be afforded; superiority on the ocean, over which these supplies must be transported. She had dependencies and relations with the opposite continent of Asia, bringing her into comparative neighborhood to Oregon. In all these respects we were inferior; our settlements being recent, and agricultural merely. We were under no disadvantage, indeed, as regarded the transportation of forces by land; but neither had we any considerable advantage in that respect, as Canada was nearly as convenient as our territories to the scene.

Then, in the event of war, if neither party deemed the object worth the additional force its maintenance would require, our means of maintenance already there were inadequate and inferior; and we must be exposed to the loss of the territory. If the object should be considered worth the transfer of further force, on the other hand, then England would enjoy decided advantage over us in transporting to the scene the force and supplies required for operation; and we should, in this event, too, probably incur the loss of this subject of contest. If we got it back at the close of the conflict, in this result we must pay the price in some form of compensation elsewhere. Would it be worth any equivalent we might probably have to offer? If the war was to end on the ground of the *status quo*—that is to say, leaving the parties as they were at the outset—then we should have our own, minus the sacrifices of the contest. If it were to end on the ground of the *uti possidetis*—or of each party retaining what it was in possession of at the close—then we should lose the subject of contest, without a compensation. In one or other of the three modes mentioned, the conflict must have its termination. In neither would we be a gainer, as respected this particular subject; which we must be exposed to lose, or to a cost for preservation; or, in the event of recovery after loss, for restoration, incomparably superior to any value which could, in a sober estimate, be attached to it at the present, or at any early period. He had to say to his friend from Missouri, therefore, that he—not his friend—was the true advocate of our interest in this territory; that the plan proposed was the course to put the territory in jeopardy, and the only course; that it was the conviction of this truth, mainly, which led to the opposition to this course.

There was a further, and it ought to be a prevailing consideration, bearing on this view of the subject. The bill extended our jurisdiction over the entire contested territory to latitude 34 degrees 40 minutes, the limit of the Russian possession. But in both the negotiations we have had on this question, we had yielded our assent to being restricted to the line of the 49th parallel of latitude. Were we now to recede from this proposition, proceeding from ourselves, and *at the instant of consenting to the resumption of negotiation?* We were authorized to do this in negotiation, propositions not binding unless accepted. But how far would it be consistent in itself, or conformable to comity, or prudent, to adopt such a course, with a negotiation depending, in which this very proposal may have been (as it probably has been) renewed, to form the basis of discussion? Who ever, indeed, heard before the present instance, of authorizing negotiation, and at the same moment proceeding to terminate the issue by action which was conclusive of it? Was not such a mode of proceeding novel in international transactions?

Whatever the course we pursue, this affair must be settled by negotiation at last. Nobody supposed that Great Britain was going to recede before our claim, and yield us the whole subject of controversy, part of which we had professed our willingness to surrender. Then! war, or no war, negotiation must untie the knot, and put the conclusion. If there were war—that must have an end too, and by negotiation. Why not let the conclusion in this mode be the antecedent to war, not the result of it? The truth was, that negotiation would furnish a settlement more advantageous for us, than the allowance of our claim to the 49th degree of latitude. From the character of the country, and the deficiency of harbors within the limits of the 42d and 49th degree—the boundaries of our latest demand—a *conventional line* could probably, nay certainly, be run on the basis of the proposition to that effect, (not the exact proposition,) which had been made by the British commissioners to Mr. Gallatin in 1827; which would be more advantageous than the line of 49 degrees FOR BOTH THE PARTIES. Why preclude the chance of this mode of adjustment, by a step which (to say the least of it) might tend to the rupture of negotiation? There could be no advised policy in such a proceeding.

He came now to the views which he partook with the gentleman from South Carolina, [Mr. MCDUFFIE,] who had asked what the considerations were which called on us for the indulgence of a spirit of impatience on this subject of the occupation of Oregon? The Senator from Missouri told us, indeed, that our people had already gone there, and that it ought not to be a question as to our following them with adequate protection. He would not now discuss the doctrine how far a migratory population was allowed to give (not take) the law from the discretion of their own Government, as respected the progress of the settlement of territory, and to drag forward the public authority to any distance, expense, or exposure to collisions with foreign powers. However this might be, the proposition could not be controverted—that regard to the general interests ought to weigh for something in deciding on the policy to be observed; at least as to the form and measure of the subsidiary action which was required of the Government. If we were bound to follow our population to Oregon, we were not bound to adopt a plan to fill the territory up with population; for that was the scope of the present project—to hold out a lure to emigration to it. Now, let us look a little at the inducements to this course—the advantages to be anticipated.

The country was separated not only from our present, but any settlement we could ever have, (unless we expelled the Indians from all habitation within the limits of our claim of territory,) by a vast tract of Indian territory—much of it a desert. Then came the utterly barren and almost impracticable chain of the Rocky Mountains, penetrable at only infrequent passes, remote from each other. Then the territory proper, divided in its whole length by ledges of mountain ranges, barren, little practicable, penetrated by streams unnavigable save in detached portions, and not admitting of being rendered navigable in their full extent. These led to the third and last tract of valley on the seaboard of the Pacific, suited for an Asiatic (not an American) dependency, if it were to be regarded of value as a dependency at all.

This portion was suitable for agriculture; but the only really valuable part for this purpose (that in which our people were settled) was destitute of any tolerable harborage, and could never command any by art. The country, taken in its whole extent, could at no day certainly have a very large production, nor any considerable trade. From the production and trade it might come to command, owing to our position, the share of advantage could never be very considerable to us. And this was the country of which we were called upon to precipitate the settlement, by a forced operation! At what cost? Not the mere promise of the land—that would be nothing in itself; but, first, of considerable expense, then at the hazard of national embroilment.

We had passed a bill to reduce the army last year. But we had also learned, from a report of the War Department, responsive to a call, that the prosecution of the proposed plan of the occupation of Oregon would demand an addition to our military establishment (not the reduced—the full) of sixteen hundred men. The estimate had been given in detail; the number of forts, the number of men stated. Were we now to retrace our policy of retrenchment, as respected our military establishment, and make a large advance in the opposite policy of enlargement? And for what object? To gain Oregon prematurely? It was conceded that, by waiting the natural, and not slow progress of events, it must become ours. And the compensations! The business of collecting furs being confessedly nearly extinct in the region which would fall to our share, what were they? The burdens must be considerable; and as the country could not pass for a long time from the condition of a Territory, (supposing we would ever permit it to do so by incorporation in the Union,) in which all expenses were borne by this Government, these burdens must be continuous for a long, or for all time. There would be no revenue, inconsiderable trade, a frontier removed, to become a source of exposure and weakness. But there was a further view. We had 700,000,000 of acres of land, or some immense amount, on this side of the Rocky Mountains, yet undisposed of. A large proportion, besides its other advantages, was of a fertility with which no country (certainly not Oregon) could bear comparison. Why tempt our people from this region, where they would conduce to our strength by their numbers, to our revenue by their consumption?—what was more, where they would become the purchasers of land from us, instead of having it given to them to go from us?

We heard every day, on the floor of this chamber, of the deplorable deficiencies in the revenue, of the importance of the branch of it derived from the public lands, and the necessity of cherishing this great resource against over-taxation in the other department of the revenue, and all the mischievous results of it. Yet here was a policy impairing both sources of revenue—tempting away the people—who, if they remained, would buy the lands, contribute to the imposts which nourished the General, and to the taxation which was required to uphold the revenues of the State Governments. And this was to be done at a time when the revenues of the General Government were in the last stage of depression, the State revenues sunk under their burdens, and the population of the States nearest to Oregon prompted to fly, without any lure of invitation, from the taxation demanded by these burdens!

The reverse side of the argument presented no relief to the conclusion. No revenue, little trade, fixed and continuing expense, exposure to Indian and to foreign embroilments;—the theatre of embroilment, remote from access by land, nearly cut off from access by forts, and on which the adversary with whom we must contend had preoccupied all the advantages, subjecting us to disproportioned efforts to maintain ourselves in conflict, and a price of success which bore no relation to the value of the object.

Such was the policy we were recommended by the bill, in its present form, to adopt! And the ground!—the mode of appeal!—the topic of incitement addressed to us!—what were they? Why, the penalty of acting, or seeming to act, under the fear of war with Great Britain—the intruder on all rights—the encroacher in all regions! Well,

he confessed it; he was afraid of war; and, in particular, with Great Britain. War for no adequate cause? War—we giving the provocation, not Great Britain? He did not aspire to the courage which took no account of consequences—which was reckless for others—for the country. He feared rupture with Great Britain in particular. And why? For the reason, simply, that this power, having more and nearer points of contact with us—wider and more intimate, and more important relations—war with this power must be fraught with deeper injury to us. He must take this consideration into account, though the gentleman from Missouri would not. Aggression from any power was to be repelled, but not aggression made, because another power had the habit of aggression. This would be to take example from what we blamed. And he insisted that Great Britain, in availing herself of a larger and more beneficial use of the territory, under the compact for a common use, (all that had been shown against her,) practised no aggression; whilst we asserted, by this bill, an authority beyond a common use. Which was the party, then, that was to be considered as committing pacific relations to hazard?

Both the gentlemen from Missouri disclaimed, indeed, any purpose of provoking rupture with Great Britain; and doubtless they spoke in all sincerity. But what was the language they had employed, and reiterated, in speaking of Great Britain? If no provocation was designed or imputed by such language, what was the language they would resort to when provocation was designed? What language would import it? He should be glad to hear the distinction stated. Our negotiator had told us that, in his judgment, the tenacity of the British commissioners in the discussions of 1824 on this subject had been, in a great degree, attributable to proceedings here, and language held in Congress, by which the pride of the English Government had been wounded. Why should we have surprise at such an effect, at that time or this, when our own sensibility had been prompt to take exception at a mere suspicion of adroitness or success in turning the arrangement between the Governments to account?

Amid other topics of illustration of the encroaching temper of the English Government, the character of her policy towards China and Affghanistan had been introduced into the debate. Now he (Mr. A.) read the character of the latest proceedings in those quarters very differently since the present wise Administration had succeeded to the management of affairs in England. In the mid career of the most triumphant success in China, with no impediment to an unrestricted progress of her arms, what was the spectacle England had exhibited? Why, that she preferred the interests of commerce to conquest; as she would the larger interests of our commerce to Oregon, if the question were complicated with no provocation to her pride.

And, then, Affghanistan! What had been her recent conduct there? She had decided to retire from her establishments in that country, evidently from just perception of the impolicy of extension of dominion in that quarter. The present ministry were manifestly alive to the great truth, that commerce was the talisman of English prosperity—not the extension of territory, save for the interests of commerce. Before consenting to the abandonment of Affghanistan, however, let it be remembered that the English arms had returned there, after expulsion, to preserve the point of honor.

Did the history of this proceeding suggest to us no instruction? We too had an Affghanistan and a Hindostan. The Oregon Territory was as far beyond the region of our present interests of settlement and occupation, as Affghanistan was remote from any real connexion of interest with Hindostan. The valley region of the Mississippi, if its Ganges had seven mouths of discharge, as one time it must, would not be the empire of Hindostan, in its capacity of ministering to opulence and power. We could not withdraw entirely from our Affghanistan; but was it wise to make an effect to divert our population and resources from this Hindostan to that Affghanistan? No one thought of withholding protection from our people who had gone to Oregon, or might go there. The question was not on that point, but on the policy of *instituting bounty* on migration there; which the bill did. He (Mr. A.) made no objection to extending the jurisdiction of Iowa to Oregon, to the establishment of Indian agencies there, to an appropriation for exploration as regarded the occasion, and position of forts, and their future establishment if found to be required, (steps which England had taken;) he had no objection, in short, to any provision which would lead us *pari passu* with the action of the English Government, not inconsistent with reciprocal stipulations. Considering the clause of the bill so much discussed, in relation to the allodial grants of land, as presenting that inconsistency, he was obliged to wage opposition to this provision. He did so, not on this ground only; but on the farther ground, that the effect of such provision must be more probably to compromise than advance the objects of obtaining the territory eventually; and, in doing so, might also compromise the harmonious relations with the power with which we were litigating on this subject, on which great and equal interests of both parties were dependent.

SPEECH OF MR. BENTON,

OF MISSOURI.

In Senate, Thursday, February 2, 1843.—On the alteration of the boundary between Lake Superior and the Lake of the Woods.

Mr. BENTON said he had now finished all that he meant to say on the immediate subject before the Senate; but, in the progress of the debate, another question had grown up, springing out of the main one, and constituting a episode of some length as well as of much interest. The Oregon question connects itself with the merits of the late British treaty; and the refusal of the British minister to include this question in that treaty, has placed in higher relief the vices of the treaty itself; and, among others, the unexpected sacrifice of the old line of 1783, between the Lake Superior and the Lake of the Woods, and the free admission of British fur-traders and their goods to the places within our limits, from which they were removed under Jay's treaty, forty years ago. This vice in the treaty has been several times brought to the notice of the Senate by me; and, thanks to the opposition of the Senator from Massachusetts, [Mr. CHOATE,] will now be kept before it until the attention of the Senate and the country is directed to it, and the public opinion determined and fixed.

The Senator from Massachusetts (said Mr. B.) is evidently much in earnest in all that he says; but he has fallen into two errors, which lead him entirely astray—the error of applying his testimony to the wrong river; and of confounding the treaty line of 1783, with the trading route followed at that time. The British letters, in the shape of affidavits, from which he read some parts as applicable to the northern branch of the Pigeon river route, were wholly applicable to the Kamanistiquia route, 50 miles further north; and the treaty line was the water communication along the northern branch of the Pigeon river and its connecting lakes, and not the trading route which was on the portage route of the same waters, but south of them. All this would be made clear on the maps, and would show the Senator the mistakes under which he labored, and which led to his erroneous convictions.

My complaint against the Secretary-negotiator is, that he sacrificed the boundary of the United States in this part of the northwestern line; gave up to the British what had belonged to us for sixty years, and which was all that was worth contending for in that quarter; and then affected to have made a grand acquisition, and to have secured to us four millions of acres of fine mineral lands, where he had actually made this sacrifice. By settling a disputed line, as he conceives, he has attained this fine result: when, in fact, there was no dispute about the line there; (Lord Ashburton refusing to second the British fur traders' demand of the St. Louis river;) and all the alteration made was to our prejudice—being the loss of all the territory between the two Pigeon river routes; the loss of the old trading route which commanded the Indian trade; and the loss of the revenue which the British fur company should have paid us on the goods carried through our territories.

The map which I have hung on the Secretary's table will explain what I say, and will show that from Lake Superior there are three routes (water and portage lines) leading from the west part of that lake to the Lake of the Woods; and that the middle one of these, (called the Lony Lakes, on Mitchell's map used in 1783, and Pigeon river in modern maps,) is the boundary under the treaty; has been so held and marked for sixty years; so admitted by the British fur traders in 1802; and so declared by Lord Ashburton at the late treaty. This route, by Pigeon river, divides, within twenty miles after leaving Lake Superior, into two branches; and, after joining and separating repeatedly, and going through a succession of small lakes and rivers, and sometimes diverging to the extent of half a degree, finally become united in Rainy Lake, at the distance of nearly two hundred miles from Lake Superior. The northern of these branches is called the water communication, because it approaches within six hundred and seventy-nine paces of the waters of the Lake of the Woods: the other is called the portage route, because it has thirty-six portages in it. The water communication is the boundary, under the treaty of 1783: the portage route was the trading one practised by the French when they occupied Canada, and by the British until they gave it up under Mr. Jay's treaty. This is the character of the two routes; though, in my speech upon the treaty, the northern branch was considered the trading route, which it is not. The Senator from Massachusetts [Mr. CHOATE] has set me right in that particular; for which I have reason to thank him, as he shall soon see.

The other two routes are far to the north and to the south of this; the northern, fifty miles distant at the Kamanistiquia river, and through Dog Lake; the southern, at the St. Louis river, 240 miles south, at the western extremity of the Lake Superior. The Kamanistiquia route is called by the British the *new* route; being opened by them in 1802, when they had to give up the old French route. The St. Louis river route is called *Fond du Lac*, because at the extremity of the lake; and has no political, and but little commercial importance. The great points in the case are—1. The old British trading-post called the *Grand Portage*, or *Fort Charlotte*, at the entrance of Pigeon river, and a few miles south of its mouth. 2. The new British post at the mouth of the Kamanistiquia, and just north of it, called *Fort William*. 3. Hunter's Island, where these two routes unite. These three points are cardinal in this inquiry; for they are the landmarks of the national boundaries, as admitted, declared, and acted upon by the British themselves, from the time that Jay's treaty compelled them to remove from our limits. The *Grand Portage*, as seen marked upon every map, was evacuated by the British in 1802, under the article of Jay's treaty which stipulated for the surrender of the Western posts, and was abandoned to us as our property. *Fort William*, as seen upon the same maps fifty miles north, was established by the British at the same time, because it was on their territory; and it became the great depot of their goods and furs. This remained the case from Jay's treaty to Webster's treaty; but now it is the case no longer. What Jay's treaty—bad as it was—secured to us in that quarter, Webster's treaty—good as it is—has taken from us! And, more; it has drawn in the line for near two hundred miles, from the northern branch to the southern branch of the Pigeon-river route! has given the British all the territory between the two branches, including the large island called Hunter's! has given them the old trading-route which controls the Indians! and, in addition to all this, has exempted them from the payment of the duties, which they moved away to avoid at the time of Jay's treaty!

These are the allegations; and now for the proof. And the chief part of this proof shall be drawn from the British themselves—from the members of their powerful fur company, and from Lord Ashburton, who accomplished for them, in the late treaty, what they vainly attempted under the Ghent commission, and all they have been wishing for forty years.

I begin with the Grand Portage, on the western shore of Lake Superior, the former seat of trade and empire of the British Northwest Company;*

*"Lake Superior is the largest and most magnificent body of fresh water in the world: it is clear and pellucid, of great depth, and abounding in a great variety of fish, which are the most excellent of their kind. * * * The company keep a vessel of from 50 to 70 tons on this lake, to transport the goods coming from Montreal to the GRAND PORTAGE, and to return the furs. * * * The Grand Portage is situated on a pleasant bay on the north side of the lake, in latitude 48, and longitude 90 west from Greenwich. At the entrance of the bay is an island, which screens the harbor from every wind except the south. * * * The bay

nd their reasons, given by themselves, for leaving hat great post—their grand quarters—in the year 802. I use seven affidavits from the partners and lerks of that company, used before the commisioners under the 7th article of the Ghent treaty, ear twenty years ago, and all preserved in our ublic documents of the session of 1837-38. The rst affidavit (in order to give a full view of the hole case) I read in full: from the others, short xtracts will be read, to sustain the material points:

The sworn affidavit of William Mackay, partner in the British Northwest Company, given at Montreal, June 12th, 1827.

"The undersigned, William Mackay, gentleman, now of the city of Montreal, in the Province f Lower Canada, doth hereby certify: That e was a partner of the Northwest Company, nder the firm of McTavish, McGillivray, and ompany, for the fur-trade of Lake Superior, and he countries east, north, and west of the said lake. That the great depot of the fur-trade was at the *reat Carrying-place*, a few miles west of Pigeon iver, in Lake Superior. That, from a strong beief, founded on the assertions of the United States fficers at the garrison of Michilimackinac, *to imself in person, that the above depot was within he limits of the United States, and they would ey heavy duties on all merchandise*, stores, &c., mported thereto, and on all furs, &c., exported herefrom, (which, had it taken place, would have een *ruinous* to the said company carrying on the ur-trade,) the said company was *obliged* to exmine the countries to the *northward* and *eastward* f the said Great Carrying-place, for another route o the interior countries." * * * "That the ndersigned, in the year 1801, *at the orders of the aid Northwest Company*, undertook, with Mr. ean Baptiste Pomainville, one of the clerks of he said company, eight experienced men, and a ative, in a canoe, to explore a route from Lac La luie to the mouth of the Dog river, in Lake Suerior, called *Kamanistiquia;* which they performed ith great difficulty and hard labor. That they ound the whole country through which they passed perfect *wilderness*." * * * "That, in the ear 1802, the undersigned explored another river n the said new route, which, from its continuous apids, was found impracticable for loaded canoes, *nd the present new route was then determined on s that by which, in future, they would carry on he fur trade, as being a country in which the Jnited States had no claim.*

"That, in the year 1802, the said company began learing the forests at *Kamanistiquia*, for the erecion of buildings, &c.; and that large parties of nen, for several years, were employed in making carrying-places through the forests, some of them over deep swamps and morasses, over which causeways were laid of logs, squared on one side; and hat on the Portage Savanne the causeway is more han two miles in length." * * * "That it was with difficulty, by making presents to some, and allowing extra wages to others, that the men engaged in the fur-trade could be prevailed on to transport the goods, furs, &c., by the new route. That, in the year 1802, the undersigned, from very good authority, received information that the *United States troops* had actually landed at *Michilimackinac*, the American garrison, for the purpose of proceeding to the depot of the fur-trade, at the *Great Carrying-place*, and there *enforcing the duties* contemplated to be levied on the merchandise, furs, &c., of the said Northwest Company, as British subjects, *had they not learned the said company were then beginning to evacuate the said depot, situated at the east end of the said Great Carrying-place.*

"*Thus, the undersigned considers the new route from Kamanistiquia to be more dangerous, of greater length, and requires more labor than the old route by the Great Carrying-place, &c.*"

Extract from the sworn affidavit of John McGillivray, a partner in the Norhwest Company, given at Glengarry, in Upper Canada, June 27, 1827.

"John McGillivray, of Glengarry, in the said district, gentleman, being duly sworn, deposeth and saith: That he was a partner of the *ci-devant* Northwest Company, furnished with capital and goods by the firm of McTavish, Frobisher, & Co., and McTavish, McGillivray, & Co., of Montreal, for the purpose of carrying on the fur-trade of Lake Superior, and the countries east, north, and west of the said lake. That the great depot of the association then composing the Northwest Company was at the Great Carrying-place, on the border of Lake Superior, a few miles west of the mouth of the Pigeon river. That from a strong belief, founded upon the assertions of the United States commanding officer then stationed at Mackinac, (and, indeed, others,) that the same depot was within the *limits* of the United States of America, and that it was the decided intention of the Government of that country to appoint and establish a *military post there, in order that they might levy duties on all merchandise, stores, &c. &c.* imported thereinto, and also on the furs exported therefrom, consonant with the laws and regulations of their own State, *after mature and deliberate consideration it was then unanimously agreed to, by the association composing the Northwest Company, that the trade could not afford the heavy impost with which it most inevitably would have been burdened, and that it would ultimately prove ruinous to the concern at large.*

"In the year 1802, this new route was again examined, and the road marked out then as the one by which *in future* the fur trade was to be carried on. That, at a very great expense, the concern had to clear away thick woods, to erect many buildings, &c., and for several years to employ large parties of men to open roads through the forests or carrying-places, to avoid many dangerous rapids and falls in the rivers, and to communicate with brooks, ponds, lakes, &c., which had no other communication. To all appearances, this route had never been practised, except by the natives whose hunting-grounds are in the vicinity thereof. It was with some difficulty, and by allowing extra wages, that the servants of the company employed in carrying on the fur-trade could be prevailed upon to undertake the transport of the goods, furs, &c., &c., by this new route. The deponent was several years in the fur-trade, both before and after that depot (or headquarters) was transferred from the Grand Carrying-place to Kamanistiquia, (or Fort William,) and was very well acquainted with both routes. *The new route is more dangerous, is of greater length, and requires an infinite deal more labor, especially in years of low water, than the old route by the Grand Portage or the Great Carrying-place, Pigeon river, &c., to Lac La Croix.*"

Extract from the sworn affidavit of H. Magillis, a partner of the Northwest Company, given at Glengary in Upper Canada, June 8th, 1827.

"The undersigned doth hereby certify that he was a partner of the Northwest Company, under the firm of McTavish, McGillivray, and Company, for the fur-trade of Lake Superior, and the countries east, north, and west of the said lake. That the great depot of the fur-trade was at the Great Carrying-place, a few miles west of the sortie of the Pigeon river. That from a strong belief, founded on the assertion of the United States officers and others, that the above depot was within the *limits* of the United States, and that *heavy duties* would be levied on all merchandise, stores, &c., imported thereto, and on the furs exported therefrom, by the officers of the United States, which would have been *ruinous* to the said firm, they were obliged to examine the countries northward and eastward, for another route to the interior countries.

"That, at a very great expense, they had to clear a thick forest, to erect buildings, &c., and to employ, for several years, large parties of men, to open roads through the forests, to avoid dangerous rapids, falls, &c., in the rivers, as carrying-places for their goods, furs, &c., and to communicate with brooks, ponds, and lakes, which had no other communication known; and that much of the roads was over deep swamp and morass; and to cross these, causeways of logs, squared on the surface, were laid, in one place of more than two miles in length.

"That it was with difficulty, and by allowing extra wages, that the men employed in the fur-trade could be prevailed on to undertake the transport of goods, furs, &c., by this new route. The undersigned was several years in the fur-trade, both before and after the depot for the fur-trade was transferred from the Great Carrying-place to Kamanistiquia, and was well acquainted with both routes. *That the new route is more dangerous, is of greater length, and requires more labor, than the old route by the Great Carrying-place, Pigeon river, &c., to Lac La Croix.*"

Extract from the sworn affidavit of Jean Baptiste Pomainville, a clerk in the Northwest Fur Company, given at Montreal, June 12, 1827.

"That in the year 1801, the undersigned, in his capacity as clerk to the said company, was placed under the orders of Colonel William Mackay (then one of the partners of the Northwest Company) with eight men and one native, in a canoe, to explore a route from the Rainy Lake to the mouth of the Dog river in Lake Superior, called Kamanistiquia. That they did explore a route from thence to the place called Kamanistiquia; that they found the whole country a perfect wilderness, and it was with great difficulty and hard labor that they reached Kamanistiquia. * * * * * That the undersigned was a clerk in the service of the Northwest Company several years before and after the depot for the fur-trade was transferred from the Great Carrying-place, a few miles west of the mouth of Pigeon river, in Lake Superior, to Kamanistiquia; and believes the said transfer of the depot to have been made on account of *duties* threatened to be levied on the *goods* imported to, and the furs exported from, the said depot at the Great Carrying-place by the officers of the United States. * * * * *That the undersigned was well acquainted with both routes, and considers the new route (by the Kamanistiquia) as of greater length, more dangerous, and requiring greater labor than the old route by the way of the Great Carrying-place,(Grand Portage.")*

Having read these affidavits, Mr. B. said there were others of the same tenor from other gentlemen of the late Northwest (now Hudson Bay) Company. They all testify to the same points, and so nearly in the same words, that it becomes a needless repetition to recite them. They establish, beyond controversy—1. That the Northwest Company occupied the *Grand Portage*, and made it the head-quarters of the company, and the great depot of their Indian trade, up to the year, 1802. 2. That they carried on their trade to the interior, up to that time, on the portage route of Pigeon river, which route commenced in the Grand Portage. 3. That the retention of Northwestern posts, in violation of the treaty of 1783, enabled them to retain possession of the Grand Portage, and the portage route, until after the surrender of those posts under Mr. Jay's treaty. 4. That they broke up from the Grand Portage, and abandoned the portage route in the year 1802, and opened a new route, and established a new post fifty miles further north. 5. That they did this for the avowed purpose of evacuating a post and retiring from a route which belonged to the United States, and to escape from the custom-house laws and the jurisdiction of the United States. 6. That they did this, upon the unanimous determination of the members of the company, at great loss and expense; and that the new route which they established was longer, more difficult, more costly, and worse in every respect than the one which they abandones. The bare reading of the affidavits establishes all this: and now the mere reading of the treaty of 1783, and that of 1842, will establish the remainder, and show that the boundaries of the

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orms an amphitheatre, and is clear and inclosed, nd on the left corner of it, beneath a hill three or our hundred feet in height, and crowned by others f still greater altitude, is the fort, (Fort Charlotte,) icketed in with cedar pallisadoes, and inclosing ouses built with wood, and covered with shingles. * * * The portage hence to Pigeon river is ine miles. * * * This is the GREAT DEPOT of he fur-trade, where the *north men*, coming from he interior—from the Assinaboin, the Saskatchiwine, the Atabasca, the Lake Winipec, and other ar interior lakes and rivers—and bringing the furs f a year's trade, meet the *pork-eaters* who bring he goods from Montreal, and where the two divisions of men exchange loads. * * * Twelve hundred men often meet here. * * * The proprietors, in part, reside there. It is the headquarters of the company. The mode of living at the Grand Portage is as follows: The proprietors, clerks, guides, and interpreters mess together, to the number, sometimes, of one hundred, at several tables, in one large hall; the provision consisting of bread, salt pork, beef, hams, fish, venison, butter, peas, Indian corn, potatoes, tea, spirits, wine, and plenty of milk—for which purpose, several milch cows are constantly kept. The mechanics have rations of such provisions; but the canoemen, both from the north and from Montreal, (often 1,200 in number,) have no other allowance, here or in the voyage, than Indian corn and melted fat."—*McKenzie's History of the Fur-trade.*

United States have been altered by Mr. Webster, for the purpose of restoring the British fur-traders to the post and route which Jay's treaty compelled them to abandon. These are the two treaties.

The treaty of 1783 says:

"Thence through Lake Superior, northward of the isles Royale and Philippeaux, to the Long Lake; *thence, through the middle of said Long Lake, and the water communication between it and the Lake of the Woods.*"

The treaty of 1842 says:

"Thence, adopting the line traced on the maps by the commissioners, through the river St. Mary and Lake Superior, to a point north of Ile Royale in said lake, one hundred yards to the north and east of Ile Chapeau, which last mentioned island lies near the northeastern point of Ile Royale, where the line marked by the commissioners terminates; and from the last-mentioned point, southwesterly, through the middle of the sound between Ile Royale and the northwestern mainland, *to the mouth of Pigeon river, and up the said river, to and through the north and south Fowl lakes, to the lakes of the height of land between Lake Superior and the Lake of the Woods; thence, along the water communication to Lake Saisaginaga, and through that lake; thence, to and through Cypress Lake, Lac du Bois Blanc, Lac la Croix, Little Vermillion Lake, and Lake Namecan, and through the several smaller lakes, straits, or streams, connecting the lakes here mentioned, to that point in Lac la Pluie, or Rainy Lake, at the Chaudière falls,* from which the commissioners traced the line to the most northwestern point of the Lake of the Woods; thence along the said line, to the said most northwestern point, being in latitude 49 degrees 23 minutes 55 seconds north, and in longitude 95 degrees 14 minutes 38 seconds west from the observatory at Greenwich; thence, according to existing treaties, due south, to its intersection with the 49th parallel of north latitude, and along that parallel to the Rocky Mountains. *It being understood that at all the water communications, and all the usual portages along the line from Lake Superior to the Lake of the Woods, and also Grand Portage, from the shore of Lake Superior to the Pigeon river, as now actually used, shall be free and open to the use of the citizens and subjects of both countries.*"

Such are the words of the two treaties! and the bare reading of them, without a recurrence to maps, announces a great difference. That difference is as great, in fact, as the words would import. To understand this difference, a modern map, or some large map of the United States, should be examined: one that would show, 1st. The two parallel (nearly) lines of the Pigeon river route; 2d. The Kamanistiquia route; 3d. The junction of these on the north side of Hunter's island. These three points being seen on a map, the explanation of the whole becomes intelligible, and the difference between the lines of 1783 and 1842 apparent to every eye.

The terms of these two treaties announce a great difference in the boundaries established by each of them. The treaty of 1783 follows the *water communication* between the Lake Superior and the Lake of the Woods: the treaty of 1842 designates a line of lakes, rivers, and portages; and concludes with making all the portages, and especially the Grand Portage on Lake Superior, free and open to the use of both parties. The treaty of 1783 contains nothing of this kind.

Admitting that the Pigeon river called for in the treaty of 1842 is the Long Lake called for in the treaty of 1783, and thus that the new line leaves Lake Superior at the right place:—admitting this, I proceed to point out the fact, that, within twenty miles of the lake, the Pigeon river divides into two branches—the southern bearing down through North and South Fowl Lakes; the other bearing almost due west, and taking the name of Arrow river. These two branches approach and diverge, passing through numerous small lakes, and forming many islands, until they reach the Height of Land, 40 miles from Lake Superior, and where the waters of that lake and those of the Lake of the Woods rise within 679 paces of each other. Passing the Height of Land, which is the dividing ridge which separates the waters of the St. Lawrence from those of Hudson Bay, the parallel routes again diverge, forming the large island called Hunter's, and many smaller islands, until they finally come together in Rainy Lake, whence they issue by a river as large as the Hudson, which flows into the Lake of the Woods, whence another large river flows into Lake Winnipec, whence the Missinnippi (of the Indians) now called Churchill river, flows into Hudson's Bay. These two parallel lines, from their first divergence near Lake Superior, to their final conjunction in Rainy Lake, a distance of more than 100 miles, are known by names as notorious and as distinct as any two objects in nature can be. The northern, or outer line, is called the Water Communication, because it is the most continuous water line; the southern, or inner line, is called the Portage Route, because it has numerous portages, or carrying places upon it. The former was the boundary of the United States, under the treaty of 1783: the latter was the trading route of the French when they owned Canada, and of the British from the time they conquered Canada in 1763, until they removed to the Kamanistiquia route in the year 1802. Following this southern, or inner route, upon any map on a scale to show small objects, and every landmark called for in the treaty of 1842 will be found, and will always be found to follow the most southern deflexions of every lake and river, so as to cut deepest at every possible point into the old and acknowledged territory of the United States! Look at those calls, both in the treaty and on the map. First, North and South Fowl Lakes, many miles south of Arrow river; then Lake Saisaginaga, Cypress Lake, and Bois Blanc Lake, which carry you south of Hunter's island; then Lake La Croix, and Vermillion Lake, which keep you south of the Namecan river; then the Namecan Lake, which takes you into the extreme southern limb of Rainy Lake. These are the new calls!—all to the south! every one pursuing each lake or river to its extreme southern deflexion! and then throwing in all the portages, and Grand Portage itself, into the bargain. This is the new line; and it will be shown in the proper place, that this precise line was begged by the Northwest Company, in 1827, and refused by General Porter, (the Ghent commissioner under the 7th article,) because it would alter the boundaries of the United States. What he refused, Mr. Webster granted.

This establishes the fact of the alteration of this boundary. The further fact, that it was wrongfully altered, and to the benefit of the British, and the injury of the United States, remains to be established; and to the proof of that I now proceed.

First, I point to the map now on the Secretary's table, and which shows the boundary of the United States marked up to the northern line of the Pigeon river routes, and going north of the large island called Hunter's. This is a late map. Forty others, of different dates, might be produced; and any person, in any part of the United States, who has a large map of the Union in his possession, may see the boundary as there traced.

Next, I point to the British route opened in 1802, after the removal of the fur company from the Grand Portage, which, passing up the Kamanistiquia, and through Dog Lake, and the Thousand Lakes, arrives at the boundary of the United States on the north side of Hunter's Island, opposite its middle, and follows the Maligne river, the acknowledged boundary of the United States, to Lac La Croix. This conjunction of the new British route with the United States boundary north of Hunter's Island, is proof, from the British themselves, that the boundary was on the north of that island, where the maps place it—and which decides the whole question; for that island is the great landmark between the two routes, which are there separated to their widest degree of divergence. The Webster line is on the south of this island; and will so be marked in every map made after this time.

Next, I refer to the eight affidavits of the gentlemen of the Northwest Fur Company, dated in 1826, all affirming that, in 1802, the company, by a unanimous decision of its managers, removed from the Grand Portage, on the south side of the estuary of Pigeon river, to Fort William, on the north side of the Kamanistiquia, *for the purpose of getting out of the limits of the United States!* and that this new route brought them into the Maligne river, (north side of Hunter's Island,) which river they followed west to Lac La Croix. Thus the British came into the northern branch of the Pigeon-river routes, and followed it west through the wicked Maligne river, because they had no right to go to the southern branch.

Next, I refer to the eight treaties which guaranty the northern of these routes as the boundary of the United States, and the sixty years' possession which we have had of that boundary. The treaties referred to, are—1, that of the preliminaries of peace, signed in 1782; 2, that of the peace itself, signed in 1783; 3, Jay's treaty of 1794; 4, Mr. King's, of 1803; (rejected by the Senate;) 5, Mr. Monroe's, of 1807, (rejected by Mr. Jefferson;) 6, the Ghent treaty of 1814; 7, the convention of 1818, by Messrs. Rush and Gallatin; 8, the renewal of that convention in 1828. All these treaties—some positively, others tacitly—confirmed the line from Lake Superior to the Lake of the Woods. Wherever the question was made, the attempt to alter these boundaries was instantly repulsed. The effort, especially of the British traders, to get back to the portage route, and to have the free and common use of our portages, and to be exempt from duties on our territory, was repulsed in every instance, except one, (Jay's treaty;) and even then, so restricted as not to be used by the British. That these eight treaties all maintained our rights west of Lake Superior, and that they have all been set at naught by the Webster treaty, is apparent from their terms and their history; and I now proceed to quote those terms, and to show that history, so far as it shall be necessary to establish my position.

1. The provisional treaty of peace, signed at Paris, November 30, 1782: Messrs. John Adams, Benjamin Franklin, John Jay, and Henry Laurens, the commissioners on the part of the United States. This preliminary treaty thus defines the boundary from Lake Superior to the Lake of the Woods:

"Thence through Lake Superior, northward of the isles Royale and Philippeaux, to the Long Lake; thence through the middle of said Long Lake, *and the water communication* between it and the Lake of the Woods, to the Lake of the Woods."

These are the words of the preliminary articles of peace; and these words have remained unaltered from the year 1782 to the year 1842, when they were changed by the Webster treaty.

2. The definitive treaty of peace of September 3, 1783. This treaty was signed by Adams, Franklin, and Jay; and in all that related to the boundary between Lake Superior and the Lake of the Woods, was a transcript, word for word, of the boundary described in the preliminaries of 1782.

3. Jay's treaty of 1794. The object of this treaty, as we all know, was to settle some difficulties which had grown up in the construction, or in the execution, of the treaty of 1783. Two of these difficulties related to the Northwest: 1. The retention of the northwestern posts by Great Britain: 2. The impracticability of the boundary calls between the Lake of the Woods and the Mississippi. The English retained the northwestern posts in defiance of the treaty; and the call from the Lake of the Woods to the Mississippi, being for a line due west, was impracticable, because the source of the Mississippi was south (nearly) from that lake. The posts were retained for the sake of the fur-traders, and to keep up a control over the Indians: the call for the Mississippi (regardless of the course) was adhered to by the British, for the purpose of founding upon it a claim to the navigation of that river. Mr. Jay went to London to adjust (among others) these two difficulties; and the adjustment of these questions brought out all the pretensions, in relation to boundaries and Indian trade, which the British then set up in that quarter. We will see what these pretensions were, and how they were met by Mr. Jay. Happily, there were *protocols* in those days; and, at the distance of half a century, we can trace the origin and progress of every proposition, rejected or not, which then engaged the attention of our negotiator. A point with the British negotiator (Lord Grenville) was, to obtain the admission of goods, duty free, from Canada, through the territories of the United States—a point which was instantly and decisively rejected by Mr. Jay. Under date of October 29, 1794, from London, he thus states the proposal, and his rejection of it:

"It was proposed that goods for the Indian trade should pass from Canada to the Indians within the United States, duty free: to this I could not consent."

Instead of acceding to this proposition, a restricted agreement for transportation of goods over the portages (where they were on the boundary) was inserted in the treaty, so little agreeable or available to the Northwest Company, that they had to abandon the portage route west of Lake Superior as soon as the treaty took effect. It was article 3 of the treaty, and in these words:

"And no duties shall be payable on any goods which shall merely be carried over any of the port-

ges or carrying-places on either side, for the purose of being immediately reimbarked and carried o some other place or places. But as, by this stipulation, it is only meant to secure to each party a ree passage across the portages on each side, it is greed that this exemption from duty shall extend nly to such goods as are carried in the usual and direct road across the portage, and are not attempted to be in any manner sold or exchanged during heir passage across the same; and proper regulations may be established to prevent the possibility f any frauds in this respect."

This was the extent of Mr. Jay's concession—too estricted to be acceptable; and inapplicable, besides, to the portage route west of Lake Superior, *ecause that route was not a boundary!* The article as only applicable where the portages were on he water communications *which were boundaries.* The Northwest Company had no benefit from it n the portage route of Pigeon river; and, therefore, broke up soon after, and removed fifty miles orth into the wilderness route of the Kamanistiquia. There they have wandered ever since! but the Webster treaty, by making the portage route the oundary, has put an end to their exile, brought em back to the place from which they removed orty years ago, and made the portage privileges estimably valuable to them. They will return, nder this treaty! and no higher evidence could be iven of the change which it has made in the oundary. British territory will now be contiguus to our territory; and British stores, magaines, and warehouses skirt the line from which ey have so long been removed.

No application was made to Mr. Jay to alter e boundary from the outer to the inner line of e Pigeon-river routes: the only thing which ould be done for the traders, was to prolong the me for the surrender of the posts. This was exended two years; and the correspondence shows at the object of the extension was to enable the ritish fur-traders to collect their debts, and prepare for removal. The time for the surrender of e posts expired in 1796; the company, unwilling quit the Grand Portage till almost driven away, waited the threatened approach of troops from ackinaw, and only evacuated their position in 802.

4. Mr. Rufus King's treaty of 1803. This was treaty (though rejected by the Senate) of the ighest importance, as testimony, in the case. he settlement of the boundary in the Northwest, om the Lake of the Woods to the Mississippi, as one of the objects of Mr. King's negotiation. le was consequently employed on a boundary uestion, and a boundary west of Lake Superior; nd that, at the identical moment that the Northwest ompany were breaking up from the fine position f the Grand Portage, abandoning the portage oute, and going 50 miles north to explore, in the ilderness, a new route incomparably worse. That as the time to complain, if ever! That was the me to claim the portage route as the true one; r to ask for an alteration from the northern to the outhern route! They did no such thing—neither e one nor the other. The treaty is silent on the hole subject—the correspondence also! So that, this critical and opportune moment, the suffering company never even pretend to utter a comlaint! They did not even ask for the use of ortages and exemption from duties!

5. Mr. Monroe's treaty of 1807. This is almost important as that of Mr. King. It was soon ter the removal of the company, and while the jury to them, if any had been done, was still esh and recent. It was still a favorable time for em to complain, if wrong had been done them—duties had been illegally threatened, or a right oundary unwillingly surrendered. It was still in me for them to complain. But no; not a word. he treaty and the protocols are wholly silent upon e subject; and this silence is an emphatic declaraon that the Grand Portage, and the whole portage oute to Rainy Lake, then belonged to the United tates, and that the British traders were justly exluded from them.

6. The Ghent treaty of 1814. It was at the negotiation of this treaty that the British first suggested a proposal for altering the boundary between ake Superior and the Lake of the Woods. The merican ministers heard the suggestion with incredulity, and supposed it to be a mistake, and that was the boundary between the Lake of the Woods nd the Mississippi which was intended; but the ritish ministers repeated their suggestion, coupled with the old demand for the free navigation of the Mississippi, and the new one for an alteration of the boundary between Quebec and Halifax. All these demands the American ministers (Messrs. J. Q. Adams, J. A. Bayard, H. Clay, Jonathan Russell, and Albert Gallatin) unanimously and instantly rejected. The protocols and correspondence show these proceedings on these points:

BRITISH PROPOSITIONS.

"The boundary line west of Lake Superior, and thence to the Mississippi, to be revised; and the treaty-right of Great Britain to the navigation of the Mississippi to be continued. When asked whether they did not mean the line from the Lake of the Woods to the Mississippi, the British commissioners repeated that they meant the line from Lake Superior to that river.

"A direct communication from Halifax and the province of New Brunswick to Quebec, to be secured to Great Britain. In answer to our question, In what manner that was to be effected? we were told that it must be done by a *cession* to Great Britain of that portion of the district of Maine, in the State of Massachusetts, which intervenes between New Brunswick and Quebec, and prevents that direct communication.

"There will then remain for discussion the *arrangement* of the Northwestern boundary between Lake Superior and the Mississippi, the *free navigation* of that river, and such a *variation* of the line of frontier as may secure a direct communication between Quebec and Halifax.

AMERICAN ANSWER.

"The undersigned further perceive that, under the alleged purpose of opening a direct communication between two of the British provinces in America, the British Government require a *cession* of territory forming a part of one of the States of the American Union; and that they propose, *without purpose specifically alleged*, to draw the boundary line westward—not from the Lake of the Woods, as it now is, but from Lake Superior. It must be perfectly immaterial to the United States whether the object of the British Government, in demanding the *dismemberment* of the United States, is to acquire territory as such, or for purposes less liable, in the eyes of the world, to be ascribed to the desire of aggrandizement. Whatever the motive may be, and with whatever consistency views of conquest may be disclaimed, while demanding for herself or the Indians a *cession* of territory more extensive than the whole island of Great Britain, the *duty* marked out for the undersigned is the same. They have no authority to *cede* any part of the territory of the United States; *and to no stipulation to that effect will they subscribe.*"

These were the British demands, and the American answers, at Ghent! and mark them well. The British propositions are put forth as matters of favor, and not of right; and the gentlest language is used to veil their pretensions. A *revision* of the line from Lake Superior—a *variation* of the line between Quebec and Halifax—a *cession* of territory for the *benefit* of Great Britain in the Northeast, or of her Indian allies in the Northwest. This is the form of her request. No error in either existing line suggested! No right pretended! Favors only requested for herself and her Indians! and these favors instantly rejected by the unanimous voice of the five American commissioners. Who would have believed, at that time, that what was then asked as favors, should afterwards be demanded as rights? and what was then rejected by five American commissioners, should, forty years afterwards, be granted by one Secretary-negotiator? The Ghent commissioners refused either to *revise* the boundary beyond Lake Superior, or to *vary* the line between Quebec and Halifax: and they refused both for the same reason—that they could not dismember the United States, or cede away any part of its territory!

The time of these requests deserves to be marked: it shows the spirit in which they originated, and that both were—what our Secretary-negotiator properly characterized one of them to be—*the progeny of the late war!* The war had shown the value of a direct communication through Maine from Halifax to Quebec; and, therefore, they asked for a grant of that direct communication, to facilitate their operations against us in future wars. The same war had also shown the power and efficiency of the Northwest Company in directing the Indians against us; and, therefore, they sought to increase the advantages of this company in the great seat of their empire west of Lake Superior, in order to make them still more efficient and still more powerful against us in future wars. This was the origin of the two requests at Ghent: and the five American commissioners then there, having American hearts in their bosoms, instantly and utterly rejected both propositions, and in the same words. They declared that they would subscribe to no such propositions: and there ended the attempt either to *revise* the Lake Superior line, or to *vary* the Maine boundary at Ghent.

Instead of revision or variation—instead of cession or dismemberment—articles were agreed upon for running and marking the true boundary, according to the terms of the treaty of peace of 1783. Messrs. Adams, Clay, Bayard, Russell, and Gallatin, with true American feeling, adhered to the sacred revolutionary boundaries traced by the venerable hands of Franklin, John Adams, and Jay. They adhered to these boundaries, and adopted measures to ascertain and perpetuate them. Leaving out all that relates to Maine, I quote the article (the 7th of the treaty) for the purpose of showing what they did in relation to the Lake Superior boundary, now the subject of controversy before the Senate. It is in these words:

"It is further agreed, that the said two lastmenioned commissioners, after they shall have executed the duties assigned to them in the preceding article, shall be, and they are hereby, authorized, *upon their oaths*, impartially to fix and determine, *according to the true intent of the said treaty of peace of* 1783, that part of the boundary, between the dominions of the two powers, which extends from the water communication between Lake Huron and Lake Superior to the most northwestern point of the Lake of the Woods, *to decide to which of the two parties the several islands lying in the lakes, water communications, and rivers, forming the said boundary, do respectively belong, in conformity with the true intent of the said treaty of peace of* 1783; and to cause such parts of the said boundary as required it to be surveyed and marked," (with reference to a friendly sovereign in case of difference of opinion, as in the case of the Maine boundary.)

This was the end of the attempt to revise the Lake-Superior boundary at Ghent. The American commissioners unanimously refused the revision; and the British commissioners agreed to an article to have the treaty of '83 carried into effect according to its true intent. For this purpose, commissioners, under oath, were to examine the localities, set apart the islands in the water communications to the parties to which they belonged, and to mark the boundary where necessary. The 7th article of the treaty contained this agreement; and under it, Gen. Porter, on the part of the United States, and Mr. Barclay, on the part of Great Britain, were appointed commissioners. They were employed on this part of the line, at different periods, from the year 1824 to 1827; and now the whole secret came out, which had been concealed from our commissioners at Ghent. When asking for a revision of the Lake-Superior and Lake-of-the-Woods boundary, the British commissioners kept their fur-traders out of view, and put forward the Indians as the people for whose benefit an alteration of the line was wanted. No sooner has the board met, under the Ghent treaty, to act upon this part of the line, than the Indians are dropped! —the true parties, and the true object, appear!—and this true party is the Northwest Fur Company; and the true object is the return of this company from the wilderness of the Kamanistiquia to the Grand-Portage route within the United States, and to be exempt from duties when so returned!

It was now that propositions for altering the boundary were made by McGillivray, the head of the fur traders—now, that he pleaded for the southern-portage route—now, that he begged in vain for the identical boundary which the Webster treaty has granted: and it was at that time that all the affidavits were taken to show that the portage route was the old route—that the British had practised it before they went to the Kamanistiquia: and it was now that the absurd pretension to the St. Louis river as a boundary was brought forward, in order to be surrendered as a compromise for that southern portage route which commanded all their affections. It was at that time, in fact, that the attempt was made to substitute the old trading route for the water communication—the very attempt which the Senator from Massachusetts [MR. CHOATE] is now making, and for which he is using their affidavits!

The reports of the commissioners to their respective Governments prove all this, and show that General Porter was as decisive in refusing, as the traders were pertinacious in demanding, the alteration of the boundary, and a return of the Fur Company to the trading route which they had lost by the treaty of 1783, enforced by the treaty of Mr. Jay. Document No. 451, of the executive papers of 1837-38, proves all this, and shows that the British fur-traders were the real party which appeared before the commissioners under the 7th article of the Ghent treaty, that to get back to the Grand Portage, and to be exempt from duties, was their open object; and that, to effect this, they used all the arguments there, which the Senator from Massachusetts [Mr. CHOATE] has here repeated; and without effect then, whatever influence they may have now. Mr. William McGillivray, the head of the company, was the principal organ of these traders; and had candor enough to show, from the beginning, that the pretension to the St. Louis river as a boundary was a mere manœuvre to get a compromise for the portage route, exemption from duties, and the free and common use of all our portages. Hear him in his letters and affidavits before the Ghent commissioners: I quote from his letter of Sept. 4, 1824, to Mr. Hale, the British agent before the Ghent commissioners:

"The surveys made of the Lake Superior last summer, and the previous examination of its coast by Mr. Thompson and others, show sufficiently that no inlet (to deserve the name) is to be found on its northern shore. Opposite to the west end of Isle Royale (or isle Minong, as it is generally called) is a small inlet, or bay, into which falls the *Riviere aux Tourtres* (Pigeon, or Dove river,) which is navigable for about half a mile, when you come to the rapids. About nine or ten miles westward of this river is the *Grand Portage*, a carrying-place near *three* leagues in length; at the north end of which you again find the Riviere aux Tourtres; this river, or, rather, a chain of portages and rapids, is followed up to its source—perhaps in all forty miles—when you come to the height of land dividing the waters which fall into Lake Superior from those falling ultimately into Hudson's Bay, through the Lake of the Woods and Lake Winnipec. At first, these waters are so trifling and shallow as not to have sufficient depth or width to pass a canoe of twenty-five feet with any loading; it, however, soon increases by the addition of several other small streams, and forms, by the time it falls in Lac La Pluie, a river of considerable magnitude; but the route of the *voyageur* from the height of land is impeded by many carrying-places and rapids, which connect the little lakes into which it frequently widens its course. These lakes are, in succession, (going into the interior,) 1st, *Sasiganiga;* 2d, *Lac des Bois Blanc;* 3d, *Lac Croche;* 4th, *Lac La Croix;* and 5th, *Namecan Lake;* then *Lac La Pluie.* But these lakes are very distant from each other, though connected by rapids and carrying places, except the two last mentioned, which are only separated by one carrying-place of no great length. How this route between Lake Superior and Lac La Pluie could ever be called the *Long Lake,* I cannot conceive; for it is made up of shallow and narrow small rivers and rapids without number, and *thirty-six carrying-places,* together with the lakes above mentioned, with many others not worthy of a name.

"By this route, and *this route only,* was the trade to the northwest country carried on by the *French* while in possession of Canada, and from the conquest until the year 1803 by the *English* traders; when the difficulties and expense attending the transportation of goods from Lake Superior, by way of the Grand Portage, to Lac La Pluie, became so great that the Northwest Company removed the general depot to *Kamanistiquia,* since called *Fort William,* stationed about fifty miles eastward of the Grand Portage. The whole length of the carrying-places from Lake Superior to Lac La Pluie, by this route, (portage,) is twenty-seven miles; which is less, by five or six, than the other, (Kamanistiquia.)"

* * * * * *

"If the route by the river St. Louis, or Fond du Lac, could be *established as the boundary, it would be gaining a great extent of country.* The distance computed from the Grand Portage to *Fond du Lac* is eighty leagues. *Such an arrangement, however, cannot be hoped for;* although it may be stated as one of the routes connecting Lake Superior to the Lake of the Woods. To the new route from Fort William they (the Americans) have no pretensions whatever, as it was never practised by the French, nor by the English traders until 1803; and one reason for the Northwest Company's abandoning the Grand Portage at the time, (which was done at a great sacrifice,) was a fear that the collector of the customs at Michillimackinac would send officers to raise duties on our goods. This had been threatened, *and I have no doubt would have been attempted had we remained much longer at the Grand Portage.* As to whether the *Riviere aux Tourtres,** already mentioned, from its debouche into the lake, or the *road* in the Grand Portage until it strikes the said river, (which is really the ancient route, as the river to this point is altogether impracticable,) is perhaps the only question; *and the space of country to be gained or lost by either party is of little or no consequence, as it is a mountainous, sterile tract; but, by making the river the boundary from the lake, there is no means of getting to the north end of the Grand Portage,* (the point of embarcation for canoes;) *it would, therefore, be excluding British subjects from going into the interior by that route; whereas, by making it through the Grand Portage to the same point of embarcation, it leaves the road open to both parties.* This route is new but little practised, as most of the canoes going in pass by the Fort William route."

Such is the letter of Mr. McGillivray, and it covers every point in the case. It presents every demand made of General Porter, and refused by him, and now granted by the Webster treaty, and defended by the Senator from Massachusetts; and it presents every argument in favor of these demands which the Senator from Massachusetts [Mr. CHOATE] now presents to the Senate.

The British commissioner, Mr. Barclay, became the strenuous advocate of the traders; entering with zeal into their scheme of establishing the old trading route on the portage line as the boundary of the United States, for the purpose of getting them back to that route. Following the lead of McGillivray, he offered his first proposition of compromise in these terms.

"The British commissioner, on the other hand, offered to abandon the river *St. Louis,* on condition that his colleague [General Porter] would agree to accept the *Grand Portage route,* commencing on Lake Superior, about *six miles* to the southwest of the mouth of the Pigeon river; thence, up that river, and following the *portage route,* alternately by *land* and *water,* to Lac La Pluie, as described on the journal."

General Porter objected to the portage route, and adhered to the water communication of Pigeon river in these words:

"The American commissioner proposed to relinquish the *Kamanistiquia route,* provided that his colleague would consent to run the line from the mouth of the Pigeon river, Riviere aux Tourtres, up the middle of that river, and thence, *through the most continuous water communication,* to Lac La Pluie, as described on the journal.

Mr. Barclay insisted for the portage route, as the Senator from Massachusetts now does; and General Porter shows that, in this, he was enforcing the proposition of Mr. McGillivray. He says of Mr. Barclay's proposition:

"*This last is the route assumed by Mr. McGillivray;* and it appears from his letters, that the only question in his mind as to the course of the boundary intended by the treaty was, whether it should follow *this route,* or take the *water route* proposed (by way of compromise) by the undersigned, commencing in and proceeding up Pigeon river, &c.; and that he has been induced to adopt the former, on the ground that it would accommodate *each party* with a convenient thoroughfare for their trade to the Northwest."

This is General Porter's remark upon it; and it shows that Mr. Barclay's proposition was Mr. McGillivray's, and that the question was between the WATER COMMUNICATION called for in the treaty of '78 and the PORTAGE TRADING ROUTE, practised before that treaty, and afterwards until Jay's treaty. Gen. Porter adhered to the WATER COMMUNICATION, as his oath and his duty required him to do; and thus expresses both his determination and his reason for it in his report to his Government. He says:

"Although the difference between the two commissioners was by the above propositions greatly narrowed, and, indeed, rendered of little consequence in point of *territorial extent and value;* yet the undersigned, considering the *obligation imposed by the treaty to follow a water communication, where one could be found, as imperative,* did not feel himself at liberty to accede to the proposition of his colleague."

Such was the answer of General Porter, and no stronger or higher evidence could be given of the truth of the boundary, as established by the treaty of 1783, in the water communication, and not in the trading route. He was under oath—on the spot—had access to all testimony—and adhered to the water line as the new boundary. That line had but one interruption; and that at the Height of Land, of six hundred and seventy-nine paces, as shown by Sir Alexander McKenzie:* the other has thirty-six portages, and twenty-seven miles of land carriage, as just shown in the letter of Mr. McGillivray. Foiled in this proposition to begin the line at the Grand Portage, and go over land to the trading route, the British commissioner then proposes another—namely, to begin in the mouth of Pigeon river, follow it to the separation of the streams at Arrow river; then follow the southern portage route, *and make all the portages free and common to the use of both parties.* This was his last proposition, and is thus stated, and thus refused by General Porter:

"To a subsequent modified proposition of the British commissioner, to take a *water* line commencing in the mouth of Pigeon river, and thence proceeding to Rainy Lake, accompanied by a stipulation that the *Grand Portage route should be made free and common to the use of both parties,* he also felt it to be his duty to object, on the ground that such a stipulation would involve the *exercise of powers not confided* to him by *his commission.*"

This is the account given of these propositions and of their fate, by General Porter. The British commissioner (Mr. Barclay) gives the same account in his report to his own Government; with the important additional particular, that General Porter's refusals were in conformity to the advice which he had received from his own Government! Hear him:

"'And as to the proposition of Mr. Porter, to conduct the line from Lake Superior to the mouth of Pigeon river; thence, through the middle of said river, proceeding to Lake La Pluie by the most direct and continuous *water communication,* Mr. Barclay consented to adopt a route from Lake Superior, by the Grand Portage, to Pigeon river; and thence, by the most easy and direct route, to Lac La Pluie, *provided the American commissioner would consent that the boundary should be conducted from water to water, over land, through the middle of the old and accustomed portages,* in those places where—from falls, rapids, shallows, or any other obstruction—the navigation and access into the interior by water are rendered impracticable. Such a route, with all the portages, is here described by Mr. Barclay, for greater certainty;' the particulars of which route will be seen in the section last referred to.

"The commissioner of the United States having *declined* accepting the modification of his proposal for a *compromise,* as above set forth, the undersigned shortly after made another proposition to him, to the following effect: That, for the purpose of effecting a *compromise*—an object so desirable to both parties—the undersigned would consent to relinquish the proposed establishment of the boundary through and over the middle of the portages, and to fix it as a water line in the course of the water communications described for that purpose by the undersigned, provided he (the American commissioner) would unite in declaring the *portages common and free to the lawful use of both nations;* the undersigned always alleging that he deemed it a part of the duty of the commissioners to preserve the communication open.

"*This proposition, also, was lately declined by the commissioner of the United States, by the advice (as he stated) of his Government.*"

Thus the American and the British commissioners are accordant in their account of this whole affair. They show that the British fur-traders were the real parties to this question of boundary—that a *compromise* of this line was their policy—that the portage line, and the free and common use of the portages, was their object—and that all this was declined by General Porter, because contrary to the treaty of 1783, and because he was so advised to decline it by his own Government. That Government (or rather the administration of it) was then in the hands of gentlemen who had acted on this subject at the Ghent negotiations. Mr. John Quincy Adams was President; Mr. Clay was Secretary of State; and their advice to General Porter was in exact conformity to their answer to the British commissioners at Ghent in 1814—namely, *a peremptory refusal to revise this line for any object whatever!*

And now, is anything further wanting to show that this whole question, so tardily got up after the late war—this whole question about the boundary west of Lake Superior—was a conception of the British fur-traders, got up for their own interest, and to redeem them from the wilderness of the Kamanistiquia, and to restore them to the Grand Portage, and the whole portage route, from which they removed in the year 1802, because that route was on the territory of the United States? Is there anything more wanting to prove this? If there be, here it is! The express declaration of Mr. Barclay in the concluding paragraphs of his report to his Government. In that report he says:

☞"It is a fact, familiar to every person who has investigated this point, or who is conversant with the interests concerned in it, that the traders are extremely desirous of returning from the Kamanistiquia route to the more southern routes; and that they are resolved to do so, if the boundary be established in such a manner as to authorize them."

This brings me to the end of the proceedings under the Ghent treaty, and to the end of the sixth treaty, which consecrated our title to the boundary of 1783 between Lake Superior and the Lake of the Woods. But two other treaties remain to be noticed: and the notice of them shall be brief; for they are silent upon this boundary; and this is a case in which silence is as expressive as words. They are:

7. The convention of 1818, in regard to the boundary *from* Lake Superior to the Lake of the Woods, and for the joint occupation of the Columbia. This convention is silent on the subject of the boundary on this side of the Lake of the Woods; and this proves that the question was then at rest.

8. The continuation of that convention in 1828,

*Pigeon river.

*"From hence the course is on the lake of the same name, west-southwest three miles to the Height of Land (Hauteur de Terre, of the French,) where the waters of Dove or Pigeon river (Riviere aux Tourtres, of the French,) terminate, and which is one of the sources of the great St. Lawrence in this direction. Having carried the canoe and lading over it, *six hundred and seventy-nine paces,* they embark on the lake of Hauteur de Terre, which is in the shape of a horseshoe. It is entered near the curve, and left at the extremity of the western limb, through a very shallow channel where the canoe passes, half loaded, for thirty paces, with the current, which leads through the succeeding lakes and rivers, and disembogues by the river Nelson into Hudson's Bay."—*McKenzie's History of the Fur trade, London quarto of* 1801, *p.* 51. Geographers have done injustice to the works of nature in this quarter, in not presenting, *as one river,* the great stream which rises within six hundred and seventy-nine paces of the head of the St. Lawrence, and makes its way through many small, and some large lakes, into Hudson's Bay. Even before it reaches the Lake of the Woods, this river is as large as the Hudson, with fertile and well-timbered banks.

which the same silence is observed, and the same difference is to be drawn.

Thus, eight treaties, and sixty years' possession, consecrated our boundary in this quarter: yet the treaty of 1842 disregarded these eight treaties, this sixty years' possession, and the uniform and unanimous voice of all negotiators, and of all administrations; and delivered up this important boundary to the powerful British fur traders, now more powerful than ever, whose dominion extends from ocean to ocean, and from the lakes to Hudson's Bay! whose strength is now united under a single charter—that of the Hudson Bay Company; who employ many thousand men, control innumerable Indians, and whose forts, formed into regular chains, cover all the country west and north from Lake Superior to the coast of the Pacific, and to the shores of Hudson's Bay. The treaty of 1842 restores these powerful and now united traders to their former headquarters—the seat of their ancient empire at the Grand Portage—and to the great trading route, which the treaty of 1783 gave to the United States. The treaty of 1842 does all this: and now some notice of this treaty is to be taken; and from this notice it will be seen that our Secretary-negotiator, in the Northwest as in the Northeast, became the advocate of the British; acted as the agent or solicitor of Lord Ashburton, in seeking testimony against his own country; and depreciated the value of our territory, as well as the importance of our boundaries, for the sake of having an excuse to give them away! The correspondence, meagre as it is, and destitute of protocols, still proves this; and to this proof we will now have recourse.

On the 16th day of July, 1842, Lord Ashburton, in his letter of that date, in arriving at the boundary west of Lake Superior, and reciting the differences between the British and American commissioners in relation to that boundary, proceeds to say to Mr. Webster:

"In considering the second point, it really appears of little importance to either party how the line be determined through the wild country between Lake Superior and the Lake of the Woods, *but it is important that some line should be fixed and known.*"

* * * * * *

"The American commissioner asked for the line from Lake Superior up the river Kamanistiquia to the lake called Dog Lake, which he supposed to be the same as that called Long Lake in the treaties; thence through Sturgeon Lake to the Lac la Pluie, to that point where the two lines assumed by the commissioners again meet."

* * * * * *

"The British commissioner, on the other hand, contended for a line from the southwestern extremity, at a point called Le Fond du Lac, to the middle of the mouth of the estuary, or lake of St. Louis river; thence up that river, through Vermillion river, to Lac la Pluie."

* * * * * *

"*I would propose that the line be taken from a point about six miles south of Pigeon river, where the Grand Portage commences on the lake, and continued along the line of said portage, alternately by land and water, to Lac la Pluie; the existing route by land and by water remaining common to both parties.*"

To this intimation from Lord Ashburton, that some line from Lake Superior to the Lake of the Woods should be fixed and known, it would have been sufficient for Mr. Webster to have answered, that such a line was fixed and known!—had been for sixty years!—and, for forty years of that time, had been conformed to by the British themselves! And to his proposition to take the portage route of Pigeon river for this boundary, it would have been sufficient for him to have answered, that the Northwest Company retired from that route under Jay's treaty; were still fifty miles beyond it; and that all administrations, and particularly Mr. Adams's in 1827, had refused to alter the water boundary, and permit them to return to the trading route. This would have been sufficient, one would think. But not so, thought Mr. Webster. The first thing we see of him is a correspondence with Messrs. Delafield and Ferguson, (one of whom had been the agent, and the other the astronomer and surveyor, on the part of the United States, under the 7th article of the Ghent treaty,) bearing date the 20th and 25th days of July; which was two days and seven days before he answered Lord Ashburton's letter! which answer happens to bear date on the 27th day of the same July!

In this correspondence we find these passages in a letter from the Secretary-negotiator to Mr. Ferguson:

"What is the general nature of the country between the mouth of the Pigeon river and the Rainy Lake? Of what formation is it, and how is its surface? and will any considerable portion of its area be fit for cultivation? Are its waters active and running streams, as in other parts of the United States; or are they dead lakes, swamps, and morasses? If the latter be their general character, at what point, as you proceed westward, do the waters receive a more decided character as running streams?

"There are said to be *two* lines of communication, each partly by water and partly by portages, from the neighborhood of Pigeon river to the Rainy Lake: one by way of *Fowl Lakes*, the Saganaga Lake, and the Cypress Lake; the other by way of *Arrow river* and lake, then by way of Saganaga Lake, and through the river *Maligne*, meeting the other route at Lake *la Croix*, and through the river *Namecan* in the *Rainy Lake*. Do you know any reason for attaching great preference to either of these two lines? Or do you consider it of no importance, in any point of view, which may be agreed to?

These are the inquiries; and they are put, as the lawyers say, leadingly—that is to say, they are so put as to lead the witnesses' minds to the answers wanted. The desired answers evidently were—*first*, that the country was worth nothing; *secondly*, that it was immaterial which route was taken for the national boundary. The object of getting these answers was evidently to have a pretext for giving up the territory between the two routes to the British, and to give them the choice of the routes—as if the British were silly enough to be struggling for forty years for sterile land, and an immaterial boundary. The gentlemen answer; and, in all that relates to the character of the soil, are explicit as to its worthlessness; but not so as to the two routes. On this point, Mr. Delafield, the United States astronomer and surveyor under the Ghent commission, answers:

"There is, nevertheless, much interest felt by the fur-traders on this subject of boundary. To them it is of much importance, as they conceive; and it is, in fact, of national importance. Had the British commissioner consented to proceed by the Pigeon river, which is the Long Lake of Mitchell's map, it is probable there would have been an agreement. There were several reasons for his pertinacity, and for this disagreement—which belong, however, to the private history of the commission, and can be stated when required."

Here the answer disappoints the inquiry. Instead of following the lead held out by the question, and answering "that it was of no importance, in any point of view, which route may be agreed to;"—instead of this, he answers that it is of much importance—of national importance—and that the fur-traders take much interest in it. Thus, the answer disappoints the question; but to no purpose. Our Secretary pays no attention to his own testimony, when it makes in favor of his own country; and readily gives the British all they ask, and restores them to the route they had to relinquish under Jay's treaty. The testimony proves the importance of this boundary; but why resort to testimony? The conduct of the British is itself the strongest of all testimony, and should supersede the resort to any other. Up to the year 1802, they held on to this route in defiance of the treaty of 1783; in 1802 they removed from it, in consequence of Jay's treaty, and explored the new, difficult, dangerous, costly route of the Kamanistiquia; to get back from which, and especially to recover the master post of the Grand Portage, had been the object of their labors for forty years. The value which they placed upon the recovery of the old route, should have been sufficient to open the eyes of our Secretary to the sacrifice he was making. But, neither this conduct, pregnant as it was; nor the testimony of Mr. Ferguson, pointed as it was; nor all that passed before the Ghent commissioners, could check his desire to oblige the British at the expense of his own country. He perseveres in his design to grant Lord Ashburton all he demanded; and this he hastens to do, although Mr. Ferguson, the other witness to whom he appeals, gives him pointed testimony, derived from their own conduct, against the fur-traders' claim. He says:

"I have no doubt that the bay of the Pigeon river is the Long Lake of the treaty of 1783. It is designated by the name on Mitchell's map, which, at that time, was the only map existing of these regions; and was proven, by the evidence of Mr. John Adams and Mr. John Jay, to have been the only geographical description before the negotiators of the first treaty. Though evidently defective and erroneous, it is but fair to take it as an evidence of the intention. In addition to this evidence of the construction of the treaty of 1783, at the time it was concluded, we have this fact further—that, immediately after the peace, the traders of the Northwest Fur Company destroyed their forts and warehouses at the *Grand Portage*, and removed themselves to *Fort William*, ten leagues on the other side of the Pigeon river—a course which could only have been adopted for the reason that they supposed their previous location would now be on foreign territory. *In addition, I have never heard this construction of the treaty of 1783 questioned by any of the partners of the British Fur Company whom I have met in that quarter.*"

Both the gentlemen appealed to, give testimony in favor of their own country; but all to no purpose. One asserts the importance of the boundary in a national point of view; the other quotes the conduct of the fur traders against themselves; but no matter—our Secretary persists in his design to treat the choice of boundaries as of no importance, and to give the British their own choice, and to re-establish them in their old headquarters. On the 27th day of July, in the same letter in which he "*proposes*" to Lord Ashburton the new Maine boundary, he also "*proposes*" to him the new Lake Superior boundary; and does it in the precise words *proposed* by Mr. William McGillivray, the chief of the then Northwest Company, to the board under the Ghent commission in 1824–'27. The Pigeon river—North and South Fowl Lakes—the Lake Saganaga—Cypress Lake—Lac du Bois Blanc—Lac La Croix—Little Vermillion Lake—Lake Namecan—are all followed in this letter with minute particularity and Oriental scrupulosity. And then he adds a clause in relation to the portages, which is a copy of Lord Ashburton's demand, as Lord Ashburton's is a copy of Mr. Barclay's, which is itself a copy of Mr. William McGillivray's. Here is the Webster proposition for the portages in this portentous letter of July, 1827, consisting of the precise words which now constitute a part of the treaty:

"It being understood that all the water communications, and all the usual portages along the line from Lake Superior to the Lake of the Woods, and also Grand Portage, from the shore of Lake Superior to the Pigeon river, as now actually used, shall be free and open to the use of the subjects and citizens of both countries."

And this ends the chapter of our wrongs on this section of our boundary between Lake Superior and the Lake of the Woods. The great united Hudson Bay and Northwest Company can now return as masters to the place from which they retired as trespassers forty years ago. After forty years wanderings in the wilderness of the Kamanistiquia, a deliverer and a leader has appeared to lead them forth. A new Joshua, in the person of our Secretary-negotiator, has come to the rescue; and the GRAND PORTAGE and the SOUTHERN ROUTE are again to become the seat of TRADE and EMPIRE to a SOVEREIGN company, whose control over the Indians has cost the United States a myriad of lives, and a hundred millions of MONEY.

It is in vain that the Senator from Massachusetts, [Mr. CHOATE,] feeling the overwhelming effect of this concession, labors to establish a distinction between the possession of the portages and their use. It is to no purpose, he alleges, that the late treaty has only granted the *use* of the GRAND PORTAGE, and the thirty-six other portages, formerly ours; it is a distinction without a difference. The new treaty alters the boundary; and then makes these portages free and common to each party. And this makes the treaty-rights of the British equal to our own; while their actual rights will be far superior to ours. The treaty makes us equal: the power of the company will make us unequal! They will have the exclusive use and possession on this line, as they have, under the same words, on the Columbia river. Every American who ventures on these portages will be shot by British Indians, as a thousand of them have been shot who have ventured to hunt or trade on the Columbia since the convention of 1818. It is in vain for the Senator to say the British cannot build and establish posts and depots on these portages: I answer, under the treaty their rights are equal to ours! that, in fact, they will be greater! and that British territory being now brought down to contiguity with all these portages, they can build and fortify adjoining to them, and still be upon their own territory. It is in vain that he relies upon the portage privileges in Mr. Jay's treaty. Those privileges only applied to the portages on the existing boundaries under the treaty of 1783; while the Webster treaty alters that boundary to confer these privileges in a new place! in a place from which Mr. Jay's treaty compelled these traders to remove in 1802! It is in vain that he pleads the immateriality of the routes. That plea is invalidated by the conduct of the British themselves, in holding on to the portage route for twenty years after the peace of '83, and by forty years' exertion since to get back to it. It is invalidated by the testimony of Mr. Delafield. It is invalidated by every British affidavit produced before the Ghent commissioners. It is in vain to prove that the land is poor and steril. What do the British want with our poor land? That is the same plea on which Maine was dismembered and mutilated, and our military frontiers there given up. If poor land is a plea for the surrender of our territory, the mouth of the Mississippi, and all the Gulf coast, and much more, may be surrendered: for it can be proved to be unfit for cultivation. Mr. Webster can get affidavits to that effect, and surrender half the frontiers of the Union in his next British treaty. These pleas

will not do. They will not justify or excuse the sacrifice of ancient boundaries, the concession of territory, the grant of privileges, and the exemption from duties to a powerful and hostile company, wielding innumerable Indian tribes against us.

While making this sacrifice of an ancient and valuable boundary in this quarter, and bringing back the British to the ground from which they retired so long ago, our Secretary-negotiator has had the modesty to affect an acquisition of four millions of acres of fine mineral land in the same place; and our President has been good-natured enough to intimate the same thing in his message of August last. They do not exactly say so; but they make people believe it. The Senator from Massachusetts [Mr. CHOATE] says their words are literally true. I say so likewise, but that they excite a belief entirely untrue. The words are—that, by this treaty, four millions of acres of fine mineral land, between Pigeon river and St. Louis river, northward of the claim set up by the British (Ghent) commissioner, are included within the United States. Very good! They were never excluded from the United States! And Lord Ashburton set up no pretension to them! He asked for a change of boundary to our prejudice, and for our portages, and for exemption from duties; and he got all that he asked, with all the territory (including Hunters' Island, a large body of land, and many smaller islands) which lies between the two Pigeon river routes in the whole extent of their divergence, nearly 200 miles in length, and frequently half a degree apart. He got this territory, amounting to some hundreds of thousands of acres, in addition to all the advantages of the only good trading route, and the Grand Portage; and now to be entertained with a false belief, created by true words, of a fine mineral acquisition of four millions of acres, is carrying fiction, in a State paper, rather too far.

The Senator from Massachusetts, who defends the Secretary on this occasion, makes it matter of objection that I did not mention the portages in my speech of August last. True, I did not mention them, and for the best of all reasons. I had not then read the stipulation in relation to them. Stuck in, as they were, at the end of a long article about boundaries, I read far enough to see what this new boundary was, and denounced it as it deserved; but the portage clause I did not read until the present session. Happily, it is a case in which the statute of limitations does not apply! and having now made the discovery, the Secretary shall have the full benefit of it. Certainly it was not anticipated that my speech on the treaty—forty mortal columns of the imperial Globe—certainly it was not anticipated that there should be a complaint against that speech for defect of accusatory matter. But the complaint is made; and I must justify, by bringing up the omitted accusation. I say, then, this affair of the portages—and, especially of the Grand Portage, and this exemption of a powerful company's goods from duties—constitutes one of the heaviest charges which I have found against the treaty. In the first place, it seems to militate against that clause in the Constitution which requires duties to be uniform throughout the United States. Next, it is manifestly unjust to our fur-traders, (who pay enormous duties,) to exempt their foreign competitors from the same burden. Then the stipulation itself is a cheat. It provides for the *joint* use of these portages, when everybody knows that in this case—the Columbia river has proved it—*joint* means *exclusive;* and that every American trader that dares to tread the same ground with them will be shot by British Indians. No palliation for this fatal concession can be found in Jay's treaty. That treaty only permitted the use of portages where these portages were on established boundaries; this treaty alters a boundary, to get a pretext for favoring the British! These traders could carry nothing on the portage route under Jay's treaty, because that route was not a boundary. They will now carry what they please upon it—and all free—because Webster's treaty has made it a boundary. He has altered the line for this purpose; and the long exiled Kaministiquia wanderers will come rushing back to take possession of their restored haunts. And who is it to whom this unconstitutional, unjustifiable, injurious, and dangerous advantage is given? Is it not that same powerful body of British traders to whom we are indebted for every Indian war in the Northwest, from the Revolution to the present day? to whom we are indebted for fourteen years retention of the Northwestern posts? and to whom we are now indebted for all the dangers which environ our settlement of the Oregon? Is it not this same company which has cost us a myriad of lives—the babe and its mother, as well as the father—and which cost us during the late war alone, (to say nothing of other Indian wars,) sixty millions of dollars? The whole cost of the late war was one hundred and twenty millions; the one-half of which was sunk in the Northwest, making head against the Indians which this company excited against us. And who is it that is now rewarding this company for past injuries, and rendering them more potential for the future? Is it not the same gentleman whose voice was on the side of the British and the Indians, when their feet were on the soil of our country, and their knives in the throats of our people?—who denied us men, and money, and ships, during the late war, and then taunted us with our defeats, and sarcastically demanded, after the horrid massacre of the river Raisin, if that was the entertainment to which we had been invited? Surely it is the same man!, and his treaties and negotiations now are in exact accordance with his votes and speeches then;—all on the side of the British, and all against his own country. And where did he get the power to demolish boundaries, release duties, and surrender portages? Where did he get the power for these acts? From President Tyler? If so, show us the warrant. As Secretary, he is nothing but head clerk to the President, and can only act by his permission or command. He must have the President's instruction! and if we can believe what was said at Boston, that instruction was a blank; and the head clerk headed his master!

Mr. President, we have fallen upon evil times; and great and strange are the calamities of the day. Modern Federalism sits at the head of our Government, and its genius is far more deleterious than the Federalism of ancient times. The old Federalists did many evil things; but they had their high points, from which they would never descend. They made a national bank, but did not christen it an exchequer. They made a bankrupt system, but did not systematize the repudiation of debts. They levied grievous taxes, but did not exempt foreigners from the levy. They invaded the State Governments at many points, but still left them their poor insolvent laws. They made treaties with England, but did not place our frontiers in her hands. Above all, they did not bring the British traders, red with the blood and loaded with the scalps of our citizens, within our borders; but sent them out, far away into the hideous wilderness. Modern Federalism has done all that ancient Federalism would not; and, for one, I infinitely prefer the old to the new. Give me John Jay, John Adams, and Rufus King—all leading Federalists in their day—in preference to Daniel Webster, Federal leader in this day, and John Tyler, his *Democratic* follower!

SPEECH OF MR. CALHOUN,

OF SOUTH CAROLINA.

In Senate, January 24, 1843—On the Oregon bill.

Mr. CALHOUN said it ought to be borne in mind, in the discussion of this measure, that there is a conflict between our claim and that of Great Britain to the Oregon Territory; and that it extends to the whole territory from the Rocky Mountains to the Pacific ocean; and from the northern limits of Mexico, in latitude 42, to the southern limits of the Russian possessions, in latitude 54. Nor ought it to be forgotten that the two Governments have made frequent attempts to adjust their conflicting claims, but, as yet, without success. The first of these was made in 1818. It proved abortive; but a convention was entered into, which provided that the territory should be left free and open to our citizens and the subjects of Great Britain for ten years; the object of which was to prevent collision and preserve peace, till their respective claims could be adjusted by negotiation. The next was made in 1824, when we offered to limit our claim to the territory by the 49th degree of latitude; which would have left to Great Britain all north of that latitude to the southern boundary of Russia. Her negotiator objected, and proposed the Columbia river as the boundary between the possessions of the two countries. It enters the ocean about the 46th degree of latitude. It follows, that the portion of the territory really in dispute between the two countries is about three degrees of latitude—that is, about one-fourth of the whole. The attempt to adjust boundaries again failed, and nothing was effected. I learn from our negotiator, (a distinguished citizen of Pennsylvania, now in the city,) that the negotiation was conducted with much earnestness, and not a little feeling, on the part of the British negotiators.

In 1827, just before the termination of the ten years, another attempt was made at an adjustment. The negotiation was conducted on our part by Mr. Gallatin. The whole subject was discussed fully, and with great ability and clearness on both sides; but, like the two preceding, failed to adjust the conflicting claims. The same offers were made respectively by the parties that were, in 1824, and again rejected. All that could be done was to renew the convention of 1818; but with the provision, that each party might, at its pleasure, terminate the agreement, by giving a year's notice. The object of the renewal was, as in 1818, to preserve peace for the time, by preventing either party from asserting its exclusive claim to the territory; and that of the insertion of the provision, to give either party the right of doing so whenever it might think proper, by giving the stipulated notice.

Nor ought it to be forgotten, that, during the long interval from 1818 to this time, continued efforts have been made, in this and the other House, to induce Congress to assert, by some act, our exclusive right to the territory; and that they have all heretofore failed. It now remains to be seen whether this bill, which covers the whole territory, as well north as south of the 49th, and provides for granting land, and commencing systematically the work of colonization and settlement, shall share the fate of its predecessors.

To determine whether it ought or ought not, involves the decision of two preliminary questions. The first is, whether the time has now arrived when it would be expedient on our part to attempt to assert and maintain our exclusive claim to the territory, against the adverse claim of Great Britain; and the other, if it has, whether the mode proposed in this bill is the proper one.

In discussing them, I do not intend to involve the question of our right to the territory, nor its value, nor whether Great Britain is actuated by that keen, jealous, and hostile spirit towards us, which has been attributed to her in this discussion. I shall, on the contrary, assume our title to be as valid as the warmest advocate of this bill asserts it to be; the territory to be, as to soil, climate, production, and commercial advantages, all that the ardent imagination of the author of the measure paints it to be; and Great Britain to be as formidable and jealous as she has been represented. I make no issue on either of these points. I controvert none of them. According to my view of the subject, it is not necessary. On the contrary, the clearer the title, the more valuable the territory; and the more powerful and hostile the British Government, the stronger will be the ground on which I rest my opposition to the bill.

With these preliminary remarks, I repeat the question, Has the time arrived, when it would be wise and prudent for us to attempt to assert and maintain our exclusive right to the territory, against the adverse and conflicting claim of Great Britain? I answer, No, it has not; and that for the decisive reason, because the attempt, if made, must prove unsuccessful against the resistance of Great Britain. We could neither take nor hold it against her; and that, for a reason not less decisive—that she could in a much shorter time, and at far less expense, concentrate a far greater force than we could in the territory.

We seem to forget, in the discussion of this subject, the great events which have occurred in the eastern portion of Asia, during the last year, and which have so greatly extended the power of Great Britain in that quarter of the globe. She has there, in that period, terminated successfully two wars; by one of which she has given increased quiet and stability to her possessions in India; and by the other, has firmly planted her power on the eastern coast of China, where she will undoubtedly keep up, at least for a time, a strong military and naval force, for the purpose of intimidation and strengthening her newly acquired possession. The point she occupies there on the western shore of the Pacific, is almost directly opposite to the Oregon Territory, at the distance of about five thousand five hundred miles from the mouth of Columbia river, with a tranquil ocean between, which may be passed over in six weeks. In that short time, she might place, at a moderate expense; a strong naval and military force at the

ıth of that river, where a formidable body of ı, as hardy and energetic as any on this conti-t, in the service of the Hudson Bay Company, numerous tribes of Indians under its control, ld be prepared to sustain and co-operate with it. :h is the facility with which she could concen-e a force there to maintain her claim to the ter-ry against ours, should they be brought into lision by this bill.

now turn to examine our means of concentra-; an opposing force by land and water, should it ome necessary to maintain our claim. We 'e no military or naval position in the Pacific an. Our fleet would have to sail from our own res, and would have to cross the line and double pe Horn in 56 degrees of south latitude; and, ning north, recross the line, and ascend to lat-le 46 north, in order to reach the mouth of Co-mbia river—a distance from New York (over the ıightest and shortest line) of more than 13,000 les, and which would require a run of more n 18,000 of actual sailing on the usual route. tead of six weeks, the voyage would require six nths. I speak on the authority of one of the st experienced officers attached to the Navy. De-rtment.

These facts are decisive. We could do nothing water. As far as that element is concerned, we uld not oppose to her a gun or a soldier in the ritory.

But, as great as are the impediments by water, ey are, at present, not much less so by land. If assume some central point in the State of Mis-uri as the place of rendezvous, from which our ilitary force would commence its march for the rritory, the distance to the mouth of the Columbia ver will be found to be about two thousand miles; which much more than a thousand miles would over an unsettled country, consisting of naked ains or mountainous regions, without provisions, cept such game as the rifle might supply. On a eater portion of this long march, the force would liable to be attacked and harassed by numerous id warlike tribes of Indians, whose hostilities ight be readily turned against us by the British aders. To march such a distance without oppo-tion would take upwards of 120 days, assuming e march to be at the usual rate for military forces. ıould it be impeded by the hostilities of Indians, e time would be greatly prolonged.

I now ask, How could any considerable force ıstain itself in so long a march, through a region destitute of supplies? A small detachment might ve on game; but that resource would be altogether ıdequate to the support of an army. But admit-ng an army could find sufficient supplies to sus-in itself on its march to the territory, how could sustain itself in an uncultivated territory, too re-ıote to draw supplies from our settlements in its ear, and with the ocean in front, closed against by a hostile fleet? And how could supplies be ound to return, if a retreat should become neces-ary? In whatever view the subject may be re-arded, I hazard nothing in asserting, that such is ıe difficulty at present, on our part, of concentra-ng and maintaining a force in the territory, that few thousand regulars, advantageously fortified n the Columbia river, with a small naval force to ıpport them, could, with the aid of the employees f the Hudson Bay Company, and the co-operation f the Indians under its influence, bid defiance to ny effort we could make to dislodge them. If all ther difficulties could be surmounted, that of trans-orting a sufficient battering train, with all of its ppurtenances, to so great a distance, and over so ıany obstacles, would be insuperable.

Having now made good my first position—hat the attempt, at present, to assert and maintain ur exclusive claim to the territory, against the ad-erse claim of Great Britain, must prove unsuc-essful, if she resisted, it now remains to inquire whether she would resist. And here let me say, whatever might be the doubts of others, surely they who have, in this discussion, insisted so strongly n her power, her jealousy, and her determination o hold the territory, cannot doubt that she would esist. If, indeed, provoking language can excite ıer to resistance, or if half which has been said of ıer hostile disposition be true, she not only would esist, but would gladly seize so favorable an occa-ion to do so, while we are comparatively so weak, and she so strong in that quarter. However un-favorable the time might be for us, for her it would be the most propitious. Her vast resources and military power in the East are liberated, and at her disposal, to be directed to assert and maintain her exclusive claim to the territory against ours, if she should determine to follow our example, in case this bill should pass. Even I, who believe that the present Ministry is disposed to peace; that the recent mission to this country originated in the spirit of peace; and that Sir Robert Peel has exhibited great wisdom and moderation—moderation in the midst of splendid success, and therefore more to be trusted—do not doubt she would resist, if we should adopt this measure. We must not forget, as clear as we believe our title to be, that the right to the territory is in dispute between the two countries; and that, as certain as we regard our right to be, she regards hers as not less so. It is a case of adverse conflicting claims; and we may be assured, if we undertake to assert our exclusive right, she will oppose us by asserting hers; and if the appeal should be to force, to decide between us at present, the result would be inevitable—the territory would be lost to us. Indeed, this is so incontestable, that no one has ventured to deny it; and there is no hazard in asserting that no one will, who understands the subject, and does not choose to have the soundness of his judgment questioned.

But it may be asked, What then? Shall we abandon our claim to the territory? I answer, No. I am utterly opposed to that; but, as bad as that would be, it would not be as much so as to adopt a rash and precipitate measure, which, after great sacrifices, would finally end in its loss. But I am opposed to both. My object is to preserve, and not to lose, the territory. I do not agree with my eloquent and able colleague that it is worthless. He has underrated it, both as to soil and climate. It contains a vast deal of land, it is true, that is barren and worthless; but not a little that is highly productive. To that may be added its commercial advantages, which will, in time, prove to be great. We must not overlook the important events to which I have alluded as having recently occurred in the eastern portion of Asia. As great as they are, they are but the beginning of a series of a similar character, which must follow at no distant day. What has taken place in China, will, in a few years, be followed in Japan, and all the eastern portions of that continent. Their ports, like the Chinese, will be opened; and the whole of that large portion of Asia, containing nearly half of the population and wealth of the globe, will be thrown open to the commerce of the world, and be placed within the pales of European and American intercourse and civilization. A vast market will be created, and a mighty impulse will be given to commerce. No small portion of the share that would fall to us with this populous and industrious portion of the globe, is destined to pass through the ports of the Oregon Territory to the valley of the Mississippi, instead of taking the circuitous and long voyage round Cape Horn; or the still longer, round the Cape of Good Hope. It is mainly because I place this high estimate on its prospective value, that I am so solicitous to preserve it, and so adverse to this bill, or any other precipitate measure which might terminate in its loss. If I thought less of its value, or if I regarded our title less clear, my opposition would be less decided.

Having now, I trust, satisfactorily shown, that, if we should now attempt to assert and maintain our exclusive right to the territory, against the adverse claim of Great Britain, she would resist; and that if she resisted, our attempt would be unsuccessful, and the territory be lost,—the question presents itself, How shall we preserve it?

There is only one means by which it can be; but that, fortunately, is the most powerful of all—*time*. *Time* is acting for us; and, if we shall have the wisdom to trust its operation, it will assert and maintain our right with resistless force, without costing a cent of money, or a drop of blood. There is often, in the affairs of government, more efficiency and wisdom in non-action, than in action. All we want to effect our object in this case, is "a wise and masterly inactivity." Our population is rolling towards the shores of the Pacific, with an impetus greater than what we realize. It is one of those forward movements which leaves anticipation behind. In the period of thirty-two years which have elapsed since I took my seat in the other House, the Indian frontier has receded a thousand miles to the West. At that time, our population was much less than half what it is now. It was then increasing at the rate of about a quarter of a million annually; it is now not less than six hundred thousand; and still increasing at the rate of something more than three per cent. compound annually. At that rate, it will soon reach the yearly increase of a million. If to this be added, that the region west of Arkansas and the State of Missouri, and south of the Missouri river, is occupied by half-civilized tribes, who have their lands secured to them by treaty, (and which will prevent the spread of population in that direction, and that this great and increasing tide will be forced to take the comparatively narrow channel to the north of that river and south of our northern boundary, some conception may be formed of the strength with which the current will run in that direction, and how soon it will reach the eastern gorges of the Rocky Mountains. I say some conception; for I feel assured that the reality will outrun the anticipation. In illustration, I will repeat what I stated when I first addressed the Senate on this subject. As wise and experienced as was President Monroe—as much as he had witnessed of the growth of our country in his time, so inadequate was his conception of its rapidity, that near the close of his Administration, in the year 1824, he proposed to colonize the Indians of New York, and those north of the Ohio river and east of the Mississippi, in what is now called the Wisconsin Territory; under the impression that it was a portion of our territory so remote, that they would not be disturbed by our increasing population for a long time to come. It is now but 18 years since; and already, in that short period, it is a great and flourishing Territory, ready to knock at our door for admission as one of the sovereign members of the Union. But what is still more striking—what is really wonderful and almost miraculous, is, that another territory (Iowa) still further west, (beyond the Mississippi,) has sprung up, as if by magic, and has already outstripped Wisconsin, and may knock for entrance before she is prepared to do so? Such is the wonderful growth of a population, which has attained the number ours has, and is still yearly increasing at the compound rate it is; and such the impetus with which it is forcing its way, resistlessly, westward. It will soon—far sooner than anticipated—reach the Rocky Mountains, and be ready to pour into the Oregon Territory, when it will come into our possession without resistance or struggle; or, if there should be resistance, it would be feeble and ineffectual. *We would then* be as much stronger there, comparatively, than Great Britain, as *she is now* stronger than we are; and it would then be *as idle in her* to attempt to assert and maintain her exclusive claim to the territory *against us*, as it would *now be in us* to attempt it *against her*. Let us be wise, and abide our time, and it will accomplish all that we desire, with far more certainty, and with infinitely less sacrifice, than we can without it.

But, if the time had already arrived for the successful assertion of our right against any resistance which might be made, it would not, in my opinion, be expedient, in the present condition of the Government. It is weak—never more so; weak politically, and from the state of the finances. The former was so ably and eloquently described by my colleague, that I have nothing to add, but a single remark on the extraordinary state of parties at present. There are now three parties in the Union; of which one is in possession of the Executive department, another of the Legislative, and the other, judging by the recent elections, of the country; which has so locked and impeded the operations of the Government, that it is scarcely able to take measures necessary to its preservation.

In turning from this imbecile political condition of the Government, and casting my eyes on the state of its finances, I behold nothing but disorder and embarrassment; credit prostrated; a new debt contracted, already of considerable amount, and daily increasing; expenditures exceeding income; and the prospect, instead of brightening, growing still more gloomy. Already the debt falls not much short of thirty millions of dollars; to which will be added, from present appearances, by the end of the year, (if the appropriations are not greatly curtailed, and the revenue improved,) not less, probably, than ten millions, when the interest would be upwards of two millions of dollars annually—a sum more than equal to the net revenue from the public lands. The only remaining revenue is derived from the foreign commerce of the country; and on that, such heavy duties are imposed, that it is sinking under the burden. The imports of the last quarter, it is estimated, will be less than nine millions of dollars—a falling off of about two-thirds,

compared with what it ought to be, according to the estimate made at the last session by those who imposed the burden. But, as great as it is, the falling off will, I understand, be still greater, from present indications, during the present quarter; and yet, in the face of all this, we are appropriating money as profusely, and projecting schemes of expenditures as thoughtlessly, as if the treasury were full to overflowing. So great is the indifference, that even the prostrated condition of the treasury attracts no attention. It is scarcely mentioned or alluded to. No one seems to care anything about it. Not an inquiry is made, how the means of supplying the acknowledged deficit to meet the current demands on the treasury, or to cover the extraordinary expenditures which will be incurred by this measure, should it be adopted, is to be raised. I would ask its advocates, Do you propose to borrow the funds necessary for its execution? Our credit is already greatly impaired, and our debt rapidly increasing; and are you willing still further to impair the one, and add to the increase of the other? Do you propose to raise them by increasing the duties? Can you hope to derive additional revenue from such increase, when the duties are already so high as not only to paralyze the commerce, agriculture, and industry of the country, but to diminish, to an alarming extent, the revenue from the imports? Are you prepared to lay a duty on tea and coffee, and other free articles? If so, speak out; and tell your constituents plainly that such is your intention; that money must be had; and that no other source of revenue is left, which can be relied on, but a tax on them. It must come to that; and before we incur the expense, it is but fair that our constituents should know the consequence.

But we are told the expense will be small—not exceeding one or two hundred thousand dollars. Let us not be deceived. What this bill appropriates is but the entering wedge. Let it pass, and no one can tell what it will cost. It will depend on circumstances. Under the most favorable, on the supposition that there will be no resistance on the part of Great Britain, it would amount to millions; but if she should resist, and we should make it a question of force, I hazard nothing in saying it would subject the country to heavier expenditures, and expose it to greater danger, than any measure which has ever received the sanction of Congress.

Many and great are the acts of folly which we have committed in the management of our finances in the last fourteen or fifteen years. We doubled our revenue when our expenditures were on the eve of being reduced one-half by the discharge of the public debt. We reversed that act of folly, and doubled our expenditures, when the revenue was in the course of reduction under the compromise act. When the joint effects of the operation of the two had exhausted the treasury, and left the Government without adequate means to meet current demands, by an aptitude in folly, unexampled, we selected that as the fit moment to divest the Government of the revenue from the public domain, and to place the entire burden of supporting it on the commerce of the country. And then, as if to consummate the whole, we passed an act at the close of the last session, which bids fair to cripple effectually this, our only remaining source of revenue. And now what are we doing? Profiting by the disastrous consequences of past mismanagement? Quite the reverse; committing, if possible, greater and more dangerous acts of folly than ever. When the Government and the country are lying prostrate by this long series of errors and mismanagement; when the public credit is deeply impaired; when the people and the States are overwhelmed by debt, and need all their resources to extricate themselves from their embarrassments,—that is the moment we select to bring forward a measure, which, on the most favorable supposition, if adopted, cannot fail to subject the Government to very heavy expenditures, even should events take the most favorable turn; and may—no, that is not strong enough—would probably subject it to greater than it ever has heretofore been. Where would the Government find resources to meet them? Not in its credit, for that would be extinct. Not in the impost, for that is already overburdened. Not in internal taxes; the indebted condition of the States forbids that. More than half of the States of the Union are in debt; many deeply—and several even beyond their means of payment. They require every cent of the surplus means of their citizens, which can be reached by taxes, to meet their own debts. Under such a state of things, this Government could not impose internal taxes to any considerable amount, without bankrupting the indebted States, or crushing their citizens. What would follow, should the Government be compelled, in consequence of this measure, to resort to such taxes, I shall not undertake to trace. Suffice it to say, that all preceding disasters, as great as they are, which followed the preceding acts of folly, would be as nothing compared to the overwhelming calamities which would follow this. Our system might sink under the shock.

If, Senators, you would hearken to the voice of one who has some experience, and no other desire but to see the country free and prosperous, I would say, Direct your eyes to the finances. There, at present, the danger lies. Restore, without delay, the equilibrium between revenue and expenditures, which has done so much to destroy our credit, and derange the whole fabric of the Government. If that should not be done, the Government and country will be involved, ere long, in overwhelming difficulties. Cherish the revenue from the lands and the imports. They are our legitimate sources of revenue. When the period arrives—come when it may—that this Government will be compelled to resort to internal taxes for its support in time of peace, it will mark one of the most difficult and dangerous stages through which it is destined to pass. If it should be a period like the present—when the States are deeply in debt, and need all their internal resources to meet their own engagements—it may prove fatal; and yet it would seem as if systematic efforts are, and have been, making for some time, to bring it about at this critical and dangerous period. To this, all our financial measures tend,—the giving away the public lands; the crushing of the customs by high protective, and, in many instances, prohibitory duties; the adoption of hazardous and expensive measures of policy, like the present; and the creation of a public debt, without an effort to reduce the expenditures. How it is all to end, time only can disclose.

But, if our finances were in ever so flourishing a state; if the political condition of the country were as strong as it could be made by an administration standing at the head of a powerful dominant party; and if our population had reached the point where we could successfully assert and maintain our claim against the adverse claim of Great Britain, there would still remain a decisive objection to this bill. The mode in which it proposes to do it is indefensible. If we are displeased with the existing arrangement, which leaves the territory free and open to the citizens and subjects of the two countries; if we are of the opinion it operates practically to our disadvantage, or that the time has arrived when we ought to assert and carry into effect our claim of exclusive sovereignty over the territory, the treaty provides expressly for the case. It authorizes either party, by giving a year's notice, to terminate its existence whenever it pleases, and without giving reasons. Why has not this bill conformed to this express and plain provision? Why should it undertake to assert our exclusive ownership to the whole territory, in direct violation of the treaty? Why should it, with what we all believe to be a good title on our part, involve the country in a controversy about the violation of the treaty, in which a large portion (if not a majority) of the body believe that we would be in the wrong, when the treaty itself might so easily, and in so short a time, be terminated by our own act, and the charge of its violation be avoided? Can any satisfactory reason be given to these questions? I ask the author of the measure, and its warm advocates, for an answer. None has been given yet; and none, I venture to assert, will be attempted. I can imagine but one answer that can be gsven—that there are those who will vote for the bill, that would not vote to give notice, under the delusive hope that we may assert our exclusive ownership, and take possession, without violating the treaty, or endangering the peace of the country. Their aim is, to have all the benefit of the treaty, without being subject to its restrictions; an aim in direct conflict with the only object of the treaty—to prevent conflict between the two countries, by keeping the question of ownership or sovereignty in abeyance till the question of boundary can be settled. That such is the object, appears to be admitted by all, except the Senator from New Hampshire [Mr. WOODBURY,] whose argument, I must say, with all deference for him, was, on that point, very unsatisfactory. The other advocates of the bill, accordingly, admit that a grant of lands to emigrants settling in the territory, to take *effect immediately*, would be a violation of the treaty; but contend that a promise to grant hereafter would not be. The distinction is, no doubt, satisfactory to those who make it; but how can they rationally expect it will be satisfactory to the British Government, when so large a portion of the Senate believe that there is no distinction between *a grant* and *a promise to grant lands*, as it relates to the treaty, and hold one to be as much a violation of it as the other? We may be assured that the British Government will look to the intention of the bill; and, in doing so, will see that its object is to assert our exclusive claim of sovereignty over the entire territory against their adverse claim, and will shape their course accordingly. Our nice distinction between actual grants and the promise to grant will not be noticed. They will see in it the subversion of the object for which the treaty was formed, and take their measures to counteract it. The result will be, that, instead of gaining the advantage aimed at, we shall not only lose the advantages of the treaty, but be involved in the serious charge of having violated its provisions.

I am not, however, of opinion that Great Britain would declare war against us. If I mistake not, she is under the direction, at this time, of those who are too sagacious and prudent to take that course. She would probably consider the treaty at an end, and take possession adverse to us, if not of the whole territory, at least to the Columbia river. She would, at the same time, take care to command that river by a strong fortification, manned by a respectable garrison, and leave it to us to decide whether we shall acquiesce, or negotiate, or attempt to dislodge her. To acquiesce under such circumstances, would be a virtual surrender of the territory; to negotiate with adverse and forcible possession against us, would be almost as hopeless; and to dislodge her at present, would, as has been shown, be impracticable.

Such, in my opinion, would be the probable result, should this bill be passed. It would place us, in every respect, in a situation far less eligible than at present. The occupation of British subjects in the territory, as things now stand, is by permission, under positive treaty stipulation, and cannot ripen into a title, as it was supposed it would by the Senator from Illinois. [Mr. MCROBERTS.]

But if their occupancy was adverse, (as it would be, should this measure be adopted,) and Great Britain should resist, then his argument would be sound, and have great force. In that case, the necessity of taking some decisive step, on our part, to secure our rights, would be imperious. Delay would then, indeed, be dangerous. But as it is, no length of time can confer a title against us; and it is that, considering what advantage Great Britain has over us at present, either to take or hold possession, which ought to give to the treaty great value in our estimation. It is a wise maxim to let well-enough alone. We can do little at present to better our condition. Even the occupation and improvement by British subjects, against which so much has been said, will, in the end, if we act wisely, be no disadvantage. Neither can give any claim against us when the time comes to assert our rights, if we abide faithfully by the treaty. They are but preparing the country for our reception; and should their improvements and cultivation be extended, it would only enable us to take possession with more ease if it should ever become necessary to assert our claims by force; which I do not think probable, if we shall have the wisdom to avoid hasty and precipitate action, and leave the question to the certain operation of time.

In conclusion, I might appeal to the authority of the preceding Administrations from 1818 to the present time, in support of the views I have taken. On what other supposition can it be explained, that the administration of Mr. Monroe should assent to the treaty of that year, which left the territory open and free to the citizens and subjects of the two countries for the period of ten years? Or that of Mr. Adams should revive it, with the provision, that either might terminate it by giving one year's notice? Or, still more emphatically, how can it be explained, that with this right of terminating the treaty, the Administration of General Jackson, and that of his successor, should, for the period of twelve years, acquiesce in it, but on the conviction it was the best arrangement which could be made, and that any change or movement

n our part would but render our situation worse nstead of better, in relation to the territory? It annot be said that the present is a more favorable eriod to assert our exclusive right, than during ither of the preceding Administrations. The reerse is the fact. It is, in every view, far less favorable than either, and especially than that of eneral Jackson, when the treasury was overowing, and the head of the Administration possessed greater influence and power than any other hief Magistrate that ever presided over the ountry. *That*, if ever, was the time to assert our xclusive ownership; particularly as those who are o earnestly pressing it on the Government were ien in power, and would have been responsible or its execution. How is it to be explained, that ney were then so passive and are now so urgent or the passage of this bill?

Entertaining these views, I hope that the moion of the Senator from Virginia [Mr. ARCHER] rill prevail, and the bill be referred to the ommittee on Foreign Relations. The subject is ne of great importance and delicacy, and ought o be carefully examined by the appropriate organ f the body. Should it be referred, I trust the ommittee will report amendments to strike out ll the provisions of the bill which, by any reasonable interpretation, might be regarded to be in onflict with the stipulations of the treaty between ne two countries, or which might incur any conderable expense in the present exhausted conition of the treasury. As at present advised, I m not indisposed to the provision, if properly uarded, which proposes to extend our jurisdiction ver our citizens in the territory. It ought not, owever, to be carried farther than the provisions f the act of Parliament of 1821. I am opposed to olding out temptation to our citizens to emigrate o a region where we cannot, at present, protect nem; but if there be any who may choose to emirate, I would be far from opposing them; and am nwilling that they should lose, by emigration, ersonally the benefit of our jurisdiction and aws.

I have now said what I intended in reference to his bill; and shall conclude by noticing some remarks which fell from the Senator from Missouri [Mr. LINN] who introduced it. When he rst addressed the Senate, in reply to my former emarks, he spoke a good deal about opposition nd injustice to the West, and referred to some of ne acts of the Government at an early date, which e supposed partook of that character. I do not uppose that he intended it; but his remarks were alculated to make the impression (taken in conexion with the time and subject) that he regarded ne opposition to the passage of this bill as originating in unfriendly feelings to the West. But he so regards it, and if he intended to apply his emarks to me, I would appeal to my acts to repel ne unjust imputation.

[Here Mr. LINN disclaimed any intention of attributing to Mr. CALHOUN hostile or unkind feelings to the West.]

Mr. CALHOUN. I am happy to hear the disclaimer of the Senator. I felt assured he could not have ntended to do me so much injustice as to attribute o me the slightest hostility to the West. No one nows better than he does that my opposition to ne bill originates in public considerations, free om all local feelings, and that my general views f policy have ever been friendly, and even beral, towards the West; but as there are others ot so familiar with my course in reference to that reat and growing section, I deem it proper to vail myself of the opportunity briefly to allude to , in order to repel any improper imputation which ay be attempted to be attributed to me, from any uarter, on account of my course on the present ccasion.

I go back to the time when I was at the head of ne War Department. At that early period I turned my attention particularly to the interest of the Vest. I saw that it required increased security to s long line of frontier, and greater facility for carying on intercourse with the Indian tribes in that uarter, and to enable it to develop its resources—specially that of its fur-trade. To give the equired security, I ordered a much larger porion of the army to that frontier; and to afford facility and protection for carrying on the ur-trade, the military posts were moved much igher up the Mississippi and Missouri rivers. Under the increased security and facility which hese measures afforded, the fur-trade received a great impulse. It extended across the continent, in a short time, to the Pacific, and north and south to the British and the Mexican frontiers; yielding in a few years, as stated by the Senator from Missouri, [Mr. LINN,] half a million of dollars annually. But I stopped not there. I saw that individual enterprise on our part, however great, could not successfully compete with the powerful incorporated Canadian and Hudson Bay Companies, and that additional measures were necessary to secure permanently our fur-trade. For that purpose, I proposed to establish a post still higher up the Missouri, at the mouth of the Yellow Stone river, and to give such unity and efficiency to our intercourse and trade with the Indian tribes between our Western frontier and the Pacific ocean as would enable our citizens engaged in the fur-trade to compete successfully with the British traders. Had the measures proposed been adopted, we would not now have to listen to the complaint, so frequently uttered in this discussion, of the loss of that trade.

But that is not all. I might appeal to a measure more recent, and still more strongly illustrative of the liberal feelings which have ever influenced me, whenever the interest of the West was concerned. I refer to the bill relating to the portion of the public domain lying within the new States, which I introduced, some time since. It is true, indeed, that I looked to the interest of the whole Union in introducing that measure; but it is not the less so that it would, if it should become a law, more especially benefit the West. In doing that, I exposed myself, in my own section, to the imputation of seeking the friendship of the West—as I do, on this occasion, to that of hostility towards that great and growing section. As the hazard of the former could not deter me from doing my duty then, so that of the latter cannot from doing my duty now. The same sense of duty which on that occasion impelled me to support a measure in which the West was peculiarly interested, at the hazard of incurring the displeasure of my own section, because I believed it calculated to promote the interest of the whole,—impels me on this occasion to oppose this measure, at the hazard of displeasing the West, because I believe, in so doing, I not only promote the interest of the Union generally, but that of the West especially.

REMARKS OF MR. C. BROWN,

OF PENNSYLVANIA.

In the House of Representatives, February 3, 1843—On a motion to reduce the pay of the officers of the navy, and in reply to the speech of Mr. WHITE of Indiana, in defence of the Whig party.

Mr. CHARLES BROWN said he had tried repeatedly, for the last two or three days, to get the floor, to give his views on the subject of the navy generally; but at that late hour, when the hands of the clock had nearly reached the point at which all debate must cease, under the arbitrary rules of the majority, he would leave all he had purposed to say to some more convenient season, if any such should come, and only refer to that part of the bill which particularly interested those he immediately represented—the Philadelphia navy yard; and give the rest of his time and attention to the gentleman from Indiana [Mr. WHITE] and the Whig party, which had been thus thrust upon the House out of season, apparently for the sole purpose of talking up the sinking—or sunken—fortunes of Whigery.

The Navy Department had asked for an appropriation of $28,000 to put the Philadelphia navy yard in a proper situation; $24,000 of which was to extend the wharves into the deep water of the river—a work, the department said, of "indispensable necessity;" and yet the Committee of Ways and Means had stricken out all the latter item, and only provided for a few small repairs, to the amount of $4,000. While they had thus treated the Philadelphia yard, the committee had appropriated to the Portsmouth navy-yard the sum of $40,411—all that the department asked; and asked by it not as indispensably *necessary*, but as the sum that could be profitably laid out in permanent improvements—not works of indispensable necessity. For the Boston navy-yard $64,371 had also been appropriated—two-thirds of the whole sum asked by the department. And for what? Why, "boundary walls" and "additional store-houses," &c., not at all of "indispensable necessity," as was the appropriation asked and refused to the Philadelphia yard. So with the New York yard. The committee had appropriated $40,500 to this yard, when the department, in its report, states that "the uncertainty of a permanent location within the waters of New York had prevented this point from being settled." Forty thousand dollars to be thrown away, probably! Such manifest partiality and injustice ought to be rebuked by the House; and he hoped that, when the proper time came, the House would insert in the bill the amount shown by the department to be of "indispensable necessity" for the Philadelphia navy yard. Such treatment as that yard had had from the Government, was an insult to those among whom it was located.

The gentleman from Indiana, [Mr. WHITE,] with whom he had to deal (said Mr. B.) for the remaining time allowed him, took the floor about two hours before the time that was fixed by his vote, and that of his party, that all debate upon the bill must stop. He was one of the boasted reformers of the House; one of those who claim to have reformed its manners and habits, by the introduction of rules to gag the mouths of its members; and that gentleman, (said Mr. B.,) and his votes, and his speeches, were fair samples of the Whig party and their reforms. He had spoken his hour, or nearly so. The subject was an amendment, proposed by one of his Whig friends, to retrench the expenditure of the Government some hundreds of thousands of dollars annually; and how much of the gentleman's speech went to show the necessity or propriety of that retrenchment? Not one word! He never alluded to the navy bill—a bill appropriating nearly ten millions of dollars—nor to the amendment that proposed to lessen that appropriation some hundreds of thousands! These subjects were either above or beneath his notice. He could see nothing but the Whig party—its hopes and its fears. His speech was all about president-making. And yet he was one of those who had talked, and would talk the loudest, about retrenchment and reform—and had boasted, and would boast, how they had prevented a waste of the public time and the public money in useless debates upon that floor. As it had been, and was, with the gentleman from Indiana, so had it been, and so would it be, with the whole Whig party. They were all promise—all boast—but no performance. If it were not for the gag rules they had adopted, and the worse than useless waste of words of the Whigs in debate, some reform might be made—some retrenchment expected. On this very navy bill, if a proper discussion could be had, a large sum would most probably be thus saved. But as it was, the committee and the House would be obliged, from the time wasted by the gentleman from Indiana and his Whig friends in party slang-whanging, to strike in the dark, or vote for it all without knowing wherefore or why. And who was to blame for all this? The House had a Whig Speaker, and the committee a Whig chairman, who were responsible for all irrelevant debate. These, and the Whig rules of the House, had made it anything but a deliberative assemblage of the Representatives of the American people. There never had been, (Mr. B. said,) since the beginning of the Government, a House of Representatives so disorderly, or one that had indulged in so much criminating and recriminating debate—and that, too, by Whigs upon Whigs. Day after day had he and the other Democratic members sat in silence and sorrow, listening to one Whig member abusing, ridiculing, and reviling another; and one after another, by dozens, abusing, ridiculing, and reviling the President of the United States—that President that their votes had elected. And that was what they called reform!

Mr. KING here rose, and asked leave to explain.

Mr. BROWN. No; the gentleman had said nothing, and therefore had nothing to explain; and he would not yield the floor at that late hour to any one who had voted to stop all explanations on a bill so important at so short a time.

Mr. KING said he had voted against it.

Mr. BROWN. Had not the gentleman vote for the "rule," by which discussion might be stopped by his friends whenever they pleased? [To which, Mr. KING made no reply.] Then, said Mr. BROWN, the gentleman from Georgia had put a loaded gun into the hands of madmen, and he ought not to complain when he was shot down by its discharge.

[Mr. KING sat down amidst general laughter, and cries of good! good!]

Mr. BROWN continued. The gentleman from Indiana, and his Whig friends in the House and out

of it, complained that the President had thwarted all their plans, and that it was necessary for the people to elect another Whig President and Congress, before all the great reforms and relief they had promised the people in 1840 could be accomplished; and laid down, as the means of their accomplishment, and as the Whig creed, the "distribution of the proceeds of the sales of public lands," a "protective tariff," and a "national bank." Without noticing the gentleman's crude conception of the principles of the Democratic party, or his misrepresentations of some of its prominent men and measures, he would ask the gentleman with what face he [Mr. WHITE] could go before his constituents, or the people of the United States, and ask them to trust him and his Whig friends with power again, when they had abused, and were abusing so shamefully, the trusts already reposed in them. He was willing to give them the benefit of the opposition of the President to their bank and distribution they had proposed; and how would their account then stand? Had they not distributed the poor pittance of the sales of the proceeds of the public lands? When the General Government was borrowing money to meet and pay their Whig appropriations, had they not sent the land revenue to all the States that would receive it? And yet what State had been benefited by it? Had it increased the value of any of their stocks? or reduced any of their taxes?

Had they not passed a "protective tariff?" And what good had it done? [Here a member said, in an under tone, "And you voted for it."] Yes, (said Mr. B.,) I did vote for it—and as an honest politician, too. I did not approve of the bill, nor did I believe that it would relieve the oppression under which labor and productive capital and industry were suffering. Though it could do no good, I thought it could do little or no harm. In the present state of the country and the world, I did not think the importation or exportation could be very much diminished or enlarged by a tariff of any kind. But if anything was calculated to diminish both, it was just such a tariff as was passed; and it certainly had not enlarged the market for American produce abroad, or increased its price at home.

He voted for it on another account. Petitions were circulated through a part of his district, and manufacturers and politicians had raised the cry that all the depression of the times was owing to a reduced tariff; and that if a high tariff was laid, all would be prosperous again in a single day. And yet, what had been the consequence? The tariff was no sooner laid, than the wages of many of the operatives had been reduced, and many turned out of employment altogether. To resist the low wages offered by the manufacturers to the operatives, a war had been going on in his district, and the adjoining one, ever since the tariff bill had been passed.

He had voted for it on still another account. He wished the Whig party to carry out all their projects of government that would not entail lasting injury upon the country. Temporary derangement of the functions of the Government would be more than compensated by the experience they would bring with them. A year or two of slight suffering would be well repaid by the returning sober sense and second thought of the American people, and the utter prostration of all Whig humbugs for the next twenty years.

The tariff itself had been the best argument that could be offered against its oppressive and prohibitory features. It had failed to increase the revenue, or to promote the prosperity of the people. The actual distribution of the sales of the public lands, like the tariff, had demonstrated its entire inadequacy to accomplish what its authors led the public mind to anticipate. The bankrupt law had worked so badly, that its Whig makers had already almost unanimously condemned it; and such, he had no doubt, would have been the case with a national bank, if one had been made. It would most likely have died in its birth. But had it gone into operation, it would have failed to benefit the country, though it might have accommodated a few favorites.

He would ask the gentleman from Indiana what it was they expected from a national bank? He asked this, as it was the only Whig measure not carried into effect by this Congress; and as it was now put forth as the leading article of their faith, and their last hope in their future contests for power. Was it to loan money to politicians, or political newspaper editors? Or was it to regulate the exchanges, and furnish a national currency? These last they held out to the people as the objects to be attained by a national bank.

For himself, Mr. B. said he did not want any other regulation of the exchanges, nor any other national currency, from the hands of the Government, than gold and silver coin—this was the best, and only true regulator of exchanges—the only true national currency. But if the Whigs honestly wanted the exchanges regulated by the General Government, had not the President offered them full and adequate means in the exchequer? Would not that regulate all the exchanges at the public expense and risk? And did not the President's exchequer offer to them a sufficiently large paper currency also? Three dollars of paper for one of gold and silver! Would not that give them paper money enough? He thought the exchequer might have satisfied their largest desires—their most insatiate appetites for paper money. But they rejected it, not because it would not regulate the exchanges, or give them a national currency; but because it was not their favorite corporation—a bank. Would they tell the people that a currency based upon the revenues, the property, the faith of the nation, was not good enough—not so good as that issued by a corporation? Or would they tell the people that President Tyler had defeated all their efforts to give them a regulator of exchanges, a maker of currency, when they had thus rejected his offered boon? It would seem, however, that there was to be no "loop to hang a doubt upon" in their future party arrangements—no Whig skulking in the next presidential campaign—(if the speech of the gentleman from Indiana was to be taken as their rule of action)—no more Tylerism—no concealments—no "generous confidence," as in 1840; all was to be open, defined, and foreordained; he who would be a Whig, must be "every inch a Whig," and shout, at the top of his bent, hosannas to a bank! He must be for a bank, and a bank only, as fit to be the treasury, hold the money, make the currency, and, in fact, govern these United States. The only cry that was to be allowed or heard throughout the Whig camp, was to be bank! bank! bank! Let the appeal be made, (said Mr. B.) and he had no fear of the decision of the people upon it.

All the measures matured or proposed in this Congress, that had thus far marked the course of the Whig dynasty, had only tended to their destruction. They had been sinking deeper and deeper at every step they had taken in the accomplishment of their party objects, until the whole country had repudiated them. Defeat after defeat, from the opening of the extra session, had everywhere fixed upon them, and their course, the deepest and darkest condemnation. [A member here said: "What of the late Georgia election?"] Ay, (said Mr. B.) and what of the late Georgia election? The Whigs had elected a member for some six weeks—a single member to serve out the tail end of a session; and that was all that had been saved from the wreck of their whole reign; and that had been trumpeted from one end of the Union to the other as a "glorious Whig victory!" At the election for members to the next Congress some sixty-eight thousand votes were polled, and the Whigs were defeated. They were told that that defeat was owing to General Apathy! At the late election for a single member, to serve but for six weeks in a Whig Congress, only about forty-five thousand votes were polled, and that was called a "glorious Whig victory." But who achieved that victory? Was it not that same general that defeated them before—General Apathy? It was a victory; but it appeared it was won for them by General Apathy fighting for them, instead of against them. And what a Whig victory! Would the member elected, or any other Georgia Whig member, rise in his place and tell the House and the country to which of the Whig measures of this Congress that victory was to be attributed? Was it the distribution law? Was it the bankrupt law? Was it the tariff? Had the people of Georgia so fallen in love with any or all of these Whig laws, that they had taken Whigery again into their embraces? Or did they elect the member from Georgia to carry out further and more fully the Whig doctrines advanced by the gentleman from Indiana—distribution, high tariff, and a bank? He had not observed how the new member from Georgia had voted; but he much mistook the Whigs of Georgia if such were the inscriptions on their banner at the late "glorious victory."*

Now, (said Mr. B.,) a few words on the subject of retrenchment generally, and that proposition particularly by the amendment under consideration, and he had done. That was the most powerful of all the party war-cries of the Whigs in 1840. "Retrenchment and reform!" was everywhere the first and last notes sounded on their bugles; and now, after they had been ruling in those halls for near eighteen months, and from which they must depart in about as many days, forever, he would ask them the question, one and all, in what they had retrenched or reformed? [Some member was heard to say they had cut down the pay of the "pages."] No, (said Mr. B.) they raised the pay of the boys; but they had retrenched the pay of one man—the Commissioner of Public Buildings; and his alone! No! Not his alone. There was another that had felt the weight of the mighty reforming hand of the great Whig party; and he was the man who swept the House, made their fires and carried the water—literally "their hewer of wood and drawer of water"—nearly, if not quite the only laboring-man about the Capital. He was retrenched fifty cents a day! What a bright page—a green spot in the history of the Whig Congress that retrenchment would form. Such was the truth—the truth to the letter. Who would deny it? And who had prevented them from reforming anywhere and everywhere, and retrenching the expenses of the Government anywhere and everywhere? Let them look to the record, and it would be found not to be the Democrats. They had generally given their votes for all retrenchment. Even the gentleman from Tennessee [Mr. ARNOLD] had acknowledged that it was the Democrats who had always voted with him to take up the bill to reduce the compensation of members of Congress, and all the other officers of the Government—a bill, though it had been sneered at and voted down by the Whigs, ought to be passed, and would, if they were true to those they represented, but which never would be passed if left to the Whigs to do it. Yes, (said Mr. B.) he would pledge himself to any and all retrenchment of the expenses of the Government, and he thought he might safely pledge a majority of the Democrats on that floor to any and every measure that was honestly calculated to bring down the expenses of the Government to its revenues, and that would obviate the necessity of imposing any other duties or taxes on the people. He hoped the gentleman from Indiana [Mr. WHITE] would tell all this to the people of Indiana—tell them of all the Whig party had done when in power, and all they had not done. When he tells them of their tariffs, their distributions, their bankrupt laws, let him not forget to tell them of their reforms and retrenchments!

Mr. PROFFIT, (in an under tone.) We did not go at the last election for "retrenchment;" we went for "reform."

Mr. BROWN. What sort of reform?

Mr. PROFFIT, (in an under tone.) To get such Locofocos as you out of power.

Mr. BROWN. Yes, that is true! The gentleman from Indiana before me [Mr. PROFFIT] says, truly, that the reform they went for in 1840 was "to get

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*Extracts from the proceedings of the House of Representatives of February 9th, as reported for the Globe.

PERSONAL EXPLANATION.

Mr. CRAWFORD (the recently elected Representative from Georgia, to supply the vacancy occasioned by the death of Mr. HABERSHAM) rose, and . . . was understood to call upon the gentleman from Pennsylvania [Mr. CHARLES BROWN] to say whether he had intended to cast any personal reflection by those remarks made the day before.

Mr. C. BROWN said he would answer the question of the gentleman. . . . He knew nothing that could justify him in imputing anything wrong to the gentleman from Georgia; on the contrary, he had always understood that he was a high-minded, honorable man; and . . . that he was surprised that the gentleman should suppose that there was anything disrespectful meant by the remarks to which his attention had been called; and he thought the gentleman from Georgia was the only gentleman in this House who would so interpret them.

Mr. CRAWFORD was understood to say, that as the gentleman from Pennsylvania had disclaimed any disrespectful imputation, he had nothing more to say.

Mr. C. BROWN would, however, be pleased if the gentleman from Georgia would respond to the questions which he yesterday submitted, as it was important that the House should know whether he was elected in consequence of any of the Whig measures of this Congress, or to sustain those Whig principles which the gentleman from Indiana [Mr. WHITE] had laid down—[laughter]—namely, a national bank, a tariff, and distribution.

Mr. CRAWFORD did not respond, and here the conversation terminated.

uch Locofocos out of power"—and I suppose to et themselves in. And they did get in, and a pretty iece of business they have made of it. Like many thers who get into places they are not fit for, by mproper means, they are about to be put out again. They have digged a pit for others, and have fallen nto it themselves. Their days are numbered—nd soon all that will be left of the great Whig arty, or its victory of 1840, will be a blotted page n the records of the legislative history of the coun-ry, and a debt of some thirty millions of dollars or the people to pay as the price of their folly in iving such a party the power to misgovern them.

Having now squared the accounts with the gen-leman from Indiana, Mr. B. said he had but a few ords to say on the amendment before the commit-ee—the reduction of 20 per cent. on the pay of all aval officers. If it could be done, he would rather his reduction could be made more equitable than t will be by this horizontal per centage; and that it hould be made in some general bill, operating on ll or many of the other officers of the Government, ivil and military. But they must begin some-here; and he would vote for it here, and regulate t, and extend it to others elsewhere, if it could be one. In 1835, the pay of the navy officers was ncreased, in many cases, far beyond what was hought proper by the Navy Department and Navy oard, though the latter was composed of navy offi-ers. In some cases, it had gone $1,000 beyond; nd in others, $500; and so on, down to $100. The ay of all the grades of officers below a captain was ar higher in the United States service, than in any oreign service—a midshipman three or four times s much as in the French or British navy. He ad made a comparison, on a former occasion, be-ween the members of Congress, when their pay vas but six dollars a day, and those who now occu-ied their places; and he would now ask the com-ittee to make a similar comparison between the fficers of the navy under the old pay, (which, in nany cases, was but little more than half what it ow is,) and those who are now receiving the high ay. Who was it that had gained for the navy and or the country its fame and glory? Was it not of-icers under the low pay? Look at the achieve-nents of Preble and Decatur in the Mediterranean, nd compare them with what had been recently ex-ibited there. Look at Lawrence, Perry, Macdon-ugh, Hull, Jones, Bainbridge, Stewart, and their ellow-sailors of 1813-'14; and where are their su-eriors now? Take from the navy the character won for it by the officers under low pay, and it would ave but comparatively little to claim the public egard in its favor. He did not wish to disparage t, or its officers; many—by far the larger number—were gallant men, and would do their countrygood ervice if it required it from them. But this they ad done under lower pay; and would do again, f their pay was brought down to a fair standard. He believed them generally patriotic. As good atriots, they ought to be willing to make some little acrifice, when their fellow-citizens, who paid them or their services, had to sacrifice so much. The tate of the treasury required a reduction of ex-enses, or an increase of revenue. No honest man would continue to employ agents and servants, and ay them high wages, when his income was inade-uate, and he was obliged to resort to borrowing.

The pay of everybody in private life was being educed. The farmer could not sell his produce as igh as he did; nor could the mechanic or manufac-urer his wares. The price of labor and service f all kinds was reduced. The people had not the eans to pay their agents so ample as they once ad. Was it not, therefore, right and just to make hose who served the country, and who had enjoyed ts prosperity, feel with their fellow-citizens its ad-ersity? In the State of Pennsylvania, they had axed the salaries of all State officers; they did not hink it equitable to tax the landholder and the la-orer to pay the office-holder, and let the latter go ree. In Alabama, he understood, the salaries of ll State officers had been reduced 10 or 20 per ent. In New York, and elsewhere, they were re-ducing; and it was right and proper in the present tate of the business of the country, and the relative alue of money, that reductions should be made verywhere in salaries. A post-captain—and a allant one, too, Mr. B. said—had told him, some ime since, that he had saved money while a lieu-enant, though his pay had never been more than 700 a year; and that, he feared, was more than ould be said of many lieutenants now; hence they hould learn a little old-fashioned economy. [Mr. MALLORY, in an under tone, said: "Perhaps he was a bachelor."] No, said Mr. B., he was not a bach-elor. But suppose he had been, he (Mr. B.) had yet to learn that a bachelor lived cheaper than a mar-ried man. He understood from the Scriptures that woman was made by God a "*help meet for man;*" and such he had been led to believe a good wife al-ways was to her husband. He considered it a slan-der upon the wives of the United States to say they were a *bill of expense* to their husbands; and it was calculated to degrade their high characters to ask the Government to give a bounty to their husbands to support them. He did not believe there was an officer in the navy whose wife would ask or re-ceive from the treasury of the country a single dol-lar on her own account, that the services of her husband, in and of themselves, did not fully entitle him to. He had misunderstood the character of the American women, if they did not repudiate all such doctrine as that. It was the officer, not the wife, whose services were to be paid for; and it was those services, and not the cost of a wife, or his ex-penses, that ought to form the measure of his pay. For them, he ought to be paid fully, but not extrav-agantly. And this rule ought to be applied alike to all who served their country—civil or military.

SPEECH OF MR. McDUFFIE,
OF SOUTH CAROLINA.

In Senate, Monday, February 13, 1843—On the following resolutions, submitted by him, viz:

Resolved, That it is the solemn and urgent duty of the present Congress to adopt, without delay, efficient measures to revive the crippled and decaying commerce, replenish the impoverished exchequer, and arrest the alarming accumulation of the public debt of the United States.

Resolved, That a modification of the existing tariff on foreign imports, such as will render it strictly and in good faith a mere revenue measure, is indispensable to the accomplishment of those objects; and that the recent measures of the British Parliament, partially adopting the principles of free trade, the public indications of a disposition on the part of the present ministry to extend those principles still further, and the probability of the speedy organization of an extensive system of smuggling on the long line of our frontier, furnish pressing motives to Congress for acting on the subject during its present session.

Resolved, That a rigid system of retrenchment, economy, and accountability, such as will bring the annual expenditures within the annual income of the Government, is not less indispensable; and that, while this is rendered necessary by the deplorable state of the public finances, it is rendered just, and not injurious to the public service, by the great reduction of the currency, and consequent appreciation of the value of money.

Mr. PRESIDENT: In submitting these resolutions, respectfully, to the consideration of the Senate, I have taken counsel solely and exclusively from my own profound sense of my duty as a Senator of the United States.

I presented them, sir, without consultation with any human being; and I can assure Senators on all sides of this chamber, that they need not apprehend that the resolutions aim to accomplish any disguised or oblique purpose, but that their object is clearly and unequivocally indicated upon the face of them.

I am aware, Mr. President, that some persons may suppose that resolutions of this description would come more appropriately from another quarter. I know it is the opinion of some, that those who constitute the majority of the Legislature are solely responsible for existing evils; and perhaps it may be regarded by them as a rule of party tactics to permit those evils to increase and accumulate, in order that additional odium may be brought upon the party which is supposed to be responsible.

This, Mr. President, is not my political morality. I hold that every party—whatever may be the relative position it occupies; nay, every individual member, however powerless he may be—is under the most solemn obligation to use every fair and honorable effort for the removal of those evils with which the country is unhappily afflicted.

What, sir, is the condition of this country? We exhibit to the world an unexampled spectacle. With the most unbounded resources—with all the blessings that a beneficent Providence can confer upon a people—with a fertile soil, abounding in every production that is necessary, not only for the support of human life, but to minister to the comfort and happiness of the people—at a time of profound peace, and after that peace has continued for nearly a quarter of a century;—with all these advantages, and in the midst of this unbroken peace, we find the whole country involved in one universal scene of distress.

Under these circumstances, sir, are we to stand still, dealing in mutual crimination and recrimination as to who are the authors of these calamities? Can we soothe or sear our consciences by exclaiming, in the language of Macbeth, while our country lies bleeding at every pore, "Thou can'st not say I did it?"

No, Mr. President, it is time that every patriot—every man who feels an interest in the prosperity of his country—should earnestly apply his shoulder to the wheel. I shall not pretend to decide upon the causes of the existing calamities, inasfar as they are to be ascribed to one political party or another. I will barely remark, in passing, as an admonition to all parties, that I consider both the great political parties into which this country is divided, in some sort responsible for the evils which now afflict us.

After the expiration of the charter of the Bank of the United States, the Administration, then in power, unquestionably committed a very great error. Holding the opinion, as the then President did, that the several State banks could furnish a currency equally sound as that which then existed, he selected certain State banks as the depositories of the public treasure, accompanied by an injunction, almost amounting to a law, that they should afford credits to merchants and others to a sufficient extent to supply the place of that accommodation which had been furnished by the United States Bank. Under this system, we all know what took place, necessarily; for it is too recent to be forgotten by any. As had been predicted by many of those who entered into the discussion of the question, State banks sprung up by scores in all parts of the Union; and the currency, in the course of a few years, was expanded to a degree of which we had previously no example. All sorts and descriptions of credits were enlarged; and such was the infectious nature of the mania which prevailed, such the universal delirium which seized upon the nation, that every sort of speculation was stimulated to the highest possible point.

Yes, sir, penniless adventurers could obtain credit for thousands, to enable them to enter into the wildest speculations. But very soon after this system was adopted, the banks of the several States suspended payment, and the Administration, finding their expectations disappointed, showed a very rare and commendable wisdom in instantly retracing their steps, and remedying, as far as possible, the error they had committed. The State banks were abandoned; the confidence which had been reposed in them being justly forfeited, and a system was proposed which tended to disconnect entirely the financial operations of the Government and the banks.

Thus far for the responsibility of the then existing Administration. Now let us look at the responsibility of the other party. When the scheme of an independent treasury, and a total separation of the Government from the banks, was introduced by the Administration, what was the course adopted by the other party? The leading statesmen of that party, who, in common with myself, wished to maintain the Bank of the United States as it was already in existence, believing that it had performed its functions beneficially for the public, immediately turned round and became the advocates of the system so justly abandoned. The instant the Administration, discovering their error, attempted to correct it, the opposite party—perhaps from instinctive propensity of all political parties to assume antagonist positions; I will not undertake to say for what cause—adopted the exploded system as a half-way house to a national bank. Both of the great political parties, then, being, in some degree, the authors of the state of things which now unfortunately exists, it is the duty of them both to unite in applying some appropriate remedy. What is that remedy? How are we to relieve the distress and pecuniary embarrassment which pervade the country?

I am aware, sir, that an idea very extensively prevails, that the sole remedy in the power of Congress to administer, is a restoration of the currency by some Federal regulation of the paper circulation; and the resolutions introduced by the honorable Senator from Maine will make it my duty to submit a few brief remarks on this subject.

It appears to me, Mr. President, (and I say it with great deference—for the opposite opinion is held by some of the most able men in the country,) that all hopes, founded upon any scheme which the wisdom of man can suggest for the restoration of the currency of this country, will be fatally delusive, so far as it regards a remedy for the distresses and pecuniary embarrassments which now prevail. It

will be a mere superficial remedy; it cannot reach the seat of the disease. What is the cause of the present distresses? The remote cause is undoubtedly the expansion of the currency; and the more immediate cause, its sudden contraction. From facts which I have before me, it appears that, in the course of three years, the currency of this country expanded from ninety-four millions of dollars to one hundred and forty-nine millions; and, in a similar period, sunk down to some seventy millions. Now, I beg Senators to impress upon their minds this single circumstance. It furnishes a lesson which ought not to be forgotten; it is a lesson which we have but too much cause to remember.

When, from any cause, the bank circulation of a country is extended beyond a certain degree—for instance, fifty millions beyond the proper and natural amount of the circulation demanded by the business of the country—this redundancy of circulation, by a law as immutable as the law of gravitation, tends to carry down the quantity of the circulation even below its natural level. This is the cause of the existing distress. Our currency was unnaturally expanded, and prices swelled to a hundred per cent. beyond their natural average. The system, of course, could not continue in this state of inflation. Any currency professing to rest upon a specie basis must sink into utter ruin, as the inevitable result of such an expansion. Now, sir, what has actually taken place? The currency has been reduced to one half its former dimensions. In the very nature of things, it was obliged to be thus reduced, if the system was to rest on a specie basis, affording a sound and uniform currency. That reduction has, perhaps, not gone to the extreme point which it must reach. And now what are we about to do? After the country has suffered the utmost distress, and been driven to the verge of bankruptcy—after we have gone through the painful process of contracting our circulation—after we have suffered all the evils which must follow from its undue expansion;—after all this, what is the remedy proposed? Why, sir, some seem to imagine that, in legislation, according to the old adage, "the hair of the mad dog is good for the bite." And now, after we have suffered the evils incident to reforming a rash and ill-devised system of bank credit and bank circulation, and see the dawn of returning prosperity; after natural causes and the laws of trade have nearly corrected them, and we are once more almost standing on a platform of a sound and uniform currency, the most intelligent and sagacious minds of the country are calling out for a new system of paper circulation, which must carry the country through the same circle of expansion, contraction, and ruin, from which we are just recovering.

Sir, we find the patient in a state in which the administering of medicine is no longer salutary; and when, though at present debilitated, he is about to recover by a natural process, we are required to continue tampering with his system, by the use of new and additional nostrums. Believe me, sir, any scheme—the Bank of the United States, under any possible modification—an exchequer board, with all the checks and guaranties which human wisdom can provide—will be utterly inadequate to furnish a remedy. The truth is, the country is very much in the condition of a patient who is unwilling to trust to the *vis medicatrix naturæ*, but is perpetually calling out for medicine; and, as is usual in such cases, mistaking entirely the nature of the remedies required. What do gentlemen propose to do? They tell you that their object is to reform the condition of the currency, and to establish a bank circulation on a sound basis and of uniform value. Now, in regard to the stimulating causes of these schemes of currency—the existing sufferings of the people—a restoration of the currency to a state of soundness is the very last thing in the world which the patient could endure, or which his real wants require. A sound currency! Why, gentlemen seem to imagine that the Government possesses a sort of political legerdemain, by which it can accomplish direct incompatibilities. Can you reform the currency and expand it at the same time? The very act of increasing the circulation would defeat your professed object of reforming the currency. You can reform a vitiated currency by no other process than by curtailing it.

But, Mr. President, under existing circumstances, as to those who have fallen victims to the popular delusions and speculations produced by the excesses of the credit system, their case is hopless; it is beyond the power of surgery or even of galvanism, to revive them. However rapidly you hurry on these schemes, they will come too late for them. But I am aware there is a very plausible argument which gentlemen have frequently urged on this point—that their desire is not so much to increase the quantity of circulation, to induce the banks to go into a system of excessive discounts and circulation, as to restore confidence. Yes, sir, that is the watchword—to restore confidence to the country. Confidence! Mr. President. Confidence in what? Confidence in banks, that have made promises only to violate them? How can we have confidence in a system which all experience proves must, in the nature of things, result in those very revulsions and distress, the consequences of which we are at this moment experiencing? Are we to encourage the people of the United States to indulge false hopes, which must inevitably be disappointed? God forbid that this sort of confidence ever should be restored. No, sir; like the confidence that Eve reposed in the serpent, and by which she was tempted to eat of "that forbidden fruit, whose mortal taste brought death into the world," it is the real source of all our woes—all our calamities.

But, Mr. President, when you attempt to establish a sound system of currency; when you endeavor to lay the foundation for a just and well-founded confidence, having reference to the future—no bank, no exchequer board will be necessary to enable the country to recover from the distress into which it has been thrown. No man can be more sensible than I am of the necessity of a sound and stable currency; but how is this to be effected? If I were asked what system of currency I would now propose, I would candidly confess that I am not prepared at the present moment to fix upon any. I should say this much, however, with entire confidence: leave nature to work in her own way for a time; leave the people to their own industry and resources; do not place too much reliance upon artificial systems and legislative contrivances.

Is it supposed by any one (I will not say in this Senate, but in the country) that the mere issue of a bank circulation—if you could to-morrow restore the delusive confidence which formerly existed, so far as to create seventy millions in addition to our present circulation—will add one solitary cent to the wealth of the United States? You have no creative power. There is no power in legislation by which you can add a single blade of grass, a grain of corn, or a pod of cotton, to the wealth of the country. The remedy is not to be found in legislation, or in any artificial contrivances. Our only hope is in undoing the mischief which such artificial contrivances have already done.

Sir, upon the subject of bank circulation, I feel that it is due to myself that I should read a sentence or two from the first public document which I ever presented to the Congress of the United States in relation to it. They are contained in a report which I submitted to the House of Representatives on the question of renewing the charter of the Bank of the United States, which always sustained a salutary check on the State banks, and was a means of preserving the soundness of the paper currency, by preventing them from running into excessive issues. In that document the following opinion is expressed on the general question of currency:

"It must be assumed, as the basis of all sound reasoning on this subject, that the existence of a paper currency, issued by banks deriving their charters from the State Governments, cannot be prohibited by Congress. Indeed, bank credit and bank paper are so extensively interwoven with the commercial operations of society, that, even if Congress had the constitutional power, it would be utterly impossible to produce so entire a change in the monetary system of the country as to abolish the agency of banks of discount, without involving the community in all the distressing embarrassments usually attendant on great political revolutions, subverting the titles to private property. The sudden withdrawal of some hundred millions of bank credit would be equivalent, in its effects, to the arbitrary and despotic transfer of the property of one portion of the community to another, to the extent, probably, of half that amount. Whatever, therefore, may be the advantages of a purely metallic currency, and whatever the objections to a circulating medium partly composed of bank paper, the committee consider that they are precluded, by the existing state of things, from instituting a comparison between them, with a view to any practical result.

"If they were not thus precluded, and it were submitted to them as an original question, whether the acknowledged and manifold facilities of bank credit and bank paper are not more than counterbalanced by the distressing vicissitudes in trade incident to their use, they are by no means prepared to say that they would not give a decided preference to the more costly and cumbersome medium."

Such were then my sentiments, and such are they at this time; and the course of events has now brought us to such a condition, that, without any further revulsion or suffering, specie may be made not only the basis of our circulation, but to constitute a large portion of that circulation. Let us attempt to create no system by which the bank may be again drawn into their former excesses but leave them, with their recent experience, and under the salutary restraints of public opinion, to recover public confidence by a prudent course of self-reform, by which they will deserve it. The course of events will do infinitely more than we can do by legislation.

If I were clothed with unlimited power at this moment to regulate the currency, I would say I am not prepared to decide. And no man ought to decide upon any specific plan in regard to it, until we have had the experience of some years. Believing, then, as I confidently do, that all plans of relief heretofore proposed must be absolutely impotent to relieve the existing distresses; and that a system of currency having reference to the future should be a work of mature deliberation, I am decidedly of opinion that the time has not arrived when any legislative enactment should take place upon the subject. The relief which the country demands is of a much more radical character. What is that relief? It has been indicated in the first of those resolutions which I have had the honor to submit to the Senate. The commerce of this country is in a state of decay; and, from the documents which I have before me, I may almost say in an expiring condition.

What shall be done, then, to restore this important source of the nation's wealth? Shall we hope to revive commerce by continuing that system of policy by which it is now shackled? Shall we invent new contrivances of a similar character for the future? No, sir: undo the mischief you have done; knock off the fetters you have already imposed; leave trade to her own laws; permit your people to enjoy their natural advantages, and the fruits of their industry, free from all unjust restrictions. Do this, and you will insure prosperity to the country; and, at the same time, replenish your exhausted treasury.

I come, therefore, to the consideration of the second resolution, which proposes reducing the existing tariff from its present prohibitory character, to a proper and reasonable revenue standard, so as to make it in reality what it professes to be—a constitutional measure merely for the purpose of raising revenue.

And here, Mr. President, I cannot but remark that there never was a time more inappropriate for the introduction of such a measure, than the moment selected for the introduction of the tariff of the last session, in view of what had taken place, and of what was then in progress in other countries, as well as in our own. Sir Robert Peel, the British minister, yielding to the force of public opinion, had mitigated, to a very great extent, the commercial restrictions which existed in Great Britain. Had we pursued our true national policy, we would have met these advances to a system of free trade in a liberal spirit of reciprocity. But what did we do? Instead of reciprocating the advances which Great Britain made to us, we turned our backs upon her at the very moment when measures were taken by Great Britain to enable your farmers of Pennsylvania, of New York, and of all the grain-growing States of this Union, to find a market abroad for their produce. Our Legislature—thinking, perhaps, that these great advantages tendered to our farmers might seduce them into the heresy of free trade—passed the tariff bill of last session, more prohibitory than any of its predecessors.

I have before me a letter from an officer of the Treasury Department, showing, from the custom-house returns for the city of New York, the extraordinary falling-off which has been occasioned by the passage of the measure in question. In a statement showing the monthly income from customs, we have for the month of January $1,963,000, while that of December amounts to but $955,000, and the intervening months exhibit a regular falling off, from the time it was expected the tariff bill would pass, until the close of the year. Now, if the month of December is a fair indication of what the revenue is to be next year, the whole revenue from customs at New York will not be more than three millions of dollars. This, of itself, is alarming enough, as it regards our financial prospects; to say nothing of the more important considerations of commerce destroyed, and the people oppressed by unjust burdens. Now, what are the considera-

y which we are called on to submit to these unnat-
ıral and unjust exactions?

To protect the domestic industry of the United
States! To carry out the American system! These
elusive phrases have operated so extensively, as
almost to confound the understandings of the peo-
ple.

I pray you to bear with me for a moment while
take a brief review of the commerce and the
evenue of the United States. And I will, at the
lose of that review, ask the Senators who voted
or the tariff of the last session, to tell me on what
round it was they thought it necessary to sacrifice
hose great interests?

From the very beginning of the Government,
ith the exception of a few years of war, the whole
evenue by which the machinery of Government
as been kept in motion, has been derived exclu-
ively from foreign commerce. But that to which
beg leave to call the particular attention of the
enate, is, that since 1816, at least three-fourths of
he revenue, which has not only paid the current
xpenses of the Government, but performed the un-
xampled achievement of extinguishing the public
ebt, has been derived from that branch of your
ommerce which consists entirely of the exchanges
eceived for the agricultural exports of the South-
rn and Southwestern States—less than one-third
f the Union; and that it is against this very
ranch of commerce that the whole power of your
rohibition tariff is directed, professedly with a
iew to destroy it! Yes, sir; this great branch of
our national industry has done all this, and more.
t has made us a great commercial and naval pow-
r, and contributed largely to enrich the people, by
upplying them with the comforts and luxuries of
ife cheaper than they could be obtained from any
ther source. And for all these great services to
he country and the Government, what grateful re-
urn have you made? What acknowledgment of
our obligations? None, sir; but, on the contrary,
nd to the eternal reproach of this Government, it
as destroyed what it was under the most sacred
bligations to protect and defend—like an unnatural
onster, plunging a dagger into the bosom of his
est friend and benefactor. And on what ground is
his monstrous outrage to be justified? What great
ival interest is there in this country, which can
ssert a paramount claim to the protection of the
overnment?

It is the domestic manufactures of the country
hich demand the sacrifice. The protection of
me industry!—the suffering industry of the coun-
y! These are the watchwords. But what, I ask,
s that industry which has supplied you with all
he blessings of an enriching commerce? Is it not
omestic industry? Is it not *home* industry? Do
ou get from abroad foreign manufactures to the
alue of a dollar, that are not procured by means of
omestic industry? Unless you rob—unless you
teal—unless you obtain by fraudulent devices,—
ou cannot get the worth of a farthing, but by an
xchange of the products of domestic industry. In
his respect, commerce and manufactures, then,
tand upon the same footing precisely.

There is a vast interest represented by those
ho are engaged in the production of the great
aple articles of exportation—in exchanging those
rticles for foreign manufactures, by means of cap-
al; in transporting them to foreign ports; and in
onveying foreign merchandise, received in ex-
hange for them, to the United States. These
onstitute the great exporting interest identified with
oreign commerce. Whatever destroys the one, de-
troys the other. And, although the States pro-
ucing these exports constitute, perhaps, less than
ne-third of the Union; and although they have
een contemptuously reproached as being barren
nd-hills,—yet they have mainly sustained the
ommerce of the United States—having furnished
wo-thirds of the entire exports of the Union, since
otton and rice and tobacco have become the
reat staples of exportation. Two-thirds of the
roductions which sustain foreign commerce have
een furnished by less than one-third of the Union.
nd upon this great branch of domestic industry,
ith the capital which it employs, has devolved the
hole burden of supporting the Government, by
arnishing the subjects of taxation. Now, I ask
he friends of the tariff, in all candor, and with the
most respect, what is that branch of industry for
hich they exclusively claim the name of *domestic*
ndustry? They will answer, home manufactures!

Upon what ground are we to destroy commerce
o sustain the manufacturers? Why should these
be protected by the sacrifice of foreign commerce, and at the expense of this Government? Has the Government ever derived a solitary cent of revenue from domestic manufactures? Does this branch of domestic industry contribute one solitary cent to the support of the Government? Do they not, on the contrary, diminish the revenue? And yet, you are to destroy that great branch of national industry which has supported the Government and enriched the people, in order to afford assistance to a branch of domestic industry which has been itself an enormous tax both upon the people and the Government. A more monstrous combination of injustice and ingratitude can hardly be conceived. To destroy commerce, the great agent of civilization, and bond of peace among nations, to foster a rival branch of industry, by measures which convert the United States from mutual customers to commercial rivals, is as unwise and impolitic as, in reference to other considerations, it is unjust and oppressive.

But there is yet a larger and more pervading view of this subject, showing the suicidal character of a prohibitive tariff. The great exporting interest—that of the planters, merchants, and ship-owners—say to the Congress of the United States, If you will permit us freely to exchange the productions of our industry for the productions of other countries, subject to a revenue duty merely, even with this discrimination of 20 per cent. against us, we will pledge ourselves to supply the people with all the manufactures they need one-third cheaper than they now obtain them from the manufacturers of the United States.

To this the tariff majority in Congress practically reply, that they regard cheap manufactures a great national evil, if obtained by exchanging the products of domestic agriculture for foreign manufactures; that this cheapness is the very reason they prohibit their importation; and that they would rather the people should pay a third more for the manufactures they consume, and that the treasury should be impoverished, than the manufacturers of the United States should not receive from 33⅓ to 100 per cent. more for their fabrics than their natural price.

Such is a true exposition of the misnamed protective policy.

But I am aware of the arguments with which I shall be met on this subject. After the experience of twenty years, and the lessons to the contrary which that experience has taught us, gentlemen will still urge those arguments by which they sustained their policy in its incipient stages. I remember well, on my first entry upon the stage of public life, how confidently the manufacturers of the United States predicted, if you would only give them protection for a few years, they would be able to supply all your wants with articles cheaper and better than you could procure them from abroad. This was their confident prediction. And in that day, Mr. President, no man dared to rise and avow the purpose of making this system of unjust and oppressive restriction a permanent measure of national policy. Our establishments, said they, are in a state of infancy. Protect them for a few years, and we will ask no further aid, but will defy competition. I well remember the reply I then made to these promises—which subsequent experience and the conduct of the manufacturers have confirmed even beyond my anticipations. I showed, from documents of undoubted practical authority, that the cost of producing manufactures in Great Britain consisted of three elements—viz., three-eighths of the wages of labor, three-eighths of the interest upon capital, and one-fourth of the cost of the raw material; and I then argued that, as capital could be obtained in England at half the interest at which it could be obtained here, and labor be procured for less than half the wages, it was apparent that the cause of the inability of the American manufacturers to maintain a competition with the foreign was founded on permanent causes—the low wages of labor, and the low rate of interest; causes which, I trust, will be eternal; for no patriot can desire that wages here should be reduced to sixpence a day, or the profits of capital to three per cent., even to enrich our manufacturers. And now, after the lapse of twenty years, the wages of labor and the rate of interest in Great Britain are as much below what they are here as they ever were; and, though the machinery employed in our manufactories is in many respects superior to the British, our manufacturers clamor as loudly for protection as they did in 1824. Is this oppressive system, then, to last forever? Have gentlemen reflected on the consequences which must result from it, if thus perpetuated? Have they estimated the frightful amount of burdens imposed by it on the people of the United States?

I believe, sir—though I have not the documents before me, but from a general recollection—that the amount of manufactures of this country, which are embraced in the operation of the protecting laws, was, in 1841, about nine times as large as the amount of foreign importations of the same description; that is to say, that the amount of such importations was about forty millions of dollars, and the amount of domestic manufactures of a similar kind three hundred and sixty millions. Now, I beg gentlemen to dwell a moment on these facts, and consider what is the amount of the tax imposed on the people of the United States, estimated from these statistics? An average duty of thirty-five per cent. on forty millions of foreign imports, would impose a burden of $14,000,000, though the revenue should be less, by means of its prohibitory operation. The price of these imports must rise 35 per centum, or the trade will cease. This duty upon foreign imports would be distributed among the consumers, and would be cheerfully borne if it ended here. But this is by far the smallest part of the burden it imposes; for the law cannot raise the price of imported manufactures, without raising in the same degree the price of similar domestic manufactures. This is a self-evident proposition—as much so as any in mathematics. No ingenuity can evade it. Now, sir, my mind shrinks back from the contemplation of such enormous burdens! Three hundred and sixty millions of domestic manufactures indirectly taxed at the rate of thirty per centum, as a bounty to incorporated wealth! Sir, will gentlemen deny that this tax is real? Will they come forward now, and contend that they can manufacture cheaper than we can import, in the very face of the law passed by themselves? Not satisfied with the duty imposed by the fair operation of the compromise act, and in palpable violation of its solemn pledges, they have made the duty on many articles prohibitory; thus clearly admitting that they cannot compete with the importers, even with the protection afforded by a revenue duty.

Such, sir, are the enormous burdens imposed on the people of the United States! Make any allowance you please—reduce the rates I have stated, even to the revenue standard of 20 per cent; and yet the burden exceeds anything which human patience would endure, if the people were actually sensible of the true extent of those burdens. But, sir, it is the result of an indirect system of taxation, which imposes these burdens upon the people under such disguises that they know not what they suffer. They are sinking under the weight of their burdens; and yet, like a man who falls a victim to the influence of a corrupt atmosphere, they are totally unconscious of the real causes of their distress.

So much, Mr. President, for the operation of the tariff, and the claims of the manufacturers to special protection. In regard to the influence of the system upon the great mass of the people of the United States, it is distinctly making an issue whether you will sustain a few wealthy capitalists at the expense of the country at large.

But there is one portion of the Union which has an especial claim to our consideration. I allude to the States which produce the great staples of exportation. Upon these States, this tariff operates with a crushing weight of oppression. And no man, who nourishes in his bosom a proper sense of justice, can fail to give an attentive consideration to the gross and monstrous inequality of their burdens. Independently of the tax they pay as consumers, they are exposed to a burden incomparably greater from the prohibitory effect of the tariff upon that branch of commerce which regulates the value of their staples. In fact, sir, these prohibitions have reduced the planting States to a condition of strict colonial dependence on the manufacturing States. They are excluded from the best markets, and confined to the worst, both for selling their staples and purchasing merchandise in exchange. While they were dependent upon Great Britain, their colonial vassalage was not, in point of fact, half so oppressive as that under which they at this moment labor. What are their real interests, and the sources of their prosperity? What the productions of their industry? They cultivate the soil, and thank God for the bounties

of his providence in giving them a genial sun and productive soil. Providence has done much for us; but what has the Government done?

Before I proceed, allow me to remark, that the first object which gave cause to the formation of the Federal Government was the protection of foreign commerce. The first convention called to meet at Annapolis, was for that especial and avowed purpose. Such was the main purpose of the Government formed by our forefathers. The power of "regulating foreign commerce" was obviously conferred solely for its protection. And what, I pray, has Congress been doing, since 1824, under its constitutional obligation to protect and preserve the most beneficial and enriching commerce ever enjoyed by any people? It has, deliberately, avowedly, and perseveringly, levelled the power which imposed on it the sacred duty of protecting this great branch of national industry, at its very existence, in order to foster a less beneficial one, over which it has no constitutional power whatever.

Sir, all the pirates that ever infested the ocean—all the stormy elements that ever agitated the surface of the Atlantic—all the disasters occasioned by human villany and the other perils of the deep combined—cannot produce half the injury to the exporting States to which I have alluded, that Congress is now producing, deliberately and intentionally, by its unjust and destructive legislation. And let me add, that you violate one of the most sacred of all the rights of property by this iniquitous system of legislation. It is in vain that I flatter myself that I own property, while any man, or any combination of men, by unconstitutional and irresponsible legislation, claim the right, and exercise the power, of taxing it at pleasure, to provide bounties for themselves. What, sir, is involved essentially in the first elementary notion of the right of property? Have I property in my cotton—in that which I have lawfully and honestly produced by my capital and labor? Is it really and exclusively my own? If so, it follows, as a necessary consequence, that I may rightfully dispose of it, whenever and wherever I please—provided I violate the rights of no other man, by fraud or violence. It is one of the natural and inalienable rights of man—a right which no Government on earth can constitutionally violate.

It is no exaggeration, therefore, to say this is a system which reduces the exporting States to a condition of colonial bondage, as it makes their interests subservient and tributary to the interests of distant States, by pecuniary penalties restricting their natural rights, and constraining them to go to a market, every way unfavorable to their interests.

Sir, I have turned over in my mind the various systems of policy of the different Governments of Europe, and, as God is my judge, I do not think my mind was ever brought to contemplate anything in the form of human legislation more unjust than the system I have attempted to delineate in its most striking features.

To render still more plain the injustice and inequality of this system, and to show that this is really a competition between different branches of domestic industry, I will now present a practical illustration, which will address itself to the common sense of every just and unprejudiced mind. I, sir, as a cotton-planter, have been in the habit, for several years, of exporting my crop to Europe. I have not, to be sure, exchanged the whole for merchandise; but I had a right to do so. Now, let us suppose that I had done so, to supply the community around me with the manufactures they might require. It will not be denied that the manufactures thus imported would be as rightfully and truly the productions of my industry as the cotton I exchanged for them. Yet, sir, when I bring that merchandise to the port of Charleston, I meet there a manufacturer who has goods of the very same description, fabricated in a distant State. He comes to the custom-house, and, clothed with the exclusive privileges of your tariff laws, introduces his manufactures into my own State, without duty; while I cannot introduce the same description of manufactures, the exclusive production of my own industry, without paying a high discriminating duty, to provide a bounty for a distant rival, and diminish the value of my manufactures, as compared with his, precisely to the amount of the duty. For it is an undeniable proposition, that, after paying say 35 per cent. as a protective duty, I could not obtain a cent more for my manufactures, than the Northern manufacturer could obtain for his, paying no duty at all. If human injustice can go further than this, I am entirely at a loss to conceive how. But I shall not go at large into this subject; but will briefly call the attention of the Senate to one or two items in the present tariff, which I regard as peculiarly illustrative of the genius of this system.

In the first place, I shall call your attention to the duty on iron—a duty which I believe has mainly contributed to draw the honest farmers of Pennsylvania, and of some other States, into the support of the protective system; though that system imposes a very high duty—more, I believe, than 100 per cent. on rolled iron—operating as a tax upon all the farmers and agriculturists of the United States, to promote the interest of a few wealthy iron-masters. Now, sir, this is a material of universal use, out of which the implements of the agriculturist and the tools of the mechanic are made, while the shipping interest consumes it to a very large amount. Now, a system of free trade on our part—reciprocated as it would be by foreign countries—would give the farmers of Pennsylvania a market for their products, of much more value to the State than any benefit the iron-masters can derive from the high duties imposed upon iron.

I must here beg the attention of Senators, particularly those from Kentucky—to another item in the tariff of the last session—the duty upon cotton-bagging, raised to from 50 to 100 per cent., according to the cost of the article, and which should certainly have gone down to 20 per cent. under the pledges of the compromise act. But, at the very moment of violating these pledges, by the act of the last session, which struck a fatal blow at the whole commerce of the cotton States—as if to add a sting to injustice and violated faith, this duty was enhanced beyond the rate imposed by the tariff of 1828. Now, sir, this duty is distinguished from others, as unjust as they are, in this: that the whole of its burden is imposed on the cotton-planters, and its whole benefits upon some twenty-one manufacturers of cotton-bagging. No other class in the country has any interest in it, one way or the other. It is, then, a duty which simply takes money out of the pockets of the planters, to put in the pockets of a few manufacturers of cotton-bagging. Now, sir, when I tell you that the duty on the bagging I annually use to bale my crop exceeds the amount of the taxes I pay to my State, you may form some estimate of its gross injustice—inflicted, I suppose, by the paternal authority of a protecting Government, to punish the planting States for opposing the protective system.

But I can assure the Senators from Kentucky, that, in supporting this, and all other items of protection in the tariff, they are pursuing a suicidal policy as regards the great interests of their State. For, let me tell them that, under the combined influence of interest and indignation, the people of the cotton States are not only making their own bagging out of cotton, but raising their own supplies of live stock. And I can, moreover, assure them, that where they can add one hundred dollars to the demand for their bagging, by this policy, they will diminish the demand for their live stock to the amount of ten thousand. Sir, I confidently believe that Kentucky and all the Northwestern States are as deeply interested in free trade, and the consequent prosperity of the exporting States, as those States themselves. There is the great market for their live stock. And, although the manufacturing States furnish them with scarcely any market at all, they are destroying the prosperity of their best customers, and the price of their own staple of trade, to give bounties to the Eastern manufacturers, at the expense of the great body both of their own producers and consumers. And I will here state, in confirmation of these views, that the price of Kentucky pork in South Carolina, in the last year, sunk down from four to two dollars a hundred—a depression wholly without example.

A few words, Mr. President, as to the mode in which a prohibitive tariff, whether partial or absolute, operates to reduce the value of the staples of exportation—an operation now in active progress. Your tariff, to the amount of its prohibitions, creates a necessity of importing specie to pay for the staples we export. It may be safely assumed that the present tariff excludes twenty-five millions of foreign manufactures, annually, that would be imported under a revenue duty of 20 per cent. This gives rise to the importation of specie to a large amount. Now, every dollar of specie imported, diminishes, in that proportion, the value of the whole mass; and, if we assume that in two or three years the imports beyond the exports would amount to thirty-five millions, our currency being seventy millions, the value of money for all domestic purposes would be depreciated in proportion, and every domestic article increased in its money price. But the very operation which would depreciate the value of specie, and increase money prices here, by draining the specie from the nations of Europe who consume our cotton, would appreciate the value of specie, and depress money prices there. Such was the experience of Great Britain in 1840, from having to export specie to the continent for grain. Now, as the price of the staples of exportation is fixed by the money price abroad—principally in England—it is clear that a prohibitive tariff depresses the price of our staples at home and abroad, while it increases that of every species of protected articles.

Having thus examined the operation of the present tariff as a general burden upon the great consuming interest, and a special one upon the exporting interest, I will say a few words on its operation on the revenue. I have shown that the gross income from imports in New York has been reduced from $1,263,000 in January, to $255,000 in December. If this latter month be assumed as a criterion for the present year, the custom-house at New York will yield only about $3,000,000; and all of them together, probably, not more than six or seven millions. If this falling off in the customs should continue, the Government will have to live principally on loans, or by direct taxes, or come to a stand. As I am sure the country is prepared to sanction neither of these, the only remaining course is to reduce the tariff so as to render it a mere revenue measure; and I confidently believe this would increase the revenue five millions of dollars. Let the average duties be twenty per cent.—none rising above twenty-five per cent.; and I will hazard my reputation on the result. The experienced statesmen of England concur in the opinion that, even there, with a limited coast covered with revenue-cutters, that rate of duty gives indemnity to the smuggler for all his hazards. How much more truly must this be the case here, with our immense maritime and inland frontier, the latter of which offers such temptations and facilities for smuggling from the British provinces?

Then, sir, if we look to the people at large—the wealth of the country, the credit and honor of the Government—every consideration requires us to fulfil the terms of the second resolution, in so modifying the tariff as to reduce it to a fair constitutional measure.

I have occupied the attention of the Senate so long upon these topics, that I shall make but a few very brief remarks upon the third resolution. No reform can be radical which does not reduce the expenditures of the Government. These expenditures have enormously increased since I first entered Congress; and it is almost astounding to look at the progress of this increase in the last twenty years. I will first remark, that the current expenses of this Government since the year 1823—viz: the expenses of the army, the navy, and all the branches of the Government—have increased 100 per cent. But, to give the Senate some idea of this tendency to increase—surpassing that even of the currency—I will call its attention to some of the contingent branches of expenditures: they will serve to illustrate the effects of our system of duties, more than any reasoning. In 1823, the expenses of collecting the customs were $756,000 with a revenue of $19,000,000. In the year 1840, the expenses of collecting the public revenue were $1,542,000, more than double the amount, with a revenue of but $16,000,000. The contingent expenses of Congress for the year 1823 were $50,000. The contingent expenses of the same body for the year 1840 were $276,000—an enormous increase! This serves to illustrate the genius of the times. We are going on in a course of extravagance, the natural result of which must inevitably be the utter destruction of the Government, sinking under its own corruptions.

Mr. President, I have very great doubt (and it has been a subject of consideration with me for many years) whether a free representative Government can permanently exist under any system of indirect taxation. But I have no hesitation in expressing the opinion, that a federal republic like ours, embracing manifold pursuits and conflicting interests, affected by taxation, cannot endure under

system of impost duties combining revenue and protection. Such, unfortunately, is our system: and I now propose to show that it renders Congress practically an irresponsible and despotic power, in exercising the greatest and most vital of all the functions of Government—that of imposing the burdens of taxation on the people. To be satisfied, we need only to look around us. Never, since I entered Congress—more than twenty years ago—have I known a time when a fixed majority, which controlled our legislation on the subject of taxation, were not in favor of high duties, and heavy taxation. In this they were sustained, and many of them urged on, by the clamors of their constituents.

Now the apparent anomaly is easily comprehended by those who have studied the philosophy and marked the working of the protective system. It confers bounties, instead of imposing burdens, upon the constituents of those who constitute a legislative majority on all measures in relation to the subject. This majority which impose taxes, so far from contributing to pay them, actually receive the largest portion of them in the shape of bounties. They have a pecuniary interest in the taxes—receiving nine dollars where they pay one, or the Government receives one. Thus, the entire balance of the Government is destroyed. The majority here impose burdens upon those to whom they are not responsible. If we had an equal system of taxation, every member would feel his responsibility to his own constituents, and, through them, to the whole country; as it is, he is not responsible to his constituents for imposing taxes, but for not imposing them. His greatest political offence would be, to reduce taxation. Now, I ask you, what hope is there that economy and retrenchment will ever supersede waste and extravagance while we adhere to the protecting system? We see members of Congress, representing States proverbially economical in the management of their own affairs, voting here for all sorts of extravagant appropriations. Now I invoke Senators to bring their minds to the solemn consideration of this subject. They cannot long evade it.

The welfare of the country, and the very existence of the Government, are involved in it. Let us, then, retrace our steps, and bring back the Government to the good old doctrines of the primitive days of Jefferson. Reduce the duties to a revenue scale; reduce the expenses of the Government to a scale of rigid economy; leave industry unshackled; protect every one from violence and injustice, and leave him to enjoy, undiminished, the fruits of his labor. Do all this, and you will restore the people to prosperity and contentment; restore the credit of the Government, replenish its exhausted treasury; arrest the Government's sinking under its own corruptions, and make it—what our ancestors intended it to be—an example and a light to all the nations of the earth.

SPEECH OF MR. TAPPAN,
OF OHIO.

In Senate, January 16, 1843—On the joint resolution proposing an amendment to the Constitution of the United States, so as to limit the term of office of the judges of the supreme and inferior courts, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of both Houses concurring therein,) That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by the Legislatures of three-fourths of the said States, shall be valid as a part of said Constitution; namely:

The judges of the supreme and inferior courts shall hold their offices for the term of seven years, if so long they shall behave themselves well; and the commissions of all judges of said courts who may be in office at the time of the adoption of this amendment shall expire as follows—that is to say: those who shall have been in office twenty years, shall expire in one year; those who have been in office ten years, shall expire in three years; and the commissions of all who have not been in office ten years, shall expire in seven years.

Mr. PRESIDENT: If any man supposes that the Constitution of the United States is so perfect that no alteration in any part of it would make it better, he is as far from truth, in my opinion, as he who seeks to change it to suit the party tactics of the day; and who, finding himself thwarted in some favorite project, by the independent exercise of some constitutional power, should, for that reason, seek to abrogate that power. The Constitution was formed by as wise and patriotic a body of men as ever assembled together; but they were men, who were agreeing upon the mode in which a new and untried experiment in government should be made. With but limited experience in the working of a Government founded on the principle of popular sovereignty, it is astonishing that their work is as perfect as it is; that it is so well adapted "to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity."

But, sir, the Constitution did not come from the hands of its founders perfect in all its parts. The State conventions, in adopting it, recommended many alterations and amendments, which have been agreed to; and other amendments have from time to time been made; so that it is, in many particulars, changed from its original form. It should be further amended, from time to time, as experience may point out its defects; and so as to adapt it more and more to the objects which the States of this Union had in view in establishing it; and especially should it be amended, whenever it is found to contravene those principles upon which our Governments are founded. I think that the Constitution, in establishing the judicial department of our Government, does contravene those fundamental principles. I am satisfied that experience has proved its defects, and that public opinion calls loudly for its amendment. I therefore perform an obvious duty in proposing this resolution.

The Constitution of the United States substantially and practically makes the judges of the United States courts officers for life. In form they are to hold their offices "during good behavior;" they may "be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors;" but no judge "shall be convicted without the concurrence of two-thirds of the members [of the Senate] present" [at his trial.] The power of impeachment has been tried, until it is well settled that no judge can be removed from office in that way. This Senate is a political as well as a judicial body. Our judges are most of them zealous, if not active politicians; and when impeached, find, in more than one-third of the Senate, political friends willing to screen them from punishment. A judge may become insane the day after his nomination is confirmed; and yet he remains a judge for life: no power but death can constitutionally remove him from office. So, if he becomes an habitual drunkard, drunkenness is not technically a crime, or misdemeanor. So it is of many things which disqualify a man from being a judge, and which (if the office were elective) would induce the people to leave him out as totally unfit. *They* are not impeachable offences, and therefore not sufficient to remove him from office.

To discharge the duties of a judge, it is requisite that the individual should have "a sound mind in a sound body." The duty of a judge cannot be well performed without great labor. There is no occupation of the mind which requires more study. In the prime and vigor of life, this labor may be performed, and its performance may be a pleasure; but your judges grow old, and infirm; neither fit for, nor capable of, the bodily or mental labor exacted by their station. In consideration of this, some States have introduced a limitation of age, and do not allow a judge to remain on the bench after he has arrived at the prescribed time of life. We have no way to get rid of such a judge, but by impeachment.

Many cases have occurred since the adoption of the Federal Constitution, of judges having become unfit to discharge their duties. Two in our history place the operation of the constitutional provision as to tenure of office, in such a strong and absurd point of view, as to justify their special notice. The first is the case of Judge Pickering, formerly of the United States court for the district of New Hampshire. He had become insane by sickness, or intemperance, (it does not appear clearly which,) and was wholly incapable of performing his duty. The people of New Hampshire wished to get rid of the judge, and there was no way in which this could be done, but by impeachment. He could not regularly be impeached, unless he had committed "treason, bribery, or some other high crime or misdemeanor;" all he had done, was, to go on the bench in court time, either insane or drunk, swear some profane oaths, and decide a cause differently from what, by law, it ought to be decided: all this was bad enough; but it would not have happened, if the persons attending the court had conducted with propriety, and had left the judge to hold his court by himself, if they could in no other way prevent such outrageous conduct. But in all this, the judge had committed no impeachable offence. There was no treason or bribery to charge him with; and to determine what were crimes or misdemeanors, it was necessary to examine the statute laws of the United States, and in no other place could a description of them be found; but no law of the United States made it a crime or misdemeanor in a judge to make an erroneous adjudication. Nor did the law declare it a crime to be insane, or drunk, or to use profane language. The United States have no common-law offences, and these were not declared such by statute. This was a sad dilemma for a great nation to be in; but the necessity of getting rid of the judge was imperative, and, instead of taking the straightforward course, and recommending an alteration of this absurd provision of the Constitution, which they had found so mischievous in practice, the House of Representatives exhibited four articles of impeachment against the judge: the three first were for his decisions in a cause on trial before him, which were undoubtedly erroneous, but not criminal; the fourth was for appearing on the bench of his court drunk, and using profane language; which was indeed highly reprehensible, but it was not contrary to law. And there is much reason to doubt whether insanity was not construed drunkenness, from the necessity of the case—it being more plausible ground for impeachment; for it seems, by the proceedings, that it was suggested to the court by a son of the judge, that, at the time of the conduct charged against him, he was insane, and remained so at the time of trial; which suggestion was supported by the testimony of two members of the court, and by the affidavits of several persons whose integrity and veracity were unimpeached. After having this matter before them a year, the Senate at last tried the judge in his absence, found him guilty on all the charges, and removed him from office.

The other case was that of Judge Duvall, of the Supreme Court, who sat on the bench of that court more than ten years after he had become so deaf that he could not hear a word that was spoken in court. If the whole court had been as deaf as Judge Duvall, they must have sat there until death removed them; for, after the farce of removing Judge Pickering, it was not possible to get up and carry through such another perversion of law and justice. *Now*, if a judge become insane, a drunkard, deaf, superannuated, or in any way incapable of performing his duty, he must remain an incumbent of the office. Let the necessity of getting rid of him be ever so urgent, he cannot be removed by impeachment, for he has committed no crime; and it would not now be suffered that any man should be impeached, and convicted of high crimes and misdemeanors, for acts which no court of law would dare to pronounce such.

The fundamental principle on which society and government repose in these States, is the perfect liberty and equality of our citizens. We adopt in theory, and without any limitation, the doctrine that the sovereign power exists at all times in the whole body of the people; and that so much of that power as the public peace and safety require to be exercised, can only act legitimately when it acts according to their will, as their instrument or servant. The State Governments and the General Government are differently organized, and have different duties to perform; but the same principles are the foundation of all of them in theory: in practice, there have been departures from them—one of which it is the object of this amendment to correct. I believe, sir, that, for the number of our people, we are the strongest Government on earth. We owe this strength to our institutions—to the extent to which, in practice, we carry out our theories of government. And does not this prove that it will add to our security and strength to conform the practice of our State and National Governments entirely to the principles we profess? For myself, I declare freely, that I have no doubt it would add greatly to our security in "the enjoyment of life, liberty, and the pursuit of happiness," and strengthen our Government much more, to have the exercise of all power more immediately by the people, in the election of all officers (judicial, as well as executive and legislative) for short periods of time, and by direct vote of the people.

Government, with us, is a practical science; so that there is little or no danger that theories will stand their ground long, unless they are tested and approved by experience. If our Government, instead of being spread over a continent, was in

cluded in a small territory, the inhabitants of which could meet with convenience in one assembly, to consult and agree on the manner in which their affairs should be conducted, no delegation of legislative power would be necessary; but, even then, the executive and judicial powers of such a community could not, with as much convenience, be exercised by the whole body of the people; and, therefore, the plan of delegating such powers to individuals, selected for their fitness to discharge such duties, would be adopted. Such has been the course of action of democratic communities in all ages. Power has been delegated from necessity, and always for short periods. Of the executive power of states, it is true that it has much oftener been held by usurpation, and force, or hereditary descent, than by delegation, in all Governments but our own. But the judicial power has, in all states, free or otherwise, been delegated by the sovereign for limited periods—generally not exceeding a year. I need not cite instances of such limited delegation of judicial power; history gives an account of no other. No nation or government ever made their judges entirely independent of themselves, until these States established their judicial tribunals.

We borrow, Mr. President, many of our fashions from England; but in giving our judges office during good behavior, removable only by impeachments, for high crimes or misdemeanors, we have committed a folly beyond what England or any other nation has given an example of. In England, at least from the time of the conquest, judges were appointed by the King, and held their offices during his pleasure. Their courts were often made the instruments of gross and outrageous tyranny—particularly under the Tudors; they became much more so under the Stuarts. This race of imbecility and vice (from the tyranny of whom our forefathers fled to America) exercised such a constant controlling power over their judges, and so openly dictated to them the judgments they rendered in prosecutions for political offences, that the impression became strong in the colonies in favor of a judiciary which should be independent of the appointing power. The same feeling had been created in England; so that at the revolution of 1688 the judges of England were made independent of the crown, by the enactment that they should hold their offices "so long as they should behave themselves well," but to be at all times removable by vote of both Houses of Parliament; so that every judge in that Government, since the revolution under William and Mary, has been dependent upon, and held his office at the will and pleasure of, the sovereign power in the state; for the Parliament in that Government is not only held to be omnipotent, but is, practically, the sovereign power.

In forming the Federal Constitution, the tenure of judicial office seems to have been settled without debate, and without much consideration; and we are left to conjecture why the great men who composed the convention went so much beyond every other Government in creating a judiciary. Mr. Hamilton, in discussing this subject in the Federalist, states the desire the convention had to establish independent courts; but he gives no reason why the convention deemed it necessary to establish a judiciary who were not to be removed from office for any cause of disqualification whatever, unless they were convicted of a high crime or misdemeanor, by a court so constituted as to render a conviction impossible. I consider this part of our Constitution grossly defective. It is worse than defective; it is a provision in direct opposition to the whole spirit and intention of our Government; a power in the state holding office independent of the people—existing, as Mr. Burke said of the nobility of England, in contempt of the people.

I have not offered this amendment, Mr. President, from any view of its effecting the removal of incapable incumbents of office. If I had, I might refer Senators to the judges in this District, for an illustration of the monstrous folly of creating an independent judiciary upon the plan of the Federal Constitution. No, sir: it is not because A, B, or C is weak or wicked, that I press this amendment; it is because its direct and inevitable tendency is to create imbecility, and perpetuate ignorance.

Men never have exerted themselves to acquire knowledge, or to be eminently useful to mankind, without the stimulus of ambition or necessity. Let your soldiers understand that no service they can perform will raise them from the ranks, or secure them anything beyond their monthly pay—they may stand firm in battle; they may perform the usual routine of their duty; but this is all. If you would incite to heroism; you must hold out the incentive to heroic action—honors, rewards, promotion. How is it with your judge? What inducement has he to acquire knowledge, to make himself useful to his country? None whatever. He has an office for life, with a competent salary, which no power can diminish. He may be as idle and careless as he pleases; he may sell off his library, and forswear study; he may become imbecile and childish, or wicked and immoral; and he cannot be removed from office, unless he commits some high crime or misdemeanor. He has nothing more to expect. By our habits, a judge is not considered eligible as a candidate for any other office. Some gentlemen of the Supreme Court have, by themselves or friends, made, occasionally, feeble attempts to become candidates for the Presidency; but it is very clear that no such attempt can succeed. They must resign, and come without the charmed circle of judicial independence, before they can be on an equality, in this respect, with their fellow-citizens. He is like the soldier, who, by the usage of the service, can never become a captain. He may perform his circle of duty, and nothing more.

In an office which would seem to require more laborious study to qualify a man for the discharge of its duties than any other in our Government, you have made his continuance in office to have no dependence whatever on his industry or learning. "I have been appointed" (I have heard a judge say) "for the learning I had, not for what I was expected to acquire." The judge performs his part of the contract with good faith if he does not become more ignorant, stupid, and vicious, as he grows older. Why is it that our chief executive officers are elected for short periods, but because reason and experience prove it necessary to secure the faithful performance of their duties, that they should be kept in constant dependence on the people? We would not have presidents or governors elected for life, or even for a long term of years; because it has been found unsafe and dangerous to intrust men with irresponsible power. It is as necessary to have wise and good men to expound, as to execute your laws. Like causes will always produce like effects. If it would be likely to corrupt the character, and destroy the usefulness of a president, to give him office for life, why would it not have the same effect upon a chief justice? If providing one with an office for life, with an ample salary, which cannot be diminished during his continuance in office, would render him an unsafe depositary of power in a free Government, why would it not the other? In both cases, the officer would have nothing more to expect from the people; it would, therefore, be altogether indifferent to him whether they were pleased with his conduct or not. The danger of removal is nothing, and to be left out is impossible to the judge; and yet you expect that he will be faithful to the Constitution; that he will be a vigilant guardian of public liberty, and feel a common sympathy with his countrymen in the support and maintenance of free principles of government.

Mr. President, the article in our Constitution which I seek to amend is utterly repugnant to, and at variance with, not only our principles of government, that the people are the sovereign power, but it is equally repugnant to our practice in every other office. All other officers—executive and legislative—in the Federal and State Governments, are elected periodically. And for what reason are they so elected? Because, in no other way yet discovered can the Commonwealth be sure of being constantly served by the most capable men. All officers of Government are servants of the sovereign; but, in these United States, the freest country on earth, we have invented a plan by which the public servant is altogether above his master, and accountable to no one for his conduct. The only person who is free from all responsibility, independent of all control, is the judge. It was the intention of the convention which formed the Constitution to establish an independent judiciary, say the defenders of this article. "A judiciary, independent of a king or executive alone, is a good thing; but independence of the will of the nation is a solecism, at least in a Republican Government," says Mr. Jefferson. Of what, it may be asked, was it the intention of the convention to render the judges independent? By adequate salaries their pecuniary independence may be secured; but office for life does not secure them from private and personal influences. They will have as strong political attachments as other men; and they will make their judicial action subservient to party purposes, if so disposed, the more readily, as they are in no danger of loss by it. Office for life place them above or beyond the influence of personal prejudices for or against those who may be suitors in this court? Most certainly it will not; but it will leave them free to indulge such prejudices to any extent.

This clause of the Constitution was inserted by the enemies of free government—by those who did not believe in the people governing themselves—who wanted to build up some power in the State which should exist and act independent of the will of the people, and should also control that will. The real friends of freedom in the convention—the majority—were deceived by the notion of an independent judiciary, without seeing clearly of what it was sought to render judges independent, and without reflecting upon the inevitable consequences of building up in the State a power not independent, but really hostile to its fundamental principles.

"The judicial power" (says Mignet) "may be temporary when it is derived from the people, because, being dependent on all, it is dependent on no one."

The two great parties that exist in all free governments (which may justly, and without offence to any one, be styled the conservative and the movement parties,) had their representatives in the convention which formed the Federal Constitution, as they have their representatives now in Congress. It was this conservative party which wanted an Executive and Senate for life, and which obtained a judiciary, that, from its organization, naturally belongs to them. With the fact that the judiciary are of the conservative party, I find no fault: if the majority of the people are of that party. But, if the conservative party in our Government is in a minority, (as it has been most of the time since the adoption of the Constitution) then the arrangement which gives to that minority the whole judicial power of the nation is extremely unjust; it is what the majority ought not for a day to submit to. If the conservative party persuade a majority of the people of the United States to adopt and act on their theories of government, they can, on my principles, elect a judiciary to please them, and I will be content; but I cannot consent that their influence should be made perpetual in any department of the Government, whatever may be the fluctuation of parties. We have seen the consequences which have resulted from a conservative judiciary opposed to a majority of the nation in political principles. More than two generations of men have passed off the stage while the late Mr. Marshall was chief justice of the United States; he and his brethren were Federalists or conservatives, liberal constructionists, and interpreted the Constitution in a way to strengthen and consolidate the Federal power; while the executive and legislative officers, and a great majority of the people of the United States, were of the movement party—were Democrats, and in favor of a strict construction of the Constitution, and of preserving to the State Governments every power not expressly delegated to the General Government. The judiciary of the United States, (says Mr. Jefferson,)

"Is the subtle corps of sappers and miners, constantly working under ground to undermine the foundations of our confederated fabric. They are construing our Constitution from a co-ordination of a general and special Government to a general and supreme one alone. This will lay all things at their feet, and they are too well versed in English law to forget the maxim "*Boni judicis est ampliare jurisdictionem.*"

After the election of Mr. Jefferson, the judiciary of the United States ceased to be the representative or servant of the people in our courts; but it was the faithful representative of exploded principles and obselete maxims in government. It perpetuated the power of the Federal or conservative party, and gave them, though a small minority in the nation, the whole judicial power. Equally wrong would it have been in principle, had all this been reversed—had the court been of the Democratic or movement party, and the majority of the people of the Federal or conservative; because, in such case, as in the real one, they would not have been the true exponents of the public will on the bench of justice. As well might we allow a foreign Government to appoint our judges, as to allow a generation of men to appoint them, who, with all

their principles of government, have departed from the stage of human action.

Our Constitution gives men a power after death, (permitted, to a certain extent, over property,) for reasons wholly inapplicable to a Government such as ours professes to be. On this part of our system, I will again call your attention to Mr. Jefferson's opinions, in his letter to Mr. Barry:

"We already see (says he) the power installed for life, responsible to no authority, (for impeachment is not even a scarecrow,) advancing, with a noiseless and steady pace, to the great object of consolidation. The foundations are already deeply laid, by their decisions, for the annihilation of constitutional State rights, and the removal of every check, every counterpoise to the ingulfing power, of which themselves are to make a sovereign part. If ever this vast country is brought under a single Government, it will be one of the most extensive corruption, indifferent, and incapable of a wholesome care over so wide a spread of surface. This will not be borne; and you will have to choose between reformation and revolution. If I know the spirit of this country, the one or the other is inevitable. Before the cancer is become inveterate, before its venom has reached so much of the body politic as to get beyond control, remedy should be applied. *Let the future appointments of judges be for four or six years*, and renewable by the President and Senate. This will bring their conduct, at regular periods, under revision and probation, and may keep them in equipoise between the General and special Governments. We have erred in this point, by copying England; where, certainly, it is a good thing to have the judges independent of the King. But we have omitted to copy their caution also, which makes a judge removable on the address of both legislative houses. That there should be public functionaries independent of the nation, whatever may be their demerit, is a solecism in a Republic of the first order of absurdity and inconsistency."

I agree that it is essential to a correct administration of justice, that judges should be independent men. The Constitution proceeds on the hypothesis, that independence in men is a quality which can be created by legislation. It assumes, by giving office for life, to create wisdom and virtue, and give them certain duration; but this hypothesis is proved false by the common sense and experience of mankind. The independent man—or, in other words, the just and upright man—is not made so by operation of law, but by careful training from infancy, aided by a happy temperament. A man whose habits of thinking and acting are loose and vicious, cannot be transformed into a fit man for a judge, by giving him office for life, with any amount of salary. The independence the Constitution gives to judges, has an almost irresistible tendency to make them worthless; and, if such has not been the effect upon our judges, it is because they have been men of uncommon strength and energy of character. I assert that the best possible way of securing good judges is to have them elected by the people for short periods. If they are constantly dependent on the people, they will endeavor to make themselves acceptable to the people; and how is this to be done? What judges are the most popular everywhere? Are they those who are believed to take bribes? are they those who are known to be under the influence of other men, whose decisions are always governed by personal considerations? Are they not, on the contrary, those men whom the public believe to be disinterested, free from prejudice, free from personal or party influence? And if so, will not a dependence on the people, by compelling judges to seek popularity, compel them to take that course which will secure popularity? I hold that judge to be a fool, sir, who does not make it the great object of all his labors to acquire popularity; to gain the good opinion of his cotemporaries, "that his name may be honored in the land."

It is a great mistake to make our judges independent of the people; but it is a mistake made by all the States who formed constitutions for their government, during or at the close of the Revolution, as well as by the convention which formed the Federal Constitution. They knew from history the danger of the judicial tribunals being dependent on weak and profligate princes, and supposed that, to render them independent, it was necessary to place them above the power of the people. On this subject, it is very evident that the people of the United States have changed their opinion; they have experienced the evils which have resulted from making judges permanent, and are from time to time changing their constitutions in respect to their courts, while the new States commence their Government upon the more correct principles. Eleven States now elect their judges for limited periods of time—Pennsylvania, fifteen years; Arkansas, eight years; Maine, New Jersey, Ohio, Indiana, Alabama, and Michigan, seven years; Mississippi, six years; Georgia, three years; Vermont, one year; Massachusetts, New Hampshire, Connecticut, Delaware, New York, Maryland, Virginia, North Carolina, South Carolina, Kentucky, Tennessee, Louisiana, and Missouri, during good behavior. In some of these latter States, judges are removable on an address of three-fourths; in others, of two-thirds of both Houses of their Legislatures; and even in Rhode Island, where no one has looked lately for any improvement in government, the dominant party, in making their new constitution, have been so far controlled by the common sense of the country, and the example set them by some of the other States, as to place their judges altogether in the power of the people, by making them removable at every annual election, by a majority of the legislative body, although in form they hold their offices during good behavior.

I do not expect, Mr. President, that a majority of this body will now vote for this amendment of the Constitution; and I have not offered it with any hope of such result. I offer it to call public attention to the subject. Our courts of justice, particularly the United States courts, are not much known and observed by the people; for it is but a small proportion of our citizens who see these courts as suitors, witnesses, or jurors; and great abuses might prevail in them, and be long continued, unless the attention of the people was called to them by some such proposition as I have now made—a proposition which I shall continue to make while I have the honor of a seat in this body, unless its adoption shall relieve me from the performance of that duty.

SPEECH OF MR. LINN,

OF MISSOURI.

In Senate, January 26, 1843—In reply to Mr. McDUFFIE, on the Oregon bill.

Mr. LINN said the opposition to the measure which he had had the honor of introducing, had confined itself, except on the part of the Senators from South Carolina, to the grant of lands. One of those Senators made that his chief objection; but was averse, in addition, to all present action upon the matter. The other, who spoke yesterday, [Mr. McDUFFIE,] took still wider ground—blamed the bill as to all its incidental parts, as well as its objects, and declared his fixed repugnance, not only to this scheme of settlement, but to all expansion of our population whatever. Certain remarks of the latter eloquent Senator demand a particular reply; and, in answering them, if I can sufficiently, I shall have met whatever else has been further objected to the bill.

It is with a want of consideration, of meditation, and preparation of the measure, that he more directly taxes it. To this objection, the history of the bill, and of its repeated introduction here, is the best answer. The measure was first introduced some twenty-two years ago, in the House of Representatives. It has, therefore, had all the time necessary to reach the legal age of discretion. A bill of like form and objects was urged again upon Congress in 1823, with much ability and research, by a distinguished member, (the late Governor Floyd,) one of whose favorite objects it continued to be up to the close of his honorable congressional career. Though he did not induce the Legislature to embrace his views, yet the measure commanded the attention of President Monroe, and was strongly recommended in his last annual message. His successor, (Mr. Adams,) in like manner, viewed it as a proper part of our national policy, and pressed it upon the attention of Congress. This was followed up by two reports from the accomplished pen of Mr. Baylies in support of the President's recommendation. In 1828, it was once more introduced, in a regular legislative form, by Governor Floyd, and passed the House of Representatives by a large majority, but failed in the Senate by a plurality of two votes. Since then, it has repeatedly, in one form or another, been the subject of executive attention and legislative discussion.

In 1836, Mr. Slacum, a young gentleman admirably fitted for this difficult service, was commissioned by General Jackson to examine the country, and report upon its inducements to occupation, state of the fur trade, commercial advantages, &c. The information which that gentleman personally collected was placed before Congress in 1838. In the mean time, (October, 1837,) during the extra session, I made a call upon the Executive for whatever it could communicate, in its possession, upon this interesting subject. The answer, besides other matter, brought us, at the regular session, the report of Mr. Slacum of his several journeys and voyages from Mexico to California, to the Sandwich Islands, and to the Territory of Oregon. I then moved the reference of the whole subject to the Committee on Foreign Relations, which was *then* opposed strenuously by gentlemen who are *now* in favor of its reference to that committee. Finding this opposition, I moved its reference to the Committee on Military Affairs, which was also strenuously opposed by all who took any part in the debate. It seemed to be the opinion of the Senate, that it should be referred to neither of the committees, but that it appropriately belonged to a select committee; which was accordingly adopted. Being the author of the proposition in regard to the Territory of Oregon, I was selected as the chairman of that committee. On the 6th of June, 1838, the committee submitted a report, accompanied by a bill.

While these proceedings were going on in the Senate, Mr. CUSHING, a member of the Committee on Foreign Affairs in the House of Representatives, presented the question to that body, followed up by a report made by him—a report which, it may be said with truth, exhausted the subject. Neither the Senate nor House bill was reached that session. Then came the Maine boundary excitement, and the political and party agitation of the years 1839 and 1840, in the midst of which there was so little hope of commanding the attention of Congress in a measure in no manner connected with the presidential election, that it was thought unnecessary to press it upon the consideration of the Senate. Notwithstanding this, I was not unmindful of its importance; and in January, 1840,* a resolution was, at my instance, sent to the War Department, as to the expediency of a line of military posts extending to the Rocky Mountains, upon which a favorable report was returned by Mr. Poinsett. That report I have already had the honor to cite to the Senate in my opening remarks upon this bill, when it first came up for consideration this session. When next I brought it forward, the foreign negotiations with Lord Ashburton, which ended in the late treaty, were about to be set on foot; and I was urged by all political parties not to embroil them with another difficulty, by a renewed effort to bring about the occupation of the territory. To these wishes I reluctantly yielded, consenting to wait for the results of the promised diplomacy. That diplomacy has suffered the occasion to pass almost without an allusion to the subject; and still, as before, the cry is, "Not now! wait a little longer! presently! By-and-by we are certain to bring the whole business happily through, if you will not press it now!" Such has ever been the encouragement, or the argument, with which the measure has, for above twenty years, been met; and the Senator from South Carolina will, therefore, see that the purpose has been pursued with everything that could give it forecast, and that no indiscreet measure or issue has been pressed against Great Britain, or urged upon the Senate. It has been held back not only until it became, in point of time, appropriate, but indispensable, if we are ever to accomplish the object at which we aim.

The main subject was urged on the attention of Congress in President Tyler's first annual message, where it is also strongly sustained by the auxiliary reports of the Secretaries of War and the Navy; and the same recommendation was once more presented to Congress in the reports of Secretaries Spencer and Upshur, at the beginning of this session. The country is indebted to Mr. Pendleton for an excellent report in 1842, to the House of Representatives, accompanying a bill even stronger than the one now under discussion.

This succinct history of the measure must certainly acquit the committee of any indiscreet haste, any inconsiderateness, any precipitateness of plunging Congress into premature debate, or a rash issue with Great Britain; particularly as both Mr. Jefferson and Mr. Madison had originally been in favor of some action.

As to the apprehended effects of debate here, the Senator, I think, exaggerates to himself the na-

*About the same period, I introduced another resolution in the Senate, calling for further information from the State Department. In reply to which, Mr. Greenhow's admirable Memoir, Historical, Political, and Geographical, of the Northwest Coast, and drawn up at the request of Mr. Forsyth, was sent in; and 3,000 copies were printed by order of the Senate. Mr. Greenhow's Memoir contains the most careful and correct information that could be obtained up to that period, including even the best British authorities; and it clearly proves, beyond all possibility of doubt or cavil, that the title of the United States to the country is incontrovertible.

tional irritation which may be so produced. Great Britain—herself accustomed to the most unrestrained parliamentary discussion—surely better understands how debate, and the heats into which it naturally runs, are to be viewed. It is by our *action*—not our speeches—that Great Britain will be influenced. I shall therefore continue to speak, as I have spoken, freely; well convinced that what we say of her here will be of no more serious consequence in London, than what she says of us, in her legislative wrangling, is of weighty influence upon us.

I understand the Senator's objections to the bill to be three-fold: first, that it would, in its main provisions, be an infraction of the conventions of 1818 and 1827; secondly, that, when carried into effect, it must plunge us into all the expense of a remote military occupation; thirdly, that the territory itself is valueless, and must prove a disadvantage, not only through the enormous expense it must entail upon us, but by dispersing our population, from whose concentration alone a progressive and an elevated civilization is to be expected.

The Senator will pardon me if I say that the entire scope of his remarks yesterday proves him greatly to undervalue a territory as yet little known in his quarter. There is a mass of documentary information in regard to it, in which I am compelled to suppose him not versed. Even putting these minuter facts out of view, however, and supposing its surface steril, there are in its favor high and obvious elements of commercial value, of future commercial greatness, which I thought certain to strike a mind as capable as his of embracing these important considerations. It is plainly, at no distant day, the destined avenue of a great trade from all our territories to the Pacific and the East. Nor does he less overlook its present and past importance. The inertness of our policy has already forfeited to us more than ten millions of legitimate trade. By the sheer neglect of our Government, our fur-trade on that coast—formerly affording at least half a million—has been suffered, under the operation of the existing treaty, to dwindle to some two thousand dollars a year. Examine, sir, the returns of our fur-trade, from the first settlement on the Columbia, by Astor, down to the present time; and you will find that it has sunk to the paltry amount I have mentioned, and that all the auxiliary commerce which was connected with it—the trade from that coast to China—is extinct.

These are matters easily established by documentary evidence before me, so copious that I dare not tax the patience of the Senate with its reading. I will venture only to cite a single document and letter, addressed to me by Mr. Pierce, while engaged in this trade of the Northwest:

"BOSTON, May 1, 1842.

"SIR: Thinking it may be interesting or important to you to know of some of the late operations and present plans of the British Hudson Bay Company in the North Pacific ocean, I beg leave to present to your notice some facts in relation to the same, and which have come to my knowledge from personal observation, or from sources entitled to the fullest credit.

"All that extensive line of coast comprehending the Russian possessions on the northwest coast of America, from Mount St. Elias south to the latitude of 54 deg. 40 min. north, (the last being the boundary line between the Russian and American territories,) together with the sole and exclusive right or privilege of frequenting all ports, bays, sounds, rivers, &c. within said territory, and establishing forts and trading with the Indians, has been leased or granted by the Russian-American Fur Company to the British Hudson Bay Company for the term of ten years from January, 1842, and for which the latter are to pay, annually, four thousand fur seal skins, or the value thereof in money, at the rate of thirty-two shillings each—say £6,400 sterling, or $30,720.

"In the abovenamed lease the Russians have, however, reserved to themselves the island of Sitka, or New Archangel; in which place, you probably are aware, the Russians have a large settlement—the depot and headquarters of their fur trade with the Fox islands, Aleutian islands, and the continental shore westward of Mount St. Elias. All the trading establishments of the Russians lately existing at Tumgass Stickene, and other places within said territory, leased to the Hudson Bay Company, have of consequence been broken up. Thus the Hudson Bay Company, not content with monopolizing the heretofore profitable trade of the Americans, of supplying the Russian settlements on the Northwest coast, have now completely cut them off also from all trade with the most valuable fur regions in the world.

"Whether the arrangements made between the Russians and English, above alluded to, are conformable to the treaties existing between the United States on the one part, and those nations respectively on the other, I leave to your better knowledge to determine.

"With the doings of the Hudson Bay Company at Puget's sound and the Columbia river you are doubtless fully informed; those, however, lately commenced by them in California will admit of my saying a few words.

"At San Francisco they have purchased a large house, as a trading establishment and depot for merchandise; and they intend this year to have a place of the same kind at each of the principal ports in Upper California. Two vessels are building in London, intended for the same trade—that is, for the coasting trade; and, after completing their cargoes, to carry them to England. These things, with others, give every indication that it is the purpose of the Hudson Bay Company to monopolize the whole hide and tallow trade of the coast of California—a trade which now employs more than half a million of American capital.

"At the Sandwich Islands the company have a large trading establishment, and have commenced engaging in the commerce of the country, with evident designs to monopolize it if possible, and to drive off the Americans who have heretofore been its chief creators and conductors.

"I have been informed by one of the agents of the Hudson Bay Company that the agricultural and commercial operations of the English at Puget's sound, Columbia river, California, and Sandwich Islands, are carried on, not actually by the Hudson Bay Company, but by what may be termed a branch of it—by gentlemen who are the chief members and stockholders of said company, and who have associated themselves under the firm of Pelby, Simpson, & Co. in London, and with a capital of more than $15,000,000.

"Seeing these companies, then, marching with iron footsteps to the possession of the most valuable portion of country in the Northern Pacific; and considering, too, the immense amount of their capital, the number, enterprise, and energy of their agents, and the policy pursued by them, great reason is there to fear that American commerce in that part of the world must soon lower its flag. But, sir, it is to be hoped that our Government will soon do something to break up the British settlements in the Oregon Territory, and thereby destroy the source from which now emanate the most dire evils to American interests in the Western world. In the endeavor to bring about that desirable object, you have done much; and every friend to his country, every person interested in the commerce of the Pacific, must feel grateful for the valuable services rendered them by you.

"With great respect, your obedient servant,

"HENRY A. PIERCE."

The Senator from Kentucky gave the other day a very striking sketch of the vast and widespread operations of the Hudson Bay Company. They may be yet more visibly traced in a map of their possessions before me. Here Senators may cast their eyes over a territory, stretching from the bay of the north Atlantic which has lent its name to the association, to the Pacific and the borders of Mexico. Over this wide dominion, dotted with their frequent forts, settlements, and factories, and over its many Indian tribes, they hold undisputed rule, as complete as was ever exercised in Hindostan by the great company which was the skilful instrument of England in seizing upon her present empire there. The red spots on this map designate the various forts; the others, the settlements of the company's retired servants.

What landmarks, what signs of dominion or possession, has this Government affixed to the soil? None. How have your claims been vindicated? What care have you had of even the subordinate matter of your trade, usually not slighted by actively commercial nations? Your fur trade, as I have said, is gone; that with the Russian possessions has been suffered to pass into foreign hands; that with the Sandwich Islands lies at the mercy of your watchful rival; and not a step is taken to stay her encroachments upon your soil, or her inroads upon your commerce!

It is not, sir, because I am a Western man, or because my immediate constituents take a deep concern in this matter, that I urge it. I regard it only as a national question. It is as a great and acknowledged interest of the whole Union that I would preserve it, let it directly benefit what section of the country it may. Nothing local, nothing sectional, enters into my feelings, or shall sway my judgment. I view it—and trust that every other Senator will view it—only in its broader relations to the whole country, and have aimed to treat it only in that way.

In regard to the particular interests involved in the question, I could read many documents, with which I will not weary the attention of the Senate. They will permit me, however, to cite from the excellent report of Mr. Pendleton to the other House, the following important letter of Captain Spalding, of the ship Lausanne, of New York, addressed to myself:

"At present, the company cultivate about three thousand acres of land, and raise about eighteen thousand bushels of wheat, fourteen thousand bushels of potatoes, three thousand bushels of pease, and have both flour and saw-mills; they have seven thousand head of cattle, two thousand sheep, hogs, &c., and have engaged to supply the Russians with eight thousand bushels of wheat annually, and I do not know how many thousand pounds of butter at 6d. sterling per pound; they have a large number of men in their employ, four ships, two schooners, and a steamboat; they have several forts on the south side of the Columbia, and take out of the river probably not less than *five hundred thousand dollars* in value per annum; while our Government remains perfectly passive and unconcerned. I must confess, when I saw all this, I felt ashamed that I was an American. I am convinced that not another nation under heaven would submit to it, or could be so negligent of the interests of its people. The company have all the cattle, sheep, &c., but will not sell to a settler a single cow or a sheep; they will, I believe, sometimes sell a pig, but nothing else *alive*—not even a hen; nothing that breathes. They have now contracted to supply the Russians at Sitka, and all the northern parts, with goods of all kinds that the Russians require at twenty five per cent. advance on the London invoice, to be delivered at the ports where they are wanted, without charge for freight or expense of any kind; thus driving the Americans off the coast. It is also well understood that they purpose taking possession of the Sandwich Islands, which the British Government claim under an old grant from *Tamaahmaah*. There is too good reason to believe (indeed the opinion is prevalent at Oregon) that the grasping ambition of the British will not with all this be satisfied, but that they intend to add even *California* to their possessions; meaning and intending thereby to obtain possession of the bay of San Francisco, which is decidedly the best place on the whole west coast of America for a naval depot, and where the combined navies of the whole world could anchor with perfect safety; being accessible at all times for vessels of any draught of water.

"The colony from the United States is situated on the Wallamet, a branch of the Columbia, about ninety miles from the mouth of the river, which is, undoubtedly, the finest grazing and wheat country in Oregon. At present, it consists of about seventy families, who raise considerable grain, and have about three thousand head of cattle. The mission last year raised one thousand bushels of wheat, and made butter, cheese, &c., enough for their own use. They have five hundred head of cattle and two hundred horses, and last year they sowed four hundred bushels of wheat, one hundred and twenty bushels of pease, and planted a large quantity of potatoes and vegetables of all descriptions. They have hogs, poultry, &c., in abundance. Last year they raised over fifteen hundred bushels of potatoes. The extent of the country comprising the Wallamet Valley is about three hundred miles long and two hundred broad, interspersed with ravines of wood, generally of sufficient quantities for fuel and fencing. The land in its natural state is usually ready for the plough, and is very fertile, producing from twenty-five to forty bushels of wheat to the acre; and the climate is so mild that the cattle subsist in the fields without fodder or shelter of any kind being prepared or provided for them through the winter. Salmon can be taken in the Wallamet falls (which, however, the British have taken possession of, and compelled our people to build their mills on the falls above) with little trouble, from May to September in almost any quantity. I have no hesitation in saying that ten thousand barrels might be taken per annum. Probably no place in the world offers greater inducements for emigrants. Provisions might readily be procured to support one thousand emigrants at any time. Flour was this season high, in consequence of a want of mills—a difficulty that is now obviated by the erection of two new ones, viz. one by Mr. McKay, and one by the mission; as also two saw-mills. Wheat is nominally worth one dollar per bushel, beef six cents per pound, pork ten, cows fifty dollars each, oxen sixty, horses thirty-five. Potatoes and

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*FURS.

TREASURY DEPARTMENT,
Register's Office, May 21, 1842.

SIR: I have the honor to enclose the statement of furs exported to Canton. I have the export in the direct trade, and the general trade, as far as returns have been made.

JAMES McCLERY.

HON. N. G PENDLETON.

Value of furs exported to Canton on American account, annually, from 1821 *to* 1840.

Years.	Direct trade.	General trade.	Remarks.
1821	$142,399	$340.991	
1822	78,158	490,081	
1823	100.910	319,231	
1824	89,939	269,449	
1825	33,130	270,445	
1826	45,110	268,235	
1827	100,986	256,809	
1828	101,764	-	No return.
1829	80,160	-	Do.
1830	10,306	-	Do.
1831	42,396	-	Do.
1832	129,570	-	Do.
1833	109,695	133,085	
1834	8,383	100,348	
1835	49,964	134,518	
1836	34,888	100,000	Estimated.
1837	561	96,162	
1838	37,864	54,832	
1839	16,794	40,000	Do.
1840	2,368	-	No return.

This table, exhibiting a gradually diminishing trade in furs, from the period that the hunting and trading of British subjects in Oregon was authorized by the convention of 1818, is the best commentary upon the principles and provisions of that convention. Individual disinterestedness or generosity may surrender to general participation the advantages and privileges of an exclusive right; but the wiser, safer, and more general rule of national action, is in every grant to demand an equivalent. The convention of 1818, was a departure from this salutary rule, and its consequences we read in the above table—the uncompensated transfer to the Hudson Bay Company of all that trade which our own citizens have lost. This simple statement affords a lesson by which we shall do well to profit in time, before our own indifference, forbearance, and neglect shall render utterly worthless the object for which we have so long contended. If the successful and beneficial assertion of our right shall ever be made, it must be made now. Further acquiescence in the exclusive possession of the Hudson Bay Company, (for north of the Columbia, it is in fact exclusive,) if not an absolute surrender of our claim, is what is almost equivalent to it—an abandonment of the game, which constitutes its principal value, to the annihilation of thriftless hunting and indiscriminate slaughter.

From six to eight hundred men annually go to the Rocky Mountains, on hunting and trading expeditions who collect a large amount of furs; the value of which, however, the committee has no means of ascertaining with any degree of accuracy. This trade would greatly and rapidly increase under the protection which the contemplated posts will afford.

about twenty-five cents per bushel. Labor is worth about thirty-five dollars per month, the laborer being found by his employer." * *

I have repeatedly alluded to the commercial and territorial cupidity of the Hudson Bay Company, its unjust encroachments, its unhesitating rapacity, the spoliations of our legitimate trade, and even the murders which have tracked its course as a company. But, in simple justice, let me say that these acts and this character belong to them only in a corporate capacity. As individuals, many of them are men highly humane and honorable. It is abundantly known, in particular, that there lives not a more generous, benevolent, and kind-hearted gentleman than Dr. McLaughlin, the individual at the head of the company's affairs on the Columbia. His acts of voluntary kindness towards our citizens; his courtesy towards whomsoever of our officers or public agents may have visited that country; the ready and liberal good offices which he has ever extended wherever they were needed, do him him great honor, and should not be mentioned without thanks. I make, then, my charges against the collective company and its policy, not the individuals of whom it is made up. Let me, on the other hand, as freely remark, without desiring to diminish anything from this individual praise, that, as a company, they can well afford to be generous to us of the fruits of our own soil. An annual half million in the fur-trade may well mitigate a good many national prejudices. Out of an abundance which should be ours, they may well dispense some hospitality to our citizens and accredited agents. For training on their savage dependants to waylay our wanderers, to burn our settlements, to exterminate the settler, to shut out our traders from all participation in their traffic, these civilities are, after all, but a cheap equivalent. True it is, however, that in the former rivalry between the two companies, before they were merged into one, they were as rapacious and as sanguinary towards each other. And why should they be more just or more merciful towards an alien race?

Of these deeds the Senator from South Carolina may have some recollection, and of the time when, in their contest for the supremacy of that region, the employees of the two companies were led on to mutual outrages as detestable as any to which they now jointly instigate the savages against our helpless citizens and traders. He may perhaps recall the tragedies of 1819; when the Northwest Company made regular war upon that of Hudson Bay, to drive them from the trade; pitched battles being fought as between two fierce Indian tribes, with a loss of twenty men in a single affair—Governor Semple and Mr. Kevenny (another leading man) perishing in the contest.

I surely have not need to urge that they whom the sordid love of gain could thus urge to imbrue their hands in the blood of brother Englishmen, would little hesitate to inflame the natural antipathies of the savage, and turn his secondary ferocity to an easy and a general instrument for effecting those dark deeds by which the citizens of a rival power were to be put out of the way when they came between them and their gains.

I do not speak idly of these matters, but hold in my hand reports of men who personally knew the influence and the arts practised against us: such men as Governors Clarke and Cass, whose judgments and knowledge in Indian affairs were beyond dispute. They show that, up to 1829, at least five hundred of our people have been destroyed in this way, and that the rate of subsequent destruction has not changed. All the evidence shows that, wherever the British fur-trade is pushed, the Indians are subsidized. The terms of that subsidy have an index in the murders committed on our people. Trace up the butcheries in the Rocky Mountains and their plains, the ravages of our exposed settlements, and you will find them uniformly committed by Indians clad in British blankets and armed with British tomahawks and scalping-knives. Is not this proof enough for whom this work of blood is done? How long, sir, shall this innocent blood of your citizens call to you in vain? How long shall it be before you interpose to arrest these crimes? Are the lawful pursuits of your people to be thus left the spoil and the prey of foreign rapacity? Does not the very treaty which is so often pleaded, declare these pursuits legitimate; or is it, then, but an idle form? If legitimate, you are bound to protect your citizens who engage in it; and the question of its greater or less profitableness than other occupations, is not one to be considered, except by those who engage in it. The Senator from South Carolina, to disparage the trade, said yesterday that few men have grown rich in it. Now I apprehend that, comparing great things with small, his remark is equally true of manufactures. In these, what a disproportion between the few capitalists who get rich, and the multitudes of poor operatives who never can? It is but the same thing in either pursuit: the operatives amass not the splendid fortunes, nor does every hunter and trapper become a John Jacob Astor. Chance or taste leads them to adopt that pursuit; and it forms one of those national interests which we are bound to protect, in common with even the humblest branch of your industry or commerce. Whenever your sails whiten the sea, in no matter what clime, against no matter whom, the national arm stretches out its protection. Everywhere but in this unhappy territory, the persons and the pursuits of your citizens are watched over. You count no cost when other interests are concerned, when other rights are assailed; but you recoil here from a trifling appropriation to an object of the highest national importance, because it enlists no sectional influence. Contrast, for instance, your supineness about the Oregon Territory with your alacrity to establish, for guarding the slave coast and Liberia, a squadron costing $600,000 annually, and which you have bound yourself by treaty to keep up for five years, with great exposure of lives and vessels. By stipulation, eighty guns (one-twelfth of your force afloat) is kept upon this service; and, as your naval expenditure amounts to about seven millions a year, this (its twelfth part) will make, in five years, three millions bestowed in watching the coast of Africa, and guarding the freedom of the negro race! For this you lavish millions; and you grudge $100,000 to the great American and national object of asserting your territorial rights and settling your soil. You grant at once what furthers the slave policy of a rival power, and deny the means of rescuing from its grasp your own property and soil!

[Here Mr. L. referred again to the letter of Mr. Spalding, which we have given at large.*]

The general objection to the bill has been confined to the grants of land. The South Carolina Senators alone have viewed the establishment of military posts as a violation of the convention. And I understood one of those Senators to assert even that, under the treaty, we could not extend over the territory our legal jurisdiction, as Britain has done.

[Mr. McDUFFIE here assured Mr. L. that he had misapprehended him: he held that we could extend our jurisdiction over the Indians and our own citizens.]

Mr. LINN. Well, sir, I stand corrected. I now hold in my hand a copy of the contract which the Hudson Bay Company passes with its employees, by which it is agreed that when the employee has served a certain number of years, and wishes to retire, he shall have a grant of fifty acres of land, a suit of the company's clothes, &c., he binding himself to a sort of feudal tenure to muster and bear arms when needed.

Now, sir, does not this contract incontestibly establish, on their part, everything which it is denied that we can do? Is it to be supposed that the company does not keep these engagements? That cannot be; and we know that their retired servants have for some time had settlements and occupied lands, in conformity with these agreements. I ask Senators, then, are we always to argue against ourselves?—always to interpret our national duties in favor of other nations, and to our own detriment? Was it not thus in 1828, when gentlemen contended that we could not establish military posts in the territory, nor extend our jurisdiction over it? This, too, when Great Britain had already taken those steps over the whole northwest, *and even over a part of our territory on this side the Rocky Mountains.*

But gentlemen surely mistake when they imagine that this British jurisdiction can be confined to British subjects alone. Pray, sir, were an American to commit murder on an employee of the company, does anybody believe that he would not be tried and hanged under this British law? The English ministry, I know, has said (as Mr. Gallatin tells us) that it was not *intended* to be applied to any but British subjects and Indians. But what then? What will the opinion of this or that minister signify, a case having actually occurred? By settled law, any denizen coming within its jurisdiction, and committing a crime, will be punished; and if there is a British judge or justice of the peace there, he will be bound to execute this law, to its letter, against Americans as all others.

My friend from Vermont [Mr. PHELPS] made it clear that, under this law, controversies likewise as to land titles between citizens of the two countries would pass under this jurisdiction. If so, why not as much criminal offences? But as to such scrupulous limiting of their legal assumptions, they are far more likely to enlarge them. I never heard of an Indian being hung under that law; but I have lately learned the occurrence of a case where *a half-breed Indian*, for the murder of an Englishman, was tried, convicted, and hung—a mode of death the most repugnant to all an Indian's prejudices. Why should this not have been done upon an American citizen? What have you done to insure his surrender to your own courts?—what to protect his pursuits, doubly legitimate both by your territorial title and the stipulations of the convention?

You do not, probably, know the number of men of Massachusetts, of New Hampshire, of Missouri, and of other States, who would push their fortunes in that territory, and carry civilization thither, could they but expect from you the protection and the favor which *England, through the Hudson Bay Company, grants to her people.* Your States of the East and the West will not send forth their swarms, because they believe their Government too timid or too niggardly to protect or to assist them. They never will believe you in earnest till, by some measure as positive as this, you prove to them that you regard your title as indefeasible, and give them a pledge of your intentions that cannot be retracted. I have seen many letters to this effect, and know that such is the general doubt which holds back numbers who desire to go. Your people require *action* of some kind; and I will feel that I have not lived in vain, if this bill should have the effect of bringing the subject to some definite conclusion.

These are the views of those who look only to the earthly rewards of hazardous enterprise. But the Eastern States furnish others, whom a sacred call has led to trace the pathless wilderness, careless of all human protection; who, in the true spirit of Christian philanthropy, have braved every privation and danger to carry to the valleys of the Oregon and the Wallamet the light of the Gospel, and its attendant, civilization; accomplishing there, by individual devotedness, those noble benefits which it was your part to have performed. The Christian spirit of men has outstripped the tardy

*"To show the operations of the Hudson Bay Company, to root out American fur-traders, public attention is called to the following extract of Mr. Townsend's excellent remarks upon the Territory of Oregon, recently published in the National Intelligencer.

"Within a few years, several Americans (of whom the writer of this notice is one) have crossed the Rocky Mountains to the mouth of the Columbia, with objects entirely unconnected with trade or commerce. Mine was the desire to see a new country, a love of adventure for its own sake, and an enthusiastic fondness for natural history.

"The party with which I travelled left Independence, Missouri, about the latter part of April, 1834, and arrived at the British Fort Vancouver in September, having performed the whole journey on horseback. From this time until October, 1836, (with the exception of the first winter, which I passed at the Sandwich Islands,) my residence was in the Territory of Oregon. Dr. McLaughlin, the chief factor, treated me with uniform and singular kindness, supplying all my wants, and furnishing me with every facility in the prosecution of my plans. This is, I believe, the uniform character of the superintendents of British forts in that country. Travellers, naturalists, and all who are not traders, are kindly and most hospitably treated; but the moment the visiter is known to trade a beaver skin from an Indian, that moment he is ejected from the community, and all communication between him and the officers of the company ceases. When Captain Wyeth, with his party, arrived at Walla-Walla fort, on his passage down the Columbia, he was required by the superintendent to promise that during his journey from thence to Vancouver—300 miles—he would not buy a beaver skin; the functionary assuring him that, unless he consented so to bind himself, he would send a party ahead of him which should be instructed to purchase every beaver skin from the Indians on the route, at a price which he (Wyeth) could not afford to pay. It is a fact, notorious in that country, that the honorable company has a sum of money, amounting to several thousand pounds sterling, laid aside at Vancouver, for the sole purpose of opposing all who may come to interfere with its monopoly, by purchasing at exorbitant prices all the furs in possession of the Indians, and thus forcing the settler to come to terms, or driving him from the country. If it be an individual who is thus starved into submission, he then usually clears a piece of land on the Wallamet river, takes an Indian wife, and purchases furs of the natives, which, by previous contract, he is bound to sell to the company at an advance which is fixed by the Governor."

policy and goodness of the Government; and these Gospel-bearers have at once formed a paradise, where your statesmen imagine nothing but steril sands, or a surface blackened by volcanic fires.

Of the horrors of such a sojourn the Senator from South Carolina [Mr. McDUFFIE] seems to have formed a particularly lively conception, and has conveyed it (as was to be expected) in a very powerful form. Had he (he said) an honest or deserving son, who desired to migrate thither, he would say to him, "Don't go! stay where you are!" But, had he one fit for a convict-ship or Botany Bay, he would tell him, without hesitation, "Go, by all means!"

Now, for the Senator's information, I beg to read a few well-authenticated descriptions of this blasted land of his. The reports of the missionaries, and the narratives of Captain Wilkes and of Mr. Peale, the naturalist, give a very different picture. They agree that, for picturesque beauty, for exuberant fertility, and for salubrity of climate, no region of the earth, of equal extent, surpasses the vales and the table-lands of the Oregon. There, too, they tell you, instead of the dissoluteness of such a population as the Senator thinks it only fit for, are seen gentleness, piety, intelligence, and peace, which seem to have their chosen seat in the beautiful valley of the Wallamet. They are law-abiding and law-loving; they are active, yet quiet; no strifes or broils, suicides or murders. No compulsion of the law is needed to make them pay their debts—a contrast, on this verge of civilization, (as the Senator supposes it,) at which a portion of his constituents, not to say my own, might well blush. He is not less mistaken as to the mercenary motives which, he thinks, can alone have led these wanderers so far. Was it such that brought our sturdy ancestors to the rock of Plymouth? May not their descendants speed to this farthest West with like visions of some noble futurity to be realized? There is a fascination in these half-real dreams which I have witnessed and felt; and had I wealth to pay, or could such things be bought, I know not what I would give to have felt the wild and strange rapture with which Boon must have gazed, for the first time, from the summit of the Cumberland mountains over the matchless plain of Kentucky; or yet, again, when he had passed through that Eden-like wilderness, and, from the top of one of the mounds of a departed race, looked, in bewildered delight, over the magnificent banks and streams of the Ohio.

These, sir, are sensations not to be purchased. There is in them no touch of anything mercenary; and they animate men to ventures which no gain can repay, but which surely, in finding or founding empires for us, deserve encouragement and protection, as much as any labors of that more sordid kind which seek, and make themselves in safety, rewards at home. There are men who go forth to the wilderness like our first parents, when God sent them forth from the garden of Eden to subdue the earth. Such feelings, to our own immediate ancestors, shed an ideal beauty over the barren rock of Plymouth, one day, under their all-subduing spirit, to blossom like the rose. The same impulse yet animates their race, and will bear them across deserts, as of old across the deep, give them only the protection of your laws and the countenance of the Government.

I recollect, Mr. President, at the last session of Congress to have heard a venerable and respected lady say that, when she removed, at the close of the Revolution, from Annapolis to Cumberland, in Maryland, she was looked upon as having gone out of the world, and as about to become a semi-savage. In such a light were your forefathers [Mr. BATES of Massachusetts in the chair] viewed when, in their forlorn search for freedom, they abandoned the ease of civilized life, and, for freer homes braved the dangers of the deep and the terrors of a savage shore. They but obeyed the instinct of our peculiar race—that invincible longing for liberty and space which impels those of Anglo-Saxon descent to trace the rudest tracts, the wildest seas, range the Atlantic and the Indian waste of waters, explore the vast Pacific, and break through the icy barriers of the polar oceans. With a spirit renewed from our virgin soil, and from Nature itself in this untamed continent, it looks back to the land of our forefathers, half ready to spread there the *regeneration* which constantly agitates itself. Other nations may enlarge themselves by physical conquests; but we (I thank God for it!) can subdue only by the dominion of mind the moral empire of institutions. If neighboring countries are, at any future time, to be added to our Union, it will be they who will have sought the blessings of our institutions; not we who will have coveted the enlargement of our territory by conquering fleets and armies.

[Here Mr. LINN proceeded to read a series of extracts from the documents to which he had referred; a letter from Alvan F. Waller, one of the missionaries on the Wallamet, dated 6th April, 1842, and published in the Christian Advocate and Journal of December last; which, after speaking in the highest terms of the agricultural, commercial, and other advantages of the country, refers to the disputes which have already occurred between the Hudson Bay Company and the recent American settlers. The company claiming, under the right of pre-emption, some of the choicest spots now occupied by American settlers; which proves, conclusively, the intentions of the company to occupy the best parts of the territory, to the exclusion of the Americans. Will not these land disputes, as well as all others, be brought under the operation of the British act of Parliament of 1821?

A series of thermometrical observations from Doctor Forry, by Mr. Ball, which may be found in the 25th and 26th volumes of Silliman's Journal; they show the average winter temperature at Fort Vancouver to be 41½ degrees of Fahrenheit; the spring 48 degrees; the summer 65 degrees; the fall 52½ degrees. This is probably a little milder than the climate of Norfolk, Virginia. Mr. L. also read a descriptive letter of Mr. Titian Peale, dated here on the 25th ultimo; another from Major Robert Moore, dated at Wallamet, (Oregon,) March 8, 1842; a statement from Mr. Waldron, in a late letter from the same place; a letter of Capt. Steen, of the United States dragoons, from Fort Leavenworth, in which he says: "I have lately had some conversation with Col. Battson of Jackson county, Missouri, who has returned a short time since from the Oregon Territory, and several other gentlemen from Missouri; they speak in the most exalted terms of the country, soil, climate, water-power, health, fine timber, and many other advantages that country has over Missouri."

A letter of the Messrs. Benson, of New York, transmitting the statement of Captain Spalding. All these are documents, not merely important, but interesting in themselves, though beyond our present command of space. He also referred to the well-known voyagers, Cook, Vancouver, Portlocke, Dixon, Krusenstiern, Langsdorf, as well as Lewis and Clarke, and some others. But, interesting as the matter becomes, in the view of the present national question, and important as are the materials thus brought together, we are compelled here to break off.]

So little before 1813 or 1814 did Great Britain ever doubt your claim to the lately-contested territory in Maine, that in 1814 she proposed *to purchase* that part of it which she desired. She next treated for a right of way. It was refused; and she then set up a claim to the soil. This method has sped no ill with her; for she has got what she wanted, AND MADE YOU PAY FOR IT. Her Oregon game is the same. She has set her heart upon a strip of territory north of the Oregon, and seems determined to pluck it from us, either by circumvention or force. Aware of the political as well as legal advantages of possession, she is strengthening hers in every way not too directly responsible. She is selecting and occupying the best lands, the most favorable sites. These she secures to the settlers under contracts. For any counteraction of yours, she may take, and is taking, possession of the whole territory. She has appropriated sites for mills, manufactories, and farms. If one of these has been abandoned for a better, she reverts to it, if a citizen of yours occupies it, and ejects him. She tells her people she will protect them in whatever they have laid, or may lay, their hands upon. If she can legitimately do this, why may not we? Is this a joint occupation of which she is to have the sole benefit? Had you as many citizens there as she, you would be compelled to protect them; and if you have not, why is it but because she keeps them off, and you refuse to offer them the inducements which she holds out? Give them a prospective grant of lands, and insure them the shelter of your laws, and they will soon congregate there in force enough to secure your rights and their own.

The Senator from South Carolina somewhat inconsistently urges that the country is bleak, barren, volcanic, rocky, a waste always flooded when it is not parched; and insists that, worthless as it is, Great Britain will go at once to war for it. Strange that she should in 1818 have held so tenaciously to what is so worthless! Stranger still that she should have stuck yet closer to it in 1827, when she had had still ampler time to learn the bootlessness of the possession! And strangest of all, that she should still cling to it with the grasp of death! Sir, I cannot for my life help thinking that she and the Senator have formed a very different estimate of the territory, and that she is (as she ought to be) a good deal the better informed. She knows well its soil, climate, and physical resources, and perfectly comprehends its commercial and geographical importance. And knowing all this, she was ready to sink all sense of justice, stifle all respect for our clear title, and hasten to root her interests in the soil, so as to secure the strong, even when most wrongful, title of possession.

As proof, among other things, of the worthlessness of the territory, the Senator yesterday maintained that, in the upper country, rain never falls, and in the lower, hardly ever ceases. Now, the facts derived from intelligent residents show that in those parts of the country where it seldom rains, copious dews supply the necessary moisture for vegetable life; while the streams and rills which on all sides descend from the mountains, entertain a perpetual freshness in the arable and pasture lands. It is shown, too, that, on the coast and lowlands, what is called the rainy season is one of gentle showers, not of deluges of rain. If they have more rain, they have less frost and snow than other countries, more fertility, and not less health.

But the documentary information accumulated here for some years past makes all who are conversant with it aware that the Senator mistakes the character of the plains on the east as well as the west side of the Rocky Mountains. He imagines that the vast plains which stretch from the base of that chain to the borders of our inhabited territories are desert sands, destitute alike of vegetation and water. We all know that this is not so; that these great plains are principally rich prairie lands, sustaining countless herds of antelopes, deer, and buffaloes, and capable of most profitable cultivation. They are intersected by great rivers, fed by innumerable streams, supplied by lesser tributaries, diverging in every direction. Timber certainly is scarce; but it springs up and grows with the population, and the banks of the streams afford everywhere strips of wood, quite sufficient to supply any population that can, for a good many years, fix itself there. Mistaken, as the Senator is, as to what lies comparatively near, I am not surprised that he should misconceive what is so remote—the country of the Oregon. He appears, also, not to be aware that, from the lower Ohio to the eastern skirts of the Rocky Mountains, it is one vast coal-field, in its lower altitudes, intermixed with other mineral regions, whose value seems almost without a limit.

Sir, I confess that this wealth of the surface, and the still vaster natural treasuries that lie beneath, unmined but not unknown, have awakened in me, and seem to me to justify, the expectations which the Senator considers so visionary. Over such a region, the passage from the richest valley in the world—that of the Mississippi—to a new and wide commercial empire, that must presently start upon the Pacific, I cannot think railroads and canals mere day-dreams. The wonders which have, within the last twenty years, been achieved in those things, may well excuse those who look upon the results I have mentioned as possible, even within the compass of the present generation. All predictions, even the most sanguine, have in this country been so distanced by the actual progress of its prosperity, that gentlemen who foretell the other way should beware of the error of the Millerites, and not lay the accomplishments of their prophecies too close at hand. Even in the faith of the bold enthusiasts who landed at Plymouth Rock, was there one ardent enough to imagine that their descendants would, in five centuries, perform what has been effected in two? It was said by General Cass, in his discourse before the Historical Society of this city, "that he had conversed with those who had talked with the children of the pilgrims." In this mere space of time, what amazing changes! What an empire has risen up, like an exhalation from earth! A new people has been

added to the great household of nations, and is already among the first in the world! There are those amongst us who have talked with Daniel Boon, that overland Columbus who first explored the recesses of that immense wilderness in which we now count many States, teeming with population and wealth, and glad with all the gifts of civilization. What imagination has yet outstripped the gigantic pace at which improvement marches amongst us? Sir, I can well conceive the tumult of delight which must have swelled the bosom of Clarke, when, from the bluff he had gained, he first heard the roar of the great ocean, and saw the surges of the Pacific bathing the territory he had explored. In the vision of that moment, he saw through the dim vista of the future rising States of his countrymen spreading along that shore, and the white sails of their commerce wafting along the bosom of that peaceful sea the barbaric wealth of the East, in return for the more solid fruits of our own industry. One cannot read the warm and striking description of what he saw and felt, without sharing in his enthusiasm. Some of us now here have shaken hands with Boon, with Clarke, with Cass, who had often conversed with a relative, a contemporary of the first-born of the Pilgrim fathers. What a picture does this present for the contemplation of the statesman and philosopher! The chain is complete from the Atlantic to the Pacific ocean—from the first-born of Massachusetts, to Clarke on the borders of the Western ocean.

But the Senator from South Carolina thinks the Rocky Mountains impracticable to road making. He is mistaken. Even in a state of nature, they have easy passes, well known for the last thirteen years to our traders and travellers. They who will venture unprotected, perform the journey readily in wagons, with their women and children, over beaten routes—by one principal one especially, established for the last fifteen years, along the smooth, even surface of the *inclined plane* of the river Platte. Along this many families have gone, threading the mountain defiles, descending the western slope, and arriving at the Walla-Walla, or Fort Vancouver, within three months of their departure from the Eastern prairies.* These things have escaped the Senator's attention, and he sees only arid sands or volcanic rocks, and stern impassable barriers. Without meaning anything invidious, I would invite him to contrast these regions, as to their soil, climate, and natural advantages, with some of the old thirteen States as they now are. Oregon has its belts of sand: so has South Carolina. Oregon has its mountains: so has Carolina. Oregon has its rainy season: South Carolina has its hurricanes. Oregon has its seasons when dews alone supply moisture to the soil; but it has not the death-breathing swamps of South Carolina. Oregon has a genial climate, neither parched nor frozen: South Carolina has her fierce summer heats and her fatal fevers.

But I will not pursue the parallel; for all countries offer something which patriotism in each hails as a peculiar blessing denied to other lands. A word, however, of the climate of Oregon. From actual observations, skilfully recorded, its winter temperature, near the coast, is about that of Augusta, Georgia. It has its stated seasons of wet and of dry weather. Like the entire western coast, from 60 degrees north to Chili, it has a much milder climate than the same parallel on the eastern shore of our continent. There is no part of the territory in which lands fit for cultivation do not abound;* for, in the tracts where rains do not fall, abundant dews compensate them; and great facilities for irrigation exist. Abundant and beautiful rivulets descend, on all sides, from the snow-capped mountains, always in view; and one gentleman—whose peculiar opportunities and fitness to form a correct judgment the Senate knows—declares that it is the finest pastoral country he has ever seen; and he has seen many. All intelligent observers speak with delight of the singular beauty of its scenery, unrivaled by any in the United States. As to maritime conveniences, where has South Carolina a port comparable to that of Puget's and others within the straits of De Fuen; where, well-sheltered, and in water amply *inconveniently* deep, close to the natural sea-wall, a thousand men-of-war may lie? Has South Carolina a river like the Oregon? If the Columbia has impediments as its mouth, so has every harbor on our Eastern and Southern coast. I desire not to disparage other States, but only to show of what Oregon is capable for national and individual purposes, were its resources called out. When its great river shall have fleets of pilot-boats, lighters, barges, steam tow-boats, light-houses, and all the commercial appliances of a busy population, the impediments of its entrance will grow no more alarming than those of New York, or of our other Eastern harbors. The loss of the Peacock at its mouth, for want of a proper knowledge of the channel, does not stamp it as a dangerous entrance or unsafe roadstead.

Though these statements have taxed both the time and the patience of the Senate, I could not avoid them. They were indispensable, to counteract the discouraging and disparaging opinions so strongly pronounced by the Senator from South Carolina. To these allegations of mere opinion and authority, it was necessary to oppose the well-substantiated facts furnished by intelligent eye-witnesses.

Allow me, to the same effect, to cite a description of the country lately communicated to me by Mr. Titian Peale, an accomplished naturalist, who is well known in science for the part which he bore in Long's expedition, as well as in the late exploring voyage under Lieutenant Wilkes. He recently favored me with the following letter:

[Mr. Peale says to the following effect: That the Hudson Bay Company has several extensive farms, with mills, &c., on the north side of the Columbia. They are in a very flourishing condition; supply usually about 2,000 bushels of wheat to the Russian colony, much lumber and produce of the dairy to the Sandwich Islands. He mentions their herds of cattle and sheep, kept on the south side of the river. Of the latter, 2,000 had been brought by land from California, just before the arrival of the exploring squadron.

The retainers (*employées*) of the company have numerous farms on the Wallamet, south of the Columbia. He had seen the contracts under which these lands are granted. They are to the effect which we have before recited.

He speaks very favorably of the Americans whom he found settled there. They cannot embark in commerce, for the powerful monopoly of the company would always crush them. They say, however, that, personally, it treats them very honorably.

The soil, climate, and productions are such as will, at no distant day, give the country the same commercial importance on the Pacific, as we hold on the Atlantic. For grain or lumber, it is nearly equal, if not quite, to the United States. These command ready markets on the Mexican and South American coast, and in the many islands. The salmon-fishery of the Columbia can, he thinks, in a few years, be rendered as valuable as the fisheries on our Eastern coast. In this, he is supported by a united stream of testimony.

The country (he says) only wants the protection of our laws, to render it a desirable home for our hardy countrymen of the interior.]

Mr. LINN continued. In addition to the agricultural wealth which would be rapidly created in this fine region, the noble timber which it affords, its fisheries, and its general advantages of commercial position, its value as a resort for our marine in that distant sea, where we have such great interests afloat, should not be forgotten. Of these last, under the late events in China—certain as they are to bring about the most important commercial changes—it behooves us to be careful, in common with the other great trading nations. That France is already on the alert, we see in her late seizure of the Marquesas.

As to the question of expense, the Senator from South Carolina may have already seen that only half the sum he yesterday supposed—$100,000, not $200,000—is proposed to be employed. Whether or not the country is worth that sum, may, in addition to all other testimony, be judged from the report of your recent exploring expedition; of which (costly as it was) one of the most definite objects was minutely to ascertain the condition, value, resources, and capacities of the territory. Mr. Wilkes speaks in the most enthusiastic terms of all its elements of wealth and greatness.

The Senator from South Carolina yesterday asked, "What do we want with this territory?" To me, sir, it seems answer enough to say, that your just rights grossly neglected, commercial interests of great magnitude, and the wishes of your people, demand its occupation. They have pressed upon you petitions of two or three thousand persons at a time, anxious to migrate thither if assured that you will maintain your title. Nothing but distrust of your tardiness and timidity withholds them. I myself, while urging the measure—always, however, with that moderation of which I have, for my own justification, been forced to speak—have always felt that nothing but reiterated discussion would ever prepare minds here for action, until it became, perhaps, almost too late. At that last stage of procrastination I look upon ourselves as now arrived. Our foreign relations—and especially such as can be artfully spun out—are little likely ever to be, in the lapse of many years, in a situation that will better allow us to proceed. Yet, gentlemen still answer me, as of old, "Wait! wait!" They still, after twenty-two years of postponement, find the moment inauspicious, the movement precipitate. As ever, there is "*a lion in the path.*" When were ever such dilatory proceedings safe against a powerful, an active, a politic adversary, rapid to grasp, and slow only to relinquish? If we are ever to assert our rights, it must be most speedily, before they lapse into the hands of others, from long undisputed possession. For, mark that be your reserves of treaties what they may, England has long enjoyed, and is every day completing and guarding, her exclusive possessions.

I have no personal interest in this measure—no motive but such as I have in common with all who are jealous of the rights and careful of the interests of our country. Political capital, it affords none; and if it did, I am no political capitalist,

*There are four passes through the Rocky Mountains. The best one was discovered, twelve or fifteen years since, by hunter-traders; and is described in reports to the War Department by Messrs. Ashley, Pilcher, Sublette, Jackson, Smith, and others; but the one here given is from Missionary Parker's book:

"On the 10th of August, they were in the passage of the Rocky Mountains, at an opening recently explored, in latitude 42½ degrees north, about 3 or 4 degrees south of the place where Lewis and Clarke crossed and recrossed with great difficulty, above thirty years before, under the direction of Government. 'The passage through these mountains is in a valley, so gradual in ascent and descent, that I should not have known that we were passing them, had it not been that, as we advanced, the atmosphere gradually became colder, and at length we found the perpetual snows upon our right hand and upon our left, elevated many thousand feet above us—in some places ten thousand. The highest parts of these mountains are found, by measurement, to be eighteen thousand feet above the level of the sea. This valley was not discovered until some years since. Mr. Hunt and his party, more than twenty years ago, went near it, but did not find it, though in search of some favorable passage. It varies in width from five to twenty miles; and, following its course, the distance through the mountains is about eighty miles, or four days' journey. Though there are some elevations and depressions in this valley, yet, comparatively speaking, it is level. There would be no difficulty in the way of constructing a railroad from the Atlantic to the Pacific ocean; and, probably, the time may not be far distant when trips will be made across the continent, as they have been made to Niagara falls, to see nature's wonders.'"

*I call the attention of the reader to the following extract of a statement of Mr. Townsend, the ornithologist attached to the National Institute, at Washington:

"The face of the country from Fort George (Astoria) to Vancouver—a distance of eighty miles—is very much of a uniform character, consisting of alluvial meadows along the river banks, alternating with forests of pine, oak, &c.; while behind are extensive plains, some of which receive estuaries of the river, while others are watered by lakes or ponds, many of them so large as to remain filled during the whole summer. The pine forests are very extensive, the trees being of great size, and the timber extraordinarily beautiful, straight, and free from knots. All the timber of the genus *pinus*, of which there are a great number of species, is gigantic, when compared with our trees in this part of the world; but occasionally one is met with, huge almost beyond comparison. I measured, with Doctor Gardiner, surgeon of the fort, a pine of the species *Douglasii*, which had been prostrated by the wind. Its height was above two hundred feet, and its circumference forty-five feet! Large as was this specimen, its dimensions are much exceeded by one on the Umptqua river, measured by the late Mr. David Douglass. The height of this tree was, I think, nearly *three hundred feet*, and its circumference *fifty six feet!* The cones of this pine, according to Mr. Douglass, were from twelve to fifteen inches in length, resembling in size and form sugar-loaves. Oak timber of various kinds, and of the first quality, is abundant along the river, as well as the buttonwood, (*platanus occidentalis*,) balsam poplar, (*populus balsamifera*,) ash, sweet gum, (*liquidamber styraciflua*,) beech, and many other useful kinds, but no hickory or walnut.

"The Governor of Fort Vancouver, who is an active agriculturist, has exerted himself for several years in raising whatever appears to be adapted to the soil, and I can therefore only make known the results of his experiments so far as I had an opportunity of observing them. Wheat, rye, barley, pease, and culinary vegetables of all kinds, are raised in ample quantity. The wheat is particularly fine; tall, with long and well filled heads. I had an opportunity subsequently of seeing the Chilian wheat, which is deservedly celebrated; but I consider it decidedly inferior to that grown on the Columbia. Fruits of various kinds, apples, peaches, plums, &c., do remarkably well. I remember being particularly struck, upon my arrival at Vancouver in the autumn, with the display of apples in the garden of the fort. The trees were crowded with fruit, so that every limb required to be sustained by a prop. The apples were literally *packed* along the branches, and so closely that I could compare them to nothing more aptly than to ropes of onions as they are sometimes exhibited for sale in our markets."

Whether it can carry any advantage or disadvantage to this or that section, I have not considered, and I shall not consider. Not even reputation do I expect or desire from my efforts, except the legitimate one of having faithfully discharged my duty to such a question, whether as a Senator or a citizen.

As to this easy and most culpable policy of eternal delays, however, have you not already by it quadrupled your difficulties and your eventual losses? Had you at once, on recovering possession of Astoria in 1818, built military posts and provided for settlers, you never would have heard of the British pretensions since started. The same policy of indecision gave you the difficulties of your Northeastern question and the disadvantages of its late adjustment. Sir, the country of an offensive policy (like England) always gains, and that of a defensive one (like ourselves) always loses, by these delays.

But the Senator from South Carolina says this is the first instance of a proposition, under this Government, to found a colony at the public charge. No; but we bought them ready made to our hands—and splendid acquisitions they were; and, strange to say, as powerful arguments, and as strong language, were used against the purchase of Louisiana, as are now used against the occupation of Oregon.

Now, in the first place, no such idea has been put forward as founding a colony at the public expense. No boon is asked, but a very limited one of lands, to be redeemed from the wilderness; and such a gift has, with all the nations of the globe, been a common feature in the first planting of remote settlements. Except this, and the protection of your laws, nothing is claimed. To such a method you owe it that you are the owners of this broad Union. Of Oregon, you can never otherwise take possession; and the only fault is, that you have been so tardy to put it in practice. Had you, before the time of Commodore Porter, secured your foothold there, by fortifying a port on the Columbia, you might have saved millions in property and commercial advantages, now forever lost and forfeited. Twenty millions of dollars, invested by your citizens in the whale fisheries alone of these seas, yet admonish you that you have not a moment to lose in securing there the shelter of a commodious harbor. All these things—the relations you are establishing with the Sandwich group—the long and rich coast-trade of the Pacific—the honor and the rights of the country—call upon you to pass this bill.

For such objects, you are startled at an appropriation of $100,000. Mean time, for an extorted provision of your late treaty, (Britain telling you that if you did not carry out your laws for repressing the slave-trade, she would do it for you,) you gladly pay an annual $600,000, with hymns of praise to the great negotiator whose transcendent abilities brought about such an arrangement.

So much for the enormous cost of this novel colonization; and now as to its novelty. Sir, have we never before colonized? Have you not, at an expense of millions, removed the Indians from your settled States, and colonized them beyond your border? I do not complain of that measure: nay, I rejoice at it, as one full of humanity; but I have often had occasion to point out to you the duties which it imposes upon you of guarding the exposed parts of Missouri, Arkansas, and other portions of your Western frontier from the dangers of that Indian population; to keep which in check, many of the provisions of this bill are indispensable.

Certainly there are interests, deemed paramount in some parts of this Union, which gentlemen may conceive as likely to be affected by this bill. I know not whether the growth of this new colony (if you choose to call it such) is to give a future predonderance to the free States, or not. I look to the territory only as the common home of citizens from every part of the Union. When numerous enough to form a distinct sovereignty, it will be for them to choose whether they will obey, or not, the great law of consanguinity and of similar freedom which so strongly impels towards each other even the fragments of our peculiar race. By that sort of yearning, we see Texas seeking to reunite herself to us, in spite of distance and dispersion. So much, indeed, do the facilities for intercourse and concentration outgo the causes of separation and dispersion, that if Texas were a free State instead of a slave State, I do not know if I should, on the other score, repel her wish to become a member of this Union.

The Senator from South Carolina thinks that only compression within narrow limits can give a high state of civilization. This is true, or false, according to the idea which is to be affixed to the term *civilization*. Is it formed by the loftiest intellectual results among a certain class? or is it the purest moral culture of all classes? Christianity, aided only by ordinary intelligence, has done more to humanize and to elevate mankind, than all the intellectual glories of Paganism could ever for a moment effect. That Christianity does not shut itself up in narrow bounds, or nurture a national selfishness. Broad, diffusive, and full of all the charities of man to man, its principle is universal brotherhood. The spirit of the age itself forbids the shutting up within narrow limits the blessings which our institutions are so fitted to diffuse—blessings which the active and expansive spirit of the Anglo-Saxon race seems fitted and destined to spread over the whole earth. I care not for that high civilization whose standard is wealth or power; or that other, which erects upon partial laws the superiority of the few. I am not a lover of the civilization which takes for one of its main instruments great corporate associations—contrivances for enabling one set of men to lord it over another. None of these is the high civilization which I desire for this country; but the moral culture, the general intelligence, the careful domestic education and discipline, the Christian brotherhood of a whole happy and virtuous nation. When we give scope and encouragement to this virtuous social activity, we best perform our legislative part as to the work of civilization.

To talk of the Rocky Mountains as an impassable barrier, is, sir, but to speak as folks did of the Alleghany fifty years ago. Distance is almost annihilated by the existing state of things; and, vastly as our limits have been extended, they have, in point of time and difficulty, contracted almost as much, since the formation of our Government; so that the attendance here of delegates from beyond the Rocky Mountains really involves nothing absurd, or even improbable.

[Mr. L. here laid before the Senate a copy of the contract usually passed between the Hudson Bay Company and its employees, or servants. He referred to it as conclusive proof of permanent settlement, if not of permanent land grants, and of the firm reliance which the company has in the pledges of the British Government.]

He went on to argue that the proposition of the British ministers to Mr. Gallatin in 1826-'27, was a palpable admission of our rights, and rendered decisive by the attendant circumstances. They then proposed to insert, in the renewed convention then under negotiation, provisions that neither power should assume or exercise any right of sovereignty or dominion over any part of the country for fifteen years; and that no settlement then existing, or which might thereafter be formed, should ever be adduced by either party in support of any claim of sovereignty or dominion. This proposition was referred, by our negotiator, to the President, (Mr. Adams,) and rejected, on the ground that it would preclude our exercising our rights of dominion and sovereignty. The proposition, on their part, is more than a tacit admission, and its rejection by us, upon such grounds, an assertion of our right to exercise the sovereignty, while their silence as to that reason forms a fresh assent to it.

In no part of the negotiations is there a word to prove that, on either part, a doubt was entertained of our right to plant military posts. Great Britain, indeed, clearly, though indirectly, admits it. For Mr. Gallatin says, in his letter to Mr. Clay, dated at London, 7th August, 1827, that "there was no intention on the part of Great Britain to colonize the country, or to *impede the progress of our settlements*. But Great Britain owed *protection to her subjects* in that quarter, and could not admit that they should, so long as the permanent boundary was not settled, be liable to a foreign jurisdiction. Nor would her interest, or a due regard to national character, permit her to acquiesce in an *exclusive military occupation* of the country, on the part of the United States."

The utmost objection, then, which can be inferred to the bill, is the possibility that Great Britain, by a future adjustment, may prove entitled to territory within which may lie lands assigned to our citizens under these prospective grants. But it has been already abundantly proved that Great Britain does this through her Hudson Bay Company. They, in their contracts, grant the soil—a sovereign act to which they themselves are not competent, and which, therefore, supposes the delegation and consent of their Government—a Government certainly not unaware of what they are doing in this behoof, and notoriously promising them its support in whatever interests or settlements may grow up there.

In everything, Britain interprets the convention for herself. She has told you what she would not and what she would permit you to do. She says you must not set up a distinct State or Territorial Government there; but that you may do as she has done—extend to that territory the laws of one of your other Territories or States. Well, that is all that this bill proposes. Never before was the treaty interpreted as tying up our hands from the exercise of our sovereignty; that construction is now thrust upon us for the first time, by the fear of making an issue with Great Britain. An issue with Britain! Methinks, sir, there is small need of furnishing issues to a power so capable of erecting pretensions out of anything; and little policy in starting claims for her, to whose claims you always succumb. Seizing upon your Northwest coast, during the last war, she has ever since kept you out of it, from year to year, until she is now able, by the control which she has established over the Indians, to take possession of your rivers and harbors, and virtually exclude you from the trade of your own shores.

Senators have enlarged upon the pacific, and even the fraternal feelings which Great Britain manifested towards us in the late treaty. I am sorry to say that I can discover, in that adjustment, nothing to indicate any desire of peace, except upon condition of our yielding her everything that was in contest. You gave her all she wanted; and now you are in raptures of amazement at her moderation and humanity in not going to war! For her violations of your territory and vessels, you took an apology which she did not design to offer as such. Of the anomalous McLeod case, she complained loudly, calling lustily upon you to take it out of the hands of the State authorities. You complied as far as you could, and apologized for all that you could not; taking care, meantime, not to irritate her by too much mention of your own greater wrong—that of the Caroline and the death of Durfee. She has openly told you to carry out your own laws for the suppression of the slave-trade, or she would do it for you; she has plainly told you that if you did not enforce your laws for the preservation of neutrality on the Canadian borders, *she would do it for you;* and you have meekly submitted, promising at once to keep up, on the African coast, a force of eighty guns. She complains, and you make amends; she claims, and you yield; she requires, and you comply. And lo! you are delighted and amazed at her wonderfully pacific temper! War, sir! Why, what excuse could she have for talking of it, when, to stop her mouth, you have given her all she demanded; and when, to gratify her, you incur an expenditure of three millions in five years; while we are told that, for this important bill, the treasury cannot burden itself with a single outlay of $100,000.

I should deplore a war, however necessary; but, deploring it, I should none the more shrink from it, if the rights, the interests, or the honor of my country demanded it. When any of these were decisively at stake, not even before the formidable power of Great Britain would I hesitate for a moment.

But, Mr. President, I do not anticipate any such result from the passage of the bill. Its probable effects will be to bring the two Governments to see the necessity of promptly and definitively settling this long-discussed and long-agitated subject, before British and American interests in the Territory of Oregon become so commingled, yet so variant, as to close the door to any other method of adjustment, but a resort to arms.

A bill to authorize the adoption of measures for the occupation and settlement of the Territory of Oregon, for extending certain portions of the laws of the United States over the same, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized and required to cause to be erected, at suitable places and distances, a line of

blockade and blockhouse forts, not exceeding five in number, from some point on the Missouri and Arkansas rivers, into the best pass for entering the valley of the Oregon; and, also, at or near the mouth of the Columbia river.

That provision hereafter shall be made by law to secure and grant six hundred and forty acres, or one section of land, to every white male inhabitant of the Territory of Oregon, of the age of eighteen years and upward, who shall cultivate and use the same for five consecutive years; or to his heir or heirs-at-law, if such there be, in case of his decease. And to every such inhabitant or cultivator (being a married man) there shall be granted, in addition, one hundred and sixty acres to the wife of said husband, and the like quantity of one hundred and sixty-acres to the father for each child under the age of eighteen years he may have, or which may be born within the five years aforesaid.

That no sale, alienation, or contract of any kind, shall be valid, of such lands, before the patent is issued therefor; nor shall the same be liable to be taken in execution, or bound by any judgment, mortgage, or lien, of any kind, before the patent is so issued; and all pretended alienations or contracts for alienating such lands, made before the issuing of the patents, shall be null and void against the settler himself, his wife, or widow, or against his heirs-at-law, or against purchasers, after the issuing of the patent.

That the President is hereby authorized and required to appoint two additional Indian agents, with a salary of two thousand dollars each, whose duty it shall be (under his direction and control) to superintend the interests of the United States with any or every Indian tribe west of any agency now established by law.

That the sum of one hundred thousand dollars be appropriated, out of any money in the treasury not otherwise appropriated, to carry into effect the provisions of this act.

SEC. 2. *And be it further enacted*, That the civil and criminal jurisdiction of the supreme court and district courts of the Territory of Iowa be, and the same is hereby, extended over that part of the Indian territories lying west of the present limits of the said Territory of Iowa, and south of the forty-ninth degree of north latitude, and west of the Rocky Mountains, and north of the boundary line between the United States and the Republic of Texas, not included within the limits of any State; and, also, over the Indian territories comprising the Rocky Mountains and the country between them and the Pacific ocean, south of fifty-four degrees and forty minutes of north latitude, and north of the forty-second degree of north latitude; and justices of the peace may be appointed for the said territory, in the same manner, and with the same powers, as now provided by law in relation to the Territory of Iowa: *Provided*, That any subject of the Government of Great Britain, who shall have been arrested under the provisions of this act for any crime alleged to have been committed within the territory westward of the Stony or Rocky Mountains, while the same remains free and open to the vessels, citizens, and subjects of the United States and of Great Britain, pursuant to stipulations between the two powers, shall be delivered up, on proof of his being such British subject, to the nearest or most convenient authorities having cognizance of such offence by the laws of Great Britain, for the purpose of being prosecuted and tried according to such laws.

SEC. 3. *And be it further enacted*, That one associate judge of the supreme court of the Territory of Iowa, in addition to the number now authorized by law, may, in the discretion of the President, be appointed, to hold his office by the same tenure and for the same time, receive the same compensation, and possess all the powers and authority conferred by law upon the associate judges of the said Territory; and one judicial district shall be organized by the said supreme court, in addition to the existing number, in reference to the jurisdiction conferred by this act; and a district court shall be held in the said district by the judge of the supreme court, at such times and places as the said court shall direct; and the said district court shall possess all the powers and authority vested in the present district courts of the said Territory, and may, in like manner appoint its own clerk.

SEC. 4. *And be it further enacted*, That any justice of the peace, appointed in and for the territories described in the second section of this act, shall have power to cause all offenders against the laws of the United States to be arrested by such persons as they shall appoint for that purpose, and to commit such offenders to safe custody for trial, in the same cases and in the manner provided by law in relation to the Territory of Iowa; and to cause the offenders so committed to be conveyed to the place appointed for the holding of a district court for the said Territory of Iowa, nearest and most convenient to the place of such commitment, there to be detained for trial, by such persons as shall be authorized for that purpose by any judge of the supreme court, or any justice of the peace of the said Territory; or where such offenders are British subjects, to cause them to be delivered to the nearest or most convenient British authorities, as hereinbefore provided; and the expenses of such commitment, removal, and detention shall be paid in the same manner as provided by law in respect to the fees of the marshal of the said Territory.

REMARKS OF MR. WELLER,

OF OHIO.

In the House of Representatives, February 17, 1843—On the army bill.

The amendment of the Senate, appropriating $150,000 to the continuation of the improvement of the navigation of the Ohio, Mississippi, Missouri, and Arkansas rivers, being under consideration—

Mr. WELLER said he desired to submit a few remarks upon the pending amendment. He would not, at this late period of the session, when so many important bills remain to be disposed of, obtrude any remarks upon the House, if it were not for the fact that the State which he had the honor, in part, to represent, was deeply interested in this measure. As a Representative, sent here to watch over her interests, he could not consent to have a vote taken on this proposition, without presenting some facts which he deemed of importance.

The amendment appropriates $150,000 to continue the improvements heretofore commenced (and for some time past suspended) in the navigation of the Western rivers. It is presented here as an isolated, independent proposition, having no connexion whatever with any other public work, and relying for support exclusively upon its own merits. For one, he preferred that it should come before us in this form; for he utterly abhorred the "*log-rolling* system," which had too frequently been introduced into our legislation here—a system calculated to corrupt legislation and plunder the treasury, by involving the Government in appropriations not demanded by the public weal. He would have each measure to stand or fall upon its own merits; and, unless he could satisfy gentlemen that the public interest required that this expenditure should be made, he would be content to see it defeated.

Mr. W. said, in order to ascertain the importance of the uninterrupted navigation of these rivers, it was only necessary to look at the immense region of territory interested therein, the vast amount of commerce floating upon these waters, and the large number of persons whose lives were placed in jeopardy by the obstructions which this appropriation is designed to remove. The work was one of importance to the Union generally, but especially so to that portion of our population residing in the vicinity of these rivers. Eleven States—containing more than one-third of the whole population of the Union—were directly interested in the navigation of these rivers. A vast amount of the produce which we send to our Atlantic brethren, and which is either consumed by them, or shipped to foreign ports, as well as the goods which we receive in return, passes over these rivers; and hence the work is one of a general character, in which the whole Union is more or less interested. If, as is contended by some gentlemen who are "wise above what is written," Congress has not the constitutional power to open these great national channels of commerce, by removing the obstructions which impede or endanger their navigation, then the Federal Government is an impracticable machine. Although a strict constructionist himself, he was not willing to give such an interpretation to the Constitution as would make that instrument a dead letter. Whilst he admitted that the Federal Government had not the power to go into the States and construct improvements of a local character, yet he contended that, when the work was of a general and national character, affecting the interests of the whole Republic—such as the improvement of these rivers, or the making of harbors for our commerce, or building of light-houses—we had the power. Such had been the construction given to the Constitution by its framers, and by the wisest statesmen from all sections of the Union, ever since the organization of the Government. It would not be right, even if it were practicable, to compel the States lying near these rivers to make these improvements.

Some gentlemen from New York, who have spoken against this amendment, seem to think that all the commerce of this country floats upon the Hudson river! No doubt they were sincere in this opinion; but, if they could find leisure to travel a little—especially if they would venture so far as to cross the Alleghanies, and look into the vast and fertile valley which stretches along these rivers,—they might, perhaps, be convinced that there was some little commerce besides that which floats on the Hudson! A man sometimes gains a good deal of information by getting far enough from home to lose sight of the smoke of his own dwelling. He might point these gentlemen to his own proud State—one of the junior members of this Confederacy—a State which, a little more than forty years ago, lay nearly in a state of nature, an unbroken wilderness, inhabited by wild beasts and savage men; but which, under the industry and enterprise of her hardy and independent sons, had been made to "bloom and blossom as the rose"—a State which now numbered more than a million and a half of inhabitants, and whose boundless natural resources justified the fondest anticipations of her future greatness. Yes, (said Mr. W.,) let these Hudson-river gentlemen go into Ohio—already the third State in the Union—and they will learn, possibly, to their astonishment, that there are civilized people beyond the mountains, who are entitled to some of the benefits of your legislation. They would find a soil as productive as any upon the face of the earth, and a people as enlightened and patriotic as the citizens of any of the States of this Union. It might enlarge the patriotism of some of these Southern gentlemen, too, who are constantly prating about Southern rights, if they permitted their vision to extend a little beyond the limits of their own impoverished, worm-eaten districts. But he had not risen to disparage other States, or bestow a eulogy on his own. Ohio needed no commendation from him. The Indian wars of the West, the victorious battles in which the country has been engaged, can attest the gallantry, the daring chivalry, and exalted patriotism of her sons. Her internal improvements, her roads and canals, her magnificent public institutions, her inexhaustible resources, the rapid progress she has made in everything calculated to dignify human nature, must attest her greatness.

These gentlemen, (said Mr. W.,) when asked to make a small appropriation to be expended in the West, reply that they cannot go with us unless we will vote large sums to the improvement of their rivers—something must be done for the Hudson river. If the facts presented in relation to that river make out a case half as strong as ours, then he pledged himself to go for it. But some of these gentlemen, who oppose this amendment, could very coolly vote $120,000 out of the treasury to purchase columns to adorn the Boston custom-house. They could expend two millions and a half of dollars in building two custom-houses in the North; but when we ask them for $150,000 to remove the obstructions which are daily destroying the property and lives of our people in the West, we are favored with homilies on economy! He, too, was in favor of economy; and more especially now, in the present condition of the national treasury. He would not vote for any appropriation to works of this character, unless clearly satisfied that the public interest imperiously demanded it. He held that this was an expenditure absolutely necessary, and to refuse it would be anything else but economy.

Mr. W. said he had always voted liberally towards the increase and support of the navy, although no portion of the vast sums appropriated were to be expended in his section of the country. He had gone as far as the public interest would justify with Atlantic gentlemen, in the construction of harbors and light-houses to protect their commerce; and, as he before remarked, he was ready to go for an appropriation to the Hudson river, if the facts were sufficient to warrant it. This river (about which we hear so much) was, he believed, navigable only about 160 or 170 miles; and he would be glad to have some gentleman from

New York give him an estimate of the commerce which floated on its waters.

Mr. BARNARD said he was ready to inform the gentleman; but he should be glad first to know what were the gentleman's own notions as to the probable amount about which he inquired. From the tone of the gentleman's remarks, he should suppose he thought there was no commerce on the Hudson at all.

Mr. WELLER replied that he had said nothing to authorize such a supposition. All he had said was, that there was *some* commerce in this country other than that which passed over the Hudson—a fact which, from the tenor of their remarks, they seemed to doubt. He had travelled upon the Hudson, and knew that the business on that river was extensive; but at the same time he was unwilling that it should be set down as equal to the commerce of the Ohio and Mississippi.

Mr. BARNARD stated that the value of the commerce yearly floating on the Hudson was about $60,000,000.

Mr. WELLER. And did the gentleman actually suppose that the entire commerce of the Ohio and Mississippi rivers only amounted to $60,000,000? Why, sir, at least that amount descends the Mississippi and enters the single port of New Orleans every year. Take the amount which enters that port; to this add the value of the cargoes ascending, and the coast trade, and you will have more than one hundred and twenty millions as the value of the commerce floating on the Mississippi every year. If you estimate the trade between the towns on the other rivers, and the value of the goods shipped at Pittsburg and Wheeling, for the West and Southwest, you will have, as the gross amount of the commerce on the Mississippi and its tributaries, at least two hundred and thirty millions.

Mr. BARNARD asked what proportion of this was on the Ohio?

Mr. WELLER said he was not now prepared to answer that question, but could give him the information after he closed his remarks.

Mr. TRIPLETT said that it was about seventy-one millions.

Mr. WELLER resumed. The Ohio is navigable from Pittsburg to the mouth—a distance of 1,000 miles; the Mississippi, from the falls of St. Anthony to the ocean—a distance of 2,000 miles. The whole number of steamboats which plied upon the Western rivers in 1842 is set down at 450—worth $7,200,000. These boats, in consequence of the difficulties in the navigation, and other causes, must be replaced every five years, as few of them will endure service for a longer period. In addition to this, 4,000 flat-boats, worth $420,000, descend the Mississippi every year; and, as they do not, of course, return, this is an annual expenditure. An intelligent committee at Cincinnati—from whose report I have (said Mr. W.) gathered many of my facts—estimate the number of persons employed in the navigation of these rivers at 40,000. Here, then, you have this vast amount of property, and the lives of these 40,000 men, besides the thousands of passengers, with their property, who are daily ascending and descending these rivers, placed in such imminent peril by your refusal to remove these obstructions. Some small appropriation had been made in former years, and the most beneficial results had been produced. Between the years 1822 and 1827, (5 years,) the value of the boats, including cargoes, lost by snags alone, which could have been easily removed, is estimated at $1,362,500.

From 1827 to 1832, (five years,) owing to the appropriations made by Congress to remove these obstacles, we find that the losses are reduced to $381,000; and this, notwithstanding the number of boats had, in the meanwhile, largely increased. Had those efforts been followed up vigorously, the navigation of these rivers would now be comparatively safe; but they have been neglected, and a frightful loss of life and property had been the consequence. During the seventeen months preceding last December, *seventy two* steamboats, worth, apart from their cargoes, $1,200,000, had been destroyed: at least sixty-five of this number had been lost upon the snags and bars which a small expenditure could have removed. A statement was laid on our tables this morning, showing the value of the property lost on each one of these rivers, in 1840, 1841, and 1842, from which it will be seen that the gross amount of property lost in those three years was $2,532,078. He regretted that it was not in his power to show the vast number of lives lost within that period.

Besides the obstructions already alluded to, there are some of a legislative character deeply affecting our interests. We are compelled to pay enormous tolls to the Louisville Canal Company, in which the General Government has invested $290,200. That company has for some years past been dividing 18 per cent. (the *maximum* allowed by law) amongst its stockholders, and the General Government has already received a considerable sum over and above the amount paid for its stock. A steamboat worth $25,000, of 300 tons burden, must pay $180 every time it passes up or down the Ohio; and this is, of course, a tax upon our commerce, in part for the benefit of the Federal Government. The Government should, in his opinion, purchase the whole amount of the stock, and make the navigation of the river entirely free; or else take the necessary steps to reduce the tolls to a reasonable amount. We are also compelled, in consequence of the dangers in the navigation of these rivers, to pay a further tax of from 12 to 16 per cent. to effect an insurance upon our boats.

With these facts before the House, he called upon gentlemen to say whether the public interest did not demand that this appropriation should pass? Will gentlemen, whose duty it is to look to the interests of the whole country, and so legislate as to advance it, refuse to give us $150,000 to a work, the magnitude of which has been so fully established? Will they suffer our property to be lost, our commerce ruined, and the lives of our people destroyed, for the want of a few dollars from the national treasury to remove the snags and bars in these waters? He appealed to the generosity—to the magnanimity—to the justice of gentlemen, in behalf of this appropriation. If they turn a deaf ear upon all our entreaties now, let me tell them (said Mr. W.) the day is not far distant when the West will have its proper weight and influence in the national councils. In the next Congress, its relative strength will be much increased; and we, who have always been amongst the first to arm in defence of the country—we, who have patiently borne more than our share of the taxes of the Government, will do to ourselves that justice which you have denied us. He had no idea he would be in the next Congress himself; but he trusted he would be succeeded by some one as devotedly attached to Ohio as he was, and who would be able to do more than he had done to advance her interests. The great West, in her rapid career, must ere long control the destinies of the republic, and her interests could not much longer be overlooked.

SPEECH OF MR. G. DAVIS,

OF KENTUCKY.

In the House of Representatives, January 19, 1843—Against the motion to reconsider the vote by which the bill to repeal the bankrupt act passed the House of Representatives.

Mr. SPEAKER: I voted for the repeal of the bankrupt law, and I shall vote against the reconsideration of the act of repeal that has passed this House. In this course, my justification is, that I represent the deliberate will of my constituents. I conceive that it is not the duty of the Representative to hearken to mere popular ebullition—and, indeed, where he has important information, not possessed by those whom he represents, he may often be under the highest obligations to act contrary to their opinions; but upon measures which they have had time and opportunity to examine, and have come to a considerate judgment upon, it would be infidelity on his part not to submit himself to their will. The bankrupt law has been scanned by my constituents, with all the lights afforded by repeated and elaborate discussions in Congress and in the newspapers; they, by a large majority, condemn it unequivocally; and my relation of Representative to them requires my conformity.

This debate, though, has wandered from the particular subject under consideration, and has assumed a general political character, which I neither condemn nor regret, as I believe it will be beneficial to the country. There is always time enough for proper legislation; indeed, one of the besetting vices of our system is too much legislation. In my opinion, if one-half of every session was employed in revising ill-digested legislation, exposing and correcting the perversion and non-execution of the laws, scrutinizing administrative abuses and delinquency, and holding in check the inherent and ever active tendency of the Executive to absorb all the powers of the Government, it would be well appropriated. This cannot be done without the existence of conflicting parties; and I rejoice that such do, as they ever will, exist in our country, whilst it preserves the form and the spirit of freedom. But I utterly reject the definition of party, as given by the gentleman from Massachusetts, [Mr. CUSHING,] from this view. He tells us that party is "an association of men seeking to get into power." This is pithy and comprehensive, and accurately defines the clique to which he now belongs. It is faction, profligate faction. Parties are formed upon a difference of opinion in relation to legislative or administrative measures; they now divide, and they have always divided, the American people; and where they are characterized by moderation, love of country and of truth, they constitute the good genius of popular liberty. I admit that they are too often degraded, by commingling the objects and spirit of faction in their operations; and yet it is a source of abiding gratification to me, that if the Whig party now held the power of this Government, it would be continually subject to the scrutiny and assaults of a strong and talented opposition. Irresponsible power is the greatest of corrupting influences upon men; and I hope never to see its existence in our system. Animated by this spirit, I propose to enter into this discussion, and to make some strictures upon the existing Administration, and upon those who support it.

The gentleman from Massachusetts [Mr. CUSHING] commenced his speech this morning by assuming a most extraordinary and unwarrantable position. He deliberately said to this House, that, at the extra session of Congress, an only alternative was presented to gentlemen—"either the support of the constitutional Administration of the Government, under the lead of the President, or of a factious anarchy, under the lead of an ex-Senator from Kentucky," [Mr. Clay.] I would ask the gentleman if the principles of the Senator had not been distinctly and repeatedly unfolded in measures which he, with characteristic frankness, had urged both upon Congress and upon the country, almost times without number, during the last twenty years? and whether the gentleman himself had not given a long, oft-renewed, and unqualified adhesion to those measures? Did that distinguished individual put forth any new principles, or originate any new measures? He only proposed and advocated those measures which formed the distinctive policy of the Whig party, and which involved the great principles that constitute the peculiar canons of its political faith. But the gentleman tells us measures are not principles. If his meaning be, that *the seven principles* are his, and that measures are not *his* principles, I agree with him; but it is not so with *true Whigs*. All the measures which we support involve important principles; and we measure the value of public men by the ability and fidelity with which they maintain them.

But let us look something further into this charge of factious anarchy, which the gentleman charges Mr. Clay and the Whigs to have produced in the Government at the extra session. He has reiterated this allegation frequently, and in various forms. In a former speech on this subject, he says: "We have seen the Whig party hurl itself, in the madness of desperation, against the fixed and immovable Government and Constitution; and that party had been dashed to pieces at its feet." Again: "If you will not co-operate with the President in carrying on the Government, which is your highest duty, he must seek the aid of your adversaries." The gentleman from Indiana [Mr. KENNEDY] follows in a speech, and takes to himself and his associates (the Democrats) great credit for supporting the administration of John Tyler, whom he pronounces to be an honest old soul. This patriotic pretension has often been made by that party and its prints; but how arrogantly and falsely, will be seen.

During the last Congress, the Democrats had the majority in both Houses; and yet they not only refused to make appropriations to pay debts to a large amount, which they themselves had contracted and left unpaid, but they wilfully neglected to appropriate money necessary for the current public service, and even to provide the ways and means to raise the sums which they did vote. The presidential election was impending, and their purpose was to produce a seeming, but illusive, retrenchment. The consequence would have been, but for the extra session, and the additional revenues

them raised by Whig measures, that there would have been a deficit in the treasury, at the end of the current year, of about five millions of dollars, or the disbursements for all objects (amounting to nearly a full quarter) must have ceased. Such was the condition of affairs produced by the legislation of the Democratic party, when John Tyler took possession of the executive chair. In view of it, and of the disordered state of the currency and general monetary concerns of the country, President Harrison had called an extraordinary session of Congress. There were passed, during that session, acts for the following objects: Appropriating between twenty-three and twenty-four thousand dollars to Mrs. Harrison; repealing the sub-treasury; distributing the proceeds of the public lands; establishing a uniform system of bankruptcy; to pay arrears and make further appropriations for carrying on the Florida war; to continue operations on certain fortifications; to pay the debts of the General Post Office; to restore the naval pension fund; to borrow twelve millions of dollars; to lay impost duties on free articles of importation; and two bills to establish a bank, or fiscal agent. Of these twelve distinct measures, the President recommended and sustained the first ten; they were *administrative* measures, as was also the second bank bill—for Mr. Tyler made Messrs. Webster and Ewing (his Secretaries of State and the Treasury) special ambassadors to the Whigs of Congress, to tender to them that project. He reviewed the state of the treasury in his first message in June, and assumed that, as early as the 1st September ensuing, there would be a deficit of upwards of four millions of dollars. These measures were necessary, then, to replenish an exhausted treasury, to redeem the Government from the opprobrium of defalcation in the payment of its honest debts, and to enable the President to conduct the ordinary public service, involving the military defences of the country. Mr. Clay and the Whigs supported them, and carried them triumphantly through Congress; and yet the gentleman from Massachusetts, the peculiar and the ablest friend of the President on this floor, has the assurance to proclaim, in debate, that the only alternative which was offered to gentlemen at the extra session, was "either the support of the constitutional administration of the Government, under the President, or of a factious anarchy, under the lead of an ex-Senator from Kentucky." The gentleman from Indiana and his associates (the Democrats) perseveringly opposed in debate and voted against, each and all those measures; and they, with a modesty equal to that of their coadjutor of Massachusetts, are continually rebuking the Whigs for their factious opposition to John Tyler, and vociferating that they are the *honest* and *fair* supporters of his administration.

The case may yet be presented stronger for the Whigs. At the last session of Congress, there were passed for the support of the Government, and especially to enable the President to administer his department, the civil and diplomatic appropriation bill; the military appropriation bill; the Indian appropriation bill; the naval appropriation bill; the fortification bill; the loan bill; the bill to raise additional revenue by increased impost duties; the remedial justice bill; and the treasury-note bill. The most of these bills were to supply the very fuel and oil which was necessary to keep the machine of Government in motion; and three of them were absolutely required to replenish a heavy deficit in the treasury, which still existed. Mr. Clay sustained each of these measures as had been introduced before he resigned his seat in the Senate. The Whigs advocated all of them in argument, and passed them by their votes. The gentleman from Indiana [Mr. KENNEDY] voted against all, as did his political friends, except a small number who went for the treasury-note bill, because it was of the category of their system of policy. The gentleman from Massachusetts was the supporter of the whole of these measures; influenced, no doubt, as much by his loyalty to the administration of John Tyler, as his love of country. The only difference between him and the Whigs, was, that he changed his former position upon the question of the disposition of the proceeds of the public lands, and warmly espoused the President's cherished notion of restoring them to the treasury. It is true, the gentleman endeavored to fortify the new ground which he had assumed with some nonsensical jargon—that the lands were indispensable as security for the loan which Congress had authorized; and the public credit could not and would not be reinstated, so as to induce capitalists to purchase this stock, until the law distributing the proceeds of the lands should be repealed or suspended. This was done; but still the public credit continued as inanimate as before. Moneyed men ceased not to distrust our means and our faith, to contemn the loan, and to despise the feebleness and hesitancy of the Government. The tariff bill—so coldly approved by the President—will eventually revive public credit. The treasury project of a charter of a United States Bank, which received the sanction of the President and his cabinet, was opposed in one of its features by the Whigs, but totally by the Democrats. The main distinctive measure of the Administration (the exchequer) is opposed by both parties. Does not this review demonstrate that the atrocious charge made by the gentleman from Massachusetts against the Whig party and its great leader is wholly calumnious, and without foundation? Does it not expose the bold impudence of the Democrats, in their assumption that the Whigs deny to John Tyler the means of administering the Government, and *they* are the honest and patriotic supporters of his administration? It is by this game of bold, ambidextrous, and reckless assumption, that the Democrats have seized and held on to the power which has ruled this nation for the last fourteen years. Their new ally [Mr. CUSHING] has gloated upon its success; and, in combination with them, has attempted again to play it off, and with a good deal of success, upon an abused people; but the illusion is fast passing away.

There were two other positions in the speech of the gentleman from Indiana, [Mr. KENNEDY,] which strongly arrested my attention. He warned his friends that if they passed their sub-treasury in the next Congress, John Tyler would veto it. He advised them against such a course, and avowed that he would never vote for any measure which was threatened with a veto. He justified the removals from office by the Administration for difference of opinion, and declared that it would be right and proper for John Tyler to remove all men from office who were not his supporters, and fill their places with his friends. The gentleman tells us that he is a *Hoosier;* but it cannot be that, in giving utterance to these opinions, he correctly represents the wild and free spirits which roam the ocean prairies and primeval forests of Indiana. The young and sturdy Freedom of the great West, unfettered as the wave of the Father of Waters, recognizes no such slavish sentiments. It would rather proclaim, in tones of thunder, that no President is the great feudatory of this nation, with 50,000 places as his fiefs, to be granted to his slaves and vassals, and to be reclaimed by his own lordly will; that the Presidency itself, and all other offices, are only tolerated because they are necessary to the social system; and that the greatest good to the people is the only consideration which should guide in appointments and removals. It would thus expostulate with this Representative: You are to support measures as they are wise, and good, and necessary; and you are not to desert them, or to falter in your duty, because any President brandishes the veto at them. You are a portion of the legislative power of this Union. You are sworn to support the Constitution, which separates the law-making from the executive power; and the principle of action which you avow, leads to the assumption of all legislative power by the President, and the certain subversion of our whole system. The natural and ever-acting tendency of a single executive in free governments is to absorb all political power; and, instead of making such an extensive surrender, it is your duty to dispute every act of aggression upon your department. I have the kindest feelings for the gentleman from Indiana. He has an excellent natural mind, and strong common sense; but he is giving melancholy evidence of the progress and of the fatal fruits of the spoils principle, and the abuse of the veto power in the administration of the Government. The adjustment of the veto power is proved, by experience, to be one of the greatest defects in our system. A proposition to the convention which formed the Constitution to make this power absolute, would probably not have received a single vote; and yet, in its present form, it is *practically absolute.* So controlling is the influence which this power itself—the power of appointment and removal to fifty thousand offices, and other great powers—confers upon the President, that it has never been, and all concur that it never will be, overruled by the constitutional majority of two-thirds of both Houses. When practice proves it to be unqualified in its operation, and it is conceded that those who made the Constitution did not intend, and could not have been induced, to give it that form, the case for its modification is made out—unless it is an important conservative principle in our Government. Such has been argued to be its character, among other reasons, because it is vested in the President; and that this office is the most democratic feature of the Government, inasmuch as *he* is elected by all the people of the United States. This view is specious, but altogether unsound. Judges are elected in some of the States by the people of their districts; yet they do not represent democracy, nor act democratically—nor would they, if they were elected by the whole people of the State. Some of the worst tyrants that have ever lived have been elected by the people of the country which they afterwards oppressed. Whether an office partakes more of a despotic or a democratic cast, whether the incumbent is more apt to act from his own will or the popular will, depends rather upon the extent of the powers, and the manner in which they are exercised by him, than the nature of the authority which places him in office. The President is elected for four years. He is located for his term in this city, for the daily discharge of his duties. Without the grossest abuse and corruption in office, he can be held to no legal or constitutional responsibility. He is totally exempt from that moral responsibility which results from daily association with those who trusted him with power. He has no personal knowledge of their condition, their interests, their wants, or their wills, because he is necessarily separated from them; and, if this was not the case, they are immensely too numerous for him to acquire this knowledge. In most of his official acts, he has no law but his own discretion—his own absolute and irreversible will. Those whom he generally sees are officers dependent upon his pleasure and caprice for their continuance in place, or to fill offices for which they are making to him humble suit; and it is their interest and practice to flatter him, and to tell him his will, whatever it may be, is the popular will. Power and parasites are certain to corrupt him, in a greater or less degree; and he becomes suspicious of, and inimical to, all and everything which may thwart his purposes. Selfish, sinister, and adroit men pour falsehood and flattery into his ear; kindle ambition, revenge, and evil passions in his heart; and pervert to wicked and mischievous purposes his authority: and he cannot be relied upon as representing and reflecting correctly the great public opinion of the nation. The design was, when this power acted, that it should soar above the reign of faction; but it has proved to be a dangerous auxiliary of it. The President is generally the head of a party; and, when he is in unison with his friends, it adds vastly to their strength and efficiency: when they revolt against his dictation, or, from motives of patriotism, pass wholesome measures to which he is opposed, (and this has sometimes happened,) he can strangle them with the veto. When the people rise up against the President and the party dominant in Congress, and send a majority for a different course of policy, he thwarts and defeats their will by the one-man power. It is alien and unfriendly to our institutions: it ought to be modified; for it is aiding greatly in their gradual but certain subversion.

The gentleman from Massachusetts [Mr. CUSHING] denominates (as he often does) the President to be the Government, and represents the majority of the present Congress as "dashing itself to atoms at its feet." My understanding is, that our Government is the organized political power which rules these United States. Louis XIV. said he was the state; and I have seen John Tyler compared in the court journal to the *Grand Monarque:* but, when Washington, and Hamilton, and Madison, and Jay, were forming the most complicated system of Government that has ever existed, and were separating its powers into three co-ordinate branches, and constituting the President the mere head of a subordinate one, I imagine that they had no design that any President—and especially such a one as John Tyler—should be the living, active, operating impersonation of the Government of the United States. No, no; that is rather strong even for court sycophancy! But, throughout his speech, whenever the gentleman refers to the President, he speaks of him as "the Government." I will read a paragraph or two from the gentleman's speech:

"In this state of things," Mr. C. said, "he knew not how far parties might split, whether from difference in opinion or from personal relations. He could see, in the race for the Presidency, no individual who, so far as he could judge, presented an overwhelming, irresistible power. Looking to overt acts as the criterion, he would say there was no such competitor. He understood there was to be a Whig convention, and there was to be also a Democratic convention; and he did not know that they might not agree. [A laugh.] But there were certain buddings—some early blossoms of discord—which might lead to a doubt as to what would be the precise course of the convention. However this might be, this he did know, that, during a year and a half to come, there must be great popular commotions and discussions. Whether a candidate might be nominated by each convention or not, this he knew——and why should he not say it? He thought, on the whole, he had better say it: [several voices—'Oh, yes, do say it, do:'] it would not be for the political interest of any one of the parties to carry on a very furious war against the Administration and its friends.

[Here Mr. C. was brought to a pause by peals of laughter, and cries, "Ah, that's a tender point."]

"Mr. C. said that he considered it as material that there should be a frank understanding on these matters. There were men in the Administration, or connected with the Administration, who, at a proper time, might have a word to say. He did not know whether their voice would be potential; but this he did know, that of all the elements now in tumultuous and conflicting motion in the national cauldron—in the grand political seething-pot—the most potential of all was the Federal Government, (President.) [Cries of 'Oh, yes—it has the offices!'] No; not by the distribution of office—not by the power of patronage. No; he went deeper—it was by the constitutional power of the Federal Government, (President.) Let gentlemen go back to the extra session. An important measure had been proposed by the Administration; a committee had reported upon it; it was pushed along through the Houses, when lo, there came a veto! There were consequences; yes, and the relation held by Administration measures to the action of Congress, showed that there was a power which the Constitution gave to the Government (President) to act upon events and effect results, that was a hundred fold greater than all its powers of mere patronage."

In another part of his speech, the gentleman said: "I would say to gentlemen of all parties in this House, and more especially to gentlemen constituting the majority in Congress, If you will not co-operate with the President in carrying on the Government, which is your highest duty, he must seek the aid of your adversaries. If you Whigs will lock the wheels of Government, I trust aid will be found in the Democrats; and thus, and thus only, I present the question to the House." Is it not strange that this gentleman, having used this language, should boldly challenge any man to make good the position, that he offered to barter to party the power and influence of John Tyler and his administration? He is their trusted and confidential organ in this House. His object is not to get from Congress all proper aid to enable the President to administer his department; for that has been, in a spirit of patriotism, liberally afforded by the Whigs, and by the Whigs only. His purpose is the same which the Executive has been steadily and systematically pursuing for upwards of twelve years. It is, to draw to the President the absolute control of the initiation, the form, and fate of all measures of legislation. The particular measure at this time is the exchequer. He proclaims on this floor, that parties may split from differences of opinion and personal relations; that both the Democratic and Whig parties were to hold national conventions; that there were a legion of aspirants to the office of the Presidency, whose pretensions were to be discussed, and to excite greatly the public mind for a year and a half to come; that it was altogether doubtful who would get the Whig and Democratic nominations; and of all the causes by which parties, sections of parties, and men, were to be put up and put down, the most potential was the President and his administration; that the Whigs had refused their support to the exchequer, and the other attempts of John Tyler to control the legislation of Congress; that if the Democrats, and any section of the Whigs, would lend themselves to that end, the President and the Administration would not only use all the patronage to their aggrandizement, but would also bring to bear in their favor the veto power, which, "to act upon events and effect results, was a hundred fold greater than all the mere power of patronage," and could control "the national policy." I appeal to candid men who heard the gentleman, if I have not fairly presented his points and his positions. And was the moral sense of this nation ever before outraged with anything so shameless and profligate? Shades of Washington and Madison!—was it ever dreamed that the executive power which you fashioned and established, to be exercised in a spirit of lofty, pure, and enlightened patriotism, should be wielded by an Administration which would cast away all standard of political morality, and come into Congress by their accredited agent, and offer to prostitute their whole patronage, and even the sprig of kingly prerogative—the veto, which the gentleman says, truly, is so potent—that it might acquire the power to usurp the legislation of the Government, and that by the degradation and corruption of Congress? No President has a right to any other political influence, except that moral power which wise and just measures, and a faithful and vigilant administration of his department, will certainly give him; and he ought not to be tolerated to resort to any other means to obtain it.

But this proposition is as deceitful as it is infamous. John Tyler has never kept faith with any party; his object is to get a seeming present support from one of the parties in Congress, and to trust to events to make it permanent. When the time comes, he would add another to his long list of treacheries. Shortly after the Presidency fell upon him, he, by his Secretary of State—in analogy to the English premiership—addressed a pompous but hollow proclamation to the Secretary of the Treasury, in which it is declared: "He (the President) therefore directs the information to be given to all the officers of agents in your department of the public service, that partisan interference in popular elections, whether of State officers or of this Government, and for whomsoever or against whomsoever it may be exercised, will be regarded by him as cause of removal." In his first annual message he says, on the subject of removal, that his own conduct had "been governed by a conscientious purpose to exercise the removing power only in cases of unfaithfulness or inability, or in those in which its exercise appeared necessary, in order to discountenance and suppress the spirit of active partisanship on the part of the holders of office, which not only withdraws them from the steady and impartial discharge of their official duties, but exerts an undue and injurious influence over elections, and degrades the character of the Government itself, inasmuch as it exhibits the chief magistrate as being a party, through his agents, in the secret plots or open workings of political parties." These sentiments are eminently just and proper; and does it not exhibit a hardihood, an obtusity to dishonor almost incredible, that the very men who have so recently proclaimed them to the nation, should offer to desecrate, in the mode which they thus prescribe, the whole executive power of the Government? If the offences which they denounce are dangerous and scandalous, that which they have committed is abhorrent, and tends to revolution by means of corruption.

The gentleman [Mr. CUSHING] treats the President as the great ruling power of the Government, and Congress as a subordinate incidental department, whose business is merely to co-operate in giving effect to his views. I take issue with the gentleman, and maintain that, in all free Governments, and especially in ours, the legislative branch is predominant. Popular liberty has nowhere existed, nor will it long exist, under any other adjustment of power. Congress is invested with the high powers of declaring war, providing all the means by which it is waged, and for the public defence; borrowing and appropriating money; creating and paying public debts; imposing taxes; coining money; regulating commerce with foreign nations and among the States; defining and punishing treason and felonies, &c.; and is expressly made the repository of all the undefined powers that may be necessary and proper to execute those which the Constitution has conferred upon it, upon the other departments, and upon every officer of the Government—even this puissant President himself. His principal power—which is greater and more operative than the whole aggregate besides—is to execute the laws the imbodied will of Congress, which he binds himself in his oath of office to do. Congress may impeach him, and expel him from his place. Congress is, and was intended by the framers of the Constitution to be, the chief power; the President is but the incident. There is no higher or more arduous duty devolving upon this House than to do its part, moderately but resolutely, to preserve this constitutional relation of the two departments.

It seems to be the purpose of the gentleman and the Administration to introduce the English system by which the ministry has the iniation and the control of all the principal measures of legislation; but the effort is to withhold from Congress the overruling control which Parliament, and especially the House of Commons, exerts in these matters. We deny that England is a free country; and yet her House of Commons has more influence and efficiency in her Government than has the House of Representatives in ours. The public opinion of the nation speaks potentially through the House of Commons; and no minister can hold his place, no war can be continued, no measure or course of policy can be perseveringly urged or opposed by the King or ministry against the will of the nation as spoken by the Commons. It was this House that forced George the Third to terminate the war of our revolution, by an acknowledgment of our independence; that carried the emancipation of the Catholics against all the opposition of the King, and the more stubborn and imperious Duke of Wellington; and that effected that great pacific revolution, the reform of its own representation. No minister can stand against the judgment and the vote of the House of Commons; and when he is there defeated upon any measure or important proposition, it is his imperative signal to throw up his seals of office; and there is named as his successor one who immediately conforms the Executive Government to the will of the people as thus spoken. So, when the ministry seems to be fashioning legislation according to its own will, it is, in truth, submitting to the mandates of the House of Commons. The gentleman and our republican Administration want to be subordinate to no such influence; their attempt is to raise the President above all control, and to degrade Congress to a mere registry of his edicts.

The gentleman has often inveighed against the despotism of Congress. Sir, a numerous popular representation and a despotism never did, and never can exist, together. Such a body may commit occasional acts of injustice and oppression, but it is impossible for it to maintain a systematic, persevering, and enduring tyranny; it has too many diverse wills, interests, and ends. It fluctuates so rapidly in all these elements of action, and in its *personnel*, that its neutralizes, checks, and reverses fitfully its own decisions; it it were otherwise, it has neither the means nor the aptitude for their efficient execution. It is the undivided, secret, rapid, energetic will of a single Executive, dispensing office and honors, wielding the purse and the sword, and transmitted from individual to individual by succession or election, which all history proves to be the great enemy of popular liberty. This is the power in our system which her votaries ought to watch with sleepless vigilance; for its advance here has been quite as rapid and threatening as in most countries whose freedom it has cloven down. Sir, instead of being able to maintain the firm, rigorous, and iron rule of despotism, the natural tendency of a large representative body, frequently elected, is not only to liberty, but also to licentiousness; and it is in part to correct this inherent vice, that other branches of our Government than this House have been constituted. But all experience establishes this truth—that such assemblies are the natural and most potent enemies of despotism. What is the history of modern English liberty? Formerly, the mass of that people were not recognised in her political system; the third estate and its House of Commons had its origin under Edward 3d; but there was no popular freedom in the island for two centuries afterwards. Henry 8th wrested the spiritual authority over his dominions from the See of Rome, and united it with the absolute civil and political power which he possessed. His purpose was not to ameliorate the condition of the Protestants, but to sway an undivided temporal and spiritual power in his own realm. He was one of the most absolute and bloody tyrants that ever reigned. He could not only suspend the law, but his proclamations had the force

and the sanction of laws; and, during his reign, more than seventy-two thousand persons perished by execution. Elizabeth was not less proud and imperious in disposition; she, too, exercised the suspending power, and vetoed, some sessions, more than half the acts which Parliament passed. Under her rule, industry spread, the arts and commerce flourished, the wealth and consideration of the commons rapidly increased, and the spirit of liberty grew with their affluence, intelligence, and strength. Their murmurs began to alarm, their voice to be heeded, and their wrongs to be redressed by the haughty Tudor. They remonstrated by their House of Parliament with the imperial *virago* herself against abuses by monopolies; she had the sagacity to discern that there was a spirit up, not to be trifled with; she curbed the hot blood of her father, and with great judgment and tact graciously corrected the evil. James 1st had as much attachment to power and prerogative, but not the courage or talent to maintain them; he was constantly making issues with Parliament, but was too feeble for the conflict; the consequence was, the spirit of liberty and of the commons grew apace. When Charles 1st came to the throne, it had acquired strength and resolution enough to defy and to conquer the perils which awaited it. It numbered among its champions a Milton and a Hampton, a Cromwell and a Bunyan. It was mixed up with the hysterical tears, the austere form, and the gloomy enthusiasm of the religion of the Puritans; but it was nevertheless upheld by prudence and sound sense, by genius and attainment, by activity and fortitude, and by a devotion which no danger could awe, no treasure could corrupt, no honors could seduce, nothing could shake. It was fully equal to one of the greatest of human events—the dethronement and the execution of Charles. All that is valuable in English or American liberty, civil or religious, is due to the Puritans, and the House of Commons of the Long Parliament; they stormed the main citadel of despotic power; their successors have been marshalled by their example, from conquest to conquest in the overthrow of the weaker ones. The freedom of England has been won, by ages of heroic struggle on the part of her House of Commons, from her tyrant kings. It is a magnificent fabric, which nobly vindicates numerous representative assemblies of the people from the foul aspersion of a tendency to despotism.

The gentleman occupies a strange position, and puts forth extraordinary notions, considering the measures and principles which he always, until the commencement of this Administration, advocated with so much zeal and ability. I had read many of his speeches before I knew him. I admired his talents and attainments; I approved of the soundness of his views, and was instructed and fortified in my own. But he is wonderfully metamorphosed; and I think if he will examine the matter deliberately, he will find it to be quite as true, that he has broken his neck politically in jumping his somersets, as that "the Whig party has knocked out its brains against the fixed fact." He tells us that party is nothing but an association of men struggling for power; and that he contemns measures—that measures are not principles. The gentleman must have been reading the celebrated treatise, "The Prince," for such dicta are of the school of Machiavelli; and his sudden and total abandonment of all the principles as well as measures, to which he was as strongly pledged as any Whig, good and true, proves that he had studied his lesson to some purpose. At the extra session of 1837, he opposed the sub-treasury in a very elaborate speech, in which we find these passages: "We are to have a Government paper-currency, recognisable by the Government of the United States, and employed in its dealings; but it is to be irredeemable Government paper." "If the scheme were not too laughingly absurd to spend time in arguing about it seriously; if the mischiefs of a Government paper currency had not had an out-and-out trial both in Europe and America, I might discuss it as a question of political economy. But I will not occupy the committee in this way. I am astounded at the fatuity of any set of men who can think of any such project." "I welcome the general idea that Government should not be ever prone to interfere in the private pursuits of the citizen. One of the mischiefs of the times has been the meddlesome interference of General Jackson in the business of the country—his prurient tampering with the currency under the pretext of reforming it. This is the very thing I would prevent. It is one reason why I am against a marriage of Bank and State. I wish to have banks the business agents, not the party hacks, of the Administration. I oppose the sub-treasury for the same reason. If adopted, it would enable the Government to put up exchange or to put down exchange, and to produce fluctuations in the money-market at will. It would place the whole commerce and business of the United States at the arbitrary mercy of the President of the United States." He gave, then, a definition of a bank, and avowed the sub-treasury to be a Government bank; and upon those and other objections which are unanswerable, he pertinaciously opposed that measure for three years; and, it having been forced upon him and the country, at the earliest opportunity he voted for its repeal. Now, he is the unscrupulous advocate of the exchequer, a measure embodying both the sub-treasury and a great organized Government bank, and taught with more frightful dangers than his own excited imagination had pictured in the whole three years.

He was one of the staunchest supporters of a United States Bank. He characterized "the refusal of the late President (Jackson) to sign the bill rechartering the bank, like the removal of the deposites, to be in defiance and violation of the popular will." He argued that a mixed circulation of coin and paper was irreversably fixed upon the country, and asks: "But how shall the paper circulation be supplied? and how regulated? The plain, obvious, straightforward course would be to hearken to the voice of experience, and to follow out the analogies of our political institutions. Twice, for long periods of time, have we tried a national bank, and in each period it has fulfilled its appointed purpose of supplying a safe and equal currency, and of regulating and controlling the issues of the State banks. Twice have we tried for a few years to drag on without a national bank, and each of these experiments has been a season of disaster and confusion." And yet, sir, he has denied that he was ever the supporter of a bank of the United States, and is now one of the most rabid revilers of such an institution.

He was for Mr. Clay's land bill; and he has abandoned, and now contemns it. No man has been more frequent and unsparing in his denunciations of General Jackson; and now he is the sycophantic eulogist of the old hero. He was the unflinching defender of the constitutional rights and powers of Congress. This Administration has not only resorted to the most flagitious abuse of the veto power, but has renewed every other assault, open or insidious, of Presidents Jackson and Van Buren upon Congress, which he, at the time, so indignantly rebuked; and he now justifies them all. He has gone far ahead of the extremest parasites of executive power. John Tyler vetoed four acts of Congress which the gentleman had voted for, and strange, by his subtle sophistry, he defended each of the vetoes; and most strange, when the House, in conformity to the provisions of the Constitution, voted again upon the measures, his vote was recorded in their favor, and to overrule the very vetoes of which he had just been the venal advocate. He has proclaimed that the President is a co-ordinate branch of the legislative power; that "the President has as much right to discuss Congress, as Congress has to discuss him;" that this House has no more right to require of the Executive any paper in the departments, than the President has to demand of it the papers in the custody of its clerk. He has sweepingly, again and again, condemned the present Congress—its measures, its spirit, and its action; and, in the manner of prophetic railing, he has warned us that we are rushing on to our destiny.

This same gentleman, in 1837, made a speech in this House, which contains an analysis of the Constitution, among the soundest, most instructive, and condensed, I have ever seen. I will read a passage or two from it. "The powers vested in the President, by the Constitution, are partly expressly enumerated, and the rest are such as Congress may see fit to intrust to the President, either under the several specific powers granted to Congress, or under the general power, which closes the enumeration, and is suppletory to all the rest." "To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or any officer or department thereof." Here is the life-giving clause; the grant to Congress to infuse vitality into the undefined powers of the executive.

Again: "Yet we have, in late times, seen the principal officers of the executive departments treated as the mere servants of the President—the humble instruments of his supreme will; instead of what the Constitution supposes—the agents of the law of the land, and the instruments of Congress as well as the President."

He then enters into some very cogent reasoning, and concludes, "that the vitality of the functions of the executive, under the Constitution, is to be infused into them by the legislation of Congress."

He then proceeds to a general enumeration of the abuses of President Jackson, and continues: "I denounce these acts of the Administration, and the pretences of power by which they are sought to be defended, as the crowning evidences of the means of corruption, and the scope for usurpation, which these functions afford."

"First. I conclude, as the general inference, that the powers of the Executive are, as compared with those of Congress, or any other department of the Government, particularly susceptible of abuse; that they have been abused; and that they have a persevering tendency continually to increase."

"In the second place, I conclude, as the other general inference, that the remedy for the abuses to which I have referred, is, to *diminish the power and influence of the Executive.* The salvation of the Government depends upon it."

"A wise and a brave people, it has been well said, will neither be cheated nor bullied out of liberty. But such a people may cease to be vigilantly wise—to be unshakingly brave—by resigning themselves to the treacherous and corrupt influences of power. Would to God some divine *afflatus* might descend upon the Constitution, to resuscitate and animate its enfeebled energies; that the voice of the Almighty, from the empyreal height where he sits enthroned, penetrating the clouds which surround us, would say, even to these dry bones of the Constitution: 'Live! be thou once more a creature of health and strength, to go forth, in the majesty of thy beauty, a ministering angel, on a mission of blessings to the world.'"

He concluded by offering this preamble:

"Whereas the influence of the executive department of the Government has, for some time past, in derogation of the letter and spirit of the Constitution, continued to increase, and ought to be diminished."

It was followed by two resolutions; the first of which proposed to refer so much of the President's message as relates to the collection, safekeeping, and transfer of the public moneys, to a select committee, with instructions to report such method of effecting these objects "as would most promote the public welfare, and secure the liberties of the people."

"Secondly, such other reforms in the practice of the Government as, in their opinion, shall tend to bring back the administration thereof to the standard of the original purity of the Constitution."

There was no abuse in the executive administration of General Jackson which does not now exist in an aggravated form, and which the gentleman does not now justify—except Congress is not degraded to be the employing tool of John Tyler. And this is its sin! This is the cause that John Tyler and his constitutional advisers are daily pouring out their ribald abuse. It is for this reason that the most miserable faction that ever existed is constantly hurling rancorous, but pointless, denunciation against the majority of this House; that those who compose it are so often reading us lectures against ultraism, and in favor of patriotism, whilst they are in the very plenitude of venality, and of factious animosity. The gentleman tells us, in the speech read from, that the President can exercise no power not expressly conferred upon him by the Constitution, without the interposition of congressional legislation; and yet he has here declared, with pointed emphasis, that the power of removal—an implied power—is vested by the Constitution in the President alone; that he cannot be interfered with in its exercise. Is Mr. Caleb Cushing of Massachusetts, Mr. Caleb Cushing of Massachusetts? or is he some other person? He says *we* are for recurring to obsolete ideas; *he* is for the principles of progress, and keeping up with the improvements of the age. We deny that his innovation is improvement. We cautiously adopt principles which stand the test of experiment; but we totally reject his heinous political Mormonism.

But the gentleman, in his tergiversations and

apostacy, is but following, and at humble distance, the lead of a greater man—Daniel Webster. I have no unfounded prejudices against the Secretary of State: I once admired him as much as his most devoted friends do. I still regard him as a man of stupendous mind—an intellectual Titan—and, in some departments of mental operations, equal, probably, to the greatest of ancients or moderns. But the closet, and not the great, living, active, executive theatre of the world, is his appropriate field. He has nothing of what is commonly called genius, and is defective in invention; his superiority results from great and general intellectual power. His mind is a vast crucible, into which the world's intellectual wealth may be heaved; and he can analyze it all, and reproduce it in forms of new and magnificent utility. In his senatorial career, he has won for himself a civic crown more imperishable than all the bloody laurels of the mightiest conquerors. His speeches upon banks, the currency, and the public revenues, form a solid and regularly built structure, as enduring as the pyramids. In all the powers of logic, argumentation, and composition, he has no superior; and his speeches—parliamentary and forensic—are among the noblest monuments of the intellect of the present day; and will be regarded as models when centuries upon centuries have rolled away. He ought to have belonged to his country, to the age, and to mankind, and to have shown one of the mightiest and brightest spirits; but he wants one-half of such a man—*moral sense*. "How are the mighty fallen!" He is, indeed, a political Lucifer; and he, too, is great even in his ruin! I once preferred him to all men but one for the Presidency; and if, by the continuance of his services, and fidelity to our cause—to those immortal truths and principles to which he so long devoted himself—he should have won the first place in the confidence of his countrymen, I, and the friends of him whom he will quarrel with as his rival, would have cheerfully acquiesced.

A sub-treasury, a Government paper currency, or a Government bank, cannot be presented in any possible form, that either, or all, are not met and overthrown by Mr. Webster's luminous and unanswerable arguments. Since his connexion with John Tyler—since the lion has been serving the jackall—he has concocted the exchequer, which is a union of two to produce the third; and it has no provision, no faculty, no principle, which cannot be annihilated by a hundred passages from his speeches. He has said more for a bank of the United States—for its utility and indispensable necessity, to both Government and the people—than all living men besides. He never, until he filled his present place, uttered one word to the contrary; but, so late as the fall of 1840, in his speech at Saratoga, reiterated it all. He now rejects and scorns a bank as useless and obsolete, and arrogantly proclaims that it will never get another vote in New England. It is more probable he will never be able to control another vote in New England. He has lauded Mr. Clay's land bill as the wisest measure of a great statesman, and advocated it himself as the foundation stone of the tariff policy; he has also abandoned it. He proclaimed, "under an October sun" of 1840, in the capital of the Old Dominion, that "the power and influence of the executive of our Government had increased, is increasing, and ought to be diminished;" and was "dangerous to liberty." He adheres to an Administration that is making every effort to stride on in this course of usurpation, and throws his whole influence against every attempt to reduce it within constitutional limits. He has conclusively demonstrated that the President cannot, constitutionally, remove from place such officers as the Senate have confirmed; and he constantly advises John Tyler to such infractions of the Constitution. In his Virginia speech, he said: "Of all things in a popular Government, a Government press is most to be dreaded. One of the first things to be done, when a new administration shall come into power, will be to separate the Government press from the politics of the country." And as soon as John Tyler resolved to betray his party, then Mr. Webster commenced the most active operations to purchase up for him all the presses in any way connected with the State Department, and to turn their thunders upon the Whig party in Congress. He published the proclamation (before read from) to the Secretary of the Treasury, in which he says: "He (the President) therefore directs the information to be given to all the officers and agents in your department of the public service, that partisan interference in popular elections, whether of State officers or of this Government, and for whomsoever or against whomsoever it may be exercised, will be regarded by him as cause of removal." "But persons employed under the Government, and paid for their services out of the public treasury, are not expected to take an active or officious part in attempts to influence the mind or the votes of others; such conduct being deemed inconsistent with the spirit of the Constitution, and the duties of public agents acting under it." He not only remains a component part of an administration which daily violates a principle it so formally promulged, but he shamelessly tramples upon it himself, by stipulating that his own appointees shall continue the practice which he has proscribed before the whole country. He says, distinctly, to office-seekers, You must not only be against Mr. Clay, but you must be for Mr. Tyler, and you must sustain him. In the same paper, he tells incumbents: "It is not intended that any officer shall be restrained in the free and proper expression and maintenance of his opinion respecting public men or public measures, or in the exercise of the fullest degree of the constitutional right of suffrage." And he now breaks faith with those dependent upon the will of the Administration, by sustaining the expulsion from place, of clerks, tide-waiters, and night-watches; not because they express a preference for another, but because they do not express a preference for John Tyler. The President made him an organ of communication between himself and the Whigs of Congress, and, through him, pledged his faith to approve the second bank charter passed at the extra session; and notwithstanding John Tyler insulted him, by a refusal to redeem the pledge, he degraded himself, by publishing to the country that he knew of no cause for the dissolution of the cabinet, and covered himself with infamy by remaining in it "solitary and alone." He has been guilty, personally, in various ways, of violating the law which he promulged against officers interfering in elections, and to influence the minds of others. He has come to the Capitol, mingled among the members of both Houses, and used persuasions and threats to procure the postponement of measures of great importance to the country, because they were objectionable to the President, although acceptable to himself. He has attempted to seduce members of Congress from their Whig principles, and to come, not to the support of other principles, but of Tylerism. When the other members of the late cabinet were consulting with him, and with each other, upon the propriety of throwing up their places, he exclaimed, "Who is John Tyler? He is nothing! We would crush him as easily as we can the moth in this carpet!" stamping his foot with contemptuous indignation. Now he is a supple courtier, and a fawning sycophant at John Tyler's footstool of power. But the premier knew his master—he is an intellectual moth. When we think of his perfidy, and his political sins, we feel the most indignant resentment; but then we contemplate the imbecility of his mind, and the paltriness of his personal qualities, and it subsides into cold contempt. The most cruel punishment of antiquity was to bind a person to a dead carcase; and this is the only mode in which John Tyler could now be made noxious to either of the existing political parties.

The reason why the active interference of office-holders in elections has been objected to, is to prevent the influence of the Executive from reaching, indirectly, Congress. How dare the Secretary of State approach its members, and throw himself against the passage of measures of legislation? How dare he, and his coadjutor of the War Department, two office-holders, leave their offices and go forth, on the eve of important elections, making political speeches, and writing elaborate addresses, to influence their result? Are these "such services as ought to be paid for out of the public treasury," and as are "consistent with the spirit of the Constitution, and the duties of public agents acting under it," when performed by this pair of notable dignitaries? and yet of so decidedly an opposite character, when done by humble subordinates, as to be cause of removal? Their own law is proper and salutary, and they ought to be punished in conformity to it, by being ejected from their places. If it is not the lust of office which has induced Mr. Webster to cling with so much tenacity, and at such a cost, to his present situation, what is it? The British treaty is negotiated, and still he is as firmly moored in it as ever. "Ill-weaved ambition! how art thou shrunk?" Towards the premier, I admit, I am actuated by a sense of both wrong and injury—for he has done no injury; but the Secretary of War has done nothing but wrong. The immorality of his politics is so notorious as to render him harmless. He had been Clintonian and anti-Clintonian, Jacksonian and anti-Jacksonian, against Tyler, and for him. He has always been willing to be the tool of any party or man who would buy him, and at length he found a purchaser in John Tyler; and the transaction, in open and bold profligacy, challenges in vain a parallel in the annals of this country. John C. Spencer wrote a circular address, convoking the Syracuse convention, in which he denounced John Tyler's administration, and his vetoes, as the exercise of kingly power: in the course of a few days he came on to this city, and solicited, and accepted, the place which he fills. The dishonor of the connexion will stick to him like the poisoned shirt of Nessus. Spencer, and the "guard," and the few others who have abandoned the cause for which they were among the most clamorous, are mere mercenaries, who attached themselves to the Whigs for the spoils, and for the spoils only. Such men might be dangerous as enemies, but they would be much more dangerous as friends and allies; for on any day they would sell country and principles for money and place. We say to them—Off—begone; your presence pollutes our camp, and would tarnish our victory.

The principles and measures of the Whigs were as fully and fairly before the country, in the last presidential canvass, as the principles or measures of any party ever were, or can be. They were boldly submitted, in opposition to those of the Democrats, to the American people; and judgment was, with remarkable distinctness, pronounced in their favor. But for the basest treachery, they would, at the extra session, all have been imbodied in the laws of Congress, and their regenerating influence would long since have been felt by seventeen millions of people; and what a mass of distress and ruin they would have averted from this deeply afflicted country! How many despairing hearts will owe poverty and want, not to the ambition merely, but to the fatuity of one heartless man. If the deep, silent curses of millions of wronged beings could have blasted one wretch from the face of the earth, the mitigation of our ills would now be in successful operation. But it is in the providence of the moral world, that sometimes the weakest and worst of men have the power to achieve an inconceivable amount of mischief; and how grievously is this truth enforced by the present condition of our countrymen.

But the Whigs are neither subdued nor dismayed. They have been temporarily disheartened by the desertion of him whom an unlooked-for event, and not their choice, placed at their head. They folded their arms with mingled feelings of surprise, revulsion, and disgust; but their spirit is not dead—it only slumbers; and when the day of trial comes, it will be terrible to its enemies in its renovated energies. They poise themselves upon the rectitude and utility of their measures; upon the purity and firmness of their purpose; and with calm confidence await the issue. Their Whigery is the same as that which inspired the souls and nerved the arms of our fathers through seven years of toil and blood; and they invoke their countrymen to throng in serried ranks to its support. They have a leader worthy of their trust, and their cause, whose soul quailed not in their darkest adversity; whose rallying voice was heard above the loud shouts of a triumphant enemy; whose devotion wavered not when all but honor seemed to be lost; and whose unconquerable spirit, bearing aloft the standard of another, marshalled us at length to a glorious victory. Who does not know that *he* is Henry Clay! Though his place is a private station, Henry Clay is in the presence of his country and the world. At the age of nineteen, an unknown and uneducated boy, he burst upon a distant theatre, amidst the exciting scenes of 1798. Even then he grappled with Nicholas, and Breckenridge, and Murray, in the conflict of mind with mind: he rapidly won the ascendant, and he has impressed his noble image upon the gallant State which adopted the stranger boy with such generous enthusiasm. Dauntless in courage and unmatched in genius, the expansive operations of his great soul alone have given him position in the front rank of mankind. His civil achievements adorn every page of his country's history throughout the last generation. As a parliamentary leader, in practical state-

manship, in oratory which convinces the reason and rules the passions—in all the high powers of executive capability, he has no equal. Intuitive and accurate apprehension, soundness of judgment, directness and comprehensiveness of mind, and high and honest purpose, are among his distinguishing characteristics. His system of policy is as broad as this confederacy, enlarged as its great and varied interests, and based upon eternal principles and truth. He is ambitious; but he has ever held that turbulent and towering passion strictly subject to the behests of honor, to patriotism, to devotion to constitutional liberty, and to the rights of the people. Neither his services nor his renown have been limited to his own race, or to his own country; but both pervade the civilized world. Exposed for years to the resentments of a great party, his firm, unwavering, consistent, and lofty course has conquered their suspicions and their enmity; and now there is none whose good opinion is of any value, who do not pay homage to his greatness and integrity, and exult in the consciousness that he is their countryman, because of the lustre which he has shed upon the name. He may or may not attain to the Presidency; but he occupies, and will ever occupy, one of the loftiest positions in the moral world—a summit bathed all over in living and glorious light, revealing the whole man as he is, without fear and without reproach. He is our trusted, our well-tried champion—faithful among the faithless—the impersonation of our glorious cause, under whose banner we go forth (politically) to conquer or to perish; and if, in this conflict, we are to fall, you will find

"Our backs to the field and our feet to the foe."

REMARKS OF MR. DAYTON,

OF NEW JERSEY.

In the Senate, *February* 15, 1843—On Mr. McDUFFIE'S resolutions and the amendments.

Mr. DAYTON said:

The resolutions of the gentleman from South Carolina, [Mr. McDUFFIE,] as well as his remarks in support of those resolutions, assert only general abstract principles, extending to no measure of a practical character for the relief of the country. I was the more disappointed in this, as he alleges that all parties are responsible for the present condition of things.

His abstract principles may be condensed fairly as follows:

In reference to the currency: Do nothing; the country will work out its own salvation. (He might have added, "with fear and trembling.") This principle is not a new one: it was one of the principles of the last Administration, that the currency should take care of itself.

In reference to finance and commerce, his doctrine is, that we should be governed by the legislation of Great Britain; that, if she looks only towards free trade, we are to reciprocate; that our tariff laws are a curse to our revenue, and the legislation of Congress is more destructive to commerce than all the pirates that ever swept the ocean! (By the way, that is the only community of modern times who have ever carried into effect the gentleman's doctrines of free trade.)

These are his principles; and they appear to me to carry with them their own refutation. If they needed an answer, they have had one in full from the gentleman who preceded me. I am thankful, sir, that such principles have not as yet given birth to any measure: what they may do in future, remains to be seen. There is a bird of the desert which deposites its egg in the sands, and leaves it there, to quicken, or addle, as the action of the elements may determine; and it is so of these principles. They are dropped in the public mind; and, should it ever warm them into life, they will break their shell, and we will then see the strange, foreign, anti-American prodigy which shall stalk forth. At present, I content myself with having stated the principles in their baldness, without following the argument.

The resolutions of the gentleman from Maine, [Mr. EVANS,] amendatory of those above alluded to, are likewise the assertion of general principles only. In those principles, generally, I heartily concur. But the third, I apprehend, is exceptionable. This resolution, in substance, is: That, while Congress does not intend to adopt any measure for the payment of the debts of the States, yet, "in view of the disastrous consequences to the national character and credit," &c., it "declares that the debts of the several States, created by legislative authority thereof respectively, are obligatory and binding," &c.; and that it is "the duty of the people of said States" to resort to the most efficient means to pay them, &c.

As an individual, I have no doubt of the truth of the above propositions; but, as a member of this body, I prefer substituting my amendment. I am not one of those who see a constitutional scruple behind every bush; but still I would prefer keeping within the line of acknowledged right: more particularly where, as in this case, there is no possible inducement to go out of it.

I did not understand the gentleman's resolutions as holding out the idea, either directly or indirectly, of the assumption of State debts, as has been intimated from the other side of this chamber. The first sentence of the resolution is an express negation of it.

My amendment was with a view—

1. To get rid of that part of the resolution by which we assume to declare what contracts are, or are not, binding upon the States. And—

2. To incorporate into these resolutions something vindicatory of the faith and credit of the Federal Government.

By what authority is it that we have the right to declare, in our legislative character, what obligations between States and strangers are binding? Who and what has constituted us the judge? Is it one of the powers expressly granted, or an incident to any such power? We may talk about ourselves, and say what we will, and what we will not do. But we ought never to say—or, in the language of the resolution, to declare—what others are bound to do, unless we have the clear right to make such declaration.

The position assumed was, that we had the right, because the delinquencies of the States were affecting our national character; and, therefore, the expression of opinion was justified. But surely the Federal Government has no powers originating in any such uncertain, doubtful source. Who is to settle what does and what does not affect our national character, as preliminary to the exercise of this right? Or how much must that character be affected? How hard must be the blow which knocks this latent right, like hidden fire, from the flint? Will the failure of a merchant or a bank do it? These affect our credit, it is said, "*pro tanto*." But is it the right or duty of this Government to declare the law of the contract between the merchant or bank and its creditor? It is obvious that no power can originate in such a source. But the right was claimed on another ground. It was said that we are the creditor of some of the States, and therefore have a creditor's right to talk; that the Secretary of the Treasury has, no doubt, told these delinquent States the same thing.

I submit to the candor of gentlemen, whether this resolution is based, or purports to be based, upon any such ground. It "declares that the debts of the several States" are binding. What debts, and what States? Not that one whose bonds we happen to hold, but all. But why is it, on the face of this resolution, that we assume to express this opinion? Not because we are creditors; but, in the language of the resolution, "in view of the disastrous consequences to the national character and credit." The expression of an opinion by the Secretary of the Treasury is a very different thing from a declaration of the law of the contract by the American Senate, When it speaks, it ought to be "as one having authority;" and, if without authority, I submit that it had better be silent.

Aside from our doubtful right to declare the law, it strikes me as impolitic. I do desire to keep the credit and faith of the Federal Government distinct from the States; and so I presume do other gentlemen. Yet this mixing up of our national character and the State debts, and our declaratory opinions about legal rights and moral duties, all in one resolution, is kneading too much in the same trough. Its effect is to leaven, to a greater extent, our national credit with unmerited distrust.

I have heard a great deal said here and elsewhere of the loss of our national credit—in these resolutions; in the reports upon our tables; even in Executive messages—everywhere, indeed. Yet it appears not to have entered the head of anybody to vindicate the faith of the nation. Even while denying our legal obligation to answer for the debts of the States, our whole tone has been such as to convey the idea that we felt ourselves morally involved in their delinquency. This I deny; and, in support of that part of my amendment, desire to say a few words—not in that spirit of national whining, which has become so common, nor yet in the spirit of railing, but as an appeal to the justice and liberality of the world.

Let us open the records of national faith, and see by what right it is that we are vilified by others—by what right it is that Great Britain assumes to act as "*custos morum*" for the nations of the earth.

One of the earliest evidences of British ability in finance was in the reign of Charles II. The supplies were exhausted, and his Majesty needed money. Clifford was dignified with a peerage and the treasurer's staff, for the following notable suggestion (got from Shaftesbury.) He advised that they seize upon the funds which had been paid into the exchequer by bankers upon the faith of Government. It was done at once—the exchequer was shut up—none had warning; the ruin of many followed; bankers stopped payment; merchants could answer no bills; distrust took place everywhere. This is the language of her own historian, who denounces the act as "an open violation of the most solemn engagements, foreign and domestic."

The first item in the public debt of Great Britain is the consummation of this outrage.

The amount due from Government, and which it had had in gold and silver, was £1,328,526.

The payment of this sum was stopped for twenty-five years. In the mean time hundreds had died in penury and want; and then Government, instead of paying them seventeen millions of dollars which were due for principal and interest, forced the creditors, by act of Parliament, to accept of one-half of the principal only—less than three millions of dollars—or nothing; and for this, the issued bills bearing an interest of three per cent. only, instead of eight, the usual rate when they got the money.

This sum now constitutes the very first item in the public debt of Great Britain. It is the basis upon which the whole of that immense pile rests, stained as it is with national perfidy and oppression.

Again, in 1811, we have another and more modern instance of Britain's boasted financial faith. The notes of the Bank of England having become depreciated by their immense issues and loans to Government, the obligation was cancelled in this way. Having first relieved the bank from paying specie, they next resolve that these bills are worth their face in specie, (and this at a time when they were notoriously at a discount of at least ten per cent.,) and then made them a legal tender. But lest even this would not satisfy the public that ninety pounds were equal to one hundred, they went further, and made it a highly penal offence—a misdemeanor—for any one to either receive or pay them away at less than their face. Notwithstanding this, they continued to depreciate until they reached a discount of twenty, thirty, and forty per cent.; and Government then paid off its public creditors, "*nolens volens*," in this depreciated paper, and nothing else. The effect of this glorious operation in finance may be seen and appreciated by reference to Mushet's tables.

But, whatever may be the peculiar notions of Great Britain upon the subject of financial faith, as indicated by the above, at least she claims never to have denied her obligations. If she defrauded her creditors, it was always "pursuant to the act in that case made and provided;" and her creditors have the consolation of knowing that she has never denied their debts! Oh, no.

Of repudiation she has a holy horror. With what an air of pious complacency are we branded as a nation of swindlers and cheats; while they, with upturned eyes, thank God they are not as other men! Yet, unless the past be a fable, and history a lie; repudiation, even in its worst form, has had its place there.

By an ordinance of the Long Parliament, all the crown and church lands were seized upon for the public use. They were disposed of at a season of great pecuniary want, to raise money to carry on the civil government and pay her armies. They passed into the hands of honest purchasers, who, relying upon public faith, paid therefor a full price, and Government received their moneys.

Yet, notwithstanding all this, a few years after, Parliament, by public enactment, again seized upon these lands, and handed them back to the church and the crown. Thousands were beggared by the act. Government was at least bound, by every principle of law and justice, to make good the damages. It was a debt of the most sacred charac-

ter. Yet, after a little legislative coquetry, she denied the debt; and to those who clamored too loudly for justice, she gave a place in Newgate and the Tower.

Sir, I know not to what extent a careful eye might not trace this moral delinquency. But of one thing I am sure, it little becomes Englishmen to lecture us upon moral duty or public faith.

There was one pecuniary transaction between the two Governments, and it illustrates strongly my position. In the treaty of 1793, the United States assumed to "make full and complete compensation" for certain debts due from American citizens to British subjects, inasmuch as difficulty was found in collecting them; and to do it in specie. The amount was settled by convention, between Rufus King and Lord Hawkesbury, in 1802, at £600,000. This sum was paid to the last dollar, and in specie; and this, too, at a time when England herself paid her public creditors in nothing but depreciated paper.

But our bonds will not sell in Europe; and therefore our credit, they say, is gone. And has there never been a time when British paper could not be sold at par? Sir, the history of the past teaches this. While the certificates and treasury notes of this Government have commanded, almost in the worst of times, dollar for dollar, the exchequer bills of England, (even when bearing an interest of 7½ per cent.,) which represent her floating debt, have been at a discount as low as 40 per cent.; while her 3 per cents., which I take as a specimen of her funded debt, have oscillated between the extremes of 47½ and 100; and this not through the agency or in time of war only, but of public distress and commercial disasters. While she has been arbitrary and faithless to her creditor, this Government has never defrauded one of a dollar. While she is staggering under a debt of £788,398,570, (more than thirty-five hundred millions of dollars,) we, as compared with her, have none at all. Our whole public debt would scarcely pay the discount on a thirty-day note drawn for hers. Yet her citizens and the European world hold British credit good, while ours is to be doubted.

Sir, there is no Government of the world whose credit ought to stand higher than that of these United States. There has none—no, not one—acted with a faith more pure; not a man of the Old World, or of the New, has lost a dollar by its promises. Its means are boundless; its debts as nothing; its honor pure.

And how is it with the other sovereignties of the Old World? Not one can be named which is not staggering under its load. Within the last few years, the debts of the principal powers of Europe (which it is believed have not been materially altered since) were as follows: Great Britain I have already alluded to. France (did time permit, I would show how she had paid her creditors) had a debt of about £191,893,053, with a revenue insufficient to meet the expenditures of her Government; Austria had a debt of about £80,000,000; Holland, in 1833, had a debt of about £10,000,000, which is vastly increased since; Naples, of £20,000,000; Denmark, between £10,000,000 and £11,000,000; Portugal, an acknowledged debt, in 1838, of £19,086,122; Prussia, of £29,000,000; Russia, of £50,000,000; Spain, according to her official statements, of £89,600,000, and it is believed that her actual debt is three times that amount. With these budgets of iniquity upon their backs, (the fruits of rapine and war,) they stagger along like the old sinner of Bunyan's alegory, reading homilies to us, doubting whether we can follow! We, in lusty youth, carrying the weight of a thistledown, and with an inheritance stretching from sea to sea! There is a cool assurance in this thing, to which the history of the world has no parallel.

Sir, I am not one of those who make a merit of abusing Great Britain. She has my highest respect; but, in the lifetime of an empire, matters such as I have alluded to will occur; and they should teach us charity. With the kindest of feelings—when they scout at us as faithless; when they affect a sanctimonious regard for plighted faith which we have not; when they claim a credit in the markets of the world denied to us—human nature cannot refrain from asking how they are entitled to it.

Mr. President, I have no disposition to speak of persons, except as connected with things; but I have before said that, from the highest official of Government to the lowest, the same humiliating spectacle is seen. We appear to have forgotten that the respect and confidence of others depend much upon that tone of respect and confidence we assume for ourselves.

It was with surprise and mortification that I read in the recent message of the President of the United States the result of a late *petty* mission to the *money markets* of Europe. Could not the discreditable fact have been left to rumor—to the chance of remaining unknown to the many, and being forgotten by the few? Was it necessary for any useful purpose that our shame be published in this enduring form to the ends of the earth? The loan has been taken by our own citizens, who knew us best. Was its negotiation aided by an announcement of the fact that our credit was dishonored abroad? Why further depreciate, in this most effective of all possible ways, the credit of the country? The fact is stated in connexion with, and in aid of, the argument in favor of the *exchequer plan*. But surely the Chief Magistrate of this country, with American blood in his veins, and, I hope, an American heart in his bosom, should have hesitated in this kind of formal and official announcement of the dishonor of American credit. It is a course of business "*sui generis*." The country draws upon the money markets of Europe for five millions of dollars. The bill is dishonored: when, forthwith, the drawer—this country, through its highest officer—makes solemn protest of the draft against itself, and gives public notice! Did his Excellency suppose that anybody was likely to pay for the honor of the drawer? If not, why send the discreditable fact to the ends of the earth?

Again: in the same message, and in the same connexion, is another matter, equally indicating the want of that proper tone of sentiment which the organs of every Government should assume on all questions affecting its national credit: I allude to that part of the message in which the President refers us to his recommendation that the land-fund be "mortgaged for the redemption of the principal and interest of any loan" which the Government might contract, and thereby "vindicate the Government from all suspicion of bad faith or inability," &c.

Sir, I am a citizen of the Federal Government of these United States; I am a citizen of the State Government of New Jersey: neither have ever dishonored their faith by a broken promise. Aside from other objections to this plan, my feelings revolt at it as an indignity—as an unmerited imputation.

An American President recommends to an American Congress that, in addition to our national faith, we give collateral security by mortgage; that we submit to terms in the markets of the world not asked of other nations—terms implying a distrust of our integrity and our honor!

Far back in the history of the world, when loans were made upon the personal responsibility of kings and princes, it was not an unusual thing to put the crown jewels in pledge. But our loan was to be made upon the credit of neither king nor prince, but upon the plighted faith of Government. The proposition from the Executive to hypothecate our crown jewels as collateral to our faith, had it been made by a foreign power, would have been resented as an insult.

Sir, we are frail creatures—we scarcely know ourselves; but I think it is in no improper spirit that I arraign this high functionary before the country as forgetful of its honor. The money could be procured, and has been procured, without any such extraordinary means. But, if it could not have been, taxation was open to us; better that, than negotiating on terms implying a distrust of our integrity.

But this charge of forgetfulness of what is due to ourselves, does not attach to the Chief Magistrate alone. It does appear to me, as if one party in this country have systematically decried its credit—have made an effort to swell in public estimation the amount of its indebtedness, and depreciate its resources. Have we met these charges as we ought? Unquestionably, a system of retrenchment has been in progress since the revolution of 1840, which has saved, and is saving, millions to the country. The danger, indeed, is, from present appearances, that Congress will rush blindly from one extreme to another—will show a "zeal outrunning wisdom." In this respect, at least, Whig promises have been kept to the letter. There is nothing, so far as I know, which should involve the credit of the Federal Government in the slightest suspicion; yet, even in this hall, and everywhere, there is a species of tame submission to moral castigation. When we are told that our credit is suspected, when every wind that blows brings with it charges of dishonesty and fraud, no voice has been heard to vindicate the unstained faith of the nation. This ought not to be. Whatever may be the sins of some of the States, (and God knows I am no apologist for them,) the faith of the Republic is without spot or blemish.

Did I not feel that, from the peculiar organization of our Government, there could be no claim upon us for State debts, I would have hesitated to throw back upon the world the perfidy of the world. It would have been brazen effrontery. I cannot but believe that European capitalists understand the system better than is pretended. If a partnership in Liverpool were of that kind called *limited*—or, in other words, for specific objects—each person having contributed a specified amount of capital, and liable for no more; and one, two, or three of the twenty-six partners should become embarrassed in their private affairs, the firm would very readily understand that it was neither morally nor legally bound for private debts. Ay, and they would understand, too, how the firm might be safe, though individuals were not so. Yet the articles of partnership (if I may be allowed the expression) under which the Federal Government does business have been published throughout the world. They are the American Constitution, of which all had notice. So far as the States have any interest in this firm beyond what is necessary for the transaction of its business, (as the proceeds of the public lands,) I would have no objection to return the same to them, to do with as they judge proper; but whatever may be the power of the Federal Government in regard to the assumption of State debts, (about which I give no opinion,) I utterly protest against its moral or legal liability for the delinquency of any State or States of the Union.

Sir, the secret of this spirit of railing against us abroad is not in the anticipated loss of money only. That they have been used to at home. Still less does it arise from any peculiar excess of financial virtue; but it comes from, and is in aid of, their old spleen against our institutions.

I am aware that this debate is not of the most useful character; but it will be remembered that it did not originate on this side of the chamber. If these resolutions be pressed to a vote, I trust my amendment may be first adopted. It is necessary to divest them of the assumption of that doubtful power to declare an opinion on the law, as well as to indicate our sense of what is due to the credit and character of the Federal Government.

SPEECH OF MR. GORDON,
OF NEW YORK.

In the House of Representatives, February 21, 1843.—On the bill making an appropriation for commercial intercourse with China.

Mr. GORDON rose, and addressed the Chair.

He said he did not rise, on the present occasion, to become the apologist and defender of the present Administration; for he had no agency in bringing it into power in the memorable contest of 1840. Far from it: he had exerted himself, to the best of his ability, to keep it out. He had risen for the purpose of replying *impromptu*, and, as well as the occasion would permit, to the speech just made by his colleague, [Mr. J. C. CLARK,]—a speech *sui generis* in point of taste, and partaking strongly of the fumes of the midnight lamp. His colleague had taken more than ordinary pains to cull from the pages of Shakspeare, Junius, Byron, and the classics of ancient and modern times, the choicest epithets of vituperation, of sarcasm, and of obloquy, to crowd them into a memorized philippic of an hour's length against the Executive and the prime minister, whom he had so zealously labored to elevate to power. He did not recollect to have heard a speech this session in which more wrath and gall was poured out upon the doomed heads of "Captain" Tyler and Daniel Webster. Indeed, the *lex talionis*, or law of retaliation, as practised in the olden time, between the flood and the advent of Christendom, would well apply to him. Let not his colleague, then, complain if he received as good, and as much, as he had hurled at Messrs. Tyler and Webster! Let him not murmur if the poisoned chalice was returned to his own lips!

His colleague now said that he was sorry that the present Administration was invested with power. Such a declaration did not at all surprise him, (Mr. G.,) strange as it might seem to others,

As far back as 1840, he did not doubt but that his colleague would repent of the exertions he then was making—and why? Because he foresaw that the Whig party would fall to pieces by its own want of any cohesive principle, and by that lustful longing after office and the spoils which the patronage of a kingdom could not have satiated. In attempting to describe the party which the President would create for himself, by the influence of executive patronage, his colleague had well delineated the party to which he himself belonged, and which never could have been so truly represented had not his colleague been familiar with the materials of which it was composed. What were they? The cheese-parings, the candle-ends, the rag-tag and bob-tail of all the factions, cliques, and parties, that ever existed. Such was the assemblage which met at Harrisburg in the month of December, 1839. So sensible were the members of that assemblage of the fact that radical differences existed among themselves, that they did not even dare to talk to each other about any common principle upon which they could enter the Presidential contest. They, therefore, suspended the consideration of all such subjects; besought the "generous confidence" of the public; put their own favorite instrument, *the gag*, into the mouth of their candidate; and surrounded him with a committee to speak for him! All this was done from the knowledge that they held no one principle in common with each other, and from the fear that the adoption of a broad and general class of principles might disturb some of the "candle-ends." Fit representatives of the party to which his colleague belonged, and under whose victorious banners he fought the battle of 1840! Once, indeed, his colleague did belong to the Democratic party. It was long prior to the year 1837. But that evil spirit, called "ambition," whispered in his ear; and he, charmed by its witchery, immediately performed what is called a somerset. It was so far back as 1826, when his colleague went over to the opposition, and was elevated to Congress by the Federalists, aided by a portion of the Republican party which he had led astray. What followed? How did his colleague serve his new friends and allies who elected him? By coming to Congress in 1827; and, after taking the oath of office, advocating, with signal zeal, all the Democratic measures of the session—thus coldly turning his back upon the men, and scornfully trampling under foot the measures of the party who elected him.

The CHAIRMAN here called to order.

Mr. GORDON said he was not impugning the motives of his colleague, by any means. Far from it. He was only stating *facts*. [Laughter.] And he believed that, according to the decision of the chairman, [Mr. WINTHROP,] money bills, when under consideration in Committee of the Whole, opened the door to all sorts of debate. [Laughter.] But, to return to the facts he had been stating. His colleague left the Democratic party. There was no doubt of that. It was, therefore, for his colleague to explain the motives which actuated him in so doing, when he became the candidate of an irregular party, after having been from his youth a stickler for regular nominations.

[Here Mr. J. C. CLARK rose, and desired to ask a question.]

Mr. GORDON said he must decline yielding the floor. Under the rule which his colleague's friends had adopted, his time was short; and he therefore wished it to be understood that, when he was addressing the Chair, he desired to occupy the floor exclusively. His colleague was elected to Congress by the Democratic party in 1836, (ten years after his irregular election;) and twice since had been elected by the Federalists of the Chenango district.

Mr. CLARK (from his seat) asked if he did not, after his election in 1836 by the Democratic party, go into a minority of one thousand, and work up?

Mr. GORDON remarked that he had not supposed the minority was so small; but if it was, then so much the worse for his colleague; for it showed that he had broken down the party whose cause he espoused, and into whose confidence and good graces he had managed to initiate himself. The party had much trouble on his account, all owing to the great degree of confidence which was reposed in him, and enabled him, by a bad use of it, to deceive so many faithful followers. These honest Democrats (to their credit be it said) followed him but a short time. They soon obeyed their natural instincts, quit their deceiver, and returned to their first love—where every other Democrat would return, if God should only spare his life to take a "sober second thought." His colleague, it seemed, got back to the Democratic party after his apostacy in 1826; and how? By entering it under the Jackson banner, which he was among the first to unfurl. Yes; his colleague basked in the light, and triumped in the victory, of that hero and statesman—his constituents pardoning him of former transgressions in consideration of his years, and of the natural proneness of youth to indiscretion. Foreseeing, with eagle-eyed sagacity, the rising popularity of the man who had filled the measure of his country's glory, his colleague lost no time in becoming the champion of General Jackson, and soon, by his zeal and services, excelled the strongest Democrat in all the country. This, though it gave him grace and favor with his old friends, did not restore him to full confidence and communion with them. Long did he sit upon the stool of repentance in sackcloth and ashes, mourning over his transgressions, and appearing meek as possible before the people. To crown the long catalogue of his professions of faith in the Democratic creed, preparatory to his full restoration to public confidence, he was the author of a set of resolutions which were adopted at the Norwich convention, held in February 1835, and composed of delegates from the several towns in Chenango county, and which resolutions justified the removal of the deposites by Gen. Jackson, denounced a Bank of the United States as unconstitutional and inexpedient, asserted that gold and silver were the only safe and proper currency, and *charged that a United States bank would be dangerous in corrupting members of Congress*. These resolutions were reported by his colleague, as chairman of the committee, and unanimously adopted by the convention. His agency in getting them up, and having them passed, secured his appointment to the State convention held the following year to select electors for President and Vice President, and also his nomination and consequent election to Congress by the Democratic party in the fall of 1836.

What respect could be paid to the views of men who denounced a bank of the United States as unconstitutional, inexpedient, politically dangerous, and corrupting to members of Congress; and then, after all this, turned around, and borrowed of it about $4,000 in 1837, and $6,000 more in 1840, making in all the round sum of $10,000—"a fair business transaction"—never to be paid but by the sponging process of the bankrupt law; and then, with utter shamelessness, voted for the creation of the very institution they before denounced? What weight should be given to the opinions of men who voted for the bankrupt law, and then became voluntary applicants for its benefits? What effect could the denunciation of an apostate have against apostacy? It was like the pot calling the kettle black. With what face, then, could a man who had been refused an office (say, that of consul to Liverpool) pretend to stand up on this floor, and accuse a man who defeated his appointment of corrupt selfishness for clinging to office?

At the extra session of 1841, his colleague voted for the bankrupt law, and is now a voluntary applicant for the benefit of the act—his inventory showing, (as Mr. G. was informed,) among other things, an indebtedness to the Bank of the United States of some ten thousand dollars, for money loaned in 1837. During the 27th Congress, he voted for the two bills incorporating a bank of the United States, which were vetoed by President Tyler; and for which vetoes he now was in the habit of denouncing the Executive in the most bitter and scathing terms. Of the Norwich convention, in 1836, he was the most active and leading member, and was the prime mover and author of the resolutions embodying the cardinal doctrines of the party, then and now. What his motives were, in taking the part he did in that convention, he (Mr. G.) would leave to his colleague to explain. It was not for him to say; and, besides, it was unparliamentary on that floor to speak of the motives of honorable members. This much, however, he would say: that the part taken by his colleague at that convention secured his nomination and election to Congress, and reunited him to the Democratic party. His colleague then stood upon the same intimate footing with the Democratic party which he had occupied prior to his apostacy in 1826; and had he not again forfeited and abused the confidence of the people, it would have abided with him to his latest breath. Confidence is a plant of slow growth. Once crushed, it withers and dies. It was not long before his colleague forfeited the respect and confidence he had so studiously sought and won. He served with the Democratic party until he came on to Washington at the extra session of 1837, when he joined the Conservative clique. Thenceforward, he battled against the Democratic party. Like most other apostates, he did not join the Federalists immediately; but stopped at the Conservative half-way house, and there refreshed himself, until that slimly-patronized resting-place was razed to the ground, when he went smack over to the embraces of the Federal party. There he now is! *There*, he (Mr. G.) trusted, he would ever remain! *There* he MUST remain, if he depended upon the Democracy of old Chenango to rescue him! He (Mr. G.) did not undertake to impeach the motives of his colleague; he merely stated facts, which his colleague might answer if he saw fit. He could not refrain from saying what he had, when he saw his colleague, in the speech of to-day, sneering at the Democratic party, casting reproaches upon them, calling one of their Governors the "hero of clambakes," and denouncing the party generally as locofocos and disorganizers. It had been well remarked that the Devil could quote Scripture, and preach a good sermon, when it suited his purpose. Now, he thought his colleague was not a very fit person to read a lecture to the present Administration on the subject of apostacy, and to deal out denunciations, right and left, upon it, and upon the Democratic party. Such lectures came with ill grace indeed from *such an author*! His colleague should first pluck out the big, glaring beam in his own eye, before he undertook to scan and criticise the motes in other people's eyes.

Now, he would ask, what was the principal ground of his colleague's complaint?—what the source of all his grief, and wailing, and lamentation over the untimely fate of his fallen party? Was it that he mourned the sacrifice of any principle—any exalted motive of action, that bound his party together? Not at all. His colleague did not once allude to the *principles* of his party. His grief was of a different complexion. It was the loss of the spoils—the loss of power and influence—the impossibility of obtaining patronage and place—that his colleague lamented. Yes, it was the loss of all for which his colleague's party had been contending—the sad wreck of all their hopes! His colleague had spoken of the love of office, and the treachery of men in high places; but said nothing of the principles of his party, nor uttered one regret at the failure of their measures. When Francis the First, at the battle of Pavia, was defeated, and his army cut to pieces, he wrote his mother word that he "had lost all, save *honor*." So it was with the Democratic party after the contest of 1840. They lost all but their *principles*. They rallied under the flag of their undying principles; and, without the aid of patronage and place, and the spoils, achieved the most glorious victories throughout the Union. How different was the case with the party of which his colleague was now a member! When the patronage and power of the Executive was wrenched from them, and by the man they had themselves elevated, their all was gone! They could not say, like Francis the First, "we have lost all, save *honor*." They could not say, like the Democratic party, "we have lost all, save *principle*." Their only note was a cross, crabbed, muttering cry, like that uttered here to-day by his colleague over the loss of *the spoils*. Deprived of these, they were as outcasts at sea, without anchor and without compass. The Democratic party, on the contrary, shorn of the trappings of office, became more powerful than before; and, like the giant Antæus, gathered new strength from their fall.

Although about to retire from public life, he cherished as ardent a desire for the success of the Democratic party as ever. He could never consent that his ardor should be dampened, and his zeal quenched, by the fact that he was soon to go out of Congress; but, in or out of Congress, in public or in private life, his hopes and his exertions must ever be the same.

As to the issues between his colleague and the present Administration, he considered all that a mere family quarrel. The Whig party, and the body of the supporters of the Administration, might be disunited now; but the time, he predicted, would come when they would be allied again, and pursuing the same objects. They would be united

again, from the fact that both wanted to establish a paper currency for this great nation. Some of them were for an exchequer, and others for a Bank of the United States. Some of them, too, wanted to bolster up the paper of the State banks with the credit of the General Government. All, in fact, wanted to renovate the same system of paper-money, under the evils of which the country now suffered so grievously. He would, then, glance at some of the expedients of this party, and, among them, the $200,000,000 scheme of the gentleman from Maryland, [Mr. W. C. JOHNSON.] What was that scheme? Why, that the Government shall issue two hundred millions of bonds, at an interest of 3 per cent., based on the pretended sale of the public lands; in other words, to put $200,000,000 of Government paper afloat, without any adequate security for its redemption. Such was, in a few words, the scheme of the gentleman from Maryland. Now, what was the proposition of another gentleman from the same side of the House? [Mr. CUSHING.] That the Government should carry on the business of private banking on private account, and, at the same time, give currency to depreciated bank paper. Such was the exchequer. But he would return to the two hundred million scheme; for he feared that all this longing after paper-money would end in it at last.

The Chairman called to order for irrelevancy.

Mr. SMITH of Virginia interposed, and begged that the gentleman might be permitted to proceed, as the other gentleman from New York [Mr. J. C. CLARK] had been allowed to go on without any restriction or limitation.

After one or two remarks from the Chair—

Mr. GORDON resumed, and said he should proceed in order. The ground he took in this matter was, that this party could not be safely intrusted with money, because of the extravagant and impolitic projects they were ever ready to force upon the adoption of the House. He wished to know, before he intrusted this Administration and this party with money—(for he took it that this bill emanated from the majority)—before he opened the purse-strings of the nation, and intrusted them with the treasure of the people, he wished to inquire into their system and policy of government. He presumed this would be as much in order (and he hoped the Chairman would so rule it) as to debate the Faneuil Hall speech of Mr. Webster. Was it not as much in order to allude to the state of the finances of the Government, as to treat of what his colleague was pleased to term the treachery of his political friends? He desired to discuss the position taken by a majority of that party, through their own Committee of Ways and Means—that it was competent and constitutional for the General Government to issue $200,000,000 of bonds, to be given to the States, and also what "relief" such a scheme would afford to the people. He would, however, first treat of the exchequer.

Here the Chairman again interrupted Mr. G., and said that the topics he was discussing were irrelevant to the subject under consideration, and therefore out of order.

Mr. R. D. DAVIS rose, and remarked that he understood his colleague to allude to these subjects incidentally, and as illustrative of his general argument.

Mr. WELLER said that the gentleman from New York [Mr. J. C. CLARK] had been allowed to speak of all the subjects which the gentleman [Mr. GORDON] now wished to discuss, and was not called to order. He should think the gentleman now on the floor [Mr. GORDON] had a right to discuss the same subjects in reply.

The Chairman insisting upon his decision—

Mr. WELLER took an appeal.

Mr. GORDON resumed, and requested his friend from Ohio to withdraw the appeal, inasmuch as to decide it would largely take off from the hour allotted to him. [Mr. WELLER did so.] He should be able to come out, in order.

His colleague had given a most glowing description of the temple of the great Whig party, with columns, and colonnades, and a lofty dome; and had complained that the man behind the throne, at the other end of the avenue, was exercising his great strength in tearing down that mighty edifice. Now, he thought it would not require a Samson to tear down a *log-cabin!* Even the very boys of the city made it their pastime to tear and pull to pieces the few models of Whig architecture which were found here. What were the columns and colonnades of this glorious temple, so glowingly described by his colleague? Why, he believed that the sign out of doors, whether the latch-string was pulled in or not, was a cider barrel and a coon skin; whilst the edifice itself was built of rough logs, with the chinks between them stopped up with mud. It was a temple of night revelry and debauch, where its votaries drank hard cider, and, too often for their own good, became fuddled! If, then, this mighty man—this premier at the end of the avenue—aided by the boys, did tear down the consecrated temple of Whigery, he did more good than harm. He (Mr. G.) applauded him for the act. True, it was a small business for such a man to be engaged in; but all must admit that it was no less dignified an employment than that of assisting his friends to raise these remarkable edifices.

He thought it would be an instructive fact to the people of this country, could they know whether the two hundred million project, darkly hinted at in the Faneuil Hall speech, originated in this country or in England; and also whether it was first conceived before or after the visit of that mighty man to England in 1839; whether it was before or after he got the thousand pounds for his opinion on the subject of State credit. These facts might be highly important to the people, in enabling them to judge of the merits of the scheme. He considered it as no more nor less than a project for the benefit of the British fund-mongers, and the success of which would crush this Republic. Once adopted, the Government could not subsist a day. There would be a consolidation of all the power of the States in the Federal Government. Congress would have taken upon itself to discharge all the debts created by the extravagance of the States, and the profligacy of their agents, without the power to restrain their propensities to further debt and scheming extravagance. This would be consolidation in its fullest sense, and would break up our present form of government; for the States would undoubtedly come to their senses in time, and shake off the odious burden imposed on them, by repudiation or nullification. For himself, sooner than see his own State (New York) saddled with the debts of other States, he would resort at once to nullification or repudiation. Yes; he would rather repudiate than entail upon the people of his State debts created by the spendthrift propensities of others. Let gentlemen in Congress abstain from tinkering the credit of the States. Let them preserve intact, inviolate, and untarnished, the faith and credit of the General Government; and, he was willing to answer for it, that would be the test mode that could be adopted to preserve the credit of the States. He could not think of any consideration which should for one moment influence Congress to assume the State debts; nor could he see how, by possibility, the people could, in any shape, be benefited by it. At this very time, the annual revenue of the General Government from customs, lands, and all sources combined, does not amount to $15,000,000. The annual ordinary expenditures of the Government are $23,000,000. The national debt is now $26,000,000, at an annual interest of $1,560,000. What, then, must be our reliable sources of reveuue, unless by resorting to direct internal taxation? Here, then, with a debt of $26,000,000 pressing down the credit of the General Government, is an annual deficit, after exhausting all our income, and without discharging a dollar of the principal of the debt, of $9,500,000 to be provided by increased taxes, in order to save this Government from repudiation, disgrace, and financial ruin. Yet it proposed to superadd to this load of debt two hundred millions, by an issue of bonds bearing 3 per cent. interest, on the baseless security of the public lands; when their proceeds, all told, added to the duties on imports, fall more than nine millions and a half short of the annual expenditures! The interest upon these two hundred millions is, of course, to be paid by means of a direct tax upon the pockets of the people; for, to think of paying it with the customs and land sales, is out of the question. Where would these bonds of the General Government go? Would they go to the people, to be distributed *per capita* among them, according to agrarian principles? Not a dollar. How, then, would they be disposed of? The share of each indebted State would be handed over to its creditors, and the share of the non-indebted States to their authorities, to stimulate them and their agents to the same ruinous and reckless career of extravagance and wild scheming which would inevitably lead to bankruptcy and defalcations. How, then, be repeated, were the people to be benefited by the $200,000,000 scheme, (even if this Government were able to meet the new and heavy responsibility, whilst it, at the same time, discharged all its other duties and obligations?—an undertaking which no man in his senses believed could ever be performed. Could the people, by any possibility, be relieved by grinding taxes? If *taxation* would produce relief and blessings, then, indeed, the people would be doubly blessed! If it is true (as was contended formerly) that a national debt is a national blessing, then, indeed, will this project confer the blessing in a most eminent degree! In his (Mr. G.'s) view, however, this scheme, emanating as it had from the brains of visionary dreamers, would produce blessings and "relief" with a vengeance—such blessings as national discredit and insolvency and such "relief" as practical repudiation by the General Government. Relief, indeed! Relieving the people with their own money and credit! It was a mockery to talk of such relief.

But let him turn to another aspect of the question. Whether a war with England would be a blessing or not, he could not now undertake to say. He did not know but that it would do some good, by arousing a spirit of patriotism in the country, and by enkindling a good feeling in the hearts of the money-making people, who would not hesitate to ask even a desecration of the Constitution itself, if thereby they could make money. But let it be conceded that a war with England was a blessing of the most desirable kind. He did not believe that the people of this country would do any improper act to promote it. Let England espouse the cause of the Rothschilds, and other foreign bankers, if she dared; let her take up arms in defence of the Nicholas Biddles on the other side of the Atlantic; let her make common cause with them, and wage war upon our country and our Constitution—he wished to see the trial come at once. He wished to see the strength and virtue of our Constitution tested. He wished to see the heart and energies of our people pass through the ordeal to which they would be subjected. He felt confident that all the patriotic ardor that inflamed the bosoms of our ancestors would be at one enkindled, and that our people would come out from the contest unscathed. The people of this country, he thought, owed a debt of gratitude to the gentleman from Massachusetts [Mr. ADAMS] for putting the matter upon the footing he had placed it. That gentleman, by threatening war in case of a non-payment of the State debts, could not have more effectually served the ends of those who were opposed to assumption. Indeed, he had put it out of the power of this Government, without dishonor, to assume the State debts under such a menace. The gentleman's speech, designed to intimidate, would be hereafter held up as an appeal to the pride and the martial spirit of the people.

But what was the further tendency of the gentleman's argument? Why, that this Government must necessarily assume the State debts; for it was shown that a State might go on, *ad libitum*, contracting what debts she pleased, giving her bonds to foreigners for the amount, and then this Government must be dragged into the payment of her obligations; for a single State had in this way the power to involve this Union in a war with a foreign power, notwithstanding the power to declare war was, by the Constitution, placed, not with the Governors of a State, but with the Federal Government. He would not discuss the validity of Mississippi bonds, for that subject had been sufficiently discussed on this floor. He cared not whether they were valid or not, so far as the argument there was concerned, but the idea that a State might contract what debts she pleased, and that this Government must pay them, or assume her indebtedness, was putting this country in the power and at the mercy of a single State. Why, he would prefer consolidation to such a state of things—he would prefer that the State lines should be blotted out—that the whole people of this Union, if they were to be compelled to assume the responsibility of repayment, should at least have a voice in the contracting of these debts. He asked the House what control the State of New York, which he in part represented, had either here or at home, in her State Legislature, or by her press, or her public meetings—or indeed, in any form—over the contracting of the debts of the State of Indiana, of Mississippi, or of Pennsylvania? Those States contracted their debts without consultation with New York; and

was not permitted to say a word on the subject; and yet the modern doctrine which they heard here was, that the pockets of the people of that State were to be reached for the repayment and liquidation of those debts. Now, he would appeal to the chairman of this committee [Mr. WINTHROP] as a patriot, as a statesman, and as a high-minded man from Massachusetts, who had studied the fathers of the Constitution, whether this wild scheme was ever dreamed of by those revered framers of the charter of our liberties; and whether, in the whole range of their deliberations, there was the least perceptible leaning to such an enormous power which now found advocates in the venerable gentleman from Massachusetts, [Mr. ADAMS,] and the gentleman from Maryland, [Mr. W. C. JOHNSON,] and some others.

But perhaps he had said as much on the Faneuil Hall speech and its tendencies, as the occasion would justify; and he would turn for a moment to the exchequer, which was but another emanation of the same brain—the brain of one who had said that, if he understood anything, it was the subject of finance; and that the bill of the gentleman from Massachusetts was not worth the parchment on which it was written, compared with the mighty scheme of consolidation which he had prepared. And what did the scheme of the gentleman from Massachusetts [Mr. CUSHING] propose? Why, in the first place, that private individuals might deposite $10,000,000 in the treasury of such exchequer of the United States; thereby withdrawing $10,000,000 of specie, gold and silver, from the currency of the country, and receiving, in return, ten millions of certificates, which would become its circulation. But further, it provided that the Government creditors—the holders of its bonds and obligations or treasury notes—might receive certificates for the amount of the debts due to them by the United States, to a like amount of $10,000,000; thus making the issue of certificates equal to $20,000,000 if this latter provision be observed, being but a modification of the former one; a receiving of the debt due to the public creditor, and a returning of it to the treasury, and receiving, as in the case of a private depositor, certificates for the sum deposited. Thus, then, they had $20,000,000 of specie drawn from the circulation of the country, and paper certificates substituted. And yet even this was not all; for the mints had an unlimited power to receive foreign coin, and to issue certificates for the coin so received. But further still; the exchequer board was to be authorized to sell bills of exchange, also to an unlimited amount, at a premium of not exceeding 2 per cent. And for what purpose, he would ask, was all this to be done? It was certainly not to add to the circulation of the country; for every dollar of the great amounts he had enumerated was taken from the circulating medium, for which the paper certificates were to be substituted. They were thus to take the gold and silver from circulation, and supply the place of it with paper, that this Government might become the depository of the funds of individuals to the amount of millions, for which this Government would become responsible.

When the sub-treasury was under consideration, a standing objection raised by the opposition to it was, that it would hoard the specie of the country in the vaults of the treasury, so far as the revenues of the Government went—which, as all knew, were in a constant course of receipt and payment. Now, by the exchequer, this objection is doubled. It applies with double force to that scheme; for it is not only proposed to hoard the specie derived from customs and the public lands, but also the coin owned by private individuals. The specie in the United States is estimated at from eighty to one hundred millions, including that in the vaults of the banks. This amount, too, goes on increasing in proportion, and the banks go out of existence. Nothing is clearer, better ascertained, or more generally understood, than that coin disappears in proportion as paper circulates, and returns to form the circulating medium as soon as paper is withdrawn from it. The process is simple. The banks issue their paper, for which they receive coin. They then export this coin from the country, to be sold as bullion—an article of merchandise. When the banks are called on to redeem their notes, they suspend, and blow up—a consequence not to be wondered at by those who have viewed their operations. A return from paper to specie circulation is attended with pressure, and in many cases bankruptcy. It is the crisis in monetary affairs, like the crisis in the sick man's disease, from which dates the commencement of returning health.

Such is substantially our present condition. Such is the *modus operandi* by which the circulation of the country has been despoiled of its coin. Take, for example, the State of Ohio. Its banks have expelled the gold and silver which would have naturally flowed into it, and remained in the channels of circulation. That great State is now left vastly short of its share of the circulating medium of the commercial world. It has been reduced vastly below its value by the operation of a false banking system. Currency is to be measured by its value, and not by its quantity. A paper currency is worth the amount of specie it rests on as a basis, and no more. You cannot enhance the value of the currency by floods of paper, no matter how much be issued, beyond what would be a due share of the gold and silver of the trading nations; on the contrary, such a course would greatly depreciate and reduce it. Like water, currency will find its own level; and, but for banks and paper contrivances, would equalize itself all over the civilized world, in the ratio of the population and trade of each commercial nation. Banks, like dams in the river, obstruct the influx of specie, prevent the flow of its current, divert it from its natural channels, and drive it from the circulation of countries where they are permitted to exist, to other countries where they are not. There cannot be a doubt but that the paper system of the United States has depreciated the standard of value belonging to gold and silver coin in all parts of the world, as well as here at home; at the same time that it has not, to the same extent, increased the circulating medium, by superadding to the general amount in as great a degree as it forced the gold and silver coin of this into other countries. The effect has been the same as if an equal amount of gold and silver had been suddenly dug up from the bowels of the earth, coined, and placed in the channels of circulation; thereby swelling the streams above their banks, and overflowing the land. To his mind, nothing could be more palpable than the truth of these positions.

Great indeed are the advantages which the merchants and traders of a specie country have, in their commercial intercourse, over those of a country whose currency is paper! Let those advantages be rightly understood, and the baseless paper policy must go down forever to the tomb of the Capulets. The specie country sells to the paper country by the paper measure, which is marked too high. The latter, deceived as to the capacity of its own measure, buys less than it pays for, and supposed it was contracting to receive. The people of the specie country sell at paper prices, and receive their pay in specie. This specie—although, by the operation of the paper system, depreciated in the country where that system is carried out—when transferred to a country where specie dealings are universal, rises to its true level, as fixed and estimated by the opinion of the world. It is thus that the people of specie countries find it to be their interest to exchange their products for our gold and silver, and keep up an artificial drain upon us. Of course, the whole operation is to our prejudice, and for the benefit of foreigners—leaving a continual balance of trade against us.

As to the exchequer, he would not say it would operate in the same manner as the banks, should it ever remain unchanged, unmodified, and unamended, and perform its functions as claimed by its friends. But would it always remain in its present form? And even if it could be permitted so to remain, what guaranty had the people that it would perform all its functions in the same admirable manner claimed for it by its friends? He despaired of seeing these objects attained. He could but regard it as the entering wedge to the final admission of the power and universal prevalence of bank paper in the business of the country, throughout all its ramifications. He could not consent so to shape the action of the Government as to dictate a paper policy to all the business transactions of the people, and thereby direct their fate and destiny. This view of the question was itself an objection to one and all of the exchequer schemes which had been proposed; for it seemed the friends of *an* exchequer could not all agree about *the* exchequer which ought to be adopted by Congress.

How, he asked, was the proposed exchequer intended to operate? Not to collect and export specie,—as the banks always have, and ever will find it to their interest to do, although the country be brought to insolvency by the operation. It professed to collect, and hoard in its own vaults, all the specie of the United States; and to circulate, in place of this specie, an equal amount of paper certificates. How would the country gain by the operation? Nothing would be added to the currency; nothing contributed to public or private enterprise; no stimulus given to business; nothing gained by anybody, or by any branch of industry, except the mere avoidance of the expense of transmitting specie from place to place—an advantage more than counterpoised by the loss of confidence which the precious metals must, and ever will, command over every description of paper, no matter how well secured. As to the superior cheapness of the exchequer in transmitting funds, such a thing could not be well established. The exchequer must charge as much as the cost of transportation and insurance of specie. There could be no difference in the price charged by the exchequer, and that by private individuals and dealers in money and exchanges. If the exchequer should charge more, it would, of course, be underbid by brokers, and patronized by no one. If it should charge less, it would, of course, have more business than it could accomplish, and would become a heavy charge upon the Government.

The effect of hoarding the specie of the country in the vaults of the exchequer, would be to incite and encourage embezzlement. It would, he thought, be putting too much money under the control of Government officers, and subjecting them to too strong temptations. It would be rendering them liable to the same temptations to which bank officers in this country had offered so little resistance. In spite of bonds, and penalties, and oaths, embezzlement would be committed, and the United States Government saddled with the responsibility of making good vast amounts of private funds received by it in its capacity of dealer in exchanges. Who were to have the keeping of these public and private deposites, mixed together to the amount of all the specie in the United States, and coequal with the currency of a great commercial people? This pregnant question was answered by the provisions of the plan itself. Let gentlemen turn to the three first sections, and they would find there a new and unnecessary class of public officers to manage private funds—all to be appointed by the Executive, and increasing the already too much extended influence of the Executive. Yes; a large class of men are to be paid exorbitant salaries out of the public treasury, for managing the transmission of private funds! The plan is to go into operation with one commissioner, one principal clerk, ten assistants, eleven registers, and their twenty clerks at the board in Washington, and their agencies in the States where the money is to be kept. All this force is to be added to the regular force of the Treasury Department. And this is only the beginning of the scheme! Where it would end, if adopted, the Lord only knows.

The amount of specie brought into the exchequer would be equal to the amount of the currency of the country, should the system work as its friends claim that it will; its object being to furnish a paper currency of equal value through the country. Its design is to supply the place of a United States bank, since that institution has become an "obsolete idea." It is intended to fill with its certificates and drafts, that space which was once filled by the notes, drafts, and credits of the United States Bank. Such is the amount proposed to be intrusted to the hands of officers of the United States on private account, and the Government itself responsible! And for what object and end? In order that the specie of the country may be drawn from circulation paper promises to pay and certificates are to be issued to fill the vacuum; and the people familiarized to the use of paper, until they regard it as cash of intrinsic value—thereby paving the way for the triumph of paper-money schemes and the ascendency of the moneyed aristocracy. The history of this class, in our own as well as in other countries, proves that they will never rest satisfied until they shall have gained a control over all the wealth, labor, and hard earnings of the producing classes. They will not be contented until they have revived the credit system, which but recently exploded, and left the people in the lowest depths of indebtedness and distress. Let the country, he besought, be delivered from the curse of these schemes, and from the fatuity and recklessness of the party which came into power in 1840 by the most unpar-

alleled and disgraceful means ever resorted to in the long annals of political corruption! Every patriot might well look with apprehension and alarm upon the blot which he feared was beginning to appear upon the hitherto fair escutcheon of our country. He had still some hope that the eyes of the blind dupes would be opened to the wiles of the schemers who were making them instrumental in subjugating the masses to the idle and listless millionaires, who contrive to grow richer and richer day by day, from the toil and sweat of other men's brows. Let the people drink deeply at the well-springs of knowledge. Let them qualify themselves to govern with wisdom and moderation. Let them learn (and they must learn it sooner or later) to "let well enough alone," and cease tinkering the immutable laws of commerce and currency—laws which are founded upon the nature of man, and are as little capable of being altered by human legislation as the laws of matter. Let them profit by the bitter experience they have learned, and henceforth know that it would be as impossible for Government to discover the philosopher's stone, or invent a machine of perpetual motion, as to convert paper into gold and silver, or make "promises to pay" equivalent in all respects to solid coin. Never has man, with all his ingenuity, with all his talent at invention, with all his wonderful discoveries in science and in art, been able to counterfeit the precious metals, and elude speedy detection. The precious metals have an intrinsic value, apart from their value as a circulating medium. Paper is, at best, but a representative of value, and which may prove to be as baseless and visionary as the man in the moon. A statesman should as soon think of catching the will-o'-the-wisp of the marsh, or the evanescent colors of the gorgeous rainbow, as of attempting to make anything else answer the exact purposes of gold and silver.

The earth teems with wealth, and Heaven has decreed that it shall only be realized by labor. Let Government confine itself within its proper sphere of protecting and securing the fruits of honest labor to each and every man in the community, drawing the line between *meum* and *tuum*, and punishing all invasions on private right. Let it do this, and it will have discharged all its domestic duties to the people. Further interference in their private affairs would be more like usurpation and oppression, than any pretended protection.

The present has been emphatically a Congress of scheming experiments. There have been proposed, as *sine qua nons*, the two bank bills which were vetoed by the President, differing from each other and every other; the exchequer of the Treasury Department, and the exchequer of the select committee, [Mr. CUSHING's;] the bill of Governor Pope, which is the scheme of a great bank based on the public lands; the bill of Mr. Everett of Vermont; the bill of Mr. Barnard; and last, though not least, the two hundred million scheme of Government stock, which is the joint offspring of the Barings in England, the Secretary of State, and an honorable member of Congress from Maryland. All these bubbles have appeared and disappeared in rapid succession, and, like the baseless fabric of a vision, have left nothing behind. They and their fate reminded him of the ill-starred extra session of 1841—every measure of which had been repealed by the same Congress, and nothing of which now remained on the statute books, except the mere appropriation bills. Discordant in principle, crudely conceived, impracticable of adoption, and wanting the confidence and respect of even a majority of the party whence they emanated, they are the fruits of all the labors of the majorities here and in the Senate during the three sessions of the 27th Congress; and most truly do they reflect the composition of the 'candle-ends, cheese-parings, rag-tag-and-bobtail" party, which came into power by the eruption of 1840, and which was so graphically described by the distinguished gentleman of that party, [Mr. J. C. CLARK,] who but a short time since addressed the committee. As it was the first, so, it was to be hoped, it would be the last Whig Congress ever convened here! The present generation must pass away before the same fantastic tricks can be again played off with success. The people, who were told that a "change" would be no worse for them, and who heeded the insidious advice, will not soon again turn a listening ear to their deceivers. They have learned with sorrow their great mistake, and will not permit themselves to be duped a second time. In tracing the history of this party, (the like of which never existed,) the faithful chronicler will date its origin from the modern credit system, which immediately preceded it, and which poisoned and corrupted the public morals by its gambling, reckless, unregulated spirit.

SPEECH OF MR. McDUFFIE,

OF SOUTH CAROLINA,

In Senate, February 20, 1843.—The following resolutions submitted by Mr. McDUFFIE coming up in order, viz:

Resolved, That the Government of the United States has no constitutional power to assume the debts contracted by the States for their own proper purposes, by the issue of stock, whatever fund may be pledged for the payment of the interest or principal.

Resolved, That it is inexpedient for this Government thus to assume the aforesaid debts.

Mr. McDUFFIE said it was not his design, when he presented these resolutions, to have offered a single remark, with the purpose of enforcing the doctrines they declare. But, as he perceived that the Senate was not yet full, he would avail himself of the occasion to submit one or two views to its consideration. And, in the first place, he asked, had Congress the constitutional power to carry into execution the scheme to which these resolutions relate? This was the first and most important question; and, in regard to that question, he confessed the very great surprise with which he heard the Senator from Kentucky over the way, [Mr CRITTENDEN,] when particularly interrogated as to his opinion of the question of constitutional power, declare, that though he disclaimed all obligation on the part of Congress to pay the debts of the States, and could not *now* conceive of an emergency which would justify their assumption, yet he must say that Congress was not *prohibited* from such an exercise of power. Mr. McDUFFIE said he was the more surprised at such a remark as coming from the honorable Senator from Kentucky, who, he was sure, was politically educated under those sound constitutional doctrines from the pen of Mr. Jefferson, which were promulgated by Kentucky in 1800. Mr. McD. asked the Senator if those great doctrines were to be reversed; and if, instead of looking to the express grants of the Constitution for the powers of Congress, we were to assume all those which were not expressly prohibited.

[Mr. CRITTENDEN asked leave to explain the remarks alluded to. What he meant to say was, (as the whole tenor of his remarks would show,) that he was unwilling to to express an opinion at that time as to the power of Congress. He did not intend to say that Congress could exercise any powers, except such as were expressly granted, or which were implied as necessary to carry express grants of power into effect.]

Mr. McDUFFIE said he was glad to hear the explanation of the Senator from Kentucky. He entirely concurred in the principles of construction he now laid down, and was sure they must condemn the assumption of power now under consideration. But he would proceed to show (as he flattered himself he could do, most conclusively) that not only was there no grant in the Constitution giving the least color of right to exercise this power; but that the only grant in the Constitution, having relation to the subject, contained an express prohibition against such an exercise of power, as plain and positive as human language could make it. Now, what, he asked, was proposed to be done? and what were the powers practically involved in the scheme of assuming the State debts? He begged Senators to realize the true effect and character of the measure, and not to be deluded by a mere empty form. The stock proposed to be issued, it was true, was to be sustained, in part, by a pledge of the income derived from the public lands; but it would be a gross delusion to suppose that the whole credit and resources of the Government were not also as fully pledged for the redemption of the proposed stock, as if no particular fund were pledged. The very act of assumption extinguished the State debts, and created a Federal debt to the same extent. Now, what were the powers involved in doing all this? He answered, the whole money power of the Government—borrowing money, levying taxes, and appropriating the revenue derived from these sources. Yes, sir, the whole of this greatest of all the powers of Congress was to be called in requisition to execute the proposed scheme and, he would add, no other power whatever. And he would now ask, if there was not, in reference to the exercise of this power, a limitation as clear and distinct as language could make it, amounting to an express prohibition of the proposed assumption? The clause of the Constitution which clothes Congress with the power of raising revenue, expressly limits this power to the objects of "providing for the *common* defence and *general* welfare of the *United* States." Now it is remarkable that these words of limitation which have been made the prolific source of all doubtful and constructive powers, should thus place a decided negative upon this most monstrous of all the assumptions of Federal power ever attempted. For, if the payment of debs contracted by the *separate* States, for their *own proper purposes*, can be drawn by construction within the scope of the terms "common defence and general welfare of the *United* States," language must have totally changed its meaning, and we had as well throw aside the Constitution at once, as worse than useless. As it thus appeared to him strikingly clear that the powers involved in the execution of the proposed scheme were positively prohibited by an express limitation, he would not further occupy the time of the Senate in attempting to make that plainer, which is as plain as language can make it. We are thus (said Mr. McD.) arrested at the very threshold; and all those who concur with me in the opinion that the measure in question is plainly and expressly unconstitutional, must also agree that any law of Congress, in execution of it, and every act done under such law, would be now and forever destitute of all binding obligation, and, to all intents and purposes, null and void. It would be utterly impossible to pledge the faith of this Government to any contract thus made, without any shadow of authority, and in open defiance of the express words of the Constitution.

But suppose (said he) that, by some strained construction, we could get rid of this express limitation, and also of the no less conclusive objection that there is no grant of such a power in the Constitution: yet, when we come to look into the practical working of the proposed assumption, it will be seen so totally to invert all the principles of the Government, and destroy the responsibility which sustains and controls our whole political system, State and Federal, as to render its unconstitutionality palpable, independently of the want of an express grant, and the existence of an express limitation. The result of the proposed scheme was to make this Government tax-gatherer for the States; and to give the funds, thus collected, to the Governments of the respective States, to be expended by them at pleasure, either in payment of their debts, or in executing new and extravagant schemes of internal improvement. I beg the attention of the Senate (said Mr. McD.) to this view of the subject, as it clearly shows that the State Governments will have the expenditure of this immense fund, without any responsibility to those who will have to pay the taxes—the people of the United States. Thus, sir, the State Governments are to be wholly exempted from the essential check of responsibility in a matter which most of all demands it—the discretionary expenditure of public money on works of internal improvement. Greater temptations and greater facilities could not be offered for a corrupt system of favoritism and extravagance!

And, (said Mr. McD.,) if we will but look into the circumstances under which the money obtained for the State stocks we are called upon to assume has been expended, and the extraordinary popular delusion under which it was applied to the construction of wild schemes of internal improvement, we shall be impressively admonished of the madness and folly of the proposed assumption. In the course of a few years, two hundred millions of foreign capital were brought into the country. While this enormous amount of money was in the progress of accumulation, it was like a shower of gold poured out upon the States, totally deranging the monetary affairs of the country; and the natural effect of which was to enhance the price of everything to the extreme point of inflation. And it may not be inappropriate to remark here, that the importation of this immense amount of foreign capital contributed, not less than the expansion of our bank circulation, to produce the revulsion and distresses under which we are now suffering. Indeed, it largely aided in producing that expansion. During the period to which I have referred, (said he,) a perfect delirium prevailed. Men acted as if they were under the influence of a stimulating draught. All responsibility in the expenditure of this borrowed money was destroyed; and it would be seen that the

tate Governments, and all their agents employed in arrying on their works of internal improvement, ced precisely as if the money they were expending ere rained down from the heavens, and the shower ould last forever. The consequence of this uniersal excitement and delirium was a system of nexampled extravagance and waste, causing the orks executed to cost three, four, or five times as uch as it would now cost to construct them. nd (said Mr. McD.) I will venture the opinion, at, at this moment, there is no prudent man—even one could be found having the requisite capital—ho would accept, as a gift, nine-tenths of the orks made with this borrowed capital, if he were ound, by the terms of the gift, to keep em up. They would not pay expenses; nd the money expended must be regarded as nk and lost forever. And here I cannot but xpress an opinion I have long entertained, and hich the occasion forcibly suggests—that, for all overnments, the faculty of borrowing money, and ading the debt, is one of the most unfortunate iscoveries ever made in political economy; and hat, for the States of this Union, all should now nite in deploring its existence. And now, (said e,) when the States have just waked up from this inful delirium, to survey, in soberness, the embarassment and ruin that surround them, is it proper hat we, by the monstrous scheme proposed, should dminister to them again the same bewildering ose, producing the same disasters? It is perfectly lear that the practical operation of the scheme will e to place another two hundred millions of dollars t the disposal of the State Governments, to be used y them, without any responsibility to the people of he United States, who must pay the taxes by which his money is to be raised. Now, is it not obvious, that, if the State Governments were held to a eparate responsibility, by requiring each to raise, by taxes imposed on its own constituents, the money necessary to pay its own debts, and execute its own improvements,—the only effective check upon the extravagance of Government, which human wisdom has devised, would be brought into active operation? When every citizen of the State knows and *feels* that he pays his full proportion of every dollar expended, then, and not till then, will he hold his representative and his executive agents to a rigorous accountability.

And now, (said Mr. McD.,) a few words on the naked question of expediency. And here I must ask the projectors of this grand scheme of delusion, what is the great favor we should confer upon the States by its adoption? The honorable Senator from Maryland [Mr. MERRICK] had been pleased to speak of the *paternal* character of this Government in its relation to the States, and the obligations incident to that character. The duties of a paternal government! Mr. President, this is not the first time, by many hundreds, that I have heard this language used on the floor of Congress. Whenever Congress was called upon to do any wrong—whenever an outrage was about to be perpetrated upon the rights of the people—it was always attempted to cover and consecrate it by assuming this paternal character. It was a remark of Junius, (which I do not repeat as approving his particular application of it,) "that whenever a Scotchman smiled in his face, he involuntarily put his hand on his pocket." Now I must remark, that whenever I hear the paternal character of this Government invoked, I involuntarily put my hand upon my pocket, suspecting some secret design of legislative injustice and plunder. And what, I ask, is the practical character and effect of measures professing to give money to the States? Do gentlemen aim to inculcate upon the people of the States the idolatrous idea, that this Government (as if some godlike power) is endowed with inherent wealth, or some supernatural alchemic process of creating money, not derived from the people themselves? And were they, like children, to be deluded into the belief that Congress, by these inherent self-created measures, were about to relieve their pecuniary embarrassments? All this tended to induce the people to bow down and worship this Government, as the Persians worshipped the sun. God forbid that this tendency, to which all communities are but too prone, should be countenanced or encouraged by any measures of ours.

Let us meet the question fairly, and expose the operation of the proposed measure plainly to the people. Every power we exercise, and every dollar we possess, must be derived from the people of those very States to whom we affect to manifest such paternal munificence, in giving them back what we have taken from them already, or imposed on ourselves the obligation to do so hereafter; deducting, however, what has stuck to the fingers of a host of officers, or fallen by the wayside, in the double process of collecting and giving back the money.

Since, then, we have nothing to give the people, and are, in fact, dependent upon them, and the revenue drawn from their labor, for the very bread we eat—as their representatives here, let us realize the fact, (as the people certainly will,) that for every dollar we may seem to give the States, in one form, we shall be under the necessity of drawing from them one dollar and twenty-five cents (including the expenses of collecting and distributing) in some form of taxation. I confidently ask, then, if there is a single Senator on this floor who will give countenance to this insane scheme of deception, by which the evils of to-day are to be postponed till to-morrow, only to fall with redoubled force upon those who vainly hope to be relieved from their embarrassments?

I am aware (said Mr. McD.) that this scheme is recommended to many, by the expectation that the revenue by which the interest of the proposed stock will be paid, and the stock ultimately redeemed, will be raised by indirect taxation. But this hope is utterly destitute of foundation. Can any one suppose that, with an exhausted treasury, a Government living from day to day upon the miserable shifts of borrowing, and a commerce which is almost cut off by an unjustand suicidal policy, (so that the duties will not, by some eight millions of dollars, defray the ordinary expenses of the several departments,) we can nevertheless pay an annual interest of six millions upon the stock proposed to be issued, without resorting to direct taxes? No, sir; in less than a single year we should be driven to the alternative of direct taxation, or of refusing to pay the interest on the stock, to the utter ruin of our public credit.

And this brings me to another view of the subject, which deserves to be gravely considered. This scheme is designed to relieve the indebted States, by indirectly assuming their debts; but, in order to accomplish this, it is necessary to do something more. It is, therefore, proposed to issue $200,000,000 of 3 per cent. stock, and distribute it among the States—not in proportion to their debts, but to their federal numbers. Now, while the distributive share of Pennsylvania would not pay one-half part of her debts, that of other States would far exceed them; and that of some would be a clear fund, subject to no debt at all. South Carolina, for example, with a very small debt, would be entitled to above six millions; the economical and exemplary State of North Carolina (which, I believe, has scarcely any debt) will be entitled to above nine millions; and Missouri would be entitled to about three millions, with no debt at all. Now, mark the unequal operation of this scheme on the indebted and on the unindebted States! The former, if (as it is said) they could exchange their United States 3 per cents. for State 6 per cents., would realize the par value for their distributive share. Now, what would be the condition of the unindebted States, and those owing less than their share of the stock? What could they realize for that stock; and to what use could they apply the proceeds? It is proposed to throw two hundred millions of our 3 per cent. stock on the markets of the world, with a considerable and increasing debt already hanging over us, and without the means of paying that debt, or even the ordinary current expenses of the Government. Pray, what would that stock be worth to North Carolina, Missouri, and the other unindebted States, and States but little indebted? We have ascertained, by actual experiment, that our 6 *per cent.* stock could not be sold in Europe at par—or, indeed, at any price—though small in amount. What, then, will be the value of the proposed 3 *per cents.*, when the amount of our debts shall be swelled to two hundred and forty millions, with an annual interest of eight millions and a half, and an annual revenue notoriously insufficient to pay one-half our annual expenses, including this interest?

Sir, (said Mr. McD.,) it would be extravagant to suppose it could be sold at fifty dollars for the hundred. I do not believe it could be sold for that price. So that, in effect, you would compel these States to receive this stock, for which they have no use, at par; when they could not obtain for it one-half its par value. I say they would be compelled to receive it at par; because they would have to pay their full proportion of the taxes necessary to pay the interest annually, and finally, in some twenty years, to redeem the whole amount of the principal, after having paid $170,000,000 as interest. Such, sir, would be the operation of this most monstrous and abominable project. In twenty years after paying this $170,000,000 in current interest, our immediate posterity would have to redeem the whole amount of the debt itself—a sum nearly twice as large as the debt of the late war with Great Britain; a war, by which our character as a nation was established, and the glory of our arms, by sea and land, extended throughout the world. Such would be the inheritance which, as reckless and improvident fathers, we should leave to our children. Nothing could be more unwise as it regards all the States; and nothing could be more monstrously unequal and unjust to the unindebted States. But I have no idea, after the opinions I hope to hear expressed in this Senate, that foreigners would take this stock on any terms.

But, (said Mr. McD.,) as I perceive the Senate is now full, I have no disposition to press the argument further. I feel it, however, to be my duty, before I sit down—a duty which I owe to myself, to the States, and to the foreign and domestic capitalists to whom this stock may be offered—to make, in my place here, a solemn declaration, by which I will stand or fall, to the end that those capitalists (particularly the holders of State stocks in Europe) may not be deceived. I confidently believe, then, that all the States will ultimately fulfil their obligations and redeem their faith, which has been constitutionally pledged. I as confidently believe that this Government has no shadow of constitutional power to issue stock, pledging the public faith for any such purpose as that indicated in the resolutions, and that the whole $200,000,000 would not be constitutionally worth the paper on which these resolutions are written. The promises upon the face of it would be utterly null and void, and I would feel no more obligation to redeem them than to pay a forged note. And if, by any accident, a party should ever get temporary possession of the power of this Government, by whom such stock shall be issued, I here solemnly declare and pledge myself that I will wage war—exterminating war—against it, so long as my life lasts, whether I shall be in Congress or out of it. And whether it may be called nullification, repudiation, or by whatever other name of odium it may be designated, I will persevere in resisting, by all the influence I can exert as a citizen, and all the power I may possess as a legislator, the payment of all claims upon the United States founded upon this unconstitutional attempt to assume the debts of the States; holding at the same time that we are under the most sacred obligation to preserve the faith of the Government *constitutionally* pledged, free from violation, or even suspicion. If, notwithstanding all this, foreign capitalists should still take the proposed stock in exchange for State stocks, they will act upon their own responsibility, and not upon mine—their eyes will be fully open to the consequences; and let them make the experiment.

SPEECH OF MR. WHITE,

OF INDIANA,

In the House of Representatives, February 8, 1843.—In reply to Mr. HOLMES, of South Carolina, on the principles which divide the two parties.

The House being in Committee of the Whole on the naval appropriation bill—

Mr. WHITE addressed the Committee as follows:

Mr. CHAIRMAN: From the commencement of this Congress to the present time, a fashion has prevailed here, among that portion of the House who style themselves the Democracy, in every speech—no matter what the subject under consideration—to indulge in vehement abuse of the Whig party, its principles, and the motives which have governed its members in their legislative action. By one gentleman we are informed that the great political struggle of 1840 was characterized by nothing but base and shameless appeals to the worst passions of the populace; that no principles were contended for, and none involved; and that the great victory achieved by that contest proved nothing but a popular desire for a change of rulers. Another gentleman proclaims, in a strain of indignant rebuke, that we had one set of principles

for the West, another set for the North, and yet another for the South; and that, accommodating our theories to the great variety of popular prejudices, we sought success, regardless of the means employed; and, therefore, nothing was decided by the people. Another gentleman, [Mr. PICKENS,] and one whose ability and position demand for his remarks more than an ordinary share of consideration, declares that "never did a party succeed to power with principles more corrupt and profligate;" thus conceding to us some principles, and according to them the credit of uniformity and universality, although stigmatized with the characteristics of profligacy and corruption.

If gentlemen could agree among themselves, and hold a uniformity of sentiment upon this point, a reply might be more easily made to them. As it is, however, being uninformed upon which allegation in the complaint the "Democracy" intend to rely, I shall not at this time traverse either. It is sufficient that each contradicts the other; and but one can be true.

If, in 1840, Whig principles were not well defined and well understood, now is the time to forestall any future reproach for a similar condition of things, by a clear, open, manly, and bold declaration of the principles by each party, upon which the great battle of 1844 shall be fought. No period can better than the present be adapted to the settlement of preliminaries and the "defining of positions."

While gentlemen have been so liberal in the bestowal of their animadversions upon Whig policy and Whig principles, it seems to have escaped their notice that there were two sides to the question; and that, while making their crusade into the enemy's country, their own citadel might be exposed to successful attack. Let us, in return for the civilities of these gentlemen "Democrats," examine their position. Are they united or divided upon questions of national policy? What are *their* principles?

The gentleman from South Carolina, [Mr. HOLMES,] who has just resumed his seat, had disclosed to us the Democratic panacea for all the ills to which the country has fallen heir—FREE TRADE. Is this the cardinal principle of the Democratic party? Or is there a diversity of sentiment upon it in that party? We have the testimony of the gentleman to whom I have alluded that this is not only *the* principle, but the *great* principle, of Democracy. Direct taxation, the necessary result of this policy, the gentleman scouts—not, as his speech would indicate, on account of its impropriety as a political or national measure; but because of the *present* inability of the people to meet the exactions of such a system of finance. That this is contemplated by him as an ultimate resort, none who heard his speech can doubt; although the evil day is to be postponed until the public distress shall be relieved. There are other gentlemen of his party, however, who, in their enthusiasm for the establishment of this new heresy of free trade, do not scruple to declare their readiness now to resort to its necessary result—direct taxation; and I here pause to pay the tribute of my admiration to them for the independence of their theory, and the boldness with which they defend it. However full, in my judgment, it may be of error, the manliness with which it has been avowed, and the majestic intellects which have been enlisted to expound and enforce it, challenge a large degree of respe It would have been more in keeping with the independence of a South Carolina Representative, had the gentleman marched boldly up to the support of his friends in their advocacy of this doctrine, instead of exhibiting, piecemeal, his concurrence with their views, while he feared an open avowal. The position in which he left himself is anything but enviable. Free trade was urged upon us as the only remedy for existing evils; while direct taxation, the only mode of raising revenue under his system of financial policy, was rejected. How, when all restrictions are removed from our commerce, and we are deprived of imposts, we are to raise revenue for the uses of the Government—direct taxation being out of the question—was left to our conjecture. Sir, this scheme of political economy is only equalled in magnificence and sublimity of conception by that of the Illinois Legislature; which sapient body recently passed a joint resolution, in substance, declaring that all tariffs were oppressive and unjust, and that, in the present distressed state of the people, direct taxation was not to be thought of. All of which being interpreted is, that *the Government must be administered without revenue, and all its officers serve without pay!* But, sir, I repeat the question: *Is free trade the cardinal principle of "Democracy?"* I ask an answer from the party on this floor, for none better than they can answer. Let there be no dodging—let gentlemen avow and disavow. It is due to the country and themselves that their "position should be defined." Since they accuse us of contrariety in sentiment, and of holding a set of promiscuous tenets, it is proper that they should reveal to the country the concord of their counsels, if there be any, and disclose their principles free from all obscurity. But why interrogate? There is no prominent member of the party who will risk his veracity upon a denial. During the last session, one gentleman from South Carolina [Mr. RHETT] entertained us with an hour-long speech upon the equality and justice of free trade, and deprecated all tariffs as so many gross infringements of the Constitution and the rights of the States; which latter, in the estimation of a certain clique of politicians, seem to be of higher and holier authority than the first. A gentleman from Alabama [Mr. LEWIS] expressed the same, or similar views, in that lucid and forcible manner which has ever characterized his oratory; and I well remember the profound attention which was paid to him, and the deep impression which he made upon the House. Another member from South Carolina [Mr. PICKENS] has, within a few days, proclaimed that *"there is no harmony for the Democratic party, except upon the broad principle of free trade."* A gentleman from Virginia, [Mr. HUNTER,] during the present Congress, has, with a frankness which always distinguishes him, ably advocated the same doctrine. But this principle of free trade is not local in its party application. To whatever quarter of this Union it may be indebted for its paternity, it is ubiquitous with the "Democracy." It has its advocates at the North as well as at the South; and from "Northern men with Southern principles" I summon witnesses to testify to its legitimacy as the offspring of "Democracy."

One of the Representatives from the city of New York [Mr. ROOSEVELT] has sought frequent occasions to express his party preference for this system of policy, and has advocated it with an untiring zeal and industry. A colleague of his, too, from the same city, whom, as it is unparliamentary to "call names," I will designate as the *young* gentleman from New York, [Mr. MCKEON,] has, in repeated instances, come to the aid of the *elder* gentleman in his advocacy of this free-trade policy; and I may add, that no man upon this floor has stricken more good blows for that policy, nor has any been more vociferous in its commendation to the country as the true universal Democratic faith, than the young member from New York. One of the members of the Pennsylvania delegation from the city of Philadelphia—the great man of the delegation, as well as of the States, and a man of gigantic mind he is too, [Mr. C. J. INGERSOLL,] and one who, if his course as a Representative, and all his party speeches here and elsewhere be summoned as witnesses, prove him to be a genuine disciple of Democracy, the most rank, radical, and unquestioned—has also joined in the warfare against imposts and protection, and thrown the weight of his great influence and intellect into the scale of free trade. This, indeed, in his remarks a few days ago, was offered as the specific, and the only one, for the relief of individual and public embarrassments. The catalogue does not stop here. Another gentleman of the New York delegation, [Mr. DAVIS,] at the past session, made us a speech, from which it appeared that, while he sustained without flinching all the *avowed* principles of his party, there were some of the more radical ones *unavowed*, from which he was determined to strip the guise of secrecy; and, with a master hand, he did it. His revelation of democratic faith furnished us much amusement; and a faith it proved to be more radical, comprehensive, and latitudinous, more *"omnium gatherum"* in its character, more levelling and agrarian in its operation and results, than any ever before offered by party leaders to the credulity of a confiding people. And what was it? FREE TRADE, *hard-money, no banks or bank paper, no credit,* DIRECT TAXATION, *the universal rights of man, and no laws for the collection of debts.* If the array of authorities is not yet sufficient to identify the principle of free trade with Democracy, I bring another witness to the stand; to doubt the testimony of whom would bring down upon the offender all the rigors of the party inquisition. That witness is the now prominent, distinguished, and recognised leader of the Democratic party, JOHN C. CALHOUN—a man for whom, and for whose integrity, public and private, I entertain the highest respect; and, although my opinion upon this point may be adverse to that of the party of which I am one, there is nothing in this subject or occasion that requires me to withhold its expression. Whatever may have been his political vacillations, (and they are many,) in all I believe he has been actuated by what he conceived to be the common interests of his countrymen—proudly disregarding all those consequences to the popularity of a statesman which ever flow from a change of position, no matter whether, by such change, error be corrected or avoided. But let him speak upon this policy of free trade and its generality. During the past session, when the revenue bill was under consideration in the Senate, Mr. CALHOUN, in the course of a speech which he made upon the bill, said: "He had not spoken with a view to change a vote here: he knew that an angel from heaven could not affect the actions or opinions of those here. But he confided in the strength and ultimate triumph of truth. We had formerly struggled against greater odds. But now we see the *whole Democratic party* rallied under the banner of *free trade.*" Can language be plainer, or a principle be more clearly defined? And let it be remembered that we have it from the highest possible authority, that to the advocacy and support of this principle the "whole Democratic party" have rallied. Sir, is anything more needed to prove that free trade is the cardinal principle of Democracy? The witnesses I have introduced are those who rank not only high, but highest with their party for talent and integrity: *their* will is the law, and *their* principles the principles of the party. If their testimony is not to be relied upon, then is there no longer virtue among statesmen, and truth has fled these halls to give place to dissembling and deceit.

Now, sir, although I believe with Mr. CALHOUN, that "the whole Democratic party" are secretly in favor of free trade, I *know* that Democratic members from the North hold a different language when at home among their constituents. One of the New York democratic State papers, the leading organ of the party, during the gubernatorial contest in November last, called upon all tariff men of both parties to glorify SILAS WRIGHT, because, by his vote in the Senate of the United States, he had saved the tariff bill—the same bill that the Legislature of South Carolina has recently, by joint resolution, asked us to repeal; and threatening us, if we do not, with that fearful remedy—a "resort to *her* original rights." The lead of this paper was followed by many of the "distinguished Democracy" in their addresses to the people as well as in their private communications with their constituents. Yet these gentlemen *here* are as gentle as cooing doves, and whisper softly in the believing ears of their Southren brethren, "we are for free trade."

Sir, it is time that the delusion were destroyed, and the mask of hypocrisy stripped from such Janus-faced politicians. They cannot have one set of principles for the constituent bodies, and another set for the ears of partisans leaders. I call upon Northern Democrats now to rise in their places and declare whether they are for free trade. It is due to yourselves—it is due to your stations—it is due to the country—it is due to honor and fair dealing, that you should precisely "define your positions." If you are united in political sentiment, let it be so understood. If you are divided past all hope of compromise or reconciliation, let us—let the country know it, and decide upon the merits of your controversy. Why conceal your condition? What cause for concealment? Do men or measures divide you? Or are you not divided, and are your counsels her-

monious? Let it come out—publish all. Sir, I call again—distinctly, emphatically call upon Northern Democrats to rise now in their places and declare, if they can, that the testimony of their party leaders from South Carolina—one from Alabama—one from Virginia—one from Pennsylvania—and three from New York, is untrue. Dare you do it now—here in your places? Your leader [Mr. CALHOUN] has said that the "*whole Democratic party have rallied to the standard of free trade.*" Dare you say it is false! If so, rise and pronounce the word. Gentlemen are silent! and that silence eloquently admits the truth of their great leader's declaration, while they have not the courage to avow it in terms. Let it go to the North that the Representatives of that section of the Union are for the doctrine of free trade while here; and by the North, disgraced by the duplicity of their agents, let the rebuke be administered to them.

I call upon a gentleman from New York now in my eye—the Representative of the district of Mr. Van Buren's residence, [Mr. MCCLELLAN]—to tell this House whether he constitutes one of the "whole Democratic party"—whether he is an advocate for free trade?

Mr. MCCLELLAN. I will respond to the inquiry. If the gentleman means, by free trade, low duties——

Mr. WHITE. I do not yield the floor to the gentleman to make a speech. I ask him a plain question; and before he answers, he requires me to explain the *meaning* of one of the cardinal principles of his party.

Mr. MCCLELLAN. If the gentleman means——

Mr. WHITE. I mean nothing about the principle. I ask you a simple question. Will you answer, yes or no? The gentleman declines the answer! I thought it would be thus.

Let us now look to the operation of this principle when reduced to practice. The term free trade defines its own meaning: it is a trade free from all legislative restraints, and left to the control of its own laws. If the taxing power of this Government be applied to it, and it is compelled to pay contributions for its license, it is no longer a free, but a restrained trade. To be free, it must not be subjected to duties, and must be chargeable with the payment of no revenue to the Government. In short, the Government must be left without revenue, or resort to direct taxation to procure it, if this policy prevails. If this theory were established in practice, what think you, sir, each State would be bound to contribute by direct taxation as its portion of the Federal revenue? I have been curious enough to make the calculation upon the returns of the last census, assuming $28,500,000 as the amount of annual expenditure—an amount far below that required by the Secretary of the Treasury in his report—and assuming federal numbers as the basis of taxation. The account would stand thus:

Maine	$1,003,530	Delaware	$130,140
New Hampshire	569,150	Maryland	671,450
Massachusetts	1,465,390	Virginia	1,771,130
Rhode Island	217,260	North Carolina	1,078,310
Connecticut	619,950	South Carolina	594,390
Vermont	563,880	Georgia	691,390
New York	4,867,840	Alabama	656,360
New Jersey	746,610	Mississippi	375,660
Pennsylvania	3,345,060	Louisiana	293,670
Ohio	3,033,930	Tennessee	1,184,680
Indiana	1,371,730	Kentucky	1,114,040
Illinois	952,360	Missouri	564,140
Michigan	424,530	Arkansas	139,390

In the calculation which I have made, to avoid placing too high the ratable proportions of the slaveholding States, I have assumed for each that the voting population are the tax-payers; which is, in effect, true. It may be that many voters do not pay taxes; but the deficiency is fully, if not more than supplied by taxes paid by widows, the guardians of minor children, and foreigners who have estates in land. Could New York pay this sum of $4,857,840 annually? The statement of the amount is a sufficient reply. During the late fall election in that State, the party leaders were rampant at the thought of Whig ascendency and a "forty million debt;" and their stump and caucus orators, in doleful strains, besought the people to restore the State Government to the keeping of the Democracy, because Whig mismanagement had imposed upon them a *direct tax of about six hundred thousand dollars, which they were unable to pay.* The Government was restored to them; and how do they propose to alleviate or remove this popular burden of a six hundred thousand dollars direct tax? By free trade. In other words, as the people of the State of New York cannot pay the sum of six hundred thousand dollars annually, without great inconvenience, if they can ever pay it at all, Democracy proposes to relieve them of the inconvenience or inability *by exacting annually an additional sum of* FOUR MILLION EIGHT HUNDRED AND FIFTY-SEVEN THOUSAND EIGHT HUNDRED AND FORTY DOLLARS *by direct taxation* for Federal uses. A New York city member informed us a short time since that his was the "progressive or improvement party," and that ours is the "stand-still party." I do not now stop to controvert his position; but, for myself, sir, I would rather always remain in that condition of blissful ignorance to which the gentleman has consigned me, than to purchase progression or improvement at the enormous price of public misery and ruin which must be paid for it. I would rather forever "stand still" than to "progress," when each advancing step must tread upon the prostrate interests and the crushed and despairing hopes of a nation. No, sir; I desire no *party* improvement, or *party* progression, if it must be based upon *public* wretchedness.

I turn now to examine the blessings in reserve for my own State under this financial policy of "free trade and direct taxation." The gentleman who last addressed the House [Mr. HOLMES], thought proper to indulge in many censorious commentaries upon the conduct of Western members in endeavoring to withhold large appropriations for the navy; and he invoked the liberality of our patriotism to sustain in future that branch of the national service. Strange invocation from a strange quarter! How many times and for how many years has the West appealed to the gentleman, nay, to the whole school of "strict-construction" politicians—master and disciples—to give us appropriations to improve the navigation of the Western rivers! And how often have those appeals been burdened with minute specifications of the loss of property and human life, in consequence of appropriations being refused! How often have they been implored to vote money to continue the Cumberland road—a great national thoroughfare, which has peopled the wilderness and brought untold millions into your treasury! And what answer has been given to those appeals and invocations! "The appropriation is unconstitutional." This is the unvarying and eternal response. In their estimation, the Constitution is general in theory—local in practice. It was made exclusively for that portion of the Union lying east of the Alleghanies, and most especially for South Carolina, to which State alone belongs the right of interpreting its provisions! Appropriations for harbors, light-houses, buoys, dry-docks, fortifications, arsenals, armories, are tolerated by the Constitution, under a South Carolina construction; but an appropriation for Western rivers, upon whose bosoms float one-half the agricultural wealth of this nation, and by means of which more than one-half of the internal commerce of the country is carried on,—such an appropriation is forbidden by the Constitution! And thus it is that the gentleman, by the aid of "strict construction," refuses to us all benefit of part or lot in the appropriations made by this Government; and yet he cannot understand the motive which influences Western members to vote against large appropriations for expenditure upon the seaboard. Let me explain to him the position of my State, and he will sufficiently understand the motives which govern its Representatives upon all questions of appropriation.

Since Indiana was admitted into the Union as a State, she has paid into the national treasury nearly $16,000,000, proceeds of the public lands sold within her limits. This amount has been expended somewhere, but none of it has found its way back again to the State by which it was paid. South Carolina has had her share of it.

For the last eight years the people of Indiana have paid, in difference of exchange alone, about seven hundred and fifty thousand dollars *per annum.* I say paid; because the difference of exchange (which during that period has averaged eight per cent.) has been added to the price of all commodities purchased by our merchants in the Eastern cities and consumed within my State. In this case, as it ever will be in all others where pecuniary loss must be sustained in consequence of the derangement of currency and exchange, mercantile sagacity throws that loss off the shoulders of dealers to those of consumers. This annual burden is imposed upon us because "strict construction" has withheld a charter for a national bank; and patiently have we paid the yearly contribution for South Carolina interpretation of a Constitution *not made for us;* and pay it we ever must while the star of "Democracy" is in the ascendant. I will state the annual account between Indiana and the General Government.

Government of the United States to Indiana,

DR.

To difference of exchange per annum paid by the people in consequence of refusal of the Government to give to them a national currency	$750,000
To amount paid by sale of public lands, per annum	500,000
To amount paid by consumers of articles of foreign merchandise in consequence of tariff duties	500,000
Total	1,750,000

CR.

By appropriation for the Cumberland road	000,000
By appropriation to improve the navigation of the Wabash river	000,000
By appropriation for harbor at Michigan city	000,000
By appropriation for the improvement of navigation in Western rivers	000,000

Thus stands the account. But this is far from being the entire amount of our annual burden. There is to be added to this the sum of $120,000 for the ordinary expenses of the State Government, and the further sum of $800,000 interest upon our debt; which, with the sum of $1,750,000 before stated, makes an annual amount of $2,670,000, chargeable upon the industry and enterprise of our citizens. It is true, the demand for interest on our debt has not been punctually met, because of our inability to meet it. It stands charged against us, however, and *must* and eventually *will* be paid, without the repudiation of a farthing. In the language of my colleague, [Mr. LANE,] we will settle fair if we never pay. Well, sir, what is the proposition which Democracy makes to relieve us from this insupportable liability? Free trade again; by which the sum of $500,000 now paid by the consumers of tariff duties would be withdrawn from the account, and the sum of $1,371,730, to be raised by direct taxation, substituted. This would leave our liability for each year $3,541,730—an amount which we *cannot* pay while this Government pursues this "strict construction" policy, and a large portion of which we *need* not pay, because it would not be charged against us if the Government shall be ever administered, as it should, for the common benefit of all in every part of the Union. Is the gentleman surprised now that we oppose extravagant appropriations of money, no part of which is to be expended amongst ourselves? When he aids in establishing, for our benefit, a national bank, and thus strikes from our account $750,000; when he votes an appropriation of money to improve the navigation of western rivers to prevent the loss of our property and the lives of our adventurous people,—his appeal to our generosity will not be characterized by the selfishness that now marks it, and will be entitled to more respect and receive more consideration.

The Atlantic States, *in effect,* pay nothing of the revenue of the Government. That a large portion of it is collected upon the seaboard, I admit; but what becomes of it? True, it is paid into the national treasury, and so is the $500,000 annually collected from Indiana; but it does not remain there. Congress appropriates the money, under the lash of "strict construction," for the army and navy, fortifications, light-houses, dry-docks, building vessels of war, the improvement of harbors, &c., not one of which objects is local to the West. And thus it is that what the Atlantic States pay into the treas-

ury to-day, they get back again to-morrow in the form of an appropriation. This we could endure—of this we would not complain; but the amount paid by these States, in its return, comes not alone as it went; it brings with it what the Western States pay; the $500,000, paid by Indiana contributes to swell the return tide, and *that* is in like manner expended upon the Atlantic coast.

For this reason I say that the Atlantic States, *in effect*, pay nothing. The public revenue alternates periodically between them and the treasury, performing a reliable and almost constant circulation; while the toiling, adventurous West is deprived of all participation in the pecuniary benefits resulting from the administration of the Government. It is constitutional for us to pay *everything*; unconstitutional for us to receive *anything*. Constituting, as our people do, nearly one-third of this Union, we have been made pack-horses to bear the load of the whole, and have been kept on "short allowance" at that. The inequality of the burdens imposed by a bad administration of national affairs upon the State of Indiana has been, and is, tenfold greater than those of which South Carolina ever complained; and yet I feel a just pride in saying, such has always been her attachment to our free institutions, in all her broad forests, her verdant prairies, and her populous towns, that not one traitorous hand was ever found to raise the standard of "nullification;" no demagogue to attract a passing crowd, to gasconade about "State sovereignty;" no patriot orator to talk grandiloquently of a "resort to original rights." That State has thus far abided her time, and will continue so to do.

The second principle of "Democracy" is *hard money;* and this, with that of *free trade*, constitutes, as far as I have been able to learn, the whole *affirmative* creed of the party; the residue of it being a mere string of negatives. They are opposed to a United States bank—opposed to a State bank paper—opposed to extravagance in the national administration—opposed, in short, to everything that is of Whig origin—opposed to all but two political principles, and these are free trade and hard money. If they hold any other affirmative principle, it has been my misfortune never to see or hear it published.

Hard money! It is a very primitive idea for an "improvement party," and one that, discarding all the lessons of experience and all the conveniences of *modernized* society, carries us back by historical association to the pastoral age for examples in finance. A strange "progression" this, that with one bound leaps back over all civilization, and snatches from the darkest age of barbarism a light to guide the financial policy of the American Republic! But how is this principle to affect the country, if established in practice by the restoration of the "Democracy" to power? That the circulating medium of the country, composed of a mixed currency of bank paper and specie, is the representative of the value of the property of the country, is a fact conceded by all parties; and that, in proportion to the increase of the circulation, prices rise, and in proportion to the decrease prices fall; or, in other words, if the standard of value decreases, everything represented by it retrogrades in exact proportion. Hence it is, that, in the years 1836 and 1837, when the circulation was inflated to double the present amount, prices were double what they now are. That inflation of circulation and consequent inflation of prices was caused by "Democratic policy, which gave to us the State banks, and stimulated them to extravagant emissions of paper; but, no sooner was the object accomplished, than the popular prejudice which was awakened by the appeals of demagogues against the United States Bank; and, not sated by its revels amid the ruins of the best currency ever given to a nation, turned like a hungry tiger upon these "little monsters," and the leaders of the party were compelled to join in the attack, or be swept from the political world by the fury of that spirit which, for another purpose, they had invoked. They did join in the attack, and these currency bantlings of theirs were denounced; their very fathers at first cast imputations upon their legitimacy, and ultimately threw off all disguises, and with bold profligacy declared them to be of Whig origin, and unworthy of the countenance of the Democracy. Credit cannot exist against popular will; and the credit of these institutions, by the ceaseless attacks of party leaders, was destroyed. They were compelled to contract their circulation one-half or more, and the country was deprived of one-half its currency; the representative of value was decreased, prices fell in proportion, and the people were ruined. And now, to remedy the evils wrought by their hands, they offer to us this hard-money panacea as the only one left in their budget of nostrums. The mixed currency of this country amounts to about two hundred millions of dollars, of which eighty-seven millions is of gold and silver. For the purpose of illustrating the position which I shall assume, I will state the amount of gold and silver at $100,000,000, which is more favorable to the hard-money party. Under the present circulation, the real and personal property of the State of Indiana is assessed for purposes of taxation at $100,000,000, and upon each hundred dollars' worth a tax of thirty cents is levied. If the circulating medium were reduced one-half, by striking from it all bank paper, the property of that State, being represented by one-half less than at present, would sink in value to $50,000,000. But how would it affect the taxes? A given sum must be collected, to raise which requires a tax of thirty cents upon each hundred dollars of the one hundred millions. If the one hundred millions be reduced to fifty millions, does it not follow that a tax of sixty cents upon each hundred dollars must be imposed to raise the sum required? Here, then, we have a remedy proposed, which, if adopted, will double the taxes paid by every citizen of Indiana, and at the same time reduce one-half his present means of paying them. But it will stop not with tax-payers; it will operate in ruinous effect upon all classes of society, except the money-lenders; and upon none more rigorously than the poor day-laborers. A policy that reduces in value one-half each farm, and all the produce raised upon it, in my State, will not except from its operation manual labor. This must also come down, to preserve the proportion between its value and that of property; and the ripening glories of "Democracy" are only to become visible when the humble laborer shall return at night to a family begging bread, with twelve and a half cents in his pocket—the reward of a day's hard toil! Such a doctrine may find advocates among rich creditors, but hardly, I should apprehend, among the indebted class of society; and I know but little of the farming population of my State if they are ready and willing to aid in establishing a policy that will compel them, by its process of reducing prices, to sell four hundred instead of two hundred bushels of wheat to raise the sum of one hundred dollars to pay a debt. The State of Indiana *now* can neither pay her debt nor the interest upon it; and it is but a poor compliment to her intelligence to suppose that she will be found acting with a party that proposes to double her indebtedness by way of relief to her inability to pay!

I have examined hastily, sir, the results of this Democratic faith, if ever reduced to practice, upon the people and upon the interests of my State; and, as Indiana has no national interests separate and distinct from those of her sisters of this great Confederacy, the effect of these measures upon her is but an example of what it will be upon the whole Union.

Henceforth, let there be no misunderstanding or confusion about principles or positions. It seems to be agreed, upon all sides, that the great parties are to meet each other in the coming struggle, and do battle for their principles. On the one side we have *free trade and direct taxation;* on the other, *a tariff for revenue and protection to American industry.* One party swears eternal hostility to all banks, and offers to the country hard money only; the other opposes to it a national bank to regulate the currency and exchanges. One party proposes to reduce trade to the standard of currency; the other to increase the currency to meet the demands of trade. There is one measure besides, which the Whigs propose, that finds no antagonist principle in the Democratic party of an affirmative character. It is the distribution of the proceeds of the public lands—a measure which, if adopted, would annually distribute to the States large sums of money arising from the sales of *their own lands*. The sums which would be thus thrown into the treasuries of the various States would enable many of them, without a resort to such onerous taxation as now prevails, to meet their liabilities with punctuality. To this measure the "Democracy" are opposed, but offer nothing as a substitute. I know of no other clear and well-defined principle advocated by either party, unless it be the hackneyed one of "economy," which is, and ever has been, professed by all politicians of every age and school; and if there be any other in the "Democracy," they would confer infinite obligations by disclosing it to the country.

Now, sir, I have said all that I desired to say by way of counter-attack upon the measures, principles, and policy of the minority of this House. I do not frequently obtrude my counsel upon the House, and should not have addressed it to-day, but that the "spirit was moved" by the fierce assaults which the gentleman from South Carolina thought it proper to make upon that party with which I have always acted. And this, Mr. Chairman, is perhaps the last time that my voice will ever be heard within the walls of this Capitol, speaking to my constituents or the nation the language of advice or warning. Since I have been here I have not sought to gratify my desire for display; but rather, like the gentleman from Vermont, [Mr. MATTOCKS,] have played the part of a good listener to the speeches of others, and, by submitting patiently to what, in many instances, has been rather an "afflicting dispensation," I give it as an opinion that I have richly earned my eight dollars per day. Still I have endeavored, by an unyielding devotion to the great principles which I have ever advocated, to deserve at least the commendation of that constituency through whose generous confidence I became a Representative.

And now, when about to retire from all participation in the legislation of the country, (as retire I shall, and surrender my trust to the power from which it emanated,) I cannot but be moved by the contemplation of the future condition, as it is to be affected by legislation here, of those from whom I have received unvarying demonstrations of kindness and favor. I disdain all affectation of philanthropy, nor do I arrogate to myself more than an ordinary share; but with others of my party I can and do feel for the misfortunes of my fellow-men. The time is not now, when I can look with the cold practised vision of the stoic, unconcerned, upon such testimonials as everywhere surround us, of deep, pervading, hopeless distress; and when a line of national policy is proposed for adoption which is to increase these testimonials and adds to this distress, I should be recreant to all duty to return to my constituents without first raising my voice here in warning and remonstrance.

Free trade! direct taxation! and hard money! To the "Democracy" here I say, You may, by one of the many accidents incident to a political campaign, succeed in establishing this faith in practice; but success will be the signal for revolution. The beggary of the subject is the security which the tyrant has of obedience to that will by which he is fed; but the free-born citizens of this Republic know that the Government itself is but an emanation from their will; and, with a scrutinizing intelligence, they watch the influence of its administration upon their interests. They will endure much—suffer more; but I warn you, push not their forbearance too far, or the time may come when the toiling millions, impatient of the hard condition to which you would reduce them, will rebel against the power that oppresses, and, in all the majesty of frenzied despair, rush to the rescue of those rights which you would wantonly wrest from them; and if that shall ever come, happy will it be if their pathway be not reeking with fraternal blood, and strewn with the fragments of your glorious Republic.

Free trade, direct taxation, and hard money, are emblazoned upon your banner; and, if you shame not of it, meet us in the field with it at the head of your columns in 1844. Our ensign stands where it has always stood—upon the battlements of the Constitution; and upon its folds are inscribed in bold, clear characters, Protection to American industry, a sound national currency, and the distribution of the proceeds of the public lands.

REMARKS OF MR. LEVY,

OF FLORIDA,

IN THE *House of Representatives, Feb.* 11, 1843—On the claim of inhabitants of West Florida for indemnity under the 9th article of the treaty of 1819, between Spain and the United States.

Mr. SPEAKER: I will endeavor, with as much brevity and directness as possible, to present to the consideration of the House the views I entertain respecting this bill. I hope to be able to satisfy the minds of those who will favor me with their attention, that there is nothing in the grounds taken against its passage, by the gentleman from Massachusetts, [Mr. ADAMS,] which ought to prejudice its success. I shall even hope that the mind of the gentleman himself, upon a review of those grounds, may yield to the strong claims which the case provided for in this bill presents upon the justice and good faith of the nation.

The objections urged by the gentleman rested on two principal grounds—to wit: 1. That the bill, as reported, would be inefficient of the object it contemplates; and, 2. That the claims it relates to were not intended to be provided for by the treaty between Spain and the United States.

I shall endeavor to reply to these objections; and will then take the occasion to add some further observations to the reply formerly made to the remarks of the gentleman from Ohio, respecting his proposed amendment, with the view of showing that he has entirely erred in his assertions as to the practice of this Government upon questions affecting the rights of property in slaves.

The first objection of the gentleman from Massachusetts is to the phraseology of the bill. Now, sir, is this—if even well founded—a justifiable reason for laying the bill on the table, as proposed by the motion of the gentleman? If there be merit in the claims of the persons designed to be provided for by it, does it comport with the justice of this House, and the honor of the nation, to refuse any action at all, because the form of the bill does not comprehend all the relief which is intended to be granted? If the bill is defective in its phraseology, it is the fault of its draughtsman, not of the claimants; and it is in the power of the House to amend or remodel it at pleasure. It would be monstrous to refuse that justice which has already been too long delayed, for the reason of supposed verbal inaccuracies in the form of a bill, the shape of which is entirely subject to the control of the legislative will. But although the bill is, perhaps, loosely prepared, I shall be quite content to take it as it stands. It is the reason of a law—the purpose of its passage—the intention of the Legislature, which controls its construction, even against its literal import; and I should have no fear whatever that the bill, if it becomes a law, would be so construed by any intelligent Secretary of the Treasury, as to render it fully effective of its palpable purpose. I repeat, sir, I am content to take it as it is; and if I, who advocate the measure it embodies, am satisfied, surely those who are opposed may very well forego objection upon this score. If there be no other objection, give me the bill, and let us test its sufficiency.

The next, and the important objection of the gentleman, was, that the claims referred to by the bill were not designed to be comprehended in the provisions of the treaty for indemnity; and, in support of this position, (which the gentleman stated he knew to be the fact, having negotiated the treaty,) he referred to a former report made from the Committee on Foreign Affairs by Mr. Archer, and to the rejection of the claims by Mr. Crawford upon the same ground.

Now, sir, so far as the report of a former Congress may weigh, I propose to meet the one adverse report, from which the gentleman read, by exhibiting more than one *favorable* report, made to the House. The first and full report, made prior to that referred to, and subsequent to the rejection of the claims by the Secretary of the Treasury, emanated from a source challenging the respect and confidence of this House. It proceeded from a gentleman whose ability as a statesman and jurist was long acknowledged in these halls, and who is even now filling a high and distinguished place in the service of the country—I allude, sir, to Mr. Everett of Massachusetts, then a member of this House, and now minister to England. Well, sir, Mr. Everett, and the Committee on Foreign Affairs, to which he belonged, reported directly in favor of the claims provided for in this bill, after a full review of the subject, and of the grounds upon which the objection to them rested.

[Mr. LEVY here read extracts from the report.]

Then, again, sir, we have the able and elaborate report of the Committee on the Territories of the 26th Congress, made by a gentleman from New York, [Mr. MORGAN,] still a member of this House, in support of these claims, accompanied by a bill, of which the present is a literal copy. And we have now the report of a committee of the present Congress in favor of them, and upon whose report the bill under consideration has progressed thus far. Here then, sir, we have the weight of three reports of different Congresses *in favor* of these claims to balance against the one adverse report to which the gentleman has referred. The weight of reports, then, so far as that is of consequence, is clearly with the claimants.

The next item depended upon by the gentleman as a conclusion against the claim, was the decision of the Secretary of the Treasury against their validity under the treaty.

Now, sir, the decisions upon this point have been diverse. In the first place, the people of Florida regarded them as having been provided for; and presented them, under this belief, to the judge of West Florida. Here, then, was the *popular* understanding and conclusion. The judge of West Florida received and adjudicated them, as comprehended by the ninth article of the treaty, and provided for by the act of 1823 for carrying that act into effect. Here was the *judicial* decision upon the question. The Secretary of the Treasury decided that they were not so comprehended. This was the *political* decision. The claimants appealed from the decision of the Secretary to Congress. And, as I shall show at a future stage of the argument, the decision of Congress, as exhibited in the act of 1834, was against the Secretary, upon the principles of his decision, although these claims of 1814 were not provided for in that act. Here, then, was the *legislative* decision. With the popular, the judicial, and the legislative constructions of the treaty in favor of the claimants, is the adverse *political* decision of the Secretary to be conclusive against them? I call it the *political* decision, because it is stated in one of the reports to have been the result of Cabinet advisement. Now, when it is considered that this was the decision of a *quasi* interested Executive, construing a treaty of its own negotiation in a manner most favorable to its own claims upon the thanks of the country for obtaining, by its diplomacy, great advantages at little cost, I respectfully submit whether its weight ought to be regarded as conclusive, or even equal to the popular, the judicial, and as I expect to prove, the legislative construction of the article involved.

Without stopping to discuss at present what I conceive to be the error of the argument in the report of the 21st Congress against these claims, I will proceed at once to present to the consideration of the House the views which have satisfied my own mind as to the obligation of the Government to award the indemnity claimed by the sufferers of West Florida in 1814.

The first, and, to my mind, sufficiently decisive proposition, I shall present, is, that the claim of the inhabitants of West Florida is a good one, without reference to any treaty stipulation, but considered separately, upon its own merits; and that the United States Government is bound by every established principle of national law and natural equity to recognise and discharge it as a debt.

If the same damages had been done within the limits of our own boundary to the private property of our own citizens, by an army in the service of the country, there would have been no hesitation on the part of the Federal Government to indemnify the sufferers. The duty has been recognised, in practice, by the acts of 1816 and 1818, and the innumerable private acts since then, providing indemnification for private property used or destroyed during the late war by the American army. In a single volume of the laws, which I have near me, (vol. 9,) there are no less than fifty private bills of this description. Now, if the obligation be admitted in the case of injury to the private property of the citizens of our own Government, who are component members of the social compact, and sharing in the benefits of the Government and in the fruits of its military achievements, how infinitely stronger is the obligation in the case of such injury to the citizens of a foreign and friendly power—the peaceable inhabitants of neutral territory. But the duty and the obligation are expressly defined and established, in cases such as this now presented, by writers upon national law.

What is the case? Pending a public war between the United States and Great Britain, a fleet of one of the belligerents sails into a harbor of a neutral province, and seizing upon a fort at its entrance, designs to employ the harbor for shelter and recruital in the prosecution of hostilities. A commander of the other belligerent marches by land with a large army, consisting of three thousand men—one-third of whom were savages, known to be difficult, and, indeed, incapable of restraint—entirely through the dominions of the neutral, without stopping to ask admission or passage, attacks and captures a city of the neutral, dislodges the enemy from the harbor, and afterwards, releasing the city, retires. In the course of the march to and fro, in the country of the neutral, ravages upon the private property of the peaceable peasants, and other inhabitants of it, are committed. Provisions are taken for the use of the army, or wantonly destroyed; and the loss of other property, consisting of slaves, &c., occasioned to the owners.

Now, what is the law of nations applicable to the case? It must be remembered that no nation has the right to march an army within the territorial limits of a friendly or neutral power, without express permission of the sovereign. In certain cases, however, of actual or supposed necessity, it is justified; but with restrictions, and under obligations expressly defined. The law of nations, as laid down by Vattel, and applicable to the case, is to be found in the following passage:

"Extreme necessity may even authorize the temporary seizure of a neutral town, and the putting a garrison therein, with a view to cover ourselves from the enemy, or to prevent the execution of his designs against that town, when the sovereign is not able to defend. But when the danger is over, we must immediately restore the place, and pay all the charges, inconveniences, and damages which we have occasioned by seizing it."—Book 3, chap. vii, section 121.

The obligation is here clearly stated to pay all the damages occasioned.

Now, let the necessity for the march of the American army into Florida be admitted: I seek not to dispute it. Yet that necessity grew not out of the hostile disposition of the neutral province, but resulted from its weakness, and inability to prevent the lodgment of the British force at Pensacola. This fact will be established by reference to vol. 7, p. 11, of Niles's Register, where it will be found recorded that the British applied to the Governor of Cuba for permission to rendezvous at Pensacola, and land troops; which permission was peremptorily refused, and a packet despatched to Pensacola, with orders to the Governor "to repel the landing of British troops in that province, with all the force under his control." But what could the inconsiderable military strength of a small provincial town, upon peace establishment, do in repelling from its harbor seven frigates, with an army on board? Where, then, is the excuse for refusing the discharge of an obligation so clearly imposed by the laws of nations?

But are not the plain dictates of equity equally imperative? Why should the innocent inhabitants of a foreign territory be made to bear any part of the cost of an invasion undertaken for your own advantage, without fault on their part? For it is not pretended they took any hostile part against the United States; and surely the weakness of their Government attached no fault to them.

But suppose, however, even that the invasion of West Florida was a legitimate act of war against the Spanish Government, and was subject only to the rules and principles governing a state of public war:—still *the private property* of its inhabitants was not legitimate subject of capture or destruction on land; the more especially as the inhabitants of Florida were non-combatants. No principle is better settled, in the practice of civilized nations, than that, by the laws and usages of war, the private property of the citizens shall not be taken or destroyed, without indemnity being made. This principle is vouched in our own practice, and has been distinctly asserted by the American Government. It will be found in the instructions of Mr. Monroe (then Secretary of State) to the American plenipotentiaries at Gottenburg, dated January 28, 1814; (see Wait's State Papers, vol. 9;) and again in the diplomatic correspondence of the gentleman from Massachusetts himself, while Minister to Great Britain, on two occasions, to wit: in his letter of August 22, 1815, to Mr. Monroe; and of Feb-

ruary 17, 1816, to Lord Castlereagh. [Mr. L. read extracts from these several letters.]

And here occurs the proper occasion to point to the error in the argument of the adverse report of the twenty-first Congress. That argument rests upon the ground that the invasion was a justifiable act. What legitimately follows? That the Spanish *nation* would have no rightful claim for damages to *public property*, or for the violation of her territorial sanctity. But the fault of the report is, that it carries its conclusion still further, and denies to the *inhabitants* indemnity for damages to *private property;* a right which they would possess by the usages of civilized nations, *even in the case of open public war.*

Regarded, then, in any point of view, the inhabitants of West Florida had, at the date of the destruction or capture of their property, a perfect, indubitable, and valid right to indemnity from this Government. Has their claim to this indemnity been cancelled? Certainly not by payment; and, with equal certainty, not by the relinquishment of the losers; for they have never ceased to demand the due indemnity. Has it been renounced? Show me where. By the treaty? Sir, the very same construction of the terms of the 9th article, which is necessary to establish the renunciation of the claims of the Spanish Government to indemnity for the violation of her territorial domain, is unavoidably decisive of the agreement by this Government to indemnify the Spanish inhabitants for the injuries they suffered.

But can it be possible that the claim would have been renounced—nay, would have been permitted by this Government to be renounced, without indemnification? It is undeniable, that, up to the date of the treaty, the individual sufferers by the invasion of West Florida had a valid and subsisting claim to indemnity. Had they continued Spanish subjects, they would have had the right to demand of their Government the assertion and enforcement of their claim against the United States. This Government would have been compelled to recognise and discharge the obligation to indemnify them: yes, sir, compelled—not by the physical force of the Spanish nation, (which, it is well known, would have been incompetent;) but by that moral force which the obligations of justice, and the established rules of international law, as recognised and existing among the civilized communities of the earth, exert over each nation. Now, sir, would it have suited the pride, the generosity, the dignity, and morality of this great nation, to have treated with Spain for the unqualified cancelment of debts due to private individuals, when, by the same instrument, the allegiance of those individuals was to be transferred, and thus all possibility of justice withdrawn from them? If it was a good debt, Spain, in relinquishing it, of course, received consideration; and thus we will have been a party to a cruel wrong, by permitting her to rob the people she was about to transfer, at the very moment they were becoming, and by the very instrument which made them, citizens of the United States. No, sir: it cannot be that this Government designed to inflict upon these people so great a wrong. If the claim has been renounced, that renunciation must have been coupled with a provision for the indemnification of the individual sufferers. No other supposition would be consistent with the magnanimity and justice of the nation; and no other construction, as I before said, is possible to be given to the clause of the treaty. If it has not been renounced, then the debt remains still binding; and it is incumbent on you, as I humbly conceive, since the claimants have become incorporated with you as your own citizens, to do, as an act of free duty and grace, what, if they had remained subject to Spain, you would have done, upon the demand of that Government, as an obligation of justice. The purchase of the country, and transfer of their political obligations, should work no injury to their private rights.

But I propose to show now, sir, that these claims for the losses of 1814 were, in fact, provided for by the treaty; that such is the fair construction of the ninth article of that treaty; that, whatever may have been the understanding or design of the negotiators, the words in which they have expressed their intention incontrovertibly establish the right of the inhabitants of West Florida to the relief provided in this act.

The distinguished negotiator of the treaty on the American side [Mr. ADAMS] represents, in his place here, that it was not intended to include these claims in the provision made in the treaty for indemnity, which provision was designed to apply only to the damages occasioned by the operations of the American army in West Florida in 1818; and that those of 1814 did not enter into the contemplation of the negotiators at all.

I readily, upon the assertion of the gentleman, concede that such is a correct representation of his understanding and intentions at the time of the treaty. But I must be allowed to offset this understanding of the American negotiator, by the contrary understanding of the Spanish negotiator. De Onis published a work shortly after his return to Spain, in which he gives a sketch of the condition of the relations between Spain and the United States, and of the history and result of his recent negotiations, which ended in the treaty not then ratified by Spain. In the enumeration of the causes of difference between the two nations, which his negotiation was designed to settle, he says:

"To these public acts of aggression and violence were afterwards added General Jackson's march through West Florida, with the troops under his command, and his entrance into Pensacola, to drive from that place the few English who had landed there; and the march of another body of American troops into East Florida, to assist a party of revolters, who, from the United States themselves, were endeavoring to excite disorder in that province. I protested, in the name of the King, against all and each of these excesses: but the cabinet at Washington refused to reply to me, and inflexibly adhered to their system of policy."

The title of the book from which this extract is made, is "Memoir upon the Negotiations between Spain and the United States of America, which led to the treaty of 1819."

Thus it will be seen, that, according to the understanding of De Onis, the damage occasioned by the invasion of 1814 was one of the very grounds of difference intended to be arranged by the negotiation he conducted.

This difference in the understanding of the two negotiators might naturally exist, without the slightest imputation upon the integrity or accuracy of either; and without injury, too, to the rights of the claimants. It is perfectly explicable.

The gentleman from Massachusetts was not in the United States when the invasion of West Florida, in 1814, occurred. He was at that date in Europe, as one of the commissioners for negotiating a peace with Great Britain. His mind and feelings were naturally absorbed with the great mission he was upon, and which, about that time, was reaching the point of happy consummation. The invasion of West Florida was not likely to strike his attention at such a time; and when he did hear of it, it was in connexion with the ever-memorable victory of New Orleans, among the preliminary incidents of which the incursion into Florida formed but an item. No wonder that the invasion of Florida, overshadowed and lost sight of in the greatness of the final event with which it was connected, failed, under the existing circumstances, to impress itself upon the mind of the gentleman at the time of its occurrence; and there were reasons why it may well have failed to attract his attention during the negotiation. His mind was given to what constituted the really great objects of the negotiation, and upon which his diplomatic powers were about being exercised. The boundary line west of the Mississippi—the acquisition of the Floridas—the undisputed title to the extensive and valuable country between the Perdido and Mississippi rivers;—these were the great topics of the negotiation. The subject of Spanish claims was despatched in a few sentences of an immensely voluminous correspondence.

On the other hand, there was every reason why the Spanish minister should have had his attention fixed upon the subject of these losses. Reduced by the superior genius and diplomacy of his antagonist, he was consenting to almost every demand of the American Government. The western boundary—the Floridas—the payment of the claims of American citizens—all were being yielded. And what was he receiving, by which to save even the appearance of reciprocity, and to justify himself at home? The small and only stipulation in favor of the inhabitants of Florida. No wonder, then, that, upon his part, he should have looked with interest and anxiety to this matter of the claims for indemnity. To him, it was all important; and therefore dwelt upon during the negotiation, and treasured after it. To the American Government, it was a trifle; and therefore not heeded in the negotiation, and, it would seem, not remembered after it.

But it is a matter of indifference what may be the variant understanding or recollection of the two negotiators. The meaning of the treaty is to be gathered from its own words and context. It is to the instrument itself, and not to its negotiators, that we are required to look for the intention and stipulations of the parties to it. This has been acknowledged by the gentleman from Massachusetts, in commenting upon a letter from Earl Bathurst to him, in 1815, respecting the meaning of the 1st article of the treaty of Ghent.

Look, then, to the treaty. The clause is as follows:

IN SPANISH.	IN ENGLISH.
"Las altas partes contratantes renuncian reciprocamente todos sus derechos a indemnizaciones por qualquiera de los ultimos acontecimientos y transacciones de sus respectivos comandantes y oficiales en las Floridas.	"And the high contracting parties, respectively, renounce all claim to indemnities for any of the recent events or transactions of their respective commanders and officers in the Floridas.
"Y los Estados Unidos satisfaran los perjuicios, si los hubiese habido, que los habitantes y oficiales Espanoles justificquen legalmente haber sufrido por las operaciones del exercito Americano en ellas."	"The United States will cause satisfaction to be made for the injuries, if any, which, by process of law, shall be established to have been suffered by the Spanish officers, and individual Spanish inhabitants, by the late operations of the American army in Florida.

Nothing can be more evident—looking to the English version alone—than that the stipulation to pay for the injuries suffered by individuals in their property, was co-extensive with the renunciation; that, if the renunciation on the part of Spain extended to each of the three invasions; the stipulation, on the part of the United States, to make indemnity to individual private sufferers, extended also to each of them. If the stipulation to pay applied only to the last invasion—that of 1818; then, also, the renunciation applied only to that, and the United States remain liable to the claim for those indemnities. Taking either horn of the dilemma, the result is the same. But if there is even doubt, the Government should not hesitate as to its course. The high and sensitive impulses of national honor will not brook even suspicion of wrong. The very shadow of dishonor should be spurned. It should be sufficient that there is even a doubt as to the right to deny indemnity to these claimants, to ensure the passage of this bill. The faith of treaties is too sacred an obligation to be trifled with by a people professing a place in the ranks of moral and civilized nations.

But if the English version of the treaty admits of doubt in its construction, the Spanish does not. There the word "late," found in the English version, and upon which the decision of the Secretary of the Treasury turned, has no correspondent word in the Spanish version. There is nothing which can limit its sense to the last invasion; but, on the contrary, the descriptive terms are all in the plural—showing that the allusion was to all the operations, and to both the Floridas. No one will deny, after a critical examination of the Spanish version, that the losses of 1814, as well as those of 1812 and 1818, are meant to be provided for.

Now, then, by which of these versions are we to be governed? Fortunately, the Supreme Court of the United States has furnished the answer. In a case in which a similar difference in the phraseology of the Spanish and English versions of the 8th article of the same treaty was discovered, the court thus comments:

"The original treaty has been examined in the Department of State. It is executed as an original, and headed "original" in both languages. It cannot have escaped our attention that it relates to the territory ceded, the boundaries between those two Governments, the mutual renunciations, and the rights of the inhabitants of the ceded territories. There is an obvious reason for its being in Spanish, as well as in English. The King had a direct interest, as far as affected his own dominions adjoining the United States, and a laudable desire to protect the inhabitants of the ceded provinces in all their rights and property."—*U. S vs. Arredondo, 6 Peters's R.* 736.

Again: "His minister was not willing to trust so important a matter to a treaty only in the English language. The present situation of the holders of the grants, the state of the country, the opinion of this court in Foster vs. Nelson, and the argument in this cause, show the wisdom and justice which prompted him to express the intention of the King in his own language, and that of his subjects. Similar, or equally good, reasons may have induced the ministers of this Government to have the treaty drawn in its language; and thus, considering the treaty in both languages, and each (as is declared at its head) 'original,' the one version neither controls, nor is to be preferred to, the other; each expresses the meaning of the contracting parties, respectively, in their own language; as, in the opinion of each, expressing and declaring the intention of both."—*Ib.* 737.

"The Spanish version was in his (the Spanish monarch's) words, and expressed his intentions; and, though the American version showed the intention of this Government to be different, we cannot adopt it as the rule by which to decide what was granted, what excepted, and what reserved. The rules of law are too clear to be mistaken, and too imperative to be disregarded by this court."—*Ib.* 741.

Well, then, the clause referred to on the present occasion expressed what was excepted and reserved by Spain from the preceding renunciation. It is connected with the clause of renunciation by the conjunction y, [*and,*] and forms a part of it. It is by the Spanish version, then, and the Spanish version alone, by which we must decide what was intended. It is the intention and understanding of the Spanish Government which is to rule. That intention is testified to by De Onis, who expressly enumerates the losses of 1814 as among those causes of difference comprehended in the negotiation, and inevitably results from the legitimate construction of the clause.

But I will go further, and proceed to show that the whole history of the negotiation justifies the opinion that the losses of 1814, as well as those of 1818, were contemplated by the Spanish Government to be provided for in the treaty. I design to show that, from the commencement of the negotiation, the losses of 1814 were intended to be comprehended; that they were considered to have been so included at the time by De Onis, who wrote (pending the negotiation) to Pensacola for a statement of the losses; that the invasion and losses of 1818 did not occur until after the article had been substantially agreed upon, though not reduced to form; and that this construction of the treaty has been expressly recognised by the legislation of Congress as the true one.

The first *projet* of a treaty was submitted at Madrid, by the Spanish cabinet, to Mr. Irving, the American minister to that court, in a communication from Mr. Pizarro, dated August 17, 1817, only two and a half years subsequent to the invasion of West Florida. And it may as well here be mentioned, as worthy to be borne in mind, that the movements between the two nations for a settlement of the existing causes of difference by treaty commenced in the early part of the year 1816, but little more than a year after the occurrences in that province. In the very first general conference which took place between Mr. Irving and the Spanish cabinet minister, the invasion of West Florida, and the damages occasioned by it, were dwelt upon as one of the causes of complaint and difference. The particulars of this conference will be found detailed in an official communication from Mr. Irving to the Secretary of State, on file in the State Department, but never printed. The very first article in the first *projet* before referred to, has reference to this subject of indemnification, and is as follows:

"1st. His Catholic Majesty and the United States, carrying into effect the convention which is pending since the year 1802, oblige themselves to the reciprocal indemnification of the losses, injuries, and prejudices produced to the Government or subjects of either country, in consequence of excesses committed by individuals of either nation, against the law of nations, or the existing treaty; comprehending in this reciprocal obligation, not only the epoch to which the said convention of 1802 refers, but also indemnities for posterior excesses of the same kind, committed by individuals of either nation, from such epoch till the day in which the present convention shall be settled and signed."

This proposition was virtually for the extension of the convention of 1802 to all *posterior* excesses of a similar kind to those for which indemnification was provided by that convention. And what were the claims provided for by that convention? They are described in the 3d article as follows:

"All claims, as well by the subjects of his Catholic Majesty, as by the citizens of the United States of America, who may have a right to demand compensation for the losses, damages, or injuries, sustained by them in consequence of the excesses committed by Spanish subjects, or American citizens."

Nothing can be more clear than that the losses suffered by the inhabitants of West Florida, in consequence of the excesses committed by the American army, were comprehended in the description of cases for which indemnity was proposed by the Spanish cabinet in this first *projet*.

The negotiation was then transferred to Washington. And I propose to follow the course of it, so far as the subject of indemnities was concerned.

The first reference to the subject is in the letter of Mr. Adams to De Onis, dated January 6, 1818, in which he proposes, among other things, the following:

"The claims of indemnities for spoliations, whether Spanish or French, within Spanish jurisdiction, and for the suppression of the deposite at New Orleans, to be arbitrated and settled by commissioners, *in the manner agreed upon* in the unratified convention of 1802."

In a letter dated January 24, De Onis thus replies:

"I now proceed to state the most obvious and essential difficulties which render your three proposals for the settlement of indemnities inadmissible. I observe that, in speaking of them, you only mention the indemnity for spoliations suffered by American citizens, and omit that which is equally due to Spaniards for spoliations committed on them by the citizens and authorities of this republic, in violation of the law of nations and the existing treaty."

And, in a subsequent part of the letter, proposes as follows:

"His Catholic Majesty to ratify the convention of 1802, and both Governments to abide by the decision of the joint commission on the question of indemnities, classing as such those which regard American citizens, and the Crown and subjects of his Catholic Majesty, for spoliations reciprocally committed to the period of the said convention, and *thereafter*, to the date of the confirmation of the adjustment by the joint commission."

And, in a letter of the 10th February, adds further:

"The question of indemnities can be attended with no difficulty. The Spanish Government has always been willing to give due satisfaction for the losses and injuries sustained by citizens of this republic, and committed by Spaniards, contrary to the law of nations and the existing treaty; but it cannot relinquish its claim to comprehend, in like manner, in the adjustment of those losses and injuries, such as have been committed by citizens and authorities of this republic on the Crown and subjects of Spain, in violation of the same right and treaty. Your Government, sensible of the justice of this demand, cannot fail to accede to it."

On the 12th of March, Mr. Adams replies in the following terms:

"With regard to the third of the subjects of difference between Spain and the United States that remain to be adjusted, the claims of indemnification for injuries, losses, and damages suffered by American citizens from Spanish authorities and subjects, and within Spanish jurisdiction, I flatter myself, from the tenor of your note, devoted particularly to the consideration of this point, that it is not absolutely unsusceptible of being brought to a favorable issue. You express the willingness of your Government to resume the unratified convention of 1802, and to extend its stipulation to the cases of complaint of a similar character to those provided for in it, which have since that time accrued. It is undoubtedly the intention of this Government that its engagements should be reciprocal; and, if this was not expressly declared in my note of the 16th of January, it was merely because the President was not aware that any such claims of Spanish subjects for indemnities from the American Government were in existence. I am authorized to assure you that there will be no difficulty in including any such as may exist in the convention, and in making the United States answerable for all indemnities which may be justly due by them."

Here the matter rested. The principles of the convention of 1802, which was proposed by Mr. Pizarro, in the first instance, as the basis of the clause on indemnities, were adopted by De Onis and Mr. Adams, with a reciprocal extension of its application down to the date at which they were treating. No further reference was made to the subject of indemnities, until long afterwards, when the treaty was being thrown into form. Now, all this had transpired *prior to the invasion of Florida in* 1818, which, it is alleged, was the only matter of damage referred to in the negotiation. The invasion of 1814 had occurred but shortly before the negotiation opened. It had been referred to as one of the subjects of complaint, in the first conference between Mr. Pizarro and Mr. Irving. It was stated by De Onis, in his memoir before referred to, as one of the differences requiring adjustment by a treaty. These circumstances strongly prove that at the time the subject of indemnities was discussed and *substantially concluded upon*, the injuries intended to be provided for were those which had occurred prior to the invasion of 1818; to wit—that of West Florida in 1814, provided for in the bill now under consideration; and those of East Florida in 1812 and 1813, provided for by the act of 1834. This conclusion is rendered certain by the circumstance, that directly after the occurrence of the invasion of 1814, De Onis had addressed to the Secretary of State *an official protest against it*, and a demand for satisfaction; which shows that when he opened the negotiation, the subject must have been impressed upon his mind; and by the further circumstance, that, during the negotiation, he wrote to the Governors of East and West Florida for an official statement of the losses suffered by the inhabitants in consequence of the invasions of 1812 and 1814; showing thus that he regarded them as comprehended among the subjects of the pending negotiation. The protest and reclamation on account of the invasion of 1814 was under date of the 16th December, 1814. It has never been printed or made public, nor does it even seem to have been translated. I found it in the State Department, in a volume of original letters, after a troublesome search.

After the subject of indemnities had been thus disposed of, and the correspondence had continued in relation to boundaries and the French spoliations, the invasion of Florida in 1818 by Jackson, and other circumstances of disagreement, caused a suspension of the negotiation at Washington. When it was again resumed, the proposed cession of extensive territories, and the arrangement of boundaries, led to a proposition for a mutual renunciation of claims. The interposition of M. Hyde de Neuville (the French minister) was employed in reconciling the differences between the two negotiators as to the details of the treaty; and in the paper furnished by him as a memorandum of the history of his intervention, (to be found in the American State Papers, at page 621 of the 4th volume of Foreign Relations,) the following facts appear in reference to that part of the ninth article which relates to the Florida claims. Mr. Adams had proposed as follows:

"And the high contracting parties respectively renounce all claims to indemnities for any of the recent events or transactions of their respective commanders and officers in the Floridas."

Mr. Hyde de Neuville says, in reference to the above:

"To the above claim Mr. de Onis adds, that the United States will satisfy all the just claims which the inhabitants and Spanish officers of the Floridas may have upon them in consequence of the damages they may have sustained by the operations and proceedings of the American army, as is customary with the citizens of the United States under similar circumstances."

To this reservation, Mr. Adams remarks: "Agreed."

The matters referred to in this paper, prepared by Mr. de Neuville, occurred on the 15th of February, 1819. On the 16th, Mr. Adams received from President Monroe authority to conclude the treaty; and on the 22d the treaty was formally signed by Mr. Adams and De Onis, in the shape in which it now stands.

Nothing can be more evident than that the object of De Onis was to secure to those of the Spanish subjects who were about to become American citizens, by the transfer of Florida, the indemnities they were entitled to in consequence of the repeated invasions of those provinces which had occurred within the few preceding years; and that the reference in his mind was to *all* the invasions. At all events, it is evident that the condition and the renunciation are co-extensive; that if the condition does not cover the losses of 1814, neither does the renunciation; and that they would, therefore, remain unrenounced, and valid as a yet existing obligation.

But the legislation of Congress has settled the point, that the engagement to pay for injuries suffered in Florida is not confined to the invasion of 1818, and that the decision of the Secretary of the Treasury was erroneous.

The first legislation upon the subject was in 1823. The act passed that year was entitled "An act to *carry into effect the ninth article of the treaty* concluded between Spain and the United States on the 22d of February, 1819." The first section directed that the judges of the superior courts at Pensacola and St. Augustine should receive and adjust all claims of the inhabitants, arising within their respective jurisdictions, "*agreeably to the provisions of the ninth article of the treaty with Spain.*" The second section required the Secretary of the Treasury to review those decisions, and to pay the awards "on being satisfied that the same are just and equitable *within the provisions of the treaty.*" Two things are to be remarked in respect to this act—that *the execution of the ninth article* was the evident and *exclusive* object; and that the ninth article was considered to apply to other claims besides those growing out of the invasion of 1818; for that was confined to West Florida, while the act contemplates claims "arising within the jurisdiction" of the judge of East Florida also.

Under this act, the judges of East and West Florida received and adjudicated upon claims arising out of the invasion of East Florida, under Mathews, in 1812 and 1813; and the invasions of West Florida, under Jackson, in 1814, and again in 1818. The Secretary of the Treasury rejected the claims of 1812 and '13, and of 1814, altogether, *upon the express ground that the provisions of the treaty comprehended only the losses of* 1818. Appeal was made to Congress by the rejected sufferers. The act of 1834 was passed as the sense of Congress upon the subject. That act, in the first section, directed the Secretary of the Treasury to *pay* the amount awarded by the judge of the superior court at St. Augustine, "*under the authority of the 161st chapter of the acts of the 17th Congress, approved 3d March*, 1823, for losses occasioned in East Florida by the troops in the service of the United States, in the years 1812 and 1813, in all cases where the decision of the said judge shall be deemed, by the Secretary of the Treasury, to be *just.*" This section decides the question that the

losses of 1812 and 1813 did come within the intent of the act of 1823; and, therefore, also within the intent and provisions of the 9th article of the treaty; and, overruling the decision of the Secretary that they were not comprehended, confines his discretion, in the payment, to the point of their being "*just.*" It is the legislative decree that the provision of the 9th article *was not confined to the losses of* 1818. The claims of the sufferers of 1812 and 1813 were ordered to be paid, not upon any grounds of equitable consideration *independent of the treaty*, but *expressly as being in execution of the 9th article.* The intention of Congress is made still more manifest in the 2d section of the act, which authorizes the reception and adjudication of any further claims not before presented, or in which the evidence was withheld, "*in consequence of the decision of the Secretary of the Treasury that such claims were not provided for by the treaty of February 22, 1819, between the Government of the United States and Spain.*" Thus showing that the decision of the Secretary was fully before Congress, and that the conclusion was against him, expressly UPON THE CONSTRUCTION OF THE TREATY.

The losses of 1814 were not included in the provisions of this act of 1834, because the committee confined the bill reported to those of 1812 and '13; and the Delegate from Florida, (anxious, I presume, to avoid embarrassing its passage, by pressing the question as to those of 1814 upon the House for decision at the time,) took it as it was offered, without discussion. The distinction made by the committee which reported the bill, between the losses of 1812 and those of 1814, is altogether, in my view, a mistaken one. It is, that the invasion of East Florida, in 1812, was unauthorized; and that, therefore, the Government was liable for the damages; but that the invasion of West Florida, in 1814, being justified by the laws of nations, was in a different predicament. Now this would have been a good answer to a claim from Spain for reparation for the violence done to her sovereignty by the invasion, or for injury to public property occasioned by it—as, for instance, the destruction of Fort Barancas, &c.; but it is not a justifiable answer to a claim for the use or destruction of the private property of peaceable and unoffending peasants, and other inhabitants. Not even the pendency of open public war justifies, as I have before shown, the refusal to pay for such injuries among civilized nations.

I have endeavored, Mr. Speaker, to make intelligible to the House the grounds upon which I rest the passage of the bill. I had designed to add some further remarks to what I said on a former occasion, touching the motion of the gentleman from Ohio, [Mr. GIDDINGS;] but the sense of the House, as manifested in the entertainment of the demand for the previous question, which cut off, and virtually rejected his motion, rendered it unnecessary. Without further trespass, therefore, upon the patience of the House, I will conclude.

NOTE.—In the midst of the remarks of which the foregoing is the substance, Mr. LEVY was arrested by the application of the hour rule. Mr. ADAMS then obtained the floor, and addressed the House again in opposition to the bill. When he concluded, Mr. LEVY endeavored again to obtain the floor, for the purpose of concluding his argument, and replying further to Mr. ADAMS; but he failed in this endeavor, the previous question having been called, and being insisted upon by one of the members. The House was thus brought to a direct vote upon the bill before it was in possession of all the facts and arguments depended upon in its support. The natural consequence of this was its rejection. Mr. LEVY afterwards, during the day, obtained the floor upon a motion to reconsider, and pursued his remarks. The argument, such as it was, has been written out, and thrown into continuous form; in order that, when the subject shall hereafter be again brought before Congress, the necessity may not exist for the consumption of time by the oral repetition of what has before been said.

REMARKS OF MR. GWIN,
OF MISSISSIPPI.

In the House of Representatives, February 11, 1843.—On the motion of Mr. C. J. INGERSOLL to print 10,000 extra copies of the majority and minority reports upon the assumption of the State debts.

Mr. ADAMS having concluded,

Mr. GWIN of Mississippi got the floor, and replied as follows:

Mr. SPEAKER: The gentleman from Massachusetts [Mr. ADAMS] seems to entertain great dread of the appearance of British vessels in the waters of the Mississippi. Has the gentleman always been as anxious to prevent their appearance in those waters as he seems to be at present? If I recollect aright an important era in the history of our country, the gentleman was accused of an attempt, at the treaty of Ghent, to bargain away to Great Britain the navigation of the Mississippi river and its tributaries, for some advantage in the fisheries to the North. He was so charged by one of the most distinguished citizens of this country, [Mr. Clay,] between whom and the gentleman from Massachusetts [Mr. ADAMS] an adjourned question of veracity exists to this day on this subject. I should like to hear the gentleman clear up that charge, ere he presents himself as the special champion of the navigation of the Mississippi. Treacherous once, he may betray us again; and I am the more induced to doubt him on this occasion, as the alternative presented to avoid the horrors of war with Great Britain, and thus the appearance of British war steamers in the waters of the Mississippi, is the assumption of the debts of the several States by the General Government.

Sir, is it not degrading us as a nation, to hear a Representative in the American Congress warn us against the danger of a war with Great Britain, by holding up the result of the recent contest of that nation with China as our probable fate in the event of a collision between the two nations? Shall we be threatened in our own halls with the payment of twenty-one millions, to buy a dishonorable peace with that powerful, arrogant, and haughty nation? Can any American patriot forget the glorious termination of our two wars with Great Britain, then in our infancy as a nation, and destitute of resources; and shall we now, when in full manhood, be forced to commit a grievous WRONG upon the Constitution of our country, to avoid a war that it is predicted will terminate so disastrously to us? Sir, it is humiliating to hear such remarks from any quarter, but especially so when they emanate from one of the Representatives of this great nation on this floor.

I have not been disposed at any time, Mr. Speaker, to introduce the question here of the validity of the bonds issued in the name of the State, for the Mississippi Union Bank, and the liability of the State to pay these bonds; but the question appears to be so entirely misunderstood and misrepresented, both here and elsewhere, that I shall avail myself of this occasion to state the grounds that have been taken by a majority of the people of the State on this subject. It is simply this: shall the State assume the payment of a debt contracted in her name, in violation of her constitution? For I contend that these bonds were issued by authority of an unconstitutional law; and that even the requirements of that law, inoperative as it is upon the State, were disregarded in the sale of the bonds.

During the summer of 1841, a letter was written by my colleague, [Mr. THOMPSON,] and extensively circulated, giving a clear and concise history of the charter of the Union Bank, and its conflict with the State constitution. In order to a proper understanding of the question, I will read an extract from that letter.

"The constitution provides that 'No *law* shall ever be passed to raise a loan of money upon the credit of the State, or to pledge the faith of the State for the payment or redemption of any loan or debt, unless such *law* be proposed in the Senate or House of Representatives, and be agreed to by a majority of the members of each House, and entered on their journals, with the yeas and nays taken thereon, and be referred to the next succeeding Legislature, and published for three months previous to the next regular election, in three newspapers of this State; and unless a majority of each branch of the Legislature so elected, after such publication, shall agree to and pass such law; and, in such case, the yeas and nays shall be taken and entered on the journals of each House.'

"This wise provision of our constitution is peculiar to our State; and, amidst the general pecuniary embarrassments which now press so heavily upon the energies of several of our sister States, arising from imprudent and hasty legislation, and from an unadvised pawning of that brightest jewel of the State—her *faith*—for the purpose of raising money to be used by the FEW to the prejudice of the MANY, every Mississippian should feel grateful to the framers of our constitution for their prudence and forecast in thus guarding our honor and our property, by restraining from tampering with our faith or credit as a State, a Legislature whose course of conduct has evidently proceeded from impulse, rather than wise and deliberate councils. But it would be a mockery of constitutional government to say to their agents, 'thus far shalt thou go, and no farther,' and yet QUIETLY SANCTION EVERY INFRACTION OF RESERVED RIGHTS.

"At the January session of 1837, the Legislature of our State passed an act entitled 'An act to incorporate the subscribers to the Mississippi Union Bank,' in which you must mark the fact that no provision is made that the State of Mississippi shall be a subscriber for stock. But, on the contrary, section 4 of the law says 'that the owners of real estate situated in the State of Mississippi, and who are citizens thereof, shall be the only persons entitled to subscribe.' This law provides that the capital of the bank shall be $15,000,000; that the books of subscription shall be kept open for six months, under the inspection of ten managers, to be chosen by the Legislature; that so soon as five thousand shares shall have been subscribed, the Governor of the State shall appoint thirteen directors, to serve for twelve months, who shall take charge of the bank and the books of subscription; that, after the books are closed, the bank may go into immediate operation, whenever it shall appear that at least $500,000 shall have been subscribed and paid in; that these declared stockholders by the directors shall pay into the bank the sum of ten dollars upon each and every share subscribed; that the stockholders shall give their bonds to the bank for the amount of stock allowed to each, and shall also execute mortgages upon real estate, with the privilege of including one-fourth of the amount on slaves, to secure the payment of their stock-bonds—(thus not only the property mortgaged, but the whole estate of the stockholder, would have been bound for the redemption of the stock;) and that both the principal and interest of the bank bonds were to be paid by the bank as they severally fell due. Then it is further provided, that the State shall pledge its faith for the redemption of the capital stock; or, in other words, shall become the security of the subscribers for stock, upon being allowed five per cent. of the profits of the bank, the appointment of five of the thirteen directors, and a standing accommodation loan of $200,000; and the 30th section requires the Governor to execute to the said bank, from time to time, bonds in amount proportioned to the sums subscribed and secured to the satisfaction of the directors, until the whole amount of bonds shall be furnished. In this charter you will at once perceive no risk, no hazard of taxation whatever.

"This act was published—not the length of time required by the constitution, it is true; but still, it was published; and it is unworthy of this great question to dwell on quibbles. At a succeeding Legislature, which met in January, 1838, the same law came up for re-enactment. While it was still pending, and before another vote was taken upon it, a joint committee of the Senate and House of Representatives—a committee of the greatest weight and highest responsibility that can at any time be raised—was appointed, and instructed to 'examine whether the said bill can be amended; and, if so, whether it be practicable to change it into a State bank exclusively.' From the unanimous report of that committee, permit me to draw your attention to the following extracts:

"'But as to that portion of the said charter which relates to the subscribers or stockholders to the said institution, being the primary condition on which the faith of the State is to be pledged, and as such constitutes a vital part of it, we have no power to change the same, unless it should be again submitted to the people for their sanction; which would have the tendency to postpone, for at least two years, its consummation. This course your committee believe would be directly at war with the wishes of our constituents,' &c.

"This report was received, and unanimously adopted by the Legislature. At that time, while the charter is still pending, and open, of course, to all amendments admissible under the constitution, it is the unanimous opinion that the vital parts of the bill cannot be changed without a re-submission

the charter to the people; consequently, the iginal charter becomes a law on the 5th day of bruary, 1838, without change or alteration. Without calling in question the constitutionality of s charter, I might stop, and triumphantly ask, as a single bond of the State been issued and ld under this charter? If so, who were the di ctors appointed by the Governor to manage the nk? Who were the subscribers for stock? Had e books of subscription been kept open six onths? How many stockholders had paid ten llars upon each and every share subscribed? ow many bonds for stock had been given and se red by satisfactory mortgage? Not one of these ings had been done at the time the bonds in ques n were issued and sold: and the purchaser must ve known it.

"But here follows the explanation: Ten days af r the passage of the foregoing charter, the same egislature that determined, by unanimous vote, at the charter could not be amended while pend g before them, passed 'An act supplementary to n act to incorporate the subscribers to the Mississippi Union Bank;' wherein, under the magic title 'supplement,' they endeavored to do indirectly hat the conscience of every member checked him doing directly. They made changes in the char r, by way of supplement, which, but a few days efore, they had declared, under oath, would viti te the whole instrument. This procedure was in iolation of all parliamentary rule known in this r any other enlightened country; and it can be onsidered in no other light than a legislative fraud, ecause it violated not only the constitution, ac ording to their own showing, but also one of their xpress rules of order, which prohibited the repeal f any law the same session at which it was passed. On the 15th of February, 1838, this act took the form nd shape of law. The very first section changed ltogether the attitude of the State to the banks In the original act, the State, being amply indemnified, agrees to stand as the security of the stockholders; in this supplemental act, she becomes primarily liable for $5,000,000. In the original act, no individual but a citizen of the State can subscribe and take stock; in this act, the State becomes a subscriber for stock, and, by express repeal, gives up her ten per cent. of the profits, her five directors, and her accommodation loan of $200,000, and becomes a partner in the banking adventure. All this is done under the talismanic word 'supplement,' without submitting it in any way to the people! Now, it must be apparent to the commonest understanding, that it was not in the power of the Legislature to make the State a subscriber for stock in that bank—to render her liable for the sum of $5,000,000, or any other amount—to change her attitude in any respect towards the stockholders in the bank—to enlarge or diminish her interest in the bank, as it stood at the passage of the original charter, without submitting it to the action of the people. This right had been expressly reserved to the people in their fundamental law; and, until they had been consulted in the manner prescribed, all action by their supposed agents was null and void; and the whole world were bound to take notice of it. These propositions are so self-evident, no man of candor and discrimination will dispute them. The only question remaining is, Does the present supposed liability arise under and by virtue of the supplement?

"It is apparent that it does so arise—1st, from the very terms of the mortgages for stock, which were drawn up by the officers of the bank, and which have been recorded in almost every county of the State; in which it is set forth that the intent of the mortgage is to secure the payment of only $10,500,000; leaving $5,000,000 (the sum already sold) to be paid by the State, by virtue of the supplemental act. 2d. It is apparent, from these facts, that, at the time of the issuance of the five millions of bonds now held abroad, there were no subscribers for stock; that the books of subscription had not been kept open six months, as required by the original charter; that no bonds for stock, and no mortgages to secure them, had been taken; that no directors had been appointed by the Executive to examine and pass upon the validity of the mortgages; and that not a dollar had been paid in on a single share of stock: therefore, they must have been issued in pursuance of the supplemental act; or else there is more baseness in this whole transaction than ever characterized any other act of public functionaries. 3d. It is apparent, from the very terms of the power of attorney from the managers of the bank to the commissioners who went abroad to sell these bonds. This power of attorney—after reciting that the act to incorporate the subscribers to the Mississippi Union Bank had been passed by one Legislature, and, in conformity to the constitution, had been published, and referred to the next succeeding Legislature, which had passed and confirmed the said original act; and that the same was approved by the Governor, on the 5th day of February, 1838,—continues: 'And whereas the said Legislature last above mentioned passed an act entitled An act supplemental to an act to incorporate the subscribers of the Mississippi Union Bank, which was approved by the Governor, February 5th, 1838; and whereas the Governor of the State of Mississippi has, pursuant to the provisions of the said supplemental act, subscribed, in behalf of the said State, fifty thousand shares of the capital stock of said bank, and has executed twenty-five hundred bonds of the said State of Mississippi, for the sum of two thousand dollars each,' &c. If truth can produce conviction, surely this question is now placed beyond cavil. 4th. It is self-evident, that the purchaser of the bonds had not only constructive, but actual, notice that the faith of the State could not be pledged under the constitution by an act of the Legislature, without a confirmation by the people; that the supplemental act had not been confirmed by the people; and that the bonds he purchased were issued 'pursuant to the provisions of the said supplementary act!!'—because this power of attorney to the commissioners is made part and parcel of his contract with them, and it contains a full statement of these facts."

This is the ground taken by the State in regard to these bonds. Not a dollar of the money for which the bonds were sold was received by the State; they were sold by agents of the bank, appointed by authority of the unconstitutional supplement, and the money received by the bank, and used by it. Not a dollar ever went into the State treasury, or was under the control of a State officer. The archives of the State exhibit no evidence of the existence of these bonds as an obligation upon the State; nor was there ever deposited there any evidence that the State is a stockholder in the bank. For these reasons, the State has refused to assume the payment of these bonds. No party in the State is in favor of levying a tax for their payment. The question between the two parties is assumption or non-assumption. The first contend that the State shall assume the debt, at the same time they refuse to provide by taxation for its payment. "Settle fair, if you never pay," is their motto. The latter contend that the bonds were issued by virtue of an unconstitutional law; sold in violation of that law; and it would be a fraud upon the constitution and laws to assume their payment. While we refuse to acknowledge this to be a State obligation, yet no obstacle has been thrown in the way of the bondholders, if they desired to secure the assets of the Union Bank. In fact, the Democratic party in that State desire that these assets may be thus appropriated. I differ with Governor McNutt in the estimated value of these assets. If honestly appropriated to the redemption of the notes now unredeemed, after their payment a large surplus must exist, to be applied to the payment of the bonds. In addition to these, the assets proper of the bank, there are also the subscriptions of the stockholders for ten and a half millions of dollars, secured by mortgages upon some of the most valuable estates in that State, and equal in productiveness to any in the world, which some of the first legal men in the State contend will be held liable to pay these bonds. I do not give this as my opinion. I am no lawyer; but members of that profession, equal in learning and intellect to any in this country, entertain this opinion. No obstruction will be thrown in the way of the bondholders, if they wish to test the validity of these mortgages. The State and United States courts are open to them. Let them proceed to test this question; and, if they succeed, then this mortgaged property with the assets proper of the bank will, it is supposed, pay the whole debt of five millions, with the interest. Sir, I entertain no doubt but these bonds are much more likely to be paid than the bonds of several States, whose Legislatures are passing resolutions against repudiation.

I alluded, in the commencement of my remarks, to the course the gentleman from Massachusetts was reported to have pursued in the negotiations at Ghent, in regard to the navigation of the Mississippi by British vessels. I care not now whether the charge was true or false, further than to declare that I do not believe he would deprecate the appearance of British war steamers at Natchez as much as he has pretended on this occasion. Blue lights, kindled by traitorous hands in our own country, directed our enemies to our weakest points during the last war. The gentleman [Mr. ADAMS] may be designated as the finger-board directing the attention of Great Britain to what he at present considers our weakest point. He has declared that, in the event of war, or insurrection in the slave States, requiring the intervention of the General Government, our slaves will be free. The great object of his life seems to be to cause the emancipation of our slaves, regardless of the war of extermination that must ensue between the two races, should success attend his efforts. What more effectual aid can he obtain than the naval power of Great Britain, concentrated, at his suggestion, at the South, in the event of a war with that nation, sending war steamers to the very centres of the slave States? Martial law is proclaimed—insurrection excited—the Government of the United States send armies to expel the invaders and suppress the insurrections; and thus, according to the gentleman's doctrines and opinions, oft repeated on this floor, our slaves would be free, and his great object accomplished. If the gentleman does not desire this result, his course is well calculated to bring about a war between this country and Great Britain. The assumption of State debts, or war, are the alternatives presented to us by him; and he hesitates not to say that England will have cause for declaring war, if these debts are not paid. That powerful and rapacious nation will not be slow in adopting this suggestion, coming, as it does, from a member of this House who has filled the exalted station of President of the United States. He calls the refusal of Mississippi to assume payment of those bonds "metaphysical distinctions" which he does not understand. Foreigners have urged this same argument in favor of assumption—that they cannot understand the distinction or difference between the State and the Federal constitutions. After the remarks of the gentleman, they will have high authority on this side of the water in favor of assumption on this ground.

The gentleman entertains great horror of State repudiation of unacknowledged debts; yet he is the advocate of, and voted for, the bankrupt law, which established the most wholesale system of repudiation of honest, *bona fide*, undisputed debts ever known in this or any other country. According to the gentleman's theory, it is disgraceful for a State to refuse to assume a debt she declares was created in violation of her constitution, and for which she received nothing; yet it is perfectly fair and honorable for the citizens of that State, one or all, to repudiate all of their honest *bona fide* debts, under the bankrupt law—debts contracted in accordance with constitution and law, and for which full value was received. I will make a practical application of the gentleman's theory of dishonorable repudiation of unacknowledged State debts, and honorable repudiation of acknowledged private debts. During the glorious era of paper money, from 1835 to 1840, commercial houses in Europe established agencies in this country, to advance money to the planters, to secure shipments of cotton to their houses. Competition sprung up in this line of business, as in most others; and the agents advanced much more than the cotton was worth, which, on settlement, left the planters greatly in debt. These balances falling in part in the hands of the Barings, are sent over for collection; but the planters go into court under the bankrupt law, and

pay off the debt at one cent to the dollar. This is all right and fair, and perfectly honorable, according to the gentleman's code of morals. But these same Barings have some bonds issued in the name of the State of Mississippi, for which she received nothing; and she is dishonored because she does not assume them.

I have a stronger case than this—this great Union Bank itself became a cotton-broker, and advanced fifteen cents per pound to the planters for their cotton, and shipped it to Baring & Brothers, who advanced to the bank about half that sum; yet the cotton sold for less than the amount advanced to the bank by the Barings, and the balance is unpaid, the bank insolvent, and has assigned its assets without providing for this debt; yet no one complains of dishonesty or dishonor in this transaction, while the same Barings have advanced the Bank of the United States money on hypothecated, pretended Mississippi bonds; and, according to the gentleman's code of honesty and morality, the State is dishonored because she will not assume the payment of these bonds, for which she received nothing—no more than she did of the advances upon the cotton shipped by the Union Bank. The Government of Great Britain has repudiated forged exchequer bills that had passed into the hands of innocent holders; has repudiated a portion of her national debt, by taxing the income of the holders of her bonds; yet she is not branded with dishonor by our moralists here. Wagon-loads of continental money, issued during the revolutionary war, the use of which enabled our forefathers to achieve their independence; countless obligations of the States, issued for value received during the same period, have been repudiated without a stain upon the national escutcheon; yet, because Mississippi refuses to recognise an unconstitutional debt, for which she has received nothing, she is to be accused of tarnishing that escutcheon. Nations all over the civilized world have repudiated *bona fide* debts, without the charge of dishonor; while we are to be singled out as being disgraced because we will not pay a debt not our own, in contracting which we did not receive value to the amount of a red cent.

I look upon this pretended horror of Mississippi repudiation as hypocritical as it is insulting. The fund-mongers and advocates of the banking, bonding, and paper-money systems in this country and Europe, and their agents here, are bellowing against repudiation, to draw public attention from their own infamous schemes of swindling. We have been taunted by these men who live on the labor of others, through the machinery of the banking and paper money system, until the Robespierre of the Harrison administration, [Mr. GRANGER,] who was as fond of cutting off heads politically as that monster was in reality, has ventured to lecture my colleague for proposing to bring down the expenses of the Government to its current revenue. The gentleman from New York, [Mr. GRANGER,] in his peculiar manner, which he always assumes when he purposes to say something witty or severe, reminded my colleague that it was unnecessary for him to advocate retrenchment, as our debts could be repudiated under the new doctrine, if they became troublesome. He thought he had touched my colleague on a tender point; but, like the blind rattlesnake in August, he struck his fangs into his own politically corrupt body. No man in this House is a more zealous advocate of the repudiation of honest, *bona fide* debts, under the bankrupt law, than he is. We all recollect his valedictory, when this House was about repealing that law. Yet he has the audacity, in the face of the House, to sneer at repudiation. It was like the devil reproving sin, or a prostitute lecturing on virtue and morality. I will submit to this mode of attack upon my State no longer. If gentlemen will travel out of the regular order of debate to attack us, they must expect to be met with a spirit becoming the Representatives of a people whom neither the scoffs of the corrupt, nor the frowns of power, can turn from their purpose, in defending their constitution and laws from violation.

The gentleman from Massachusetts [Mr. ADAMS] points to the fate of China, and warns us to avoid a similar one, by getting into a war with Great Britain. I recollect he, in a public address, put England in the right and China in the wrong in that war, as he intends to do this country, if we have war because we will not assume the State debts. He appears to be on the British side in argument, if he is not in feeling. I do not desire war with Great Britain, or any other nation; but the dread of it shall not force me to advocate the assumption of State debts, in violation of the Constitution of my country. My constituents prefer war, if the other alternative is assumption. We have a deeper interest in peace and commercial intercourse with Great Britain than any State in the Union, as we export more to that country than any other State; yet we will forego all of these advantages of peace, rather than sanction an invasion of our fundamental law. I despise the truckling spirit that is manifesting itself in this country to the power of Great Britain. We can expect no permanent peace by acting thus. I would prefer, in the language of the gentleman from Virginia, [Mr. WISE,] to slap John Bull in the face, to quailing before his power. We will gain his respect, and a more permanent peace, by this course.

The gentleman from Massachusetts has great fears of the English Paixhan guns, and supposes many cases to bring them to the bombardment of Natchez. I will answer him by supposing that subjects of Great Britain call on their Government to defend them against the operations of the *ex post facto* bankrupt law, which has defrauded them out of immense amounts of their debts in this country—*bona fide* debts—for which full value had been received before the passage of the law. That Government, through its minister here, asks for redress. Our President and Secretary of State return no answer. The potent argument of the Paixhan gun is brought to bear with a fleet of war steamers upon the city of Boston, demanding the British debts repudiated there under the operation of the bankrupt law. What is to be done? Why, according to the reasoning of the gentleman from Massachusetts, the horrors of war must be avoided, and this Government must assume these debts and get clear of the Paixhan guns. I have no such fears of war or Paixhan guns, as to induce me to sanction a violation of the Constitution, to avoid the one or get clear of the other. On the subject of assumption, I may have something to say hereafter. My only object in addressing the House now, has been to defend my State from the unjust imputations that have been cast upon it.

In reply, Mr. GRANGER of New York said that he had been charged on this floor with having unjustly stated that the State of Mississippi, having received five millions of dollars for stock in the Union Bank of Mississippi, had become a stockholder in that institution, and then repudiated, or attempted to repudiate, that debt. What he had stated was this, and he was ready to prove it; the documents were before him. He had stated, or intended to state, that under the laws of Mississippi the Governor of the State had been authorized to sign $15,500,000 of bonds for the Union Bank; that he had been authorized to subscribe $5 000,000 stock for the Union Bank; that he had so subscribed, and had signed this $5,000,000 of bonds; that this $5,000,000 of bonds sold for $5,080,000; that the money was put into the Union Bank, and became its capital.

Mr. GWIN (Mr. GRANGER yielding the floor) said that the Union Bank of Mississippi had issued post-notes, which, from the date of their issuance, had been below par, and had sold her checks on the Bank of the United States, receivable in this irredeemable depreciated money. That was the way the bonds had been sold for par. They had been sold under par, (if gold and silver constituted the standard,) and on credit, which was a violation of the unconstitutional supplement under which the bonds were issued.

Mr. GRANGER would explain this matter. He had not assailed the conduct of the Chief Magistrate of this State, or intended any personal disrespect to him; but he had not made the assertions he had made without the proof before him.

What was the condition of the charter of the Union Bank? It had been created in January, 1838. This supplemental act, which had been declared contrary to good faith, but which was signed by Governor McNutt, had been passed on the 5th of February of the same year. The gentleman from Mississippi [Mr. GWIN] had told them the other day that these laws had been passed by an undivided Whig vote, with the votes of a few of the "Democrats." Mr. GRANGER understood that there was no exception taken to the original charter, but to the supplemental act. Who voted for the supplemental act? asked Mr. G. They would find, by reference to the records, that it passed by a vote of fourteen Whigs and thirty-six "Democrats." He knew not how many Whigs or how many "Democrats" there were in the Legislature of Mississippi; but he did know that, of the fifty votes that passed the supplemental act, against a minority of something like thirty, fourteen only were Whigs, and thirty-six were "Democrats." Let the question, then, be settled as to who passed this "infamous" supplemental law.

What was next? Governor McNutt, on the spot, and well knowing every fact of the case, signed the law. What next? Governor McNutt, under that "infamous" law, signed the $5,000,000 of bonds. The money was received, and the avails of this $5,000,000 of bonds went into the Union Bank of Mississippi, and constituted its only capital. And how did they treat that institution? He would tell them how. They recognised it as a bank; the State transacted business with it as a bank; they declared by law that the dividends received on that $5,000,000 of stock should go to the cause of internal improvements and of public education. On the 15th of February, 1839, the State of Mississippi borrowed $75,000 of that bank; on the 19th of February it borrowed $75,000 more, and subsequently $25,000 more to finish her public buildings. And before all these transactions, and after signing these bonds, and after the bonds had gone into operation, the State of Mississippi, which had sold city lots in Jackson, and taken promissory notes for them to the amount of $25,106, went to the Union Bank of Mississippi, and had them discounted as a commercial transaction, and put the money into her treasury. Was he to be told, in the face of all these facts, that the State of Mississippi had had nothing to do with that bank?

The gentleman had said that the bondholders could be paid from the assets of the bank. Let them see what those assets were, as presented by the gentleman's own witness and friend, Governor McNutt. He held the statement in his hand. Let them see whether he had ever declared what he could not substantiate—that the $5,000,000 put into the bank from these bonds was the only capital the bank had ever had.

As late as January, 1840, Governor McNutt, in his regular message, says "the faith of the State is pledged for the whole capital stock" of this bank; and the statement of the bank's affairs, as given by this same Governor, in his message of January, 1841, is as follows:

Suspended debt in suit .	$2,689,860 90
Do not in suit .	1,777,337 78
Resources, chiefly unavailable,	8,034,154 98
Immediate liabilities . .	3,034,154 98
Capital stock . .	5,080,000 00
Specie on hand . .	4,349 06

What a beautiful condition for bondholders! said Mr. G.

Mr. GWIN (Mr. GRANGER yielding the floor) said there were ten and a half millions of real estate mortgaged, to which he had alluded when he had said that the assets would probably pay the debt, if the property mortgaged was liable.

Mr. GRANGER. He would come to that. The gentleman had said, in reply to his question, there were $10,500,000 more. Now let them see what these $10,500,000 were; for this was to become a very interesting question in the history of this nation.

There were $10,500,000 more to be secured on bonds and mortgages, as the gentleman said; and he knew it was still an open question whether it should be paid. The gentleman would certainly agree with him, that not one dollar had ever been paid. Governor McNutt, before the Legislature of Mississippi, when urged by Mr. Turner to grant

and issue these bonds, had entered his protest against them, and said he had to receive the odium of standing between the voice of the people of Mississippi and his view of constitutional right, but he would not issue these bonds.

[Mr. GRANGER read from a letter of Judge Turner, dated Natchez, March 23, 1838, in which Mr. Gwin's name was introduced in such a manner as to convey the idea that he was in favor of the issuing of these bonds.]

Mr. GWIN (Mr. GRANGER yielding the floor) said that letter was written by Judge Turner, one of the judges of the supreme court of Mississippi; and he had to state that the first time he ever saw or heard of that letter was in print; and he had received a letter from Judge Turner, asking him if he recollected any such letter, or the conversation alluded to; and he had replied that he neither recollected the letter, nor any conversation alluded to on the subject.

Mr. GRANGER continued. He assured the gentleman (and they were not words of ceremony) that he had not introduced the letter with any view to call up an unpleasant thought in the gentleman's mind; he had brought it in, to present the facts of the case, to show that the Union Bank never received but $5,000,000 as its capital, and that this was from the sale of these bonds that had been repudiated; and that Governor McNutt had been urged to issue further bonds, and would not do it; and that thence it was that the capital of the bank had been limited to $5,000,000.

Mr. GWIN said that letter was written before the bonds were issued.

Mr. GRANGER said he still believed that Governor McNutt, in his answers before the committee, had said that he prevented the further issue of these bonds.

Mr. G had not entered on this question with any view to wound the feelings of any man here or elsewhere, or to assail any State of this Union. Had Mississippi, finding herself in the position in which States were and individuals were—had she, from the pressure of the times, been forced to yield, and, declaring this debt her own, asked for further time for its payment, then it would not have had, on this nation, the effect which it was now calculated to have abroad. He had examined this question somewhat, and he had believed, and did now believe, that it was due to the character of the nation that it should be understood. All he had declared was, that the State of Mississippi, through her constituted authorities, had chartered the Union Bank; that fifteen days after it had passed a supplemental act, (signed by Governor McNutt;) that, under that act, $5,080,000 had been received in such currency as they had chosen to receive it in, and that that was the only capital stock the bank had ever received. He had then gone on to declare that this bank—thus raised in corruption, as the gentleman had told them, and in violation of the constitution and laws of Mississippi—had been recognised by the Legislature of that State, which had become a borrower of that institution. He had then declared that Governor McNutt, in his message as late as 1840, had said that, in this matter, he had yielded his individual opinions to the voice of the State, but that he had not then pretended to say that these bonds had been unfairly negotiated; or, if he had, these extracts from his message had been unfairly quoted; and he would like to hear the gentleman state it, if this was not the case.

Mr. GWIN. He stated, in his message, that the bonds were sold under par, and in violation of law.

Mr. GRANGER. But he signed the bonds.

Mr. GWIN. No doubt of that.

Mr. GRANGER. Governor McNutt signs these bonds, and then goes on to prove, by his report of the state of that bank and its condition, that there never had been a dollar in it but the results of these bonds, and to show that the property of this bank, to which the bondholders were to look, was not worth one dollar.

Mr. G. had not said anything here as of his own knowledge. He had spoken from the records, furnished not by those politically opposed to the gentleman, but by Governor McNutt himself and his political friends. Although the State of Mississippi, on her $2,000,000 bonds from the Planters' Bank, for which her faith had been pledged, had not paid her interest from 1839, owing to the embarrassments of the times, or perhaps to the fact that they looked to the bank, in the first instance, for payment, he had no imputation to make upon her from this cause. It arose from the embarrassments of the times. Be it so. He had only contended that the $5,000,000 of bonds having been made in good faith, and the money for them received, should at least have been acknowledged in good faith.

SPEECH OF MR. THOMPSON,

OF MISSISSIPPI,

In the House of Representatives, February 11, 1843.

The House resumed the consideration of the motion made by the gentleman from Pennsylvania, [Mr. J. R. INGERSOLL,] to print 10,000 extra copies of the reports of the majority and minority of the Committee of Ways and Means against the proposition to issue $200,000,000 Government stock to be distributed to the States.

Mr. THOMPSON of Mississippi said: I wish to call on this House to bear witness that neither my colleague nor myself has, in any way, thrust upon its consideration the refusal of our State to acknowledge her liability for the payment of the Union Bank bonds. And a disclaimer has been made, that, in alluding to this question, any personal reflection was aimed at her Representatives on this floor. Then it follows that the State of Mississippi has been attacked for her conduct in her sovereign and independent character; and, as the Representative of her people, I claim the right to be heard. But my remarks shall be purely defensive; and I will not be betrayed into an assault upon any other of these sovereign States. Sir, when any one of these twenty-six States has acted on any question pertaining to her internal policy alone, far be it from me to call in question the propriety of her conduct, the purity of her motives, or the honor or honesty of her principles. It shall be enough for me to know that the sovereign has willed it. In monarchical Governments, the principle of law is, that the King can do no wrong. In these twenty-six sovereignties, I feel bound to admit that no one of them can do or has done a dishonorable act. On the Supreme bench of the United States, the justices regard the decisions made in any one of the States, by the highest judicial tribunal known to such State, on any questions involving their municipal regulations, as binding upon them—not by statute, but by comity and respect for the authorities of the States. The policy adopted may be unwise, may be destructive of their best interests, but can never be destructive of their honor. This band of twenty-six States, with honor untarnished, will never, I trust, turn against each other and breathe out the foul breath of suspicion and distrust upon the fair name and good character of any one of them. The others will explain, palliate, defend, and justify the suspected and slandered party. When all others should leave and desert them, they will cleave to and maintain each other.

But, instead of this feeling, have we witnessed no anxiety among some of our sister States, and even on this floor, to condemn Mississippi for her late action, and proclaim that condemnation abroad. Instead of hearing her defence with patience and kindness, like sisters gangrened with jealousy at her former unrivalled prosperity, they are swift in the expression of their opinion of her fall, and show an anxiety that all the world should uncharitably and unhesitatingly condemn her. Some of the States who annually rob her, by virtue of your plundering protective policy, of more than a sufficiency to meet every dollar of interest accruing from her public debt, seem delighted to proclaim her dishonor to the world. Treated in this way, she entertains for all such expressions of sentiment and attempts at chastisement the most sovereign and ineffable contempt.

But an effort has been made on this floor, before the assembled Representatives of the people of the United States, to fix a stain upon the fair escutcheon of Mississippi. She has been charged with a refusal to pay her honest, just debts. A refutation of this charge is first required at my hands.

The gentleman from New York, [Mr. GRANGER,] in the discussion a few days since, adroitly evaded the points presented by my colleague, and endeavored to draw off the mind of the House to collateral and immaterial points. He assumed—1. That the Legislature and the Governor represented the State, and, in all their action with others, formed the State of Mississippi. 2. That this Legislature and Governor passed a law which authorized the issue of $5,000,000 bonds, on the faith and sole responsibility of the State. 3. That, in pursuance of that law, the Governor signed the amount of bonds, and affixed the seal of the State thereto, and delivered them, as bonds of the State, to the Union Bank. 4. That the Union Bank, as the agent of the State, sold the bonds at par, and received the money for and in behalf of the State; and, therefore, that the State, now that the money is squandered, is bound in good faith to acknowledge and pay the bonds.

I hope I state the gentleman's points fairly.

In reply, I deny that the Legislature and Governor represent the sovereignty of Mississippi, in an unqualified sense. We have a constitution; and that is the paramount law. That constitution has expressly forbidden the Legislature from doing certain things. It has fixed certain limits beyond which the Legislature cannot go, and bind the people legally or morally. Every friend of constitutional government will yield this position. With the most liberal construction of State constitutions, then, I will say that the Legislature and Governor can act for the State in performing everything which is not denied to them by the constitution; and everybody is bound to know what powers are denied to them.

In the second place, I deny that the Legislature ever passed a law which authorized the Governor of that State to subscribe for $5,000,000 of stock in the Union Bank, for and in behalf of the State; to issue the bonds of the State therefor, and pledge the faith of the State for their payment. It is true, a bill to that effect passed three several readings in the Legislature of 1838; but an express clause in our constitution, which has been read by my colleague, says such a bill shall not be a law, and receive the sanction and effect of law, until it has passed two consecutive Legislatures, and been published in the mean time in three newspapers of the State. When the Legislature of 1838 adjourned, this bill had been read three times, and it was in the way of becoming a law; but that Legislature refused to submit the law to the people, upon motion made in accordance with the requirements of the constitution; and adjourned, leaving it among the acts of that session. At that time, that bill was no more a law than is the bill upon your table creating an exchequer—having been read twice, and the Constitution requiring it to be read three times. The constitution of Mississippi required such a law—pledging the faith of the State—to be read six times; three times by each Legislature. And to call such a bill, when it has been read three times, a law, is a most intolerable fraud in legislation.

In the third place, I deny that the Governor issued the bonds of the State when he signed his name to these Union Bank bonds, and affixed the seal of the State thereto; because there was no law authorizing the issue of the bonds of the State, for the purpose of taking stock in the Union Bank for the State. What he did, therefore, was without authority, and in fraud of the people's rights; and therefore null and void.

In the fourth place, I deny that the bank was the agent of the State in selling and disposing of her bonds. For, though the Legislature has an undoubted right to create a banking corporation; and though a law may be constitutional in part, and thus far valid, while it is unconstitutional in other parts; yet, as the State had passed no law for the issue of these bonds, the Governor had executed them without authority. He disposed of them by delivery to the bank without authority; the bank received them without authority, and dis-

posed of them to Mr. Biddle without authority from the people of the State of Mississippi.

Now, sir, here is the whole case: Certain bonds are out, signed by A G. McNutt, and having the great seal of the State affixed thereto; and, when these are presented, I admit a *prima facie* case is made out against the State. We plead *non est factum*. We say they are not our act and deed; and upon this issue we stand before the world. The burden of proof is upon us, and we show our constitution is the supreme law. To pledge the faith of the State, a bill must be read six times—three times by each consecutive Legislature. The pretended law, in pursuance of which the bonds in question were issued, was never read but three times; and therefore was a bill then pending, and not a law. We look into the contract of the sale of these bonds, and we find that the purchaser had not constructive, but actual notice of the provisions of the constitution, and the defectiveness of the law; for these facts are imbodied in the contract between the agents of the bank and the purchaser. We therefore say, You dealt with the bank; you did not trust the State; these are not our bonds; and, to admit them as such, would not only do violence to our fundamental law, but be admitting an untruth.

This is the position assumed by the State, in her Legislature. In these positions, I believe in my conscience she is right.

This is not the position occupied by Governor McNutt, whose course has been animadverted upon with so much severity. And I wish to inform the gentleman from New York, that Governor McNutt is not the State of Mississippi, and that the Legislature has not adopted his reasoning in resisting the acknowledgment of these bonds. As Governor McNutt signed the bonds, he cannot deny his authority, which the people do. But his position is this: He alleges, (and with truth,) that he delivered these bonds to the bank as *escrows*, to be valid against the State on the performance of certain conditions precedent: one was, that the bonds should not be sold below par. He contends (and the fact is so) that the bonds were sold below par, having been sold on a credit, and the bonds bearing interest from date. Another point is, that the bonds, by the endorsement of the bank, were made sterling bonds, in violation of the law of their creation. He further contends that there was fraud and collusion in the sale of the bonds; and, as the Executive of the State, he officially informed the purchasers of his belief of the existence of fraud, and of his determination to resist their payment. Years have transpired since that time; and yet the bond-holders have made no effort to disprove these allegations.

Section 10 of the general provisions of the constitution is in these words: "The Legislature shall direct by law in what manner and in what courts suits may be brought against the State." In pursuance of this provision, a law was passed giving this jurisdiction to our court of chancery; and an appeal can be taken by either party to the high court of errors and appeals. I believe all the judges upon the bench, in the chancery and court of errors and appeals, are kindly disposed to the payment of these bonds by the State. Why, then, have not the holders of these condemned bonds come before these courts, and met these charges? The courts are open, and they have declined to vindicate their rightful possession of the bonds in a legitimate way. They prefer to get the gentleman from New York [Mr. GRANGER] to pour out invective against Governor McNutt, and slander upon Mississippi.

[Mr. GRANGER here interrupted Mr. T., and said that he knew no one of the holders of these bonds.]

From this circumstance, however, the presumption is strong, if the conclusion is not inevitable that the bond-holders dared not come to the issue.

But why attack Governor McNutt? He is not the acting Governor of Mississippi. He is a private citizen. Nor was he the candidate when the people decided this question. The present chief magistrate of that State was, at that memorable era, (1838,) a member of the State Senate. He resisted then, with his strong and vigorous intellect, the panic and distress feeling which governed the Legislature. When that body read this supplement the third time, and refused to submit it to the people, he entered his solemn protest upon the journal of the Senate against the measure, as unconstitutional. This protest was published in most of our papers, and the purchasers of the bonds must have known the fact; and, in the year 1841, the people called him from private life, against his interest and his inclination; and, in spite of his protestations to the contrary, into the chief magistracy of the State, as the representative and imbodiment of the sentiments and feelings of the people on this question. On this question he took the high ground of constitutionality, on which the contest of 1841 turned.

We think we owe it to the cause of constitutional liberty to take the course we have pursued. It has cost the State no little effort to maintain the integrity of her institutions. We have had, and still have, obstinate prejudices to encounter; the frowns and denunciations of the interested to resist; and the averted looks of some of our best friends. But our people have never quailed. Slandered and denounced, we have stood the firmer and the more resolute in our settled purpose, with the hope that the day would come when our sister States would do us full and ample justice. We have passed the Rubicon; and to Rome we will go. We have the *mens conscia recti;* and we abide our time. But suppose we are wrong. Suppose our position is untenable; yet you must confess that we are frank, manly, fearless, and above disguise. You must admit, if we are sinners—which I emphatically deny—we are bold sinners. Our courage must command your respect, though our course may not meet your approbation. We do not mean to promise and deceive, when we do not mean to pay; we do not intend to sneak out of our liabilities; we do not intend to read homilies about the sanctity of contracts, and fulfil none of our own. There are ten States of this Union, and one Territory, now under protest; there are six more that borrowed money during the last year to meet the demands upon their treasury. There are seven that owe no debt, and three have passed thus far unscathed. Why, then, is there such a disposition to pounce upon my State? Our case will not answer as a precedent for any of you to repudiate your just debts. No State in the Union has such a horror of debt; and no State had endeavored so much to guard its people against debt as Mississippi. It was said by the gentleman from New York that he would not complain if we were to plead insolvency. If we would trample our constitution under foot, and acknowledge a null and void obligation, he would be content; but it was shameful to rely upon such obsolete ideas as the constitution. What we promise, we expect to pay; and when we do not expect to pay, we will not promise. And I can say to the gentleman from Maryland, there is one pass to which we will never come—there is one degree of self-abasement, at which the proud spirit of every Mississippian, be he Whig or Democrat, will start back from with shuddering and dismay. Mississippi, by or through any one of her Representatives, will never prostrate herself before the footstool of Federal power, and say, with a dogged and craven feeling, Pay my debs, or I will disgrace myself by repudiation; steal I must, if you do not give me money enough to keep me from starvation. If Mississippi cannot pay her debts, the whole affair shall be her own. She will scorn to involve others with her. She will suffer in silence the discredit and dishonor, if such it may be considered; but she will never ask her sister States to bear her burdens. If she has none of that spirit by which she could raise men to Heaven, I thank God she has none of that other spirit, by which she would drag angels down.

The gentleman from Maryland said that the issue was relief or repudiation. But I say, Assume the debts of the States to the amount of $300,000,000 in the way proposed, and the issue in this Government will be repudiation. And here, in advance, in my place, I avow the sentiment—that, in the event of that assumption, I am for an open, unqualified, and immediate repudiation of the whole mass. Now, sir, let that be written down as the opinion and unalterable resolve of one Representative on this floor. Should that vast Trojan horse, with the engines of destruction concealed in his cavity, be introduced into this hall through a breach of the Constitution—the solid walls which fortify our liberty—there is no escape but in repudiation. If that remedy be not applied, this happy and glorious Union will soon be forever severed in twain. The people of this country will never submit that the just shall suffer for the unjust, the prudent for the imprudent, the wise for the unwise. North Carolina will never submit to pay the debts of Indiana; nor will New Jersey agree to pay the debts of Pennsylvania.

Sir, no man feels more deeply for the States which are involved in debt than I do. No man sees more clearly the almost utter impossibility for several of them to extricate themselves from their financial difficulties. From my inmost heart, I sympathize with them; but may my tongue cleave to the roof of my mouth—may this heart (which, I trust, beats with some little patriotism) cease to pulsate—before one word of censure shall escape these lips, let them adopt what policy soever they may deem best. I doubt not their honor; and, in their heavy embarrassments, they will do right. They have been cheated, deceived, misled. They have been lured, by the *ignis fatuus* of bank credits, from the old paths of economy into the quagmire of extravagance and profligacy; and now, in the hour of difficulty, the treacherous phantom vanishes into thin air. I will stand by the States; and I will palliate, excuse, and (as far as may be) justify their conduct. All of them together, and each separately, form my country: and the language of my heart is, May my country be always right; but, right or wrong, I will always stand by my country.

It is true, I say, that I cannot see how many of the States can pay their debts. No civilized nation, except this young giant, ever yet paid a foreign debt of any considerable amount. In some of the States, the exports—the surplus produce carried out of the State and sold—are about equal to the annual interest to be paid by such States. This interest will be so much subtracted from the active circulation. It is taken away, and no return is made for it. The rents and profits of farms, instead of being spent in their improvement and enlargement, will be carried away to the foreign lords of the manor. By this process, in a few years, the whole country would be involved in irretrievable and intolerable ruin. The entire debt of the States and cities, and Federal Government, is $279,388,760. The interest on this amount is $14,893,832. The whole export of domestic produce, in 1841, from the United States, was $106,000,000. Of this amount, 14 per cent. is to be paid for interest. This will exceed by far the profits on the export. It amounts to 85 cents on every barrel of flour, and $4 25 on every bale of cotton. Sir, it is evident that it cannot be paid. The effort will most surely involve us more deeply in distress and bankruptcy.

Mr. Speaker, I verily believe that, with the exception of the United States, there is scarcely a civilized nation in the world able to pay her debts. Suppose the interest on the English debt payable abroad for one year; at the end of that time, that supercilious and haughty Government would be brought low in the dust, and would become one splendid but desolate wreck. Her bank circulation is not quite £20,000,000. The amount of her annual taxation is about £60,000 000, or $300,000,000. Her annual interest is £30,000,000, or near $150,000,000. Now, suppose this entire sum of interest were due the 1st day of January, 1844, to be paid to France or this country, Great Britain would be drained of every dollar of bullion she possessed, and, on the day of payment, there would be an awful crash of her whole paper system. The purchase of foreign corn, a few years since, caused such a drain of bullion, as to shake the Bank of England to its centre. Her advantage now is, that her debt—near $4,000,000,000—is due at home, and in the payment of tax, and then of debt, the paper money of the kingdom, based upon the credit of the Government, flows in a circle, al-

sorbing at every revolution the profits of the industry of the mass, and aggregates them for the few; the quantity is not diminished, but it has the capacity of being almost indefinitely enlarged.

The debt of Austria is £80,000,000, or near $400,000,000; and her revenues the last year were insufficient to meet the demands upon her treasury. France owes £191,893,053, or near $1,000,000,000; and her income is inadequate to her wants, and she is in search of new objects of taxation. Holland owes £100,000,000; Denmark, £16,000,000; Prussia, £29,000,000; Naples, £20,000,000; Russia owes £50,000,000, or near $250,000,000; and Spain acknowledges a debt of £89,600,000, and she has £202,030,000 which she repudiates. But it is all the same; she pays none, and can pay none. Portugal's debt is £19,086,122, and she is unable to pay anything, and she has suspended. But it is cruel to turn to the South American Governments; they have all suspended, except the Brazils, whose debt is £15,500,000; and they are now enjoying all the prosperity of an expanded paper system, which will soon burst, and involve the Government in ruin and bankruptcy.

From this cursory review of the debts of nations, it is apparent that their debts can never be paid: and if it be conceded (which I do not, because the revenue in each one of the abovenamed nations, so far as I am advised, is now short of the accruing demands upon their treasury) that the interest on this stupendous mass of indebtedness will be met, yet generation after generation will be cursed with its weight—will be born with this pack-saddle on their backs, to be rode and spurred, and driven by the fundmongers and stockjobbers of the world. I am further persuaded, in my own mind, that the debts of many of the States cannot, and will never, be paid. But shall we desert our country in that event? Shall we desert it as a den of thieves and swindlers? Withered be the heart that could conceive such a thought; blistered be the tongue that could utter such a sentiment. In that event, what will become of the gentleman from New York? [Mr. GRANGER.] Which way will he go? To Texas? Why, she has twice repudiated. Moreover, the slave-owners might give the gentleman too warm a reception in that quarter. To Mexico? She is bankrupt, and has attempted to repudiate her honest debts. To England, the arrogant tone of whose citizens the gentleman has attempted to reflect on this floor?—to England, the great highway robber of the world?—to England, where he could join the hypocritical abolitionists in oppressing and aggrieving outraged Ireland?—to England, where 26,000,000 of pretended freemen are laboring and toiling by day, and shivering with cold and hunger, poverty and distress, by night, to pay the interest on her public debt, owned by 289,751 lords and proprietors of the country—a debt contracted in fraud, and perpetuated in the blood of her people—a debt which is so grinding the face of the great laboring mass, as will soon render their sufferings intolerable? Sir, England—exacting and purse-proud England—is the very mother of repudiation. The instances in her history are too numerous for me now to enumerate. I pass by her frequent depreciation of the current coin of the kingdom; thereby defrauding her public creditors of the difference. I pass by the unprincipled robbery of the depositors of their money in the exchequer, in the reign of Charles II, on the faith of the Government; by which thousands were directly or indirectly ruined. But the very foundation of her present debt is an enormous fraud. The Government borrowed $1,328,526, at 8 per cent., pledging her faith for its redemption; to be spent, I believe, in part, for her navy.

The Government soon suspended payment for one year, then indefinitely; the public creditors were involved in ruin; they brought suit in the courts, and, after twelve years, obtained judgment. The Chancellor of the Exchequer overruled the courts, and, on an appeal to the House of Lords, they reversed the decision of the Chancellor of the Exchequer. The debt, by this time, amounted to £3,428,526 Parliament, at this stage, took it in hand, after a lapse of twenty-five years, and, by statute, declared the creditors should receive only 3 per cent. on the principal, and that the principal could be redeemed with one-half. Thus, a debt of $17,000 000, at 8 per cent., was reduced to $3,000,000, at 3 per cent. Hume speaks of it thus: "It was a forfeiture of public credit, and an open violation of the most solemn engagements, both foreign and domestic."

In the Long Parliament, the church lands were seized and disposed of. The money arising therefrom was appropriated by the Government. Afterwards, the lands were restored to the church; but the money received was most unjustly retained.

Again, in 1797, the Government forced the bank to suspend specie payment; and not long after, Parliament adopted this resolution: "That the notes of the Bank of England have been, and are at this time, held in public estimation equivalent to the legal coin of the same value, and generally accepted as such in all pecuniary transactions to which such coin is lawfully applicable." At that very time bank notes were 10 per cent. below par. Parliament, therefore, declared a falsehood; and they followed it up by passing a law, which punished with fine and imprisonment all persons who received it, or paid it away, for less than its par value. The bank notes afterwards depreciated 20, 30, 40, and, at one time, to 41 per cent. All public creditors were required to receive this depreciated paper, under heavy penalties for refusal; and the computation that, on the debt contracted before 1800, she gained (and of course creditors lost) by their payment of depreciated paper £37,000,000, or $137,000,000. This was a very pretty financial operation. If Mississippi were allowed to pay her debt in the depreciated bank paper of that State, she would soon be vastly easy on that score.

With these facts staring them in the face, does it not require a large share of Christian forbearance to hear Englishmen talk of the good faith and bad faith of nations? And how contemptible and humiliating it is to find an American citizen joining in the cry, and speaking of American bad faith and American dishonor, whose whole history presents the fairest page of any nation on earth on this subject! But if a man do not claim the rights and respect due to a gentleman, the world will not accord them to him: so it is with a nation. And it is due to England to say, that, when she robs and swindles, she does it boldly, by a statute, which receives the sanction of his most gracious Majesty, on whose vast empire, it is boastingly said, the sun never sets.

Suppose the gentleman should go to France: will he then have reached a soil which has never been stained with the damnable sin of repudiation? It was here (as Sir Walter Scott has it) "that the depreciated assignats were raised to par by guillotining those who sold or bought them for less than their full value." The livre current contains less than one sixty-sixth part of the coin it did in former times.

In 1797, the debt of France was $966,000,000; but, in order to continue the invasion of Germany and Italy, the army required $56,000,000; and it became necessary to make a decisive movement with the revenue of the Government; and this expedient was fallen upon: Two-thirds of the public debt—amounting to $644,000,000—was struck off, without any notice to the fund-holder, and without any excuse, save the wants of the army; leaving a public debt of only $322,000,000. Here is a flagrant and most outrageous repudiation of an amount more than double the whole indebtedness of the United States. Although this must be an acknowledged wrong, yet I like the spirit which prompts this justification by the French historian, M. Thiers: "Measures of this nature inflict, like revolutions, much individual hardship; but people must submit to them when they have become inevitable." The spirit which actuated the French historian in defending his country, forms a striking contrast to that evinced by the gentleman from New York.

Will the gentleman go to Spain? The requirements of her treasury this year are about $60,000,000. She has strained her taxing powers to the utmost, and the expectation is that the revenue will not exceed $40,000,000; and it is suggested that a proposition will be made to borrow money from the Shylocks of England, and allow the duties upon imports to be collected in English ports. But Spain is hopelessly bankrupt. It is no better with Austria and Holland, although, by heavy exertion, they continue to pay; but they have both twice repudiated heavy amounts. Where, then, will the gentleman go? To Portugal, Greece, Colombia, Buenos Ayres, Chili, Peru? They are all bankrupt. Where will he go? I judge it would suit him best to ingratiate himself with the Ottoman Porte. There he will find many a bright eye and ruddy cheek, and, in the opinion of my friend from Illinois, the gentleman excels in the parlor and drawing-room.

Now let us return to our own country. And how does she stand in history in regard to her own indebtedness? It is well known that, during the revolutionary war, Congress ordered to be issued, on the faith of the Government, $200,000,000 of what are called continental bills.* I learn from the Treasury Department, however, that $240,000,000 were *de facto* issued; and the last act in the drama is thus graphically drawn by Mr. Jefferson:

"It continued to circulate and depreciate till the end of 1780 when it had fallen to 75 for 1; and the money circulated from the French army being by that time sensible in all the States north of the Potomac, the paper ceased its circulation altogether in those States. In Virginia and North Carolina, it continued a year longer; within which time it fell to 1,000 for 1, and then expired, as it had done in the other States, without a single groan. Not a murmur was heard, on this occasion, among the people. On the contrary, universal congratulations took place on their seeing this gigantic mass, whose dissolution had threatened convulsions which should shake their infant confederacy to its centre, quietly interred in its grave. Foreigners, indeed, who do not, like the natives, feel indulgence for its memory, as of a being which has vindicated their liberties, and fallen in the moment of victory, have been loud, and still are loud, in their complaints. A few of them have reason; but the most noisy of them are not the best of them. They are persons who have become bankrupt by unskilful attempts at commerce with America. That they may have some pretext to offer to their creditors, they have bought up great masses of this dead money in America, where it is to be had at 5,000 for 1; and they show the certificates of their paper possessions, as if they had all died in their hands, and had been the cause of their bankruptcy."

This was not a dishonorable repudiation. Oh no! But here was a most sacred debt left unprovided for. I cast no censure upon our ancestors or ourselves for failing to redeem the national faith. It has all turned out right.

But again. The States issued $200,000,000 of bills of credit, as Mr. Jefferson estimates it; and what became of all that vast amount? Have the glorious Old Thirteen ever paid all their debts? If so, when? and how? Did Virginia, North Carolina, Maryland, Pennsylvania, or Massachusetts ever discharge their debts, for the payment of which they pledged their faith? Not a dollar, so far as I know and believe, was ever redeemed. And shall we put down all these revolutionary States as dishonored repudiators, for refusing to pay their honest debts? Not at all. They did right. Mr. Jefferson explains it in this way:

"Every one through whose hands a bill passed, lost on that bill what it lost in value during the time it was in his hands. This was a real tax on him." · · · · "A mode of taxation the most oppressive of all, because the most unequal of all."

Here is a history in advance of many of the State debts. Such is my candid opinion.

But, for the benefit of some of those who try to echo foreign sentiment and feeling on this floor, I wish to read another extract from Mr. Jefferson's letter to Mr. A. Stewart, written in Paris in 1786.

"American reputation in Europe is not such as to be flattering to its citizens. Two circumstances are particularly objected to us: the non-payment of our debts, and the want of energy in our Government. These discourage a connexion with us. I own it to be my opinion that good will arise from the destruction of our credit. I see nothing else which can restrain our disposition to luxury, and to the change of those manners which alone can preserve republican government."

Here you find the sentiment and feeling of a Republican and a patriot. All this was done by the most glorious class of politicians that ever lived. And suppose, in those days, a member of the American Congress had attempted to rise in his place and cast obloquy upon any member of this confederacy for refusing to provide for the payment of her honest debts, for which she had pledged her faith; the murmurs of discontent, if not

* NOTE.—Since the delivery of this speech, I find, by referring to the appendix to Mr. INGERSOLL's speech on the fiscal bank bill, that three hundred and sixty millions of dollars of continental money was issued as early as the year 1778, which was never redeemed. I wish this appendix could be read by every freeman in the United States.

of contempt, would have filled these halls, and the impudent member would have been silenced. Sir, when they formed that banner of stars and stripes, all felt an equal interest in the reputation of each; and if the brightness upon any one was to be dimmed by any means, they all felt a holy horror at committing the unholy deed. But what have we seen since this question has been up. A serious effort made to cast reproach and disgrace on one of these Stars. Suppose the gentleman should succeed, and persuade the world that one of these States has acted dishonorably, unworthily. How much has he gained? Would it give that gentleman any pleasure to damn the reputation of Mississippi? When her name for honor and fidelity was gone, would it produce a thrill in his heart for the world to point to him and say, "Thou didst it"

Does the gentleman suppose Mississippi will be induced to retrace her steps at his instance? Sir, I can quarrel with a man—if need be, fight him—afterwards explain the matter between us, forget the insult, shake hands, and be friends. But I can never forget or forgive a man who abuses my liege sovereign, my protector, my State, my country. As soon would I forget or forgive the slanderer who would spit his foul spleen upon the fair name of my mother. And I regret that there could have been found one individual on this floor who should endeavor to bring into disrepute the dear name of my beloved State. I let the papers pass—I care but little for them; they delight in slander, and to them it is sweeter far to publish racy abuse than common-place commendation. Moreover, they have their reward. But, sir, who is this Goliah of Gath, who volunteers to make a deadly pass at Mississippi. Who sets himself up to teach my constituents lessons in the code of honor, and to preach to them morality, good faith, honesty, and fair dealing? The boasted advocate of a "high protective tariff," a system of legislative robbery, laying burdens upon one portion of the Union and conferring bounties upon the other; and taking from the pockets of one part of the people without their consent, and bestowing upon another.

Again, he is the advocate of the system which borrows all and pays none. In his own State, he acted with the party who desired to run the State still further in debt, by appropriations and loans; while he refused to levy any additional tax to increase the revenue, when it was well known that the income was unequal to the accruing demands. And I put this question to the gentleman: Which is the greatest political sinner—the legislator who borrows money and squanders it, without providing for its repayment; or he who succeeds, and, finding the debt unprovided for, refuses to levy burdens upon his constituents for its payment? In my opinion, the first deserves the more decided censure. This is the identical individual who headed, in his own State, the great anti-masonic humbug movement. This is the self-same gentleman who authorized Gen. Harrison, at Richmond, to say he was no Abolitionist.

Mr. GRANGER here interposed, and said that he had given no such authority to General Harrison.

Mr. THOMPSON replied: I speak from rumor. But does the gentleman deny that he gave assurance, through one of his political friends, to the Senate of the United States, when his confirmation as Postmaster General was pending before that body, that he was no Abolitionist?

Mr. GRANGER then said he had never done so, in the sense in which the gentleman understood that term.

Mr. THOMPSON said he understood the gentleman distinctly to avow himself an Abolitionist, when interrogated at the last session by the gentleman from Tennessee, [Mr. WATTERSON.]*

Mr. GRANGER said that he never was an Abolitionist; and he assured the gentleman that if he was one, he would take as much pride in avowing it, as he now did in denying it.

Mr. THOMPSON continued: The gentleman, after all this, has some nerve, to rise in his place and talk of fair dealing and straightforward conduct.

The gentleman from Massachusetts [Mr. ADAMS] strikes the wrong key when he supposes we are to be bullied into the assumption of State debts. The lesson we learned from his father was to do right, and let consequences take care of themselves; and, "sink or swim, survive or perish, live or die," we will stand by our judgments, and never counsel with our fears, in our legislative action. If Great Britain undertakes to become the high sheriff of the world, and goes out on this Quixotic expedition of collecting from the nations of the earth their debts, she will find herself greatly mistaken. In such an effort, in my opinion, she will soon be willing to enter upon the executions "satisfied in full."

The cry in this country has been "confidence, confidence." We must restore the confidence of the country. This was the catch-word in the great struggle of 1840—and that, too, by the very same party who, deceived and misled by the false reasoning of the bankers and financiers, sustained the banks in their open and acknowledged repudiation of their debts, while they declared the whole cours of the opposing party was war upon the banks. Their defalcations gradually destroyed all confidence in banks. Next followed the failure of the speculators; and they cried out for the same relief extended to the banks, by legalizing their suspensions of payment. These advocates for the restoration of confidence granted their request in the shape of stay-laws and stop-laws in the States, and of a bankrupt law here, which enabled them to repudiate their debts. This destroyed all confidence between individuals. Next, the tax-payer began to complain of his burdens; and he could not see the reason why banks and individuals should be released from their obligations, and yet the State should be required to pay the uttermost farthing on her imprudent contracts.

This defection of the tax payer impaired greatly the confidence in State credit. Then, for the relief of the States, unholy hands were laid upon the land revenue, and it was distributed among the States. This fund did not restore confidence and State credit; but its withdrawal impaired in no slight degree the confidence in the credit of Federal Government. Now, to consummate and destroy all confidence in that credit of the General Government, it is but necessary to authorize the issue of two hundred millions of bonds, for the payment of the State debts, when we can with the utmost difficulty command the means adequate to meet the ordinary expenditures of the Government. The acting of the last scene in this great drama will cause the total loss of all confidence in the Government itself, and a fatal stab will be given to constitutional liberty.

The gentleman from Maryland asks, What, then, is to be done? I say, economize your expenses, and husband your resources; borrow no more money, and create no additional debt; repeal your prohibitory tariff duties, and thus strike off the shackles from commerce. Say to the States, in decisive tones, This Government has no authority to take upon its shoulders your burdens; and it is vain, and worse than vain, to harbor such an expectation: meet your difficulties like men: what can be done, do; and do it frankly and fearlessly. Let us adopt for this Federal Government a settled financial policy, and let all look to the fruits of regular industry for relief. In this plain way, my word for it, this nation will soon be prosperous and happy.

The morning hour now expired.

*NOTE.—Extract from the speech of Mr. WATTERSON of Tennessee, on the veto message:

"The witness relied upon by Mr. WATTERSON, is a Mr. A. Sawyer.

"1st. Mr. GRANGER has said that he had yielded to the doctrines advocated by Mr. Slade, in his speech in regard to the District of Columbia, and that the notion of *implied* faith on the part of Virginia and Maryland must be given up.

"Mr. GRANGER rose and said, That is true.

"2d. Mr. GRANGER has said, that whenever it could be proved that slaveholders had called to their aid United States troops to put down an insurrection on the part of the slaves against the whites; or whenever it could be made to appear that United States troops had been used to sustain or protect slavery, that moment Congress would have power to abolish slavery in the different States.

"Mr. GRANGER admitted that, also, was true."

REMARKS OF MR. CAMPBELL,

OF SOUTH CAROLINA.

In the House of Representatives, February 24, 1843.—On House bill No. 649.

Mr. CAMPBELL said that the object of the bill under consideration was to suspend the operation of the second section, or districting clause, of the apportionment act, so far as it was calculated to affect the legality of elections to the 28th Congress.

From present indications, he thought that no reasonable doubt could be entertained, if unnecessary collisions were avoided, that this important section would be adopted in all the States. The opposition to it, at first so violent, was gradually yielding to an enlightened public opinion. The tocsin which at first so loudly proclaimed a danger to the rights of the States, that never existed, has almost ceased to sound; and, in every State of the Union except one, where the Legislature had assembled since its passage, the people, he believed, had, through their immediate constitutional organs, given unequivocal indications of their approbation of its principle. The exception to which he alluded was New Hampshire; and he had reason to believe that, if the excitement which unfortunately prevailed in that respectable State was allowed to subside, she would not be long in discharging a duty which is due, not less to her own high character for respect to the laws, than to the obligations she is under to the States united with her in the Federal compact.

The condition of things, however, in New Hampshire, is not the only obstacle to carrying the districting clause of the apportionment law into immediate operation. In Georgia, the election for Congress had taken place under the pre-existing general-ticket system, previous to the first meeting of her Legislature after the passage of the apportionment law; and although that body proceeded almost immediately to divide the State into congressional districts for the 29th and subsequent Congresses, yet, so far as the elections for the 28th Congress were concerned, the evil was without remedy; for, the election being held, the Legislature was incompetent to set it aside and order another in its place—the Constitution of the United States having vested in this House the exclusive right to judge of the "elections, returns, and qualifications of its members." The elections for Congress had also taken place for the next Congress, in Missouri, under the general-ticket system, previous to the meeting of her Legislature, now in session; and which body, he was informed, would, before its adjournment, divide the State into districts for the 29th and subsequent Congresses.

[Mr. EDWARDS, of Missouri, here rose and stated that he had just learned that the bill recently pending to divide Missouri into congressional districts had been lost.]

Mr. CAMPBELL was sorry to hear it; but, remarking that the intelligence did not affect his argument, continued. The election for Congress under the general ticket will also occur in Mississippi before the meeting of her Legislature, which will not regularly convene until about the time of the meeting of Congress, and where it is well understood that the Governor will not call an extra session.

Under these circumstances, Mr. C. thought that not only sound policy, but justice, required the passage of the bill under consideration, or one of a similar character. If Congress refused to do so, the next House of Representatives must exclude the representatives of the people of at least three States, who have had no opportunity of complying with the law.

He had been asked why he was so desirous to procure the suspension of a law which, at the last session of Congress, he had not only supported, but had introduced? He would state, in reply, that his opinion in relation to the districting clause of the apportionment law had undergone no change, either in relation to its expediency or constitutionality. Indeed, the more he had reflected upon it, the more he was convinced of its salutary conservative principles. The reasons why he desired its temporary suspension were simply these: First, by a course of conciliation, to receive its ultimate triumph; second, to avoid the confusion and delay that will otherwise certainly occur at the next session of Congress; and,

third, to enable the people of those States where no provisions have been made for district elections, and particularly of those States where the people have had no opportunity of conforming to the law, to be represented at the commencement of the next Congress.

It was true, he had been informed, previous to the final passage of the apportionment law, that in some of the States the elections would be held under the existing regulations, previous to the regular time of the meeting of their Legislatures; but, in endeavoring to obtain the passage of a law which contained principles, as he thought, vital to the existence of our institutions, he was unwilling to encumber it with details, suggested by the accidental condition of things that existed in some of the States. Nor did he suppose that any evil would probably result from such a course, beyond the expenses of an extra session of the Legislature in States so situated—an expense that would have been tenfold compensated to those having it to pay, by affording them an opportunity of being represented in the next Congress by Representatives freely chosen by themselves, and elected upon principles in conformity with the principles of the Constitution.

Mr. C. here expressed his disappointment, surprise, and regret, that persons who had been elevated to the chief magistracy, under the free institutions of any of the States of this Union, should manifest such a contempt for the opinions of the people by whom they were elevated, as to decide for them, instead of allowing them to decide for themselves the momentous question of whether they would, or would not, be represented in the 28th Congress in conformity to the provisions of the existing law. Such, however, had unfortunately been the case. In two of the States, from the Governors refusing to call an extra session of their respective Legislatures, the elections have come on under circumstances in which the people have had no possible opportunity of deciding this important question for themselves. In another State, the same evil would certainly occur. Persons, thus chosen contrary to law, will present themselves at the bar of the next House of Representatives claiming admission to seats; and, considering the party aspect which the subject has unfortunately and unaccountably assumed, unless this bill or one of a similar character is adopted, a collision will probably occur, such as has never before been witnessed in a legislative hall—a collision which, however little we may care for the consequences of it, to ourselves personally, it is the part of wisdom and of patriotism rather to avoid, than voluntarily and unnecessarily encounter; particularly as such a collision will rather endanger than insure the triumph of those great conservative principles, which the universal adoption of the districting clause of the apportionment law will establish and perpetuate; and which he believed not only to be important, but essential to the existence of our institutions.

Among the considerations which could not fail to recommend the districting clause of the apportionment law to the confidence of the American people, he enumerated:

1st. Its importance in restoring uniformity in elections, and equality of political influence in the House of Representatives to the citizen population of the different States.

2d. The preservation of the freedom of elections, which could not exist where the general-ticket system prevailed, and where the dearest, most sacred, blood-bought right of American citizens—that of voting for persons of their own choice to represent them—was reduced to the poor privilege of sanctioning at the polls the edicts of a few political jugglers, who form themselves into a self-constituted oligarchy, to rule and direct the elections of the State.

3d. Its importance in restoring the Democratic principle of the Government, now entirely destroyed wherever the general-ticket system prevails.

4th. To preserve the influence of the small States from being engulphed in the vortex of the universal adoption of the general-ticket system—a crisis to which we were rapidly hastening, and to which, but for the action of Congress, we would soon have arrived.

5th. To enable minorities to be represented, which was essential to freedom in a representative Government; and whose voice is entirely silenced in this hall, from all the States where the general ticket prevails.

6th. To preserve the representation of feelings, and interests, and opinions, from different sections of the country, without respect to geographical lines; and thus to guard against those concentrated movements of the North against the South and the South against the North; the first effect of which would be the oppression of the minority section, and ultimately the dissolution of the Union.

These, and other considerations, cannot fail to recommend the districting clause of the apportionment law to the confidence of the people, and, if left to operate upon their unbiased judgments, must insure to it universal approbation. Let us not, then, (said Mr. C.) jeopard, by an attempt at coercion, what we shall certainly obtain by a course of conciliation. This Government originated, and must be maintained, in a spirit of conciliation and compromise. It rests upon the confidence and affections of the people for its support; and every difference of opinion, honestly entertained, is entitled to be treated with respect. If, then, the delusion still unhappily prevails in some of the States, that this law of Congress is an aggression on State rights, time for reflection, and not an attempt at coercion, is our remedy. And when the people become convinced (as they soon will, if causes of excitement are removed) *that the action of Congress has not relieved the State Legislatures from the obligations imposed upon them by the Constitution*, they will demand the adoption of such regulations as are necessary to carry it into effect.

If the bill under consideration be adopted, all immediate excitement will subside, and the law will go quietly, peacefully, and universally into operation. If the bill is not adopted, the spirit of resistance will be kept alive, and perhaps the ultimate fate of the law itself be rendered doubtful. But even if at the next session of Congress it should be trampled in the dust by a party majority, he had the consolation to believe that the enormities of the general-ticket system being now laid before the country, and the attention of the people attracted to them, it would be universally repudiated, and our institutions saved from the evils under which they were laboring from its partial, and the danger of still greater evils to which they were exposed from its universal adoption. The seed is sown, and has taken root; which, whether the districting clause is treated as a nullity, or repealed, or remains upon the statute-book, will produce through all the States, in a very few years, the adoption of its principles.

There were other considerations which demanded imperatively the passage of this bill. Under the present depressed state of the demand for agricultural products, everything like a speculative demand for the public lands has terminated. Add to this, that under the pressure of the existing system of exorbitant *cash* duties, our import trade had rapidly declined; and it was certainly probable that an empty treasury and an indebted Government would, at the next meeting of Congress, demand the immediate attention of the House of Representatives.

Gentlemen cannot have forgotten the scene which occurred here at the commencement of the 26th Congress, when, in consequence of the difference of opinion that existed in relation to the election returns from the State of New Jersey, party feeling was excited to a degree of phrensy, that silenced for a time the voice of reason and moderation; and more than three weeks were spent in scenes of tumult, before this House was organized. If difficulties in the election from a single State were sufficient to produce this effect, what may we not expect when persons claiming to be the Representatives of three or four States, not elected in conformity to law, shall claim to be admitted to seats!

Confident as he was of the constitutionality of the existing law, he could have no hesitation, however disagreeable it might be if its operation was not suspended, to reject the pretensions of every person not elected in conformity to its provisions. But what he conceived to be the path of duty was not equally plain to others; and he could not forget the threats that had been made by its opponents, to treat it as a nullity, and trample it under foot. He trusted that such an outrage would never be perpetrated on the floor of an American Congress; but, in the present state of party feeling, he could not doubt that party enthusiasts would be returned to the next Congress, who would endeavor to carry this threat into execution, and who, if they succeed in nothing else, may at least produce confusion and delay.

Sir, (said Mr. C.,) I do not repudiate the existence of party. On the contrary, when stimulated by patriotism, and controlled by reason, I acknowledge its benefits in the administration of the affairs of Government. But when these barriers are broken down, and party becomes the mere plaything of passions that contend against and inflame each other—of resentments that seek for gratification, and of ambition that looks to its own aggrandizement—it has ever been, and will ever be, the bane of Republics. Sir, if the fate of this Republic could be written on the walls of this Capitol, as was the fate of Babylon on the palace of her kings,—party—party—party would be the inscription.

If this bill, offered in a spirit of conciliation, did not pass, he hoped that the friends of order would march to the polls with a banner on which shall be engraved *"The Constitution and laws passed in conformity thereto;"* and that every candidate for Congress will be called upon to declare before the people whether he intends to resist by force the existing law, at the risk of turning this hall of legislation into a scene of tumult, and confusion, and perhaps of bloodshed. The opponents of the districting clause of the apportionment law may be assured, let them be ever so determined to trample it under foot, that there will be others here equally determined to maintain it. The bill under consideration afforded a common ground, upon which the friends and opponents of the measure might meet without any surrender of principle; and while its adoption would remove the danger of the dreadful conflict that may otherwise occur at the next session of Congress, it will insure the ultimate triumph of the law itself. He also supposed the possibility of an extra session of Congress; and asked if the House of Representatives would not present a most interesting spectacle, if it should pass the entire time, that ought to be devoted at such a session to the interests of the country, in vain attempts to organize! The only possible means of avoiding the danger of such a result, was to adopt the bill under consideration, or one of a similar character.

He would now reply to the objection that had been suggested by the gentleman from Tennessee, [Mr. TURNEY,] since he had commenced addressing the House, and to which the gentleman requested an answer, to wit: "That Congress has no right, by law, to affect the validity of elections that had already occurred." Mr. C. had anticipated this objection, and thought that he was prepared to give to it a satisfactory answer; and, although he admitted that Congress was not competent by law to declare an election void, that was good at the time that it occurred, he insisted that the converse of the proposition was not true.

Congress, clearly, has no right by law to declare an act penal, which was not so when performed; for such a law would be *ex post facto* in its operation, and unconstitutional. But, although Congress has not the power to make an act penal, which was innocent when performed, it has an indisputable right, for good and sufficient reason, to remit from a penalty that has been incurred: provided that, by so doing, no private right, nor the rights of any community, are injuriously affected. Congress has the right, for example, to remit penalties that have been incurred by attempted violations of the revenue laws. And, in further illustration of his position, he had alluded to a petition which had been submitted by certain railroad companies, to suspend the operation of that part of the tariff act which required that all iron laid down after the 4th of March next should pay duty. No one had denied, or could deny, that Congress had the right to grant the relief asked for in this petition, which he insisted might be done by

law, passed either before or subsequent to the 4th of March, and which might be both retrospective and prospective in its operation.

The examples to which he had alluded bore, he thought, a strong analogy to the objects of the bill under consideration, so far as the question of constitutional power was involved. There was, however, an important difference on the score of justice; for, while it was difficult to suppose that violations of the revenue could be involuntarily attempted, we knew that in two of the States the elections had taken place under circumstances in which the people have had no opportunity of conforming to the law the operation of which he proposed to suspend, so far as the elections for the next Congress were concerned. In a third State, the same thing would occur.

Mr. C. requested gentlemen to mark the broad distinction between *ex post facto* and retrospective laws. *Ex post facto* laws were necessarily retrospective, but retrospective laws were not necessarily *ex post facto;* and while it was a direct and palpable violation of the Constitution to pass the one, sound policy, substantial justice, and the public good frequently required the other.

In support of his views, Mr. C. quoted, from Dallas's Reports, the opinions of Justices Chase, Iredel, &c., in delivering the opinion of the court, *seriatim;* and, to show the operation of a repealed law on penalties incurred under it while existing, he quoted from the opinions of Chief Justice Marshall, and from the report of the Committee of Elections, to which the bill under consideration had been referred, and by which it had been reported back to the House.

In conclusion, he again urged the passage of the bill, and reiterated his conviction of the benefits that would result from its adoption.

REMARKS OF MR. PENDLETON,

OF OHIO.

In the House of Representatives, January 27, 1843—On the several plans of exchequer.

Mr. SPEAKER: Some weeks since, the gentleman from Indiana [Mr. PROFFIT] told the House that, while at Cincinnati, on his way to Washington, he was informed that petitions in favor of the exchequer, in that city alone, had received five thousand signatures. I presume I have received all these petitions—some in favor of the Executive plan, others in favor of the congressional plan; though the advocates of the latter are few, very few, in comparison with those of the former. The gentleman who brought these petitions to Washington informed me that they contained about twelve hundred names. Be that as it may, I recognise among them many of my personal friends of both political parties, whose opinions and wishes are entitled to receive from me the most respectful consideration. Shortly to retire from public life, to renew my associations with these petitioners—an association (I trust I may say it without offence) much more agreeable to my taste and habits than anything I have met with here—I could not but be most anxious to bring myself to think with them—to reconcile a vote in accordance with their wishes, to the paramount duty I owe to my country and its Constitution. Before I can give this vote, however, I feel I am obliged to remove out of my way the report of the Committee of Ways and Means upon the treasury exchequer; for I do not suppose that those of my constituents who have joined in these petitions expected that I would adopt their suggestions without reflection, or support them against the deliberate and well-matured convictions of my own judgment. The report of the Committee of Ways and Means reviewed the exchequer schemes, not only as measures of finance, but as sources of Executive power and patronage, and set forth the objections to them in both characters. Should I now vote for these schemes, or either of them, without being able to remove these objections, these petitioners, (or many of them, at all events,) I well know, would scorn the facility of my compliance. I am acting, too, under very different responsibilities from those which rested upon my constituents when they signed these memorials: some, because they approved the plans—some, perhaps, to get rid of importunate solicitation. The objections to which I have referred, I approached with every disposition to remove them. The argument in which they are contained, I examined with every disposition to refute it. I frankly confess I have been able to do neither the one nor the other. Thus baffled, I was willing to attribute my failure, not to the impregnable position of the report, but to the weakness of the assailant. Having since found, however, that both the gentlemen from Massachusetts [Mr. CUSHING and Mr. WINTHROP] have failed in similar attempts, I gained comfort in my own defeat, and confidence in my own conclusion.

The several reports now in the consideration of the House present three plans of finance and currency:

1. Sub-treasury.
2. The exchequer proposed by the select committee.
3. The exchequer recommended by the President.

There is a fourth plan—a bank of the United States—which, to be sure, is not now before the House, but to which it may be proper to allude, as, in case of the rejection of these three, it is the only alternative. I say the only alternative; for, although the time was, (and that not very long since,) when parts of this hall would have resounded with praises of a fifth plan, yet we are told, in the minority report, by the gentlemen from South Carolina and New Hampshire, [Messrs. PICKENS and ATHERTON,] "No one contends for the State bank system." And is it so, sir? Have we this acknowledgment from that quarter? What! not one, of all its friends—not one? But yesterday, and this league of confederated banks—the pride and refuge of the Democracy—might have stood against the world; now, none so poor to do it reverence. We cannot but recollect that such things were. Let me remind gentlemen that, a short time since, such a declaration would have subjected them, as it subjected us, to the fiercest invectives of their political friends.

The deposites were removed from the Bank of the United States in the summer of 1833; and in his message of that year (the first of his second term) General Jackson said:

"I am happy to know that, through the good sense of our people, the effort to get up a panic has hitherto failed; and that, through the increased accommodations which the State banks have been enabled to afford, no public distress has followed the exertions of the bank."

In his second annual message of December, 1834, General Jackson remarks:

"Happily it is already illustrated that the agency of such an institution (Bank of the United States) is not necessary to the fiscal operations of the Government: *the State banks* are found fully adequate to the performance of all services which were required of the Bank of the United States, quite as promptly, and with the same cheapness. They have maintained themselves and discharged all their duties while the Bank of the United States was still powerful, and in the field as an open enemy; and it is not possible to conceive that they will find greater difficulties in their operations when that enemy shall cease to exist."

The third message, of December, 1835, contains the following strong language:

"By the use of the *State banks*, which do not derive their authority from the General Government, and are not controlled by its authority, it is *ascertained* that the moneys of the United States can be collected and disbursed without loss or inconvenience, and that all the wants of the community in relation to exchange and currency are supplied as well as they ever have been before."

Of the State banks, General Jackson, in his last message in 1836, after a trial of between three and four years, speaks in the following decisive manner:

"Experience continues to realize the expectations entertained as to the *capacity of the State banks* to perform the duties of fiscal agents of the Government. At the time of the removal of the deposites, it was alleged by the advocates of the Bank of the United States that the State banks, whatever might be the regulations of the Treasury Department, could not make the transfers required by the Government, or negotiate the domestic exchanges of the country. *It is now well ascertained* that the real domestic exchanges, performed through discounts by the United States Bank and its twenty-five branches, were at least one-third less than those of the deposite banks for an equal period of time; and if a comparison be instituted between the amounts of service rendered by *these institutions* on the broader basis which has been used by the advocates of the United States Bank, in estimating what they consider the domestic exchanges transacted by it, the result will be still more favorable to the deposite banks."

After stating the large amounts of public money which had been transferred and paid by the deposite banks, the message adds:

"These enormous sums of money first mentioned have been transferred with the greatest promptitude and regularity; and the rates at which the exchanges have been negotiated previously to the passage of the deposite act, were generally below those charged by the Bank of the United States. Independent of these services, which are far greater than those rendered by the United States Bank and its twenty-five branches, a number of the deposite banks have, with a commendable zeal to aid in the improvement of the currency, imported from abroad, at their own expense, large sums of the precious metals for coinage and circulation."

You will observe, sir, there is nothing hypothetical in this language. It is not supposed, or conjectured, or anticipated. No; "it is ascertained"—"well ascertained;" after three years' trial, "experience continues to realize" the capacity of the State banks to accomplish all that was expected from them. This same language was held by the whole party, through the columns of their papers, and in both Houses of Congress. Why, then, does no one contend for this vaunted State-bank system now? Because it has failed. And did we not tell you it would fail? Did you not call us panic-makers? And did not you tell us then, as the gentleman from Massachusetts [Mr. CUSHING] tells us now, that the idea of a Bank of the United States was an exploded bank fallacy? This system, at all events, was your system. You lauded it to the skies. It was not possible it should fail; and when your present equally infallible expedient was first suggested, were we not told by authority, which you seldom ventured to question, "that it was against the genius of our free institutions to lock up in vaults the treasure of the nation?" "No one contends for the State-bank system now;" and yet, with this acknowledgment upon your lips of the entire failure of your first infallible plan, you ask us, upon no better authority, to take your second plan. I lack faith, gentlemen. When your sub-treasury shall be reinstated, if you ever have the power to reinstate it, (which, let me say, depends upon more than your getting a majority in Congress,) and shall have been in operation as long as your State-bank system has been, we shall hear from some subsequent committee, claiming infallibility for a new project, "no one contends for the sub-treasury now."

We have recently had on this floor a somewhat curious illustration of modern democracy. The gentleman from New York, [Mr. MCKEON,] while he praised the liberal use of the veto power by the President, rejected, in the name of his party, the supposed advances of the gentleman from Massachusetts, [Mr. CUSHING,] because Mr. Tyler had approved and signed the bill repealing the sub-treasury law. The people had decreed this repeal; yet the Democracy cannot forgive the President for enforcing their decree. They praise him for disappointing the expectations of the people, and only censure him when he complies with them. This sub-treasury scheme was four times urged by Mr. Van Buren upon Congress, and thrice rejected; nor did it receive their reluctant assent until the 4th of July, 1840. The bill signed on that glorious day, we all recollect, was trumpeted throughout the land as a second declaration of independence; and yet, within four short months, the measure and its author were rejected together by the people of the United States, by overwhelming majorities.

Assuming, then, the sub-treasury to be lying under this condemnation, let us compare with it the plan of an exchequer recommended by the special committee.

The sub-treasury provides simply a fiscal agent to keep and disburse the public money.

The exchequer proposes to do the same thing, and substantially in the same way. In addition to this, the exchequer provides for a national paper currency.

The gentleman from Massachusetts, [Mr. CUSH-

ING,] in his speech the other day, said that a bank of the United States was wished by its advocates, "not from a desire that they might obtain loans, for there was already too much bank capital in the country, and facility enough to obtain loans;" and yet, but the moment before, the gentleman had asserted that "there existed now no bank of the United States, and very few specie-paying banks of any sort." The great error of the gentleman's whole argument is this assumption, that "there are facilities enough to make loans." This is not the case—at all events, in Ohio. Our want is capital. We want, through the facilities of well-regulated specie-paying banks, to be able to develop the great resources of our State, to get our produce to market, and anticipate the results of all our labor. This is our want—our only want. We have a hardy, enterprising, intelligent, industrious population of 1,800,000 souls, spread over a region of unexampled fertility—one frontier resting on the Ohio, the other on the lake, intersected in every direction by large and numerous rivers, and crowned with a temperate and healthy climate. With all these blessings of a beneficent Providence showered upon us in inexhaustible profusion, what more can we want to be prosperous and happy? We want that very thing which, it is the boast of the gentleman, his exchequer will not and cannot give us—the facility of making temporary loans, to be repaid out of the sales of the produce of our farms and the manufactures of our shops. This facility was afforded us in the olden time by the Bank of the United States, through its branch at Cincinnati.

With the proceeds of a discounted note, the merchant purchased of the farmer his pork, flour, and other produce. While the note was running to maturity, these articles which it had purchased were shipped to market; when at maturity, the note was taken up by a bill of exchange for the amount of the sales of these same articles. This bill the bank disposed of to the importing merchant, at ½ to ¾ per cent.; who was thus enabled to pay his Eastern and foreign debts. Under this circulation, originally set in motion by judicious credit, all the channels of business were full; every interest flourished. The merchant, farmer, manufacturer, carrier, bank—all received fair and remunerating prices; all was activity; all was joy. Sir, I have not the heart to turn to the present sad reverse of this happy picture. Although, thank God, we are not quite dead, yet the Spanish epitaph may well apply to us:

"We were well—
We would be better:
We took physic—
Here we lie."

Now, Mr. Speaker, I wish to compare these two measures—the sub-treasury and the exchequer—with a view to their several effects upon the currency. The sub-treasury provides, that after the 30th day of June, 1843, all payments to the United States shall be made in gold and silver; and the exchequer provides that these payments shall be made in—1st, gold and silver coin; 2d, certificates of deposites, public and private; 3d, treasury notes; and 4th, notes of specie-paying banks. Let us see if there be any material difference between the two. The first medium of payment, gold and silver coin, is the same in both. By the fifth section of the bill, it is made lawful for the exchequer and its agencies, wherever established, to receive on deposite gold and silver coin, and bullion, the property of individuals, not exceeding in amount ten millions of dollars, and to give certificates of such deposite. The board of exchequer and its agencies are also authorized and directed, in all cases where the public creditors may prefer the same, to issue to them certificates of deposite for the amount of debts due to them by the United States; the amount of which certificates shall not exceed ten millions of dollars. Power is also conferred upon the proper officers of the mint, and branch mints, to issue like certificates for the amount of all deposites of bullion, &c. for coinage. All these certificates are redeemable, on presentation, at the office, agency, or mint where issued.

Now, sir, notwithstanding all this parade and promise, a very superficial examination will show that this whole scheme is a mere substitution of a paper for a metallic currency, and adds not one cent to the amount of the circulation. Observe that all these certificates, whether public or private, by whomsoever given, represent gold and silver coin and bullion. So far as they represent the first, they add nothing to the circulation; for the gold and silver coin must first be withdrawn before the certificate can get into circulation; and the coin can only again occupy the channels of circulation when the certificate is redeemed and withdrawn. To the amount that these certificates represent bullion, they increase the quantity of currency, making bullion in deposite for coinage answer the purpose of coin. These mint certificates, however, let it be recollected, only add to the circulation during the time consumed in the process of coinage; for so soon as the bullion is converted into coin, it would at once enter into the general circulation, but for the outstanding certificate which represents it, and for the redemption of which the coin must remain in deposite at the mint where the certificate is redeemable.

I greatly doubt the wisdom of the authority given to your officers to pay the public debts in certificates of deposite, which can only be given when there is in deposite, at the agency where the account is presented, an equal amount of specie belonging to the Government. You have the money lying by you idle, for which you have no immediate use; and the great merit of this contrivance is, that, instead of paying your debt with it at once, you incur all the risk of safekeeping the money, and give your note in payment of your treasury warrant. Why not let the treasury warrant circulate? There is too much of the economy of the spendthrift in this. It is a part of the clumsy apparatus by which a paper currency is to be substituted for a metallic. Treasury notes are pointed out as a third medium of payment of dues to the United States. There is, however, no provision in this bill for issuing treasury notes; there will, therefore, be none under its authority to be paid in. Those issued under existing laws are already made receivable at the treasury by those laws. Notes of specie-paying banks are also to be received; but, as they are never to be paid out by the Government, their circulation is arrested the moment they are paid in. The actual operation of this bill is to diminish the amount of the currency until these notes are presented and redeemed, when the bank may re-issue them. In the interval, the coin for their redemption is locked up from circulation in the vaults of the bank, and the notes are locked up in the vaults of the treasury.

This comparison of the operation of the two systems upon the currency shows very little to the advantage of the exchequer over the sub-treasury. Neither adds anything to the amount of circulation. Indeed, this is one of the great merits of his plan, claimed by the gentleman from Massachusetts, both in his report and in his speech. In the former, it is put quite as metaphorically as the subject will bear: "For every paper eagle on the wing, you have a gold eagle in hand."

How, then, is that bill to improve the currency, and remedy existing evils? If individuals make deposites, and the Government creditors receive certificates, you will have in circulation twenty millions of Government paper in lieu of twenty millions of coin in deposite. But, in the contingency that no private deposites be made, and your creditors prefer payment of their debts in specie to taking your notes, this plan will have no effect upon the currency, except to withdraw from general circulation gold and silver for Government use; and its identity in this respect with the sub treasury cannot be questioned.

But suppose the twenty millions of Government paper in circulation: I am not disposed, in the slightest degree, to undervalue the advantages and conveniences of such a currency to the treasury and to commerce; but I doubt exceedingly whether Government will find in these advantages a compensation for the hazard of safekeeping this amount of coin, and the risk of this complex machine not working perfectly and promptly in all its parts and at every point. This most delicate operation of producing and reproducing this vast amount of Government money; of having at all times the constituent coin ready for the appearance of its representative paper, is necessarily confided to a great number of agents, ignorance or infidelity in any one of whom mars the whole system, and your treasury feels the shock in all its departments. The various parts of this complicated machine, although at great distances from each other, are so geared and coupled together, that a failure anywhere will disturb, if it do not destroy, the motion of the whole. It is one vast chain drawn over the whole length and breadth of the land, and the severance of any one link, "tenth or ten thousandth, breaks the chain alike." Imagine one of these Government certificates, whether for a private deposite or a public debt, presented and protested for non-payment: I care not what may be the cause—ignorance, inadvertence, or inability; universal panic will be the immediate consequence; and as fast as the mails can carry them, all other outstanding certificates, fellows of the dishonored one, having lost their credit, would find their way to the places of redemption. Thus would end your national paper currency.

But, Mr. Speaker, if the Government be willing to assume the responsibility to which I have referred, will individuals find their account in making deposites? I can imagine no inducement to do so, except at points where commercial balances accumulate. A certificate, redeemable at the place where these balances are to be adjusted, would certainly be at a premium at the debtor point. Not so in any other case. A certificate, the specie to pay which is deposited in Cincinnati, will pay a debt in New York only at a discount equal to the expense of transporting the specie from Cincinnati to New York.

But, sir, if individuals should be inclined to make these deposites, will the several States permit your agencies to receive them? If not, this vaunted national paper currency, which is to achieve such wonders, is at once reduced one-half, or in the proportion of the ten millions allotted to the prohibiting States.

Since the attempt of certain politicians to control the Bank of the United States, in the person of Jeremiah Mason, this question of the currency has entered into all the arrangements and conflicts of party, and I fear there is no reason to doubt it will continue to do so.

Much is said in this report, and more elsewhere, of the evils inseparable from the expansibility of a paper currency. I do not intend to enter into that question. If it be an evil, this power of the States over your agencies will perpetuate it, and make the expansion and contraction of your national paper currency as certain—almost as regular—as the rising and falling of the tides. When the friends of this national exchequer have the ascendancy in the State Legislatures, your agencies will be permitted to receive private deposites and give certificates, and your paper currency expands. When power shall have changed hands—and on this very question, too; for it will be a perpetual and prolific source of party strife—prohibition will be enforced, and your paper currency contracts. It vacillates with the vacillations of party. The currency—which the interests of Government and people alike require shall be stable, and removed as far as possible from the revolutions and vicissitudes from which no human affairs are entirely exempt—is thus, by the inherent defect of its original formation, by the very law and condition of its existence, fastened to and made to follow the mutations of the most fickle and fluctuating of those affairs—the ever-varying party politics of the day.

Mr. Speaker, passing from this view of the subject, let me call your attention to the 12th section of this bill, which recognises the authority of the States to prohibit, by law, your agencies receiving private deposites of gold and silver coins, and giving certificates therefor. It is not my intention to follow the gentleman from Kentucky in his objections drawn from the principles of the Constitution. I shall illustrate my opposition from principles asserted and arguments contained in the report, and from other provisions of the bill. The project of an exchequer, recommended by the President, contains a provision similar to this. The remarks, therefore, I feel called upon to make upon this part of the subject, are equally applicable to both.

A principal advantage of the plan insisted upon by the committee in their report, is, that "it provides and secures a national paper currency." One of the modes indicated of providing this currency, is, conferring upon the exchequer and its agencies authority to receive, on private deposite, gold and silver coin and bullion, the property of individuals. Of course, the committee thinks it within the constitutional competency of Congress to adopt this mode—to confer this authority; and that a law for that purpose is in accordance with the Constitution of the United States, and, therefore, the supreme law of the land, anything in the constitution or laws of any State to the contrary notwithstanding. And yet the committee, in the same breath, by this 12th section, recommend that we reverse this order of precedency, and make an unconstitutional State

law supreme, and a constitutional United States law subordinate.

We are also told, Mr. Speaker, in this report, with some pomp and circumstance, "that in all communities, and in every form in which currency exists, whether as coined money or as paper representative of it, and whether this be issued by banks or by public authority directly, the question of the currency of the country and that of its fiscal affairs are inseparable facts." The committee has deemed it consistent with this strong affirmation to recognise by this twelfth section the authority of the States to separate finance from currency; and compelling them to tolerate the one, allows them to reject the other. But, if they be inseparable facts, it is because they are so blended as not to be capable of severance, without injury, if not destruction, to both; because so dependent each upon the other, that they cannot exist in a separate state; and yet this fatal separation you permit, if you did not invite the States to make it.

We are further informed in the report, that "the radical difficulty in the whole matter of the currency" is, "that of the sovereign function to make, issue, and regulate money, (or its substitute,) the States possess a part in common with the General Government." The exercise by the States of this sovereign function is, by the report, if not in express terms, yet by the strongest implication, denounced a usurpation. This usurpation the bill proposes to legalize; for, of a paper currency, one of the most important regulations regards its amount or quantity; and, of the sovereign function to make this regulation, you divest yourself, and, by this twelfth section, (to the extent, at all events, of one-half) you transfer it to the States. This "radical difficulty," then, is only stated by the committee in their report, to be confirmed and perpetuated in the bill.

In a similar spirit we are told, in the report, that the Federal Government can provide a national paper currency of "adequate quantity;" but, by the bill, the State Governments, in direct opposition to the Federal Government, are made the ultimate judges, within certain limitations, of this adequate quantity.

The committee quotes, with approbation, the assertion of Mr. Dallas of the power of the Government to "supply and maintain a paper medium of exchange;" and yet, sir, by their bill, they put it in the power of the States to cut off this supply as caprice or passion may dictate.

Mr. Speaker, I care not what set of words is used; I care not how the phrase may run; this 12th section does, in fact, confer upon the State Legislatures a negative upon parts of this bill. And in what part of the Constitution do strict constructionists (it is they who insist upon this State-right feature) find authority for this Government to give power to the State Legislatures? If the States have this authority by their own constitutions, or by the Constitution of the United States, your law is superfluous; if they have it not, it is inoperative. But why give the States a negative upon parts only of this bill? Why not upon the whole of it? Why may they not exclude from your exchequer public as well as private deposites? There are no degrees of constitutionality. You assert your power to confer upon the exchequer authority to receive both, and yet admit that the States have the power to exclude one.

I will not affect ignorance, Mr. Speaker, of the reason which I presume will be given for this distinction—that Congress, having authority to lay and collect duties, &c., may provide a place for their deposite. But it will be recollected that this same power to lay and collect duties is one of the sources indicated in the report from which is deduced the power to provide and secure a national paper currency—the great object of the exchequer; and surely a place for the execution of this latter power is as necessary as a place for the deposite of the public money.

This section, irreconcilable as it is with the general principles of the Constitution, and in direct opposition to many of the opinions expressed in the report, was inserted in the bill, beyond all doubt, to avoid collision with "the fixed constitutional fact."

Mr. Speaker, in mere matters of expediency I would not be very tenacious of my own opinions; I would be willing to yield much to the wishes, judgments, and honest prejudices, if you please, of others. In subordinate matters, I would be unwilling, by an obstinate adherence to preconceived notions, to hazard the attainment of any great good. But when asked to surrender the authority of the Federal Government to execute its own powers—to give up that part of the Constitution which, more than any other, distinguishes it from the articles of Confederation, of which the want of this very authority was the great defect; when called upon to throw this Government back upon a miserable and imbecile dependence upon the State Legislatures; when invoked to make partition of that authority which the people conferred upon us, with those to whom they most wisely denied it,—I cannot but recollect there are other fixed constitutional facts besides the Executive veto. One of those facts is, that all legislative power under the Constitution is conferred upon Congress; which power each member is sworn to execute in accordance with the Constitution. Part of those legislative powers—those from which are claimed, and properly claimed, for this Government, the authority to provide a national paper currency—are enumerated in the report. This bill, in execution of that power, provides such a currency; this power we are sworn to execute ourselves; that oath is a perpetual interdict to the surrender of that power, no matter at whose bidding, no matter for what purpose.

This bill recognises two kinds of currency—gold and silver coin, and paper. For reasons given in the report—its cheapness and facility of remittance—the paper, it is supposed, will be more desirable, and therefore more valuable, than the coin. If this be true, the convenience which this paper currency is intended to afford the treasury will be lost. Commercial sagacity will absorb, if not the whole, the greater part of it in commercial exchanges, and leave the Government to a more cumbrous and expensive coin.

Having touched upon some of the objectionable points in the plan of an exchequer reported by the committee, permit me to call your attention to that recommended by the Secretary of the Treasury. The remarks which I have already made upon the one, are equally applicable to the same provisions of the other. As a mode of attaining the great object proposed by these bills, as a mere measure of finance and currency, the scheme of the Secretary has great advantages over that of the committee. With the latter, it authorizes the exchequer at the seat of Government, and its agencies in the States, to receive private deposites of gold and silver coin and bullion, and to issue certificates therefor; the amount on deposite at any one time never to exceed fifteen millions of dollars. For the safekeeping of the specie, and issuing the certificate, a premium not exceeding one-half per cent. may be charged. This charge to the depositor, I think, will exclude from the vaults of the exchequer the coin of individuals, so long as the banks continue to do what they always have done—receive such deposites, and issue such certificates, free of expense. The committee, in their bill, made these certificates of individual deposites receivable at the treasury in payment of all dues to the United States, while that of the Secretary excludes them. Thus discredited by the Government, they must be at a discount in market; and I leave it to the financiering skill which devised the project, to point out the collateral advantages which led to the belief that individuals would deposite gold and silver, and receive in exchange depreciated paper. These certificates, with this fatal mark of exclusion upon them, are intended as a circulation for the people; thus recognising and legalizing one of the practical results, and one of the most odious features of the sub-treasury—one currency for the Government, and another for the people. Sir, under these circumstances, there is no risk in the prediction that the anticipated deposites will never be made, and all expectations of relief from that quarter will be utterly disappointed.

In addition to this, the Secretary proposes to issue fifteen millions of dollars, in the form of treasury notes, upon a basis of five millions of specie, with a power reserved to the Secretary of the Treasury to enlarge that basis to ten millions, by creating a Government stock redeemable in twenty years. These treasury notes being authorized, it was necessary to provide some mode by which they could be put and kept in circulation. For this purpose, the officers of the exchequer are directed to make payment of all drafts upon them (at the option of the creditor) in gold and silver coin, or treasury notes; and it is declared lawful for the board of exchequer, and each of its agencies, to purchase domestic bills of exchange, under certain regulations. The said board and its agencies are also authorized to draw bills or drafts on each other, and to sell such bills or drafts at a premium not to exceed two per cent. Now, Mr. Speaker, in order to form some probable conjecture how this measure will work, as one of finance and currency, (its political bearings I shall examine hereafter,) let us look at the apparatus intended to produce these great results.

There is established in the Treasury Department, at the seat of Government, a board, to be called the exchequer of the United States, to be composed of the Secretary of the Treasury, the Treasurer of the United States, and three commissioners, to be appointed by the President, with the consent of the Senate. The Secretary of the Treasury is authorized to appoint all such inferior officers as, in the judgment of the board, the transaction of its business may require. The board of exchequer is also authorized to establish such agencies or offices as it may judge expedient, not exceeding two in any State or Territory; and the Secretary of the Treasury is also authorized, upon the recommendation of the board, to appoint such officers and agents as the said board may determine to be necessary for the transaction of its business. The board is also authorized to fix the compensation of such officers. The exchequer and its officers, thus organized, are declared to be the general agents of the Government of the United States for receiving, safekeeping, and disbursing the public moneys, and transferring and transmitting the same. The exchequer is also authorized to receive private deposites, as we have seen, to the amount of $15,000,000; to issue treasury notes to the amount of $15,000,000; and to purchase domestic bills of exchange, with no other limit than their ability to pay for them.

This, sir, is a concise but accurate description of the exchequer. Let us suppose it in full operation. There are, then, the board at Washington, and fifty-eight agencies distributed through the States, having in their custody and control, either on deposite or in circulation, $42,000,000, for which the Government of the United States is at all times responsible; and this sum does not include the ordinary daily accruing revenue. I would not exaggerate the number of persons necessary to the transaction of all this business. When the estimates shall come in from the Treasury for the payment of their salaries, you will find they will far exceed three hundred. Suppose them to be that number, he must have more faith in the integrity and capacity of revenue officers than I have, who has confidence in a scheme of finance dependent for its success upon finding these qualities, in an eminent degree, in so large a number of men. Sir, we have bills upon our calendar for the release of the sureties of defaulting officers, which may give us some wholesome admonitions upon this subject. It is not a very violent presumption, nor one at which I suppose the Administration or its friends will take fire, that these appointments will be made from political considerations. The removal of Jonathan Roberts is a pregnant proof of that. Officers thus appointed can scarcely be supposed to act from higher motives than those which led to their selection. The fate of Jonathan Roberts will prevent that. Political considerations, then, it may be safely assumed, will not be entirely without their influence in determining the direction of exchequer facilities, and whose bills of exchange shall be purchased. Securities of this description are not generally considered the most valuable among cautious and considerate men. When to this temptation—to look beyond the mere value of the bill—we add the consideration that these men have no pecuniary interest in the transactions they control, and that they bear no part of the loss, if loss ensue; we can scarcely, I think, avoid the conclusion, that this boasted plan is destined to as signal a failure as its equally boasted predecessors.

But, sir, if this plan be thus full of risk, as a mere matter of dollars and cents, how will you estimate its danger as a political engine? It has long been the policy of the Whigs, and it is the true policy of the country, to restrain and circumscribe Executive power. The President being the constitutional commander-in-chief of the army and navy, it has been justly deemed of the last importance to remove, as far as possible, from his control, the treasure of the nation. It has grown into a maxim of free government, that the purse and the sword

should not be intrusted to the same hands. So jealous were the framers of the Constitution of this Union, that they expressly provided that no appropriation of money, to raise and support armies, should be made for a longer time than two years. Look at the immense sums of money which this bill at all times places in the hands of officers dependent upon the President for their appointment, and at every moment subject to his power of removal. Do you expect independent action from men thus situated? You will be disappointed. The control of the officer is the control of the fund. They are his officers, and, with rare exceptions, will do his bidding. We opposed the sub-treasury—I did, at least—because of this very increase of power which it conferred upon the President. In comparison with this, that fiscal agent was absolutely impotent. The sub-treasury had no authority to receive private deposites, to issue treasury notes, or to grant pecuniary favors, in shape of bills of exchange, in return for political support. In the course of the ordinary business of the Government, there would seldom have been in the treasury at one time more than five or six millions of dollars, and that at every moment liable to treasury drafts. This same amount, and under the same liabilities, will be in deposite in the exchequer, besides the private deposites and specie basis of the treasury notes; which being necessarily of a more permanent character, will be less frequently called for, and therefore more exposed to be withdrawn and squandered.

The gentleman from Massachusetts, [Mr. CUSHING,] feeling the force of this objection, has attempted to obviate it by saying, "You could have nothing that was to exert a useful activity without power. If you excluded power, you at once excluded action. Did you want useful action, how was it to be had without power? To refuse power was to enjoin inactivity. In any possible mode of managing the finances of such a nation as this, power was unavoidable; there must be power." Such phrases as these were never wanting to calm the fears and lull the suspicions of a jealous people; under cover of them, usurpation has ever made its sure advances. Admitting their truth as general propositions, I beg leave to say they do not meet the case, or remove the objections. That some power is necessary, was never denied; that is not the question. Does not this bill confer upon the President more power than is necessary to the accomplishment of its object? That is the true question. If so, then the power is excessive; and all will agree that it is the duty of Congress to refuse it. By the veto, the President controls the legislation of Congress; give him the exchequer, and he will control the money of the people. What other power is wanting to constitute him a despot?

Another gentleman from Massachusetts, [Mr. WINTHROP,] speaking of the report of the Committee of Ways and Means, complains that they seem unwilling to place any confidence in the honesty of public officers; and to show that such confidence may be safely extended to them, he disregards the numerous instances of recent defalcations in our own country, which had no doubt awakened the suspicions of the committee, and quotes Montesquieu, who says that fear is the basis of despotic governments, honor of monarchies, and virtue of republics. Does the honorable gentleman understand the great philosopher to refer to the virtue of the people, or their rulers? It is fear in the subject, and not in the king, which is the basis of despotism; and the virtue of the people, not of the rulers, is the basis of republics. The prime virtue of a republican people is an ever-wakeful jealousy of the power intrusted to the Government; and especially to place little reliance upon the integrity of treasury agents, through whose hands the public money passes; and less, if possible, upon the disinterestedness of politicians who direct its expenditure.

The chairman of the special committee [Mr. CUSHING] tells us he once thought that the exchequer would not furnish so safe a depository of the public funds as a bank of the United States; but adds, "with the ruins in our sight of the old United States Bank—with the proof of its whole capital having been squandered—it surely did not become Congress to say that such an institution was the safest place to keep the public treasure." It cannot have escaped your recollection, sir, that, at the extra session in 1841, that gentleman, with the same ruins in his eyes, and that same proof of squandered capital before him, voted for two bills chartering United States banks, for the avowed purpose of receiving the public deposites. This same idea of the insecurity of a bank of the United States is found in Mr. Forward's report, who admits, however, that it was always faithful to its engagements, and that the Government sustained no loss. I marvel that neither of these gentlemen adverted to the fact that the ruin they deplore was not of a bank chartered by Congress, but a State bank of Pennsylvania, with a capital of thirty-five millions of dollars, which, within its limited sphere of operations, it could not legitimately use in banking, and therefore ran into the wildest speculations; and that was the cause of its ruin.

This exchequer, Mr. Speaker, is, in everything but name, a Government bank. This, to be sure, is denied by its friends, because it is admitted on all hands that such an institution is full of danger to the purity of our Government and the liberties of our people.

That this exchequer will not furnish the relief anticipated from it, is almost admitted by the Secretary in his report, who says: "The exchequer can lend money to nobody; it can furnish capital to no one to begin, carry on, or uphold his business;" "all real borrowing and lending is excluded; and bills are to be taken on such time only as is necessary for ordinary notice and the usual transmission of intelligence."

For these reasons, I cannot support these plans, or either of them.

SPEECH OF MR. WOODBURY,
OF NEW HAMPSHIRE.

In Senate, February 19, 1843—On the amendment to the bill as to treasury notes, proposing to fund them.

Mr. WOODBURY said that the chairman having referred to him as approving the amendment, it became necessary, in order to prevent misapprehension, to state briefly the reasons for his opinion. He did not wish to fund treasury notes when the treasury possessed the means of payment, or was likely soon to have them; or when those in power were willing to go forward wisely, and raise the necessary means within the year to discharge the expenses of the year. But the close of the session had now arrived, without a single effort, on the part of the majority, to raise those means, either by a modification of the present injudicious tariff, or by any other taxes. This had occurred in the face of a resolution, passed at the last session of the Senate, almost or quite unanimously, in these words:

"*Resolved*, That it is the duty of the General Government to provide an adequate revenue within the year to meet the current expenses of the year; and that any expedient, either by loan or treasury notes, to supply, in time of peace, a deficiency of revenue, especially during successive years, is unwise, and must lead to pernicious consequences."

His own principles, at all times, had been unfavorable to the issue or re-issue of treasury notes, or to a permanent loan, in time of peace, except in a temporary exigency; and when additional revenue to meet the notes, as in 1837, was soon expected; or when, as between that and 1841, all looked forward to a judicious alteration in the tariff, at an early day, suited to redeem any notes which might be outstanding. Indeed, the whole amount out at several dates during that period, was only a single million and a fraction; and at others, two millions and a fraction: while now it exceeded eleven millions; and now none of the majority proposed to raise revenue sufficient, or expressed any hopes of having revenue sufficient, for many years, to redeem them.

It is another alarming fact, that several millions of the treasury notes now out are actually due, and no means whatever are provided which the Administration intends to apply to their redemption. It is further manifest to any one who will take the trouble to examine this subject, that quite eleven millions of the eleven and a half now out will fall due within this calendar year. All that is proposed to be done by the Treasury Department is, not to apply the borrowed money to redeem them as far as it will go—though we permitted it to be borrowed for that very object—but to persevere in a system of re-issue and re-issue, without the least prospect of final payment, under the existing laws, for several years.

We had been gravely told in a high quarter, that, as the notes were on interest, they might not be presented for payment; and hence, perhaps, the department might get along without any provision whatever. But what should we think of an individual, who made no provision to pay his note or bond, when falling due, because it was on interest? What could be more negligent and fatal to credit?

At last, however, it was discovered that, in any fluctuation of the money market, the whole of the notes might be paid in for duties and lands—or payment demanded of those due; and thus the treasury be compelled again, and at once, to stop payment. Hence, the official recommendation now was to give power to re-issue other notes. This was better than nothing, but was not enough for the occasion. Mr. W. was convinced that this would be mere evasion, and shuffling off, and procrastination, without any expectation or ability soon to make final payment. It was done, likewise, at the highest rate (of six per cent.) now, though at a much lower rate formerly.

On the contrary, a permanent loan could probably be now effected at five per cent., or five and a half, and for eight or ten years only; and by authorizing these, or any better terms which can be obtained, through the adoption of this amendment, we should save interest—considering the rate now paid—and (what was much more in importance) should sustain the national faith honorably. He conceded that, for large and permanent deficiencies, a loan like that proposed in the amendment was only a choice of evils. We had to select between that, and bankruptcy or financial disgrace. But, in his view, the true course to meet such deficiencies was taxation, or a reduction of expenses so as to have prevented them.

But we had hitherto refused to reduce the expenses sufficiently; we had neglected to tax sufficiently; we had failed to get means enough, by the panaceas of giving away the land revenue for a time, and of making a high protective tariff, instead of a revenue one.

What, then, was the best measure left? It was, in his opinion, to make the loan, rather than temporize longer, and incur the danger of further discredit, protests, and insolvency, heaped on the public treasury.

The only remaining doubt about this loan must be, that some might think the condition of the treasury so flourishing as to be able to redeem these notes as they fall due, or redeem them as soon as the next year, by the current revenue. If either of these were the fact, or were highly probable, he, for one, would not prefer a permanent loan, but a further issue or re-issue of notes during another year.

But, in his view, neither of those events could be justly anticipated. Neither was pretended to be probable by the Treasury Department, or by its organs on the floor of either House of Congress; nor could any Senator expect either, who would look a moment at the real, naked condition of the treasury,—though it had been a matter of so much exultation with some gentlemen on the other side, a few days ago, in this body. In truth, so lamentable was its condition, all admit that the expenses of this calendar year would not be met without the use, for that purpose, of the millions of borrowed money on hand, which had been authorized for the different purpose of redeeming these very notes.

What, sir! boast that we are able to get along this year, in profound peace, and after all reforms, only by the help of five or six millions of borrowed money?—boast that we have been able, at last, to borrow money, though not till after abandoning the finances distributed, and reducing our expenses down to near the standard proposed by us, and violently resisted by our opponents, no longer ago than the last session?

In proof of this, he would submit two or three facts. At this late hour, Mr. W. said he would omit all unimportant details, and merely say that the whole estimated revenue of the year, including the lands, was but $2,600,000 independent of the customs. Now, compute these last at fourteen or sixteen millions, as the Secretary did last December; or at thirteen, as he has since stated; and every one can see that there will not be enough to pay either of his estimated amount of expenditures. One of them was at twenty, and the other at twenty-two millions. How, then, do he and all his friends calculate to meet the expenses of this calendar year—to say nothing now of the next half year, for which we have also made large appropriations with inadequate means? I repeat, sir, they expect it solely by the use of the borrowed money on hand the 1st of January, and that obtained since; and solely, too, by diverting it from its original destination—the redemption of these very notes, which, in part, we are thus

forced to fund in the manner proposed by the amendment under consideration.

It is a little remarkable, too, that the data on which even thirteen millions from customs are computed to be likely to be received, as exhibited by a financial report in the other House, do not sustain that estimate. We may, in the end, receive such an amount, or even more. On that he offered no opinion. But the data of $3,116,370, assumed as the accruing duties of the last quarter, on its imports, had since been admitted by the Secretary to be more than half a million too high.

[Mr. EVANS asked where? He wanted to see the documents.]

Mr. W. said here they are. The first one before him was addressed to the Senate, (No. 167;) and the other is in a letter from the Treasury Department (page 10) annexed to that very financial report (No. 227) in the other House. This two million six hundred thousand—or, to give the figures from the report, $2,579,380—being quadrupled for the year, instead of the other larger sum, would show an error of between two and three millions. But the *accruing* duties—if the term is properly used—are the gross duties, and not the net, which is supposed in the report in the other House; and hence the net duties would be still further less, for the year, by near three millions—showing, perhaps, still another error, quite to that extent.

If the other basis of computation in that report is relied on—which is, that the dutiable imports in 1843 will be $40,000,000, and the duties on them, at 35 per cent. on the average, will yield $14,000,000—and $1,000,000 deducted from that, will give $13,000,000 net revenue. There seems to be another error also in that, approaching $2,000,000. Because the drawbacks of all kinds, and bounties, are likely to be near $2,000,000, and are not deducted; but only the sum of $1,000,000, which is not equal to the mere expenses of collection. But enough of this. Passing over all other details, it must be manifest that the $5,000,000 to $7,000,000 of borrowed money now on hand, must be diverted from the redemption of these notes, in order to defray the current expenses of the year; and hence, that the notes must be funded, or left unpaid, and to be re-issued without end.

The prospect next year is no better than this, for these reasons: To be sure, the expenses last year and this would have been much higher, if the real friends of retrenchment had not united and reduced the appropriations near $6,000,000 below what the Administration asked. It is true, also, that we have again this year cut them down $2,000,000 or $3,000,000 further below the estimates, if excesses are not run into before we adjourn. But still $18,000,000, including the interest on the debt, will probably be as low a point as will be reached this or the next year; and the customs and lands together are not likely to exceed that amount much, if any, till 1845, when several millions of the permanent debt fall due, and must be paid. In further evidence of this, Mr. W. said he held in his hand a tabular statement of the debt, showing not only its amount, old and new, permanent and temporary, but the amounts soon becoming due. He would not trouble the Senate with reading the details.

DEBT.

1. Permanent loan negotiated		$13,974,445
2. Treasury notes out 1st February, 1843		11,731,327
		$25,705,772
3. { Old debt	323,566	
{ District debt	1,380,000	
		1,703,566
Aggregate		27,409,338

DEBT DUE SOON.

a. Now due of treasury notes, about	$3,722,831
b. Old debt due now	323,566
c. District debt due each year, about	80,000
d. New debt, due in 1845, about	5,672,976
e. Treasury notes falling due in 1843 and some, now due, issued under act of July 31, 1842	9,543,755
f. Treasury notes issued after August 31, 1842, and falling due in 1843	2,402,390
Making, of notes falling due in 1843	$7,346,146
Now due	3,722,831
To be provided for in 1843	11,068,977

This differed some, but not very materially, from what had been suggested by the chairman. But it showed a load imposed on our shoulders, for this year and a few coming years, which rendered the redemption of the treasury notes hopeless, unless new taxes, or a further permanent loan, were resorted to. So much for this view of the subject.

Another view—not unimportant to advert to a moment—was, that this is not the entertainment to which we were invited at the extra session in 1841.

It was then stated by the Treasury Department that a permanent loan of twelve millions would redeem all the treasury notes then outstanding, whether issued before or since the 4th of March, 1841; pay all the expenses and additional appropriations asked for at the extra session, and all the arrears and peculiar charges growing out of large unexpended appropriations. Recollect that all these were to be covered by only twelve millions; though the Secretary wished a few more, for a convenient balance on hand, &c. Now, mark the lamentable result: the twelve millions were granted; the tariff, in several particulars, was raised in 1841 so as to give more revenue; another high tariff was given in 1842; and the appropriations asked were reduced by Congress five or six millions; and yet the contemplated new debt, instead of being confined to twelve millions, has been increased to more than double—being $25,705,772. At the same time, too, the treasury notes out in March, 1841, (of only five millions and a half,) and what had since been issued, instead of being redeemed and extinguished by the permanent loan, have been doubled in amount since March, 1841. And the whole permanent loan has been applied, or is to be applied, to other purposes. What lame and impotent management! what breach of promise!

Mr. W. said he held in his hand an exhibit of the amount of treasury notes out every month from 1837 till now; and which would show that the average aggregate before March, 1841, had been only about four millions; though, since, it had exceeded eight millions, and was now over eleven millions; and that this increase had been recommended by those who before had denounced the use of such notes, and who proposed, as one of their first steps, to redeem or fund the whole of them.

United States treasury notes outstanding on the 1st of each month, from 1837 to 1843.

MONTHS.	1837.	1838.	1839.
January	—	2,206,468 28	7,343,948
February	—	4,486,904 28	6,613,662
March	—	6,518,964 65	6,552,946
April	—	3,967,319 72	7,690,492
May	—	4,349,751 47	6,963,554
June	—	4,800,907 26	6,062,288
July	—	8,334,014 25	5,468,542
August	—	7,966,682 81	5,160,430
September	—	8,097,310 01	4,619,937
October	—	8,096,460 01	3,707,380
November	53 723 83	8,009,760 91	3,394,180
December	1,495,464 07	7,753,560 01	2,998,071

TABLE—*Continued.*

MONTHS.	1840.	1841.	1842.	1843.
January	2,758 331	4,652,991	6,840,723	11.097.278
February	2,570,340	4,404.719	6,592,018	11.731.327
March	2,176.981	5.393 094	6,539.115	11,656,387
April	1,422,565	6 301 324	*7,986,922	
May	1,266,985	6,862 990	7.434 729	
June	2,052,056	6,063,563	9.100.904	
July	2,123,717	8 345 695	9.077,006	
August	3,476 937	8,305,336	8.903 818	
September	4,966 502	7.265.660	8,771.999	
October	4.560,689	7,373,024	8,862,070	
November	4,664,200	7.371,705	10,039,066	
December	4,433,833	7,228 857	9,979,794	

* Estimated.

NOTES.—Average issue monthly from October, 1837, to March 4, 1841, about four and a half millions; but from March 4, 1841, to March, 1843, over eight millions—or nearly double as much.

Whole issues authorized to be put out from October, 1837, to March 4, 1841, about $25,610 000, being a period of about three and a half years; but authorized to be issued from March 4, 1841, to August 3, 1842, less than one and a half year, $16,000,000.

Mr. W. added, that it certainly became the Senate now to do, as far as might be, what ought long before to have been accomplished to redeem or fund these notes. If the majority declined to impose additional taxes to meet their expenses, and also to redeem their notes, it was prudent to do the next best thing—which was, to fund them, or borrow money to discharge them; and thus wipe away the national reproach of not paying with punctuality our honest obligations.

He was against repudiation and bankruptcy in all forms, and by all persons, corporations, or governments.

For these reasons, he had offered the amendment in the committee, and defended it, and should vote for it here.

[Mr. EVANS remarked, that Mr. W. had seemed to scold the Senate on this subject, when nearly all, he believed, were in favor of the amendment. He stated, also, that Mr. W. should not complain of the amount of treasury notes out, when he himself voted for them. He went into other observations as to the prospects of the revenue, and said that fifteen millions were likely to be received, and thus his former calculations verified.]

Mr. W. regretted that the chairman had considered his remarks as made with a view to lecture or scold at the Senate. On the contrary, they were made merely to explain why he was in favor of the amendment; and if any felt censured by them impliedly, it was probably from a consciousness of deserving it. He had witnessed, on too many occasions, the disposition, in many quarters, to misrepresent motives and objects of public men in their votes, and he intended to leave no excuse for it here. The Senate and the public should not hold him responsible as an approver of this measure without, at the same time, being apprized of the grounds on which he sanctioned it, and without his showing that, in doing this, he made no departure from his former views or acts in relation to treasury notes and the finances generally. The propriety of such caution is developed in this very debate. The responsibility for having out and keeping out so large an amount of treasury notes was attempted to be cast on him; because, under other circumstances, and under great emergencies, Mr. W. had voted for the two last treasury note bills as well as recommended the old ones.

What, sir! Taunt me as to the old ones, when so small in amount—at times but or and two millions—and when means have been given to this Administration to redeem them all, which means have been diverted to other purposes, or not a dollar of them would be now unredeemed!

Taunt me, also, with an assent to the last issue by this Administration! when it was given only after their boasted skill in making their permanent loan had failed; after their boasted skill in distributions and tariffs had left the treasury empty; after the demands on it had been protested all over the country; and the sailor, soldier, mechanic, contractor, and officer, had all been unpaid; and after a temporary relief by treasury notes seemed indispensable to rescue our national faith from still further discredit, and prevent a harsh resort, in the embarrassed state of the community, to direct taxes, excise, and stamp acts! If this was a fit topic for reproach, let it come.

Nor had the chairman been quite so infallible in his former estimates concerning the revenue as he now seemed to suppose.

The Senate must all recollect that the Secretary of the Treasury, in 1842, calculated to receive $27,000,000 gross revenue from the present tariff, including tea and coffee. This was twenty-two to twenty-three millions net revenue, including them; and nineteen without them. In this, the Secretary was sustained by his organs here—except, as more careful examination was made, some of them found that estimate might prove one or two millions too high.

[Mr. EVANS said the $27,000,000 was computed on the imports of 1840.]

Yes, sir; but the Secretary and his friends computed that the imports would, in 1843, be as high if not higher, than in 1840.

Yet, now, fifteen millions is the estimate of imposts at the highest, or thirteen at the lowest; instead of the former nineteen millions—not including tea and coffee. A change of five or six millions in estimates, in a single year, is certainly not a matter to be much boasted of for accuracy. But enough of this at so late an hour—or, Mr. W. said, that he would take pleasure in submitting further details as to the prospective condition of the treasury, and the propriety of adopting the amendment under consideration.

SPEECH OF MR. RAYNER,

OF NORTH CAROLINA.

In the House of Representatives, January 12, 1843—On the bill proposing to repeal the bankrupt law.

Mr. RAYNER said he wished to state, briefly, the reasons which would induce him to vote for the repeal of the bankrupt law, provided the bill before the House could be put in a proper shape. I voted (said Mr. R.) for the bankrupt law, at the extra session, with some misgiving; but, upon reflection, I then yielded my doubts to the strong convictions and earnest entreaties of those who, representing commercial sections of the country, urged with so much zeal the passage of the law. It was a question on which I was able to look with an unprejudiced and impartial eye. Although my own State suffered in common with every other part of the Union, from the financial and pecuniary embarrassments of the Government and the country, yet there was, perhaps, no State that suffered less—owing, in part, to the prudent and economical habits of its people, and in part to the fact that, in consequence of the natural obstructions on its eastern coast, it is less commercial in its pursuits than any other Atlantic State. It was, therefore, a question in which the people of my section of the Union felt comparatively indifferent. I felt at perfect liberty to pursue such a course as, in my judgment, might think proper, untrammelled by public opinion at home. Although I saw no pressing necessity for the passage of this law, so far as the people of my own State, and especially my own immediate constituents, were concerned; yet I could not shut my eyes to the embarrassment, insolvency, and distress that were preying on all the trading and commercial sections of the country, depressing credit, crippling the energies of industry, tying up the hands of enterprise—and all these, in their results, seriously affecting and reacting on agriculture, manufactures, and every other department of business.

When I came to look at the causes of this embarrassment and distress, I saw plainly that the sufferers were not paying the penalty of their own imprudence and folly, but that they had been brought to insolvency and impending ruin by the rash and wicked measures of financial quacks and political gamblers. When Locofoco misrule commenced, it found the country peaceful and quiet, and every department of business pursuing a successful career of prosperity and wealth. Men of business relied on the patriotic conviction, that those who administered the Government would confine themselves to their constitutional functions, and they waked from this dream to find that financial tinkering had unhinged every branch of business, and deranged all their calculations—founded, as those calculations were, on the presumption that Government would not interfere with the pursuits of the citizen. The last administration, instead of profiting by the experience of the past, continued to persevere in this ruinous and oppressive policy—making war upon credit, whilst living on credit itself; experimenting with the currency; and acting on the principle laid down by its chief, that the only business of the Federal Government was to take care of itself, regardless of its effect on the pursuits of industry. At length the crisis, so long predicted by sagacious statesmen, came. The most cautious were unable to provide against it; whilst thousands who had been instigated by the inducements of the Jackson paper-money era to embark in speculating adventures, were, owing to the reaction produced by the measures of the Van Buren specie-currency era, swept away by the sudden crash. Thousands were not only left insolvent, but unable to obtain employment to subsist, much less to pay their debts; whilst thousands of wives, who had been enjoying a life of luxury, were suddenly consigned to poverty; and thousands of children, who had been rocked in the cradle of plenty, were brought to cry for bread. Such is but a faint description of the sufferings and condition of the commercial community, when the bankrupt law was passed.

It was this state of distress, growing out of twelve years of misrule, which aroused the nation in 1840, and in a very great measure contributed to the overthrow of the self-styled Democratic party. The Whig party came into power pledged to relieve the country as far as was in their power. The people expected it at their hands. And when they came to look around them, to those who asked and required relief at their hands, they saw that they were not the misers who had hoarded their gold; they were not the wealthy capitalists who had looked with calm complacency on, and reaped a profitable harvest from, the sufferings and misfortunes of others; but they were the enterprising and industrious—those who had used their means in giving labor and employment to thousands, and in advancing the trade, the credit, and the improvements of the country in all its great leading interests—who had thus been ruthlessly and unexpectedly reduced to want. The Whigs, then, considered it not only their duty, but an injunction imposed on them by the people who had intrusted them with power, to release a suffering community from the thraldom into which they had been plunged by wicked and incompetent rulers. They found the hands of industry and enterprise tied up—not in consequence of imprudence and extravagance, but by the action of the Federal administration; and it was necessary to sever these bonds, in order to enable prosperity and improvement to pursue their onward march. They considered this indispensable to the commencement of a salutary reform. And now, for once and for all, I wish it to be distinctly understood, that we may set ourselves right on this subject:—let those who so much denounce the bankrupt law—let this House and the country recollect, that, objectionable as this law may have been, it was forced upon us by Democratic misrule. But for the weakness and corruption of the last and preceding administrations, there would have been no pressing necessity for their passing such a measure. And let those who are disposed to cast censure on it, not blame those who passed it—who, if they did err, erred from the good intention to relieve honest suffering—from a proper regard for the wants and distress of an injured people; but on those, whose misrule forced it upon us—whose mismanagement and imbecility for years left us no other alternative.

I have briefly stated the reasons which induced me, in the first instance, to yield my doubts as to the propriety of passing such a law, to the pressing emergencies of the times. I will now briefly state the reasons why I shall vote for its repeal.

I have said I voted *for* this law with some misgivings. I thought I saw then objections to any bankrupt law; but, on reflection, I considered these objections far outweighed by the suffering and embarrassments of the country, brought about by the mismanagement of the Government, which the Whigs had come into power pledged to reform. And since the same causes which induced the passage of the law no longer exist—at all events, much less forcibly—the question may well arise, whether a pressing necessity any longer appears for keeping it in operation? The purposes intended by its passage have, in a very great measure, been accomplished. Those who had been plunged into insolvency, from which they could never have relieved themselves, have received its benefits, or, at all events, have had an opportunity of receiving them. If they have failed to do so, it has been the result of their own imprudence; their want of caution in stretching their credit too far in these pressing and unreliable times; or of relying too incautiously on the consistency of legislation in a Government, which events should have caused them to distrust. The prudent and industrious have had time and opportunity to avail themselves of its aid. Those whose enterprise and energy were cramped and destroyed by the ruinous consequences of Federal mismanagement, are left free once more to pursue the paths of industry and wealth. The manacles have been struck from their hands, and the heavy incumbrances of debt under which they labored have been removed. The mechanic has again been sent to his shop, the sailor to his ship, the agriculturist to his field, and the merchant to his counter. The road to prosperity and happiness has been cleared of the obstructions with which Federal misrule has blocked it up; and again presents its beaten track, along which the prudent and industrious may travel, with renewed energy and dearly bought experience. The honest again have a field in which to labor, from the profits of which to pay their debts—which honor has not cancelled, although the law might have done so—debts which they never could have paid, as long as they were subject to the severity and extortion of unrelenting creditors. And many a wife and child, who saw nothing but penury and want before them, have had their sorrow changed to consolation, by the hopes and prospects of better times.

And whilst the honest and unfortunate, who were willing to surrender all, have been relieved, the dishonest and the reckless have been brought to accountability and liquidation. The creditor as well as the debtor has enjoyed its benefits; and, while the former has extorted the last cent, he has been prevented from carrying his oppression further. The law has provided a means by which the honest debtor may be enabled ultimately to pay his bond, without allowing the creditor to exact its forfeit.

If I am asked why the embarrassment and pressure which now pervade the country have not disappeared in consequence of these benefits of the bankrupt law which I have enumerated, my answer is,—that the causes of these difficulties lie much deeper than in debt and insolvency. They spring from the derangement of the currency, and the uncertain and unsettled state of the finances of the Government. These, the bankrupt law cannot remedy, although it has remedied some of the evils growing out of them. And since the unfortunate have been relieved, by the beneficial operation of the bankrupt law, from those overwhelming and unforeseen disasters resulting from Democratic tinkering with the currency and finances, a return to a safe and sound system of currency and exchanges would soon so enhance the price of property, and afford such aids to industry and business, as would soon restore the country to prosperity, and thousands to solvency, who are now unable to pay their debts. As to the pressure and embarrassments which now weigh upon the country, they never can be relieved till there is a change of measures and men. We thought we had effected that change, and that our measures were about to carry "healing on their wings" to the wounds of a bleeding country; but, in the very moment of victory, the laurel was snatched from our brows by the most shameless treachery that ever disgraced the annals of representative government. As long as we have an Executive who, in the weakness and vanity of power, filched by fraud from a confiding people, laughs at the distresses of his suffering countrymen; as long as the recognised organs of those who administer the Government come into this hall and hawk the spoils of office to the highest bidder; as long as Executive vetoes are threatened in advance, not as the means of arresting unconstitutional legislation, but of enlisting recruits, for partisan service—so long will credit and confidence continue to languish, and the country continue to groan under embarrassment and debt.

Notwithstanding the benefits which I have mentioned as having resulted from the bankrupt law, yet there are objections and evils attending it, as there are attending every finite system, every human invention. Although these objections were more than counterbalanced, at the time of the passage of the law, by the considerations I have alluded to; yet, as these considerations no longer exist—at all events, in nothing like as full force—I incline to the opinion that the inherent evils of the system, together with the state of the public mind, are such as no longer to create a necessity for its continuance. In the first place, I fear it is calculated to affect personal confidence, which, after all, is the secret of our unparalleled prosperity in this country. It is calculated to beget, and I fear is already begetting, a disregard for the sacredness of obligations; without which, no well-established system of credit can exist in any country. For it is not the compulsory process of the law which enables the young man, whose only fortune is his good name, to obtain credit with the rich; but it is the sanctity with which public opinion regards an obligation thus incurred. And any system which has a tendency to destroy this confidence, or beget a disregard for a faithful compliance with its conditions, is well calculated to lock up the coffers of the rich, to keep capital unemployed, and consequently to repress the energies of the enterprising and industrious, by depriving them of the opportunities and means of exertion. It may be said that this will affect only the imprudent and the faithless, but that those who deserve confidence and credit will still be able to obtain them. Then the question will arise, Who are to be trusted? Who can withstand the temptation, when the chances of being absolved from his obligations are so ready at hand? Who will rely upon the labor and perseverance of years to relieve him from the pressure of debts he cannot pay, when the tribunals of the country are so easy of access?

If, however, this should not be the result—if the

means of obtaining credit be not thus taken away, and confidence not be destroyed, as I have supposed,—then it must be admitted that the bankrupt law will tend to the opposite extreme. It will open the door for rash speculation and heedless adventure, which will unsettle and disturb the quiet and peaceful pursuits of life. It is the sense of responsibility, the fear of irremediable ruin, that prevents most men from embarking in hazardous enterprises of trade, and compels them to pursue the slow and more certain ends of industry and economy. Take away these restraints—hold out to them the dazzling temptation of speedy wealth by hazardous speculation—offer to them the lure of such easy relief from accountability, and the penalties accompanying it,—and what will be its effect upon a people as enterprising and adventurous as ours? Men will cease laboring with their hands, and attempt to live by their wits; speculation will run riot through the land; and the sober avocations of industry be abandoned for the reckless pursuit of instant gain. Habits of idleness and extravagance will thus be contracted; the public morals become corrupted; the public mind familiarized with the idea of discharging obligations other than by the means of honest industry; and debt ultimately lose all its terrors for those who have everything to gain, and nothing to lose by it.

Another serious objection to the bankrupt law is, that it comes in conflict with, unsettles, and disturbs the various insolvent laws which the respective States of the Union have adopted for the regulation of their internal police. All the States have established the relations of debtor and creditor, in accordance with the peculiar opinions of each. This is a most important subject of legislation, which varies in every State according to the peculiar interests and pursuits of its people. It is indispensable to good government and domestic prosperity that these relations of debtor and creditor should be clearly defined, and settled on a firm and stable basis; for they are more or less interwoven with the whole system of jurisprudence in every State of the Union. Any general system, therefore, which comes in conflict with these various regulations in the respective States, must, in a measure, disturb their whole systems of internal policy; jostle against the peculiar pursuits and habits of their people; and thus be the means of perpetual annoyance and vexation. It is the policy of some of the States that a very enlarged and liberal system of credit should prevail, that every stimulus should be given to enterprise and adventure; of others, that these should be restrained within more moderate limits. Some States may deem it their policy to visit the severest penalties on a failure to discharge liabilities incurred; others may consider it the part of humanity to extend a much greater degree of lenity to the unfortunate debtor. Some States are commercial, some manufacturing, some agricultural. Experience may have proven that these various interests require different relations of debtor and creditor, in order to their successful pursuit. When we reflect that debts and liabilities in every State have been contracted with a view to the domestic policy and regulations of each, so far as the rights of the creditor and the responsibility of the debtor are concerned, it should be a most imperious case of necessity which should induce the General Government to interpose and disturb these various regulations, even temporarily, for the removal of an overwhelming evil—such an evil as *did* exist when the bankrupt law was passed, and which it was intended to remedy. And, owing to the causes I have mentioned, I doubt very much whether, under any circumstances, a uniform bankrupt law ever should become a permanent part of our system of national jurisprudence.

There is another reason—a strong reason, too—which will induce me to vote for the repeal of the bankrupt law. I believe that public opinion has pronounced against its further existence, and that the fact cannot be disguised. The large and commercial cities may, perhaps, still be in favor of it; but, as to the great mass of the people throughout the country, I am compelled to think that there is a decided majority against it. Of course, I can speak, of my own knowledge, only so far as the people of my own State and district are concerned; and there is, perhaps, no people whose opinions present a fairer test of the unprejudiced decision of the public mind. They cared comparatively little about the passage of the law at first, and have therefore been the better able to watch its operation with an impartial eye. And, although I feel sure the large Whig majority in my State will appreciate and sanction the motives of those who passed it; yet, since the great good contemplated has been mainly accomplished, I have as little doubt that a majority of the people of the State, and of my own constituents, wish its repeal. From the best information I can obtain, I am led to believe that the same state of feeling and opinion generally prevails in other sections of the Union. I wish to be distinctly understood on this point. I am not one of those who believe that legislation here should be swayed by the temporary impulses of popular feeling. I believe that it is the duty of the Representative to array himself against the effervescent violence of the public mind, when stimulated and excited by the reckless spirit of faction and innovation. As long as I am a Representative, I trust I shall have firmness enough to resist the demands of temporary impulse in the popular mind, when, in my deliberate judgment, I believe them to be wrong. But then, on the other hand, I do believe that the theory of our institutions is based on the principle that the wishes of the constituency, dispassionately entertained and calmly expressed, are binding on the Representative, on questions of mere expediency. Whether the popular opinion is the result of impulse, or of cool and deliberate judgment, the Representative must judge. It is enough for me to say, that I do believe the calm and reflective judgment of my constituents is against the further continuance in operation of the bankrupt law.

Now, Mr. Speaker, I am not to be understood as expressing any regret for the vote which I originally gave for the passage of this law. Under similar circumstances, I should feel it my duty to do so again. I yielded to the great and urgent necessities of the country, and the sufferings of the people. Great as may have been the evils of a bankrupt law, yet I considered it called for by the extraordinary emergencies of the times. I thought it best to submit to one evil, in order to cure one still greater. Powerful and sickening as this medicine may have been, yet I thought it was called for as an extreme remedy for the distempered state of the nation.

Whilst I am willing to vote for the repeal of the bankrupt law, however, I cannot vote for the bill before the House, unless it is amended. The bill proposes to date back in its operation to the 5th of December last, so as to exclude from its benefits all those who had not then taken the inceptive measures towards taking advantage of its provisions. Now, this appears to me improper and unjust. It seems to me to be somewhat retrospective—at least negatively, if not positively. If not positively retrospective in its operation, it is so in its exclusion from the benefit of another law, which will have been in operation for months, after the period mentioned as the date of its repeal. All those who may have commenced the initiatory steps towards taking the benefit of the bankrupt law, even up to the day of its passage, will have done so under the guaranty of the Government; they may be said to have a vested right to the benefits of the law. All their arrangements, for months, may have been tending to this. All their hopes and calculations of coming relief and future comfort may have been built upon the pledges tendered by this Government in the passage of the law. Many may have been struggling, with all their energy and strength, to sustain their credit, in hopes of avoiding the necessity of resorting to the relief tendered by this law. Since the 5th of December, they may have been compelled to yield to the pressing storm, and may have just commenced measures for availing themselves of the benefits of the law. On the other hand, many an indulgent creditor may have failed, up to the 5th December, to have commenced compulsory process against their debtors, under the involuntary clause of the act, who, since then, or before the passage of the bill before the House, may have commenced process. Should these be deprived of the benefits of the bankrupt law, merely because, from a feeling of humanity, they may have extended time and indulgence to their embarrassed debtors; relying in security upon the law of the land, as tendering its benefits whenever they might be disposed to resort to it?

The retrospective operation, or rather exclusion of this bill, will operate as a punishment to the most worthy—to those who, from industry and pride, may have failed to take advantage of the voluntary portion of the bankrupt law; and those who, from feelings of kindness and forbearance towards the unfortunate, may have postponed taking advantage of the involuntary clause. The retrospective legislation is calculated to destroy all confidence in the action of the Government, and to sow the seeds of distrust and alarm throughout the land. I cannot vote for the bill before the House, unless it is amended in this particular. I question its constitutionality—I am convinced of its injustice and partiality.

Neither can I vote for the amendment which has been offered, proposing to include corporations of the respective States within its operation. I am too much of a State-rights man for that. The respective States have established corporations within their limits, for various purposes, with various powers, and subject to various restrictions. The powers and existence of the State corporations emanate from sovereign State authority; they are responsible to the same authority, to a varied extent, according to the peculiar interests and pursuits of each. The General Government has no power to establish a corporation within the limits of any State, except as a necessary means of carrying into operation a granted power. And yet, will it be pretended that it has power to destroy those created by the States; or, what is the same thing, establish rules and regulations fixing the conditions on which their existence shall continue? It is very evident, that the great anxiety for the passage of this amendment springs from a violent and furious hatred of the State banks of the country, and a pretended zeal for their destruction. And those who are most rabid in their hatred of banks, are the very men who generally make most pretension about their State-rights republicanism. Let them recollect that these State banks exist by State authority. If they are not sufficiently restricted in their charters, it is by the choice or neglect of the State authorities that chartered them; if they have violated their charters, they are responsible to State laws and State tribunals; if they are guilty of abuses, fraud, and peculation, still they are subject to their own domestic legislative restraint and to their own domestic public opinion.

Then, if the public opinion, the laws, and the institutions of the respective States, will tolerate the abuses, the suspensions, the contractions and expansions of the State banks, about which gentlemen descant so much—why should this General Government attempt to bring them to punishment? and that too, according to one uniform rule for every part of the country. The abuses of the State banks are felt most sensibly at home; there the evil is best understood, and there the remedy can best be applied. I warn gentlemen who make professions of devotion to State rights, to beware how they allow the General Government to bring within the scope of its control the institutions of the States. If it can establish the conditions on which they shall cease to exist, it may next pass regulations *how* they shall exist. And as it is the nature of power to advance, we may next have, not only our banks, but our colleges, our manufacturing companies, our railroad and canal corporations, brought within the scope of Federal supremacy.

It has been said, by way of taunt, during this debate, that this bankrupt law is the last of the Whig measures of the extra session, and that its repeal will give the finishing stroke to all of our labors in that eventful session. It is true that little will be left on the statute-book; but that is not the fault of the Whigs; and history must say so. They could not prevent the treachery of John Tyler; and the secret of our disasters is, that the people of the country—the Whig majority—blame us for having palmed such a man as John Tyler upon them. Yes, sir, the Whigs did commit a most grievous error in the election of John Tyler; and most grievously have they suffered for it.

The gentleman from Kentucky [Mr. MARSHALL] has spoken of the history of this Administration being written in a parenthesis. Not so. If there is any truth in the maxim of Shakspeare, that "the evil that men do lives after them," then it will require massy volumes to portray the profligacy and corruption of this Administration. And if the concluding part of the sentence be also true, that the "good is oft interred with their bones," then John Tyler's gravestone should bear this single inscription: "Here lies John Tyler."

I have, till very lately, indulged in the full belief that the Whig party was only undergoing a purification—that they were passing through a period of trial, from which they would emerge [illegible]

regenerated, and disenthralled," ready as ever to do battle in the cause of constitutional liberty, whether fortune frowned or fortune smiled. And although I will yet have hope, still I confess I am not free from feelings of despondency. I witnessed a scene here but two days since, which I should have been glad to avoid seeing. A Representative [Mr. BOTTS] rose in his place, and, appealing to Heaven for the rectitude of his intentions, avowed his determination to discharge his duty to a violated Constitution, regardless of all personal consequences. He preferred charges against the acting President of the United States, involving the highest crimes and misdemeanors; staked his reputation upon their truth, and his ability to prove them; asked this House for the appointment of a committee, merely that he might have an opportunity of establishing his charges, and submit the result to the House. And what did we see? In a House containing a decided Whig majority of at least thirty, the proposition failed by a majority of forty-four.

If I ever saw an instance of moral sublimity, it was when my friend [Mr. BOTTS] held aloft his articles of impeachment, and, in strains of fervid eloquence, called upon the assembled Representatives of the nation to come to the rescue. I can assure my friend he needs no prouder monument to his fame—no richer legacy for his children. I am aware that many voted against the proposition because, as they avowed, they would not bestow on John Tyler so much consideration and importance. This reminds me of the reply of Barrere, in the national convention of France, to the accusation proposed by the virtuous Louvet against the bloody Robespierre: "Let us," said Barrere, "cease to waste our time on men who will fill no place in history; let us not put pigmies on pedestals; the civic crowns of Robespierre are mingled with cypress." The convention passed quietly on to "the orders of the day"—just as this House did on Tuesday—"a fatal error," says the historian, "which France had cause to lament in tears of blood." The earnest and eloquent appeals of Louvet, Barbaroux, and Lanjuinais, were unheeded; and the Girondists of that day, like the Whigs of this, reposed in listless security; while the Jacobins (to use the language of the historian) "were daily sharpening their poniards."

Much as the character of this debate ought to be regretted, for the credit of the House and the country, yet it has produced one result at which I feel pleased. It has clearly traced the lines of party demarcation in this hall. It has proven—what I have long known—that there are but two parties in this House; and that the Tyler faction—for it never deserved the name of a party—has become merged in, and thoroughly identified with, the Locofoco party; and I do hope that, amid the seething and boiling of the political caldron, of which the gentleman from Massachusetts [Mr. CUSHING] spoke, the Whig party will at last be thoroughly purified, and all the froth and scum will not only be thrown upward, but tossed over the brim. I have long felt sure that the bargain had been consummated in secret; at last it has been publicly ratified on this floor. To be sure, there has been some little coyness manifested in the interchanges of affection that have been passing across the hall; but not more, I suppose, than is usual on such occasions of endearment, and far less than I think decency required. The gentleman from Massachusetts [Mr. CUSHING] threatened the already-forged thunderbolts of the veto power, unless his new Democratic allies would rally under the Tyler standard. The member from Indiana [Mr. KENNEDY] said, in response, he was opposed to the Democratic majority in the next Congress forcing anything on Mr. Tyler, that was likely to meet with the veto. The gentleman from Ohio [Mr. WELLER] pronounced a labored eulogy on Mr. Tyler, and, it seems, felt authorized to act the part of counsellor to him, and advised him to rid himself of Messrs. Webster and Spencer as soon as possible. The gentleman from New York, [Mr. BOWNE,] who seems to be more catholic in his political feelings, declared his readiness to receive these two last, as repentant sinners, with open arms. The gentleman from South Carolina [Mr. PICKENS] welcomed the gentleman from Massachusetts into the Democratic ranks; said he had long seen that he (Mr. C.) had been leaning to his (Mr. P.'s) side, but that he was afraid of his colleague on the right, [Mr. ADAMS]—a very great compliment, by the way. And the gentleman from Indiana, [Mr. PROFFIT,] in order to prove his approbation of this offensive and defensive alliance, poured out a torrent of abuse against that man of whom he once said, on this floor, that he "wished he could make President of the world." What a humiliating spectacle is here exhibited! A party elevated to power by the overwhelming voice of a long outraged people, with such sacrifices, such patriotic devotion, such honest enthusiasm, as never marked the progress of civil revolution before; and that, too, with the shouts, the prayers, and the blessings of thousands, who saw in it the harbinger of hope, and the prospect of a brighter day—and scarcely had we commenced the great work of reform intrusted to our hands, when he, whom we had imprudently placed in the line of promotion, by which he became invested with the Executive power, opened negotiations with our enemies; ungratefully and cruelly made war upon us; taunted us with our unfortunate condition; and, as though we were slaves with manacles on our hands, declared to us, through his confidential organs, that the great constitutional functions which we intrusted to him would be exercised for the benefit of those only who would worship at the shrine of his power. Never since the days of Judas Iscariot has there been an instance of such shameless and unblushing treason.

Mr. Speaker, although I have been amused—as every one here must have been—at the developments that have taken place during this debate; yet I cannot reflect on it seriously, without feeling the most intense pain and humiliation. The sentiments which were uttered by the gentleman from Massachusetts [Mr. CUSHING] fell on my ear as the foreboding of the evils that are fast clustering around the destinies of our country. When I have reflected on the probable fate which ultimately awaited our nation, I have supposed that our Government—like all those that have preceded it—would, in obedience to that principle of change and revolution with which the decree of fate seems to have stamped all human institutions, have its day of degeneracy, decline, and ruin. But I have consoled myself with the hope that this period was in the far, far distant future; and that it would not come till we and our children, and our children's children, had passed away and been forgotten. But the declarations of the gentleman from Massachusetts have aroused me to the conviction of the corrupted and vitiated state of the public mind. And can it be—must history record it—that, in the very infancy of our Republic, in the fifty-fourth year of our existence, one who is recognised as possessing the especial confidence of the Executive, boldly and recklessly came into this hall, and here, in the face of the assembled Representatives of the nation, declared that the power and patronage of this Government would be wielded for the benefit of them who would sustain those in power? The open avowal of such sentiments affords alarming proof of the corruptions of the times—of the degeneracy of this age. The distinguished gentleman from Massachusetts [Mr. ADAMS] has compared it to the sale of the empire by the prætorian bands of Rome. It is worse than that. It was in the streets of Rome, amid the shouts and huzzas of the rabble, and not in the Senate-house, that the prætorian cohorts sold the imperial purple to him who would bid highest for its honors. And whilst mercenary swords were clothing with power the leaders of faction in the field of Mars, the flame of liberty still continued to burn in the councils of the Senate-house. It was there that the principles of freedom had been most devoutly cherished—it was there that they last expired. It was there that the precepts of Fabius and Cincinnatus, and Cato, and the Scipios, were last quoted with reverence—it was there that their virtuous and heroic actions were last forgotten. But here, in our Government—and in its infancy too—it is in the Representative hall of the nation, that Executive power and patronage, and Executive influence in the appointment of a successor, are offered as the reward of party allegiance. And that to come from Massachusetts too!—from the land of the Pilgrim Fathers!—from the classic soil of Lexington and Bunker Hill!—the first to resist tyranny—and must she bear the reproach of being the first to offer, through one of her sons, to barter away the rights for which she so gloriously suffered and bled?

These sentiments of the gentleman from Massachusetts are only the echo of what was heard a few months since in Faneuil Hall, from one whom that patriotic State so long looked on and cherished with pride and glory. How times must have changed!—how the public mind must have degenerated! That one, whose fame and character belonged to the nation, should have uttered the detestable doctrine, that the fact of there being many Whigs yet retained in office, should be a reason why that party should not denounce what they, in their hearts, believe to be the corruptions of this Administration! That the consideration of place should hush them into silence when they see public virtue scouted, and popular rights trampled into dust!—and that, too, in walls consecrated to freedom, where the spirit-stirring tones of resistance to tyranny have so often aroused the free and the brave! Would to God these sentiments could have originated with some one else than Daniel Webster!

Time once was, when every patriotic American felt proud that Daniel Webster was his countryman. His gigantic and commanding talents had endeared him to every lover of his country's glory. His noble efforts in many a trying contest had equally endeared him to every lover of constitutional freedom. What must have been the feelings of his friends—those friends who had cherished, sustained, and cheered him on in so many conflicts—when, on an occasion by which they sought to do him honor, instead of reviving their drooping spirits, and advising and encouraging them in their approaching struggle, he met them with reproaches, revilings, and bitter taunts! Sir, he is gone; and let him go! He not only abandoned us in the hour of our triumph, but he is now doing service in the ranks of those who have so often felt the force of his mighty arm. He may now, perhaps, console himself with the idea that, although he cannot save himself, yet, like Samson, he can bury beneath the ruins of our political edifice the *object of his hatred.* Still, if he possesses the common sympathies and feelings of our nature, the day of remorse *must* come. Like Themistocles, (who tarnished the escutcheon of his fame by negotiating with his former enemies,) he may, perhaps, receive his reward in some paltry office under his new allies; yet his declining years must be embittered with the recollection of the bright hopes he has withered, the afflicting evils he has brought upon his country.

What must be his reflections, on contemplating the character and progress of this debate? His name—which was once so mighty—now become a byword, and an object of jest and ridicule in this hall, which formerly echoed and re-echoed the sound of his voice! His name tossed about him with jeers and reproaches! One party mourning over his fall and his desertion, and the other rejecting his proffered alliance with scorn! Would to God, for the honor of our country, that this cup could have passed us by!

The gentleman from Kentucky [Mr. MARSHALL] spoke of the "scorn and contempt" with which Mr Webster must have treated the denunciations which have been uttered against him. So far as the Whig party in this House is concerned, the gentleman has begged the question. I deny that he has been denounced and anathematized here. I call upon every one within the sound of my voice to say if Mr. Webster has not been treated with the greatest forbearance and moderation. It is with pain and regret that his present position is alluded to here by the Whigs. It has, until lately, been in the language of apology for his course, and of hope that he would yet restore himself to the confidence of long-tried and faithful friends, that his conduct has been spoken of by the Whigs in this House. It is from the other party—from those whose cause he is now aiding—that he has received denunciation most heavy. But if he has been denounced by the Whigs, would not his denunciation be *prima facie* evidence that he deserved it? What interest could the Whig party have in denouncing such a man? Would it not rather be their interest to preserve so strong an ally—to possess the aid and influence of his mighty mind? And after adhering to him so long, through so many eventful struggles—is it fair, is it reasonable, to suppose that his former Whig friends here should denounce him without sufficient cause? To suppose so, was to reason against all the natural springs and impulses of human action.

As to the "scorn and contempt," of which the gentleman from Kentucky spoke, that is too easy a way of answering a proposition, for one of his logical mind. Suppose we have indulged in complaints—or censures, if you please: still, can "scorn and contempt" answer the charge? Do they prove that our censures are not well founded? Can they make atonement for the wrongs we have endured? "Scorn and contempt" are the cheapest of all men-

tal impulses; they afford evidence neither of intellect of the head, nor feeling of the heart. They are the impulses with which selfishness always regards honest and unfortunate suffering; with which heartless tyranny always looks on the complaints of the oppressed. The unfeeling miser listens with "scorn and contempt" to the cries of suffering poverty; the cruel despot feels "scorn and contempt" for the complaints of injured innocence. Domitian, no doubt, felt the same for the cries of the agonized Christians when torn to pieces by ravenous beasts; he felt "scorn and contempt" for the very prayers which, in the struggles of death, they offered to Heaven for his conversion——.

[Here Mr. RAYNER's hour expired; and he took his seat.]

HOUSE OF REPRESENTATIVES,
WASHINGTON, March 2, 1842.

GENTLEMEN: I ask the favor that you will publish in the Congressional Globe or Appendix the following statement of my views in reference to the treaty concluded at Washington in 1842. When the bill carrying it into effect was reported to the House by Mr. CUSHING, it was distinctly announced that a report would subsequently be made. The Committee on Foreign Affairs determined not to make a report; and, as a member of that committee, I was deprived of an opportunity of presenting the grounds of my dissent thereto; the debate in the House being cut short, I was again deprived of a similar opportunity. I, therefore, ask an insertion in your congressional record.

Your obedient servant,
JAS. A. MERIWETHER.

Messrs. BLAIR & RIVES.

In considering the treaty concluded at Washington on the 9th of August, 1842, between the United States of America and her Majesty the Queen of the United Kingdom of Great Britain and Ireland, an important preliminary question arises as to the *right and duty* of the National Legislature to deliberate on the expediency of carrying the treaty into effect--Whether, after it has passed through all the solemn forms of ratification by both Governments, it is not the supreme law of the land, binding on the whole nation; and, as such, that the Legislature cannot refuse to co-operate in its execution, without a violation of its duty under the Constitution, and of the faith of the nation? The question increases in interest, because of the peculiar character of some of the provisions of the treaty. The constitutional power of Congress to establish a navy is invoked; ships are to be built and repaired, officers commissioned, seamen enlisted, munitions of war provided, large sums of money appropriated for a series of years, and the policy of the Government and its expenditures changed and enlarged; all of which require the sanction and action of the Legislature. The question acquires additional interest from the course of the Executive—a branch of the treaty-making power. Instead of inviting a co-operation on the part of the Legislature in the execution of the treaty, it seems to be taken for granted that no power or right belongs to that department of the Government to exercise any volition whatever. Instead of asking at the hands of the Representatives of the people the necessary appropriations to complete and support the naval force called into existence by the provisions of the treaty, and of either directly or indirectly asking the sanction of Congress thereto, the estimates for this service are presented only as the usual and ordinary objects of expenditures, and the appropriations sought *professedly* with no other object than to carry on the ordinary routine of governmental duty; when, if they be granted, the purpose of the Executive is manifest, to carry into effect the treaty. And when a demand is made upon the Executive for information, by a branch of the Legislature, as to the cost and probable annual of expense of a squadron, in compliance with the treaty, the answer returned is, that the squadron "is merely a part of the customary and useful employment of our vessels of war;" that it is not to be "regarded as an increase of the navy;" nor "would it be proposed to reduce the navy, if it were not necessary." The manner in which this appropriation is sought, covered up under the general estimates for "*customary*" expenditures; and the evident and certain design of appropriating the squadron, when commissioned and provided for, for the purpose of carrying into effect the treaty, show too clearly that the Executive regards Congress as bound to carry it into effect, irrespective of all convictions of the utter inexpediency of doing so. The fact that the treaty has been ratified, and announced under the proclamation of the President to the people of the United States, and communicated to both branches of Congress, clearly implies that he regards the concurrence of the Legislature as totally unnecessary to give any validity whatever to it. I countenance no such doctrine as this. I deny that the Congress is bound, upon terms of unconditional submission, to observe a treaty made and ratified according to the forms prescribed in the Constitution. There are cases in which it may refuse its co-operation; and those cases are to be determined by a sound discretion, in view of all the attending circumstances. If the treaty could be executed without the intervention of Congress, it might be regarded as binding upon the whole people; and hence becomes a rule of action, prescribed by the superior power, and which the inferior must obey; and assumes all the dignity and authority of any other law. But, if such intervention is necessary, then the Legislature is as free to act as the Executive, and to withhold or yield its concurrence. Without this rule of interpretation, the rights of the Legislature would be wholly sacrificed; a Representative would be forced to lay aside all judgment for himself, to follow implicitly the dictates of others, and, knowingly, to vote for a palpable violation of that Constitution which he had most solemnly sworn to support. Without this interpretation, the power of raising a navy, of enlisting an army, of naturalization, of taxation, or of regulating commerce, (all of which are vested solely in Congress,) would be transferred to the President and Senate; and the voice of the people, through their popular elections, totally lost and neglected.

Again: there is no express restraint whatever in the Constitution on the treaty-making power. A cession of a sovereign State might be made to a foreign Government; entangling and ruinous alliances formed—alliances, offensive and defensive, with the most loathful and odious people, under circumstances revolting to all honorable and Christian feelings; the particular and special powers and rights of the Representatives of the people to originate all money bills might be swept away by a treaty with a foreign Government, made and ratified by the President and Senate. Under these circumstances, would it be contended for a moment that the Legislature should not refuse its aid to carry such a treaty into effect? It may be said that such a course, by the Legislature, would be uncourteous and impolitic, and cause foreign nations to become jealous of us, when we have such a power in reserve. This would be a strong argument against the exercise of the power, unless for satisfactory causes. But such considerations have as much influence over the action of the Legislature, as they have over that of the Executive; and it is fair to presume that the former will as faithfully protect the national interest and honor as the latter, and would not be any more likely to be influenced by trivial causes. But there is one reason which should render this construction of the powers of the Legislature satisfactory to all; and that is, that this power of withholding their co-operation is the only check upon the treaty-making power which can be possessed and exercised by the people.

Shortly after the adoption of the Constitution, this material question was fully discussed and settled by the adjudication of the House of Representatives, and by the people through them. In the year 1796, upon the ratification of the treaty with Great Britain, (commonly known as Jay's treaty,) during the administration of President Washington, the following declaration of opinion was made:

Resolved, That it being declared, by the second section of the second article of the Constitution, "that the President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur;" the House of Representatives do not claim any agency in making treaties; but that when a treaty stipulates regulations on any of the subjects submitted by the Constitution to the power of Congress, it must depend for its execution, as to such stipulations, on a law or laws to be passed by Congress; and it is the *constitutional* right and duty of the House of Representatives, in all such cases, to deliberate on the expediency or inexpediency of carrying such treaty into effect, and to determine and act thereon, as in their judgment may be most conducive to the public good.

This resolution was adopted by a vote of fifty-seven to thirty-five, and received the energetic support of such Republicans as Albert Gallatin, William B. Giles, Nathaniel Macon, James Madison, and other no less distinguished statesmen; and when a bill was introduced to carry this treaty into effect, the *expediency* of making the necessary provisions by law was carried, in Committee of the Whole, by one vote majority, and passed in the House by a majority of *three* votes; the history informing us that considerations of policy alone induced its passage.

I have said this much in defence of the constitutional right and duty of the National Legislature against the disrespectful and haughty assumption of the executive department. Whatever motive may have prompted such conduct, on its part, the unqualified condemnation deserves to be promptly made, that its repetition may not be attempted influenced by the impunity with which the present may have been received.

I do not propose to enter upon the consideration of those stipulations of the treaty which can be executed independent of the co-operation of the Legislature. Of that class is the one defining the boundary line between the two countries, and determining the *right of soil*, by each Government. Yet, as large sums of money are to be appropriated to the States of Maine and Massachusetts, which can alone be done by the Legislature, in "*consideration*" of the "conditions and *equivalents* received therefor," in adopting the *treaty* line of boundary, the consideration and examination of those "equivalents" properly and rightfully belong to the Representatives of the people. But, as the stipulation as to boundary is executed of itself—as the assent of those States has been yielded to that stipulation for a pecuniary consideration,—respect for the wishes of those sovereign members of our Union should induce a prompt co-operation by the Legislature in providing the means for carrying into effect so much of the treaty as provides for the payment of the sums therein specified.

What advantages, however, have resulted to our own Government from the treaty, beyond the privilege of paying out to the States of Massachusetts and Maine a sum exceeding in amount half a million of dollars—all yet remain to be discovered. England has been ready, for years, to close in with the terms now adopted; and the reason that they were not long since made the basis of negotiation, was the refusal of our own Government to recognise them. The delay has resulted in conceding to England what she desired, and not in securing to ourselves better terms. Yet I do not feel that the consideration of a "bad bargain" should influence the Legislature to withhold its co-operation from the stipulations of the 5th article, which depend exclusively for their execution, upon this department of the Government.

Other stipulations of the treaty, giving rise to questions of much greater importance than any growing out of the article referred to, do require the co-operation of the Legislature to give effect to them; and without that co-operation, they must remain wholly inoperative. The magnitude of the principles involved, and the surrender of rights by our Government, which were never before permitted to be questioned or debated—which follow upon the act of the Legislature co-operating in executing those stipulations, and the preservation of those rights, which can alone be had by its refusal of such co-operation—render the position of Congress, and more especially that of the House of Representatives, of the most vital importance to the future destiny of our country. By the terms of the 8th article of the treaty, the right of capture, detention, and search of our merchant vessels on the coast of Africa, has been ingloriously placed at the disposal of the Federal Executive, to be at *his* discretion surrendered to the British Crown, upon the surrender of a like privilege to the American ships over the British merchant vessels on the same coast. The establishment of a squadron of vessels, in pursuance of the terms of the treaty, perfects the surrender of that right: the refusal to make provision for such squadron, maintains our national rights upon that great question. It then becomes a subject of the deepest importance to the Representatives of the people, how far they will compromit the rights of their constituents, and tarnish the national honor, by a co-operation in the execution of so much of the treaty. The eighth article is in these words:

"Article 8th. The parties mutually stipulate, that each shall prepare, equip, and maintain in service on the coast of Africa, a sufficient and adequate squadron, or naval force of vessels, of suitable numbers and descriptions, to carry in all not less than eighty guns, to enforce, separately and respectively, the laws, rights, and obligations of each of the

wo countries, for the suppression of the slave-trade; he said squadrons to be independent of each other; ut the two Governments stipulating, nevertheless, o give such orders to the officers commanding their espective forces as shall enable them most effectu- lly to act in concert and co-operation, upon mutual consultation, as exigencies may arise, for the attain- nent of the true object of this article: copies of all uch orders to be communicated by each Govern- nent to the other, respectively."

By the eleventh article of the treaty, it is provi- led: "The eighth article of this treaty shall be in orce for *five* years, from date of the exchange of atifications, and afterwards until one or the other arty shall signify a wish to terminate it." The eculiar phraseology of the "eighth article" ren- ers the *extent* of its meaning somewhat equivocal. ts terms are contradictory. It speaks of "inde- endent squadrons," designed to enforce "*separately nd respectively*" the laws of "*each of the two coun- ries;*" and yet the two Governments are to give "such orders" to the "commanding officers," to en- ble them "effectually to act in concert and co- peration," upon "consultation," as "exigencies nay arise," for the "attainment of the *true* object of his article;" and that "*true object*" is nothing more r less than the *effectual* suppression of the "*Afri- an slave-trade.*" Here is the end to be attained; nd the *means* which are to be employed are such s will "effectually" reach it. If the capture of ur merchant vessels, their detention, visitation, nd search, are necessary, in the opinion of the wo Governments, under this treaty, by the "or- lers" of the Governments, the desecration of the na- ional flag and the prostration of the citizens' rights nay be made. The diplomatic history, as well as he pretensions of the two Governments growing ut of it, will serve to illustrate more forcibly the ffect of the stipulations complained of. In the reamble of the treaty now being considered, the ollowing declarations are to be found:

"Whereas by the treaty concluded at Ghent on he 24th December, 1814, between the United States nd his Britannic Majesty, an article was agreed to, nd inserted, of the following tenor, viz:

"'ARTICLE 10. Whereas the traffic in slaves is rreconcileable with the principles of humanity and ustice; and whereas both his Majesty and the Uni- ed States are desirous of continuing their efforts to romote its entire abolition: it is hereby agreed that oth the contracting parties shall use their best en- eavors to accomplish so desirable an object: and hereas, notwithstanding the laws which have, at arious times, been passed by the two Governments, nd the *efforts* made to suppress it, that criminal affic is still prosecuted and carried on: and hereas the United States of America, and her Majesty the Queen of the United Kingdom of reat Britain and Ireland, are determined that, so ar as may be in their power, it shall be effectually olished.'"

Under the article in the treaty of Ghent, here eferred to, England has asserted the *right of earch* over our merchant vessels, to suppress the frican slave-trade. The American Government as denied any such right. In fulfilment of the reaty, we have made the trade piracy, and have mployed our naval force, to a great extent, in en- orcing our laws. We have maintained, that since he slave-trade was not prohibited by the laws of na- ions, and since it was made piracy by our own unicipal regulations, we *could not*, and *would not* f we could, permit a stranger, with his fleets and rmies, to aid in the execution of our own laws; hat our own officers must alone execute them; nd that they, alone, must search and detain our wn vessels; that the right of search by a stranger as a belligerent right, and would be so regarded nd treated by our Government.

In further evidence of the desire of our Govern- ent to carry into effect the treaty of Ghent, and the xecution of her own laws, our vessels of war had een instructed to cruise in company with one or nore British vessels, that American vessels might earch the ships using the American flag, and the British vessels might search those of that nation, nd of such other nations as had conceded to Eng- and the right of search. Here were the positions f the two Governments: England asserting the ight of search as the means of suppressing the lave-trade; and the United States conceding and dopting *every other means* but that, for the pur- ose of attaining that end. There was, then, no midway ground left between the unconditional *sur- render* and the unconditional *denial* of the right of search. But it seems that the action of the Amer- ican Government has not been satisfactory to Eng- land, in execution of the treaty. Notwithstanding the "laws which have been passed at various times," and the "efforts made to suppress it," "the slave- trade is still prosecuted;" and *now* the two Gov- ernments, being "*determined*" that it shall be "*ef- fectually abolished, so far as may be in their power*," have adopted the eighth article of the treaty at Washington as the *means* by which the "*trade*" shall be thus "*abolished.*"

Then, as *something more* has been agreed to be done, the question is, What is it that shall be done? And if greater "*efforts*" are to be made, by which Government are they to be made?

Looking back to the positions of the two Govern- ments; the laws passed by each; the "*efforts*" made by each; and most especially the plan adopted, of vessels of each nation cruising together, that those belonging to either might be searched by the officers of their own Government; that all these *efforts* had failed; and the slave-trade was still prosecuted— what "*effort*" is there, as the *ultimatum* of "*all in their power*," that the slave-trade should be "*abol- ished effectually*," which could have been designed, but the concession of England's importunate and continued demand—the right of search?

If the plan of permitting and requiring the ves- sels of each country to cruise together, which had covered the length and breadth of the concession of our Government, had proved *ineffectual*, then it was not embraced in those *means* contemplated by the parties to be employed when they declared their determination to use all in "*their power*" to arrest the trade. If it had proved "*effectual*," no treaty stipulations were needed. Whether effect- ual or not, it would have been an act of supereroga- tion by both Governments, and an insult to our own, to have made it the subject of treaty nego- tiation; since our own Government had already proposed it to England, and both Governments had adopted it.

Under such circumstances, the American Sec- retary could not have entertained the proposition, when coming from another; and he must, indeed, have been lost to all sense of national honor, if he could have thought *one moment* of submitting the proposition to the British minister. All the facts concur in establishing, clearly, that something beyond the enforcement of the laws of each na- tion by their own vessels was designed by the treaty; and nothing but the right of search could have been meant. This is the conclusion to which every unbiassed mind must come, in respect to the power intended to be surrendered to the execu- tive discretion. Its force may be attempted to be broken, by the avowal of the *substitution* of the right of visitation, instead of the right of search. This is the special pleading with which the Eng- lish court has for years attempted to mislead and deceive the American Government; this is the ground on which she always justified her recent outrages upon American shipping. But there is no such distinction in the maritime law of nations, and the usage of the admiralty courts of any coun- try. If *visitation* is not accompanied with *search*, it is an empty mockery. This theory of England has been reduced to practice; and we have, in her *visitation* of American ships, demonstration con- clusive of what she means by the right. These visitations were followed by search of persons and papers, of vessel and cargo; and sometimes not only by a protracted detention of the vessel, but by the actual carrying her into port for adjudication. This practical illustration shows that what is meant by the right of visitation, is the right of visitation and search. It was so regarded by our Govern- ment in 1818, when Mr. Secretary Adams, in re- pelling the proposition of the British Government, said,—if the visitation was not carried out by search, "it would reduce the right itself to a power merely nominal," and the acquiescence in which "would serve rather to mark the sacrifice of a great and *precious* principle, than to attain the end for which it would be given up."

This question seems to have been too long set- tled, and by her own courts, to be agitated by England now. In the case of the Louis, Lord Stow- ell, in delivering judgment, said "that no author- ity can be found which gives any right of *visitation or interruption* over the vessels and navigation of other States on the high seas, except what the *right of war* gives to belligerents against neutrals."

If we concede to England the right of visita- tion alone, we concede the right of search along with it; there is nothing but a flimsy technicality separating them in name, while in practice it is entirely dissipated Then, by whatever deceptive and alluring name the *powers*, or *rights*, conferred under the eighth article of the treaty, mutually upon the two Governments, may be called—the right conferred is the *mutual right of search*, to be exercised under the "*orders of the two Governments.*" The British minister advised our Government that all further pretensions to the *right of search* were abandoned. Whether, by this, England meant to *visit* our ships, irrespective of our wishes, and then shelter the outrage behind the technicality she employed, after attaining all the substantial ends to which a *search* would lead; or whether she designed to hold the one in terror over us until, by *treaty*, we should surrender the other to her, is unknown. But certain it is, that, from the correspondence between Lord Ashburton and Mr. Webster, communicated to Congress by the President, it does not appear that the *British* minister made any demand, or offered any negotia- tion, to our Government, upon the subject. It seems that his Government was satisfied with his own position; while that of America became the mover of the proposition. The stipulation appears to have been the free-will offering of the American Secretary to the cupidity of England. How far the fear that England might refuse the mutuality of the right, unless stipulated for, controlled the conces- sion at this time, is only a matter of conjecture.

The correspondence accompaning the treaty dis- closes and sustains the fact, that the whole of the eighth article was not only the voluntary conces- sion of the American Government, but that the *right of search* was the concession intended to be made to the British Government by the terms of that article.

In the year 1840, an agreement was entered into between the officers commanding the ships of each Government on the coast of Africa, providing for mutual co-operation in suppressing the slave-trade; and that co-operation being the exercise of the mu- tual right of search. This agreement was disap- proved by this Government, and there it terminated. Pending the correspondence relative to the treaty at Washington, the Secretary of State calls upon the officer who executed this agreement, for in- formation of its nature. On the 2d of May, 1842, Lieutenant Paine, in a letter to Mr. Webster, says:

"As the wish of the State Department seems to be to ascertain the nature of the agreement itself, and the action of myself thereon; and as I wish to forward this view promptly, I shall restrict myself to these points, commencing with the agreement, of which the following is a copy:

'Commander William Tucker, of her Britannic Majesty's sloop Wolverine, and senior officer on the west coast of Africa, and Lieutenant John J. Paine, commanding the United States schooner Grampus, in order to carry into execution, as far as possible, the orders and views of their respective Governments respecting the suppression of the slave-trade, hereby request each other, and agree, to detain all vessels under American colors found to be fully equipped and engaged in the slave-trade; that, if found to be American property, they shall be handed over to the United States schooner Grampus, or any other American cruiser; and that, if found to be Spanish, Portuguese, Brazilian, or English property, to any of her Britannic Majesty's cruisers employed on the west coast of Africa for the suppression of the slave-trade, so far as their re- spective laws and treaties will permit.

'Signed and exchanged at Sierra Leone this 11th March, 1840.

'JOHN S. PAINE,
'Commanding U. S. schr. Grampus.
'WM. TUCKER,
'Comman'g H. B. M. sloop Wolverine, &c.'"

Comparing this agreement with the eighth ar- ticle of the treaty, it will be seen that the terms of the former suggested the idea of those of the lat- ter; and the *practice*, under the agreement, leaves us no reason to doubt what was designed by the par- ties should be that under the treaty. The incorpo- ration of the principle of this agreement into the treaty the adoption of the stipulation as to the mode of "effectually" abolishing the slave-trade—shows an abandonment of the principles hitherto asserted, and the rights before maintained by our Govern- ment, and the unconditional surrender to England of her haughty demand of the right of search over our vessels. The arrogance of her demand is mit-

gated only by the fact, that the exercise of the right is under municipal regulations, and not by the law of nations.

Upon the communication of this agreement to the American Government, by Lieut. Paine, Mr. Secretary Paulding replies; and, after remarking to him (Paine) that "he has delegated to that officer (British) the right to *seize* vessels under American colors," continues: "Such a delegation of power is not only unauthorized by your instructions, but contrary to the established and well-known principles and policy of your Government, and is, therefore, not sanctioned by the department"—"the great object of the co-operation being to obviate the difficulties of capture, growing out of assuming Portuguese, English, Spanish, or Brazilian colors when overhauled by an American, or American colors when overhauled by a British cruiser. For this purpose, you are authorized to cruise in company and in co-operation with any British vessel of war employed on the slave-coast, in pursuit of objects similar to your own." Lieut. Paine, in communicating this disapproval to the British officer on the 27th April, 1841, says: "From the above extract, you will see that the Secretary of the Navy at Washington is careful to avoid giving *countenance* to the practice of detaining American vessels, even though they be slavers, unless by American vessels of war. The *best*, if not the *only* means of co-operation left, would seem to be exchanging information, or *cruising in company*." Another proposition was made, in 1841, to re-adopt a similar agreement, which was refused by the same officer; and, in 1842, the agreement was embraced in the treaty stipulation. So far as the President and Senate could go, to give that treaty effect, they have gone. It now remains for the House of Representatives to determine whether, by an appropriation for a squadron on the African coast, they too will concur in the relinquishment of that great and inestimable principle—our absolute immunity from search. England having failed to bully France into its surrender, now seeks quietly to dupe the American Government into an acquiescence of her haughty and insolent demands. And shall the immediate representatives of the people tamely cower before this impudent pretension, or ingloriously embrace the dishonorable terms of peace which England's self-esteem has prescribed? Shall we permit the citizens of our Republic, pursuing their legitimate callings on the high seas, to be pursued by British cruisers—captured, detained, searched, and perhaps carried into port, placed in duress, injured in their business—all for the gratification of knowing that American vessels of war might be permitted to treat the British vessels in the same manner? Never. The right of search is a belligerent right, which, whenever exercised by foreign nations towards the ships of America, is a just cause of war; and it can never be surrendered by treaty stipulations, or otherwise, without dishonor and disgrace to the national character. And the highest duty which a representative of the American people owes to his country, is promptly to reject all and each proposition which seeks to give effect to a treaty surrendering so high a right.

Why the arrogant pretensions of England towards the shipping of America should be so readily and cheerfully acknowledged by our Government, is unaccountable. It is true, she has interdicted the slave-trade; but it was not until she had enriched her subjects, and filled the American colonies with slaves against their wishes. She has made the trade piracy; but it was done only to assimilate herself to the wisdom and justice of our own Government, and to follow its example.

The British nation had carried on the slave-trade for two centuries—not only to supply her own colonies, but those of France and Spain. Under the first Stuart kings of England, joint stock-companies were chartered with exclusive privileges for the trade. By the treaty of Utrecht, the British traders were entitled to the monopoly of the trade in the dominions of "his Catholic Majesty in America"—"at the rate of 4,800 negroes yearly, for the space of thirty years successively." On the accession of Charles II, upon the representation that more negroes were needed on the British plantations in America, he "publicly invited his subjects to the subscription of a new joint-stock company for receiving and carrying on the trade of Africa." In 1703, the State of Massachusetts imposed a heavy duty on the importation of slaves; in 1767, they attempted to establish a duty equivalent to prohibition, which was defeated by the council established by the Crown. The Colonial Legislatures of Pennsylvania and New Jersey attempted to interdict the trade by similar duties; but their enactments were rejected by the Crown. Virginia petitioned the Crown to remove all restraints from the governors of that colony, inhibiting their assent to laws checking the slave-trade; and so indignantly was this respectful petition treated, that no answer was given to it.

Upon the Declaration of Independence, in 1776, the American Congress passed a resolution against the purchase of slaves imported from Africa. Upon the adoption of the Federal Constitution, the importation of slaves after 1st January, 1808, was prohibited. In 1794, Congress passed a law subjecting to fine and imprisonment any American citizen who engaged in the African slave-trade; and in 1807, a law was passed carrying into effect the clause of the Constitution prohibiting the African slave-trade.

The American Government interdicted the foreign slave-trade thirteen years before Great Britain: they had made it "punishable as a crime" some years before; and made the period of non-importation into the Union four years earlier than that assigned by Great Britain for her colonies. Why, then, is it that America must yield so much to this eleventh hour convert against the African slave-trade?—that, proud and insolent as she is, her haughty and arrogant officers shall arrest our vessels on the high seas, open their hatches, muster their crew, inspect their papers, overhaul their cargo, and treat with contumely and contempt the humbly but nobly-born American, to know whether he is violating the laws of America, as a pirate and thief? Is such contumely as this to be borne?

It was not until after the peace of 1814 that this right of search was first agitated as the only effectual means of suppressing the slave-trade. In 1816, it was admitted by Lord Castlereagh that the right of search, being a *belligerent right*, had ceased with the war; and, if only one State resisted the right, it could not be exercised against her. In 1818, an application was made to the American Government to surrender this right by treaty. The proposition was met with signal ability, and repelled most properly, by the then Secretary of State, John Quincy Adams.

In conclusion of his reply, he says: "The search by foreign officers, even in time of war, is so obnoxious to the feelings and recollections of this country, that nothing could reconcile them to an extension of it, however qualified or restricted, in time of peace." And it is very much doubted whether, at *this time*, such a practice is less repulsive to the feelings and recollections of the American people. Notwithstanding the treaty of Ghent was made in 1814, yet up to this time no British statesman has ever dared to assert the exercise of the right of search upon American vessels, except in time of war; and then, as a belligerent right only. In the year 1824, a convention between England and the United States was held, which provided for the mutual right of search and visitation under a variety of restrictions and regulations; which failed to be ratified on account of causes other than those growing out of the exercise of this right. During this negotiation, no intimation was made of the right of visitation and search on the high seas, in time of peace, for *any* purpose independent of compact. So late as the year 1839, it was avowed by the Duke of Wellington, in the British Parliament, that, as to "searching vessels of the United States for papers, &c., there was every reason to believe that that power would decidedly resist any such attempt on our part."

No longer ago than January, 1840, the British Government—in addressing the Haytien Government upon the subject of a law passed by it in 1839, providing that any vessel, whether Haytien or otherwise, found in the act of slave-trading, should be seized and brought into a port for adjudication—held this language: "Now, Hayti has undoubtedly a full right to make such an enactment about her own citizens and ships; but her *Majesty's* Government apprehend that Hayti has *no right* to *legislate* for the ships and subjects or citizens of other States." "That, in *time of peace*, no ships belonging to one State have a right to search and detain ships sailing under the flag of, and belonging to, other States, without the permission of such States, which *permission* is generally signified by treaty; and, if Haytien cruisers were to stop, search, and detain merchant vessels sailing under the flag of, and belonging to, another country, even though such vessels were engaged in the slave-trade, the State to which such vessels belonged would have just grounds for *demanding satisfaction and reparation* from Hayti, unless such State had previously given to Hayti, by *treaty*, the right of search and detention." These are the positions England assumes, when she speaks in defence of her own rights against invasion. When she invades the rights of others, her positions are shaped to suit the occasion.

It was only as late as the year 1841 that England ever asserted this right, and then qualifiedly. Lord Aberdeen says: "In certain latitudes, and for a particular object, the vessels referred to are visited—not as *American*, but either as British vessels engaged in unlawful traffic, and carrying the flag of the United States for a criminal purpose, or as belonging to States which have ceded the right of search to Great Britain, or as piratical by laws." Upon this visitation, search, capture, and detention follow; and the vessel is carried into port for adjudication, upon the discretion of a British officer, and before a British court. If, upon trial, it proves to be an American vessel, and engaged in lawful business, she is discharged; but England *having the right* to search her, pays neither the expenses of detention, nor the cost of suit; and these frequently amount to as much, and more, than the vessel and cargo are worth. It is thus that the rights of our citizens are prostrated by England, and who may not see the policy she might have in view by thus acting, when she sought to monopolize the commerce of any country, and to drive our vessels from it? And the only remuneration which our Government or its citizens receive from this outrage, is the assurance that England did not visit this vessel as an *American vessel!*

And now, under these circumstances, with such a weight of authority to sustain us—as though the act was too shameless to bear its avowal openly by an introduction in a treaty—this important right of search has been surrendered to the power and discretion of the Executive, to be bartered away to England, under his orders, for a corresponding right from the British Government! The Government of the United States has gone further than any other nation in suppressing the African slave-trade. It was in the advance in declaring it piracy; and it has ever been a matter of desire to induce other nations to attach the punishment and odium of the crime to the act. But the United States desired to protect her citizens against the possibility of abuse; and, in doing so, it was only necessary to distinguish between piracy, as a municipal regulation, and as a crime against the laws of nations. We have ever adhered to the difference of rights created by this difference in principle. The offender against our laws is subject to be tried in our own courts alone; and the right to search our vessels on the high seas belongs to no other people on earth but the officers of our Government, and its exercise by any other must and will be regarded as the exercise of a belligerent right, and will be treated accordingly.

The utmost that the law of nations has ever warranted, or justified, was the right of public armed vessels cruising for pirates on the high seas, to the mere authority of approaching suspicious vessels for the purpose of ascertaining their real character, by any means short of actual visitation and search. If the vessel should prove to be engaged in *illegal* trade, under the laws of nations the search is justified; but if, on the contrary, she is engaged in lawful pursuits, the visitation is illegal, the search unjustified, and the party performs both at the hazard of the consequences. These are the grounds on which the American Government has always stood, and always been justified, even by England herself, except when her interests were different. And now the plain question presents itself—whether we shall abandon these high, and noble grounds at the insolent dictation of England? Why should we abandon them? Have our vessels been engaged in the slave-trade to such an extent that extraordinary measures have to be resorted to, to stop that piratical business? No. For many years, I am informed, no American vessel has been thus employed. Why, then, when our treaty stipulations have been observed with a religious faith—when our vessels have never been engaged in the violation of the laws of our own Government—why is it that the laws of nations are to be wholly revolutionized, and the rights of our citizens on the high seas dom-

led under foot by the insolence of British officers? is too much the character of Americans to ear injuries while they are tolerable, than *promptly* o resent them when offered. England knows this, nd, by a gradual usurpation of our rights, she opes to attain all she demands; protesting that she ntends us no indignity, but all the while heaping nsult upon injury.

From the speech of Sir Robert Peel, in the British Parliament, we are plainly told what the American Government may expect. The *right of visitation*, he says, has not and will not be surrendered y *his* Government. He speaks truly when he says o; the treaty guaranties it to him. But he assumes a loftier ground than this; and tells you that e holds it by higher authority, and intends to exercise it. I suppose that England will exercise the ight just whensoever she pleases. Notwithstanding she has, time and again, said that no such right xisted, or should be exercised towards *her* vessels, he will assert it and exercise it towards *our* ships. et her do it: but the first footstep made on our essels by her officers, to carry out her asserted ight of visitation, will be with me a sufficient ause for *war;* and I would vote forthwith a declaration of war against her. And while I will ot vote *one* gun to carry out this abominable reaty, I am prepared to vote one thousand guns or the African coast, to show England that she *hall not* tread the deck of the most worthless vesel in our whole commercial marine.

I know it is a difficult matter to arouse the public mind against the insidious encroachments of England upon our rights. The great mass of our people are wholly unacquainted with the injuries sustained by our seafaring people, in subjecting hem to England's visitation. Already do we hear proclaimed that British officers should be permitted to visit American ships, to see that they are ot engaged in illicit trade. But apply this principle to the humblest citizen in this republic—subecting his domicil to visitation—and war would ollow forthwith. The deck of an American ship s American territory. Who dares invade it, as England proposes to do?

Were a British officer to enter the dwelling of an American citizen, and upon American territory, o demand proof of his occupation, his pursuits, nd purposes, and, upon the receipt of information wholly unsatisfactory, to proceed to search his welling, to ascertain whether he concealed stolen oods, or murderers,—where is there a man who would not step boldly forth to punish the aggression? Nay, who would not raise his voice for war against hat government which would thus insult and inure our citizens? And yet England does all this, nd more, towards our fellow-citizens on the high eas; and we tamely acquiesce in it all. Why should we be less jealous of the rights of the mariner than we are of those of the landsman? The uestion of the right of search is an abstruse one—ne little thought of, and less studied, by our people. But it should be brought to the reflections of every nind; and, when this is done, there is no fear as to he result. We are a great agricultural people. Our agriculture is rendered valuable by our commerce, which bears our cotton, wheat, and breadtuffs to every civilized nation. Our manufactures are beginning to compete successfully with hose of the British nation, in many countries.

America is England's hated and feared rival: nd now, to sweep our commerce from the seas, nd monopolize it with the vessels of her own subects, has become the great object of solicitude by he British Crown. Our vessels, wherever found, re to be *visited*, as a matter of right. If the American is not most obsequious to the impudent and inolent demand of the British officer, as a matter of *right*, his vessel is to be searched. If everything on board does not suit the notions of the officer—who enters the ship with a determination not to be suited—as a matter of *right*, the vessel may be seized, carried into port, and tried before a court, all as a matter of *right*,) and the American ruined by the burden of costs, the delays, and injuries to his business. And all this is *justified*, because England had the *right* to visit the ship, and these were the consequences of the visit. No, sir: place his right of search where the law of nations has placed it; that, if you put foot on an American deck, you do it at the hazard of the consequences; and, if we permit you to do it with impunity, it will be a matter of *grace* from us, and not of *right* on your part. Maintain your old ground, and you will preserve and protect your commerce; but yield to England what she *demands*, and your commerce will be destroyed: for your people will not engage in it, when almost certain ruin awaits their enterprise and industry. Eventually, we shall have to choose between a ruined commerce and a war.

A different view seems to have been taken of the character and effect of the concession made to England by the United States, by the President of the United States. In his message communicating the treaty to the Senate, he says that, by its stipulations, no change has been made in the law of nations; but that each nation is left to execute its own laws, separately and independently of the other. Conceding the construction assumed, we find, in the reasons assigned for this new arrangement, as much cause for national dishonor as would be entailed by the surrender believed, in fact, to have been made. The President says: "The treaty obligations subsisting between the two countries for the suppression of the African slave-trade, and the complaints made to this Government within the last three or four years—many of them but too well-founded—of the visitation, seizure, and detention of American vessels on that coast by British cruisers, could not but form a delicate and highly important part of the negotiations which have now been held."—"Interference with a merchant vessel by an armed cruiser, is always a delicate proceeding, apt to touch the point of national honor, as well as to affect the interests of individuals. It has been thought, therefore, expedient—not only in accordance with the treaty of Ghent, but, at the same time, as removing all pretext, on the part of others, for violating the immunities of the American flag upon the seas, as they exist and are defined by the law of nations—to enter into the articles now submitted to the Senate."

Thus it seems that the right of search, as practised by England upon our vessels, was regarded as of such great importance, as to constitute a material subject of negotiation. It was, indeed, a cause of complaint on the part of the American Government, and had, before this negotiation, been made a subject of special representation to the British Government. We have seen how it was received, and what special pleading resorted to, to justify it in the past, and to affirm and sustain its repetition in the future. And now, to avoid that *repetition*, (which no denial of the right, on our part, could check,) our Government formally, and for that reason, accepts the terms stipulated in the treaty. The "immunities of the American flag, as they exist and are defined by the laws of nations," being disregarded by England, we are compelled "to enter into the articles" of the treaty, to secure their recognition in the future.

Under such circumstances as those which surrounded our Government, (the full extent of which was known to us,) in what manner did it become a nation, jealous of her honor and self-respect, to act? When we recollect that the treaty of Ghent, under which our obligations arose, had been in existence more than a quarter of a century—that England, during nearly all that period, had never asserted the right which she now pretends to—that no such stipulation as the one now adopted was ever before proposed in any treaty, and that no necessity was ever presumed before to exist for its adoption,—when our Government had been insulted by England's past conduct, and was now menaced by her present attitude—there was no other alternative left to the American Government, but an unqualified refusal to listen to any terms of negotiation as to the right of search, or of any substitution for it. There was but one course which our Government could, in honor, pursue: and that was, to say to England that the right of visitation and search did not belong to her, and that she should not exercise it over our vessels. Instead of adopting this course, however, terms of compromise are adopted, by which the United States agree to maintain a squadron of not less than 80 guns, for five years, on the African coast, and longer, if neither Government object, at an annual cost of several hundred thousand dollars. This is the price we pay England for her impudent pretensions; and the *tribute* we render her for suspending for the time the haughty power she assumes, to reign mistress of the seas. This is what our country gains in point of honor—our vessels acquire a greater immunity, in being exempted from the visitations, searches, detentions, and insults of the British cruisers, during that time. The country would rather have paid millions for the defence of its rights, than to have contributed one cent to buy its peace from England. And after the period stipulated, should either Government recede from the further continuance of this tribute, England is remitted back to her original assumption of right, strengthened by the stipulations of this treaty. And whensoever she shall think fit, her arbitrary *will* will be emboldened to demand *new* terms, and to exact more rigorously a compliance with her haughty requisitions. The postponement of the issue promised through the homage of this tribute, is but weakening an established and indisputable right. Now is the time to settle that issue; now is the hour when England should be made to know that the rights of American merchants and seamen, on the high seas, should be respected by her. No temporizing policy should be resorted to, for a moment; no paltering with the nation's interests should be countenanced, to gain a temporary quiet. An American Congress desires to speak out boldly and decidedly as to our rights; to renounce this stipulation; to assume the grounds always before maintained by national honor; and to allow no interference from England or elsewhere.

If it were respectful to ourselves to debate the course of England, after the termination of that period, limiting the payment of our tribute, I should say that there was no guaranty, after all the money we have paid her, and all the humility we had shown to her, that we would not again have causes of complaint "of the visitation, seizure, and detention of American vessels by British cruisers." There is no assurance that we should not be compelled again to treat with her; and that, too, under circumstances of deeper humiliation than those which attended the late treaty. But I feel no disposition to entertain any such proposition. I renounce now, and at all times, the terms of submission which *extort* the *tribute* from our people; and peremptorily refuse the execution of a treaty so discreditable to the patriotism and the honor of the country. With one code of national law, under which she enforces *protection* to her own citizens when assailed—with another, by which she extorts the surrender of similar rights from other nations—through her diplomacy in both—she has, in her recent negotiations, left the American Government the mere creature of subserviency to her will.

Conceding to the Executive the truth of his own construction of this ill-starred treaty, that its stipulations were dictated for the purpose of "removing all pretext" on the part of England for violating the immunities of the American flag upon the seas"—yet it is from the fact, that it is a *treaty* stipulation to purchase our exemption from violations of the "immunities of the American flag," and that we have to *bargain* for the recognition of our rights, established by the laws of nations, that renders its support by the representatives of the people inconsistent with the respect due to our common country. Our Government was under no *obligation* to stipulate with any power on earth, *how* the "immunities of our flag," and our rights under the laws of nations, should be preserved. We were bound to place the honor of our nation in the keeping of no one. If the American people are unable to preserve both, let them by treaty relapse into a state of pupilage to England; if we are wanting in gallantry to defend our flag, let it be desecrated by the forbearance of England; if we are wanting in honor to execute our treaties, let England coerce their execution, by the multiplication of pledges. But, if the American people entertain yet any self-respect, let them scout a treaty which makes the defence of the one, and the execution of the other, a matter of *bargain* with a crowned head of Europe.

Apart from the surrender of the great principle involved, by an appropriation for the squadron on the African coast, is the extravagantly large and unnecessary expenditure which must be made to meet that provision of the treaty. For all commercial purposes, it is utterly useless and unavailing. By the report of the Secretary of the Navy made to the Senate on 30th December, 1842, there will be required for that service two sloops of the first class, and four brigs or schooners—carrying, in all, 84 guns. The cost of the vessels will be $424,242; the annual expenses of every kind in supporting the squadron, is $281,182. This squadron is to be maintained for five years, and as much longer as desirable; and until, on our part, both Houses of Congress, with the sanction of the President, shall order its discontinuance. The annual expenditures for the five years will amount to $1,406,910;

which, added to the original cost of the vessels, makes an expenditure of $1,830,152. From the unhealthy character of the station, and the great exposure to disease, it is fair to presume that one-eighth of the officers, seamen, and marines on board will, either in person or their families, be made pensioners on the treasury of the Government. The number of men (including officers) to be employed on the station is 708. The commerce which this disproportionably large squadron is designed to protect, is insignificant in the extreme. From the commercial report for twelve months ending the 30th September, 1841, it appears that there was imported into the United States, from Africa, $408,955 of merchandise; during the same time, the total amount of exports to that country was $636,768—making a commerce of $1,045,723. The actual cost of the ships exceeds the whole amount of the importations; and the annual expense exceeds 25 per cent. of the whole commerce. But the amount of commerce stated includes the whole of all Africa—that on the Mediterranean (which is by far the greatest portion) as well as that on the eastern coast; and it is doubted whether that which it is designed especially to protect would amount to ten per cent. of the whole amount; and whether the annual expenses of the squadron would not more than double it in amount. That portion of the commerce on the Mediterranean is defended by a squadron now there; that on the eastern coast, by the Pacific squadron.

If similar protection was extended to our commerce elsewhere—assuming that the whole amount of that of Africa comes from the region to be covered by our navy—the annual expenses of our naval establishment would greatly exceed fifty millions of dollars. Hitherto, the Government has not found it necessary to keep upon that coast more than one or two vessels of small size. England has of late years assumed the right of searching all that were suspicious, and upon no occasion has an American ship been found engaged in the piratical slave-trade. Nor does any information reach us that any good or bad cause exists to create the belief that our citizens are preparing to engage in that trade. Why, then, has this very sudden and very large increase of expense been added to our national expenditures? Is it to furnish a fleet to aid England in detecting the villany of her own subjects, and to tax the people of the United States for the benefit of her treasury? Or has she haughtily menaced us with the continued practice of searching our vessels? and, as terms of compromise, and to "*buy our peace*," has our Government surrendered the right—to be cloaked, however, by its mutuality on her part, and as a consideration for the specious covering which veils it, stipulated for an annual tribute, to be furnished in vessels and men?

Viewing the provisions of the eighth article in whatever light possible, no other conviction can be arrived at, than that to give it validity by the action of the Legislature is to dishonor the American name, and to prostrate the interests and rights of American citizens.

SPEECH OF MR. GIDDINGS,

OF OHIO.

In the House of Representatives, February 13, 1843.—On his motion to reconsider the vote taken upon the final passage of the "bill for the relief of the owners of slaves lost from on board the Comet and Encomium."

The SPEAKER having announced the question—

Mr. GIDDINGS remarked that he had made the motion to reconsider the vote just taken, more for the purpose of calling the attention of the country to the character of the bill under consideration, than with the expectation of preventing its passage.

I have (said he) moved the reconsideration, more for the purpose of absolving myself from all participation in the guilt of aiding in the objects contemplated by its framers, than with the hope of saving the country, and this Congress, from becoming participators in the odium justly attached to this "execrable commerce in human beings." I will remark, that the duty which now devolves upon me has resulted from the action of other gentlemen. I have not sought it, but it has been forced upon me. I call the House and the country to witness, that neither now, nor on any former occasion, have I unnecessarily thrust this subject of slavery, or the slave-trade, upon the House. On the contrary, the war on my part has, at all times, been one of defence; it is peculiarly so at this time. The House are fully aware that "a bill for the relief of the owners of slaves on board the Comet and Encomium" was reported at an early period of the late session. It directed certain officers of this Government to institute an inquiry, and to ascertain who were the owners of the persons on board the slave ships Comet and Encomium; and having determined upon the title by which certain persons owned certain other persons, such officer was to pay over the sum of more than seven thousand dollars, obtained from the British Government by Martin Van Buren, late President of the United States, and by the late Secretary of State, John Forsyth, paid to William Selden, Treasurer, and by him placed to the credit of the Government.

Seeing a bill reported by one of the regular committees of this House, which thus plainly, upon its face, sought to encourage the slave-trade, I examined the subject, so far as to satisfy myself that the whole proceedings of the President, and our minister at the Court of St. James, had, from the commencement to their termination, been a most palpable violation of our Constitution, and of the constitutional rights of the free States, as well as a reproach upon our national character. I determined to oppose its passage to the extent of my humble ability. It came up on several days allotted to such private bills as were not objected to, and, as often as it was called, I objected to its passage; and, on being appealed to by the honorable chairman of the Committee of Ways and Means, who reported it, I assured him that my objections were substantial and sincere, and that in no way could I consent to the passage of any bill for the benefit of those who deal in human flesh.

The gentleman from North Carolina [Mr. STANLY] came to my seat, and requested me to withdraw my objections, and appeared to think it unkind in me to persist in obstructing its passage. Entertaining a high opinion of his liberality and courtesy, I felt anxious to satisfy him that I was governed by no frivolous objection. I stated to him that the money had been paid to the Treasurer without authority of law, and could be safely withdrawn without any action of Congress, for it had never been the money of the nation; it was received without our sanction, and the sureties of the Treasurer were not holden for it; and that we had no legitimate control over it. He said the Treasurer would not take it from the treasury without a law for that purpose. I stated to him that I merely objected to staining our hands in the guilt of that transaction, and that no one desired to keep the money; that, as it was the price of blood, and a stain upon our national character, I was anxious to get rid of it; and suggested that the bill might be so amended as to avoid any objections on my part. He asked me to draw such an amendment, and I did so at my seat. The amendment simply authorized the Treasurer to withdraw the money from the treasury, without committing ourselves or the nation in any manner to its further disposition. I thought this would save Congress and the people from participating in the guilt and disgrace of this slave-trading transaction, and would save the discussion into which I am now most unexpectedly forced, without preparation, and under circumstances which render my efforts hopeless. The gentleman consulted with his colleagues, and agreed to the amendment, which he subsequently offered, and which was adopted on his motion; and without further objection the bill passed, and was sent to the Senate.

It will thus be seen that the form of the bill, as it then passed the House, was such as met the views of that gentleman and his friends, as well as of myself. I supposed him to act in good faith, and had not the least suspicion that he would have acted with less liberality and candor toward me, than I had manifested toward him. But for his apparent satisfaction with the amendment, I should have persisted in my objections; and should have kept the bill in committee, where it would have been fully discussed, and its merits understood. I did not then expect the bill to come here in its present form; but had I known that it would have returned in its present shape, I could not have believed that the gentleman from North Carolina would have attempted to prevent the expression of my views by springing the previous question. This management has created in me some unpleasant emotions, for it comes from a source from which I had not expected it. However, the bill was sent to the Senate, where it was amended, by striking out the whole of it, and restoring the original as it was reported to this House. This amendment of the Senate came up this morning for concurrence, and the gentleman from North Carolina obtained the floor; and, after briefly stating that the money was in the treasury, and that, from my peculiar views, I was opposed to its passage, but that no other member had objections to the bill, he called for the previous question. I appealed to him to withdraw his call, to enable me to state my objections. This he refused; and, in so doing, has forfeited that claim to courtesy which I supposed him to possess. I mean nothing disrespectful to that gentleman when I say that I had not authorized him to state to the House that I was opposed to this bill. I had never constituted him the exponent of my views.

Again, sir: If that gentleman intended to say that I was the only member who entertained objections to this bill, he has stated that which he was not authorized to say. Such is not the fact. Other gentlemen were anxious to state their objections; but his adroitness in calling the previous question has denied them the privilege, which I have saved to myself by a sort of legislative stratagem,* which, under almost any other circumstances, I would not practise. Having done this, and now being in the legitimate possession of the floor, I beg leave to say to the House that it is no part of my purpose unnecessarily to call up unpleasant feelings in the mind of any member; yet I intend to speak with perfect frankness, and I intend calling things by their right names, without circumlocution, or particular delicacy, in regard to this slave-trade.

We are called on to interpose the supreme power of the nation to aid the pecuniary views of certain individuals resident in this District and vicinity, who, in 1831, entered into a commercial speculation for the purchase, exportation, and sale of a certain other portion of the population resident here and in the surrounding country. For this purpose they chartered the ship "Comet," to sail from Alexandria to New Orleans; they then made their purchases of men, women, and children. Here, sir, in sight of the hall in which we are now sitting, and in full view of the "star-spangled banner" which floats over this edifice, consecrated to the maintenance of our national honor and human freedom, they examined the bodies, viewed the proportions, determined upon the age, and fixed the value of fathers, mothers, sisters, brothers, and children. Then came the separation. All the ties of domestic life were severed; the child torn from its parents; brothers were taken, while parents and sisters were left; the fond mother chained to the cofle, and forced from her home and hearth amid the heart-rending cries of her child; while deep agony and unutterable anguish sat upon every countenance, except those of the slave-dealers, who, without a pulsation of human sympathy, with whip in hand, forced their drove of "human chattels" on board the slave ship lying at yonder wharf, in plain view of the windows in front of our hall. I cannot say what was going on here when these unfortunate members of our common family were thrust on board that ship, and each took his last, long, lingering look at the towering dome of this Capitol—the pride and ornament of our nation. Probably some Democrat was at that moment expatiating upon the "inalienable rights of man"—upon that "largest liberty," so constantly the theme of their party; or, peradventure, the gentleman from Virginia [Mr. WISE] was demonstrating to this House that Congress has no constitutional right to interfere with this slave-trade, upheld by, and carried on under, an act of Congress; and which we are called on to-day to encourage and sustain, by the passage of the bill before us, in this District. Whatever was the business here, the slaves were driven on board; the sails were unfurled; and this ship, crowded with "weeping humanity," under the guidance of her piratical master and those speculators, was wafted down the Potomac on her voyage to New Orleans.

But, sir, these "women buyers" failed to accomplish their mercenary purposes; and we are now sitting here, gravely legislating to enable them to carry out the objects of their undertaking. Yes, sir; place this subject in whatever attitude you please—throw around it whatever sophistry you can—the truth will be developed to the world, that, in the year 1843, an American Congress sat gravely legislating for the benefit of "slave-breeders" and

*Mr. GIDDINGS voted in the affirmative, on the passage of the bill, for the purpose of moving a reconsideration, which could not be done by any one voting in the minority.

"slave-dealers." Sir, let it go upon record. Let the archives of the nation bear witness, in all coming time, that two hundred and forty-two American statesmen sat in this hall, deliberating upon granting pecuniary relief to persons engaged in that traffic, which Jefferson said had "rendered us the scoff of infidel nations." But, sir, let not my name be found among the number of its advocates; let not my descendants in future years be called to blush on reading the record of this day's proceedings. Sooner, far sooner, would I have it stricken from the records of this House. Yea, sooner would I have it blotted from existence, than see it placed on record in favor of the bill before us. Yet, sir, the bill will pass, and become a law. My personal and my political friends will vote for it; not that they would knowingly and considerately aid and abet those who live and become rich upon the anguish and sufferings of mankind; but because they have not examined this subject, and have not looked into the effects and weighed the consequences resulting from the passage of this bill. The House is already committed, and are impatient at the delay occasioned by my remarks. When I shall close, the previous question, or a call to lay the motion to reconsider upon the table, will be made; and we shall be driven on to the consummation of a deed, in contemplation of which my soul shrinks back with horror. But I proceed with the statement of facts.

These hucksters in human flesh voluntarily carried their cargo beyond the line of this District, and beyond the jurisdiction of any slave State. The slaves thereby became free, in law. The moment they crossed the line of the slave States, and entered upon the high seas, that moment they were, to all intents and purposes, freemen. That moment, in the eye of the law, their shackles fell, and they stood upon the deck of that ship clothed with all the attributes of Americans and of freemen. I state this as a legal principle. It has been substantially so decided in the slave States, and in the free States, and in the courts of the United States; and it is no longer to be denied or doubted.

After these people had thus become free by the voluntary action of their owners, and when they were possessed of the same legal and moral right to take their former owners to Africa, and sell them there as slaves, as their owners had to carry them to New Orleans for that purpose, they were suddenly shipwrecked near the island of New Providence. The wreckers carried them and their former masters to Nassau, where they all landed, and each, as he had a legal and moral right to do, sought his own happiness: Here, sir, was the misfortune from which we are called on to-day to relieve these speculators—these outlaws from human sympathy. They saw their fellow-men escape from their grasp; the slaves suddenly became transformed into freemen. The owners had not the physical power to hold them in subjection, and the officers of the British Government would neither furnish bloodhounds nor slave-catchers to aid them. There they stood in mute astonishment, contemplating the immense loss they had sustained in this locomotive property—like Milton's devil looking into Paradise, from which he had been thrust. The slaves heeded not their grief or entreaties, but went their way rejoicing at being for once on free soil. Thus closed the voyage, and these dealers in the bones and sinews of their fellow-men made their way back to this city, and applied to the then President of the United States (Andrew Jackson) for the influence and efforts of the nation to help them out in their contemplated speculation in the bodies of men, women, and children. General Jackson meekly consented to become the agent of these slave-dealers, and to act the part of an agent to transact the business between these traffickers in children and the British Government. Unmindful of his high station, and of the honor of our nation, he condescended to become the solicitor of these Virginia pirates, to urge upon Great Britain the payment in dollars and cents for American freemen who had taken up their residence in the island of New Providence. Sir, Great Britain might, with the same propriety, demand of this nation a compensation for the thousands of freemen who have come from that island and taken up their residence among us. The claim, therefore, was without foundation; and the assertion of it was fraudulent, from the beginning to the end of the transaction. Sir, from the purchase of the first man of that cargo in this city, up to the presentation of the claims to this House, the proceedings have been no less than a series of violations of truth, of morality, of honor, and of the Constitution. Corruption has marked every stage of its progress, and baseness has characterized those who have aided in carrying it forward. The whole was managed by slave-breeders and slave-traders, aided by "Northern men with Southern principles."

The executive chair was then filled by a slave-holding President. He sympathized deeply with those dealers in mankind, having in early life followed that employment. He at once entered into their views, and espoused their cause. The claims of humanity, the rights of the free States, and the Federal Constitution presented but slight obstacles to his mind, when the protection of slavery was concerned. Here, sir, is the point at which the obligations of our federal compact were departed from. The President had no constitutional power to prostitute our national influence to the support of this slave-trade on the high seas. That power was never delegated to him nor to us. I deny the constitutional right of the President or of Congress to involve my constituents, or the people of my State, in the disgrace of this slave-trade. I have, on a former occasion, expressed my own views on this point; but I insist that it is time for Representatives on this floor to speak out, and to let the country understand what they think concerning this power exercised by General Jackson and Mr. Van Buren. I desire to hear from gentlemen of the North, of both parties. What say you? Has the Federal Government the constitutional right to involve the nation in a war to support this slave-trade? Have you the just right and constitutional power to compel your constituents, the independent electors of our free States, to go into battle, to shed their blood, and sacrifice their lives, in order to protect these dealers in human flesh, while they pursue their accursed vocation? Was such the design of those framers of the Constitution who spoke of this traffic with horror and execration? Is there a member on this floor, or a man in this nation, who would cast such an imputation upon Franklin, or Madison, or King, or Wilson, or Ellsworth?

Yet all will agree that if General Jackson had the constitutional right to exert the influence of this nation to support the slave-trade, it is the duty of the Government to enforce the demands of the slave-dealers on board the Enterprise, the Hermosa, and the Creole, even at the expense of our blood and treasure. No schoolboy would admit that our duty would be limited to a mere demand for reparation; that when a demand is made, our duty to the slave-dealers ceases, and the Government is to be absolved from all further notice of their interests. No, sir; such docrine would be too absurd to merit refutation by argument. If we assume the right and the power to maintain this traffic to any extent, it follows irresistibly that we should do so to all extent. If we have the right to involve the nation in the disgrace of this traffic, we have the same right to involve them in the expense of a war to maintain it. If it be our duty to disgrace ourselves and the nation by passing this bill, for the benefit of those slave-breeders and slave-dealers, it is equally our duty to demand reparation of the British Government for the fifteen thousand fugitive slaves now in the Canadian provinces, and to enforce that demand at the point of the bayonet. If those slave-breeders and slave-dealers may demand the sacrifice of Northern honor and Northern principles to aid them in this speculation, they may, with equal propriety, demand the sacrifice of Northern lives for the same purpose. And I would as soon see my constituents pierced by British bayonets, as to see them despoiled of their honor, by a servile submission to this slave-breeding influence, and made the supporters of this disgraceful slave-trade.

But, Mr. Speaker, the President, in his official character, entered upon his new duties as agent for these slave-dealers. He was under the necessity of employing an assistant to carry on the negotiation which he was about to open with the Government of Great Britain, in order "to catch the negroes," or obtain pay for them. He appointed as an assistant, resident in this city, Martin Van Buren, who had honorably defended the rights of mankind in the councils of his own State, but who now condescended to become an assistant broker in this slave-dealing concern. Although a Northern man, it became the boast of his friends that he possessed "Southern principles;" and he soon gave satisfactory evidence of his devotion to the interests of his employers. Indeed, had he been bred up in the business, he would scarcely have discovered more attachment to the interests of slave-growers and slave-traders than he manifested on that occasion. Anxiety for the success of that "execrable commerce" appears to have been uppermost in his mind, and to have superseded all other matters of mere State policy. The overshadowing importance to which he considered this matter entitled, was well expressed in his official communication to our minister at the Court of St. James, dated in 1836, in which he says: "In the present state of our diplomatic relations with the Government of his Britannic Majesty, the most immediately pressing of the matters with which the United States legation at London is now charged, is the claim of certain citizens against Great Britain for a number of slaves, the cargoes of the three vessels wrecked in the British islands in the Atlantic."

We then had a controversy with Great Britain in regard to our Northeastern boundary. In order to protect our interests there, soon after the date of this letter Congress provided, and placed at the disposal of the President, ten millions of dollars, and gave him power to raise fifty thousand troops. Yet the vast interests at stake in that quarter and in the Northwest—for the maintenance of which attempts are now making to expend millions of money—were all matters of minor consideration, when compared with these "cargoes." Mark the language of a Northern Democrat: "Cargoes" of women, "cargoes" of men, and "mixed cargoes" of humanity. This, sir, is the language of him who is considered the very paragon of Northern Democracy; of him who is now regarded by one of our great political parties as the very embodiment of orthodox Democracy; and who is destined, by the magic of his influence, to prostrate the political aspirations of the talented favorite of the slave Democrats of the South. Sir, will our Democratic friends at the North—those who, with the patriots of '76, hold that "men are created equal"—consider this language, this servile truckling to the slave-breeding interests, as a sufficient passport to the favor of this nation? Sir, I wish I could ring the question in the ears of every member of that party north of Mason and Dixon's line. I would point to this language, and repeat the interrogatory. Sir, I may be led to confide in the honor of a slave-holder; but a "servile dough-face" is too destitute of that article to obtain credit with me. Mr. Van Buren has placed the evidence of his servility conspicuously upon the records of our country. There it will remain, and will be regarded as an enduring memento of the degeneracy of the age, and of the men who then filled our public stations.

With the permission of the House, I will now call their attention to another gentleman who figured somewhat conspicuously in carrying on this negotiation. He, sir, was bred in the "Old Dominion"—where (to use the words of one of her most talented sons) "men are reared for the market, like oxen for the shambles." It was, therefore, expected that he would bring to the discharge of his duties as assistant agent, resident in London, all the zeal and devotion which subsequently characterized his efforts to subserve the interests of his employers. I refer to Andrew Stevenson, our late minister at the Court of St. James. But, sir, I speak of him, and the others, as agents for these slave merchants, for the reason that they acted as such. When thus acting without any constitutional authority, they were to be regarded in their individual characters, and not as public officers. Had they, or either of them, undertaken to act as the commission agent or broker for a band of pirates, we should not have considered them entitled to respect. Yet they possessed the same constitutional authority to do one, as they had to perform the other. They possessed as much constitutional right to involve the people of the free States in any other piratical transaction, as they had to involve us in a slave-trading negotiation.

But, sir, I have not time to go into detail, lest that hour rule—which I regard as the most salutary rule ever adopted by this House—should cut me off before I shall have fairly entered upon the subject before me. I crave the attention of the friends of Mr. Stevenson, (if he has any upon this floor,) and hope they will defend his reputation, so far as truth and justice will permit. I call the attention of the House to the following extract of an official letter of Mr. Stevenson, addressed to Lord Palmerston, dated in December, 1836, and to be found in Senate documents of 1837-'8, in which that gentleman says:

"The undersigned feels assured that it will only be necessary to refer Lord Palmerston to the provisions of the Constitution of the United States, and the laws of many of the States, to satisfy him of the existence of slavery, and that slaves are regarded and protected as property; that, by these laws, there is, in fact, no distinction in principle between property in persons and property in things; and that the Government have, more than once, in the most solemn manner, determined that slaves killed in the service of the United States, even in a state of war, were to be regarded as property, and not as persons, and the Government held responsible for their value."

It is to the last clause of this extract that I more particularly desire to call the attention of the House and of the country. In that clause, Mr. Stevenson asserts that "the Government have more than once, in the most solemn manner, determined that slaves killed in the service of the United States, even in a state of war, were to be regarded as property, and not as persons, and the Government held responsible for their value." Now, sir, I have bestowed examination and thought upon this subject, and know well what I am about to say. And, sir, with a full knowledge of the responsibility resting upon me, I say to the House and to the country, and to the British ministry, (should my remarks ever meet their eyes,) that this official declaration of Mr. Stevenson is untrue and unfounded. It was, and still is, a misrepresentation of the character of this Government—unjust and offensive to the people of the free States. That, so far from being correct, its reverse is literally true. This Government, so far from being held responsible for the value of slaves killed in the public service, in time of war, have, from its formation to this day, distinctly and uniformly refused such payment. And I say to the gentleman who made this assertion, and to his friends on this floor, that it can scarcely be supposed that he was ignorant that the contrary principle is fully sanctioned and sustained by documentary evidence, as I proved to this House a few days since. I then called the attention of the House to a report drawn up by my respected predecessor, (the Hon. Elisha Whittlesey,) chairman of the Committee of Claims, made to this House in 1831. The report was made upon the memorial of Francis Sarche, who owned a slave, a horse, and cart, all which were pressed into the public service at New Orleans on the day of the great battle near that city. The horse and slave were killed, and the cart was destroyed by cannon shot, and Sarche applied to Congress for compensation. The Committee of Claims, composed of both Southern and Northern members, reported unanimously against paying for the slave, and in favor of paying for the horse and cart. The committee, in their report, say that they had examined the records of the Register of the Treasury, and found that slaves had never been paid for by this Government, either in the revolutionary war, or since that period. The report also refers to several instances in which attempts had been made to pass a law allowing indemnity for slaves killed in the public service; all which had failed. I then stated that the records of the Committee of Claims showed distinctly, that, since the year 1794, (the date of their earliest record,) all such applications, referred to that committee, had been rejected without exception. It is not a little remarkable, that Mr. Stevenson, as I understand, filled the office of Speaker at the time when this report of Mr. Whittlesey was made. I am not informed of the time he served in this hall, but it was many years; and I hesitate not to say that it is a most extraordinary fact, that the report to which I have alluded, and this practice of Government, should have escaped his notice; but it is still more wonderful that he should have asserted the existence of a practice diametrically opposed to the uniform action of this body at the very time when he officiated as its presiding officer.

I return to the prosecution of this negotiation. These misrepresentations were pressed upon the consideration of the British ministry. They were not familiar with the distinctions between our national and State Governments, as was well remarked the other day by the venerable gentleman from Massachusetts [Mr. Adams.] Mr. Stevenson was the representative of this Government, and Lord Palmerston had a right to expect all matters of fact to be truly stated—particularly so far as the regulations and the action of our Government were concerned. Relying upon these representations; and believing this to be a Government dedicated to the support of slavery instead of liberty; and impressed with the full conviction that, by the laws of Congress, slavery upon the high seas, on board of American vessels, was allowed and protected, and that these persons were in truth slaves, instead of freemen, when they entered the port of Nassau,—the British ministry agreed to deal with us as they do with semi-barbarous nations, and to pay for these people a ransom of twenty-five thousand pounds sterling. Before the money was obtained, Mr. Van Buren was installed President of the United States; yet he continued to act as the agent of these slave-dealers—for such he evidently considered himself. The money was not paid into the treasury, nor was Congress consulted as to the disposition of the funds; it was kept in the custody of the Executive, who paid it out as his judgment dictated. But to whom it was paid, or how much was paid to each individual, I believe we have not the means of determining—no report having been made to either branch of Congress, except a report of the amount of moneys paid from the treasury as expenses incurred in transacting the business for these slave-dealers. This amount was charged to the contingent fund of the State Department, and, in that shape, came before the House of Representatives. This money came from the pockets of our constituents, and was paid directly for the benefit of these wholesale and retail venders of humanity. I attempted to make some remarks on that subject; but, as it was then held to be a subject on which Congress had no power to act, I was cut short in the expression of my views, according to the most approved practice under our congressional gag-rules.

But to proceed with the facts: When Mr. Van Buren and his cabinet were about to retire from office, the Secretary of State (not of the Treasury) had in his possession some seven thousand dollars of the money thus extorted by fraud and misrepresentation from the British Government. Mr. Van Buren, not having fully completed the business in which he had been so long engaged as the representative of slave merchants, bequeathed to William Selden, Treasurer of the United States, the trust of closing the transaction. The money was paid to him, and a receipt taken. This was done without any authority of law whatever; and the Treasurer might return it to the slave-owners by virtue of the same authority as that by which he had received it. The veriest tyro in law will at once see that it is not in the power of any man who pleases to charge the Government with moneys, by making a deposite with the Treasurer, unless it be authorized by law; no such law existed in this case, and the only legal effect was to make the Treasurer liable, in his individual capacity, as trustee of the persons who possess the real interest in the money. Now, I think it perfectly clear, that no action whatever of Congress was necessary to authorize the withdrawal of this money from the treasury. In contemplation of law, it had never been there; but was in the private custody of Mr. Selden. Yet we are called on now to close up this slave-dealing agency by a solemn act of Congress; thereby making ourselves and constituents participants in the fraud, the moral turpitude, and the crime that have characterized this transaction, from the purchase of these cargoes up to the time of paying the money to Mr. Selden. They will not be satisfied with the money, but insist that we shall share in the disgrace with them. They remind me of a drunkard who lay wallowing in the mud and filth of a gutter, when a friend, who was passing by, offered to pull him out; he rejected this offer, but insisted that his friend should come and lie down with him. If my friends show themselves willing to go and lie down with these slave breeders, and share in the moral filth and corruption of this slave-trade, I may admire their kindness, but I cannot approve their taste.

I had like to have omitted all notice of the loss of slaves on board the Encomium. That, too, was a slave ship, regularly fitted out from the city of Charleston, South Carolina—a city which, at this time, is enjoying as profitable a commerce in mankind as any other on this side of the Atlantic. Indeed, I believe it already equals many of the refined cities of Africa in the extent of its slave-trade. Should we pass this bill, and continue to pass bills hereafter, for the benefit of the slave merchants of that city, and at the same time hang all who engage in that business upon the African coast, Charleston may, at some future day, rival even Timbuctoo in the extent and splendor of its slave-markets and other embellishments. This vessel, I believe, was fitted out in the year eighteen hundred and thirty-three; she, too, was lost, and the slaves escaped in the same manner as those on board the Comet. The owners applied to the President, who espoused their cause also. Their demand was pressed, and the money obtained in the same way, and at the same time, as the indemnity for those on board the Comet.

For many years the people of the free States have endeavored to relieve the nation from the deep odium resting upon it by reason of this slave-trade on the high seas. For that purpose they have sent to us their petitions, couched in the most respectful language, asking that it may be prohibited, under suitable penalties. And what treatment have these freemen—these supporters of our national character—met in this hall? Why, sir, they have been assailed with almost every opprobrious epithet which our language could supply. Their petitions have been scouted from our presence without being read, or heard, or even received at the hands of their Representatives. I myself have presented the requests of thousands of our most worthy citizens—of our philanthropists, our divines, our jurists, and statesmen—invoking the action of this body in regard to this slave-trade upon the high seas, and to save them and the nation from the disgrace which will be fastened upon them by such measures as that now before us. But, sir, if I happened to cast my eye upon the petition, or assumed the appearance of reading it, cries of "order, order, order," would be shouted from the mouths of scores of slave-breeders and overseers; while a stentorian voice on my right, rising at least an octave above all others, would call on the Speaker "to enforce the 21st rule."

Sir, what magic wand has been waved over us, that we now sit so quietly deliberating upon this bill to encourage the slave-trade; or, rather, why do we now pass this bill without deliberation? Shall we turn round at the bidding of this slave-breeding influence, and quietly submit to the passage of a bill to aid and support the slave-trade? Sir, I feel humbled, deeply humbled, when I cast my eyes around this hall, and see Representatives of the free States sitting in mute silence, and aiding, by their vote, the passage of a bill shamelessly bearing on its title the character of a bill for the relief of slave-traders. What power has thus miraculously silenced the voice of Northern freedom and Northern honor? What spell has now palsied the arms which should defend the rights and interests of the free States? It is the previous question, forced upon us by Southern members and their Northern allies. Shall we now submit to the bidding of this slaveholding influence, and meanly assist in carrying out this attempt to involve ourselves and our constituents in the disgrace of the slave-trade? Wherewith shall we humble ourselves before those who claim this control over us? Where shall we find sackcloth with which to cover our bodies, or ashes to cast upon our heads, when, with downcast eyes and trembling voices, we give a faint response in favor of these slave-growers, and to the disgrace of those whom we represent? Sir, the trembling slave, who dares not look up in the presence of his tyrant master, has some excuse for his degradation; but I can find no justification whatever for Northern men—the Representatives of freemen—who thus tamely surrender the rights and the honor of their constituents, and become the willing instruments for carrying on and sustaining this detestable commerce in slaves.

Mr. Speaker, I have a curiosity to witness the response of members to the questions which will soon be propounded, and see how many gentlemen on this floor will now vote in favor of this bill, who, for years, have regularly voted to gag their own constituents upon this identical subject, on which they are now called to act in favor of slave-breeders and slave-dealers. If I were to dictate a subject for the pencil, it should be the one on which I am now commenting. I would select a Northern Democrat, holding a gag in the mouth of his constituent with one hand, while the other is employed to examine his pockets for money to pay the expenses of this slave agency; at the same time most solemnly saying to his constituent, "you have nothing to do with the slave trade;" "you have no right to interfere with the matter."

I regret being forced into these remarks. I have made every effort to escape from so doing which

duty and independence would permit; but, notwithstanding my exertions for that purpose, I have been driven so to it; and I trust that gentlemen will excuse me if I speak frankly. The subject of slavery, or of the slave-trade, never ought to have been mentioned in this hall. Accursed be the memory of him who first profaned this temple of freedom with the discussion of slavery and the slave-trade. Let the execrations of posterity rest upon those who involved the National Government in these subjects, by trampling on the Constitution and constitutional rights of the free States. But we have become involved in these questions; and it shall be my object now, and at all times, to correct the error into which we have fallen. I will use my utmost exertions to banish it from our deliberations—to erase it from our records—to separate the people of the free States and this Government from it—and to place an impassable gulf between our people of the free States and an institution which we detest. It was this desire which led me to consent to the arrangement by which these persons might have obtained this money, without involving us in their guilt and disgrace.

Yet, sir, this bill is thrust upon us; not, however, with the intention of discussing it, but for the purpose of forcing us to pass it without discussion, and without investigating its merits. We are asked to sustain it without examination; and if we refuse to do that, it is to be forced upon us by means of the previous question. This want of examination, and consequent ignorance of the bill, is one reason why I cannot support it; but I have many other cogent reasons for opposing its passage.

1st. Its passage is entirely *unnecessary* to enable the claimants to obtain the money, *if* it belongs to them.

2d. Its passage would be a palpable violation of the Constitution.

3d. Respect for ourselves, and for the honor of the free States, forbids its passage.

4th. Its passage is entirely opposed to the principle so strongly urged and maintained in this hall for the last six years, "that this House has no right to act on this subject."

Aside from these, I have some objections to the passage of this bill, which apply to me personally. It is now less than eleven months since I introduced to the consideration of gentlemen here certain resolutions, setting forth my views of the constitutional right of the people of the free States to be exempt from the expense, the disgrace, and the guilt of this slave-trade. They expressed my solemn belief in regard to that subject; and I am not aware that any member here has, to this day, been found willing to deny their correctness. But, sir, this assertion of the rights of the people of Ohio, and of the free States, did not suit the views of certain "natural allies" of the slave-breeding Democracy of the South. They appear to have sounded peculiarly harsh in the ear of my colleague from the Butler district. His Democratic principles appeared to be severely shocked at the thought of our people being exempt from this business of slave-breeding and slave-trading. Yes, sir, such was his horror at the bare proposition of such a separation, that he felt it his duty immediately to introduce a resolution of censure upon me for so unpatriotic an act. Nor was that all; he went further, and demanded the previous question, in order to prevent me from being heard in my defence; fearing, I presume, that I might be guilty of uttering irreverent expressions concerning this "delicate subject," and thereby call down upon myself further punishment. I would not be understood as imputing any unkind motives to my colleague; no, sir, I am bound to say that I think he was guided by his best judgment. Well, sir, you, with an impartiality which I feel bound to say has characterized the discharge of the arduous duties of Speaker during the present Congress, decided that the previous question would not deprive me of making a defence, nor others of the right of making a defence for me, as it was a question of privilege.

To this decision my friend, the honorable chairman of the Committee of Ways and Means, took exception; and appealed to the House, who sustained his appeal. I impute to that gentleman no personal unkindness, but presume he did it to prevent the waste of time, and consequent delay of the public business.

Mr. FILLMORE stated, that at the time he took the appeal, he did not anticipate the passage of the resolution of censure; that he did it merely to prevent the delay of public business, and not from any feeling of unkindness, or to favor the resolution.

Mr. GIDDINGS resumed. I had no doubt, Mr. Speaker, that such was the fact; and I have now alluded to the appeal more for the purpose of enabling that gentleman to set himself right before the country, than from any considerations personal to myself. But, Mr. Speaker, these resolutions—drawing the line of demarcation between this slave-trade and the people of the free States, appear to have met with but little favor in the mind of my experienced political friend over the way, from Vermont, [Mr. EVERETT.] He, sir, is a leading member of that party with whom I have been proud to act; but the mere introduction of these resolutions was characterized by him as a "firebrand course," which he informed the country he looked upon "with abhorrence." The subject is now introduced by those who act in favor of the slave-trade; but I have heard nothing of that gentleman's "abhorrence." It is pressed through the House with as much indecent haste as was the resolution of censure; but I have heard nothing from that gentleman in regard to this "firebrand course." There is an old and common saying, that "circumstances alter cases."

Another gentleman, representing in part the old Bay State, which has ever been forward in the cause of liberty and patriotism—the gentleman at my right, [Mr. CUSHING,] who was bred almost in sight of "Faneuil Hall," designated as the "cradle of liberty;"—the resolutions proved unacceptable to him; and I must do him the justice to say that he has, so far as I know, been a consistent advocate of this slave-trade. Indeed, I am not aware of a single instance, since I have been a member here, when that gentleman has spoken on the subject, in which he has failed to advocate the interests of that commerce. His sense of propriety was so greatly shocked at the doctrine contained in my resolutions, that he unhesitatingly pronounced them "an approximation to treason;" and, from his acknowledged consistency on this subject, I entertain no doubt that he will now lend his aid and influence to sustain the interests to which he has exhibited so much attachment. I should have been pleased to pass over this portion of the political history of our legislative action concerning the slave-trade, but, having been pressed into the consideration of it, I could not, in duty to myself, omit some slight allusion to matters that transpired at the time when I last had the honor of calling public attention to it; and I apprehend that no gentleman will think them calculated to make a very favorable impression upon my own mind in regard to the bill under consideration.

It will be recollected that, on a recent occasion, the member from Georgia, in front of the Speaker, alluded to this vote of censure in terms not very courteous.

[Mr. BLACK interrupted Mr. GIDDINGS, and said: "I wish to know if the gentleman from Ohio intends to allude to my remarks on a former occasion? If he does, I shall surely call him to order."

Mr. GIDDINGS. When that question shall come up in parliamentary form, I will answer it.

The SPEAKER said he should endeavor to call the gentleman from Ohio to order, if he wandered from the question before the House.

Mr. BLACK sat down, and Mr. GIDDINGS resumed.]

That gentleman remarked that this House, by its vote of censure, had "stripped me of the influence which I had once possessed."

When I returned to this hall, and resumed my official duties, in May last, I determined never to allude, in a public manner, to the transaction to which the gentleman from Georgia referred. The matter had gone to the people. With them I was willing it should rest. I could not add to its importance; and I was unwilling to detract from the salutary consequences which I believed would result from such an outrage upon the representative character. The record of that transaction is fully made up; and I shall attempt to make no alteration or interlineations: nor did I expect that any member who had voted for the censure would desire to drag the subject again before the country. I was willing to leave it where the votes of my constituents had placed it. I will also take this occasion to say, that I feel no heartburnings towards those who sustained the resolution of my colleague. The people of my district have so fully and so triumphantly repelled the injury offered to themselves and to me, that it would be doing injustice to them for me to add one word to the judgment which they have given of the transaction. To many of those who voted to censure me, I shall bear with me, to private life, recollections of friendship and respect; and to them I would not say a word which should call up an unpleasant thought of what is past. But to the gentleman from Georgia I will say: Sir, I hold my seat here by virtue of the sovereign will and pleasure of ninety thousand free people of the gallant State of Ohio. My commission comes from them, and not from the member from Georgia, nor from the members of this House. Those freemen have conferred on me whatever political influence I possess; and no slave breeder or overseer, nor the representative of slaves, has the moral power to disrobe me of it. To those electors of the "banner district" I shall soon resign my influence, untainted and unaffected by the foul breath of slaveholding or slave dealing Democracy. Whether this House has stripped me of my influence, or my constituents have stripped this House of its influence on this subject, is not for me or the member from Georgia to say: the country will determine that point; and I am willing to await their verdict. These are circumstances, however, which conduce to my personal opposition to this bill: they are matters that cannot apply with equal force to other members.

A due regard to consistency in legislation forbids the passage of this bill. In our sovereign capacity as a National Legislature, we have declared the crime of slave-trading PIRACY, and have affixed to it the highest penalty known to human laws. We have declared such as commit this most execrable of all crimes unfit to associate with human beings; and we hang them without mercy. The operation of this law is confined, however, to the eastern portion of the Atlantic, while the offences of these applicants were committed upon the western part of that ocean. To-day we are called on to pass a law for the relief of these persons; while we hang, without discrimination, all who pursue the same business a few degrees of longitude further east. I am in favor of dealing out justice with an even hand. I would give these applicants the "same relief" that we grant to those who follow the same business in a different longitude. I would exhibit no more regard for the honor of Africa, than I would for that of our own nation. It is, however, a fact, that if a man goes from this city to Africa, and engages in the slave-trade, the whole world considers him worthy of immediate death; but if he remain here, and buy and export our own people, who have been born and bred with us—whose attachments are formed here, and whose minds are enlightened and christianized—in whose veins "flow the best blood of Virginia;"—why, sir, for this outrage upon humanity we are called to pass laws for his pecuniary relief! Our people of the free States are taxed to pay us and our officers while we are engaged here in legislating for their benefit. To morrow, perhaps, we shall be called to tax them to sustain a fleet on the coast of Africa, in order to *suppress* the slave-trade. Will gentlemen who vote to encourage this trade to-day, face to the right-about to-morrow, and vote millions of the people's money to suppress it? Are gentlemen prepared to vote one way to-day, and directly the contrary to-morrow? We are now using the money of the people of the free States to *encourage* the slave trade; and will gentlemen appropriate the money of our people to-morrow to suppress it? Are we under such perfect drill, that we face to the right, to the left, or to the right-about, at the bidding of the slaveholding influence? How long shall Northern men continue to march and countermarch at the bidding of this slave-breeding power? Sir, we send our fleets to Africa, at vast expense, to prevent the importation of slaves. We are to expend at least a million of dollars annually, to give a monopoly of this "execrable commerce" to the slave-breeding States; while their Representatives here violently oppose the protection of all other manufactures. This high Virginia tariff is not only to be protected, at our expense, from all foreign competition; but we are to go still further, and make the nation insurers to those who engage in the exportation of this "chattelized population." I am unwilling to involve myself in these inconsistencies, absurdities, and contradictions.

The bill directs the Treasurer to pay this money to the owners of these persons. What is to be the evidence of title by which one man owns another? The proposition is an absurdity too palpable to be

placed in our statute-book. The title, and the only title, which one man ever held to another, is that of brute force. It is the title by which the robber claims your purse; the same title by which the pirate claims his captured ship and cargo. It is, however, a title which we, as a nation, do not recognise. It is one which the people of the free States repudiate. It is one to which I will not give even a silent or tacit consent, by instituting such an inquiry.

But the bill goes further, and directs the Treasurer to pay to the owners of each slave "such sum as he is entitled to receive." By this form of expression, I suppose it was intended to give to each the value of the person claimed. How will you estimate the value of a man? Does it depend upon his complexion? for, sir, there are all grades of color in this market. Or which is deemed the most valuable—black, or white, or a mixture of both? Or shall our officer be governed by the genealogy of the slave, in estimating his value? If he have descended, in the paternal line, from one of the best families in the "Old Dominion," shall he be deemed of greater value than if he were of pure African blood? Does such mixture improve or deteriorate the value of a man? These, sir, are all of them "delicate questions," which I should like to hear answered by some of the friends of the bill before I can vote for it. Again: some may desire to know whether intelligence is to fix the value. Is a man who reads and writes, and possesses better information than his master, or than masters generally possess, of more value than one who is stupid, ignorant, and incapable of instructing his owner? And, sir, others may wish to know what the political faith of a man is, before they fix his value. They will inquire whether he be a Whig or a Democrat; or, particularly, whether "he goes the Liberty party." And my friend over here in "the stall," [Mr. SNYDER of Pa.,] would inquire whether he be of pure Dutch descent, or whether he has a "sprinkling" of the Yankee in his veins. These are all difficulties which present themselves to my mind, in making up the estimate of a man's value as property. They may, to be sure, appear of small importance to a grower of slaves—one who is familiar with matters of the kind; but I am unwilling, by legislation, to throw them upon an officer of Government, or to bring the reproach of such an inquiry upon our nation. And I cannot, therefore, vote for the bill under consideration.

But, Mr. Speaker, it is said that we hold this money as trustee for the owners of these slaves, and are therefore bound to execute the trust. I deny the position. We are not the trustee of these slave breeders; no individual can be made a trustee without his consent; neither can Congress, or any other legislative or corporate body, be made a trustee without his consent. Congress has never given its consent to act as trustee for these slave-trading speculators; nor are we under any obligation whatever to pay over this money, or to do any other act for the benefit of these applicants. We, sir, are supreme; we acknowledge no law in the discharge of our official duties, except that of the Constitution and of justice. The Constitution has not imposed upon us the duty of acting as trustee for slave-dealers. If there be any obligation resting upon us, it must be found in the abstract justice of the claims presented by these slave-mongers. The whole question rests here. Neither the President, nor his Secretary of State, nor Mr. Stevenson, nor all of these officers together, could lay us under the least conceivable obligation to pass this law for the benefit of outlaws, of pirates, and of robbers. Nor could they render it our duty to grant any facility or encouragement to a commerce hated by man and cursed by God. What, sir! is it to be urged, at this period of the world, that the President has power to lay Congress under obligations to sit here and legislate to encourage the breeding and exportation of slaves? Are such arguments to be addressed to a Congress of American statesmen? Can the President and his cabinet release me from my obligations to the Constitution? Can they absolve me from the official oath which I have taken? Can they step between me and my God, and acquit me of the obligations which my Creator has imposed upon me? No, sir. There is no principle of justice or of propriety that requires us to legislate in favor of this commerce in mankind. On the contrary, our love of consistency, our self-respect, our attachment to liberty, our regard for the natural rights of mankind, our patriotism, our desire for the honor of our country, our attachment to the cause of truth, justice, and humanity; our respect for the opinions of mankind, and obedience to the commands of Heaven, forbid that we should become parties to the misrepresentations to which I have alluded, or be made the instruments for consummating this fraud committed upon a friendly nation; or that we should become partners in crime with men who make merchandise of the image of God.

SPEECH OF MR. J. C. CLARK,

OF NEW YORK.

In the House of Representatives, February 22, 1843—On the bill appropriating forty thousand dollars to enable the President to establish commercial relations between the United States and the Government of China.

Mr. CHAIRMAN: I have more than half promised myself to embrace some fitting opportunity to submit a few remarks to the House. The opportunity is now presented. In the British Parliament, it is a legitimate ground of objection to a supply bill, that the objector has no confidence in the ministry. This bill proposes to vest in the President and Secretary of State a large discretion in the expenditure of forty thousand dollars; and I agree with my friend from Georgia [Mr. MERIWETHER] that there is good reason to doubt the propriety of giving to these men the disbursement of any money not imperiously called for by the exigencies of the public service. I place my opposition to this bill solely on the ground of an utter want of confidence in the political integrity of the President and some of his official advisers.

I have, sir, made some ineffectual attempts heretofore to get the floor. But there are certain gentlemen here always on the tiptoe to obtain it, and they are generally successful. Charmed with the melody of their own sweet voices, they fancy that the House is equally delighted, and they lose no opportunity to gratify us with a display of their oratorical powers. Of this I do not complain. It is their right. Many, no doubt, may have been convinced by the brilliancy of their periods and the cogency of their logic.

I regret to consume the time of the House, particularly at this late period of the session. The House will do me the justice to say that I have never obtruded myself upon its indulgence. During this entire Congress, I believe, I have not appropriated to my own use an hour of its time. I would not now, but for the conviction that the Whigs of the country ought to be awakened to a just appreciation of the character of the men (or some of them, at least) who have heretofore enjoyed their confidence—enjoyed it only to betray it.

And now, being up, I almost repent me of my half-made promise, and regret that my effort to obtain the floor has been successful. I have a great horror of speech-making—and, above all, of speech-making here. Surrounded with talents, eloquence, and criticism of a high order, I dread an exposure to their observation; and, perhaps, to their censure. Moreover, one knows not the temper of the House. He is ignorant of what subject may be acceptable, and is greatly puzzled to know by what proper exordium he may, in advance, gain a nestling place in some corner of its kind feelings. But I am in for a speech, and must bide my chance.

There is, sir, in rhetoric a thing called "aporia"—if I mistake not, defined to be "a figure of speech under which a speaker doubts *where* to begin." Now, sir, if we had another sort of figure under which congressional orators should doubt *when* to begin—and not only so, but to continue to doubt to the end of the session whether or not they should begin at all—such a figure would be of great advantage to the country, and, perchance, to the orators themselves, (myself included.) But had we such a figure, I could not avail myself of its supposed benefits—for I have begun. And as to the other figure to which I have referred, I am unable to derive any advantage from it—for I believe I known where to begin. And if I begin at the beginning, I shall not bear wide from the mark. Thus beginning, I shall explain to you the circumstances under which I resolved to subject yourself and the House to this infliction.

Not long since, confined to my room, excruciating under the turn of the rheumatic screws, I bethought me of the principle of antagonism, under the operation of which one force is expelled by a counter and superior force; and it occurred to me that if I could expel the enemy which had made a lodgment in my racked tenement, by the introduction of an agent more powerful in the infliction of pain—not that pain which leaves behind it visible scars, but which tortures and harrows up the soul—I should have gained an object of no inconsiderable importance. And here let me suggest to you, Mr. Chairman, being a good Whig, the propriety of imitating my example whenever you find yourself in the *ultima thule* of rheumatism, and on the confines of the gouty regions. I doubt not that you will be benefited by the experiment. In my case, it was eminently successful.

I thought, sir, of the present prostrate condition of that gallant and patriotic party which so joyously marched to victory in the autumn in 1840, and I thought too of the renegades to whom it owes all its calamities. The effect was magical. Corporeal suffering gave place to mental anguish; and in a transport of conflicting emotions of indignation, pity, and contempt, and, I may almost add, of revenge too, I threw aside my crutch, and in fancy took the field, armed at all points, ready to fight the baule over again, and to lend my feeble aid to crush the adders who have so cruelly, so ungratefully, stung the bosom of their benefactors.

In submitting the remarks which I deem it my duty to make on this occasion, I disclaim all private feeling. They will not partake, in the slightest degree, of the spirit of personal unkindness. And if they should seem to any gentlemen to be tinged with too much of acerbity, I beg of them not to attribute them to any malignity in my nature, (for, if I know myself, I do not possess any great stock of that disagreeable article,) but to the conduct of the men who have provoked them, and to the feelings to which that conduct has naturally given birth.

And here let me premise, that I have no exalted admiration of mere greatness—(and when I speak of greatness, I mean intellectual greatness)—none, none, sir—unless it be connected with the moral and political virtues. For I hold these virtues to be identical; and if you show me one hundred political knaves, I will show you of the same ninety-nine moral scoundrels. This greatness, when thus unallied, has no attractions for me. It should neither be an object of desire in the possessor, nor of admiration in the beholder; for it only serves to augment in the former the power of mischievous and guilty perpetration. When, however, to greatness of mind, are joined truth, honor, honesty, fidelity, and patriotism, then we instinctively pay it the homage of our respect and admiration. But when a great man stoops from his high estate, and panders to his diseased appetite for power, a the sacrifice of these ennobling virtues, we loathe im in the inverse ratio which they bear to his genius or his attainments, or to both combined.

Sir, men, and more especially great men, hold their popularity by a frail tenure. A maiden should not be more chary of her honor, than a great man, and particularly a great man in public life, should be jealous and watchful of his; for one false step forever blasts the reputation of both. If a solitary draft of his fidelity or his patriotism be dishonored, his political character at once sinks into irreparable bankruptcy. Guilty of one act of baseness, in vain may he attempt to fall back on his stock of reputation, however great, though hoarded for years with a miser's care. His virtues (if he has any) must be constant, progressive, and enduring to the end. The Scripture declaration, where "much is given, much shall be required" has received the practical sanction of the world. Arraigned at the bar of public opinion for one delinquency, in vain he may plead, even in extenuation, the splendor of his genius, the power of his intellect, or the magnitude of his services.

Arnold has rendered to his country great and distinguished services; but one act of treachery not only cancelled every obligation of gratitude, but consigned his memory to ignominy and contempt. Poetry, in the spirit of truth, has doomed to an inglorious immortality the wonder of his age, as

"The wisest, greatest, meanest of mankind."

Thus appreciating men—and great men, too—you may not expect of me, when speaking of their blackslidings and deformities, an over-nicety in my selection of rhetorical ornaments. The hunter, (and I am no expert hunter,) when about to immolate the fierce and stealthy panther which may have crossed his path, seeks not for chaplets of roses with which to adorn the sacrifice. Place, however exalted, gives to its possessor no immu-

ility for censure and condemnation, when deserved. But, in proportion to the exaltation of the recreant, should be the measure of the censure and condemnation.

I am not one who believes that a description of the President and some of his ministers, in their present attitude before the country, should be attempted in bland phraseology or honeyed accents. Their portraits should be sketched by a master's hand, (which I regret I do not possess)—not in the soft and mellow tinting of a Titian, but in the bold and startling coloring of a Correggio.

Office has its rights and privileges. Among them, I reckon not as one an exemption from the animadversion which delinquency merits. Place, mere place, confers no honor on its possessor; but, *e converso*, man gives rank and dignity to the office.

As one of the most prominent workers of mischief to the Whigs, to their cause, and to the ascendency of their principles, pre-eminent in genius and acquirements, stands the Secretary of State. In the order of importance, he deserves to occupy the foreground of the picture, in bold and frightful relief. But, as in every dramatic representation, whether of tragedy, comedy, or farce, there must be characters great and small, so my *dramatis personæ* must be, in some respects, presented in combination, as well the Magnus Apollo, as he who has justly earned a distinction conferred upon one of the old popes, of whom it was said

"Maximus in parvis, minimus in magnis."

The amusing and veracious author of "Ten Thousand a Year," in speaking of Tittlebat Titmouse, esq., M. P. for Yatton, and of the base uses to which he intended to devote his immense prospective wealth, remarks, "that the reptile propensities of his mean nature had thriven under the sudden sunshine of unexpected prosperity." Now, sir, I will not apply this language to the President of the United States; but I may be permitted to say that the sentiment is strikingly applicable to him—to his accidental advent to power—to his resolutions soon thereafter taken to perpetuate that power—and to his subsequent operations; all having in view the same objects.

I have no doubt that John Tyler came to Washington, on the demise of General Harrison, with honest intentions to administer the Government on Whig principles. His inaugural address bears on its face evidence of such intentions. The declaration that he should take as his model the "fathers of the Republican school," soothed the alarms of many Whigs who distrust Virginia politicians—I mean those of the modern abstraction school. The inaugural, taken in connexion with his partiality for Mr. Clay, and his tears shed at the Harrisburg convention over his defeat, were hailed by them as harbingers of prosperity to the country, and of safety to the Whig party. The sentiments of Mr. Clay in regard to the currency and to a national bank were well known to Mr. Tyler and to the country. For years they had been emblazoned on the pillars of the Capitol in characters of living light, and had illumined every hill-top in the country. They did not believe it within the range of possibility that Mr. Tyler, knowing, as he did know, the opinions of Mr. Clay on all subjects of national concernment, and who, at that convention and elsewhere, had manifested such an ardent zeal for his nomination to the Presidency, could turn his back upon his principles and his friend. What! said they, is it possible that he can be guilty of the glaring inconsistency of advocating the claims of a man to the Chief Magistracy, whose whole life and conduct stand pledged to give to the nation a sound currency, through the instrumentality of a national bank, and not himself be the friend of such an institution? Surely, said they, Mr. Tyler cannot believe a bank unconstitutional, else he could not, with any appearance of honesty or consistency, aid in placing in the presidential chair a man whose first official act would be a strong recommendation of that very measure! Though it might have been known to them that, at certain periods of his life, Mr. Tyler had entertained opinions hostile to a bank, they believed—and they had a right to believe—that his presence as a Whig delegate at a national Whig convention, avowing his predilections in favor of a bank candidate, and himself accepting a nomination from that convention for the second office in the Republic, furnished conclusive evidence of a change of opinion. Better men than John Tyler have changed their opinions in regard to a bank; and why may he not have seen, in the necessities of the times, and the afflictions of his countrymen, abundant reason to change his opinions also?

But the fond hopes inspired by the inaugural in the bosoms of the Whigs—of the pure and patriotic men who had taken Mr. Tyler from obscurity, and placed him on the pinnacle of power—were doomed to sad and bitter disappointment.

The good resolves with which he came here armed, were soon smothered in the impure embrace of a forbidden ambition. The fatal words *second term* were whispered into his too willing ear, and "all was lost." These have been the "open sesame" to all the woes and afflictions of the Whig party.

He found himself suddenly, unexpectedly, in the possession of power; and soon, very soon, tasked his ingenuity to devise plans for its perpetuation in himself and his successor. Surrounded by flatterers, he greedily inhaled their incense, freely offered, to gratify at once his vanity, and to administer to their own advancement. Pleased with the rattles with which his maiden ambition was tickled, new visions of glory flitted before his bewildered fancy, and new hopes swelled his tiny heart to the very verge of bursting. With a promptitude commensurate with the energy of his character and the magnitude of his towering genius, he issued to the admiring sycophants of his *cortege* the *sic volo* of his deliberations, and, in the stern language of a second Cato, thundered forth the terrific fiat—"*Delenda est Carthago!*"

The decree for the dismemberment of the Whig party was promulged from the palace, and his faithful vassals were charged with its execution. This decree became necessary to effect his object. The "one term" principle—a principle which I trust is now permanently incorporated into the Whig creed—presented an insuperable barrier to his re-election. That re-election could only be effected by a new, a third, a Tyler party, to be composed of a portion of the Whig party and the "odds and ends" of all parties.

Sir, had the President been left to himself, I doubt not that he would have proved true to his principles, to his country, and to his party. But, most unfortunately for him, for his country, and for the Whig party, he became the dupe, and perhaps the willing dupe, of more experienced plotters and contrivers.

Sir, I have them in my eye. In fancy I see the conspirators against the prosperity of the country and the welfare of the party to whose confidence and partiality they owe all their political consequence, stealing, under cover of the night, to the assigned place of rendezvous, ashamed that the blessed light of heaven should look out upon their baseness. Starting, like guilty things, at the echo of their own footsteps, with cautious tread they stealthily approach the Executive mansion. I see the prime mover of the plot—the Catiline of the group. His once majestic form, enshrining a spirit that might have out-paragoned the world, is now crouching, in very shame of its degraded position, in the ante-chamber of power. His once noble brow, on which the Almighty had impressed the signet of greatness, is now wrinkled by the force of contending emotions. That voice, which erst thrilled through the hearts of grave Senators and admiring millions, and which, when the battle waxed the hottest, was heard high over all, cheering on his brave companions to the onslaught, with the spirit-stirring appeal, "once more to the breach, dear friends, once more," is now subdued into hurried and mysterious whispers. It is the voice of Cæsar on his sick bed, "Titinius, give me some drink," and not the voice of Cæsar at the head of his conquering legions.

In clairvoyance, I watch with no little anxiety the portentous movements of the gang, threatening consequences baneful to the well-being of that devoted party which had so recently elevated them to place, and hurled from power the men who had long wallowed in corruption, and fattened on spoils wrung from the hands of honest but paralyzed industry. Hist! Again I see them! They now emerge from the security of their skulking-place. Under the guidance of the lurid glare of a blue light, throwing its sickly rays on the blanched cheeks of its bearer, they move with noiseless pace, in gloomy procession, towards the imperial closet. At its door, in mockery of majesty, and in derision of greatness, stands the trembling subject of their adulation, the object of their wiles, and the instrument of their ambition; and most cordially are they welcomed to his embrace.

At a coalition so unholy, and formed with purposes, the execution of which would prove so deadly to the parties concerned, and to the welfare of the nation,—even the goddess of mischief and discord, who had watched their movements with no little concern, and who was then flapping her raven wing with unwonted delight, veiled her face in confusion and disgust.

What transpired in the closet, though chronicled by the tutelar deity of the place, (her of the black pinion,) has not yet been promulged. Its record, however, is carefully preserved by its faithful custodier. She took it with her to her abiding-place; and it may be found in the archives of hell, in the same pigeon-hole containing the correspondence of Sir Henry Clinton with a notable personage, whose memory has come down to us loaded with infamy, and who, in co-fraternity with the heroes of my vision, will descend to posterity a stench in the nostrils of its latest generation.

Now, sir, although I may not speak from the record of the plottings of the closet, I may infer, from the acts and doings of one of the cabal, at least, the plan of operations by which the disruption of the Whig party was to be accomplished, and also the price to be paid to that distinguished gentleman for his continuance in office.

Sir, it is a matter of indubitable history, that in no one has a United States bank found a more uniform, able, and eloquent advocate than in the person of the Secretary of State. Up to April, 1841, there is no evidence that his opinions had undergone the slightest change on that subject.

It is equally well known, (certainly to many members of this House,) that, during the pendency of the bank bill before Congress, at its called session, the Secretary was busily engaged in the exertion of his all-powerful influence upon members, to give the "go-by" to the measure—promising to present, at the next regular session, a plan of currency and finance which should meet the views and wishes of the Whig party, and the expectations of the country.

How faithfully he has redeemed that pledge, and with what favor his plan, which was to have come to us pure and perfect as Tritonia from the brain of Jove, has been received by the House, let the voices of some eighteen gentlemen only in favor of the Secretary's "*monstrum horrendum*" of a Government bank (many of whom, I understand, would have voted in the negative had the question been on the bill itself) answer to the country.

Instead of standing by his principles with the firmness of a patriot, and with a self-sacrificing devotion to the great and paramount interests of the country, the Secretary became the humble apologist of John Tyler's delinquency—ay, and of his imbecility too. What had become of his vaunted boast that the pillars of the Capitol

"Should fly
From their firm base as soon as I"

Sir, like the courage of Bob Acres, when the hour of trial came, all his firmness and all his patriotism "oozed out at the ends of his fingers." It seems that the fear of the loss of place, like a spectre, has haunted him in all his out-goings and in-comings. Sir, had he assumed towards the President the port and bearing of a man resolved to go for the country at all hazards, maugre all personal and private considerations, I believe in my heart that at this moment the Whig banner would be proudly flouting the breeze in every direction. But the closet scene had been enacted, and it was no longer any part of his purpose to act the honest, faithful, and fearless counsellor of the President. The dignified and lofty minister of state had dwindled down into the mere sycophant and parasite.

I have said that the record of the compact has not been promulged. But I will hazard the conjecture, that the high contracting parties, for good and sufficient considerations them thereunto moving, resolved that, so far as they had the power, John Tyler should be elected President of the United States; that the political world should be turned upside down; that quiet should be thrown into confusion, harmony into discord, and order into chaos. The Whig temple, with its stately pillars and splendid capitals, reared with so much toil and care, and standing forth a model of political beauty and of strength, was to be razed to the earth; and from its disjointed materials, aided by cross-ties dug from the ruins of the Locofoco Herculaneum deluged by the molten lava of the revolution of 1840, was to be constructed a new edifice, and dedicated to the use of John the Third, President in his

own right in 1845, and then to pass to his successor, Daniel the First.

Sir, it is my firm and honest belief that considerations other than those connected with the importance and delicacy of our relations with England had overpowering weight with the President in retaining Mr. Webster in the cabinet. He saw that a storm was in preparation; and, although at the time the cloud in the political horizon was no bigger than a man's hand, he felt that it would rapidly increase, and that, ere long, the little speck would become a desolating tempest. He wished for strength, for support, for allies, to enable him to weather the storm. And who at the North could give him more efficient aid than the man who, to talents of the very highest order, united in an eminent degree the respect and confidence of the Whig party? His means of mischief were in a ratio compounded of those talents, of that respect and confidence. Leaning on the pillars of his mighty reputation, which had cost him years of unremitted toil to erect, the Secretary vainly fancied that his fall was beyond the reach of human power. Vain illusion! Among the honest and sturdy Whig sons of the North, so far as my acquaintance extends, he stands almost desolate and alone, still majestic in the ruins of his own creation. Like the strong man, he has madly seized hold of the granite columns of his own fair fame; but, unlike him, he has buried with himself neither friends nor foes beneath the ruins.

The more recent conduct of the Secretary well warrants me in drawing conclusions unfavorable to the purity of motive which prompted his continuance in the cabinet, and his labors to defeat a national bank. I will not here inquire whether the President, in retaining Mr. Webster about his person, calculated upon his influence in the Senate—a place where he was weak, and where, in regard to confirmation of nominations, strength was highly desirable. Taking into view the character of the parties, and the nature and object of the coalition, it is highly probable that the potent influence of the Secretary was to be brought to bear on the north wing of the Capitol. Has an attempt been made to exert that influence? If so, it has most signally failed. The Whig portion of the American Senate, in the sternness of conceded virtue, and in the grandeur of unsuspected patriotism, with no stain of distrust resting on the purity of its purpose, or the constancy of its attachment to the principles of the party which it so ably represents, presents a spectacle challenging the respect, the confidence, and the admiration of the world. There, Executive influence has been powerless; here, too, it has been nearly so. The sum total of Executive recruits from the Whigs in Congress amounts to some four or five, all told. If my colleague from the Otsego district has inscribed his name on the roster of "the corporal's guard," it may swell up to six. How far the appointments of Locofocos to office generally, or the appointments of family connexions of Locofoco members of Congress in particular, or the promises of appointments (if such promises have been made) to Locofoco members themselves, to be made in future, may have influenced the course of the ultra Democracy on this floor, I take it not upon myself to say. That these appointments and promises have in no small degree softened the ferocity of Locofoco attacks, speeches of gentlemen might be cited in proof.

An honorable gentleman from Indiana [Mr. KENNEDY] not long since condescended, in a strain alike complimentary to the intellect and good nature of the President, to speak of him as "a good old soul!" What a biting sarcasm! Words of foulness and contempt! A good old soul, forsooth! Ay, when wielding the veto club to cleave down the Whig party, a "good old soul!" But, in his recommendation of the repeal of the sub-treasury, the "good old soul" has passed the vanishing point. When appointing Locofocos to office, a dear, "good old soul;" but, in retaining Mr. Webster in his cabinet, he is the incarnation of the evil spirit himself. What a President, and what a eulogist! The encomiastic satire of the one is in all respects worthy of the political profligacy and ingrained stupidity of the other.

I have spoken of executive influence. This influence may be beneficent or malign. Thus far, the conduct of the honorable gentlemen of the guard may be attributed to the former. Up to this period, I have neither the right nor disposition to impugn their motives. There may be doubters and skeptics on this subject; from such let me invoke for the gentlemen of the "guard" the charity of their silence. Wait for the developments of time—the great trier of things and of men. Wait till the 4th of March, 1845. If that day shall find them in this place, representing, with their well-known ability, the interests of their constituents; or, having been dismissed the public service here, it shall find them mingling among the masses; or, if that day shall find their shoulders unsoiled by the robes of office, —then may those who, from motives of prudence, now practise non-committalism, award to them their unqualified approbation—so far, at least, as motive is concerned.

I trust, sir, that by this good time the eyes of the Whigs of the country are fully open to a just appreciation of the motives and the management of those who have betrayed them, and made the vain effort to sell them to the support of the President.

Up to the period of the Faneuil Hall speech, there were no doubt some (perhaps many) Whigs who cherished the hope that Mr. Webster would return to the fold from which ambition in a fatal moment had tempted him to wander. They thought of his Herculean intellect and of his indomitable spirit when fighting in the Senate the battles of constitutional liberty; and they were slow to believe that he had left the camp of the faithful, to form a lasting alliance with a crooked, perverse, and uncircumcised generation. But, sir, that speech extinguished the last hope of his few remaining friends.

Those who believed that his efforts to defeat a national bank were prompted by considerations of anxiety for the peace and harmony of the Whig party, of the position in which a veto would place the President towards that party, and the effect of that position on that peace and harmony—those who believed that his continuance in the cabinet resulted solely from a conviction that he could there best serve the country, by conducting to a successful termination our negotiations with England—were compelled then to admit that they had extended to him a charity which he did not merit. Then it was that the painful reality of his tergiversation was fully realized. Then it was, reviewing the "*tout ensemble*" of the Secretary's course, that they discovered that ambition and the love of place, more than love of country, had counselled him to remain in a cabinet from which his highminded, pure, and honored colleagues had retired in disgust. And the honorable Secretary was not content to remain in his degraded position in silence. To evince his subserviency to the President, as a volunteer he appears in the public prints, and unblushingly heralds to the world not only his want of sensibility to insult, and of manhood to resent and repel it, but his fixed determination to remain in power, notwithstanding all the contumely which the President had heaped upon him and his late associates.

In his letter to the editors of the National Intelligencer, under date of 13th September, 1841, he informs us "that he had seen no sufficient reason for the dissolution of the late cabinet by the voluntary act of its own members."

Sir, the Secretary's optics were not usually sharp. His eyes were dazzled by the glare of the premiership in present possession, and of the presidential coronet in the distance. He is a Yankee—belonging to that tribe famed for its coolness of calculation, especially in all matters of pecuniary and personal thrift. Sir, I will not intimate that the Yankees are not as sensitive to attacks upon their honor as others—such an intimation would dishonor my own father, and all my kindred; but the Secretary seems to be an exception to the general rule of his caste. The alligator is not devoid of sensitiveness; but it is impervious to assault, and the hunter's attempts to reach it are vain. The rebounding balls of his enemy demonstrate the impenetrable nature of the coat of mail with which nature has protected him.

The influence of the Secretary over the President is said to be second to that of no other gentleman; but he remains here, "calm as a summer's morning," the quiet and pleased spectator of the persecution for opinion's sake which the fatuitourage of the President inflicts upon his *ci-devant* brethren.

What cares he that Jonathan Roberts, and thousands of others—good men; honest, faithful, and capable public servants—are rudely ejected from office, for no cause other than that of an attachment to Mr. Clay, to make room for the hypocritical neophytes to Tylerism, so long as he continues quietly to gnaw the bone of office?

Sir, the President exacts from his dependants a strict execution of the condition of the bond, though it may consist in the performance of services from which a well regulated and patriotic spirit would revolt. The Secretary was becoming enervated in the enjoyment of inglorious ease at Washington; an important election was about to take place in Massachusetts; he was therefore ordered by his taskmaster to gird on the armor, in which, like another Cœur de Lion, he had so often met and vanquished the stalwart knights of the ultra Democracy—to couch his unconquered lance against his once confiding and generous allies.

The same John Tyler who, in his inaugural address, proclaimed that "he would remove no incumbent from office who has faithfully and honestly acquitted himself of the duties of his office, except he has been guilty of an active partisanship, or by secret means—the less manly, and therefore the more objectionable—has given his influence to the purposes of party, thereby bringing the patronage of the Government in conflict with the freedom of elections;"—this same political pope, who, on the 28th of September, issued from the Vatican a pompous bull, threatening decapitation to executive officers who "had violated the obligations which they impliedly assumed on taking office under (my) his administration, of abstaining from any active partisanship, or in any way connecting their offices with party politics, or using them for party purposes;"—the same John Tyler unblushingly commissioned his prime minister to desecrate the "cradle of liberty," insult the Whigs of the old Bay State, and aid in the achievement of a Locofoco triumph in that venerable and patriotic Commonwealth! Who can compare this ukase of the President to the office-holders, with the electioneering tour of his Secretary, and not feel a contempt alike for master and for man? I know not which most to abhor—the base hypocrisy of the President, or the mean servility of the minister.

And thus, in this green morning of our national existence, for the first time has been exhibited to the astonished view of the American people the revolting spectacle of a political crusade of a Secretary of State against the peace and integrity of the party which elevated him to office, attended with the pomp and parade of official pageantry, and with the delivery of a partisan speech by this same Secretary, as destitute of taste and of power as it was insulting to the "good men and true" who were doomed to witness the degradation of their once beloved orator.

Sir, the time is not distant when the Secretary would give all the wealth of all the Indies to have every trace of that speech blotted from the recollection of his countrymen. Would to God I could throw over it the thick mantle of oblivion, and replace its unhappy author on the proud pinnacle he occupied on the 4th of March, 1841! Vain wish! The recording angel has performed his office: an ocean of penitential tears cannot efface the record. There will it stand, through all time, a monument of the frailty and folly of human greatness.

What must have been the anguish of feeling of men like Abbott Lawrence, when the mendicant orator, after referring to many offices in the customs filled with Whigs, and to the mission to England, so ably filled by an accomplished scholar and statesman—all of which opposition to the administration of Mr. Tyler might place in jeopardy—piteously inquires, "Where do the Whigs intend to place me? Where am I to go?"

Here, again, the fear of the loss of office—the necessary result, in this reign of terror, of a faithful adherence to principle—is most plainly developed. Sir, had there been in that assemblage one true, honest, and frank friend of the inquiring Secretary, he would, in response, have cited him to the 5th verse of the 27th chapter of St. Matthew, and, in the spirit of pity and of mercy, would have recommended to him the example of his great prototype, recorded in the verse referred to by the faithful evangelist.

A great man guilty of ingratitude to his friends, of the abandonment of his principles for the sake of office, and of treachery to his party, can find a resting-place only in the grave. There may his bones and his faults repose together, in the uncertain hope that the hand of friendship may place on the title-page of his biography the charitable maxim, "*De mortuis nil nisi bonum.*" But, living, in vain may he invoke the charity of the world. He cannot escape the daily reproaches of friendship betrayed, of faith violated, and patriotism outraged,

in the language of Scripture, should he "take the wings of the morning, and fly to the uttermost parts of the sea," even there will the voice of violated obligation reach him, and nightly disturb the repose of his bed-chamber.

The inquiry, "Where am I to go?" seems to have been made in the spirit of deprecatory anticipation. The 4th of March, 1845, will soon arrive. Then, in anguish and bitterness of soul, will he make the same inquiry. And the spirit of prophecy need not be invoked to indite the answer.

Then will rush upon him, with afflictive and soul-rending force, the frightful recollections of the past, and painful forebodings of the future. Though now glittering in the pride of place, the subject of heartless flattery and of hollow respect, then he will find "none so poor to do him reverence."

And now, the Secretary, having fulfilled his political embassy, no doubt enjoys with infinite *goût* the fruits of his treachery, in witnessing the chair of the Hancocks defiled by an ultra Democrat—the abettor of revolutions, the hero of clambakes, and the instigator of a rebellion which threatened to wrap a neighboring State in flames, and deluge it with blood.

But I must part with the honorable Secretary. We could have better spared a better man. But he has gone; and peace to his political ashes! It belongs not to me to write his epitaph. An honest, patriotic, and betrayed party, and a deserted country, will, in their own proper time, inscribe on his headstone an appropriate "hic jacet."

A few words more, however, before final leave-taking. Sir, the impudence of the Faneuil Hall speech is in keeping with all the circumstances under which it was delivered. Men of high standing and exalted worth—Mason, Russell, Quincy, Otis, Saltonstall, Lawrence, and others—had assembled to greet their old friend, and to hear from his lips the words of consolation and of hope. And what did they hear? Was their drooping courage aroused, to engage with fresh vigor in the battle then about to be fought in Massachusetts between the Whigs and their old restless and implacable enemies? Were they urged to the contest by that voice which so often had cheered them on to victory? No, sir; nothing like this. They were compelled to listen to a speech made up of self-glorification of the orator; of his apprehensions of loss of office, if he continued firm to his Whig principles; and of insolent and unmerited rebuke of his hearers. In the person of Abbott Lawrence, then before him, was the chairman of the Massachusetts Whig convention, then lately convened, to nominate candidates for Governor and Lieutenant Governor of the State. He and his associates in the convention were denounced for their virtue and independence, in declaring to the world a final separation between the Whigs of the old Bay State and their recreant President. Their right to utter these sentiments was challenged and denied; and they were insultingly told that they were sent to the convention for no such purpose.

In imitation of all similar conventions, they had adopted resolutions expressive of their opinions of public men and public measures; and for this expression they received at the hands of the arrogant Secretary the castigation of his censure.

[Here Mr. CLARK's hour expired. He gave notice that he would write out the balance of his remarks. He intended, if time had permitted, to have said something like the following:]

And, sir, it was not sufficient that the excellent gentlemen referred to were thus grossly insulted in public by an impudent, itinerant Secretary; but two of them—Abbott Lawrence, and my friend, the honorable gentleman who so ably represents the Essex district, [Mr. SALTONSTALL,] and who, by his genuine moral and political firmness, has endeared himself to every Whig in the Union—were selected by the Secretary as the peculiar subjects of ridicule and lampoon. They were caricatured in the columns of the court journal under the control of Tyler, Webster, & Co., in the following article, under the date of Oct. 13, 1842:

"Messrs. Webster and Cushing, it seems, have been guilty of the gross, the enormous offence of censuring the proceedings of a convention where Abbott Lawrence presided, and which Leverett Saltonstall addressed.

"The Secretary of State finding fault with the decisions of an owner of spinning jennies and a retailer of tapes and cottons! Ye gods! *it doth amaze me.* Is there no law in Boston for *scandalum magnatum*? No consideration of the decencies of station? Boston can be correct Boston no longer, if she allows an individual of mere intellectual notoriety and some slight political standing, to publicly admonish—nay, censure, 'berate and belabor,' (those are the very words)—a man whose vast mind has been deeply engaged in the coloring of cloths, and whose arithmetical science is so profoundly available. And Caleb Cushing belabors Leverett Saltonstall! *Le jeu ne vaut pas la chandelle;* i. e. the man who can hunt down an antler of ten, belittles his reputation by knocking over a poor *Leverett.*"

Whether the same number of the paper contained the assertion that the Faneuil Hall speech and General Scott's letter had "put an end to Clay's prospects," or whether it contained the annunciation of the Whig defeat in Georgia in capitals—"The work goes bravely on!" "Great destruction of 'coons in Georgia!"—I do not at this moment remember.

And thus it is, that an expression of a difference of opinion with Mr. Webster subjects the most pure and intelligent merchants and statesmen of the country to the ribald scoffs and sneers of a man who is unworthy to unloose the latchet of their shoes.

Were there not in that convention those whose hearts throbbed with indignant emotion at this insolent assumption of ministerial prerogative? If there were not, then, indeed, has the blood of their revolutionary sires, of their Hancock, and of their Adams, ceased to flow in the veins of their descendants.

Sir, I will not impute to these excellent men the slightest insensibility to insult; and I hazard little in saying that, could the Secretary have looked into the recesses of their tortured bosoms, while listening to this outpouring of vanity, egotism, and venom, he would have discovered a conflict of emotions in which contempt and indignation were struggling for the mastery.

And here I must take leave of the honorable Secretary; and, in so doing, let me commend to his attention the fable of the kind-hearted husbandman and the frozen adder. Sir, I leave him to ponder on its moral, and draw from it what consolation he may.

But the honorable Secretary, though pre-eminent, stands not alone in the deformity in which ingratitude and treachery have clothed him. In the person of the Secretary of War, he has found a willing, if not an efficient coadjutor. Though he may not successfully compete with him in intellectual strength, he may aspire, with no humble pretension, to a fair portion of the honors with which insensibility, cold-heartedness, sordid ambition, and Iscariotism adorn their possessors. To a head of no inconsiderable strength and clearness, he joins a heart cased in triple steel, and responsive alone to the calls of self-aggrandizement. Untiring in application, and prompt in manœuvre, he watches, with cat-like intensity, the revolutions of the political wheel, and, careless of the power that propels it, obtains a quiet lodgment in its topmost bucket.

Though an Issachar in politics, "crouching down between two burdens" to effect his objects, his great archetype undoubtedly is Dan, who, in the prophetic language of the dying patriarch, was to be "a serpent in the way, an adder in the path, biting the horse's heels, so that his rider should fall backward."

Although the honorable the Secretary of War has enacted many astounding political summersets, he has exhibited, in his recent demonstration of ground and lofty tumbling, a rapidity and boldness of movement, a suppleness of conformation, an aptitude for juxtaposition, and a flipflappishness of harlequinry, which may well excite the unbounded admiration and applause of the most accomplished performers in the ring.

In September, 1841, the Secretary, indignant at the outrages committed by the President upon the honor and principles of the Whig party in New York, and acting upon that occasion as its champion, issued an address to the party, appealing to their injured patriotism and wounded pride to meet in convention at Syracuse to express their feelings of abhorrence at the usurpations and treachery of the President. In pursuance of this appeal, the convention met. But where was the burning and indignant John C. Spencer, whose voice was to have aroused the dormant Whigs from their lethargy, and infused new life and energy into their chilled veins, and rallied them to the polls at the election then approaching? Sir, he was among the missing. To the summons himself had issued, there was endorsed a return of "*non est inventus.*" While, in obedience to that call, his faithful brethren were in consultation in regard to the adoption of measures best calculated to advance the best interests of the party and the country, Mr. Spencer, like a cowering and skulking culprit, afraid that the honest sun should peer out upon his treason, was crouching in a dark corner of a dingy room at Brown's, in this city, taking lessons from his fugleman in the art and mystery of making bows, grimaces, and congees, which might be acceptable to the tenant of the palace.

Sir, the secretaryship of which he is the incumbent was offered to, and finally conferred upon him, for the sole purpose of defeating the Whigs in the election referred to. The wire-workers at Washington knew their man, and the price to be paid for his apostacy. They knew him to be the author of the address, and they calculated that his appointment would lull the Whigs to repose. It was intended as a wet blanket for the Syracuse convention, and as an opiate to drug that portion of the Whig party who yet fondly (*i. e.* foolishly) hoped that John Tyler was true to his principles and to his party, into a fatal security. It was an artful game, most foully, wickedly, and, I regret to add, successfully played. The Whig party in the State was once more prostrated at the feet of the Locofoco Dagon—not by the power of open, generous enemies, but by the coldness and apathy of its friends, produced, in a great degree, by the defection of Spencer.

Well do I remember, sir, on my return home, when speaking to some of my Whig constituents of the recusancy of Mr. Tyler, that I was rebuked, and the appointment of the Secretary was referred to in proof of the President's fidelity to his party. Mr. Spencer, by a long course of hypocritical profession, had become a prominent and leading member of the Whig party in the State; and many, unacquainted with the history and the passions of the man, were incredulous to the suggestion that he was to be the instrument of the President for the prostration of their party in the Empire State. But the delusion has vanished; the scales have fallen from the eyes of the doubters, and he is now presented in the bald and naked turpitude of his character. He has performed the dirty work of his employers, and is now here receiving his reward, the wages of political iniquity. But, sir, I am happy to say that he no longer possesses the power of mischief to the Whigs of New York. The lion's skin has been torn from his recreant shoulders; and he stands forth a hyena, fattening on the mutilated corpses of his recent friends. The impotence of his last recent effort in the service of his master in the State of New York, was equalled only by its mendacity and impudence. In my judgment, my colleague was right when he told us the other day that, so far from having aided, it actually injured his (the Locofoco) party. The Whigs had become familiar with his duplicity, and were not again to be the subjects of his impositions. A few more such efforts would have aroused the Whigs throughout the State to a general and triumphant rally.

To the close observing portion of the Whig party, no evidence of Mr. Spencer's defection was wanted, other than that furnished by his acceptance of a place in a cabinet from which had been ejected Crittenden, Bell, Granger, and Ewing—men whom the Whig party delighted to honor—men in whose persons the entire Whig party throughout the country had been insulted by a fickle, vacillating, and imbecile Executive; expelled, because they would not compromise their principles, and, like the Secretary of War, play the apostate. I say *expelled;* for though the members of the cabinet (with one notable and dishonorable exception) resigned, yet a further continuance in it had become incompatible with self-respect, and with their duty to their party and the country. No true Whig, having the slightest respect for himself or for Whig principles, would have occupied a place from which the patriotic and talented Bell had been driven for his steadfast devotion to those principles.

Sir, the labors of love of Mr. Spencer were as useless as they were gratuitous and insulting; and he has no just right to join his colleague in office and in guilt, who aided in the overthrow of the Whigs in Massachusetts, in shouting pæans to the triumphs of Locofocoism in the State of New York, achieved by *his* agency.

It is said, however, that he has contrived to im-

pose on the soft and plastic mind of his confiding Excellency the belief that New York writhes in the revolting embraces of the ultra Democracy, through the efforts of his faithful minister. I doubt it not. And I doubt not that, in the wassails of the palace, some insulated recess has often been vocal with the voices of the merry trio chanting hosannas to the conquerors of the Whig party and the despoilers of their country.

Sir, let them quaff on and sing on. The day of fearful retribution will soon come. Though now high in power, sparkling in its sunshine and revelling in its enjoyments, rest assured, sir, that their political "damnation slumbereth not." On the 4th day of March, 1845, by the common consent of all parties, they will be consigned to a political pandemonium, where, in the bosom of a restless and disappointed ambition, "the worm dieth not, and the fire is not quenched."

Sir, amid all the gloom which treachery has thrown around the Whig party, I do not permit myself to doubt that its recuperative energies will marshal it to the field in 1844; and then, as in 1840, victory will again perch upon its standard. Let not the Locofoco legions "lay the flattering unction to their souls" that they are to have a bloodless field. No, sir; they shall have war—war *tenus capulo*, in all its honorable forms, and with all its consuming fierceness—and waged, too, with a spirit which would do honor to the most chivalric campaign of 1840.

Under the banner of patriotism, inscribed with the name of the honest, frank, fearless, and patriotic "Harry of the West"—associated, as I confidently trust it will be, with the name of a Northern gentleman well known to the country for his fearlessness, integrity, and indomitable spirit, and under which all opposed to the Robespierrean Democracy, be they old Whigs or new Conservatives, may rally—the Whig party will again take the field, and wage the war with the spirit and enthusiasm which characterized the triumphs in New York in 1838 and 1839, and the general triumph throughout the country in 1840. Under such a banner, and with such a spirit, we shall reconquer the laurels of which treachery has robbed us, and again attempt (and, under the auspices of a faithful President, successfully attempt) to raise the country from the horrible pit of Locofocoism, and place it on the rock of solid and enduring prosperity.

SPEECH OF MR. TALLMADGE,

OF NEW YORK,

In Senate, February 6, 1843.—On the exchequer.

The bill "amendatory of the several acts establishing the Treasury Department" being, on motion of Mr. TALLMADGE, taken up, he proceeded to address the Senate to the following effect, in explanation of the provisions of the bill:

Mr. T. regretted (he said) that he had not been able to bring forward this measure at an earlier period. The delay had not occurred on his own account, or through his instance, but had been yielded to the request of other Senators. Some two weeks since, it had been assigned a day under a special order. Meantime, however, came on the important debate (on the Oregon question) which has so much occupied the attention of the Senate. Until this—unexpectedly prolonged as it had been—was terminated, he had not chosen to distract the attention of the body by a double discussion. The Senate would pardon him this little preliminary vindication of himself against a possible imputation of remissness, or of disregard for his own voluntary pledges of bringing forward the measure anew at the earliest time in his power.

The general purpose of the bill (Mr. T. went on to say) is to do something for the country, as to currency and exchanges. Substantially, the bill is the same as that brought in last winter by report of that select committee of which I had the honor to be chairman. To the report then submitted with the bill, the Senate will allow me to refer them for those more amplified details and arguments which are less necessary now that the Senate is in possession of the general plan. I propose, at present, only to re-state those larger points of then measure, upon the soundness of which, and their competency for the object in view, the entire question must rest.

As, then, what is mainly proposed is to do something which may redeem the currency and exchanges of the country from their present wretched confusion, it is at least necessary, for the formality of a regular argument or investigation, to ask what would, in every other sense, be superfluous—whether the country at large stands in any vehement, any unusual need of such interposition, such exertion of any power applicable to the purposes in view as the Government may possess?

If the common disasters of a whole land ever challenged justice or pity from its rulers; if a desolation more widely spread, if less total, than any which the ravages of war ever inflicted, is a thing demanding public relief; if a general havoc of nearly all private fortune, and an overthrow of all public credit, are matters that call for some effort of the prudence or power of the whole community,—I may surely, in the unexampled distress which convulses the entire body politic, find enough to warrant me in saying that the need of doing something is terrible, and its delay inexcusable, if there is within the legitimate and safe resorts of our Government anything that can be done.

The condition of the country I will not attempt to describe. I am not master enough of the imagery of suffering and gloom to paint a picture of such various and such cruel calamity. Afflicting as it is to look upon, it is doubly painful from the strange, the violent, the dismal contrast which it offers with the youth, the strength, the customary prosperity of our country, and the teeming resources which vainly lie all around us. We are beggars in the midst of the most boundless natural wealth; we are starving in the midst of the unexhausted fertility of a soil capable of yielding us almost anything; and the profusest blessings of nature, and the highest boon of political freedom, seem, for the time, bestowed upon us equally in vain.

For all this there must be some adequate cause. Visibly to all eyes, it is the extreme and rapid reduction of the circulating medium—under the heavy individual and public engagements which an equally extreme previous inflation had given rise to—which has produced, and threatens greatly to prolong, all that we are suffering. Such (though not the sole) is certainly the great and leading cause of what, as politicians or statesmen, we must speak; because it is clearly to this cause that we must address ourselves, as to the only thing worthy of a statesman's thoughts, or a test of his skill—the possibility of a remedy.

I, sir, and those with whom I have generally concurred in political views, have (I repeat) felt satisfied that, though there may have been many causes for this state of things, yet the great and immediate one lies at present in the deranged condition of the currency and exchanges of the country. As to the origin of that derangement, there may be a diversity of opinion; but there can be none as to the existence of the fact, and little as to the powerful influence which it exerts in all that we are now witnessing.

Without question, it is one of the saddest and one of the most dangerous characteristics of party and of politics in this country, that, unscrupulous of everything but to strengthen their own momentary force, they seize, and endeavor to make a part of themselves, everything alike—no matter how little of a party nature, and no matter how much the prejudice to the public interests which may ensue from thus transforming many questions purely national into matters of partisan warfare. There is no subject which, in point of magnitude, in point of universality, and in point of being proper to trade alone, was less fit to be flung into the mere cockpit of party strife, than this of the currency. Yet, unfortunately for the country, the instant that it could be rendered anything that it should never have been—anything that it could never, with safety to the country, become—it was, from a commercial, turned into a political question—the mere watchword and battle-cry of conflicts with which such a simply commercial question should never have been mixed. It was not to the agitation of political passions, ever extreme and exaggerated in what for the moment occupies them, that such a question could be committed for any safe decision. As long as such questions are made the rallying call of party, derangement of the currency and exchanges will continue; and the consequent derangement of the whole business affairs of the community. It is surely time, amidst the extremity of distress into which this false and unhappy management of the question, has plunged us, to drop those party distinctions and think once more of the public sufferings around us, and the duty—if there be a possibility—of lightening or even relieving them, by a calm and a prudent legislation. In this great council, holding in its hands to such an extent the destinies of the entire nation, the first consideration should be, how best to fulfil what we owe to the country at large, now reduced to a condition too disastrous to be much longer endured. That condition, I hesitate not to say, in my judgment imperatively demands that we unite on some such measure of relief as that proposed by this bill. The time unhappily is past, when, unembarrassed by the difficulties which delay has thickened over the matter, we could, comparatively at our ease, have deliberated of measures and methods now no longer in our choice. Formerly we might, with a freedom to select from all that experience offered of good, have held calm counsel as to what was best: now, reduced to far sadder afflictions, and with a far narrower choice of modes of relief, we are left to ask not "what is best?" but "what is it now possible to do?" The people are crying aloud on all sides for relief. For that relief they turn their eyes, from all quarters of the country, to this Government. They ask you not for relief from their private, their individual misfortunes, which they know you cannot cure; but relief from a wretched condition of the circulation, which denies them all possibility of redeeming and retrieving their losses, and which you can cure. They ask you to give them, not an illegitimate and individual aid; but to afford to their private necessities the indirect assistance of what the public business as imperiously requires—a better mechanism of interchange, a sounder vehicle of their business and of your own. Such is demanded, not more by individual convenience than by the public interests. If, in the management of its own finances, the Government can, at the same time, furnish an element of exchange that will go far to give the country what it so much needs, and what seems so little attainable in any other way—a sound currency—is it not bound to do so?

Are gentlemen, then, to fold their arms and pronounce that nothing can be done? Here is at least a measure which will do something. It may not accomplish all that could be wished: but it will effect much. It cannot fail to afford to commerce a good and a general instrument, which it does not now possess: it must, to its entire extent, infuse into the circulation an element of correction and soundness; and these indirect but important effects as to private business will be but incidental results from a system of which the more immediate benefits accrue to the Government itself, as to the distribution and management of its receipts and disbursements.

In what it thus proposes, there is surely nothing that is not strictly compatible with the constitutional powers of the Government—with such powers, I mean, as are inseparable from its duty of the collection, safekeeping, and disbursement of the public revenues. If, in performing these functions, it can, at the same time, indirectly and incidentally afford to the business of the country facilities of exchange and currency which involve not a loss but a benefit in the public business itself, surely it is strongly its duty to do so. The provisions of this bill aim at nothing more.

It will, at all events, establish one great and fundamental principle—a principle which is the dividing line between the extremes of parties, and which lies at the bottom of all these systems, whether they present themselves in the shape of a national bank, an exchequer, or in any other form—namely, that it is the right and the duty of the General Government, in the collection and disbursement of its revenues, to aid in furnishing a uniform currency, and regulating the exchanges of the country. Much will have been achieved by the establishment of this great principle, and the foundation will be laid, on which a superstructure can be erected, with proportions regulated by the constitutional powers of the Government and the wants of the country.

Since the foundation of this Government, different methods of effecting this object of connecting the management of the public revenues with the regulation of the currency and exchanges have been tried. Of these, the earliest and much the longest preserved was a national bank. To it succeeded what was called the State bank deposite system. The sub-treasury, of still briefer existence, was the last-born of these expedients; but died (not a very promising child) in its infancy.

The oldest, and infinitely the most successful of these successive contrivances, dates almost from the

foundation of the present Government. It owed its conception to the sagacity of the ablest man that ever stood at the head of our national finances—Alexander Hamilton; who, in 1791, recommended a resort to such an institution as a remedy for the extreme derangement then existing in our monetary and financial affairs. Its success answered admirably to the powerful judgment of him who had proposed it. Scarcely had it gone into existence, when the confusion which it was meant to remedy stood rebuked. Order at once rose up out of the chaos and embarrassment of the treasury, and soundness out of the derangement of the circulation. For twenty years, lending these advantages to our moneyed system, it stood, the very capital of the column of this great man's just fame. In 1811, however, when its charter ran out, a set of republicans a good deal more righteous than George Washington and the other patriots who founded the Government and this bank almost together, voted it anti-republican, and refused its re-charter. Still, in that day, what called itself republicanism was not so wise as to scorn the most positive experience, the clear demonstrations of actual fact; so that when, after five years' trial of the fiscal and constitutional advantages of being without a bank, they found themselves, in 1816, involved anew in all that financial confusion which had been so happily removed by the original creation of the bank, they, the republican opponents of that dangerous institution, re-established it.

I need scarcely say, sir, that, as before, it lifted the finances and currency of the country out of the mire, where they were stuck; and gave us, until a new political war was declared against it, a currency as perfect as any commercial country in the world ever possessed. In spite, however, of these conspicuous benefits, and the manifest rashness of abandoning, for a more than questional experiment, a system which had so admirably performed its great and difficult functions, the country allowed itself once more to be hurried, by the all-powerful influence of a single great leader, into a fresh demolition of the bank, and a new essay of currency-mongering.

In accordance with the views of the party with which, from my first entrance into public life, I had acted, I myself, in 1831, was opposed to the re-charter of the bank. The Senate will pardon me if I repeat a little incident which occurred soon after I took my seat in this body, and which my own subsequent impressions have often served to recall to my recollection. After an incidental discussion on this subject, in which I had taken part, a distinguished Senator from Kentucky said to me: "Sir, there was a young man from the West in Congress in 1811; and he, upon the constitutional notions that are now governing you, voted against re-chartering the old United States Bank. Time rolled on, and troubles came. We attempted to get along without a national bank: but at last we found that without it we could not manage the public finances, nor maintain for the country a sound and uniform currency. That young man then became convinced by experience that the vote which he had given in 1811 was wrong; and in 1816 he gave his voice for the chartering of another United States bank. You have now taken the same ground that that young man originally did: but, like him, time and experience will, I have no doubt, eventually convince you that you have done wrong."

Sir, I stand here to confess that time and experience have convinced me accordingly, and to acknowledge that I was wrong, and Mr. Clay right; that the affairs of the Government and the country cannot be safely managed without the aid of some mechanism of that sort; that of such, that of a United States bank has proved itself far the most perfect that has ever been tried in this country; and that it is greatly to be lamented that, through mere party causes and their unfortunate influences, a state of public opinion has been brought about which renders it impossible now to recur to what is of itself greatly to be preferred to any other financial agent that we know of.

I need scarcely, sir, do more than advert to the events of the extra session of 1841. For both the bank bills passed at that session I gave my vote. I regretted, of course, the negative which the President felt it his duty to put upon them; and regretted it still the more, because I considered it as terminating all hope of obtaining for the country the best and most efficient of financial contrivances, and as reducing us to an expedient of secondary excellence. For, be the advantages of the older institution ever so unrivalled, what possibility can we any longer look to of again carrying that system into effect, for the extrication of the country from its present extreme embarrassments? We legislate not for what might have been, but for what is; for facts as they exist, not as we would have them. We have to consider, not what this or that party desired to accomplish and could not; but what it is now possible to effect of best and soundest. Let gentlemen who yet look to a national bank remember that some six or seven years must certainly elapse before that mode of relief can be made available to the country. Suppose our present hopes to be realized by the election of 1844: contested as the subject of a bank must continue to be, under almost any condition of parties, it must be nearly the end of the long session of the next year before a bill for this purpose can pass; another year to negotiate the stock; another to get the bank into operation; and at least another before the people can have been made to feel any of the marked benefits of the institution. Can the country, bleeding as it is at every pore, wait under its present agonies for relief so long deferred as that? No; some early, some present ease is needed; something timely to what we now suffer, and not appropriate merely to a future state of quiet and of comfort.

Having thus, sir, passed in review the chief points of the history of the most permanent and solid of the successive fiscal contrivances through which our financial system has been made to act, I come next to that confident resort of President Jackson—the State bank deposite system—for the sake of whose infinitely steadier, more manageable, and less pervertible mechanism, the flourishing finances of the country were dismantled and knocked down to their lowest stone, in order to be rebuilt upon another foundation and of different materials.

Of that experiment the memory is too recent for me to have need to say much. Suffice it to say, the system was recommended by President Jackson, and adopted by the party which sustained his administration. His prophecies of its entire success were too remarkable for me to omit some little citation of them.

In President Jackson's first annual message after the deposite-bank system had been put into operation, he spoke as follows:

"The experience of another year has confirmed the utter fallacy of the idea that the Bank of the United States was necessary as a fiscal agent for the Government. Without its aid, as such—indeed, in despite of all the embarrassment it was in its power to create—the revenue has been paid with punctuality by our citizens; the business of exchange, both foreign and domestic, has been conducted with convenience; and the circulating medium has been greatly improved. By the use of the State banks, which do not derive their charters from the General Government, and are not controlled by its authority, it is ascertained that the moneys of the United States can be collected and disbursed without loss or inconvenience, and that all the wants of the community, in relation to exchange and currency, are supplied as well as they have been before. If, under circumstances the most unfavorable to the steadiness of the money market, it has been found that the considerations on which the Bank of the United States rested its claims to the public favor were imaginary and groundless, it cannot be doubted that the experience of the future will be more decisive against them.

"It has been seen, that, without the agency of a great moneyed monopoly, the revenue can be collected, and conveniently and safely applied to all the purposes of the public expenditure. It is also ascertained, that, instead of being necessarily made to promote the evils of an unchecked paper system, the management of the revenue can be made auxiliary to the reform which the Legislatures of several of the States have already commenced in regard to the suppression of small bills; and which has only to be fostered by proper regulations on the part of Congress, to secure a practical return, to the extent required for the security of the currency, to the constitutional medium. Severed from the Government as political engines, and not susceptible of dangerous extension and combination, the State banks will not be tempted, nor will they have the power which we have seen exercised, to divert the public funds from the legitimate purposes of the Government. The collection and custody of the revenue being, on the contrary, a source of credit to them, will increase the security which the States provide for a faithful execution of their trusts, by multiplying the scrutinies to which their operations and accounts will be subjected. Thus disposed, as well from interest as the obligations of their charters, it cannot be doubted that such conditions as Congress may see fit to adopt respecting the deposites in these institutions, with a view to the gradual disuse of the small bills, will be cheerfully complied with; and that we shall soon gain, in place of the Bank of the United States, a practical reform in the whole paper system of the country. If by this policy, we can ultimately witness the suppression of all bank bills below twenty dollars, it is apparent that gold and silver will take their place, and become the principal circulating medium in the common business of the farmers and mechanics of the country. The accomplishment of such a result will form an era in the history of our country, which will be dwelt upon with delight by every true friend of its liberty and independence. It will lighten the heavy tax which our paper system has so long collected from the hard earnings of labor, and do more to revive and perpetuate the habits of economy and simplicity, which are so congenial to the character of republicans, than all the legislation which has yet been attempted."—*Message of December, 1836.*

Again, in his annual message of the next year, he holds the same confident language, as follows:

"Experience continues to realize the expectations entertained as to the capacity of the State banks to perform the duties of fiscal agents for the Government. At the time of the removal of the deposites, it was alleged by the advocates of the Bank of the United States that the State banks, whatever might be the regulations of the Treasury Department, could not make the transfers required by the Government, or negotiate the domestic exchanges of the country. It is now well ascertained that the real domestic exchanges, performed through discounts, by the United States Bank and its twenty-five branches, were at least one-third less than those of the deposite banks for an equal period of time; and if a comparison be instituted between the amounts of service rendered by these institutions, on the broader basis which has been used by the advocates of the United States Bank, in estimating what they consider the domestic exchanges transacted by it, the result will be still more favorable to the deposite banks."

He proceeds to state the large amount of exchanges which the State banks have transacted, and the laudable public spirit they were displaying in bringing specie into the country; and then winds up with the following commendation of the system and its high success:

"In the same manner have nearly all the predictions turned out in respect to the effect of the removal of the deposites—a step unquestionably necessary to prevent the evils which it was foreseen, the bank itself would endeavor to create in a final struggle to procure a renewal of its charter. It may be thus, too, in some degree, with the further steps which may be taken to prevent the excessive issue of other bank paper; but it is to be hoped that nothing will now deter the Federal and State authorities from the firm and vigorous performance of their duties to themselves and to the people in this respect."

Meaning rather to recall events, by touching on them, than in any sort to recite them, I will only remind the Senate with what fury, upon the collapse of this system, they who had constructed it, and (for their own political ends) stimulated all its vices, fell not only upon the contrivance itself, and the particularly favored banks that made a part of it, but upon all other State banks. Till now, using these institutions as their auxiliaries in the war upon a national one, they had magnified them as the sole legitimate and constitutional form of banking and of finance, the only creations of a competent authority, the legal offspring and heirs of State sovereignty, and not less safe in a commercial or fiscal sense than proper in a corporate one. Up to this point, national banks alone were hydras, monsters, and all that; while State banks were everything that was fair, well-proportioned, and safe; nay, invested, as to the Federal power, by their origin from that of the States, with an emanation of something which the former merely derivative and secondary authority must not lay impious hands upon. Now, however, in the progress of this Jacobin and Jesuit finance, came a new doctrine—that, because they had debauched a part of the State banks, all banks were illegal, and not less a fraud and inimical to the community when created by State, than when by Federal authority. In short, the very system which they and General Jackson had but a few months before exalted as so safe, so practical, so constitutional, was at once denounced as the most grievous of curses, and the most wrongful of monopolies.

In this warfare upon the deposite banks I did not join. But they were, as everybody knows, speedily crushed; and there was an end of system the second.

Of the third—that of the sub-treasury—my history shall not be long; because its life was too short for any but the briefest commemoration. It had, as everybody knows, been opposed by the party in a mass on its first introduction in the other House by General Gordon, of Virginia. This, however, did not hinder its being taken up on the explosion of the former plan of finance. Still, it could not be carried until thrice recommended by President Van Buren, with the endorsement of General Jackson. Finally it passed; but only went into operation to show how hollow it was of all that it was pretended to be; how illusive as to all its promised solidity; how unreal, except in the dangerous power it possessed, and the irresponsibility, the corruption, and the peculation to which it gave scope. In a word, it lived but long enough to draw down a general mockery and odium.

Such, sir, has been this series of improvements in currency and finance, up to the last, yet unacted on—the exchequer project of President Tyler or his Cabinet.

When, at the last session of Congress, this plan was placed before you, much discussion arose here on the question of its reference. In that discussion I took no part, choosing to reserve myself for an

unbiased examination of it in committee. The measure, however, in its original form, underwent in the Senate so full and so able a discussion, that the views of Senators were disclosed at large, and the objections on all sides thoroughly understood, before the reference was finally settled. When, therefore, the subject was placed in the hands of a special committee, of which I was made chairman, they were possessed of all these objections, and in a condition to weigh, and, if possible, to obviate them all. With these objections specially in view, the bill now before the Senate had been framed and amended, and, with such deliberation and solicitude, as led the committee to trust, not without some confidence, that they had performed their task in such a manner as to steer clear of whatever defects had been detected in the original form of the measure.

The first class of objections thus taken related to the apprehended influence which the Executive might exercise over the institution, chiefly by means of his power over its officers as to appointment or removal. Upon this power we have placed an effectual guard, to the whole extent that the Constitution permits. We could not divest the President of the right to nominate the three superior officers of the exchequer—the commissioners of the board; but we have rendered them, after confirmation by the Senate, incapable of being removed, except with the concurrence of that body. He may, for physical inability, or neglect, or violation of duty, suspend a commissioner; but, unless he show to the Senate sufficient cause for the act, the officer is restored. Such is the entire extent of the executive control over the board; and its inferior officers or agents are dependent on itself, since they can be appointed or removed by the Secretary of the Treasury only upon its recommendation. It is easy to see that the entire tenure of office is thus, as to the President, rendered as independent as possible under the Constitution. The executive patronage is limited to the nomination of the three commissioners, and the executive control or interference to a temporary suspension of the same officers from their functions, for specific causes.

The second class of objections related to the power of dealing in bills of exchange; of which the purchase was considered as involving an illegitimate and dangerous mixture of the credit of the Government with the solvency or faith of individuals; as likely to be used for party or personal corruption or favoritism; and as very capable of leading to fictitious dealings in exchange, for fraudulent purposes. This power, then, the committee struck out, as dangerous, not only for these reasons, but because, for its discreet and safe exercise, three things are almost indispensable—individual interest, individual skill, and individual vigilance. These cannot be expected to act in a public institution as they do in those affairs which men conduct on their own account; and the former are, therefore, disqualified from the transaction of such business.

For all legitimate business of this sort, however, the committee have sufficiently provided in another way, preserving its benefits, and excluding only its risks. They have authorized the exchequer and its agencies to sell bills of exchange on itself, and to collect them, paying their amount to the depositor only when collected by the agency at the place on which drawn.

By its sale of bills, it will accomplish for individuals the legitimate operation of remitting funds, and withhold itself only from the illegitimate and dangerous one of anticipating them. He who wishes to do this, may still resort, for a temporary discount, to a local bank, whose business is this of anticipating funds at a distance. Meantime, he may collect those funds through the exchequer or its agencies.

The facilities of business, which this system of selling and collecting bills of exchange will give, will promote the sounder interests of the country, not less than would the power to purchase exchange; while, at the same time, the Government will be kept safe from all loss or hazard.

The third class of objections related to the issue of treasury notes on the credit of the Government; that is, its adding to its indirect power over the monetary circulation of the country, through the management of its revenues, the direct power of supplying a currency.

As to any issue, by the exchequer, of any currency, as such merely—any credit currency—I have been unable to discover any motives for such a thing except two: 1st, in order to anticipate the revenues of the Government; 2d, to aid the currency of the country by an addition to its circulating medium. But of the first of these, the committee hold that it is wrong in principle. Its tendency would be to bring about excessive issues, and to induce a resort to these mere expedients, rather than to a discharge of its less popular duty of levying adequate supplies. It will be dispensing with the most salutary and certain of all checks upon the Government—its inability to raise money without the consent of the people through their Representatives. In any unusual emergency, where the means in the treasury unexpectedly fell short, resort may be had to the authority of Congress for the issue of treasury notes, bearing interest as a loan, but not sent out as a currency. So much for the first point. As to the second, the committee regard the purpose as (for the reasons already given) unwarrantable, and its attainment as of most questionable possibility. If the existing currency were far below the business wants of the community, then much of it, as now, would stand upon a more solid basis than any mere credit circulation, although emitted by the Government itself; so that the latter would necessarily be an addition to the depreciated currency, an equal part of which it would be almost certain to displace and drive out of the circulation, by reducing its value still lower; and thus no permanent addition to the circulation could be made in this way. A fresh disorder only, and a further depreciation, would be produced.

With the mere fluctuations of the medium of exchange, Government cannot safely interfere. These must be left to regulate themselves, through the agency of individual sagacity, keeping watch over its own interests. To be safe, it must be left to its own voluntary power of expansion, as little capable of being directed, and as quick and subtle to manage itself, as the power of the eye to dilate or contract, according to the quantity of light which you pour upon it.

The committee, therefore, have discarded from the bill everything like a proposition for a credit circulation. They contemplate no addition to the currency. The business of discounts they leave to the local institutions, as proper only to them; and, as according to the ease with which these can be obtained will be the varying quantity of money which will be poured into the circulation or driven back from it, expansion and contraction will be left to the instinctive care of private interest. The committee, in a word, have not aimed to devise a system which shall furnish a complete currency; but only at one which shall infuse into that which we already possess a new element of soundness, and resorts of convenience which it cannot now command.

They propose, then, that the bills issued shall only be for specie deposited, dollar for dollar; the amount of such paper in circulation being never permitted, in any case, to exceed the specie on hand for its redemption. The bills thus issued are called specie notes, in contradistinction to treasury notes emitted on the credit of the Government only, either as a currency or for the purpose of borrowing.

These specie notes, issued to the public creditor in disbursement out of the actual receipts of the revenue, or to individuals upon deposites in specie, will form a currency of the most perfect character, combining the convenience of paper with the solidity of coin; so that they will be everywhere preferred to the latter. They will neither increase nor diminish the currency, but merely give it a new activity and a wider uniformity; so that the unaugmented quantity will perform a much greater office. They can produce no expansion or contraction of the currency, no inflation, no rise or fall of prices, no expulsion of coin from the circulation, such as attends other emissions of paper.

It may, however, be urged, that a circulation thus formed can afford no relief, or, at best, a very slight one. I answer, that the capacity of such a currency is not to be measured by its amount, but by the peculiar functions (now attainable in no other way) which it will perform.

Uniformity of value in the currency is now the greatest benefit that can be bestowed upon commerce. In showing, as I have already done, that the Government cannot safely issue a credit currency, I have sufficiently shown that we cannot aim at supplying, integrally, the whole amount of currency, uniformly valuable, which the country requires; and that, except upon this plan of adding nothing to the circulation, we should only lessen, instead of increasing, this quality in the currency. The partial but important good to which we must then restrict ourselves, is the supplying, not circulation in the mass—for that, the variously depreciated paper of each quarter already affords—but a new and universally current circulation, which may pass alike from sphere to sphere, and from vortex to vortex of these local circulations, each limited to its own locality, and unite them all. It is not as to this local purpose of a circulation that we are suffering, but for something that can perform the distant offices of interchange. Such must the proposed currency become, entering but little into any local circulation, but making itself the vehicle of distant transactions, from sphere to sphere of the local circulations; to which, of course, in amount, it need bear but a very small proportion. But, as to the amount of the Government disbursements, or something like it—say twenty or twenty five millions of dollars—may be added the equivalents to individual deposites of specie, and the sale and collection of bills of exchange, it will be seen that an amount of specie-notes will probably be kept afloat quite equal to very important purposes. Emigration, travel, and the deposite of gold and silver by foreigners seeking to purchase lands, would also add considerably to the amount.

Let it, in this view, be recollected that the average circulation of the United States Bank was about ten millions of dollars; and, until 1829, only about six millions; and that its specie was usually equal to its circulation. This exchequer, creating a still greater confidence, and commanding means to a large, could surely perform the same general functions—admitted to have been so beneficent—as that bank could accomplish with only the amount of circulation which I have mentioned.

I doubt not that, besides all these advantages to trade, it must act, in a variety of ways, and especially by bringing about speedy and singular settlements, to keep the banking institutions of the country generally sound. Nor can it well fail to restore to the circulation a large amount of specie which individual distrust of banks has unquestionably withdrawn and hoarded. Though it may not (as I have said) effect all that the times have need of, but no longer permit, it must clearly accomplish much. As to any defects which it may have, they can, I think, be none of them of a sort so capital but that we shall be able to correct them as they make themselves felt.

From what has been said, the principles of the bill are sufficiently obvious. As to the effect on the currency and the exchanges, I cannot so well set it forth as by quoting the views on that subject which were embodied in my report. They are as follows:

The committee, on this whole subject, have consulted some of the ablest, most practical, and experienced men; and their own views are fully confirmed by the information derived from such high sources. They cannot in any way so well illustrate this branch of it, and its beneficial effects on the sound local banks, together with other advantages, as by briefly embodying the following views which have thus been communicated to them:

"A bill drawn by one agency on another, in any remote part of the United States, will be as good as specie within the commercial sphere of the emporium where the agency is located at which payment is to be made, and may generally be negotiated above par by any holder within that sphere, and at a rate in some measure proportioned to his distance from its commercial centre. If, for instance, a merchant in Cincinnati wishes to remit money to a manufacturer in Connecticut, a bill drawn by the agency in Cincinnati, where the deposite is made, on the agency in New York, would be worth one-half per cent. more than specie to the payee.

"Exchanges through the agencies will meet all the exigencies of the markets. It not unfrequently happens that New Orleans is indebted to Ohio for agricultural products; Ohio to New York for manufactured goods, domestic or imported; and New York to New Orleans for cotton. Every well-informed merchant in those several sections will be advised of the state of the markets. A New Orleans merchant wishes to remit to Ohio; he deposites his specie in the agency at New Orleans, and gets the same office to accept his own bill of exchange for $1,000, payable to the order of his Ohio correspondent, and transmits it accordingly. This will be above par in the Ohio market, because it is a good remittance for New York, where bills on New Orleans command a premium. It is bought by an Ohio merchant, who remits it to New York in payment for goods; and from New York it is sent to New Orleans, to pay for cotton. Upon its arrival, it is presented to the agency where it was accepted, and the specie is ready for its redemption. The holder, however, not willing to be burdened with the specie, will generally prefer the specie-notes of the agency. Thus this $1,000 in specie, after paying a small premium at the agency, will have paid more than its amount in two remote markets, sent a safe and convenient currency of $1,000 into the channels of commerce, and is still at rest sustaining this amount of circulation.

"The use of bills of exchange will not be superseded by the specie-notes of the exchequer. The former have always been

referred, and were extensively used under the two national banks when their paper, in sound credit, had every advantage which this will possess, of being made such a substitute. This proof from experience is conclusive. One ground of preference, which has always been appreciated here and in Europe, is, that bills of exchange are more safe than bank notes, as they offer no temptation to robbery or embezzlement; and, as several may be sent of the same tenor and date by different conveyances, (in which case, no loss will be sustained if any one arrives in safety,) the risk may easily be reduced almost to an impossibility. The perfect character of these bills of exchange, with their undoubted credit, will generally give them a preference over others. They will never be protested for want of funds, at the office where they are payable. No embarrassment can result from the necessity of transmitting specie from office to office. The occasions are very rare (and, if this system were in operation, would be still more rare) in which specie needs to be removed; as for almost every purpose good paper is preferred. The paper of one office would generally be as good as specie in most others. If a deposite were made in New York to meet a draft on the office in New Orleans, this latter office would prefer the New York paper to coin, in the common state of exchanges. When the system has been some time in operation, specie will have found its proper places of repose, and movements of it would seldom be required. Should an apprehension be entertained that the retirement of specie into the agencies would embarrass the banks, it will be dissipated by a little reflection upon the operations already described. Those officers are bound to deliver, at the time of deposite, an amount in paper equal to the amount received in specie. That paper will take the place of the specie which it represents, and the same portion of it will be deposited by merchants and others who keep their accounts in banking institutions as of the specie for which it is a substitute. As it will be a lighter and more convenient circulation, it will mingle more with the paper of banks of sound credit in common commercial operations, and consequently be more frequently used in making payments upon discounted notes and other indebtedness to moneyed institutions, than specie now is. When possessed by a bank, it has all the value of specie. If means are wanted for deposite in an agency, this paper will be received of a bank, for that purpose, as readily as specie. Should gold and silver be wanted for exportation, or any other extraordinary demand, the bank which possesses this paper has the certain means of converting it, at pleasure, into the article required. Every bill of exchange payable at these offices will, at its maturity, restore to circulation, either in specie or this sound paper, the amount deposited for its procurement. Indeed, it is difficult to foster a doubt that, in regard to the means of redeeming their own emissions, the banks will possess more ample resources than at present. It is true, that the channels of commerce will be partially filled with a medium of sound and imperishable credit, which will stand the shock of every possible vicissitude, except the subversion of the Government. But this will promote the strength of the banking institutions no less than the stability of the currency.

"From the establishment of a national corporation with a large specie capital, the banks were apprehensive of sustaining injury by the great and sudden withdrawment of the precious metals from their possession. But the agencies can produce no such embarrassment; for their progress will be too gradual to cause any convulsion; and the immediate restoration to the market of a medium of equal amount and value with that which is withdrawn, will enable those institutions at any time to command the specie which they require. As a just price is to be paid for exchanges, it is believed that all the expenses of conducting the business of the exchequer and its agencies will be defrayed from that source, and probably a much larger sum may be realized. The losses of the currency by fire, shipwreck, and other casualties, as shown in the experience of banks, would not be an inconsiderable item of gain. A small premium (say a half or quarter of one per cent.) might reasonably be exacted of depositors, if hereafter deemed necessary, upon notes issued in exchange for specie. While this system will furnish the desired means for the collecting, safekeeping, and disbursement of the public revenue, and all the requisite facilities for exchanges between different sections of the country, as well as create a sound and convenient currency, it is exempt from the objectionable features of other modes of effecting, in part or in whole, the same objects heretofore presented for consideration. It authorizes no banks or other corporations, no discounts, no lending on credit in any form whatever, no expansion of the currency by public drafts or otherwise, no paper money resting on the credit of the Government, and depending on accruing revenues for redemption. It confers no extent of executive patronage or influence. No officer can be either appointed or removed by the President, without the concurrence of the Senate, and only for certain specified causes. It confers no discretionary powers by which partialities may be indulged in behalf of a personal or political favorite. Whoever presents his specie notes, or bills of exchange, at maturity, is entitled to his specie; and whoever presents his specie, is entitled to the paper which he selects. The rights of every applicant are defined by law, and his transactions at the agency are of the simplest character. The laws of trade, and not any superintending board or public agent, decide the amount of deposites, bills of exchange, and paper currency. The wants and means of individuals composing the community will best regulate the proportions of paper and specie, in the absence of all artificial restraint and supervision of the Government."

Shall we, then, Mr. President, adopt this measure with the modifications I have proposed; or shall we, in spite of the cries which appeal to us on all sides—the terrible and wide-spread distress that reigns over the whole country—the alarming paralysis of all industry and trade—the frightful sacrifices of property that are happening everywhere, and all the appalling difficulties that have frozen up the courage and the hopes of the country to its very heart, calmly sit down, dismiss all thought of attempting a remedy, shut our eyes, stop our ears, and determine to do nothing? Do nothing, did I say? Do nothing, whilst the country is bleeding at every pore for want of action here? Do nothing, whilst our commerce is languishing, our manufacturing and mechanic interests paralyzed, our agricultural products rotting on our hands for want of a market! Do nothing, whilst an agonizing and distracted people are looking to us for relief! Do nothing, whilst the cries of helpless women and children, with starvation before them, are borne to us on every breeze! Do nothing, because the time has gone by for the adoption of one favorite measure, and because the time has not arrived for the adoption of another! Do nothing—yes, Mr. President, do nothing, whilst the country is sacrificed between the conflicting interests of contending parties! Sir, I need add no more. During the last ten years, since I have been honored with a seat in this body, I have endeavored, faithfully, fearlessly, and conscientiously, to discharge my duty, without regard to consequences, personal or political. I shall continue so to discharge it; and, without intending the remotest reflection on the motives and conduct of others, I shall always feel a proud consciousness, in the introduction of this bill, and in advocating its passage, of having done my duty to myself, to my constituents, and to the country.

SPEECH OF MR. RIVES,

OF VIRGINIA,

In Senate of the United States, March 2d, 1843—On the bill for carrying into effect the treaty with Great Britain.

The bill for carrying into effect the treaty with Great Britain being under consideration, Mr. ALLEN of Ohio moved to amend the sixth section of the bill, which "empowers the President, in execution of the eighth article of the treaty, to apply so much of the naval appropriations as may be necessary therefor, to the preparation, equipment, and maintenance of the naval force therein stipulated to be employed on the coast of Africa by the United States," by adding a proviso, that the sum so applied shall not exceed $240,000. The question being upon Mr. ALLEN's amendment—

Mr. RIVES rose and said, that if the treaty be executed at all, it ought not to be executed by halves. He was in favor of a full, exact, and faithful compliance with the stipulations of the treaty on our part, till there had been some overt act of contravention to it on the part of Great Britain, which he had seen no sufficient reason to apprehend. It is in this way only that the national faith and honor can be preserved intact, and that the other party will be left without excuse, if there should be any disposition on its part not to act fully up to the spirit and intention of the arrangement. The sum limited by the amendment of the honorable Senator from Ohio, [Mr. ALLEN,] was obviously, and even glaringly, inadequate to the support of a squadron of eighty guns, with its proper complement of men and officers, on the coast of Africa; and considering it, therefore, equivalent to a negative on the full execution of the treaty, he should unhesitatingly vote against it.

Nor (said Mr. RIVES) can I concur in the suggestion of my honorable colleague, [Mr. ARCHER,] that the whole of the sixth section of the bill might, without impropriety, be stricken out. On the contrary, I see in it, with pleasure, a seasonable recognition of the doctrine successfully maintained, after an arduous conflict, by the Republican party on two memorable occasions—Jay's treaty in 1795, and the commercial convention with Great Britain in 1815—a doctrine which I believe to embody the true reading of the Constitution, and which establishes the principle, that, in regard to all matters submitted by the terms of the Constitution to the action of Congress, (as in this instance, the power to provide and maintain a naval force,) the stipulations of a treaty must depend for their execution on the free and responsible co-operation of the legislative department. This, too, is in conformity to the British practice. On a recent and analogous occasion in that country, the slave-trade conventions of 1831 and 1833 with France, after having been duly ratified by the treaty-making power, were formally enacted into law, word for word, by *the authority of Parliament*, and clothed with all the specialities of a British statute. Surely, in our popular representative system, there ought not to be less a constitutional balance and control, in the hands of the legislative department, to the treaty-making power.

The principle recognised by the sixth section of this bill acquires an additional hold upon our attention, in the present instance, from the consideration that, if, unfortunately, there shall hereafter arise any serious practical disagreement between the two Governments respecting the true intent and meaning of the arrangement which has been entered into, it may become the solemn duty of Congress to interpose its high remedial powers, as it did in the memorable example of 1798, in our relations with France, for the purpose of putting an end to stipulations which have not been reciprocally observed by the other contracting party, in their true spirit, and fair and obvious import.

I repeat, Mr. President, that I do not, and will not, anticipate the occurrence of any such disagreement, until much more substantial grounds for the apprehension than any which have yet appeared shall disclose themselves. When Sir Robert Peel, in the speech which was commented upon here a few days ago, says that the British Government, by the treaty of Washington, had not abandoned or renounced *the doctrine of the right of visitation*, as laid down in Lord Aberdeen's letters, I can readily comprehend the declaration. It was not the purpose of that arrangement to adjust a creed, or establish a code of abstract principles. No abandonment or renunciation was asked from Great Britain of any doctrine or principle she maintained in regard to the alleged right of visitation. It was sufficient that we wholly denied the existence of any such right; and that we had, in the most solemn form, through the highest organ of our international relations, proclaimed that denial to England and the world. The rights we claimed were to be held, not by the concession or acknowledgment of any other power, but by our own confidence in their justice, and by our determination to maintain them.

But there were practical evils admitted by both Governments, which required a practical remedy. The flag of the United States had been extensively abused on the coast of Africa, by the slave-dealers of nations which had granted to Great Britain the right of search for the suppression of the slave-trade, to cover the iniquitous traffic in which they were engaged. The cruisers of Great Britain, in the execution of this right of search, conceded to them by certain powers of Europe and America, and pursuing what they alleged to believe were, in reality, Spanish, Portuguese, or Brazilian vessels, which sought to disguise themselves by fraudulently hoisting the flag of the United States, had, in many instances, visited and detained *bona fide* merchant vessels of the United States, and subjected them to interruptions, more or less injurious, in the prosecution of their voyages. These interruptions and detentions of the vessels of the United States became (as, of right, they ought to have become) the subject of spirited remonstrance and demand for redress upon the British Government; and were engendering a serious degree of irritation and dissatisfaction in the relations of the two countries. The Government of Great Britain constantly alleged, in extenuation or excuse of these cases—which were, from time to time, brought to its notice—the fact (admitted by our minister) that the flag of the United States had been "grossly abused" by the vessels of other nations, to cover their criminal and unlawful pursuits. They further declared (what, indeed, it was difficult to gainsay) that, unless effectual measures of some sort were taken to prevent this abuse, the flag of the United States would become the shelter under which the malefactors of all nations would prosecute, with impunity, a traffic which the laws of the United States were the first to denounce as infamous, and to pursue with the severest penalties.

The Government of the United States felt that, whatever measures were necessary to protect the national flag from abuse, either by our own citizens or by the subjects of foreign powers, the adoption and the execution of those measures belonged to the United States themselves. It was inconsistent with the principles which they had invariably held in regard to the mutual independence and equality of all nations on the ocean, as well as with their own jealous sense of national dignity, to confide the supervision of their flag, in any case, to the cruisers of another power. To remove from themselves, therefore, all possible reproach of even a negative connivance at the abuse of their flag by the vessels of other nations, and at the same time to take away from British cruisers all pretext for interference with the American flag on the ground of such suspected abuse,—while they gave to the world the most unequivocal pledge of their sincerity, and determination to aid in all proper

measures for the final extinction of the African slave-trade, the United States proposed, in concurrence with the British Government, the employment by the two countries of "*independent*" squadrons, of "sufficient and adequate" force, to cruise on the coast of Africa, and "to enforce, *separately and respectively*, the laws, rights, and obligations of each of the two countries for the suppression of the slave-trade." The distinctive and avowed principle of the arrangement, on its face, was the *separate* and *independent* action of the naval force of the two countries; and was obviously intended to supersede, in practice, so far as its operation extended, any visitation of the flag of the one power by the cruisers of the other.

That the legitimate and *bona fide* effect of the arrangement, within the sphere and for the time of its operation, is to put an end, *in fact*, to those visitations and detentions of the American flag on the coast of Africa, which had been the subject of complaint and discussion between the two Governments, whatever arguments or pretensions may still be urged by the British Government on the abstract question of the alleged *right* in general, is placed beyond all controversy by a recurrence to the correspondence between the representatives of the two Governments in London, which preceded the negotiation, and furnishes the true key to the interpretation of this arrangement. It was, as I have already stated, the extensive and admitted *abuse* of the flag of the United States by the vessels of other nations, which sought, by fraudulently assuming it, to protect the guilty traffic in which they were engaged from detection and arrest, that the British Government constantly put forward to excuse or justify the visitation of American vessels by their cruisers. Lord Aberdeen, in his letter of 13th October, 1841, to Mr. Stevenson, says:

"The confession of Mr. Stevenson, that the trade is extensively carried on under the fraudulent use of the American flag, does, in truth, justify the whole claim put forward by the British Government. It constitutes that *reasonable ground of suspicion* which the law of nations requires in such a case. *The admitted fact of this abuse creates the right of inquiry.*"

Now, when effectual measures have been taken by the United States to prevent this abuse of their flag, by the employment of an adequate squadron of their naval force on the coast of Africa for the purpose—measures which have received the solemn and deliberate concurrence of the British Government, with an express recognition of their "sufficiency" by the terms of the treaty, and after "consultation with the British negotiator" (as the President informs us in his late message to the House of Representatives) "as to the quantum of force necessary to be employed in order to obtain the object in view"—such measures, the "adequacy and sufficiency" of which are admitted by the British Government itself, are taken by the United States to prevent the *abuse* of their flag, the logical and necessary consequence, even upon their own principles, is, that the visitation or detention of American vessels, which they have attempted to justify or excuse only by the fact of that abuse, must cease with it. It is, says Lord Aberdeen, "*the admitted fact of this abuse which creates the right of inquiry.*" But when effectual provision is made to prevent and guard against this abuse, by an arrangement to which Great Britain is herself a party, the right of inquiry, or visitation, which was built upon the hypothesis of that abuse, must, to that extent at least, cease to exist. It requires no express agreement, under these circumstances, to create the obligation of abstaining from the visitations and detentions of the American flag, which had been complained of. In such a case, *res ipse loquitur*. The transaction explains, and carries its meaning and obligation on its face.

Any renewal, under such circumstances, of the vexations to which the American flag had been subjected on the coast of Africa, would be in direct contravention of what was universally understood here, upon the spot of the negotiation, to be the practical effect of the arrangement. It could not fail to give rise to the gravest possible question in the relations of the two countries. I cannot, and will not, believe that there is any such design on the part of the British Government. When it is recollected what honorable and emphatic language was employed, but two or three years ago, on this same subject, by that remarkable man—the master-spirit of his country—whose firm and steady hand now guides the course of her public councils, the highest personal pledge is superadded to the most solemn national guaranty. I allude, of course, to the Duke of Wellington. In 1839, when a bill for the more effectual suppression of the slave-trade was brought forward in the House of Lords, by the administration of Lord Melbourne, to indemnify officers of the British navy for visiting and detaining any foreign vessels on the high seas, on suspicion, and examining their papers, the Duke of Wellington protested against it with all the honest energies of his high intellect and character. If his speeches on the occasion have not been incorrectly reported, he denounced it as a novelty in the legislation of the country, and in the practice of nations. He admonished their lordships that there was "one great nation, at least—the United States of America"—who would not submit to it; that, if there was one point more to be avoided than another, it was that relating to the *visitation* of vessels belonging to the American Union; and, finally, he warned the Government not to proceed with their bill, but "rather to issue *an order in council*, or *a declaration of war!*"

While I feel, therefore, (said Mr. R.,) every assurance which can be inspired by the faith of a solemn international transaction, and by declarations of the most imposing weight in the public councils of Great Britain, that there will be no attempt to renew in *practice*, under existing circumstances, the *visitation* of the American flag on the coast of Africa; yet it cannot be denied that the abstract doctrines recently put forth by the British Government in regard to an alleged *right* of visitation, are well calculated to arouse the timely attention of the United States and the other maritime powers of the world.

I know, Mr. President, how precious every moment of the time of the Senate is, on this the last day but one of the session. I do not mean, therefore, to enter into any systematic discussion of this grave and most important question. But, being compelled to differ, in an essential respect, from a document of very high authority, (I allude to the message of the President to the House of Representatives on the 27th ult.,) and deeming it of very great moment, if an error should have been inadvertently committed in that exposition of the doctrines of maritime law, as supposed to be contended for by the United States, that it should not go forth to the world with the presumed concurrence of the other branches of the Government—which would naturally be inferred, if no dissent were expressed in either House of the National Legislature;—the Senate, I am sure, will bear with me, even at this late hour, while I state, as briefly as the nature of the subject will admit, the principles which I conceive to have been heretofore invariably maintained, with the justest reason, by the Government of the United States.

It is of the utmost importance that there should be no misconception or uncertainty as to the position the United States occupy on these vital questions, affecting the general freedom of the seas. Providence seems to have cast upon us, in an especial manner, the responsibility and the honor of being the standard-bearer in this great cause. While the attempts made, from time to time, by other nations to sustain it, have given way to the seductions of temporary expediency, or been crushed by the force of powerful combinations, the United States alone, through every vicissitude of fortune, and often with fearful odds against them, have stood forth the steady and unwavering champions of the immunity and independence of flags upon the ocean. The efforts and writings of our great statesmen in this cause—of Jefferson, Madison, and Monroe—no less than the brilliant deeds of our warriors, in the same glorious struggle, are among the proudest illustrations of our past history. We must be cautious, therefore, to surrender nothing which has been thus dearly and nobly won.

The message of the President to the House of Representatives, while denying the right of Great Britain to exercise a general police over the flags of independent nations, yet asserts that if the vessel of another nation—of the United States, for example—be suspected of piracy upon what shall seem probable cause, the seizure and detention of such a vessel by a British cruiser, though the suspicion turn out erroneous, would give rise to neither public responsibility, nor any claim of indemnity to the owner. "The *right*, under such circumstances," says the message, "not only to visit and detain, but to *search* a ship, is a *perfect right*, and involves *neither responsibility nor indemnity*." Now, Mr. President, I must say, with all respect, that this doctrine of the message seems to me not to have been very well considered, and cannot be easily reconciled with those impregnable principles of public law, upon which we have heretofore stood against the world in arms. I had supposed, that if any principle of the maritime code had been triumphantly vindicated and upheld by the labor of American statesmen, it was this:—that, in time of peace, there is *no right*, in any case, on the part of a foreign cruiser, to interrupt or detain the vessels of another nation upon the high seas; that a vessel of a nation on the high seas, in time of peace, partakes of the inviolability of her territory; and that any entry on board such vessel, without consent, is, in the eye of the law, a trespass. If a vessel, under the circumstances supposed in the message, be suspected of being a pirate, a foreign cruiser may, upon her responsibility, stop and examine her; but she does so at her peril. If the suspected vessel be in reality a pirate, no harm will have been done; but if, on the other hand, she prove to be a *bona fide* vessel of the nation whose flag she bears, a trespass will have been committed, involving both responsibility and indemnity, according to the circumstances of the case.

It would not be difficult to show that these principles have, in other times—and those, too, not distinguished by any peculiar favor shown to the maritime rights of other nations—been recognised in the fullest manner by the highest British authorities. In a well known case brought before him as judge, the celebrated Sir William Scott (afterwards Lord Stowell) emphatically declared that "*he could find no authority that gives the right of interruption to the navigation of States upon the high seas, except that which the right of war gives to belligerents against neutrals.*" But the whole doctrine upon this subject has been stated in so lucid and comprehensive a manner, and with such self-evident reason, in a despatch of Mr. Monroe, while Secretary of State under the administration of Mr. Madison, that I cannot forbear to quote here what was said by the American Government, with so much weight of authority, on that occasion. In the instructions to our plenipotentiaries for treating of peace with Great Britain, dated the 15th April, 1813, the American doctrine—the matured and carefully considered result of our long discussions with that power on the subject of maritime rights—was thus clearly and deliberately summed up:

"That the vessels of a nation are considered a part of its territory, with the exception of the belligerent right only, is a principle too well established to be brought into discussion. Each State has exclusive jurisdiction over its own vessels. Its laws govern in them; and offences against those laws are punishable by its tribunals only. *The flag of a nation protects everything sailing under it in time of peace;* and in time of war likewise, with the exception of the belligerent rights growing out of the war. *An entry* on board the vessels of one power by the cruisers of another, in any other case, or the exercise of any other authority over them, is a *violation of right, and an act of hostility.*"

It is incumbent upon us to maintain this principle of the law of nations inflexibly, and in its undiminished integrity. The inviolability of the deck of an American vessel on the high seas, under all circumstances, in time of peace; and in time of war, with those limited exceptions only which are established by the acknowledged laws of war as affecting neutrals—is a doctrine indissolubly connected with our national honor and security. To admit a *right* of entry on board an American vessel on the high seas, in any case, in time of peace, is to surrender the principle, and to open a door for the most dangerous abuses.

On this subject, we may learn useful lessons from the history of the past. In our long and bitter controversy with Great Britain respecting impressment, unable to find any principle of the law of nations which gave her the right to enter on board American vessels in quest of British seamen, she defended the practice under cover of a right of entry acknowledged to exist in time of war, for a wholly different object. She said that, by the acknowledged rules of international law, we have a right to board and search neutral vessels in time of war, for *contraband and enemies' property;* and being, in the exercise of this unquestioned right, lawfully on board an American vessel, if we find British seamen there, we may lawfully impress and carry them away; though we had no right, in the

first instance, to go on board for such an object. This was the British argument, in justification of the impressment of seamen on board American vessels, gravely put forth to the world in the memorable declaration of the Prince Regent of the 9th of January, 1813.

Now, Mr. President, if, contrary to the whole current of doctrine and authority by which we have been heretofore guided on this subject of maritime rights, we yield a *right* of entry into an American vessel in time of peace, in any case, upon the plea of suspected piracy, or any other,—do we not afford a cover, under which Great Britain, if her pride or policy should dictate, may be emboldened to renew her claim of impressment, even in a time of general peace? She might well say (after the formula of the Prince Regent's declaration) that, being *rightfully* on board, upon suspicion of piracy, by your own admission, and finding there those we claim to be our seamen, we will impress them, in the name and by virtue of that natural allegiance which our laws declare to be permanent and unchangeable, and which is due in peace as well as war.*

Of all the pretexts for the violation of our flag, the loosest, and most susceptible of abuse in practice, would be the plea of suspected piracy. What are the external *indicia* of a pirate? A *low, long, black-looking* vessel, we are told; and, under this description, every Baltimore schooner would be subject to be boarded and overhauled. What, in the modern use of language, constitutes piracy itself? In the plastic hands of diplomacy or power, nothing is susceptible of a greater variety of Proteean shapes. We cannot have forgotten that, in a solemn official communication which the late British Principal Secretary of State for Foreign Affairs (Lord Palmerston) caused to be addressed to this Government, in justification of the destruction of the Caroline within the limits of our territory, the citizens of the United States who took part with the inhabitants of Canada in the late insurrection in that province were gravely characterized as "*American pirates;*" and an elaborate argument from Mr. Webster was necessary to prove that this application of the term was not proper. In the discussions which took place between the same minister and our representative in London, on this very subject of the right of visit, he habitually denominated vessels supposed to be engaged in the slave-trade, as "slave-trading *pirates;*" and he repeatedly and emphatically appealed to the denunciation of the trade as *piracy* by the laws of the United States. It is easy to foresee, therefore, how, under an admitted *right* of visit, and *search* also, according to the message, upon suspicion of piracy, with a little of the dexterity and boldness of diplomacy in the use of language, the whole of our growing and important commerce on the coast of Africa might be driven from those seas by insupportable vexations.

The only security to the rights of American navigation on the ocean, and for the honor of our flag, is to adhere inflexibly to the doctrine which was maintained by our fathers, and which has been delivered down to us from the great oracles of public law in Europe and America—that, in time of peace, there is *no right*, in any case whatever, on the part of a foreign cruiser, to enter and detain, on the high seas, (whether under the name of visit or search,) a vessel which bears our national flag; by which, of course, is meant the legitimate and *bona fide* flag of the United States. In the British discussions of this doctrine, it has been very unfairly argued, as if we claimed some mysterious virtue for the mere outward ensign—"the piece of bunting," as Lord Palmerston permitted himself to call it, "with the United States emblems and colors upon it;" and that *any* vessel engaged in the slave-trade could protect herself from search by *merely* hoisting one of these *pieces of bunting;* and that thus British vessels, engaged in a violation of the laws of their own country—Portuguese, Spanish, and Brazilian slave-traders, expressly subjected to search by the treaty stipulations of their respective Governments—and notorious piratical outlaws—would all be enabled, by this fraudulent disguise, to pass on with security, before the eyes of a British squadron. Now, Mr. President, it is hardly necessary for me to say that all this is purely gratuitious. The immunity we claim is for *bona fide* American vessels, entitled to carry the flag of their country. We admit, in the most unqualified manner, the right of British cruisers to visit, detain, and search their own vessels, Portuguese, Spanish, and Brazilian vessels, and piratical outlaws, even though any of them may have fraudulently assumed the colors of the United States. But, to render the act lawful, the vessels thus detained and searched must be truly what they are suspected to be—to wit, British, Spanish, Portuguese, Brazilian, piratical—and not *bona fide* American vessels. It is an acknowledged maxim of universal law, that every party, while exercising his own rights, must take care not to violate the rights of others—*Sic utere tuo, ut non alienum lædas.*

Our late able and distinguished minister in France (General Cass)—who, at a critical moment for the honor and safety of his country, and with a promptitude and success which give him lasting claims upon the gratitude of the nation, came forward to vindicate the principles of our American doctrine in the eyes of Europe, and especially of our ancient and chivalrous ally—has furnished, in his admirable exposition on that occasion, an illustration of the subject, from the transactions of civil life, which cannot fail to carry conviction to every mind. He compares the situation of a British cruiser, claiming and acknowledged to possess the right to visit and detain British, Portuguese, Spanish, and Brazilian vessels on the high seas, to that of a ministerial officer of justice, under the municipal law, who has a writ or warrant of apprehend against a particular individual. His lawful authority is to arrest A; but he suspects B to be A in disguise. This suspicion gives him no *right* to arrest B; but he may do so, *at his risk*. If the person apprehended turns out to be A, the act is justified by the event; but if, on the other hand, he be truly B, then a trespass has been committed, and an action of false imprisonment lies against the officer. In this action, the damages, it is true, may be materially reduced and mitigated by the consideration of strong circumstances of suspicion in regard to the identity of B, and the little actual injury he may have sustained; but, in every case, the inviolability of the personal liberty of the citizen is maintained, and vindicated as an inexorable principle of the law. In like manner, we can never admit as a matter of *right*, (however circumstances, in rare and extraordinary cases, might be allowed to mitigate or extenuate the trespass,) the claim of the British Government to visit and detain American vessels on the high seas, in time of peace, because they may be suspected of being British, or other vessels lawfully subject to search, and seeking to screen themselves by hoisting American colors. If British cruisers, under such circumstances, visit and detain vessels which turn out to be *bona fide* American vessels, they do it, necessarily, at their risk, and without *right*.

It is curious and instructive to trace the successive phases under which this claim has been, at different times, presented by the British Government. It was first brought forward by Lord Palmerston, in his letter to Mr. Stevenson of the 27th August, 1841. It was then claimed as "a right to see, by an examination of papers, that the vessel bearing the flag of the United States was provided with papers entitling her to wear that flag, and proving her to be United States property, and *navigated according to law;*" and it was to be exercised generally under "circumstances which justify a suspicion that such vessels are engaged in the slave-trade." The annunciation of the claim was met by our minister (Mr. Stevenson) with an energy and decision, and a ready ability, which do him much honor. A change of administration having occurred, the subject passed into the hands of Lord Aberdeen. While re-asserting the British claim, he did so in far more limited and cautious terms. In his letter to Mr. Stevenson of 13th October, 1841, he described it as a right to "ascertain, by *visit and inquiry*, the *nationality*," simply, "of the vessel," and limited it to cases of "the *most grave suspicion and well-founded doubts of the genuineness of its character.*" The claim, as yet, was not qualified by any admission of the obligation of indemnity in case of mistake. At length came the letter of Lord Aberdeen to Mr. Everett, of the 20th December, 1841, in which his Lordship states that "it is, in spite of the utmost caution, an error should be committed, and any American vessel should suffer loss and injury, it would be followed by prompt and ample reparation." Here, it is readily admitted, is an important modification of the ground originally assumed. But, in the same letter, the *right* is still asserted, in absolute terms, to visit and detain American vessels on the high seas, when their nationality is suspected, in order to ascertain, by their papers or "*other proofs*," the genuineness of their character; and we are now, it seems, formally apprized, through a despatch of Lord Aberdeen to Mr. Fox, that this alleged *right* continues to be maintained by the British Government, and will not be abandoned. To this there is but one answer,—that the *right* claimed is still denied by the United States, and will never be admitted or acquiesced in; and I trust, sir, when the official answer shall go from this Government, due care will be taken to guard against any inferences, to the prejudice of those doctrines of maritime law which we have hitherto invariably maintained, from any hurried or inadvertent expressions in the recent message to the House of Representatives.

The people of this country, Mr. President, will never admit the claim of Great Britain, or any other power, as a matter of *right*, to stop and examine their vessels on the high seas, in time of peace, in any case, or under any pretext whatever. They cannot be reconciled to a demand, thus imperious in its character and dangerous in its consequences, by the promise of reparation and indemnity in case of mistake and consequential injury. They have not forgotten that a similar inducement was held out to a recognition of the odious claim of *impressment*, and how that proposition was answered by their Government. Mr. Monroe, as Secretary of State, was instructed to communicate the views of the American Government upon it, in the following terms, to our plenipotentiaries for treating of peace:

"It has been suggested, as an expedient for the adjustment of this controversy, that British cruisers should have a *right* to search our vessels for British seamen; but that the commanders thereof should be subjected to *penalties* in case they made *mistakes*, and took from them American citizens. By this, the British Government would acquire the *right of search for seamen*, with that of impressing from our vessels the subjects of all other powers. It will not escape your attention, that, by admitting the *right* in *any case*, we *give up the principle*, and *leave the door open to every kind of abuse.* The same objection is applicable to any and every other arrangement *which withholds the respect due to our flag, by not allowing it to protect the crew sailing under it.*"

The same considerations are equally conclusive against the admission of a *right* on the part of British cruisers, in any case, and under any promise of contingent indemnity, to board and detain American vessels, whose nationality may be questioned, in time of peace. I can hardly persuade myself that the British Government has yet realized to itself the startling magnitude of this new claim of maritime police. If they have the right to ascertain, by visit and examination, the genuineness of every flag which their cruisers may encounter on the high seas, do they not, in effect, revive and extend to the whole ocean the obsolete claim of *sovereignty and dominion* which they formerly asserted within the narrow sea surrounding their own island. Every *right* has, too, its corresponding remedies. If British cruisers have the *right* to visit and detain all flags they meet on the ocean, to satisfy themselves, by personal examination, of their genuineness,—they might enforce that right, in case of any attempt to resist or evade it on the part of the vessels sought to be visited, by the summary naval remedies of capture and confiscation. This is the settled maritime law, in regard to the right of search of neutral vessels in time of war. If a neutral vessel attempt to resist or escape from the exercise of the right of search, she, by that fact alone, subjects herself to capture and condemnation as lawful prize. The same consequence would analogically attend the *right* of visit claimed by Great Britain in time of peace, if it exist (as she contends it does) under the law of nations; and a vessel on the high seas, conscious of the integrity of its flag, and unwilling to submit to the indignity and vexation of an inquisitorial visit from a British cruiser, might find herself punished for her contumacy, by a speedy capture, followed by a sentence of condemnation in a British admiralty court.

* The language of Admiral Sir Charles Napier, in the House of Commons, on the 2d of February last, when the subject of the American treaty was under discussion, may serve as an admonition of the necessity of looking to what may seem to be even remote consequences, in the treatment of these delicate questions of maritime law. In the London Times of the 3d ult., he is reported to have said, while strongly condemning the treaty, that "Lord Ashburton ought to have stated to the Government of the United States that we would never depart from the right of taking British seamen out of American ships."

The wise and enlightened statesmen of England cannot but feel that an innovation like this upon the established law of nations, in this, the nineteenth century—involving, as its natural corollary, consequences so startling—would, by a necessary instinct of self-preservation, unite all the other maritime powers of the world in one firm confederacy against them, for the protection of their common rights. I trust in the influence of reflections such as these, joined to that sober spirit of practical moderation which has thus far favorably distinguished the present public councils of Great Britain, to insure the continuance of general peace. In the maintenance of peace and harmony between England and America, there are so many reciprocal interests of the highest importance involved, commercial, moral, and political, that nothing can be wanted but a calm and collected temper on the part of the constituted authorities of both countries, unmoved by those general denunciations on the one side and the other—which are, unfortunately, but too well fitted to inflame national animosities—to bring to a safe and satisfactory termination every remaining question between them.

SPEECH OF MR. MILLER,
OF NEW JERSEY.

In Senate, February 17, 1843—On the bill to restore to General Jackson the fine imposed upon him by the district court of the United States in Louisiana.

Mr. PRESIDENT: The professed object of this bill is to refund to General Jackson a fine of $1,000, imposed upon him by the district court of the United States in Louisiana, on the 31st day of March, 1815, for certain contempts committed by him against that court.

Although this be the humble design of the bill—the mere settlement of a private claim—there has been thrown around it an unusual degree of interest and feeling. It has been magnified into a public measure, and is pressed upon our consideration as if it were a great national concern. The political parties of the day are taking sides upon this measure; politicians are making a hobby of it; State Legislatures have passed resolutions instructing their Senators to vote for the bill; and even the President of the United States has deemed it his duty to bring this matter before Congress, under that clause of the Constitution which authorizes him to give information of the state of the Union. Thus, sir, has this private bill been withdrawn from the great vortex of neglected claims, and magnified into a public measure, and glorified into an affair that concerns the state of the Union.

The urgency with which this matter is pressed, is not very complimentary to our sense of equal rights. There are many poor claimants, who, for years past, have been urging Congress to decide upon their claims, and who have gone down to their graves bankrupt through our inaction; yet no sooner is this claim presented, than our Justice tears the bandage from her eyes; and, beholding the hero of New Orleans, thrusts aside every other claim, and proceeds, with timid and nervous haste, to comply with his demand.

The notoriety which has been given to this claim, the various and powerful collateral influences which have been brought to its aid, induce me to pause and examine more carefully the merits of this bill.

Neither the political influence nor the military renown which surround the character of the distinguished applicant, shall induce me to regard this claim with more complacency than I would look upon the petition of the poorest man or the most humble soldier that ever served his country.

I wish to confine myself to the simple facts of the case, and upon them, and them alone, to decide this matter. All that has been said about the glorious victory of New Orleans—the services, civil and military, of General Jackson—ought not to affect this matter. They form no part of the facts of the case, and should, therefore, have no influence upon the judgment of the Senate. General Jackson himself discards all these collateral matters, and puts his claim upon the ground that the sentence imposed upon him by Judge Hall was illegal and unjust. I read from his letter, dated Hermitage, August 1, 1842, directed to Jacob Gibson, esq.:

"DEAR SIR: I have the pleasure to acknowledge the receipt of your letter of the 19th ultimo, informing me that a joint resolution passed the Legislature of New Hampshire, at their June session, 1842, of which you are a member, instructing your Senators in Congress, and requesting your Representatives, to use their efforts to procure the passage of a law, by Congress, to refund to me, with interest, the fine imposed by Judge Hall, in 1815, for an alleged contempt, &c.

"For this unsolicited interposition of the Legislature of New Hampshire to have expunged from the record this iniquitous imputation upon my character, by that unjust and vindictive Judge Hall, sitting in his own cause, from whose fiat there was no appeal, it deserves, as it receives, my sincere thanks."

If I could be satisfied that this sentence was iniquitous or unjust; or, even if legal, yet, if it were imposed upon General Jackson for an act required by the honest discharge of his official duties,—I would, without hesitation, vote to refund the fine: for I hold it to be the duty of every Government to sustain its public servants in the honest discharge of their duties; and, although they may occasionally mistake the law, yet, if that were an honest mistake, I would not punish the agent, but rather let the consequence fall upon the principal—the Government—for whose benefit the act was perpetrated.

Upon these acknowledged principles, let us examine the case. In the first place, we have before us the record of the proceedings and the sentence, certified under the seal of the court. By this record, it appears that General Jackson was regularly summoned, heard, tried, and condemned, in and by one of the district courts of this Government, for contempt of court, and fined in the sum of $1,000. It is also admitted that the General submitted to the judgment of the court, and paid the fine; and the judgment still remains of record, having been acquiesced in by the complainant from that time to this—a period of twenty-eight years.

In ordinary cases, we might here say to the claimant, "you are estopped by this record, and by your acquiescence in its truth for the space of nearly thirty years." It is true that the Government never pleads the statute of limitations, yet there are cases in which the lapse of time becomes a material and substantial matter of defence. The death of the actors in the scene, the forgetfulness of the living, may deprive the case of many of its essential facts. If the State should derive no advantage from time, neither should the applicant be permitted to lay by until death has silenced his adversary, or until some new adventitious circumstance has popularized his claim.

But, sir, I am willing to forego all these considerations, and to look behind this record, and examine the facts upon which it is founded.

What are these facts? On the evening of the 5th of March, 1815, about two months after the battle of New Orleans, Mr. Morel, a counsellor at law, called at the house of Judge Hall, and presented to him a petition to issue a writ of *habeas corpus* in behalf of Louis Louallier, who, as said, was held in illegal imprisonment under the order of General Jackson. The judge, after reading the petition, and swearing Mr. Morel as to the truth of the facts therein stated, endorsed upon the petition the following order:

'Let the prayer of the petition be granted, and the petitioner be brought before me at 11 o'clock to-morrow morning."

At the time of granting this order, Judge Hall stated to Mr. Morel "that he thought it would be proper for him to write a letter to General Jackson, to inform him that the writ had been awarded." Mr. Morel then states that he carried the order to the clerk of the district court, and then went to his office, where he wrote the letter intimated by the Judge, of which the following is a copy:

"*To his Excellency Major General Jackson.*

"SIR: I have the honor to inform your excellency that, as counsel, I have made application to his honor Dominick A. Hall, judge of the district court of the United States, for a writ of *habeas corpus* in behalf of Mr. Louallier, who conceived that he was illegally arrested by order of your excellency; and that the said writ has been awarded, and is returnable to-morrow, 6th inst., at 11 o'clock, a. m.

"I have the honor to be your excellency's most humble and obedient servant, P. L. MOREL, Counsellor at Law."

As soon as General Jackson read this letter, as it appears by the affidavits of Mr. Duplessis and Colonel Arbuckle, he issued the following order:

"HEADQUARTERS 7TH MILITARY DISTRICT,
"NEW ORLEANS, March 5, 1815—7 o'clock, p. m.

"Having received proof that Dominick A. Hall has been aiding and abetting and exciting mutiny within my camp, you will forthwith order a detachment to arrest and confine him, and report to me as soon as arrested. You will be vigilant; the agents of our enemy are more numerous than was expected. You will be guarded against escapes.

"ANDREW JACKSON,
Major General commanding.

"Lt. Col. ARBUCKLE, 3d Infantry."

At about eight o'clock of the evening of the same 5th of March, a detachment of sixty armed men, under the command of Major Butler, were seen marching hastily through the streets of New Orleans; they entered the dwelling of Judge Hall, forcibly arrested him, and conveyed him to the military barracks, where he was held a prisoner until the 11th of March, when General Jackson ordered him to be removed out of the city, as appears from the following order:

"HEADQUARTERS 7TH MILITARY DIVISION,
"NEW ORLEANS, March 11, 1815.

"SIR: You will detail from your troop a discreet non-commissioned officer and four men, and direct them to call on the officer commanding the 3d United States infantry for Dominick A. Hall, who is confined in the guard-house for exciting mutiny and desertion within the encampment of the city.

"Upon the receipt of the prisoner, the non-commissioned officer will conduct him up the coast, beyond the lines of General Carroll's encampment, deliver him the enclosed order, and set him at liberty. By command:

"THOS. BUTLER, Aid de-camp.

"Capt. P. V. OGDEN,
Commanding troop of cavalry, New Orleans."

From these facts it appears—

1. That the only act committed by Judge Hall, previous to his arrest, was the granting an order for a writ of habeas corpus, upon the sworn petition of a citizen, alleging that he was illegally imprisoned.

2. That for this act, and this alone, Gen. Jackson ordered the person of the Judge to be seized and imprisoned.

3. That the object of this arrest was to defeat the writ of habeas corpus.

I say that the only act charged upon Judge Hall was the order, "Let the prayer of the petitioner be granted." There is not a particle of evidence to be collected from the record, from the affidavits made by the several actors in the same, or from the various statements made by General Jackson himself, charging upon the Judge any other cause of offence than this. General Jackson did not even wait for the consummation of the order; but, as soon as he read the courteous note from Mr. Morel, informing him that an application had been made for a *habeas corpus*, the order for arrest was forthwith issued and put in force. It is true that, in the order for the arrest of Judge Hall, General Jackson states that he had received proof "that Dominick A. Hall had been aiding and abetting and exciting mutiny in his camp."

Now, sir, I ask for this proof. Can any of the friends of General Jackson point it out? Can they name the witness, living or dead, who has ever stated a fact implicating Judge Hall in the high crime charged in that order? General Jackson speaks of proof—not allegation, hearsay, or surmise. Surely, no honorable man, respecting the rights and liberties of his fellow-citizens, would ever venture, not only to make a charge like this against a highly respectable functionary, but to condemn him unheard, without having plenary evidence of his guilt. Yet, when we examine the facts of this case, we find that the only proof upon which Gen. Jackson acted was the letter of Mr. Morel, informing him that Judge Hall had granted an order for a writ of *habeas corpus*. This was the proof that Judge Hall had been abetting and exciting mutiny. The awarding of a writ of *habeas corpus* declared to be a proof of a mutinous act; the performing a constitutional duty converted into a crime; the great bulwark of human liberty struck down at a blow, and made the cause of oppression and imprisonment! Does the record of any court, civil or military, upon the face of the earth, present an example of an arrest of a freeman, upon proof like this?

After reading that peremptory order for the arrest, I confess that I felt anxious, for the sake of General Jackson, and for the honor of the country, to find some additional fact—even a circumstance—that might afford some excuse for a proceeding so bold and arbitrary; but I have searched in vain. No other proof can be found. And the case stands now as it did on the 5th of March, 1815—a Judge arrested and imprisoned for mutiny, upon proof that he had granted an order for a writ of *habeas corpus!*

I now proceed to show that General Jackson's object in arresting the Judge was to defeat the writ of *habeas corpus*. This is an important point, involving a mighty principle, deeply affecting the liberty of the citizen and the supremacy of the laws and the Constitution of the country.

If it should appear, from the investigation of this case, that the arrest of Judge Hall was not for inciting mutiny, as alleged in General Jackson's order, nor necessary to the defence of New Orleans,

as his friends insist, but an unnecessary, arbitrary act, perpetrated for the purpose of harassing or overawing the officers of justice in the performance of a high constitutional duty,—it will present such a glaring case of outrage and wrong as none can venture to justify, and few, I hope, be found to excuse.

Upon this point also depends, in a great measure, the authority of the judge to proceed for the contempt of court. The question is this: Did General Jackson imprison Judge Hall for the purpose of preventing any further proceeding by the court upon the writ? Let us examine the facts carefully.

The order for the writ was granted on the evening of the 5th of March; Mr. Morel carried this order to the clerk the same evening, and wrote immediately to General Jackson the letter which I have already read to the Senate. This letter first informed General Jackson of the writ; and upon this information, and this alone, he ventured to issue the order for the arrest at 7 o'clock the same evening. This appears from the affidavit of Mr. Claiborne, the clerk of the court, in which he states that, in the evening of the same 5th of March, he called upon the General, in company with the marshal, Mr. Duplessis, and others:

"The General showed me a letter he had received from Mr. Morel, the counsel of Mr. Louallier, informing him (the General) that a writ of *habeas corpus* had issued in the case of Mr. Louallier."

This witness further says, that in the course of time he was with General Jackson; and the conversation turning upon Judge Hall, the General observed—

"That he had no personal prejudices against the Judge; but that his conduct in the instance in question had brought him under the cognizance of his (the General's) general order; that this was his (the General's) camp, and that no person or power must or should be over him in it."

But, sir, there is still stronger proof upon this point. General Jackson, in his letter of the 23d December, 1842, says:

"On the subject of Louallier's arrest, it should be known that he secreted himself from the issuing of the order for his arrest until he had made arrangements with Judge Hall for the *habeas corpus;* and when arrested and delivered to the colonel of the provost guard, being told that I had given directions for his good treatment, he replied, with thanks, that it was unnecessary, as he would be there but a short time. He was asked why? His reply was, that Judge Hall had issued a writ of *habeas corpus* for him, on which Colonel Arbuckle wrote to me asking advice. I directed him to keep the prisoner as long as he could wield a bayonet, unless he was liberated by my order. Having made inquiry into the matter, and found that Hall had so issued the writ, I forthwith gave orders for the arrest of Dominick A. Hall, and sent Captain Butler, of South Carolina, and Dr. Wm. Butler, with a file of men, for that purpose."

General Jackson's determination to defeat this writ does not stop with the arrest of the Judge. He had been informed that an original order for the writ had been made by the Judge, and filed with the clerk of the court. Fearing that this order might in some way interfere with his purpose, the General, at about 9 o'clock in the evening, sends one of his aids (Major Chotard) with a written order to the clerk, requiring him to give up the original order of the Judge. The clerk refuses to comply, but consents to accompany Major Chotard to the General's quarters; when the following scene took place, which I will permit the clerk to describe in his own language:

"The General showed me a letter he had received from Mr. Morel, the counsel of Mr. Louallier, informing him (the General) that a writ of *habeas corpus* had issued in the case of Louallier. I told the General that the writ had not issued; he asked me for the reason. I answered, because the marshal had told me he would not serve it on the Sabbath; and that it being returnable at 11 o'clock on Monday, I thought it would be time enough to issue it in the morning. The General asked me if I intended to issue it? I said that it was my duty to do so, and that it would issue. At this the General handed me a printed paper, which he said was his general order, and observed that that order would show me he would do his duty also. The General asked me for the original order of Judge Hall before mentioned. It was written on the back of Mr. Louallier's petition, and I handed the General the paper. The General read the order, and also the affidavit of Mr. Morel, which was at the foot of the petition, and observed to me that the dates of both the order and the affidavit had been altered, and asked what all this juggling was about? I assured him there was no juggle, and the reason of an alteration in the dates was as I have stated above. The General mentioned to me he should keep the paper in his own possession. I observed to him that there was an order of court that no original paper should be delivered out of the office. The General said he should keep it under his own responsibility; that it should be safely preserved, and that he would give me a certified copy of it; which he did."

Here it is important to observe, that, prior to this interview, General Jackson was under the impression that the writ *had issued*. He was led into this mistake by the letter from Mr. Morel, stating that the writ had been awarded. As soon as the clerk informs him that the writ had not been issued, but was still under the control of the clerk, the General, with all that military quickness peculiar to his character, perceives that the writ is still at large. This new difficulty must be overcome; and he forthwith sets to work like a hero to strangle the writ in the hand of the clerk. "The General," says the clerk, "asked me if I intended to issue it. I said that it was my duty to do so, and that I would issue it. At this, the General handed me a printed paper, which, he said, was his 'general order;' and observed that that order would show me that he intended to do his duty also."

Failing, by this threat, to intimidate the clerk from issuing the writ, the General next proceeds, by stratagem hardly to be justified even by the arbitrary rules of martial law, to obtain possession of the original petition and order. At the request of the General, the clerk hands him the paper to read; he refuses to return it, although the clerk urges upon him the rule of the court, "that no original paper should be delivered out of the office." He replies that he will keep it under his own responsibility; and then despatches the clerk with a copy of his own record, the original remaining in the pocket of General Jackson. But, sir, the case does not stop here. The General understood, from this interview with the clerk, that, although he had *stopped* the Judge, and pocketed the order, the writ would, nevertheless, issue. He therefore turns to the marshal, (who was present with the clerk at this interview,) and, after remarking that he had *stopped* the Judge, said "that he would treat any person who might improperly meddle with his camp in the same manner that he had treated the Judge." The marshal further testifies, that it was manifest, from the whole tenor of the conversation, that the General intended to disregard the writ.

These several acts on the part of General Jackson; the sudden arrest of the Judge between the test and return of the process; the attempt to suppress the writ by intimidating the clerk; the surreptitious manner of obtaining possession of the record; the threatening language to the marshal, and the utter disregard of the writ itself, can admit of but one construction. They prove, beyond all doubt, the settled purpose of General Jackson to defeat, by means of tyrannical and irresistible force, the legal operation of the *habeas corpus*. And most thoroughly did he succeed in his purpose; for he demolished the court, bullied its officers, carried off its records, and trampled beneath his feet, as so much blank paper, its record and seal.

By way of excusing these arbitrary proceedings—for no one even attempts to justify them—it is said that they were necessary to the military defence of New Orleans. I might here show, by incontestable evidence that the city at this time needed no extraordinary defence; that the enemy, defeated and routed by the battle of the 8th of January, had retired from the city, and were not to be found within one hundred and fifty miles; that, in fact, the war was over and peace declared, and known in New Orleans; and the city, on the 5th of March, could have been safely defended by the same band of sixty armed soldiers who expended their military ardor in storming the house and arresting the body of Judge Hall. All this, however, is irrelevant to the present inquiry. Could any state of things, militant or peaceful, an enemy present or absent, a siege or a blockade, a victory or a defeat—could any emergency of war render necessary to the defence of a city that a judge should be imprisoned for the peaceful act of granting an order for a writ of *habeas corpus*?

Is there anything in that act which could possibly affect the defence of a city? Could the imprisonment of Judge Hall add to the strength of ramparts? Would its battlements be enlarged, or its towers strengthened, by the incarceration of his body? Were the seizure of the record and the duress of the clerk necessary military movements of defence?

This writ was directed to General Jackson, and upon him it was served; he had the custody of the person for whose benefit it issued, and it was within his option either to have the body before the Judge, according to the command of the writ, or to return that the safety of the city required the retention of the prisoner. If he had taken the latter course, we might then with propriety discuss the other question which has been agitated here, (but which is, in my opinion, irrelevant to the case,)—the legality of the imprisonment of Mr. Louallier. But, sir, he determines to take neither of these courses. Not satisfied with disobeying the writ and detaining the prisoner, and with neglecting to give any excuse or reason for the detention, he imprisoned the Judge also. The only excuse General Jackson could allege for disobeying the writ, was the urgent necessity of retaining his custody over Louallier: having determined to retain him, his whole object was accomplished. Where was the necessity of taking the other step? Assuming supreme power, under what he called martial law, over all the civil authorities, and surrounded by a victorious army obedient to his will, Louallier was as secure under his custody after as before the issuing of the writ of *habeas corpus*. The imprisonment of Louallier could not be rendered less secure by the liberty of Judge Hall. Where, then, I ask, was the necessity for this wanton and cruel act of oppression? Neither the safety of the city nor the security of the prisoner required it; and the only reason that can be assigned for this proceeding is the one I have named—an arbitrary determination on the part of General Jackson to defeat any further proceeding upon the *habeas corpus*.

The minority report, which accompanies this bill, does not, in my opinion, touch the true point in this case. That report merely attempts to excuse and justify General Jackson for the arrest and detention of Mr. Louallier. It says not a word about the arrest of the Judge, nor offers the slightest apology for the contempt offered to the court. The question is stated in the report as follows:

"This question, however, having been introduced by the committee, the undersigned submits, that, in time of war and of imminent public danger, it may be the duty of the commander to arrest those regarded as traitors, spies, or mutineers, within the limits of his camp—especially in cases where it was obvious to him that his refusal to exercise such power would involve the disbanding of his forces, the defeat of his army, and the surrender of that army, and of the country which he was bound to defend. The alternative, as he fully believed, was to make the arrest or the abandonment of his country's standard, and the surrender of one of her greatest cities to a powerful enemy, whose motto of victory involved indiscriminate plunder and licentious outrage. Under such circumstances, should he make the arrest and save the country? To this question there will be but one response from the heart of every true American patriot."

Now, sir, as one of the American people, my heart fully responds to the sentiment, that, in time of war and of imminent public danger, it may be the duty of the commander to arrest traitors, spies, and mutineers, within the limits of his camp. I would even go further, and excuse the General for hanging traitors and spies under such circumstances. But we must not confuse the innocent with the guilty, the patriot with the traitor, even to add to the honor and glory of General Jackson. Was Judge Hall a traitor, or a spy, or a mutineer? Is there a fact or a circumstance, stated in that report, or anywhere else, implicating him in either of these high crimes? The imprisonment of Louallier, the circumstances under which it was made, and the reasons for its continuance, are distinct matters from the imprisonment of Judge Hall: the former may be excused, and even justified, without at all affecting the legality of the latter. May not a man be legally imprisoned, and yet a judge be permitted to grant a writ of *habeas corpus*, to inquire into the cause of his duress, without subjecting himself to the penalties of the crime which rests upon the prisoner?

'The law (says this report) which justified this act was the great law of self-defence: it was the law of necessity."

What act? The arrest of Judge Hall? No. The honorable gentleman who made the report does not mean that arbitrary proceeding. He could find no necessity so urgent, no self-defence so pressing, as to legalize, under any code of law, civil or martial, an act so destructive to personal security and civil liberty.

Did these several acts on the part of General Jackson amount to a contempt of court? To answer this question satisfactorily, we must ascertain what constitutes this offence. The best authorities in the law describe it as follows:

"A contempt is a disobedience to the court, or an opposing or despising the authority, justice, or dignity thereof. It commonly consists in a party's doing otherwise than he is enjoined to do, or not doing what he is commanded or required by the process, order, or decree of the court. Sometimes it arises by one or more, their opposing or disturbing the execution or service of the process of the court, or using force to the party that serves it; sometimes by using words importing scorn, reproach, or diminution of the court, its process, orders, officers, or ministers, upon executing such process or orders."

The authority to restrain and punish in a summary way acts of this nature, is essential to the existence of every court. It is part of the law of its judicial life necessary to its self-preservation. It is the right to resist or punish, on the spot, and

without delay, any insult or act calculated to disturb or restrain its judicial action in a cause or proceeding depending. The law of contempt embraces the right to maintain the honor and order of the court; to protect its officers in the legal discharge of their duty; to preserve its records; or to defend its process and writs, in their service or return, against insult or violence.

If we deny to a court this power of self-protection, the obstinacy or the violence of any one man may at any moment stop the proceedings in a cause, bar the doors of your courts, and break up the administration of law and justice.

Was not that the result in the case before us? A legal proceeding had been commenced—a writ issued under the authority and seal of the court, and made returnable at a certain time and place. The object of the writ required that it should be executed with as little delay as possible; its purposes being to inquire into the cause of the imprisonment of a citizen, who alleged that he was illegally deprived of his liberty.

Now, sir, if a person, conscious that these proceedings are in progress, and desirous of defeating them, wrests from the hands of the clerk the order and petition upon which the proceedings are founded, and, between the test and return, seizes with armed force and imprisons the judge who issued the writ, and thus prevents him from being present to hear the parties on the return day, is he not guilty of a gross contempt? If this be not contempt of court, then, alas! are our courts beneath contempt.

This is, in fact, something more than a contempt. For a contempt is seldom so outrageous as to deprive the tribunal of its existence; but here the blow was so fierce and fatal, that the whole court, with all its functions and faculties, judicial, ministerial, and executive, together with its record, process, and seal—all fell paralyzed in death beneath the arm of the hero of New Orleans.

Thus far I have spoken only of the outrage to the Judge—of the contempt to the court. These, unjustifiable as they are, might have been excused by an indulgent and grateful people; but there is exposed by these proceedings a still deeper outrage, and a still higher contempt—an outrage against the Constitution, a contempt of the writ of *habeas corpus*. I could forgive much, in consideration of the military services of General Jackson; but who that reveres the institutions of his country can sanction a wanton breach of its Constitution? Who that loves liberty can excuse the blow that strikes down the bulwarks of its defence?

In the erection and maintenance of a Government founded upon liberty and law, principles, and sometimes things, are of more importance than men. Thousands of lives were sacrificed to obtain our Constitution. Our ancestors contended for years, amidst revolutions and persecutions in the field and in the Senate, for the establishment of that great instrument of English liberty—the writ of *habeas corpus;* and shall we, their descendants, yield both these proud trophies of patriotism to the insatiable ambition and craving vanity of one man? Gen. Jackson, in the vigor of his youth, was willing to sacrifice his life in defence of his country; and does he now, in old age, grudge a thousand pieces of silver, expended in vindication of a principle, deprived of which his country would not be worth defending?

Our fathers, mindful of the history of the writ of *habeas corpus*, and duly appreciating its importance in the protection of personal and civil liberty against the aggressions of arbitrary power, did, in and by the Constitution, secure the privilege of this writ to every American citizen in the following words:

"The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it."

Mark the words, "*the privilege of the writ*"—a known right, a common prerogative, used and enjoyed by the people before and at the time of the adoption of the Constitution; and which that instrument does not grant, but merely preserves. The power to suspend this great common-law privilege is reserved to Congress, the Representatives of the people; and even then their control over it is limited to two emergencies—rebellion or invasion; and not even then, unless the public safety require it.

Of little value would be that constitutionally preserved privilege, if the power to suspend it is left in the hands of every commander in our army and navy, to be exercised according to his judgment or whim; neither the Executive, the commander-in-chief of the army and navy, the judge who issues the writ—no, not even the sovereign people, for whose benefit this privilege is reserved, have the power to suspend it; Congress, and Congress alone, can do it.

This is acknowledged by all. Yet we are told that there is a law superior to the Constitution—the law of war, called martial law! Do gentlemen mean to say that a declaration of war abrogates the Constitution? Was not our Constitution made for war as well as for peace? Is its potency only to be felt in the quiet unresisting times of peace, but lost amid the din of arms and shouts of victory? It would, indeed, be an ill-constructed instrument for the government of a free people, if it made no provision for the protection of the property, the liberty, and the life of a citizen at a time when all these rights demand the most efficient support, and require the most powerful protection.

But this martial law—what is it? What its definition? From whence does it proceed, and what are its limits?

This thing called martial law once had a kind of existence in England. It was felt, but not seen, dwelling in the dark corners of the star-chamber, seizing citizens in the darkness of the night, and dragging them off to be tried and executed by armed men; in its character, half military, half civil—a court-martial for trial of civil offences.

So ill-shapen, so monstrous, so undefinable was this law, that Judge Blackstone, who could, in one short sentence, define the municipal law of England, found himself utterly at fault in describing the martial law, and contents himself by telling us that it is *the absence of all law*. If I should undertake to define this law, it would be by reversing Judge Blackstone's definition of municipal law, to wit: "Martial law has *no* rule of action, does *not* proceed from the supreme power of the State, neither commanding what is right, nor prohibiting what is wrong."

If by this law is meant that code of laws which govern men in arms—the rules and regulations of an army and navy—we all understand it. But when you claim for this law a supremacy over the Constitution; when you extend its jurisdiction over the citizen—over the life, liberty, and property of the private individual, and subject him and all his rights to be dealt with according to the will or whim of a military commander—you present a monster, a tyrant, under whose government no freeman could live in safety for an hour.

General Jackson seems to have been under the impression that this constitutional privilege was only to be enjoyed in time of peace; that the writ of *habeas corpus* was a tame, quiet process, to be sent to county jails, and only obligatory upon sheriffs and turnkeys; but upon a major general, whose camp is a city, and whose only law is a camp order, enforced at the point of the bayonet! what avail parchments, writs, and paper constitutions? Shall the soldier yield to the civil marshal? Shall the general yield to the judge?

General Jackson forgot, at the time, the history of that writ. You, sir, know that it had its origin in war and civil commotion, when, under pretence of an urgent necessity and public safety, men were seized by armed soldiers, thrown into prison, and kept there, unheard and untried, by the mere mandate of the King.

That man Jenks, whose imprisonment was one of the immediate causes that produced the famous act of *habeas corpus*, was a citizen of London, on the popular or factious side. He was committed by the King in council, for a mutinous speech in Guildhall. The Chancellor, on an application for a *habeas corpus*, declined to issue it *during the vacation;* and the Chief Justice of the King's Bench made so *many difficulties* about issuing the writ, that Jenks lay in prison several weeks. This arbitrary imprisonment of an humble citizen of London excited the spirit of liberty throughout all England; and notwithstanding the mandate of the King in council, and the craven prevarication of the Chancellor and of the Chief Justice, the Commons of England never rested until they had secured by law an effectual remedy against any future outrage upon the liberty of the citizen. That remedy has, since that day, been sacredly preserved as a great landmark in the progressive advancement of civil liberty. It has been called the second Magna Charta of English rights. Our fathers brought it with them as a cherished jewel; they re-enacted it in every State Legislature; they embodied it in the Constitution of the Union; and there it now stands, stereotyped forever, in these words: "The privilege of the writ of *habeas corpus* shall not be suspended."

From the time when the commons of England triumphed over the arbitrary martial-law power of the crown—from the day of the enactment of the habeas corpus, in the reign of Charles the Second—from the formation of our Constitution—through all the commotions, revolutions, and wars in England and in America—no King, no President, no popular military chieftain ever ventured to suspend, even for an hour, the privilege of the writ of habeas corpus, until General Jackson, on the 5th of March, 1815, and in the 39th year of our independence, took upon himself the responsibility.

This case stands alone. For one hundred and fifty years has this writ been revered as the guardian spirit of human liberty, pursuing unmolested the even tenor of its way, commanding obedience from every authority, entering every prison, descending into every dungeon, and, through grated doors and arms of steel, bringing forth the prisoner, together with the cause of his imprisonment, to the light of day.

Now, sir, I ask, can we, the Senate of the United States, existing by and acting under the Constitution, excuse, and thereby justify, this suspension of the habeas corpus? No, sir; we cannot; we dare not. I would do anything for General Jackson rather than this. Erect monuments, make triumphal arches, build temples in honor of the glorious victory at New Orleans; but I cannot sacrifice a great constitutional principle—a principle more valuable to this people than a hundred cities, more glorious than a thousand victories.

Why is this measure urged upon Congress just at this time? After sleeping for a quarter of a century, this claim suddenly awakes, as by the touch of a magician's wand; the whole country becomes agitated with an anxious sense of justice, brooking no delay. The public treasure groans to be delivered of the fine money; and General Jackson and his friends can live no longer under the foul imputation of the sentence. Why this sudden outbreak of justice, gratitude, and sensibility? Were not all the facts of the case as well known twelve years ago, as they are at the present moment? Has delay advanced the validity of the claim? Has neglect aroused our gratitude? Has time made the outrage more glaring?

Passing over the eight years of General Jackson's administration, (during which a sense of delicacy might forbid action upon this subject,) how can we account for the silence of Mr. Van Buren, during the four years of his administration? Did his keen eye not perceive this stain upon the character of his great benefactor? Was his gratitude so obtuse that it could not give a word or a hint that the thing would be agreeable? Or was it that, having glory enough in those days, this little matter of the thousand dollars fine was laid by for a season of scarcity?

I believe I know that this measure has here and elsewhere many honest supporters. The honorable Senator from Missouri, who introduced the bill, has too much sincerity and honesty of character ever to advocate a measure here which he does not believe to be right and just. Yet, sir, from all that I have seen and heard, I cannot divest myself of the impression that a certain aspirant to the Presidency is attempting, through this measure, to use once more the name and influence of Gen. Jackson to obtain a second time the object of his ambition. Having once been warmed and illuminated by the meridian influences of his glorious predecessor, he has, during a short eclipse, been examining with telescopic accuracy, the clouded face of the great luminary, to discover, if he could, some little spot from which might be elicited a solitary ray of reflected glory.

In order to get at this little matter of glorification, the life and history of the old hero have been conned over to find, if possible, some dubious point of official conduct—some unjustified act—some unvarnished spot, a vanity not satisfied, an insult unavenged; and, at last, this matter of the fine is fixed upon as an offensive object in the picture, and we are called upon to varnish it over by legislative enactment. Let me say to the friends of Gen. Jackson, you are not true limners; you will spoil the painting by this varnish. It is these rough points and dark shades that give character and individuality to the picture. Smooth them down, or gild them over, and it will no longer be a true likeness of your responsibility-taking hero. It is better for all

parties that we leave this matter as the history of the times records it. Let the controversy between the civil and military power—between the General and the Judge—remain settled as it is by the record. It is well settled, and we cannot alter it if we would. The hero General met the hero Judge in sharp conflict; the General imprisoned the Judge, and the Judge fined the General; the one lost his liberty, the other his money. We cannot now readjust the matter upon equal terms. You may gratify the feelings of General Jackson by returning this fine; but what becomes of the outrage upon the Judge? Is there no sympathy for his wrongs? Dragged from his house by armed men; marched through the public streets; branded with crime; the object of scorn and contempt; imprisoned, and then banished as an outlawed traitor—his wrongs have never been redressed. He went down to his grave an injured and insulted man, long to be remembered for his unequal contest with the hero of New Orleans. Not so with General Jackson. This petty fine, this sentence of contempt, now remembered by him with so much soreness, was unheeded at the time, amidst the shouts of his triumph; and was, for a while, forgotten, in the enjoyment of those high honors bestowed upon him by his grateful country. Yet his friends are not satisfied. The record of this sentence is still in existence. After twenty-eight years of glory won and enjoyed in other fields, they now propose to conduct their hero, with all Congress in his train, back to the first field of his triumph, New Orleans; not to celebrate his victory over the enemies of his country, but rather to sanction his triumph over the laws and Constitution of our Republic; and the grand ceremony of this *fête* will be to tear in fragments, over the grave of Dominick A. Hall, this record—the only monument left us of an independent and upright judge. I, for one, will have no part in the pageant.

SPEECH OF MR. BARNARD,

OF NEW YORK,

In the House of Representatives, February 20, 1843—In Committee of the Whole on the state of the Union, on the bill reported from the Committee of Ways and Means in relation to treasury notes.

Mr. BARNARD offered to add to that bill, by way of amendment, the substance of a bill laid on the table some time since by him, and printed, and which, at the time, he had proposed to offer as a substitute for the exchequer bill of the Select Committee on the currency, (Mr. CUSHING's bill,) whenever that bill should be taken up. Mr. BARNARD's bill, now offered as an amendment to the treasury note bill, was entitled "A bill to authorize the Secretary of the Treasury to borrow a sum of money, not exceeding fifteen millions of dollars, of State banks, and to adopt an equal amount of currency, which shall be receivable in payment of Government dues."

This amendment having been received—

Mr. BARNARD addressed the committee to the following effect:

Mr. CHAIRMAN: On the whole, sir, I do not know that any more fit occasion for bringing forward the provisional measure on the subject of the currency which I have had the honor to propose, could well be presented, than that which is now offered; and I have felt obliged, therefore, to decline the appeal made to me by my friend, the chairman of the Committee of Ways and Means, [Mr. FILLMORE,] that I would forbear to press this measure at the present time. I must insist on embracing this occasion to discharge myself of a great public duty; and, having a very distinct notion of what this House owes to the country on the subject which I have now brought to its notice, I am not disposed to let this opportunity slip of exacting from it some action in regard to that subject. It will not do to say that my bill is not germane to the subject before the committee. The two subjects are intimately related. Nor will the plea of lack of time avail anything. If there is time to perpetuate an issue of twelve millions of treasury notes, for the relief of the treasury—which is what the bill of the Ways and Means proposes—there is time to consider a proposition for changing the form of that indebtedness—which is what my bill proposes, with the advantage of supplying to the country, by means of that change of form, what the country now so much needs, and so imperatively demands—an ample, and a safe, sound, and uniform national currency. It will not do to say, as we have heard said and repeated this morning, that the public business must first be done—as if there were no other public business than the passing of appropriation bills, and bills to issue or perpetuate treasury notes. Sir, this which I propose is public business, and public business of some consequence too; and, if gentlemen are not sensible of the fact now, they may be made so, perhaps, when our common master, the people, come to reckon with us on the subject. In the condition in which the monetary and business affairs of this Government and of this country now are, and have been for a considerable period, no one thing can be named of such indispensable necessity as the restoration of a sound and uniform national currency. It is the vital air to the body politic—an indispensable requisite to its healthy existence. It may, in my opinion, be now, at once, procured and restored, by a very simple and a very safe financial measure, which, for itself, and without reference to the matter of currency, is strongly demanded by the condition of the treasury.

The bill of the Ways and Means is professedly a bill for the relief of the treasury; and it proposes that relief through the old mode (become so hackneyed within the last six years) of treasury notes. This is the ready resort and panacea prescribed in these latter times, for all the distempers of our exhausted exchequer. Whenever this abused patient of ours—victim, as he has been, of alternate plethora and inanition—shows symptoms of collapse or syncope, forthwith he is to be blown up, like a bladder, with treasury notes. Treasury notes are his hartshorn and his lavender; they have recovered him from many a heart-sickness and deadly swoon, within the last six years; and it is really surprising how their virtues hold out, considering how frequently, and almost constantly, they have been resorted to and applied. Sir, I have never yet, I believe, voted for a treasury-note bill. I might do so, without any direct violation of conscience or principle, if I could see a proper case or exigency for a measure of the sort. They might be used, as exchequer bills are used in England, to anticipate incoming revenue; but they ought not to be lightly resorted to, to take the place of revenue, or as a mode of borrowing for the support of Government, especially in time of peace. They have now been thus employed for almost six years uninterruptedly. They were so used by the last Administration, against which we Whigs earnestly remonstrated; and, coming into legislative power, we Whigs have adopted and continued the practice—with how much more urgent necessity on our part, the country will determine. And it is now proposed to employ still further this means of raising the wind for the treasury; it is proposed to give authority to the treasury to reissue the whole batch of treasury notes now outstanding—some twelve millions of dollars, more or less—as they may be paid in for dues, or come in for redemption. The greater part are already past due, and do not come in for payment, only because we have added to our promise to pay interest on them till due—which was the footing on which they originally stood—a promise to pay interest on them till redeemed. And it is proposed by this bill to add the like promise in regard to the rest and residue of the outstanding notes. Sir, I do not like this Jeremy-Diddler way of supporting this Government. These notes, every one of them, were issued payable in one year from date, and it concerned the credit and honor of the Government that they should have been promptly met at maturity. This subsequent promise of paying interest, to prevent the holders from demanding payment of the principal—this purchase, in market overt, of the lenity and forbearance of our creditors—is not the sort of transaction that I, for one, can take any pride in, as an American citizen. If the Government unhappily could do no better, why, very well; and I hope there has been more actual necessity for this sort of proceeding than I have been able to discover. At any rate, coming, as the renewed proposition does, from the Committee of Ways and Means, I shall not set myself up against it; though it must be carried, if at all, by other votes than mine. I have not moved to strike out the bill of the Ways and Means, and substitute mine for it; I propose my bill as an amendment, to be added to theirs; they will consist very well with each other in the same enactment. If my plan should chance to be adopted, and then it should be found that the State banks should refuse to lend us money on the terms proposed, the treasury would still have the treasury notes to resort to; while, on the other hand, if the banks should assent to our terms and lend us the money, there would not only be no necessity for any reissue of treasury notes, but all the outstanding notes might be promptly redeemed. The bill of the Ways and Means is, as I have said, a bill for the relief of the treasury. So is mine; and, I venture to think, much the more important and necessary bill of the two, not only for the relief of the treasury, but for the relief of the country also.

But, Mr. Chairman, I am free to confess—indeed, I wish it to be understood—that my main purpose is to procure, by the plan I propose, a currency of national import and character for the country. This is the great want of the country. Upon this question, more than any other, the political revolution of 1840 turned. The Whig party came into power upon the solemn promise and pledge to give the country a sound national currency. The general expectation was, that this was to be done by means of a bank of the United States. The mode, however, was not so much dwelt upon; it was the object and the thing that was chiefly discussed, promised, and expected. The local currencies were in the most deranged condition; the utmost confusion reigned in the exchanges; the regular flow of business was obstructed and interrupted in all its channels. There was stagnation, and distress, and ruin everywhere. It was universally felt that the process of restoration must begin at Washington. It was this Federal Government which had brought on all this mischief, by its unhallowed war on the best currency the world ever saw, and which had then coolly turned its back on the confusion and desolation it had created, and declared that it did not belong to this Government to have anything to do with currency and exchanges. The demand of the people was, that it should have something to do with this subject; and that demand was uttered with the voice of authority, and in tones of thunder. They called on the name of the Whig party, which they clothed with the ensigns of political power, and commanded them to go promptly to the work of relief and restoration. And we promised to do it. The country must have a sound and uniform national currency, and we promised that it should be supplied. This was the only way to bring order, regularity, and safety out of the confusion and rottenness which prevailed in the local currencies and in the exchanges; and we promised it should be done. Before God, and many a cloud of witnesses, we made this solemn engagement. There was one condition, and one only, annexed, by necessary implication, to this engagement. The mode of reaching and accomplishing the object must be in strict conformity to the Constitution, and to our own well-understood principles. We were not bound to violate either the Constitution or our own consciences; but we were bound to accomplish the object, only leaving these intact.

And, Mr. Chairman, never was a great duty entered upon with more alacrity, resolution, and zeal. Never was there a more honest endeavor to perform an honest undertaking and trust. An extra session of Congress was convened, and we went to work like men at the subject of the currency, though, in the mean time, we had lost the elected head and chief of our party and of the Administration. Still, we did not shrink from our duty and our engagements. At that period, nothing but a bank was thought of in any quarter, whether in Congress, at the Treasury Department, or at the Executive mansion. Various plans were suggested—to Congress, in Congress, and by the Executive; and they were all plans of banks. Nobody seemed then to think or dream of anything else. By common consent and agreement, at that period, the currency of the country was to be supplied and regulated through an incorporated national bank. Two attempts were made in Congress to establish such a bank; two such banks in succession were created, to neither of which would the President yield his assent; and it became, at last, apparent to everybody that he would yield his assent to nothing in the shape or similitude of an incorporated national bank. Thus ended at once all hopes of supplying a currency by means of a national bank for the term of Mr. Tyler's administration. It remained to be seen whether the same object could be accomplished through any other agency, which should be free from constitutional and other insuperable difficulties. Mr. Tyler and some of his advisers were of opinion it

pose on the soft and plastic mind of his confiding Excellency the belief that New York writhes in the revolting embraces of the ultra Democracy, through the efforts of his faithful minister. I doubt it not. And I doubt not that, in the wassails of the palace, some insulated recess has often been vocal with the voices of the merry trio chanting hosannas to the conquerors of the Whig party and the despoilers of their country.

Sir, let them quaff on and sing on. The day of fearful retribution will soon come. Though now high in power, sparkling in its sunshine and revelling in its enjoyments, rest assured, sir, that their political "damnation slumbereth not." On the 4th day of March, 1845, by the common consent of all parties, they will be consigned to a political pandemonium, where, in the bosom of a restless and disappointed ambition, "the worm dieth not, and the fire is not quenched."

Sir, amid all the gloom which treachery has thrown around the Whig party, I do not permit myself to doubt that its recuperative energies will marshal it to the field in 1844; and then, as in 1840, victory will again perch upon its standard. Let not the Locofoco legions "lay the flattering unction to their souls" that they are to have a bloodless field. No, sir; they shall have war—war *tenus capulo*, in all its honorable forms, and with all its consuming fierceness—and waged, too, with a spirit which would do honor to the most chivalric campaign of 1840.

Under the banner of patriotism, inscribed with the name of the honest, frank, fearless, and patriotic "Harry of the West"—associated, as I confidently trust it will be, with the name of a Northern gentleman well known to the country for his fearlessness, integrity, and indomitable spirit, and under which all opposed to the Robespierrean Democracy, be they old Whigs or new Conservatives, may rally—the Whig party will again take the field, and wage the war with the spirit and enthusiasm which characterized the triumphs in New York in 1838 and 1839, and the general triumph throughout the country in 1840. Under such a banner, and with such a spirit, we shall reconquer the laurels of which treachery has robbed us, and again attempt (and, under the auspices of a faithful President, successfully attempt) to raise the country from the horrible pit of Locofocoism, and place it on the rock of solid and enduring prosperity.

SPEECH OF MR. TALLMADGE,

OF NEW YORK,

In Senate, February 6, 1843.—On the exchequer.

The bill "amendatory of the several acts establishing the Treasury Department" being, on motion of Mr. TALLMADGE, taken up, he proceeded to address the Senate to the following effect, in explanation of the provisions of the bill:

Mr. T. regretted (he said) that he had not been able to bring forward this measure at an earlier period. The delay had not occurred on his own account, or through his instance, but had been yielded to the request of other Senators. Some two weeks since, it had been assigned a day under a special order. Meantime, however, came on the important debate (on the Oregon question) which has so much occupied the attention of the Senate. Until this—unexpectedly prolonged as it had been—was terminated, he had not chosen to distract the attention of the body by a double discussion. The Senate would pardon him this little preliminary vindication of himself against a possible imputation of remissness, or of disregard for his own voluntary pledges of bringing forward the measure anew at the earliest time in his power.

The general purpose of the bill (Mr. T. went on to say) is to do something for the country, as to currency and exchanges. Substantially, the bill is the same as that brought in last winter by report of that select committee of which I had the honor to be chairman. To the report then submitted with the bill, the Senate will allow me to refer them for those more amplified details and arguments which are less necessary now that the Senate is in possession of the general plan. I propose, at present, only to re-state those larger points of then measure, upon the soundness of which, and their competency for the object in view, the entire question must rest.

As, then, what is mainly proposed is to do something which may redeem the currency and exchanges of the country from their present wretched confusion, it is at least necessary, for the formality of a regular argument or investigation, to ask what would, in every other sense, be superfluous—whether the country at large stands in any vehement, any unusual need of such interposition, such exertion of any power applicable to the purposes in view as the Government may possess?

If the common disasters of a whole land ever challenged justice or pity from its rulers; if a desolation more widely spread, if less total, than any which the ravages of war ever inflicted, is a thing demanding public relief; if a general havoc of nearly all private fortune, and an overthrow of all public credit, are matters that call for some effort of the prudence or power of the whole community,—I may surely, in the unexampled distress which convulses the entire body politic, find enough to warrant me in saying that the need of doing something is terrible, and its delay inexcusable, if there is within the legitimate and safe resorts of our Government anything that can be done.

The condition of the country I will not attempt to describe. I am not master enough of the imagery of suffering and gloom to paint a picture of such various and such cruel calamity. Afflicting as it is to look upon, it is doubly painful from the strange, the violent, the dismal contrast which it offers with the youth, the strength, the customary prosperity of our country, and the teeming resources which vainly lie all around us. We are beggars in the midst of the most boundless natural wealth; we are starving in the midst of the unexhausted fertility of a soil capable of yielding us almost anything; and the profusest blessings of nature, and the highest boon of political freedom, seem, for the time, bestowed upon us equally in vain.

For all this there must be some adequate cause. Visibly to all eyes, it is the extreme and rapid reduction of the circulating medium—under the heavy individual and public engagements which an equally extreme previous inflation had given rise to—which has produced, and threatens greatly to prolong, all that we are suffering. Such (though not the sole) is certainly the great and leading cause of what, as politicians or statesmen, we must speak; because it is clearly to this cause that we must address ourselves, as to the only thing worthy of a statesman's thoughts, or a test of his skill—the possibility of a remedy.

I, sir, and those with whom I have generally concurred in political views, have (I repeat) felt satisfied that, though there may have been many causes for this state of things, yet the great and immediate one lies at present in the deranged condition of the currency and exchanges of the country. As to the origin of that derangement, there may be a diversity of opinion; but there can be none as to the existence of the fact, and little as to the powerful influence which it exerts in all that we are now witnessing.

Without question, it is one of the saddest and one of the most dangerous characteristics of party and of politics in this country, that, unscrupulous of everything but to strengthen their own momentary force, they seize, and endeavor to make a part of themselves, everything alike—no matter how little of a party nature, and no matter how much the prejudice to the public interests which may ensue from thus transforming many questions purely national into matters of partisan warfare. There is no subject which, in point of magnitude, in point of universality, and in point of being proper to trade alone, was less fit to be flung into the mere cockpit of party strife, than this of the currency. Yet, unfortunately for the country, the instant that it could be rendered anything that it should never have been—anything that it could never, with safety to the country, become—it was, from a commercial, turned into a political question—the mere watchword and battle-cry of conflicts with which such a simply commercial question should never have been mixed. It was not to the agitation of political passions, ever extreme and exaggerated in what for the moment occupies them, that such a question could be committed for any safe decision. As long as such questions are made the rallying call of party, derangement of the currency and exchanges will continue; and the consequent derangement of the whole business affairs of the community. It is surely time, amidst the extremity of distress into which this false and unhappy management of the question, has plunged us, to drop those party distinctions and think once more of the public sufferings around us, and the duty—if there be a possibility—of lightening or even relieving them, by a calm and a prudent legislation. In this great council, holding in its hands to such an extent the destinies of the entire nation, the first consideration should be, how best to fulfil what we owe to the country at large, now reduced to a condition too disastrous to be much longer endured. That condition, I hesitate not to say, in my judgment imperatively demands that we unite on some such measure of relief as that proposed by this bill. The time unhappily is past, when, unembarrassed by the difficulties which delay has thickened over the matter, we could, comparatively at our ease, have deliberated of measures and methods now no longer in our choice. Formerly we might, with a freedom to select from all that experience offered of good, have held calm counsel as to what was best: now, reduced to far sadder afflictions, and with a far narrower choice of modes of relief, we are left to ask not "what is best?" but "what is it now possible to do?" The people are crying aloud on all sides for relief. For that relief they turn their eyes, from all quarters of the country, to this Government. They ask you not for relief from their private, their individual misfortunes, which they know you cannot cure; but relief from a wretched condition of the circulation, which denies them all possibility of redeeming and retrieving their losses, and which you can cure. They ask you to give them, not an illegitimate and individual aid; but to afford to their private necessities the indirect assistance of what the public business as imperiously requires—a better mechanism of interchange, a sounder vehicle of their business and of your own. Such is demanded, not more by individual convenience than by the public interests. If, in the management of its own finances, the Government can, at the same time, furnish an element of exchange that will go far to give the country what it so much needs, and what seems so little attainable in any other way—a sound currency—is it not bound to do so?

Are gentlemen, then, to fold their arms and pronounce that nothing can be done? Here is at least a measure which will do something. It may not accomplish all that could be wished: but it will effect much. It cannot fail to afford to commerce a good and a general instrument, which it does not now possess: it must, to its entire extent, infuse into the circulation an element of correction and soundness; and these indirect but important effects as to private business will be but incidental results from a system of which the more immediate benefits accrue to the Government itself, as to the distribution and management of its receipts and disbursements.

In what it thus proposes, there is surely nothing that is not strictly compatible with the constitutional powers of the Government—with such powers, I mean, as are inseparable from its duty of the collection, safekeeping, and disbursement of the public revenues. If, in performing these functions, it can, at the same time, indirectly and incidentally afford to the business of the country facilities of exchange and currency which involve not a loss but a benefit in the public business itself, surely it is strongly its duty to do so. The provisions of this bill aim at nothing more.

It will, at all events, establish one great and fundamental principle—a principle which is the dividing line between the extremes of parties, and which lies at the bottom of all these systems, whether they present themselves in the shape of a national bank, an exchequer, or in any other form—namely, that it is the right and the duty of the General Government, in the collection and disbursement of its revenues, to aid in furnishing a uniform currency, and regulating the exchanges of the country. Much will have been achieved by the establishment of this great principle, and the foundation will be laid, on which a superstructure can be erected, with proportions regulated by the constitutional powers of the Government and the wants of the country.

Since the foundation of this Government, different methods of effecting this object of connecting the management of the public revenues with the regulation of the currency and exchanges have been tried. Of these, the earliest and much the longest preserved was a national bank. To it succeeded what was called the State bank deposite system. The sub-treasury, of still briefer existence, was the last-born of these expedients; but died (not a very promising child) in its infancy.

The oldest, and infinitely the most successful of these successive contrivances, dates almost from the

undation of the present Government. It owed conception to the sagacity of the ablest man that er stood at the head of our national finances—lexander Hamilton; who, in 1791, recommended resort to such an institution as a remedy for the treme derangement then existing in our monetary d financial affairs. Its success answered admirably to the powerful judgment of him who had oposed it. Scarcely had it gone into existence, hen the confusion which it was meant to remedy ood rebuked. Order at once rose up out of the aos and embarrassment of the treasury, and undness out of the derangement of the circulaon. For twenty years, lending these advantages our moneyed system, it stood, the very capital the column of this great man's just fame. In 11, however, when its charter ran out, a set of publicans a good deal more righteous than George Vashington and the other patriots who founded e Government and this bank almost together, oted it anti-republican, and refused its re-charter. till, in that day, what called itself republicanism as not so wise as to scorn the most positive exerience, the clear demonstrations of actual fact; that when, after five years' trial of the fiscal and onstitutional advantages of being without a bank, ey found themselves, in 1816, involved anew in ll that financial confusion which had been so appily removed by the original creation of the ank, they, the republican opponents of that danerous institution, re-established it.

I need scarcely say, sir, that, as before, it lifted e finances and currency of the country out of the aire, where they were stuck; and gave us, until a ew political war was declared against it, a currency as perfect as any commercial country in the orld ever possessed. In spite, however, of these onspicuous benefits, and the manifest rashness of bandoning, for a more than questional experiment, system which had so admirably performed its reat and difficult functions, the country allowed itself once more to be hurried, by the all-powerful nfluence of a single great leader, into a fresh demolition of the bank, and a new essay of currency-nongering.

In accordance with the views of the party with which, from my first entrance into public life, I had cted, I myself, in 1831, was opposed to the re-harter of the bank. The Senate will pardon me f I repeat a little incident which occurred soon fter I took my seat in this body, and which my wn subsequent impressions have often served to ecall to my recollection. After an incidental iscussion on this subject, in which I had taken part, a distinguished Senator from Kentucky said to me: "Sir, there was a young man from the West in Congress in 1811; and he, upon the constitutional notions that are now governing you, voted against re-chartering the old United States Bank. Time rolled on, and troubles came. We attempted to get along without a national bank: but at last we found that without it we could not manage the public finances, nor maintain for the country a sound and uniform currency. That young man then became convinced by experience that the vote which he had given in 1811 was wrong; and in 1816 he gave his voice for the chartering of another United States bank. You have now taken the same ground that that young man originally did: but, like him, time and experience will, I have no doubt, eventually convince you that you have done wrong."

Sir, I stand here to confess that time and experience have convinced me accordingly, and to acknowledge that I was wrong, and Mr. Clay right; that the affairs of the Government and the country cannot be safely managed without the aid of some mechanism of that sort; that of such, that of a United States bank has proved itself far the most perfect that has ever been tried in this country; and that it is greatly to be lamented that, through mere party causes and their unfortunate influences, a state of public opinion has been brought about which renders it impossible now to recur to what is of itself greatly to be preferred to any other financial agent that we know of.

I need scarcely, sir, do more than advert to the events of the extra session of 1841. For both the bank bills passed at that session I gave my vote. I regretted, of course, the negative which the President felt it his duty to put upon them; and regretted it still the more, because I considered it as terminating all hope of obtaining for the country the best and most efficient of financial contrivances, and as reducing us to an expedient of secondary excellence. For, be the advantages of the older institution ever so unrivalled, what possibility can we any longer look to of again carrying that system into effect, for the extrication of the country from its present extreme embarrassments? We legislate not for what might have been, but for what is; for facts as they exist, not as we would have them. We have to consider, not what this or that party desired to accomplish and could not; but what it is now possible to effect of best and soundest. Let gentlemen who yet look to a national bank remember that some six or seven years must certainly elapse before that mode of relief can be made available to the country. Suppose our present hopes to be realized by the election of 1844: contested as the subject of a bank must continue to be, under almost any condition of parties, it must be nearly the end of the long session of the next year before a bill for this purpose can pass; another year to negotiate the stock; another to get the bank into operation; and at least another before the people can have been made to feel any of the marked benefits of the institution. Can the country, bleeding as it is at every pore, wait under its present agonies for relief so long deferred as that? No; some early, some present ease is needed; something timely to what we now suffer, and not appropriate merely to a future state of quiet and of comfort.

Having thus, sir, passed in review the chief points of the history of the most permanent and solid of the successive fiscal contrivances through which our financial system has been made to act, I come next to that confident resort of President Jackson—the State bank deposite system—for the sake of whose infinitely steadier, more manageable, and less pervertible mechanism, the flourishing finances of the country were dismantled and knocked down to their lowest stone, in order to be rebuilt upon another foundation and of different materials.

Of that experiment the memory is too recent for me to have need to say much. Suffice it to say, the system was recommended by President Jackson, and adopted by the party which sustained his administration. His prophecies of its entire success were too remarkable for me to omit some little citation of them.

In President Jackson's first annual message after the deposite-bank system had been put into operation, he spoke as follows:

"The experience of another year has confirmed the utter fallacy of the idea that the Bank of the United States was necessary as a fiscal agent for the Government. Without its aid, as such—indeed, in despite of all the embarrassment it was in its power to create—the revenue has been paid with punctuality by our citizens; the business of exchange, both foreign and domestic, has been conducted with convenience; and the circulating medium has been greatly improved. By the use of the State banks, which do not derive their charters from the General Government, and are not controlled by its authority, it is ascertained that the moneys of the United States can be collected and disbursed without loss or inconvenience, and that all the wants of the community, in relation to exchange and currency, are supplied as well as they have been before. If, under circumstances the most unfavorable to the steadiness of the money market, it has been found that the considerations on which the Bank of the United States rested its claims to the public favor were imaginary and groundless, it cannot be doubted that the experience of the future will be more decisive against them.

"It has been seen, that, without the agency of a great moneyed monopoly, the revenue can be collected, and conveniently and safely applied to all the purposes of the public expenditure. It is also ascertained, that, instead of being necessarily made to promote the evils of an unchecked paper system, the management of the revenue can be made auxiliary to the reform which the Legislatures of several of the States have already commenced in regard to the suppression of small bills; and which has only to be fostered by proper regulations on the part of Congress, to secure a practical return, to the extent required for the security of the currency, to the constitutional medium. Severed from the Government as political engines, and not susceptible of dangerous extension and combination, the State banks will not be tempted, nor will they have the power which we have seen exercised, to divert the public funds from the legitimate purposes of the Government. The collection and custody of the revenue being, on the contrary, a source of credit to them, will increase the security which the States provide for a faithful execution of their trusts, by multiplying the scrutinies to which their operations and accounts will be subjected. Thus disposed, as well from interest as the obligations of their charters, it cannot be doubted that such conditions as Congress may see fit to adopt respecting the deposites in these institutions, with a view to the gradual disuse of the small bills, will be cheerfully complied with; and that we shall soon gain, in place of the Bank of the United States, a practical reform in the whole paper system of the country. If, by this policy, we can ultimately witness the suppression of all bank bills below twenty dollars, it is apparent that gold and silver will take their place and become the principal circulating medium in the common business of the farmers and mechanics of the country. The attainment of such a result will form an era in the history of our country, which will be dwelt upon with delight by every true friend of its liberty and independence. It will lighten the great tax which our paper system has so long collected from the earnings of labor, and do more to revive and perpetuate those habits of economy and simplicity, which are so congenial to the character of republicans, than all the legislation which has yet been attempted."—*Message of December*, 1836.

Again, in his annual message of the next year, he holds the same confident language, as follows:

"Experience continues to realize the expectations entertained as to the capacity of the State banks to perform the duties of fiscal agents for the Government. At the time of the removal of the deposites, it was alleged by the advocates of the Bank of the United States that the State banks, whatever might be the regulations of the Treasury Department, could not make the transfers required by the Government, or negotiate the domestic exchanges of the country. It is now well ascertained that the real domestic exchanges, performed through discounts, by the United States Bank and its twenty-five branches, were at least one-third less than those of the deposite banks for an equal period of time; and if a comparison be instituted between the amounts of service rendered by these institutions, on the broader basis which has been used by the advocates of the United States Bank, in estimating what they consider the domestic exchanges transacted by it, the result will be still more favorable to the deposite banks."

He proceeds to state the large amount of exchanges which the State banks have transacted, and the laudable public spirit they were displaying in bringing specie into the country; and then winds up with the following commendation of the system and its high success:

"In the same manner have nearly all the predictions turned out in respect to the effect of the removal of the deposites—a step unquestionably necessary to prevent the evils which it was foreseen, the bank itself would endeavor to create in a final struggle to procure a renewal of its charter. It may be thus, too, in some degree, with the further steps which may be taken to prevent the excessive issue of other bank paper; but it is to be hoped that nothing will now deter the Federal and State authorities from the firm and vigorous performance of their duties to themselves and to the people in this respect."

Meaning rather to recall events, by touching on them, than in any sort to recite them, I will only remind the Senate with what fury, upon the collapse of this system, they who had constructed it, and (for their own political ends) stimulated all its vices, fell not only upon the contrivance itself, and the particularly favored banks that made a part of it, but upon all other State banks. Till now, using these institutions as their auxiliaries in the war upon a national one, they had magnified them as the sole legitimate and constitutional form of banking and of finance, the only creations of a competent authority, the legal offspring and heirs of State sovereignty, and not less safe in a commercial or fiscal sense than proper in a corporate one. Up to this point, national banks alone were hydras, monsters, and all that; while State banks were everything that was fair, well-proportioned, and safe; nay, invested, as to the Federal power, by their origin from that of the States, with an emanation of something which the former merely derivative and secondary authority must not lay impious hands upon. Now, however, in the progress of this Jacobin and Jesuit finance, came a new doctrine—that, because they had debauched a part of the State banks, all banks were illegal, and not less a fraud and inimical to the community when created by State, than when by Federal authority. In short, the very system which they and General Jackson had but a few months before exalted as so safe, so practical, so constitutional, was at once denounced as the most grievous of curses, and the most wrongful of monopolies.

In this warfare upon the deposite banks I did not join. But they were, as everybody knows, speedily crushed; and there was an end of system the second.

Of the third—that of the sub-treasury—my history shall not be long; because its life was too short for any but the briefest commemoration. It had, as everybody knows, been opposed by the party in a mass on its first introduction in the other House by General Gordon, of Virginia. This, however, did not hinder its being taken up on the explosion of the former plan of finance. Still, it could not be carried until thrice recommended by President Van Buren, with the endorsement of General Jackson. Finally it passed; but only went into operation to show how hollow it was of all that it was pretended to be; how illusive as to all its promised solidity; how unreal, except in the dangerous power it possessed, and the irresponsibility, the corruption, and the peculation to which it gave scope. In a word, it lived but long enough to draw down a general mockery and odium.

Such, sir, has been this series of improvements in currency and finance, up to the last, yet unacted on—the exchequer project of President Tyler or his Cabinet.

When, at the last session of Congress, this plan was placed before you, much discussion arose here on the question of its reference. In that discussion I took no part, choosing to reserve myself for an

unbiased examination of it in committee. The measure, however, in its original form, underwent in the Senate so full and so able a discussion, that the views of Senators were disclosed at large, and the objections on all sides thoroughly understood, before the reference was finally settled. When, therefore, the subject was placed in the hands of a special committee, of which I was made chairman, they were possessed of all these objections, and in a condition to weigh, and, if possible, to obviate them all. With these objections specially in view, the bill now before the Senate had been framed and amended, and, with such deliberation and solicitude, as led the committee to trust, not without some confidence, that they had performed their task in such a manner as to steer clear of whatever defects had been detected in the original form of the measure.

The first class of objections thus taken related to the apprehended influence which the Executive might exercise over the institution, chiefly by means of his power over its officers as to appointment or removal. Upon this power we have placed an effectual guard, to the whole extent that the Constitution permits. We could not divest the President of the right to nominate the three superior officers of the exchequer—the commissioners of the board; but we have rendered them, after confirmation by the Senate, incapable of being removed, except with the concurrence of that body. He may, for physical inability, or neglect, or violation of duty, suspend a commissioner; but, unless he show to the Senate sufficient cause for the act, the officer is restored. Such is the entire extent of the executive control over the board; and its inferior officers or agents are dependent on itself, since they can be appointed or removed by the Secretary of the Treasury only upon its recommendation. It is easy to see that the entire tenure of office is thus, as to the President, rendered as independent as possible under the Constitution. The executive patronage is limited to the nomination of the three commissioners, and the executive control or interference to a temporary suspension of the same officers from their functions, for specific causes.

The second class of objections related to the power of dealing in bills of exchange; of which the purchase was considered as involving an illegitimate and dangerous mixture of the credit of the Government with the solvency or faith of individuals; as likely to be used for party or personal corruption or favoritism; and as very capable of leading to fictitious dealings in exchange, for fraudulent purposes. This power, then, the committee struck out, as dangerous, not only for these reasons, but because, for its discreet and safe exercise, three things are almost indispensable—individual interest, individual skill, and individual vigilance. These cannot be expected to act in a public institution as they do in those affairs which men conduct on their own account; and the former are, therefore, disqualified from the transaction of such business.

For all legitimate business of this sort, however, the committee have sufficiently provided in another way, preserving its benefits, and excluding only its risks. They have authorized the exchequer and its agencies to sell bills of exchange on itself, and to collect them, paying their amount to the depositor only when collected by the agency at the place on which drawn.

By its sale of bills, it will accomplish for individuals the legitimate operation of remitting funds, and withhold itself only from the illegitimate and dangerous one of anticipating them. He who wishes to do this, may still resort, for a temporary discount, to a local bank, whose business is this of anticipating funds at a distance. Meantime, he may collect those funds through the exchequer or its agencies.

The facilities of business, which this system of selling and collecting bills of exchange will give, will promote the sounder interests of the country, not less than would the power to purchase exchange; while, at the same time, the Government will be kept safe from all loss or hazard.

The third class of objections related to the issue of treasury notes on the credit of the Government; that is, its adding to its indirect power over the monetary circulation of the country, through the management of its revenues, the direct power of supplying a currency.

As to any issue, by the exchequer, of any currency, as such merely—any credit currency—I have been unable to discover any motives for such a thing except two: 1st, in order to anticipate the revenues of the Government; 2d, to aid the currency of the country by an addition to its circulating medium. But of the first of these, the committee hold that it is wrong in principle. Its tendency would be to bring about excessive issues, and to induce a resort to these mere expedients, rather than to a discharge of its less popular duty of levying adequate supplies. It will be dispensing with the most salutary and certain of all checks upon the Government—its inability to raise money without the consent of the people through their Representatives. In any unusual emergency, where the means in the treasury unexpectedly fell short, resort may be had to the authority of Congress for the issue of treasury notes, bearing interest as a loan, but not sent out as a currency. So much for the first point. As to the second, the committee regard the purpose as (for the reasons already given) unwarrantable, and its attainment as of most questionable possibility. If the existing currency were far below the business wants of the community, then much of it, as now, would stand upon a more solid basis than any mere credit circulation, although emitted by the Government itself; so that the latter would necessarily be an addition to the depreciated currency, an equal part of which it would be almost certain to displace and drive out of the circulation, by reducing its value still lower; and thus no permanent addition to the circulation could be made in this way. A fresh disorder only, and a further depreciation, would be produced.

With the mere fluctuations of the medium of exchange, Government cannot safely interfere. These must be left to regulate themselves, through the agency of individual sagacity, keeping watch over its own interests. To be safe, it must be left to its own voluntary power of expansion, as little capable of being directed, and as quick and subtle to manage itself, as the power of the eye to dilate or contract, according to the quantity of light which you pour upon it.

The committee, therefore, have discarded from the bill everything like a proposition for a credit circulation. They contemplate no addition to the currency. The business of discounts they leave to the local institutions, as proper only to them; and, as according to the ease with which these can be obtained will be the varying quantity of money which will be poured into the circulation or driven back from it, expansion and contraction will be left to the instinctive care of private interest. The committee, in a word, have not aimed to devise a system which shall furnish a complete currency; but only at one which shall infuse into that which we already possess a new element of soundness, and resorts of convenience which it cannot now command.

They propose, then, that the bills issued shall only be for specie deposited, dollar for dollar; the amount of such paper in circulation being never permitted, in any case, to exceed the specie on hand for its redemption. The bills thus issued are called specie notes, in contradistinction to treasury notes emitted on the credit of the Government only, either as a currency or for the purpose of borrowing.

These specie notes, issued to the public creditor in disbursement out of the actual receipts of the revenue, or to individuals upon deposites in specie, will form a currency of the most perfect character, combining the convenience of paper with the solidity of coin; so that they will be everywhere preferred to the latter. They will neither increase nor diminish the currency, but merely give it a new activity and a wider uniformity; so that the unaugmented quantity will perform a much greater office. They can produce no expansion or contraction of the currency, no inflation, no rise or fall of prices, no expulsion of coin from the circulation, such as attends other emissions of paper.

It may, however, be urged, that a circulation thus formed can afford no relief, or, at best, a very slight one. I answer, that the capacity of such a currency is not to be measured by its amount, but by the peculiar functions (now attainable in no other way) which it will perform.

Uniformity of value in the currency is now the greatest benefit that can be bestowed upon commerce. In showing, as I have already done, that the Government cannot safely issue a credit currency, I have sufficiently shown that we cannot aim at supplying, integrally, the whole amount of currency, uniformly valuable, which the country requires; and that, except upon this plan of adding nothing to the circulation, we should only lessen, instead of increasing, this quality in the currency. The partial but important good to which we must then restrict ourselves, is the supplying, not circulation in the mass—for that, the variously depreciated paper of each quarter already affords—but a new and universally current circulation, which may pass alike from sphere to sphere, and from vortex to vortex of these local circulations, each limited to its own locality, and unite them all. It is not as to this local purpose of a circulation that we are suffering, but for something that can perform the distant offices of interchange. Such must the proposed currency become, entering but little into any local circulation, but making itself the vehicle of distant transactions, from sphere to sphere of the local circulations; to which, of course, in amount, it need bear but a very small proportion. But, as to the amount of the Government disbursements, or something like it—say twenty or twenty five millions of dollars—may be added the equivalents to individual deposites of specie, and the sale and collection of bills of exchange; it will be seen that an amount of specie-notes will probably be kept afloat quite equal to very important purposes. Emigration, travel, and the deposite of gold and silver by foreigners seeking to purchase lands, would also add considerably to the amount.

Let it, in this view, be recollected that the average circulation of the United States Bank was about ten millions of dollars; and, until 1829, only about six millions; and that its specie was usually equal to its circulation. This exchequer, creating a still greater confidence, and commanding meanwhile large, could surely perform the same general functions—admitted to have been so beneficent—as that bank could accomplish with only the amount of circulation which I have mentioned.

I doubt not that, besides all these advantages to trade, it must act, in a variety of ways, and especially by bringing about speedy and singular settlements, to keep the banking institutions of the country generally sound. Nor can it well fail to restore to the circulation a large amount of specie which individual distrust of banks has unquestionably withdrawn and hoarded. Though it may not (as I have said) effect all that the times have need of, but no longer permit, it must clearly accomplish much. As to any defects which it may have, they can, I think, be none of them of a sort so capital but that we shall be able to correct them as they make themselves felt.

From what has been said, the principles of the bill are sufficiently obvious. As to the effect on the currency and the exchanges, I cannot so well set it forth as by quoting the views on that subject which were embodied in my report. They are as follows:

> The committee, on this whole subject, have consulted some of the ablest, most practical, and experienced men; and their own views are fully confirmed by the information derived from such high sources. They cannot in any way so well illustrate this branch of it, and its beneficial effects on the sound local banks, together with other advantages, as by briefly embodying the following views which have thus been communicated to them:
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> "A bill drawn by one agency on another, in any remote part of the United States, will be as good as specie within the commercial sphere of the emporium where the agency is located at which payment is to be made, and may generally be negotiated above par by any holder within that sphere, and at a rate in some measure proportioned to his distance from its commercial centre. If, for instance, a merchant in Cincinnati wishes to remit money to a manufacturer in Connecticut, a bill drawn by the agency in Cincinnati, where the deposite is made, on the agency in New York, would be worth one-half per cent. more than specie to the payee.
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> "Exchanges through the agencies will meet all the extremes of the markets. It not unfrequently happens that New Orleans is indebted to Ohio for agricultural products; Ohio to New York for manufactured goods, domestic or imported; and New York to New Orleans for cotton. Every well-informed merchant in those several sections will be advised of the state of the markets. A New Orleans merchant wishes to remit to Ohio; he deposites his specie in the agency at New Orleans, and gets the same office to accept his own bill of exchange for $1,000, payable to the order of his Ohio correspondent, and transmits it accordingly. This will be above *par* in the Ohio market, because it is a good remittance for New York, where bills on New Orleans command a premium. It is bought by an Ohio merchant, who remits it to New York in payment for goods; and from New York it is sent to New Orleans, to pay for cotton. Upon its arrival, it is presented to the agency where it was accepted, and the specie is ready for its redemption. The holder, however, not willing to be burdened with the specie, will generally prefer the specie-notes of the agency. Thus this $1,000 in specie, after paying a small premium at the agency, will have paid more than its amount in two remote markets, sent a safe and convenient currency of $1,000 into the channels of commerce, and is still at rest sustaining this amount of circulation.
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> "The use of bills of exchange will not be superseded by the specie-notes of the exchequer. The former have always been

referred, and were extensively used under the two national banks when their paper, in sound credit, had every advantage which this will possess, of being made such a substitute. This proof from experience is conclusive. One ground of preference, which has always been appreciated here and in Europe, is, that bills of exchange are more safe than bank notes, as they offer no temptation to robbery or embezzlement; and, as several may be sent of the same tenor and date by different conveyances, (in which case, no loss will be sustained if any one arrives in safety,) the risk may easily be reduced almost to an impossibility. The perfect character of these bills of exchange, from their undoubted credit, will generally give them a preference over others. They will never be protested for want of funds, at the office where they are payable. No embarrassment can result from the necessity of transmitting specie from office to office. The occasions are very rare (and, if this system were in operation, would be still more rare) in which specie needs to be removed; as for almost every purpose good paper is preferred. The paper of one office would generally be as good as specie in most others. If a deposite were made at New York to meet a draft on the office in New Orleans, this latter office would prefer the New York paper to coin, in the common state of exchanges. When the system has been some time in operation, specie will have found its proper places of repose, and movements of it would seldom be required. Should an apprehension be entertained that the retirement of specie into the agencies would embarrass the banks, it will be dissipated by a little reflection upon the operations already described. Those officers are bound to deliver, at the time of deposite, an amount in paper equal to the amount received in specie. That paper will take the place of the specie which it represents, and the same portion of it will be deposited by merchants and others who keep their accounts in banking institutions as of the specie for which it is a substitute. As it will be a light and convenient circulation, it will mingle more with the paper of banks of sound credit in common commercial operations, and consequently be more frequently used in making payments upon discounted notes and other indebtedness to moneyed institutions, than specie now is. When possessed by a bank, it has all the value of specie. If means are wanted for deposite in an agency, this paper will be received of a bank, for that purpose, as readily as specie. Should gold and silver be wanted for exportation, or any other extraordinary demand, the bank which possesses this paper has the certain means of converting it, at pleasure, into the article required. Every bill of exchange payable at these offices will, at its maturity, restore to circulation, either in specie or this sound paper, the amount deposited for its procurement. Indeed, it is difficult to foster a doubt that, in regard to the means of redeeming their own emissions, the banks will possess more ample resources than at present. It is true, that the channels of commerce will be partially filled with a medium of sound and imperishable credit, which will stand the shock of every possible vicissitude, except the subversion of the Government. But this will promote the strength of the banking institutions no less than the stability of the currency.

"From the establishment of a national corporation with a large specie capital, the banks were apprehensive of sustaining injury by the great and sudden withdrawment of the precious metals from their possession. But the agencies can produce no such embarrassment; for their progress will be too gradual to cause any convulsion; and the immediate restoration to the market of a medium of equal amount and value with that which is withdrawn, will enable those institutions at any time to command the specie which they require. As a just price is to be paid for exchanges, it is believed that all the expenses of conducting the business of the exchequer and its agencies will be defrayed from that source, and probably a much larger sum may be realized. The losses of the currency by fire, shipwreck, and other casualties, as shown in the experience of banks, would not be an inconsiderable item of gain. A small premium (say a half or quarter of one per cent.) might reasonably be exacted of depositors, if hereafter deemed necessary, upon notes issued in exchange for specie. While this system will furnish the desired means for the collecting, safekeeping, and disbursement of the public revenue, and all the requisite facilities for exchanges between different sections of the country, as well as create a sound and convenient currency, it is exempt from the objectionable features of other modes of effecting, in part or in whole, the same objects heretofore presented for consideration. It authorizes no banks or other corporations, no discounts, no lending on credit in any form whatever, no expansion of the currency by public drafts or otherwise, no paper money resting on the credit of the Government, and depending on accruing revenues for redemption. It confers no extent of executive patronage or influence. No officer can be either appointed or removed by the President, without the concurrence of the Senate, and only for certain specified causes. It confers no discretionary powers by which partialities may be indulged in behalf of a personal or political favorite. Whoever presents his specie notes, or bills of exchange, at maturity, is entitled to his specie; and whoever presents his specie, is entitled to the paper which he selects. The rights of every applicant are defined by law, and his transactions at the agency are of the simplest character. The laws of trade, and not any superintending board or public agent, decide the amount of deposites, bills of exchange, and paper currency. The wants and means of individuals composing the community will best regulate the proportions of paper and specie, in the absence of all artificial restraint and supervision of the Government."

Shall we, then, Mr. President, adopt this measure with the modifications I have proposed; or shall we, in spite of the cries which appeal to us on all sides—the terrible and wide-spread distress that reigns over the whole country—the alarming paralysis of all industry and trade—the frightful sacrifices of property that are happening everywhere, and all the appalling difficulties that have frozen up the courage and the hopes of the country to its very heart, calmly sit down, dismiss all thought of attempting a remedy, shut our eyes, stop our ears, and determine to do nothing? Do nothing, did I say? Do nothing, whilst the country is bleeding at every pore for want of action here? Do nothing, whilst our commerce is languishing, our manufacturing and mechanic interests paralyzed, our agricultural products rotting on our hands for want of a market! Do nothing, whilst an agonizing and distracted people are looking to us for relief! Do nothing, whilst the cries of helpless women and children, with starvation before them, are borne to us on every breeze! Do nothing, because the time has gone by for the adoption of one favorite measure, and because the time has not arrived for the adoption of another! Do nothing—yes, Mr. President, do nothing, whilst the country is sacrificed between the conflicting interests of contending parties! Sir, I need add no more. During the last ten years, since I have been honored with a seat in this body, I have endeavored, faithfully, fearlessly, and conscientiously, to discharge my duty, without regard to consequences, personal or political. I shall continue so to discharge it; and, without intending the remotest reflection on the motives and conduct of others, I shall always feel a proud consciousness, in the introduction of this bill, and in advocating its passage, of having done my duty to myself, to my constituents, and to the country.

SPEECH OF MR. RIVES,

OF VIRGINIA.

In Senate of the United States, March 2d, 1843—On the bill for carrying into effect the treaty with Great Britain.

The bill for carrying into effect the treaty with Great Britain being under consideration, Mr. ALLEN of Ohio moved to amend the sixth section of the bill, which "empowers the President, in execution of the eighth article of the treaty, to apply so much of the naval appropriations as may be necessary therefor, to the preparation, equipment, and maintenance of the naval force therein stipulated to be employed on the coast of Africa by the United States," by adding a proviso, that the sum so applied shall not exceed $240,000. The question being upon Mr. ALLEN's amendment—

Mr. RIVES rose and said, that if the treaty be executed at all, it ought not to be executed by halves. He was in favor of a full, exact, and faithful compliance with the stipulations of the treaty on our part, till there had been some overt act of contravention to it on the part of Great Britain, which he had seen no sufficient reason to apprehend. It is in this way only that the national faith and honor can be preserved intact, and that the other party will be left without excuse, if there should be any disposition on its part not to act fully up to the spirit and intention of the arrangement. The sum limited by the amendment of the honorable Senator from Ohio, [Mr. ALLEN,] was obviously, and even glaringly, inadequate to the support of a squadron of eighty guns, with its proper complement of men and officers, on the coast of Africa; and considering it, therefore, equivalent to a negative on the full execution of the treaty, he should unhesitatingly vote against it.

Nor (said Mr. RIVES) can I concur in the suggestion of my honorable colleague, [Mr. ARCHER,] that the whole of the sixth section of the bill might, without impropriety, be stricken out. On the contrary, I see in it, with pleasure, a seasonable recognition of the doctrine successfully maintained, after an arduous conflict, by the Republican party on two memorable occasions—Jay's treaty in 1795, and the commercial convention with Great Britain in 1815—a doctrine which I believe to embody the true reading of the Constitution, and which establishes the principle, that, in regard to all matters submitted by the terms of the Constitution to the action of Congress, (as in this instance, the power to provide and maintain a naval force,) the stipulations of a treaty must depend for their execution on the free and responsible co-operation of the legislative department. This, too, is in conformity to the British practice. On a recent and analogous occasion in that country, the slave-trade conventions of 1831 and 1833 with France, after having been duly ratified by the treaty-making power, were formally enacted into law, word for word, by *the authority of Parliament*, and clothed with all the specialities of a British statute. Surely, in our popular representative system, there ought not to be less a constitutional balance and control, in the hands of the legislative department, to the treaty-making power.

The principle recognised by the sixth section of this bill acquires an additional hold upon our attention, in the present instance, from the consideration that if, unfortunately, there shall hereafter arise any serious practical disagreement between the two Governments respecting the true intent and meaning of the arrangement which has been entered into, it may become the solemn duty of Congress to interpose its high remedial powers, as it did in the memorable example of 1798, in our relations with France, for the purpose of putting an end to stipulations which have not been reciprocally observed by the other contracting party, in their true spirit, and fair and obvious import.

I repeat, Mr. President, that I do not, and will not, anticipate the occurrence of any such disagreement, until much more substantial grounds for the apprehension than any which have yet appeared shall disclose themselves. When Sir Robert Peel, in the speech which was commented upon here a few days ago, says that the British Government, by the treaty of Washington, had not abandoned or renounced *the doctrine of the right of visitation*, as laid down in Lord Aberdeen's letters, I can readily comprehend the declaration. It was not the purpose of that arrangement to adjust a creed, or establish a code of abstract principles. No abandonment or renunciation was asked from Great Britain of any doctrine or principle she maintained in regard to the alleged right of visitation. It was sufficient that we wholly denied the existence of any such right; and that we had, in the most solemn form, through the highest organ of our international relations, proclaimed that denial to England and the world. The rights we claimed were to be held, not by the concession or acknowledgment of any other power, but by our own confidence in their justice, and by our determination to maintain them.

But there were practical evils admitted by both Governments, which required a practical remedy. The flag of the United States had been extensively abused on the coast of Africa, by the slave-dealers of nations which had granted to Great Britain the right of search for the suppression of the slave-trade, to cover the iniquitous traffic in which they were engaged. The cruisers of Great Britain, in the execution of this right of search, conceded to them by certain powers of Europe and America, and pursuing what they alleged to believe were, in reality, Spanish, Portuguese, or Brazilian vessels, which sought to disguise themselves by fraudulently hoisting the flag of the United States, had, in many instances, visited and detained *bona fide* merchant vessels of the United States, and subjected them to interruptions, more or less injurious, in the prosecution of their voyages. These interruptions and detentions of the vessels of the United States became (as, of right, they ought to have become) the subject of spirited remonstrance and demand for redress upon the British Government; and were engendering a serious degree of irritation and dissatisfaction in the relations of the two countries. The Government of Great Britain constantly alleged, in extenuation or excuse of these cases—which were, from time to time, brought to its notice—the fact (admitted by our minister) that the flag of the United States had been "grossly abused" by the vessels of other nations, to cover their criminal and unlawful pursuits. They further declared (what, indeed, it was difficult to gainsay) that, unless effectual measures of some sort were taken to prevent this abuse, the flag of the United States would become the shelter under which the malefactors of all nations would prosecute, with impunity, a traffic which the laws of the United States were the first to denounce as infamous, and to pursue with the severest penalties.

The Government of the United States felt that, whatever measures were necessary to protect the national flag from abuse, either by our own citizens or by the subjects of foreign powers, the adoption and the execution of those measures belonged to the United States themselves. It was inconsistent with the principles which they had invariably held in regard to the mutual independence and equality of all nations on the ocean, as well as with their own jealous sense of national dignity, to confide the supervision of their flag, in any case, to the cruisers of another power. To remove from themselves, therefore, all possible reproach of even a negative connivance at the abuse of their flag by the vessels of other nations, and at the same time to take away from British cruisers all pretext for interference with the American flag on the ground of such suspected abuse,—while they gave to the world the most unequivocal pledge of their sincerity, and determination to aid in all proper

measures for the final extinction of the African slave-trade, the United States proposed, in concurrence with the British Government, the employment by the two countries of "*independent*" squadrons, of "sufficient and adequate" force, to cruise on the coast of Africa, and "to enforce, *separately and respectively*, the laws, rights, and obligations of each of the two countries for the suppression of the slave trade." The distinctive and avowed principle of the arrangement, on its face, was the *separate* and *independent* action of the naval force of the two countries; and was obviously intended to supersede, in practice, so far as its operation extended, any visitation of the flag of the one power by the cruisers of the other.

That the legitimate and *bona fide* effect of the arrangement, within the sphere and for the time of its operation, is to put an end, *in fact*, to those visitations and detentions of the American flag on the coast of Africa, which had been the subject of complaint and discussion between the two Governments, whatever arguments or pretensions may still be urged by the British Government on the abstract question of the alleged *right* in general, is placed beyond all controversy by a recurrence to the correspondence between the representatives of the two Governments in London, which preceded the negotiation, and furnishes the true key to the interpretation of this arrangement. It was, as I have already stated, the extensive and admitted *abuse* of the flag of the United States by the vessels of other nations, which sought, by fraudulently assuming it, to protect the guilty traffic in which they were engaged from detection and arrest, that the British Government constantly put forward to excuse or justify the visitation of American vessels by their cruisers. Lord Aberdeen, in his letter of 13th October, 1841, to Mr. Stevenson, says:

"The confession of Mr. Stevenson, that the trade is extensively carried on under the fraudulent use of the American flag, does, in truth, justify the whole claim put forward by the British Government. It constitutes that *reasonable ground of suspicion* which the law of nations requires in such a case. *The admitted fact of this abuse creates the right of inquiry.*"

Now, when effectual measures have been taken by the United States to prevent this abuse of their flag, by the employment of an adequate squadron of their naval force on the coast of Africa for the purpose—measures which have received the solemn and deliberate concurrence of the British Government, with an express recognition of their "sufficiency" by the terms of the treaty, and after "consultation with the British negotiator" (as the President informs us in his late message to the House of Representatives) "as to the quantum of force necessary to be employed in order to obtain the object in view"—such measures, the "adequacy and sufficiency" of which are admitted by the British Government itself, are taken by the United States to prevent the *abuse* of their flag, the logical and necessary consequence, even upon their own principles, is, that the visitation or detention of American vessels, which they have attempted to justify or excuse only by the fact of that abuse, must cease with it. It is, says Lord Aberdeen, "*the admitted fact of this abuse which creates the right of inquiry.*" But when effectual provision is made to prevent and guard against this abuse, by an arrangement to which Great Britain is herself a party, the right of inquiry, or visitation, which was built upon the hypothesis of that abuse, must, to that extent at least, cease to exist. It requires no express agreement, under these circumstances, to create the obligation of abstaining from the visitations and detentions of the American flag, which had been complained of. In such a case, *res ipse loquitur*. The transaction explains, and carries its meaning and obligation on its face.

Any renewal, under such circumstances, of the vexations to which the American flag had been subjected on the coast of Africa, would be in direct contravention of what was universally understood here, upon the spot of the negotiation, to be the practical effect of the arrangement. It could not fail to give rise to the gravest possible question in the relations of the two countries. I cannot, and will not, believe that there is any such design on the part of the British Government. When it is recollected what honorable and emphatic language was employed, but two or three years ago, on this same subject, by that remarkable man—the master-spirit of his country—whose firm and steady hand now guides the course of her public councils, the highest personal pledge is superadded to the most solemn national guaranty. I allude, of course, to the Duke of Wellington. In 1839, when a bill for the more effectual suppression of the slave-trade was brought forward in the House of Lords, by the administration of Lord Melbourne, to indemnify officers of the British navy for visiting and detaining any foreign vessels on the high seas, on suspicion, and examining their papers, the Duke of Wellington protested against it with all the honest energies of his high intellect and character. If his speeches on the occasion have not been incorrectly reported, he denounced it as a novelty in the legislation of the country, and in the practice of nations. He admonished their lordships that there was "one great nation, at least—the United States of America"—who would not submit to it; that, if there was one point more to be avoided than another, it was that relating to the *visitation* of vessels belonging to the American Union; and, finally, he warned the Government not to proceed with their bill, but "rather to issue *an order in council*, or *a declaration of war!*"

While I feel, therefore, (said Mr. R.,) every assurance which can be inspired by the faith of a solemn international transaction, and by declarations of the most imposing weight in the public councils of Great Britain, that there will be no attempt to renew in *practice*, under existing circumstances, the *visitation* of the American flag on the coast of Africa; yet it cannot be denied that the abstract doctrines recently put forth by the British Government in regard to an alleged *right* of visitation, are well calculated to arouse the timely attention of the United States and the other maritime powers of the world.

I know, Mr. President, how precious every moment of the time of the Senate is, on this the last day but one of the session. I do not mean, therefore, to enter into any systematic discussion of this grave and most important question. But, being compelled to differ, in an essential respect, from a document of very high authority, (I allude to the message of the President to the House of Representatives on the 27th ult.,) and deeming it of very great moment, if an error should have been inadvertently committed in that exposition of the doctrines of maritime law, as supposed to be contended for by the United States, that it should not go forth to the world with the presumed concurrence of the other branches of the Government—which would naturally be inferred, if no dissent were expressed in either House of the National Legislature;—the Senate, I am sure, will bear with me, even at this late hour, while I state, as briefly as the nature of the subject will admit, the principles which I conceive to have been heretofore invariably maintained, with the justest reason, by the Government of the United States.

It is of the utmost importance that there should be no misconception or uncertainty as to the position the United States occupy on these vital questions, affecting the general freedom of the seas. Providence seems to have cast upon us, in an especial manner, the responsibility and the honor of being the standard-bearer in this great cause. While the attempts made, from time to time, by other nations to sustain it, have given way to the seductions of temporary expediency, or been crushed by the force of powerful combinations, the United States alone, through every vicissitude of fortune, and often with fearful odds against them, have stood forth the steady and unwavering champions of the immunity and independence of flags upon the ocean. The efforts and writings of our great statesmen in this cause—of Jefferson, Madison, and Monroe—no less than the brilliant deeds of our warriors, in the same glorious struggle, are among the proudest illustrations of our past history. We must be cautious, therefore, to surrender nothing which has been thus dearly and nobly won.

The message of the President to the House of Representatives, while denying the right of Great Britain to exercise a general police over the flags of independent nations, yet asserts that if the vessel of another nation—of the United States, for example—be suspected of piracy upon what shall seem probable cause, the seizure and detention of such a vessel by a British cruiser, though the suspicion turn out erroneous, would give rise to neither public responsibility, nor any claim of indemnity to the owner. "The *right*, under such circumstances," says the message, "not only to visit and detain, but to *search* a ship, is a *perfect right*, and involves *neither responsibility nor indemnity*." Now, Mr. President, I must say, with all respect, that this doctrine of the message seems to me not to have been very well considered, and cannot be easily reconciled with those impregnable principles of public law, upon which we have heretofore stood against the world in arms. I had supposed that if any principle of the maritime code had been triumphantly vindicated and upheld by the labor of American statesmen, it was this:—that, in time of peace, there is *no right*, in any case, on the part of a foreign cruiser, to interrupt or detain the vessels of another nation upon the high seas; that a vessel of a nation on the high seas, in time of peace, partakes of the inviolability of her territory; and that any entry on board such vessel, without consent, is, in the eye of the law, a trespass. If a vessel, under the circumstances supposed in the message, be suspected of being a pirate, a foreign cruiser may, upon her responsibility, stop and examine her; but she does so at her peril. If the suspected vessel be in reality a pirate, no harm will have been done; but if, on the other hand, she prove to be a *bona fide* vessel of the nation whose flag she bears, a trespass will have been committed, involving both responsibility and indemnity, according to the circumstances of the case.

It would not be difficult to show that these principles have, in other times—and those, too, not distinguished by any peculiar favor shown to the maritime rights of other nations—been recognised in the fullest manner by the highest British authorities. In a well known case brought before him as judge, the celebrated Sir William Scott (afterwards Lord Stowell) emphatically declared that "*he could find no authority that gives the right of interruption to the navigation of States upon the high seas, except that which the right of war gives to belligerents against neutrals.*" But the whole doctrine upon this subject has been stated in so lucid and comprehensive a manner, and with such self-evident reason, in a despatch of Mr. Monroe, while Secretary of State under the administration of Mr. Madison, that I cannot forbear to quote here what was said by the American Government, with so much weight of authority, on that occasion. In the instructions to our plenipotentiaries for treating of peace with Great Britain, dated the 15th April, 1813, the American doctrine—the matured and carefully considered result of our long discussions with that power on the subject of maritime rights—was thus clearly and deliberately summed up:

"That the vessels of a nation are considered a part of its territory, with the exception of the belligerent right only, is a principle too well established to be brought into discussion. Each State has exclusive jurisdiction over its own vessels. Its laws govern in them; and offences against those laws are punishable by its tribunals only. *The flag of a nation protects everything sailing under it in time of peace;* and in time of war likewise, with the exception of the belligerent rights growing out of the war. *An entry* on board the vessels of one power by the cruisers of another, in any other case, or the exercise of any other authority over them, is a *violation of right, and an act of hostility.*"

It is incumbent upon us to maintain this principle of the law of nations inflexibly, and in its undiminished integrity. The inviolability of the deck of an American vessel on the high seas, under all circumstances, in time of peace; and in time of war, with those limited exceptions only which are established by the acknowledged laws of war as affecting neutrals—is a doctrine indissolubly connected with our national honor and security. To admit a *right* of entry on board an American vessel on the high seas, in any case, in time of peace, is to surrender the principle, and to open a door for the most dangerous abuses.

On this subject, we may learn useful lessons from the history of the past. In our long and bitter controversy with Great Britain respecting impressment, unable to find any principle of the law of nations which gave her the right to enter on board American vessels in quest of British seamen, she defended the practice under cover of a right of entry acknowledged to exist in time of war, for a wholly different object. She said that, by the acknowledged rules of international law, we have a right to board and search neutral vessels in time of war, for *contraband and enemies' property;* and being, in the exercise of this unquestioned right, lawfully on board an American vessel, if we find British seamen there, we may lawfully impress and carry them away; though we had no right, in the

first instance, to go on board for such an object. This was the British argument, in justification of the impressment of seamen on board American vessels, gravely put forth to the world in the memorable declaration of the Prince Regent of the 9th of January, 1813.

Now, Mr. President, if, contrary to the whole current of doctrine and authority by which we have been heretofore guided on this subject of maritime rights, we yield a *right* of entry into an American vessel in time of peace, in any case, upon the plea of suspected piracy, or any other,—do we not afford a cover, under which Great Britain, if her pride or policy should dictate, may be emboldened to renew her claim of impressment, even in a time of general peace? She might well say (after the formula of the Prince Regent's declaration) that, being *rightfully* on board, upon suspicion of piracy, by your own admission, and finding there those we claim to be our seamen, we will impress them, in the name and by virtue of that natural allegiance which our laws declare to be permanent and unchangeable, and which is due in peace as well as war.*

Of all the pretexts for the violation of our flag, the loosest, and most susceptible of abuse in practice, would be the plea of suspected piracy. What are the external *indicia* of a pirate? A *low, long, black-looking* vessel, we are told; and, under this description, every Baltimore schooner would be subject to be boarded and overhauled. What, in the modern use of language, constitutes piracy itself? In the plastic hands of diplomacy or power, nothing is susceptible of a greater variety of Proteean shapes. We cannot have forgotten that, in a solemn official communication which the late British Principal Secretary of State for Foreign Affairs (Lord Palmerston) caused to be addressed to this Government, in justification of the destruction of the Caroline within the limits of our territory, the citizens of the United States who took part with the inhabitants of Canada in the late insurrection in that province were gravely characterized as "*American pirates;*" and an elaborate argument from Mr. Webster was necessary to prove that this application of the term was not proper. In the discussions which took place between the same minister and our representative in London, on this very subject of the right of visit, he habitually denominated vessels supposed to be engaged in the slave-trade, as "slave-trading *pirates;*" and he repeatedly and emphatically appealed to the denunciation of the trade as *piracy* by the laws of the United States. It is easy to foresee, therefore, how, under an admitted *right* of visit, and *search* also, according to the message, upon suspicion of piracy, with a little of the dexterity and boldness of diplomacy in the use of language, the whole of our growing and important commerce on the coast of Africa might be driven from those seas by insupportable vexations.

The only security to the rights of American navigation on the ocean, and for the honor of our flag, is to adhere inflexibly to the doctrine which was maintained by our fathers, and which has been delivered down to us from the great oracles of public law in Europe and America—that, in time of peace, there is *no right*, in any case whatever, in the part of a foreign cruiser, to enter and detain, on the high seas, (whether under the name of visit or search,) a vessel which bears our national flag; by which, of course, is meant the legitimate and *bona fide* flag of the United States. In the British discussions of this doctrine, it has been very unfairly argued, as if we claimed some mysterious virtue for the mere outward ensign—"the piece of bunting," as Lord Palmerston permitted himself to call it, "with the United States emblems and colors upon it;" and that *any* vessel engaged in the slave-trade could protect herself from search by *merely* hoisting one of these *pieces of bunting;* and that thus British vessels, engaged in a violation of the laws of their own country—Portuguese, Spanish, and Brazilian slave-traders, expressly subjected to search by the treaty stipulations of their respective Governments—and notorious piratical outlaws—would all be enabled, by this fraudulent disguise, to pass on with security, before the eyes of a British squadron. Now, Mr. President, it is hardly necessary for me to say that all this is purely gratuitious. The immunity we claim is for *bona fide* American vessels, entitled to carry the flag of their country. We admit, in the most unqualified manner, the right of British cruisers to visit, detain, and search their own vessels, Portuguese, Spanish, and Brazilian vessels, and piratical outlaws, even though any of them may have fraudulently assumed the colors of the United States. But, to render the act lawful, the vessels thus detained and searched must be truly what they are suspected to be—to wit, British, Spanish, Portuguese, Brazilian, piratical—and not *bona fide* American vessels. It is an acknowledged maxim of universal law, that every party, while exercising his own rights, must take care not to violate the rights of others—*Sic utere tuo, ut non alienum lædas.*

Our late able and distinguished minister in France (General Cass)—who, at a critical moment for the honor and safety of his country, and with a promptitude and success which give him lasting claims upon the gratitude of the nation, came forward to vindicate the principles of our American doctrine in the eyes of Europe, and especially of our ancient and chivalrous ally—has furnished, in his admirable exposition on that occasion, an illustration of the subject, from the transactions of civil life, which cannot fail to carry conviction to every mind. He compares the situation of a British cruiser, claiming and acknowledged to possess the right to visit and detain British, Portuguese, Spanish, and Brazilian vessels on the high seas, to that of a ministerial officer of justice, under the municipal law, who has a writ or warrant of apprehend against a particular individual. His lawful authority is to arrest A; but he suspects B to be A in disguise. This suspicion gives him no *right* to arrest B; but he may do so, *at his risk*. If the person apprehended turns out to be A, the act is justified by the event; but if, on the other hand, he be truly B, then a trespass has been committed, and an action of false imprisonment lies against the officer. In this action, the damages, it is true, may be materially reduced and mitigated by the consideration of strong circumstances of suspicion in regard to the identity of B, and the little actual injury he may have sustained; but, in every case, the inviolability of the personal liberty of the citizen is maintained, and vindicated as an inexorable principle of the law. In like manner, we can never admit as a matter of *right*, (however circumstances, in rare and extraordinary cases, might be allowed to mitigate or extenuate the trespass,) the claim of the British Government to visit and detain American vessels on the high seas, in time of peace, because they may be suspected of being British, or other vessels lawfully subject to search, and seeking to screen themselves by hoisting American colors. If British cruisers, under such circumstances, visit and detain vessels which turn out to be *bona fide* American vessels, they do it, necessarily, at their risk, and without *right*.

It is curious and instructive to trace the successive phases under which this claim has been, at different times, presented by the British Government. It was first brought forward by Lord Palmerston, in his letter to Mr. Stevenson of the 27th August, 1841. It was then claimed as "a right to see, by an examination of papers, that the vessel bearing the flag of the United States was provided with papers entitling her to wear that flag, and proving her to be United States property, and *navigated according to law;*" and it was to be exercised generally under "circumstances which justify a suspicion that such vessels are engaged in the slave-trade." The annunciation of the claim was met by our minister (Mr. Stevenson) with an energy and decision, and a ready ability, which do him much honor. A change of administration having occurred, the subject passed into the hands of Lord Aberdeen. While re-asserting the British claim, he did so in far more limited and cautious terms. In his letter to Mr. Stevenson of 13th October, 1841, he described it as a right to "ascertain, by *visit and inquiry*, the *nationality*," simply, "of the vessel;" and limited it to cases of "the *most grave suspicion and well-founded doubts of the genuineness of its character*." The claim, as yet, was not qualified by any admission of the obligation of indemnity in case of mistake. At length came the letter of Lord Aberdeen to Mr. Everett, of the 20th December, 1841, in which his Lordship states that "if, notwithstanding the utmost caution, an error should be committed, and any American vessel should suffer loss and injury, it would be followed by prompt and ample reparation." Here, it is readily admitted, is an important modification of the ground originally assumed. But, in the same letter, the *right* is still asserted, in absolute terms, to visit and detain American vessels on the high seas, when their nationality is suspected, in order to ascertain, by their papers or "*other proofs*," the genuineness of their character; and we are now, it seems, formally apprized, through a despatch of Lord Aberdeen to Mr. Fox, that this alleged *right* continues to be maintained by the British Government, and will not be abandoned. To this there is but one answer,—that the *right* claimed is still denied by the United States, and will never be admitted or acquiesced in; and I trust, sir, when the official answer shall go from this Government, due care will be taken to guard against any inferences, to the prejudice of those doctrines of maritime law which we have hitherto invariably maintained, from any hurried or inadvertent expressions in the recent message to the House of Representatives.

The people of this country, Mr. President, will never admit the claim of Great Britain, or any other power, as a matter of *right*, to stop and examine their vessels on the high seas, in time of peace, in any case, or under any pretext whatever. They cannot be reconciled to a demand, thus imperious in its character and dangerous in its consequences, by the promise of reparation and indemnity in case of mistake and consequential injury. They have not forgotten that a similar inducement was held out to a recognition of the odious claim of *impressment*, and how that proposition was answered by their Government. Mr. Monroe, as Secretary of State, was instructed to communicate the views of the American Government upon it, in the following terms, to our plenipotentiaries for treating of peace:

"It has been suggested, as an expedient for the adjustment of this controversy, that British cruisers should have a *right* to search our vessels for British seamen; but that the commanders thereof should be subjected to *penalties* in case they made *mistakes*, and took from them American citizens. By this, the British Government would acquire the *right of search for seamen*, with that of impressing from our vessels the subjects of all other powers. It will not escape your attention, that, by admitting the *right* in *any case*, we *give up the principle*, and *leave the door open to every kind of abuse*. The same objection is applicable to any and every other arrangement *which withholds the respect due to our flag, by not allowing it to protect the crew sailing under it.*"

The same considerations are equally conclusive against the admission of a *right* on the part of British cruisers, in any case, and under any promise of contingent indemnity, to board and detain American vessels, whose nationality may be questioned, in time of peace. I can hardly persuade myself that the British Government has yet realized to itself the startling magnitude of this new claim of maritime police. If they have the right to ascertain, by visit and examination, the genuineness of every flag which their cruisers may encounter on the high seas, do they not, in effect, revive and extend to the whole ocean the obsolete claim of *sovereignty and dominion* which they formerly asserted within the narrow sea surrounding their own island. Every *right* has, too, its corresponding remedies. If British cruisers have the *right* to visit and detain all flags they meet on the ocean, to satisfy themselves, by personal examination, of their genuineness,—they might enforce that right, in case of any attempt to resist or evade it on the part of the vessels sought to be visited, by the summary naval remedies of capture and confiscation. This is the settled maritime law, in regard to the right of search of neutral vessels in time of war. If a neutral vessel attempt to resist or escape from the exercise of the right of search, she, by that fact alone, subjects herself to capture and condemnation as lawful prize. The same consequence would analogically attend the *right* of visit claimed by Great Britain in time of peace, if it exist (as she contends it does) under the law of nations; and a vessel on the high seas, conscious of the integrity of its flag, and unwilling to submit to the indignity and vexation of an inquisitorial visit from a British cruiser, might find herself punished for her contumacy, by a speedy capture, followed by a sentence of condemnation in a British admiralty court.

* The language of Admiral Sir Charles Napier, in the House of Commons, on the 21 of February last, when the subject of the American treaty was under discussion, may serve as an admonition of the necessity of looking to what may seem to be even remote consequences, in the treatment of these delicate questions of maritime law. In the London Times of the 3d inst., he is reported to have said, while strongly condemning the treaty, that "Lord Ashburton ought to have stated to the Government of the United States that we would never depart from the right of taking British seamen out of American ships."

The wise and enlightened statesmen of England cannot but feel that an innovation like this upon the established law of nations, in this, the nineteenth century—involving, as its natural corollary, consequences so startling—would, by a necessary instinct of self-preservation, unite all the other maritime powers of the world in one firm confederacy against them, for the protection of their common rights. I trust in the influence of reflections such as these, joined to that sober spirit of practical moderation which has thus far favorably distinguished the present public councils of Great Britain, to insure the continuance of general peace. In the maintenance of peace and harmony between England and America, there are so many reciprocal interests of the highest importance involved, commercial, moral, and political, that nothing can be wanted but a calm and collected temper on the part of the constituted authorities of both countries, unmoved by those general denunciations on the one side and the other—which are, unfortunately, but too well fitted to inflame national animosities—to bring to a safe and satisfactory termination every remaining question between them.

SPEECH OF MR. MILLER,
OF NEW JERSEY.

In Senate, February 17, 1843—On the bill to restore to General Jackson the fine imposed upon him by the district court of the United States in Louisiana.

Mr. PRESIDENT: The professed object of this bill is to refund to General Jackson a fine of $1,000, imposed upon him by the district court of the United States in Louisiana, on the 31st day of March, 1815, for certain contempts committed by him against that court.

Although this be the humble design of the bill—the mere settlement of a private claim—there has been thrown around it an unusual degree of interest and feeling. It has been magnified into a public measure, and is pressed upon our consideration as if it were a great national concern. The political parties of the day are taking sides upon this measure; politicians are making a hobby of it; State Legislatures have passed resolutions instructing their Senators to vote for the bill; and even the President of the United States has deemed it his duty to bring this matter before Congress, under that clause of the Constitution which authorizes him to give information of the state of the Union. Thus, sir, has this private bill been withdrawn from the great vortex of neglected claims, and magnified into a public measure, and glorified into an affair that concerns the state of the Union.

The urgency with which this matter is pressed, is not very complimentary to our sense of equal rights. There are many poor claimants, who, for years past, have been urging Congress to decide upon their claims, and who have gone down to their graves bankrupt through our inaction; yet no sooner is this claim presented, than our Justice tears the bandage from her eyes; and, beholding the hero of New Orleans, thrusts aside every other claim, and proceeds, with timid and nervous haste, to comply with his demand.

The notoriety which has been given to this claim, the various and powerful collateral influences which have been brought to its aid, induce me to pause and examine more carefully the merits of this bill.

Neither the political influence nor the military renown which surround the character of the distinguished applicant, shall induce me to regard this claim with more complacency than I would look upon the petition of the poorest man or the most humble soldier that ever served his country.

I wish to confine myself to the simple facts of the case, and upon them, and them alone, to decide this matter. All that has been said about the glorious victory of New Orleans—the services, civil and military, of General Jackson—ought not to affect this matter. They form no part of the facts of the case, and should, therefore, have no influence upon the judgment of the Senate. General Jackson himself discards all these collateral matters, and puts his claim upon the ground that the sentence imposed upon him by Judge Hall was illegal and unjust. I read from his letter, dated Hermitage, August 1, 1842, directed to Jacob Gibson, esq.:

"DEAR SIR: I have the pleasure to acknowledge the receipt of your letter of the 19th ultimo, informing me that a joint resolution passed the Legislature of New Hampshire, at their June session, 1842, of which you are a member, instructing your Senators in Congress, and requesting your Representatives, to use their efforts to procure the passage of a law, by Congress, to refund to me, with interest, the fine imposed by Judge Hall, in 1815, for an alleged contempt, &c.

"For this unsolicited interposition of the Legislature of New Hampshire to have expunged from the record this iniquitous imputation upon my character, by that unjust and vindictive Judge Hall, sitting in his own cause, from whose fiat there was no appeal, it deserves, as it receives, my sincere thanks."

If I could be satisfied that this sentence was iniquitous or unjust; or, even if legal, yet, if it were imposed upon General Jackson for an act required by the honest discharge of his official duties,—I would, without hesitation, vote to refund the fine: for I hold it to be the duty of every Government to sustain its public servants in the honest discharge of their duties; and, although they may occasionally mistake the law, yet, if that were an honest mistake, I would not punish the agent, but rather let the consequence fall upon the principal—the Government—for whose benefit the act was perpetrated.

Upon these acknowledged principles, let us examine the case. In the first place, we have before us the record of the proceedings and the sentence, certified under the seal of the court. By this record, it appears that General Jackson was regularly summoned, heard, tried, and condemned, in and by one of the district courts of this Government, for contempt of court, and fined in the sum of $1,000. It is also admitted that the General submitted to the judgment of the court, and paid the fine; and the judgment still remains of record, having been acquiesced in by the complainant from that time to this—a period of twenty-eight years.

In ordinary cases, we might here say to the claimant, "you are estopped by this record, and by your acquiescence in its truth for the space of nearly thirty years." It is true that the Government never pleads the statute of limitations, yet there are cases in which the lapse of time becomes a material and substantial matter of defence. The death of the actors in the scene, the forgetfulness of the living, may deprive the case of many of its essential facts. If the State should derive no advantage from time, neither should the applicant be permitted to lay by until death has silenced his adversary, or until some new adventitious circumstance has popularized his claim.

But, sir, I am willing to forego all these considerations, and to look behind this record, and examine the facts upon which it is founded.

What are these facts? On the evening of the 5th of March, 1815, about two months after the battle of New Orleans, Mr. Morel, a counsellor at law, called at the house of Judge Hall, and presented to him a petition to issue a writ of *habeas corpus* in behalf of Louis Louallier, who, as said, was held in illegal imprisonment under the order of General Jackson. The judge, after reading the petition, and swearing Mr. Morel as to the truth of the facts therein stated, endorsed upon the petition the following order:

'Let the prayer of the petition be granted, and the petitioner be brought before me at 11 o'clock to-morrow morning."

At the time of granting this order, Judge Hall stated to Mr. Morel "that he thought it would be proper for him to write a letter to General Jackson, to inform him that the writ had been awarded." Mr. Morel then states that he carried the order to the clerk of the district court, and then went to his office, where he wrote the letter intimated by the Judge, of which the following is a copy:

"*To his Excellency Major General Jackson.*

"SIR: I have the honor to inform your excellency that, as counsel, I have made application to his honor Dominick A. Hall, judge of the district court of the United States, for a writ of *habeas corpus* in behalf of Mr. Louallier, who conceived that he was illegally arrested by order of your excellency; and that the said writ has been awarded, and is returnable to-morrow, 6th inst., at 11 o'clock, a. m.

"I have the honor to be your excellency's most humble and obedient servant, P. L. MOREL, Counsellor at Law."

As soon as General Jackson read this letter, as it appears by the affidavits of Mr. Duplessis and Colonel Arbuckle, he issued the following order:

"HEADQUARTERS 7TH MILITARY DISTRICT,
"NEW ORLEANS, March 5, 1815—7 o'clock, p. m.

"Having received proof that Dominick A. Hall has been aiding and abetting and exciting mutiny within my camp, you will forthwith order a detachment to arrest and confine him, and report to me as soon as arrested. You will be vigilant; the agents of our enemy are more numerous than was expected. You will be guarded against escapes.

"ANDREW JACKSON,
Major General commanding.

"LT. Col. ARBUCKLE, 3d Infantry."

At about eight o'clock of the evening of the same 5th of March, a detachment of sixty armed men, under the command of Major Butler, were seen marching hastily through the streets of New Orleans; they entered the dwelling of Judge Hall, forcibly arrested him, and conveyed him to the military barracks, where he was held a prisoner until the 11th of March, when General Jackson ordered him to be removed out of the city, as appears from the following order:

"HEADQUARTERS 7TH MILITARY DIVISION,
"NEW ORLEANS, March 11, 1815.

"SIR: You will detail from your troop a discreet non-commissioned officer and four men, and direct them to call on the officer commanding the 3d United States infantry for Dominick A. Hall, who is confined in the guard-house for exciting mutiny and desertion within the encampment of the city.

"Upon the receipt of the prisoner, the non-commissioned officer will conduct him up the coast, beyond the lines of General Carroll's encampment, deliver him the enclosed order, and set him at liberty. By command:

"THOS. BUTLER, Aid de-camp.

"Capt. P. V. OGDEN,
Commanding troop of cavalry, New Orleans."

From these facts it appears—

1. That the only act committed by Judge Hall, previous to his arrest, was the granting an order for a writ of habeas corpus, upon the sworn petition of a citizen, alleging that he was illegally imprisoned.

2. That for this act, and this alone, Gen. Jackson ordered the person of the Judge to be seized and imprisoned.

3. That the object of this arrest was to defeat the writ of habeas corpus.

I say that the only act charged upon Judge Hall was the order, "Let the prayer of the petitioner be granted". There is not a particle of evidence to be collected from the record, from the affidavits made by the several actors in the same, or from the various statements made by General Jackson himself, charging upon the Judge any other cause of offence than this. General Jackson did not even wait for the consummation of the order; but, as soon as he read the courteous note from Mr. Morel, informing him that an application had been made for a *habeas corpus*, the order for arrest was forthwith issued and put in force. It is true that, in the order for the arrest of Judge Hall, General Jackson states that he had received proof "that Dominick A. Hall had been aiding and abetting and exciting mutiny in his camp."

Now, sir, I ask for this proof. Can any of the friends of General Jackson point it out? Can they name the witness, living or dead, who has ever stated a fact implicating Judge Hall in the high crime charged in that order? General Jackson speaks of proof—not allegation, hearsay, or surmise. Surely, no honorable man, respecting the rights and liberties of his fellow-citizens, would ever venture, not only to make a charge like this against a highly respectable functionary, but to condemn him unheard, without having plenary evidence of his guilt. Yet, when we examine the facts of this case, we find that the only proof upon which Gen. Jackson acted was the letter of Mr. Morel, informing him that Judge Hall had granted an order for a writ of *habeas corpus*. This was the proof that Judge Hall had been abetting and exciting mutiny. The awarding of a writ of *habeas corpus* declared to be a proof of a mutinous act; the performing a constitutional duty converted into a crime; the great bulwark of human liberty struck down at a blow, and made the cause of oppression and imprisonment! Does the record of any court, civil or military, upon the face of the earth, present an example of an arrest of a freeman, upon proof like this?

After reading that peremptory order for the arrest, I confess that I felt anxious, for the sake of General Jackson, and for the honor of the country, to find some additional fact—even a circumstance—that might afford some excuse for a proceeding so bold and arbitrary; but I have searched in vain. No other proof can be found. And the case stands now as it did on the 5th of March, 1815—a Judge arrested and imprisoned for mutiny, upon proof that he had granted an order for a writ of *habeas corpus!*

I now proceed to show that General Jackson's object in arresting the Judge was to defeat the writ of *habeas corpus*. This is an important point, involving a mighty principle, deeply affecting the liberty of the citizen and the supremacy of the laws and the Constitution of the country.

If it should appear, from the investigation of this case, that the arrest of Judge Hall was not for inciting mutiny, as alleged in General Jackson's order, nor necessary to the defence of New Orleans,

as his friends insist, but an unnecessary, arbitrary act, perpetrated for the purpose of harassing or overawing the officers of justice in the performance of a high constitutional duty,—it will present such a glaring case of outrage and wrong as none can venture to justify, and few, I hope, be found to excuse.

Upon this point also depends, in a great measure, the authority of the judge to proceed for the contempt of court. The question is this: Did General Jackson imprison Judge Hall for the purpose of preventing any further proceeding by the court upon the writ? Let us examine the facts carefully.

The order for the writ was granted on the evening of the 5th of March; Mr. Morel carried this order to the clerk the same evening, and wrote immediately to General Jackson the letter which I have already read to the Senate. This letter first informed General Jackson of the writ; and upon this information, and this alone, he ventured to issue the order for the arrest at 7 o'clock the same evening. This appears from the affidavit of Mr. Claiborne, the clerk of the court, in which he states that, in the evening of the same 5th of March, he called upon the General, in company with the marshal, Mr. Duplessis, and others:

"The General showed me a letter he had received from Mr. Morel, the counsel of Mr. Louallier, informing him (the General) that a writ of *habeas corpus* had issued in the case of Mr. Louallier."

This witness further says, that in the course of time he was with General Jackson; and the conversation turning upon Judge Hall, the General observed—

"That he had no personal prejudices against the Judge; but that his conduct in the instance in question had brought him under the cognizance of his (the General's) general order; that this was his (the General's) camp, and that no person or power must or should be over him in it."

But, sir, there is still stronger proof upon this point. General Jackson, in his letter of the 23d December, 1842, says:

"On the subject of Louallier's arrest, it should be known that he secreted himself from the issuing of the order for his arrest until he had made arrangements with Judge Hall for the *habeas corpus;* and when arrested and delivered to the colonel of the provost guard, being told that I had given directions for his good treatment, he replied, with thanks, that it was unnecessary, as he would be there but a short time. He was asked why? His reply was, that Judge Hall had issued a writ of *habeas corpus* for him, on which Colonel Arbuckle wrote to me asking advice. I directed him to keep the prisoner as long as he could wield a bayonet, unless he was liberated by my order. Having made inquiry into the matter, and found that Hall had so issued the writ, I forthwith gave orders for the arrest of Dominick A. Hall, and sent Captain Butler, of South Carolina, and Dr. Wm. Butler, with a file of men, for that purpose."

General Jackson's determination to defeat this writ does not stop with the arrest of the Judge. He had been informed that an original order for the writ had been made by the Judge, and filed with the clerk of the court. Fearing that this order might in some way interfere with his purpose, the General, at about 9 o'clock in the evening, sends one of his aids (Major Chotard) with a written order to the clerk, requiring him to give up the original order of the Judge. The clerk refuses to comply, but consents to accompany Major Chotard to the General's quarters; when the following scene took place, which I will permit the clerk to describe in his own language:

"The General showed me a letter he had received from Mr. Morel, the counsel of Mr. Louallier, informing him (the General) that a writ of *habeas corpus* had issued in the case of Louallier. I told the General that the writ had not issued; he asked me for the reason. I answered, because the marshal had told me he would not serve it on the Sabbath; and that it being returnable at 11 o'clock on Monday, I thought it would be time enough to issue it in the morning. The General asked me if I intended to issue it? I said that it was my duty to do so, and that it would issue. At this the General handed me a printed paper, which he said was his general order, and observed that that order would show me he would do his duty also. The General asked me for the original order of Judge Hall before mentioned. It was written on the back of Mr. Louallier's petition, and I handed the General the paper. The General read the order, and also the affidavit of Mr. Morel, which was at the foot of the petition, and observed to me that the dates of both the order and the affidavit had been altered, and asked what all this juggling was about? I assured him there was no juggle, and the reason of an alteration in the dates was as I have stated above. The General mentioned to me he should keep the paper in his own possession. I observed to him that there was an order of court that no original paper should be delivered out of the office. The General said he should keep it under his own responsibility; that it should be safely preserved, and that he would give me a certified copy of it; which he did."

Here it is important to observe, that, prior to this interview, General Jackson was under the impression that the writ *had issued*. He was led into this mistake by the letter from Mr. Morel, stating that the writ had been awarded. As soon as the clerk informs him that the writ had not been issued, but was still under the control of the clerk, the General, with all that military quickness peculiar to his character, perceives that the writ is still at large. This new difficulty must be overcome; and he forthwith sets to work like a hero to strangle the writ in the hand of the clerk. "The General," says the clerk, "asked me if I intended to issue it. I said that it was my duty to do so, and that I would issue it. At this, the General handed me a printed paper, which, he said, was his 'general order;' and observed that that order would show me that he intended to do his duty also."

Failing, by this threat, to intimidate the clerk from issuing the writ, the General next proceeds, by stratagem hardly to be justified even by the arbitrary rules of martial law, to obtain possession of the original petition and order. At the request of the General, the clerk hands him the paper to read; he refuses to return it, although the clerk urges upon him the rule of the court, "that no original paper should be delivered out of the office." He replies that he will keep it under his own responsibility; and then despatches the clerk with a copy of his own record, the original remaining in the pocket of General Jackson. But, sir, the case does not stop here. The General understood, from this interview with the clerk, that, although he had *shopped* the Judge, and pocketed the order, the writ would, nevertheless, issue. He therefore turns to the marshal, (who was present with the clerk at this interview,) and, after remarking that he had *shopped* the Judge, said "that he would treat any person who might improperly meddle with his camp in the same manner that he had treated the Judge." The marshal further testifies, that it was manifest, from the whole tenor of the conversation, that the General intended to disregard the writ.

These several acts on the part of General Jackson; the sudden arrest of the Judge between the test and return of the process; the attempt to suppress the writ by intimidating the clerk; the surreptitious manner of obtaining possession of the record; the threatening language to the marshal, and the utter disregard of the writ itself, can admit of but one construction. They prove, beyond all doubt, the settled purpose of General Jackson to defeat, by means of tyrannical and irresistible force, the legal operation of the *habeas corpus*. And most thoroughly did he succeed in his purpose; for he demolished the court, bullied its officers, carried off its records, and trampled beneath his feet, as so much blank paper, its record and seal.

By way of excusing these arbitrary proceedings—for no one even attempts to justify them—it is said that they were necessary to the military defence of New Orleans. I might here show, by incontestable evidence that the city at this time needed no extraordinary defence; that the enemy, defeated and routed by the battle of the 8th of January, had retired from the city, and were not to be found within one hundred and fifty miles; that, in fact, the war was over and peace declared, and known in New Orleans; and the city, on the 5th of March, could have been safely defended by the same band of sixty armed soldiers who expended their military ardor in storming the house and arresting the body of Judge Hall. All this, however, is irrelevant to the present inquiry. Could any state of things, militant or peaceful, an enemy present or absent, a siege or a blockade, a victory or a defeat—could any emergency of war render necessary to the defence of a city that a judge should be imprisoned for the peaceful act of granting an order for a writ of *habeas corpus*?

Is there anything in that act which could possibly affect the defence of a city? Could the imprisonment of Judge Hall add to the strength of ramparts? Would its battlements be enlarged, or its towers strengthened, by the incarceration of his body? Were the seizure of the record and the duress of the clerk necessary military movements of defence?

This writ was directed to General Jackson, and upon him it was served; he had the custody of the person for whose benefit it issued, and it was within his option either to have the body before the Judge, according to the command of the writ, or to return that the safety of the city required the retention of the prisoner. If he had taken the latter course, we might then with propriety discuss the other question which has been agitated here, (but which is, in my opinion, irrelevant to the case,)—the legality of the imprisonment of Mr. Louallier. But, sir, he determines to take neither of these courses. Not satisfied with disobeying the writ and detaining the prisoner, and with neglecting to give any excuse or reason for the detention, he imprisoned the Judge also. The only excuse General Jackson could allege for disobeying the writ, was the urgent necessity of retaining his custody over Louallier: having determined to retain him, his whole object was accomplished. Where was the necessity of taking the other step? Assuming supreme power, under what he called martial law, over all the civil authorities, and surrounded by a victorious army obedient to his will, Louallier was as secure under his custody after as before the issuing of the writ of *habeas corpus*. The imprisonment of Louallier could not be rendered less secure by the liberty of Judge Hall. Where, then, I ask, was the necessity for this wanton and cruel act of oppression? Neither the safety of the city nor the security of the prisoner required it; and the only reason that can be assigned for this proceeding is the one I have named—an arbitrary determination on the part of General Jackson to defeat any further proceeding upon the *habeas corpus*.

The minority report, which accompanies this bill, does not, in my opinion, touch the true point in this case. That report merely attempts to excuse and justify General Jackson for the arrest and detention of Mr. Louallier. It says not a word about the arrest of the Judge, nor offers the slightest apology for the contempt offered to the court. The question is stated in the report as follows:

"This question, however, having been introduced by the committee, the undersigned submits, that, in time of war and of imminent public danger, it may be the duty of the commander to arrest those regarded as traitors, spies, or mutineers, within the limits of his camp—especially in cases where it was obvious to him that his refusal to exercise such power would involve the disbanding of his forces, the defeat of his army, and the surrender of that army, and of the country which he was bound to defend. The alternative, as he fully believed, was to make the arrest or the abandonment of his country's standard, and the surrender of one of her greatest cities to a powerful enemy, whose motto of victory involved indiscriminate plunder and licentious outrage. Under such circumstances, should he make the arrest and save the country? To this question there will be but one response from the heart of every true American patriot."

Now, sir, as one of the American people, my heart fully responds to the sentiment, that, in time of war and of imminent public danger, it may be the duty of the commander to arrest traitors, spies, and mutineers, within the limits of his camp. I would even go further, and excuse the General for hanging traitors and spies under such circumstances. But we must not confuse the innocent with the guilty, the patriot with the traitor, even to add to the honor and glory of General Jackson. Was Judge Hall a traitor, or a spy, or a mutineer? Is there a fact or a circumstance, stated in that report, or anywhere else, implicating him in either of these high crimes? The imprisonment of Louallier, the circumstances under which it was made, and the reasons for its continuance, are distinct matters from the imprisonment of Judge Hall: the former may be excused, and even justified, without at all affecting the legality of the latter. May not a man be legally imprisoned, and yet a judge be permitted to grant a writ of *habeas corpus*, to inquire into the cause of his duress, without subjecting himself to the penalties of the crime which rests upon the prisoner?

'The law (says this report) which justified this act was the great law of self-defence: it was the law of necessity."

What act? The arrest of Judge Hall? No. The honorable gentleman who made the report does not mean that arbitrary proceeding. He could find no necessity so urgent, no self-defence so pressing, as to legalize, under any code of law, civil or martial, an act so destructive to personal security and civil liberty.

Did these several acts on the part of General Jackson amount to a contempt of court? To answer this question satisfactorily, we must ascertain what constitutes this offence. The best authorities in the law describe it as follows:

"A contempt is a disobedience to the court, or an opposing or despising the authority, justice, or dignity thereof. It commonly consists in a party's doing otherwise than he is enjoined to do, or not doing what he is commanded or required by the process, order, or decree of the court. Sometimes it arises by one or more, their opposing or disturbing the execution or service of the process of the court, or using force to the party that serves it; sometimes by using words importing scorn, reproach, or diminution of the court, its process, orders, officers, or ministers, upon executing such process or orders."

The authority to restrain and punish in a summary way acts of this nature, is essential to the existence of every court. It is part of the law of its judicial life necessary to its self-preservation. It is the right to resist or punish, on the spot, and

without delay, any insult or act calculated to disturb or restrain its judicial action in a cause or proceeding depending. The law of contempt embraces the right to maintain the honor and order of the court; to protect its officers in the legal discharge of their duty; to preserve its records; or to defend its process and writs, in their service or return, against insult or violence.

If we deny to a court this power of self-protection, the obstinacy or the violence of any one man may at any moment stop the proceedings in a cause, bar the doors of your courts, and break up the administration of law and justice.

Was not that the result in the case before us? A legal proceeding had been commenced—a writ issued under the authority and seal of the court, and made returnable at a certain time and place. The object of the writ required that it should be executed with as little delay as possible; its purposes being to inquire into the cause of the imprisonment of a citizen, who alleged that he was illegally deprived of his liberty.

Now, sir, if a person, conscious that these proceedings are in progress, and desirous of defeating them, wrests from the hands of the clerk the order and petition upon which the proceedings are founded, and, between the test and return, seizes with armed force and imprisons the judge who issued the writ, and thus prevents him from being present to hear the parties on the return day, is he not guilty of a gross contempt? If this be not contempt of court, then, alas! are our courts beneath contempt.

This is, in fact, something more than a contempt. For a contempt is seldom so outrageous as to deprive the tribunal of its existence; but here the blow was so fierce and fatal, that the whole court, with all its functions and faculties, judicial, ministerial, and executive, together with its record, process, and seal—all fell paralyzed in death beneath the arm of the hero of New Orleans.

Thus far I have spoken only of the outrage to the Judge—of the contempt to the court. These, unjustifiable as they are, might have been excused by an indulgent and grateful people; but there is exposed by these proceedings a still deeper outrage, and a still higher contempt—an outrage against the Constitution, a contempt of the writ of *habeas corpus*. I could forgive much, in consideration of the military services of General Jackson; but who that reveres the institutions of his country can sanction a wanton breach of its Constitution? Who that loves liberty can excuse the blow that strikes down the bulwarks of its defence?

In the erection and maintenance of a Government founded upon liberty and law, principles, and sometimes things, are of more importance than men. Thousands of lives were sacrificed to obtain our Constitution. Our ancestors contended for years, amidst revolutions and persecutions in the field and in the Senate, for the establishment of that great instrument of English liberty—the writ of *habeas corpus;* and shall we, their descendants, yield both these proud trophies of patriotism to the insatiable ambition and craving vanity of one man? Gen. Jackson, in the vigor of his youth, was willing to sacrifice his life in defence of his country; and does he now, in old age, grudge a thousand pieces of silver, expended in vindication of a principle, deprived of which his country would not be worth defending?

Our fathers, mindful of the history of the writ of *habeas corpus*, and duly appreciating its importance in the protection of personal and civil liberty against the aggressions of arbitrary power, did, in and by the Constitution, secure the privilege of this writ to every American citizen in the following words:

"The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it."

Mark the words, "*the privilege of the writ*"—a known right, a common prerogative, used and enjoyed by the people before and at the time of the adoption of the Constitution; and which that instrument does not grant, but merely preserves. The power to suspend this great common-law privilege is reserved to Congress, the Representatives of the people; and even then their control over it is limited to two emergencies—rebellion or invasion; and not even then, unless the public safety require it.

Of little value would be that constitutionally preserved privilege, if the power to suspend it is left in the hands of every commander in our army and navy, to be exercised according to his judgment or whim; neither the Executive, the commander-in-chief of the army and navy, the judge who issues the writ—no, not even the sovereign people, for whose benefit this privilege is reserved, have the power to suspend it; Congress, and Congress alone, can do it.

This is acknowledged by all. Yet we are told that there is a law superior to the Constitution—the law of war, called martial law! Do gentlemen mean to say that a declaration of war abrogates the Constitution? Was not our Constitution made for war as well as for peace? Is its potency only to be felt in the quiet unresisting times of peace, but lost amid the din of arms and shouts of victory? It would, indeed, be an ill-constructed instrument for the government of a free people, if it made no provision for the protection of the property, the liberty, and the life of a citizen at a time when all these rights demand the most efficient support, and require the most powerful protection.

But this martial law—what is it? What its definition? From whence does it proceed, and what are its limits?

This thing called martial law once had a kind of existence in England. It was felt, but not seen, dwelling in the dark corners of the star-chamber, seizing citizens in the darkness of the night, and dragging them off to be tried and executed by armed men; in its character, half military, half civil—a court-martial for trial of civil offences.

So ill-shapen, so monstrous, so undefinable was this law, that Judge Blackstone, who could, in one short sentence, define the municipal law of England, found himself utterly at fault in describing the martial law, and contents himself by telling us that it is *the absence of all law*. If I should undertake to define this law, it would be by reversing Judge Blackstone's definition of municipal law, to wit: "Martial law has *no* rule of action, does *not* proceed from the supreme power of the State, neither commanding what is right, nor prohibiting what is wrong."

If by this law is meant that code of laws which govern men in arms—the rules and regulations of an army and navy—we all understand it. But when you claim for this law a supremacy over the Constitution; when you extend its jurisdiction over the citizen—over the life, liberty, and property of the private individual, and subject him and all his rights to be dealt with according to the will or whim of a military commander—you present a monster, a tyrant, under whose government no freeman could live in safety for an hour.

General Jackson seems to have been under the impression that this constitutional privilege was only to be enjoyed in time of peace; that the writ of *habeas corpus* was a tame, quiet process, to be sent to county jails, and only obligatory upon sheriffs and turnkeys; but upon a major general, whose camp is a city, and whose only law is a camp order, enforced at the point of the bayonet! what avail parchments, writs, and paper constitutions? Shall the soldier yield to the civil marshal? Shall the general yield to the judge?

General Jackson forgot, at the time, the history of that writ. You, sir, know that it had its origin in war and civil commotion, when, under pretence of an urgent necessity and public safety, men were seized by armed soldiers, thrown into prison, and kept there, unheard and untried, by the mere mandate of the King.

That man Jenks, whose imprisonment was one of the immediate causes that produced the famous act of *habeas corpus*, was a citizen of London, on the popular or factious side. He was committed by the King in council, for a mutinous speech in Guildhall. The Chancellor, on an application for a *habeas corpus*, declined to issue it *during the vacation;* and the Chief Justice of the King's Bench made so *many difficulties* about issuing the writ, that Jenks lay in prison several weeks. This arbitrary imprisonment of an humble citizen of London excited the spirit of liberty throughout all England; and notwithstanding the mandate of the King in council, and the craven prevarication of the Chancellor and of the Chief Justice, the Commons of England never rested until they had secured by law an effectual remedy against any future outrage upon the liberty of the citizen. That remedy has, since that day, been sacredly preserved as a great landmark in the progressive advancement of civil liberty. It has been called the second Magna Charta of English rights. Our fathers brought it with them as a cherished jewel; they re-enacted it in every State Legislature; they embodied it in the Constitution of the Union; and there it now stands, stereotyped forever, in these words: "The privilege of the writ of *habeas corpus* shall not be suspended."

From the time when the commons of England triumphed over the arbitrary martial-law power of the crown—from the day of the enactment of the habeas corpus, in the reign of Charles the Second—from the formation of our Constitution—through all the commotions, revolutions, and wars in England and in America—no King, no President, no popular military chieftain ever ventured to suspend, even for an hour, the privilege of the writ of habeas corpus, until General Jackson, on the 5th of March, 1815, and in the 39th year of our independence, took upon himself the responsibility.

This case stands alone. For one hundred and fifty years has this writ been revered as the guardian spirit of human liberty, pursuing unmolested the even tenor of its way, commanding obedience from every authority, entering every prison, descending into every dungeon, and, through grated doors and arms of steel, bringing forth the prisoner, together with the cause of his imprisonment, to the light of day.

Now, sir, I ask, can we, the Senate of the United States, existing by and acting under the Constitution, excuse, and thereby justify, this suspension of the habeas corpus? No, sir; we cannot; we dare not. I would do anything for General Jackson rather than this. Erect monuments, make triumphal arches, build temples in honor of the glorious victory at New Orleans; but I cannot sacrifice a great constitutional principle—a principle more valuable to this people than a hundred cities, more glorious than a thousand victories.

Why is this measure urged upon Congress just at this time? After sleeping for a quarter of a century, this claim suddenly awakes, as by the touch of a magician's wand; the whole country becomes agitated with an anxious sense of justice, brooking no delay. The public treasure groans to be delivered of the fine money; and General Jackson and his friends can live no longer under the foul imputation of the sentence. Why this sudden outbreak of justice, gratitude, and sensibility? Were not all the facts of the case as well known twelve years ago, as they are at the present moment? Has delay advanced the validity of the claim? Has neglect aroused our gratitude? Has time made the outrage more glaring?

Passing over the eight years of General Jackson's administration, (during which a sense of delicacy might forbid action upon this subject,) how can we account for the silence of Mr. Van Buren, during the four years of his administration? Did his keen eye not perceive this stain upon the character of his great benefactor? Was his gratitude so obtuse that it could not give a word or a hint that the thing would be agreeable? Or was it that, having glory enough in those days, this little matter of the thousand dollars fine was laid by for a season of scarcity?

I believe I know that this measure has here and elsewhere many honest supporters. The honorable Senator from Missouri, who introduced the bill, has too much sincerity and honesty of character ever to advocate a measure here which he does not believe to be right and just. Yet, sir, from all that I have seen and heard, I cannot divest myself of the impression that a certain aspirant to the Presidency is attempting, through this measure, to use once more the name and influence of Gen. Jackson to obtain a second time the object of his ambition. Having once been warmed and illuminated by the meridian influences of his glorious predecessor, he has, during a short eclipse, been examining with telescopic accuracy, the clouded face of the great luminary, to discover, if he could, some little spot from which might be elicited a solitary ray of reflected glory.

In order to get at this little matter of glorification, the life and history of the old hero have been conned over to find, if possible, some dubious point of official conduct—some unjustified act—some unvarnished spot, a vanity not satisfied, an insult unavenged; and, at last, this matter of the fine is fixed upon as an offensive object in the picture, and we are called upon to varnish it over by legislative enactment. Let me say to the friends of Gen. Jackson, you are not true limners; you will spoil the painting by this varnish. It is these rough points and dark shades that give character and individuality to the picture. Smooth them down, or gild them over, and it will no longer be a true likeness of our responsibility-taking hero. It is better for all

parties that we leave this matter as the history of the times records it. Let the controversy between the civil and military power—between the General and the Judge—remain settled as it is by the record. It is well settled, and we cannot alter it if we would. The hero General met the hero Judge in sharp conflict; the General imprisoned the Judge, and the Judge fined the General; the one lost his liberty, the other his money. We cannot now readjust the matter upon equal terms. You may gratify the feelings of General Jackson by returning this fine; but what becomes of the outrage upon the Judge? Is there no sympathy for his wrongs? Dragged from his house by armed men; marched through the public streets; branded with crime; the object of scorn and contempt; imprisoned, and then banished as an outlawed traitor—his wrongs have never been redressed. He went down to his grave an injured and insulted man, long to be remembered for his unequal contest with the hero of New Orleans. Not so with General Jackson. This petty fine, this sentence of contempt, now remembered by him with so much soreness, was unheeded at the time, amidst the shouts of his triumph; and was, for a while, forgotten, in the enjoyment of those high honors bestowed upon him by his grateful country. Yet his friends are not satisfied. The record of this sentence is still in existence. After twenty-eight years of glory won and enjoyed in other fields, they now propose to conduct their hero, with all Congress in his train, back to the first field of his triumph, New Orleans; not to celebrate his victory over the enemies of his country, but rather to sanction his triumph over the laws and Constitution of our Republic; and the grand ceremony of this *fête* will be to tear in fragments, over the grave of Dominick A. Hall, this record—the only monument left us of an independent and upright judge. I, for one, will have no part in the pageant.

SPEECH OF MR. BARNARD,

OF NEW YORK,

In the House of Representatives, February 20, 1843—In Committee of the Whole on the state of the Union, on the bill reported from the Committee of Ways and Means in relation to treasury notes.

Mr. BARNARD offered to add to that bill, by way of amendment, the substance of a bill laid on the table some time since by him, and printed, and which, at the time, he had proposed to offer as a substitute for the exchequer bill of the Select Committee on the currency, (Mr. CUSHING's bill,) whenever that bill should be taken up. Mr. BARNARD's bill, now offered as an amendment to the treasury note bill, was entitled "A bill to authorize the Secretary of the Treasury to borrow a sum of money, not exceeding fifteen millions of dollars, of State banks, and to adopt an equal amount of currency, which shall be receivable in payment of Government dues."

This amendment having been received—

Mr. BARNARD addressed the committee to the following effect:

Mr. CHAIRMAN: On the whole, sir, I do not know that any more fit occasion for bringing forward the provisional measure on the subject of the currency which I have had the honor to propose, could well be presented, than that which is now offered; and I have felt obliged, therefore, to decline the appeal made to me by my friend, the chairman of the Committee of Ways and Means, [Mr. FILLMORE,] that I would forbear to press this measure at the present time. I must insist on embracing this occasion to discharge myself of a great public duty; and, having a very distinct notion of what this House owes to the country on the subject which I have now brought to its notice, I am not disposed to let this opportunity slip of exacting from it some action in regard to that subject. It will not do to say that my bill is not germane to the subject before the committee. The two subjects are intimately related. Nor will the plea of lack of time avail anything. If there is time to perpetuate an issue of twelve millions of treasury notes, for the relief of the treasury—which is what the bill of the Ways and Means proposes—there is time to consider a proposition for changing the form of that indebtedness—which is what my bill proposes, with the advantage of supplying to the country, by means of that change of form, what the country now so much needs, and so imperatively demands—an ample, and a safe, sound, and uniform national currency. It will not do to say, as we have heard said and repeated this morning, that the public business must first be done—as if there were no other public business than the passing of appropriation bills, and bills to issue or perpetuate treasury notes. Sir, this which I propose is public business, and public business of some consequence too; and, if gentlemen are not sensible of the fact now, they may be made so, perhaps, when our common master, the people, come to reckon with us on the subject. In the condition in which the monetary and business affairs of this Government and of this country now are, and have been for a considerable period, no one thing can be named of such indispensable necessity as the restoration of a sound and uniform national currency. It is the vital air to the body politic—an indispensable requisite to its healthy existence. It may, in my opinion, be now, at once, procured and restored, by a very simple and a very safe financial measure, which, for itself, and without reference to the matter of currency, is strongly demanded by the condition of the treasury.

The bill of the Ways and Means is professedly a bill for the relief of the treasury; and it proposes that relief through the old mode (become so hackneyed within the last six years) of treasury notes. This is the ready resort and panacea prescribed in these latter times, for all the distempers of our exhausted exchequer. Whenever this abused patient of ours—victim, as he has been, of alternate plethora and inanition—shows symptoms of collapse or syncope, forthwith he is to be blown up, like a bladder, with treasury notes. Treasury notes are his hartshorn and his lavender; they have recovered him from many a heart-sickness and deadly swoon, within the last six years; and it is really surprising how their virtues hold out, considering how frequently, and almost constantly, they have been resorted to and applied. Sir, I have never yet, I believe, voted for a treasury-note bill. I might do so, without any direct violation of conscience or principle, if I could see a proper case or exigency for a measure of the sort. They might be used, as exchequer bills are used in England, to anticipate incoming revenue; but they ought not to be lightly resorted to, to take the place of revenue, or as a mode of borrowing for the support of Government, especially in time of peace. They have now been thus employed for almost six years uninterruptedly. They were so used by the last Administration, against which we Whigs earnestly remonstrated; and, coming into legislative power, we Whigs have adopted and continued the practice—with how much more urgent necessity on our part, the country will determine. And it is now proposed to employ still further this means of raising the wind for the treasury; it is proposed to give authority to the treasury to reissue the whole batch of treasury notes now outstanding—some twelve millions of dollars, more or less—as they may be paid in for dues, or come in for redemption. The greater part are already past due, and do not come in for payment, only because we have added to our promise to pay interest on them till due—which was the footing on which they originally stood—a promise to pay interest on them till redeemed. And it is proposed by this bill to add the like promise in regard to the rest and residue of the outstanding notes. Sir, I do not like this Jeremy-Diddler way of supporting this Government. These notes, every one of them, were issued payable in one year from date, and it concerned the credit and honor of the Government that they should have been promptly met at maturity. This subsequent promise of paying interest, to prevent the holders from demanding payment of the principal—this purchase, in market overt, of the lenity and forbearance of our creditors—is not the sort of transaction that I, for one, can take any pride in, as an American citizen. If the Government unhappily could do no better, why, very well; and I hope there has been more actual necessity for this sort of proceeding than I have been able to discover. At any rate, coming, as the renewed proposition does, from the Committee of Ways and Means, I shall not set myself up against it; though it must be carried, if at all, by other votes than mine. I have not moved to strike out the bill of the Ways and Means, and substitute mine for it; I propose my bill as an amendment, to be added to theirs; they will consist very well with each other in the same enactment. If my plan should chance to be adopted, and then it should be found that the State banks should refuse to lend us money on the terms proposed, the treasury would still have the treasury notes to resort to; while, on the other hand, if the banks should assent to our terms and lend us the money, there would not only be no necessity for any reissue of treasury notes, but all the outstanding notes might be promptly redeemed. The bill of the Ways and Means is, as I have said, a bill for the relief of the treasury. So is mine; and, I venture to think, much the more important and necessary bill of the two, not only for the relief of the treasury, but for the relief of the country also.

But, Mr. Chairman, I am free to confess—indeed, I wish it to be understood—that my main purpose is to procure, by the plan I propose, a currency of national import and character for the country. This is the great want of the country. Upon this question, more than any other, the political revolution of 1840 turned. The Whig party came into power upon the solemn promise and pledge to give the country a sound national currency. The general expectation was, that this was to be done by means of a bank of the United States. The mode, however, was not so much dwelt upon; it was the object and the thing that was chiefly discussed, promised, and expected. The local currencies were in the most deranged condition; the utmost confusion reigned in the exchanges; the regular flow of business was obstructed and interrupted in all its channels. There was stagnation, and distress, and ruin everywhere. It was universally felt that the process of restoration must begin at Washington. It was this Federal Government which had brought on all this mischief, by its unhallowed war on the best currency the world ever saw, and which had then coolly turned its back on the confusion and desolation it had created, and declared that it did not belong to this Government to have anything to do with currency and exchanges. The demand of the people was, that it should have something to do with this subject; and that demand was uttered with the voice of authority, and in tones of thunder. They called on the name of the Whig party, which they clothed with the ensigns of political power, and commanded them to go promptly to the work of relief and restoration. And we promised to do it. The country must have a sound and uniform national currency, and we promised that it should be supplied. This was the only way to bring order, regularity, and safety out of the confusion and rottenness which prevailed in the local currencies and in the exchanges; and we promised it should be done. Before God, and many a cloud of witnesses, we made this solemn engagement. There was one condition, and one only, annexed, by necessary implication, to this engagement. The mode of reaching and accomplishing the object must be in strict conformity to the Constitution, and to our own well-understood principles. We were not bound to violate either the Constitution or our own consciences; but we were bound to accomplish the object, only leaving these intact.

And, Mr. Chairman, never was a great duty entered upon with more alacrity, resolution, and zeal. Never was there a more honest endeavor to perform an honest undertaking and trust. An extra session of Congress was convened, and we went to work like men at the subject of the currency, though, in the mean time, we had lost the elected head and chief of our party and of the Administration. Still, we did not shrink from our duty and our engagements. At that period, nothing but a bank was thought of in any quarter, whether in Congress, at the Treasury Department, or at the Executive mansion. Various plans were suggested—to Congress, in Congress, and by the Executive; and they were all plans of banks. Nobody seemed then to think or dream of anything else. By common consent and agreement, at that period, the currency of the country was to be supplied and regulated through an incorporated national bank. Two attempts were made in Congress to establish such a bank; two such banks in succession were created, to neither of which would the President yield his assent; and it became, at last, apparent to everybody that he would yield his assent to nothing in the shape or similitude of an incorporated national bank. Thus ended at once all hopes of supplying a currency by means of a national bank for the term of Mr. Tyler's administration. It remained to be seen whether the same object could be accomplished through any other agency, which should be free from constitutional and other insuperable difficulties. Mr. Tyler and some of his advisers were of opinion it

could be; and a plan for this purpose was submitted to Congress from the Executive department at the last, as it has been again at the present session. This is the exchequer plan, which has gained, certainly, a great deal of notoriety, if it has not gained much success. It was silently condemned by Congress at the last session, and it has been condemned at the present session in this House by the most sweeping and significant vote which, I venture to say, was ever passed on a measure of Executive recommendation.

This condemnation, thus passed on the Executive plan of an exchequer, must be deemed to have reached, also, the same exchequer scheme as modified in the bill brought in by the Select Committee on the Currency, (Mr. CUSHING's bill.) Let the gentleman from Massachusetts bring his bill to the test of the yeas and nays, and he shall see how much, or rather how little, favor his scheme will command in this House. It is the same scheme, in substance, already stamped, not with disapproval merely, but with reprobation. The gentleman's exchequer differs from the Executive plan in two particulars, not unimportant in themselves, but in no manner affecting the character of the measure. It is the exchequer still; it is just what it was in its original conception, what it always has been, and always must be. It is an Executive treasury with sub-treasuries, as contradistinguished from "the treasury of the United States," as established by law in the first session of the first Congress, and employed from that day to this with the universal approval of the American people, excepting during one single year under the last Administration. It is also an Executive commercial bank of deposite and exchange—a Government bank, to be managed and conducted by officers of Executive appointment, and to deal with individuals on individual account.

One respect in which the gentleman from Massachusetts has modified the Executive plan is in withdrawing from the exchequer board and agencies the power to purchase exchange. The power to sell exchanges, however, remains, and may be exercised to any extent, and with all that latitude of discretion in regard to prices and persons which could not fail to make this machine a political engine of the grossest favoritism and corruption. At any rate, with this power to deal in exchanges, and the power to receive the money of individuals and furnish bank paper money therefor, the exchequer is out of all question a Government bank, and, as such, can never receive the support of those so regarding it, who desire to see the Constitution and Government preserved. Even the friends of the measure advocate it only by denying roundly that the exchequer is a Government bank—a denial which admits of no support, that I can discover, but naked and bold assertion.

Another modification of the executive plan, proposed by the gentleman from Massachusetts, is in substituting for any fund a specie basis of dollar for dollar for the paper issues of the Government. As a principle of banking, I must be allowed to say that I hold this proposition in no sort of respect. It is commended to our admiration by an epigrammatic remark of its author, that "for every paper eagle on the wing, it has a gold eagle in hand." But it is evident the gentleman has wholly mistaken the character and habits of the bird he was describing. He seems to suppose that these are gregarious—that they fly only in flocks, like wild geese in their migrations; and that when they get tired of being on the wing, and alight, they alight all at once and all together. It was important, therefore, in his estimation, to make provision beforehand for this peculiarity of habit, by having constantly on hand an equal number of golden eagles for his weary paper eagles to settle down upon. Now, this is certainly an error in the gentleman's natural history, which one so truly learned ought not to have made. It detracts materially from the merits of the contribution he was making to the interesting science of ornithology. These paper eagles are not gregarious; they fly either singly or in small detached covies; and, like swallows of a sunny day, some, and by far the greater number, are always on the wing while others are at rest. To drop the gentleman's figure, it would be a mere wanton waste of property, besides being a temptation to all manner of corruption, if the Government, issuing convertible paper, were to undertake to keep constantly on hand an amount of gold and silver equal to the issues. The idea of its necessity is not obsolete, it is merely absurd. By the very terms of his bill, the paper issues only to those who prefer it to gold and silver; and the same necessity which obliges the community to demand the paper instead of the coin in the first instance, must continue to operate as long as there remains any business to transact, and must lead the community to the continued use of the paper in preference to the coin. Nothing but a sudden and universal suspension of business throughout all the regions of industry and commerce, or a sudden and universal panic, shaking and unsettling the foundations of all credit and of the Government itself, could ever drive home in one day, or in one period, the whole outstanding mass of paper issues. There should always be a large and broad basis of specie for all issues of paper, so as to secure at once, as far as human calculation can go, actual convertibility and real confidence. No man has insisted more strongly or more uniformly on this than I have. But to go beyond this, and insist on making the metallic basis equal to the circulation, is a good deal worse than a blunder. If adopted by the Government, in case it turned banker, much more ought the same rule to be adopted by all the banks, and it could not end in anything but fraud; for the specie would as certainly disappear, as time passed on to show how useless a hoard it was. Either it would have this result, or issues would cease altogether; and that golden era, so much sighed after by the sublimated Democracy, would be brought in.

But the gentleman's dollar for dollar doctrine is not objectionable merely as a principle of banking; it is still more objectionable when taken in connexion with the sub-treasury feature of the exchequer plan. It makes his sub-treasury incomparably more dangerous than that of Mr. Van Buren. Under Mr. Van Buren's scheme, no moneys were to be kept in the hands of executive officers, except the surplus or casual balance of the ordinary revenues—it might be one or three millions. But the gentleman from Massachusetts proposes a sub-treasury, under which executive officers shall have in their personal custody not only all the surplus revenues of the Government, but also twenty millions more of good gold and silver, under the name of a redemption fund for outstanding issues! How could any man have the face to submit such a proposition to the Representatives of the American people; and to connect that proposition, too, with another for the establishment of an out-and-out, undisguised Government bank—and that, not a bank merely dealing with individuals on Government account, but dealing with individuals on individual account? And this offer and attempt is made by this republican, constitutional, limited Government of ours; and under an Administration that has distinguished itself by the obstinate constitutional scruples which it has set up against measures of the most salutary and indispensable character, and which had been sanctioned by the best opinions, and by a long continued and repeated practice from the very foundation of the Government.

Mr. Chairman, an incorporated national bank being out of the question for the period of Mr. Tyler's term of office; and the executive plan of an exchequer, with all its modifications, being also condemned, and equally out of the question; the inquiry is presented—and it is one of momentous interest to this great country—whether any other mode not substantially embraced either in the plan of a a national bank, or in that of a Government bank, and free from insuperable difficulties, can now be devised and adopted for the accomplishment of the same great and desirable purpose of supplying to the country a sound and uniform national currency? If such a mode can be suggested which shall be found on examination, on the one hand, to promise complete and happy success; and, on the other, to be liable to no constitutional or other sound objection,—then, for one, I shall feel that I have failed in the most solemn of all my public duties, and of all my political engagements, if I do not exert every faculty I possess in endeavoring to bring about its adoption before this Congress shall be dissolved. Sir, I believe that the plan set forth in the paper which I have sent to the Chair, will, if adopted, accomplish the important object of supplying, for the uses of both Government and people, a safe and uniform national currency; that it has in it nothing in common either with a national or a Government bank; and that it will be found on examination to be free from all serious difficulties or objections.

It is proposed, in the plan which I present, to employ a limited amount of State bank currency, adopted by this Government in such a manner as to give it the "odor of nationality"—and thus in a way which cannot subject this Government to the slightest hazard of loss. The Government, it will be recollected, is at present, and must be for some time to come, a debtor for borrowed money. Besides a permanent loan, (a part of which will become payable in a couple of years,) there are now outstanding eleven and a half or twelve millions of treasury notes, the greater part of which is now due and payable, and the residue soon will be, and the whole of which ought promptly to be taken up and cancelled. It is this necessity of the Government, by which it is compelled to become or continue a debtor for borrowed money, which enables us to devise a plan for nationalizing a limited amount of State bank currency, through a convenient money transaction with these banks. A very large proportion of all our outstanding treasury notes are understood to be in the hands of the banks; and, so far as these are concerned, to borrow money now on contracts of loan of the banks, will only be to change the form of our indebtedness to them. Besides our indebtedness on treasury notes, on mere due-bills—which ought to be paid, and which it is discreditable to us not to pay promptly at maturity—it is doubted, in some quarters, whether the means at the command of the treasury will, without further aid, carry the Government safely through to the 1st of January next. The Secretary thinks he shall have a small balance, if the sum of the appropriations shall not exceed his estimates; and it is now almost certain that the appropriations will not exceed, but will fall considerably below, his estimates. But there is still danger (as some contend) that the revenue, both from customs and lands, may fall off for the present year even further than he has yet anticipated. Now, the ability of the treasury to meet all engagements till the 1st of January next ought to be put beyond all contingency before this Congress is concluded. Every possible excuse to the Administration for calling an extra session should be taken away. A duty imposed on teas and on coffee—the most productive and the least burdensome of all our sources of revenue—would make everything safe; but parties do not like to take the responsibility. I am very sorry for it. I am always pained and afflicted when I see my political friends and associates on this floor shrinking from any duty which patriotism demands of them to perform. But it is clear that our revenue for the current year is not to be strengthened in this way. We shall adjourn without any duties on teas and coffee; and hence it becomes a matter of sound policy to provide, if we can, in some other way, for the possible contingency of a deficit in the treasury for the current year. This necessity will be found to be completely met by the plan which I have brought forward, which provides at once for the pressing pecuniary wants of the treasury, as well as for a sound and safe medium of payments and receipts both for the Government and the people.

Mr. Chairman, the plan which I propose is this: Let the Secretary of the Treasury be authorized to borrow, of sound specie-paying State banks, a sum not exceeding fifteen millions of dollars—borrowing, however, of no bank an amount exceeding one-fourth part of its capital in actual possession; and the rate of interest to be paid must not exceed six per cent. He must receive of the banks effective money—gold and silver, or its equivalent, according to existing laws in regard to the medium of payments to the treasury. Let the Secretary also be authorized, on the receipt of the money borrowed, to cause an amount of the circulating notes of each lending bank, just equal to the sum borrowed of each, to be stamped on the face of such notes, "receivable in payment of public dues, according to act of Congress," and countersigned by a proper officer of the Treasury Department. Let the Secretary be authorized and required to enter into a written contract with each loaning bank, setting forth with particularity the terms and conditions of the loan, and the obligations of the respective parties; and let it be stipulated, in a special manner, that if, at any time, the bank shall suspend specie payments, or fail to redeem any of its circulating notes in gold and silver on demand at its counter, then, and from that time, interest on the loan to the Government shall cease to accrue and be payable, and the notes of the bank stamped at the treasury shall, as fast as they shall be received in payment of public dues, be cancelled, and returned to the bank in payment of the debt due from the Government to such bank. Let it also be stipulated in such contract,

that the Government may, at any time, on reasonable notice, pay off or reduce its indebtedness to the bank; and also that the bank may, on reasonable notice, require the payment or reduction of its debt—the stamped notes of such bank being, in either case, cancelled to an amount equal to the payment or reduction; and, in case of a demand of payment by the bank, the Government to have the option of payment in cash, or of giving its bond for a term of years, upon interest not exceeding six per cent.

This, sir, is the general outline of the plan. It is perfectly simple; can be comprehended by a child; admits of no mystification. It means, and can mean, nothing more and nothing less than what is expressed on its face. If it is objectionable and inadmissible, gentlemen can state how and why, and they can do it as well to-day as they could after a week's reflection. It is not a plan to be thrust aside because it cannot be understood, nor because it proposes any experiment the operation of which may not be fully foreseen. It proposes no mere experiment in anything, and scarcely anything which is really new and untried. It is nothing new for this Government to borrow money, and to borrow of banks; and, though the act of stamping State bank currency receivable for public dues has not been heretofore attempted, yet banks have issued their notes before, and Government too has issued its notes. No new kind of currency is to be tried; it is the currency of State banks, limited in amount, that is proposed to be employed, resting on the same responsibility of the banks to redeem, and on the same specie basis for its convertibility, as heretofore; and the Government, instead of issuing notes of its own, on which it should stand solely responsible, will merely stamp this limited amount of State bank paper, so as to make it a legal medium of payments to the treasury by the debtors of the Government; and that by such an arrangement, that the Government cannot be subjected to the possible loss of a dollar. It is not to be Government paper in any sense; the Government is not to undertake for its redemption, or even for any default of the banks, other than by making it receivable at par for public dues as money, whether the banks redeem or fail to redeem. This, of course, is a valuable security to the holders of these bills, beyond the responsibility of the sources of issue; for it is clear, supposing suspension by any bank, or even the most complete failure and insolvency of such bank, the holders of its stamped paper could suffer no considerable loss, inasmuch as its value could never fall below that of treasury notes receivable at the treasury. The Government, in the mean time, undertaking for nothing but receivability, stands without the slightest liability to loss; since it already has the money of the bank in its hands, to the full amount of the stamped paper outstanding, for which it is indebted to the bank, and which indebtedness is reduced and paid off as fast as the stamped paper is received at the treasury, cancelled, and returned to the bank.

It is not doubted that the banks would gladly embrace the proposal held out to them by this bill. Their condition at the present time is a crippled one, just in proportion to the depressed and stagnant state of business in the country—crippled, I mean, in regard to the extent and profitableness of their current transactions. Their numbers have been much thinned by the prevailing distempers of recent times. Some of those that remain are undoubtedly still in a critical, if not desperate state; but by far the greater number never were in a sounder condition. Specie payments have been resumed all over the United States, except, I think, at two or three points only at the South. It is probable, indeed, that never before, since banking commenced in this country, did the specie in the vaults of the banks bear so large a proportion to their circulation. In the city of New York, as shown by recent returns, the banks have seven millions of specie to one million of actual circulation; and, taking all the banks of the State together, the excess of specie over their paper in the hands of the people is above a million and a quarter.

But banks may be in a very sound condition, and yet not be in a condition which favors or indicates a state of prosperity in the commercial community. At present, their circulation is greatly restricted; and yet, no doubt, the currency is as full as the real demands of business require in its present depression and stagnation; and I hope that hereafter, forever, their circulation will continue to be limited to the real demands of business, though I hope also that the time is not distant when, by better facilities, confidence will revive, and business along with it. Nothing can tend to furnish these necessary facilities so effectually as a national currency. At present, too, these banks—very many of them, certainly—are in want of good customers for their money, and can be in no way reluctant, therefore, to supply the Government with the moderate sum it requires. Indeed, the Government is already their debtor to a large amount in treasury notes, and the loan proposed by this bill will only change the form of the indebtedness. The advantage to the banks in this transaction is obvious. It secures to them not only a good customer for a portion of their loanable capital, but also the pretty certain benefit of a circulation to an amount equal to the loan. If they can keep out any paper whatever, they can certainly keep out this stamped paper. Much of it will travel far beyond the range of their ordinary issues, on errands which will only be accomplished, oftentimes, by running the whole circuit of commerce from one end of the country to the other. With this advantage, drawing interest as they will in their circulation, they can afford to put down the interest on their loans to a very moderate rate. And this I have no doubt would be done, and so as to effect an important saving in the item of interest, by the diminished rate, as compared with that which the Government now pays to the banks and others on its treasury notes and public debt.

But it is in no respect with any special view to the benefit of banks that this plan is brought forward; least of all, to bring them under the patronage or the pettings of the Executive. If incidental advantages accrue to them in any proper financial measure of this Government, I am not one to make that matter of difficulty or objection. I should rejoice to see this Government and the banking institutions of the country, which exist, and must exist, brought once more into harmony, after the ruthless war that has been waged upon them; but I do not want to see them brought again into a corrupt subjection to the Executive, and I cannot discover any such dangerous tendencies in the plan here proposed. Under this plan, the Government will make proposals for a business arrangement with the banks in the way of a loan, just as any other customer might do. There will be no lack of sound specie-paying banks to offer for the loan, and the Government will be forced to take the offers that are most advantageous to the Government. In all this, there is no chance for any such favoritism or corrupt practice, as when the treasury, having a surplus of very many millions of revenue on hand, was at liberty to select a few favored institutions, without limitation or restriction on its choice, as the recipients of its high bounty, in the shape of deposites, amounting to a gratuitous loan of heavy sums of money from the public coffers.

The Government, as I have said, is, and must for some time continue to be, a debtor for borrowed money. The plan now proposed does not contemplate any increase of the public debt—none, certainly, of any consequence. Fifteen millions is named as the maximum amount to be borrowed of the banks. Twelve millions, or thereabouts, will be required within the year, to pay treasury notes actually due; and no more is allowed by the bill to be borrowed than may be found indispensable for this purpose, and to meet any actual deficit (certainly, in my opinion, not likely to occur) in the treasury in the recess of Congress. The President seems to think there is danger of a deficit; the Secretary does not, and the Committee of Ways and Means do not. This bill will, at any rate, put this matter so beyond the reach of contingency, as to leave no apology, on this score, for an extra session of Congress. This will be one point gained, but not the most important.

The stamped currency will be a perfectly safe as well as a convenient medium of payments and receipts at the treasury. No failure of the banks can affect its value in the hands of the Government. If such an event occurs, while this paper or any part of it is in its hands, it is still worth its amount in gold and silver—every dollar of it; for it will pay debts due from the Government, as well as so much gold and silver. All this kind of paper, whether in the treasury when failures occur, (if they should occur at all,) or coming in afterwards, will be equal to specie for the uses of the Government, because it will be immediately turned back to the sources from which it issued, in payment of the public debt in those quarters.

There is one possible hazard to which the treasury might in one event be subjected, but which is easily provided for beforehand. If, at any time while this plan should be in operation, one of those revulsions in the commercial world should occur, which should drive the banking institutions of the country to a general suspension of specie payments—an event which has twice happened, and only twice, in our history—then the treasury might find itself in the receipt of a medium for current revenues, which it could not pay out for current expenses. Just having passed through one of those scenes and seasons of general suspension, every one will see how little is to be apprehended at present on this score; and yet I have thought it prudent to provide for such a possible occurrence, by inserting in my bill a provisional authority to the Secretary of the Treasury to meet any such event and exigency which should arise in the recess of Congress, by an issue of treasury notes not exceeding five millions of dollars. Such would be a proper occasion for a resort to treasury notes; and this provisional authority gives every possible security to the treasury in the practical working of the plan.

But, Mr. Chairman, it is mainly to the advantage of the community, of the American people, that I have looked in bringing forward this measure. Suffering as this people have done now for long years, under the oppressive action or the cruel neglect of this Government in regard to the vital subject of the currency, it is time not only that something were attempted, but that something should be done. Admit that the attempts already made, and which have so signally failed of success, have put an end to every hope of establishing any permanent measure for fiscal purposes and for currency, any measure worthy of the subject, worthy of statesmen to devise, worthy of the country, and likely to stand the test of all trial and of all time—admit all this, and what then? Are we, therefore, justified in doing nothing?

If there be an expedient—a provisional measure like this which I have brought to the notice of the House this morning, involving no intricate details, nothing to perplex, nothing to raise apprehensions, nothing to doubt about, and nothing which can be tortured into a departure from our own well-established political and economical principles and views of public policy—a measure standing, in no way or degree, as an obstruction or impediment to our bringing out and establishing hereafter a favorite, a more worthy and permanent measure, applicable to the same subject, whenever (if ever) we may be clothed with the requisite political power—and, finally, a measure which fairly promises to be successful, to accomplish eminent good without the slightest hazard of doing any harm whatever,—if, I say, there be such a provisional measure, and if this which I here offer be such a measure, (and I religiously believe it is,) what excuse or apology can we offer to the country for failing to resort to it and to adopt it? I address myself to men of my own political faith and party. Do we wish for the confidence of the country, and for future political successes and triumphs? Let our first wish and resolution be to deserve that confidence and those successes and triumphs. We cannot command the confidence of the country by sullen inaction or a dogged resolution to do nothing, while everything valuable and effective, and not positively mischievous, remains to be done; we cannot command that confidence otherwise than by steady, persevering, and zealous efforts for the relief of the people in a season of unprecedented depression and distress, and for their prosperity. The necessary means and instruments of public prosperity, the necessary facilities for the re-establishment of the ordinary business relations and the transaction of the ordinary business operations of this great American community, cannot be supplied but through the agency of this Government. Without its action, there can be no national currency; and without such a currency, there can be no stable system of cheap and equal exchanges; and there can be no return to profitable business and to prosperity without such a currency and such exchanges. We cannot have a bank, and we will not have an exchequer; but we may have, for the current time, a national currency and equal exchanges, without either of those establishments; and, in my solemn conviction, we are much to blame if we do not now make the necessary provision on the subject.

I do not entertain a doubt that the paper contemplated by this bill will form a currency of national import and character—how perfect or complete it may be in this respect, I do not under-

take to say. That it will answer, however, for the uses of travel between different and distant States, for remittance; and thus serve, to a valuable extent, for exchange, I have no manner of doubt. A New York or Boston bank note, receivable at the treasury for public dues by virtue of the treasury stamp upon it, will be equal to gold and silver at New Orleans, at St. Louis, or at Cincinnati; and the like notes of banks issued at either of these latter places would be of equal value at New York or Boston. These notes will have the essential "odor of nationality," and will fairly answer the direct uses of a national currency from the moment of their issue.

And their influence on the local currencies, it seems to me, cannot fail to be the most beneficial and salutary. When the local institutions now fail to furnish a sound convertible local currency, it may be expected that they will return—at least that some banks among them will do so—to sound practices in banking, in order to embrace the advantages which the Government will offer them, by proposing to become their customer for a portion of their loanable capital, and to help them, by its name and credit, to the benefits of a healthy circulation. Where the local currencies are now sound, but the circulation is restricted and straitened by the prevalent want of confidence between the banks and the community, the effects of the new currency—enlarging in some degree, as it probably would, the volume of the whole circulating medium—would be to invigorate and quicken the languid flow of that which already exists. It would be impossible to infuse ten or twelve millions of good convertible national currency, of equal value everywhere, and commanding equal and universal confidence, into the mass of the general currency, without producing at once a striking and marked effect on the whole material of the circulation. Some of the present paper—the most worthless portions of it—would be displaced; and all that remained to take its chance alongside of the new paper must be improved. It must put on a character fit to appear in public with that better sort of paper whose company it keeps.

This will be especially true of the unstamped paper of those banks, a portion of whose issues have the countersignature of the treasury upon them. The paper of such banks cannot fail to command the special confidence and respect of the community. The community will see that, by the very terms of the arrangement of the Government with these banks, the strongest motives are brought to bear upon them to keep themselves in a healthy and sound condition. If they fail for one instant to redeem any of their issues in specie on demand, they suffer the loss of interest on their loan; their stamped paper comes back upon them—not depreciated, but at par—which they are obliged to receive in payment for so much of their capital lent to the Government; they lose at once all the advantages of their position, and must fall back out of the line where they have stood, in disgrace, and probably in ruin. These banks will have every inducement to follow none but safe practices, to try no experiments, to indulge in no expansions. On this point, indeed, all banks have been taught a lesson, by their recent experience and sufferings, which they will not be likely to forget immediately. And my opinion is, most decidedly, that from this period forward, for a series of years, with the aid only of a sound national currency to begin with, and the proper action and conduct of this Government generally on the subject, we may expect, from the State banks in every quarter of the country, a better system of banking and a sounder condition of the currency than we have had for a very long period—certainly since the war of Gen. Jackson on the late Bank of the United States first commenced. I believe that the simple plan which I now propose, while it will furnish directly an available sort of paper for national and general uses, will be the means also, at once, of improving the local currencies all over the country, and bringing them up, where they are not so already, to an equal and uniform value, and to the specie standard; and I believe that nothing else is wanting to revive confidence and business all over the land, to restore public prosperity, and, at the same time, to replenish our exhausted treasury. For, let me add, I am not one of those who think that the tariff has ruined the treasury; I think the tariff a good one for the treasury, as well as for other interests; and that it will so prove itself to be, the moment the country returns to anything like fair prosperity. If, by the aid of this bill, or otherwise, the business of the country shall revive, we shall have twenty millions of revenue from this tariff in the year 1844. I venture this prediction.

Mr. Chairman, there is one topic more that I will touch, and then hasten to a conclusion. It seems to me that there is a prevalent and mischievous error abroad on the subject of the exchanges of the country, which needs to be corrected. It seems to be entertained in some eminent quarters, which makes it all the more dangerous, if it be error, as I suppose it to be.

There can be no doubt that deranged exchanges are a fatal obstacle to business between the different parts and sections of the country. The question is, how shall equal and cheap exchanges be supplied? Can it be done by means of a national bank, or a Government exchequer, authorized and required to sell cheap exchanges? No doubt of it in the world; but is such an institution or instrumentality necessary or effective for this purpose, except when the local currencies are deranged? No, no. It is the deranged condition of the local currencies, their unequal value as compared with specie, which makes the exchanges unequal and dear. But for this cause, exchange from any one commercial point in the country to any other commercial point, would never, except under very peculiar and temporary circumstances, command a price beyond the fair cost of remitting specie; generally it would fall far below that price, and private dealers, banks, and bankers would supply it in abundance. Certainly, I am of opinion that a bank of the United States, with branches, is the best and most convenient institution the country could have to supply the commercial community with exchanges. It could probably supply them more cheaply than they could possibly be supplied in any other mode. But if we are ever to have again regulated and equal local currencies in the country, (as I trust we are,) I confess I do not perceive the great advantage, in respect to exchanges, from setting up a Government bank, called an exchequer, to sell exchange to the community, as the Executive exchequer proposes to do, at a price "not exceeding the fair cost of remitting specie." I deny that at any time, even with the local currencies most deranged, the exchange of specie funds between commercial places in this country has, on the whole, exceeded the fair cost of remitting specie. It has been very different with the exchange of funds consisting of local paper, and the exchange of such paper funds for specie. If A, in New York, has money due him in Mobile, and that money has been collected in local currency, or consists of local paper, which is twenty-five per cent. below the par of specie, he or his agent must pay twenty-five per cent. to convert this money into specie, or specie funds, before he can exchange it with B, in Mobile, for his (B's) specie funds in New York. And if the Government exchequer, by its ageney, was then in Mobile to sell A's agent a draft in New York at one per cent., still it would cost A twenty-six per cent. to get the specie value of his money placed in New York. In all this there is no mystery, and there should be no mystification. Once make the local currencies sound, and give us at the same time a national currency of equal value everywhere, and there will be no difficulty about the exchanges. Why, sir, at this moment, without any national currency, but with the resumption of specie payments by the banks in the various quarters of the Union, the exchanges at New York are down to the most moderate rates—to one-eighth of one per cent. in many cases: scarcely anywhere exceeding two per cent., except on Mississippi, where the bank paper is irredeemable, and at a heavy discount. There is, of course, little demand for exchange where there is no business. With the introduction now of a currency of national import and equal value—which I believe the measure I present would afford—supplying the means of remitting small, or comparatively moderate sums, furnishing of itself, to some extent, a sound local currency, and acting favorably on the mass of the local currencies, there would be nothing to apprehend, and nothing to want in regard to the exchanges. They would be cheap, and they would be abundant, just in proportion to the business operations and the trade of the country, and to the demand for them; and I believe the business and trade of the country, and its common prosperity, would immediately revive under the operation of this measure. Let it be tried, and we shall see. It is at least innocuous—it can do no harm, if it should do no good.

I have already said, I think, that I regard this, at present, as a provisional measure. The very foundation on which the plan rests, in its present form, is temporary—it rests on a loan of money from the banks. Whenever the treasury shall be in a condition to pay off this loan, and it shall be deemed necessary and advisable to pay it off, there will then be nothing left for the measure, as a currency measure, to stand upon. Unless, therefore, the practical working of the plan should chance to exhibit advantages which the country would be unwilling to forego, merely to avoid the trifling expense at which it might have to be maintained, it must, in due time, give place to some wiser and more permanent measure. Nor need the country nor parties wait even for such an event for its displacement. Either party, or any party in power in the next Congress, or under the next Administration, may bring in its favorite plan, and substitute it for this. If those who shall be in power shall prefer a sub-treasury, they can have it; if a national bank, they can have it; if an exchequer, they can have it. One thing, at least, seems certain—and that is, that the party holding the majority in the present Congress must act now on the subject of the currency, or not at all for more than two years to come. Our term of office and our power are just ready to expire; and we shall be succeeded in our places and in our authority in this hall by men of very different views of public policy from our own. We have no right, if we can possibly avoid it, to leave it to the so-called Democratic party—destructives, as we hold them to be, on this, as on some other topics—to legislate for this great country in regard to the vital question of the currency. At least, let us, before we separate, adopt a measure—though not the best, which we know is impossible—yet one which cannot fail to set the country forward on the right track, and in the high road to prosperity, so that the party which is to supplant us here in the next Congress, if they shall then venture on their destructive measures, shall not have this excuse for their conduct—that they found the whole field of operation waste and derelict, and that they were bound to reclaim and re-enter upon it after their own wonted manner. We have now an opportunity of acting on this subject in a way which cannot fail to result in some benefit to the country, and so as to make our opponents pause before they shall lay their hands on our work to destroy it. Perhaps in this way they may be wholly deterred from their destructive policy. Who can tell? If not, we shall have done our duty. But how can we justify inaction? We have ourselves, by our own acts of repeal, thrown open a broad highway to the question of the currency; and do we now propose to withdraw ourselves wholly from it, and leave it free and unobstructed, for those to rush in—almost invited by ourselves to enter—whom we lately struggled so desperately to dispossess and expel from this very position? Strange conduct this, it seems to me; and such as we shall find it difficult to stand upon before those to whom we must render up our account.

But, Mr. Chairman, I take leave of the subject. I have spoken, some may think, as if I expected to succeed. No, sir; no. I have only spoken as if the measure I present deserved to succeed. I indulge in no vain expectations about it. I understand perfectly the difficulties it has to encounter in this body; and, having acquitted myself fully of my duty in regard to the whole subject, I leave the measure to its fate.

SPEECH OF MR. CUSHING,

OF MASSACHUSETTS.

In the House of Representatives, Feb, 28, 1843—On the Ashburton treaty.

Mr. CUSHING, in addition to the remarks made by him on the 28th of February, in support of the bill for carrying into effect the Ashburton treaty, as reported in the National Intelligencer of the 1st of March, intended (if time had permitted) to submit to the House the following general view of the bill under consideration:

The Committee on Foreign Affairs found, on inspection of the treaty, that, in order to give full effect thereto, legislation by Congress was necessary on the following points, viz:

1. The organization and compensation of a commission to run, trace, and mark certain parts of the boundary line between the United States and

the British possessions in North America, as fixed and prescribed by the said treaty.

2. To make appropriation of, and provide for drawing from the treasury, certain sums of money required by the said treaty to be paid to the States of Maine and Massachusetts.

The committee were also of opinion that it was proper to insert in the bill a provision to authorize the application of a part of the regular naval appropriation to the preparation, equipment, and maintenance on the coast of Africa of a sufficient squadron, in order to the execution of the laws of the United States for the suppression of the slave-trade.

This treaty having been duly negotiated under authority of the Executive, and ratified by and with the advice and consent of the Senate, now constitutes an integral part of the supreme law of the land, in the express terms of the Constitution; in consideration of which the committee would, without other investigation of the subject, have deemed it their duty to present to the House, as they had done, a bill covering those points of the treaty which call for action on the part of Congress.

Mr. C. desired for himself, as this question had been very voluminously discussed elsewhere, to lay before the House only a brief analysis of those particular provisions and objects of the treaty which call for present legislation, and of the reasons of public right and policy on which such of its several stipulations are founded.

The treaty has three great objects, viz: 1. To settle and define the boundaries between the territories of the United States and those of Great Britain in North America. 2. For the final suppression of the African slave-trade; and, 3d. For the reciprocal extradition in certain cases of criminals fugitive from justice.

1. To settle and define boundaries.

In the treaty concluded at Paris on the 3d of September, 1783, by which Great Britain recognises the independence and the existing territorial rights and possessions of the United States, the boundary between the United States and the British possessions in North America on the north and east is described in the words following:

"Article 2. And that all disputes which might arise in future, on the subject of the boundaries of the said United States, may be prevented, it is hereby agreed and declared that the following are, and shall be, their boundaries, viz: From the northwest angle of Nova Scotia, viz: that angle which is formed by a line drawn due north from the source of the Saint Croix river to the highlands which divide those rivers that empty themselves into the St. Lawrence from those which fall into the Atlantic ocean, to the northwesternmost head of Connecticut river; thence down along the middle of that river to the forty-fifth degree of north latitude; from thence, by a line due west on said latitude, until it strikes the river Iroquois or Cataraguy; thence along the middle of said river into Lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and Lake Erie; thence along the middle of said communication into Lake Erie, through the middle of said lake, until it arrives at the water communication between that lake and Lake Huron; thence along the middle of said water communication into Lake Huron; thence through the middle of said lake to the water communication between that lake and Lake Superior, northward to the Isles Royal and Philippeaux, to the Long Lake; thence through the middle of the said Long Lake, and the water communication between it and the Lake of the Woods, to the said Lake of the Woods; thence through the said lake to the most northwestern point thereof; and from thence, on a due-west course, to the river Mississippi, until it shall intersect the northernmost part of the thirty-first degree of north latitude. South by a line to be drawn due east from the determination of the line last mentioned, in the latitude of thirty-one degrees north of the equator, to the middle of the river Apalachicola or Catahouche; thence along the middle thereof to its junction with the Flint river; thence straight to the head of St. Mary's river; and thence down along the middle of St. Mary's river to the Atlantic ocean. East by a line to be drawn along the middle of the river St. Croix, from its mouth, in the Bay of Fundy, to its source; and from its source, directly north, to the aforesaid highlands, which divide the rivers that fall into the Atlantic ocean from those which fall into the river St. Lawrence: comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the Bay of Fundy and the Atlantic ocean; excepting such islands as now are, or heretofore have been, within the limits of the said province of Nova Scotia."

Much of the line thus described running through regions of country the geography of which was very imperfectly known at that time, controversies soon sprang up between the two Governments as to the exact locality of various sections of the described line; which controversies, though some of them were adjusted from time to time, yet continued to exist in part until they were all terminated by the negotiation of the present treaty.

A question arose in the beginning as to what river was intended by the name St. Croix, constituting the commencement of the boundary line on the Atlantic coast—there being three several rivers which were known, or claimed by one or the other party, to have been intended by the designation of St. Croix. This controversy was settled by joint commissioners appointed under the 5th article of the treaty between the United States and Great Britain, concluded at London on the 19th of November, 1794, who fixed upon the Schodiac as the true St. Croix of the treaty of 1783, and thus verified and established the line from the mouth of that river to its source.

A question arose next as to the line beginning at the source of the St. Croix, as above ascertained, and from thence to where the boundary strikes the river Iroquois. For the settlement of this, a convention was concluded between the two Governments in 1803, referring to arbitration this among other parts of the line, which received the unanimous assent of the Senate, with the exception of its 5th article relating to the line between the Lake of the Woods and the Mississippi; in consequence of which, the convention failed to go into operation; and this, with other questions, remained open, to become one of the subjects of discussion at Ghent.

By the treaty concluded at Ghent on the 24th of December, 1814, provision was at length made for the adjustment of all the questions of boundary between the two Governments on the line, beginning at the source of the St. Croix, and from thence to the most northwestern point of the Lake of the Woods.

This line was divided into three sections, which were respectively referred to joint commissioners to adjust; and, if they could not agree, then the question in each case was to be submitted to the arbitration of some friendly Sovereign or State.

1. Provision was made, under the 5th article, for the section beginning at the source of the St. Croix and ending at the river Iroquois.

2. Provision was made, under the 6th article, for the section beginning at the latter point and ending at the water communication between Lake Huron and Lake Superior.

3. Provision was made, under the 7th article, for the section beginning at the water communication between Lake Huron and Lake Superior, and thence to the western extremity of the Lake of the Woods.

Meanwhile, the United States having, by the treaty with the French Republic of the 30th of April, 1803, acquired possession of Louisiana, it became necessary to adjust the boundary line between the possessions of the two Governments west of the Mississippi; in doing which, correction was made for that part of the line of the treaty of Paris between the most northwestern point of the Lake of the Woods and the river Mississippi, which part of the line had been erroneously described in that treaty, under the false supposition that, if drawn due west from the Lake of the Woods, it would strike the Mississippi. These lines were in part fixed by the stipulations of the treaty between the United States and Great Britain, concluded at London on the 20th of October, 1818, which provide that, for the boundary from the most northwestern point of the Lake of the Woods, a straight line shall be drawn to intersect at right angles the forty-ninth parallel of latitude, proceeding thence to the Stony Mountains; the adjustment of the respective rights of the two Governments west of the Stony Mountains being reserved for future negotiations.

Of the several sections of boundary intended to be arranged under the provisions of the treaty of Ghent, by commissioners or by arbitration, one part only was in fact adjusted, viz: from where the forty-fifth parallel of latitude intersects the Iroquois to the foot of the Neebish rapids, between Lake Huron and Lake Superior. Upon the other parts of the boundary—that is to say, on the one hand, the long line from the source of the St. Croix to the river Iroquois, constituting the northern boundary of the States of Maine, New Hampshire, Vermont, and part of New York; and, on the other hand, from a point between Lake Huron and Lake Superior, to the northwestern extremity of the Lake of the Woods, constituting, in part, the boundary of the State of Michigan—the commissioners did not agree.

In conformity with the stipulations of the 5th article of the treaty of Ghent, the two Governments, by the treaty of the 29th September, 1827, submitted one of these two unadjusted lines to the arbitration of the King of the Netherlands; whose award, made in 1831, not having been accepted by the United States, that portion of the boundary has continued to be in litigation between the two Governments, perpetually disturbing their harmony, and subjecting them continually to the imminent danger of war. The treaty of Washington concludes all the questions of boundary between Great Britain and the United States, which arose originally upon the terms of the treaty of Paris, and for the adjustment of which the provisions made by the treaty of Ghent had, as yet, remained without full effect.

It does not appear that, prior to the late negotiations, any discussion occurred between the two Governments in regard to the unadjusted Northeastern boundary line—that, namely, from between Lake Huron and Lake Superior, to the most northwestern point of the Lake of the Woods; which, therefore, the less requires particular notice, it being sufficient to say that it is believed to have been settled in a manner honorable to the United States.

In regard to the controverted Northeastern boundary line, the two Houses of Congress have heretofore expressed their unanimous opinion in conformity with the convictions of the people of the United States at large, and in which I fully concur: that, according to the true construction of the terms of the treaty of Paris, the whole of the disputed territory did not belong to the United States.

At the same time, it is due in candor to both Governments, to consider whether the position of the controversy was such that the honor of the United States required, and their interests admitted, a resort to war as the only means of terminating the controversy; or whether, on the other hand, it might not be terminated honorably without war, and, if so, upon what terms and conditions.

In the first place, it must be observed that the successive admissions or acts of the United States, in the different stages of the controversy, have been such as to discountenance the idea of war upon the mere point of title, unless by incidents occurring in the controversy, or by the absence of any other alternative that should be rendered necessary to vindicate the honor or maintain the interest of the United States.

Mr. Jefferson, in whose Presidency the treaty of 1803 for the settlement of this question was negotiated, expressed at that time the following opinion upon the subject:

"A further knowledge of the ground in the northeastern and northwestern angles of the United States has evinced that the boundaries established by the treaty of Paris, between the British territories and ours in those parts, were too imperfectly described to be susceptible of execution. It has, therefore, been thought worthy of attention, for preserving and cherishing the harmony and useful intercourse subsisting between the two nations, to remove, by timely arrangements, what unfavorable incidents might otherwise render a ground of future misunderstanding. A convention has, therefore, been entered into, which provides for a practicable demarcation of those limits to the satisfaction of both parties."

Mr. Madison, the then Secretary of State, not only entertained the same views, but also on that account recommended the adoption of a new conventional line, as follows:

"In fixing," said he, "the point at which the line is to terminate, and which is referred to as the northwest angle of Nova Scotia, the difficulty arises from a reference of the treaty of 1783 to 'the highlands,' which it is now found have no definite existence. To remove this difficulty, no better expedient occurs than to provide for the appointment of a third commissioner, as in article 5 of the treaty of 1794; and to authorize the three to determine on a point to be substituted for the description in the second article of the treaty of 1783, having due regard to the general idea that the line ought to terminate on the elevated ground dividing the rivers falling into the Atlantic from those emptying themselves into the St. Lawrence. The commissioners may also be authorized to substitute for the description of the boundary between the point so fixed and the northwesternmost head of the Connecticut river, namely, a line 'along the said highlands;' such a reference to intermediate sources of rivers, or other ascertained or ascertainable points, to be connected by straight lines, as will admit of easy and accurate execution hereafter, and as will best comport with the apparent intention of the treaty of 1783."

Mr. Monroe and Mr. Adams, each either in the Cabinet or in the Presidency, sanctioned an original act of arbitration in preference to war.

General Jackson was in favor of acceding to the award of the King of the Netherlands; and afterwards authorized a proposition of construction, which was equivalent to a new conventional line, and also a proposition of mutual arrangement by equivalents.

Mr. Van Buren had entered into negotiations with Great Britain for settling the question by recurrence to a second arbitration, which negotiations were pending when the present Administration came into power. Upon which there remained for the Government of the United States

only the following alternative courses among which to choose, namely:

1. War.

2. Absolute inaction: the neglect or indefinite postponement of the question.

3. A new arbitration.

4. Negotiation with a view to the conventional arrangement of the question by mutual concessions, and by means of equivalents, saving the honor and interests of both Governments.

If there had been no other and higher consideration to forbid immediate recourse to war on this question, it would have been precluded by the arrival in the United States of a special minister, sent hither by Great Britain for the express purpose of endeavoring to arrange the question in an amicable spirit; and the same fact rendered it impossible for the Government to abstain from or evade action upon the subject. And the Government was, of course, compelled to consider and decide whether it would proceed to complete the negotiation for a second arbitration, as begun by Mr. Van Buren; or whether it would enter into a treaty for a new conventional line satisfactory to both Governments.

In deciding which of these two courses to adopt, and what should be the conditions and equivalents of a new treaty, it became necessary to consider not only the general interests of the United States, but also the particular interests of the States of Maine and Massachusetts; since it was the territory of one, and the property of both, which constituted the chief subject of dispute. And accordingly, though the Constitution confers on the Union alone the exclusive power of treaty, yet, recognising the right of Maine and Massachusetts to be heard in the matter, the Federal Government incited them to appoint commissioners respectively to repair to this city, and confer with the authorities of this Government concerning a line by agreement or compromise, with its equivalents and compensation; which invitation was complied with by those States.

The commissioners of those two States, in common with the authorities of the Federal Government, were of opinion that negotiation for a new conventional line by equivalents was preferable to a second arbitration—not only because of the delay attending the latter course, but because of the probability that it might, in its result, be less advantageous to the United States.

Under these circumstances was the present treaty concluded, establishing a new conventional line, with the assent of Maine and Massachusetts, who, for the cession of a part of the soil of Maine, the property of both States, receive, besides the great boon of peace, compensations and equivalents in money, and the privilege of the navigation of the river St. John. Any question in regard to the rights and interests of those two States is of course concluded by their previous assent to the treaty; and it only remains to consider how the treaty in this part of it affects the rights of other States and of the Union.

In regard to the individual interests of the other States immediately affected—namely, New Hampshire, Vermont, and New York—there is no room for controversy; since the treaty adopts, from among the disputed lines, the one most favorable for New Hampshire, and obtains from Great Britain the relinquishment of a considerable tract of territory along the frontier of Vermont and New York, heretofore supposed to belong to those States; but which recent examinations had shown to belong of right to Great Britain; in which cession is included the all-important acquisition of the military position of Rouse's Point.

As a question of the rights and interests of the United States, the foregoing considerations, and the ratification of the treaty by the Senate, who were the constitutional judges on that point, would seem to be conclusive of the subject.

It has been objected, however, that the treaty involves concession to Great Britain—that is to say, the relinquishment of the territory belonging to Maine, and, through Maine, to the United States. But no amicable arrangement, it is obvious, of any long-controverted question of mutual rights, can ever be concluded between two powerful and proud nations, without concessions on one or the other side, or on both sides. In this case, there has been reciprocity of concession; and the States directly interested have, by their commissioners, declared in effect that those reciprocal concessions are founded on adequate equivalents and compensations. Of course, under such circumstances, it has been rightly judged by the Senate that the concession made on our side does not prejudice the honor of the United States.

Specific objections have been made to the particular concessions themselves, more especially because of the relinquishment to Great Britain of the small tract of desert land at the head-waters of the St. Francis, which, it has been argued, places an important military position in the hands of Great Britain. This idea is distinctly met by the commissioners of the State of Maine, in their report to their Government; who pronounce that this narrow belt of land is of "comparatively little value;" and who add: "To Great Britain, nearly its whole value will consist in securing to her a broad inhospitable wilderness frontier. Such a frontier in that quarter is not undesirable even to Maine. Its possession to Maine would be of little value, and is more a matter of pride than interest." And there is the amplest possible evidence, in the opinion of the best informed military men, that, for the purposes of military position, the tract in question is wholly valueless to both countries; and, by interposing a desert barrier between them, is as convenient to one as to the other.

Finally: it has been objected that the treaty leaves unadjusted the great controversy as to the country west of the Rocky Mountains. But that is not so much a question of boundary as it is of vast territorial rights. Nor is it any valid cause to condemn a treaty which settles many questions, that it leaves one unsettled. It is the same fact which has repeatedly occurred before in our negotiations with England; and the United States run no risk of loss, but the contrary, so far as regards Oregon, by the attention of the Federal Government being undividedly fixed on that important region.

On the whole, therefore, when it is seen that, by these arrangements, the immense interests of all the Northern frontier of the United States, from the Atlantic sea to the Lake of the Woods, are amicably settled; that, of the disputed territory in Maine, the largest part in quantity, and far the largest in value, is retained by us; that no cession is made to Great Britain, without equivalent concession to the United States; that, among the latter concessions, are several valuable acquisitions of territory made by us in the North and Northwest; that sundry minor questions of border interests are at the same time satisfactorily disposed of; that, in a military point of view, we have secured to ourselves one of the most important positions, if not the most important, on the whole frontier; and that, in fine, firm stability is now given to the peaceful relations of Great Britain and the United States;—it must be considered and admitted, when all this is seen, that, so far as regards questions of boundary, in ratifying the treaty, the Senate have judged well for the honor and the interests of the United States.

II. The suppression of the African slave-trade.

The Government of the United States has, from the beginning, manifested an earnest and persevering solicitude to put an end to the African slave-trade. This wish has appeared, in the first place, in all our legislation; the United States having been the earliest among the nations of the earth to pronounce its formal condemnation by penal laws, among which is the great and decisive act in which that trade was stigmatized with the brand of piracy. Our Government has, in the second place, pursued the same policy in its foreign negotiations; conformably with which, on concluding the treaty of Ghent, we entered into the following stipulation with Great Britain:

Art. 10. "Whereas the traffic in slaves is irreconcilable with the principles of humanity and justice; and whereas both his Majesty and the United States are desirous of *continuing their efforts* to promote its entire abolition, it is hereby agreed that *both the contracting parties shall use their best endeavors to accomplish so desirable an object.*"

Meanwhile the British Government took up the idea of arrangement between the several powers of Christendom for the reciprocal concession of the right of search on the high seas, as the means of detecting and arresting vessels engaged in the slave-trade. This proposition, when first made by the British to the French Government, was rejected; but was soon afterwards agreed to by Spain and by Portugal, so far as regard d vessels found north of the equator; and, at length, by France and by most others of the principal Governments of Europe. Negotiations were also entered into between Great Britain and the United States, with a view to obtain the same concession from us; but, although at one period our Government was disposed in a limited degree to grant this, yet, owing to the well-founded jealousy entertained in the United States on the subject of the right of search in general—abused as that right had been by Great Britain, when exercised by her as a belligerent right—the contemplated arrangement on the subject did not go into operation; and the policy of the United States has at length settled down into a fixed feeling of insuperable objection to the extension of the right of search by treaty, in any manner, or to any foreign State whatever, and especially to Great Britain.

The people of the United States could not fail to remember that Great Britain had reached the fact of the impressment of seamen from on board American vessels through an abuse of the right of search. The British Government claimed and exercised the belligerent right to enter and visit our vessels in search of persons in the service of an enemy, and in search of enemy's goods or goods contraband of war; and the pretext of the British Government, as set forth in the celebrated declaration of the Prince Regent of the 9th of January, 1813, was, that although a British officer could not enter an American vessel for the express purpose of impressment, yet that, having once entered the vessel for the lawful cause of search for contraband of war or enemy's person or goods, he might then proceed to examine the crew, and impress them as British seamen. If such consequences, unlawful in themselves, and as a primary cause of entry, could be founded on the lawful exercise of the right of search, they constituted a permanent obstacle to any extension of the right of search beyond what already existed of that right under the general law of nations. However desirable it might be to extinguish the African slave-trade, and to prevent the American flag from being misused in the African seas to cover the slave-traders of other nations, it was still more important to preserve the whole commerce of the United States from the abuses and oppressions to which it might be subject under concessions of any right of search to Great Britain. These abuses had already involved the two nations in war; and, if an opening were afforded for their renewal, they could scarcely fail to terminate once again in the same disastrous conclusion.

Upon which Great Britain, while steadily pursuing the policy of negotiating with each of the European powers treaties of reciprocal search for the suppression of the slave-trade, superadded to this the enactment of an act of Parliament of the 24th of August, 1839, under which the admiralty was authorized to issue orders to British cruisers to capture all vessels engaged in the slave-trade not being justly entitled to claim the protection or flag of any state or nation, and providing that every such vessel should be subject to seizure, detention, and condemnation, if, in the equipment of such vessel, there should be found any one of certain enumerated things, described in the act of Parliament as constituting cause of suspicion, or *prima facie* evidence of the actual employment of the vessel in the transport of slaves. The Duke of Wellington, Lord Lyndhurst, and other distinguished personages, protested against the passage of this law; alleging that it was an attempt to interpolate the English municipal law into the law of nations; that it would violate the rights of all Europe, and especially those of Portugal and France; and that, above all, it could not fail to embroil England with the people of the United States.

Nevertheless, the act was immediately put in force against the vessels of the United States, and was in chief part the cause of the late controversy between the two Governments in regard to the seizure of American vessels by British cruisers on the coast of Africa; which controversy led to the following emphatic announcement, by the President of the United States, of the determination and policy of our Government on this subject:

"However desirous the United States may be for the suppression of the slave-trade, they cannot consent to interpolations into the maritime code, at the mere will and pleasure of other Governments. We deny the right of any such interpolation to any one or all the nations of the earth, without our consent. We claim to have a voice in all amendments or alterations of that code; and when we are given to understand, as in this instance, by a foreign Government, that its treaties with other nations cannot be executed without the establishment and enforcement of new principles of maritime police, to be applied without our consent, we must employ a language neither of equivocal import, nor susceptible of misconstruction. American citizens, prosecuting a lawful commerce in the African seas, under the flag of their country, are not responsible for the abuse or unlawful use of that flag by others; nor can they rightfully, on account of any such alleged abuses, be interrupted, molested, or detained, while on the ocean."

At the same time, it was undeniable and notorious that the American flag had been fraudulently assumed in many instances to cover the enterprises of Spanish, Portuguese, or Brazilian slave-traders. What, then, did it become the United States to do? We had asserted our own independence of Great Britain in this matter; we had maintained, so far as regarded us, the liberty of the sea; we had repelled the proposition of a reciprocal right of search; we had rejected for ourselves that general police of the ocean which Great Britain seemed disposed to arrogate. Having done this, it remained for us to vindicate the honor of our flag, and to see to the execution of our laws on the coast of Africa, by maintaining a police of our own in those seas. And the stipulation of the treaty of Ghent called upon us to do this, in concert and co-operation with Great Britain.

These considerations resulted in the adoption of the 8th and 9th articles of the present treaty, which provide for concerted cruising on the coast of Africa, to the tacit exclusion of the right of search, and for remonstrance with those powers which still tolerate the African slave-trade.

The arrangement now adopted seems to be the true and only solution of the mixed problem of duty and of honor involved in the fact that, while, on the one hand, the United States were bound by treaty, by domestic policy, and by general obligation, to prevent the prosecution of the slave-trade under our flag, we yet, on the other hand, felt ourselves compelled to refuse to England the concession of the reciprocal right of search on the ocean. And it is believed that not only is the arrangement an honorable one, so far as concerns the character of the United States, but that it has had an important influence in arresting the progress of Great Britain towards the interpolation of a new maritime assumption of hers into the law of nations, through the means of conventional intercessions, as between her and the other powers of Europe.

Mr. C. would abstain from discussing at length the remaining object of the treaty—namely, the extradition of fugitive criminals—because no present legislation is requisite in relation thereto; as, also, for the same reason, from entering at large into those parts of the correspondence which are only collateral to the treaty.

It is the well-understood principle of the law of nations, that, without conventional engagements to that effect, no State is bound to deliver up to any foreign Government strangers seeking refuge and asylum, because of crimes committed elsewhere, whatever be the nature of those crimes. Without there being a convention on the subject, each State judges for itself, as the case arises, whether it will or will not deliver up a fugitive criminal to another State requesting the same. It is generally refused in the case of political offences: it is frequently granted, either under treaty or as an act of international comity, in the case of heinous municipal offences against private property or person. Such is the rule, and such the practice, as laid down in the books of international law. The principle has been recognised frequently in the intercourse between the United States and other Governments; and is very amply discussed in two opinions given by Mr. Wirt, as Attorney General of the United States—first, in 1817, on the demand for the surrender of William Manning; and, secondly, on that of Daniel Sullivan, in 1821; each of them a fugitive from the justice of the British Government.

In the absence of any conventional arrangement on this point between Great Britain and the United States, each Government is subjected to much inconvenience, by reason of the contiguity of a portion of their territories, as well as by their identity of race and language. It is not for the interest of either country to become the common receptacle of the felons of the other. Hence the stipulation in the treaty for the reciprocal surrender of criminals fugitive from justice, in certain specified and carefully guarded cases of municipal felony—the stipulation, nevertheless, for further security, if it should prove liable to unforeseen abuse, being terminable at the will of either Government.

In the correspondence accompanying the treaty, explanations are demanded from the British Government, the rights of the United States defended, and our future policy declared and expounded, on three great questions, which have at different times interrupted the harmony of the two Governments, namely: first, the interference of the local authorities in the British colonies with slaves on board American coasting vessels, casually driven, by stress of weather or superior force, into those colonies; second, the destruction of the steamboat Caroline, at Schlosser; and, third, the impressment of American seamen by officers of the British Government on the high seas—respecting which, Mr. C. referred to the documents accompanying the President's message, as adding to the other considerations which justified the passage of the bill before the House.

Treaty between Great Britain, Austria, France, Prussia, and Russia, for the suppression of the African slave-trade.

In the name of the most holy and indivisible Trinity. Their Majesties, the Emperor of Austria, King of Hungary and Bohemia, the King of Prussia, and the Emperor of all the Russias, being desirous to give full and complete effect to the principles which have already been recorded in the solemn declarations made by Austria, Prussia, and Russia, in common with other European powers, at the Congress of Vienna, on the 8th of February, 1815, and at the Congress of Verona, on the 28th of November, 1822—declarations by which the said powers announced that they were ready to concur in everything that might secure and accelerate the complete and final abolition of the slave trade; and their Majesties having been invited by her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and by his Majesty the King of the French, to conclude a treaty for the more effectual suppression of the traffic, their said Majesties have determined to negotiate and conclude together a treaty for the final abolition of that traffic. And to this end they have named as their plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the right honorable George, Earl of Aberdeen, Viscount Gordon, Viscount Formartine, Lord Haddo, Methlick, Tarvis, and Kellie, a Peer of the United Kingdom, a member of her Majesty's most honorable Privy Council, Knight of the most ancient and most noble Order of the Thistle, and her Majesty's Principal Secretary of State for Foreign Affairs;

His Majesty the Emperor of Austria, King of Hungary and Bohemia, the Sieur Augustus, Baron de Koller, Knight of the order of St. Ferdinand and of Merit of Sicily, Councillor of Embassy, his Chargé d'Affaires and Plenipotentiary in London;

His Majesty the King of the French, the Sieur Louis de Beaupoil, Count of St. Aulaire, a Peer of France, Grand Officer of the royal order of the Legion of Honor, Grand Cross of the order of Leopold of Belgium, one of the Forty of the French Academy, his Ambassador Extraordinary to her Britannic Majesty;

His Majesty the King of Prussia, the Sieur Alexander Gustavus Adolphus, Baron de Schleinitz, Knight of the royal order of St. John of Jerusalem, his Chamberlain, Councillor of Legation, Chargé d'Affaires and Plenipotentiary in London;

And his Majesty, the Emperor of all the Russias, the Sieur Philip, Baron de Brunow, Knight of the Order of the White Eagle, of St. Anne of the first class, of St. Stanislaus of the first class, of St. Waldimir of the third, Commander of the order of St. Stephen of Hungary, Knight of the Order of the Red Eagle, of St. John of Jerusalem, his Privy Counsellor, Envoy Extraordinary and Minister Plenipotentiary to her Britannic Majesty:

Who, after having communicated to each other their full powers, found to be in good and due form, have agreed upon and signed the following articles:

Article 1. Their Majesties, the Emperor of Austria, King of Hungary and Bohemia, the King of Prussia, and the Emperor of all the Russias, engage to prohibit all trade in slaves, either by their respective subjects, or under their respective flags, or by means of capital belonging to their respective subjects, and to declare such traffic piracy. Their Majesties further declare that any vessel which may attempt to carry on the slave-trade shall, by that fact alone, lose all right to the protection of their flag.

Article 2. In order more completely to accomplish the object of the present treaty, the high contracting parties agree, by common consent, that those of their ships of war which shall be provided with special warrants and orders, prepared according to the forms of the annex A of the present treaty, may search every merchant vessel belonging to any one of the high contracting parties which shall, on reasonable grounds, be suspected of being engaged in the traffic in slaves, or of having been fitted out for that purpose, or of having been engaged in the traffic during the voyage in which she shall have been met with by the said cruisers; and that such cruisers may detain, and send or carry away such vessels, in order that they may be brought to trial in the manner hereafter agreed upon.

Nevertheless, the abovementioned right of searching the merchant vessels of any one or other of the high contracting parties, shall be exercised only by ships of war whose commanders shall have the rank of captain, or that of lieutenant in the royal or imperial navy, unless the command shall, by reason of death or otherwise, have devolved upon an officer of inferior rank. The commanders of such ships of war shall be furnished with warrants according to the form annexed to the present treaty, under letter A.

The said mutual right of search shall not be exercised within the Mediterranean sea. Moreover, the space within which the exercise of the said right shall be confined, shall be bounded on the north by the 32d parallel of north latitude; on the west by the eastern coast of America, from the point where the 32d parallel of north latitude strikes that coast, down to the 45th parallel of south latitude; on the south by the 45th parallel of south latitude, from the point where that parallel strikes the eastern coast of America, to the 80th degree of longitude east from the meridian of Greenwich; and on the east by the same degree of longitude, from the point where it is intersected by the 45th parallel of south latitude, up to the coast of India.

Art. 3. Each of the high contracting parties which may choose to employ cruisers for the suppression of the slave-trade, and to exercise the mutual right of search, reserves to itself to fix, according to its own convenience, the number of the ships of war which shall be employed on the service stipulated in the second article of the present treaty, as well as the stations on which the said ships shall cruise.

The names of the ships appointed for this purpose, and those of their commanders, shall be communicated by each of the high contracting parties to the others; and they shall reciprocally apprize each other every time that a cruiser shall be placed on a station, or shall be recalled from thence, in order that the necessary warrants may be delivered by the Governments authorizing the search, and returned to those Governments by the Government which has received them, when those warrants shall no longer be necessary for the execution of the present treaty.

Art. 4. Immediately after the Government which employs the cruisers shall have notified to the Government which is to authorize the search, the number and the names of the cruisers which it intends to employ, the warrants authorizing the search shall be made out according to the form annexed to the present treaty under the letter A, and shall be delivered by the Government which authorizes the search to the Government which employs the cruiser.

In no case shall the mutual right of search be exercised upon the ships of war of the high contracting parties.

The high contracting parties shall agree upon a particular signal, to be used exclusively by those cruisers which shall be invested with the right of search.

Art. 5. The cruisers of the high contracting parties authorized to exercise the right of search and detention in execution of the present treaty, shall conform themselves strictly to the instructions annexed to the said treaty under letter B, in all that relates to the formalities of the search and of the detention, as well as to the measures to be taken, in order that the vessel suspected of having been employed in the traffic may be delivered over to the competent tribunals.

The high contracting parties reserve to themselves the right of making in these instructions, by common consent, such alterations as circumstances may render necessary.

The cruisers of the high contracting parties shall mutually afford to each other assistance in all cases when it may be useful that they should act in concert.

Art. 6. Whenever a merchant vessel, sailing under the flag of one of the high contracting parties, shall have been detained by a cruiser of the other, duly authorized to that effect conformably to the provisions of the present treaty, such merchant

vessel, as well as the master, the crew, the cargo, and slaves who may be on board, shall be brought into such place as the high contracting parties shall have respectively designated for that purpose; and they shall be delivered over to the authorities appointed with that view by the Government within whose possessions such place is situated, in order that proceedings may be had with respect to them before the competent tribunals, in the manner hereafter specified.

When the commander of the cruiser shall not see fit to undertake himself the bringing in and the delivering up of the detained vessel, he shall intrust that duty to an officer of the rank of lieutenant in the royal or imperial navy, or, at least, to the officer who shall at the time be the third in authority on board the detaining ship.

Art. 7. If the commander of a cruiser of one of the high contracting parties should have reason to suspect that a merchant vessel sailing under the convoy of, or in company with, a ship of war of one of the other contracting parties, has been engaged in the slave-trade, or has been fitted out for that trade, he shall make known his suspicions to the commander of the ship-of-war, who shall proceed alone to search the suspected vessel; and, in case the last mentioned commander should ascertain that the suspicion is well founded, he shall cause the vessel, as well as the master, the crew, the cargo, and the slaves who may be on board, to be taken into a port belonging to the nation of the detained vesel, to be there proceeded against before the competent tribunals in the manner hereafter directed.

Art. 8. As soon as a merchant vessel, detained and sent in for adjudication, shall arrive at the port to which she is to be carried, in conformity with annexed B to the present treaty, the commander of the cruiser which shall have detained her, or the officer appointed to bring her in, shall deliver to the authorities appointed for that purpose, a copy, signed by himself, of all the lists, declarations, and other documents specified in the instructions annexed to the present treaty under letter B; and the said authorities shall proceed, in consequence, to the search of the detained vessel and of her cargo, as also to an inspection of her crew, and of the slaves who may be on board, after having previously given notice of the time of such search and inspection to the commander of the cruiser, or to the officer who shall have brought in the vessel, in order that he, or some person whom he may appoint to represent him, may be present thereat.

A minute of these proceedings shall be drawn up in duplicate, which shall be signed by the persons who shall have taken part in, and who shall have been present at, the same; and one of these documents shall be delivered to the commander of the cruiser, or to the officer appointed by him to bring in the detained vessel.

Art. 9. Every merchant vessel of any one or other of the five nations which shall be searched and detained in virtue of the provisions of the present treaty, shall, unless proof be given to the contrary, be deemed to have been engaged in the slave-trade, or to have been fitted out for that traffic, if in the fitting, the equipment, or on board the said vessel during the voyage in which she was detained, there shall be found to have been one of the articles hereafter specified, that is to say:

First. Hatches with open gratings, instead of the close hatches which are usual in merchant vessels.

Secondly. Divisions or bulkheads, in the hold or on deck, more numerous than are necessary for vessels engaged in lawful trade.

Thirdly. Spare plank fitted for being laid down as a second or slave deck.

Fourthly. Shackles, bolts, or handcuffs.

Fifthly. A larger quantity of water, in casks or in tanks, than is requisite for the consumption of the crew of the vessel as a merchant vessel.

Sixthly. An extraordinary number of water-casks, or other vessels for holding liquid, unless the master shall produce a certificate from the custom-house, at the place from which he cleared outwards, stating that a sufficient security had been given by the owners of such vessel that such extra quantity of casks or of other vessels should only be used for the reception of oil, or for other purposes of lawful commerce.

Seventhly. A greater quantity of mess tubs or kids than are requisite for the use of the crew of the vessel as a merchant vessel.

Eighthly. A boiler or other cooking apparatus of an unusual size, and larger, or capable of being made larger, than requisite for the use of the crew of such merchant vessel; or more than one boiler or other cooking apparatus of the ordinary size.

Ninthly. An extraordinary quantity of kier, of the flour of Brazil manioc, or cassada, commonly called farina, or of maize, or of Indian corn, or of any other article of food whatever beyond the probable wants of the crew; unless such quantity of kier, farina, maize, Indian corn, or any other article of food, should be entered on the manifest as forming part of the trading cargo of the vessel.

Tenthly. A quantity of mats or matting greater than is necessary for the use of such merchant vessel, unless such mats or matting be on the manifest as forming part of the cargo.

If it is established that one or more of the said articles above specified are on board, or have been on board during the voyage in which the vessel was captured, that fact shall be considered as *prima facie* evidence that the vessel was employed in the traffic, she shall, in consequence, be condemned, and declared lawful prize, unless the master or the owners shall furnish clear and incontrovertible evidence, proving to the satisfaction of the tribunal that, at the time of her detention or capture, the vessel was employed in a lawful undertaking; and that such of the different articles above specified as were found on board at the time of detention, or which might have been embarked during the voyage on which she was engaged when she was captured, were indispensable for the accomplishment of the lawful object of her voyage.

Art. 10. Proceedings shall be immediately taken against the vessel detained as above stated, her master, her crew, and her cargo, before the competent tribunals of the country to which she belongs; and they shall be tried and adjudged according to the established forms and laws in force in that country; and if it results from the proceedings that the said vessel was employed in the slave-trade, or fitted out for that traffic, the vessel, her fittings, and her cargo of merchandise shall be confiscated; and the master, the crew, and their accomplices shall be dealt with conformably to the laws by which they shall have been tried.

In case of confiscation, the proceeds of the sale of the aforesaid vessel shall, within the space of six months, reckoning from the date of the sale, be placed at the disposal of the Government of the country to which the ship which made the capture belongs, in order to be employed in conformity with the laws of that country.

Art. 11. If any one of the articles specified in article 9 of the present treaty is found on board a merchant vessel, or if it is proved to have been on board of her during the voyage in which she was captured, no compensation for losses, damages, or expenses consequent upon the detention of such vessel shall in any case be granted, either to the master or to the owner, or to any other person interested in the equipment or in the lading, even though a sentence of condemnation should not have been pronounced against the vessel, as a consequence of her detention.

Art. 12. In all cases in which a vessel shall have been detained in conformity with the present treaty, as having been employed in the slave-trade, or fitted out for that traffic, and shall in consequence have been tried and confiscated, the Government of the cruiser which shall have made the capture, or the Government whose tribunal shall have condemned the vessel for the service of its royal navy, at the price fixed by a competent person selected for that purpose by the said tribunal, the Government whose cruiser shall have made the capture shall have a right of preference in the purchase of the vessel. But if the condemned vessel should not be purchased in the manner above pointed out, she shall be wholly broken up immediately after the sentence of confiscation, and sold in separate portions after having been broken up.

Art. 13. When, by the sentence of the competent tribunal, it shall have been ascertained that a merchant vessel detained in virtue of the present treaty was not engaged in the slave-trade, and was not fitted out for that traffic, she shall be restored to the lawful owner or owners. And if, in the course of the proceedings, it should have been proved that the vessel was searched and detained illegally, or without sufficient cause of suspicion, or that search or detention were attended with abuse or vexation, the commander of the cruiser, or the officer who shall have boarded the said vessel, or the officer who shall have been intrusted with bringing her in, and under whose authority, according to the nature of the case, the abuse or vexation shall have occurred, shall be liable in costs and damages to the master and the owners of the vessel and of the cargo.

These costs and damages may be awarded by the tribunal before which the proceedings against the detained vessel, her master, crew, and cargo, shall have been instituted; and the Government of the country to which the officer who shall have given occasion for such award shall belong, shall pay the amount of said costs and damages within the period of six months from the date of the sentence, when the sentence shall have been pronounced by a tribunal sitting in Europe; and within the period of one year, when the trial shall have taken place out of Europe.

Art. 14. When, in the search or detention of a merchant vessel, effected in virtue of the present treaty, any abuse or vexation shall have been committed, and when the vessel shall not have been delivered over to the jurisdiction of her own nation, the master shall make a declaration, upon oath, of the abuses or vexations of which he shall have to complain, as well as of the costs and damages to which he shall lay claim; and such declaration shall be made by him before the competent authorities of the first port of his own country at which he shall arrive, or before the consular agent of his own nation at a foreign port, if the vessel shall in the first instance touch at a foreign port where there is such an agent.

This declaration shall be verified by means of an examination, upon oath, of the principal persons amongst the crew or the passengers who shall have witnessed the search or detention; and a formal statement of the whole shall be drawn up, two copies whereof shall be delivered to the master, who shall forward one of them to his Government, in support of his claim for costs and damages.

It is understood that, if any circumstances beyond control shall prevent the master from making his declaration, it may be made by the owner of the vessel, or by any other person interested in the equipment or in the lading of the vessel.

On a copy of the formal statement above mentioned being officially transmitted to it, the Government of the country to which the officer to whom the abuses or vexations shall be imputed, shall forthwith institute an inquiry; and if the validity of the complaint shall be ascertained, that Government shall cause to be paid to the master or the owner, or to any other person interested in the equipment or lading of the molested vessel, the amount of costs and damages which shall be due to him.

Art. 15. The high contracting parties engage reciprocally to communicate to each other, when asked to do so, and without expense, copies of the proceedings instituted, and of the judgments given, relative to vessels searched or detained in the execution of the provisions of this treaty.

Art. 16. The high contracting parties agree to insure the immediate freedom of all the slaves who shall be found on board vessels detained and condemned in virtue of the stipulations of the present treaty.

Art. 17. The high contracting parties agree to invite the maritime powers of Europe which have not yet concluded treaties for the abolition of the slave-trade to accede to the present treaty.

Art. 18. The acts or instruments annexed to the present treaty, and which it is mutually agreed to consider as forming an integral part thereof, are the following:

A. Forms of warrants of authorization, and of orders for the guidance of the cruisers of each nation, in the searches and detentions to be made in virtue of the present treaty.

B. Instructions for the cruisers of the naval forces employed in virtue of the present treaty for the suppression of the slave trade.

Art. 19. The present treaty, consisting of nineteen articles, shall be ratified, and the ratifications thereof shall be exchanged at London at the expiration of two months from this date, or sooner if possible.

In witness whereof, the respective plenipotentiaries have signed the present treaty, in English and French, and have thereunto affixed the seal and their arms.

Done at London, the twentieth day of December,

the year of our Lord one thousand eight hundred and forty one.

ABERDEEN, [L. S.]
KOLLER, [L. S.]
STE. AULAIRE, [L. S.]
SCHLEINITZ, [L. S.]
BRUNOW, [L. S.]

ANNEX A,

To the treaty between Great Britain, Austria, France, Prussia, and Russia, for the suppression of the African slave-trade, signed at London the 20th December, 1841.

Form 1. Warrants in virtue of which a cruiser of one of the high contracting parties to this treaty may visit and detain a merchant vessel belonging to, or bearing the flag of, another of the high contracting parties, and suspected of being engaged in the slave-trade, or of being fitted out for that traffic:

Whereas, by a treaty concluded between Great Britain, Austria, France, Prussia, and Russia, signed at London on the 20th of December, 1841, for the total suppression of the African slave-trade, it was stipulated that certain cruisers belonging to the said countries, respectively, should be instructed to visit and detain, within particular limits, merchant vessels of the other contracting parties engaged in the traffic in slaves, or suspected of being fitted out for that traffic; and whereas the Government of ——— has thought fit that the vessel you command shall be one of the ——— cruisers furnished with said special instructions, you will accordingly receive instructions from the said Government for your guidance on the said service: you are, therefore, authorized, by virtue of these instructions, and of the present warrant, to visit merchant vessels under the ——— flag, suspected of being engaged in the traffic in slaves, within the limits set forth in the second article of the said treaty, and to deal with such vessels as shall have engaged in the slave-trade, or shall be suspected of being fitted out for that traffic, as pointed out in the said treaty, and in the instructions thereunto annexed.

Given under our hands and the seal of the ———, office of ———, the ——— of ———,

To the commander of the ———.

Form 2. Orders for the guidance of the commander of the cruiser of one of the high contracting parties in visiting and detaining a merchant vessel belonging to, or bearing the flag of, another of the high contracting parties:

Whereas, by a treaty concluded between Great Britain, Austria, France, Prussia, and Russia, signed at London on the twentieth of December, 1841, for the total suppression of the African slave-trade, it was stipulated that certain cruisers belonging to the said countries, respectively, shall be authorized, under special instructions therein mentioned, to visit and detain, within particular limits, merchant vessels of the other contracting parties engaged in the slave-trade, or suspected of being fitted out for that traffic: and whereas we think fit that the vessel you command shall be one of the ——— cruisers furnished with the said special instructions, we herewith transmit to you a copy of the said treaty of the 20th of December, and of the instructions thereunto annexed, hereinbefore mentioned; and you are accordingly authorized, by virtue of this present order, and of the accompanying warrant from the Government of ———, to visit, within the limits set forth in the second article of the said treaty, merchant vessels under the ——— flag suspected of being engaged in the slave-trade, and to deal with such vessels as shall have been engaged in that traffic in the manner pointed out in said treaty, warrant, and instructions; and we charge and require you to conform most strictly to all the provisions and stipulations contained therein, taking care to exercise the authority so conferred upon you in the mildest manner, and with every attention which is due between allied and friendly nations, and to co-operate cordially with the commanders of any ——— vessels of war employed in the same service.

Given under our hands and the seal of the ———, office of ———, the ——— day of ———.

To the commander of the ———.

These forms of warrants and orders shall be annexed to the treaty signed this day between Great Britain, Austria, France, Prussia, and Russia, for the suppression of the African slave-trade, and shall be considered as an integral part of that treaty.

In witness whereof, the plenipotentiaries of the high contracting parties have signed this annex, and have thereunto affixed the seal of their arms.

Done at London, the twentieth day of December, in the year of our Lord one thousand eight hundred and forty-one.

ABERDEEN, [L. S.]
KOLLER, [L. S.]
STE. AULAIRE, [L. S.]
SCHLEINITZ, [L. S.]
BRUNOW, [L. S.]

ANNEX B,

To the treaty between Great Britain, Austria, France, Prussia, and Russia, for the suppression of the African slave-trade, signed at London, the 20th December, 1841.

INSTRUCTIONS TO CRUISERS.

First. Whenever a merchant vessel belonging to, or bearing the flag of, any one of the high contracting parties, shall be visited by a cruiser of any one of the other high contracting parties, the officer commanding the cruiser shall, before he proceeds to the visit, exhibit to the master of such vessel the special orders which confer upon him by exception the right to visit her; and he shall deliver to such master a certificate, signed by himself, specifying his rank in the navy of his country, and the name of the ship which he commands, and declaring that the only object of his visit is to ascertain whether the vessel is engaged in the slave-trade, or is fitted out for the purpose of such traffic, or has been engaged in that traffic during the voyage in which she has been met with by the said cruiser. When the visit is made by an officer of the cruiser other than the commander, such officer shall not be under the rank of lieutenant in the navy—unless he be the officer who, at the time, is second in command of the ship by which the visit is made; and in this case such officer shall exhibit to the master of the merchant vessel a copy of the special orders above mentioned, signed by the commander of the cruiser; and shall likewise deliver to such master a certificate, signed by himself, specifying the rank which he holds in the navy of his country, the name of the commander under whose orders he is acting, the name of the cruiser to which he belongs, and the object of his visit, as hereinbefore recited.

If it shall be ascertained by the visit that the ship's papers are regular, and her proceedings lawful, the officer shall certify upon the log-book of the vessel that the visit took place in virtue of the special orders above mentioned; and when these formalities shall have been completed, the vessel shall be permitted to continue her course.

Secondly. If, in consequence of the visit, the officer commanding the cruiser shall be of opinion that there are sufficient grounds for believing that the vessel is engaged in the slave-trade, or has been fitted out for that traffic, or has been engaged in that traffic during the voyage in which she is met by the cruiser; and if he shall, in consequence, determine to detain her, and to have her delivered up to the jurisdiction of the competent authorities, he shall forthwith cause a list to be made out, in duplicate, of all the papers found on board; and he shall sign this list and the duplicate, adding, after his own name, his rank in the navy, and the name of the vessel under his command.

He shall in like manner make out and sign, in duplicate, a declaration stating the place and time of the detention, the name of the vessel, and that of her master, the names of the persons composing her crew, and the number and condition of the slaves found on board.

This declaration shall further contain an exact description of the state of the vessel and her cargo.

Thirdly. The commander of the cruiser shall, without delay, carry or send the detained vessel, with her master, crew, passengers, cargo, and the slaves found on board, to one of the ports hereinafter specified, in order that proceedings may be instituted in regard to them, conformably to the laws of the country under whose flag the vessel is sailing; and he shall deliver the same to the competent authorities, or to the persons who shall have been specifically appointed for that purpose by the Government to whom such port shall belong.

Fourthly. No person whatever shall be taken out of the detained vessel; nor shall any part of her cargo, nor any of the slaves found on board be removed from her, until after such vessel shall have been delivered over to the authorities of her own nation; unless the removal of the whole or part of the crew, or of the slaves found on board, shall be deemed necessary, either for the preservation of their lives, or from any other consideration of humanity, or for the safety of the persons who shall be charged with the navigation of the vessel, after her detention. In any such case, the commander of the cruiser, or the officer appointed to bring in the detained vessel, shall make a declaration of such removal, in which he shall specify the reasons for the same; and the masters, sailors, passengers, or slaves, so removed, shall be carried to the same port as the vessel and her cargo, and they shall be received in the same manner as the vessel, agreeably to the regulations hereinafter set forth.

Provided, always, that nothing in this paragraph shall be understood as applying to slaves found on board of Austrian, Prussian, or Russian vessels; but such slaves shall be disposed of as is specified in the following paragraphs:

Fifthly. All Austrian vessels which shall be detained on the stations of America or Africa by the cruisers of the other contracting parties, shall be carried and delivered up to the Austrian jurisdiction at Trieste.

But, if slaves shall be found on board any such Austrian vessel at the time of the detention, the vessel shall, in the first instance, be sent to deposite the slaves at that port to which she would have been taken for adjudication, if she had been sailing under the English or French flag. The vessel shall afterwards be sent on, and shall be delivered up to the Austrian jurisdiction at Trieste, as above stipulated.

All French vessels which shall be detained on the eastern coast of Africa by the cruisers of the other contracting parties shall be carried and delivered up to the French jurisdiction at Goree.

All French vessels which shall be detained on the coast of America to the southward of the 10th degree of north latitude by the cruisers of the other contracting parties shall be carried and delivered up to the French jurisdiction at Cayenne.

All French vessels which shall be detained in the West Indies, or on the coast of America to the northward of the 10th degree of north latitude, by the cruisers of the other contracting parties, shall be carried and delivered up to the French jurisdiction at Martinique.

All British vessels which shall be detained on the western coast of Africa by the cruisers of the other contracting parties, shall be carried and delivered up to the British jurisdiction at Bathurst, on the river Gambia.

All British vessels which shall be detained on the eastern coast of Africa by the cruisers of the other contracting parties, shall be carried and delivered up to the British jurisdiction at the Cape of Good Hope.

All British vessels which shall be detained on the coast of America by the cruisers of the other contracting parties, shall be carried and delivered up to the British jurisdiction at the colony of Demarara, or at Port Royal, in Jamaica, according as the commander of the cruiser may think most convenient.

All British vessels which shall be detained in the West Indies by the cruisers of the other contracting parties, shall be carried and delivered up to the British jurisdiction at Port Royal, in Jamaica.

All Prussian vessels which shall be detained on the stations of America or Africa by the cruisers of the other contracting parties, shall be carried and delivered up to the Prussian jurisdiction at Stettin.

But if slaves shall be found on board any such Prussian vessel at the time of her detention, the vessel shall, in the first instance, be sent to deposite the slaves at that port to which she would have been taken for adjudication if she had been sailing under the English or French flag. The vessel shall afterwards be sent on, and shall be delivered up to the Prussian jurisdiction at Stettin, as above stipulated.

All Russian vessels which shall be detained on the stations of Africa or America by the cruisers of the other contracting parties, shall be carried and delivered up to the Russian jurisdiction at Cronstadt, or at Reval, according as the season of the year may allow the one or the other of those ports to be reached.

But if slaves shall be found on board any such Russian vessel at the time of her detention, the vessel shall, in the first instance, be sent to deposite the slaves at that port to which she would have

been taken for adjudication if she had been sailing under the English or French flag. The vessel shall afterwards be sent on, and shall be delivered up to the Russian jurisdiction at Cronstadt, or at Reval, as above stipulated.

Sixthly. As soon as a merchant vessel which shall have been detained as aforesaid, shall arrive at one of the ports or places above mentioned, the commander of the cruiser, or the officer appointed to bring on such detained vessel, shall forthwith deliver to the authorities duly appointed for that purpose by the Government within whose territory such port or such place shall be, the vessel and her cargo, together with the master, crew, passengers, and slaves found on board, and also the papers which shall have been seized on board the vessel, and one of the duplicate lists of the said papers, retaining the other in his own possession. Such officer shall, at the same time, deliver to the said authorities one of the original declarations, as hereinbefore specified, adding thereto a statement of any changes which may have taken place from the time of the detention of the vessel to that of the delivery, as well as a copy of the statement of any removals which may have taken place as above provided for.

In delivering over these several documents, the officer shall make, in writing and on oath, an attestation of their truth.

Seventhly. If the commander of a cruiser of one of the high contracting parties, who shall be duly furnished with the aforesaid special instructions, shall have reason to suspect that a merchant vessel, sailing under convoy of, or in company with, a ship of war of any one of the other contracting parties, is engaged in the slave-trade, or has been fitted out for the purpose of that traffic, or has been engaged in the traffic in slaves during the voyage in which she is met with by the said cruiser, he shall confine himself to communicating his suspicions to the commander of the ship of war; and he shall leave it to the latter to proceed alone to visit the suspected vessel, and to deliver her up to the jurisdiction of her own country, if there should be cause for doing so.

Eighthly. By article fourth of the treaty, it is stipulated that, in no case, shall the mutual right of visit be exercised upon ships of war by the high contracting parties.

It is agreed that this exemption shall apply equally to vessels of the Russian-American Company; which, being commanded by officers of the imperial navy, are authorized by the Imperial Government to carry a flag which distinguishes them from the merchant navy, and are armed and equipped similarly to transports of war.

It is further understood that the said vessels shall be furnished with a Russian patent, which shall prove their origin and destination. The form of this patent shall be drawn up by common consent. It is agreed that this patent, when issued by competent authority in Russia, shall be countersigned at St. Petersburgh by the consulates of Great Britain and France.

Ninthly. In the third clause of article nine of the treaty, it is stipulated that, failing proof to the contrary, a vessel shall be presumed to be engaged in the slave-trade if there be found on board spare plank fitted for being laid down as a second or slave deck.

In order to prevent any abuse which might arise from an arbitrary interpretation of this clause, it is especially recommended to the cruisers not to apply it to Austrian, Prussian, or Russian vessels employed in the timber trade, whose manifest shall prove that the planks and joists which they have, or have had, on board, are, or were, a part of their cargo for trade.

Therefore, in order not to harass lawful commerce, cruisers are especially enjoined only to act upon the stipulations contained in the third clause of article nine, when there shall be on board the vessel visited spare plank evidently destined to form a slave deck.

The undersigned plenipotentiaries have agreed, in conformity with the eighteenth article of the treaty signed by them this day, that these instructions shall be annexed to the treaty signed this day between Great Britain, Austria, France, Prussia, and Russia, for the suppression of African slave-trade, and shall be considered as an integral part of that treaty.

In witness whereof, the plenipotentiaries of the high contracting parties have signed this annex, and have hereunto affixed the seal of their arms.

Done at London, the twentieth day of December, in the year of our Lord one thousand eight hundred and forty-one.

ABERDEEN, [L. S.]
KOLLER, [L. S.]
STE. AULAIRE, [L. S.]
SCHLEINITZ, [L. S.]
BRUNOW, [L. S.]

SPEECH OF MR. SMITH,

OF CONNECTICUT.

In Senate of the United States, February 20, 1843—On the bill to restore to General Jackson the fine of one thousand dollars imposed on him by Judge Hall, for an alleged contempt of court.

Having cherished the idea, Mr. President, that the nationality of this subject would hush all party feelings, and soften the asperity of partisans, I have hitherto abstained from taking any part in the discussions, supposing all would be united in restoring the fine imposed upon General Jackson at New Orleans. I am, however, constrained to believe that I am to be disappointed in the conclusion I had arrived at, and that a different result is now to be apprehended. I shall therefore take such a party view of it only as its present aspect demands, without relinquishing the idea that it has not, and will not, wholly assume that character. The subject is one deeply involving the interests and character of the nation. The pride and national feelings of every American should elevate him far above sectional and party prejudices, and induce him to investigate the subject with no other partiality upon his mind than that which every patriotic American is proud to acknowledge—that America is his country.

Though all agree that General Jackson achieved a victory at New Orleans over our common enemy, of no ordinary character; and that he won unfading laurels for himself, and gave to America among the nations of the earth a proud eminence; yet there seems to be a disposition in some to withhold from him the meed that is to be found only in the public approbation of the measures which were adopted by the General to save the people of New Orleans from a calamity and dishonor from which they had no hope of escape, except it was by means of the resources of that superior general and extraordinary man, General Jackson; and to save the nation from a disgrace which none would be willing to witness, except the external and internal enemies of republican America. He alone, in this perilous moment, was looked to as a commander of our forces, for the salvation of New Orleans and of our country; and he, and the few patriots constituting the little American army under his command, are entitled to the whole credit of accomplishing these two great and important objects. The facts in relation to this fine are to be found in the history of our country. It is unnecessary to be particular in adverting to them here.

I shall have occasion hereafter to present them to the Senate, in connexion with other facts, for the purpose of showing the necessity and propriety of the measures and means taken to defend our territory against invasion by a public enemy. It is claimed that, in defending New Orleans, General Jackson came in contact with, and trampled down and disregarded, the civil institutions and functionaries of our Government, by declaring and enforcing martial law in aid of his military movements and plans; and, therefore, the fine ought not to be unconditionally remitted. Many of those who believe that General Jackson did no more than was required of him by the American people as their general, seem to be disposed to admit that he violated the laws of his country, but ought to be excused on the ground of necessity. I admit no such thing, Mr. President. I do not hesitate to say, and I feel able to show it, that General Jackson violated no law; nor did he, in making his defence, transcend his powers, or abuse those of the civil department of our Government. If I am correct in this, the fine was wrongly and unjustly imposed, and ought to be remitted without any qualification whatever, and with interest

Did not the almost irrepressible indignity of the people of New Orleans at the assumed power of Judge Hall to sit and act as judge in his own behalf, and impose the fine on General Jackson, for what Hall was pleased to call a contempt of his court, show that no indifferent court or jury could have been found in any part of the Union to im[pose] a fine upon the General for his noble and patri[otic] defence of New Orleans? My defence of General Jackson is, that he did no more than any other citizen, or every other one of the United States, might have done, to prevent a violation of our territory by a public enemy;—nay, no more than was required of every patriot in the Union. I address myself to the reason, and not to the passion. If I can have the exercise of reason in deciding this question, I do not fear the result. What is martial law, as enforced at New Orleans by General Jackson, but physical power which our common Creator has given us for self-preservation; and which every man, and all men, have always exerted; and which no society or Government has ever dared to impair and much less to take away? Will any one contradict me, when I say that any citizen may defend himself and property against the unwarrantable illegal attack of another, though he be a citizen, even unto death of the assailant, if necessary? I presume not. Will any one deny the principle that what one may do to defend himself and property, another, or ever so many, may do to defend him? I presume not.

If these principles are admitted, or established, I am sure I shall have no difficulty in defending General Jackson, unless he wantonly abused the power he exercised. And let me here observe, Mr. President, that General Jackson was no more liable for an error of judgment, if such should be found to be the fact, (which no one claims, that I have heard,) than a judge upon the bench would be for an error of judgment. That we may not confound the terms *military* and *physical*, when I speak of them, I use them as synonymous in relation to this subject. They are one and the same thing, as opposed to civil power. When both the civil and military powers are in healthy action, I readily agree to the principle, that the military is subordinate to the civil power. But I know of no instance where physical power may not be exerted to prevent the commission, or for the suppression of crime, or to protect an individual from an assault. Any individual may arrest and secure a criminal, at all times. And can he be made liable for it in a civil action? No one, I think, will claim he can be. And what law justifies the citizen clothed with no civil power to make the arrest, but the paramount law of our nature—the physical power which every man may exercise, and which is paramount to all other laws? If any individual is attempting to commit the crime of arson or burglary, theft, or any other crime, may not any individual, or all who may feel disposed to prevent the act, arrest the criminal? No one will deny this. Suppose civil officers sufficient to prevent the crime were present, and refused to do so: would that prevent individuals who were not officers, and who had no civil power to exercise, from interfering and arresting the individual? No one will pretend that it would, I presume. Suppose the civil officers present, and whose duty it was to take care of the public interest, and prevent the commission of crime, and arrest and secure criminals, should endeavor to prevent the individual and unofficial citizen from performing the act; but he should persist in it, and should prevent the crime, or arrest the criminal: would this make him liable, either to the public or the criminal? No one will pretend it would. If a judge is holding a court, and any one is committing a crime in his presence, may not any individual arrest the criminal? No one, I think, will deny this.

If the court were to send its officers to prevent the arrest, would the unauthorized individual making the arrest then be liable to any one? I think no one will claim this, for the supremacy of the laws, and for the honor of the officials. Will any one claim that such arrest would have been a contempt of court, and the officious individual liable to be fined by the dignified court for it? *If he would* I would like to hear him. I will now suppose a case, which will approach nearer the case of General Jackson. If a public enemy had entered the court-house where the judge was sitting, or had surrounded it: would not every citizen be justified in beating off the enemy, and killing them, without offending the official dignitary in such manner as to be liable for a contempt? If they were liable to the court for contempt, I suppose they would also be liable for false imprisonment if they captured any of the enemy; or, if they killed any, I suppose they would be liable for murder. But, if the court

ld unite his strength with the enemy, and op- the citizens, is any one bold enough to claim the citizens would be liable to any one for an cise of their patriotism?

ow, I would ask whether these cases differ in ciple from that of Judge Hall with Gen. Jack-

If they do, I am not able to perceive the rence. The great crime in his defence of Orleans, with which you charge him, is, that rampled upon our sacred Constitution. But, I ld ask, what is our Constitution worth, when country is gone? And what was the defence lew Orleans, but a struggle for our country? en our country was secure from the enemy, the patriot Jackson the man to trample down disregard that instrument which every patriot rds as holy and sacred? But, while our coun- was in danger, and nothing but pure and un- ed patriotism, with the bravery of a Jackson, ld save it, Judge Hall, a foreigner by birth and entiment, was ready and willing to sacrifice his rty to save the Constitution. What astonish- patriotism he exhibited! The nation duly appre- ed it. But, Mr. President, if I may be permitted ddress myself to a party, I will ask our political onents whether they have, on other occasions, aded as much an infraction of that sacred in- ument, the Constitution? Let me call their at- ion to the alien and sedition laws. All are dy to admit, now, that those laws were unconstitu- al; and no candid man will deny that they re used for the basest purposes while in the ds of the Federalists. The free and unoffend- citizens were seized and forced into loathsome ons; and there incarcerated (many of them) until indignant people hurled them from power, and locked the prison doors, and set at liberty the tims of an austere and revengeful party. For er violations of that sacred instrument, more sh in our minds, let me refer you to the late ap- tionment law, and the remedial justice bill: h of which are too clearly unconstitutional for y sane man to doubt. Several others of the same racter I might refer you to; but I trust I have been unsuccessful in presenting cases enough satisfy the mind of any man that your holy re- rd for the Constitution is seldom awakened en patriotic exertions are most needed. I uld not omit to notice a bank of the United tes, which you have chased under that *vagrant wer*, so happily described by your leader in his re palmy days, until you have literally worn urselves out.

But to return, Mr. President, to the law paramount all others, either political, civil, or international— law of self-preservation I refer to. Let me re- rk here, that it is not alone applicable to indi- iduals, and to private property; but it is applicable bodies of men, and to nations and national prop- y. We ourselves, as an independent and sov- ign nation, have enforced it upon other nations th which we were at peace. I allude to our scent upon the Spanish territory, and dislodging me marauders and outcasts who had taken up eir abode there, and made sallies upon our inhab- nts, and robbed and murdered them, and then treated back into the Spanish territory for safety. he Spanish Government was too feeble to restrain ese outlaws; and, to preserve ourselves from their predations, we took the law of self-preservation— at which General Jackson exercised at New rleans—into our own hands; and, so far as I know, e whole world acquiseced in it, and justified the t.

The British sheltered themselves under the same inciple, when they seized the ships at Copen- gen, and appropriated them to their own use. o independent nation or individual, to my know- dge, denied the correctness of the principle at at time. Whether the circumstances were such to warrant the act, there might well be doubts. he British claimed that these ships were going to the service of another nation at war with them; d therefore, to preserve themselves from destruc- on, they were justified in taking the ships of a iendly nation, because it was not able to pre- nt their use against the British. And do we not men hung under this same law of self-preserva- on, by force of physical power, without the sem- nce of trial, and without even a pretence that act was authorized by any other law than that self-preservation? But let me call the attention the Senate to a recent act of the British, under is same law of self preservation; and the act is ne which, I presume, is indelibly impressed upon the mind of every American patriot. I have ref- erence to the brutal conduct of the British at Schlosser, near Buffalo, in the State of New York, in 1837. They claimed that we were not able, or would not, restrain our citizens from entering their provinces, and exciting their subjects to rebellion; and, consequently, they had a right to enter our territory while we were at peace with them, and exterminate our citizens by fire and sword. Every one knows that the principle of self-preservation could not be applied to that case; and that it was a flagrant violation of our territory, and an insult to our nation. But the British had the impudence to claim that it was under the law of self-preserva- tion that they inflicted the wound upon us. And did we suffer our national escutcheon to be stained by the nefarious act? Let the facts answer. We have, to the grief and mortification of every citizen of the Union, who has an American heart, per- mitted them to go off under that pretence, without even a murmur on our part. The eye of the American nation is turned with scorn upon the negotiations upon this subject; they will be long remembered, and as long despised. But our dis- grace does not end here, Mr. President.

We have, on the insolent demand of the British, passed a law violative of every principle known to civilized nations, and of our Constitution; in effect, authorizing them to repeat the acts with im- punity. This law takes away the criminal juris- diction of the States, whose land is crimsoned with the blood of their inoffensive citizens, by the hand of ruthless vagabonds, and leaves the people of a sovereign State without the least remedy for mur- der, robbery, arson, and burglary, and other in- famous crimes, if committed by a British subject in the employ of his sovereign—no matter what that employment is, whether of a civil or military character. And suppose we had the power and right to pass such a law: what have we got from the British in return for it? Nothing but national disgrace.

But, let me ask, why are you so anxious to sustain the civil power at New Orleans, even at the risk of the loss of our country; while you are so extremely anxious to destroy it at the North, as to pass a palpably unconstitutional law to further your views? Your inconsistencies are to be reconciled only by one supposition—and that is, that your strong- est desire was to place yourselves by the side of the enemies of our country, and in harmony with them. I believe every true American will come to this conclusion, on comparing your conduct on both occasions.

General Jackson at New Orleans only defended his country against the public enemy Did he need a general's commission to authorize him to do this? I hardly think any one will answer this question in the affirmative. If he had, without any commis- sion, but as a private citizen, made the same de- fence that he did with the commission of a major general at New Orleans, I desire to know who is to call him to an account for it, or punish him for it?

No one will doubt, if a citizen has a right to de- fend himself, or his neighbor, against the attack of another citizen of the United States, that he would have a right to defend himself, or his neighbor, against a public enemy. There is a great dis- tinction between the defence of one when at- tacked by a citizen, and by a public enemy. In regard to the latter, any citizen may attack and destroy him without being first attacked. In the former, he has only a right to repel an attack made upon him without right. What pow- er could Judge Hall have exerted to punish a pub- lic enemy at New Orleans, other than that exer- cised by General Jackson—physical power? If every soldier had been captured and delivered over to Judge Hall, bound hand and foot—even if he had killed our citizens—Judge Hall could not have punished them; they would be treated as prisoners of war. Why, then, yield to him the physical power, and lay it at his feet, when the enemy were at your doors, and he refused to ex- ercise it, and could not the civil power? If his patriotism had been as pure as General Jackson's, he would have exercised the same power that General Jackson did to expel a ferocious and vin- dictive enemy.

Situated as General Jackson was, with raw and undisciplined troops—not much above one-third in number as many as the enemy had of what they called invincibles—could he be justified in doing less than he did? The enemy had for their motto "beauty and booty." What could have been more ex- citing and animating to a licentious soldiery? No one claims that he did more than his duty in any par- ticular, except it was to subject Judge Hall and his associates to his control while he was defend- ing the place. And may we not reasonably con- clude, if the Judge had not patriotism enough either to help to defend himself, or suffer the Gen- eral to carry out his plans unmolested in making the defence at that critical moment, that he had none too much to give aid to the enemy—indirect- ly, if not directly? I think we may; and so I think a large majority of the people of this county be- lieve.

To defend the city of New Orleans, it became necessary to establish a cordon of posts around it, and to guard effectually every passage and avenue to the city. The city must necessarily become a part of the General's camp. How easy would it have been for the enemy to communicate with dis- affected citizens in the midst of his camp, if he could not have the entire control of all the ground within his posts? With all the power the General had exercised, and with all the guards he had placed round the city, it was well known that there was a constant communication between the enemy and the city. A quartermaster in the British army (Peddie) boasted that he had every day from the city, from seven or eight persons, all the information he wanted in relation to our movements. Every true American in New Orleans could be trusted; but a large portion of the people were mere adventurers from various nations, without any attachment to our country; and most of them were hostile to our Government and our institutions, and mere despera- does ready and willing, and waiting only for an opportunity, to unite with our enemies. One whole village but a short distance on the bank of the river from New Orleans, was composed of Spanish and Portuguse, who aided and assisted the British in disembarking their troops, and acted as spies upon us, and as pilots to the British. They were known as banditti. General Jack- son was informed, before he reached Louisiana, by the highest and most reliable authority, that it was filled with spies and traitors.

The Governor of the State informed him that there was a great spirit of dissatisfaction with many, and great despondency with the patriotic portion of the population.

It was well known that every desperate band of outlaws in the vicinity were leagued with the enemy, and were ready to share with them in the pillage and plunder of the city.

The subject of martial law, before it was de- clared, was fully discussed in the presence of Judge Hall, who apparently approved it. The Governor, and many other functionaries, and all patriots, advised its adoption.

And no reasonable man, I think, will doubt that it was absolutely necessary to save the city from the sackage of a licentious soldiery, and of their motto being fully verified. But we have only to advert to one act of Judge Hall's, to know that he acquiesced in the necessity of the measure, or that he was a traitor to his country.

In making preparation for the defence, Judge Hall assumed the power to open the prison doors, and to let out all the criminals to assist either the enemy or the friends of our country; and many pirates then in prison, among others, were dis- charged, and let loose, and went at large among the citizens. If this was for the purpose of aiding the defence, it is conclusive evidence that he thought all that General Jackson did was necessary: and much more, because his own act was a much greater violation of duty than any that was im- puted to General Jackson—unless it was absolutely necessary for self-preservation, and then neither was a violation of duty.

Which would inflict the deepest wound upon the civil power of our country—for a general, while defending his country against invasion by a public enemy, to arrest a judge of the court, when he sup- posed he was (at least indirectly) co-operating with the enemy; or for a judge to open the prison doors, and let loose all the criminals, including many pi- rates, whose lives were forfeited to an injured country, to again commit piracy, and other crimes little inferior in degree of enormity? I leave it to every candid mind for decision. That the civil power was adequate to the defence of New Orleans, no one will pretend. What, then, was left to de- fend it but the military? None. No candid man,

I think, believes this was exercised in an unreasonable manner; or with more severity than the occasion required.

Let us take a brief view of the facts in relation to the arrest of Judge Hall by General Jackson, and for which Hall sat in his own case, and, from the impulse of his own sense of a personal wrong, inflicted a fine of one thousand dollars upon the General.

The line of sentries stationed by General Jackson for the defence of New Orleans, and to guard it against the assault of the enemy, included the city of New Orleans; and martial law, to have any effect, must be maintained within these lines. All, of course, within the range of them, must be subject to its action. The business of the Legislature had been suspended; and all who wished the city saved, readily submitted to its authority. Information was received from the British fleet that peace had been concluded between the United States and Great Britain. The newspapers took up the subject, and endeavored to create uneasiness among the people, and to induce them to believe that martial law was unnecessary. The General thought, as did all other prudent men, that this was a devise of the enemy to get some advantage of our troops. A general order was announced, prohibiting any publication in the papers affecting the army.

The French consul (Toussard) granted certificates to all Frenchmen, as well to those in our service as to those out of it, that, being subjects of the French King, they could not be held to do military duty. This caused a good deal of uneasiness. An order was then made, directing such French subjects as had the certificates of the French consul, countersigned by the Commanding General, to retire without the military lines. Soon after this, a publication appeared in the newspaper, if not designed, calculated to excite mutiny among our troops. This was an entire misrepresentation of the order, representing that all Frenchmen, without distinction, were ordered out of the city, and calling upon them to rally round the *standard* of the French consul. Some of the troops abandoned their posts, in consequence of this mutinous publication. The author of this publication was Louallier, a member of the Legislature. If this is a fair specimen of the patriotism about New Orleans during that trying time, I believe no one will blame General Jackson for distrusting them. General Jackson caused Louallier to be arrested. Judge Hall issued a writ of *habeas corpus* to take Louallier from the custody of the military officers. The General arrested the Judge; and finally ordered him to be removed beyond his camp. When the camp was broken up, and martial law ceased, the Judge returned, and seized the General, and brought him before himself, to answer for a contempt of his court, and imposed the fine upon him which it is the object of this bill to remove, or relinquish to the General, as a token of the approbation of the American people for his defence of New Orleans. I need not ask what the tendency of Louallier's conduct was, nor what was his design in the mutinous publication. The facts which came to light answer both questions. The consequence was an abandonment of the military posts by the soldiers, and a perfect satisfaction on the part of Louallier, and of Hall too, or Hall would not have undertaken to screen Louallier from punishment. How does the conduct of these two men stand before the world, as contrasted with General Jackson's? Comment from me is unnecessary. The grateful people of America have shown their approbation of the General's conduct, by electing him President of the United States. Let the crowning act of approbation be consummated by a remission of this unjust fine—a fine to which the United States have no more right than I have.

If you desire to see a picture designed by British artists for New Orleans, turn your eye to the Celestial Empire; and there you will behold the fairest fabric of God's workmanship, with her loving and loved offspring, rushing into the flaming fire, the yawning gulf, the deep abyss, to escape the contaminating touch of a licentious British soldiery. Such a death did these innocent people prefer, to such a brutal, licentious infliction of a British behest, and with which New Orleans was threatened; and such a calamity, nothing but unrestrained physical power, directed by the most indomitable patriotism and unconquerable bravery, could have averted. What could the civil power have done to save this valuable portion of our American population from such a disaster and disgrace, if it could have acted with its most plenary power? All will answer, unhesitatingly, Nothing at all. And for what, I would ask, was this heart-rending barbarity inflicted upon this unoffending people? Because they refused to eat the poisonous drugs of this bloodthirsty people, and degrade, and disgrace, and ruin themselves, to gratify British cupidity, and pay them an extravagant price for it; and to replenish an exhausted national treasury, after failing to supply it, by an appropriation of the blood, bones, and muscles of a great portion of their laboring people. And how came this treasury exhausted? By bestowing it upon sinecures, and pampered and bloated aristocrats, who had never rendered to the people for it a pin's value of service. And how came New Orleans in danger of such a British outrage as we see inflicted upon the Chinese? Because America dared to defend her hardy seamen from outrages more daring, and, if possible, more cruel. From six to ten thousand of American seamen had already been seized, while peaceably sailing under our flag, and were compelled to fight the battles of our public enemy, and defend a marauding and predatory commercial marine, sent forth to the remotest corner of the earth, to sack and pillage the fairest portion of the civilized world, or be tied to the masts of her floating hells, and be flayed alive. Many valuable lives of American citizens, which came to our knowledge, were taken in this cruel and barbarous manner; and probably many more, that never came to light. Many broken-hearted fathers, mothers, brothers, and sisters, mourned the loss of their friends, thus butchered and sacrificed, and on whom they relied for a daily support. What think you of the people of New Orleans? Do you think they would wait for civil etiquette, and, for fear of offending the magisterial dignity of a prostrate judge, who could neither avert the impending calamity nor punish the offenders, forbear to call on the physical power—the only one that could afford them any relief or protection?

SPEECH OF MR. CHOATE,

OF MASSACHUSETTS.

In Senate of the United States, February 3, 1843—On the bill to authorize the adoption of measures for the occupation and settlement of the Territory of Oregon, for extending certain portions of the laws of the United States over the same, and for other purposes.

The bill for the occupation and settlement of the Territory of Oregon (which had been previously discussed by Mr. CHOATE and other Senators) again coming up for consideration on this day—

Mr. CHOATE spoke nearly as follows:

I wish, sir, before others resume the regular discussion of the measure under consideration, to say something upon two or three topics in the speeches of different Senators who have done me the honor to make reply to what I urged against the bill a few days ago. It is not my purpose to debate the subject at large, and over again, nor to attempt an answer in detail to any one of the able arguments which have been addressed to us. I objected, and now object, to that provision of the bill only which grants, or engages to grant, lands to future settlers of the Oregon Territory. The provision forms the matter of part of the first section, and is expressed in these words:

"Provision hereafter shall be made by law to secure and grant six hundred and forty acres, or one section of land, to every white male inhabitant of the Territory of Oregon, of the age of eighteen years and upward, who shall cultivate and use the same for five consecutive years, or to his heir or heirs at law, if such there be, in case of his decease. And to every such inhabitant or cultivator, being a married man, there shall be granted, in addition, one hundred and sixty acres to the wife of said husband, and the like quantity of one hundred and sixty acres to the father for each child under the age of eighteen years he may have, or which may be born within the five years."

My objection to it was, and is, that it infringes, or subjects this Government to a specious accusation of infringing, that clause in the existing convention with Great Britain which declares that "any country that may be claimed by either party on the northwest coast of America, westward of the Stony Mountains, shall, together with the harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open to the vessels, citizens, and subjects of the two powers." I would not infringe that convention, because it is honorable, and politic as well as honorable, to perform with punctilious exactness, and in liberal measure, all our engagements as a nation.

Well, sir, upon one great point, at least, we all concur. Everybody agrees that, if the bill infringes the convention, it ought not to pass without amendment. The Senator from Missouri, [Mr LINN,] the framer of the bill, and now and long the zealous and able advocate of the general policy which it pursues, speaking for all its friends, agrees to this. On the other hand, if the convention were out of the way, I do not know that it might not receive a general vote. Whether it violates the convention, therefore, or exposes itself to a colorable charge of doing so, or not, is the precise and only question.

It is obvious, then, Mr. President, that a great deal of the matter which has been pressed into the debate is irrelevant, and useless to the actual inquiry: I hope that some of it may not prove to be mischievous as well as useless. Right or wrong in their advice, Senators have not been very sparing of it, nor very successful in showing us how it touches the immediate deliberation. Whether it would be wise or unwise now to give the notice prescribed by the convention for terminating it, and thus at the year running, at the end of which it must expire by its own provisions; whether it would be wise or unwise, if there were no public faith in the way, to take military occupation of the whole territory to the forty-ninth degree at once; whether it would be wise or unwise to plant "fifty thousand rifles" on the banks of the Columbia, as the Senator from Ohio [Mr. TAPPAN] so coolly counsels—a thing more easily said than done—and, like the meditated murder in the great tragedy, not "done when 'tis done;" whether it would be better still to send these same rifles to conquer England in Ireland, or to unfurl the standard of transatlantic liberty in the streets of London or on the coast of Kent, as other Senators have less distinctly recommended;—whether any, or all, or none of these things may be desirable and prudent, nobody proposes that we shall begin by breaking our word. Better auspices would better commence undertakings so delicate and so magnificent. If, as Senators predict, a war with England is to come so soon; if she really is closing her vast serpent folds about us, and seeking her moment to crush us to death; if the black regiments are organized, and the armed steamers are built, by which she means to convey her fatal gift of revolutionary emancipation to the vulnerable and inflammable South and Southwest;—if such a war as this is to come so soon, how much more desirable than ever that it shall find our honor without a stain! Other preparation I do not undervalue; other armor you must forge and put on; but he who has this is clad already "in complete steel."

There is one question only, then, and that the least discussed of any in this wide debate: Does the bill, in its grant, or promise of grant of land, break the convention? In other words: having agreed, as a Government, that this Territory of Oregon, and every part of it, shall remain free and open to all the subjects of England, as well as to the citizens of our own country, until the expiration of twelve months after notice of the termination of the agreement, can we now, before such notice, do an act, as a Government, intended and calculated to exclude the subjects of England from the territory, in part or whole; to parcel it out into farms; to enclose those farms with stone walls; to lay them down in grain and grass; to vest the title to them in American citizens, in absolute property, for the maintenance of which against all the world the public treasure and public faith are solemnly engaged? This is the question, and really it answers itself. You have agreed that, as a Government, you will do nothing to prevent this territory, and every part of it, from being free and open to the subjects of England, and to your own countrymen, until the convention expires. Perhaps you have agreed that you will take care that your citizens shall do nothing to prevent it from being open. But certainly you have agreed that, as a Government, you will do nothing yourselves to shut it up. And yet, by this bill, do you not do an act, as a Government, intended and calculated to close the territory, in part or in whole, against English occupation and enjoyment? Do you not invite colonists to settle on it by the promise of a perfect title? I

nough of them should go—as enough may go, and re invited by the bill to go—to take up, fence in, lough and sow every acre of it on which a man an live, do you not engage to all of them such a itle? Do you not then take and grant the whole erritory, in exclusive property and occupation, to American citizens? And is this to leave it "free nd open" to the subjects of England? Why, sir, n five years, if this bill produces the entire effect or which its provisions are calculated, and of rhich they are capable, not an Englishman could et his foot on the territory for agriculture, trade, r hunting. His entry would be a trespass on American title, and the entry of his Government n invasion and a war on you. I do not say that his result is undesirable; but I do say you cannot chieve it till you have put an end to the convenion. You cannot shut up and appropriate a territory, or an acre of it, consistently with an agreement to keep it all free and open. Common sense, ommon honesty, the municipal law, the judgments of the nations, concur in this. The attempt s to reconcile things irreconcilable; and the fifty housand rifles of the Senator from Ohio are unqual to it.

But I discussed this subject so much at large the ther day, that I will not pursue it further. In ruth, the only plausible defence of this part of the ill which we have heard attempted, is, not that it oes not disregard and infringe the convention, ut that England has set the example of disregarding and infringing it, and therefore we may do so oo.

Now, sir, if the fact is proved, I accede to the nference. If England puts a construction upon the convention which authorizes the two Governments to proceed to colonize the territory by independent policy; if she waives, deserts, and breaks the convention in this behalf, then you may pass this bill. Certainly, the bargain binds both or neither.

But, Mr. President, I am not afraid of being called the apologist of England when I declare that I see no proof at all that she violates the convention, as I construe it. He must be a very vulgar debater, and that a very vulgar assembly, by whom and in which an attempt to persuade a nation to preserve its own honor by the argument that its great foreign rival has preserved his, should be stigmatized as an unpatriotic apologist for that great rival. No Senator here will descend to such an imputation on another. I say, then, I see no evidence of any act of the English Government which justifies the act proposed to us. That the convention operates to her advantage, and against ours, is probably true; that her subjects are silently and widely occupying the territory, culling out its choicest parts, taking up its best mill-seats, reclaiming its best land, and extending the English name, national character, attachments, sympathies, and connexions, all over it, forming it slowly into another English colony, may be true. This may make it quite expedient to terminate the convention. It may make it quite necessary to assert the doctrine, that no possession taken by an English subject during the existence of the convention can be allowed to confer title. It does unquestionably make it necessary that a wise and a firm and a good-tempered diplomacy should, without one moment's delay, undertake the adjustment of this great question of the Oregon. But what I say is, that I see no governmental act of England which breaks the convention. Senators argue this point a great deal too much at large. The question is, not whether the English national temper is or is not respectful and friendly towards this country; it is not whether she once fired into the Chesapeake frigate in a time of peace; not whether her ulterior purposes in maintaining so many lines of steam-ships are wicked or charitable; not whether her hand is red with the blood of China and Affghanistan; not whether she meditates the gift of liberty to all the enslaved; not whether she is proud, ambitious, grasping; not whether that which is so definitely and intelligibly called her "general attitude" towards us is lionlike or lamblike, *rampant* or *couchant*. All these inquiries are important to our general duties of statesmanship. As we may answer them one way or another, we may have to negotiate, to protest, to arm, to fight. But to the deliberation of this moment, these inquiries are worse than irrelevant. The question is, Does the English Government grant land in the Oregon Territory to English subjects, to be enjoyed and owned exclusively and adversely to all the world? Sir, there seems to be no proof of this at all. What the English hunters and traders may have done, I do not inquire. I look to the Government; and what the Government has said, and what it has done, I once before have brought to the notice of the Senate. In the act of 2d July, 1821, by which the privilege of hunting and trading is granted to the Hudson Bay Company, are these words:

"IV. And whereas, by a convention entered into between his Majesty and the United States of America, it was stipulated and agreed that any country on the northwest coast of America, to the westward of the Stony Mountains, should be free and open to the citizens and subjects of the two powers for the term of ten years from the date of the signature of that convention:

"*Be it therefore enacted*, That nothing in this act contained shall be deemed or construed to authorize any body corporate, company, or person to whom his Majesty may have, under the provisions of this act, made a grant or given a license of exclusive trade with the Indians in such parts of North America as aforesaid, to claim or exercise any such exclusive trade within the limits specified in the said article, to the prejudice or exclusion of any citizens of the said United States of America who may be engaged in the said trade: *Provided always*, That no British subject shall trade with the Indians within such limits, without such grant or license as is by this act required."

This, sir, is the legislation of England under the convention which we are about to break. I confess I should regret to see her legislation, and the legislation which is proposed here, presented together to the moral judgment of the world.

I have no more to say, sir, upon the expediency of passing this bill. Two better courses certainly are open to you. Put an end to the convention at once; and then, at the expiration of the year, proceed to plant a colony in the territory. This is one course. But another is better still. Leave all things as they are, and instantly enter upon a negotiation which shall close forever the last of the questions which is of magnitude enough to endanger the peace of two great nations, of one blood and one faith.

I desire now, Mr. President, to say something upon two or three topics introduced into the debate by the Senator from Missouri, [Mr. BENTON.] To much of his able address to the Senate I assent entirely. To other portions of it I cannot assent; and on these I beg to submit a few remarks, with the deference which is due to him, but with the freedom which is due to the Senate from every Senator.

I understood the honorable Senator to remind you, that some time since the Senate, upon his motion, made a call upon the President to apprize this body what were those "informal communications" which, in his message transmitting the recent treaty for our approval, during the last session, the President says had been had with the British minister upon the subject of the Territory of the Oregon; and that to this call the President replied, that the information sought for could not be given without detriment to the public interest. The honorable Senator then proceeded to declare that, in his opinion, this reply was not true, and was not sincere; and that it was designed to conceal the real reason for not answering the call; which was, that the disclosure of the "informal communications" would disgrace the American negotiator, by showing that he had offered to draw a line of boundary south of the parallel of forty-nine.

Now, sir, in so far as the honorable Senator confined himself to a denial that the public interest would suffer by a revelation of this matter, and to an argument to prove that it ought to have been given, I have little to say. I may be permitted—the youngest and least experienced of this body, replying to one of its oldest, most experienced, and most distinguished members—to suggest a doubt whether such a commentary on such a communication from the Executive Government has been usual, and even whether it was ever made before. I had thought that a politic decorum had established the practice of receiving such communications from such a source as absolute truth. I had supposed that the indispensable intercourse of the departments of Government, their respective constitutional functions, independence, and responsibilities, all required this.

But, sir, if it may be considered and discussed as an open question, whether the President has told us the truth, and whether his opinion that the public interests required these communications to be withheld is a well-founded one or not, I must be permitted to say that I cannot doubt for a moment that the Executive determination was both sincere and discreet. How could we have expected beforehand any other answer? Why, sir, the business of the Oregon is at this moment the subject of actual negotiation between the Governments. It has been so for years. In his message at the commencement of the present session of Congress, the President declares his purpose to be to conclude an early settlement of it, if practicable. Such is my inference from his language. In this posture of our affairs, so important and delicate, would it be a usual and a sensible proceeding, or a strange and impolitic one, to publish to the world from day to day the informal conversations of the representatives of the two powers? Was such a thing ever heard of? The honorable Senator says that our claim to the Oregon Territory is, and always was, a uniform and decided one, never shifting, never timid; and that there is nothing at all to be concealed. Well, sir, and what then? So was our claim in the Northeast a uniform and confident claim. So always has been our claim upon the great subjects of impressment and the right of search; but when these claims, or any claims, or any subjects, become matters of actual controversy, and are brought within the province of diplomacy, do not the law, and the usage, and the immemorial expediences of diplomatic treatment apply to them; and are they not to be discussed and put in shape for adjustment according to the customary course of diplomacy?

Let me remind you that there may be reasons for at least the usual prudence of secrecy, urgently and peculiarly applicable to this question. Remember that, according to the theory of England upon the subject, it is a question to which not she and we alone, but we and the whole world are parties. She asserts no title in herself, but alleges that it belongs to all the nations. If so, all of them—except Russia, Spain, and France, who may be thought to have quitclaimed—all the other nations are parties; and then England and this Government are in truth meditating an arrangement excluding all the rest, and appropriating the whole to themselves. Under any possible principle of adjustment, they would hardly be expected to reveal the whole course of love from day to day, running smooth or broken, in the presses of London and Washington.

But, sir, it was not this which I proposed to say. I desired chiefly to assure the Senator and the Senate that the apprehension intimated by him, that a disclosure of these informal communications would disgrace the American Secretary, by showing that he had offered a boundary line south of the parallel of forty-nine, is totally unfounded. He would be glad to hear me say that I am authorized and desired to declare, that in no communication, formal or informal, was such an offer made, and that none such was ever meditated.

The honorable Senator complains of the treaty of last summer, for not seuling this question of the Oregon. It is one of its great sins of omission which he charges, as he has done more than once before.

Let me say, sir, (what I need scarcely to say,) that this forms no objection to the treaty, which does not lie against our whole past series of diplomacy. Always this question of the Oregon has borne exactly the same relation to all our questions with England that it bore last summer. Always it has been thought important enough to be discussed with other subjects, and never has it been quite matured for adjustment, and never thought quite so important as to hinder the adjustment of other questions which were matured. How many treaties have you made with England—how much diplomatic conversation have you had with her, since Captain Gray discovered and named the Columbia river? And yet, through the whole series—in 1807, 1814, 1816, 1818, and 1826—in the administrations of both the last Presidents always there has been one course and one result with this subject. It has been treated of; formal and informal communications have been held on it; it has been found to be unripe for settlement; and it has been found to be, or believed to be, not difficult enough, or not pressing enough, to delay or alter the settlement of riper and more pressing elements of contention. There are, and have always been, two reasons for this posture and this fate of the Oregon

question. It stands, in the first place, on totally different grounds from the question of the Northeastern boundary. To that, England and this Government were clearly the only parties. That each owned, exclusively of all the world, up to the true line, was certain. Where that line was, depended upon nothing but the meaning of a contract written by the parties themselves. But in the Oregon question, the nations of the whole world have color of interest. England claims for them all. Excepting France, Spain, and Russia, she insists that they all must be parties to that great bill in chancery, by which this controversy of empire shall be finally composed. But, besides this, the controversy itself turns on matter altogether its own. It involves the loftiest and most shadowy speculations of international law. It lies among the very *apices juris*—the Alpine heights—the *transcendentalities* of that department of thought. Discovery as a ground of title; its nature, and limitations, and extent; with which party is the fact of first discovery; what occupation must follow to ripen and define it; the effect of interior contiguous possession; the meaning of the old English charters, the Nootka Sound convention, and what not;—these are the Oregon topics, and happy is the negotiator who shall weigh them out, and equalize and settle them without, like the Gaul, putting his sword into the scale!

The other circumstance which has always held the Oregon question in a state of partial insulation, applied with peculiar force to the time when this treaty was made. The Northeastern boundary line required immediate adjustment; the title to Oregon might rest to be tried in its order on the docket. Here, in the Northeastern and in the North was a line running 3,000 miles, between populous States and populous Provinces. It was for hundreds of miles an unsettled line. Excited and numerous communities of two different nations were fiercely disputing where it was. Men stood facing each other with guns on their shoulders, separated by fordable rivers thirty yards wide. The discharge of one single musket would have brought on a war, whose fires would have encircled the world. Did not the exigent circumstances of the hour—did not the ancient and uniform policy of the Government require that this controversy should be settled at once, leaving the distant desert for a space to take care of itself?

I was hurt, therefore, sir, to hear it intimated that a Northern negotiator had neglected and excluded the Oregon, because it was a Western question. You see why it was neglected, and why it was excluded; and you see that it was a wise diplomacy, wheresoever its author was rocked in his cradle. But how long is it, sir, that this has been a Western question, I should like to know? Is it any more a Western question than the China mission, or the Sandwich Island mission is a Western question? Did not the East discover the territory and its great river? Do you not found your title upon the log-book of Captain Gray's good ship Columbia, of Boston? Was it not a Massachusetts man (Captain Wyeth) who first attempted to open a direct trade to it by sea? Was not Astoria settled from the East? Have you not upon your table more memorials from New York and Boston than from all the Union beside, soliciting your attention to this interest? Will not the Nantucket and New Bedford whalemen go there to rest, among his own countrymen and kindred, tired out with the chase of his gigantic game? Will it not be the universal Yankee nation by whom that great valley of the tranquil sea shall be filled? and will they not, one and all, as the day of annual thanksgiving comes round, pause to trace their line with tears of gratitude and pride to the Plymouth Rock? Sir, it is no Western question.

But, sir, the honorable Senator discerns a great deal of mischief in settling part of our differences with England at a time, leaving others open. He perceives it to be a master-stroke of hers, and a capital blunder of yours, to determine the boundary line of the Northern States and the free States, without adjusting the questions which pertain more immediately and exclusively to the West and South.

Sir, I am not sure that I comprehend the point of his complaint.

Did not President Jackson vehemently desire to settle this question of Northeastern boundary by itself? Did he not offer to Maine more than a million of dollars to settle it by itself, according to the King of the Netherlands' award? Sir, we all know that he did. He, whose well-appreciated qualities and services, and well-earned fame, enabled him to despise the vulgar clamor about the fear of England,—he, and all the public men who formed and stood round his Administration, (including, as I had supposed, the honorable Senator himself,) thought it clear gain—a measure of undoubted expediency, as far as it went, to settle one great question at a time. Why, he would have thought it about as absurd to keep all open, because all could not be adjusted instantly and together, as to refuse, if such an offer could be supposed to be made to man, to have any one of the great diseases by which the human race is wasted away, extirpated, until all diseases could be extirpated—holding on to small-pox till you know how cholera and yellow fever are to be disposed of!

And pray, sir, what advantage does England gain over us by the adjustment of this portion of your differences with her? The honorable Senator argues that she is preparing for war with you. She is preparing for immediate war. Released from China and from Affghanistan, she is in the very act of lifting her blood-red hand against your life. The beard is grown already, he thinks, on the chin of the hero who is to turn back the dark tide of that war upon her own coast, and conquer Oregon in the streets of London.

Well, sir, if England is going to war with you so soon, what good is this settlement of the Northeastern line to do her? I have heard of Governments which, meditating a war with one nation, prepared for it by adjusting their differences with other nations; thus securing their friendship or their neutrality. But does England expect to get, by a treaty of peace made this year, a war next year, with one half only of the people and States of this Union? Does she suppose she has given the East, and the great central mass, so satisfactory a boundary line, that they will lie down behind it, and leave the South and West to fight her alone? Do you not know that if one drop of blood is shed on the Columbia river, or one regiment (black or white) landed in Mississippi, this line would be on fire—one long chain of fire—instantaneously, from the St. Croix to the Rocky Mountains? Would this treaty hinder Maine, New Hampshire, Vermont, New York, Michigan, from walking over it, without knowing or caring where it is? Would this treaty, or any treaty, or anything, keep the commercial East out of your Southern and Western war? Why, sir, all war—all war of America with England—is a war directly and chiefly on the Eastern Atlantic States. Necessity, interest, not less than patriotism, compel them into participation in it. Every merchant ship, every fishing craft that is driven from the sea, sends a gallant crew to the gun deck, and ensures other laurels to the brows of other Decaturs, and Hulls, and Perrys. So it was in the last war. Hunted from the Grand Banks, the fishermen of Marblehead rallied to the radiant flag of the Constitution; and, in half an hour, broke forever the spell of English invincibility on the sea. Such men are not long in learning their new profession. I was told this story by a distinguished officer in the navy—the first lieutenant of that frigate at the time when she captured the Guerriere: During the action, the officer in command of one of the divisions observed that the firing of his guns had ceased for a short time, and inquired of a sailor the reason. "Sir, (said he,) there is so much smoke, we cannot see; and we are waiting for it to clear up. It is a pity to throw away our shot." This from a fine young fellow of twenty, or thereabouts, who had never seen fire before in his life!

No, Mr. President: while I could wish, undoubtedly, that this treaty had settled everything, I deny that it composes the slightest objection to it, of a positive nature, that it does not settle everything. What is done is altogether good. What is done is not the worse for what is not done. The chances of the continuance of peace are heightened. The hazards of war are diminished. The entire mass and aggregate of our relations with England is disembarrassed, and, if I may so say, dulcified. What is done makes it easier to do all the rest. It sweetens the temper of the parties: it purifies the vision: it calms the passions; it confirms the purpose of the wise and good of both nations to be forever at peace with one another, and to put away forever all war from the kindred races—war, the most ridiculous of blunders, the most tremendous of crimes, the most comprehensive of evils.

The honorable Senator next assails the treaty for what he calls its sins of commission. Having it all with hate unappeasable, he chiefly bestows his indignation on two great concessions which he says it makes to England. The first gives away a strip of mountain territory, some eight or ten miles wide, and one hundred and ten miles long, on the American side of the King of the Netherlands' line. The other changes an important portion of the boundary line west of Lake Superior, and between that lake and the Rainy lake; removes it far south of its true and ancient course; gives to England the old, customary, and best route from Lake Superior towards the Northwest, together with five hundred thousand acres of rock and water, called Hunter's island, and admits her travelling traders to a common use of all the portages upon the new line of boundary actually established. These concessions (so he calls them) he assails vehemently and bitterly. Part of them he has assailed before; all of them he declares his purpose to assail again. He only regrets, he tells us, that this session is too short for what he has to say; but consoles himself with the hope that the forty speeches which he means to make upon the subject at the next session may convey to the country some faint and dim impression of its inexpressible importance and enormities.

Mr. President, it is not my purpose to engage in a general examination and defence of this treaty. Regularly, the subject is not before us. Bills there are, here or in the other House, making appropriations to execute it, on which it must be debated. I would rather reserve myself to that occasion. Besides, sir, why should I, or why should any one, assume the defence of a treaty, here in this body, which but just now, on the amplest consideration, in the confidence and calmness of executive session, was approved by a vote so decisive? Sir, the country, by a vote far more decisive, in a proportion very far beyond thirty-nine to nine, has approved your approval. Some there are—some few, (I speak not now of any member of this Senate,) restless, selfish, reckless, "the cankers of a calm world and a long peace," pining with thirst of notoriety, slaves to their hatred of England—to whom the treaty is distasteful; to whom any treaty, and all things but the glare and clamor, the vain pomp and hollow circumstance, the toil, and agony, and inadequate results, of war—all but these, would be distasteful and dreary. But the country is with you in this act of wisdom and glory: its intelligence, its morality, its labor—its good men, its common men, the thoughtful, the philanthropic, the discreet, the masses—the farmer in his field, the mechanic in his shop, the merchant in his counting-room, the fisherman on the deck of his night-foundered skiff,—are all with you.

It would be quite superfluous, therefore, here or anywhere, to defend an act on which the public judgment of approval has been pronounced with a voice so decisive. Let me, however, sir, before attending to the particular objections of the honorable Senator, submit a view or two of the general character and merits of the treaty as a treaty of boundary.

Consider first, sir, that, by concession of everybody, it is a better treaty than the administration of President Jackson would have most eagerly concluded. You all know, and the country knows, that that eminent person, and his constitutional and unconstitutional advisers, (if such he had,) without exception, desired to adopt the line settled by the award of the King of Holland. Yes, sir, although that award pretended to adjust nothing but the extreme and mere Northeastern question—although it touched no part of the line west of Lake Champlain—although it gave away one hundred thousand acres of New Hampshire, left to Canada a strip of fifty-seven thousand acres which this treaty secures to Vermont and New York, and admitted you to no rights of navigation in the St. John—he and they preferred such a settlement to none; and there were offered to Maine alone a million and a quarter acres of land, estimated to be worth more than a million of dollars, to procure her assent to it.

Well, sir, the treaty of Washington makes a better settlement than that. Such is the judgment of Maine herself. Although she receives from the General Government, under the treaty, nearly a million of dollars less than she might have had for assenting to the award, her sagacity prefers the treaty to the award. She had the offer of the adjustment proposed by the award, during the pendency of the negotiation in this city—[illegible]

and she promptly rejected it. A friend has this moment referred me to the report just made by her commissioners to her Legislature, from which I read a passage:

"Secondly. We were given to understand that it was not yet too late to adopt, ratify, and confirm the line recommended by the arbiter, and settle the controversy in that way. In reference to such a proposition, we suggested on our part that, if the limited right to the navigation of the St. John could be conceded as an equivalent, we might bring ourselves, perhaps, to assent to it—particularly if we could mutually agree upon a modification of that line. But every suggestion on our part, as to modifying and narrowing the bounds, and as to equivalents, was met by a prompt and decided negative. If we acceded to that line, it could only be on the basis of the award, simply and purely, and without any equivalent. Would, then, the commissioners of Maine be justified by their fellow-citizens in assenting, in behalf of the State, at this late day, to a ratification of the award of the King of the Netherlands? More than ten years ago, the Legislature of Maine repeatedly and solemnly protested against the ratification of that award. It even refused to trust in the hands of the President and Senate of the United States the discretionary power of ratifying it, although, in case of its eventual ratification, Maine would have realized, as an indemnity, more than two millions of dollars, and avoided all the expense and border troubles to which the controversy has since given occasion. The views of the Legislature, so repeatedly expressed, were opposed to any assent on the part of its agents. The spirit of the resolves under which we derived our authority was opposed to it Considering the course which the Legislature and Executive of Maine have pursued in regard to this matter, the acceptance of such a proposition was out of the question. To have acceded to it, would have been, in our opinion, to disregard the interest of the State, and to trifle with its character and honor."

Sir, the judgment of Maine on the comparative merits of these two arrangements is conclusive. It is the opinion of the party having immeasurably the deepest interest in the matter, and the best means of understanding it.

For years, the whole public mind of the State has been directed to the subject. If the navigation of the St. John is worth anything, or worth nothing, she knows it. If she needs this strip of mountain land, to shelter her giant limbs behind, she knows that also. She is patriotic, as well as attentive to herself; and I disparage nobody when I say that, on all parts and all aspects of this question—national or State, military or industrial—her opinion is worth that of the whole country beside.

Consider, in the next place, that in a broad and obvious view of this long and celebrated controversy of boundary, the whole civilized world will pronounce it terminated honorably to you. The smaller details of the arrangement, the world, history will never know, or will speedily forget. The glory or the shame of the general result will abide, and will form a part of the wide and irresistible opinion pronounced for ages upon your acts and your character. Look, then, at the larger aspect of the dispute and the settlement. Here has been for half a century a contention with England about a territory of twelve thousand square miles, or seven and a half millions of acres. She has claimed it all; we have claimed it all. Like all the controversies of nations, it has been conducted on the high places, and in the eye of the world. Like all such controversies, it has involved an appeal to the judgment of civilization. England, a monarchy—a European monarchy—the first power of the first class of powers, near to the great sources of public opinion, and, by her press, her diplomacy, and her universal intercourse, almost omnipotent to mould that opinion—England has pronounced our claim groundless and insincere. We, a republic, at a distance, have been heard incredulously to assert its validity and its good faith. And what now does the world see? An adjustment by a special minister at Washington, by which four fifths in value of the whole subject in controversy is left to you as your own, and by which, for that one-fifth which she desires to possess, she pays you, over and over, in national equivalents—imperial equivalents—such as a nation may give, such as a nation may receive, satisfactory to your interests, soothing to your honor—the navigation of the St. John, a hundred thousand acres in New Hampshire, fifty thousand acres in Vermont and New York, the point of land commanding the great military way to and from Canada by Lake Champlain, the fair and fertile island of St. George, the surrender of a pertinacious pretension to four millions of acres westward of Lake Superior! Sir, I will not say that this adjustment admits, or was designed to admit, that your title to the whole territory in controversy was perfect and indisputable. I will not do so much injustice to the accomplished and excellent person who represented the moderation and the good sense of the English people and Government in this negotiation. I cannot adopt, even for the defence of a treaty which I so much approve, the language of a writer in the London Morning Chronicle of September last, (and who has been said to be Lord Palmerston,) which over and over asserts that the adjustment "virtually acknowledges the American claim to the whole of the disputed territory," and that "it gives England no share at all—absolutely none; for the capitulation virtually and practically yields up the whole territory to the United States, and then brings back a small part of it in exchange for the right of navigating the St. John." I will not say this. But I say the treaty admits the substantial justice of your general claim. It admits that, in its utmost extent, it was plausible, formidable, and made in pure good faith. It adjudges to you the possession of four-fifths as indisputably your own; and, as considerations of policy made the possession of the rest desirable to England, suppressing the question on the mere right, she pays you for it as nations pay to their equals, "in all love and honor." And how will the world reason on this matter? Will it not say, "Why, America was right, after all; the proudest and most powerful of the nations substantially has admitted that she was right; the fair republic, 'throned by the West,' has not been rapacious, has not made false claim and false clamor; she has asserted her own, and she has obtained her own."

Satisfied, sir, with this general aspect of the controversy and the adjustment, I do not propose to spend time in inquiring whether the equivalents we get for the one-fifth we concede are worth what they cost us exactly in federal money. It is enough that they are given as equivalents, *eo nomine*, on purpose to soothe and save the point of honor, and that their intrinsical and their comparative value is such that you may accept them as equivalents without reproach to your judgment, or your firmness, or your good faith. And yet I cannot feel a shadow of doubt that what we receive is compensation over and over again for what we concede. Lift aloft to the sky the vast scales in which such values may be weighed, and try by the maxims of imperial traffic the acquisitions of England against the acquisitions of America! To begin with yours. There is the navigation of the St. John. Nobody disputes the value of this concession; but it is said to be a concession to Maine only. Not at all, sir—not at all. It is a concession to the whole country, to commerce, to the mercantile marine, to tonnage, to trade, "as far as winds blow or waters roll." It is said that, by the laws of nations, we were entitled to it. Ay, but did the law of nations give it to you? No more than honor, in Falstaff's catechism, sets broken bones. England, till now, has laughed at the claim on the law of nations; she laughs at it now. She has given it as an equivalent of inappreciable value, opening to the primeval forests, virgin soil, and hardy enterprise of Maine an ample path to the sea, as an equivalent in part for what she receives of the territory in dispute. Ask the people of Maine what they would take for this equivalent.

Then, sir, there are one hundred thousand acres of New Hampshire to which England surrenders her pretensions forever. I know, or I believe, the pretension was groundless; and yet the award of the King of Holland gave it away from you. There is that long margin of fifty-seven thousand acres in Vermont and New York. It belonged to Canada, according to the true line of boundary, as much as Quebec; an American population had settled it under mistake; and by this treaty they retain it, and retain their country too. There is the important island of St. George, lying in the water communication between Lake Huron and Lake Superior, containing more than twenty-five thousand acres of fertile land; and there is the final surrender of a long unsettled claim of England to a southern boundary, and to four millions of acres of land west of Lake Superior. Above all, there is Rouse's Point, at the northern end of Lake Champlain. It is on the Canadian side of the line; nobody now disputes this. We had fortified it formerly, under an erroneous supposition that it was on the American side; and the Senator from South Carolina [Mr. CALHOUN] reminded you of the deep regret and apprehension with which military men and the War Department (over which he then presided) heard of the ascertainment of the error. This treaty makes it yours. I need not tell you what it is worth. It is far the most important military position on the whole line from the mouth of the St. Croix to the Rocky Mountains. Commanding the only access to invasion from Canada, the old military path along which came the glittering host of Burgoyne, the fleet of Downie, and the army of Prevost, winding across the calm waters of Macdonough's victory, and along and down between Bennington on one side and Saratoga on the other, to Albany and New York; that old classical pass, our Thermopylæ, consecrated by as noble blood, illustrated by as durable glory; two thousand brave men on this position would hold in check an army and a fleet of a hundred thousand.

These, sir, are your equivalents for the three or four millions of acres, the one-fifth of the value in controversy in Maine which you yield—not so much to England, as to peace, to rest, to security, to certainty of national and individual possessions. I leave you to judge if you have not the worth of your money.

But I must now say something to the two particular objections on which the honorable Senator from Missouri has laid out so much good indignation. And, first, he complains that we give up a strip of highlands eight or ten miles wide, and running one hundred and ten miles in length, from Lake Pohenagamook to the Metjarmette portage, which the award of the King of Holland assigned to us.

Sir, this is true. Yet Maine, you see, prefers this treaty to that award; and this concession, and the entire concession to England, you also see, is paid for again and again.

But this particular strip of land. The question is, if, for any purpose of advantage to England, or of detriment to us, it is worth a pin's fee?

Well, sir, that it is good for nothing, for agriculture, lumber, minerals, or any other of the uses of man's life, is admitted. It is a succession of irregular eminences, some of them three thousand feet high, with morasses between them. The growth of the highland is a stinted, worthless forest tree; and of the morass, beds of moss lying upon a waste of rock and water. Throughout, it is unfit, and ever must remain unfit, for cultivation or for habitation. There is nothing upon or beneath the surface of use to anybody or for anything.

But the question still remains, if, in reference to any of the larger objects of her policy or ours, it possesses value? Sir, it is not worth a pound of wet gunpowder, for any purpose, to either Government.

The first object which I suppose England to have had in view in her pursuit of this controversy, has been to obtain a short, secure, and convenient road of communication between New Brunswick and Canada in winter. Now, Lord Palmerston (or whoever is the writer for the London paper from which I have read) asserts that England does not effect this object by this treaty. But, however that may be, certain it is that this treaty gives her no safer, or shorter, or better communication between her provinces than she acquired by the Dutch award. Whether you settle one line or the other, her road from the St. John to the St. Lawrence will pursue exactly the same course; it will be of exactly the same length; it will be just as much exposed, and just as much sheltered.

The second object of England has been thought to be to interpose an unoccupied and uninhabitable space between the Canadian and American population—a sort of non-conductor, as Lord Palmerston calls it, of sympathies or of antipathies, as the case might be. She fears collisions between border communities, living up to an imaginary line on both sides of it. She more, and more rationally, perhaps, fears friendships, communication, proselytism, sympathy—the animal magnetism of turbulent and enterprising liberty. Probably, had she ever acquired the whole territory in dispute, she would have held large tracts of it ungranted, unpeopled—a wall of wilderness against the spirit of change.

Now, however desirable it may be to her, or undesirable to us, to keep these two communities a good safe quarantine distance apart, it signifies, obviously, not one straw, whether she or we own this strip of good-for-nothing hill and bog. Whoever owns it, the two races will be exactly the same distance apart. There would not be one solitary patriot or sympathizer on the whole of it; if our title went to the desolate crest of the mountain range itself, as the King of Holland defined it. Your propagandist of liberty affects not blighted firs, cold mountains, declining into beds of luxuriant moss, which clothe, imperfectly, silicious rock and slate!

Let me say, sir, that I should feel it to be no very grievous thing if a non-conductor border, such as England has contemplated, were interposed between her people and our own. I dread the collisions of so long a line of actual contact. Looking to the mere interests of my own country, too, I am perfectly content that the provinces of British America should continue subject to the Crown of England. The near neighborhood of the possessions, the troops, the navy, the armed image of a European monarchy, bodes no sort of evil or of danger to you. Better, perhaps, if we were encircled and compressed by the "iron quality" of Austria, or the impassive ice of Russia! It would hold us fast together. It would make our nationality more intense and more concentrated. Our liberty would be more dear and more distinctive. The sentiment of union, the sentiment of American brotherhood, would be more profoundly graven in our hearts. We should love our home better, and dwell in it more contentedly, because it would be seen and felt to be the only home of freedom within our reach. But, however all this may be, it is of no sort of importance which Government owns this strip of uninhabitable land.

The only remaining question is, Whether, for any military uses, it possesses any value? Is it desirable that we should own it for the purpose of defence or of aggression against Lower Canada?

Well, sir, upon this question I seek for the opinions of military men. It involves a point of military science. It turns altogether upon inquiries with which it is their business to be conversant; upon which they are competent to judge; upon which their determinations are necessarily quite authoritative. And I do but repeat—what every Senator perfectly well knows—when I say that, in the judgment of the entire military profession of the country, this range of land has no military importance or use whatsoever. Neither Government would fortify it in time of peace. No troops would be marched across it in time of war. The title to it, therefore, and the possession of it, in time of peace, are objects of not the slightest value to either party.

But let me open this plain matter a little more largely. It is known to you, sir, that, in the summer of 1838, a military reconnoissance of the frontier of Maine was made by General Wool, and by Major Graham, of the corps of topographical engineers. The results of it are contained in reports made in December of the same year to the Senate, and which are in the hands of Senators. In 1840, a board of officers were assembled by the Secretary of War, and directed, after full and careful examination of the subject, to present a connected plan of defence for the maritime and inland frontiers of the United States. You have their report also, embodying such a plan. In addition to this, a board of commissioners, consisting of three officers of much distinction, (Messrs. Graham, Talcott, and Renwick,) under the direction of Major Graham, in 1840, 1841, and 1842, made a complete survey of the territory in dispute, one of the fruits of which is the new and beautiful map which I have by me, and which I invite Senators to examine. In all these ways there has been collected a body of military opinion on this subject, which leaves nothing to be desired.

And this opinion is decided and uniform. A glance at the map at once explains and confirms it. There are two paths, and two only, communicating between the St. Lawrence on the one side, and the valleys of the Penobscot and Kennebec, and the waters of the Bay of Fundy, on the other. One of these is the old road, from the St. Lawrence up the Chaudiere, to the waters of the Kennebec; and thence to the beautiful and peopled valley of that river, and to that of the Penobscot, the track of the memorable march of Arnold and Montgomery. All this road is many miles west of the point where the line of the Dutch award and the line of this treaty begin again to coincide; and, so far as this road is concerned, the possession and title of the strip of land under consideration are confessedly of no importance. The other is the English road up the St. John, and across, north of the line settled by the Dutch award and by this treaty, to the St. Lawrence, and up the St. Lawrence to Quebec. The space between these paths, of which this strip of land is part, is one great trackless wilderness. No army, coming from Canada, or invading Canada, would set foot on it. Why should an English General, deserting the old and open road—by the Chaudiere, for example, which leads at once to the heart of Maine—march across these highlands; place their inaccessible crest and faithless morasses behind him, to cut off his own retreat, if retreat became necessary; enter a vast forest, offering him not one inch of road, nor one single article of supply, nor one single friendly guide—all on fire with the blaze of the musketry of the militia of Maine, to arrive at last, if he lived to get through—*nowhere!* upon a poor, extended, and scarcely inhabited frontier, where he could win neither booty nor honor? Why, it would be the Alps without Italy! The absurdity of such a thing is inconceivable. And, on the other hand, if you were aiming a blow at Quebec, would you seek the St. Lawrence across this pathless wild at a point below Quebec? No, sir. If you felt yourselves strong enough for such achievement, you would march at once upon one or the other of the old roads of war—up the Chaudiere, in the footsteps of Mongomery; or across the Champlain, furrowed by the keels of invading fleets before.

On this point the judgments of military men, as I have said, are unanimous. Gen. Wool, in one of the reports to which I have alluded, after recommending a fortification on the road of the Chaudiere, observes:

"This position is a commanding one, and would be highly important if, by any circumstance, England should be induced to invade Maine from the direction of Quebec or Lower Canada. It is situated on the only route by which a military force would attempt to penetrate the country from Lower Canada. Any other route would be attended with almost insurmountable difficulties, and which could not fail to retard the advance of an army. On either side of the Canada road, for nearly or quite forty miles south of the line, the country is unsettled, and covered with a dense forest, through which roads must be cut and made, streams bridged, and boats built, and where neither forage, provisions, nor any other supplies could be obtained. If England, however, should make war upon the United States,—in order to secure the possession of the disputed territory in question, she would not waste her resources by contending for it in the wilds or dense forests of Maine. Having an army and a navy at her disposal, she would endeavor to compel the United States to a cession of it by the destruction of our commerce, navy depots, commercial cities, and frontier towns. These, with the present disposition of the military establishment of the country, constitute our vulnerable points, and of which England would not fail to take advantage. She would neither send her armies into our forests, nor into the heart of the country, from whence it is not probable they would return."

Such I know to be Major Graham's opinion upon a still more thorough study of the subject. Such I believe to be the opinion of every military man in the United States.

If we had this strip of mountain and bog for a thousand years of peace or war, we should never fortify it, or any part of it. In another of the reports to which I have referred, the board appointed to report a plan of defence for this very frontier say:

"It is altogether inland until it reaches the St. Croix, where the principles that have been applied to other portions of the frontier similarly situated will again become applicable. Running on a parallel of latitude to the Connecticut river, and thence along a chain of highlands, not yet clearly defined, to the Province of New Brunswick, the board are not aware that there are any points immediately on the frontier sufficiently commanding, of themselves, to call for the establishment and maintenance of fortifications, or works of defence.

"Should it ever become necessary to sustain, by force, our title to the territory now in dispute, it must be done not by isolated forts along the frontier, commanding, probably, nothing beyond the range of their own guns."

The good sense of this opinion is too obvious to need enforcement. If no army is to cross this section of the line, why fortify it? If an army chose to cross it, what would one fort avail? Would you build, then, a chain of forts, one hundred and ten miles long? A hundred and ten dogs, baying the moon, would be more sensibly occupied. But if you would not fortify this wilderness (as you know you would not) in time of peace, why desire to own it in time of peace? If, as a physical barrier of impediments and defence, it has any value, it has it whoever is the owner. If, in time of war, you have occasion to strengthen the barriers, send the militia of Maine to guard it. That they can do, and will do, whether the line of treaty run along the crest, or ten miles east or west of it.

I submit, then, sir, that the concession of this narrow range to England, beyond the line of the King of the Netherlands' award, is a totally unimportant one. I apprehend that, if her negotiator or Government ascribed any importance to it, it arose from certain European ideas, which more knowledge of the facts would have taught them were wholly inapplicable. They seem to have imagined that we should occupy and cultivate up to the very summit of the highland, and they had a dread of this proximity. We, who know that human life cannot be maintained there, and that it is doomed forever to be a desert, may well purchase the spacious thoroughfare of the St. John, and the key to Burlington, to Albany, and New York, at such a price at this.

Pass now, Mr. President, towards the other end of the line of boundary established by the treaty. You are now west of Lake Superior, and are still advancing westward, from its vast expanse of crystal waters, along narrow lakes and rapid rivers, and over portages, towards the Rainy Lake and the Lake of the Woods. And here the honorable Senator arraigns the treaty in two distinct particulars. I propose to subject each of them to a distinct examination. In the first place, he says that it deserts and abandons the true line of boundary established by the treaty of 1783, and establishes a new one further south. To understand this, I must turn to the treaty of 1783, and to a map of the country. The second article of that treaty then declares that the boundary line from Lake Superior westward, shall begin at the Long Lake on Lake Superior, and shall run thence, "through the middle of said Long Lake and the water communication between it and the Lake of the Woods, to the Lake of the Woods." Now, the estuary of what on our maps is called Pigeon river is admitted by the Senator to be the Long Lake of the treaty of 1783. He admits, therefore, that the line is to leave Lake Superior at the mouth of Pigeon river, and to ascend through the middle of that river. And so it does. But the difficulty is, that, after advancing some miles westward of Lake Superior, you find two distinct "water communications," both extending westward, but one of them turning northwesterly, the other more southwesterly, diverging to a very considerable distance apart, and not uniting again until you arrive at Lake La Croix. They enclose between them an unhappy waste of rock and water, called Hunter's Island. They are much alike in their general character, being both of them a line of narrow lakes and streams, cataracts and rapids almost without number, which are overcome by as many portages. Now, the treaty of Washington, after arriving at the point of divergence, adopts the southern water communication; and draws the line along that, till it again arrives at the point of union. The honorable Senator alleges that the northern is the water communication intended by the treaty of 1783, and that the new treaty, of course, surrenders the true line.

Well now, sir, how will you determine which of the two is the water communication meant by the treaty of 1783? That treaty draws the line "along the water communication." But here are two. Which is the right one?

I should have supposed, in the first place, that if, in 1783, one of these routes was in actual use as a mode of water communication, and the other was not, the one in use was the one intended. The language looks, or seems to look, towards the fact of actual travel. It seems to designate not so much a geographical locality as a human use. *It is not land* and *water*, but *communication*; that particular line of land and water over which communication is taking place. And so the honor-

ble Senator would seem to have at first understood it; for, in his speech delivered in executive session against the treaty, he describes this northern route as "a communication which the Indians had followed beyond the reach of tradition, which was the highway of nations, which all travellers and traders have followed since its existence became known to our first discoverers."

Assuming, then, for the first aspect of the argument, that the water communication in use in 1783 was the one meant by the treaty,—which one was in use? This is a question of fact. It depends on the *proofs*. What say they?

In the first place, the honorable Senator produces not one tittle of evidence to show that his northern route from the mouth of Pigeon river was ever used at all. None, none. Let him name the book, the traveller, the tradition, which says it was He has not; he cannot. And now, when you consider with how precious hatred he hates the treaty, his habits of laborious research, his extensive and minute acquaintance with the whole subject, and his ample means in his own library and maps, and those of Congress, of arriving at the truth—this non-production of evidence must be held conclusive against his position. If it had existed, we should have had it. The crystal waves of Lake Superior would have given up the dead to testify if they had known the fact. But I am able to put this matter at rest forever. Sir, it is susceptible of the most ample and most precise demonstration—first, that, while France possessed the Canadas, her traders did not ascend from the mouth of Pigeon river, and pursue either of these routes; but set out from the river Kamanastiquia, forty or fifty miles northeast of Pigeon river, on Lake Superior, and thence proceeded westwardly: second, that, after the conquest of Canada, the English traders universally ascended from the mouth of Pigeon river, and through it, or rather through the portage a little south of it; thence up and along the southernmost of these routes, (never along the northernmost;) and continued to do so from 1760 down to 1803.

In 1783, therefore, the northern route was not used, and never had been; while the southern had been used from the moment the English knew anything of the country at all. The only water communication of these two, ever used by a human being, was the one adopted by this treaty. I shall do no more, sir, than to refer to the sources of proof. They are ample; they are direct; they are wholly uncontradicted. I find the evidence, then, first, in the executive document No. 451, 2d session of the 25th Congress, containing the proceedings of the commissioners appointed under the 7th article of the treaty of Ghent to determine the boundaries of the United States and the British possessions in North America. You know the history and the value of this document. Messrs. Porter and Barclay were commissioners appointed by the two Governments, respectively, under the 6th and 7th articles of the treaty of Ghent. They were to fix the boundary from the foot of Neebish Rapids to the northwesternmost point of the Lake of the Woods. General Porter was the American commissioner, Mr. Barclay the English. They were employed in this service for a long time. They agreed to some extent, and to some extent they differed. The line westward from Lake Superior to the Rainy Lake they were unable to agree on, and left it undermined. The document to which I am about to refer, contains a complete report of the proceedings of the commissioners, with a great body of evidence relied upon by one or the other, or both, in support of their views respectively. Mr. Forsyth, the Secretary of State, in his communication transmitting it to Congress, declares "that it is all the information on the subject on the files of the department."

Looking into this authentic collection of evidence, then, I refer first to the testimony of William McGillivray. Who he was, General Porter informs you on page 22 of this document. He describes him as a "very respectable and intelligent British subject, particularly and personally conversant with the geography of the interior, and (at the time of writing the above-mentioned letters was, probably,) the best living authority on this subject." Now, what does he testify upon the subject of the uses of these two routes? On page 122 he particularly traces out the southern route from the mouth of Pigeon river, or rather the portage a little south of it; and then adds: "By this route, and this route only, was the trade to the northwest country carried on by the French, while in possession of Canada, and from the conquest until the year 1803 by the English traders."

In the next place, Sir Alexander Mackenzie, in his account of the fur-trade prefixed to his Travels, describes this southern route as the established and only track of the English traders and travellers. He traces their journey step by step, from Montreal to Lake Superior, and from Lake Superior to the Rainy Lake, by the precise course pursued by this treaty; and declares that it had been the settled line of communication from a very short period after the conquest of Canada. I invite the honorable Senator, as I read this writer's enumeration of the lakes along which the fur-trade is described as travelling, to follow me upon the map, and say whether they are not the lakes comprising the southern line of communication. There is, of course, no question about it.

In the next place, I employ the testimony of Mr. Delafield, who was the agent of the American commissioner, General Porter, during the sittings of the commission of which I have spoken, and who contributed, I perceive, an able argument in support of some part of the American claim. I find him on pages 25 and 26 of the document to which I have before referred, describing this southern communication as "the old track of the traders," as "the known route," as "one well-known and continuous chain of waters." This gentleman assisted in surveying it thrice, and in making a map of it.

To this I add the statement of Mr. Ferguson, who was the principal American surveyor attending that commission—a gentleman of great talent and science, now employed upon the coast survey. In his letter to Mr. Webster of July 25, 1842, (which is among the papers accompanying the treaty,) he speaks of the treaty as pursuing, generally, the "old commercial route." And in one addressed to me, and which I hold in my hand, dated January 19, 1843, he uses these words: "The route now described as the boundary was the one used always by the British fur-traders, when they were in possession of the country including both."

I present to the Senate, then, sir, the testimony of Mr. McGillivray, whom our distinguished and able commissioner, General Porter, declares to be "respectable, intelligent, and the best living witness on the subject"—of Sir Alexander Mackenzie, relating facts, the truth or falsehood of which was known to all British America, and without a motive to relate untruly—and of Mr. Delafield, our own agent, and Mr. Ferguson, our own surveyor on the commission; who all concur in declaring, for substance, that, from the conquest of Canada by England—that is, for more than twenty years before the treaty of 1783—the only communication from Lake Superior westward was exactly this southern communication adopted by the treaty of 1842, and that it continued the only one down to 1803. And against this accumulation of proof, the honorable Senator has never produced a particle of contradictory proof.

If, then, sir, when the treaty of 1783 runs the line through "*the water communication*" from the mouth of Pigeon river, it means that one water communication then existing and used, and which had existed and been used ever since England had owned the country: if it means the only one which, from the mouth of Pigeon river, had ever been used, so far as we can learn, by a human being—then it means the one adopted by the treaty of 1842. On this point there is no room for doubt or disputation.

2. But suppose it be said that the treaty of 1783 means the *best* water communication—that having the most continuous line of deep water, the fewest cataracts, the fewest rapids: the most practicable and navigable line.

Well, sir, even so: the honorable Senator offers no evidence at all that the northern route is best. None. He assails the treaty. He assails the making and the ratifying. He assumes the burden of proof; and he offers not a particle of evidence, good or bad.

But look to the proof on the other side. In the first place, is it not an irresistible inference from the fact that the southern route alone was used, that it was the best? If the northern was the easiest, safest, and shortest, is it not inconceivable that neither French, nor English, nor Canadian enterprise, nor the unerring instincts and immemorial traditions of the red race, ever found it out? Why, sir, the difference of one cataract or one carrying-place in its favor, would have drawn to it, with unfailing certainty, the universal travel of all the hunters and traders of all these races.

But again, sir. Mr. Barclay, the British commissioner, on page 92 of the document I have used so much, employs this language:

"The course described by the undersigned is, throughout, the old commercial route, and the route invariably used by the traders, who enter or return by the Grand Portage and Pigeon river. But the water communication from Lake Kasagenega, by Sturgeon river to the Sturgeon lake, and the deviation by the Arrow river and Arrow lake, from the main route, are difficult, and but little known."

And again:

"In fact, it is too notorious to require proof, among persons in the least acquainted with these waters, that neither the Arrow river nor the Sturgeon river is an accustomed route: the reason assigned is, that they are both more devious, and both attended with greater obstacles, than is the common route."

I know he is the English commissioner; but I also know that neither our own commissioner, nor anybody else, anywhere, intimates one word to the contrary.

3. Upon this point, however, the evidence of Mr. Ferguson is the most satisfactory. In his letter to me, from which I have already read an extract, he says:

"2d. The portages on the southern route are shorter (in this I depend entirely on my recollection) than those on the northern.

"3d. On the northern route there are several cataracts, or falls, varying in height from 20 to 60 feet—rendering, for commercial purposes, the navigation more uncertain and dangerous.

"4th. There is no question but that the route as designated in the treaty of 1842, was intended by the treaty of 1783—the ignorance of the geography of the country only producing the ambiguities."

In another letter, also addressed to me, under date of January 21, 1843, he favors me with a list of the falls and rapids in the route north of Hunter's island, and between the points where it departs from and unites to the southern route. He makes, in all, between those points, about forty falls and rapids, from two feet to thirty-five feet; and says that some of them are "especially dangerous." The name of the Riviere Maligne—which forms part of this delightful northern communication—he adds, indicates its character. You see, then, sir, that forty portages, at least, are required to overcome the impracticabilities of this unheard-of and untravelled path; while nobody pretends that you find that number upon the line of this treaty.

I understand the honorable Senator to have intimated that there is still another criterion to determine the "water communication" intended by the treaty of 1783. He says it may mean that one a ong which you find the most continuous line of water of some sort—deep or shallow, rapid or quiet, straight or crooked—the fewest places where the water is completely severed and interrupted by dry land. Even so, sir, the honorable Senator has not proved, or sought to prove, that the northern has an advantage over the southern. If he cites Mackenzie for the purpose, I can only say that I am not aware, after a recent and diligent reading of his book, of one word in it, from beginning to end, which has the least application to such a question.

The honorable Senator then relies at last, and he relies exclusively, on two maps of our countryman, Tanner; one published in 1838, I believe, and the other in 1841, or 1840 or '42. These maps patriotically and intrepidly draw the line of boundary north of Hunter's island. But surely, surely we must admit that, as *evidence* on the matters of fact upon which the interpretation of the treaty of 1783 depends, this amounts to nothing. The truth is, that the question of this debate, which water communication is meant by the treaty of 1783, remains exactly where it was in 1783. Nothing has been said or done by either Government to aid in determining it. No line has been run out—no monument erected—no possession taken and maintained, and acquiesced in, which changes the aspect of the case in the slightest degree;—nothing which helps to construe the treaty of 1783, and to apply it to the ground; or which supersedes the necessity of construing and applying it exactly as

if it were made twelve months ago. It is altogether an open question. It was so, I should rather say, up to the time when the treaty of Washington was concluded. To determine it, there is no other mode than to go out with the writing itself upon the desert localities; ascertain their character; see what had been the direction of the hunter's path across them; and thus, by an application of the treaty to its subject, deduce its meaning. Of course, then, a map made in either country, in 1838 or 1840, affords no useful evidence of anything material to the investigation. I cannot collect from this splendid one of Tanner, suspended to the view of the Senate, whether he supposed the northern route was the one used in 1783; or whether he supposed it was the best one; or what he knew, or how he knew anything, one way or the other, upon these matters of fact. Yet, upon those matters of fact depends the whole question at this day. Of what value, then, is the evidence? No doubt, since the commission of Messrs. Porter and Barclay at least, the existence of the two water communications has been known; no doubt, since that time, it has been known that there was or might grow up a controversy about them; and, no doubt, a patriotic American geographer very judiciously and very naturally decided the controversy in advance in favor of his patrons and his country. I approve his patriotism, and distrust his map.

The honorable Senator interrupts me to say that he has forty other maps which draw the same line north of Hunter's island. Sir, if he means (as I take it for granted he means) those little plates which are appended to the document to which I have so often referred, I beg to say that, valueless for many reasons, they must be admitted by himself to be so, for this conclusive reason: that they all of them lay down the Long Lake not at the mouth of Pigeon river, where the Senator agrees that it is, but forty or fifty miles farther northeast. It is for this that Mr. Delafield cites and argues from them. They come into court, then, each and all, with an acknowledged and enormous falsehood upon their fronts, and are utterly discredited accordingly.

Since, sir, however, the honorable Senator has cited a map of 1838, and one of 1840, and has made allusion (if I have rightly understood him) to other and earlier maps, whose palpable and admitted errors utterly annihilate their testimony, I will take leave to call the attention of the Senate to one of a very different character. I have here an original Mitchell's map. This map, the Senate know, the commissioners who negotiated the treaty of 1783 had before them during the negotiation. I do not mean, of course, that they had this identical map, but one of the same impression, and exactly like it. And, sir, without wishing to press any inference from it too far, I cannot but think that it proves that the geographer intended to lay down one water communication from the mouth of what we now call Pigeon river, westward; and to lay down that one which runs south of Hunter's island. Senators may see here, first, that this map places Long Lake at the mouth of Pigeon river; in truth, it is this fact which induced our commissioner, Gen Porter, to believe that the estuary of Pigeon river is the Long Lake of the treaty of 1783; second, from this point, (which we now agree to call Pigeon river,) it extends one water communication, and one only, to the Lake of the Woods; third, and the course of this communication quite strikingly resembles the water communication from the mouth of Pigeon river, south of Hunter's island, on our new maps, which is adopted by the recent treaty; that is, after advancing some distance westward from Lake Superior, it inclines south, and then turns northwesterly, somewhat remarkably, like the southern and western boundary of Hunter's island.

Now, sir, if this resemblance exists, (of which Senators will judge,) it affords some presumption that the geographer intended to lay down the southern of the two lines of communication, and that he was ignorant of, or disregarded, the northern. If so, there is ground of presumption, too, that the framers of the treaty of 1783 meant to designate and adopt the same line of communication. You admit that they place Long Lake at the mouth of Pigeon river, because you find that the map which they had before them does so; why, then, do they not mean to designate the only line from Long Lake which the same map depicted, and of whose existence it made any recognition?

But, Mr. President, it is not upon these or upon any maps that I rest the question. The Senator assumes the burden of showing that the line of the treaty of 1783 is the northern of the two which we have been comparing. I controvert his position, and appeal to the proofs. And, upon these proofs, I submit that it is perfectly clear that the southern was the only one which, in 1783, had been ever used, and that it was the best of the two. I submit, further, that there is no evidence that the existence of the northern was at that time known or suspected; and there is no evidence that, upon any criterion whatever for determining which the treaty of 1783 intended, however capricious or however favorable to the position of the honorable Senator, the northern presents the slightest ground of preference over the other.

I deny, then, that the treaty has made the change of a hair's breadth in the line beyond Lake Superior. It has sought for the line of 1783, and has found it. Not an acre of that "wide waste of rock and water;" not a mile of the old fur-hunter's path; not a cataract; not a portage, intended for you by the treaty of peace, is given away, with or without compensation. On the contrary, it is certain that a claim to four millions of acres south of the line now finally established, on which England has steadily insisted, is surrendered forever.

The other objection of the honorable Senator to that part of the treaty which applies to the country west of Superior, is totally a distinct objection, requiring to be distinctly examined. It is this: that even if the line of boundary is rightly drawn, and in those places where it is confessedly rightly drawn, the treaty admits the subjects of Great Britain to a use in common with our own citizens, of all the customary portages along the line; and, among these, of the Grand Portage, a few miles south of the mouth of Pigeon river. And this objection, sir, is true in point of fact. The second article of the treaty draws a line of boundary through the middle of Pigeon river, thence through the middle of the entire succession of water communications south of Hunter's island, and so to the Rainy Lake; and then concludes: "It being understood that all the water communications, and all the usual portages along the line from Lake Superior to the Lake of the Woods, and also Grand Portage, from the shore of Lake Superior to the Pigeon river, as now actually used, shall be free and open to the use of the citizens and subjects of both countries."

But while I admit it to be true in point of fact, the honorable Senator must allow me to say that it is totally undeserving of his notice as a serious objection to the treaty. The question of boundary was worthy of him. If he could have established that branch of his arraignment, it would have been a thing to boast of. But this, sir, is certainly beneath the Senator's mark. And I think I am justified in saying so, by the course of the Senator himself. Why, sir, when did he first hold it worth his while to break these butterfly portages upon his wheel? It is only within the last week or fortnight, according to my recollection, that he ever alluded to them. How strenuously, and with what ability he fought the treaty in executive session, through one summer's day after another, we all know. His speech upon that occasion he has since written out and given to the country. Here it is—twenty-seven pages—not much short of eighty columns of the Congressional Globe; the most elaborate, the most minute, the most searching, the most hostile examination, dissection, and mastication of a treaty in the whole history of debate. Yet, in all that speech, (and I have navigated its whole vast atlantic, and sounded all its depths,) there is not one word about these portages—not one. He enumerates twelve distinct concessions which the treaty makes to England. He dwells on their value and importance, one by one, drop by drop. Nothing seems to escape him; yet a silence as of the grave about all, and all manner of portages, grand or little! Certainly—certainly this must have been a pretty inconsiderable objection, when so powerful a microscope in the hand of such an operator did not then detect it.

And so it is, when you come to examine it. Why, sir, the treaty attempts merely a liberal, manly, *cypres* execution of the treaty of 1783. The framers of that celebrated arrangement describe, and mean to divide and give in equal shares, a water communication from Lake Superior to the Lake of the Woods. When the localities come to be inspected, it is found that there is a geographical or physical water line; and that there is a line of actual travel which must and does depart from the other, here and there, by portages. A liberal approximated execution of that treaty would seem to require that the line of boundary should follow the water line; and that the portages, indispensable to the enjoyment of that line as a mode of communication, should be shared in common. This is what the present treaty does, apparently, with the original approbation of the honorable Senator himself, and still, I hope, with the approbation of all mankind beside.

The honorable Senator alleges that the treaty, in this behalf, makes a concession to England which Jay, in 1794, refused to make; and that it brings back the bloody throngs of British traders to the portage south of Pigeon river, from which Jay's treaty compelled them to migrate in 1803, and to which they have been languishing to return ever since. And thereupon he exclaims: "Give me the Federalists of 1794; give me George Washington and his friends—men who had American hearts in their bosoms—for all the Federalists now alive! I stand by the work of John Jay!"

Mr. President, I have no difficulty in supposing the honorable Senator perfectly sincere in this eulogy of the departed great. I will not say that his purpose seemed more to depreciate others than to praise them. I will not say that "he unplumbs the dead for bullets to assassinate the living." I unite with him especially in the honors he has paused to bestow upon the grave of Jay. I rejoice to see that great man, the friend of Washington and of kindred virtues, pure, elevated, and refined, his whole character whiter than the ermine of his exalted office, receive the justice which, living, he was denied. The malignant slander of the hour is shamed to rest, and thousands of the generation who heard him accused of selling the interests and glory of America for English gold or praise, have lived to see the whole world assign him his seat among the rarer and grander names, who in peace and war have sought to serve, not sought to please, their country. What more striking—what more grateful—what more full of lessons of constancy and steadfastness in the moment of averted popular favor, than to hear that treaty for which Washington could scarcely obtain a hearing, now and here produced as the standard by which the merit of modern negotiation is to be tried!

Let the provisions, then, of this treaty of 1842, which we have now to consider, be tried by the provisions upon the same subject in the treaty of 1794. Sir, they are the same exactly! I say to the honorable Senator, that there is no concession made in this, upon the subject of portages, that is not made in that. I say to him that this is a reproduction and re-establishment of that in this behalf—neither less nor more. The right of transit, the common use of the water communications and of the auxiliary carrying-places, the inducements to travel the old route in the old modes, are exactly the same under one as the other; and there is no more propriety in the reiterated asseveration of the honorable Senator that the framer of this treaty has led back the British traders from Kamanastiquia to south of Pigeon river, than there would be in saying as often and as loudly that John Jay offered them a tempting bribe to induce them not to remove northward of the river at all. Turn, sir, to Jay's treaty, and judge for yourself. I select and read all the parts of it which apply to the question:

"Art. 3. It is agreed that it shall at all times be free to his Majesty's subjects and to the citizens of the United States, and also to the Indians dwelling on either side of the said boundary line, freely to pass and repass, by land or inland navigation, into the respective territories and countries of the two parties, on the continent of America, (the country within the limits of the Hudson's Bay Company only excepted,) and to navigate all the lakes, rivers, and waters thereof, and freely to carry on trade and commerce with each other."

"No duty of entry shall ever be levied by either party on peltries brought by land, or inland navigation, into the said territories respectively; nor shall the Indians passing or repassing with their own proper goods and effects, of whatever nature, pay for the same any impost or duty whatever. But goods in bales, or other large packages, unusual among Indians, shall not be considered as goods belonging bona fide to Indians."

"No higher or other tolls or rates of ferriage than what are or shall be payable by natives, shall be demanded on either side; and no duties shall be payable on any goods which shall merely be carried over any of the portages or carrying-places on either side, for the purpose of being immediately reimbarked and carried to some other place or places. But as by this stipulation it is only meant to secure to each party a free passage across the portages on both sides, it is agreed that this exemption from duty shall extend only to such goods as are carried in the usual and direct road across the portage, and are not attempted to be in any manner sold or exchanged during their passage across the same; and proper regulations may be established to prevent the possibility of any frauds in this respect."

"As this article is intended to render, in a great degree, the local advantages of each party common to both, and thereby to promote a disposition favorable to friendship and good neighborhood, it is agreed that the respective Governments will mutually promote this amicable intercourse, by causing speedy and impartial justice to be done, and necessary protection to be extended, to all who may be concerned therein."

Now, sir, the first thing I have to say is, that this expressly, in the plainest words and for the strongest reasons, gives to both nations the free and common use of all existing portages.

"No duties shall be payable on any goods which shall merely be carried over any of the portages or carrying-places on either side, for the purpose of being immediately re-embarked and carried to some other place or places. But, as by this stipulation it is only meant to secure to each party a free passage across the portages on both sides, it is agreed," &c.

Yes, sir, it makes all of them—the Grand Portage and all—free, open, and common to both nations, and to all of both. It does so for reasons worthy of the age and the men. While we are inflaming ourselves about the ambition of England, and the cruelty and rapacity of her traders; while we sit and listen to denunciations of the negotiator of the new treaty for allowing those traders to row their canoes up the same rapid, and carry them on their backs over the same portage, with our own, as if the liberties of America were sold, just listen to that strain of higher mood, in which the grand and manly reasons are assigned in Jay's treaty for this self-same thing:

"As this article is intended to render, in a great degree, the local advantages of each party common to both, and thereby to promote a disposition favorable to friendship and good neighborhood, it is agreed," &c.

You see, therefore, sir, that if it is a crime or a blunder to open these portages, it is no new one. The treaty by which the honorable Senator tries this treaty, had opened them before; it had opened them all; it had opened the Grand Portage, six miles south of Pigeon river, just as much and as widely as it opened all the rest. It opens "all on both sides," in so many words; and it opened that, or it opened not one.

The next remark I make on this subject is, that Jay's treaty expressly declares that no duties shall be exacted for the mere transit of goods across these portages. If they are brought within our territory for sale—if the right of portage is sought to be converted into a right to open a market and set up a shop, and thus to sell within American territory, instead of transporting across it, then duties are to be paid. But the right of portage, direct and *bona fide*, is free, and embarrassed by no duty.

Just so it is, and subject to just the same limitations, in the new treaty Portages it makes free and open. Goods, therefore, which are carried across these portages, in the usual manner, and in good faith, will be subject to no transit duty. But goods brought into American territory to sell; goods which shall be arrested and taken out of direct and fair transit across, and exposed for sale, will be subject to duty at the pleasure of Congress. Nothing is made free but the right to carry across. He who, under color of using that privilege, exerts another, puts himself out of the exemption of the treaty.

If, then, sir, it is a crime, or blunder, to allow the Canadian trader to carry merchandise to the great northwest beyond the line of our extreme boundary, and bring furs back, free of transit duty, John Jay set the example of it. He did not think it worth while to harass such enterprise as that by duties on blankets, and gunpowder, and rum, and hominy, and wildcat skins! Following the example of all civilization, he thought "dispositions favorable to friendship and good neighborhood" cheaply purchased by such courtesy as this. Even if the portages had all been on the American side of the line, as they were not—for this, after all, is only a right of free transit given to England for a right of free transit given by her—he would have disdained exactions so unproductive, so vexatious, so universally discountenanced by all international decencies of intercourse.

Since, then, sir, the new treaty and the old, in the matter of these portages, are just alike, you may wonder, perhaps, what the honorable Senator really means when he says that the new treaty brings back the British traders whom the old one had sent away. Over and over again he has made this declaration. Long, long (says he) had these tribes languished to return to the Grand Portage; negotiation after negotiation had been tried for that purpose in vain; there they were up at Kamanistiquia and the unclassical Dog river, stretching out their arms "*ulterioris ripæ amore*," when the American Secretary put himself at their head—a Moses, a Joshua, (for he makes them both,) and led them back. Now, what in the world does all this really mean? Sir, without promising to be able to tell you that, I will lay the exact facts before the Senate, and leave you to judge for yourselves.

For many years, then, before 1783, and down to 1803, the Canadian traders not only travelled across the Grand Portage and other portages on their way west from Lake Superior, but they had their general depot at the Grand Portage. They there had storehouses, dwelling-houses, and all the necessary fixtures and permanent establishments of a trading-post. Well, sir, this place was and is within the territory of the United States. The middle of Pigeon river is the boundary line—for several miles, at least—up from its mouth, by the treaty of 1783, by the treaty of 1842, and by the concession of the honorable Senator from Missouri; and this place was and is six miles south of that line. In 1803, (probably some time before,) a rumor reached that post that the American collector of customs at Michilimackinac intended to levy duties upon all the merchandise and property there, upon the ground that they were within the United States; and thereupon the traders broke up and abandoned the depot, and established a new one at Kamanistiquia, since called Fort William, fifty miles northeast from the Grand Portage. There it has been ever since.

And now, sir, I deny that Jay's treaty caused the removal of this depot to Fort William, or that the new treaty will bring it back to the Grand Portage. The rights and the liabilities of these traders under the two treaties are identically the same. They have had no Pharoah, and have found no Moses. Why, sir, does the honorable Senator say that, under the new treaty, they can come back to the Grand Portage, re-establish their depot, build shops and houses, store their goods, and buy and sell as they did before 1803? Certainly not; for the treaty expressly declares a line of boundary which brings that portage within the United States; and it secures these British subjects no right whatever in it, but to use it as a carrying-place for the direct mere transportation of things over in good faith—a naked, strict right of way. What, then, can they do under this treaty, does he say? Why, they can build their depot on the north bank of Pigeon river, near its mouth, opposite the Grand Portage; and thence they can travel across the Grand Portage, and all the other portages, to the Lake of the Woods. Very well; be it so. Could they not have done the same thing under Jay's treaty? Exactly, exactly. Was not the Pigeon river the true boundary for at least several miles from its mouth in 1794? Why, the honorable Senator admits it. It is the true boundary, he admits, established by the treaty of 1783; and it has been the true boundary ever since. Then, sir, the next day after the treaty of 1783 was made—the next day after Jay's treaty was made, and at any and every moment from that time to this, these traders could have built their depot on the north side of Pigeon river, and travelled to their hearts' content over grand portages and little ones, to the tune of the Canadian boat-song, to the Lake of the Woods. And that is everything they can do by the new treaty! And yet the Secretary of State is said to have realized the achievements and blended the separate fame of Moses and Joshua, by leading back the British traders whom Jay had driven out.

It is true, undoubtedly, that the new treaty for the first time expressly ascertains Pigeon river to be the boundary. It for the first time enables all parties on both sides to make all their arrangements upon, and with a certain knowledge of, that important fact. It puts an end to the long and harassing doubt whether the Dog lake, the Pigeon river, or the Fond du Lac, is the point on Lake Superior from which the line should set out westward. In that sense, and to that extent, it apprizes British and American traders of their exact rights and exact privileges, and allows them to govern themselves accordingly. In that sense, and to that extent, it enables them to do what they could not prudently do before. But does the honorable Senator only mean, then, to complain that an important unsettled line has been settled, and to this extent settled rightly? To that it comes at last, and to nothing else.

I regret, sir, that the attention of the Senate has been withdrawn so long from the consideration of the bill for the occupation of the Oregon, (which is the subject properly before you,) by any merely collateral matter, however important. But it was the honorable Senator from Missouri who first turned aside from the defence of the bill to attack the treaty of 1842. Approving with my whole heart and whole reason that great arrangement of peace and of honor, I do not conceive that I am in fault for losing sight of the bill upon your table to follow him. I only hope the episode may not bear a too disproportionate relation to the main performance. And yet, why is a discussion of the treaty which you have just concluded irrevelant to the immediate question before you? If that treaty has been believed, by the thoughtful and good of both countries, to go far and do much to restore and confirm the kind regards of the two great branches of the English name and blood—if it has composed one of their more exasperating and inveterate differences—if it has sweetened their temper and smoothed their brow—if, in the mode of entering on and continuing that negotiation, England has been observed to abate somewhat of her pride and of her distance, and to be willing to meet frankly and half-way, in confidence and in honor, her daughter, her rival, so emulous of her own glory, so proud of her own lettered and martial fame—if the result of a negotiation so begun, so conducted, may fairly be reckoned among the triumphs of reason and of civilization, a victory of peace, a tribute to the duty of peace,—how solicitous should we be not now, by the thoughtless act of a moment, to undo all that it has done; to disappoint all that it has promised! How solicitous, especially, to do nothing which, while it endangers our territory, shall sully our honor!

SPEECH OF MR. MOREHEAD,

OF KENTUCKY.

In Senate of the United States, January 23, 1843.—On the Oregon bill.

Mr. MOREHEAD said that he had, a few days since, submitted to the Senate a resolution calling upon the Executive for information as to certain alleged acts of the British Government, by which it has exerted an exclusive jurisdiction over the Oregon Territory. The official answer to that call was conveyed in the communication which had just been read to the Senate.

[The communication itself was, in effect, as follows: The Secretary of State says that a letter from Thomas J. Farnham, dated 4th January, 1840, appears to have been transmitted to that department, by the Secretary of War, in the month of May following; and that, on the 6th of the same month, a letter was transmitted to the American minister in London, with extracts from that communication. As the President was desirous of knowing whether the intelligence contained in Mr. Farnham's letter relative to large grants, by the British Government to the Hudson Bay Company, of a large and valuable tract of land in the Oregon Territory, and of supposed grants and sales of those lands by that company to individuals, was well founded, the minister was instructed to make application to the proper quarter for information on the subject. In presenting the matter to the Brit-

ish Government, he was assured that no such grant of land had been made to the Hudson Bay Company; and that the only grant which had been made to that company was a grant of exclusive trade with the Indians in certain parts of North America for a further term of twenty-one years, on the surrender of the former grant.]

Mr. M. proceeded to say that his object, in the call which he had made, was to place before the Senate, for the further course of this discussion, authentic statements of fact in relation to the report so generally credited, that grants of land had been made by the British Government within the Oregon Territory. He had desired more particularly to have in the hands of the Senate the letter which accompanied the Secretary's communication—a letter to the Secretary of War, from a gentleman at its date in the Territory, and employed by the Government in an official capacity. It is of the year 1839 or 1840, and mentions as a fact—that which was then and there believed to be true—that the British Government had granted to the Hudson Bay Company a large and valuable tract of land in the neighborhood of the straits of Juan de Fuca, and within the limits of the Oregon Territory.

I learn with pleasure (said Mr. M.) the steps which were thought advisable as to calling the attention of the British Government to this allegation, and their official denial of the fact thus stated. The disavowal satisfies me that the supposed grant has not been made; but it by no means convinces me that everything but the form of such grants is not most real. The disclaimer does not alter the *acts* of the British Government, except as to their direct and open responsibility; nor the possession of the Hudson Bay Company, so far as all the real purposes of possession are to be accomplished. I hold the disclaimer only material as to the *forms* under which these things are done. Setting aside, however, that point of the allegation, I think we have abundant proofs that Great Britain, directly or indirectly, exercises exclusive jurisdiction and enjoyment of the Territory; that if she has not already dispossessed, she is rapidly and surely dispossessing us; and that she therefore completely violates the convention, in point of fact, while she respects its forms.

The words of the third article of the convention of 1818 are as follows:

"It is agreed that any country that may be claimed by either party on the northwest coast of America, westward of the Stony mountains, shall, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, be free and open, for the term of ten years from the date of the signature of the present convention, to the vessels, citizens, and subjects of the two powers; it being well understood that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of the said country; nor shall it be taken to affect the claims of any other power or state to any part of the said country: the only object of the high contracting parties, in that respect, being to prevent disputes and differences among themselves."

Now, sir, this is claimed and construed as a treaty of joint occupation; and that joint occupation temporary, for it is to last but ten years.

A joint and a temporary occupation would, one would say, exclude the idea of permament forts and fixed settlements—things which mark the very opposite of the only two forms of possession, permanent and temporary. Under the latter, tents may be set up, shantees erected, and cabins or other such rude and occasional shelters be built for momentary use. But the felling of forests, the construction of regular habitations, the fencing in of fields, the regular cultivation and improvement of the soil, the fitting up of saw-mills, the assemblage of workshops, and of many other of the appliances of fixed sojourn and employment, certainly denote, especially with forts to protect them, something more than transient possession, and constitute, and are meant to constitute, a lasting, and, of course, exclusive occupation of the places thus appropriated. Now, what are the proceedings of the great and permitted agent of these British infringements—the Hudson Bay Company? The report of Captain Nathaniel J. Wyeth (No. 101 Indian Affairs) shall tell you.

Here Mr. M. read to the following purport from Captain Wyeth:

"The company have now their chief establishment at Fort Vancouver, on the north side of the Columbia, about eighty miles above its mouth; for Fort George, (Astoria,) the older station, is now a mere look-out, where little trade is done.

"At Vancouver are stationed about two hundred men, usually employed in agricultural or mechanical labor. There is a saw-mill about six miles above it, which supplies lumber for themselves and for the Sandwich Islands. The fort is a stockade, with accommodations for the people employed at it, two large guns not in use, and such defences merely as are necessary against the Indians. To this point all the supplies for the fur-trade are sent, and here the returns are collected."

He proceeds to enumerate and describe the other British posts in Oregon: Wallahwallah, Okanugen, and Colville, on the Columbia; Flathead, on the river of that name; the Big Wood post, at the mouth of Big Wood; and a station not permanently occupied at the mouth of Umbiquoi.

He proceeds to relate the arts by which American competition is excluded or crushed, and the traders driven away. Their parties, he says, frequently in violation of treaties, pass within the limits of the United States on the Missouri. This was done in 1833, 1834, 1835, and 1836, contrary, it was said, to the instructions of the company, but probably with their consent.

He further says: "I have been informed that the British Government have given an assurance to the Hudson Bay Company that they will not surrender any part of the country north of the Columbia; or, if they do so, they will remunerate them for any establishments they may have made in that part of it."

He proceeds to give an account of the younger and entirely agricultural settlement of Wallumette, on the south of the Columbia, where some twenty or thirty men, formerly in the employment of the company, cultivate small farms.

He concludes as follows:

"In conclusion, I will observe, that the measures of this company have been conceived with wisdom, steadily pursued, and have been well seconded by their Government, and the success has been complete; and, without being able to charge on them any gross violations of the existing treaties, a few years will make the country west of the mountains as completely English as they can desire. Already the Americans are unknown as a nation; and, as individuals, their power is despised by the natives of the land. A population is growing out of the occupancy of the country, whose prejudices are not with us; and, before many years, they will decide to whom the country shall belong, unless, in the mean time, the American Government make their power felt and seen to a greater degree than has yet been the case."

The statements of Mr. Slacum (an agent of the Government, whose report may be found in the same body of documents and same number) are still minuter, but to the same general effect.

He gives an account of the formal surrender of Fort George (Astoria) in 1818, in conformity with the treaty of Ghent, and the ceremonies with which the British agents passed it into our hands. The fact itself goes far to mark an admission of our claim of sovereignty. The fort itself was soon after destroyed by fire, said to have been put by the Indians.

His visit marks a considerable progress of things since the time to which Mr. Wyeth's description applies. "Fort Vancouver occupies (in 1837) double the old space. There are thirty-nine buildings within, and forty-nine cabins under its walls; a large barn, with seven other buildings attached; an hospital and boat-house on the river; a saw-mill, employing twenty-eight men, and cutting above two thousand feet of timber daily, &c. The farm contains three thousand acres in cultivation, employing one hundred laborers. The whole number of persons attached to the establishment is from seven hundred and fifty to eight hundred. The farm produced in 1837 eight thousand bushels of wheat; five thousand five hundred bushels of barley; six thousand bushels of oats; nine thousand bushels of peas; fourteen thousand bushels of potatoes; and large quantities of other crops. They had a large threshing machine; a distillery; (discontinued;) a grist mill; a stock of one thousand black cattle; seven hundred hogs; two hundred sheep; near five hundred horses; and forty yoke of working oxen." [In short, it would appear to be pretty much such a farm as the famous one of old Mr. Coke, (the Earl of Leicester,) in England—an establishment about as much like a permanent settlement as his.]

I might, sir, (proceeded Mr. MOREHEAD,) multiply quotations; but these are enough to show that, under the name and cover of the Hudson Bay Company, the British Government is in actual, and regular, and exclusive possession of this territory. It is entirely under the control of that great association, at whose back the Government itself stands, whenever there is need. They have not only turned your joint possession out of doors, but systematically set savage spies upon your steps, if you wander towards your ancient tenement. They unite against you all the Indian tribes, poison their minds against you, and train them on to a murderous hostility. They have, indeed, taken, in all respects, those stealthy and irresponsible methods of guile which (skilful natives as they are) they know perfectly how to employ, when more available than force. Forbearing to alarm you by any show of strength, and to rouse you by any open contravention of the treaty, they have yet, without an effort, (husbanding their own resources, and not calling out yours,) through the commercial mechanism of a powerful and enterprising company, and its far-spreading agents and posts, accomplished, to a great extent, everything that they could wish, or we dread. They have swept the country of its rich furs, obtained a complete ascendency over its tribes, kept you off, started new modes of life more permanent than those which have failed, and, in short, got so long a start upon you in the race of possession, that you must at once exert yourself, if you would not be distanced. Are all these things to go on, until she comes to found a new title upon the very length of the wrong, and bar you forever by pleading the statute of limitations?

Nor, sir, is all this to be escaped by saying that these are the acts of the Hudson Bay Company, and not of the British Government. They are done under the sanction of that Government, and they are the surest means of achieving its purposes. They form its system of territorial encroachment almost everywhere, and especially against all nations capable of resisting direct attack. They are done by its subjects—not wandering outcasts merely, but a numerous body, organized and chartered, gifted by the Government with high privileges, and strictly accountable to it. Unquestionably, if such a body, watched over as it is by the British Government, pursues, for a series of years, measures so admirably fitted to break up our access to that country, and all that common enjoyment of it which the convention of 1818 stipulates, Britain, to whose advantage against us all these acts of her great association turn—Britain, whose surest system of encroachment and dispossession they form—Britain, who takes from that company, as its mistress and sovereign, all that it can snatch from us—Britain, I say, must be held, in effect, to do all these things, let her evasively disavow them as much as she will.

Referring to the British act of Parliament of July 2, 1821, the Senator from Massachusetts quoted its fourth section to show that it expressly refused to give any such license to trade in the Oregon Territory, to the prejudice or exclusion of any citizens of the United States who may engage in the trade there. And he cited the sixth section of the same act, to show that, in setting up there the jurisdiction of their own Canadian courts, they had expressly excepted such places as were within any civil Government of the United States.

[Here Mr. CHOATE reminded Mr. M. that the British Government had distinctly declared that the purpose of this act was limited to British subjects, and not meant to include Americans.]

Mr. M. continued. I am aware of their disclaimer: but I regard it as of no great importance what they say in these diplomatic interchanges of the best reasons they can find to justify the policy which they are resolved to pursue. Their acts we know; and are perfectly able to judge of as plain ones as these, let their declarations be what they may. And now, what is the law that I have stated? Very fair in seeming, and very considerate of our rights. It says that it is to extend to no place within any civil government of the United States. Well, they know perfectly well that we have set up no civil jurisdiction whatever in that entire country; and they have thus far taken care that we shall have nobody there to set it up over; so that they know that they apply their jurisdiction, by this act, to the entire country.

It is clear, then, what England's interpretation of joint occupancy means. Her practice defines it; and it is an exclusive occupancy by her. A "common possession with us," means her having a number of forts; "a free enjoyment by both the high contracting parties," signifies the exclusive fur and lumber trade, saw-mills, hospitals, &c.; to "hunt and to fish" intends, beyond doubt, farms of 3,000 acres, worked by 100 laborers. And then what cautious equity about infringing your jurisdiction, when she has already taken such excellent care that there should be nobody there for you to extend it over! If she meant fairly, surely these things would not be done; and I hold the entire series of her acts, and the manifest designs which they are every day advancing, as an utter and systematic infraction of the treaty by her. In confirmation of this, Mr. M. read a further extract from Captain Wyeth's statement, detailing the proceedings of the Hudson Bay Company.

And now, what says she as to these settlements, and the permanency of claim to them, which she recognises as obtained by those making them?

In the negotiations of 1827, between Mr. Gallatin, on our part, and Messrs. Huskisson and Addington on hers, the latter, on this point, thus declare the intentions of their Government:

"To the interests and establishments which British industry and enterprise have created, Great Britain owes protection. That protection will be given, both as regards settlement and freedom of trade and navigation, with every attention not to infringe the co-ordinate rights of the United States: it being the desire of the British Government, so long as the joint occupancy continues, to regulate its own obligations by the same rules which govern the obligations of every other occupying party."

Protection, then, will be given to these establishments, "both as to settlement and trade." Here, then, are "establishments" and "settlements," valuable and fixed possessions, which England declares herself bound to protect: and this is the joint occupancy! A powerful exclusion on the one hand, and "settlements" and "establishments" and "creations of British industry and enterprise" on the other.

But that "protection" she will render "with every attention not to infringe the co-ordinate rights of the United States." Oh, of course not! Great Britain never infringes any co-ordinate rights of others—never encroaches upon anybody anywhere! No, never! Her scrupulousness in this respect is celebrated over the whole earth, not only upon this continent, but as far as India and China. And then it is so easy for her to reconcile our rights of joint occupancy with this assurance of protecting her subjects of the Hudson Bay Company in whatever they have "created by their enterprise and industry"—all their "settlements and establishments!"

Sir, I held the proceedings of her company most unequivocal; and I urged that her long permission of them was a sanction which made them abundantly her own. But this declaration I take to be an explicit assumption of all these progressive acts of possession—a recognition affirming all that possession, and encouraging her settlers to go on and add whatever other "interests" "British industry and enterprise" can "create."

What, then, are you to do? All admit the rapid tendency of her measures completely and finally to dispossess you. The Senator from Massachusetts says, "if she takes possession, so should we." I agree with him, and think I have shown that she has done so. This bill will but do it equally on our part. It but goes, as we should at least go, *pari passu* with her. I hold the formal grant of lands to be no more than she has already, in effect, practised. But we can at least give with a condition. Shall she say that she will make settlers whole, and may not we? Can she promise, without an infraction of the convention, that she will make good the establishments of her settlers, and shall not we? Make then no positive grants, but only promise, as she does.

As to our title, the common opinion of the entire Senate makes no doubt of it. Do you intend to abandon it? Does even Great Britain think of doing so with her flimsy claim? When did she ever yield such a pretension, except for a large equivalent? She nourishes no idea of receding from her claim, but takes every measure the most skilful to enforce and to insure it. Hence the train of measures that she is pursuing.

The question then is but, at last, of negotiation or war. Of course, I prefer the former; but, much as I love peace—greatly as I should deplore a breach with that kindred nation—than to yield to this encroachment, I will accept far rather the sad choice of arms. I may say this the rather, because neither my feelings nor my taste have ever led me to rail against Britain. I love that great nation for her noble institutions, her laws, (the freest in the world except our own,) her valor, her policy, her social greatness, her freedom, the venerable mother of ours. But I am jealous of the gigantic progress of her power, her vast designs and grasping temper.

On either continent, and in the remotest shores, she stretches towards a universal empire. Africa feels her; Syria receives her garrisons; on either side of our continent she threatens every shore; and, while she spreads out a new dominion in the great islands of the South Sea, she dispossesses the descendants of the great Mogul, and breaks the commercial wall which has so long separated China from the rest of the world.

It is time to abandon our supineness; it has already placed us at disadvantage enough. We must proceed as Britain proceeds. Do not violate the treaty, but send on your people to settle and defend the country; and give them assurances that they will be protected.

REMARKS OF MR. MERRICK,
OF MARYLAND.

In Senate, February 25th, 1843.—Upon the resolutions offered by McDUFFIE, in relation to the State debts.

Mr. WALKER having concluded his remarks—

Mr. MERRICK rose and said: I regret, Mr. President, the necessity which presses upon me again to intrude upon the attention of the Senate, and occupy a further portion of its now almost invaluable time with a discussion leading to no practical results; indeed, I have been much astonished at the pertinacity with which gentlemen on the other side continue to renew and force upon the Senate this discussion, to the exclusion of all the valuable and important subjects for practical legislation pending before us, and, consequently, to the great detriment of the public interest, after the majority of the Senate have twice determined by solemn votes, upon yeas and nays, that they could not and would not, at this time, entertain these abstract propositions. But, much as I have been surprised at this, I am still more surprised—indeed, sir, I am utterly confounded—by the declarations made by the Senator from South Carolina [Mr. McDUFFIE] at the conclusion of his remarks, and repeated by the Senator from Mississippi [Mr. WALKER.] These declarations are of a character so extraordinary and so unusual here, that I am unwilling and unprepared to make any reply to them; and I shall, therefore, leave them to be judged of by the Senate and the country, in the face of which they have been made. Argument would be vain in combating positive declarations that gentlemen will, under certain circumstances, refuse to redeem the bonds of this Government, issued under the sanction of all the forms of a law of Congress; I shall leave them, therefore, to the judgment of the Senate and the country, and pass on to the consideration of the subject more immediately in hand. I have before announced on this floor, that, as often as gentlemen might see fit to renew these assaults upon the States and upon State credit, I felt bound, and held myself prepared, to meet them; and I intend to fulfil the promise then made. It is a solemn duty I owe to my constituents to interpose in every such case. And what excites my special wonder is, the distrust—the unusual and unjustifiable distrust—of the people, manifested by these attempts to force on a discussion here, for no conceivable purpose, unless it be to forestall and control the action of the public mind.

The Senator from South Carolina [Mr. McDUFFIE] has been, throughout the whole of that part of his remarks which I was fortunate enough to hear, contending against propositions which have not been presented or suggested here, upon which we are not required to act, and which, so far as they exist at all, are mere subjects of discussion and inquiry among the people; and shall we assume upon ourselves the power, or attempt, in any way, to arrest the people in their discussions and inquiries? Are they not to be trusted to deliberate, to discuss, and inquire into public measures, and make up their minds as to the direction they may see fit to give to their public affairs? Shall we undertake to control and direct them in the exercise of this great and fundamental right, and teach them how they are to demean themselves upon such questions as the gentleman has discussed? or is it not rather our duty, as the mere agents of the States and people, to conform our action to their will? They are the sovereigns—we the agents; and are we so terribly afraid of the ignorance, or incompetence, or wickedness of those for whom we are sent here to act, that the natural order of things must be reversed; and we are to neglect our appropriate and assigned duties, for the purpose of teaching them lessons in advance, and checking the free and full exercise by them of the rights of inquiry and discussion on whatever subject they please to discuss? I rather think it is our duty to obey the behests of public opinion, not to direct or control its formation. Such is at least the professed doctrine, and such should be the practice of gentlemen. The Senator from South Carolina [Mr. McDUFFIE] asks if anybody supposes there is any "inherent wealth in this Government, or that they have the power to give to the people any more money than they first extract from the people?" and thence he argues all attempts at relief are worse than useless. Now, sir, I will admit the gentleman's position, but deny his conclusion; because you already have, long since, drawn from the people the money necessary to the acquisition of that vast fund, the public lands, which is adequate and ample to afford all the relief now wanted or asked for, and which you most unjustly withhold, although it can in no other way be so well and beneficially applied. Here is an immense property of almost incalculable value, a part of it acquired by the blood and treasure of our revolutionary fathers, and the residue purchased by money long since contributed by the people generally; which is useless, or worse than useless, to this Government, in the way in which it is now held and disposed of; but which, properly applied, is much more than ample for the relief of the indebted States and the whole community, but which you sternly, remorselessly withhold, turning a deaf ear to all the demands from every quarter for the relief it could afford; and false issues are gotten up about the assumption of State debts, which nobody has proposed, or thinks of proposing; and of this it is that I complain, and against which, in the name and in the behalf of the people of Maryland, I enter my most solemn protest.

Sir, it has been argued that this land fund is utterly insignificant, and therefore you will not grant it—surrender it, rather—to its rightful owners, now that they want it, and are in distress. This argument confutes itself. If the fund be really so insignificant, why do you make such a pother about it? Why not yield it at once, if it is not worth contending for? Be it ever so small, a little would give some relief to people in distress; it would give them comfort, and free you from their vexatious demands. Yet you will not yield it, and your refusal proves the pretence to be false. It is true that but a comparatively small sum appears to have been received into the treasury during the last year from this source; but then it is equally true, and cannot be denied, that, until very lately, these lands had, for a series of years, yielded an average of about ten millions of dollars annually; and there is no doubt that they will, under a proper administration, again yield, in a very little while, as much, or very nearly as much. Now, anybody can calculate how great would be the relief afforded by this sum annually applied to the use of the States. A child can tell you upon what amount of State debts it would pay the interest, at three or at six per cent. There is, sir, a steady but constantly increasing demand for the public lands for settlement and cultivation, bearing a just proportion to the increase of our population, from natural causes, and by emigration to the country. This demand has always heretofore been, and must, in the nature of things, continue to be, progressively increasing. Tell me not, then, that the fund is insignificant, or that as much will not be derived from it in future, if properly administered, as it has heretofore yielded. But gentlemen may ask, why there is so little derived from it just now? I answer, these are extraordinary times of embarrassment and difficulty, and, to some extent, the land sales are affected thereby; but they are much more materially and fatally affected by the manner in which these lands are now disposed of. There is no inducement, under your present pre-emption laws, to purchase at all; on the contrary, there is every possible inducement to delay purchasing. As soon as a district of country is sur-

veyed under your present laws, settlers have a right to go upon, and make selections of the best and most choice portions of it, and they acquire the right of pre-emption; that is, they acquire the right to hold their settlements against all the world, on condition only that they shall pay the Government one dollar and a quarter per acre whenever the Executive shall please to have it sold. This sale he may order in one year, or not for twenty years; and, so long as the public sale is not made by order of the President, the settlers hold and enjoy the lands without interest on the purchase money. They are purchasers on a credit, at the will of the President, without interest. Who can expect that sales will be made, or much revenue derived from these lands, under such a system?

Many years ago it was found that the sale of the public lands upon a credit was unwise, and created the dangerous relation of debtor and creditor between the Government and too many of its citizens. That policy was, therefore, then changed --the existing debts were forgiven, by allowing surrenders, the price of the lands reduced one-half, and cash sales prescribed for the future. But, by some sort of legerdemain, we have now got back to credit sales in a ten times more destructive and dangerous form. How many thousand voters are now on the public lands, the debtors of the Government in fact, under the disguise of pre-emptioners, at the mere will of the President of the United States, for millions of dollars? How anxious must they not be to prolong their credit, since they pay no interest? and how difficult must it not be for a President to resist their solicitations to delay the sales? and how dangerous is not, or may not this absolute control over the interests of such numbers of people become, in the hands of an Executive of this country? Sir, this system must be changed. The people will not longer consent that so great and valuable an inheritance shall be appropriated to the exclusive use of a few, while others are suffering for the want of their just proportion; neither will they much longer allow so great and such dangerous power to remain in the hands of any President.

Something was said in connexion with the subject of State debts the other day, by the Senator from Ohio, [Mr. ALLEN,] about British bankers and British brokers. I did not distinctly understand the application of those remarks, but supposed they were intended to lessen the sense of obligation to pay these bonds, because they were held by such people. Mr. President, I have nothing to do with bankers or brokers, British or American. I have no interest in these matters, except as a tax-payer; my taxes I find are heavy, and to pay them I am obliged to part with means necessary to provide properly for the comfort of myself and children. Yet, sir, I do pay them promptly and willingly; and, sir, these children shall toil--yea, sir, they and their sire shall toil, in the earth, so long as this arm is nerved or this heart is warm, sooner than the fair fame of our State shall be tarnished by a refusal to pay to the last cent of our debts, no matter who holds our bonds. Our debts have been fairly contracted; and, by the blessing of God and the efficacy of human energy, we of Maryland will toil on to the last, and submit to all sorts of privations, but we will redeem our plighted faith. Repudiation has no hold in our soil; there were but two members of our last Legislature who were supposed to countenance such a doctrine, and they representing counties always, I believe, opposed to the policy which has produced our indebtedness, and therefore surly and discontented under the pressure of the necessary taxation; and yet, sir, those two gentlemen met, upon their return home, the indignant frowns of their noble-minded constituency, and were dismissed from the public service. Those constituents feel, and deeply feel, the pressure of the times, and are disappointed and dissatisfied to find that direct taxation has come upon them; but, nevertheless, they prefer their difficulties, and will bear them willingly, taxes and all, rather than submit to dishonor. There is still alive among them, sir, (and long may it be cherished!) that proud spirit of sturdy independence and conscious integrity which characterized their honored ancestry. They will never repudiate their debts.

But, sir, while we intend to exert our every nerve to maintain our honor and meet all our engagements—while we shall be delving to earn the means necessary for our subsistence and for this purpose, we shall not be able to forget, in the midst of our toils and privations, that there are those that could easily relieve us, and who will not; that there are those who, having our means in their hands as our trustees—means which our blood and treasure have before acquired, and which are ample for our relief—yet coldly withhold those means from our use, and turn with disdain from our suffering and our wants; nay, more, who select this very time to aggravate both, by unnatural and uncalled-for assaults upon our credit. Sir, we cannot and we will not forget nor overlook these things. We come not to you as mendicants, asking you to assume or pay our debts. No, sir; we disdain all such abasement. But we ask, we demand our rights—our fair proportion of a vast common property, which you are wasting, and which would make us happy if you would but relax your iron grasp.

We have been told, sir, that this subject was to enter into our next elections; and I suppose the object of gentlemen is to make up issues for that election. I am willing, quite willing, to go down to the election upon this, the true issue, as I now put it. Gentlemen must not expect me to allow them to make up false issues upon a question so vitally interesting to my constituents. No, sir; if justice is to be withheld from us, I will at least see that the true issue is made; and upon that I am ready to meet gentlemen before the people. I go for relief—relief, by applying to the present wants and necessities of the people the proceeds of the public lands, which are rightfully theirs, and which you are wasting; and I have before shown, though you now disguise the fact, that this fund properly administered is amply sufficient to afford us great and permanent relief.

I offer you, Mr. President, as an amendment to the resolutions of the Senator from South Carolina, [Mr. MCDUFFIE,] the following:

Resolved, That most wisely did the fathers of the Republic, in establishing the Constitution of the United States, so frame that sacred instrument that it should be plain, easily understood, and intelligible to all upon whom it was to operate as a rule of action; and that it is not competent for any department of the Government, established by it, to enlarge or contract its true meaning, of which the citizens are, and of necessity must be, in the last resort, the exclusive judges.

Resolved, That it is no part of the assigned duty of the Senate of the United States to expound the Constitution to the people; and every such attempt is a departure from its appropriate sphere of action, and argues a distrust in the capacity of the people for self-government, unwarranted alike by our past history, and the present enlightened state of the public mind.

Resolved, That, whilst it is no part of the duty of the Senate of the United States to expound the Constitution for the people, it is its most solemn duty to exercise the powers intrusted to it by that instrument, in the true spirit and according to the nature of the trust, for the promotion of the happiness and the welfare of the people.

Resolved, therefore, The happiness of the people now requiring it, and full power over the subject being given to Congress, that provision should be made, without further delay, for the fair and equal distribution, among all the States, of the proceeds of the public lands, in such manner as will best tend to remove or alleviate the evils of direct taxation, under which the people of some of the States are now suffering, and which threaten soon inevitably to be visited upon other States.

REMARKS OF MR. HUNTINGTON,

OF CONNECTICUT.

In Senate, February 25, 1843.—On the bill for the repeal of the bankrupt act.

Mr. HUNTINGTON said that it was no part of his purpose to address the Senate on the general subject of the repeal of the bankrupt act. There was one reason (among many others) which would deter him from making a speech *now;* and that was, the necessity imposed on the Senate to devote the few remaining days of the session to *action* instead of *debate*. Our unfinished business was very great, and public expediency and private justice both demanded that we should proceed as rapidly as possible to dispose of it. It might be added, that probably the opinion of every Senator was matured, and that discussion would not alter it. Mr. H. said he had risen solely to assign the reasons for the vote he should give. This it was proper he should do, especially since the appeals which had been made to Senators whose votes were given in favor of the passage of the bankrupt act, and to himself particularly by the Senator from Massachusetts, [Mr. CHOATE,] on a portion of whose remarks he should be pleased to comment, if the business before the Senate should allow it. He should confine himself to a brief explanation of his position, and of the reasons for the course he should pursue. Mr. H. said it was well known that heretofore he had acted with those who were desirous to have a bankrupt law a part of our system. When I came into the Senate, (said Mr. H.,) such an act was under consideration; and the first vote which I gave here was upon a proposition which related to subjecting banking corporations to the provisions of the act. I had the honor to be one of the select committee to which that act was referred for revision and final modification. It received all the attention I was able to give it, and it had my support both in debate and by vote. I continued to advocate and vote for a bankrupt act until it passed the Senate. In doing so, while I followed the dictates of my own judgment, I believed that I was carrying out the views and wishes of a large majority of my constituents. I was aware that there was somewhat of a divided opinion in the State which I represent. I presented many petitions, numerously signed, in favor of a bankrupt law, and very few in opposition to it. I had no reason to doubt that the sentiment of the State was, in general, favorable to its passage. I was, however, left to the free and unbiased expression of my own views, and to such action as my judgment should dictate, by a State which knew I would act from correct motives, and from a conscientious regard to duty, and which has, on more than one occasion, given me the highest proofs of her confidence. And (said Mr. H.) I do not affirm now, that I either misunderstood the opinions of those whom I represent, or that they have undergone any change as to the propriety of the passage of the law at the time when it was enacted. But they are now of opinion that it ought to be repealed. I have received the instructions of the Legislature of Connecticut on this subject, but, as directory and authoritative, they do not control my action. I do not believe in the modern doctrine of instructions. Indeed, there is hardly any doctrine which I consider more palpably unconstitutional, and more eminently dangerous, than that which declares it to be the duty of a Senator to obey the orders of the Legislature or to resign. But I do not *mean* to enter into any argument on this point. If, however, I did acknowledge the right to require obedience to such orders, I should obey them or resign. I should not profess to be a believer in the doctrine of instruction, and declare my readiness to obey, and at the same time quibble about words, and plead in abatement, or demur specially to the instructions, and thus avoid a compliance by objecting to the form in which the order had been passed. But, as I utterly deny any such authority on the part of a Legislature, I shall not enlarge upon this point. The opinion of such a body I shall treat with respect; and, if I find it to be the expression of the public opinion, maturely formed upon questions of national policy, and that in supporting that opinion no sacrifice of conscience, or honor, or constitutional duty, is required of me, it will receive from me all that attention and respect and weight which, under such circumstances, it eminently deserves. With some exceptions, (of men of the highest character for intelligence and moral worth,) the State which I represent is now decidedly opposed, as I believe, to the continuance of the bankrupt law. The opinions of the people of that Commonwealth have not been hastily formed, nor are they the result of bias, or prejudice, or caprice. They have been deliberately formed, after a careful examination of the subject, and of the operation of the law; and my constituents have spoken, in various forms, in language which cannot be misunderstood, and in a manner which leaves no room for doubt as to their wishes. The bankrupt law is considered by them as a measure which their interests and those of the Union require should not be persevered in, and which ought to be repealed. And now (said Mr. H.) I consider it proper to carry out these views of my constituents. The subject is one on which they have a right to speak, and regarding which their wishes should be carried into effect. It is their right to say that they believe their interests, as well as those of the country generally, will be promoted by the repeal of the bankrupt law. They have exercised that right

n different forms, which are plain and intelligible, and which admit, in my judgment, of no reasonable doubt. They believe that those interests require that the act shall not be continued as a part of the law of the land. In voting, therefore, as I shall do, for the repeal of the law, I shall act in accordance, as I think, with the wishes of the people who sent me here—shall respond to the call made upon me by my fellow-citizens who have given me this place of responsibility and honor—and perform an act which will be in accordance with their clearly expressed opinions, and their convictions of what is required by principles of private justice and public expediency. Mr. H. said he had considered it proper to make this explanation, and would leave the subject without further remark.

[The following speech was made at the 2d session of the 27th Congress, as will be seen by its date; but it was not written out by the member and delivered to us until after the Appendix for that session was completed, which will account for its appearance in this volume.]

SPEECH OF MR. J. C. EDWARDS,

OF MISSOURI

In the House of Representatives, July 11, 1842.—On the tariff.

Mr. CHAIRMAN: The hour is late, and the House is thin, and several members yet wish to speak; and in two hours after we meet to-morrow, this debate will be closed, under the resolution adopted for that purpose.

I shall say only enough to show my position on the tariff. One hour is not sufficient to enable me to go into the subject fully; and in less than one hour I can state my points, and give the character of my tables, and show the position I occupy in reference to the tariff. At this late hour, and so near the close of this debate, I cannot expect to do more. I may not, then, occupy even the time allowed me; but if, hereafter, I write out my speech, I may avail myself of the usual liberty under the hour rule—that of writing even more than I may say.

I am opposed to this bill. I am not only opposed to this bill, but I have objections to any tariff. But I am especially opposed to this bill. It has unusual features for a tariff—features more than usually objectionable. Its general tendencies will be to encourage domestic manufactures; to cut off foreign importations; and to drive this Government into a system of direct taxation. But, in the progress of my remarks, it will be seen that I have less objection to the general tendencies of the bill, than to its particular features. Any tariff would have the same general tendencies; but a more moderate tariff would hasten the same results less rapidly.

I am opposed to this bill; but I am not unfriendly to manufactures, and never have been, but have always been friendly to them. I have seen many of them flourish in our country, and have taken great pleasure in doing so; and I hope that such as can be made profitable will continue to flourish. The manufacture of those things which we are compelled to have during a state of war, we should encourage at any expense, and at all hazards.

I am opposed to a tariff: but we necessarily have one; and, while that is the case, a fair protection will be given to our manufactures generally. But that tariff which will give the most revenue, under existing circumstances, will give as much protection as the manufacturing interest should ask for. Too high a tariff will lead to results unfavorable to the manufacturing interests themselves. A high tariff will reduce our revenue too much, and force us too soon to direct taxation, even for the manufacturing interests. It will force into existence manufactures which cannot be profitable except under a high tariff, and which must be abandoned when we are driven to direct taxation.

The lowest revenue standard is the highest protection that should be asked. The expense of importing foreign merchandise cannot be less than ten per cent., and often reaches fifteen. If it reaches only ten, this is a protection of ten per cent. to our domestic manufactures. If our tariff be only twenty per cent., this, added to the expense of importing, will make a protection of at least thirty per cent. This ought to be enough. But this protection has always been much more, and, under this bill, will be greatly more—not less than forty or forty-five per cent., on an average; and, on many articles, one hundred per cent.

The cultivation of the soil is the great leading employment in our country. Almost every man who has no employment more profitable, engages in agriculture. Almost every man who engages in any trade, or traffic, or speculation, or manufacture, does so because he believes it more profitable than cultivating the soil. And a great question in this discussion is, *whether we should make other pursuits more profitable than agriculture.* We are not forced into the manufacturing system for want of land to cultivate. We shall have plenty of room for all our population for years to come, and much to spare.

By our last census, we have 3,717,750 persons engaged in agriculture. Of all the other classes, but 978,651 have employments. Of this number, 15,203 are engaged in mining; 117,575 in commerce; 56,025 in navigating the ocean; 33,067 in navigating canals and rivers; 65,236 engaged in the learned professions; *and* 791,545 *in manufactures and trades.* The population engaged in agriculture is about five times as great as that engaged in manufactures and trades both together. All the other interests of the country bear but a small proportion to the agricultural. It is the leading employment in point of numbers; and they have the power to say—if they choose to say it—whether they will be taxed to support other classes, or not; and, if so, then how much. The tax on imported goods is a tax on the people at large, and a protection to the manufacturers, at least to the amount of the tax.

We must have a revenue. If we raise it by a tax on importations generally, then we must protect manufactures to the extent of the tax on manufactured articles. More protection than this should not be asked. If any description of manufactures is more profitable in our Government than agriculture—our great leading employment—then that description of manufacture can be put into operation, and can be encouraged and made to prosper, without the aid and protection of Government. If any description of manufactures is only equally profitable with agriculture, then that description of manufacture may be put into operation, and made to flourish as well as agriculture itself, without the aid and protection of the Government. If any description of manufacture be less profitable than agriculture, that can be put into operation and made to flourish only by taxing agriculture, and the more profitable descriptions of manufactures, and other pursuits, to such an extent as to protect the unprofitable manufactures.

The tax we have been in the habit of levying on imported goods for revenue, has operated, to the extent of that tax, as a protection to domestic manufactures. If the tax for revenue be twenty per cent., then those manufactures which are twenty per cent. less profitable than agriculture can be put into operation, and made to flourish as well as agriculture. If any description of manufacture requires more protection than twenty per cent., then the question may well begin to arise, whether this manufacture is not costing the other pursuits of the country more than it is worth. We must have revenue; and, while we continue the system of imposts, we must give protection; but that protection should not be made to cost us too much.

It is wrong to impose taxes upon profitable employments, to encourage unprofitable employments; to drive capital from profitable investments to unprofitable investments; to drive people from profitable labor to unprofitable labor. When the Government does so, the country suffers a clear loss of the difference in the value of the employments, and of the expense in making the exchange from one employment to the other. When she does so, she acts the part of an unwise and foolish Government, and retards her own progress to greatness, and that of her people to happiness and wealth. Her interference with the labor and industry of the country may enrich a few of her citizens; but, in proportion as partial legislation enriches a few—and, perhaps, in a still greater proportion—it will impoverish the balance. And, what is still worse: her influence, when exercised, operates for the benefit of the wealthy, and to the injury of the poor. If she interferes at all in the employments of her citizens, her interference should operate in the other direction. It would be better to distribute the *abundance* in the coffers of the *rich*, among the poor and the needy, than to extract the *pittances* from the pockets of the *poor*, to be hoarded in the coffers of the *rich*. But the Government should interfere with neither. Hands should be kept off. Each should be allowed to seek the employment which nature and circumstances, unconnected with partial legislation, have rendered most profitable; and each should be allowed to reap the full fruits of his own industry and labor. Give every man an equal chance. God, no doubt, wills that each should have fair play. One part of us should claim no advantage over the balance of our countrymen; and the balance of us should submit to no inequality which God himself has not created. We should submit quietly to no law which gives to one part of our community advantages, or privileges, or immunities, which the balance of us do not enjoy; and we should oppose all laws which tend to create distinctions, whether in wealth, or in rank, or in titles. As a general rule, the Government should aid no class of her citizens, when she must do it at the expense of other classes, no matter how large or how small. No one part of our country, and no one class of our citizens, should be made subservient to another.

I am opposed to this bill—first, because it is prohibitory; second, because it contains the minimum principle; third, because it taxes sugar, and coffee, and salt; fourth, because the general rate of duties is too high for the purposes of revenue; fifth, because it proposes to repeal the twenty per cent. clause in the distribution act; sixth, because under this, as well as under any other tariff, the taxes collected are not in proportion to the property protected—the poor often paying as much as the rich, and frequently more; and, seventh, because of all others, the system of imposts is the most expensive, and consequently the most oppressive, system of taxation.

1. This bill prohibits the importation of many articles. So far, it is unconstitutional. No power is granted to this Government to prohibit the importation of foreign goods. And this Government can do only what she is empowered to do by the Constitution. It is otherwise with the State Governments: they can do whatever they are not restrained by their constitution from doing. If the people of a State had no constitution, their Legislature would be unrestrained, and could do anything in the power of a legislative body to do. But our States have constitutions, and these constitutions restrain the action of the State Legislatures, by prescribing what they shall not do; but leave them the power to do everything which a legislative body can do, except those things which the constitutions prohibit them from doing. Not so with Congress—the Legislature of the United States. She can exercise only such powers as are delegated to her by the Constitution of the United States. If any reasonable doubt had ever existed on this point, that doubt should have been forever settled by the tenth amendment to the Constitution. This amendment provides that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." No powers are vested in this Government, except such as are "delegated to the United States by the Constitution." No power is given to prohibit the importation of goods. The power given to Congress on the subject of taxation is "to lay and collect taxes, duties, imposts, and excises; *to pay the debts*, and provide for the common defence and general welfare of the United States." Taxes must be laid and collected "to pay the debts and provide for the common defence and general welfare," and not to prevent the importation of merchandise; and by that means to give aid to the manufacturers, or any other particular class. If taxes are to be laid "to pay debts," then they must be laid to collect revenue, else no "debts" can be paid. But taxes, duties, and imposts, laid to prohibit the importation of merchandise, are not intended to collect revenue "to pay debts;" and do not collect revenue, but prevent the collection of revenue; and are, therefore, unconstitutional.

2. This bill is odious, because it contains the minimum principle. On cotton manufactures, this bill fixes a duty of thirty per cent. ad valorem. The expression "ad valorem" does not mean, under this bill, *according to actual value*, but *according to the value* which the bill fixes on an article. But the language of the bill explains itself. It provides "that all manufactures of cotton, or of which cotton shall be a component part, not dyed, colored, printed, or stained, not exceeding *in value* twenty cents per square yard, shall be valued at twenty

cents per square yard." Thirty per cent. on a yard, valued at twenty cents per yard, is six cents tariff; making the article, with cost and tariff, worth twenty-six cents. If the article be worth anything less than twenty cents per yard, it is still valued as if worth twenty cents per yard, and is taxed six cents accordingly. If the yard of cotton be worth but six cents, or less than six cents per yard, (and many descriptions are worth less than six cents,) still they are valued as if worth twenty cents, and pay the six cents tax per yard. A tax of six cents on goods worth but six cents, is a tax of one hundred per cent., when the bill professes to be but thirty per cent. ad valorem. It is unfortunate that the people of the country cannot generally know that, out of every two dollars which they pay for coarse cotton manufactures, they pay one in the shape of taxes, and profits on taxes, to this Government. It is unfortunate that this tax falls mainly upon the poor, who buy the coarse article; and not upon the rich, who buy the fine article. It is unfortunate that, while the rich pay but thirty per cent. upon their fine cottons, the poor are compelled to pay one hundred per cent. upon their coarse cottons. It may be answered that coarse cottons are still sold cheap. If this be so, the evil still exists.

Cottons imported cannot be sold for less than the cost and the tax. If the cost be six cents per yard, and the tax be six cents per yard, then the yard must be sold for twelve cents; and, at that price, the seller makes no profit. It may be said that the competition in making the domestic article reduces it below twelve cents. If an article, equal to the imported article, worth six cents per yard, can be made here and sold for eleven cents per yard, this will exclude the importation of the foreign article, because that must bring twelve cents per yard—the cost and the tax—else the importer loses on every yard of it. If an article can be made here, and sold for less than twelve cents, similar to a foreign article which costs six cents here, and pays a tax of six cents, then the manufacture of the former must exclude the importation of the latter. If for an article equal to an imported article, worth only six cents per yard, we pay our home manufacturer eleven cents per yard; then we give him a bounty of five cents per yard, and this, on one million of yards, would be fifty thousand dollars.

The same section of this bill provides, that "all manufactures of cotton, or of which cotton shall be a component part," "dyed, colored, printed, or stained, in whole or in part, not exceeding in value thirty cents the square yard, shall be valued at thirty cents." If they cost but six cents, they shall be valued as if they cost thirty; and if they cost but six cents per yard, they shall pay nine cents tax per yard. This is the minimum principle, and its operation. I shall select only these examples from the law. The principle is odious, because eminently unjust to the poor, and grievously oppressive.

3. This bill taxes sugar, coffee, and salt. So far as the tax on these articles goes, (and no small amount of our revenue will be raised from them,) they diminish the bounties which we pay to the manufacturer. Salt should be excepted. The drawbacks on this article about equal the taxes collected from it. But while we diminish the bounties to the manufacturer, by taxing sugar, coffee, and salt, we increase the profits paid by the consumer upon these articles. But the general and nearly equal use of these articles among all classes, rich and poor, is the principal objection to taxing them. The poor and the rich have families about equal in size. If there be a difference, the families of the poor are generally larger than those of the rich. The poor, who live hard, and work harder, are strong, robust, and hearty, and, consequently, eat more. The rich, who live easily, and work none, are, consequently, more delicate and more abstemious, and eat less. While the former would drink his three cups of coffee, the latter would generally be content with one. The poor, then, would use more sugar and coffee, and probably more salt, than the rich; and would, therefore, pay more taxes on these articles than the rich. This would be against the general principle *that the Government should collect taxes from her citizens in proportion to the property which she protects for them.* This is taxing provisions, labor, and numbers, instead of taxing property. The poor cannot escape the tax, unless they deny themselves the use of these articles. This they do not, and ought not to do, unless you tax them too heavily. If all are not supplied bountifully with sugar, coffee, and salt, they ought to be; and any law which prevents a bountiful supply of these articles, is a cruel and an oppressive law. And if, by the tax, you prevent the people from eating, you do not get the tax; and you starve them, and you practise your cruelty, and you are guilty of oppression, without getting your profit.

4. The general rate of duties in this bill is too high. The object of the tariff is to raise revenue. I am willing to discriminate; but discriminations should be for the purposes of raising revenue and equalizing the taxes, rather than for the purpose of encouraging one class of citizens, or one particular pursuit, by giving them part of the profits of other classes or other pursuits. In favor of those articles which are indispensable in time of war, we should discriminate But for manufactures generally, there will be protection enough under a tariff for revenue, without any unjust and oppressive discrimination. Too much discrimination will ruin the manufacturers themselves. It will amount to prohibition, and prohibition will drive us to direct taxation. A fair revenue tariff gives as much protection as most manufacturers should want.

If an article can be made in another country, for example, and sold to us 25 per cent. cheaper than we can make and sell it, then we ought to buy the article from that other country, instead of making it ourselves; and we should direct our capital and our labor to some other pursuits more profitable. No man has a right to call upon the Government to make his employment more profitable than that of other men; yet the Government does this very thing. By an ordinary tariff, she gives to the manufacturer protection to the amount of that tariff; and, to that amount, advantage over other pursuits, only equally profitable, and which are unprotected. Of the latter class, are commerce, navigation, and agriculture. The latter is, to some extent, protected by this bill; but that protection is a mere pretence, and a humbug. You protect cotton, hemp, and tobacco, when the fertility of our soil, and the adaptation of our climate to the growth and production of these articles, enable us to make them cheaper than any part of the world. No nation can undersell us without your protection, unless you inflate our currency so as to make us the market and the common receptacle for everything which the balance of the world produces. We not only undersell other nations at home in these articles, but we undersell them abroad. Your protection, then, is a humbug and a mockery.

But the manufacturer is not content with the advantage which a tax for revenue gives him. He wants more. He wants the burdens of the revenue collected from such articles as are manufactured by himself. He does not buy the foreign article, but uses his own. He pays no tax, then, on these articles. A portion of his countrymen buy his article, and pay him what the imported article would cost, and the tax on the imported article. The latter part of the price of his article is the bounty which we pay to him as protection. Another part of his countrymen buy the imported article, and they pay the cost of that article, and the tariff on that article; and from this class are collected the revenues of the Government. The manufacturer escapes the tax; the purchaser of the domestic article pays a tax to the manufacturer, instead of paying one to the Government; and the purchaser of the imported article pays all the revenue of the Government. Then you not only protect the manufacturer, but you exempt him from tax, so far as he consumes his own manufacture instead of the foreign.

5. This bill proposes to repeal the 20 per cent. clause in the distribution law. The substance of this clause is, that *if any rate of duties over 20 per cent. is imposed after the passage of the distribution act, then the distribution is to be suspended.* This bill proposes to raise the duties above 20 per cent., and at the same time to repeal the law suspending the distribution. I shall say nothing now of the unconstitutionality of collecting revenue to distribute among the States, whether it be from the customs or from the public lands. The inexpediency of the measure is objection enough. This Government is in debt, and unable to pay—is a beggar, and unable to borrow. She wants to give away money, when she has none for her own use, much less to give. This is evidently unwise and impolitic; but this subject I will notice further hereafter.

6. I stated, as a general objection to a tariff, that the taxes paid under it were not in proportion to the property protected by the Government; because the poor generally paid as heavy taxes under the tariff as the rich, and often more. The tax on sugar is one example; on coffee, another; and on salt, another. The tax on cottons and other articles where the minimum principle prevails, is an example where the rich pays his 30 per cent. on fine cottons, and the poor 100 per cent. on coarse cottons. These are inequalities under this particular bill, but no tariff can be arranged so as to operate equally. Their unequal operation is an objection to tariffs generally. The manufacturer is measurably exempt from their operation; and while others are burdened to death, he is enriched by them. As the disease profits the physician, and kills the patient, so the tariff profits the manufacturer, and ruins the consumer.

7. Of all others, the system of imposts is the most expensive, and, consequently, the most oppressive system of taxation. From 1830 to 1840, including both years, $210,707,992 were collected. The expense of collecting this sum was $15,160,14[illegible]. This was an expense of over 7¼ per cent. for collecting. But this is not the expense which I allude to, as making it a most expensive and oppressive system of taxation. I allude to an expense far more enormous, extravagant, and oppressive. I allude to the *profits* which are paid by the consumer upon the tax which goes into the treasury. In examining this part of the subject, I may not allude again to the 7¼ per cent. for collecting. That is too insignificant to be noticed here; but the accumulation of profits on the tax, by the time they are paid by the consumer, amounts to a sum which seems incredible to any one who has not made the calculation for himself.

I shall examine this part of the subject as it operates upon the West. Of part of that country I have the right to speak. On the balance of the Union the operation is of the same character, but not in every part to the same extent; but is extensive and injurious on all, after you leave the sections of country immediately around the importing cities and custom-houses.

The goods which we use in the West, on which the tariff is collected, pass first through the hands of the importer; second, through the hands of the jobber; third, through the hands of the Western city merchant; fourth, through the hands of the village or country merchant; and, fifth, into the hands of the consumer; and there they stop. Each one of these persons has his profit, till you come to the consumer, who pays all the profits which accumulate on the goods before they reach his hands, and makes none himself. This accumulation of profits applies not only to the tax upon the goods, but also to the original cost; and it applies not only to foreign goods, but also to domestic goods made East; and not only to the actual value of the domestic goods, but also to any bounty which we may pay to the manufacturer. But my main object is, to show the accumulation of profits on the tariff, and the expense and cost of collecting revenue by that system.

As before said, the goods used in the West go through the hands of the importer, the jobber, the Western city merchant, the village or country merchant, and the consumer. To the importer, the jobber pays ten per cent. profit; to the jobber, the Western city merchant pays twenty per cent. profit; to the Western city merchant, the village or country merchant pays thirty per cent. profit; and to the village or country merchant, the consumer pays fifty per cent. profit. I assume these as the average profits charged. These profits are not always realized, because under the credit system many bad debts are contracted, and many losses are sustained. But these profits are collected from those who pay. When loafers fail to pay, working-men are mulcted to make up the deficiency.

If the profits which I have assumed be too high, that does not change the principle, or prevent the enormous accumulation of costs in collecting the tariff from the Western people, but only mitigates the evil. If, in any case, I have assumed profits that are too high, those who know the profits actually charged can correct me, and can easily make the calculations for themselves at the true profits. If these profits are thought by any to be higher than are charged, let them be reduced even one-half, and then let them calculate the profits upon the tariff at this reduction; and they will still see that, of all systems of taxation, it is the most oppressive and ruinous to the Western people. The same remark applies to other portions of the Union, but not to all to the same extent. I know

at many of the Western village and country merchants purchase their own goods in the Eastn cities, and thus cut off the profit to the Westn city merchant; but I have yet to learn that ey do so to enable them to sell their goods the eaper, and that they do not do so to reap the hole amount of profits themselves. But, if they sell cheaper in such cases, still this only mitiates, and does not remove the evil; but leaves tariff still the most ruinous of all systems of ation on the West. And what is worse—it is inous to the people without benefiting the Govnment. Even the manufacturer gains but a pitce of what the consumers lose. Even the aler in merchandise can hardly be a gainer by heavy profits paid on the tariff. If he pays e hundred per cent. tariff, and one hundred per nt. cost, it is true he makes as much profit upon e tariff as he makes upon the cost, and pays only lf the amount of freight, drayage, wharfage, and prage, and gains by saving half these expenses; t these are mere drops in the bucket, and make show in the general price of the merchandise. is insurance is just the same as if he paid no riff, and bought twice the amount of goods. And instead of one hundred per cent., the merchant id no tariff, he could then trade on twice as ny goods, and make the same profit, and run greater risk; and the consumer would be benefited by getting double the amount of goods for e same amount of money. The same observaons apply to any tariff less than one hundred per nt., with this difference only: that, as you diminh the tariff, you diminish the injurious operaon of the tariff; and as you increase the tariff, you crease its ruinous effects. The operation of the riff, then, not only ruins the consumer, but it ins the merchant also. The latter depends upon e former, and the latter fails because the former ils—the latter is ruined because the former is ined. When you break down the farmer, the erchant has no shoulders to rest upon.

Let us calculate the cost of the tariff on the Westn people; and, while we are at it, we can look at e accumulation of profits upon the original cost an article, as well as at the accumulation of ofits upon the tariff paid on that cost. It will oduce no confusion to look at both at once. We e ruined by both. For our purpose, let us asme that the original cost of an article is what it s cost the importer when it reaches the customouse, and before the tariff is paid. Here the imorter pays the tariff. The tariff and the original st make the whole cost to him. The importer arges 10 per cent., the jobber 20 per cent., the Western city merchant 30 per cent., and the village country merchant 50 per cent. The profits end ith the village or country merchant. The conmer makes no profits, but pays all.

To get the accumulation of profits upon the origial cost, or upon the tariff, you must add the first ofit to the original cost, or to the tariff, as the case ay be, and then calculate the second profit; add at to the cost and first profit, or tariff and first ofit, and on that calculate the third profit; add is to the cost and two first profits, or to the tariff d two first profits, and on this calculate your arth profit; then add this to the cost and three rst profits, or to the tariff and three first profits, d you have the amount paid by the Western nsumer in the shape of cost and profits on cost, d in the shape of tariff and profits on tariff; and, y adding the two together, you have the cost, the riff, the profits on cost, and the profits on tariff, aking the whole amount paid by the consumer.

From the profits here charged on the cost and on e tariff, should be deducted the expenses for eight, insurance, drayage, wharfage, and storage; at these expenses are too insignificant to be noced in treating of others of such stupendous magitude as those we are now exposing. The 7½ per ent. expense of collecting the revenue will be uch more than an offset to the expense of insurance, freight, drayage, wharfage, and storage; but t one balance the other.

To make this matter clear—to show the vast accumulation of profits on the cost, and the vast accumulation of profits on the tariff; to show the enormous expense of collecting a revenue by a system f imposts—let us now give an example. One hundred yards of common broadcloth (an article everywhere abundantly used in the Western country) in he hands of the importer in New York, at the custom-house, before the tariff is paid—freight, insurance, and all other charges up to that time paid—would be worth, say two dollars per yard; making the one hundred yards worth to the importer $200. On this the importer pays the tariff; which, by the bill before us, is forty per cent.; making the tariff on the one hundred yards of cloth $80; thus raising the price, in the hands of the importer, from $200 to $280. The Government tax being paid, the cloth is now free from the custom-house; and the importer can sell without the charge of smuggling. He sells to the jobber for 10 per cent. advance. This is $20 profit on the original cost of the goods, and $8 profit on the tariff; making, together, the sum of $28, and raising the cloth in the hands of the jobber from $280 to $308. The jobber sells to the St. Louis merchant, and charges him a profit of 20 per cent. This makes $44 on the cost and previous profit on cost, and $17 60 on the tariff and previous profit on the tariff; and raises the article, in the hands of the Western city merchant, from $308 to $369 60. The Western city merchant sells to the country merchant, and charges a profit of 30 per cent. This makes $79 20 on the original cost of the article, and the two previous profits on the original cost; and the sum of $31 68 cts. on the tariff, and two previous profits on the tariff; making the whole value of the article, in the hands of the village or country merchant, $480 48 cts. The village or country merchant sells to the consumers—to the farmers, mechanics, lawyers, doctors, speculators, loafers, and negroes—and charges an average profit of 50 per cent. This profit makes $171 60 on the original cost of the goods and *three* previous profits on the original cost, and $68 64 on the tariff and *three* previous profits on the tariff; and raises the value of the article in the hands of the village or country merchant from $480 48 to $720 42; the original cost—the cost at the custom-house before the tariff is paid—be it remembered, being but $200.

The cost of the one hundred yards of cloth, then, at the custom-house, before the tariff is paid, is $200. The importer pays the tariff, or tax—the latter is the right name. The cost to him, then, is $280; to the jobber $308; to the Western city merchant $369 60; to the village or country merchant $480 48; and to the Western consumer $720 42; being an excess over the original of $520 42. The whole profit on the original cost paid by the consumers would be $314 80; making the profits exceed the original cost $114 80; and the whole profit on the tariff would be $125 92; making the profits exceed the tariff $45 92. This *is a profit of* 157 *per cent. on cost and on tariff;* and this profit is the cost of collecting revenue from the Western consumer of imported merchandise. If this be so, then, beyond all question, I have sustained my position, that the system of imposts is the most expensive, and, consequently, the most oppressive of all systems of taxation. I am either deranged on this subject, or else the people of the West, and of other parts of the Union, are unmindful of their interests, and have neglected to look at the operation of the tariff on their interests in its true light. This is the operation of the tariff in the West, in reference to a particular item. It is the same in principle in reference to all other articles which are taxed. It will only consume time to notice others.

I have no doubt I shall be met here, by many, with the answer that I have assumed profits higher than are charged. It is not my wish to do so. I want to present the case as it exists. None should be afraid to look at the naked truth. To shut our eyes against it, will not prevent its effect. Let us, then, assume but half these profits. Everybody will admit that half is greatly under the profits charged. Let us give to the importer 5 per cent.; to the jobber 10 per cent.; to the Western city merchant 15 per cent.; to the village or country merchant 25 per cent.; and to the consumer the task of paying all,—and then see the result. Let us take the same item, 100 yards of cloth, at $2 per yard; making $200 cost, and $80 tariff. The 5 per cent. profit to the importer added on, would make the cost to the jobber $210, and the tariff $84; the 10 per cent. profit to the jobber would make the cost to the Western city merchant $231, and the tariff $92 40; the 15 per cent. to the Western city merchant would make the cost to the village or country merchant $266 60, and the tariff $106 26; and the 25 per cent. to the village or country merchant, would make the cost and profits on cost to the consumer $332 25, and the tariff and profits on tariff $132 82; the profits on cost being $132 25; and the profits on tariff being $52 82—being a profit of 66 per cent. on the original cost of the cloth, and an expense of 66 per cent. for collecting the tax—an expense unheard of under any other system of taxation. But everybody knows that these profits are nothing like the profits usually charged. The importer is known to get his 10 per cent., the jobber 20, the Western city merchant 30, and the village or country merchant 50, or nearly those sums. The exact sums can be fixed by those who know the profits charged. Let us now look at the more extended operation of this system.

We have 17,000,000 of inhabitants. By this bill, we propose to raise $27,000,000 of revenue. By the last enumeration, Missouri had 383,702 inhabitants. With this population, our proportion of the $27,000,000 of tariff, if we pay in proportion only to the balance of the Union, will be $609,232. The profits on this amount of tariff, paid by the people of Missouri who consume the merchandise on which the tariff is collected, is $959,165. Added together, the tariff and profits on the tariff paid in Missouri are $1,568,379. This would be a tax and profit, counting men, women, and children of all ages, nations, and colors, of four dollars and nine cents per head. Allowing an average of five persons for each family, we shall have 3,400,000 families in the United States, and 76,740 in the State of Missouri; and the former number of tax-payers in the Union, and the latter number in the State. This number will make the average tax and profit on tax in Missouri amount to twenty three dollars and forty-three cents per head of a family; a tax exceeding the net annual average income of half the families in the West, and of more than half the families in the Union.

While the 373,702 inhabitants are paying $1,568,379 of tariff and profit on tariff, that $609,232 of this sum may go into the treasury of the United States, or, rather, into the hands of the collectors, the 5,000,000 of Western people are paying tariff in the same proportion and profit on that tariff, it will be reasonable to say, equal to one-half the profit paid by Missouri. The tariff of the 5,000,000 of Western people will then be about $8,289,000. If the profits on this amount equalled the profit paid by the people of Missouri on their portion of the tariff, these profits would amount to about $17,000,000. But let us set them down at one-half; and then the people of the West will pay $16,000,000—being the tariff and profits united, that the Government may get $8,000,000 of tax.

We should look at this subject calmly and without prejudice, and without party leanings. We should examine and investigate it closely and thoroughly. We should look at it, stripped of its mystery, and reduced to its nakedness; and, whether the picture be beautiful or deformity itself, our interest and our prosperity as individuals, and as a nation, require us to sift it thoroughly. But this subject is much larger, its deformity much greater, its ruinous influences much more extensive, when we take a full view. I have given here far less than half the picture; and what I shall yet say will still leave it imperfect and unfinished.

I have yet taken no notice of the *protected* articles manufactured in our own country. By *protected* articles, we mean such as are manufactured in our own country, as well as in foreign countries, and which are taxed when imported into our own country from foreign countries. Cotton cloth, for example, is a *protected* article. That is manufactured in our own country, and is also imported from other countries; and when so imported, is taxed, and this tax is the *protection* to the home manufacture. A yard of cotton cloth is worth (say) 20 cents at the door of the custom-house. On this, our bill fixes a duty of 30 per cent. This 30 per cent. upon 20 cents—the price of the cloth per yard—is 6 cents tax per yard. This 6 cents per yard the importer must pay to the collector of the customs before he ventures to sell his goods, else he is indictable for smuggling. Then, this yard of cloth costs the importer 26 cents before he can sell to the jobber. The domestic article, of exactly the same quality, is worth no more than the imported article; but, as the imported article cannot be sold for less than 26 cents per yard—the cost and tariff—so the domestic article of equal value will also command 26 cents per yard, the cost and bounty—or *protection*, if the term be better. And, under this state of the market, we pay the manufacturer 6 cents on every yard of cotton cloth manufactured by him, over and above its actual value. If the domestic article be reduced to 25 cents per yard, and can supply the demand at that price, then the

foreign article will be excluded; because that cannot be sold for less than the cost and tax—the 26 cents per yard; and, at this point, this article ceases to yield any revenue to the Government; and the tariff, as to this article, becomes *purely protective—prohibitory*—and not a tariff for revenue. If, by the aid of a tariff to increase the price of the imported article, the domestic article can be made to supply the demand, and to sell for less than the imported article, the domestic article will utterly exclude the foreign article. At this point, the constitutional object of a tariff—that of raising revenue "to pay the debts, and provide for the common defence and general welfare"—totally ceases. I give this example, and but this one. The same remarks apply to other protected articles as well as this.

By this bill, the manufacturer has 6 cents bounty, or protection, on the yard of cotton cloth worth 20 cents. This is 30 per cent. The protection on some articles is less than 30 per cent.; on some largely over--say 100 per cent.; and, on many, greatly over that. Even cottons which, ostensibly, are taxed but 30 per cent., are, in reality, many of them, taxed 100 per cent. and more. Let us, however, assume 30 per cent. as the average protection or bounty.

Our statistical tables for 1840 give, as the amount of cotton manufactures for that year, $46,350,453. At an average of 12 cents to the yard, this sum would give us 386,253,941 yards. At 6 cents per yard, this amount would give the manufacturers of cotton $23,115,236 of protection or bounty. And this sum is paid to the manufacturer by the people who use the domestic manufactured article, while those who use the foreign article pay the revenues of the Government.

These same tables show that the woollens manufactured in the United States in 1840 were estimated at $20,696,999. The tariff on woollens is 40 per cent., and 40 per cent. on this sum is $8,278,799. And this sum the consumers of woollens pay to the manufacturers of woollen goods, as protection or bounty. Let it never be forgotten, here or elsewhere, that on these immense bounties the consumers generally pay profits still more immense. I specify but these two out of the multitude of protected articles. I can only give examples.

I have not made the examination myself, but my honorable friend from Alabama [Mr. D. H. LEWIS] states to me that the whole catalogue of protected articles amounted, in 1840, to $395,000,000. I think this an over-estimate; but no matter. The principle can be seen. Thirty per cent. upon this sum is $108,500,000; and, if the amount of protected articles be not overrated, then the people who buy and consume these articles pay to the manufacturers $108,500,000 in the shape of protection or bounty. The profits which accumulate upon this bounty, before the goods get into the hands of the consumer, must not be forgotten. If there be any truth in these calculations, we can see therein one cause, and a prominent cause, of the deep distress and embarrassment pervading the land.

As 383,702 inhabitants (the population of Missouri) is to 17,000,000 of inhabitants, (the population of the United States,) so is the portion of bounty paid by Missouri for protection to $108,500,000, the amount paid by the Union. By this rule, the amount of bounty paid by Missouri on protected articles, supposing her to pay only in proportion as the other States pay, is $2,461,698. If we add the profits on this bounty, and calculate them as we have before calculated these profits, we shall have $6,337,410 as the amount of bounty and profits on bounty, to be paid by the people of Missouri. But, in the West, we should do the manufacturer injustice to fix the profits on his goods as high as on foreign goods. The domestic goods do not pass through as many hands as the foreign goods, before they get to the consumer in the West, and consequently do not accumulate as many profits.

I have said this much, to show that the system of imports was, of all modes of taxation, the most expensive, and consequently the most oppressive on the West.

For the reasons thus given, I am opposed to this bill; and, for a part of these reasons—the part which must exist against any tariff—I am forced to believe that the system of imposts is an injurious, oppressive, and unwise mode of collecting revenue.

My figures may not be exactly accurate; but, if they are not, in most cases they will be found rather to range under than over the mark. Every man should look into this matter. We know there is immense suffering all over the country. We are always at work; we are always in want; we are always in debt; and we are always oppressed. Much the largest portion of our population know all these things. Only a few—those who are born to fortunes, and are fortunate enough to retain them—are ignorant of these things. There are some who never knew what it was to work, to want, to be in debt, to suffer, or to be oppressed; but the great mass of the people know all these things well. Work, want, debt, suffering, and oppression, are known all over the land. There must be some cause for it. It may be, we are taxed too heavily. We should examine.

But, if taxed heavily, we are told we do not feel the tariff, because we do not know we pay it. This may be our sad mistake: no doubt it is. Every man feels it, and most grievously too; and the poor man, on whom the heaviest tariff falls, feels it most: but, unfortunately for him, although he knows he feels something sorely, yet he does not know what it is he feels. He knows he is *hurt*, but does not know the thing that *hurts him*. He feels the wound, but does not know whence the arrow sped. It will be agreed that the sick man is none the better off, and suffers none the less, in consequence of not knowing the character of his disease. And the man who pays the tariff, and the profits on the tariff, is none the better off for thinking it the cost, and profit on the cost; or for knowing nought about it. The man who thinks his disease is light, but finds it at length the cholera, will run the risk of dying; and the man who thinks his tax is light, but finds it out to be the tariff, will run the risk of being ruined.

Every man feels the operation of the tariff. He feels it in whatever he eats, drinks, or wears. No man escapes the tariff. Every man, woman, and child in the land is affected by it. None can escape. Every being that eats its salt is affected by it. His salt is taxed nearly half its value. Every family uses sugar and coffee: these are taxed by this bill. Almost every man, who does not wear fine linen, buys his cotton shirt: if coarse, this is taxed 100 per cent.; if fine, 50. The young men buy cloth coats: these are taxed 40 per cent. When their coats cost them 25 dollars, 10 dollars of the price is tax, and profits on tax. Boots, hats, shoes, axes, oes, plouhghs, flannels, blankets, calicoes, and everything else, are taxed, (a few free articles excepted)—and these, many of them, for the benefit of the manufacturer. We pay this tax as much as we would a direct tax; we feel this tax as much as we would a direct tax. More: we pay this tax, and these profits on this tax; there *are* no profits on a direct tax. And yet we take the indirect, and are afraid to meet a direct tax!

Let no man deceive himself, by supposing that he escapes the tax, because it is indirect. Let no man suppose he does not feel it, because he does not notice it, on every item on which he pays it. In my State, let him look into the justices' courts, into the county courts, into the circuit courts, where debts are collected. Let him examine the number of suits. Let him examine the accounts on which these suits are founded. Let him examine the items of these accounts, and see how many are for tariffed articles, and how much they are taxed. If the debt has been liquidated, and the suit be founded on a note or bond, let him ask the parties what character of articles made up the debt. Let him inquire how much cost accumulates in the suit, and what part of that is properly chargeable to the tariff. Let him inquire if the defendant could not have paid the debt, if it had been 100 per cent. less, 50 per cent. less, 40 per cent. less, 30 per cent. less, or even 20 per cent. less. The tariff on the debts for merchandise will generally equal the smaller sums, and often the larger sums. If, after these inquiries, any man still doubts whether the people feel the tariff or not, then let him see the judgment rendered, the execution issued, the property levied on and sacrificed, the wives and children turned out of house and home; and then let him say whether the indirect system of taxation is felt or not. I have no doubt half the suits in the West—probably eight out of ten, large and small—are for merchandise. Those who escape for a while are eventually worn down with the tax, and the profits on the tax; and then they are brought within the clutches of the merchant; and the Western merchant himself does not escape his higher merchant. Our courts all over the West, and everywhere else, are filled with suits. The great body of the people have no comfort. They are suffering, mentally and physically, and all the time, with pecuniary embarrassments. They avoid their creditors; they dread the approach of an officer; they are afraid to hear their own dogs bark; the hair rises on their heads when they hear their gates turning upon their hinges. In every visiter they look for a dun or an officer. They have no ease, and no peace, and no comfort. This is the case with too many of our citizens. The cause should be removed. We can remove causes, if we cannot apply remedies. We have no remedies, except the removal of causes.

In the West, we feel the tariff heaviest, and there it operates most oppressively. In Missouri it is worse than in Illinois; in Illinois, worse than in Indiana; in Indiana, worse than it is in Ohio: in Ohio, worse than in Pennsylvania; in the western part of Pennsylvania, worse than in Philadelphia. In other words, the farther you get from the port of entry, the more onerous will be the operation of the tariff. The profits on a tariff will generally increase in proportion to the length of time which elapses, and the number of hands through which the taxed article passes, between the payment of the tariff at the custom-house by the importer, and the sale of the article to the consumer in the country, who pays the cost, the tariff, the profits on cost, and the profits on tariff, all in a lump. The tariff system, then, operates less heavily upon the importing States than upon the interior and Western States.

The whole operation of the tariff is calculated to give the manufacturing regions advantage over the agricultural. The labor of the agriculturist, and of other classes too, is taxed; and that tax is given to the manufacturer. A constant stream of wealth is thus flowing from the agricultural regions into the manufacturing regions. However slow and imperceptible this operation may be, it will in time have its effect; and that effect will be, to enrich one portion of the Union, by impoverishing the other—to enrich the manufacturing region, at the expense of the agricultural region. The great inducement held out by the high protective character of this tariff, and the utter folly and madness of investing capital in bank stocks, railroads, and other wild and visionary schemes, for the future, will give great encouragement to manufactories. Every description of articles which can be manufactured in our own country at an expense not absolutely unreasonable, will, in a few years, be made in sufficient abundance to supply all our wants, and to exclude the foreign article of the same character altogether. The effect of this will be to cut off the importation of nearly all the goods on which the revenues of the Government are now collected. The list of articles paying no duty under this bill is estimated at $13,000,000. A slight tariff would prohibit the importation of most of these articles. From these, and the remnant of other articles which may be imported, not manufactured in our own country, a sufficiency of revenue cannot be collected to defray the expenses of Government. Then another effect of this tariff will be to cut us out of a revenue from imports. But we must have a revenue to keep the wheels of Government in motion. If we cannot get that revenue by a system of imposts, then we must be driven to some other system. This is necessarily the case; and we cannot help it, except by reducing the tariff, and suffering the importation of more foreign merchandise. To effect this, the reduction would have to be very large. We shall be driven to another system to supply our treasury, and the system of excises is out of the question. We shall have nothing left, then, but a resort to direct taxation. The high tariff will drive us to this system; and this will be another effect of this high protective tariff. It may be fortunate, however, for the country, if this result follows. The system of direct taxation may prove our greatest blessing.

The high tariff is driving us to direct taxation. The withdrawal of capital from the banks, and wild schemes of internal improvements, and the large profits from manufacturing, will cause heavy investments in that business. The great reduction in the amount of the circulating medium will reduce the price of everything; the price of labor must fall, and the price of all the ingredients used in manufacturing must fall; it is not in the power of man to prevent it. This fall in prices will be a protection to the domestic, against the foreign manufactures. The high prices which everything commanded here a few years back made us the market for the balance of the world. We bought

lmost everything, and sold nearly nothing. Our resent low prices will reverse the order of things. Ve shall now sell, and measurably cease to buy. Ve shall manufacture extensively, and greatly diminish our imports. Our revenue from imports must then fall.

The result of all this must be to drive us eventually into a system of direct taxation. It is idle and oolish, and worse than madness, to shut our eyes gainst this fact. The day is not far distant, when, o matter how much a majority of us may regret t, we shall be compelled to realize it. And, for my art, I can see no good reason why we should wish o avert that day; or even why we should not welome, instead of dreading its approach. It sometimes happens that apprehended evils prove our reatest blessings; and it may be so with the system f direct taxation.

He is blind who cannot see coming events by the hadows which precede them. He is unwise and owardly who shuts his eyes at what might be een approaching, because he dreads the object. Ve should not shut our eyes against the light hich blazons forth the truth, but should look at ll things as they present themselves, and meet hem fearlessly and manfully. So we should meet his question of direct taxation, to which high prohective tariffs are driving us at a gallopping pace. Vo doubt about it. Our protection enables us to manufacture for ourselves. By manufacturing for urselves, we exclude foreign imports; by excluding oreign imports, we cut off our revenue from imosts; by cutting off our revenue from imposts, we re driven to direct taxation. This is inevitable. Excises are out of the question. The present tariff rill not yield a sufficient revenue for the wants of he Government; it is too high; it will check imortations too far.

If, then, we are to be driven to the system of irect taxation, we should begin to look at that sysem calmly and dispassionately, and like rational nen. It may not be the worst; it may be the est; it has many advocates. It may be the simplest, heapest, and safest system. It cannot be more xpensive than the system of imposts. The exense of collecting direct taxes will, no doubt, be reatly less than that of collecting imposts. We ave before seen that 7½ per cent. was the exense of collecting imposts. This is the amount aid simply for collecting. Then we have seen he profits paid upon the tariff. On the Western eople these profits amount to one hundred and ifty-seven per cent. Many of the States collect heir revenue—by direct taxation too—for less than ven 7 per cent. Then, between the two systems, here is no comparison in the expense of collecting.

But the revenue for this Government, under a ystem of direct taxation, ought to be collected t much less expense than the revenue for the tate Governments. The State of Missouri pays bout $70,000 annually to support her Governent. Her portion of the revenue of this Govrnment is $609,232. The State of Connecticut ays about $80,000 annually for her Government. Her portion of the revenue of this Government s about $600,000. These two cases occur to me t this moment. The other States pay for their wn support, and the support of this Government, n about the same proportion. Let me say this isproportion is immense, and that it is an evilence of the great evil of having a Government oo independent of the people. Our rulers should e kept close to their constituents, and held acountable.

The $70,000 of State revenue paid in Missouri, nd the $609,232 of United States revenue paid n Missouri, are paid by precisely the same peole. If both sums were paid by direct taxes, the ollector of each sum would call upon precisely he same number of men, and the same men. The trouble of collecting the $70,000, then, would e precisely the trouble of collecting the $609,232. Only one difference would exist. In the former ase, it would be less; in the latter, the responsiility would be greater. But this would not be imortant. If the trouble of collecting the two sums would be about the same, then the expense of colecting the two ought to be about the same. Then, f the $70,000 can be collected for about (say) 7 er cent, $609,232 ought to be collected for even ess than one per cent. What a result! Allow even 5 per cent. for the expense of collecting, nd the direct system would still be cheaper than he indirect, omitting the profits on the tariff.

But the value of a system of direct taxes must depend much upon the machinery by which it is managed. The prejudices against the system once in operation, may have had their origin in the imperfections of the laws by which that system was managed. In many instances, this was, no doubt, true. There is surely nothing frightful in the simple fact of *knowing* that we pay a few dollars to support our Government. In being cheated out of ten times as much, I can see nothing so exquisitely delightful, which should make us cling to a system of indirect taxation. The people will not, when it becomes necessary, refuse to pay taxes directly in proportion to the value of their property. I am sure of this. They are doing this very thing now in almost every State in the Union. They do not complain when the taxes are reasonable and right. If the taxes are too high, the knowledge of that fact is brought to the notice of the people when they are called on to pay; and they correct the evil through their Representatives. This is a decided benefit resulting from this system. It would be a great corrective of abuses and extravagances if applied to this Government.

I can see no difference in principle between paying direct taxes to the State Governments and direct taxes to this Government. The taxes are paid in the same coin; they are levied in the same proportion; they are collected by the same sort of officers. They differ only in amount. We do not complain of State taxes. They are direct. Why, then, complain of taxes for this Government, if they should ever be direct? The people will not complain of them, simply because they are *direct;* but, if they do complain, it will be of their immense weight. Of this they will be right to complain. But the distinction should be clearly drawn, that this is not a complaint against *the system of direct taxation*, but against *the weight of the taxes themselves.*

In the West, (unless my system of calculating be incorrect,) there would be an immense saving to the people, by exchanging the indirect for the direct system of taxation. We should save, first, the difference between the expense of collecting—say four or five per cent.; and we should save, second, all the profits on the indirect taxes, which amount, as far west as Missouri, to 157 per cent. In this State, we should then pay, simply, $609,232 of taxes; and from this would be deducted 1 per cent. (and perhaps something upwards) for collecting, instead of 7½ per cent. Under the direct system, we should pay the $609,232, without paying any profits on it; instead of paying $958,922 profits, as we now do, under the indirect system. The same observations apply to other States—if not in the same proportion, at least to a great extent.

I have said that the people would not object to pay direct taxes when it became necessary to do so, if they were reasonable and right. They pay direct taxes to the States, and do not complain; and this is in no way different from paying direct taxes to this Government. But the people of Missouri pay only about $70,000 of taxes for State purposes, and $609,232 for this Government. Connecticut pays but about $80,000 for State purposes, and about $600,000 to this Government. The people of Missouri, although accustomed to pay $70,000 State revenue annually, and by direct taxes, might be somewhat astounded when called on for $609,232 in direct taxes. And Connecticut, accustomed to pay only about $80,000, would be somewhat astounded when called on to pay $600,000 in the shape of direct taxes. It is urged as an argument against direct taxation, that the people would repudiate when they discovered the amount they had to pay. The exposure of the burdens heaped on the shoulders of the people is the best argument in favor of direct taxes. They would repudiate—not the Government, nor the system of taxation; but the expenses and extravagance of the Government. When we are driven to direct taxation, a full exposure of these burdens will follow; and then every man will learn what he has to pay towards supporting his Government; and then, and probably not till then, will commence a proper system of reform and retrenchment in this Government. This exposure should be made. We should perpetuate no mysteries in our Government. Everything should be laid bare to the people. The light of day should be thrown on everything.

It is urged against direct taxes, and in favor of indirect taxes, that a man may escape the latter if he chooses. Let no man deceive himself by supposing that he eludes the taxes because they are indirect. If he neither eats, drinks, works with tools, nor wears any clothes, then he may escape them; but if he wears clothes, works, drinks, or eats, he is apt to pay his part of the taxes. Every man, woman, and child in the land, of every age, color, and sex, is taxed under this bill. Our horses, our cattle, our sheep—everything using salt is taxed under this bill. We pay the tax on our salt, on our coffee, on our sugar, on our tea, on our hats, our boots, our shoes, our coats, our shirts; on our hoes, on our ploughs, on our axes, on our spades; on almost everything we use, we pay this tax; and we should never forget the profits we pay on this tax. Let no man, if any be so mean and so ignoble as to wish to avoid his share of tax, deceive himself by supposing he escapes this tax, unless it be the manufacturer, who uses his own, and not the imported article. The manufacturer does escape, so far as he consumes his own article; but no further.

It may be wrong to answer such an argument as this. If any, there can be but few men in our Government who would be willing to escape paying their quota of taxes. No man should be so unpatriotic as to wish to escape the payment of the taxes justly due the Government which protects his life, his liberty, and his property. Every man should be proud to pay the reasonable taxes due his Government; and every man of proud and patriotic heart will do so. He is an ignoble son who would skulk from his just share of the burdens of his country, at any time, or of any kind. We should banish, but never encourage or countenance, such an idea. The people will not repudiate. They are too patriotic for that. They would demand a correction of abuses, and enforce a reduction of expenditures. This would be right.

The increase of Executive patronage is urged against direct taxes. This is no objection to the system, because it does not necessarily exist. An increase of patronage is easily avoided; and a great diminution in the amount of patronage now exercised, as easily effected. The Executive patronage would only be increased by giving him the power of appointing the assessors and collectors of the revenue. It would be wrong to give him this power; and he would find no pleasure in exercising it. Each State has her collection districts already organized. This Government could adopt the same districts. In some of the States, the people of the collection districts, or counties, now elect their own assessors and collectors. This plan is found to work well. It is the Democratic plan; and all parties are now Democratic. It is the best plan, and this Government should adopt it. This would cut off all Executive patronage, and obviate that objection. If we should ever collect the whole of our revenue by direct taxes—and when we are driven to that system, it will be best to do so to avoid the expense of keeping up two systems—then we can dispense with the whole custom-house establishment, and all the fraud and corruption connected with it. This would cut off from the Executive the appointment of the host of custom house officers, while it would cleanse the Government of a rotten system of taxation. And this would be an immense curtailment of Executive patronage.

The election of assessors and collectors provides for the collection of the revenue. Nothing is more simple, and plain, and easy of comprehension. We see it every day at home. The balance of the system is carried out easily. Nothing remains, after collecting, but to pay the money out according to the order of the Government. The custom-houses are scattered all over the Union, and so are the revenues under the system of imposts. Under a system of direct taxes, the collectors will be scattered all over the Union, and so will be the revenue collected by them. In either case, this Government has to provide the means of transmitting her funds to the proper points. The mail belongs to this Government; every man in the community transmits his money by mail; so could the collectors of the revenue. The Government should take the risk of her own conveyance. If this would not do, this Government could have a depository in each State. Either plan would be simple and cheap, and the details easily arranged.

There are many reasons in favor of a system of direct taxation. My mind has been impelled in that direction for years, and by a force which has thus far been utterly irresistible. I have endeavored to combat it; but so strong have been the arguments in its favor, that I have been unable to do so. I differ from many of my political friends on this subject; and from many, and perhaps a majority, of

my constituents; but it cannot be helped. I believe the system of direct taxation the simplest, cheapest, and safest, and decidedly the best. But I believe my constituents are not with me on this point; and I must represent their wishes, when they can be ascertained or reasonably calculated on. But when the time arrives for the adoption of a system of direct taxation,—as at present advised, if that system be properly arranged, I shall cheerfully vote for it; and it is right that I should say so. I have no right to speak for anybody else; but for myself, I have a right to speak. It is my duty to speak, because I differ from my friends, and perhaps a majority of my constituents. I would rather sink, sustaining correct principles, than swim by advocating errors. I cannot help believing the system of direct taxation the best for us.

We have seen the evils heaped upon us by the indirect mode of taxation. We have seen its unequal operation, and its expensive and oppressive character. We have seen the immense accumulation of profits upon the tariff, all of which are paid by the consumers. We have seen the tendency of any tariff, and especially of a high protective tariff, to drive us to direct taxation. We have seen that the system of direct taxation would relieve us from many of the burdens imposed on us by the tariff. All this we have seen; but this relief is remote, and we want immediate relief. There are some remedies within our reach, and we should begin to use them. They are simple, and should be adopted at once.

One remedy for the Western people is to import their own goods, as far as possible, directly to the Western cities. We ought to cut off the profit to the Eastern importer and to the jobber; and to reduce the profits of the Western city merchant to that of the jobber; and that of the village or country merchant, to that of the Western city merchant. Even this would leave us ten, twenty, and thirty per cent.—enough, in all conscience, for any people to pay; ten to the Western importer, twenty to the city merchant, and thirty to the country merchant. Even these ought to be reduced one half. They might be. The merchandise being close at home, our village and country merchants could invest and sell, and reinvest and sell again, at very short periods. We should pay cash, and sell for cash. Then there would be no losses; and the merchants could live and thrive upon half the profits they now contract for. The practice of charging solvent persons double price, to make up losses on insolvent persons, might then be abandoned. By importing our own goods, we should promote the growth of our own cities. What the people of my own State now contribute to the growth of Boston, New York, Philadelphia, and Baltimore, we should then contribute to the growth, and improvement, and wealth of our own rising and flourishing city. So of all the other Western people, and the other Western cities. They would become better markets for our own Western produce; and better markets would enrich our citizens. Our citizens, enriched, would be able to purchase more from our merchants; and thus each class would promote the interest of the other, and all would prosper together. This remedy would save us a large amount of the profits which accumulate on the tariff and on the cost of merchandise also.

In the West we should ask a tariff as low as possible. Let it be for revenue. We can pay the tariff, if moderate, and the profits on it; and we have paid a tariff, when exorbitant, and the profits on that; but then it is wrong to grind us too far into the earth. We are sore already. You should tread lightly on our corns, and not render our burdens insupportable, but begin "*to unpack.*" Let the Government be administered economically; and load us with no more revenue than is necessary to pay her reasonable expenses. Abolish expenses where they can be dispensed with; and, where they cannot, retrench them if they can bear retrenchment. Cut off all extravagancies, whether in large matters or in small. Let us not be afraid of mighty influence against us, where large expenditures are involved. Let us meet them and retrench. Let us not slur over the strong and the powerful, and strike deep into the weak and the helpless. Let us not pass by the army and the navy, and seize upon the clerks and the pages. Let all fare alike. Let all be brought to a standard to suit the times. Money has grown scarce among us. It may be many years before it is plentiful again. The people cannot pay as they have paid heretofore. We must come down. Necessity will force us; and we had better make a virtue of necessity, and come at once where it must eventually drive us. Reduce this bill. You will get more revenue by it. Even then you will not get enough. The people are too poor; they are too much in debt; they cannot buy your taxed goods; they must economize to get out of debt. Let us retrench. Then we shall want less revenue, and the Government will be better able to meet her debts.

But, in my own State we have another remedy, and we should adopt it. We should go for protecting home industry. We have the power of making a large portion of the necessaries of life within ourselves, and we should exercise that power. We should resolve to do so in self-defence. We should do so, to prevent ourselves from being taxed to death to support exacting neighbors. We should keep our own wheels and our own looms in operation. We should give them especial protection and encouragement. We should encourage our other various manufactures. Our men, women, and children should work, and keep at it busily and steadily, and should husband well what they make; and should live, as far as possible, within themselves, until a change in the policy of our Government shall equalize its advantages, its burdens, and its taxes.

In my own State, we should encourage manufactures. No doubt we have the power to do so. We have advantages over our Eastern neighbors. Our fuel, water-power, house rent, provisions, and raw material for some fabrics, can be obtained decidedly cheaper than theirs. Our manual labor is dearer. But to make coarse cottons, for example, (an article used extensively among us,) very little manual labor is required. They are mostly made with machinery. For this, and other reasons, they can be made as cheap in Massachusetts as in Great Britain; and for this, and other reasons, they ought to be made as cheap in Missouri as in Massachusetts. The other reasons, in both cases, are the cheap prices of all the ingredients, except manual labor. This would cost us but little.

We should take back the lands. For the present, this would be another remedy. The revenue derived from them would go, to that extent, to diminish the burdens of a tariff. It would go much further. It would save the people the payment of that much revenue; and then all the profits paid upon that amount of revenue. Suppose the land fund to be distributed be $2,000,000: if we distribute $2,000,000 of land revenue, the treasury will be minus that sum in consequence; and just as much so as if we had distributed $2,000,000 of revenue from imposts. To the clearness of this proposition nobody will hesitate to assent. Of this sum, the distributive share of Missouri would be $45,000; and perhaps more—no matter what amount. Before you give this amount of land revenue to the State, you must take it from the treasury of the United States. In doing this, you create a vacancy in your treasury exactly equal to $45,000, which must be filled up from some other source. We have but one source; and that is from the customs—from imposts—*from taxes on imported goods.* Everybody can understand this. Let us trace the operation of this on Missouri. Forty-five thousand dollars are to be collected from the customs, or imposts—or, in plainer language, *taxes on imported goods*—to supply her share of the deficit in the revenue created by the distribution of the land fund. This sum is paid at the custom-houses; and mostly at those in New York and Philadelphia, where we buy most of our merchandise. This forty-five thousand dollar tax is paid in the outset by the importer.

Let us now follow this sum, and the profits which accumulate on it, until the tax, and all the profits on the tax, are finally paid by the consumer. The goods on which this tax is paid must pass through the hands of the importer, the jobber, the Western city merchant, and the village or country merchant, as in other cases. The importer sells to the jobber, and gets 10 per cent. on the tariff which he has paid. This raises the whole sum to $49,500. The jobber sells to the St. Louis merchant, and he gets 20 per cent. upon the tariff and the profit which he has paid the importer. This raises the whole sum to $59,400. The St. Louis merchant sells to the village or country merchant, and charges a profit of 30 per cent. This raises the whole amount of tariff and profits on tariff to $77,220. The village or country merchant sells to the people who consume, and charges 50 per cent. profit. This, added to the tariff, and previous profits on tariff, makes the $45,000 cost the consumers $115,830! The operation of the land fund then, on Missouri, is to give her $45,000 with one hand, and to take from her $115,830 with the other. Let us say nothing about the expense of collecting and distributing: this out of the question, the picture is strong enough to startle any Western man who can be induced to look at it in his senses, and made to understand it. We should get back the lands, then. The revenue arising from them would go, to their amount, to relieve the Western people of the burdens imposed on them in collecting the revenues for this Government.

But all these remedies will not give the West complete relief. All these remedies will not place the West on an equality with other parts of the Union. We shall not have a complete remedy, nor shall we be placed on an equality in paying taxes, till we have been driven to direct taxation, and have exterminated the impost system. Then we shall pay clean taxes and equal taxes. Then we shall know how much we pay, what we pay it for, and what is done with what we pay. And there will be a great advancement in our system of collecting and disbursing revenue, and in reforming the abuses and retrenching the expenses of the Government.

[The following speech was made at the 2d session of the 27th Congress, as will be seen by its date; but it was not written out by the member and delivered to us until after the Appendix for that session was completed, which will account for its appearance in this volume.]

SPEECH OF MR. J. C. EDWARDS,
OF MISSOURI,

In the House of Representatives, July 20, 1848—

In relation to the territory in dispute between the State of Missouri and the United States, and to the true location of the boundary between Missouri and Iowa.

Mr. EDWARDS addressed the Chair as follows:

Mr. CHAIRMAN: But one hour will be allowed me to present my case. That is by no means enough; and two would not be sufficient to investigate the subject fully; but as much of it as can be, shall be crowded into the time allowed me.

I am not ignorant of the fact that I commence the discussion of this case with a majority of the House prejudiced against the claim of my State. I can, therefore, anticipate the character of the decision which will probably be given. You have heard that side of the case against the claim of Missouri; but you have heard nothing in favor of her claim; and even now, under the operation of your rules, you will let but half the case be presented before you decide.

I infer that you are prejudiced against our claim for several reasons. One report has been made upon the subject by the authority of Iowa. This is, of course, against the claim of Missouri. Another has been made by a commissioner on the part of the United States. This does not decide positively against us, but its leanings and tendencies are against us. The Committee on Territories, to whom this matter has been referred, have twice reported against our claim. During all this time you have heard nothing favorable to the claim of Missouri. For these reasons, in part, I infer that you are prejudiced against our claim.

But Iowa considers herself a party to this case. Then her report is of no great value, and should have but little weight. Your own commissioner does not decide positively against us. He acted on but a part of the case, and still had his doubts. The two reports of the Committee on Territories are by no means consistent—the one admitting what the other denies, in several important matters. But you depend much upon your committees—and, in the general, this is right and proper; but your committees are not always right in their conclusions. They are by no means infallible. In this case, they are clearly wrong.

You are a party to this case. This is usually a cause of prejudice; but I do not allude to the fact here for that reason; but because I wish the fact distinctly noticed that you are a party. If it be a ground of prejudice, we are willing to waive the ground, and to trust our case to your decision, reserving to ourselves the right, of course, as is done in all other cases of similar character, to apply

nother tribunal if your decision be against us. ut we wish to be saved the necessity of going to nother tribunal; and we invoke your justice and our magnanimity, and ask you to save us that ecessity, by giving us a decision according to the w and the facts of the case.

The Committee on Territories admits that this estion, "so far as the rights of Missouri are in-olved, is peculiarly for the judgment of the courts; it the authorities, both of the State and Territory, ave repeatedly referred it to Congress, and be-ught its decision. The action of the National egislature cannot conclude Missouri, but it will binding on Iowa, though it should concede some-hing of her rights to her adversary in this con-oversy." See page 11, doc. 791, 2d sess. 27th ong. This opinion, advanced by the committee, clearly right. I am, therefore, saved the neces-ty of proving this point.

This is not a case in which Missouri is one party nd Iowa the other. Iowa is not directly a party the case at all. It is a case in which the State Missouri is one party, and the United States the her. The territory in dispute belongs to the ate of Missouri, or else it belongs to the United ates. If it belongs to the State, you have no wer over it; if it does not belong to the State, then u can do what you please with it. That speck it which does not already belong to the Indians, u can sell even to them to-morrow, if you choose, the territory be yours, and not ours. If it be not rs, you have complete control over it, and you ill continue to have till Iowa becomes a State, nd then you can give it to her if you choose. wa expects to get it, and for this reason is inter-ted in your retaining it. This is all the interest e has in the case.

The case is one, then, of singular character: the ate is *one* party, and you are the *other* party; and e the State asks you to *decide* the matter. And ot exactly to *decide* the matter either. We call on you, rather to settle it; and you have the power do so. We say the territory is *ours*, and not *yours*. e call upon you to acknowledge our right to terri-ry which we claim to be our own, and to renounce our claim to territory to which we contend you ve no title. If you refuse to do so, this does not event us from applying to the courts of justice. his is the nature of the case.

The boundary in dispute is that between the State Missouri and the Territory of Iowa—being the rthern boundary of the former, and the southern undary of the latter. The State of Missouri in-sts upon a line which runs with the parallel of titude passing through the rapids of the river es Moines, at the Great Bend in said river. The ommittee on Territories insists that the true undary runs through the "Des Moines rapids," the Mississippi river; but as this line would cut ep into our counties, the committee, *out of abun-nt mercy to the State*, agrees to give us the old dian boundary line run by John C. Sullivan in 16, four years before the State Government was rmed. This line runs much nearer to the one aimed by Missouri than that which the commit-e says is the true line. But the committee says is Indian line is not, and cannot be, the true line. his is an admission, at once, that they have not cided the case according to the law and the facts. et them not say that they have done us more an justice. We understand that, and will inquire to it.

The territory in dispute—that lying between these o lines—the line claimed by Missouri and the d Indian line—at the eastern end, next the Des loines river, is over eight, and less than nine iles wide; and at the western end, next the Mis-uri river, about thirteen miles wide. The whole rritory in dispute embraces about 2,616 square iles. Of this tract of country, about one-six-enth, being about nine miles average in width, r an average of about eighteen miles in length, ontaining about four and a half congressional wnships, and a population of 1,500 or 2,000 per-ons, has been ceded by the Indians to the United tates. This one-sixteenth your committee magni-es into "near one-third of the territory now in dis-ute." But this is by no means their largest blun-er. The remaining fifteen-sixteenths of the dis-uted territory are still in possession of the Indians, nd have no population to be affected by the ulti-ate decision of this case.

The people already in the disputed territory went here with a full knowledge of the existence of this ontroversy; and, of course, with a determination to abide the result. In fact, many of them may have gone with the hope and the expectation that this country was part of the State of Missouri. But, no matter what they expected, you should decide this case, not as a question of expediency, but according to the law and the facts of the case. Any other decision must be unjust, and cannot be submitted to by Missouri.

In the progress of this discussion, we should bear in mind an important distinction between a Territory and a State. The former is a sort of preparatory grade of government. The latter is a complete and perfect government. The jurisdiction of the former is fixed by this Government; and may be altered or changed, enlarged or diminished, at any moment, by Congress. The jurisdiction of the latter is fixed, in the case of Missouri, by the State constitution, and cannot be changed or altered, enlarged or diminished, by Congress. The territory of the former is fixed by an act of Congress, and can be enlarged or curtailed by Congress. The territory of the latter is fixed by the Constitution, and cannot be enlarged or diminished by an act of Congress.

The 6th day of March, 1820, Congress passed an act authorizing the people of Missouri Territory to form a constitution and State Government. This act prescribed boundaries for the State to be formed. The 19th day of June, 1820, nearly four months afterwards, the people of Missouri Territory formed a constitution and State Government. This constitution defined the boundaries of the "State of Missouri." That section of the act of Congress which describes the boundaries of the Territory, and that article of the constitution of the State which describes the boundaries of the State, are in the same words.* It is a curious and an interesting question of law, that, notwithstanding both these instruments use the same words in describing the boundaries, yet it becomes necessary, in deciding this case, to determine whether the act of Congress or the constitution of the State is the paramount instrument; whether the act of Congress or the constitution of the State gives boundaries to the State.

The question, *whether the act or the constitution is the controlling instrument*, becomes important, because the great difficulty in settling this controversy grows out of a *latent ambiguity*, both in the act of Congress and in the constitution of the State; and this difficulty is increased by an attempt *to enlarge this ambiguity*. The *ambiguity* consists in the expression, "the rapids of the river Des Moines," used both in the act of Congress and in the constitution of the State. We have no evidence that, when the constitution was adopted, more than one rapid of the river Des Moines was known; but, by late surveys, we ascertain that there are several "rapids of the river Des Moines;" and the difficulty now consists in determining which of these "rapids of the river Des Moines" were called for in the act of Congress and the constitution of the State. The enlargement of the *ambiguity*—and which, beyond all question, is a very absurd one—consists in an attempt to make the "rapids of the *river* Des Moines" mean the "Des Moines rapids" in the Mississippi *river*. Let me here say, that three miles above the mouth of the Des Moines river commences a chain of rapids in the Mississippi river, which extends up that river fourteen miles. These, from their proximity to the mouth of the Des Moines river, and to distinguish them from other rapids in the Mississippi above, are called the "Des Moines rapids," and have been so called for ages. The first rapids of any note in the Des Moines river itself are about sixty miles above the mouth of that river.

This ambiguity, like other latent ambiguities, can be explained by parol testimony. If the act of Congress and the constitution of the State refer to the same "rapids," then the explanation of the one is the explanation of the other, and the testimony of the same witnesses would explain both. But your committee decides that the act of Congress calls for one "rapids," and we contend that the constitution of the State calls for another "rapids;" and if this be so, then the explanation of the one will not be the explanation of the other; and it will, consequently, become necessary to decide which is the governing instrument—which is to be explained, the act or the constitution.

This explanation can be given only by those who passed the act and the constitution, and those who were otherwise connected with the passage of these instruments. If the act of Congress be the controlling instrument, then the explanation must come from members of Congress, and those connected with the proceedings of Congress about the time the act was passed; but if the constitution of the State be the controlling instrument, then the explanation must come from the members of the convention which framed the constitution, and those connected with the proceedings of that convention. It is hardly probable that anybody else knows or recollects anything about either of them; and these instruments can be explained in no other way. It is probable that no member of Congress recollects anything about the meaning of the act, except the delegate from the Territory of Missouri himself. It is highly probable that no member of Congress, except the delegate referred to, knew anything, at the time the act was passed, about the boundaries. At this time Florida is applying for admission; and yet I am sure not one member in this House, when she is admitted into the Union, will understand her entire boundaries. Her delegate probably will. It was still more so the case with Missouri. The delegate himself from that Territory says he was unacquainted with the country.

We must have the testimony of those who know what was intended by the ambiguous phrase. Without that, a correct decision of this controversy cannot well be given. It is entirely competent to explain the ambiguity by parol testimony. The Committee on Territories, in their argument against us, have followed this course. They have resorted to a letter of Pierre Chouteau, the case of Louis Honore, and other evidence, to prove that an American Congress, removed a thousand miles from any French influence, had used the expression "rapids of the river Des Moines," when they meant the "Des Moines rapids," in the Mississippi river, simply because the French called the latter "rapides de la rivière Des Moines." Just here, however, as it suited their purposes, the committee may have intended to treat the constitution as the controlling instrument, and to lay the act of Congress aside for awhile. That constitution was made among the French at St. Louis; and, although the convention was almost to a man English, yet it might be a little Frenchified. But the committee should take the act of Congress for their guide altogether; or else should drop it, and take the constitution altogether; and not one, and then the other, as it may suit their convenience. But the committee introduces parol testimony, and you are acting on it. I claim the same right, and shall exercise it. But the question is yet to be settled whether the act or the constitution is to control, and which is to be explained. Let us now examine that question, and then we will introduce our evidence.

The act of Congress "authorizing the people of Missouri Territory to form a constitution and State Government" was passed on the 6th day of March, 1820. The constitution of the State was "ordained and established" the 19th day of July, 1820—the same year—three months and upwards after the passage of the act aforesaid. The second day of March, 1821—four days less than one year after the passage of the act of March 6th—Congress passed a resolution providing "that Missouri shall be admitted into the Union on an equal

*The boundaries of "Missouri Territory," as described in the act of Congress approved March 6, 1820, and of the "State of Missouri," as described in the constitution of said State, adopted July 19, 1820, are described in the following words:

"Beginning in the middle of the Mississippi river, on the parallel of 36 degrees of north latitude; thence west, along the said parallel of latitude, to the St. Francis river; thence up and following the course of that river, in the middle of the main channel thereof, to the parallel of latitude of 36 degrees and 30 minutes; thence west, along the same, to a point where the said parallel is intersected by a meridian line passing through the middle of the mouth of the Kansas river, where the same empties into the Missouri river; thence, from the point aforesaid, north, along the said meridian line, to the intersection of the parallel of latitude which passes through THE RAPIDS OF THE RIVER DES MOINES, making the said line correspond with the Indian boundary line; thence east, from the point of intersection last aforesaid, along the said parallel of latitude, to the middle of the channel of the main fork of the said river Des Moines; thence, down and along the middle of the main channel of the said river Des Moines, to the mouth of the same, where it empties into the Mississippi river; thence, due east, to the middle of the main channel of the Mississippi river; thence down and following the course of the Mississippi river, in the middle of the main channel thereof, to the place of beginning."

[NOTE.—The act of Congress and the constitution of the State, so far as they describe the boundaries, are in the same words, with this difference: In the constitution, the words "the said" are used for the word "that" in the act; and the words "of" and "and" in the act, are dropped in the constitution; but this is immaterial, and does not change the boundaries.]

footing with the original States."* The act of March 6, 1820, and the resolution of March 2, 1821, being each of them acts of Congress, are of equal dignity. The latter, by admitting Missouri into the Union, sanctions the constitution of that State; and thus recognises that constitution as being of equal dignity, also. If the three instruments be of equal dignity, and any of their provisions clash, then the latter must control the former, under the general rule that, when laws conflict, the latter must govern the former. If the boundaries prescribed in the act of Congress differ from the boundaries prescribed in the constitution, then the latter must govern the former, and must give boundaries to the State.

The Territory of Missouri was one thing—the State of Missouri is another thing. The Territory existed under an act—the work of Congress. The State exists under a constitution—the work of a convention. The Territory of Missouri received its boundaries under different acts of Congress, and these boundaries were at one time larger, and at another time less. They were least under the last act. The State of Missouri received her boundaries from her constitution, afterwards sanctioned by an act of Congress; and these boundaries remain the same, so far as this controversy involves them. The Territory of Missouri was not admitted into the Union. A Territory cannot become a member of the Confederacy. The State of Missouri *was* admitted into the Union. A State can become a member of the Confederacy. It was not the Territory, but the State, which was admitted into the Union; and, if it was not the Territory which was admitted into the Union, then the act of Congress does not give boundaries to the State, because the act of Congress only describes the boundaries of the Territory; but, if it was the State which was admitted into the Union, then the constitution does give the boundaries, because that instrument describes the boundaries of the State thus admitted.

The act of Congress did not describe the boundaries of a State. It could not do so, because the State did not then exist. The act described a certain tract of country, and authorized the people of that country to form a constitution and State government. I admit that the act provided "that the said State shall consist of all the territory included within the following boundaries," and that it then went on to describe the boundaries for a State. But the convention had a right to adopt different boundaries in forming the State; and, although Congress had prescribed boundaries, and had the power to do so, yet she had a right to waive her boundaries, and to adopt those prescribed by the convention. In this case, if there be any difference between the boundaries prescribed by the act and the constitution, then Congress has, by admitting Missouri into the Union, sanctioned the latter, and waived the former—has given up the boundaries as prescribed in the act, and has assented to those prescribed in the constitution. If so, the constitution governs the boundaries, and not the act.

The act of Congress was merely directory. The people of the Territory were not obliged to follow it. They had the right to choose boundaries for their own State, and to ask Congress to grant them those boundaries. Their selection of boundaries amounted to nothing more than a mere choice, without the sanction of Congress, afterwards obtained. It gave them no right to the boundaries selected by themselves, because the land belonged to the United States. But the convention had the right to describe the boundaries, and Congress had the right to say you shall have those boundaries. The convention did prescribe the boundaries, and Congress did say you shall have those boundaries. This settled the matter. Congress gave up the boundaries when she admitted the State of Missouri into the Union. She admitted the State of Missouri, not the Territory. There is no State of Missouri but that described in the constitution of the State. It consists of that tract of country bounded by the constitution of that State. The act of Congress describes a Territory, and does not describe a State. The constitution, then, must control, and not the act.

I admit the lands belonged to the United States. No question of that. Congress had the right to give or withhold them. No doubt of that. She had the right to say to the people about to form a State, you shall take these boundaries, and you shall have no others. If the people then adopted different boundaries, Congress had a right to say, we will not admit you into the Union, because you have not taken the boundaries we gave you. You have adopted boundaries different from those we prescribed for you. You must remodel your State before we can admit you into the Union. You must change the boundaries, and make them correspond with those we prescribed for you, before we can admit you. This Congress could have done. But if Congress chooses to admit the State, as she clearly has the power to do, although the State has adopted boundaries different from those which Congress has prescribed for her, this admission settles the question of boundaries in favor of the constitution, and forever puts that matter to rest. If, then, the boundaries prescribed in the act of Congress and in the constitution of the State be different, then the boundaries prescribed in the constitution are the true ones.

Congress prescribed boundaries in the act, but it is not absolutely certain that the people of the Territory adopted these boundaries. If the act and the constitution differ in reference to them, then the people of the Territory did not adopt them. The people adopted only the boundaries prescribed in constitution. To make the boundaries permanent, it required the assent of the people of the Territory, as well as of Congress. The convention gave her assent to the boundaries prescribed in the constitution, by the adoption of that constitution. Congress gave her assent, also, to the boundaries prescribed in the constitution, by admitting the State into the Union. These boundaries, then, have the assent of both parties. If so, and the boundaries in the act have not, then the boundaries in the constitution are the true ones, and the constitution controls the act.

But Congress did not admit Missouri into the Union, except "on a certain condition." This condition was, not that Missouri should change any part of her boundaries, or surrender any part of the boundaries which the convention had prescribed in her constitution, or any part of the territory included in those boundaries. There was no condition of this character. The State was admitted without any objection to boundaries whatever. No exception was taken to the constitution, in any other than that one condition. The only condition annexed was, that "no law should be passed in conformity" to a certain provision of the constitution, "by which any citizen of either of the States of this Union shall be excluded from the enjoyment of any of the privileges and immunities to which such citizen is entitled under the Constitution of the United States!"* Every other part of the constitution was sanctioned by Congress, that prescribing boundaries and all. The exception to one part amounted to a sanction of the others.

If any other name than Missouri had been adopted by the convention, it would be less difficult to separate the State from the Territory—less difficult to show that it was the State which was admitted into the Union, and not the Territory. The act of Congress authorizes the people of the Territory "to assume such name as they shall deem proper." But this was useless. They had the power as full without the grant of it. But if Congress had required the people to call the State Missouri, and they had adopted a constitution, and in that had called the State Osage, or Gasconade, or Nodaway, or Des Moines, or any other name, and Congress had admitted the State into the Union with that name, most clearly, after the admission, the State would have been entitled to that name, and could not have been called Missouri, as required by the act of Congress. In giving the name, then, the constitution, with the subsequent sanction of Congress, would have controlled the previous action of Congress. So with the boundaries.

Congress admitted the State of Missouri into the Union "on an equal footing with the original States, in all respects whatever." This is the language of the resolution admitting the State into the Union, omitting the condition. The State of Missouri shall be admitted into the Union on an equal footing with the original States. Let us inquire on what footing the "original States" stood when Missouri was admitted. So far as jurisdiction was concerned, they exercised complete jurisdiction over all the territory within their limits, as prescribed in their constitutions. If Missouri, then, stands on an equal footing with "the original States," she, too, has the right to exercise complete jurisdiction throughout her limits, as prescribed in her constitution. If so, her constitution controls the previous act of Congress, and gives the boundaries.

As before said, the act of Congress was merely directory, and not binding on the people of the Territory. They had the right to reject the boundaries prescribed in the act of Congress, or to adopt them, as they saw proper; but, till the people did adopt them, they formed no part of the boundaries of the State. The State itself could have no existence till the people did adopt them, or some other boundaries, to make the State. Congress has no power to form a State. A State must be formed by the people who inhabit the Territory of which it is to be composed. Congress cannot give a single feature to a State, without the assent of the people of that State. She can neither fix the name nor the boundaries, nor any other feature of the State, without the concurrence of the people. She can assent or dissent to what is done, but no more. If the name, the boundaries, the constitution generally, do not suit her, she can refuse admission. But if she admits, she adopts all. Her power is then at an end, and the State constitution controls her previous legislation.

I am not sure that I can make this matter plainer. If, however, the constitution of a State describes one Territory, and Congress admits another Territory into the Union, that is no admission of the State, and that State is still out of the Union. Congress must admit the Territory described in the constitution of the State, if so described at all, else the State is not admitted. If this be so, it is because the constitution gives boundaries to the State, with the assent of Congress, and not the act of Congress, without the assent of the people. If an act of Congress describes one tract of country for a State, and the constitution describes another tract of country for that State, and Congress admits the State created by that constitution into the Union, then she admits her with the boundaries prescribed by her constitution, and not those prescribed by any act of Congress. The admission is a sanction of the boundaries prescribed in the constitution, and a waiver of any boundaries prescribed in an act of Congress.

We have the right to admit Texas, or we have the right to admit *one-half* of Texas, into the Union. If Congress should pass an act to admit one-half of Texas into the Union, and should prescribe the boundaries of that one-half, and Texas should "form a constitution and State government," embracing the whole of her territory, instead of but one-half, and should call that government "the State of Texas," and Congress should then admit "the State of Texas" into the Union, that would be an admission of the whole country described in the constitution of "the State of Texas," and not of the one-half, as described in the act of Congress. If this be so, it is because the constitution of the State, with the assent of Congress, gives boundaries to the State; and not the act of Congress without the assent of the State.

If an act of Congress gives one limit, and the constitution of a State assumes another, this may form a good reason for not admitting a State into the Union till she changes her boundaries; but, after the State is once admitted, the question as to boundary is settled in favor of the constitution of the State, not to be altered without the consent of both

Extract from the resolution admitting Missouri into the Union.

"That Missouri shall be admitted into this Union, on an equal footing with the original States, in all respects whatever, upon the fundamental condition that the fourth clause of the twenty-sixth section of the third article of the constitution, submitted on the part of said State to Congress, shall never be construed to authorize the passage of any law, and that no law shall be passed in conformity thereto, by which any citizen of either of the States of this Union shall be excluded from the enjoyment of the privileges and immunities to which such citizen is entitled under the Constitution of the United States."

[Approved, March 2, 1821.

*This resolution required the Legislature of the State, by "a solemn public act," to assent to this fundamental condition. The Legislature acted under the constitution of the State. They had no power, except what they derived from that constitution, and could exercise no other. They had no power to change the constitution, except in the manner pointed out by that instrument; and that was not by "a solemn public act," but by an amendment supported by two-thirds of each branch of the Legislature, at two successive sessions. If this "*condition*" was to effect anything, it was to effect a change in the constitution; but the Legislature could not effect a change in the constitution in that way. They complied with the condition imposed by Congress, but that condition amounts to nothing more than if Congress had required me to comply with it. The Legislature had no power to assent in that way. Then no legal assent was given. An illegal assent is a nullity. The "solemn public act" is then a solemn mockery. But the condition imposed being complied with, the President, by proclamation, declared the admission of Missouri into the Union to be complete. Her admission was complete; and she came into the Union with her constitution untouched and unaltered.

parties. Congress can say, We will not admit you into the Union with that territory or those boundaries; but, after admitting a State, she cannot say, You shall not have that territory or those boundaries. It is then too late. By the admission, Congress sanctions all.

If the constitution altered the boundaries prescribed by the act, Congress clearly had the right to adopt the altered boundaries. A case has occurred since the admission of Missouri into the Union, precisely in point. The State of Missouri changed her constitution so as to alter one part of her boundary, and Congress sanctioned this alteration; and the boundary thus changed is now the permanent boundary of the State. If the State, by altering her constitution, and with the sanction of Congress, could change her boundary *recently;* surely, by the adoption of her constitution, and with the sanction of Congress, when she was just coming into existence, she could change a mere direction of Congress to adopt certain boundaries.

The "State of Florida" is now applying for admission into the Union. No act of Congress has been passed to authorize her to form a constitution and State Government; and yet she has done so, and is now applying for admission. Surely no one can doubt the power of Congress to admit her. An act of Congress authorizing the people of a Territory to form a constitution and a State Government, is by no means a requisite indispensable preparatory to the admission of a State into the Union. We should act a silly part if we were to pass a law to authorize Texas to form a constitution and State Government, preparatory to her admission into the Union; and yet, if she were to apply to-morrow, with her present republican form of Government, we should, beyond all dispute, have the power at once to admit her. She has her existence as a State, independent of the action of Congress; so has Florida, and so had Missouri; and each of these Governments became a State by virtue of its own constitution, and not by virtue of any act of Congress. Congress did not make them States. They made themselves so. All Congress can do, is to give her assent, or enter her dissent, to what they have done, and to admit or reject them when they apply for admission into the Union.

The act of Congress, then, of the 6th of March, 1820, does not prescribe the boundaries of the State of Missouri. The constitution formed by the convention the 19th day of July, 1820, and sanctioned by Congress the 2d day of March, 1821, does prescribe the boundaries of the State. Then, if the first act of Congress prescribed one set of boundaries, and the constitution of the State prescribes another set of boundaries, the constitution controls the boundaries, and not the act of Congress; and the ambiguity in the constitution of the State is to be explained, and not the ambiguity in the act of Congress; and the witnesses to explain are the members of the convention, and those connected with the proceedings of the convention at the time the constitution was adopted, and not the members of Congress, and those connected with the proceedings of Congress, at the time the act of Congress was passed. Then we can proceed with our evidence.

Let it be remembered that the northern boundary of Missouri was to run through a country then a wilderness, and but little known. The northern boundary was to run upon "the parallel of latitude which passes through the rapids of the river Des Moines." "The rapids of the river Des Moines" is the ambiguous phrase in the constitution, as well as in the act of Congress. To explain this, I shall introduce the evidence of a number of the surviving members of the convention which framed the constitution, and of all who have been heard from. I shall also introduce the evidence of General William Milburn, who was at the time a clerk in the surveyor general's office, and who has been in the same office ever since, till very recently; and who, during the latter part of the time, has been surveyor general himself. I shall introduce a number of witnesses, who, for respectability and intelligence, and a mass of testimony, which, for clearness and conclusiveness, have probably not been equalled in any case before. I shall show, first, that the convention supposed there were rapids in the Des Moines; second, that they called for rapids in the Des Moines; third, that there are rapids in the Des Moines; fourth, the size and magnitude of those rapids; fifth, that the convention did not call for rapids in the Mississippi river; sixth, that they did call for the rapids at the Great Bend in the Des Moines river; and, seventh, that there are no rapids below the Great Bend.

1. The convention believed there were rapids in the river Des Moines. In 1816, four years before the State Government was formed, John C. Sullivan ran the Indian boundary line. This line passed within eight miles of the rapids in the Des Moines, at the Great Bend in said river. John C. Sullivan was there. He was a skilful, practical surveyor, with a practised eye. He was afterwards a member of the convention which formed the constitution of the State. He has now been dead several years. He was a man in whose statements the utmost reliance could be placed. From him and others, the convention derived information.

General Jonathan Ramsay, a member of the convention, says: "I well recollect having a conversation with John C. Sullivan on the subject of the rapids in the Des Moines, not as [to] their being the rapids called for in the act of Congress, (for of this there appeared to be no doubt,) but as to their magnitude, and whether there was any considerable fall at any one place."

The honorable James Evans, then a member of the convention, and since a judge of one of our circuit courts, says: "I distinctly recollect conversing on that subject with General W. Rector and Col. John C. Sullivan. The conclusion was, that the rapids of the river Des Moines meant the rapids in the river, and not those in the Mississippi."

The honorable Hiram H. Baber, then a member of the convention, and for several of the last years auditor of public accounts for our State, says: "I have a distinct recollection that a map was procured from the office of the surveyor general for the use of the convention; but I do not recollect distinctly whether or not 'the rapids in the river Des Moines,' or the 'Des Moines rapids' in the Mississippi river, were marked upon it. From conversations, however, with several members of the convention, I incline to the belief that the rapids in the river Des Moines were designated upon it."

Another witness, General William Milburn, says: "The northern boundary was drawn, according to the general understanding at the time, a few miles north of the Indian boundary."

The honorable John D. Cook, then a member of the convention, and for many years since a judge of one of our circuit courts, says: "In convention, the subject of boundary was referred to a committee, of which I was a member, and all the means accessible to that committee were employed for the purpose of acquiring correct information on that subject. The committee, and I believe the members of the convention, had free access to the office of General Rector, then surveyor general of Illinois and Missouri, which afforded extensive information. They likewise availed themselves of the opportunity of conversing with several gentlemen, then in St. Louis, who had personal knowledge of the existence and locality of several of the objects called for in the proposed boundaries, and especially of the rapids in the river Des Moines. The information thus acquired left no doubt on my mind as to the existence of such rapids."

General William Milburn, then a clerk in the office, but afterwards surveyor general himself, says: "I have to say that, at the time of the sitting of the convention, I was employed as a clerk in the United States surveyor's office for Illinois, Missouri, and Arkansas. That General W. Rector, then surveyor general, was a member of that body, from the county of St. Louis; and that a map was constructed in the surveyor's office, under my superintendence, by direction of the surveyor general, and, as I believe, either at the request of the convention, or of the members, or a portion thereof, in their individual and unofficial capacity. * * * My recollection is distinct relative to the northern boundary of the State, as delineated on the map. * * * The position of the rapids was assumed from the general understanding at the time, and from the particular information of Colonel Sullivan, who was a member of the convention, and was also the surveyor of the Indian boundary line in 1816."

After examining this evidence, no man can hesitate in believing that the convention which formed the constitution of the State of Missouri did believe there were rapids in the river Des Moines.

2. The convention called for rapids in the river Des Moines, and not for rapids in the Mississippi river. The evidence which I shall produce to establish this point seems to me to be irresistible. Let me commence with the testimony of the Hon. John Scott. He says: "I am entirely sure that the rapids spoken of in the bill, and intended by the committee, [in Congress,] were the rapids in the Des Moines river itself, and not the rapids in the Mississippi river, called, from their proximity to the mouth of the Des Moines river, the 'Des Moines rapids.' I am also satisfied that the committee who reported, and the convention who formed and adopted the State constitution, and who assembled on the 12th June, and signed that instrument on the 19th of July, 1821, had reference, in forming the northern line, to the rapids in the Des Moines river, and not those in the Mississippi river, called the 'Des Moines rapids.' * * * I am satisfied that the committee, and Congress, and the convention, all meant and intended the rapids in the river Des Moines itself, which were then known to exist, and were spoken of; and not the rapids in the Mississippi river, called, by way of distinction from the upper rapids, the 'Des Moines rapids.'"

Let it be borne in mind that the Hon. John Scott was our Delegate in Congress when the act was passed, and afterwards a member of the convention which formed the State constitution.

The Hon. B. H. Reeves, (then a member of the convention, and for several years after a member of our State Senate, but at the time of giving this evidence, and still, a citizen of Kentucky) says: "I am unable, thus hastily, to bring my mind to bear upon any particular circumstance connected with the location of the northern boundary, except so far as relates to the rapids of the river Des Moines. Those rapids, then and now, I considered to be the rapids of the river Des Moines. * * * No difficulty ever presented itself to the convention on the subject of those rapids, that I have any recollection of. Indeed, I cannot conceive, at that day, that any existed."

The Hon. H. H. Baber says: "I have always believed that the constitution clearly designated these rapids as the rapids in the river Des Moines, and I never heard this point questioned until within a few years."

The Hon. Jonathan Ramsay says: "So far as my knowledge extends, no other rapids than those in the river Des Moines were ever thought of; certain no other was ever spoken of in the convention, nor out of the convention, within my hearing. I well recollect having a conversation with John C. Sullivan on the subject of the rapids of the Des Moines."

The Hon. James Talbot, another member of the convention, says: "My own distinct impressions were, that it was the rapids in the Des Moines river itself, and not those in any other river that might be of the same name."

The Hon. R. P. Clark, another member of the convention, says: "In relation to the rapids of the Des Moines, I can only say I heard of no other rapids of that name mentioned, but those mentioned in the constitution."

The Hon. James Evans says: "I distinctly recollect conversing on that subject with General W. Rector and Colonel John C. Sullivan. The conversation was started by myself, as to the expression 'through the rapids of the river Des Moines.' The conclusion was, that the rapids of the river Des Moines meant the rapids in the river, and not those in the Mississippi, opposite the mouth of the Des Moines. For the convention to have said the Des Moines rapids, would have left the question vague and uncertain as to the rapids meant; because the Des Moines rapids would as well have meant the rapids in the Mississippi at the mouth, as those in the river [Des Moines;] and to put the question beyond the possibility of a doubt, the expression used in the constitution, 'rapids of the river Des Moines,' was intended for the rapids *in* the river Des Moines. I have no doubt, from my recollection at this late period, that what I have stated was the idea and intention of the whole convention. I may have conversed with many others, besides those two gentlemen named, on this question; but I am certain that this was mine and their views at the time."

The honorable Edward Bates, who was then a member of the convention, and afterwards a member of Congress from the State of Missouri, says: "In answer to the first point, I have to say, that, while a member of the convention, (nor since,) I never had a doubt that *the rapids of the river Des Moines*, mentioned in the act of Congress of 1820,

and in our constitution, meant the rapids *of and in* the river Des Moines, and *of and in* no other river whatever. And it is my confident belief, that every member of the convention entertained the same opinion. At that time there was much conjecture and inquiry about the precise locality of the rapids. The country in that quarter was then a wilderness, and very imperfectly known." This witness says, "the rapids *of and in* the river Des Moines, and *of and in* no other river whatever," were called for. No evidence could be more positive or clear.

In reply to a letter of A. M. Lea, commissioner on the part of the United States for ascertaining and marking the boundary between Missouri and Iowa, General William Milburn (who, as before said, was not a member of the convention, but in the office of the surveyor general) says: "In reply to your letter asking me to give you the views entertained and expressed by the members of the convention at the time of the adoption of the constitution of Missouri, and of myself, as to what rapids were meant by 'the rapids of the river Des Moines,' * * I have to inform you that, to the best of my recollection, I never, at the time above named, heard any other rapids spoken of, with reference to our boundary, by any member of the convention, than the rapids in the river Des Moines; which rapids were understood to be *at a short distance north of the Indian boundary run by Col. Sullivan in* 1816. This understanding was firmly fixed in my mind by the following circumstances: General William Rector, a member of the convention, was, at the time, United States surveyor general for Illinois, Missouri, and Arkansas; and, by his direction, a map of the State, intended particularly to show the boundaries thereof, was constructed in the surveyor's office, under my superintendence, for the use of the convention. On this map, the northern boundary was drawn, in accordance with the general understanding at the time, *a few miles north of the Indian boundary.* I was with some of the members of the convention every day while they were in session, and often attended their deliberations; and I am certain I did not hear a doubt as to the accuracy of the location of the northern boundary, as delineated on the map. Had there been any different understanding expressed at the time, it would most undoubtedly have come to my knowledge. This recollection of my understanding of the views entertained and expressed by the members of the convention as to the position of our northern boundary, is fully corroborated by the continued and uninterrupted action of the surveyor general's office, with which I have been connected ever since the adoption of the constitution. In none of the operations of said office has the line run by Sullivan been represented as the State boundary; it has uniformly and invariably been treated and considered as an Indian boundary; which would not have been the case, had the convention thought differently; for it cannot be supposed that a matter of this importance would have been overlooked or forgotten. I am, therefore, satisfied and convinced that I cannot possibly be mistaken. It is not with me a vague recollection of a transaction with many intervening and dormant years; but it is a matter which has been constantly before me, in my connexion with the surveyor general's office." It would seem incredible to suppose, after such testimony as this, and from such a man, (and no one stands higher for honor, integrity, and veracity,) that any man could still hesitate to believe that the northern boundary called for "the rapids of the river Des Moines" itself. But this is not all.

The honorable John D. Cook says: "In convention, the subject of boundary was referred to a committee, of which I was a member; and all the means accessible to that committee were employed for the purpose of acquiring correct information on the subject. * * The information thus acquired, left no doubt in my mind of the existence of such rapids; and I have no recollection of any other rapids having been spoken of by any member of the committee or of the convention. * * It was certainly my understanding at the time, and I believe it was that of the members of the convention, that the rapids called for in the northern boundary were rapids in the Des Moines river."

It is clear beyond doubt, then, that the convention did call for rapids in the river Des Moines. With testimony like this, in a court of justice, a jury would not hesitate an instant to decide who was entitled to the territory in dispute, and that decision would be in favor of the claim of Missouri. All we ask is such a decision as a court of justice would give in the case.

Here the CHAIR announced the fact that the gentleman's hour was out.

Mr. EDWARDS said that he was not half through his case. He had not even offered all his evidence. He should appeal to the courtesy of the House for permission to go on. The case was a peculiar one. The House would certainly not undertake to decide, without hearing the whole of it—at least the whole of the evidence.

The CHAIR. The gentleman from Missouri cannot proceed without the unanimous consent of the House.

Mr. EDWARDS. Nobody objects; then I can go on. I will now show that there are rapids in the Des Moines river itself.

[Here a member rose and objected to Mr. EDWARDS proceeding. We had rules, and must adhere to them.]

The CHAIR. If objection be made, the gentleman from Missouri can proceed no further.

Mr. EDWARDS asked if it would be in order to offer an amendment to the bill?

The CHAIR answered it would.

Mr. EDWARDS then offered the following amendment:

Strike out all after the enacting clause, and insert "That the parallel of latitude which passes through the rapids of the Des Moines, at the Great Bend in the said river, shall be the northern boundary of the State of Missouri, from the point where it intersects the middle of the main channel of the Missouri river to the point where it intersects the middle of the main channel of the Des Moines river; and the said northern boundary line shall run from thence, with the main channel of the said river Des Moines, to the Mississippi river, as provided in the constitution of Missouri."

Mr. EDWARDS. I claim the floor on this amendment, and will now proceed with my case.

The CHAIR. The bill and amendment are, in substance, the same; and the gentleman from Missouri cannot proceed.

Mr. EDWARDS said they were not the same; that they were totally different. The bill proposed to make the Indian boundary, run by John C. Sullivan in 1816, the State boundary; the amendment proposed to make the parallel of latitude which runs through the rapids of the river Des Moines, at the Great Bend, the boundary. They were totally different.

The CHAIR looked upon them as the same thing, and the gentleman from Missouri could not proceed.

Mr. EDWARDS. I think the Chair is wrong; and that belief, and the importance of presenting my case entire, force me to appeal from the decision.

The question was put, and the committee sustained the Chair, and Mr. EDWARDS took his seat.

Mr. A. C. DODGE replied to the arguments of the gentleman from Missouri.

Mr. MCKAY had an amendment which he wished to submit, and to which he wished to call the attention of the Delegate from Iowa. His vote would depend on whether the House would adopt it. He would observe that, so far as Iowa was concerned in this controversy, it was in the power of the House to fix the boundary line; but, with regard to Missouri, the case was otherwise—it was not in the power of Congress to deprive her of any of her territorial rights. The boundaries of Missouri were fixed by law when she was a Territory; and what these boundaries were, was a judicial question for the United States courts to decide. The proviso he wished to offer was, that this boundary line should not be deemed conclusive till the Legislature of Missouri declared the assent of the State to it.

Mr. EDWARDS explained. The boundaries of Missouri are fixed by her constitution. They cannot be changed by a simple act of the Legislature. It must be by a change of the constitution. To make this change will require a vote of two-thirds of each branch of the Legislature, at two successive sessions, and then the assent of Congress.

After some further remarks from Mr. MCKAY, Mr. G. DAVIS addressed the committee at length in support of the claims of the Territory of Iowa.

Mr. EDWARDS again obtained the floor.

Mr. Chairman: When my hour expired, I had just finished showing that the convention did call for rapids in the Des Moines river. I shall now proceed to the next point.

3. There are rapids in the river Des Moines. This is the next point to be established; and this I shall establish without reference to the testimony of any one member of the convention. My first witness is Doctor James Davis, commissioner on the part of Iowa herself to ascertain the boundary in dispute. To his testimony Iowa will hardly object, even if the United States should. He says: "I admit there are rapids in the Des Moines river." Here is the very thing itself—dressed in the plainest language—neither a word too much, nor a word too little. This evidence is conclusive against Iowa; but, as she has only a remote interest in the territory in dispute, the House may not consider it conclusive against the United States, one of the real parties in this case. I will therefore introduce the evidence of other witnesses. Doctor James Davis speaks of several rapids, and notices them by name; but I have not time to refer to everything at once. The point is, "there are rapids in the Des Moines river," and the commissioner for Iowa admits the truth of it.

In 1838, A. M. Lea was appointed by the United States to run the boundary in dispute. His evidence will not be questioned even by the United States. He is your own witness. Lieutenant Lea says: "In ascending the Des Moines river from its mouth, several shallow places, with swift currents, are found below the 'Great Bend;' but there is no obstruction of magnitude sufficient to deserve the appellation of 'rapids' below those at the place just named," the Great Bend. There is at the Great Bend, "at low water, a fall of one or two feet in a distance of about eighty yards; and, in a part of the width of the stream, the water falls perpendicularly about ten or twelve inches." Here are two important facts stated by your own witness: 1st. There is nothing which deserves "the appellation of 'rapids' below those at the Great Bend." 2d. There are "obstructions of magnitude sufficient to deserve the appellation of 'rapids' at the Great Bend." Lieutenant Lea says, also, "there are other rapids above the Great Bend." This we admit. [See House Doc. 128, 3d sess. 25th Congress.] Lieutenant Lea says: "the water falls perpendicularly about ten or twelve inches." Then the fall is hardly less than "two feet in a distance of about eighty yards," the length of the rapids. There was no dam here when Lieutenant Lea examined the rapids, and he saw them in their full extent.

Captain Guion surveyed the Des Moines in 1841, under instructions from the Topographical Bureau. He is another of your own officers and own witnesses, and from whose report your committee has drawn bountifully. He surveyed simply for the purpose of ascertaining the obstructions to navigation, and not with reference to any particular rapids. He says the obstructions in the Des Moines "consist of slight rapids, termed by the boatmen 'ripples.'" He marked twelve rapids. He says: "I was met by a considerable flood of water in ascending;" and he does not give the fall in any of the rapids, and probably for this reason. But he states the important fact, that there are rapids in the river Des Moines itself.

Lieutenant J. C. Fremont, another of your own officers and witnesses, and one from whom your committee has drawn information also, made a survey of the Des Moines in 1841. He says: "The bed of the river is sand and gravel, and sometimes rock, of which the rapids generally consist. * * The most considerable rapid above the Great Bend is at the head of the island above Keokuc's village." He speaks, also, of other rapids. It is useless to refer to the evidence of officers appointed on the part of the State of Missouri to ascertain the true location of the Northern boundary. This evidence is sufficient to establish the point that there are rapids in the Des Moines itself, without more, unless those who are to decide the case are determined on not believing anything.

In the first report of the Committee on Territories, made in 1840, "the committee admits that the name of the rapids, called for in the boundary of that State, would indicate their situation to be in the river Des Moines;" and they admit that "the two first rapids in that river have each but a fall of about two feet in about eighty yards."—[House Document No. 2, 1st session 26th Congress.] This is an admission on the part of your committee, that there are rapids in the river Des Moines itself; and yet, strange as it may appear, in the next report, made in 1842, your committee says, in so many words, "there are no rapids in the Des Moines."—House Doc. No. 791, page 6, 2d session 27th Congress.

In the main, the committee may have been differently organized; yet both reports are drawn up by the same member, and without any additional testimony on this point, except that of Captain Guion and Lieutenant Fremont, both of whom say there are rapids in the Des Moines. I allude to this because it indicates a disposition to waive the facts, instead of meeting them openly, and deciding the case according to the law and the facts. You have the power to save us the necessity of resorting to the courts. If we are right, you ought to do so. There is no wisdom in perplexing us, when you have nothing to gain by it. We wish to avoid any ill-feeling between ourselves and our near neighbor, the Territory of Iowa. You should aid us in doing so.

I have now shown that the convention believed there were rapids in the Des Moines; that they called for rapids in the Des Moines; and that there are rapids in the Des Moines. The next inquiry would naturally be, what rapids in the river Des Moines did the convention call for? But as the committee have discredited their own officers and their own witnesses, and have decided that "there are no rapids in the river Des Moines," and that "they are ripples merely," and as the House may be disposed to adopt the opinions of the committee now advanced against their former admissions, I shall next attempt to show the magnitude of these rapids, and that one of them, at least, is entitled to that appellation.

4. Then let us inquire what are rapids; and let us look at the size and magnitude of these rapids in the river Des Moines. Rapids are that part of a river where the current runs with more celerity than the common current; and they imply a considerable descent of the earth, but not sufficient to cause a fall of the water, or what is called a cascade, or cataract. This is Webster's definition; and it is certainly a very good one. Rapids, then, are something less than a cataract, a cascade, or a fall; and something greater than a shallow, a shoal, or a ripple. Lieutenant Lea says, in speaking of the Great Bend, "there is, at low water, a fall of one or two feet in a distance of about eighty yards; and in part of the width of the stream, the water falls perpendicularly about ten or twelve inches." At this point the river is about six hundred feet wide. This perpendicular fall of twelve inches, as I am informed, runs from three to four hundred feet across the river. This perpendicular fall is at the foot of the rapids. The rapids are about eighty yards long; and the other twelve inches of the fall in the water are in the eighty yards above the perpendicular fall. In the report made in 1840, the Committee on Territories said: "The first two rapids in that river have each but a fall of two feet in about eighty yards." This admission was made by taking the evidence as they found it. Captain Guion says he was met by a flood when he surveyed the river; and he does not give the fall of any of the rapids.

Lieutenant Fremont speaks of the falls at the Great Bend as well as others. He says: "The rapid of the Great Bend * * * has a fall of twelve inches; and, so far as I could ascertain, had formerly a depth of eighteen inches at low water. A dam has been built at this place." The fall of "twelve inches" here spoken of is the perpendicular fall. "A dam has been built at this place." This dam is near this fall, and backs the water over the fall in the eighty yards above, and thus prevented Lieutenant Fremont from seeing any but the perpendicular fall.

Lieutenant Lea saw the rapids before the dam was built. At low-water mark there is an abrupt fall in part of the width of the stream of "about ten or twelve inches." This seems to be sufficient to constitute a "rapids;" it borders closely on a "falls." A declension of two feet in eighty yards, with a perpendicular fall at the foot of them of "ten or twelve inches," through the whole width of the stream, would evidently have entitled the place to the appellation of "falls;" but, as the perpendicular fall was only "in part of the width of the stream," and that, of course, irregular and broken, it is probable that few points could have deserved better the appellation of a "rapids," as distinguishing it from a "fall," or "cascade," or "cataract," either of which might have been higher on the one hand; or from a "shallow," which might have either a rock or gravel bottom, with little current; or from a "ripple," with scarcely any fall, and not much current; or from a "shoal," which always has a "gravel bottom."

But, as to the amount of declension here, it is sufficiently great, whether it be one or two feet in eighty yards.

The fall of the "Des Moines rapids" in the Mississippi river is but twenty-four feet in fourteen miles. This is a fall of less than one inch—barely over three quarters—in every eighty yards. The fall at the rapids of the Great Bend in the Des Moines is from twelve to twenty-four inches in eighty yards. If a fall of less than one inch in eighty yards will make a "rapids" in one river, a fall of twelve inches in eighty yards, in another river, would constitute a pretty fair claim to the appellation of "rapids" also; and a declension of two feet in eighty yards would give the claim beyond all dispute. A declension of twelve inches in eighty yards would give, in fourteen miles, a fall of three hundred feet and upwards; and a fall of two feet in eighty yards would give, in fourteen miles, a fall of six hundred feet and upwards; while the rapids in the Mississippi fall, in fourteen miles, but twenty-four feet. Your committee admit that there are other rapids in the Des Moines still larger than these, but higher up. (See report 1842, page 4.) They admit and deny everything; they admit there are rapids, and they deny that there are rapids. But these rapids are of sufficient magnitude to deserve the appellation of rapids; and this is what I wanted to prove here.

But suppose, as the committee assert, that "there are no rapids in the Des Moines river:" what shall be done? It is clear that the convention thought there were rapids in the Des Moines river. It is equally clear that the convention called for rapids in the Des Moines river. As this is so, you cannot drive us out of the Des Moines river, and into the Mississippi river. Our bearing point must still remain where it was fixed originally—in the Des Moines river itself. If there be no rapids there of great magnitude, we must then take that fall or declension of the water in said river, which bears the nearest approach to a rapids. This is what must be done. Nothing else can be done.

5. The convention did not call for rapids in the Mississippi river. The members of the convention are clear on this point. I will make the extracts from the evidence as short as possible. Ramsey says: "I will only add, that neither in nor out of the convention, during its session, did I ever hear the rapids in the Mississippi mentioned as in any way connected with the northern boundary of this State." Bates says: "I am satisfied that, for ten years after the formation of the constitution, I never heard it suggested that the rapids of the Mississippi river had any relation whatever to the designation of our northern boundary. I believe it was an afterthought." Cook says: "I have no recollection of any other rapids having been spoken of by any member of the committee or of the convention; and, indeed, I had no knowledge or information of the existence of the rapids in the Mississippi, called the Des Moines rapids, until after the dispute respecting the northern boundary of this State had arisen." Scott says: "I am satisfied that the committee, and Congress, and the convention, all meant and intended the rapids in the river Des Moines itself, which were then known to exist, and were spoken of, and not the rapids in the Mississippi river. Clearer, more positive, more unequivocal, more pertinent testimony, never was given in any case, to establish any point. The convention, then, did not call for rapids in the Mississippi river.

But, aside from the evidence, the language used in the constitution is itself clear, and distinct, and unequivocal, so far as any ambiguity, in reference to the river in which the rapids are to be found, exists. I admit that, since it has been ascertained that there are more rapids in the river Des Moines than one, there is an ambiguity as to the rapids in that river which the convention called for. But that there is any doubt, from the character of the language used, whether they called for rapids in the river Des Moines or in the Mississippi river, I utterly deny. The phrase which is attempted to be made ambiguous is, "the rapids of the river Des Moines;" but there is no ambiguity in it in reference to the river called for. This phrase means "the rapids *in* the river Des Moines." The "falls *of* the Ohio." There is no ambiguity here. This means "the falls *in* the Ohio." "The falls *of* the Niagara." There is no ambiguity here. This means "the falls *in* the Niagara." "The falls *of* the St. Anthony." There is no ambiguity here. This means "the falls *in* the St. Anthony." "The rapids *of* the Mississippi." There is no ambiguity here. This means "the rapids *in* the Mississippi. "The rapids *of* the river Des Moines." Why fasten an ambiguity here? This means "the rapids *in* the Des Moines;" and man had to tax his keenest ingenuity, in perverting language from its proper use, before he could torture this expression, to make it mean rapids in the Mississippi river. If the convention had called for the "Des Moines rapids," then an ambiguity, as to the river in which these rapids were to be found, might have existed. "Des Moines rapids" would naturally mean "rapids of the river Des Moines;" and we know that "Des Moines rapids," by custom, now means, and has for a long time meant, certain rapids in the Mississippi river. An ambiguity might then have existed, if the phrase "Des Moines rapids" had been used; but that the phrase "the rapids of the river Des Moines" should be considered ambiguous, as to the river in which the rapids were to be found, is, indeed, strange enough.

6. The convention did call for the rapids at the Great Bend in the Des Moines river. The evidence in support of this point is less clear and less abundant than in support of some of the other points. There are several rapids above those at the Great Bend, and some of them are said to be even larger than those at the Great Bend. General Milburn says: "My recollection is distinct relative to the northern boundary of the State, as delineated on the map. It was represented at some short distance north of the Indian boundary run by John C. Sullivan in 1816, and as striking the rapids in the river Des Moines." Sullivan had run the Indian boundary line four years before the State constitution was formed, and had visited the rapids at the Great Bend, and had examined them, and was able to give correct information in regard to them. Our committee are inconsistent and contradictory in their report. In one place they say, "there are no rapids in the Des Moines." In another page they tell us that the rapids at the Great Bend "are not the first, by three, in ascending the river." Not the first by three! This is not only giving us rapids in the river Des Moines; but it is giving us one more than anybody else has ever pretended to find, and three more than anybody, whose business it was really to look for rapids, has ever found below the Great Bend. Captain Guion surveyed the river to find the obstructions to navigation. He mixes them all together, and says there are six rapids or "ripples" "in the first hundred miles in ascending from the mouth:" "one at Keosauque," [the Great Bend;] another "about ten miles lower down;" "three in forty miles above the mill-dam at Keosauque," [the Great Bend;] and "one in forty miles, [of the mouth,] having a gravel bottom." This makes three above the Great Bend; one at the Great Bend, is the fourth; one ten miles below, is the fifth; and one in forty miles of the mouth, is the sixth: making the six in the first one hundred miles; and, if I am capable of counting, only two below the Great Bend, and the lowest of these has a gravel bottom. Let it be remembered that this officer and witness says they are "slight rapids, termed by the boatmen ripples;" and that he says, "I was met in my ascent by a considerable flood;" and then the appearance of the rapids to him will be easily accounted for. In high water they looked like ripples merely, and they all looked alike. Lieutenant Fremont says, "Another dam has been built at a rapid twelve miles lower down, [than the Great Bend,] where the river was six hundred and fifty feet wide. The fall * * * * was represented to me as slight." This is the rapid which Captain Guion fixes ten miles below the Great Bend. "Four and a half miles lower down, another dam is in the course of construction, but the rapid here is inconsiderable." This is the last noticed by Lieutenant Fremont, and is the same noticed by Captain Guion, within forty miles of the mouth. They differ slightly in distances; but Lieutenant Fremont seems to have been more particular than Captain Guion.

The lowest he fixes four miles and a half below the next above, and the next only twelve miles below the Great Bend. Guion says ten. This first one has a "gravel bottom," and an "inconsiderable" current. The committee say, "there are no rapids in the river Des Moines." Of course, then, they would not count this "gravel bottom," with "inconsiderable" current, as one. The next is six hundred and fifty feet wide—a little above the usual width of the river—the current "slight," and of course owing to the great width and want of fall. And this the committee would not con-

sider a rapids either. The first rapids, then i a the Great Bend.

But Lieutenant Lea examined the river especially in reference to the boundary question and the existence of rapids. He is your own officer and your own witness, and you must not discredit him. He says: "Several shallow places, with swift currents, are found below the Great Bend; but there is no obstruction of magnitude sufficient to deserve * * * the appellation of 'rapids,' below those at the place thus named, where there is, at low water, a fall of one or two feet in about eighty yards." This settles the question that the first rapids are at the Great Bend. Commissioners, appointed on the part of the State of Missouri to examine the river, report the rapids at the Great Bend as "the first rapids in the river Des Moines above the mouth." Lieutenant Lea further says, the line "passing through the Des Moines river at the Great Bend is understood to be the line claimed by the State of Missouri; and if any rapids in the Des Moines river ought to be regarded as the governing point, I believe that these should be taken, as being the best known on account of their proximity to the mouth and to the old boundary. * * * Should Congress be of opinion that the fourth line, or the line passing through the rapids in the Des Moines river, is the true boundary, I would respectfully recommend the definitive adoption of the line already run through that point by the authority of the State of Missouri. It was carefully surveyed and marked by Joseph C. Brown, of St. Louis, a gentleman in every way qualified to perform the duty." There are, then, no rapids below those at the Great Bend, according to the report of your own commissioner. In claiming the rapids at the Great Bend, then, we claim the least we are entitled to—we claim the lowest rapids in the river. If you insist on forcing us higher up, we cannot help that. That will be your fault, and not ours. We show our moderation by demanding as little as we can—the lowest rapids.

The next argument to prove that the rapids in the Great Bend are the rapids called for in fixing our northern boundary, has, singularly enough, been perverted by the committee into an argument to prove that we had never called for rapids in the river Des Moines. In the report made in 1840, your committee says, "the next task is to identify the rapids of the river Des Moines," referred to in the boundary of Missouri. The mind is struck by the fact that these rapids are not placed in the northern boundary line, but are introduced for the purpose of fixing a parallel of latitude, upon which the western line should terminate; and when this parallel is thus located, the northern line is required to pursue it east, "to the middle of the channel of the main fork of the river Des Moines. * * * * It cannot be readily conceived that a rapids of such note and importance as to define a parallel of latitude, upon which one line of a great State was made to terminate, and along which another line was made to run and corner upon them, should yet not be called for in the description of the line. An object so well calculated to give the desired permanent notoriety to the boundary lines of a member of this confederacy, would doubtless have been introduced in setting them forth in the charter of its existence." [House Doc. No. 2, 1st sess. 26th Congress, pages 4 and 5.] Now, nothing is more easily explained than all this; and it seems to me that nothing is more natural than the manner of describing the northern boundary adopted by the convention; and that manner of describing shows, beyond a doubt, that new, and unexplored, and uninhabited as the country was, yet the convention had information enough about it to know what they were doing, and also that they did call for rapids at the Great Bend, and not for rapids higher up the Des Moines river. It shows, also, how the truth will unfold itself, and how plain it may be made. Here I must ask a reference to the chart of the Des Moines river, and of the northern boundary, as made out by Lieutenant Lea, and attached to his report. It will be seen by this chart, that there is a great bend in the Des Moines river at this point, and that the rapids are on the east side of this great bend, and that the river runs some miles south of the rapids, and before it reaches the rapids. The rapids are not called for in the description of the northern boundary. The northern boundary runs east, "along the parallel of latitude which passes through the rapids of the river Des Moines." These rapids are on the east side of the bend. The north boundary, in following the parallel of latitude from west to east, encounters "the middle of the channel of the main fork of the Des Moines" several miles before it reaches the "rapids" themselves. To have pursued the parallel of latitude until it passed through the "rapids," would have taken the line across the Des Moines river, and would have included, in the State of Missouri, several hundred, and perhaps several thousand acres of land, lying on the north side of the Des Moines river. This the convention wanted to avoid; they wanted the Des Moines river to be the boundary line. To make it so, when the north boundary reached the main channel of the main fork of that river, they changed the direction of the boundary, and ran down the middle of the main channel of the main fork of that river to the mouth. If the line had followed a parallel of latitude running through any other rapids in this river, the rapids should have been called for in closing the boundary; because a parallel of latitude passing through any other rapids in this river, would have struck the river, for the first time, at the rapids themselves. It is not so at the Great Bend; and these are the only rapids in the Des Moines river where it is not so. This peculiar manner of describing the northern boundary clearly fixes the rapids in the Great Bend as the rapids called for in describing that boundary, and annihilates the argument of the committee that these rapids had not been called for, and that they were, therefore, in the Mississippi river.

It may not be in order to say that this error in the report of 1840 was pointed out to the present Committee on the Territories, and the matter explained to them. At all events, they abandon the argument in the first report, but still maintain the same position, but by a different argument, in the report of this session. Your committee now says that, "as the line on the northern border of Missouri, upon the hypothesis assumed by her, would intersect the rapids named in her boundary, the almost irresistible presumption is, that those rapids would have been referred to in the description of this line. It would be strange indeed, if, beforehand, Congress should recognise these rapids as of such prominent consequence as to define upon them a parallel of latitude which should arrest the course of the western line, and should then conduct the northern line along this parallel to the Des Moines river, and then along the middle of the main channel thereof, passing through these same rapids, and yet should wholly omit to mention them in the description of this line. Nor is this position weakened by the fact that the northern line would strike the river in the bend above the rapids. * * * * It would be difficult, indeed, to believe that, impressed, as Congress must have been, with the important character of these rapids, it yet should establish this line so as to cut them in the centre, and yet make no mention of them as in any way connected with it. How easy and natural it would have been, after having proceeded with the boundary to the river Des Moines, to have added, "thence down said river, in the middle of the main channel thereof, and *through the centre of the rapids aforesaid, to the mouth of the said river*, where it empties into the Mississippi." I admit this would have been "easy," but not more "easy" than idle, and silly, and foolish; because the line was not apt to be lost as long as it was to follow the middle of the main channel of a river six hundred feet wide. But the convention did not do everything which was "easy" to be done. Let me give an example: "The rapids of the river Des Moines." The committee says this means the rapids of the Mississippi river. If the convention so meant, how "easy" it would have been to have said "the rapids of the *river* Des Moines" in the *river* Mississippi. Another example: If the convention had wanted rapids in the Mississippi river, and had only called for the "Des Moines rapids" in the Mississippi river, this would have fixed the rapids in that river beyond all question; and this would have been "easy;" but they did not do so. Then, if the convention called for rapids in the Mississippi river, they did not do things in the *easiest* manner; but, in this case, adopted the most difficult of all modes, except one, of accomplishing their object. If the convention had called for "the rapids *in* the river Des Moines," and not for "the rapids *of* the river Des Moines," then I believe it would have been a little more difficult to have driven us from home, and into the Mississippi river, than it is now; but not much more so. Then, our convention did not do everything which was "easy."

But I am disposed to treat this argument seriously, although the committee have shifted from the grounds assumed in their first report. Beaten from their position, they should have surrendered. The pride which makes us adhere to an opinion when convinced that that opinion is unfounded, is a erroneous pride. In such cases it is more manly to acknowledge our error than to assume another false position. But the committee has waived the former, and chosen the latter course.

The committee now says, that although the northern boundary comes in contact with the Des Moines river several miles before it reaches the rapids at the Great Bend, and then takes a new direction "down the middle of the main channel of said river," yet, in passing the rapids below, the boundary should take a passing notice of these rapids. "The prominent objects through which a boundary passes should be named." If this be true with reference to the northern boundary, it is also true, and equally so, with reference to the western boundary. Let us then see whether the prominent objects in the western boundary were called for in describing that boundary.

The southern boundary runs west, along the parallel of latitude thirty-six degrees thirty minutes, "to a point where the said parallel of latitude is intersected by a meridian line passing through the middle of the mouth of the Kansas river, where the same empties into the Missouri river." Here is a prominent object near the centre of the western line—"the mouth of the Kansas river"—and this, according to the committee, must be called for in describing that line. But this is a description of the southern line. It runs to said meridian line—that passing through the mouth of the Kansas river—and then stops. Then commences the description of the western boundary. This starts at the termination of the southern boundary, and is in these words: "Thence, from the point aforesaid, north, along the said meridian line, to the intersection of the parallel of latitude which passes through the rapids of the river Des Moines, making the said line correspond with the Indian boundary line." This is the description of the western boundary, and yet the prominent object—the object which fixes the meridian on which it runs—"the mouth of the Kansas river"—is not once mentioned in describing this boundary. If a failure to call for the "rapids" in the northern boundary unsettles the northern boundary, then, by the same rule, a failure to call for the "mouth of the Kansas," in the western boundary, unsettles the western boundary. But the western boundary is not affected by this failure to call for the "mouth of the Kansas." No more, then, is the northern boundary affected by a failure to call for the "rapids." The "mouth of the Kansas" is not once mentioned in describing the western boundary.

Nor are "the rapids of the river Des Moines" once mentioned in describing the northern boundary. They are introduced as descriptive of the western boundary. They fix the parallel of latitude on which the western boundary is to terminate. The southern boundary ends at the meridian, passing through the mouth of the Kansas. The western boundary commences here, and runs "thence, from the point aforesaid," to "the parallel of latitude which passes through the rapids of the river Des Moines." This parallel of latitude the western boundary intersects, and here terminates; and here starts the northern boundary; and this runs "thence east, from the point of intersection last aforesaid, along the said parallel of latitude, to the middle of the channel of the main fork of the said river Des Moines; thence, down and along the middle of the main channel of the said river Des Moines, to the mouth of the same." This is the description of the northern boundary. The "rapids" are not once mentioned in it, any more than was the "mouth of the Kansas" mentioned in describing the western boundary. It was wholly useless to do so. When you fix the termination of the western boundary, then you have the beginning of the northern boundary. The termination of the western boundary is the "parallel of latitude which passes through the rapids of the river Des Moines." At this termination the northern boundary begins. Along this parallel of latitude the northern boundary runs. No point need be called for along this parallel of latitude till you cease to follow it. In following it, the first object you strike, which changes your direction, should be mentioned. This

done. We strike the Des Moines river several iles before we reach the "rapids"—we run to the iddle of the channel of the main fork—we call r this point—we then change our direction, and llow the middle of the main channel of the river es Moines, and we pass through the rapids at the reat Bend in the Des Moines, and do not notice em any more than we did the "mouth of the ansas" in running the western boundary through at; nor was it necessary to do so. But the committee insists that it is not sufficiently certain to say e are going down the middle of the main channel the river Des Moines. We must say "we are ssing through the rapids at the Great Bend." his was surely unnecessary, if not worse than eless.

I admit that, if the "mouth of the Kansas" had en the terminating point of the western boundary, en the mouth of that river should have been call- l for in the description of the western boundary. So, the northern boundary had run along the parallel of titude up to "the rapids of the river Des Moines," id had there changed its direction, then the "rap- is" should have been called for, also. In this case, e description should have been in these words: ence east from the point of intersection aforesaid, long the said parallel of latitude, to "the middle of e rapids of the river Des Moines;" and thence own the middle of the main channel of the main rk of said river, calling for none of the "ripples" "rapids" below. As the rapids are not called for the closing of the northern boundary on the Des loines river, it seems conclusive that the rapids at e Great Bend are the rapids called for by the con- ention. The line would have struck the rapids at ny other point as soon as it reached the river; but ot so at this point: and this is the only point where is not so.

But the rapids at the Great Bend are, no doubt, e rapids called for by the constitution. But, under e usual rule of construction, if we had no evi- ence, we might be entitled to rapids much higher p the Des Moines than those at the Great Bend. When a line calls for a long or a large object as a earing point, without designating the particular bject called for, the line must be fixed in the cen- e of the object. When a line calls for several ob- cts as a bearing point, the medium point between em is the true position for the line. When a line alls for one of several objects, without designating e particular object, the true position is on that ob- ct nearest the centre of the several called for. Un- er this rule, if our evidence does not show that we re entitled to the rapids at the Great Bend, then we re entitled to rapids still higher up.

7. There are no rapids below the Great Bend. I ave, in part, shown this in the preceding part of ny argument. There is a ripple ten miles below, ccording to Captain Guion, and twelve, according o Lieutenant Fremont. The fall is "slight;" but either of them fixes it at anything—not so much as ive inches. There is a shoal with a "gravel bot- om," with an "inconsiderable" current, four miles nd a half lower down, according to Lieutenant remont, and "forty miles above the mouth," ac- ording to Captain Guion. Of course this is no rapids"—having a gravel bottom, and but little cur- ent. There are no others below the Great Bend. Lieutenant Lea says "there is no obstruction of nagnitude sufficient to deserve the **** appellation f 'rapids' below those at the Great Bend." (See is report, Doc. No. 128, 3d sess. 25th Cong., p. 6.) These are all your own witnesses, and you should ot discredit them. The evidence of Lieutenant ea, especially, is entitled to weight. He surveyed vith reference to this very question. The other entlemen did not. He was looking for rap- ds. They were looking for obstructions to avigation. You should credit Lieutenant Lea, hen, when he tells you there are no obstruc- ions which deserve the name of rapids below the Great Bend. The commissioners appointed by the State of Missouri to examine the Des Moines riv- r, report, also, that there are no rapids below the Great Bend. The truth is, the two points below he Great Bend, which the committee sometimes lignify with the appellation of rapids, have really a fall of but five or six inches in fifty or one hun- dred yards; and of course are not rapids, and hardly 'ripples."

I have now shown: 1st. That the act of Congress of March 6, 1820, does not give boundaries to the State of Missouri; 2d. That the constitution of the State, sanctioned by the act of Congress of 2d March, 1821, admitting Missouri into the Union, does give boundaries to the State; 3d. That the convention which adopted the State constitution believed there were rapids in the Des Moines river; 4th. That they called for rapids in the Des Moines river; 5th. That there are rapids in the Des Moines river; 6th. That the rapids at the Great Bend are of considerable size and magnitude, and distinctly marked, and the first in ascending the river; 7th. That the convention did not call for rapids in the Mississippi river; and 8th. That they did call for rapids at the Great Bend, in the Des Moines river.

If the first act of Congress were the controlling instrument, and gave the boundaries to the State, and not the constitution of the State, sanctioned by the second act of Congress, still our evidence would show us entitled to the boundary we claim, even under the act of Congress. The evidence to explain the ambiguity in the act of Congress, as well as that in the constitution of the State, shows that the rapids called for were in the river Des Moines itself, and not in the Mississippi river.

In reference to the ambiguity in the act of Congress, I think I hazard but little in saying that there is but one man now living who can testify with any certainty. That man is the honorable John Scott, who was the delegate from the Territory of Missouri, and who was chairman of the committee; and who drew up the act of Congress in which this ambiguity is found. The ambiguous words are, "the rapids of the river Des Moines." Were they rapids in the Des Moines river, or were they rapids in the Mississippi river?

The honorable John Scott says:

"At the time the act of 6th of March, 1820, was passed by Congress, authorizing the people of Missouri to form a constitution and State Government, the general geography was but little, and the topography of that part of the State still less known. I (who represented the country) knew so little, that I had to rely on the information of others in regard to the lines. I applied to several for information. * * * * They all concurred that there were rapids in the Des Moines river itself, some sixty miles from the mouth. * * * * I am entirely sure that the rapids spoken of in the bill, and intended by the committee, were the rapids in the Des Moines river itself, and not the rapids in the Mississippi river, called, from their proximity to the mouth of the Des Moines river, the 'Des Moines rapids.'"

This evidence is clear, unequivocal, and to the point. It explains the ambiguity in the act of Congress, and fixes the meaning of that act beyond the possibility of a doubt. It settles the point that, by the expression "the rapids of the river Des Moines," Congress meant the rapids in the river Des Moines itself, and not rapids in the Mississippi river. I defy the introduction of any other witness to prove the reverse of this. It cannot be done, because this is true. The credibility, the respectability, and the entire veracity of our witness, is unquestionable. He speaks to the point, positively, unequivocally, and conclusively. Then, with him who believes the act of Congress gives boundaries to our State, this settles the matter.

This would seem to close my case in reference to the northern boundary; and I would leave that boundary here, if some arguments of the committee did not seem to require an answer.

The committee finds an ambiguity in the use of the word "of." "The rapids 'of' the river Des Moines." This phrase does not mean the rapids "in" the river Des Moines, according to the committee, but means the "Des Moines rapids," in the Mississippi river. In the general, too, it would mean the rapids "in" the Des Moines river; but in this particular case it does not. Yet, in their report of 1840, "the committee admit that the name of the rapids, called for in the boundary of that State, would indicate their situation to be 'in' the river Des Moines."—*See p. 6 of that report.*

In the report of this session, the committee says, "it is not 'a rapids in,' but 'the rapids of the river Des Moines,' which was thought worthy to be associated with those other conspicuous and everlasting monuments of divisional State lines." The "Des Moines rapids, in the Mississippi river, were called for;" then it follows that the "rapids of the river Des Moines" are rapids in the Mississippi river. "What a conspicuous and everlasting monument" of sophistry and perversion of language! "The Falls *of* the Ohio," the "Falls *of* the Potomac," "the Falls *of* the St. Peter's," "the Falls *of* the Niagara," do not mean falls "in" those several rivers, as the committee would construe the language. "The rapids *of* the Mississippi river" do not mean rapids *in* that river. "Thence, down along the middle 'of' the main channel 'of' the the said river Des Moines, to the mouth *of* the same," does not mean "in" the Des Moines river, according to our committee. To express this meaning, the language should be: "thence, down along the middle, 'in' the main channel, 'in' the Des Moines, to the mouth." This would have been clear, but the phrase is very ambiguous as the word "of" was used; and, perhaps, the committee would rather incline to the belief that "the middle 'of' the main channel 'of' the Des Moines," was *in* the middle *in* the main channel *in* the Mississippi river; but such perversion of language is unbecoming grave legislators. They should look at things as they are, and meet the truth as it comes, and pervert nothing. There is an ambiguity as to what "rapids of the river Des Moines" were meant. The convention did not know at the time that there was more than one rapids in the Des Moines; but there is no ambiguity as to the river in which these rapids are to be found.

If the convention had used the expression "Des Moines rapids," then there would have been an ambiguity as to the river in which we were to look for these rapids. The phrase "Des Moines rapids," would readily indicate rapids in the river Des Moines; and a stranger, knowing nothing of the rapids, would look in that river to find them. But the history of the country shows us that there are rapids in the Mississippi river, called the "Des Moines rapids;" because they are near the mouth of Des Moines river, and to distinguish them from the "Rock river rapids" in the Mississippi, near the mouth of Rock river.

In this state of the case, a stranger might well have hesitated whether to look for the rapids in the Des Moines river or in the Mississippi river. He would reason in this way: the "Des Moines rapids" should be in the Des Moines river; but there are "Des Moines rapids" in the Mississippi also; and yet if the convention had called for the latter, to make the description certain, they should have said the "Des Moines rapids" in the Mississippi river. This would have been adding but four words, and would have fixed the boundary beyond all doubt on the rapids of the Mississippi. But to have used the phrase "Des Moines rapids," and to have omitted the words "in the Mississippi river," would have left the constitution ambiguous as to the river called for, and have left the north boundary floating between "the rapids of the river Des Moines," and "the rapids of the Mississippi river." And in that case, the State of Missouri might well have contended that the rapids were in the Des Moines river. Then to say that the expression "the rapids of the river Des Moines" means rapids in the Mississippi river, is "preposterous and absurd."

In the report of 1840, the committee says: "A boundary line, as stable and enduring as the Des Moines rapids of the Mississippi, and as certain as the operations of science, was prescribed." See page 7. In 1842, the committee says: "It was the 'Des Moines rapids,' in the great 'father of waters,' that Congress adopted and set forth as one of the most prominent monuments in all the boundary of Missouri." See page 11. Here the committee labors under the mistake of supposing the first act of Congress controlled the boundary, and not the constitution of the State, sanctioned by the second act of Congress, admitting the State into the Union. They overlook also the testimony of John Scott, which is clear and conclusive on this point, and would be so decided in any court of justice in the Union, or the world. He was our Delegate. He drew up the first act of Congress. He says he "applied to several for information;" that "they all concurred that there were rapids in the river Des Moines itself;" that "the rapids spoken of in the bill, and intended by the committee, were the rapids in the Des Moines river itself;" and that they did not refer to "the rapids in the Mississippi river, called, from their proximity to the mouth of the Des Moines river, the Des Moines rapids." Here is the naked truth in reference to the history of the act of Congress; and I defy any man to bring a particle of evidence to the contrary. Then, what a perversion of truth to say that "it was the 'Des Moines rapids,' in the great 'father of floods,' which Congress adopted and set forth as one of the most prominent monuments in all the boundaries of Missouri!"

Let it be noticed here, distinctly, that the committee is making the description of the boundaries emanate with Congress; and this gives the language of the description an English origin. And let it be remembered, that when the committee wish to Frenchify the description of the boundaries, they then refer to the constitution of the State, which had its origin in the city of St. Louis, where the population was mostly French; and they give that a French origin. In this way, they have ingeniously worked themselves into the belief, that the expression "the rapids of the river Des Moines" is a translation of the French phrase, "les rapides de la rivière Des Moines," and that it was so intended by the convention, and meant the "Des Moines rapids." After attaching this construction to the constitution of the State, which was adopted among the French population, and therefore had a sort of French origin, they then refer back to the act of Congress, and make the same construction attach to that instrument, the origin of which was clearly and purely English. But I am unwilling to submit to this. The committee must admit that the act of Congress is purely of English origin. If so, the phrase "the rapids of the river Des Moines," used in the act, is not even a translation from the French. And if it was used in the act of Congress without being a translation from the French, it is fair to presume it was used in the constitution without being a translation from the French also; and if so, it had no reference to the phrase by which the "Des Moines rapids" in the Mississippi were designated in French. The convention consisted of forty members, two of whom were Frenchmen—and thirty-eight Americans, mostly Virginians and Kentuckians—a people who would not readily adopt a French idiom in any part of America. As, then, no rapids in the Mississippi river are called "the rapids of the river Des Moines," and as this expression is not of French origin, we must not place these rapids in the Mississippi river, but leave them in the Des Moines river, to which they properly belong.

A letter of Pierre Chouteau, jr., in reply to a letter of Lieutenant Lea, has been referred to in his report, and the committee seems to have extracted from that report. He says: "Yours of the 15th instant requests me to state by what appellation the Des Moines and Rock river rapids 'of' the Mississippi are generally known among the French inhabitants of the country. In reply, I beg to state that I have never known them designated otherwise than as *'les rapides de la rivière Des Moines'* and *'les rapides de la rivière de la Roche.'*" I have no doubt this is so, and yet I do not know it, although a Missourian; and I think I hazard very little in saying, that not a single member of Congress knew it when the act was passed authorizing the people of Missouri to form a State constitution. If so, they described the boundaries of the intended State without any reference to the French name of the rapids in the Mississippi river; and no doubt, in using the same language, the convention did the same thing. Mr. Chouteau does not say that the convention called for rapids in the Mississippi river. In his letter there is no such assertion.

But another item of evidence given by the committee in their report, to show that the convention called for the "Des Moines rapids" in the Mississippi river, is, that, "as early as 1799, the French governor-general granted to Louis Honore a tract of land, to adjoin 'aux rapides de la rivière des Moines,' and the validity of this grant, upon this descriptive call, has been affirmed by Congress within the last few years." See page 10, report of 1842. This piece of testimony is of the same character with the other—only weaker, being built upon the other. Congress confirmed the grant to Louis Honore, because the rapids in the Mississippi were called by the French "aux rapides de la rivière des Moines;" and the committee now introduces this confirmation as further evidence that the rapids were so called. The confirmation proves no such thing. But admit these rapids were so called, and it does not prove that "the rapids of the river Des Moines" are the "Des Moines rapids" of the Mississippi. Just as well might you say that "the rapids *in* the river Des Moines" are the "Des Moines rapids" of the Mississippi. The language is of precisely the same import. But a confirmation of a title to a small tract of land is by no means conclusive evidence that the claimant was entitled to the land. It is well known, and unfortunate, too, that the best claims are sometimes neglected by Congress, while the most iniquitous are sometimes granted. The "Des Moines rapids" are in the Mississippi river, and are known by that name; but these are one rapids, and "the rapids of the river Des Moines" another, and a totally different and distinct rapids, to be found in another and a totally different and distinct place.

The rapids in the Mississippi river had a distinct name, by which they were well known. Your committee says, by the French, they "were known by the name 'les rapides de la rivière des Moines;'" "by the Americans, they were called the 'Des Moines rapids.'" "Both these phrases are names, and not descriptions," says the committee. See report 1842, page 10. This is true: they are names; and these names were well known to many persons, and had been for many years, before the State Government was formed. Now, if the convention had intended to refer to these rapids, would they not have used one or the other of these names? If they had wanted to call for these rapids, is it possible that, out of forty members, the most intelligent men in the country, not one of them knew the name of a rapids so noted as the committee represents this to be? Is it not incredible, if they intended to refer to these rapids, that they should have dropped the true name in both languages, and have used a name by which these rapids were never known, either before or afterwards? Would they not have used the very name by which the rapids were known? Would they not have made the matter still more certain, by saying "the Des Moines rapids" in the Mississippi river? This would have fixed the rapids beyond all dispute in the Mississippi river; and how perfectly "easy" this would have been.

The convention did not use either one or the other of these names; the convention used no name—and for the very best reason in the world they used no name: that is, because the rapids which they referred to had no name. They were but little known. They were high up in a wilderness. An occasional hunter had seen them; the trappers had sometimes passed them in their canoes; perhaps a few traders had seen them; and the surveyor, John C. Sullivan, had seen them. He had surveyed the Indian boundary in 1816, four years before the convention was held. When the convention met, they called upon him and other gentlemen for information about the rapids: so we learn from the remaining members of that convention—and perhaps they know something more about it than our committee. Sullivan was prepared to give them the information wanted. The rapids which he had visited were but about nine miles, or, as the witness says, but "a short distance north of the Indian boundary line." These were at the Great Bend. The country was wholly new. This was, no doubt, the first public notice which had ever been taken of these rapids. Of course, then, they had no name. The convention used them as if they had no name, and were noticed in a public manner for the first time. It was certainly not known then that there were any other rapids in the Des Moines river above. It is not possible to magnify anything into a rapids which can be found below. The phrase "the rapids of the river Des Moines" was used as a description, and not as a name. Of course, the description belongs only to rapids in the Des Moines river. It could not describe the rapids in the Mississippi river.

"Les rapides de la rivière Des Moines." "The Des Moines rapids." By the first, the French, and by the latter, the Americans, called the rapids in the Mississippi river. "Both these phrases are names, and not descriptions." So says our committee; and in this they are correct. These names are quoted wherever we find them. So are all names made up of phrases; and especially when of long use and standing, they are almost invariably used as quotations. It is probable that this practice of quoting names and phrases has been followed nowhere more closely than by our convention in forming the constitution of Missouri. Even the words and phrases, "Senate," "House of Representatives," "General Assembly," "Supreme Court," "Chancellor," "circuit courts," "State of Missouri," "against the peace and dignity of the State," "great seal of the State of Missouri;" all these are marked in the constitution as quotations. And yet the phrase, "the rapids of the river Des Moines," is not used in the constitution as a quotation; and it is evident, therefore, that the convention did not use it as a name. If they had translated it from the French, they would have used it as a quotation more readily than ever. If they had used it as an awkward stagger for the "Des Moines rapids" in the Mississippi river, they would still have used it as a quotation, under the supposition that they had staggered upon the right name. But they did not use it as a quotation, and of course not as a name, but merely as a description. The term "Des Moines rapids" would have been used and quoted as a name, because it was a name of long standing, and well known. But the committee stultify themselves in attempting to stultify our convention. They ought to believe that the convention meant what they said, and said what they meant, and knew what they were doing.

The history of this matter shows that there was nothing French about it—not even a translation of the name of the rapids of the Mississippi river. The words used in the constitution, in describing the boundaries of Missouri, are the same as the words used in the act of Congress for that purpose. The act of Congress, I have stated before, was drawn up in this place, by the honorable John Scott, who was then the Delegate in this House from the Territory of Missouri, and who, with the aid of the committee, gave birth and origin to the act, and to the memorable phrase, "the rapids of the river Des Moines;" and particularly to the use of the memorable "of," which has played so conspicuous a part in all this difficulty. It would be rather awkward to say "the rapids *in* the *river* Des Moines" in the Mississippi river; and yet the expression, "the rapids of the river Des Moines" *of* the Mississippi river, is of precisely the same character and import. And this latter, according to the committee, is the mode of expression used by the convention, only made complete. But neither the Congress which passed the act, nor the convention which adopted the constitution, was the place in which to find such an awkward use, or such an abuse, of our language, as the committee are disposed to fasten upon them.

Besides all this, "the Des Moines rapids" of the Mississippi river were unfit to fix a boundary. They were too long. To call for them to fix the northern boundary, was like calling for the Mississippi river itself. A whole range of counties would have been left in uncertainty by such a call. The convention wanted a point to run to, not a line as long as some of our States. They never called for a line fourteen miles long, instead of a point but eighty yards long. A rapids, eighteen inches deep, falling two feet in eighty yards, with a swift current, but eighty yards long, six hundred feet wide, falling perpendicularly as much as ten or twelve inches, for three or four hundred feet of the width of the stream, is as good a point, and as prominent a monument, as any State could ask to fix her boundary. And this is the description of the rapids at the Great Bend, and a true one. The convention would not have left a point so suitable as this, and have taken a rapids fourteen miles long.

But "the Des Moines rapids" of the Mississippi river are "upwards of fourteen miles long." They "have had great notoriety since the date of the first settlements above them, and, during the period that Louisiana was held by the French, were known." So says the committee. If, then, the convention had called for them, they would have ascertained their magnitude, and their "fourteen miles of length" and upwards. If they had done so, is it not incredible to suppose that they would have left the north boundary "dancing" through this distance of fourteen miles, when, in one word more, they could have said the line shall run through the *lower end*, the *middle*, or the *upper end*, of "the Des Moines rapids" of the Mississippi river? But they said no such thing. Is it not incredible, then, to suppose they could have meant any such thing? Does anybody believe they did?

Congress wanted "natural and striking objects of great notoriety and magnitude" in fixing the boundaries. So says the committee. If this was all they wanted, and they were regardless of the size and shape of the State, the mouth of the Des Moines was the very thing. This was only one mile and a half south of the "Des Moines rapids," and was a "prominent monument" and a notable point. It is strange the convention did not fix on this, in preference to a rapids fourteen miles in length, if they were regardless of the shape and size of the State. But they were not regardless of these things. The honorable John Scott says they wanted to make "the Missouri river run through the centre of the State from west to east." This was natural enough, and no doubt the feelings of the whole convention. A memorial of the Legislature of the Territory of

Missouri prayed for a line on the parallel of latitude passing through the mouth of Rock river. Then they would have struck the Des Moines sixty or seventy miles above the mouth, if not more. For want of information, it was impossible for them to be entirely accurate; and they might still have failed to get an equal amount of territory on each side of the Missouri river.

The expression "down the middle of the main fork of the Des Moines" is used in the Constitution. "The main fork" was used to mean something. It must have been known there was no fork near the mouth. The hunters and trappers had no doubt been up the river some distance. Sullivan and his party had not travelled up the river, but had gone across the country from the Indian boundary to the rapids. He may have believed another branch of the river put in at the northern point of the Great Bend. But near the mouth of the Des Moines it must have been well known there was no fork; and the convention had information, no doubt, that there was no fork within any short distance of the mouth—certainly not within the reach even of the upper end of the "Des Moines rapids" of the Mississippi river. If so, then the convention did not call for these rapids, but for a point much higher up the Des Moines river, and above the "fork" of that river, as they supposed.

The committee, in the report of 1840, says: "It is preposterous to suppose that Congress, after acting with so much precision on all the other lines of Missouri, should leave the northern one dancing about between four or five unknown, nameless, and inconsiderable rapids, over a breadth of fifty miles of country, the extent of which was then unknown." "Unknown, nameless, and inconsiderable rapids." They were "unknown;" and this is the very reason why the precise rapids were not designated. We have no evidence that the convention knew of the existence of any more than one rapids in the river Des Moines when the constitution was formed, and the north boundary was not intended to be left "dancing" between several rapids; yet, unfortunately, such seems to have been the case, from our recent surveys. But, as we claim the lowest rapids in the river, it is not very important that we were ignorant of the existence of any above them. The discovery of these additional rapids will hardly change our boundary, and drive us from the Des Moines into the Mississippi, if we were entitled to rapids in the former river originally.

The committee says, in the report of 1842, that the people of Missouri Territory, in their petition to be admitted into the Union, "indicate, generally, to Congress, a boundary for their future State; and they urge, both with good sense and force, its adoption by Congress, on the ground that it would 'include all the country to the north and west to which the Indian title had been extinguished;' and yet the line to which Missouri now claims is considerably to the north of what then formed the Indian cession." [See page 6.] We admit all this; and if it be true that the people of the Territory thus petitioned, then we offer this fact, and the fact that the northern boundary of the State is not required to correspond with the north Indian boundary, as another evidence that this Indian boundary was not intended to be the State boundary. The convention, have no doubt, intended to make the meridian line on which the western State boundary runs, and the western Indian boundary line, correspond, so far as to make them run upon the same track; because the impression was, that they did run upon the same track. I admit they failed to do so. If they had intended the Indian boundary north to be the State boundary north, they would of course have required these two lines to correspond also. But the convention did not require these two lines to correspond; and it is, therefore, clear that they did not intend this Indian boundary to be the State boundary. Then, where did they intend to put the State boundary? Your committee says, the people of the Territory petitioned for "all the country to the north and west to which the Indian title had been extinguished." If so, they would not themselves, by their convention, have adopted a boundary south of the old Indian boundary, including less territory than they prayed for. By doing so, they would not have "included all the country to the north and west to which the Indian title had been extinguished." Then, the convention could not have intended to fix the northern boundary south of the old Indian boundary. If so, it follows that the State boundary cannot call for the "Des Moines rapids," in the Mississippi river; because, even the upper end of these rapids are several miles south of the Indian boundary. If the convention did not intend the Indian boundary to be the State boundary, (and this they clearly did not intend,) and if the convention did not intend to locate this boundary south of the old Indian boundary, (and this, just as clearly, they did not intend,) then it follows that they located the State boundary north of the old Indian boundary.

I regret that I have not been able to see this petition to which your committee refers. A close examination of it might throw some additional light on this subject. If I understand the committee correctly, they say the petitioners asked for all the country "to which the Indian title had been extinguished;" but they do not say that the petitioners ask for no more country than that "to which the Indian title had been extinguished;" and yet they leave the impression that the petitioners did ask for no more, and that they acted "both with good sense and force" in asking for no more. I have not been able to find this petition; and I regret that I have not, because I have a memorial on this subject, of a character very different from that petition; and a memorial, too, from the highest authority in the Territory. It is the memorial of the Legislature of the Territory of Missouri, adopted at St. Louis, the 22d day of November, 1818, a little more than a year before the act of Congress was passed to authorize the people of the Territory to form a constitution and State government; and this memorial was referred to the select committee which draughted said act of Congress, on the 8th day of December, 1819—but a little more than three months before said act of Congress was passed. It is hardly probable that anything of a later date, on this subject, was presented to Congress. Now, this memorial, in describing the boundaries prayed for by the people of the Territory, says: "Thence, due north, to a point due west of the MOUTH OF ROCK RIVER; thence, due east, to the middle of the main channel of the Mississippi, OPPOSITE THE MOUTH OF ROCK RIVER." (See Executive Papers, vol. 1, 1st sess. 16th Congress, doc. No. 4. This memorial will be found as quoted, and at the place referred to.) The boundary here prayed for is even north of the parallel of latitude running through the rapids of the river Des Moines, at the Great Bend in said river. It is clear, from this memorial, that the wish and the general sense of the people of the Territory was, that the northern boundary of the State should be located north of the old Indian boundary.

At that early day, when the country was hardly known, and when the territory prayed for was deemed of little or no value, and when this Government was as anxious to foster the interests and grant the prayers of Missouri as she is now to countenance the demands and to aid the encroachments and to encourage the groundless pretensions of Iowa, Congress would not have hesitated to grant the territory which the people petitioned for. If I am asked why the act of Congress and the constitution of the State did not call for the precise boundaries prayed for in this memorial, and especially for the mouth of Rock river, I answer, by giving the words of the honorable John Scott, who was then our Delegate in Congress, and who drew up the act of Congress, and who was also in the convention which formed the constitution of the State. He says that, at the time the act was passed, he conversed with several, who had some knowledge of the country, about the boundaries; "and they all concurred that it would be useless to embrace that part of the country that would lie between the river Des Moines and the Mississippi, as it was a mere gore—a low willow bar between the Mississippi and Des Moines river, as they said, running nearly parallel for some sixty miles." (H. Doc. 48, p. 8, 2d sess., 27th Congress.) For this reason, the act of Congress did not call for the mouth of Rock river, but stopped the northern boundary at the rapids of the river Des Moines. In adopting the constitution, the convention followed the act of Congress, by using the same language in describing the boundaries. The boundary prayed for in this memorial annihilates the idea that the "Des Moines rapids," in the Mississippi river, were called for to fix the parallel of latitude on which the northern boundary was to run. If any object, not in the northern line itself, had been called for to fix that line, it would, under this memorial, have been the mouth of Rock river, and not the rapids at the mouth of the Des Moines river.

The committee have dragged into their report the recent legislation of Congress, the legislation of Missouri, old and new Indian treaties, old and new maps and map-makers, and all other sorts of rubbish conceivable. I have neither time nor inclination now to undertake the useless task of wading through all this trash.

The boundaries of Missouri were fixed by her constitution. With this constitution fixing her boundaries, Congress admitted the State into the Union. By this admission, Congress sanctioned the boundaries adopted by the State. As these boundaries were fixed originally, so they remain to this day, except where they have been altered by consent of both parties—the State and the United States—in a legal and constitutional manner. By a simple act, Congress can give her consent to alter a boundary. Not so with the State of Missouri. Her boundaries are part of her constitutional law. They can be altered only as she alters her constitution, and in but one of two ways: 1st, by a convention; 2d, by a vote of two-thirds of each branch of the Legislature at two successive sessions. This has never been done except in one case, and that case not in reference to the territory now in dispute. The western boundary, on the north side of the Missouri river, was so changed as to take the Platte country into the State. This was done by changing our constitution, and then getting an act of Congress approving that change. Our boundaries, then, stand to this day just as they were fixed originally, with the exception named.

It will be useless, then, to trouble the committee by examining Indian treaties, the legislation of Congress in forming land districts, the legislation of Missouri in forming new counties, the action of blundering treaty-makers, or the maps of still more blundering map-makers, who have never succeeded in giving accurately even the boundaries of all our counties, and even where they have been designated by range, township, and sectional lines; much less the boundaries of the State, which we not only concede, but contend, were never defined and run and marked till recently. Blundering in legislating, in treaty-making, and map-making, cannot alter our constitutional boundaries. I shall pass over all this rubbish, then, and devote my limited time to more important matters.

The committee determines on the old Indian boundary as the State boundary. This is not, and cannot be, the State boundary; because it is not a parallel of latitude, and the State boundary is a parallel of latitude. And further: it is not, and cannot be, the State boundary; because the State boundary is a parallel of latitude passing through "the rapids of the river Des Moines;" and no parallel of latitude which touches any part of the north Indian boundary line can touch any "rapids of the river Des Moines," or any part of the "Des Moines rapids" in the Mississippi river. If the convention had intended the Indian boundary to be the State boundary north, they would have said so, and would have required the Indian boundary and the State boundary to correspond. A failure to do so, is conclusive evidence that they did not intend the Indian boundary to be the State boundary on the north. Besides, the Committee on Territories admit, in their reports both of 1840 and 1842, that the Indian boundary line is not the State boundary line. (See pages 8 and 11, H. Doc. 2, 1840; and page 11, H. Doc. 791, 1842.)

Let us next examine the western boundary. This is not without its difficulty, too; yet there is none of a character very serious about it. The meridian line on which the western boundary runs, is required to correspond with the Indian boundary. The Indian boundary runs from a point on the north bank of the Missouri river, opposite the mouth of the Kansas river, one hundred miles north. It is urged that this correspondence will arrest the western boundary of the State at the end of the Indian boundary line, and that the northern boundary must start eastward from this point. This is not so. The mistake originates in confounding the correspondence required between the Indian boundary and the meridian line, with a correspondence between the Indian boundary and the western boundary of the State. In this matter the committee and myself, for once, agree.

I said it was not the Indian boundary and the western boundary which were to correspond, but the Indian boundary and the meridian line on which the western boundary runs. And this dis-

tinction will be found important in settling this point. The difficulty in reference to the western boundary is in these words: "making the said line correspond with the Indian boundary line." "Said line." What line do these words refer to?

In describing the boundaries, the words "said line" are once used, and the words "Indian boundary line" are once used; and the word "line" is nowhere else used in the description, except where it is qualified by the word "meridian," making in a "meridian line." Of the correctness of this assertion anybody will be convinced by an inspection of the act of Congress, and of the first article of the constitution of Missouri. Let us begin to read at the southwestern corner of the State. The boundary runs "thence, from the point aforesaid, north, along the said meridian line, to the intersection of the parallel of latitude which passes through the rapids of the river Des Moines, making the said line correspond with the Indian boundary line." What line do the words "said line" refer to? They must refer to some "line" mentioned in the preceding part of the law. If so, then they must refer to the "meridian line passing through the middle of the mouth of the Kansas river, where the same empties into the Missouri river." Of course they do refer to this, because no other line is mentioned in the law. However badly the description may be expressed, if badly expressed, still the language used is grammatical and accurate; and we must take it as we find it, and construe it accordingly.

What is meant by making this "meridian line" and the "Indian boundary line" correspond? Are they to begin together? Are they to run on the same track? Are they to terminate at the same point? If so, they will never correspond, because in neither of these particulars do they agree, and never can.

To get the idea here to be conveyed, will require a little attention from those who do not understand the direction of the Missouri and the Kansas rivers. To be short, the former runs southeast, and the latter northeast. The "meridian line" runs through the middle of the mouth of the Kansas river. A line from the "middle of the mouth of the Kansas river," running north, would run diagonally across the Missouri, and strike the bank of that river above a point which would be opposite the middle of the mouth of the Kansas river. The "Indian boundary line" starts on the bank of the Missouri river, opposite the "middle of the mouth of the Kansas river." The starting-point, then, of the Indian boundary line, is below the point where our "meridian line" strikes the north bank of the Missouri river. In a stream as wide as the Missouri, this difference may be one or two miles, or more, depending upon the directions of the two rivers. But there is a difference: no matter how great or how little, it is a difference; and therefore the two lines do not correspond in starting together. Each line runs due north, and therefore must be nearly parallel, and consequently they do not run together. Then they do not correspond by running on the same track. Nor do the two lines correspond by terminating at the same point. The "Indian boundary line" runs one hundred miles north, and stops. The meridian line cannot be cut short. It runs to the north pole, in defiance of either legislation or construction. These lines, then, correspond neither in beginning at the same point, in running on the same track, nor in stopping at the same point. If there be any correspondence, it is only in running parallel; and thus far they do almost correspond But to make the western boundary correspond exactly with the "Indian boundary line," it would have to leave the "meridian line" in "the middle of the mouth of the Kansas river," and run directly across the Missouri river to the opposite bank, in a direction nearly northeast, till it struck the beginning of the "Indian boundary line," and from thence directly north with the "Indian boundary line." No construction of the act of Congress, or of the constitution of Missouri, can require this. Then, there is no correspondence except in running virtually parallel; and therefore the starting-point of the northern boundary is not affected by the correspondence required between the Indian boundary and the meridian line, on which the western boundary is required to run.

The honorable gentleman from Iowa [Mr. A. C DODGE] has invoked the spirit of abolition against us. This was useless and wrong. The two subjects have no affinity. This question should be decided upon its own merits. He says the people in the disputed territory will never live in the State of Missouri, "on account of their repugnance to the institution of domestic slavery." This may or may not be so. In 1831, the Legislature of Missouri asserted her claim to the disputed territory, and memoralized Congress to have the boundary run. The country in dispute then belonged to the Indians, and was not ceded to the United States till 1832, one year afterwards. The white settlements commenced there after this time, and after they knew that Missouri claimed the country; and of course they settled there, determined, like good citizens, to abide the result of the case. Many of them may have expected to be in Missouri as soon as this case was determined. But admit that this is not so. Admit that the people in the territory are all Abolitionists, if the gentleman prefers it. Will this alter the law fixing the boundary of the State? Will this change the constitution of the State, as sanctioned by the act of Congress admitting the State into the Union? Surely not. Will it change the facts of the case? Surely not. Then why invoke the spirit of abolition? Let the case be decided according to the law and the facts. You will act wrong to decide it otherwise.

The honorable gentleman from Kentucky [Mr. G. DAVIS] invokes the spirit of cupidity against us. He says the lands belonging to the half-breed Sac and Fox Indians are bounded on the north by an extension of the northern boundary of Missouri to the Mississippi river; and if the northern boundary of the State is north of the old Indian boundary, then the half-breeds will be entitled to more land. The gentleman, although he has made two reports upon this subject, seems yet to have wholly mistaken the nature of the question. It is not a question of expediency, or of dollars and cents; it is a question of law and of fact; and if you attempt to cheat the Indians out of what they are entitled to, by first cheating Missouri out of the boundary she is entitled to, still you will fail to accomplish your object. If you have bounded their lands by the north boundary of Missouri, and not by the old Indian boundary, you cannot force them to take the Indian boundary instead of the State boundary, merely by attempting to put the State boundary where legally it does not exist, and never can run. Suppose you fix the northern boundary of the State on the Indian boundary, when it is not there: will that cut the Indians out of their right to the true State boundary, if they are entitled to the State boundary? Surely not. No court of justice would decide so; and even if we make the magnanimous attempt, we shall still fail to cheat the Indians out of the boundary to which they are entitled. They will hold the lands which you have vested in them, in defiance of any subsequent legislation of yours. But, admitting that this Government could obtain some lands by cheating the half-breeds: would that be a ground for attempting to alter the constitutional boundaries of Missouri? Surely not; and such an argument ought not to be urged or countenanced.

Both of these honorable gentlemen invoke the spirit of prejudice against our claim. They urge that Missouri is already a large State—a great State—a giant State. Admit all this. She has a fruitful soil and a healthy climate. She abounds in the richest minerals, and has the finest navigable streams in the world. She has clear springs, and rich groves, and healthy hills, and verdant valleys, and the most beautiful prairies on the face of the earth. She has a large territory, and a population increasing with astonishing rapidity, and must, at no distant day, be one of the first States in the Union. She is not in debt. Admit all this, and that this flattering picture does not equal the reality; and still this will not change our rights, or compensate Missouri for the loss of part of her territory. These things do not impair her claim. She is not censurable for their existence. She cannot prevent it. Missouri was created for a mighty empire, and cannot fail to fulfil her destiny, if not oppressed too much by legislation. If let alone, her citizens will work their way to wealth, to happiness, to prosperity, and to greatness. But her extent and immense natural advantages do not change her boundaries. They are now as they stood originally; and must so remain, until they are altered, with the consent, not only of this Government, but of the State Government also. Then, not even the spirit of prejudice should be invoked against us. Give us a fair decision.

The honorable gentleman from Iowa charges us with grasping for more territory. This is a mistake. We would not willingly encroach upon our neighbor. We feel a deep interest in her welfare and prosperity, and in her improvement and advancement to the dignity of a State, and of a member of the Confederacy. But she has ample territory, and enough to spare for two more States. Iowa is encroaching on us, and grasping part of our territory; and the United States, like all tender mothers, is taking sides with her infant child against the older one, in sustaining her groundless pretensions. This course is well enough with children; but we are engaged in no child's play We are in earnest in asserting our rights. We do not ask for more territory. We claim that which is already our own. To this we are entitled. This we intend to have. We ask you to examine our case impartially, *if you can.* If you cannot, as impartially *as you can.* Do not charge us with grasping what is not our own. The territory we claim is our own. You will find it so, when you examine the case. Weigh the law and the facts of our case for yourselves, and then give us such a decision, on the law and the facts, as would be given in any court of justice. We ask for nothing more; we will submit to nothing less.

[The following speech was made at the 2d session of the 27th Congress, as will be seen by its date; but it was not written out by the member and delivered to us until after the Appendix for that session was completed, which will account for its appearance in this volume.]

SPEECH OF MR. A. H. H. STUART,

OF VIRGINIA,

In the House of Representatives, July 7, 1842—On the bill "to provide revenue from imports, and to change and modify existing laws imposing duties on imports, and for other purposes."

The bill being under consideration in Committee of the Whole on the state of the Union—

Mr. ALEXANDER H. H. STUART, of Virginia, rose and said:

Mr. CHAIRMAN: Nothing could be more gratifying to my feelings than to witness the calm and forbearing temper in which this debate has thus far been conducted. Heretofore, the introduction of a tariff bill, of any character, into the House of Representatives, has been the signal for the display of the most violent partisan feelings and narrow sectional prejudices; but, upon this occasion, the discussion has been characterized by a spirit of courtesy and liberality which, I am sure, the whole country will join me in applauding as highly honorable to the Representatives of a free and enlightened people.

In the few remarks which I propose to submit, I shall endeavor to follow the good example of those who have preceded me. I shall speak my own sentiments with all becoming frankness and candor; but I trust I shall not so far forget the obligations of decorum and parliamentary propriety as to assail rudely the feelings, the motives, or the opinions of those who are opposed to me. Freedom of discussion, and toleration of opinion, are two of the vital principles of our Republican institutions; and I will ever be among the last to disturb or destroy either of them.

It seems to me, Mr. Chairman, that the bill now under consideration, when its provisions and purposes are rightly understood, admits of but little debate. If I understand it correctly, it is simply a revenue bill. It is not, in the ordinary acceptation of the term, a bill for protection. It comes to us under the auspices of the Committee of Ways and Means. Its purpose is to raise just so much money as will be necessary to defray the expenses of the Government, administered with all practicable economy; and, as subordinate to this primary consideration, it proposes, incidentally, to afford protection to the great agricultural, manufacturing, and commercial interests of the country. The question of protection *per se*, as something substantive and distinct from revenue, does not arise under it; and I shall, therefore, not deem it necessary on this occasion to discuss the merits of that policy. In my opinion, that question is not likely soon to arise; for I know no member of either House of Congress who desires any protection to either of the great interests of the country, beyond what will be afforded by a well-adjusted revenue tariff. But if there be any who go further, I wish to announce distinctly, in the outset, that I am not one of them.

I will not go for raising, by a tariff, a single dollar more than the wants of the Government, economically administered, require. But, in laying that tariff, I will be at all times willing and desirous so to discriminate between the articles imported as to foster and protect our home labor and home productions, against foreign labor and foreign productions.

I have said, sir, that this question lies within narrow limits. The principal difficulties in regard to it arise from not having a clear perception of the true issues involved, and from confounding collateral and extraneous matters with them. In order to get at the proper points of inquiry, I propose to separate the undisputed propositions connected with the subject from those that are controverted. This will simplify the matter, and enable us to pursue our investigations with much more facility. What points, then, are undisputed?

1st. All agree that it is the duty of Government to raise, in some manner, money enough to defray its current expenses, and to pay, in suitable instalments, the debts it may owe.

2d. All agree that there are, under the provisions of the Constitution, but three modes of raising revenue, viz: by imposts, by excises, and by direct taxation.

3d. A large majority, if not every member of this House, will agree that the revenue ought not to be raised by a direct tax on land, nor by that system of excises which Mr. Jefferson denounced as an "infernal system, which should never have found a place in our Constitution." The only remaining way of raising revenue is by a system of imposts or duties on foreign merchandise—the system which was devised by the first Congress at its first session, and which has prevailed without interruption from that time to the present day.

I may, then, venture to assume it to be the sense of Congress and the nation that the revenue which we need is to be raised by imposing duties or taxes on foreign goods imported into this country.

We have next to ascertain how much money is necessary. Upon this subject we have the estimates of the Secretary of the Treasury and of the Committee of Ways and Means, and the opinions of the most enlightened of our statesmen, showing that the current expenditures of the Government for the next three years will be from twenty-two to twenty-four millions per annum; and that, in addition to that amount, three and a half millions will be necessary to pay the interest on the public debt, and to provide a suitable sinking fund for the ultimate payment of the principal. These estimates, and the data on which they are founded, have been furnished to the country in official documents, and in various speeches which have been delivered on this floor; and, as no one has pretended to show that they are incorrect, I shall not undertake now to enter into an examination of them, but will assume that they present a fair statement of the amount which the Government will require. And here I will take occasion to say, that this estimate falls, by several millions, below the average annual expenditure of Mr. Van Buren's administration, which was $28,098,965.

Twenty-seven millions being thus shown to be necessary to supply the wants of the Government, the present bill has been carefully framed by the Committee of Ways and Means, after mature consideration of the views of the Secretary of the Treasury and of the Committee on Manufactures, to produce that amount. No gentleman has, during the course of this debate, ventured to say that it will produce more than twenty-seven millions; but many have expressed the belief that it will not yield that much. The friends of the bill cannot, therefore, be charged with any purpose of going beyond the point necessary for revenue.

We now come to the great principle involved in this bill. It resolves itself into this: Shall the revenue be levied by a horizontal system of *ad valorem* duties, operating alike upon all articles; or shall there be a just system of discrimination, with a view to the protection of our own industry in all its departments?

In this question two distinct points of inquiry are embraced. 1st. Has the Government the constitutional power to make such discrimination? 2d. If the Government does possess that power, is it expedient to exercise it?

If the first question is decided in the negative, there is no necessity for prosecuting the matter further; for if the power is not conferred upon Congress by the Constitution, no considerations of expediency, however urgent, can ever justify its exercise.

The power of discrimination, to some extent, is conceded by the sternest opponents of the general doctrine. All admit, for example, that gold and silver shall be allowed to pass through our custom-houses free of duty. A large majority of both parties are also in favor of a like exemption of tea and coffee. To these instances they seem to have paid no attention, because they are of a negative character: yet, surely, they embody the principle of discrimination just as much as if they paid higher instead of lower duties than other articles. Whilst, however, gentlemen concede the principle in these cases, they deny the right to discriminate with a view to protect our home productions.

The general question of the constitutional power of Congress to have regard, in laying duties upon imports, to our domestic interest, has been so often and so ably discussed, that nothing new can be said upon it; and I shall, therefore, not make the attempt. The arguments for and against the power have been spread over the country, and are accessible to all who wish to examine the subject. But I have recently met with a view of the question, by a man, in abilities, one of the first of the age, in an address to the American people on behalf of a convention held in New York in 1831, which is so condensed, so forcible, so conclusive, that I cannot deny myself the pleasure of submitting an extract from it for the consideration of the committee.

"By the Constitution, Congress has power 'to lay and collect taxes, duties, imposts, and excises.' It has power, also, 'to regulate commerce with foreign nations.'

"The power to lay duties is accompanied by one express qualification or limitation; which is, 'that all duties shall be uniform throughout the United States.' The power to regulate commerce has its limitation also; which is, that no regulation of commerce shall give preference to the ports of one State over those of another. And there is another limitation, which may apply to both clauses—namely, that no export duty shall ever be laid.

"Here, then, is a grant of power in broad and general terms, but with certain specific limitations, carefully expressed. But neither of these limitations applies in any manner to that exercise of the power which is now under consideration. Neither of them, nor any other clause or word in the whole Constitution, manifests the slightest intention to restrain the words so as to prohibit Congress from laying duties for protection. The attempt is nothing less than to add a restriction which the Constitution has omitted. Who has authority to add this? If other restrictions had been intended, they would have been expressed. When the business of limitation was before the convention, what was omitted was as much an exercise of intention as what was expressed. It stated all the restraints on Congress which it intended; and to impose others now would be, not to interpret the Constitution, but to change it; not to construe the existing instrument, but to make another.

"The words of the grant being general—to lay duties and to regulate commerce—their meaning is to be ascertained by reference to the common use and import of language. No unusual signification is to be given to the terms, either to restrain or enlarge their import. Congress, in its discretion, is to lay duties and to regulate trade for all the objects and purposes for which duties are ordinarily laid, and trade ordinarily regulated. If such a thing was never before heard of as laying duties and regulating trade with a view to encourage manufactures, then it might be said that the convention did not contemplate such an exercise of the power by Congress. But it was perfectly known to the convention, and to the people of this country, that one leading object with all Governments, in laying duties and regulating trade, was, and for a long time had been, the encouragement of manufactures. This was emphatically true of England, whose language the convention spoke, and whose legal and legislative phraseology was theirs also. Every leading state of Europe was, at that moment, regulating its commerce for purposes of this nature. Such a purpose, indeed, had been long sought to be accomplished by some of the States themselves, by their own regulations of trade. Massachusetts had attempted it, New York had attempted it, Virginia had attempted it, and we believe other States had done the same. How ineffectual all their attempts were, for want of union and a general system, was soon seen and felt by the whole country; but they show to what ends, and to what uses, the power to regulate trade was understood to extend. But not only in other nations, and in the States, before the adoption of the present Constitution, as we shall have occasion to show hereafter, but in the United States since, and in the administration of this very Constitution, regulations of trade have been made, in almost innumerable instances, with no view to revenue, but with a sole and exclusive regard to protection.

"If our understanding of the Constitution be not according to its true meaning, that instrument has been grossly violated from the very beginning. What are all the registry acts, what the bounties on the fisheries, but so many avowed efforts to protect American industry, under the power of regulating trade? On what foundation does the whole system of the coasting trade stand? The American shipbuilder and ship-owner has enjoyed, from the first, (and we think properly,) not only protection in that trade, but the monopoly of it. He shuts out all foreign competition; and he does so on the ground that the public good is promoted by giving him this advantage. We think he is right in asking this, and the Government right in granting it. Yet this is not free trade; it is preference—it is *protection;* and protection of a manufacture, under the power to regulate trade. The laws giving this protection to the manufacture and the use of ships may be wise, and laws protecting other manufactures may be unwise. But the first cannot be constitutional, and the latter not constitutional. If there be power for one, there is power for both. Both are drawn from the same grant, both operate by the same general means, and both regard the same object—the protection, namely, of American labor and capital against foreign competition. If it be said that the navigation act is founded in national policy, and that it is essential to national defence and national independence; we admit it. But we answer, in the first place, that Congress could not exercise a power not granted, merely because it might be useful or necessary; and, in the second place, we say that the same remark is true of the policy of protecting manufactures. That policy, also, is essential to national independence. Iron, hemp, and clothing for sailors and soldiers, are not less indispensable to national defence than ships and seamen. Not only in the general use of language, then, does the power of laying duties and regulating trade extend to the protection, by the use of such means, of domestic manufactures, but such has been the constant interpretation of the Constitution itself.

"We think, indeed, that when a general power is given to Congress by the Constitution of the United States, in plain and unambiguous words, their acts are constitutional and valid, if they are within the scope of the granted power; and that, in considering the validity of the law, the motives of the legislature can never be investigated. Having granted the power, with such limits expressed as were thought proper, its exercise within those limits is left to the discretion of Congress.

"What is the true character of the opposite doctrine? It is, that the constitutionality of a law depends, not on its provisions and enactments, but on the motives of those who passed it. Is not such a notion new? How are we to ascertain the motives of a legislature? By private inquiry; by public examination; by conjecture? The law may be passed on mixed motives—some members voting for revenue, some for protection; or one House may act with one view, and the other House with another. What will be the character of such a law?

"According to this new theory, if the motives be constitutional, then the act is; if the motives be unconstitutional, then the act is unconstitutional also. It follows, therefore, that a law passed by one Congress may be constitutional, which, if passed by another, though in the same words, would be unconstitutional. Besides, on this theory a law may be unconstitutional for its omissions as well as its enactments; because, in laying duties, articles may be omitted, as well as articles inserted, from a design to favor manufactures."

Here we have a view of the question which seems to me to be unanswerable.

But, Mr. Chairman, I beg the attention of the committee whilst I proceed to examine into the origin and history of this doctrine of protection of American labor and industry. Is it a novel assumption of power by Congress? Is it a new system of policy, which is now sought to be establish-

ed, in opposition to the ancient practice of the Government? So far from such being the fact, I affirm that the doctrine is coeval with the Constitution itself, and that the policy is sanctioned and sustained by the direct opinions and practice of every President of the United States, and of all the leading statesmen of the country, from the days of George Washington to the present time.

If my time permitted, I might prove to you, by the most authentic histories of our Government, that the necessity of protecting our home industry from foreign aggression contributed more than any other cause to the formation and adoption of the Constitution of the United States. The consideration of that topic would, however, lead me into too wide a field of discussion; and I must, therefore, content myself with barely adverting to it, and pass on to the history of the action of the Government under the Constitution.

The first Congress assembled in Philadelphia on the 4th of March, 1789; but, in consequence of the failure of many members to attend, no business was done for some weeks. Very shortly after the organization of the two Houses, petitions began to pour in from all quarters, suggesting that our "national independence was but half obtained," whilst we remained dependent on Great Britain for our supplies of the necessaries of life; and praying that Congress would take the proper steps to render the people "independent in *fact*, as well as in *name*, by adopting measures for the encouragement and protection of American manufactures." These petitions were referred to the Committee of the Whole of the House of Representatives; and the result of their deliberations was a bill for the imposition of duties on foreign merchandise. This bill was promptly passed through both Houses of Congress, and was approved by President Washington on the 4th day of July, 1789—that day being thus a second time consecrated, by the declaration of commercial independence, as it had previously been by a similar declaration of political independence. The true character and objects of that act will be sufficiently manifest when we advert to its preamble, which recites that "whereas it is necessary for the support of Government, and the encouragement of domestic manufactures, that duties be laid on foreign merchandise," &c. This preamble distinctly connects the subjects of revenue and protection, and shows that, in the judgment of the first Congress, it was competent for the National Legislature to look to protection, as well as to revenue, in a system of imposts. And here let us pause for a moment, to consider how much weight shall be given to the opinion of that Congress? We must recollect that it was composed of the most illustrious sages and patriots of the Revolution! We must remember that probably one-half of its members had been members of the Federal convention which framed the Constitution, or of the State conventions which adopted it! They were fully acquainted with its provisions, and deeply imbued with its spirit! And that body, within a year after the adoption of the Constitution, passed, without even a division, and without the suggestion of a doubt of the constitutional power to do so, a law distinctly recognising the principle of protection; and George Washington, who had presided over the deliberations of the convention, and who was then acting under the solemn sanctions of his presidential oath to support the Constitution, approved it! And yet we are now modestly told that the authors of the Constitution did not understand its meaning, and that the power to protect American labor is an assumption not warranted by its provisions! I must confess, sir, that I hardly know how to meet such an assertion, or where to find terms, consistent with parliamentary decorum, to characterize it.

But let us trace the action of the Government on this subject still further.

On the 8th of January, 1790, President Washington, in his address to Congress, uses this emphatic language:

"The safety and interest of the people require that they should promote such manufactures as tend to render them independent of others for essential, particularly for military, supplies."

On the 15th of January, 1790, Congress responded to this suggestion of the President, by adopting the following resolution:

"*Resolved*, That it be referred to the Secretary of the Treasury to propose and report to this House a proper plan or plans, conformably to the recommendation of the President in his speech to both Houses of Congress, for the encouragement and promotion of such manufactories as will tend to render the United States independent of other nations for essential, particularly for military, supplies."

In conformity with this resolution, the Secretary of the Treasury (Mr. Hamilton) made his celebrated report in favor of protecting American industry. I should be glad, sir, if this invaluable document was in the hands of every citizen of this Republic. The grounds upon which he rested the policy are very briefly summed up in the following paragraph, which I commend to the consideration of the committee:

"The embarrassments which have obstructed the progress of our external trade have led to serious reflections on the necessity of enlarging the sphere of our domestic commerce. The restrictive regulations which, in foreign markets, abridge the vent for the increasing surplus of our agricultural produce, serve to beget an earnest desire that a more extensive demand for that surplus may be created at home; and the complete success which has rewarded manufacturing enterprise in some valuable branches, conspiring with the promising symptoms which attend some less mature essays in others, justify a hope that the obstacles to the growth of this species of industry are less formidable than they were apprehended to be; and that it may not be difficult to find, in its further extension, a full indemnification for any external disadvantages which are or may be experienced, as well as an accession of resources favorable to national independence and safety."

For some years after this report was made, the American people were subjected to great inconvenience by the refusal of the Governments of Europe to enter into commercial treaties with the United States, founded upon principles of justice and reciprocity. On the 14th of February, 1792, President Washington brought this subject to the attention of Congress, that it might adopt such measures as the interests of the country seemed to require. This communication was referred to a select committee, who made a report, which was submitted to the Secretary of State (Mr. Jefferson) "with instructions to report to Congress the nature and extent of the privileges and restrictions of the commercial intercourse of the United States with foreign nations, and the measures which he should think proper to be adopted for the improvement of the commerce and navigation of the same."

On the 14th December, 1793, Mr. Jefferson made his report, from which I have extracted the following passages, in order that the committee and the country may see what were his views of the constitutional powers and duties of the Government of the United States. [Am. State Papers, vol. 1, p. 300–1.]

"But should any nation, contrary to our wishes, suppose it may better find its advantage by continuing its system of prohibitions, duties, and regulations, it behooves us to protect our citizens, their commerce and navigation, by counter prohibitions, duties, and regulations also. Free commerce and navigation are not to be given in exchange for restrictions and vexations, nor are they likely to produce a relaxation of them.

"The following principles, being founded in reciprocity, appear perfectly just, and to offer no cause of complaint to any nation:

"1. Where a nation imposes high duties on our productions, or prohibits them altogether, it may be proper for us to do the same by theirs; first burdening or excluding those productions which they bring here in competition with our own of the same kind; selecting, next, such manufactures as we take from them in greatest quantity, and which, at the same time, we could the soonest furnish to ourselves, or obtain from other countries; imposing on them duties, lighter at first, but heavier and heavier afterwards, as other channels of supply open. Such duties having the effect of indirect encouragement to domestic manufactures of the same kind, may induce the manufacturer to come himself into these States, where cheaper subsistence, equal laws, and a vent of his wares free of duty, may ensure him the highest profits from his skill and industry. And here it would be in the power of the State Governments to co-operate essentially, by opening the resources of encouragement which are under their control; extending them liberally to artists in those particular branches of manufacture for which their soil, climate, population, and other circumstances, have matured them; and fostering the precious efforts and progress of household manufacture, by some patronage suited to the nature of its objects, guided by the local information they possess, and guarded against abuse by their presence and attentions. The oppressions on our agriculture, in foreign ports, would thus be made the occasion of relieving it from a dependence on the caprices and conduct of others, and of promoting arts, manufactures, and population at home."

On the 4th of January, 1794, Mr. Madison brought forward in Congress his celebrated resolutions, which were known to be the joint production of Mr. Jefferson and himself, and were designed to carry into effect the policy recommended in Mr. Jefferson's report. These resolutions distinctly assumed the power to protect American industry; and, after a long and able debate, they received the sanction of the House. In the course of this debate, Mr. Madison used the following emphatic language in regard to the protection of manufactures:

"The States that are most advanced in population, and ripe for manufactures, ought to have their particular interests attended to in some degree. While these States retained the power of regulating trade, they had the power to protect and cherish such institutions. By adopting the present Constitution, they have thrown the exercise of their power into other hands. They must have done this with the understanding that those interests would not be neglected here."

Without adverting to other recognitions by President Washington of the power and duty of Congress to protect domestic industry, I will add but a single passage from his last address to Congress on 7th December, 1796, in which he says:

"Congress have repeatedly, and not without success, directed their attention to the encouragement of manufactures. The object is of too much importance not to ensure a continuance of their efforts in every way which shall appear eligible."

Passing over the administration of the elder Adams, which is known to have favored the same policy, I beg leave to invite the attention of the committee to some evidences of the opinions of Mr. Jefferson, the apostle of Democracy, and the author of the political doctrines by which the opponents of protection profess to be guided. Hear what the sage of Monticello says, in his second message to Congress on the 15th of December, 1802:

"To cultivate peace, and maintain commerce and navigation in all their lawful enterprises; to foster our fisheries as nurseries of navigation, and for the nurture of man, and protect the manufactures adapted to our circumstances; to preserve the faith of the nation by an exact discharge of its debts and contracts, expend the public money with the same care and economy we would practise with our own, and impose on our citizens no unnecessary burdens; to keep in all things within the pale of our constitutional powers, and cherish the federal union as the only rock of safety:—these, fellow-citizens, are the landmarks by which we are to guide ourselves in all our proceedings. By continuing to make these the rule of our action, we shall endear to our countrymen the true principles of their constitution, and promote a union of sentiment and of action equally auspicious to their happiness and safety."

From this extract, it will be perceived that Mr. Jefferson, in enumerating the "landmarks" by which his administration was to be guided, assigns a most prominent position to the duty of protecting manufactures.

But this is not all. In 1806, the revenue from imposts had increased to such an amount, that Mr. Jefferson had grounds to believe that there would be, "ere long, an accumulation of moneys in the treasury, beyond the instalments of the public debt, which the Government would be permitted by contract to pay." In other words, it was apparent to Mr. Jefferson that there was about to be a surplus in the treasury, above the wants of the Government economically administered. What did he recommend in that contingency? A reduction of duties down to the revenue standard? Let the following extract from his message of the 2d of December, 1806, answer those questions:

"To what other objects shall these surpluses be appropriated, and the whole surplus of the impost after the entire discharge of the public debt? Shall we suppress the impost, and give that advantage to the foreign over domestic manufactures?"

He proceeds to say, that upon some articles the

impost might be suppressed; but with regard to the mass of them, he expresses the belief that the "patriotism" of the people would "prefer its continuance and application to the great purposes of public education, roads, rivers, canals, and such other objects of public improvement as it may be thought proper to add to the constitutional enumeration of Federal powers."

Thus it will be perceived that Mr. Jefferson not only recognised the right to protect domestic manufactures incidentally, by just discriminations; but that he contended for the doctrine of protection *per se*, as a distinct and substantive principle! And to such an extent did he carry his devotion to it, that when the wants of the Government no longer required the money levied by imposts, he was unwilling to reduce the tax, because it would withdraw the necessary protection from American labor; but sought, by an amendment of the constitution, new sources of expenditure, by which the surplus should be absorbed!

But lest it might be supposed that this was a mere temporary policy which Mr. Jefferson proposed to introduce, I will submit one additional passage, extracted from his message of the 8th November, 1808, and then leave it to the disciples of the Jeffersonian school of politics to reconcile their opposition to the system of protection with the solemnly declared opinions of the great author of their political creed! In that message he says:

"The suspension of foreign commerce produced by the injustice of the belligerent powers, and the consequent losses and sacrifices of our citizens, are subjects of just concern. The situation into which we have thus been forced, has impelled us to apply a portion of our industry and capital to internal manufactures and improvements. The extent of this conversion is daily increasing, and little doubt remains that the establishments formed and forming will, under the auspices of cheaper materials and subsistence, the freedom of labor from taxation with us, and of protecting duties and prohibitions, become permanent."

But will it be said that Mr. Jefferson changed his opinions on this subject? Where is the evidence of any such change? I maintain that none can be produced. On the contrary, we have the most conclusive proof, in his letter to Benjamin Austin, in 1816, that his opinions had become more and more confirmed in favor of the doctrines of protection. Mr. Jefferson had, in 1785, in his Notes on Virginia, expressed some opinions adverse to the policy of manufactures in this country. In 1816, when the subject of a protecting tariff was about to come before Congress, his opinions were much relied on by the opponents of that measure; and Mr. Austin addressed a letter to him, informing him of the fact, and asking an expression of his sentiments. The following are extracts from Mr. Jefferson's reply, dated 9th January, 1816:

"You tell me I am quoted by those who wish to continue our dependence on England for manufactures. There was a time when I might have been so quoted with more candor. But within the thirty years which have since elapsed, how are circumstances changed! We were then in peace; our independent place among nations was acknowledged. A commerce which offered the raw material in exchange for the same material after receiving the last touch of industry, was worthy of welcome to all nations. It was expected that those, especially to whom manufacturing industry was important, would cherish the friendship of such customers by every favor, and particularly cultivate their peace by every act of justice and friendship. Under this prospect the question seemed legitimate, whether, with such an immensity of unimproved land, courting the hand of husbandry, the industry of agriculture or that of manufactures would add most to the national wealth. * * * *

"This was the state of things in 1785, when the Notes on Virginia were first published; when the ocean being open to all nations, and their common right in it acknowledged and exercised under regulations sanctioned by the assent and usage of all, it was thought that the doubt might claim some consideration. We have since experienced what we did not then believe—that there exist both profligacy and power enough to exclude us from the field of interchange with other nations; that, to be independent for the comforts of life, we must fabricate them ourse'ves. We must now place the manufacturer by the side of the agriculturist. The former question is suppressed, or rather assumes a new form: the grand inquiry now is, shall we make our own comforts, or go without them, at the will of a foreign nation? He, therefore, who is now against domestic manufacture, must be for reducing us either to a dependence on that foreign nation, or to be clothed in skins, and to live like wild beasts in dens and caverns. I am proud to say I am not one of these. Experience has taught me that manufactures are now as necessary to our independence as to our comfort; and if those who quote me as of a different opinion will keep pace with me in purchasing nothing foreign, where an equivalent of domestic fabric can be obtained, without any regard to difference of price, it will not be our fault if we do not have a supply at home equal to our demand, and wrest that weapon of distress from the hand which has so long wantonly violated it."

Who now will venture to doubt that Mr. Jefferson was an advocate of the doctrine of protection, to the fullest extent?

I have thought it incumbent on me, as a Virginian, to give this full exposition of the true opinions of Mr. Jefferson, because I have reason to know that they have been much misunderstood and misrepresented, even in his own State.

The sentiments of Mr. Madison, the father of the Constitution, and its wisest expounder, have been so frequently expressed in favor of the principle of protection, and are so well known to the country, that I do not think it necessary to furnish any extracts from his messages recommending the subject to the favorable consideration of Congress. In his latter years, when he had retired from the political arena, and was free from all the distracting interests of public life, he had occasion to review the whole subject, and he embodied his matured opinions in two letters, addressed to Mr. Jos. C. Cabell of Virginia—one dated 18th September, 1828, and the other 30th October, 1828—which contained probably the most clear and conclusive argument in favor of the power of Congress over the subject that has ever been submitted to the public.

Mr. Monroe and Mr. Adams adopted, both theoretically and practically, the same construction of the Constitution, and recommended and sanctioned legislative acts to give effect to the principle of protection in the tariffs of 1816, 1824, and 1828. These sentiments, thus avowed and urged upon Congress by all the incumbents of the executive chair, have been promptly responded to, in every case, by the legislative department of the Government; and the judicial sanction has also been afforded, in every form in which the question has been presented to the tribunals of the country for adjudication.

Mr. Calhoun, Mr. Lowndes, General Jackson, Mr. Van Buren, and almost every distinguished politician of every party, have recorded their votes in favor of the principle; and in 1816 it found upon the floor of Congress no champion more able, more ardent, more devoted, than Mr. Calhoun, as will plainly appear from the following extracts from his speech in 1816:

"Neither agriculture, manufactures, nor commerce (said Mr. Calhoun,) taken separately, are the cause of wealth; it flows from them combined, and cannot exist without each. The wealth of any single nation or individual, it is true, may not immediately be derived from the three; but it always pre-supposes the existence of the three sources, though derived immediately from one or two of them only. Taken in its most enlarged sense, without commerce, industry would have no stimulus; without manufactures, it would be without the means of production; and without agriculture, neither of the others could exist; when separated entirely, and permanently, they must perish. War, in this country, produces, to a great extent, that separation; and hence the great embarrassment that follows in its train. The failure of the wealth and resources of the nation necessarily involves the ruin of its finances and its currency. It is admitted, by the most strenuous advocates on the other side, than no country ought to be dependent on another for its means of defence; that, at least, our musket and bayonet, our cannon and ball, ought to be domestic manufacture. But what is more necessary in the defence of a country than its currency and finance? Circumscribed as our country is, can these stand the shock of war? Behold the effect of the late war upon them! When our manufactures are grown to a certain perfection, as they soon will, under the fostering care of Government, we will no longer experience those evils. The farmer will find a ready market for his surplus produce, and, what is of almost equal consequence, a certain and cheap supply of all his wants. His prosperity will diffuse itself to every class of the community."

Having described the effect of war upon our industry and currency, its obstruction to the exportation of our bulky articles, while a demand would continue for foreign articles, to be supplied through the policy of the enemy or unlawful traffic, resulting in a drain of our specie to pay the balance perpetually accumulating against us, he proceeded to say:

"To this distressing state of things there are two remedies, and only two: one in our power immediately, the other requiring much time and exertion; but both constituting, in his opinion, the essential policy of this country. He meant the navy and domestic manufactures. By the former, we could open the way to our markets; by the latter, we bring them from beyond the ocean, and naturalize them in our own soil."

Having spoken of the effect of the war in giving existence to manufactures, and in bringing them them to some degree of maturity, he said:

"But it will no doubt be said, if they are so far established, and if the situation of the country is favorable to their growth, where is the necessity of affording them protection? It is to put them beyond the reach of contingency."

There is but one other authority to which I will refer as sustaining the constitutionality of the protective principle, and I will then pass to the consideration of another branch of the subject. I allude to the message of President Jackson to Congress, on the 7th December, 1830. In that paper the whole argument is condensed into the narrowest possible limits, and presented with a force that cannot be resisted. He says:

"The power to impose duties on imports originally belonged to the several States. The right to adjust these duties, with a view to the encouragement of domestic branches of industry, is so completely incidental to that power, that it is difficult to suppose the existence of the one without the other. The States have delegated their whole authority over imports to the General Government, without limitation or restriction, saving the very inconsiderable reservation relating to their inspection laws. This authority having thus entirely passed from the States, the right to exercise it for the purpose of protection does not exist in them; and, consequently, if it be not possessed by the General Government, it must be extinct. Our political system would thus present the anomaly of a people stripped of the right to foster their own industry, and to counteract the most selfish and destructive policy which might be adopted by foreign nations. This, surely, cannot be the case. This indispensable power, thus surrendered by the States, must be within the scope of the authority on the subject expressly delegated to Congress. In this conclusion I am confirmed, as well by the opinions of Presidents Washington, Jefferson, Madison, and Monroe, who have each repeatedly recommended the exercise of this right under the Constitution, as by the uniform practice of Congress, the continued acquiescence of the States, and the general understanding of the people."

With this review of the opinions of the Fathers of the Republic, and of the reasons upon which they are founded, I leave it for the committee and the country to decide whether I am departing from the true principles of the Constitution, in giving my support to a measure intended primarily to raise revenue for the Government, and incidentally to afford protection to American industry.

I will proceed now, Mr. Chairman, to meet some of the more prominent objections to the exercise of the protective power, drawn from considerations of expediency.

Many gentlemen have treated this subject as if it were a mere sectional question—a struggle between the North and the South. For my part, I look upon it in a very different aspect. I regard it as a national question—an American question—one which belongs to the whole country. It is true, that there may be partial and temporary inequalities resulting from the operation of laws like that now before us, as there will be from all human laws. But they will be but temporary in their duration. The country will soon accommodate itself to the new condition of affairs; and the general benefits will greatly outweigh the partial evils. In my

opinion, it will be found, if we take a comprehensive and statesmanlike view of our whole Confederacy, that there is, in truth, no necessary conflict of interest between the North and the South, or the East and the West. The very diversities of soil, of climate, of population, and of production, which, at the first view, might be supposed to create antagonist interests, are, when rightly considered, the most fruitful sources of strength, and union, and harmony. Providence seems to have wisely ordained that, as we are separated by the broad Atlantic from the eastern hemisphere, we should have all the elements of national greatness, and wealth, and power, within our own borders. We have a climate and a soil adapted to every constitution, to every production, and to every occupation. We have all the elements of national prosperity, vegetable and mineral, in the greatest abundance; and all that is necessary for their full development, is a liberal and enlightened system of legislation. Who can unroll the map of this great Confederacy, and cast his eye over its extended surface, without feeling emotions of pleasure and of pride, mingled with sentiments of gratitude to the great Disposer of Events, for the magnificent inheritance which he has been pleased to bestow upon us? Let him, then, contemplate, for a moment, the separate and distinctive characteristics impressed upon each geographical division by the hand of the Creator himself, and how will these sentiments be strengthened and invigorated! Then let him reflect upon the mutual relations and dependence of each division upon the other, and of the capacity of each to minister to the wants of the others; and how profoundly must he be penetrated with a sense of the wisdom and the beneficence of Him "whose hands prepared the dry land!"

If we look to the extreme South, we find a broad belt of territory, stretching from the Gulf of Mexico to the Rocky Mountains; which, whilst it yields its rich tributes of sugar and other productions of a tropical climate, to supply the wants of more northern regions, furnishes to them in return a market for their cotton, and breadstuffs, and live stock, and manufactures of every description.

Advancing a step northward, the broad fields of the cotton region are spread before our eyes. Here we see the planter busily employed supplying the wants of the sugar country, and the grain-growing, and grazing, and manufacturing districts, by producing the raw material; which, when worked up into the various fabrics, is to furnish them the means of comfort and luxury. In return, he receives from those districts his sugar, his provisions of all descriptions, and the manufactures which are essential to his enjoyment.

Progressing yet another step towards the north, we behold the unlimited resources of the middle country and great West—the grain-growing and grazing region—whose flocks and herds spread over a thousand hills; and whose fields, surpassing Egypt in fertility, can produce an amount of breadstuffs, and of the other necessaries of life, which knows no limit but the absence of all further demand. But the farmers and the graziers must be furnished with their sugar, their molasses, their cotton, and their manufactures and merchandise; and where can they look so naturally for their supplies as to those parts of the country which consume their wheat and corn, and pork and beef?

When we turn our eyes to the extreme north, we find a country with a less genial climate, and a soil whose comparative sterility discourages the labor of the husbandman. But even this less favored region possesses its peculiar advantages. It is blessed with a population hardy, industrious, intelligent, and adventurous. Its wealth consists in the labor of its citizens; and hence they are found to be devoted to manufactures, to commerce, and to the sea: and, whilst they derive their supplies mainly from the more southern divisions of the Union, they repay them with the products of their manufactories and their fisheries, and by merchandise imported from foreign markets.

These diversities of climate, and soil, and population, necessarily produce diversities of production and occupation among the inhabitants of the various districts. Through them, the Supreme Ruler has ordained that there shall be a natural division of labor. The laws of nature forbid that the great staples of one district should be produced in another. Thus, there is no danger of rivalry springing up between them; on the contrary, the wants of one are supplied out of the abundance of the others. A mutual interchange of superfluities naturally takes place, and thus a commercial intercourse is generated, beneficial to all; and, as if it had been the design of Heaven to facilitate this profitable exchange of commodities, we see the Father of Rivers—commencing his course near the northern boundary of the Union, flowing thence nearly due south, through the heart of all the grand divisions, to the Gulf of Mexico—bisecting this vast continent, and furnishing a channel of commercial intercourse between the various districts unequalled upon the face of the globe in extent and excellence, and binding them all together by ties of interest as broad, as deep, and as strong, as the current with which his mighty volume of waters rolls onward to the ocean!

When we undertake to legislate for a country like this, we should look at it as a whole, and not confine our views to mere local or sectional interests. We should indulge a catholic spirit—a spirit of enlarged patriotism, which can embrace in its grasp the whole Confederacy, from the St. Lawrence to the Sabine. We should look at the great interests of the nation, not as something separate and distinct from each other, but as constituting parts of a grand system, intimately connected together, wisely fitted to each other, and, when properly brought into action, working harmoniously together, and mutually giving and receiving nutriment and support.

When I have suffered myself to be lost in the contemplation of the wide extent of our confederacy, with its members reaching from the Atlantic to the Rocky mountains—with its rivers and lakes, and canals and railroads, and other channels of internal communication, penetrating into every part of it,—I have almost imagined it to be some vast animal organization, whose life blood, supplied by agriculture and manufactures, is thrown out from the great centre of the system in New York, and transmitted through the various arteries of commercial intercourse, diffusing health, and vigor, and vitality to its remotest extremities! Let us, then, hear no more, Mr. Chairman, of local interests upon this subject; let us remember that the prosperity of the nation is made up of the prosperity of its parts. Let us recollect that the cotton-grower is interested in the manufactures of the North, and that the manufacturer of the North is interested in the growth of cotton in the South; and that the prosperity of both is, in turn, intimately connected with the welfare of the grain-growing and sugar districts. For of what use is it to either district to have a large surplus of its products, if the other districts have nothing to give in exchange for it? Of what avail is it to have merchandise, if there is no market for it?

But if gentlemen, discarding these enlarged and American views of the subject, will insist upon treating this question as a sectional one, however unwilling I may be so to regard it, I shall not shrink from the discussion of it in that aspect. I must be pardoned, however, if, before I enter upon the argument, I require that the proper parties to the controversy shall be presented to the country. I cannot consent that this shall be treated as a question between Massachusetts and South Carolina; nor between New England and the extreme South; nor yet between the manufacturers and the cotton-growers. I insist that if there is to be a sectional division, the middle country and the West—the grain-growing and grazing and tobacco districts—shall have their appropriate position assigned to them. I have the honor to represent a district situated in the heart of Virginia, which has a deep interest in this question; and I claim that it shall be heard by its Representative, before judgment is pronounced.

What, then, is the natural position of my district in regard to this question? This inquiry will be best answered by ascertaining the amount and character of its productions; and I have accordingly prepared, from the official returns, the following tabular statement of the principal staples which are cultivated by my constituents:

Statistical Table exhibiting some of the products of the 17th Congressional District of Virginia.

Counties.	Wheat.	Corn.	Rye.	Oats.	Tobacco
Augusta	324 332	384,408	92,227	244,889	-
Rockbridge	263,756	504,646	69,566	249,018	263,765
Botetourt	197,282	298,707	21,971	185,016	707,895
Roanoke	140,506	181,534	13,536	98,246	599,273
Montgomery	106,258	208,886	21,093	144,365	241,275
Floyd	23,689	72,869	18,486	77,073	17,579
Alleghany	26,449	70,828	9,142	58,860	42,500
Half of Pulaski	23 049	72,018	8,470	40,085	-
Total	1,104,521	1,793,895	249,440	1,097,552	1,902,287

TABLE CONTINUED—

Counties.	Horses and Mules.	Neat Cattle.	Sheep	Hogs.	Cast Iron.	Bar Iron
Augusta	9 910	21,479	19,660	32,445	1,000	151
Rockbridge	5,439	13,462	19,821	26,321	1,217	400
Botetourt	3,711	9,231	13,264	20,458	1,441	125
Roanoke	2,168	5,337	6,087	10,691		
Montgomery	2,869	9,635	13,439	16,834		
Floyd	849	2,666	3,647	4,578		
Alleghany	1,531	6,366	8,418	12,555	700	250
Half of Pulaski	987	3,460	4,826	5,876		
Total	27,458	71,635	89,162	129,748	4,358	936

From this table it clearly appears, that though my constituents cultivate tobacco to some extent, their great staples are wheat, rye, Indian corn, oats, hogs, neat cattle, sheep, horses, and mules. These are the principal articles which they raise for market. They are, therefore, interested in obtaining for these articles the highest possible price. How is this to be effected? It is a well-settled principle, that it is the relation between the supply and the demand which regulates the price of every article. If the demand be large, and the supply small, the price will be high; and, on the other hand, if the demand be small, and the supply large, the price will be low. No one will venture to dispute these propositions. Let us now give them a practical application. My constituents are interested in having the demand for their commodities as great as possible—or, to state the proposition in another form, they are interested in having as many consumers and as few producers of their staples as possible. How is this effected? Obviously, by inducing the people of the North, who are engaged in the same occupation, to turn their attention to other branches of business, such as manufactures, commerce, and navigation; for thereby we not only get rid of their competition as producers, but we gain them as customers, to buy and consume our productions. This simple view of the case shows very clearly where our interest lies.

Now, let us look for a moment at the interest of the cotton-planting States, and see how far it coincides with that of Western Virginia. From the statistical tables furnished to us from the Department of State, I find that my district alone produces considerably more wheat than the whole State of South Carolina, and within a fraction of as much as the four States of Alabama, Mississippi, Louisiana, and Arkansas taken together. The following table shows the whole amount produced in each of those States:

South Carolina	968,000	bushels of wheat.
Alabama	828,052	do
Mississippi	196,626	do
Louisiana	60	do
Arkansas	105,878	do
Whole amount of the four last named	1,130,616	

These States, it is apparent, are obliged to buy their supplies of breadstuffs; and we know that they are also dependent on the Western and Middle States for their beef and pork, and horses and mules, and various other articles, which cannot well be raised in the southern country. As the cotton-planter is compelled to purchase these articles, he is of course interested to get them as low as possible. He, therefore, will wish to see as large a supply, and as small a demand for them, as possible—or, in other words, it is his interest to have as many producers and as few consumers as he can. He will naturally wish, therefore, to see the manufactories broken down, and the population of the North devoted to agricultural pursuits, so as to come into competition with us, and bring down the price of the products of our farms. Suppose, for a moment, that the eight hundred thousand people now engaged in the manufactories were suddenly to cease their operations, and to become farmers: what would be the consequence? Would it not cause a complete prostration of the farming interests? The effects on prices would be most disastrous in two ways; for the farmers would have not only to meet the competition of these 800,000 producers, but they would lose them as consumers. But how would this operate on the cotton interest? It would have exactly the opposite effect. It would enable the planter to buy his supplies at the lowest possible rate. Thus, it is apparent that, if we look at this matter as a sectional question, without regard to

more expanded and statesmanlike considerations, the interest of the cotton-planter on the one hand, and that of the farmer and grazier on the other, are directly opposed—the one being the seller, and the other the buyer, of particular commodities.

If, then, Mr. Chairman, this subject of the tariff is to be treated as a question between the North and the South, it is plain that the interests of my constituents are much more strongly allied to those of the North than the South. The same remark is applicable, in its fullest extent, to every other district in Western Virginia, and to many, if not to all parts of the eastern division of the State. It will not, therefore, be a matter of surprise to any one, if, in case the question assumes that aspect, I am found co-operating with the Representatives of other grain-growing and grazing districts, in endeavoring to foster the interests of the farmer, by preserving and enlarging the home market.

There are many considerations in support of the principles of this bill, which I had proposed to submit to the committee if I had obtained the floor in an earlier stage of the debate. But, as other gentlemen have anticipated me in regard to them, I shall forbear from repeating them, and proceed to examine some of the arguments which have been urged by gentlemen on the opposite side of the question.

Among other things, we are told that a tariff will tend to raise the price of merchandise, and thereby impose a burden on the farmers and others who consume it. This is, to some extent, true; but do not the farmers receive an equivalent for this burden, in the blessings of a Government which protects them in the full enjoyment of the rights of person and property, and in the increased price of the productions of their labor? What is the proportion between the outlay of the farmer for articles which are subject to duty, and the whole amount of the sales of his crop? Suppose it to be one-half: if he pays ten per cent. additional price for his goods, and receives from the improved home market but five per cent. increase on the price of what he has to sell, is it not plain that he is fully compensated? But this is not the only advantage to the farmer. He is benefited not only in his income, but his capital is also greatly augmented in value. Let me illustrate this idea by an example. A farmer raises on his land 1,000 bushels of wheat, which, in the present condition of the country, is worth 90 cents per bushel, or $900 in the aggregate. Let us then suppose that, by the passage of the tariff bill, and the consequent improvement in the home market, the value of wheat is increased to ten cents per bushel: what are the benefits which will accrue to the farmer? In the first place, he receives the ten cents per bushel, which is equal to an addition of $100 to his income; and, in the next place, the value of his land (which is his capital) is greatly enhanced. The amount of this enhancement may be estimated by treating the $100 as the additional annual profit arising from it; and, as $100 is the amount which a capital of $1,666 66 would yield at six per cent., we will not be far out of the way if we assume that sum to be the measure of the increased value of the land. If the owner wished to sell or to lease it, would he not require a much larger price or rent, if its annual proceeds were worth $1,000, than if they were worth but $900?

But there is another consideration connected with this branch of the subject, which must not be overlooked. The duties on merchandise fall principally on articles which are not indispensable, and are paid by the wealthier classes. The man who wears fine broadcloths, and dresses his wife and daughters in silks and velvets, and walks on rich Turkey or Brussels carpets, and drinks his costly wines, pays hundreds of dollars; whilst the farmer in the country, who owns property of equal value, but does not choose to indulge in such extravagant tastes, pays comparatively nothing. This is a matter which every man can regulate for himself, and if he thinks proper to purchase the articles which are subject to taxation, he incurs the tax voluntarily, and has no one to blame but himself.

But it is said that many of the articles subject to duty are indispensable to the comfort of a family. This is true. But does any gentleman pretend that the Government can be supported without money? We must raise revenue from some quarter; and the true question is, not one of taxation or no taxation, but whether we will have the revenue collected indirectly by duties on foreign goods, or by direct taxes and excises on our lands and workshops!

But let us examine the operation of the duty upon some few articles which are indispensable, and see how wisely the system is adjusted to confer a benefit on the farmer, by way of compensation for the burden which it imposes. The first that I will mention is the duty on foreign wool and woollens. These are indispensable articles, and the tax on them is a burden to the farmer. But does not this tax, at the same time, have the effect of increasing the value of the wool which he shears from his own flocks? and is he not thereby, in many instances, more than compensated? But it is thought to be very hard that iron and salt, which enter into the consumption of the poorer classes, should be subject to duty. Here, again, those who make the objection overlook the fact, that the iron-works and the salt-furnaces bring large sums of money into the country, and supply extensive markets to the farmers, which frequently repay them a hundredfold for the very small increase in the price of their salt and iron.

Let us look at the provisions of the present bill, and see what additional burdens they impose upon a farmer, who annually consumes 100 pounds of iron and six bushels of salt. The duty upon bar iron, prior to the 1st of January last, was $21 per ton, or about ninety-four cents per 100 lbs., and the duty on salt about 4½ cents per bushel. Under the present bill, the duty upon bar-iron is $27 50 per ton, or about $1 22 per 100 lbs., and the duty upon salt is eight cents per bushel; so that, in the worst aspect you can view it, the increased tax which the farmer pays on his 100 lbs. of iron is 28 cents, and on his six bushels of salt 21 cents; making the aggregate of 49 cents per annum! And to compensate for this, he has the advantages of the withdrawal of the labor of thousands of operatives from raising the very articles which come into competition with his own, and of the market which they will furnish for his produce.

But I deny that the proposition is universally true, that the price of articles is necessarily enhanced by laying an increased duty on them. The effect of the increased duty is to enhance the price for a time; but it eventually stimulates our own citizens to engage in the manufacture of the protected articles; and experience, which is better than all reasoning, has shown that, in almost every instance, an increased duty has, in the end, been followed by a diminished price. Let us take, by way of illustration, the articles of coarse cotton cloths and nails, omitting many others which have been already referred to in this debate. About the close of the last war with England, the most indifferent imported cottons were worth from 17 to 20 cents per yard. The tariff of 1816 imposed a heavy protecting duty on them, which has been continued to the present time, and which induced our citizens to enter into the manufacture; and now a better article can be had for from 6 to 8 cents a yard.

But the most conclusive evidence of the fallacy of the notion, that every duty upon an article of importation produces an increase of its price equal to to the addition of the duty, is found in the article of nails. Nails were, until very recently, subject to a duty of five cents per pound; and, of course, if the doctrine which I have stated was correct, we should expect to find the price of nails equal to the cost in the foreign market, the cost of freight and insurance, the profit of the importer, and the amount of the duty; but, to the utter confusion of the supporters of that doctrine, the prices current exhibit the fact, that, while the duty continued, the nails could be bought for 4½ cents per pound—or less than the amount of the duty! The fallacy of the reasoning of those who contend that an additional duty necessarily produces an increased price, consists in an utter disregard of the most important fact, that a protective duty, instead of creating a monopoly in favor of the home manufacturer, tends to destroy the foreign monopoly, by stimulating domestic competition!

But I am admonished by the rapid flight of time not to dwell too long upon this topic. I will take this occasion, however, to state, in a very few words, my idea of the general principles which should govern us in the arrangement of our system of imposts. In my opinion, our duties should be laid with a view to revenue and to incidental protection, but not to prohibition. We should carefully examine into the exact condition and wants of every interest; and we should extend to all, as far as we can, the fostering aid of a parental Government. But we should have no pet interests. Equal protection should be given to all. How is this equality to be attained? Is it by a uniform ad valorem duty in all cases? Certainly not; for that would produce the very inequality which you are seeking to avoid. One manufacture may have arrived at a high degree of perfection, and may be able to enter into competition with the fabrics of other nations, without any aid from legislation; whilst another, being in its infancy, may require the most careful protection. A duty of ten per cent. ad valorem would exclude foreign cottons from your markets, whilst a duty of twenty per cent. would not afford adequate protection to your woollens. It is the province of the statesman to obtain precise information in regard to all these interests, and to adapt his legislation to the varying circumstances and condition of the country. If he should find that Great Britain, by her superior machinery, greater skill, larger capital, and cheaper labor, has an advantage over our manufacturers of 30 per cent. in woollens, of 20 per cent. in iron, and of 10 per cent. in cottons, is it not obvious that a uniform ad valorem duty on these articles would have a most unequal operation?

In such a case, it would seem to me, that equality and justice would require that the protection should be proportioned to the wants of the various branches of manufacture, and that the duties on the articles named should be laid at 30 20, and 10 per cent. respectively, instead of being uniform. Then competition would ensue—the ingenuity of both nations would be taxed to find out new and cheaper modes of manufacture, and, in a few years, the price of the article would be brought down to the lowest point at which it could be afforded.

But suppose that, instead of thus graduating your duties, you were to adopt the principle of my Southern friends, and impose a uniform duty of 20 per cent.: you would exclude the foreign cottons altogether, and thus give the home manufacturer a monopoly. You would place the iron manufacturer upon a fair ground of competition with the foreign producer; and you would afford no protection to the woollen manufacturer, who would be compelled to discontinue the business, and leave it to be monopolized by Great Britain! And thus, instead of destroying one monopoly, you would establish two!

I will now leave this branch of the subject, and proceed to consider the great argument against a tariff, which has been urged through all time, and has been put forth, in every modification, by various gentlemen in this debate. I allude to the allegation, that every duty laid upon an imported article operates as a tax upon the consumer, for the benefit of the domestic manufacturer.

I have already had occasion to show that this proposition rests, to some extent, upon an unsound basis, by exhibiting facts to prove, in the first place, that it is not true, in all cases, that an increased duty causes an increased price; and, secondly, that if it does, such increase is not equal to the enhancement of duty. But there are other views of the subject, to which I invite the attention of the committee. If it be true, that every duty or tax which is imposed upon an article of merchandise, either in its raw state, or in its progress through the various stages of manufacture, or in the form of an impost duty, constitutes an addition to its price, which must be paid by the person who buys and consumes it—does it not follow, by parity of reasoning, that every bounty granted upon an article of merchandise, at any time up to the period of its consumption, must tend to diminish, to that extent, the price to be paid by the consumer? Or, to state the proposition in a more condensed form: if every tax on an article is a burden to the consumer; is not the correlative proposition equally true, that every bounty upon an article is a benefit to the consumer? No gentleman will pretend to deny that the second branch of the proposition is an inevitable deduction from the first: but to what consequences does this lead us? It proves that all the bounties which England gives upon her exported glass, and other articles which are the subjects of bounty under her laws, are not benefits conferred on her glass manufactures, &c., but mere gratuities to the American consumers! It proves, also, that our whole system of drawbacks and fishing bounties is radically wrong, and, instead of benefiting our own citizens, whose interests they were intended to promote, amount in effect to donations to strangers! Yet every intelligent man knows that such results do not ensue; and hence we are authorized to infer that the theory of the gentlemen must be unsound.

But I propose to subject this theory to another

simple practical test. Its advocates say that the consumer pays all the taxes imposed upon an article of merchandise, because the tax becomes incorporated into the price of the article, and constitutes part and parcel of it; and, consequently, he who buys the article and consumes it, pays the tax as well as the cost of production, and the other elements which, in the aggregate, make up the price. If this be true, I presume it will be conceded that it is a matter of indifference when the tax is laid, where it is laid, or how it is laid. It may be laid upon the raw material or upon the fabric. It may be laid as an excise duty, or an export duty, in England; or it may be laid as an impost duty in one of our ports; provided the amount is the same, it makes no difference to the consumer; he has to pay it at any rate, and it is a matter of no concern to him who gets the benefit of it. Now, if this proposition be true in regard to goods imported into this country, there can be no good reason why it should not be equally true in regard to articles exported from it. The principle is the same, and the inversion of the course of trade cannot affect it. I then submit it to the advocates of that doctrine to inform this committee what is to prevent this Government, by a very slight change in its fundamental law and commercial policy, from levying all its expenses upon citizens of foreign countries. Suppose that, by an amendment of our Constitution, we should authorize Congress to lay export duties, and that in pursuance of that authority our Government should impose export duties upon those articles which Europe can obtain nowhere else—such as cotton, tobacco, and flour—taking care not to lay them so high as to be prohibitory: according to the doctrine of Southern gentlemen, these duties would all fall upon the consumers of the articles in Europe, and thus we could saddle the expenses of our Government upon foreign nations, and relieve our own people from taxation altogether! The producers of cotton, and tobacco, and flour, surely could not object to such a tax! They would not have a dollar of it to pay; for, according to their own doctrine, it would only tend to enhance the price in the foreign market, and the consumer would have it all to pay! But suppose such a measure were gravely submitted for the consideration of Congress: do you think Southern gentlemen would agree to it? This would bring their faith in their theories to a practical test; and I think I hazard but little in saying they would reject the proposition with scorn. Yes, sir, highly as they prize the blessings of this Union, they would sooner see it sundered forever than submit to such an imposition!

But the distinguished gentleman from South Carolina [Mr. PICKENS] has taken occasion, in the course of his remarks, to repudiate, or rather to qualify, this favorite doctrine of his friends. He now admits that the whole duty is not paid by the consumer, but contends that it is equally divided between the producer and the consumer. Is the proposition true in this modified form? If it is, we have only to adapt our legislation to it; and, by a judicious arrangement of our revenue system, we can collect one-half of the expenses of the Government from foreigners, by export duties, and the other half by imports; and not a dollar need be drawn from the pockets of our own people!

But I cannot leave this point without invoking the attention of those gentlemen who have expressed a preference for a system of direct taxation over the impost system, to the important concession in favor of the latter which is contained in the proposition of the gentleman from South Carolina, [Mr. PICKENS.] Whilst every one must admit that direct taxation falls exclusively on our own citizens, he admits that one-half of all the taxes levied indirectly by a system of imposts is paid by foreigners! When these gentlemen bring forward their project for direct taxation as a substitute for the impost system, the only question, according to the gentleman from South Carolina, for the people to decide, will be—whether they prefer to bear the whole or the half of the taxation necessary for the support of Government!

In my judgment, Mr. Chairman, there can be no fixed rule for estimating the relative proportion of the duty which is paid by the producer and the consumer. It depends upon, and is controlled by, a variety of circumstances which are fluctuating in their character. The relation between the supply and demand exercises a most important influence over it. If there be a small demand and a large supply, the market will be glutted, and the producer must reduce his price, so as to lose the amount of the increased duty. But if the supply be small, and the demand great, then the producer may exact a higher price, so as to cover the increased duty. The truth of these propositions is very clearly illustrated by a reference to our coffee-trade. At the extra session of the present Congress, a bill passed the House of Representatives imposing a duty of two cents per pound upon coffee; and when the news reached Rio Janeiro, the price of coffee immediately declined two cents per pound. The reason of this was, that there was a large supply on hand; and the holders were obliged to take what they could get for it, and submit to the loss of the amount of the anticipated duty. But suppose, on the other hand, there had been a small supply: is it not obvious that the holders of coffee might have exacted two cents in addition to the former price, so as to meet the new duty? It may not be amiss, whilst I am on this point, to advert to another fact connected with the coffee-trade. Some years ago, Congress removed the duty upon coffee altogether; and what was the result? The increased demand thereby created kept up the price to the old standard; and our citizens were deprived of the benefit of the tax, without receiving any equivalent advantage. The withdrawal of this tax was, therefore, a bounty to the producer. If, on the other hand, the tax had been imposed at the extra session, it would have (fallen as the facts which I have mentioned clearly prove) entirely on the producer; for the decline in the foreign value was exactly equal to the anticipated duty; and we should have received the tax, and paid no more for our coffee.

But we are told by the opponents of this bill, that the system of imposts operates unequally, and confers exclusive benefits upon some portions of the Union at the expense of others. This is a grave charge, and one which merits profound investigation; for I hold it to be the duty of the Government to look with an impartial eye to the interests of the whole country. I have, therefore, felt called on to bestow much care in the examination of the practical operation of our whole revenue system, and of our commercial relations, upon all the different sections and interests of the Union. The result of that investigation is a thorough conviction that a variety of circumstances have conspired to give to the cotton-growing States most important advantages over other divisions of the Confederacy. Their representatives are by no means insensible of this fact, as is evident from the tenacity with which they adhere to them. And if we sift the subject to the bottom, it will be found that, whilst South Carolina is so eloquent, through her representatives on this floor, in denouncing exclusive advantages and partial benefits, she is herself in the full fruition of them! and however unconscious her champions may be of the fact, I apprehend that their zeal in opposition to this bill is not a little stimulated by the apprehension that it may have an unfavorable influence on her exclusive privileges, and diminish the peculiar protection which is now afforded to her interests. Strange as the proposition may seem to Southern gentlemen, I maintain that no tariff bill which has ever passed has conferred an amount of protection and of partial benefit on the North, equal to that which, under our present commercial system, is enjoyed by the South; and I will proceed at once to prove it.

In pursuing the investigation of this topic, it is necessary to have a distinct understanding of the meaning which is to be attached to the term *protection*. I mean by it—not merely the encouragement and aid which any branch of industry receives from our own laws and our own commercial regulations, but also the advantages which it derives from foreign legislation and foreign policy. A benefit may be conferred, or an injury inflicted, upon any of our great interests, just as effectually by an act of the British Parliament, or by an order in council, as by a law of Congress. In order, then, to have a correct idea of the true condition of any of our great interests, we must examine all their relations. We must look abroad, as well as at home; for we would have a very imperfect knowledge of the actual state of affairs, if we confined our views to our own legislation, without regard to that of other nations.

What, then, is the present policy of Great Britain in regard to the various interests of our confederacy, and what are the effects of that policy on them? It requires but a very superficial examination to show that, in regard to most of them, her interests and her policy are directly opposed to ours. The principal interests of Great Britain are her commercial and navigating, manufacturing, agricultural, and colonial interests; and her system of policy is carefully adapted to the promotion and encouragement of all of them, by imposing onerous duties, restrictions, and prohibitions intended to prevent the competition of similar interests of other countries with those of her own subjects. It is not my purpose, Mr. Chairman, to enter into a discussion of the wisdom or justice of that policy. All that I propose is, to examine briefly the effects of it upon the different sections of our confederacy.

Our commercial, navigating, and manufacturing interests belong generally to the North and East; and hence the restrictive measures of Great Britain, which are designed to promote her commercial, navigating, and manufacturing interests, fall principally upon our Northern and Eastern States.

The great agricultural districts of the United States lie in the Middle and Western States, and hence the burdens of the English corn laws, and other measures, intended to sustain her own agriculture, are felt most severely by the people of the Middle and Western States.

The sugar interest of the United States is limited to the single State of Louisiana, and, as a necessary consequence, that State is more injuriously affected than any other by the duties and restrictions which Great Britain has established for the protection of the sugars of her own colonies.

It thus appears plainly, that, in regard to all these branches of our national industry, England has interests which are adverse to ours; and that those interests have induced her to adopt a system of policy which is in a high degree injurious to the prosperity of the United States.

But there is one great staple of our country which, for the present at least, stands in a different relation to the interests of England; and hence we perceive that her policy in regard to it is exactly the reverse of what I have shown it to be in reference to all others. I refer to the article of cotton. That does not come at present into competition with any English interest. Great Britain has not yet perfected the establishment of a cotton interest of her own in India; and she is not ready, therefore, to bring her restrictive system to bear upon ours. It is obvious, however, from all the signs of the times, that this exception from her general policy, which she makes in favor of cotton, will be of short duration; for I perceive from a table which has been published in most of the newspapers, that the amount of East India cotton imported into England in the first sixteen weeks of the year 1841, was but 46,289 bales, and for the corresponding period of the present year the amount was 92,688 bales, being an increase of more than 100 per cent.; whilst the increase upon the importations from America was but 15 per cent. For the present, however, our cotton is essential to the prosperity of her manufactures; and hence she makes a virtue of necessity, and receives it subject to a very small duty.

Having thus taken this review of the British policy, I ask what is the effect of it upon the various interests of our nation? Is it not to oppress the industry of the Northern, Middle, Western, and extreme Southern States, with heavy burdens, and to confer peculiar benefits on the cotton-growing States? Does not the cotton interest, under the existing commercial regulations between this country and England, possess exclusive privileges? Does not the product of that region find a hearty welcome in the British ports, whilst those of every other part of the Union are met with restrictions, exactions, and prohibitions? If this be not an exclusive privilege, will gentlemen tell me what constitutes one? Is it not a preference given to the productions of one part of our country over those of all others? And are we tamely to acquiesce in this policy of a foreign nation? Suppose that such an unjust advantage had been secured to one part of the Union over the others, by a treaty stipulation, or by our own legislation: would the country submit to it? No, sir! A flame of indignation would pervade the nation from one end to the other! The whole land would resound with denunciations of the injustice and iniquity of such partial legislation, and "repeal or revolution" would be the battle-cry of an incensed people!

And yet, because this result is produced by a foreign Government, to promote its own interests, we are told, in effect, that it is our duty to submit to the unequal operation of the laws of England! What, sir, is the argument of the South, to induce the

other sections of the Union to bow their necks to be yoke? When stripped of all its specious disguises, it amounts to nothing more nor less that his: "If our Government should impose duties on English merchandise, England will no longer buy our cotton! We must, therefore, insist that the Northern, Middle, and Western States shall give up their manufactures, cease to make their own supplies, and consent to buy them from England, that England may be the more able to give us a good price for our cotton!"

Thus if is attempted to make all the agricultural, manufacturing, commercial, navigating and fishing interests, subservient to the cotton interest!

There is a great principle of national independence which lies behind this question, which it behooves us to consider well before we act. If any foreign nation has a right to make discriminations in favor of the productions of one part of our country, with a view to promote her own domestic interests, may she not make discriminations for the purpose of striking down the interests of another part? and if we are not at liberty to adopt a countervailing system, may she not, thereby, obtain complete control over our domestic policy? If she can discriminate for one purpose, may she not do so for any and all purposes? If she can do so to favor one State, she can do so to injure another. Suppose, then, that England, from motives of resentment towards New York, because of the interference of her citizens in the Canadian disturbances, were to make a discrimination in her commercial policy against the trade from New York: would this nation submit to it? Or suppose that England were to hold this language to Mississippi: "You have repudiated your State debts, and, until you make provision for their payment, we shall levy a discriminating duty on all cotton grown in Mississippi, to raise a fund to pay the interest to your creditors!" Would not every son of that gallant State be ready to shed the last drop of his blood, before he would submit to such an assumption of power by England? Would she not at once invoke the aid of the national arm to redress the injury done to her citizens by such an odious regulation? Yet, I ask gentlemen, if the policy of Great Britain does not now create a discrimination against the products of three-fourths of the States in favor of the other fourth, just as effectually as if her laws had been framed to produce that result? It matters not what the motive may be, the effects are the same; and our duty to guard against those effects is not the less imperative because they may not have proceeded from an unfriendly feeling.

But there is one other form in which I wish to present this subject to my friends from the South. Every gentleman upon this floor has, no doubt, had occasion to advert to the course of the English Government, for many years past, in regard to the subject of slavery and the slave-trade; and there are but few who have not been filled with disgust at the hypocrisy and insincerity by which it has been marked. We all know that England introduced slavery into the United States; and that her refusal to aid in suppressing it was one of the wrongs which impelled this country to a declaration of independence. She wanted the slaves here for the interests of her commerce and manufactures. She wanted them to produce the raw material, and to supply a market for her fabrics. She also encouraged the introduction of slaves into South America, and actually entered into a contract by which she obtained the monopoly of the slave-trade to Brazil. This also was done to promote her commercial interests. Recently, however, she has conceived the idea of building up a cotton interest of her own in India; and hence she is smitten with a sudden feeling of humanity, and a holy horror of the slave-trade; and her cruisers are spread over the African seas, to suppress the cruel traffic in human beings, which for years she had monopolized! The object is plain enough. She no longer has an interest in promoting the growth of cotton in Brazil, and hence she feels no desire to supply the labor that is to produce it. But this is not all. She is looking ultimately to the Indies for her cotton; and when the culture is firmly established there, her policy will then be directed against the cotton of America, which is the product of slave-labor. And I venture to predict, that, the first moment she feels she can do so with safety, she will be seized with another spasm of simulated philanthropy, and exclude from her ports the cotton of the South, on the ground that she cannot, even indirectly, sustain the institution of slavery by dealing in the productions that uphold it! Are Southern gentlemen now prepared to establish a precedent which shall justify such an impertinent interference with their domestic institutions by a foreign nation? Are gentlemen prepared to admit the right of England to prescribe indirectly, as one of the terms of our commercial intercourse, that the Southern slaves shall be liberated? If they are, then are they justified in maintaining the doctrine that we are not at liberty to meet, by counter legislation, the unjust discrimination which the policy of England has made between the different sections of our Union. All the consequences which I have adverted to, plainly follow from the doctrine of acquiescence in foreign legislation. What I desire above all things is to meet these attempts of England at the threshold, and to assert the power of our own Government to regulate our own affairs, and to protect the industry of our own people. I, for one, am for adopting an enlarged system of policy, which shall break down all exclusive privileges, whether secured by our own or foreign laws, and extend to all parts of the country equal protection and encouragement.

I hope now, Mr. Chairman, that we shall hear no more from Southern gentlemen of exclusive privileges, since it is obvious that the whole tendency of their votes here is to sustain the exclusive advantages which they now enjoy under the partial legislation of England!

But, Mr. Chairman, we are to'd by the eloquent gentleman from South Carolina, [Mr. PICKENS,] that the system of retaliation and restriction is opposed to the spirit of the age, and unworthy of an enlightened people. He has represented the genius of commerce as a beautiful maiden; freed from all the restraints of an antiquated governess, panting for the largest liberty, and ready to unfold her bright pinions to the winds of heavens, and fly to the uttermost parts of the earth! He has then poured forth torrents of denunciation upon those who would load her graceful limbs with cruel fetters! Sir, I will continue the beautiful simile of the gentleman, and say to him, far be it from my purpose to fasten iron chains upon the fair creature of his fancy! I propose not to enslave her, but merely to impose on her that restraint, and afford to her that protection, which is necessary to save her from the dangers with which her pathway is beset!

We have heard a great deal, Mr. Chairman, in the course of this discussion, about "free trade." Sir, what is it? A mere phantom! an idle dream of visionary theorists! Is it attainable? Is it practicable? Will any other nation adopt it? Has any other nation ever adopted it? No! Why talk about it, then? The doctrine is predicated upon a notion of what men and nations ought to be, instead of what they are! Like the wild conceit of the perfectability of man, it seizes upon the minds of its votaries, and causes them to lose sight of the existing state of things in the contemplation of some dim visions of futurity. Sir, speculative philosophy is one thing—practical legislation is another. We were sent here to legislate for this nation as it is. We must look at the actual state of things at home and abroad. We must look to the vices and follies of mankind, as well as to their virtues; and we must shape our legislation so as to attain, not the greatest possible good, but the greatest practicable good. Have other nations manifested a desire to meet us upon the basis of free trade? Let the table of comparative tariffs on your desk answer the question! What is the aggregate of your importations into this country? and what is the amount of duties which you collect upon them?

The whole importation of 1841 was - $127,945,000
The whole amount of duties, was - 14,487,000
Being at the rate of 11¼ per cent.

What, on the other hand, is the whole amount of your products exported to other countries, and what is the amount of duties which they collect upon them? Upon this point we have not precise information; but I have an estimate which has been prepared with great care by a highly skilful gentleman, who has collected abroad a large body of commercial facts for the Government. I have reason to believe that it is not far from the truth. According to that—

The whole amount of exportations in 1841 was - - - - $91,000,000
The amount of duties levied on them was - - - - - 113,500,000
Being at the rate of 124 per cent.

But let us now come to some of the articles raised in my own district.

The average value of the tobacco exported in 1839 and 1840 was $9,225,145.

Upon this was levied a tax, in Europe, of $32,463,540—being a tax of near 300 per cent. upon the value of the article in this country!

The following table will show, in detail, the amount of the duties, in the principal nations of Europe, on some of the most important articles of exportation from our country, in 1840:

Article.	Great Britain.	France.	Russia.
Flour	$3 12½ per bbl.	$10 83 per 220 pounds.	$3 37 per six bushels.
Wheat	$5 20 per qr., or 95 cts. per bushel.	4 63 per 22 gallons.	Same rate.
Unmanufactured tobacco	72 cts. per lb.	Prohibited on private ac't. Government monopoly.	$7 50 per 36 pounds.
Manufactured tobacco	$2 16 per lb.	do.	$3 75 per 36 pounds.

And yet, in the face of these most ruinous restrictions and exactions, we are invited to throw open our ports to the merchandise of those whose ingenuity is tasked to the utmost to devise new modes of extortion from us.

But we are told that a change is about to take place in the policy of England, and that she will soon adopt the principles of free trade, and it behooves us to meet her in the proper spirit. For my part, sir, before I would be willing to change the policy of this Government to meet the views of England, I would require rather more substantial evidences of her intentions, than mere empty professions. Her system of free trade is well defined in the following extract from the speech of one of her statesmen, Mr. Robertson, in a recent debate in the House of Commons, in which he said:

"It was idle for us to endeavor to persuade other nations to join with us in adopting the principles of what was called free trade. Other nations knew as well as the noble lord opposite, and those who acted with him, that what we meant by free trade was nothing more nor less than, by means of the great advantages we enjoyed, to get a monopoly of their markets for our manufactures, and to prevent them, one and all, from ever becoming manufacturing nations."

That is exactly her policy. She knows she has more capital, better machinery, cheaper labor, greater mechanical skill, and a more extensive marine than any other nation on earth; and that, owing to these circumstances, no other nation can come into fair competition with her; and hence she endeavors to delude them by the senseless cry of free trade.

I have been surprised, Mr. Chairman, that there has been, during the whole course of this debate, an apparent acquiescence upon the part of all who have adverted to the subject, in the idea that, if all nations would adopt the principles of free trade, it would be their true policy. Sir, I deny the doctrine, out and out; and I wish, as far as my feeble blow will avail, to strike the axe directly to the root of the tree. I maintain that what is called free trade—that is, trade unrestrained by commercial regulations, or imposts, or taxes of any kind—would be the most unequal trade that could possibly exist, and would lead to the establishment of the most absolute dominion of some nations, and the most slavish subjection of others. In order to give equal advantages under such a system, you must adopt the principles of national agrarianism—you must make all nations equal in all respects—you must endow them with the same intelligence, the same industry, and the same mechanical skill—you must give them equal capital, equal machinery, equal water-power, and equal amounts of all the elements of national wealth. They must be equally refined and civilized, and have equal facilities for the transportation of their commodities to and from their markets. The slightest disparity in any of these respects, or in geographical position, or in any of a thousand other incidents which might be named, would destroy the balance of the system, and

inequality in wealth and power would immediately ensue. How could a nation having no machinery compete with one like Great Britain, whose steam power is probably ten times as great as the combined animal power of her whole population? How could there be equality between an inland nation without a bark to bear her flag, and the "Ocean Queen," whose canvass whitens every sea? How can there ever be fair competition—freedom of trade between power and weakness—between wealth and poverty—between knowledge and ignorance—between industry and idleness? Sir, the notion is preposterous. You had as well oppose the helplessness of childhood to the matured power of manhood, as to place the infant manufactures of the United States in competition with those of England! Adopt the system of free trade, and the dream of Pharoah will be reversed; the fat kine will devour the lean—the more powerful nations will swallow up the trade of the weaker. The people who have the advantages of local position, of industry and intelligence, will soon assert their natural superiority, and become rich and prosperous at the expense of the less favored and the less sagacious. We have, upon our own continent, a specimen of free trade in all its deformities. Between the United States and the Indian tribes, the most perfect freedom of trade exists, unrestrained and untrammeled by any restrictions or duties; and what has been the result? Has there been that mutuality of benefit which the advocates of free trade promise to all who will adopt its principles? Have the Indians grown rich and prosperous under the benign influence of a commerce freed from all the shackles imposed by antiquated and exploded prejudices? or has the whole intercourse between the parties to it been a system of fraud, extortion, and plunder on the one side, and oppression, ruin, and annihilation on the other?

There is yet another example of free trade upon this continent, to which I will barely advert upon this occasion. I refer to the trade between the various States of this Union, which, under the provisions of our Constitution, must, through all time, remain free. Many of the Southern politicians have imagined, from time to time, that the Northern States have, from some cause, obtained an undue advantage over them in the commerce of the country, and they have occasionally held conventions and suggested various restrictive measures, to restore to themselves their due proportion. All these means have failed, and they have persuaded themselves that the injury results, in a great measure, from the restrictions imposed by the General Government on our foreign commerce. Without pretending to solve this important problem, I will take the liberty of suggesting the inquiry whether the effect which they deplore may not flow from a cause very different from the one assigned; and whether, in point of fact, it may not be the perfect freedom of trade between the States of this Union, and not the restrictions upon foreign commerce, which has enabled the North to use her natural advantages in such a way as to gain the ascendency over the South! There is one fact which I will refer to, in this connexion, which may be entitled to consideration. Before the adoption of the Federal Constitution, when each State regulated its own commerce, there was no such concentration of trade at one or two points, as we now find. Even Virginia then carried on a large direct trade; and we are told by tradition, that Yorktown—a village which, but for its proud historic associations with the close of our Revolutionary struggle, would hardly find a place upon the map of the Ancient Dominion—was once the port through which Philadelphia received the larger portion of her supplies of foreign merchandise.

I have now, Mr. Chairman, finished what I proposed to say upon the general merits of the bill. But I cannot take my seat without adding a few words in regard to the deep interest which the State of Virginia has in the success of the measure now under consideration. It is my deliberate conviction, that she will derive more benefit from it than any other State of the Union; for there is no other State which has such a variety of interests to be promoted. Many States possess advantages over her in some respects, but where will you find one which combines so many of the elements of wealth, of greatness, and of power? She is situated in the very heart of the confederacy. She has a seacoast, including the bay, unrivalled in extent; and her western border is, for hundreds of miles, washed by the waters of the Ohio. Her shores are deeply indented with bays, and inlets, and creeks, affording every facility for navigation. The Ohio, the Potomac, the James, and half a score of other navigable rivers, have their sources in her mountains, and, radiating as from a common centre, wind their way for hundreds of miles through her territory, imparting fertility to her soil, and supplying, at the same time, the power to drive the most extensive machinery, and the best possible channel for transporting the manufactured fabrics to market. Her soil is adapted to the growth of almost every vegetable production known to our country. Wheat, rye, Indian corn, oats, tobacco, hemp, flax, potatoes, and every species of grass and fruit known to temperate climates, attain the highest degree of perfection within her borders. Her mineral wealth is no less diversified than abundant. She possesses gold, and silver, and copper, and iron, and lead, and salt, and gypsum, and coal, to an extent that would seem almost incredible to one who had not taken some pains to acquire particular information on the subject.

Her forests abound in the best lumber, and her mountains afford pastures for sheep, which will enable her, almost without an effort, to supplant Vermont in the wool-trade; for whilst, in the frozen regions of the North, the flocks must be fed half the year, in our more genial climate they can generally find the means of subsistence for themselves, in the luxuriant growth of the mountains. In regard to water-power too, she has peculiar advantages, not only in its extent and general diffusion over her territory, but from the fact that machinery is so little liable to be interrupted in the winter by ice. The same remark is applicable to her canals and navigable streams, which are frequently not closed at all during the winter, and never for more than a few weeks. If any gentleman wishes to see a specimen of the natural advantages of Virginia, let him visit her metropolis. Where will he find such a combination of all the natural advantages for a great manufacturing city as Richmond presents? Inexhaustible supplies of coal and iron are found in the immediate neighborhood of the city. The James River Canal, which already penetrates 150 miles into the interior of the country, and is destined at no distant day to form the most convenient line of connexion between the seaboard and the Ohio, affords not only the means of access to the inland markets, but supplies an almost unlimited extent of water-power, to impel the machinery necessary for every species of manufacture. Various lines of railroads, extending in every direction, invite the trader of the surrounding country, by furnishing the most convenient and speedy means of effecting the exchanges of the products of agriculture for the fabrics of the merchant and the manufacturer. Her central position and proximity to the Southern and Southwestern country, where cotton is produced, and a large market for manufactures is found, must give her decided advantages over the manufacturing towns of the North, which are obliged to encounter the expense of the double transportation of the raw material to the North to be manufactured, and of the fabric to the South to be consumed. Her manufacturers will also enjoy another important advantage, from the fact that they will be enabled to throw their fabrics into the market without delay; and thus their capital will always be actively employed, instead of being idle during the long periods of the transit of the raw material from the South to the North, and back again. Give Virginia, then, the benefit of this bill, and you will soon see factories springing up on all her water-courses; you will see her coal-fields explored; her rich mines opened up; her commerce revived; her agriculture invigorated; her capital increased, not merely by the gradual accessions of her own industry, but by the influx from abroad, which her superior natural resources will invite. Give her, I repeat, the benefit of this bill; and you will diffuse prosperity through all her borders; her citizens will no longer be compelled to leave the home of their childhood in search of a precarious subsistence in the Far West; the tide of emigration will cease; and the proud Old Dominion will again, at no distant day, assume her appropriate position in the front rank of the members of our glorious confederacy.

THE END.

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